



LONDON BOROUGH OF ENFIELD

**AGENDA FOR THE COUNCIL MEETING TO BE
HELD ON WEDNESDAY, 28TH JANUARY, 2015
AT 7.00 PM**

**THE WORSHIPFUL THE MAYOR
AND COUNCILLORS OF THE
LONDON BOROUGH OF ENFIELD**

Please Reply to: James Kinsella
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My Ref: DST/JK
Date: 20 January 2015

Dear Councillor,

You are summoned to attend the meeting of the Council of the London Borough of Enfield to be held at the Civic Centre, Silver Street, Enfield on Wednesday, 28th January, 2015 at 7.00 pm for the purpose of transacting the business set out below.

Yours sincerely

Armat Hussain

Assistant Director Legal & Corporate Governance

- 1. ELECTION (IF REQUIRED) OF THE CHAIR/DEPUTY CHAIR OF THE MEETING**
- 2. MAYOR'S CHAPLAIN TO GIVE A BLESSING**
The Mayor's Chaplain to give a blessing.
- 3. MAYOR'S ANNOUNCEMENTS (IF ANY) IN CONNECTION WITH THE ORDINARY COUNCIL BUSINESS**
- 4. MINUTES**

To approve, as a correct record, the minutes of the following Council meetings:

- 4.1 Council – Wednesday 19 November 2014 (Pages 1 – 26)
- 4.2 Extraordinary Council Meeting – Tuesday 23 December 2014
(Pages 27 – 32)

4.3 Second Extraordinary Council Meeting – Tuesday 23 December 2014
(Pages 33 – 36)

5. APOLOGIES

6. DECLARATION OF INTERESTS

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

7. OPPOSITION BUSINESS - MANAGEMENT OF THE COUNCIL'S FINANCES (Pages 37 - 40)

An issues paper prepared by the Opposition Group is attached for the consideration of Council.

The Constitution Procedure Rules relating to Opposition Business are attached for information. Members are asked to note that these procedure rules are subject to amendment, following review by Members & Democratic Services Group with the changes to be submitted for approval under Agenda Item 8.

8. EXTRAORDINARY COUNCIL MEETING - TUESDAY 23 DECEMBER 2014: ADJOURNED ITEM OF BUSINESS

At the second Extraordinary Council Meeting held on Tuesday 23 December 2014 it was agreed that the debate on the following motion, having been moved by Councillor Fonyonga and seconded by Councillor Taylor, should be adjourned to the next Council meeting on 28 January 2014.

In adjourning the debate (under Council Procedure Rule 12.12 (a) (iii)) it was agreed that the motion should be placed at the start of the Council agenda for consideration following Opposition Priority Business.

The motion is as follows:

“Council notes that:

- 1) Working people are now £1,600 plus a year worse off than in 2010
- 2) Business investment trails our international competitors
- 3) The 1% tax cut for top earners takes £3 billion away from vital public services
- 4) The need for food banks in Enfield is growing

Council further notes the unfunded tax pledges of the Conservative Government in the Autumn Statement, and the Deputy Prime Minister's accusation that the Government was 'Kidding the public'.

The Council agrees that any political group represented on the Council is irresponsible if it does not appreciate the calamity of Government economic and fiscal policy and its impact on ordinary people in Enfield.

Council condemns any politicians, local or National, who seek to ignore the impact of Government cuts on the difficult decisions Councils have to take.

Council agrees:

- a) to take a responsible approach to budget setting in 2015-18 and expects any suggestions for growth, or protected spending, to be aligned with proposals for reductions elsewhere in the budget, to meet the £75 million plus pressures on the Councils' budget.
- b) to write to the 3 local MPs asking them to confirm their opposition to the Conservative Government's plan for excessive future cuts to public services as identified by the IFS, and to call for adequate funding for the London Borough of Enfield to preserve vital public services."

9. COUNCIL TAX SUPPORT SCHEME & COUNCIL AND BUSINESS RATE TAXBASE 2015/16 (Pages 41 - 250)

To receive a report from the Director of Finance, Resources & Customer Services reviewing and seeking approval to changes in the local Council Tax Support Scheme for 2015/16, which the Council is required to produce under section 13A(1)(a) and Schedule 1A of the Local Government Finance Act 1992.

The report also recommends the 2015/16 council tax and business rate bases (Appendix D and E).

(Report No.154)
(Key Decision – Reference No.4016)

Members are asked to note that the NNDR 1 DCLG Business Rate Base Return (Appendix E) has been marked as "To Follow" pending completion, following receipt from Department of Communities & Local Government in January 15.

10. LICENSING POLICY STATEMENT UNDER THE LICENSING ACT 2003 (Pages 251 - 292)

To receive the report of the Director – Regeneration & Environment seeking approval of the revised Licensing Policy Statement, which the Council has a statutory duty, under the Licensing Act 2003, to determine and publish every five years.
(Report No.155)

Members are asked to note that the Policy Statement was considered and approved for recommendation to Council by Licensing Committee on 19

November 2014.

11. DELEGATED AUTHORITY WITHIN THE REGENERATION AND ENVIRONMENT DEPARTMENT (Pages 293 - 322)

To receive a report from the Director – Regeneration & Environment setting out the delegated authority arrangements within the Regeneration and Environment Department and updating arrangements in respect of delegated powers within the Divisions for Community Safety, Planning, Highways & Transportation, Public Realm, Economic Development and Regeneration as a consequence of changes in structures, posts and legislation.

(Report No.156)

(Key Decision – Reference No. 4039)

12. SCHOOLS FORUM - AMENDMENT TO THE TERMS OF REFERENCE (Pages 323 - 332)

To receive a report from the Director of Schools & Children's Services seeking approval to changes in the Terms of Reference for the Schools Forum. The amendments follow enactment of the School and Early Years Finance (England) Regulations 2014 and inclusion of the School Business Manager as an observer.

(Report No.157)

The amendments to the Terms of Reference have been considered and approved by the Schools Forum for recommendation on to Council.

13. COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES) (Pages 333 - 376)

13.1 Urgent Questions (Part 4 - Paragraph 9.2.(b) of Constitution – Page 4-9)

With the permission of the Mayor, questions on urgent issues may be tabled with the proviso of a subsequent written response if the issue requires research or is considered by the Mayor to be minor.

Please note that the Mayor will decide whether a question is urgent or not.

The definition of an urgent question is "An issue which could not reasonably have been foreseen or anticipated prior to the deadline for the submission of questions and which needs to be considered before the next meeting of the Council."

Submission of urgent questions to Council requires the Member when submitting the question to specify why the issue could not have been reasonably foreseen prior to the deadline and why it has to be considered before the next meeting. A supplementary question is not permitted.

13.2 Councillors' Questions (Part 4 – Paragraph 9.2(a) of Constitution – Page 4 - 8)

The list of seventy seven questions received and their written responses are attached to the agenda.

14. MOTIONS

14.1 In the name of Councillor Laban:

In light of recent events in relation to consultation, the Council calls upon the Leader of the Council to implement a review across all departments in order to provide residents with greater confidence in the way Enfield Council conducts consultation.

14.2 In the name of Councillor Laban:

The Council calls upon the Cabinet Member for Environment and Community Safety to improve the relationship with the Friends of the Parks Groups by agreeing to consult them on council projects and decisions that relate to parks in our borough in recognition of their status as a key partner in the delivery of our parks service.

14.3 In the name of Councillor Maguire:

This Council calls on Conservative Members and Enfield Conservative MPs Nick De Bois and David Burrowes to exert maximum pressure on the Conservative led Government to reverse its tax cut for millionaires.

This Council believes that the decision to cut the top rate of tax from 50p to 45p was misguided and irresponsible.

This Council agrees that the money raised from reinstating the 50p top rate of tax should be used to invest in Council and Health Services that would benefit all the people, including the many thousands in Enfield who rely on them.

14.4 In the name of Councillor Barry:

While many ordinary people in Enfield face falling household incomes and rising costs of living, some multinational companies are avoiding billions of pounds of tax from a tax system that fails to make them pay their fair share. Local Governments such as ours in the UK and others in developing countries would all benefit from a fairer tax system where multinational companies pay their fair share, enabling authorities around the world to provide quality public services. The UK Government must listen to the strength of public feeling and use its powers effectively to end the injustice of tax dodging by large multinational companies in developing countries and the UK

The council therefore resolves to support the campaign for tax justice, for the benefit of those living in Enfield and beyond.

15. MEMBERSHIPS

To confirm any changes to committee memberships:

Please note any changes notified once the final agenda has been published will be tabled on the Council amendment sheet at the meeting.

16. NOMINATIONS TO OUTSIDE BODIES

To confirm any changes nominations on outside bodies.

Please note any changes notified once the final agenda has been published will be tabled on the Council amendment sheet at the meeting.

17. CALLED IN DECISIONS

None received.

18. DATE OF NEXT MEETING

To note that the next meeting of the Council will be held on Wednesday 25 February 2015 at 7.00 p.m. at the Civic Centre.

19. EXCLUSION OF THE PRESS AND PUBLIC

To consider, if necessary, passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for the item of business listed on the 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).

No Part 2 items have currently been identified for consideration.

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COUNCIL - 19.11.2014**MINUTES OF THE MEETING OF THE COUNCIL HELD ON WEDNESDAY, 19
NOVEMBER 2014****COUNCILLORS****PRESENT**

Ali Bakir (Mayor), Patricia Ekechi (Deputy Mayor), Abdul Abdullahi, Daniel Anderson, Dinah Barry, Chris Bond, Yasemin Brett, Alev Cazimoglu, Erin Celebi, Lee Chamberlain, Bambos Charalambous, Jason Charalambous, Lee David-Sanders, Dogan Delman, Nick Dines, Guney Dogan, Sarah Doyle, Christiana During, Nesimi Erbil, Turgut Esendagli, Peter Fallart, Krystle Fonyonga, Achilleas Georgiou, Alessandro Georgiou, Ahmet Hasan, Elaine Hayward, Robert Hayward, Ertan Hurer, Suna Hurman, Jansev Jemal, Doris Jiagge, Nneka Keazor, Adeline Kepez, Joanne Laban, Bernie Lappage, Michael Lavender, Dino Lemonides, Derek Levy, Mary Maguire, Donald McGowan, Andy Milne, Terence Neville OBE JP, Ayfer Orhan, Ahmet Oykenor, Anne-Marie Pearce, Daniel Pearce, Vicki Pite, Michael Rye OBE, George Savva MBE, Toby Simon, Alan Sitkin, Edward Smith, Andrew Stafford, Claire Stewart, Jim Steven, Doug Taylor, Haydar Ulus, Ozzie Uzoanya and Glynis Vince

ABSENT

Katherine Chibah, Christine Hamilton, Eric Jukes and Rohini Simbodyal

71

**ELECTION (IF REQUIRED) OF THE CHAIR/DEPUTY CHAIR OF THE
MEETING**

The election of a Chair/Deputy Chair was not required.

72

MAYOR'S CHAPLAIN TO GIVE A BLESSING

Rabi Sufrin, from the Enfield and Winchmore Hill Synagogue, gave the blessing.

73

**MAYOR'S ANNOUNCEMENTS IN CONNECTION WITH THE ORDINARY
COUNCIL BUSINESS**

The Mayor thanked Rabi Sufrin for offering the blessing and made the following announcements:

1. Update on Mayoral Engagements

The Mayor advised that he had attended a number of events as part of a full diary of engagements since the last Council meeting. This had included:

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- An invitation from the Mayor of Bursa, as part of a visit to Turkey, to attend a performance by the Adoramus Choir from Enfield at a Turkish-English friendship concert and visit to Sariyer to meet the Mayor of one of Enfield's twin Councils.
- Attending the celebrations for the 100 hours volunteering awards and long service awards to officers who had worked over 25 years for the Council. In addition he highlighted the inspiration provided by young people within the Borough who had achieved their Duke of Edinburgh awards.

2. Remembrance Day events

The Mayor advised that he was honoured to have attended both the Southgate and Enfield Remembrance Parades and Services as well as the Armistice Day Service at Broomfield Park and the Association of Jewish ex-service men and women Service at Southgate Synagogue. This had given him an opportunity to remember and reflect on all those who had given their lives in defence of others. He was also particularly honoured to have attended the Council's own Arctic Convoy commemoration at the Civic Centre and to have witnessed Frederick Thomson receive his Ushakov Medal from the Russian Military.

The Mayor ended his announcements by reminding all members that his Christmas Drinks reception would be taking place on Friday 19th December and by informing members that the meeting was being filmed by the Barnet Bugle, in accordance with the Council's policy on filming at meetings (Para 33 of the Council Procedure Rules).

**74
MINUTES**

AGREED that the minutes of the Council meeting held on Wednesday 8th October 2014 be confirmed and signed as a correct record.

**75
APOLOGIES**

Apologies for absence were received from Councillors Katherine Chibah, Christine Hamilton, Eric Jukes, & Rohini Simbodyal.

An apology for lateness was received from Councillor Turgut Esendagli.

**76
DECLARATION OF INTERESTS**

The following interests were declared at the meeting:

Agenda Item 7: Opposition Business – Council approach to the delivery of new homes

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- Councillor Smith declared a Disclosable Pecuniary Interest as an employee of a Housing Association operating elsewhere in London. He withdrew from the meeting for the duration of this item and took no part in the debate or final decision.
- Councillor Fallart declared a non-pecuniary interest as a resident of Parsonage Lane, one of the seven small residential sites referred to in the Opposition Business Paper. He remained in the meeting and participated in the decision on this item.

Agenda Item 9: Enfield 2017 – Transformation (Report No.104A & 105A)

- Councillor Achilleas Georgiou declared a Disclosable Pecuniary Interest due to the employment of a family member by one of the Council's partner organisations on the Transformation Programme. He withdrew from the meeting for the duration of this item and took no part in the discussion or decision made.
- Councillor Milne declared a Disclosable Pecuniary Interest due to his employment by an alternative supplier to one of the Council's partner organisations on the Transformation Programme. He withdrew from the meeting for the duration of this item and took no part in the discussion or decision made.
- Councillor Alessandro Georgiou declared an other pecuniary interest as a family member owned a small company providing IT Support Services. He remained in the meeting and participated in the discussion and decision on this item.

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CHANGE IN ORDER OF BUSINESS

Before moving on, Councillor Elaine Hayward moved and Councillor Neville seconded a proposal to change the order of business on the agenda under paragraph 2.2 (page 4-5) of the Council's procedure rules to enable the meeting to take the following as the next item of business:

- Item 15.7: Motion in the names of Councillor Neville & Councillor Laban regarding the unlocking of park gates at night.

The proposed change in the order of agenda was not agreed. In accordance with section 15.4 of the Council Procedure Rules the Opposition Group requested a roll call vote, with the result as follows:

For: 21

Councillor Erin Celebi
Councillor Lee Chamberlain
Councillor Jason Charalambous
Councillor Lee David-Sanders

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Councillor Don Delman
Councillor Nick Dines
Councillor Peter Fallart
Councillor Alessandro Georgiou
Councillor Elaine Hayward
Councillor Robert Hayward
Councillor Ertan Hurer
Councillor Eric Jukes
Councillor Joanne Laban
Councillor Michael Lavender
Councillor Andy Milne
Councillor Terence Neville
Councillor Ann Marie Pearce
Councillor Michael Rye
Councillor Edward Smith
Councillor Jim Steven
Councillor Glynis Vince

Against: 36

Councillor Abdul Abdullahi
Councillor Daniel Anderson
Councillor Dinah Barry
Councillor Chris Bond
Councillor Yasemin Brett
Councillor Alev Cazimoglu
Councillor Bambos Charalambous
Councillor Guney Dogan
Councillor Sarah Doyle
Councillor Christiana During
Councillor Pat Ekechi
Councillor Nesimi Erbil
Councillor Krystle Fonyonga
Councillor Achilleas Georgiou
Councillor Ahmet Hasan
Councillor Suna Hurman
Councillor Jansev Jemal
Councillor Doris Jiage
Councillor Nneka Keazor
Councillor Adeline Kepez
Councillor Bernie Lappage
Councillor Dino Lemonides
Councillor Derek Levy
Councillor Mary Maguire
Councillor Don McGowan
Councillor Ayfer Orhan
Councillor Ahmet Oykener
Councillor Vicki Pite
Councillor George Savva
Councillor Toby Simon

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Councillor Alan Sitkin
Councillor Andrew Stafford
Councillor Claire Stewart
Councillor Doug Taylor
Councillor Haydar Ulus
Councillor Ozzie Uzoanya

Abstention: 0

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OPPOSITION BUSINESS - COUNCIL APPROACH TO THE DELIVERY OF NEW HOMES

Councillor Neville introduced the issues paper, prepared by the Opposition Group. Issues highlighted were as follows:

1. The background to the issue being raised for debate had been the current housing crisis across London, which the Opposition Group felt had been aggravated by the Labour Government's:
 - record between 1997-2010 in building the fewest houses for public and private use since the 1920's; and
 - uncontrolled policy on immigration.
2. In terms of Enfield, the Opposition Group were looking to examine the record of the current Administration given what they felt to be the lack of progress on delivery of the following major housing development schemes, inherited from the previous Conservative Administration.
 - a. Meridian Water – concerns raised were as follows:
 - The lack of progress which it was felt had been made in preparing the site for redevelopment in terms of the acquisition of relevant land and the identification of a developer.
 - The delay in construction of the main highway, as a pre-requisite to progressing wider development of the site.
 - The need for action to be taken as soon as possible in order to facilitate the necessary acquisition of land, including use of compulsory purchase powers in order to secure the significant development opportunities presented across the site in terms of both housing and regeneration and in recognition of the increasing land costs.
 - b. Small Housing Sites – whilst supportive of the general purpose and nature of the overall programme concerns raised were as follows:
 - What was felt to be an unacceptably long delay in development on the seven small residential sites having commenced, given the timeline outlined within the paper for the design and planning process.

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- The need to ensure that adequate cost and programme monitoring arrangements were established for all estate regeneration and other housing schemes.
3. In addition, the paper raised a number of issues in relation to the Housing Gateway Scheme, with specific concerns as follows:
- The structure of the financial loan between the Council and Housing Gateway Company that had been set up to purchase and hold the properties, given it was being funded via the General Fund rather than Housing Revenue Account.
 - The detrimental impact of the scheme in terms of the local housing market and at limiting opportunities for those looking to purchase their own homes within the borough.
 - Whilst recognising the need for action to be taken to address the unprecedented levels of demand for social housing, it was felt the Housing Gateway scheme was wrong in principle and represented a financially imprudent approach given that it would not deliver any additional housing build.

As an outcome of the debate the Opposition were looking to highlight what they felt had been the limited progress made by the current Administration in terms of taking forward the housing development opportunities identified, with specific actions identified as a result in relation to:

- bringing forward a viable timescale in order to secure redevelopment of the Meridian Water site, with associated land acquisitions.
- Establishing appropriate monitoring systems for management of all housing and estate regeneration programmes moving forward.
- Abandoning the Housing Gateway Scheme and refocussing efforts on encouraging Housing Associations to develop additional social housing within the borough.
- Strengthening Council policies around encouraging relocation and rehousing outside of London.

Councillor Taylor, Leader of the Council, responded on behalf of the Majority Group, highlighting:

1. Whilst four “place shaping sites” had been inherited from the previous Conservative Administration for potential development, including Meridian Water, these had not had the necessary planning, detailed development or transport plans in place to enable the schemes to move forward.
2. In terms of Meridian Water, all that had been inherited by the current Administration was the draft Enfield Core Strategy, which they had formally adopted in November 2010. No land acquisition, remediation, transport, flood alleviation plans or Masterplan for the development had been in place, which were all key requirements for the development to move forward. These were now in place (following detailed negotiations

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with key partners) having secured the investment required for redevelopment of the Angel Road station and twin tracking along with development of the Meridian Boulevard (previously known as Causeway) in order to resolve access issues to the site.

3. The progress made by the current Administration in seeking to meet the increased demand for housing supply within the borough, despite consistent opposition from the Conservative Group with specific examples provided in relation to housing developments on the Cat Hill, Caterhatch Depot, Southgate Town Hall and Bury Street West Depot sites. Whilst the Opposition Group had also expressed concerns about the time taken to progress the Meridian Water development it was pointed out that these proposals had also been subject to a series of call-ins by the Opposition Group.
4. The need to recognise the previous Conservative Administration's weak record on housing provision within the borough against the current Administration's robust and commercially sound development plans that were now in the process of being delivered to increase and improve the quality of housing stock across the borough.

Other issues highlighted during the debate were as follows:

- (a) The concerns raised by the Opposition Group in relation to:
 - The lack of progress by the Council in acquiring land to secure the Meridian Water development and in passing, where required, the necessary compulsory purchase resolutions and in securing a development partner for the scheme. The complexities needing to be addressed in relation to the Meridian Water site and land ownership had been recognised but it was felt this should not have prevented action being taken before now to acquire the necessary land to support the redevelopment.
 - The cross party support for the twin tracking and Angel Road Station redevelopment but need to recognise the role of the Mayor for London and Greater London Authority in securing the necessary investment.
 - The length of time taken to secure planning permission and subsequent lack of progress in commencing development on the various small housing sites identified across the borough.
 - What was regarded as the detrimental impact of the Housing Gateway Scheme on the local housing market which it was felt not only placed the Council in direct and unfair competition with first time buyers and others seeking to own their own homes but also artificially inflated house prices across the borough.

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- The proposed mix of housing identified across the housing site developments and need to ensure the wider infrastructure impact of large scale housing developments on the surrounding areas, such as at Cat Hill, were fully recognised and taken into account.
 - The proposed impact of the Landlord Licensing Scheme on the private rented sector across the borough and rates currently being consulted upon within the Community Infrastructure Levy, in terms of attracting further development across the borough.
- (b) The need identified by members of the Majority Group:
- to recognise, in relation to the Meridian Water site, the co-ordinated and planned nature of the development programme which had been designed to deliver a viable and sustainable scheme through the following actions, in advance of the selection process for a development partner being concluded and the start of work on site, scheduled for 2015:
 - (i) securing the necessary inward investment for the rail and station development in order to provide the required transport infrastructure;
 - (ii) addressing concerns regarding the Deephams Sewage Plant;
 - (iii) addressing remediation and flood alleviation issues across the site;
 - (iv) undertaking detailed negotiations with landowners in order to acquire the necessary land in advance of any compulsory purchase orders being sought;
 - (v) preparation and approval of the required strategic planning framework and policies
 - To commend all members and officers involved in delivery of the Meridian Water development for their efforts and work in delivery of the scheme.
 - To recognise the progress made in delivery of housing developments on not only the small housing sites, but also Highmead and Ladderswood sites compared to the position inherited from the previous Conservative Administration.
 - To recognise the fact that it was the current Administration who were responsible for building the first new Council housing in the borough for over 40 years.
 - To highlight the innovative nature of the Housing Gateway Scheme and proposed establishment of a further new company (Enfield Innovation Ltd) to take forward the delivery of the wider housing development schemes. These had generated a large level of interest nationally and regionally including both the current Conservative led Government and Mayor for London and were

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seen as a key driver in addressing the current level of households being placed in temporary accommodation.

- To consider and recognise the background to the current housing crisis faced across outer London, which it was felt had been created by the Conservative led coalition Government's reforms to Housing Benefit and policy on funding for social housing along with the impact of the Right to Buy policies over previous years.

During the above debate the Mayor advised that the time available for Opposition Business had expired. In view of the nature of the discussion and number of members who had indicated they still wished to speak it was agreed that the time available should be extended for a further 15 minutes.

Councillor Neville summed up on behalf of the Opposition Group by highlighting what was felt to be the lack of any detailed explanation by the Majority Group for the limited progress made in delivery of housing development on the Meridian Water and small housing sites. It was felt the call-ins referred to during the debate had been fully justified and had not caused any significant delay in progress being made, with the Conservative record in terms of delivering the Highlands and Enfield Island developments and initiating the Ladderswood scheme cited as specific examples of what could be achieved.

In response Councillor Taylor highlighted what he felt to be the incoherent nature of the Opposition Business paper and the commitment of the Majority Group to ensure that the various housing schemes currently on track were delivered on the basis of a co-ordinated and commercially sound programme, having been subject to the required governance processes. For these reasons the recommendations in the Opposition Business paper were not supported.

As an outcome of the debate the Leader of the Opposition requested that a vote to be taken on the following recommendations within the Opposition Business Paper:

- (1) that officers be instructed to bring forward a report to an early meeting of the Cabinet to consider the making of a Compulsory Purchase Order under the Town and Country Planning Act 1990 in respect of such land as was required to secure the redevelopment of Meridian Water.
- (2) that officers be asked to bring to Cabinet a viable timescale for the redevelopment of the Meridian Water site, with critical points identified.
- (3) that as regards the estate regeneration programme and other housing developments the Council should immediately put in place appropriate systems to facilitate monitoring by Members and management of cost and other programme issues in a transparent way.

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- (4) that the Gateway Scheme be abandoned and that instead the Council should use such resources as it has, including Right to Buy receipts to encourage Housing Associations to develop additional low cost housing in the borough, so that in turn they could use their borrowing powers to lever in private finance to provide additional social housing in Enfield.
- (5) that the Council reviews and strengthens its policies on encouraging relocation and rehousing outside of London.

The above recommendations were put to the vote and not approved. In accordance with section 15.4 of the Council Procedure Rules the Opposition Group requested a roll call vote, with the result on each recommendation as follows:

For: 20

Councillor Erin Celebi
Councillor Lee Chamberlain
Councillor Jason Charalambous
Councillor Lee David-Sanders
Councillor Don Delman
Councillor Nick Dines
Councillor Peter Fallart
Councillor Alessandro Georgiou
Councillor Elaine Hayward
Councillor Robert Hayward
Councillor Ertan Hurer
Councillor Joanne Laban
Councillor Michael Lavender
Councillor Andy Milne
Councillor Terence Neville
Councillor Ann Marie Pearce
Councillor Daniel Pearce
Councillor Michael Rye
Councillor Jim Steven
Councillor Glynis Vince

Against: 37

Councillor Abdul Abdullahi
Councillor Daniel Anderson
Councillor Dinah Barry
Councillor Chris Bond
Councillor Yasemin Brett
Councillor Alev Cazimoglu
Councillor Bambos Charalambous
Councillor Guney Dogan
Councillor Sarah Doyle
Councillor Christiana During
Councillor Pat Ekechi

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Councillor Nesimi Erbil
Councillor Turgut Esendagli
Councillor Krystle Fonyonga
Councillor Achilleas Georgiou
Councillor Ahmet Hasan
Councillor Suna Hurman
Councillor Jansev Jemal
Councillor Doris Jiage
Councillor Nneka Keazor
Councillor Adeline Kepez
Councillor Bernie Lappage
Councillor Dino Lemonides
Councillor Derek Levy
Councillor Mary Maguire
Councillor Don McGowan
Councillor Ayfer Orhan
Councillor Ahmet Oykenen
Councillor Vicki Pite
Councillor George Savva
Councillor Toby Simon
Councillor Alan Sitkin
Councillor Andrew Stafford
Councillor Claire Stewart
Councillor Doug Taylor
Councillor Haydar Ulus
Councillor Ozzie Uzoanya

Abstention: 0

Councillor Smith declared a Disclosable Pecuniary Interest in this matter and withdrew from the meeting for the duration of the debate and decision on the item.

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CHANGE IN ORDER OF BUSINESS

Councillor Hurer moved and Councillor Neville seconded a proposal to change the order of business on the agenda under paragraph 2.2 (page 4-5) of the Council's procedure rules as follows:

- To consider Item 15.7 (Motion in the names of Councillor Neville & Councillor Laban regarding park gates) in advance of the next item of business.

The change in order of the agenda was not agreed after a vote, with the following result:

For: 21

Against: 36

Abstentions: 0

80

BURY STREET WEST DEVELOPMENT OPTIONS FOR THE FORMER PARKS DEPOT SITE, N9

Councillor Oykenor moved and Councillor Stafford seconded a report from the Director of Finance, Resources & Customer Services & Director of Health, Housing and Adult Social Care (No.115A) detailing development options for the Bury Street West former depot site.

NOTED

1. The development option set out in report had been agreed by Cabinet (12 November 14) with Council being asked to approve inclusion of the budget for the scheme within the Capital Programme.
2. Additional information in support of the scheme and budget requirement was contained in an accompanying report (No.116A) to be considered as Item 1 on the Part 2 Council agenda (Min.98 refers).
3. The context within which the development proposals had been developed which included not only the need to address housing demand within the borough but also the challenging financial constraints on the Council and need to generate income to support delivery of local services. Within this context the Bury Street West former depot site had been identified as surplus to the Council's requirements.
4. The development proposals considered in relation to potential use of the site, as detailed within section 5 of the report with the final preferred option approved by Cabinet detailed in section 4 of the report.
5. The preferred option had been based around a Private Rented Scheme (PRS) offering a mixed tenure residential development which it was felt would allow the Council to optimise housing numbers, financial returns whilst also providing environmental improvements.
6. Concerns expressed by local residents regarding the proposed development, as part of a deputation to Cabinet (12 November 14) would be considered as part of the process in seeking to engage the local community in development of the scheme and under the planning process.
7. Whilst not against the principle of development of the site, concerns were highlighted by the Opposition Group in relation to:
 - a. the level of financial risk associated with the preferred development option given the proposed mix of tenure and self build nature of the scheme;

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- b. the planning challenge in relation to the site being designated as Metropolitan Open Land;
- c. The need to fully engage and consult with local residents on development of proposals and design of the site;
- 8. The need, in response to the concerns raised, to recognise the delivery option agreed as the start of the development and consultation process and assurance provided in relation to the members of Planning Committee keeping an open mind when considering any subsequent planning application.

Following a further debate the recommendations in the report were put to the vote and agreed, as follows, with the following result:

For: 36

Against: 0

Abstentions: 21

AGREED

- (1) To approve inclusion of a total budget of £33m (subject to consideration of the details within the accompanying Part 2 report) in the Council's Capital Programme for the delivery of the proposed housing scheme at the Bury Street West Depot.
- (2) To note that Cabinet had agreed:
 - (a) subject to Council approving the addition of the budget for the project in the Capital Programme in 1 above, to approve the budget for Stages 1 and 2 of the project and, approve the commencement of the procurement of consultants to prepare plans for the scheme as detailed within Part 2 of the report, and delegate approval for the appointment of consultants to the Cabinet Member for Housing and Regeneration in consultation with the Director of Health, Housing and Adult Social Care and the Director of Finance, Resources and Customer Services.
 - (b) To approve the details of the scheme and its expenditure with the approved total budget subject to a further report being submitted to Cabinet.
 - (c) To delegate authority to the Cabinet Member for Housing and Regeneration in consultation with the Director of Health, Housing and Adult Social Care and the Director of Finance, Resources and Customer Services to approve a mix of house types and tenure arrangements in advance of a planning application submission.
 - (d) To delegate authority to the Director of Health, Housing and Adult Social Care and the Director of Finance, Resources and Customer Services

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and with the Assistant Director of Strategic Property Services to submit a planning application for the redevelopment of the site

- (e) To approve the commencement for the procurement of a developer/contractor to take forward a scheme on receipt of planning permission and award of contract will be subject to further Cabinet approval.
- (f) To note that a further in depth report would be provide updating on progress to date with development of the preferred delivery option.

81

CHANGE IN ORDER OF BUSINESS

Councillor Elaine Hayward moved and Councillor Neville seconded a proposal to change the order of business on the agenda under paragraph 2.2 (page 4-5) of the Council's procedure rules as follows:

- To consider Item 15.7 (Motion in the names of Councillor Neville & Councillor Laban regarding the unlocking of park gates at night) in advance of the next item of business.

The change in order of the agenda was not agreed after a vote, with the following result:

For: 21

Against: 37

Abstentions: 0

82

ENFIELD 2017 - TRANSFORMATION

Councillor Stafford moved and Councillor Taylor seconded a report from the Chief Executive & Director of Finance Resources and Customer Services (No.104A) detailing the investment package that would support the technology and delivery partnership to achieve the Enfield 2017 programme and seeking approval to the addition of funding on the Council's Capital Programme.

NOTED

1. The Transformation Programme set out in the report had been approved by Cabinet (30 October 14) with Council now being asked to approve inclusion of the required investment within the Capital Programme.
2. Additional information in support of the Programme and investment requirement was contained in an accompanying report (No.105A) to be considered as Item 2 on the Part 2 Council agenda (Min.99 refers).
3. Whilst the Transformation Programme had been designed to assist the Council in addressing the challenging financial position faced by the

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organisation the fundamental principles underpinning the whole process had been:

- a. Enabling the Council to work in a new way and deliver services that could meet the demands being placed on the organisation in as sustainable, efficient, cost effective and local a way as possible;
 - b. To maximise synergies and design and provide services that would ensure the best service outcomes continued to be delivered for residents across the Borough, supported by a robust technology platform that would maximise service delivery at the first point of contact.
4. The progress made on development and implementation of the Transformation Programme following Cabinet approval of the Enfield 2017 vision in September 14, as detailed in section 3.4 of the report.
 5. The approach towards development and delivery of the technology platform as detailed in section 3.8 – 3.10 of the report, which would be based around a delivery partnership with Serco (as the Council's main IT provider).
 6. The cost benefit analysis undertaken in relation to the total investment required, as detailed in section 3.11 of the report.
 7. Whilst recognising the need to address the financial challenges faced by the Council and welcoming the approach towards the identification of efficiency savings, concerns were raised by the Opposition Group around what was felt to be the limited level of detail provided within the report in relation to:
 - a. the transparency of the governance arrangements in terms of future decisions on development of the programme under the partnership arrangements;
 - b. the proposals and future plans being developed under the specific workstreams within the Enfield 2017 programme along with timescales for delivery, planned consultation and staffing impact;
 - c. the proposals being designed to maximise income, agreed as one of the operating principles by Cabinet for Enfield 2017;
 - d. the basis of the delivery partnership agreement with Serco; and
 - e. the basis for the investment requirement identified in relation to the Enfield 2017 model and project plan for delivery of its key outcomes
 8. The need identified in response to the concerns raised to recognise the level of efficiency savings already delivered by the Council while seeking to protect services. Whilst this approach would need to continue, further funding reductions and increasing cost pressures would require the

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Council to look at working in new and innovative ways to ensure smarter use of budgets, buildings and staff. This would result in difficult decisions needing to be made about the provision of services and how these were delivered, which the Transformation Programme had been designed to address placing customer service and delivery at its forefront.

Following a short debate the recommendations in the report were put to the vote and agreed, with the following result:

For: 35
Against: 0
Abstentions: 20

During the debate on this item the Mayor left the meeting for a 5 minute period. The Deputy Mayor took over as chair for that period.

AGREED to approve, subject to noting the decisions made by Cabinet and contents of the Part 2 report (Min.99 refers), inclusion of the total investment of £16m over the next three and half years (with a minimum of £10.2m of this cost being capital funding) for Enfield 2017 within the Capital Programme and note that revenue costs of £5.8m would be funded by the earmarked reserves, as outlined in the 2013/14 outturn report considered at July Cabinet. These one-off costs will generate budget savings of £15m in 2015/16, an additional £7m in 2016/17 and then ongoing savings of 29m per annum from 2017/18.

Councillors Achilleas Georgiou and Milne declared a Disclosable Pecuniary Interest in this matter and both withdrew from the meeting for the duration of discussion and decision on the item.

83

CHANGE IN ORDER OF BUSINESS

Councillor Stewart moved and Councillor Taylor seconded a proposal to change the order of business on the agenda under paragraph 2.2 (page 4-5) of the Council's procedure rules as follows:

- To consider Item 11 (Proposed Submission Central Leaside Area Action Plan) as the next item of business on the agenda.

The change in order of the agenda was agreed after a vote, with the following result:

For: 35
Against: 0
Abstentions: 19

Please note the minutes reflect the order in which the agenda items were dealt with at the meeting.

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84

PROPOSED SUBMISSION CENTRAL LEESIDE AREA ACTION PLAN

Councillor Sitkin moved and Councillor Savva seconded a report from the Director of Regeneration and Environment (No.85A) seeking approval of the proposed submission Central Leaside Area Action Plan and supporting documents.

NOTED

1. The recommendations within the report had been considered and referred onto Council for approval by Cabinet on 22 October 14.
2. The background to preparation of the Area Action Plan, as detailed in section 3 of the report.
3. The key projects that were relevant to Central Leaside and the wider area, as detailed within section 4.2 of the report, for which the Area Action Plan would provide the policy and planning delivery framework. These included not only the Meridian Water development but also significant changes to the transport infrastructure.
4. The thanks expressed to officers and other key stakeholders for their work in developing the Action Plan.
5. The next steps in the development of the Plan and submission process, as detailed in section 5 of the report, which would include a further period of public consultation on the proposed Submission Area Action Plan.

Following a short debate the recommendations in the report were approved unanimously, without a vote.

AGREED

- (1) To approve the Proposed Submission Central Leaside Area Action Plan for publication and thereafter a statutory period of public consultation and submission to the Secretary of State for public examination.
- (2) To note that Cabinet had:
 - (a) Agreed to delegate authority to the Cabinet Member for Economic Development to agree the publication of the Sustainability Appraisal and Equality Impact Assessment of the Proposed Submission Central Leaside Area Action Plan.
 - (b) Agreed to authorise the Director of Regeneration & Environment to make appropriate changes to the Submission version of the Central Leaside Area Action Plan and undertake any further consultation required, in the run up to and during the public examination process into the document, in response to representations received, requests from the Planning

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Inspector, and emerging evidence, guidance or legal advice, with any changes of a substantive nature to be considered by the Local Plan Cabinet Sub-Committee.

85

CHANGE IN ORDER OF BUSINESS

Councillor Stewart moved and Councillor Brett seconded a proposal to change the order of business on the agenda under paragraph 2.2 (page 4-5) of the Council's procedure rules as follows:

- To consider Item 15.3 (Motion in the name of Councillor Stewart on Employment & Support Allowance) as the next item of business on the agenda.

The change in order of the agenda was agreed after a vote, with the following result:

For: 35
Against: 0
Abstentions: 21

Please note the minutes reflect the order in which the agenda items were dealt with at the meeting.

86

MOTIONS

Councillor Stewart moved and Councillor Abdullahi seconded the following motion:

"Enfield Council is extremely concerned about the Government's mismanagement of Employment and Support Allowance. Large backlogs, an increasing number of sanctions and poorly administered Work Capability Assessments are having a devastating effect on the most vulnerable in Enfield. The Leader of the Council is requested to write to the Secretary of State for Work and Pensions, Iain Duncan Smith, to raise our concerns."

Once the motion had been formally moved and seconded, Councillor Elaine Hayward immediately moved and Councillor Laban seconded procedural motion 12.11 (d) "that the question be now put". The Mayor put this straight to the vote and it was not agreed, with the following result:

For: 21
Against: 36
Abstentions: 0

The debate therefore continued and following a short discussion the motion was put to the vote and agreed with the following result:

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For: 35
Against: 19
Abstentions: 0

**87
DURATION OF COUNCIL MEETING**

The Mayor advised, at this stage of the meeting, that the time available to complete the agenda had now elapsed so Council Procedure Rule 8 would apply.

NOTED that in accordance with Council Procedure Rule 8 (page 4-8 – Part 4), the remaining items of business on the Council agenda were considered without debate.

**88
ADOPTION OF DEVELOPMENT MANAGEMENT DOCUMENT**

RECEIVED a report from the Director – Regeneration & Environment (No.83A) seeking approval to the formal adoption of the Development Management Document.

NOTED that the Development Management Document had been considered and recommended on to Council for formal adoption as part of Enfield's Local Plan by Cabinet on 22 October 14.

AGREED to

- (1) To note receipt of the Planning Inspector's final report, attached as Appendix 1 of the report, which had concluded that the Development Management Document was 'sound' and legally compliant, in accordance with Government Legislation.
- (2) To formally adopt the Development Management Document to form part of Enfield's Local Plan.

**89
HEALTH & WELL-BEING BOARD - AMENDMENT TO MEMBERSHIP & TERMS OF REFERENCE**

RECEIVED a report from the Director of Health, Housing and Adult Social Care (No.121) seeking approval to changes in the membership and Terms of Reference for the Health & Well-Being Board.

NOTED that the proposed changes had been considered and approved for recommendation on to Council by the Health & Well-Being Board on 16 October 14. They had also been subject to consideration by the Members & Democratic Services Group on 4 November 14.

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AGREED to approve the following changes to the Health & Wellbeing Board membership and terms of reference (as detailed within Appendix A of the report):

- (1) To create a vice-chair position to be filled by the chair of the Enfield Clinical Commissioning Group.
- (2) To grant Board membership, without voting rights, to each of the three local NHS Trusts as provider of health services in Enfield: Royal Free London NHS Foundation Trust, North Middlesex University Hospital NHS Trust, Barnet, Enfield & Haringey Mental Health NHS Trust.
- (3) To alter the membership of the Board from the four Cabinet Members listed under the existing terms of reference to the following four current Cabinet Member representatives:
 - Cabinet member for Health & Adult Social Care
 - Cabinet member for Education, Children's Services & Protection;
 - Cabinet member for Culture, Sport, Youth & Public Health;
 - Leader of the Council
- (4) To reflect the change in title from Joint Director of Public Health to Director of Public Health and 3 year term of office for the Elected Representative of the Third Sector (to expire April 2016), as detailed on the amendment sheet tabled at the meeting.

90

REFERENCE FROM THE MEMBERS & DEMOCRATIC SERVICES GROUP - ESTABLISHMENT OF REMUNERATION COMMITTEE

RECEIVED a report from the Director of Finance, Resources and Customer Services (No.122) seeking approval to the establishment of a Remuneration Committee.

NOTED the proposed change had been considered and approved for recommendation to Council by the Members & Democratic Services Group on 4 November 14.

AGREED to approve:

- (1) with effect from 20th November 2014, the establishment of a Remuneration Committee as a freestanding Committee appointed by Council, with the Terms of Reference detailed in section 3.7 of the report.
- (2) the Terms of Reference for the Audit Committee being amended, as detailed in section 3.8 of the report, to reflect the change in (1) above.

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91

COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES)

1.1. Urgent Questions

The Mayor informed Council of the receipt of two urgent questions from Councillor Neville the first relating to the Council's contract with Serco and the second to consultation on the Council Tax Reduction Scheme. Members were advised that having considered the reasons for urgency, the Mayor had decided not to accept submission of the questions under the urgency procedure.

1.2. Questions by Councillors

NOTED the fifty four questions on the Council agenda and written responses provided by the relevant Cabinet Member.

92

MOTIONS

The following motions listed on the agenda lapsed due to lack of time:

1.1 In the name of Councillor Neville:

"The Council welcomes the completion of the purchase of the Barnet and Chase Farm Hospitals NHS Trust by the Royal Free London NHS Foundation Trust.

The Council shares both, the Royal Free's assessment that the site needs to be redeveloped and it's acknowledgement that parts of the site are "no longer suitable for the delivery of modern health care". The council is anxious however to see that the £100million of government investment in the site is **actually delivered**, and as quickly as possible. It looks forward to working with the Royal Free Trust to secure this much needed and long overdue redevelopment, for the benefit of Enfield residents."

1.2 In the name of Councillor Neville:

"The Council calls upon the Cabinet to implement Labour's election pledge "to encourage residents to shop locally" by firstly implementing a 20 minute free parking at Pay and Display bays in town centres, and secondly ensuring that in designing the Cycle Enfield project existing on-street parking spaces are not reduced."

1.3 In the name of Councillor Alessandro Georgiou

"Enfield Council welcomes the Care Act 2014 and funding that the government has provided to support vulnerable people and mandates the Cabinet Member for Health and Adult Social Care to commission a

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report into the implications of the act and how we will support vulnerable adults in future years, This report must be published by May 2015.”

1.4 In the name of Councillor Alessandro Georgiou

“Whilst we recognise under paragraph 33 part 4 of the constitution filming is permitted at public council meetings, transparency is vital in a democracy.

We ask Enfield Council with this in mind to place at minimal cost cameras to record full Council Meetings and to publish the recording onto the Enfield Council website.”

1.5 In the name of Councillor Taylor:

“Between 2010/11 - 2015/16 London local government has had a real term reduction in core funding of a reduction of £2.6 billion. For the 3 years to 2018-19 core funding will fall by a further £1 billion in real terms.

Enfield has suffered its share of these pressures and cuts to support, exacerbated by the problems of dampening. This costs Enfield over £10 million per year and is programmed to continue. With fair funding Enfield services would be much more insulated from Government cuts.

Residents in Enfield deserve better from central Government and Enfield Council will do all it can to:

- Secure a fairer distribution of resources
- Engage with residents on this injustice
- Encourage local MPs to support the ‘Enfield case’
- Work with other authorities that suffer dampening to challenge this unfairness”

1.6 In the names of Councillor Neville & Councillor Laban:

“The council deplores the decision of Cllr Bond Cabinet Member for Environment to authorise the borough’s parks to remain unlocked at night without any proper consultation with Friends Groups, or more particularly the police, having regard to the obvious implications for criminal behaviour.

Whilst welcoming Cllr Bond’s decision at the meeting of the Overview & Scrutiny Committee to delay the implementation so that proper consultation could take place, in the light of the public outcry, the council now instructs the Cabinet Member to abandon this senseless proposal.”

93

COMMITTEE MEMBERSHIPS

AGREED to confirm the following changes to committee memberships:

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- (1) Audit Committee - Councillor Jiagge to replace Councillor Hamilton
- (2) Pension Fund Board - Councillor Barry to replace Councillor Cazimoglu
- (3) Planning Committee - Councillor Jemal to replace Councillor Hamilton
- (4) Remuneration Committee (see Min.90 above) - 2 names to be notified by Majority Group & 1 name to be notified by Opposition Group.

94

NOMINATIONS TO OUTSIDE BODIES

AGREED to confirm the following nominations on outside bodies:

- (1) Council of Governors, Royal Free Hospital NHS Foundation Trust - Councillor Orhan to be appointed as the Council nominated representative

95

CALLED IN DECISIONS

None received.

96

DATE OF NEXT MEETING

NOTED that the next meeting of the Council would be held at 7.00pm on Wednesday 28 January 2014 at the Civic Centre.

As this was scheduled to be the final Council meeting before the Christmas and New Year break the Mayor took the opportunity to wish all members and officers a Merry Christmas and Happy New Year.

97

EXCLUSION OF THE PRESS & PUBLIC

AGREED to pass a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the items of business listed on part 2 of the agenda on the grounds that they involved the disclosure of exempt information as defined in paragraph 3 (information relating to the financial or business affairs of any particular 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).

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98

BURY STREET WEST DEVELOPMENT OPTIONS FOR THE FORMER PARKS DEPOT SITE, N9

RECEIVED a report from the Director of Finance, Resources & Customer Services and Director of Health, Housing & Adult Social Care (No. 116A) providing additional information in support of the development option and Capital investment requirements for the site.

NOTED

1. the report had been submitted for consideration in conjunction with Report 115A on the Part 1 Agenda. (Min.80 refers) following its approval by Cabinet on 12 November 14.
2. the content of the report, thereby confirming inclusion of the budget for the project on the Council's Capital Programme
3. that subject to Council approving inclusion of the scheme within the Capital Programme, Cabinet had agreed to approve an initial budget of £2.4m (as part of the overall £33m scheme cost) and authorise the project to proceed, with further expenditure of the remaining budget subject to a further report for Cabinet.
4. Cabinet had approved in principle the acquisition of the property at Bury Street West listed in the report subject to agreement with the owners and to delegate authority to the Cabinet Member for Finance and Director of Finance, Resources and Customer Services to negotiate and agree the necessary Heads of Terms.
5. Cabinet had agreed that the initial budget be used to appoint consultants to assist in preparing scheme designs, feasibility studies, other investigations, site preparation and public consultation in order to support preparation and submission of a planning application and appropriate documents to assist in the procurement of a developer/contractor and for land assembly purposes, as required.

(Exempt information as defined in Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Schedule 12A to the Local Government Act 1972 as amended).

99

ENFIELD 2017 TRANSFORMATION

RECEIVED the report of the Chief Executive and Director of Finance, Resources & Customer Services (No.105A) providing additional information in support of the investment package and delivery partnership to support the Enfield 2017 programme.

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NOTED

1. the report had been submitted for consideration in conjunction with Report 104A on the Part 1 Agenda. (Min.82 refers) following approval by Cabinet on 30 October 14.
2. the contents of the report, thereby confirming inclusion of the investment for the programme within the Council's Capital Programme.

(Exempt information as defined in Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Schedule 12A to the Local Government Act 1972 as amended).

Councillors Achilleas Georgiou and Milne declared Disclosable Pecuniary Interests in this item. As the matter was dealt with under the guillotine they did not withdraw from the meeting but took no part in dealing with the report.

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EXTRAORDINARY COUNCIL - 23.12.2014

**MINUTES OF THE MEETING OF THE FIRST EXTRAORDINARY COUNCIL
HELD ON TUESDAY, 23 DECEMBER 2014**

COUNCILLORS

PRESENT Ali Bakir (Mayor), Patricia Ekechi (Deputy Mayor), Abdul Abdullahi, Daniel Anderson, Dinah Barry, Chris Bond, Yasemin Brett, Alev Cazimoglu, Erin Celebi, Lee Chamberlain, Bambos Charalambous, Jason Charalambous, Lee David-Sanders, Dogan Delman, Nick Dines, Guney Dogan, Sarah Doyle, Christiana During, Nesimi Erbil, Turgut Esendagli, Peter Fallart, Krystle Fonyonga, Achilleas Georgiou, Alessandro Georgiou, Christine Hamilton, Elaine Hayward, Robert Hayward, Ertan Hurer, Jansev Jemal, Doris Jiagge, Eric Jukes, Nneka Keazor, Joanne Laban, Bernie Lappage, Dino Lemonides, Derek Levy, Mary Maguire, Donald McGowan, Andy Milne, Terence Neville OBE JP, Ayfer Orhan, Ahmet Oykenner, Anne-Marie Pearce, Daniel Pearce, Vicki Pite, George Savva MBE, Rohini Simbodyal, Toby Simon, Alan Sitkin, Edward Smith, Jim Steven, Claire Stewart, Doug Taylor, Ozzie Uzoanya and Glynis Vince

ABSENT Katherine Chibah, Ahmet Hasan, Suna Hurman, Adeline Kepez, Michael Lavender, Michael Rye OBE, Andrew Stafford and Haydar Ulus

**100
WELCOME**

The Mayor welcomed everyone to the first of two Extraordinary Council meetings that had been arranged for the evening.

He reminded Members that the issues to be considered at the meeting were restricted to those items of business notified at the time the meeting was requisitioned, as listed on the agenda.

He also advised all those present that the meeting was being filmed by the Barnet Bugle, as permitted under section 33 of the Council Procedure Rules.

**101
APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Katherine Chibah, Ahmet Hasan, Suna Herman, Adeline Kepez, Michael Lavender, Michael Rye OBE & Andrew Stafford.

An apology for lateness was received from Councillor Doris Jiagge.

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102

DECLARATIONS OF INTEREST

The following interests were declared at the meeting:

Agenda Item 4.1: Motion in the name of Councillor Neville regarding the unlocking of park gates at night

- Councillor Sitkin declared a Disclosable Pecuniary Interest as a resident whose home backed on to one of the parks in the borough.. He withdrew from the meeting for the duration of this item and took no part in the debate or final decision.
- Councillor Simon declared a Disclosable Pecuniary Interest as a resident whose home backed on to one of the parks in the borough.. He withdrew from the meeting for the duration of this item and took no part in the debate or final decision.

103

COUNCILLOR QUESTIONS

NOTED

1. The two questions on the Extraordinary Council agenda which had received a written reply from the relevant Cabinet Member.
2. The following supplementary questions and responses received for the questions indicated below:

Question 3.1 (Council's contract with Serco) from Councillor Neville to Councillor Taylor, Leader of the Council:

"Can the Leader confirm that he is satisfied it was appropriate for Cabinet to accept the recommendation on 12 February 14 to extend the Council's contract with Serco until September 2019, given the company background as we now know it at the time?"

Reply from Councillor Taylor:

"Yes."

Question 3.2 (consultation on decision to keep park gates unlocked at night) from Councillor Neville to Councillor Bond, Cabinet Member for Environment & Community Safety:

"The minutes from the Overview & Scrutiny Committee (OSC) call-in meeting on this decision record the Cabinet Member as highlighting this as an operational decision yet the written response to this question states it was a management decision. Similarly it is noted in the same OSC minutes that consultation had taken place with the Community Safety Team who had direct

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linkages with the police yet the written response to the question states that officers actually spoke to the police prior to making the decision. Can the Cabinet Member confirm which version of events is correct and advise why, if consultation had been undertaken prior to the decision, this is not referred to in the report on which the Portfolio decision was based?"

Reply from Councillor Bond:

"Consultation did take place with the police and my written answer sets out the response provided by the Borough Commander on the same issue raised at the recent Mayors Office for Policing and Crime (MOPAC) event."

**104
MOTIONS**

1.1. Councillor Neville moved and Councillor Laban seconded the following motion:

"The Council deplores the decision of Councillor Bond Cabinet Member for Environment & Community Safety to authorise the borough's parks including 22 which abut the rear of residential properties, to remain unlocked at night without any proper consultation with the Police or Friends Groups, having regard to the obvious implications for burglary and other criminal behaviour, given that Enfield has the fourth highest rate of burglaries in London.

Following the Conservative Group's call-in of this decision for scrutiny, Councillor Bond's decision at the meeting to delay the implementation is welcomed, so that proper consultation could take place, but in the light of the expressed public concern, the Council now instructs the Cabinet Member to abandon this senseless proposal."

Following a lengthy debate the motion was put to the vote and not approved. In accordance with section 15.4 of the Council Procedure Rules the Opposition Group requested a roll call vote, with the result as follows:

For: 20

Councillor Erin Celebi
Councillor Lee Chamberlain
Councillor Jason Charalambous
Councillor Lee David-Sanders
Councillor Don Delman
Councillor Nick Dines
Councillor Peter Fallart
Councillor Alessandro Georgiou
Councillor Elaine Hayward
Councillor Robert Hayward
Councillor Ertan Hurer
Councillor Eric Jukes
Councillor Joanne Laban

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Councillor Andy Milne
Councillor Terence Neville
Councillor Ann Marie Pearce
Councillor Daniel Pearce
Councillor Edward Smith
Councillor Jim Steven
Councillor Glynis Vince

Against: 32

Councillor Abdul Abdullahi
Councillor Daniel Anderson
Councillor Dinah Barry
Councillor Chris Bond
Councillor Yasemin Brett
Councillor Alev Cazimoglu
Councillor Bambos Charalambous
Councillor Guney Dogan
Councillor Sarah Doyle
Councillor Christiana During
Councillor Pat Ekechi
Councillor Nesimi Erbil
Councillor Turgut Esendagli
Councillor Krystle Fonyonga
Councillor Achilleas Georgiou
Councillor Christine Hamilton
Councillor Jansev Jemal
Councillor Doris Jiage
Councillor Nneka Keazor
Councillor Bernie Lappage
Councillor Dino Lemonides
Councillor Derek Levy
Councillor Mary Maguire
Councillor Don McGowan
Councillor Ayfer Orhan
Councillor Ahmet Oykenen
Councillor Vicki Pite
Councillor George Savva
Councillor Rohini Simbodyal
Councillor Claire Stewart
Councillor Doug Taylor
Councillor Ozzie Uzoanya

Abstention: 0

Councillors Sitkin and Simon declared a Disclosable Pecuniary Interest in this matter and both withdrew from the meeting for the duration of discussion and decision on the item.

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1.2 Councillor Neville moved and Councillor Ann Marie Pearce seconded the following motion:

“The Council welcomes the acquisition of the Barnet and Chase Farm Hospital NHS Trust by the Royal Free London NHS Foundation Trust.

The Council welcomes the Royal Free’s assessment that the site needs to be redeveloped and it’s acknowledgement that most parts of that site are “no longer suitable for the delivery of modern health care.” The Council looks forward to working with the Royal Free NHS Trust for the early achievement of the Trust’s stated plan to build a “state of the art” general hospital on the site, which when delivered will be of real benefit to Enfield residents, and welcomes the fact that the Trust is now in the process of submitting a planning application for this development.”

Following a long debate the motion was put to the vote and not approved. In accordance with section 15.4 of the Council Procedure Rules the Opposition Group requested a roll call vote, with the result as follows:

For: 20

Councillor Erin Celebi
Councillor Lee Chamberlain
Councillor Jason Charalambous
Councillor Lee David-Sanders
Councillor Don Delman
Councillor Nick Dines
Councillor Peter Fallart
Councillor Alessandro Georgiou
Councillor Elaine Hayward
Councillor Robert Hayward
Councillor Ertan Hurer
Councillor Eric Jukes
Councillor Joanne Laban
Councillor Andy Milne
Councillor Terence Neville
Councillor Ann Marie Pearce
Councillor Daniel Pearce
Councillor Edward Smith
Councillor Jim Steven
Councillor Glynis Vince

Against: 34

Councillor Abdul Abdullahi
Councillor Daniel Anderson
Councillor Dinah Barry
Councillor Chris Bond
Councillor Yasemin Brett

EXTRAORDINARY COUNCIL - 23.12.2014

Councillor Alev Cazimoglu
Councillor Bambos Charalambous
Councillor Guney Dogan
Councillor Sarah Doyle
Councillor Christiana During
Councillor Pat Ekechi
Councillor Nesimi Erbil
Councillor Turgut Esendgali
Councillor Krystle Fonyonga
Councillor Achilleas Georgiou
Councillor Christine Hamilton
Councillor Jansev Jemal
Councillor Doris Jiagge
Councillor Nneka Keazor
Councillor Bernie Lappage
Councillor Dino Lemonides
Councillor Derek Levy
Councillor Mary Maguire
Councillor Don McGowan
Councillor Ayfer Orhan
Councillor Ahmet Oykenner
Councillor Vicki Pite
Councillor George Savva
Councillor Alan Sitkin
Councillor Toby Simon
Councillor Rohini Simbodyal
Councillor Claire Stewart
Councillor Doug Taylor
Councillor Ozzie Uzoanya

Abstention: 0

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END OF MEETING

Having dealt with the items of business on the agenda, as listed above, the Mayor advised that the first Extraordinary Council meeting had been concluded.

EXTRAORDINARY COUNCIL - 23.12.2014

**MINUTES OF THE MEETING OF THE SECOND EXTRAORDINARY COUNCIL
HELD ON TUESDAY, 23 DECEMBER 2014**

COUNCILLORS

PRESENT

Ali Bakir (Mayor), Patricia Ekechi (Deputy Mayor), Abdul Abdullahi, Daniel Anderson, Dinah Barry, Chris Bond, Yasemin Brett, Alev Cazimoglu, Erin Celebi, Lee Chamberlain, Bambos Charalambous, Jason Charalambous, Lee David-Sanders, Dogan Delman, Nick Dines, Guney Dogan, Sarah Doyle, Christiana During, Nesimi Erbil, Turgut Esendagli, Peter Fallart, Krystle Fonyonga, Achilleas Georgiou, Alessandro Georgiou, Christine Hamilton, Elaine Hayward, Robert Hayward, Ertan Hurer, Jansev Jemal, Doris Jiagge, Eric Jukes, Nneka Keazor, Joanne Laban, Bernie Lappage, Dino Lemonides, Derek Levy, Mary Maguire, Donald McGowan, Andy Milne, Terence Neville OBE JP, Ayfer Orhan, Ahmet Oykenner, Anne-Marie Pearce, Daniel Pearce, Vicki Pite, George Savva MBE, Rohini Simbodyal, Toby Simon, Alan Sitkin, Edward Smith, Jim Steven, Claire Stewart, Doug Taylor, Ozzie Uzoanya and Glynis Vince

ABSENT

Katherine Chibah, Ahmet Hasan, Suna Hurman, Adeline Kepez, Michael Lavender, Michael Rye OBE, Andrew Stafford and Haydar Ulus

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WELCOME

The Mayor welcomed everyone to the second of two Extraordinary Council meetings that had been arranged for the evening.

He reminded Members that the issues to be considered at the meeting were restricted to those items of business notified at the time the meeting was requisitioned, as listed on the agenda.

He also advised all those present that the meeting was being filmed by the Barnet Bugle, as permitted under section 33 of the Council Procedure Rules.

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APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Katherine Chibah, Ahmet Hasan, Suna Herman, Adeline Kepez, Michael Lavender, Michael Rye OBE & Andrew Stafford.

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DECLARATIONS OF INTEREST

None received.

EXTRAORDINARY COUNCIL - 23.12.2014

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ORDER OF BUSINESS

Councillor Elaine Hayward moved and Councillor Neville seconded a proposal to change the order of business on the agenda under paragraph 2.2 (page 4-5) of the Council's procedure rules as follows:

- To consider Item 3.2 (Motion in the name of Councillor Taylor regarding the approach towards budget setting) in advance of Item 3.1 (Motion in the name of Councillor Cazimoglu regarding Chase Farm Hospital).

The change in order of the agenda was not agreed after a vote, with the following result:

For: 20

Against: 32

Abstentions: 0

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MOTIONS

1.1 Councillor Cazimoglu moved and Councillor McGowan seconded the following motion:

“The Council is disappointed that Government Policy and chronic underfunding of our local Barnet Chase Farm NHS Trust has forced a takeover by the Royal Free London NHS Trust.

The hospital is currently underfunded by £35m a year and will need over £175m just to sustain it over the next five years.

We urge the Government to adequately fund the rebuild of the hospital so that it meets the needs of Enfield residents now and into the future.

Council further call upon the NHS Trust to preserve, by covenant, the footprint for health services on the Chase Farm site, for health services in perpetuity.

Council further believes that the failure of David Cameron and Nick de Bois to honour their promise to save A&E at Chase Farm site makes residents sceptical about the future. The Council has not heard any reasonable explanation for this failure to honour their promise and believes it would be in the public interest for them to explain.

The Council instructs the Leader of the Council to write to the MP for Enfield North and the PM to raise the concerns of the Council.”

Following a short debate Councillor Stewart moved and Councillor Taylor seconded procedural motion 12.12 (a) (ii) “that the question be now put”. The Mayor felt there had been sufficient discussion on the matter so put the motion to the meeting, which was agreed without a vote.

EXTRAORDINARY COUNCIL - 23.12.2014

The Mayor then put the motion straight to the vote, which was agreed, with the following result:

For: 34

Against: 19

Abstentions: 0

1.2 Councillor Fonyonga moved and Councillor Taylor seconded the following motion:

“Council notes that:

- 1) Working people are now £1,600 plus a year worse off than in 2010;
- 2) Business investment trails our international competitors;
- 3) The 1% tax cut for top earners takes £3 billion away from vital public services;
- 4) The need for food banks in Enfield is growing;

Council further notes the unfunded tax pledges of the Conservative Government in the Autumn Statement, and the Deputy Prime Minister’s accusation that the Government was ‘kidding the public’.

The Council agrees that any political group represented on the Council is irresponsible if it does not appreciate the calamity of Government economic and fiscal policy and its impact on ordinary people in Enfield.

Council condemns any politicians, local or National, who seek to ignore the impact of Government cuts on the difficult decisions Councils have to take.

Council agrees:

- a) To take a responsible approach to budget setting in 2015-18 and expects any suggestions for growth, or protected spending, to be aligned with proposals for reductions elsewhere in the budget, to meet the £75 million plus pressures on the Councils’ budget.
- b) To write to the 3 local MP’s asking them to confirm their opposition to the Conservative Government’s plan for excessive future cuts to public services as identified by the IFS, and to call for adequate funding for the London Borough of Enfield to preserve vital public services.”

Before proceeding any further with consideration of the motion, Councillor Taylor moved and Councillor Achilleas Georgiou seconded procedural motion 12.12 (a) (iii) “to adjourn the debate” in order, given the time of the meeting, to allow more detailed debate at the next Council meeting

Given the time of the meeting, the Mayor put the procedural motion to the vote and it was agreed, with the following result:

EXTRAORDINARY COUNCIL - 23.12.2014

For: 32
Against:0
Abstentions: 19

AGREED that further consideration of the motion be adjourned to the next normal Council meeting on 28 January 2015 for consideration, where it would be placed at the start of the Council agenda for consideration following Opposition Priority Business

**110
COUNCILLOR QUESTIONS**

NOTED the one question on the Extraordinary Council agenda which had received a written reply from the relevant Cabinet Member.

**111
END OF MEETING**

Having dealt with the items of business on the agenda, as listed above, the Mayor advised that the second Extraordinary Council meeting of the evening had been concluded.

Opposition Priority Business: Management of the Council's Finances

1. Background
 - 1.1 In May 2010 the outgoing Treasury Secretary, Liam Byrne, left a note for the incoming minister David Laws stating that “there’s no money left”.
 - 1.2 No such note was left for the incoming Enfield Council Labour administration due to the fact that under the previous Conservative led administration the Local Authority was left in a sound financial footing.
 - 1.3 It now transpires that the Labour leader, Ed Miliband, and the Shadow Chancellor, Ed Balls, knew of the impending financial crisis some 10 months before it happened.
 - 1.4 Despite the coalition’s policy of financial realism recognising no modern government can indefinitely spend more than it raises is sound, Labour in Enfield and Labour nationally condemned the policy as “cuts that were too deep too fast” and would not work.
 - 1.5 The US President, Barack Obama, and the IMF Chief, Christine Lagarde, have however praised the coalition’s economic policies, the latter noting that “Britain’s economic growth is inclusive, sustainable and a positive model for struggling European states”.
 - 1.6 Despite having full knowledge that any incoming administration would be faced with difficult financial circumstances, in its 2010 manifesto the Labour Administration refused to note this and instead promised further spending. Their 2014 manifesto was even more disingenuous as it was prepared against a known background of further and precise reductions in local government spending which had been announced by the Chancellor in 2013, but for which Labour in Enfield had made no plans whatsoever beyond what the Conservatives were doing using the LEANER programme which the Administration had introduced in 2006/7 in order to make the council more efficient. So Labour went to the electorate in 2014 with no specific plans to deal with the known reductions. Their answer was as always, more borrowing, a policy that the Conservative opposition rejects. Much of it is for expenditure that does not offer the Council taxpayer value for money, and ignores the fact that irrespective of remaining within the prudential borrowing limits, all borrowing comes at a cost and has to be repaid from revenue at a time when the revenue budget is being squeezed. The effect is to ensure that either council tax has to rise, not a real option in the absence of a referendum in support, or further reductions in expenditure are required. Thus we see proposals such as not locking park gates at night, reducing road gritting etc. we are also concerned at the pursuit of creative accounting to get around the local government accounting rules differentiating revenue and capital expenditure.

- 1.7 We are also concerned that the level and standard of the consultation on the local authority budget for both residents and business was inadequate, as with much else of their consultation procedures in other areas.
- 1.8 In summary, between 2010 and 2014 the Labour Administration failed to make significant and difficult financial decisions. The cumulative savings made to date would have meant that the local authority would be on a better financial footing today and would not be having to look at saving relatively small sums which have large impact on services.

2. Recommendation

- 2.1 In view of the serious problems it faces, the Council agrees to instruct the Audit committee, being a cross party committee, to specifically review the accounting policies of the council, monitor its borrowing levels, regularly review the council's financial position and review the whole budget consultation process to ensure it is meaningful and democratic going forward.

Terry Neville OBE JP
Leader of the Opposition

13. OPPOSITION BUSINESS

(Updated: Council 23/1/08 & Council 1/4/09 & Council 11/11/09 & Council 29/1/14)

13.1 The Council will, at four meetings a year, give time on its agenda to issues raised by the Official Opposition Party (second largest party). This will be at the 1st meeting (June), and then the 3rd, 4th and 6th meetings out of the 7 ordinary meetings programmed each year (unless otherwise agreed between the political parties). A minimum 45 minutes will be set aside at each of the four meetings.

13.2 All Council meetings will also provide opportunities for all parties and individual members to raise issues either through Question Time, motions or through policy and other debates.

(Updated: Council 11/11/09)

13.3 The procedure for the submission and processing of such business is as follows:

- (a) The second largest party shall submit to the Assistant Director, Corporate Governance a topic for discussion no later than 21 calendar days prior to the Council meeting. This is to enable the topic to be fed into the Council agenda planning process and included in the public notice placed in the local press, Council publications, plus other outlets such as the Council's web site.
- (b) The Assistant Director, Corporate Governance will notify the Mayor, Leader of the Council, the Chief Executive and the relevant Corporate Management Board member(s) of the selected topic(s).
- (c) Opposition business must relate to the business of the Council, or be in the interests of the local community generally.
- (d) If requested, briefings on the specific topic(s) identified will be available to the second largest party from the relevant Corporate Management Board member(s) before the Council meeting.
- (e) No later than 9 calendar days (deadline time 9.00 am) prior to the meeting, the second largest party must provide the Assistant Director, Corporate Governance with an issues paper for inclusion within the Council agenda. This paper should set out the purpose of the business and any recommendations for consideration by Council. The order in which the business will be placed on the agenda will be in accordance with paragraph 2.2 of Part 4, Chapter 1 of this Constitution relating to the Order of Business at Council meetings.
- (f) That Party Leaders meet before each Council meeting at which Opposition Business was to be discussed, to agree how that debate will be managed at the Council meeting. (Updated: Council 11/11/09)
- (g) The discussion will be subject to the usual rules of debate for Council meetings, except as set out below. The Opposition business will be

conducted as follows:

- (i) The debate will be opened by the Leader of the Opposition (or nominated representative) who may speak for no more than 10 minutes.
- (ii) A nominated member of the Majority Group will be given the opportunity to respond, again taking no more than 10 minutes.
- (iii) The Mayor will then open the discussion to the remainder of the Council. Each member may speak for no more than 5 minutes but, with the agreement of the Mayor, may do so more than once in the debate.
- (iv) At the discretion of the Mayor the debate may take different forms including presentations by members, officers or speakers at the invitation of the second largest party.
- (v) Where officers are required to make a presentation this shall be confined to background, factual or professional information. All such requests for officer involvement should be made thorough the Chief Executive or the relevant Director.
- (vi) The issue paper should contain details of any specific actions or recommendations being put forward for consideration as an outcome of the debate on Opposition Business.
(Updated: Council 22/9/10 & Council 29/1/14)
- (vii) Amendments to the recommendations within the Opposition Business paper may be proposed by the Opposition Group. They must be seconded. The Opposition will state whether the amendment(s) is/are to replace the recommendations within the paper or be an addition to them.
- (viii) Before the Majority party concludes the debate, the leader of the Opposition will be allowed no more than 5 minutes to sum up the discussion.
- (ix) The Majority Group will then be given the opportunity to say if, and how, the matter will be progressed.
- (x) If requested by the Leader of the Opposition or a nominated representative, a vote will be taken. (updated Council: 22/9/10)

MUNICIPAL YEAR 2014/2015 REPORT NO. **154**

MEETING TITLE AND DATE:

COUNCIL, 28th January 2015

REPORT OF:

Director of Finance, Resources and Customer Services

Contact Officer: Kate Robertson

Kate.robertson@enfield.gov.uk

Agenda – Part: 1	Item: 9
Subject: Council Tax Support Scheme/Council and Business Rate taxbase 2015/16	
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 not to change the Council Tax Support Scheme for 2015/16 other than to include statutory regulation amendments and national uprating of social security benefit rates. Appendix 1 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. The report also recommends the 2014/15 council tax and business rate bases (Appendix D and E) along with minor amendments to business rate relief for 2015/16.

2. RECOMMENDATIONS

2.1 That Council agrees the Local Council Tax Support Scheme for 2015/16 as shown at Appendix A.

2.2 Pursuant to this report (see Appendix D for full detail) and in accordance with the Local Authorities (Calculation of the Tax Base) (England) Regulations 2012, the amount calculated by the London Borough of Enfield as its Council Tax Base for 2015/16 shall be 91,714 Band D equivalents.

2.3 Agree the Department for Communities and Local Government NNDR1 business rate base return for 2015/16 (Appendix E). Please note this appendix has been marked as "To Follow".

<i>Author</i>	Krobertson	<i>Classification</i>	PROTECT	<i>Date of First Issue</i>	1/11/13
<i>Owner</i>	frcs	<i>Issue Status</i>	DRAFT	<i>Date of Latest Re-Issue</i>	
<i>Version</i>	1.0	<i>Page</i>	1 of 8	<i>File name</i>	Cts 2014

2.4 Agree the amendment to the discretionary rate relief scheme as set out at 2.2 of Appendix E

2.5 Agree the extension of the business rate transitional scheme as detailed in 2.3 of Appendix E

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 not to change the Council Tax Support Scheme for 2015/16 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). The 2015/16 scheme has been amended to include the provisions of the Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014 which come into force on the 12th January 2015 but do not apply to local schemes until 1 April 2015. As well as upratings, minor amendments in terminology, the new legislation restricts the availability of council tax support in line with the amendments which were made by the Housing Benefit (Habitual Residence) Amendment Regulations 2014.

4. REVIEW OF THE OPERATION OF THE COUNCIL TAX SUPPORT SCHEME TO DATE.

4.1 Collection of Council Tax has been monitored closely 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. Wherever possible the Council is seeking to agree payment arrangement plans or attachments to earnings/benefits.

- 4.2 The projected council tax base income levels for council tax support cases were exceeded in the first year of the scheme. It is estimated that the council will achieve the ultimate council tax collection rate of 97.33% for 2015/16, an increase of 0.46%. This is based on ultimate collection rates of 85% and 98% for council tax support and non-council tax support payers respectively.
- 4.3 In recognition of the difficulties faced by local households, the Council introduced and has maintained a discretionary council tax hardship scheme funded by Government grant up to 2014/15 which has been set aside in reserves for this purpose. Households facing exceptional financial hardship can apply to the scheme and receive help with their council tax. 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 of the scheme. It is anticipated that this fund will roll over into 2015/16. At the time of writing this report the provisional Local Government Finance Settlement had cut the grant in 2015/16. Once the reserve has been exhausted there is currently no funding available to meet future costs.
- 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. For 2014/15 the Council amended the scheme to extend the exemptions so that, in addition to pensioners and war widows who are already protected, the claimants in receipt of 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 including the care and mobility components, Personal Independence Payments, enhanced daily living or mobility component only.
 - working age foster carers recruited, trained and supported by Enfield Council in receipt of Council Tax Support
- 4.5 A key principle of the scheme agreed by Council was that it is a “fully funded scheme” by Government grant 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. The government incorporated this grant into general government funding which has been reduced over recent years. The Council must now manage the scheme as part of the budget process rather than a ‘fully funded scheme’.

5. CONSULTATION ON 2015/16 SCHEME

- 5.1 The Council consulted on the Local Council Tax Support Scheme for 2015/16. The consultation closed on the 28th November 2014 and was available on the Council's website, at council reception points, libraries and was sent to local voluntary and community organisations. A press release was issued to over 70 media outlets and promoted through facebook and twitter. The proposed scheme subject to consultation for 2015-16 retains the current scheme and protects Council Tax Support recipients from further government funding reductions imposed on the Council.
- 5.2 As can be seen from Appendix C, the majority of comments regarding the scheme were in favour of keeping the existing scheme unchanged.
- 5.3 The Greater London Authority responded to the Council's public consultation on the 28th November 2014 and encouraged all billing authorities to have regard to the Governments broad principles when developing their schemes. These are:
- Pensioners see no change in their current level of awards whether they are existing or new claimants
 - That billing authorities consider extending support or protection to other vulnerable groups
 - Local schemes should support work incentives and in particular avoid disincentives to move into work.
- 5.4 Enfield's proposed scheme has existing protection for pensioners. In 2014/15, support and protection for vulnerable groups was extended (see paragraph 4.4 above) and tapers and applicable amounts remain based on national social security rates.
- 5.5 The GLA also suggested billing authorities review the challenges of collecting relatively small sums of money from claimants on low incomes who may not be able to pay by automatic payment mechanisms. The Council has extended the use of payment kiosks as detailed in paragraph 4.1 following the introduction of the scheme and has also reviewed estimated collection rates based on the experiences in the first two years of the localised scheme.

6. PROPOSED AMENDMENTS TO THE SCHEME

- 6.1 All aspects of the Council Tax Support Scheme remain the same as in 2014/15 except the statutory changes detailed above and for the calculation of allowances and premiums for working age claimants which will continue to be uprated in accordance with relevant uprating of social security benefit rates and any statutory amendments contained within The Council tax reduction schemes (Prescribed Requirements) (England) (Amendment) (No2) Regulations 2014 - SI 2014 No 3312).

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 The Council has also considered amending the scheme. However the experience of the first year and a half of the scheme suggests ultimate collection rates remain uncertain and Government funding continues to be cut. The level of reduction of 19.5% was based on the scheme being fully funded and calculated using the number of CTS recipients, collection rates, the council tax support grant announced in 2013/14 and the cost of protecting pensioners and other protected groups. Without longer term collection data, it is not recommended to change the percentage as at this stage as there is no evidence of either a significant reduction in claimants. Since 2013/14 government funding has reduced including the CTS element. Any change to the percentage would be likely to result in increasing the budget pressure on the council which is likely to impact most of the vulnerable in the borough. The Government has confirmed that they will not be providing a transitional grant this year.
- 7.2 Given the Government reductions in Council funding for future years it is likely that the Council will undertake a consultation exercise as early as main council tax billing this year for the 2016/17 council tax support scheme outlining a range of funding options.

8. REASONS FOR RECOMMENDATIONS

- 8.1 The recommendations contained in this report follow an assessment of options, experience of operating the scheme to date, the lack of longer term collection data, the Equality Impact Assessment and the consultation. The recommended changes introduced last year 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 and are recommended to be continued next year.

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

9.1 Financial implications

The agreed council and business rate tax bases will be built into the 2015/16 budget and council tax to be recommended to Council on 25th February.

9.2 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 2015/16, it is obliged to undertake a full consultation with persons likely to be affected and such persons considered as likely to have an interest in the operation of the scheme ahead of adopting a scheme.

The proposals for amendment to the Council Tax Support Scheme for 2015/16 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, including foster carers and categories of 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 recommended proposals for the Council Tax Support Scheme 2015/2016 in this report will strengthen protection for vulnerable groups mentioned, 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. This report also adopts the amendments in the Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No 2) Regulations 2014.

9.3 Property Implications

None

9.4 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 was a risk that collection rates may be over or under stated. The Council has adjusted anticipated ultimate collection rates in the scheme for 2015/16 based on experience to date. 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, 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

Appendix D – Council tax base

Appendix E – Business rate base - To Follow

Enfield Council

Council Tax Support Scheme 2015/16

Appendix A to Council report

28th January 2015

Enfield Council Council Tax Support Scheme 2015/16

as approved by Council 28th January, 2015



**Enfield Council
Council Tax Reduction Scheme 2015/16**

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PART 1

Introduction

Introduction

1. This scheme relates to the financial year beginning with 1st April 2015 and may be cited as the London Borough of Enfield Council Tax Support Scheme 2014/15.

PART 2

Interpretation

Interpretation

1.—(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);

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- (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(d) as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 (e).

“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;

(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 (c33); 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) 1995 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;

(a) 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 the Employment, Skills and Enterprise Scheme;

(b) 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);

(c) a landlord authority in consequence of a function under section 105 of the Housing Act 1985(d);

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

(e) a public authority in consequence of a function under section 149 of the Equality Act 2010(f);

(f) a best value authority in consequence of a function under section 3 of the Local Government Act 1999(g);

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

(h) 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);

(i) a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006(j);

(j) the Care Quality Commission in exercise of a function under section 4 or 5 of the Health and Social Care Act 2008(k);

(k) 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

(l) a public or local authority in Great Britain in consequence of a function conferred under

any other enactment.

References in these Regulations to an applicant participating as a service user are –

- (a) a person who is being consulted by or on behalf of –
 - (1) a body which has a statutory duty to provide services in the field of health, social care or social housing; or
 - (2) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services, in their capacity as a user, potential user, carer or a user or person otherwise affected by the provision of those services; or
 - (3) the carer of a person consulted as described in sub-paragraph (a) where the carer is not being consulted as described in that sub-paragraph.

“single applicant” means an applicant who neither has a partner nor is a lone parent;

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

- (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

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- (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, and 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;
- (b) a person to whom section 6 of the Children (Leaving Care) Act 2000(b) (exclusion from benefits) applies or
- (c) entitled to an award of universal credit.

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.

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- (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 to 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 or placed 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);

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- (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 the Children's Hearings (Scotland Act 2011 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

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- (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

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);
- (b) Regulation 14 of the EES Regulations, but only in a case where the right exists under that Regulation because the person is –
- (c) (i) a jobseeker for the purpose of the definition of ‘qualified person’ in regulation 6(1) of those Regulations, or
- (d) (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
- (e) (ab) Article 45 of the Treaty on the functioning of the European Union (a) (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland);

(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 who has been granted or who is deemed to have been granted leave outside the rules made under section 3(2) of the immigration Act 1971(b) where that leave is –
- (f) (i) discretionary leave to enter or remain in the United Kingdom
- (g) (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012 or
- (h) (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulation 2005.
- (i) a person who has humanitarian protection granted under those rules;
- (j) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 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.
- (k) (i) in receipt of income support, in receipt of an income-based jobseeker’s allowance and has a right to reside other than a right to reside falling within paragraph (4) or an income related employment and support allowance
- (l) (ii) a person who is treated as a worker for the purpose of the definition of ‘qualified person’ in regulation (6)1 of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker authorisation) Regulations 2013 -e (right of residence of a Croatian who is an ‘accession state national subject to worker authorisation).

(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.—Subject to paragraph 1A

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

Paragraph 1A - A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance done in Paris on 11 December 1953 or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18 October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph (1)

(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 of either party to the marriage who is additional to the party to the other 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—

- (e) 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;
- (f) 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;
- (g) 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);
- (h) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums);
- (i) 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)**);
- (j) 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

26a.—(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

27.—(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

28.—(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) The support component of Employment Support Allowance;
 - (iii) Higher Rate Disability Living Allowance including care and mobility components;
 - (iv) Personal Independence Payment (enhanced daily living or mobility component only)

(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).

(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

29.—(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, £3.74 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 £189.00, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b); is £3.74
- (b) not less than £189.00 but less than £328.00, the deduction to be made under this paragraph is £7.52;
- (c) Not less than £329.00 but less than £408.00, the deduction to be made under this paragraph is £9.49.
- (d) Not less than £408.00. The deduction to be made under this paragraph is £20.50.

(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.
 - (iii) He is not residing with the applicant because he is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006(a) who is absent, while on operations, from the dwelling usually occupied as their home.

(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 who is entitled to an award of

universal credit where the award is calculated on the basis that the person does not have an earned income.

- (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

30.—(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

31.—(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-employers 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 or the employment and support Allowance Regulations 2013 (a)
- (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 has ceased to be payable by virtue of 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 national insurance 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 national insurance 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) national insurance 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 national insurance 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).

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), and 9 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.
 - (d) Where housing benefit is in payment no new application for council tax support will be required following a change in circumstances as the existing housing benefit claim form will be accepted for both schemes.
- 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) £151.20;
(b) aged 65 or over.	(b) £166.05.
(2) Couple—	(2)
(a) both members aged under 65;	(a) £230.85
(b) one or both members aged 65 or over.	(b) £248.28

- (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) £230.85
- (b) for each additional spouse who is a member of the same household as the applicant. (b) £82.26.
- (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) £248.28
- (b) for each additional spouse who is a member of the same household as the applicant. (b) £82.26.
-

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) £66.90;
(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) £66.90.

(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 £17.45..

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) £61.85
(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) £61.85
(ii) in a case where there is no-one in receipt of such an allowance.	(ii) £123.70.
(2) Enhanced disability premium.	(2) £24.43 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) £60.06 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium.	(4) £34.60. 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) £73.10
(b) is aged not less than 25;	(b) £73.10
(c) is aged not less than 18 but less than 25.	(c) £57.90.
(2) Lone parent.	(2) £73.10.

(3) Couple. (3) £114.85.

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;	£66.90
(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.	£66.90

(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, £17.45.

(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) £31.25.
(b) where the applicant satisfies the condition in paragraph 9(b).	(b) £45.95.
(2) Severe Disability Premium—	(2)
(a) where the applicant satisfies the condition in paragraph 11(2)(a);	(a) £61.85
(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) £61.85
(ii) in a case where there is no-one in receipt of such an allowance.	(b)(ii) £123.70
(3) Disabled Child Premium.	(3) £60.06 in respect of each child or young person in respect of whom the condition specified in paragraph 13 is satisfied.
(4) Carer Premium.	(4) £34.60 in respect of each person who satisfies the condition specified in paragraph 14.
(5) Enhanced disability premium	(5)
	(a) £24.43 in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied;
	(b) £15.75 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) £22.60 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 £29.05.

24. The amount of the support component is £36.20.

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 £187.00 per week;</p> <p>(ii) is not less than £187.00 per week but less than £243 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> |
|---|--|
-

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 Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005.
- (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

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 the Scottish Fire and Rescue Service established under Section 1A of the Fire (Scotland) Act 2005.
- (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;

- (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);

(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,

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.
- (f) By way of occasional assistance including arrears and payments in lieu of occasional assistance (and in this paragraph ‘occasional assistance’ has the same meaning as in paragraph 16 of Schedule 1).

(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;
- (o) income-related employment and support allowance or social fund payments under Part 8 of the SSCBA..

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,
 - (f) paragraph 18 of the Schedule 10 to the Universal Credit Regulations 2013.

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)
- (f) A payment made under the Age Related Payments Regulations 2013.

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.

0 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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Reference –

Statutory Instrument 2013 No. 3181 – The Council Tax Reduction Scheme (Prescribed Requirements) (England) (Amendment) Regulations 2013

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London Borough of Enfield

Council Tax Support Scheme

Equalities Impact Assessment.

Appendix B to Council Report – 28th January 2015

Predictive: assessing and analysing proposed changes to services, policies and budgets

Enfield Council

Predictive Equality Impact Assessment (EQIA) - Equality Analysis

**COUNCIL TAX SUPPORT
SCHEME FOR 2015/16
NOVEMBER 2014**

**Predictive equality impact assessment/equality analysis
template**

Proposed change to service/policy/budget	Council Tax Support Scheme for 2015/16
Officer completing the assessment	Geoff Waterton
Extension Number	4788
Service	Revenues and Benefits
Department	Finance , Resources and Customer Services (FRCS)
Date impact assessment completed	21/11/14

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 2015/16.

Q2. Please provide a brief description of the proposed change(s) to the service/ policy/budget

In light of the experiences of administering the scheme since 1st April 2013, it is proposed to make the following amendments:

- Increase the scheme assessment premiums and applicable amounts in accordance with the national uprating of social security benefit rates.
- Include the restriction to council tax support made by the Housing Benefit (Habitual Residence) Amendment Regulations 2014.

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 scheme includes the changes made last year to reduce the 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. Income uprating maintains the level of support in real terms. The Habitual Residence amendment is a statutory change.

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.
D	Consultation results will be published as an appendix to the decision report.
G	Consultation results will be published as an appendix to the decision report.
A	Consultation results will be published as an appendix to the decision report.
F	Consultation results will be published as an appendix to the decision report.
S	Consultation results will be published as an appendix to the decision report.
T	Consultation results will be published as an appendix to the decision report.
M	Consultation results will be published as an appendix to the decision report.
P	Consultation results will be published as an appendix to the decision report.

Section 3 – Assessment of impact

Q8. Please describe any other relevant research undertaken to determine any possible impact of the proposed change	
	Not applicable as the impact of uprating is favourable and the new scheme restriction is statutory.
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 <u>information</u> 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 to restrict access to means tested benefits for nationals of EEA countries is a Government amendment to limit access to benefits for those whose right to remain in the UK is based on their status as a job seeker. This may impact on specific communities living in deprived wards.

People not in employment, education or training

The impact of this change to restrict access to means tested benefits for nationals of EEA countries is a Government amendment to limit access to benefits for those whose right to remain in the UK is based on their status as a job seeker. This will include EEA nationals not in employment.

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 overall reduction in support for working age claimants but this level of support has not changed since 2013.

People living in social housing

It is highly unlikely that EEA nationals will have access to 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

It is not known how many EEA Nationals seeking work will be in poor health.

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?

The restriction for job seeking EEA nationals may affect social services teams.

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 2016

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 2015/16.....

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 2015	Within existing resources	

Please insert additional rows if needed

APPROVAL BY THE RELEVANT ASSISTANT DIRECTOR - NAME...Kate Robertson.....SIGNATURE.....

Enfield Council

Council Tax Support consultation for 2015-16.

Appendix C to Council Report – 28th January 2015

<i>Author</i>	Krobertson	<i>Classification</i>	PROTECT	<i>Date of First Issue</i>	1/11/14
<i>Owner</i>	frcs	<i>Issue Status</i>	DRAFT	<i>Date of Latest Re-Issue</i>	
<i>Version</i>	1.0	<i>Page</i>	1 of 13	<i>File name</i>	Cts 2015

51 responses were received and a summary is provided below.

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.

34 – 66.7% Yes

12 – 23.5% No

5 – 9.8% 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.

30 – 58.8% No, keep the protected groups as they are

21 – 41.2% Yes, change the protected groups

2a) If 'yes', what groups would you give 100% Council Tax Support to?

- low income families and pensioners

- those who are carers and get a low wage ie less than 16 hours a week and getting carers allowance should be protected and get 100 council tax support they are not getting the protection at the moment i speak from personal experience

- Local purchase tax. That way everyone pays.

- Low income peoples

- People affected by the Benefit Cap and Bedroom Tax who would otherwise be eligible to apply for a discretionary Housing Payment

- young single person unemployed no kids

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- There are a lot of genuine people with disabilities that should be entitled. Personally foster carers should pay something towards their Council Tax - as I believe they are paid enough via Fostering.
- Pensioners
- Disabled people
- People who need it the most ie unemployed
- People who are I. Low incomes old age pensioners disabled people etc
- Primary Carers
- Adults with severe learning disabilities Other groups of disabled adults in the esa support group Carers
- Those on benefits who are unable to work disabled and their carers
- all disabled people receiving PIP or DLA
- all disabled people
- all disabled people not limited to those on higher rate benefits

3. In order to qualify for Council Tax Support, people must have less than £16,000 in savings. Should we reduce this level?

27 – 52.9% No, keep it the same

18 – 35.3% Yes, reduce it

6 – 11.8% Don't know

4. This year, the Government has reduced the Council's funding by a further 20%. Should we protect council tax support recipients from having to pay more or pass on this reduction and ask working age recipients of council tax support to pay a bigger contribution? If we passed on the reduction in funding, the contribution they would need to pay would increase from 19.5% to 24%.

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This would mean a 23% increase in payments for some households and an increase in bad debt provision, but would reduce the Council's overall savings target and protect other services.

29 – 56.9% No - keep the 19.5% contribution rate

19 – 37.3% Yes – pass on the reduction and increase the contribution

3 – 5.9% Don't know

5. The Council is only allowed to change exemptions and discounts relating to empty and second homes. Currently the Council does not provide any discount for second homes and only 1 months discount for empty homes. Are there any changes you would want to see to the discounts for empty or second homes?

11 – 21.6% Yes

30 – 58.8% No

10 – 19.6% Don't know

5a) What changes would you make?

- Properties that have been inherited should have a period of exemption. Uninhabitable properties where the owner has no means to update should have a period of exemption.

- pay tax as they still use services of the borough

- Chase the owners of empty homes and make them pay a tax by the month for the number of months a home is left empty

- I agree with no empty property exemption but think second properties should get a discount at discretion.

- There should be no discount for second homes or empty homes. Exceptions should be given if the owner is ill long term and is in hospital or if the owner has died and relatives are in the process of selling it no matter how long it takes.

- Possibly a discretionary option - e.g. relative dies family in receipt of benefit but cannot afford payments and can't sell the property without Probate being granted.

- 6 months for empty unocc properties

- No exemption at all

- Where someone has gone into a care home and are not funded by the council. e.g. self funding they should not pay council tax on their empty home for 2 years.

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- Refurbished homes and flats and reassess people's needs who are desperately need a home governments need to look at each case a properly to see who needs the most help
- cheaper council tax on your second home. It very hard to get on the ladder of property and once you are on there you should be helped and praised not penalised.
- no discount for empty homes
- restore 10% discount for second homes to reflect lesser call on council services.
- extend empty homes discount to 3 months for property uninhabitable by virtue of building work or being actively marketed.

6. 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?

13 – 25.5% Yes

29 – 56.9% No

9 – 17.6% Don't know

7. 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

Increasing the amount paid by people who don't need relief. Things are desperate for the poorest people and we will all pay a dreadful price in the future with a generation who were malnourished as children and brought up in homes where financial pressure was a major emotional stress on the parents. I would also like to see the cost of liability orders reduced for Council Tax debt.

As Chief Executive of Enfield Carers Centre I write on behalf of Carers in the borough to thank Enfield Council for their decision in April 2014 to ensure that Carers who qualify for the council tax support scheme were also exempt from the requirement that all other working age claimants faced (paying 19.5%). I have been made personally aware of the value of this by some of our working age Carers who benefitted from this exemption and who were very often in receipt of state benefits and living with very stressful and demanding caring responsibilities. The exemption went a long way

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to relieving some of the financial stress they face and in turn their personal mental health. I urge Enfield Council on behalf of carers such as these and others yet to benefit from the exemption to continue including working age carers who qualify for council tax support and recognising them as a protected group.

Common sense, compassion and fairness for all should be considered in all cases.

As a professional already paying full council tax you cannot expect us to fund other groups. Everyone should have to pay council tax as they are using the services. If you raise the rates again what the point of staying in the borough as a professional might as well move to another borough. Enfield already has a reputation for other councils to dump their welfare tenants into this borough. There has got to be a balance.

Don't target the lone individual who for one reason or another is not working. Don't target those carers with children and or adults with disabilities because they are a soft target.

Where older people have to be in a care home and are self-funding they should not pay council tax on their empty home.

I strongly believe that pensioners should not need to pay any form of council tax. Also single parents although they may be eligible for 25% reduction could do with some help. I am a single mum with 2 school age children and feel my monthly payment to be very high.

If people can afford more than one home - let them pay for that privilege - so many young people cannot afford to get their own space and experience independent living and self - development - because too dear a price/cost to pay for this sort of opportunity - rentwise - and no decent places available! We as a community need more police and that relationship built on again - and the Council really needs to listen to its people residents ... broadly.

The Council's Support Scheme is supporting those who are the most vulnerable in our society. This group of people have already been subjected unfairly to the new Welfare Benefits system without due care and attention despite legislation that ironically should be protecting this group. They did not choose to be disabled vulnerable old mentally ill etc. or indeed carers. They do their best given the circumstances. You should target those people who are able and unwilling to work.

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I BELIEVE EVERYONE SHOULD PAY COUNCIL TAX.EVEN PEOPLE ON BENEFITS SHOULD PAY AS IT IS PROVED THE UNEMPLOYED USE MORE OF THE SERVICES THAT YOU PROVIDE SO ITS ABOUT TIME THEY CONTRIBUTED TOWARDS THE COSTS INSTEAD OF HARD WORKING PEOPLE WHOM ARE ALWAYS DIGGING INTO THEIR POCKETS

We are particularly concerned about the impact that council tax minimum payments have on women children and people with disabilities. In Enfield 37 of children are growing up in poverty the 7th highest rates in the UK. Increasing council tax payments acts to push these households further into poverty and reduce the money they have to spend on the essentials. Children in lone parent households are twice as likely to be in poverty (Households Below Average Income) and so will be affected by the council tax support scheme. 92 per cent of lone parents are women (ONS). In addition people with disabilities are more likely to be living on a low income and so will be affected by the scheme. Although Enfield provides 100% support to people receiving higher rate disability payments people with disabilities not eligible for these payments are expected to make council tax payments. They also face additional barriers to entering and progressing in employment and are more likely to be living on a low income.

The council must protect the most vulnerable in society. Proportionately the disabled have been the hardest hit by the 'austerity 'measures any further financial pressures will mean severe hardship and vulnerable people may have to go without the basics in life.

Make those in receipt of carer's allowance pay Council Tax

Please go to job centres to see what is going on Claimants should be examined for 1 Boy friends/partners as probably both are claimants and know the system 2 what car is owned 3 what TVs %26 electronic systems are owned 4 Phone% mobiles owned 5 Other4 assets We are too namby pamby

I should like to see an increase in Council Tax for those who are not in receipt of Council Tax Support. There are very many affluent residents of this borough who could and should expect to see an increase in their Council Tax. It is important to protect services for vulnerable people rather than keep costs down for those who have seen their incomes rise.

The council tax proposal will probably affect families that have children ages 16%2B and the children do not work. This will be a good thing and will hopefully push the younger generation to further their education and look for jobs etc. Families with teenage children can not rely soely on reductions and benefits.

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People in receipt of benefits pensioners who only receive basic state pension and the disabled who are unable to work appear to be mostly affected. Ensure these groups are able to make repayments over a 12 month period and do not instruct debt collectors which results in the debt becoming larger until all options have been explored

The scheme is in default of the Valuation Tribunal Guidance and the Supreme Court decision in Rogers

8. Please provide any additional comments you would like to make including any alternative options you would like us to consider.

I think that the scheme adversely affects a number of groups but I am particularly concerned about people with a mental illness. The work capability assessment test has been shown to be inaccurate with regard to people who have a mental illness. They are put on JSA when they should be on ESA (WRAG) or on ESA (WRAG) when they should be in the support group. Sometimes they may even be put on JSA when they should be on WRAG (support). Many of these wrong decisions are overturned on appeal but not all. Plus the appeal process is slow so people are on the wrong benefit for some time leaving them in great financial hardship. To compound matters the benefit changes are actually making people ill. I would like to see JSA and ESA (WRAG) both getting 100% relief. I would happily pay more to make this happen.

Please do not underestimate the value of the protecting working age carers exemption. Each Carer saves the Council and NHS thousands of pounds for each year that they continue supporting a disability service user. As a result Carers are often living with very stressful and demanding caring responsibilities. The council tax exemption went a long way to relieving some of the financial stress they face and in turn their personal mental health

would like to use this opportunity to call for a reduction in the minimum pay required under Enfield Council Tax Support (CTS) Scheme. Our research on the impact of the localisation of Council Tax Benefit has shown that the minimum payment required by the council CTS scheme is already pushing Enfields most deprived residents deeper into poverty. Continuing the scheme in its current form would only serve to entrench this. Benefits are supposedly calculated on the basis of providing the minimum necessary to live on yet they fall far short of Minimum Income Standards (the amount required for a minimum acceptable living standard for more information see <http://www.jrf.org.uk>. For a single person over the age of 25 the weekly Job Seekers Allowance is only 39% of their minimum income standard and for a couple with two children their benefits only provide 57% of what is required for an acceptable standard of living. Working households are also struggling. Recent CPAG research found that even families where both parents are working full time at the national minimum wage are 18 per cent shy of the income required to support two children at a minimum level (<http://www.cpag.org.uk/cost-child-2014-0>). In Enfield all working age residents (apart from the exempted groups) are expected to pay a minimum of 19.5% of their council tax bill regardless of their level of income. For the majority of CTS claimants in Enfield this minimum payment has to come out of benefits which are already insufficient to provide for the basics of life and in many cases have already been reduced by other welfare reforms. This means that over 26 000 residents have been placed in the impossible situation of trying to cut down their food utility bills or other essential costs in order to pay their council tax. For example a single unemployed person living in a Band Cts 2014 report

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D property in Enfield faces an annual charge of £3273 which is almost equivalent to four weeks or 7% of income annually. It is impossible to pay this charge without it having a serious impact on the claimant's standard of living and ability to afford essentials. Unsurprisingly our evidence shows that many Enfield residents struggle to meet the minimum payment. For example 5695 Enfield residents receiving CTR were issued with a court summons for non-payment in 2013/14. This means that 21% of working age CTR claimants in Enfield failed to keep up with payments in 2013/14. Our experience supporting vulnerable debtors tells us that the majority aren't refusing to pay they simply can't. Unfortunately this impact is not referred to in the consultation materials preventing residents from making an informed response. We are pleased to note that Enfield is not proposing to increase its minimum payment for the 2015/16 scheme.

We are concerned however that the consultation poses the possibility of increasing the minimum payment to £24 without explaining what impact this would have. Any assessment of whether the current scheme should continue or be amended should be undertaken on the basis of the fullest possible information. It is important the council takes into account the experience of the first year of the scheme using evidence on arrears rates cost of collection other impacts on claimants and comparison with other local schemes. Without providing full information as to what this means in practice to claimants (alongside information on the impact of the scheme in 2013/14) the authority has prevented Enfield residents from making an informed decision in their consultation responses. We can only hope that such evidence and information is provided to councillors in a thorough impact assessment of the 2013/14 scheme before they make the decision on the proposals. We believe that whe

re an authority insists on continuing with a minimum payments scheme they should put in place additional support to help those in genuine need who are unable to pay. We are therefore pleased to see that Enfield proposes to continue its Hardship Scheme to offer a reduction or waiver of some claimants Council Tax bills. However we note that in 2013/14 only £348,982 of the £3840,000 fund was awarded to 244 claimants. While this is more than was awarded under similar schemes in London it is still a significant underspend. This suggests that work should be undertaken to improve the targeting advertising and eligibility criteria of the scheme. For example this problem could be avoided by advertising the scheme to CTR claimants who have fallen behind on payments prior to a court summons being issued. Although we understand that the 10% funding cut has placed Enfield in a difficult situation and caused acute financial pressure experience elsewhere in London shows it is possible to find a way not to pass this cut on to the borough's poorest residents. CPAG and Z2K therefore not only oppose both proposals outlined in the consultation but also call for Enfield to abolish the minimum payment and reinstate 100% council tax support as has been done in the City of London Hammersmith & Fulham Kensington & Chelsea Merton Tower Hamlets Wandsworth and Westminster.

The council has to enforce debt collection - cannot keep writing this off

I am self employed and disabled on a low wage but I don't claim Council Tax benefit because I do not know how much I will earn from one year to the next and I do not want to be in a position where I am being told I was overpaid in benefit. I think there should be a system whereby I could evidence the amount I earned in any given financial year to get a rebate on the following financial year's council tax bill.

I don't think people with empty second homes should be charged 150% they have worked hard for it and shouldn't be penalised. What could be considered is some sort of an incentive to let their properties to the council for them to rent out considering the housing shortage.

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Obtain claimants leisure and daily activities schedule

The young generation of today should be encouraged to own their own homes etc those that do achieve securing their own home between the ages of 25 - 33 should be given a discount in their council tax for the first year or so. (only if they are living in the property - not renting it out)

The scheme fails the test in the supreme court case and appears to not follow guidance from the valuation tribunal case

watch out for the Haringey case

9. Are you responding on behalf of an organisation?

5 – 9.8%

46 – 90.2%

Section B - About you

12. Do you pay Council Tax to Enfield Council?

38 -82.6% Yes

8 – 17.4% No

13. Are you currently receiving Local Council Tax Support in Enfield?

5 – 10.9% Yes

41 – 89.1% No

14. How old are you?

0 (0.0%) Under 18 years of age 5 – 10.9% 55 - 60

2 – 4.3% 18 - 24 7 – 15.2% 61- 64

6 – 13.0% 25 - 34 1 – 2.2% Over 65 years of age

6 – 13.0% 35 - 44 3 – 6.5% Prefer not to say

16 – 34.8% 45 - 54

15. Are you male, female or transgender?

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14 – 30.4% Male
 29 – 63.0% Female

3 – 6.5% Prefer not to say

16. How would you describe your sexuality?

32 – 69.6% Heterosexual

0 (0.0%) Gay woman/lesbian

0 (0.0%) Gay man

0 (0.0%) Bisexual

13 – 28.3% Prefer not to say

1 – 2.2% 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?

4 – 8.7% Yes, limited a lot

7 – 15.2% Yes, limited a little

34 – 73.9% No

1 – 2.2% Prefer not to say

18. How would you describe your ethnic origin?

27 – 58.7%	English / Welsh / Scottish / Northern Irish / British	0 (0.0%)	Polish	0
(0.0%)	Mixed European	1 (3.1%)	Ghanaian	

0 (0.0%)	Irish	0 (0.0%)	Kurdish	0 (0.0%)	Multi-ethnic islander	0 (0.0%)
	Somali					

1 – 2.2%	Greek	0 (0.0%)	Gypsy / Irish Traveller	2 – 4.3%	Indian	0 (0.0%)
	Nigerian					

2 – 4.3%	Greek Cypriot	0 (0.0%)	Romany	0 (0.0%)	Pakistani	0
(0.0%)	Arab					

Cts 2014 report

0 (0.0%)	Turkish	0 (0.0%)	Other Eastern European	0 (0.0%)	Bangladeshi	8 –
17.4%	Prefer not to say					
0 (0.0%)	Turkish Cypriot	0 (0.0%)	White and Black African	0 (0.0%)	Sri Lankan	
1 – 2.2%	Other					
1 – 2.2%	Italian	1 – 2.2%	White and Black Caribbean	0 (0.0%)	Chinese	
0 (0.0%)	Russian	0 (0.0%)	White and Asian	3 – 6.5%	Caribbean	

If 'other', please specify

Literal responses

19. What is your faith or religion?

19 – 41.3% Christian (including Church of England, Catholic, Protestant and all other Christian denominations)

0 (0.0%) Buddhist

2 – 4.3% Hindu

0 (0.0%) Jewish

0 (0.0%) Muslim

0 (0.0%) Sikh

15 – 32.6% Prefer not to say

4 – 8.7% Other

2 – 4.35% Agnostic

4 – 8.7% Atheist

20. Which of these activities best describes what you are doing at present?

25 – 54.3% Employed full-time 5 – 10.9% Unemployed and available for work

8 – 17.4% Employed part-time 1 – 2.2% On a government supported training programme (e.g. Modern Apprenticeship/ Training for Work)

4 – 8.7% Self-employed (full or part time) 1 – 2.2% Permanently sick/disabled

3 – 6.5% Fully retired 1 – 2.2% Looking after the home

Cts 2014 report

This is a CONTROLLED document. Any printed copy must be checked against the current electronic version prior to use

6 – 13.0% Doing something else (to those listed)

1 – 2.2% Student

21. Do you have parenting responsibilities?

20 – 43.5% Yes

26 – 56.5% No

22. How would you describe your relationship status?

11 – 23.9% Living alone

17 – 37.0% Married

3 – 6.5% Living as a couple

0 (0.0%) Civil Partnership

7 – 15.2% Prefer not to say

8 – 17.4% Other

If 'other', please specify

0 (0.0%)

23. Which of the following organisations do you represent?

5 – 100% Voluntary

0 (0.0%) Landlord

0 (0.0%) Housing association

0 (0.0%) Other

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Enfield Council

Council Taxbase 2015/16.

Appendix D to Council Report – 28th January 2015

Introduction

The council tax base is calculated in accordance with The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012. The tax base is expressed in terms of “Band D Equivalents” (i.e. a property in Band A is equivalent to 2/3rds of a Band D property and a property in Band H is 2 Band D Equivalents). A table showing the calculation of the tax base is given below. The figures are based upon information in existing Council Tax records with adjustments to take into account the effect of estimated changes between now and March 2016

The collection percentage used in the calculation of the tax base in previous years is as follows: -

Years	Collection Percentage
1993/95	95%
1995/97	95.5%
1997/01	97%
2001/02	97.5%
2002/04	97.75%
2004/05 to 2012/13	98%
2013/14 to 2014/15	96.87%

On present estimates it is recommended that the overall collection percentage for 2015/16 is 97.33%, an increase of 0.46% over the previous year. The estimated collection percentage is based upon experience to date and an estimate for collection of council tax from taxpayers affected by the reduction in benefit support.

Any under or over achievement of the collection rate including prior years' arrears will be reflected in the overall position on the Council's Collection Fund and potentially has an impact on the revenue budget in future years. These calculations and assumptions result in a Band D Equivalent Tax Base for 2015/16 of 91,714 properties.

The Council must decide the tax base by the 31st January 2015 prior to setting the council tax for 2015/16.

Recommendation

Pursuant to this report and in accordance with the Local Authorities (Calculation of the Tax Base) (England) Regulations 2012, the amount calculated by the London Borough of Enfield as its Council Tax Base for 2015/16 shall be 91,714 Band D equivalents.

CALCULATION OF COUNCIL TAX BASE FOR 2015/16

	BAND A COLUMN 1	BAND B COLUMN 2	BAND C COLUMN 3	BAND D COLUMN 4	BAND E COLUMN 5	BAND F COLUMN 6	BAND G COLUMN 7	BAND H COLUMN 8	TOTAL COLUMN 9
1. Total number of dwellings on valuation list on 8th September 2014	5,284	11,464	33,436	36,199	20,780	9,030	5,825	885	122,903
2. Number of exempt and demolished dwellings (e.g. unoccupied less than 6 months, uninhabitable, vacant due to hospitalisation, residence in care home or death, occupied by students, occupied by mentally impaired residents)	275	380	510	447	276	83	48	8	2,027
3. Number of chargeable dwellings [lines 1-2]									
4. Number of chargeable dwellings in line 3 subject to disabled reduction	5,009	11,084	32,926	35,752	20,504	8,947	5,777	877	120,876

	BAND A (Entitled to disabled relief reduction) COLUMN 1	BAND A COLUMN 2	BAND B COLUMN 3	BAND C COLUMN 4	BAND D COLUMN 5	BAND E COLUMN 6	BAND F COLUMN 7	BAND G COLUMN 8	BAND H COLUMN 9	TOTAL COLUMN 10
5.Number of dwellings effectively subject to Council Tax for this band by virtue of disabled relief [line 4] after reduction	2	10	90	180	196	96	76	31		681
6.Number of chargeable dwellings adjusted in accordance with lines 4 and 5 [lines 4-5+6]	2	5,017	11,164	33,016	35,768	20,404	8,927	5,732	846	120,876
7.Number of dwellings in line 6 entitled to a 25% discount (only one chargeable resident over the age of 18)	2	3,173	7,015	14,974	11,511	5,095	1,845	766	90	44,471
8.Number of dwellings in line 6 entitled to a 50% discount (all residents being disregarded for council tax purposes)	0	10	12	41	57	36	35	54	16	269
9.Number of dwellings in line 6 classed as empty and being charged the Empty Homes Premium on 7 October 2013.	0	5	43	60	49	39	20	10	6	232
10.Number of other dwellings in line 6 (assumed to be entitled to no discounts) [6-7-8-9-10]	0	1,829	4,094	17,941	24,151	15,234	7,027	4,902	734	75,912

	BAND A (Entitled to disabled relief reduction) COLUMN 1	BAND A COLUMN 2	BAND B COLUMN 3	BAND C COLUMN 4	BAND D COLUMN 5	BAND E COLUMN 6	BAND F COLUMN 7	BAND G COLUMN 8	BAND H COLUMN 9	TOTAL COLUMN 10
11.Total equivalent number of dwellings after discounts, exemptions and disabled (to 2 decimal places) [(line 7 x 0.75) + (line 8 x 0.5) + (line 9 x 1.5) + (line 10)]	1.50	4,221.25	9,425.75	29,282.00	32,886.25	19,131.75	8,458.25	5,518.50	818.50	109,743.75
12.Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
13. Less Council Tax Support band D cost	1.25	1,873.97	3,626.30	7,774.70	6,388.79	2,308.73	476.61	138.15	6.91	22,595.44
14. Net taxbase after cts [lines 13-14]	0.25	2,347.28	5,799.45	21,507.30	26,497.46	16,823.02	7,981.64	5,380.35	811.59	87,148.34
15. Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
16. Taxbase number of Band D equivalents (to 1 decimal place) [line 15 x line 16]	0.1	1,564.9	4,510.7	19,117.6	26,497.5	20,561.5	11,529.0	8,967.3	1,623.2	94,371.80

	BAND A (Entitled to disabled relief reduction) COLUMN 1	BAND A COLUMN 2	BAND B COLUMN 3	BAND C COLUMN 4	BAND D COLUMN 5	BAND E COLUMN 6	BAND F COLUMN 7	BAND G COLUMN 8	BAND H COLUMN 9	TOTAL COLUMN 10
17. General provision for 2% non-collection	0	31	90	382	530	411	231	179	32	1,887
18. Provision for 15% non-collection on tax increase due to council tax support					770					770
29. Taxbase number of Band D equivalents (assuming 97.33% collection)	0	1,534	4,420	18,735	25,198	20,150	11,298	8,788	1,591	91,714

TOTAL TAX BASE 91,714

Enfield Council

NNDR Business Rate Base Return 2015/16.

Appendix E to Council Report – 28th January 2015

Please note this appendix is marked as “To Follow”

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MUNICIPAL YEAR 2014/2015 REPORT NO. **155**

MEETING TITLE AND DATE:

**Council - 28 January
2015**

REPORT OF:

Director - Regeneration &
Environment

Agenda – Part: 1

Item: 10

**Subject: Licensing Policy Statement under
the Licensing Act 2003**

Wards: All

Key Decision No:

Cabinet Member consulted: Cllr. Bond

Contact officer and telephone number: Mark Galvayne 020 8379 4743

E mail: mark.galvayne@enfield.gov.uk

1. EXECUTIVE SUMMARY

The Council has a statutory duty, under the Licensing Act 2003, to determine and publish a licensing policy statement every five years.

2. RECOMMENDATION

To approve the new edition of the licensing policy statement, attached as Appendix A.

3. BACKGROUND

- 3.1 On its implementation, the Licensing Act 2003 provided that the Council must determine and publish a licensing policy statement every three years.
- 3.2 Accordingly, Council approved the licensing policy statement on 17 November 2004 (1st Edition), 7 November 2007 (2nd Edition) and 26 January 2010 (3rd Edition).
- 3.3 On 28 March 2012 Council approved a cumulative impact policy to take effect on 1 April 2012. This policy was inserted into the licensing policy statement without otherwise amending the extant policy (4th Edition).
- 3.4 On 25 April 2012 the Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 to instead provide that the Council must determine and publish a licensing policy statement every five years.
- 3.5 Accordingly, Council should approve a new edition of the licensing policy statement in January 2015.
- 3.6 On 9 July 2014 the Licensing Committee approved the scope and extent of the consultation that should take place in respect of the new edition of the licensing policy statement.
- 3.7 Accordingly, between 8 August and 31 October 2014 (twelve weeks) a borough-wide public consultation was conducted. The consultation invited responses on whether the four existing cumulative impacts policy areas should be retained and, if so, whether the existing terminal hours within those cumulative impact policy areas should be retained. The consultation was advertised on the Council's website and, in addition, consultation letters/emails were sent to 956 recipients. A total of 27 consultation responses were received, which is a 2.7% return.
- 3.8 On 19 November 2014 the Licensing Committee considered the responses to the public consultation. The Committee agreed to:
 - 3.8.1 the retention of the cumulative impact policy within the licensing policy statement;
 - 3.8.2 the retention of the four cumulative impact policy areas;
 - 3.8.3 the retention of the midnight terminal hour for restaurants, take-aways, plays, films and indoor sports within the cumulative impact policy areas;
 - 3.8.4 the extension of the terminal hour for pubs/bars, off licences & music and/or dancing within the cumulative impact policy areas from 11pm to midnight.

3.10 The Licensing Committee recommends that Council approve the new edition of the licensing policy statement, attached as Appendix A.

3.11 The changes between the current and the new editions of the licensing policy statement comprise:

3.11.1 the removal of Section 15 (Olympics & Paralympics) from the current edition, as these historical matters are no longer relevant; and

3.11.2 the extension of the terminal hour for pubs/bars, off licences & music and/or dancing within the cumulative impact policy areas from 11pm to midnight.

4. ALTERNATIVE OPTIONS CONSIDERED

None.

5. REASONS FOR RECOMMENDATIONS

To ensure that the Council is able to discharge its statutory obligations and promote its four licensing objectives.

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

6.1 Financial Implications

None.

6.2 Legal Implications

6.2.1 The council has the power to retain & vary the Cumulative Impact policy and to remove administratively the reference to the Olympics (as this is no longer relevant) within the Licensing Policy Statement under the Licensing Act 2003 and supporting legislation.

6.2.2 Although if there were any doubt about the power to adopt these policies, the Localism Act 2011 (Commencement No. 3) Order 2012 (*SI 2012/411*) brought the general power of competence into force for principal local authorities. The introduction of the general power of competence means that the well-being power no longer applies to English Local Authorities and as such the general power of competence will provide the Council with the power to adopt the 2 policies and to refuse to adopt the Sexual Entertainment Venues provisions outlined within this report.

6.2.3 The general power of competence is set out in s. 1.1 of the Localism Act 2011 and states that "a local authority has power to do anything that individuals generally may do. " Ss (2) states that "Subsection (1)

applies to things that an individual may do even though they are in nature, extent or otherwise— (a) unlike anything the authority may do apart from subsection (1), or (b) unlike anything that other public bodies may do.” Where the authority can do something under the power, the starting point is that there are to be no limits as to how the power can be exercised. For example, the power does not need to be exercised for the benefit of any particular place or group, and can be exercised anywhere and in any way. Section 2 sets out the boundaries of the general power, requiring local authorities to act in accordance with statutory limitations or restrictions.

6.3 Property Implications

6.3.1 The implementation of the licensing policy places restrictions on activities and uses that could be undertaken at certain premises. These restrictions are aimed at safeguarding local amenities and in doing so, the Council is conscious of the need to ensure it supports a thriving and safe economy and an environment which enhances the quality of life for its residents and visitors.

6.3.2 Consequently, every application considered by the Council under this policy is to be considered on its merits.

7. KEY RISKS

7.1 The Council is at risk of public challenge if it does not promote its licensing objectives.

7.2 The Cumulative Impact Policy reduces risk around four key objectives and also tackles the risk of cumulative impact in identified areas.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

This report ensures that the Council’s Licensing Policy meets its statutory obligations and is able to prevent licensable activity that is not in the public interest and to reduce crime and antisocial behaviour arising from concentrations of licensed premises operating in areas affected by such disorder.

8.2 Growth and Sustainability

These recommendations do not restrict growth and by reducing crime and disorder will promote sustainable business.

8.3 Strong Communities

The recommendations in this report fully support this Council priority.

9. EQUALITIES IMPACT IMPLICATIONS

- 9.1 Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment/analysis is neither relevant nor proportionate for the approval of this report.
- 9.2 A predictive equalities impact assessment was completed for the introduction of the Cumulative Impact Policy in 2012.
- 9.3 The main finding of that assessment was that the licensing policy statement has no adverse/specific impact on different disadvantaged groups in the community or on staff.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

The effectiveness of these policies will be assessed through the Council's performance at reducing crime and antisocial behaviour associated with licensed premises and in particular the public perception of people being drunk or rowdy in public spaces, measured by the Residents Survey.

11. PUBLIC HEALTH IMPLICATIONS

Alcohol has both negative and positive health implications, often related to availability and price and their impact on consumption. Public Health will therefore continue to monitor alcohol related conditions in the borough.

Background Papers

None.

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LONDON BOROUGH OF ENFIELD

**LICENSING
ACT 2003**

LICENSING POLICY STATEMENT

**Fifth Edition
28 January 2015**



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1. INTRODUCTION

- 1.1 This Licensing Policy Statement ('the Policy') is issued by the London Borough of Enfield ('the Council'), as Licensing Authority, under the Licensing Act 2003 ('the Act').
- 1.2 The Policy relates to all licensing activities falling within the provisions of the Act, namely :
- 1.2.1 the supply of alcohol (either sold by retail or supplied to a club member);
 - 1.2.2 the provision of regulated entertainment;
 - 1.2.3 the provision of late night refreshment.
- 1.3 Supply of alcohol includes the retail sale of alcohol, including for consumption on or off premises, with or without food, and the supply of alcohol by or on behalf of a club to, or on the order of, a member of the club.
- 1.4 Regulated entertainment occurs where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining the audience and includes :
- 1.4.1 a performance of a play;
 - 1.4.2 an exhibition of a film;
 - 1.4.3 an indoor sporting event;
 - 1.4.4 a boxing or wrestling entertainment;
 - 1.4.5 a performance of live music;
 - 1.4.6 any playing of recorded music;
 - 1.4.7 a performance of dance;
 - 1.4.8 entertainment of a similar description.
- 1.5 Late night refreshment is the provision of hot food and/or drink between the hours of 23:00 and 05:00.
- 1.6 The Policy takes into account Guidance ('the Guidance') issued by the appropriate Secretary of State under section 182 of the Act.
- 1.7 The Policy supports the Council's vision to make Enfield a better place to live and work, delivering fairness for all, growth and sustainability and strong communities.

2. LICENSING OBJECTIVES

- 2.1 The Council, in carrying out its licensing functions under the Act, will promote the Licensing Objectives, which are :
- 2.1.1 the prevention of crime and disorder;
 - 2.1.2 public safety;
 - 2.1.3 the prevention of public nuisance;
 - 2.1.4 the protection of children from harm.

3. POLICY STATEMENT

- 3.1 The purpose of the Policy is to inform Members, applicants, residents and businesses of the key principles under which the Council will make licensing decisions.
- 3.2 Every application considered by the Council under this Policy, will be considered on its merits where relevant representations are made in respect of any application and a hearing is convened and regard is given to the Act and the Guidance and any supporting regulations.
- 3.3 The Council maintains that licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act and any terms and conditions attached to licences will be focused on matters that are within the control of individual licensees and in the vicinity of premises.
- 3.4 The Crime and Disorder Act 1998 promotes the practice of partnership working to reduce crime and disorder and places a statutory duty on police and local authorities to develop and implement a strategy to tackle problems in their area. In doing so, the responsible authorities are required to work in partnership with a range of other local public, private, community and voluntary groups and with the community itself.
- 3.5 This approach recognises that both the causes of crime and disorder and the interventions required to deliver safer, more secure communities lies with a range of organisations, groups and individuals working in partnership. Crime reduction is not solely the responsibility of the police.
- 3.6 For people in the community the quality of their life in their neighbourhoods is affected by a whole range of influences. Quite rightly, they do not apportion responsibility for solutions uniquely to each individual agency and as part of our own community, we recognise situations in which the actions of one agency can positively contribute to the work of another. Local organisations working together can collectively provide interventions and responses to tackle problems and provide earlier, more effective solutions.

4. CONSULTATION

- 4.1 The Policy is made following consultation with (amongst others) :
- 4.1.1 The Chief Officer of Police;
- 4.1.2 The London Fire Brigade;
- 4.1.3 Bodies representing local holders of premises licences;
- 4.1.4 Bodies representing local holders of club premises certificates;
- 4.1.5 Bodies representing local holders of personal licences;
- 4.1.6 Bodies representing businesses and residents in the Council's area.

5. DEFINITIONS

- 5.1 'Interested Party' is defined in section 13(3) of the Act and means any of the following :
- 5.1.1 a person living in the vicinity of the premises;
 - 5.1.2 a body representing persons who live in that vicinity;
 - 5.1.3 a person involved in a business in that vicinity;
 - 5.1.4 a body representing persons involved in such businesses
- 5.2 'Responsible Authority' is defined in section 13(4) of the Act and means any of the following :
- 5.2.1 the chief officer of police for any police area in which the premises are situated;
 - 5.2.2 the fire authority for any area in which the premises are situated;
 - 5.2.3 the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated;
 - 5.2.4 the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated;
 - 5.2.5 the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimizing or preventing the risk of pollution of the environment or of harm to human health;
 - 5.2.6 a body which (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters;
 - 5.2.7 any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated;
 - 5.2.8 in relation to a vessel (i) a navigation authority, (ii) the Environment Agency, (iii) the British Waterways Board, or (iv) the Secretary of State;
 - 5.2.9 a person prescribed for the purposes of this subsection.
- 5.3 'Provisional statement' means a statement issued under section 31(2) or (3) (c) of the Act, which relates to premises that are about to be constructed, extended or otherwise altered.
- 5.4 The Council regards 'irresponsible price promotions' as those that encourage people to drink faster and more than they would when normal pricing arrangements apply.
- 5.5 'Significant event' is deemed by the Metropolitan Police Service to be any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning musicians, DJs, MCs or other artiste; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

6. THE BOROUGH OF ENFIELD

6.1 Enfield is London's northernmost Borough and covers 32 square miles. There are five major roads passing through, including the M25 in the north. About one third of the Borough is residential comprising some 115,000 homes. Another third is Green Belt land (predominantly in the north and west) comprising country parks, farmland and open land (including urban parks, sports fields, golf courses, allotments and school playing fields). There are also fifteen conservation areas. The Borough has a population of 281,775 (Office of National Statistics 2001 census updated 2002).

7. CHILDREN

7.1 The Act imposes certain controls by way of criminal penalty relating to the access to certain premises by unaccompanied children. In addition, Policy may create further restrictions for certain premises relating to access by children.

7.2 The Council recognises the wide variety of premises for which licences may be granted. It also recognises that there are many circumstances where it is appropriate for children to be present on premises and seeks to encourage their access to constructive leisure pursuits that support the social fabric of the Borough. It also recognises that there are circumstances where it is appropriate to limit or prevent access by children for the purposes of the Licensing Objectives.

7.3 The Council will not therefore impose conditions that restrict or prevent access by children unless this is necessary to promote the Licensing Objectives. It will however seek to ensure that children are not permitted to remain at or enter certain premises after a specified cut-off time or times.

7.4 In determining a specified cut-off time, the committee will take into account :

7.4.1 the concerns of Responsible Authorities and Interested Parties who have made representations;

7.4.2 the steps set out in an operating schedule that the licensee will take to meet the Licensing Objectives having regard to the nature of the premises or events for which the licence is required.

CHILDREN (OFF-LICENCE) POLICY

7.5 For premises supplying alcohol for consumption off premises, the Council normally requires applicants to have arrangements to ensure that children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.

7.5.1 NB. The age-limit of 14 years is intended as an upper limit and does not imply that this limit will be permitted for all relevant applications.

- 7.6 There will be a strong presumption against access by persons under 18 to premises where any of the following apply :
 - 7.6.1 where adult entertainment is provided;
 - 7.6.2 where there have been convictions of the current management for serving alcohol to minors;
 - 7.6.3 where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;
 - 7.6.4 where there is a known association with drug taking or dealing;
 - 7.6.5 where there is a strong element of gambling on the premises;
 - 7.6.6 where the supply of alcohol for consumption on the premises is the exclusive or primary purposes of the services provided at the premises

- 7.7 In order to protect children, the Licensing Committee or Sub-Committee's options would include, among other things, requiring conditions relating to :
 - 7.7.1 requirements for the production of proof of age cards or other age identification before sales are made;
 - 7.7.2 limitations on the hours when children may be present;
 - 7.7.3 age limitations below 18;
 - 7.7.4 limitations or exclusions when certain activities are taking place;
 - 7.7.5 access limited to parts of the premises;
 - 7.7.6 requirements for accompanying adults;
 - 7.7.7 full exclusion of people under 18 from the premises when any licensable activities are taking place.

- 7.8 No conditions will be imposed to the effect that children must be admitted to licensed premises.

- 7.9 Conditions may be imposed on licences for premises where children will be present during regulated entertainment to the effect that adult staff must be present to control the access and egress of children and to ensure their safety.

- 7.10 Children and cinemas :
 - 7.10.1 The Council will require licensees to include in their operating schedules arrangements for restricting the viewing of films by children below the age of any restriction for that film as classified according to the recommendations of the British Board of Film Classification or the Council, as the case may be;
 - 7.10.2 In respect of all premises licences and club premises certificates that authorise the exhibition of films to children, a mandatory condition will be required for the exhibition of any film to be restricted in accordance with the recommendations given to films by a body designated under section 4 of the Video Recordings Act 1984 or by the Council;
 - 7.10.3 The Council will expect the premises to provide adequate numbers of attendants in accordance with model conditions from the Guidance;
 - 7.10.4 It is not the Council's intention to re-classify films that have been classified by a body designated under section 4 of the Video Recordings Act 1984. However, the Council reserves the right to do so in exceptional circumstances.

8. LICENSING HOURS

- 8.1 The Council will deal with licensing hours on the merits of each individual application, again, only if relevant representations are made and there is a hearing to consider them. Applicants are expected to provide details of the measures they intend to take in order to promote the Licensing Objectives.
- 8.2 The Council recognises that variable licensing hours for the sale of alcohol may be desirable to ensure that concentrations of customers leaving premises simultaneously are avoided. However where this may lead to longer opening hours the Council also recognises the potential for additional crime and disorder and/or public nuisance that may arise.
- 8.3 However, there is no general assumption in favour of lengthening licensing hours and the four Licensing Objectives should be paramount considerations at all times. Where there are representations against an application and the Sub-Committee believes that extending the licensing hours would undermine the Licensing Objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 8.4 Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving, particularly during normal night-time sleeping periods. It is accepted that applicants' operating schedules may adequately provide for such circumstances and the Council will not seek to impose stricter conditions unless relevant representations are received and a hearing takes place.
- 8.5 The Council takes the view that persons under 18 may be at risk by late night access to premises primarily used for the sale and consumption of alcohol. In particular, exposure to late night drinking may encourage illegal drinking and detrimentally affect studies and work.

CHILDREN (ON-LICENCE) POLICY

- 8.6 There is a strong presumption that the Council will not license premises to permit persons under the age of 18 to be present on premises after 23:00, where the premises are exclusively or primarily used for the sale and consumption of alcohol on the premises.**

- 8.7 'Off sales' :
- 8.7.1 The Guidance recommends to Licensing Authorities that shops, stores and supermarkets should normally be permitted to sell alcohol during their normal trading hours, for consumption off premises, where consistent with the Licensing Objectives;
- 8.7.2 Whilst accepting this principle in respect of certain premises, the Council also recognises that in individual cases availability of alcohol, particularly late at night, can contribute to anti-social behaviour around premises licensed to sell alcohol for consumption off premises;
- 8.7.3 Licences for the sale of alcohol for consumption off premises, particularly late night sales, will be resisted and/or limitations may be imposed in the case of specific premises known to be or likely to be, a focus of crime and disorder, nuisance or those presenting a risk of harm to children.
- 8.8 Late Night Takeaway Premises :
- 8.8.1 Applications for premises offering late night take away food and drink will be considered on their individual merits and in the absence of relevant representations shall be granted in accordance with the application subject only to such conditions as are consistent with the operating schedule and conditions that are mandatory under sections 19 to 21 of the Act;
- 8.8.2 However, the impact upon the licensing objectives from people gathering at such premises, particularly after other licensed premises have closed, can be considerable. In determining licensing hours, regard will therefore be had to the density and closing times of licensed premises in the vicinity;
- 8.8.3 The cumulative effect of litter in the vicinity of premises carrying on licensable activities can cause public nuisance. For example, it may be appropriate and necessary for a condition of a licence to require takeaway premises to provide litterbins in order to prevent the accumulation of litter.

9. CUMULATIVE IMPACT POLICY

Introduction

- 9.1 The Guidance provides that the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement. Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 9.2 The steps to be followed in considering whether to adopt a special policy relating to cumulative impact within the council's statement of licensing policy are as follows :
- 9.2.1 Identify concern about crime and disorder or public nuisance;
- 9.2.2 Consider whether there is good evidence that crime and disorder or nuisance is happening and is caused by the customers of licensed premises or, that the risk of cumulative impact is imminent;
- 9.2.3 Identify the boundaries of the area where problems are occurring;

9.2.4 Consult those specified in section 5(3) of the Act, and subject to the outcome of the consultation, include and publish details of the cumulative impact within the licensing policy statement.

9.3 The effect of adopting a cumulative impact is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on the licensing objectives.

Identifying Concern about Crime and Disorder or Public Nuisance

9.4 In 2009 the Council's Community Safety Service, in partnership with the Metropolitan Police, identified two areas where there was a positive correlation between the concentrations of licensed premises and the levels of anti-social behaviour and crimes of violence against the person. After due consideration, it was not considered appropriate at that time to adopt those areas as being subject to cumulative impact within the Council's licensing policy.

9.5 Further work by the Community Safety partnership and the police has now led to the conclusion that the cumulative impact of a concentration of licensed premises in four areas of Enfield is undermining the promotion of the licensing objectives in those areas.

9.6 Police statistics are known to underestimate the numbers of alcohol related crime because of the high level of under reporting. Government estimates suggest that almost a half of all violent crime is alcohol related. But nationally the burden of alcohol related crime goes much wider than that, because alcohol related crime and drunken offenders place a huge burden on the police and other public services :

9.6.1 from approximately 10.30pm to 3am the majority of arrests are for alcohol-related offences;

9.6.2 there is the potential for routine incidents of public nuisance to escalate to more serious, especially violent, offences;

9.6.3 dealing with intoxicated offenders can be difficult and time consuming. For example, they may have to be kept in cells long enough to sober up; while they are there the police have a duty of care and have to ensure the offender does not come to harm by choking on their own vomit. The offender may have to be checked every 15 minutes. Medical attention may be necessary. Female offenders need female police officers to attend certain procedures who may have to be taken off other duties;

9.6.4 intoxicated prisoners can be disruptive, uncooperative and may present severe hygiene problems, urinating or defecating in their clothing during or after arrest.

9.7 The Council has also taken note of the results of the 2010/11 Enfield resident's Ipsos MORI survey and in particular that, whilst 70% of residents were either very satisfied or fairly satisfied with their local area as a place to live, they also had significant concerns about crime and disorder. Of those

surveyed, 64% said they thought the level of crime was one of the most important things in making somewhere a good place to live and almost 40% said the level of crime was one of the things that needed improving. Almost a third of those surveyed considered that people being drunk or rowdy in a public place was a problem.

- 9.8 All local authorities must fulfil their responsibilities under section 17 of the Crime and Disorder Act 1998 when carrying out their functions as licensing authorities under the Licensing Act 2003. Section 17 places a duty on local authorities and the police to do all they reasonably can to prevent crime and disorder in their area.
- 9.9 The Guidance states that the four licensing objectives are paramount considerations at all times. But the Guidance also identifies a number of other key aims and purposes which it says should be the principal aims for everyone involved in licensing work. They include ‘the necessary protection of local residents whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting licensed premises of entertainment.’

Evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent

- 9.10 Recent analysis of police statistics by the Enfield Community Safety Unit has shown an increase of 23% in what they describe as ‘alcohol and night time economy offences in the last 12 months. Most such offences are occurring on Friday nights into Saturday mornings and Saturday nights into Sunday mornings. Those are the times when pubs, clubs and bars are most highly populated.
- 9.11 Typically, most such offences are recorded between midnight and 3am. That information has been confirmed by comparing London Ambulance data which identifies people taken to hospital who have been the victims of assault, or who are treated for problems that are alcohol related.
- 9.12 The areas that show the highest levels of such incidents, or the most significant increases are: Fore Street, Hertford Road (where although there has been a decrease in the overall levels of night time alcohol related incidents comparative levels remain high) and Enfield Town.
- 9.13 **Annex 1** is a table showing police data records for crime and anti-social behaviour calls in Edmonton, Enfield Highway, Enfield Town and Southgate. It displays the numbers of crimes in three categories : All Crime; Violent Crime only; and Anti-Social Behaviour Calls. The first column of numbers displays the total crimes in those categories between 11am and 3pm, the second column those between 11pm and 3am and then in subsequent columns the total numbers on each day of the week.
- 9.14 The comparison between four of the busiest hours of the day, when footfall may be expected to be at its highest in a town centre, and four night time

hours, which may be expected to see far fewer people on the streets because shops and offices are closed is informative because places of entertainment are the main attraction at those times.

- 9.15 As may be expected, the 'all crimes' category during the day for Edmonton, Enfield Highway and Enfield Town show higher levels of crime than the night time period, particularly because the 'all crimes' totals include acquisitive crime. However, the 'violent crimes' only category which is so often associated with alcohol shows high levels during both periods in Edmonton, but a higher number of recorded incidents of violence during the night time period in each of Enfield Highway, Enfield Town and Southgate, as compared to the day time.
- 9.16 For 'anti-social behaviour' calls, there are a higher number of calls to the police during the night time period up to 3am in Edmonton, in Enfield Town and in Southgate, with a similar number during each period in Enfield Highway. Police experience shows that after 10pm anti-social behaviour calls are most often alcohol related.
- 9.17 **Annex 2** is the analysis of noise data in these four areas shows a clear peak for noise complaints in Enfield Highway at around midnight. In Southgate the second highest peak time for noise complaints is at midnight.
- 9.18 Public nuisance caused by noise is a cause of great concern to local residents who may be trying to sleep themselves or who have young children who are woken at night by intoxicated revellers.
- 9.19 **Annex 3** provides alcohol related crime data for the period to September 2014.

Identify the boundaries of the area where problems are occurring

- 9.20 Following analysis of the police data and of council records relating to public nuisance, four areas have been identified which the evidence indicates are subject to high levels of public nuisance and certain categories of crime and disorder which are connected to the concentrations of licensed premises in those areas. Those four areas are designated as :
- 9.20.1 **Edmonton**, as delineated and highlighted on the map at **Annex 4**;
- 9.20.2 **Enfield Highway**, as delineated and highlighted on the map at **Annex 5**;
- 9.20.3 **Enfield Town**, as delineated and highlighted on the map at **Annex 6**;
- 9.20.4 **Southgate**, as delineated and highlighted on the map at **Annex 7**.

Consultation on Cumulative Impact Policies

- 9.21 In light of the concerns and evidence about alcohol related crime and disorder and public nuisance, set out above in this policy statement, the Council consulted those specified in section 5(3) Licensing Act 2003.

CUMULATIVE IMPACT POLICY

- 9.22** Any applications for new premises licences and/or club premises certificates and/or provisional statements and any applications for variations of those authorisations for hours within the limits set out below (referred to as Core Hours) for premises and/or clubs inside the cumulative impact policy areas will generally be granted, subject to consideration of any representations about the way in which the application will promote the licensing objectives.
- 9.23** Any applications for new premises licences and/or club premises certificates and/or provisional statements and any applications for variations of those authorisations for hours outside the limits set out below (referred to as Core Hours) for premises and/or clubs inside the cumulative impact policy areas will, when subject to relevant representations, be subject to the presumption against grant that is implicit in a cumulative impact policy.
- 9.24** **Core Hours** :
- 9.24.1** Sale/supply of alcohol (off supplies only) :
Monday to Sunday 08:00 to 24:00
- 9.24.2** Plays, Films, Indoor sporting events, Boxing or wrestling entertainments, Live music, Recorded music and/or Performance of dance :
Monday to Sunday 09:00 to 24:00
- 9.24.3** Sale/supply of alcohol (on supplies only or on & off supplies) :
Monday to Sunday 10:00 to 24:00
- 9.24.4** Late night refreshment :
Monday to Sunday 23:00 to 24:00
- 9.24.5** New Year's Eve : Any premises or club that is licensed for both the on supply of alcohol and for regulated entertainment may remain open and provide their licensed activities from the end of licensed hours on New Year's Eve to the start of licensed hours on New Year's Day.

Conclusion

- 9.25** In developing these policies the council has given careful consideration to the whole of the Guidance. In particular, it has considered that, in some circumstances, flexible licensing hours can ensure that concentrations of customers leaving premises simultaneously are avoided, which can help to reduce the friction at late night fast food outlets, taxi ranks and bus stops which sometimes lead to friction and to crime and disorder.
- 9.26** It also takes note of the need to ensure a thriving and safe evening and night time economy which are important to investment and employment locally, but have to be balanced against the requirement to promote the

licensing objectives. Some premises, for example restaurants where there is no 'take away' facility and alcohol is only provided as ancillary to substantial food provided to people seated at table, generally have a lower incidence of crime than premises selling alcohol where substantial food is not available and there is little seating.

- 9.27 The policy of the council takes account of the particular circumstances that apply in each of the designated cumulative impact areas in Enfield and the evidence that problems of crime and disorder and public nuisance are generally associated with longer and later hours. It is the view of the Police nationally that longer and later hours for premises licensed to sell alcohol lead to problems later in the night and that those problems are most apparent outside the licensed premises and around fast food outlets and taxi ranks.
- 9.28 It is not the intention of the Council to impose a particular terminal hour in any area of Enfield, as urged against in the Guidance. Where an application is made for later hours than the core hours, and representations are made, then such applications will always be carefully considered against the above policies and any relevant representations. The consideration of hours of operation will include the context of each application within each of the licensing objectives. For example, the hours at which noise may occur and the extent to which that may affect local resident's sleep and relaxation, will be a consideration because late night premises may have an impact on the local environment and can cause public nuisance.
- 9.29 Neither is it the intention of the Council to impose quotas, based on either the number of premises or the capacity of those premises. Quotas could indirectly have the effect of predetermining the outcome of an application. The licensing authority will consider each application with regard to the Council's policies and each application will be determined with a view to promoting the licensing objectives.

10. LICENCE APPLICATIONS AND REVIEW

- 10.1 In its consideration of applications or in a review of a licence where representations have been received, the Council must give appropriate weight to: the steps that are necessary to promote the Licensing Objectives; the representations presented by all parties; the Guidance; and this Policy. Where relevant, particular regard will be given to the factors shown under Special Factors for Consideration below. Particular regard will be given to evidence identifying any history or pattern of practice which impacts upon the Licensing Objectives.
- 10.2 When preparing their Operating Schedules, applicants should consider the Special Factors for Consideration below. The Council may refuse to grant or may attach conditions to a licence where it is not satisfied that these factors have been properly addressed by the applicant's Operating Schedule.
- 10.3 In reviewing a licence, after representations and/or after a hearing, the Council will consider, and take into account, the complaints history of the premises and all other relevant information.

11. OPERATING SCHEDULES

- 11.1 An Operating Schedule is submitted with a licence application and contains the information required by section 17(4) of the Act. Among other things, it includes the steps that the applicant proposes to take to promote the Licensing Objectives. Where a risk to the Licensing Objectives is present, the Council expects applicants to specifically address in their operating schedules, how they will meet the Special Factors for Consideration.

12. SPECIAL FACTORS FOR CONSIDERATION

- 12.1 **Prevention of Crime and Disorder** - the means by which crime and disorder will be or is prevented by the effective management and operation of the licensed activities including :
- 12.1.1 crime prevention design, including adequate lighting of car parks and CCTV;
 - 12.1.2 text/radio pagers;
 - 12.1.3 door supervision, including arrangements for screening for weapons and drugs;
 - 12.1.4 other measures to control violent, drunken or abusive behaviour (including exclusion of troublemakers; refusal to sell to those who are or appear to be drunk or under age; use of toughened and plastic 'glasses'; and bottle bins);
 - 12.1.5 drug dealing and abuse;
 - 12.1.6 prostitution and indecency;
 - 12.1.7 methods to discourage drinking of alcohol supplied for consumption on the premises, in a public place in the vicinity of the premises;

- 12.1.8 methods to discourage taking alcohol off the premises in open containers;
 - 12.1.9 methods to discourage the handling and distribution of stolen, counterfeit goods or other illegal goods;
 - 12.1.10 capacity limits where necessary to prevent overcrowding or prevent nuisance upon entry and exit;
 - 12.1.11 appropriate ratio of tables and chairs to customers (based on the capacity) where the premises are used exclusively or primarily for the 'vertical' consumption of alcohol;
 - 12.1.12 irresponsible alcohol promotion.
- 12.2 **Public Safety** - the means by which risk to public safety will be or is prevented by the effective management and operation of the licensed activities including :
- 12.2.1 whether the premises has a licence or fire certificate specifying the maximum number of persons that can attend it;
 - 12.2.2 whether the applicant has carried out a risk assessment as to the maximum number of people who can attend the premises safely and evacuate it in an emergency;
 - 12.2.3 measures to record and limit the number of persons on the premises;
 - 12.2.4 the adequacy of transportation arrangements to ensure that customers may safely travel to and from the premises and nuisance is avoided by concentrations of people unable to access transport in a timely manner;
 - 12.2.5 confirmation that any arrangements or advertising of taxis solely relate to taxis licensed by a recognised licensing authority;
 - 12.2.6 arrangements to ensure the safety for users, including people with disabilities, in the event of fire or other emergency;
 - 12.2.7 the safe storage and use of special effects such as fireworks or other explosives, firearms, real flame, strobe lighting / lasers etc;
 - 12.2.8 for dance events, the provision of measures to combat overheating, including availability of drinking water, air conditioning and ventilation.
- 12.3 **Prevention of Nuisance** - the means by which nuisances will be or are prevented by the effective management and operation of the licensed activities including :
- 12.3.1 noise from delivery vehicles;
 - 12.3.2 noise from vehicles delivering and collecting customers;
 - 12.3.3 noise and/or vibrations emanating from the premises including extended/external areas such as beer gardens;
 - 12.3.4 noise, anti-social behaviour and other disturbance caused by persons leaving the premises;
 - 12.3.5 in relation to urination in public places the means to prevent nuisances should include the adequacy of lavatories, financial contributions towards the provision and/or maintenance of public urinals and supervision in the vicinity of the premises;
 - 12.3.6 congregations of persons, whether consuming alcohol or not, either waiting to enter, leaving or spilling/standing outside the premises;
 - 12.3.7 litter and accumulations of rubbish;
 - 12.3.8 the removal from premises of drinking vessels and bottles;
 - 12.3.9 vermin and pests;
 - 12.3.10 light pollution;

- 12.3.11 use of fireworks or other explosives / special effects;
- 12.3.12 noxious smells;
- 12.3.13 arrangements to ensure that public lavatories within premises are available for use throughout the entire period that the public are on those premises;
- 12.3.14 noise from persons smoking outside the premises;

- 12.4 **Protection of Children from Harm** - the means by which harm to children will be or is prevented by the effective arrangement and operation of the licensed activities including :
 - 12.4.1 the prevention of unlawful supply, consumption and use of alcohol and drugs and other products which it is illegal to supply to children, including proof of age arrangements;
 - 12.4.2 premises restrictions on the access by children to the whole or any part of premises, including times when children may not be present;
 - 12.4.3 the protection from inappropriate exposure to strong language, expletives or entertainment of an adult or sexual nature;
 - 12.4.4 the protection from significant gambling;
 - 12.4.5 arrangements to deter, drug taking or dealing;
 - 12.4.6 adequacy of controls on the times during which children may be present on the premises;
 - 12.4.7 the nature of the licensed premises and facilities provided e.g. sporting, cultural and recreational, where these may provide a tangible social benefit, particularly for children and may contribute to crime and disorder reduction and the protection of children from harm.

13. CONDITIONS

- 13.1 When relevant representations are made by a Responsible Authority or Interested Parties, the Committee may impose conditions on licences. Any such conditions, which must be necessary for the promotion of the Licensing Objectives, will be specific to the individual premises and events. Conditions may be drawn from the model pool of conditions in the Guidance.

- 13.2 Special conditions may be imposed for certain types of venues to prevent the sale and consumption of drugs and to create a safer environment for those who may have taken them. These conditions will take into account the "Safer Clubbing" guidelines issued by the Home Office and model conditions from the Guidance. Where these conditions are to be imposed advice may be sought from appropriate bodies such as the Enfield Drug Action Team and the Police, who it is envisaged will make representations on such applications.

- 13.3 The Council will have regard to the impact of licensable activities at specific premises on persons living and working in the vicinity of those premises, which are disproportionate and unreasonable. These issues will mainly concern noise, light pollution, noxious smells, litter and vermin and pest infestations. Nuisance may include, in appropriate circumstances, the detrimental impact upon the living and working amenity and environment of

'interested parties'. Special conditions and other limitations may be considered necessary where customers may be inclined towards carelessness and anti-social behaviour as a result of consuming alcohol.

13.4 The Council will give consideration to setting capacity limits for licensed premises or clubs where it may be necessary for public safety or otherwise to prevent over-crowding which may lead to disorder and nuisance. Where applicable, further consideration will also be given to whether door supervisors would also be needed to ensure that the numbers are appropriately controlled.

13.5 The Council recognises proper account will need to be taken to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community, including for example, opera, jazz and the performance of a wide range of traditional and historic plays, contemporary music and other arts.

14. SIGNIFICANT EVENTS

14.1 The Council recommends that for significant events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that matters related to the licensing objectives are identified and addressed.

14.2 Licence holders are advised to contact the Metropolitan Police Service and enquire if the Police require that the Event Risk Assessment Form 696 and the After Promotion/Event Debrief Risk Assessment Form 696A be completed and submitted to them.

15. TEMPORARY EVENTS

15.1 The Act requires that a Temporary Event Notice (TEN) must be given to the licensing authority no later than 10 working days before the day on which the event begins. Nevertheless, the Council will seek the co-operation of Personal Licence holders and other people serving TENs in allowing more than the minimum required 10 days. To this end the Council strongly recommend giving (the longest possible notice) at least three months' notice to hold all but the smallest events; this will allow the Council to help organisers plan their events safely and may mean the Police are less likely to object to the proposed event.

15.2 Organisers of temporary events should be aware that although a licence or authorisation may not be needed under the Act, other legislation might apply. This can include :

15.2.1 Health and Safety at Work etc. Act 1974;

15.2.2 Fire Precautions Act 1971;

15.2.3 Environmental Protection Act 1990.

- 15.3 Organisers of temporary events should also be aware that it is highly likely that the Council's enforcement officers will visit events held under the terms of a Temporary Event Notice to ensure compliance with legal requirements. While mindful of the Council's Enforcement Policy, the Council will normally prosecute where serious offences are detected.
- 15.4 Organisers and promoters of temporary events should be mindful of the 'Special Factors for Consideration' outlined above.

16. ENFORCEMENT

- 16.1 The Council will follow the Better Regulation and Hampton principles and shall endeavour to be :
- 16.1.1 **Proportionate** - regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised;
- 16.1.2 **Accountable** - regulators must be able to justify decisions, and be subject to public scrutiny;
- 16.1.3 **Consistent** - rules and standards must be joined up and implemented fairly;
- 16.1.4 **Transparent** - regulators should be open, and keep regulations simple and user friendly;
- 16.1.5 **Targeted** - regulation should be focused on the problem, and minimise side effects.
- 16.2 The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 16.3 The Council will adopt a risk-based inspection programme. The Council's risk model for premises licences will be based upon the Licensing Objectives.
- 16.4 The main enforcement and compliance role for the Council under the Act is to ensure compliance with the premises licences and other permissions which it authorises.
- 16.5 The Council's enforcement/compliance protocols/written agreements and risk methodology will be available on the Council's web-site.

17. INTEGRATION OF POLICIES AND AVOIDANCE OF DUPLICATION

- 17.1 The Council will seek to avoid any duplication with other statutory/regulatory systems where possible. The Council will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building.
- 17.2 The Council has adopted powers to designate parts of its area as places where alcohol may not be consumed publicly. These 'designated areas' will be kept under review by the Council.
- 17.3 The Council and its partners has produced an Alcohol Harm Reduction policy, which the Council will take into account in considering representations to licence applications and complaints from Responsible Authorities and Interested Parties seeking a review of a licence.

18. CONTACT DETAILS

- 18.1 Further information and advice on this Licensing Policy Statement, the requirements of the Licensing Act 2003 and related matters is available from the Council as follows :
- 18.1 Email : licensing@enfield.gov.uk
- 18.2 Internet : www.enfield.gov.uk

ANNEX 1 - CUMULATIVE IMPACT POLICY - TIME COMPARISON

Total Notifiable Crime between January and December 2010									
Area	11am – 3pm	11pm – 3am	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Edmonton	599	367	361	356	382	390	397	384	270
Enfield Highway	146	130	90	85	95	115	111	129	80
Enfield Town	485	165	170	207	190	205	228	249	130
Southgate	86	131	74	80	74	78	86	96	67

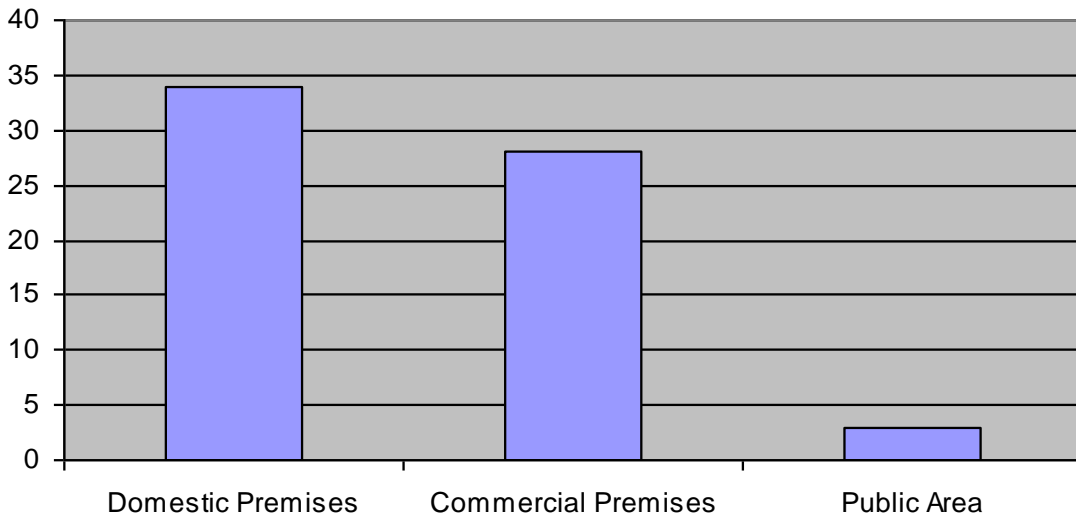
Violent Crime between January and December 2010									
Area	11am – 3pm	11pm – 3am	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Edmonton	130	98	80	94	88	77	109	112	93
Enfield Highway	17	35	15	17	14	20	22	37	20
Enfield Town	39	64	27	24	25	17	33	61	33
Southgate	14	21	12	10	6	11	13	16	16

Anti-Social Behaviour Calls between January and December 2010									
Area	11am – 3pm	11pm – 3am	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Edmonton	446	463	472	447	416	421	478	592	481
Enfield Highway	144	130	146	134	146	159	204	182	136
Enfield Town	157	271	128	130	156	114	192	225	153
Southgate	57	67	57	61	74	70	51	94	62

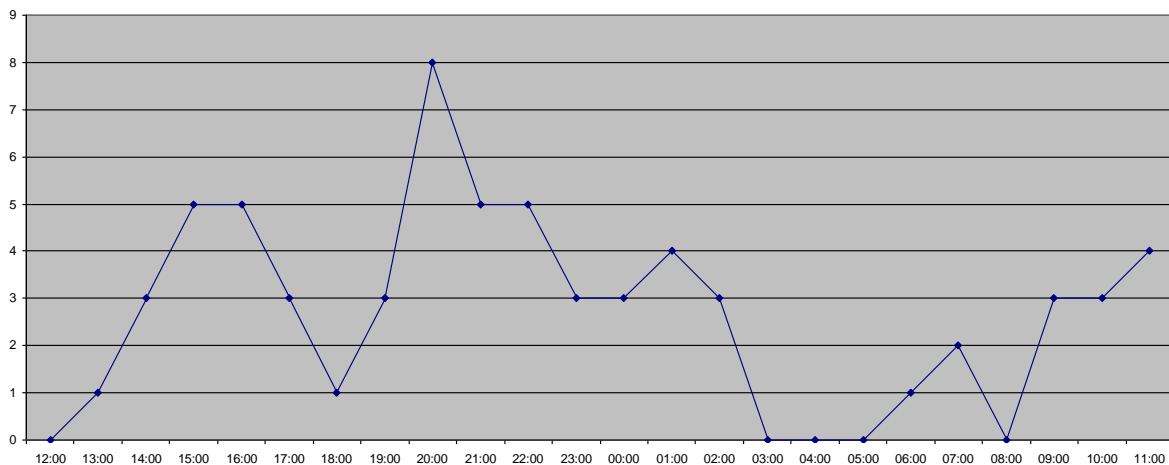
ANNEX 2 – CUMULATIVE IMPACT POLICY - NOISE DATA

The following information is based on noise complaints received by Enfield Council within the 12 month period of 6th March 2010 to 6th March 2011. The information will be divided into 4 different ‘Stress Areas’ of the borough.

EDMONTON CUMULATIVE IMPACT POLICY AREA

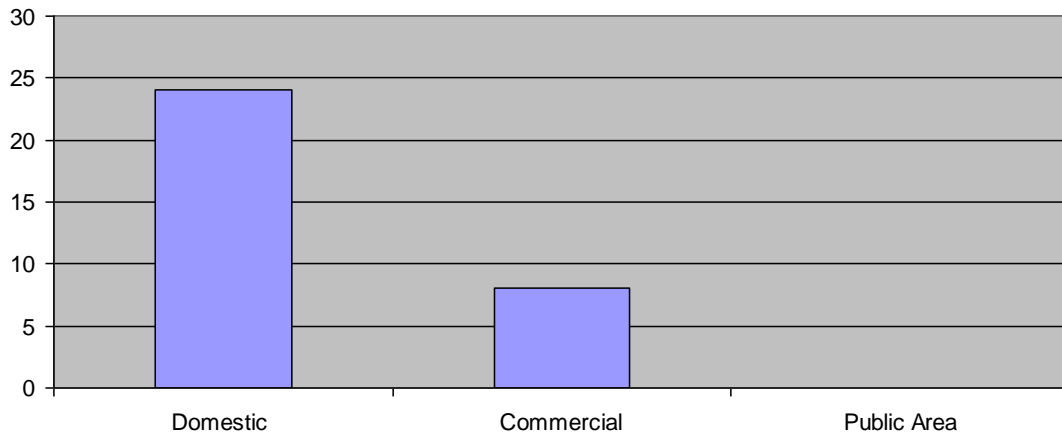


There were a total of 65 noise complaints in the Edmonton Stress Area in this period of time. 28 were complaints against commercial premises, 34 were against domestic premises and 3 were against public areas.

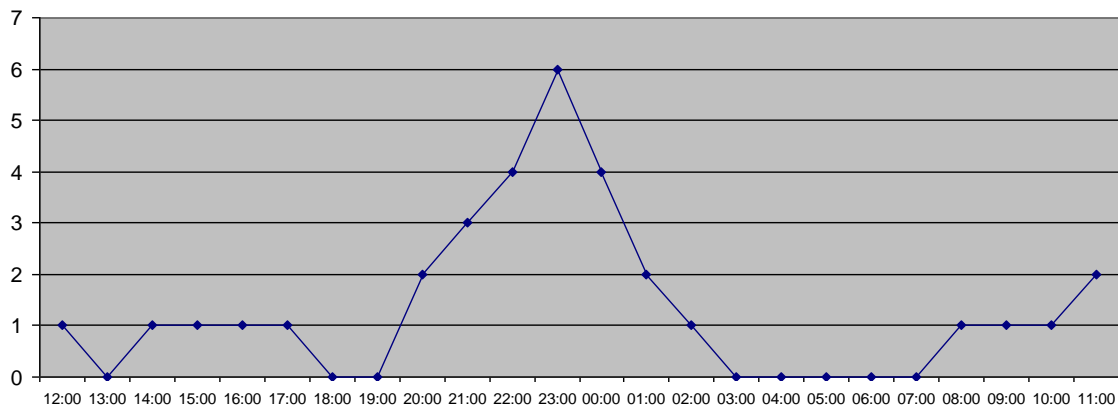


The above line graph shows the time of ALL noise reports received against every type of premises. The graph shows a surge in noise reports within the hour of 20:00 gradually decreasing until the hour of 01:00, where there is a slight increase.

ENFIELD HIGHWAY CUMULATIVE IMPACT POLICY AREA

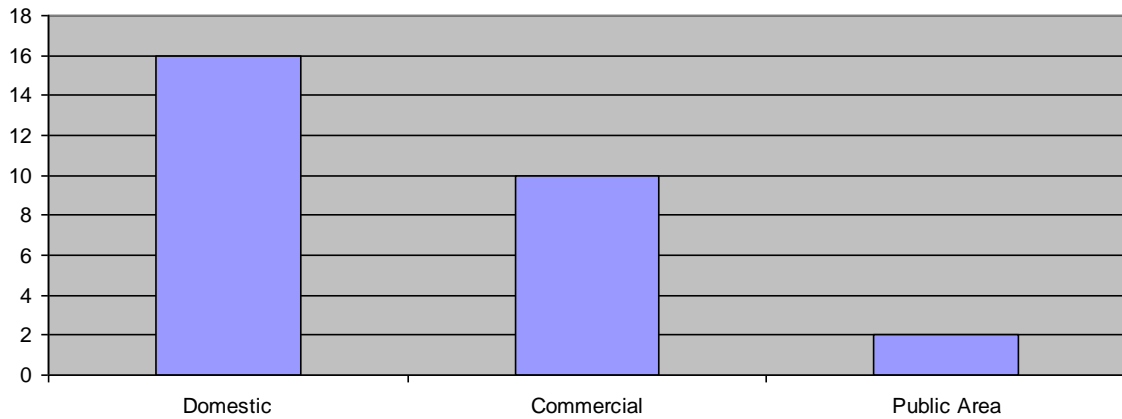


There were a total of 32 noise complaints in the Enfield Highway Stress Area in this period of time. 8 were complaints against commercial premises, 24 were against domestic premises and none were against public areas.

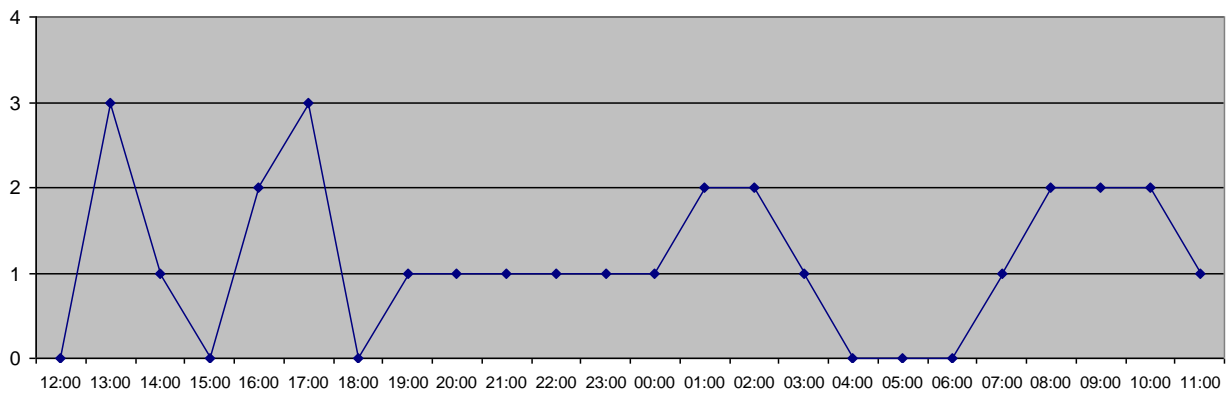


The above line graph shows the time of ALL noise reports received against every type of premises. As you can see there is a clear peak within the hour of 23:00.

ENFIELD TOWN CUMULATIVE IMPACT POLICY AREA

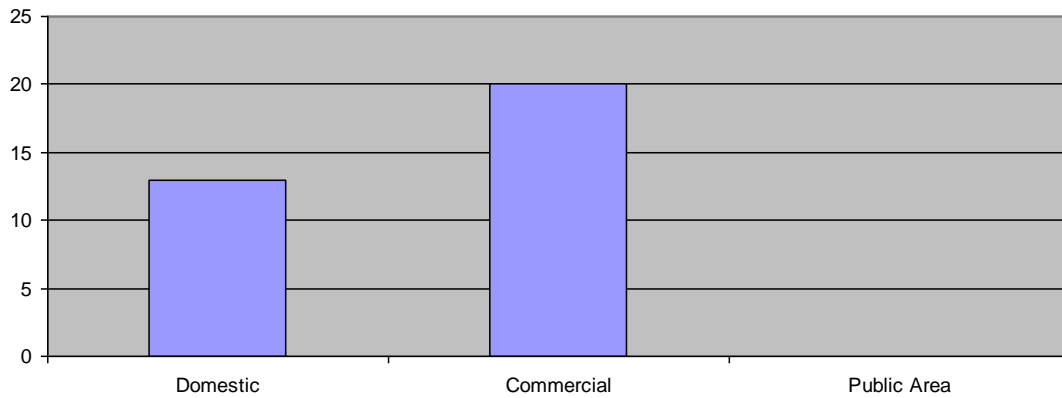


There were a total of 28 noise complaints in the Enfield Town Stress Area in this period of time. 10 were complaints against commercial premises, 16 were against domestic premises and 2 were against public areas

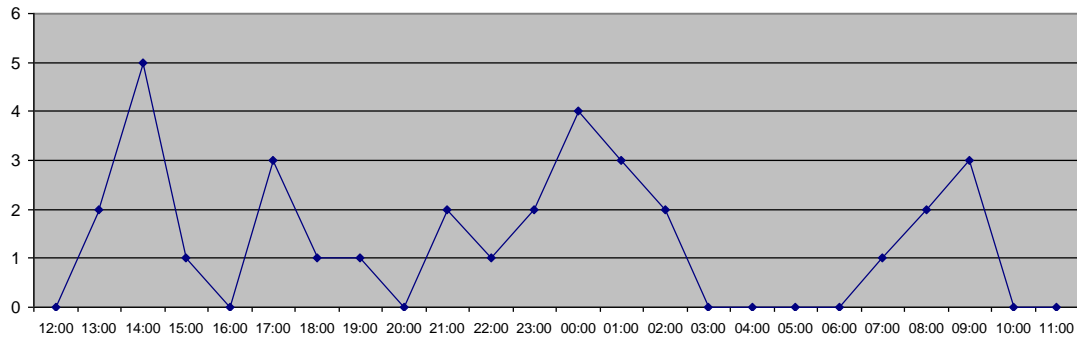


The above line graph shows the time of ALL noise reports received against every type of premises in the Enfield Town Stress Area. There is not a particular time where noise is at a peak. It peaks and troughs throughout the 24 hours. The hours of 13:00 and 17:00 have the highest amount of noise complaints.

SOUTHGATE CUMULATIVE IMPACT POLICY AREA



There were a total of 33 noise complaints in the Southgate Stress Area in this period of time. 20 were complaints against commercial premises, 13 were against domestic premises and none were against public areas



The above line graph shows the time of ALL noise reports received against every type of premises in the Southgate Stress Area. The hours when the most noise complaints were within the hour of 14:00 and within the hour of 00:00.

ANNEX 3 – CUMULATIVE IMPACT POLICY – ALCOHOL RELATED CRIME

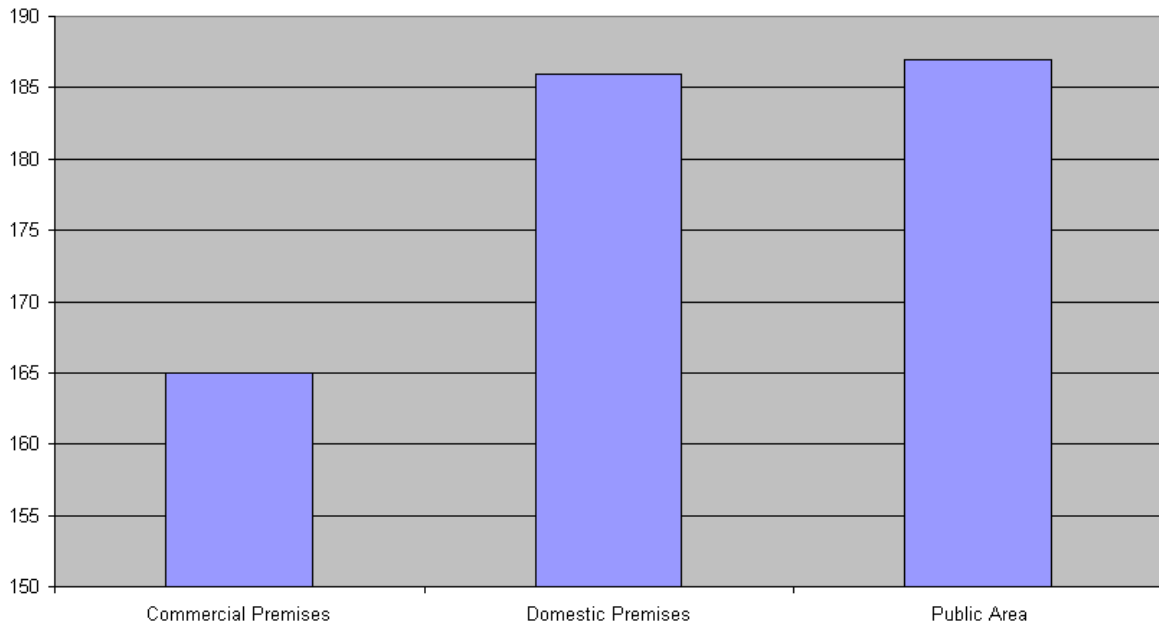
The information is based on alcohol related reported crime, received by the Metropolitan Police in the area of Enfield borough (YE). The time frame of activity is from the 7th September 2012 to 7th September 2014.

Total Alcohol Related Crime between September 2012 and September 2014									
Area	11am – 3pm	11pm – 3am	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Edmonton	98	107	76	73	77	57	75	97	83
Enfield Highway	14	18	15	8	7	10	10	15	12
Enfield Town	43	43	10	18	29	19	26	32	35
Southgate	16	13	6	10	4	2	12	20	10

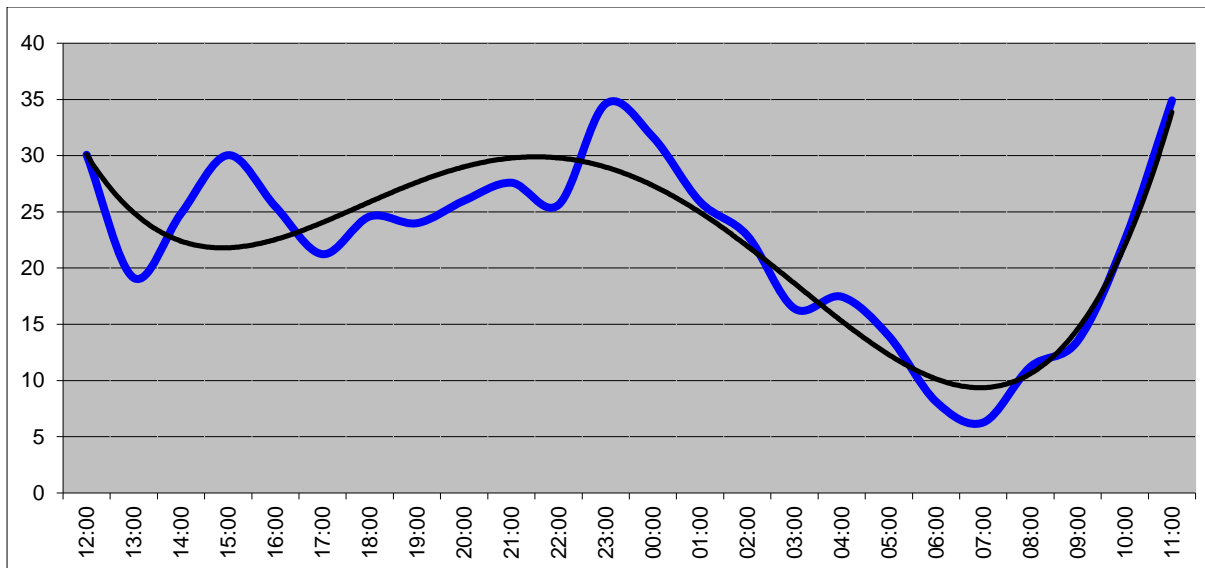
The above table represents the four areas and the impact of alcohol related offending during peak trading hours and days of the week. To put this into more light I have created the below table, which represents what percentage of offending the above numbers represent against total offending in the areas.

% of Total Alcohol Related Crime between September 2012 and September 2014									
Area	11am – 3pm	11pm – 3am	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Edmonton	18.22	19.89	14.13	13.57	14.31	10.59	13.94	18.03	15.43
Enfield Highway	18.18	23.38	19.48	10.39	9.09	12.99	12.99	19.48	15.58
Enfield Town	25.44	25.44	5.92	10.65	17.16	11.24	15.38	18.93	20.71
Southgate	21.62	17.57	8.11	13.51	5.41	16.22	16.22	27.03	13.51

EDMONTON CUMULATIVE IMPACT POLICY AREA

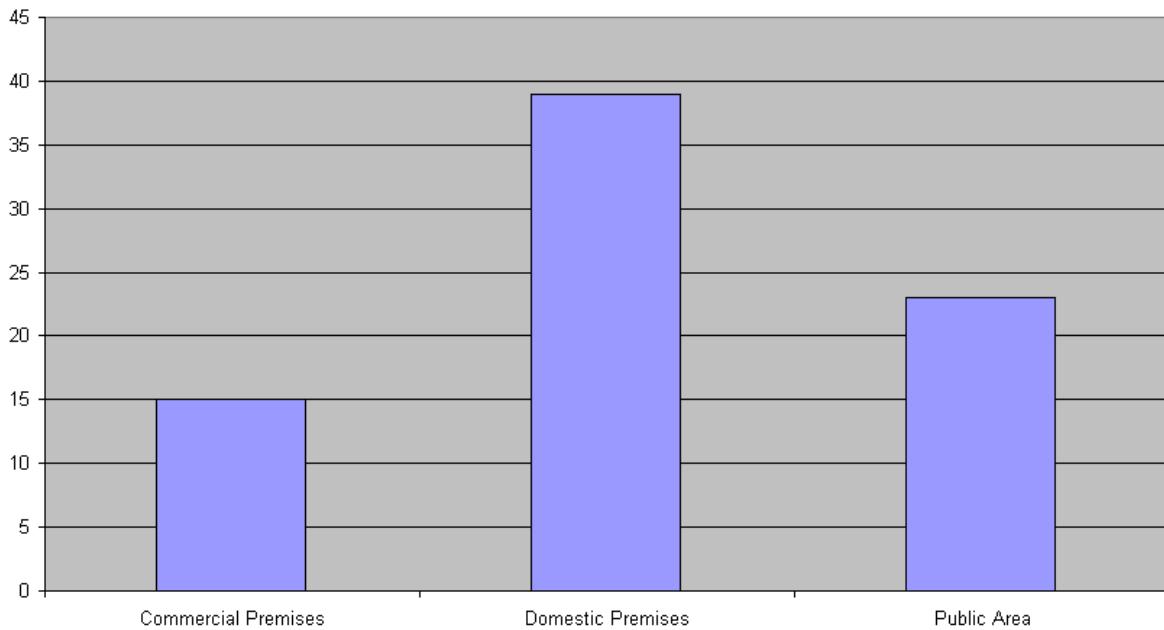


There were a total of 538 Alcohol related complaints in the Edmonton Stress Area in this period of time. 165 were offences at commercial premises, 186 were at domestic premises and 187 were at public areas.

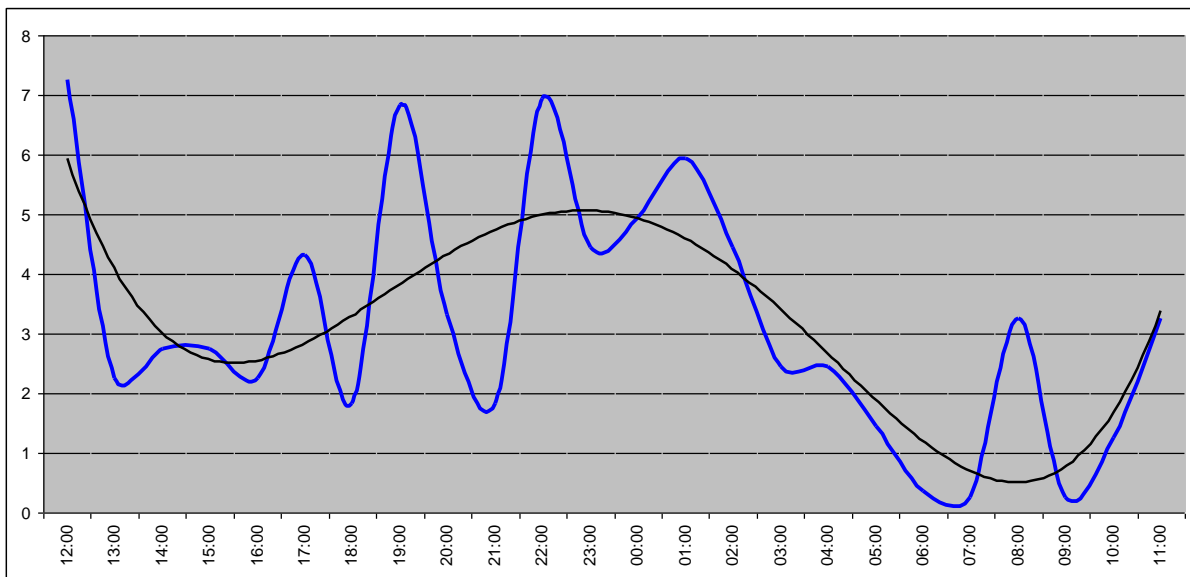


The above line graph shows the time of ALL alcohol related offences received against every type of premises. The graph shows a surge in crime reports within the hour of 22:00 gradually decreasing until the hour 01:00, where there is a slight increase but still decreasing.

ENFIELD HIGHWAY CUMULATIVE IMPACT POLICY AREA

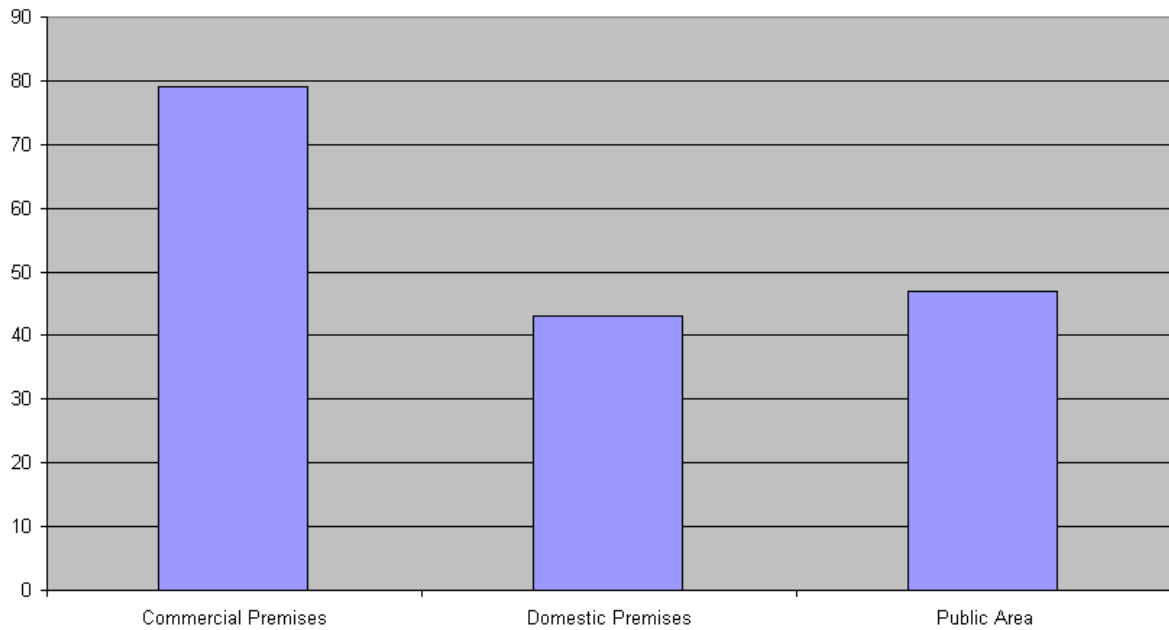


There were a total of 77 Alcohol related complaints in the Enfield Highway Stress Area in this period of time. 15 were offences at commercial premises, 39 were at domestic premises and 23 were at public areas.

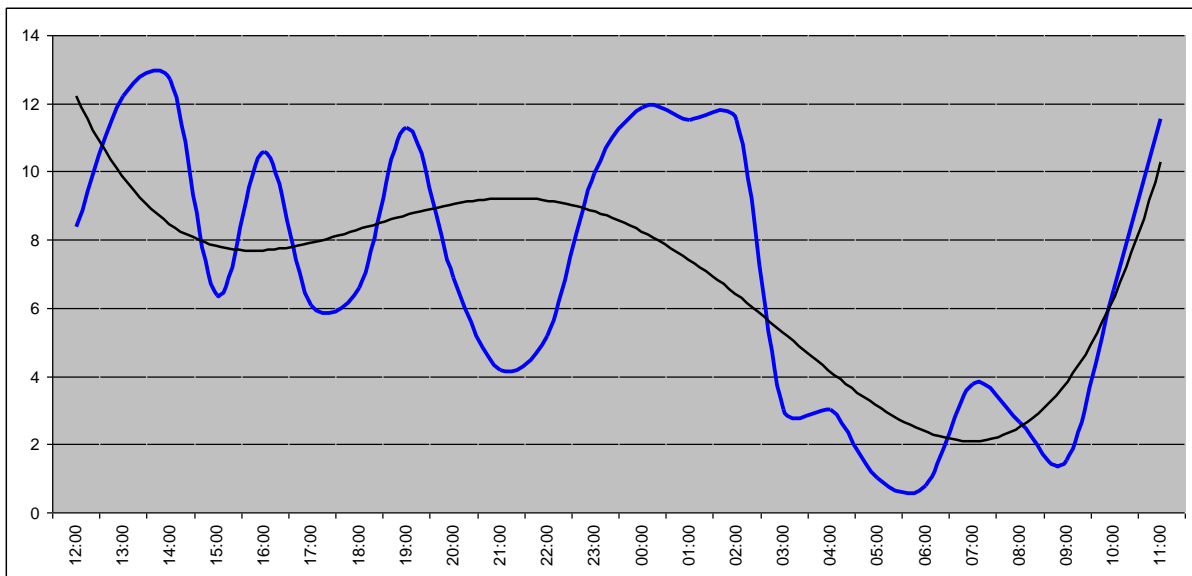


The above line graph shows the time of ALL alcohol related offences received against every type of premises. There are two main time frames of activity with a peak at 22:00 hours and slightly before at 19:00 hours. The main time frame starts from 21:30 hours and drops at 22:30, before picking up again and fishing at 02:30 hours. The other time frame starts at 18:30 and finishes at 20:00.

ENFIELD TOWN CUMULATIVE IMPACT POLICY AREA

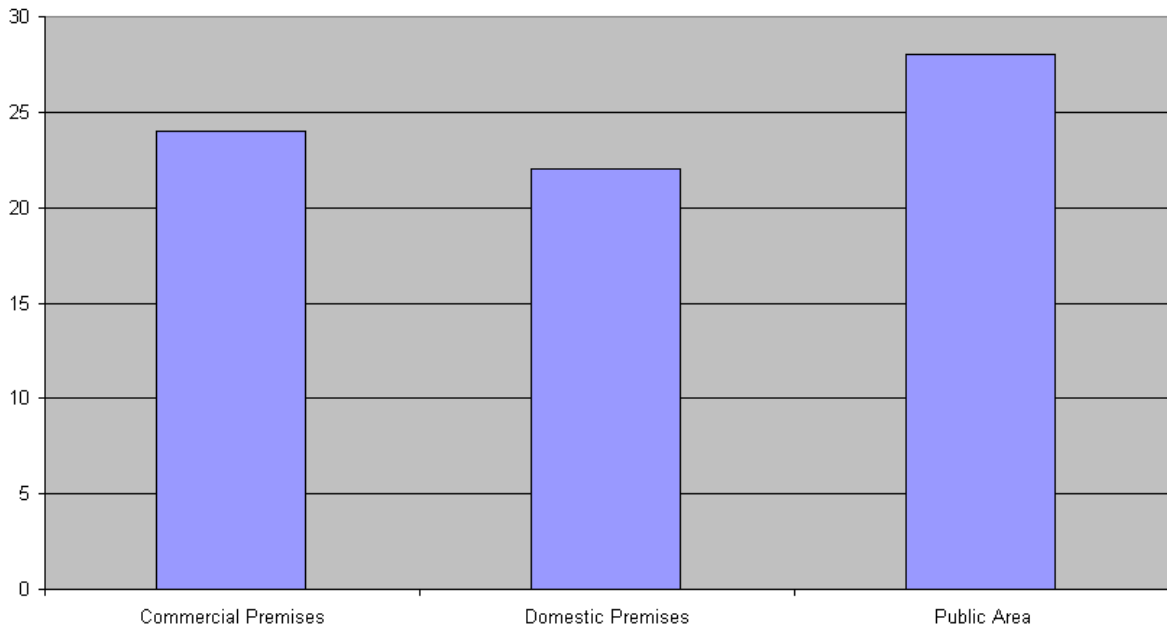


There were a total of 169 Alcohol related complaints in the Enfield Town Stress Area in this period of time. 79 were offences at commercial premises, 43 were at domestic premises and 47 were at public areas.

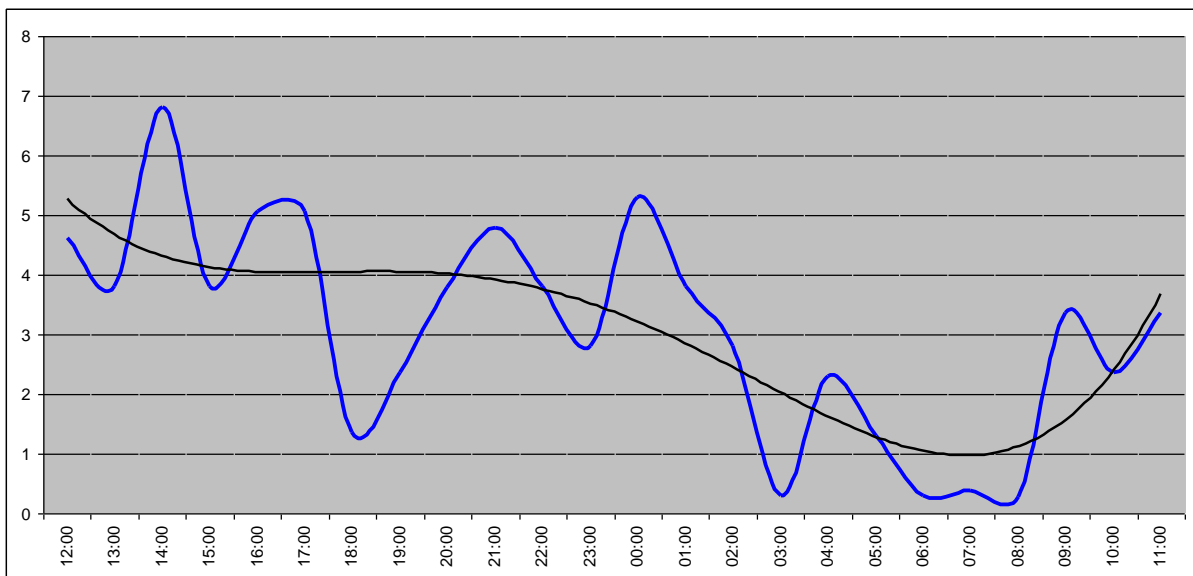


The above line graph shows the time of ALL alcohol related offences received against every type of premises in the Enfield Town Stress Area. There is not a particular time where alcohol crime is at a peak, as there are multiple peaks throughout the 24 hours. The hours of 13:30 and 00:00 hours have the highest amount of crime reports.

SOUTHGATE CUMULATIVE IMPACT POLICY AREA

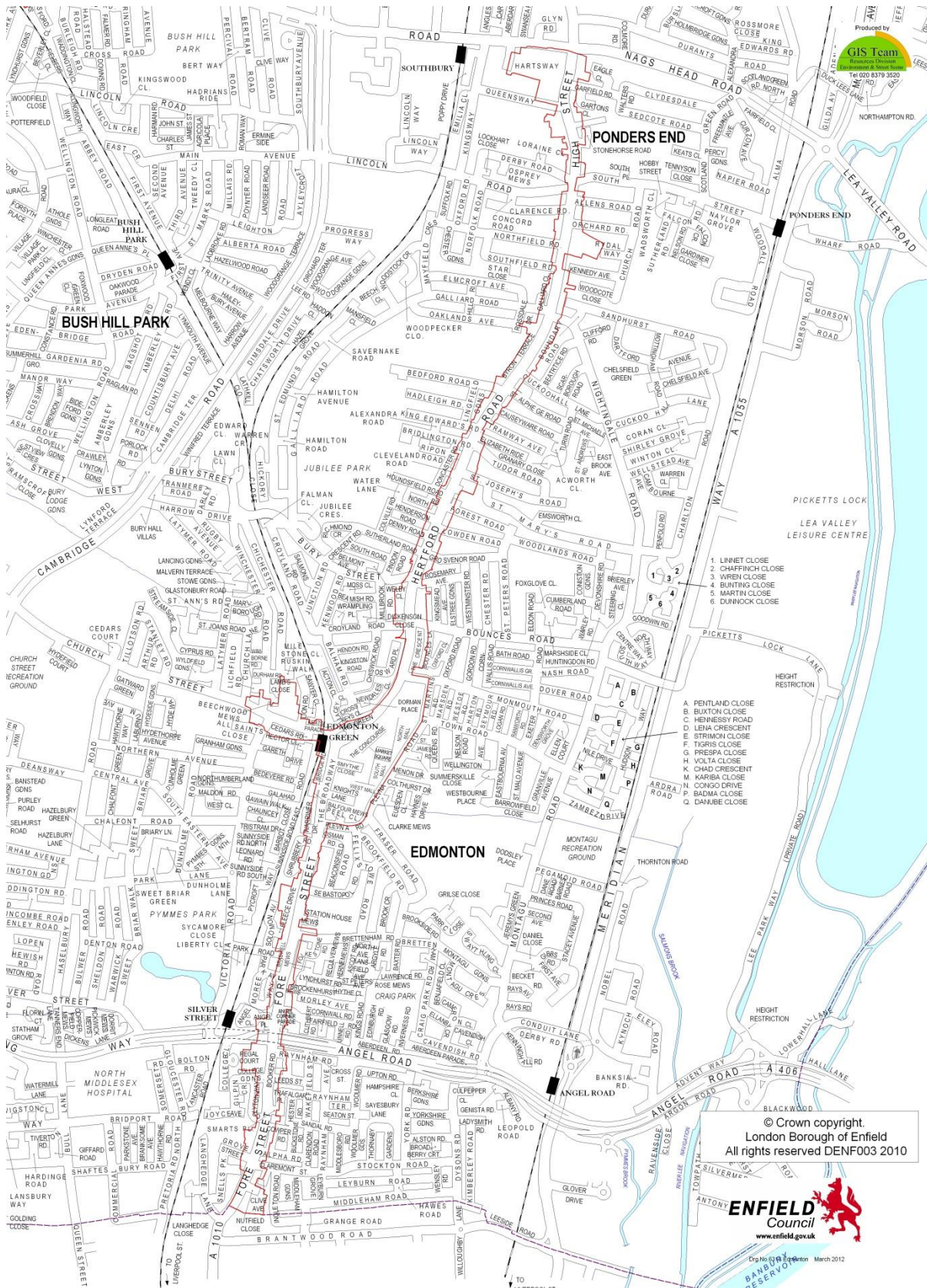


There were a total of 74 Alcohol related reports in the Southgate Stress Area in this period of time. 24 were offences at commercial premises, 22 were at domestic premises and 28 were at public areas.

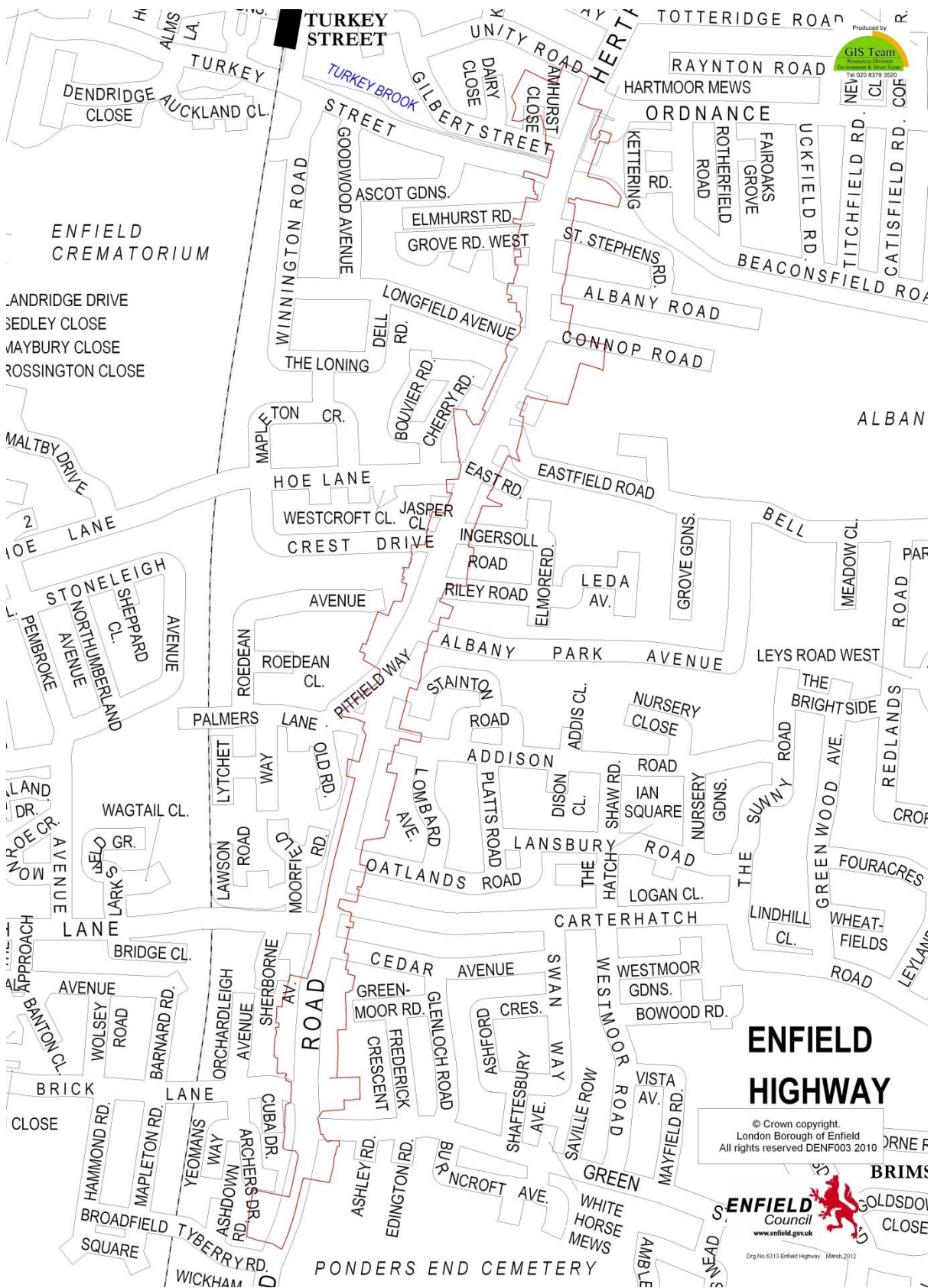


The above line graph shows the time of ALL alcohol related reports received against every type of premises in the Southgate Stress Area. The hours with the most alcohol related reports were at 14:00 and 00:00 hours.

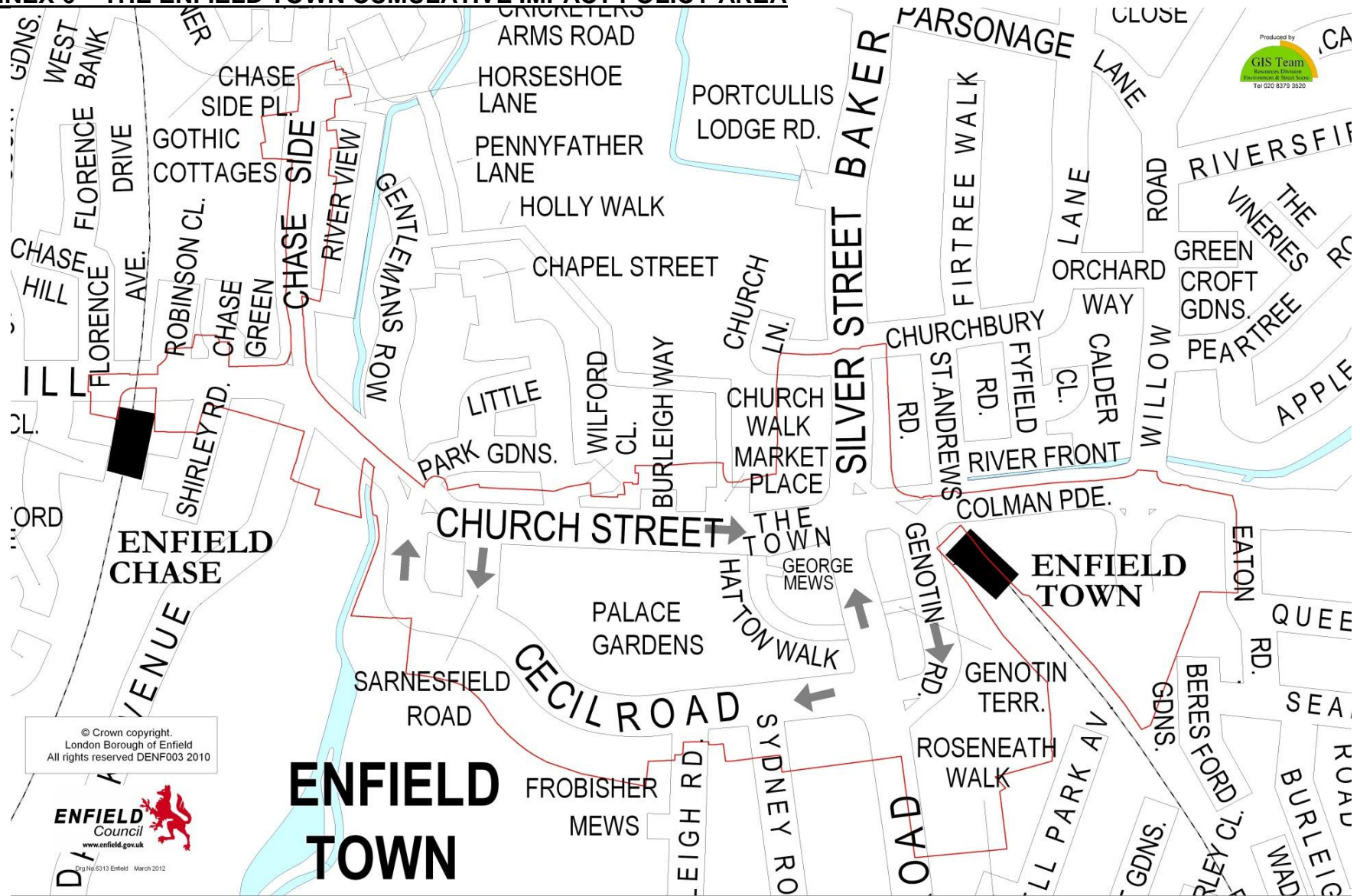
ANNEX 4 – THE EDMONTON CUMULATIVE IMPACT POLICY AREA



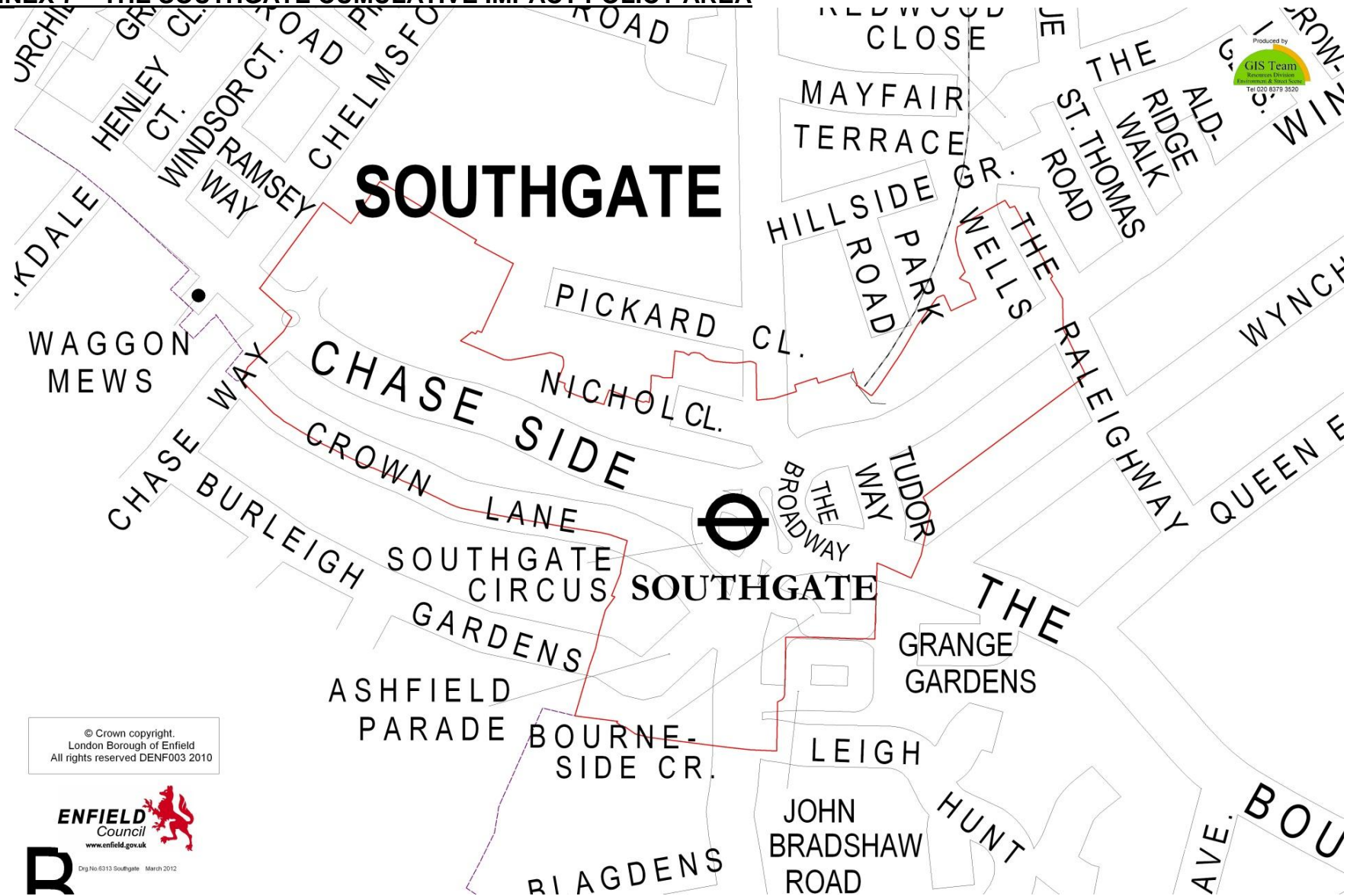
ANNEX 5 – THE ENFIELD HIGHWAY CUMULATIVE IMPACT POLICY AREA



ANNEX 6 – THE ENFIELD TOWN CUMULATIVE IMPACT POLICY AREA



ANNEX 7 – THE SOUTHGATE CUMULATIVE IMPACT POLICY AREA



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Dig No 6313 Southgate March 2012

ANNEX 8 – SEXUAL ENTERTAINMENT VENUES AND SEX ESTABLISHMENTS

The information below is provided for convenience and is complementary to, but does not form part of, the Policy under the Act :

Sexual Entertainment Venues - Policing and Crime Act 2009

On 28 March 2012 the Council resolved to refuse to adopt the sexual entertainment venues licensing provisions contained within the Policing and Crime Act 2009. Therefore Sexual Entertainment Venue Licences are not required in Enfield.

Sex Establishments - Local Government (Miscellaneous Provisions) Act 1982 (as amended)

The Council has adopted the legislation in relation to sex establishments.

The Council has resolved that the appropriate number of Sex Establishment Licences to be granted in the Borough is nil.

Any application received will be considered on its merits and in accordance with the Council's policy that the Licensing Sub-Committee should exercise caution in considering any such application.

ANNEX 9 - SUMMARY OF AGE RESTRICTIONS

The table below summarises certain age restrictions. The list is not exhaustive and is provided as a guide :

Type of Premises	Access or sales restriction (Source in brackets)
Premises exclusively or primarily used for the sale or supply of alcohol for consumption on the premises	No unaccompanied under 16's at any time (section 145 of the Act) No under 18's after 23:00 (Policy)
Other licensed premises whilst open for the sale or supply of alcohol for consumption on those premises	No unaccompanied under 16's between the hours of midnight and 05:00 (section 145 of the Act)
All licensed premises whilst open for the sale or supply of alcohol for consumption on those premises	Under 18's only until 'specified cut-off time' identified in the premises licence (where applicable) (Policy)
Off-licensed premises	No unaccompanied under 14's after 21:00 (Policy)
All premises	No sale of alcohol to under 18's (except 16 and 17 year olds where supplied as part of a table meal where an over 18 is present). (Section 146 of the Act)
Film exhibition	Restricted in accordance with film classification (Section 29 of the Act)

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MUNICIPAL YEAR 2014/15 REPORT NO. 156

MEETING TITLE AND DATE:
Council 28 January 2015

REPORT OF:
Director – Regeneration &
Environment

Contact officer and telephone number:

Sue McDaid 020 8379 3680

E mail: sue.mcdaid@enfield.gov.uk

Agenda – Part: 1

Item: 11

Subject: Delegated Authority within the
Regeneration and Environment Department

KD No: KD 4039

Wards: All

Cabinet Member consulted:
Cllr Chris Bond

1. EXECUTIVE SUMMARY

This report sets out the delegated authority arrangements within the Regeneration and Environment Department and updates arrangements in respect of delegated powers within the Divisions for Community Safety, Planning, Highways & Transportation, Public Realm, Economic Development and Regeneration as a consequence of changes in structures, posts and legislation.

2. RECOMMENDATIONS

To agree the delegated authorities outlined in this report and set out in detail at Appendices A - H.

3. BACKGROUND

- 3.1 This report updates previously agreed delegations to incorporate changes arising from new legislation and changes to the designations of posts following restructures within the Regeneration and Environment Department.
- 3.2 Delegated arrangements for planning enforcement are made through the Planning Committee.
- 3.3 Legal proceedings are issued in the name of the Assistant Director of Legal Services and Governance where she has conduct of the case. If the conduct of the case is under the designated Assistant Director, Head of Service or Team Leader within Regeneration & Environment, then proceedings are issued in their named designation as detailed in Appendices B and C paragraphs 1.3 and Appendix D paragraphs 1.4 and 1.27 below. Proceedings under the and Safety at Work Act 1974 are brought in the name of the Health and Safety Inspector appointed under Section 19 of the Act.
- 3.4 The new legislation and changes to significant national legislation since the previous report to Council on 29 February 2012 are:-
- Chronically Sick and Disabled Persons Act 1970 amended by Disabled Persons Parking Badge Act 2013
 - Anti-social Behaviour, Crime and Policing Act 2014
 - Scrap Metal Dealers Act 2013
 - Protection of Freedoms Act 2012
 - The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 made under the Enterprise and Regulatory Reform Act 2013
 - In addition, the Spitting Byelaw introduced in December 2013 created an offence of spitting in a public place. Currently this is a summons only offence at present (prosecution only means of enforcement). We are seeking a Fixed Penalty Notice (FPN) option subject to London Councils approval of a FPN fee in December 2014.
- 3.5 The Chronically Sick and Disabled Persons Act 1970 is amended by Disabled Persons Parking Badge Act 2013. It widens the definition of 'enforcement officer' and provides Council officers with the power to require badges to be handed over for inspection and the power of seizure for misuse.
- 3.6 The Anti-social Behaviour, Crime and Policing Act 2014 replaces the existing 19 powers currently used for dealing with anti-social behaviour and condenses these into the following six:

- **Injunctions**

Now, local authorities and housing providers can obtain an injunction against anyone aged between 10 and 18 causing nuisance. They are, in effect, the new form of “ASBO”.

- **Criminal Behaviour Orders (“CBO”)**

CBOs will replace the post-conviction ASBO. Where an offender has been convicted of an offence, the Court may make a CBO if it is satisfied that the offender has caused (or was likely by his behaviour to cause) harassment, alarm or distress to any person, and that the CBO will help to prevent this behaviour.

- **Dispersal Powers**

These powers are only available to the Police to authorise “dispersal powers” in a specified locality for up to 48 hours, if satisfied the powers are necessary to remove or reduce the likelihood of crime, disorder, or members of the public being harassed, alarmed or distressed.

- **Community Protection**

The local authority or Police will be able to issue a Community Protection Notice (“CPN”) against anyone over the age of 16 where their conduct is negatively affecting the quality of life of people in the locality. Failure to comply with a CPN will be a criminal offence leading to imprisonment and/or a fine. As an alternative to prosecution, a fixed penalty notice (“FPN”) may be offered. CPNs will replace a number of Notices currently used for littering (Street Litter Control Notices, Litter Clearing Notices and Litter Abatement Notices).

The Act also allows for local authorities (in consultation with the Police) to issue Public Space Protection Orders (“PSPO”). This is an order to prevent detrimental activities from taking place in certain areas. This will replace Drinking Control Orders, Dog Control Orders made under Byelaws and deal with restrictions of rights of way.

The Local Authority or Police can seek a Closure Notice, followed by a Closure Order in the Magistrates Court for premises causing serious nuisance or disorder.

- **Possession on the grounds of ASB**

New grounds for mandatory possession of premises held on secure or assured tenancies can be sought where the tenant, a member of their household or visitor has been convicted of a serious criminal offence, or found to have breached an Injunction under Section 1 of the Act or a CBO, or the property has been subject to a closure order, or convicted of an offence for breach of a noise abatement notice or court order under the Environmental Protection Act 1990.

- **Local Involvement and accountability**

Under the Act, the Police will need to prepare and publish a Community Remedy Document for their particular area. This will set out a number of informal remedies to deal with anti-social behaviour without the need to go to Court, for example: paying compensation to victims or mediation.

The Act also introduces a Community Trigger, which requires the Police and local authorities to take action against recurring anti-social behaviour when a certain number of complaints are received.

- 3.7 The Scrap Metal Dealers Act 2013 repealed the Scrap Metal Dealers Act 1964 (and linked legislation) and Part 1 of Vehicles (Crime) Act 2001, creating a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries. The Act maintains local authorities as the principal regulator but gives the power to better regulate by allowing us to refuse to grant a licence to 'unsuitable' applicants and a power to revoke licences if the dealer becomes 'unsuitable'. Suitability will be judged on the basis of a number of factors as outlined in section 3 of the Act including any unspent relevant criminal convictions. The Act also provides local authorities and police officers with appropriate powers of entry and inspection.
- 3.8 The Protection of Freedoms Act 2012 amended the procedures for seeking authorisation under the Regulation of Investigatory Powers Act 2000. Local Authorities now need to seek authorisation from the Magistrates Court to undertake surveillance, interception of communications and the use of Covert Human Intelligence Sources.
- 3.9 The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014 Order came into force on 1 October 2014. It makes it a legal requirement for all lettings agents and property managers in England to join one of three Government approved schemes. This will mean that tenants and landlords with agents in the private rented sector, and leaseholders and freeholders dealing with residential property managers, will be able to complain to an independent person about the service they have received. A maximum penalty of £5,000 may be imposed by the enforcement authority where it is satisfied, on the balance of probabilities, that someone is engaged in letting or property management work and is required to be a member of a redress scheme, but has not joined.

4. ALTERNATIVE OPTIONS CONSIDERED

None.

5. REASONS FOR RECOMMENDATIONS

This is an ongoing updating process to ensure that the Council has effectively and legally delegated its statutory powers to officers.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

6.1 Financial Implications

There are no specific financial implications arising from Recommendation 2.1.

6.2 Legal Implications

6.2.1 Pursuant to Section 101 of the Local Government Act 1972 a local authority may arrange for the discharge of any of their functions by a committee, a sub-committee or an officer of the authority or by any other local authority

6.2.2 The power to appoint Proper Officers to discharge these functions comes from sections 112, 234 and 270 (3) of the of the Local Government Act 1972 and sections 69 and 72 of the Weights and Measures Act 1985, and section 18 and 19 of the Health and Safety at Work etc Act 1974.

6.2.3 The Assistant Director of Legal and Governance Services is authorised under the Constitution to institute, defend or participate in any legal proceedings on behalf of the Council.

6.2.4 The recommendations contained within this report are within the Council's powers and duties and will ensure that officers are authorised to carry out all relevant enforcement action.

6.3 Property Implications

None.

7. KEY RISKS

The Council is at risk of legal challenge to any of its enforcement action where staff operate with powers that have not been properly delegated.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The Scheme of Delegation ensures that the Council has defined and transparent decision making.

8.2 Growth and Sustainability

The recommendations in the report fully accord with this Council priority

8.3 Strong Communities

The recommendations in the report fully accord with this Council priority.

9. EQUALITIES IMPACT IMPLICATIONS

Retrospective Equality Impact Assessments have been reviewed and revised for all services in Regeneration and Environment Department, so encompass enforcement activity. There is no further impact that arises specifically from this report in relation to equalities.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

There are no specific performance management implications. Services within Environment have performance measures that they report on which includes enforcement activity.

11. HEALTH AND SAFETY IMPLICATIONS

None

12. HR IMPLICATIONS

None

13. PUBLIC HEALTH IMPLICATIONS

The proper delegation of enforcement powers ensures that officers are able to take enforcement action on safety, health and environmental matters and will therefore ensure that the health and wellbeing of Enfield residents is protected and improved.

Background Papers

None

APPENDIX A

Delegated Authority within the Regeneration and Environment Department.

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Director of Regeneration and Environment in respect of those matters listed in Appendices A – H.
- 1.2 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Head of Community Safety in respect of those matters listed in Appendix B.
- 1.3 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Public Realm in respect of those matters listed in Appendix C.
- 1.4 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director of Planning, Highways & Transportation in respect of those matters listed in Appendix D.

APPENDIX B

Delegated Authority within the Community Safety Division

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Head of Community Safety, in respect of those matters listed in paragraphs 1.2-1.14 below.
- 1.2 That the Head of Community Safety be appointed as a Proper Officer and have delegated power to appoint Proper Officers pursuant to sections 112, 234, 270 (3) of the Local Government Act 1972 for the purposes of signing all Notices, Orders, Licences and other documents, given, made or issued by them on behalf of the Council under the legislation in Appendix E.
- 1.3 That the Head of Community Safety, be authorised pursuant to Section 222 of the Local Government Act 1972 to institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix E;
- 1.4 That the Head of Community Safety be authorised under Section 223 of the Local Government Act 1972 to appear on behalf of the Council before any Magistrates Court in relation to proceedings instituted by them;
- 1.5 That there be delegated to Head of Community Safety the power to authorise officers of the Service to appear on behalf of the Council in any Magistrates Court under Section 223 of the Local Government Act 1972 in relation to proceedings instituted for legislation shown at Appendix E.
- 1.6 That there be delegated to the Head of Community Safety the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix E, subject where appropriate to officers holding the appropriate level of competence which may include qualifications, knowledge and or experience.
- 1.7 That there be delegated to Head of Community Safety;
 - 1.7.1 Power to authorise officers to serve and sign in their own name all relevant notices in accordance with the legislation listed under Appendix E.
 - 1.7.2 Power to authorise officers to serve and sign in their own name any fixed penalty notice, penalty charge notices or similar in accordance with the legislation listed at Appendix G.
- 1.8 That named officers as authorised by the Head of Community Safety, be delegated power to authorise directed surveillance, interception of communications and the use of covert human intelligence sources in

accordance with the requirements of the Regulation of Investigatory Powers Act 2000 and to authorise officers to seek authorisation by Magistrates. (The Assistant Director of Legal Services to maintain a record of duly authorised named officers holding the above posts and such other posts which satisfy the requirements of the Council's policy relating to the Regulation of Investigatory Powers Act 2000).

- 1.9 That there be delegated to the Head of Community Safety the power to seek an Injunction or Criminal Behaviour Order in either the Magistrates' Court or County Court.
- 1.10 That there be delegated to the Head of Community Safety the power to sign a Public Space Protection Orders under the Anti-social Behaviour, Crime and Policing Act 2014
- 1.11 That there be delegated to the Head of Community Safety the power to seek closure orders for 'crack houses' and brothels under the Anti-social Behaviour, Crime and Policing Act 2014.
- 1.12 That there be delegated to the Head of Community Safety the power to seek 'gang' injunctions under section 37 of the Policing and Crime Act 2009.
- 1.13 That the Head of Community Safety be delegated power to authorise officers (including Metropolitan Police Officers operating within the Council's Parks Police Unit) to enforce The London Borough of Enfield Byelaws for Pleasure Grounds, Public Walks and Open Spaces sealed by the Council on 27th April 2011 and confirmed by the Secretary of State on 25th August 2011.
- 1.14 That there be delegated to the Head of Community Safety power to authorise officers (including Metropolitan Police Officers operating within the Council's Parks Police Unit) to serve and sign in their own name any fixed penalty notice, penalty charge notices and similar in accordance with those offences litter dog fouling and dog control orders listed in Appendix G.

APPENDIX C

Delegated Authority within the Public Realm Division

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Public Realm; Head of Operational Waste and Parks Services and Head of Client Services, in respect of those matters listed in paragraphs 1.2-1.7 below.
- 1.2 That the Assistant Director Public Realm; Head of Operational Waste and Parks Services and Head of Client Services be appointed as Proper Officers and have delegated power to appoint Proper Officers pursuant to sections 112, 234, 270 (3) of the Local Government Act 1972 for the purposes of signing all Notices, Orders, Licences and other documents, given, made or issued by them on behalf of the Council under the legislation in Appendix E.
- 1.3 That the Assistant Director Public Realm; Head of Operational Waste and Parks Services and Head of Client Services, be authorised pursuant to Section 222 of the Local Government Act 1972 to institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix E;
- 1.4 That the Assistant Director Public Realm; Head of Operational Waste and Parks Services and Head of Client Services be authorised under Section 223 of the Local Government Act 1972 to appear on behalf of the Council before any Magistrates Court in relation to proceedings instituted by them;
- 1.5 That there be delegated to Assistant Director Public Realm; Head of Operational Waste and Parks Services and Head of Client Services the power to authorise officers of the Service to appear on behalf of the Council in any Magistrates Court under Section 223 of the Local Government Act 1972 in relation to proceedings instituted for legislation shown at Appendix E.
- 1.6 That there be delegated to the Assistant Director Public Realm; Head of Operational Waste and Parks Services and Head of Client Services the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix E, subject where appropriate to officers holding the appropriate level of competence which may include qualifications, knowledge and or experience;
- 1.7 That there be delegated to the Assistant Director Public Realm; Head of Operational Waste and Parks Services and Head of Client Services to authorise officers to serve and sign in their own name any fixed penalty notice, penalty charge notice and similar in accordance with the legislation listed in Appendix G.

APPENDIX D

Delegated Authority within the Assistant Director Planning, Highways and Transportation Division

Regulatory Services:

- 1.1 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services in respect of those matters listed in paragraphs 1.2-1.24 below.
- 1.2 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services be appointed as Proper Officers and have delegated power to appoint Proper Officers pursuant to sections 112, 234, 270 (3) of the Local Government Act 1972 for the purposes of signing all Notices, Orders, Licences and other documents, given, made or issued by them on behalf of the Council under the legislation in Appendix E.
- 1.3 That the Assistant Director Planning, Highways and Transportation, and Head of Regulatory Services have delegated power to appoint Proper Officers pursuant to sections 69 and 72 of the Weights and Measures Act 1985.
- 1.4 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services and Team Leaders under the direction of the Service Head, be authorised pursuant to Section 222 of the Local Government Act 1972 to institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix E;
- 1.5 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services be authorised under Section 223 of the Local Government Act 1972 to appear on behalf of the Council before any Magistrates Court in relation to proceedings instituted by them;
- 1.6 That there be delegated to Assistant Director Planning, Highways and Transportation and Head of Regulatory Services the power to authorise officers of the Service to appear on behalf of the Council in any Magistrates Court under Section 223 of the Local Government Act 1972 in relation to proceedings instituted for legislation shown at Appendix E.
- 1.7 That there be delegated to the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix E, subject where appropriate to officers holding the appropriate level of competence which may include qualifications, knowledge and or experience;

- 1.8 That there be delegated to the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services the power to institute proceedings and bring contempt of court action in relation to the Enterprise Act 2002 and for Trading Standards Team Leader to be delegated the power to seek and receive voluntary undertakings under the aforesaid legislation.
- 1.9 That there be delegated to the Assistant Director Planning, Highways and Transportation, Head of Regulatory Services, Head of Development Management, and Team Leaders;
 - 1.9.1 Power to authorise officers to serve and sign in their own name all improvement and prohibition notices in food safety and health & safety enforcement.
 - 1.9.2 Power to authorise officers to serve and sign in their own name all relevant notices in accordance with the legislation listed under Appendix E.
 - 1.9.3 Power to authorise officers to serve and sign in their own name any fixed penalty notice, penalty charge notice and similar in accordance with the legislation listed at Appendix G.
 - 1.9.4 All authorisation, variation, revocation, enforcement and prohibition notices under; local authority pollution control enforcement.
- 1.10 That the powers of suspension and forfeiture provided by the Consumer Protection Act 1987 and the European Communities Act 1972 be delegated to the Assistant Director Planning, Highways and Transportation, Head of Regulatory Services and Team Leaders;
- 1.11 That there be delegated to the Assistant Director Planning, Highways and Transportation, Head of Regulatory Services and Head of Development Management the power to authorise officers to sign licences and registrations (as required by various statutes in Appendix E and listed at Appendix F).
- 1.12 That in cases of serious consumer fraud the Assistant Director Planning, Highways and Transportation, Head of Regulatory Services and Team Leaders under the direction of a Head of Service be delegated authority to institute proceedings under the Criminal Law Act 1977, Criminal Attempts Act 1981, Common Law Conspiracy to Defraud and Fraud Act 2006.
- 1.13 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services be responsible for the discharge of the functions of the Local Authority relating to the appointment and duties of Trading Standards Officers, Fair Trading Officers, Environmental Health Officers, Environmental Protection Officers, Licensing Officers

or Technical Officers in the Service;

- 1.14 That the Assistant Director Planning, Highways and Transportation, Head of Regulatory Services and Head of Development Management be responsible for arranging for the signature and service of Notices under the provisions of Sections 80 and 80(A) Environmental Protection Act 1990;
- 1.15 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services be empowered pursuant to section 108 of the Environment Act 1995 to authorise persons as necessary for carrying into effect the provisions of the Act;
- 1.16 That the Assistant Director Planning, Highways and Transportation, Head of Regulatory Services and Head of Development Management be empowered pursuant to Schedule 1, Part 1 paragraph 14 of the Pollution Prevention Control Act 1999 to authorise persons as necessary for carrying into effect the provisions of the Act;
- 1.17 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services be authorised to:
 - 1.17.1 Appoint Animal Welfare Officers to enter premises and to take action under enactments listed in Appendix E;
 - 1.17.2 Instruct, on behalf of the Council, such veterinary surgeon(s) to enter any premises to advise as necessary on action to be taken under the animal welfare legislation listed in Appendix E.
- 1.18 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services be given delegated authority to appoint:
 - 1.18.1 A Consultant in Communicable Disease Control and their deputies to perform duties on behalf of the Council in respect of Notifiable Disease, Infections and food poisoning and for action under Section 47 of the National Assistance Act 1948 and
 - 1.18.2 Public Analysts in accordance with Section 27 of the Food Safety Act 1990 and Agricultural Analysts for the purposes of the Agricultural Act 1970;
- 1.19 The Assistant Director Planning, Highways and Transportation and Head of Regulatory Services be empowered:
 - 1.19.1 pursuant to Section 19 of the Health and Safety at Work etc Act 1974, to appoint as Inspectors such persons having suitable qualifications as he or she thinks necessary for carrying into effect the provisions of the Act and to terminate any appointment made; and

- 1.19.2 pursuant to Section 39 of the Health and Safety at Work etc Act 1974, to authorise any such Inspectors to prosecute before a Magistrates' Court for any offence under the said Act or Regulations made there under and
- 1.19.3 be given delegated powers to arrange for other people to accompany Inspectors on inspections of workplaces and/or exercise inspector's powers under the provisions of the Health and Safety at Work etc. Act 1974 and
- 1.19.4 on behalf of the Local Authority be given delegated powers to endorse any agreed transfers of enforcement responsibility for any particular premises, or parts of premises, or any particular activities carried on in them, from the Health and Safety Executive to the Local Authority, or vice versa and;
- 1.19.5 be given delegated powers to issue a Sports Ground Safety Certificate under the Safety of Sports Grounds Act 1975;
- 1.20 That named officers as authorised by the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services be delegated power to authorise directed surveillance, interception of communications and the use of covert human intelligence sources in accordance with the requirements of the Regulation of Investigatory Powers Act 2000 and to authorise officers to seek authorisation by Magistrates. (The Assistant Director of Legal Services to maintain a record of duly authorised named officers holding the above posts and such other posts which satisfy the requirements of the Council's policy relating to the Regulation of Investigatory Powers Act 2000).
- 1.21 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services be authorised to take appropriate enforcement action against (including prosecution) contraventions of non-mandatory trading legislation in cases where they determine it is expedient to do so in the interests of consumer protection, fair trading or wider public protection considerations;
- 1.22 That the powers of the Council to provide advice to consumers of goods and services under Section 69(5) of the Weights and Measures Act 1985 be delegated to staff duly authorised for that purpose by the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services.
- 1.23 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services be authorised to appoint suitably qualified officers to exercise powers under the Proceeds of Crime Act 2002 for the recovery of assets.

- 1.24 That the Assistant Director Planning, Highways and Transportation and Head of Regulatory Services be authorised to agree protocols which delegate functions for the enforcement of part III of the Consumer Credit Act 1974 and delegate the power to prosecute to Birmingham City Council for any matters associated with or discovered during an investigation by the illegal money lending team against illegal money lenders operating within the London Borough of Enfield.

Development Management, Highways and Traffic and Transportation:

- 1.25 Pursuant to section 101 of the Local Government Act 1972, powers are delegated to the Assistant Director Planning, Highways and Transportation, Head of Development Management, Head of Highway Services, Head of Traffic & Transportation and Head of Parking Services, in respect of those matters listed in paragraphs 1.25-1.38 below.
- 1.26 That the Assistant Director Planning, Highways and Transportation, Head of Development Management, Head of Highway Services, Head of Traffic & Transportation and Head of Parking Services be appointed as Proper Officers and have delegated power to appoint Proper Officers pursuant to sections 112, 234, 270 (3) of the Local Government Act 1972 for the purposes of signing all Notices, Orders, Licences and other documents, given, made or issued by them on behalf of the Council under the legislation in Appendices E & F.
- 1.27 That the Assistant Director Planning, Highways and Transportation, Head of Development Management, Head of Highway Services, Head of Traffic & Transportation and Head of Parking Services, be authorised pursuant to Section 222 of the Local Government Act 1972 to institute proceedings in any Magistrates Court in respect of offences or other matters falling within the legislation in Appendix E;
- 1.28 That the Assistant Director Planning, Highways and Transportation, Head of Development Management, Head of Highway Services, Head of Traffic & Transportation and Head of Parking Services be authorised under Section 223 of the Local Government Act 1972 to appear on behalf of the Council before any Magistrates Court in relation to proceedings instituted by them;
- 1.29 That there be delegated to Assistant Director Planning, Highways and Transportation, Head of Development Management, Head of Highway Services, Head of Traffic & Transportation and Head of Parking Services the power to authorise officers of the Service to appear on behalf of the Council in any Magistrates Court under Section 223 of the Local Government Act 1972 in relation to proceedings instituted for legislation shown at Appendix E.
- 1.30 That there be delegated to the Assistant Director Planning, Highways and Transportation, Head of Development Management, Head of

Highway Services, Head of Traffic & Transportation and Head of Parking Services the power to authorise officers to exercise powers and duties falling within the legislation referred to at Appendix E, subject where appropriate to officers having an appropriate level of competence which may include qualifications, knowledge and or experience.

- 1.31 That there be delegated to the Assistant Director Planning, Highways and Transportation, Head of Traffic & Transportation and Head of Highway Services, the power to authorise officers of Highway Services to issue Fixed Penalty Notices pursuant to regulations 19 (1) and 20 (1) of The Traffic Management Permit Scheme (England) Regulations 2007 and s70 and s74 of the New Roads and Street Works Act 1991
- 1.32 That there be delegated to the Assistant Director Planning, Highways and Transportation, the power to authorise the Head of Highway Services, the Group Engineer Network Management and Improvements, and the Principal Streetworks Officer, the power to initiate proceedings in connection with offences created under the New Roads and Streetworks Act 1991, Traffic Management Act 2004 and other related legislation.
- 1.33 That the Assistant Director Planning, Highways and Transportation, Head of Highway Services, Head of Development Management, Head of Traffic & Transportation and Head of Parking Services be delegated power to authorise directed surveillance, interception of communications and the use of covert human intelligence sources in accordance with the requirements of the Regulation of Investigatory Powers Act 2000 and authorise officers to seek authorisation from Magistrates. (The Assistant Director of Legal Services to maintain a record of duly authorised named officers holding the above posts and such other posts which satisfy the requirements of the Council's policy relating to the Regulation of Investigatory Powers Act 2000).
- 1.34 That there be delegated to the Assistant Director Planning, Highways and Transportation, Head of Traffic & Transportation and Group Leaders authority to commence the process to make Traffic Orders under the Highways Act 1980 (sections 25, 116 and 118) and the Town & Country Planning Act 1990 (sections 247 and 249). That said officers may proceed to confirm such Orders if unopposed.
- 1.35 That the Assistant Director Planning, Highways and Transportation, Head of Development Management, Head of Highway Services, Head of Traffic & Transportation and Head of Parking Services be delegated power to authorise officers to serve and sign in their own name any fixed penalty notice, penalty charge notices and similar in accordance with those offences under the Highways Act 1980 listed in appendix G.
- 1.36 That the Assistant Director Planning, Highways and Transportation be authorised to exercise powers under section 96 of the Highways Act

1980 for the removal and retention of trees in accordance with the Council's Highway Strategy.

- 1.37 That the Assistant Director of Planning, Highways and Transportation Head of Development Management be authorised to name streets and number properties in accordance with Council policy under the London Buildings Acts (Amendment) Act 1939 and the Local Government Act 2003.
- 1.38 That the Assistant Director Planning, Highways and Transportation, and Head of Development Management and Head of Regulatory Services, be given delegated powers to issue a Sports Ground Safety Certificate under the Safety of Sports Grounds Act 1975

APPENDIX E**Legislation enforced by Regeneration and Environment Department**

The legislation in Appendix E comprises all the statutes set out in the following table, as amended from time to time, plus all secondary legislation made under or in connection with any of those statutes, including any relevant secondary legislation made under the European Communities Act 1972 and any relevant by-laws or orders made by the London Borough of Enfield and their amendments.

NO.	LEGISLATION
1.	Abandonment of Animals Act 1960
2.	Accommodation Agencies Act 1953
3.	Administration Of Justice Act 1970
4.	Agriculture Act 1970
5.	Agriculture (Misc. Provisions) Act 1968
6.	Animal Boarding Establishments Act 1963
7.	Animal Health Act 1981
8.	Animal Health & Welfare Act 1984
9.	Animals Act 1971
10.	Animal Health Act 2002
11.	Animal Welfare Act 2006
12.	Anti Social Behaviour Act 2003
13.	Anti-social Behaviour, Crime and Policing Act 2014
14.	Architects Act 1997
15.	Auctions (Bidding Agreements) Acts 1927 & 1969
16.	Building Act 1984
17.	Business Names Act 1985
18.	Breeding Of Dogs Act 1973
19.	Breeding Of Dogs Act 1991

20.	Breeding & Sale Of Dogs (welfare) act 1999
21.	Cancer Act 1939
22.	Caravan Sites Act 1968
23.	Caravan Sites & Control Of Development Act 1960
24.	Charities Act 2006
25.	Charities Act 1992
26.	Children & Young Persons (Protection From Tobacco) Act 1991
27.	Children & Young Persons Act 1933
28.	Children & Young Persons Act 1963
29.	Children and Young Persons (Protection from Tobacco) Act 1991
30.	Chronically Sick and Disabled Persons Act 1970
31.	Clean Air Act 1993
32.	Clean Neighbourhoods & Environment Act 2005
33.	Computer Misuse Act 1990
34.	Companies Act 2006
35.	Construction Products Regulations 1991
36.	Consumer, Estate Agents and Redress Act 2007
37.	Consumer Credit Act 1974
38.	Consumer Credit Act 2006
39.	Consumer Protection Act 1987
40.	Control Of Pollution Act 1974
41.	Control of Pollution (amendment) Act 1989
42.	Copyright Designs & Patents Act 1988
43.	Copyright, etc and Trademarks (Offences & Enforcement) Act 2002
44.	Cosmetic Product Enforcement Regulations 2013
45.	Crime and Disorder Act 1998
46.	Criminal Attempts Act 1981
47.	Criminal Damage Act 1971
48.	Criminal Justice & Public Order Act 1994
49.	Criminal Justice Act 1988
50.	Criminal Justice and Immigration Act 2008
51.	Criminal Justice and Police Act 2001

52.	Criminal Law Act 1977
53.	Crossbows Act 1987
54.	Dangerous Dogs Act 1991
55.	Dangerous Wild Animals Act 1976
56.	Development Of Tourism Act 1969
57.	Disability Discrimination Act 1995
58.	Edmonton Urban District Council Act 1929
59.	Education Reform Act 1988
60.	Employment Of Women, Young Persons & Children Act 1920
61.	Employment Agencies Act 1973
62.	Energy Conservation Act 1981
63.	Environment Act 1995
64.	Environmental Protection Act 1990
65.	Enterprise Act 2002
66.	Enterprise and Regulatory Reform Act 2013
67.	Estate Agents Act 1979
68.	European Communities Act 1972
69.	Explosive (Age Of Purchase & C.) Act 1976
70.	Explosives Act 1875
71.	Fair Trading Act 1973
72.	Firearms Act 1968
73.	Fireworks Act 2003
74.	Fire Safety & Safety of Places of Sport Act 1987
75.	Flood and Water Management Act 2010
76.	Food & Environment Protection Act 1985
77.	Food Safety Act 1990
78.	Forgery & Counterfeiting Act 1981
79.	Fraud Act 2006
80.	Gambling Act 2005
81.	Greater London Council (General Powers) Act 1972
82.	Greater London Council (General Powers) Act 1973
83.	Greater London Council (General Powers) Act 1974
84.	Greater London Council (General Powers) Act 1978

85.	Greater London Council (General Powers) Act 1981
86.	Greater London Council (General Powers) Act 1982
87.	Greater London Council (General Powers) Act 1984
88.	Guard Dogs Act 1975
89.	Hallmarking Act 1973
90.	Health Act 2006
91.	Health & Safety at Work etc Act 1974
92.	Health and Social Care Act 2008
93.	Highways Act 1835
94.	Highways Act 1980
95.	Housing Act 1985 (as amended)
96.	Housing Act 1996
97.	Housing, Grants, Construction & Regeneration Act 1996
98.	Housing Act 1988
99.	Housing Act 2004
100.	Hypnotism Act 1952
101.	Intellectual Property Act 2014
102.	Intoxicating Substances (Supply) Act 1985
103.	Knives Act 1997
104.	Land Drainage Act 1991
105.	Legal Services Act 2007
106.	Licensing Act 2003
107.	Local Government (Misc. Provisions) Act 1976
108.	Local Government (Misc. Provisions) Act 1982
109.	Local Government Act 1972
110.	Local Government Act 2000
111.	Localism Act 2011
112.	London Buildings Acts (Amendment) Act 1939
113.	London Local Authorities Act 1990
114.	London Local Authorities Act 1991
115.	London Local Authorities Act 1994
116.	London Local Authorities Act 1995
117.	London Local Authorities Act 1996

118.	London Local Authorities Act 2000
119.	London Local Authorities Act 2004
120.	London Local Authorities Act 2007
121.	London Local Authorities & Transport For London Act 2003
122.	London Local Authorities & Transport For London Act 2008
123.	London Olympic Games and Paralympic Games Act 2006
124.	Magistrates Court Act 1980
125.	Malicious Communications Act 1988
126.	Mobile Telephones (Re-Programming) Act 2002
127.	Mock Auctions Act 1961
128.	Motorcycle Noise Act 1987
129.	Motor Vehicle (Safety for children) Act 1991
130.	National Lottery Act 1993
131.	New Roads and Street Works Act 1991
132.	Noise Act 1996
133.	Noise & Statutory Nuisance Act 1993
134.	Offensive Weapons Act 1996
135.	Offices Shops & Railways Premises Act 1963
136.	Olympic Symbol Etc (Protection) Act 1995
137.	Package Travel, Package Holidays & Package Tours Regs 1992
138.	Performing Animals (Regulation) Act 1925
139.	Pet Animals Act 1951 and Pet Animals (Amendment) Act 1983
140.	Poisons Act 1972
141.	Policing and Crime Act 2009
142.	Pollution Prevention & Control Act 1999
143.	Planning (Listed Buildings & Conservation Areas) Act 1990
144.	Prevention Of Damage By Pests Act 1949
145.	Prices Act 1974 and 1975
146.	Proceeds of Crime Act 2002
147.	Protection Of Children (Tobacco) Act 1986
148.	Protection of Freedoms Act 2012
149.	Protection From Eviction Act 1977
150.	Protection From Harassment Act 1997

151.	Public Health (Control Of Diseases) act 1984
152.	Public Health Act 1936
153.	Public Health Act 1961
154.	Public Health Acts Amendment Act 1907
155.	The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014
156.	Refuse Disposal (Amenity) Act 1978
157.	Registered Designs Act 1949
158.	Restriction of Offences Weapons Act 1959
159.	Riding Establishments Act 1964 and 1970
160.	Road Traffic Act 1988
161.	Road Traffic (Foreign Vehicles) Act 1972
162.	Road Traffic Offenders Act 1988
163.	Road Traffic Regulation Act 1984
164.	Safety Of Sports Grounds Act 1975
165.	Scrap Metal Dealers Act 2013
166.	Sunbeds (Regulation) Act 2010
167.	Sunday Trading Act 1994
168.	Theft Act 1968
169.	Theft Act 1978
170.	Tobacco Advertising And Promotion Act 2002
171.	Town & Country Planning Act 1990
172.	Trade Descriptions Act 1968
173.	Trade Marks Act 1994
174.	Trading Schemes Act 1996
175.	Traffic Management Act 1991
176.	Traffic Management Act 2004
177.	Unsolicited Goods & Services Act 1971
178.	Unsolicited Goods & Services (Amendment) Act 1975
179.	Vehicles (Crime) Act 2001
180.	Violent Crime Reduction Act 2006
181.	Video Recordings Act 1984
182.	Video Recordings Act 1993

183.	Video Recordings Act 2010
184.	Water Act 1989
185.	Water Industry Act 1991
186.	Water Resources Act 1991
187.	Weights & Measures Act 1985
188.	Wildlife & Countryside Act 1981 not sure of relevance/powers
189.	Young Persons Employment Act 1938
190.	Zoo Licensing Act 1981

APPENDIX F

LICENSES AND REGISTRATIONS

NO.	LICENCE/ REGISTRATION and LEGISLATION
1.	Animal Boarding (Animal Boarding Establishments Act 1963)
2.	Animal Welfare Act 2006
3.	Auctions and Sales by Competitive Bidding (Greater London Council (General Powers) Act 1984)
4.	Civil Marriage/partnership venues (Marriage Act 1949 and Civil Partnership Act 2004)
5.	Dangerous Wild Animals (Dangerous Wild Animals Act 1976)
6.	Dog Breeders (Breeding and Sale of Dogs (Welfare) Act 1999)
7.	Explosives Storage (Manufacture and Storage of Explosives) Regulations 2005)
8.	Food Premises Registration (Food Safety Act 1990, Food Premises (Registration) Regulations 1990, as amended).
9.	Gambling Act 2005
10.	Hairdressers/Barbers Registration (Greater London Council (General Powers) Act 1967
11.	Hire of Pleasure craft licences (Public Health Acts Amendment Act 1907 section 94)
12.	Hypnotism Licences (Hypnotism Act 1952)
13.	Licensing Act 2003
14.	Motor vehicle salvage (Vehicles (Crime) Act 2001 and Motor Salvage Operators Regulations 2002)
15.	Movement of Pigs (Animal Health Act 1981)
16.	Occasional Car boot Sales (London Local Authorities Act 1996)
17.	Performing Animals (Performing Animals (Regulation) Act 1925
18.	Permits for Pollution control (Pollution Prevention and Control Act 1999)
19.	Pet Shops (Pet Animals Act 1951 and Pet Animals (Amendment) Act 1983)
20.	Poisons (Poisons Act 1972)
21.	Registration of Cooling Towers (The Notification of Cooling Towers and Evaporative Condensers Regulations 1992)

22.	Riding Schools (Riding Establishments Act 1964 and 1970)
23.	Sports Ground Safety Certificate (Safety of Sports Grounds Act 1975)
24.	Scrap Metal Dealers (Scrap Metal Dealers Act 2013)
25.	Sex Establishments (Local Government (Miscellaneous Provisions) Act 1982)
26.	Skips, scaffolding and other lawful interference with the highway (Highways Act 1980)
27.	Special Treatments (London Local Authorities Act 1991 as amended)
28.	Street Trading (London Local Authorities Act 1990)
29.	Zoo Licences (Zoo Licensing Act 1981)

APPENDIX G

FIXED PENALTY NOTICES, PENALTY CHARGE NOTICES AND OTHER SIMILAR PROVISIONS

Act	Section	Description of Offence
AntiSocial Behaviour Act 2003	43(1)	Graffiti and Flyposting
Anti-Social Behaviour, Crime and Policing Act 2014:	53 68	Section 52 - Failing to comply with a Community Protection Notice (S48) Section 68 - Consumption of Alcohol in breach of Prohibition Order (S63) or failing to comply with a Public Spaces Protection Order (S67).
Clean Neighbourhoods and Environment Act 2005	3,4 and 6(1)	Exposing vehicles for sale on a road. Repairing vehicles in the course of a business on a road.
Refuse Disposal (Amenity) Act 1978	2A(1)	Abandoning a vehicle
Environmental Protection Act 1990	88(1)	Litter
Environmental Protection Act 1990	94A(2)	Street Litter Control Notices and Litter Clearing Notices
Environmental Protection Act 1990	Schedule 3A, para 7(2)	Unauthorised distribution of literature on designated land
Control of Pollution (Amendment) Act 1989	5B(2)	Failure to produce authority to carry controlled waste
Environmental Protection Act 1990	34A(2)	Failure to furnish documentation (waste transfer notes)
Environmental Protection Act 1990	46A 47ZA (2)	Offences in relation to waste receptacles
Clean Neighbourhoods and Environment Act 2005	59(2)	Offences under Dog Control Orders (includes dog fouling)
Clean Neighbourhoods and Environment Act 2005	73(2)	Failure to nominate key-holder (within an alarm notification area) or to notify local authority in writing of nominated key-holder's details.
Highways Act 1980 Schedule 22A and 22B and Section 8, London Local Authorities and	132(1)	Painting or otherwise inscribing or affixing picture etc. upon the surface of a highway or upon a tree, structure or works on or in a highway
	137(1)	Wilful obstruction of highway
	138	Erecting a building, fence or hedge on highway

Transport for London Act 2003	139(3)	Depositing builder's skip on highway without permission
	139(4)(a)	Failure to secure lighting or other marking of builder's skip
	139(4)(b)	Failure to secure marking of builder's skip with name and address
	139(4)(c)	Failure to secure removal of builder's skip
	139(4)(d)	Failure to comply with conditions of permission
	140(3)	Failure to remove or reposition builder's skip
	141(3)	Failure to comply with notice requiring removal of tree or shrub
	147A(2)	Using of stall etc. for road side sales in certain circumstances
	148(a)	Depositing material etc. on a made-up carriageway
	148(b)	Depositing material etc. within 15 feet from centre of made-up carriageway
	148(c)	Depositing anything on highway to the interruption of user
	148(d)	Pitching of booths, stalls or stands or encamping on highway
	151(3)	Failure to comply with notice requiring works to prevent soil or refuse escaping onto street or into sewer
	152(4)	Failure to comply with notice requiring removal of projection from buildings
	153(5)	Failure to comply with notice requiring alteration of door, gate or bar opening outwards onto street
	155(2)	Keeping of animals straying or lying on side of highway
161(1)	Depositing things on highway which cause injury or danger	
169(5)	Erecting scaffolding or other structure without licence or failing to comply with terms of licence or perform duty under subsection (4)	
Environmental Protection Act 1990 and London Local Authorities Act 2004 (Sections 15 & 16 and Schedule 2) (as amended)	80(4A)	Contravention or failure to comply with requirement or prohibition imposed by abatement notice
Estate Agents Act 1979 as amended by the Consumers, Estate Agents and Redress Act 2007	23B(1) and schedule 4	Engaging in Estate Agency Work without being a member of an approved redress scheme. (Penalty Charge Notice)

Health Act 2006	6(5) and 9	Failure to comply with a duty to display no smoking signs in smoke free places and smoke free vehicles.
	7(2) and 9	Smoking in a Smoke Free Place
Town and Country Planning Act 1990 and London Local Authorities Act 2004 (Sections 15 & 16 and Schedule 2)(as amended)	224(3)	Displaying advertisement in contravention of regulations (in respect of Estate Agents Boards only)
London Local Authorities Act 1990 and 2004 and London Local Authorities Act 2004 (Sections 15 & 16 and Schedule 2)(as amended)	34(1)	Contravention of condition of street trading licence or temporary licence
	34(2)	Making false statement in connection with application for street trading licence or temporary licence
	34(3)	Resisting or obstructing authorised officer
	34(4)	Failure to produce street trading licence on demand
	38(1)	Unlicensed street trading
London Local Authorities Act 2007	23 24 61	Sections 24 and 61 - Penalty Charge Notices for littering from Motor vehicles Sections 23 and 61 - Penalty Charge Notices for breaching of regulations relating to receptacles for household, commercial or industrial waste
The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 Regulation 40	5(2)	Failure of relevant person to make available free of charge a valid energy performance certificate to a prospective buyer or tenant
	5(5)	Failure of relevant person to make available free of charge a valid energy performance certificate to the person who ultimately becomes the buyer or tenant
	5A(2) to 5A(4)	Energy Performance Certificates on marketing of properties

	6(2)	Failure to provide energy information with the particulars when selling/renting property
	9(2)	Failure to give to the owner an energy performance certificate on completion of construction of the building
	10	Failure to give a recommendation report with an energy performance certificate
	16(2)	Failure to comply with duties relating to display energy certificates and advisory reports
	21(1)	Failure to comply with the duty in relation to a relevant air-conditioning system to ensure that the system is inspected by an energy assessor at regular intervals not exceeding five years.
	23	Failure to keep the most recent inspection report made by an energy assessor
	24	Failure to comply with duty on new relevant person who has not been given the inspection report to have the system inspected
	39(4)	Failure to provide upon request of the enforcing authority a valid energy performance certificate and recommendation report, an advisory report; or an inspection report.
London Local Authorities Act 2004 for byelaw made under Section 235 Local Government Act 1972	15	Fixed Penalty Notice for spitting
The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014	8(1)	Penalty notice for failing to comply with requirement to belong to a redress scheme.

MUNICIPAL YEAR 2014/2015 REPORT NO. 157

MEETING TITLE AND DATE:

Council – 21 January 2015

REPORT OF:

Director of Schools & Children's Services

Contact officer: Sangeeta Brown

E-mail: sangeeta.brown@enfield.gov.uk

Agenda – Part: 1

Item: 12

Subject:**School Forum - Amendment to Terms of Reference****Wards: All****Cabinet Member consulted:****Cllr Orhan****1. EXECUTIVE SUMMARY**

This report seeks approval to revise the Terms of Reference for the Schools Forum.

2. RECOMMENDATIONS

Following the enactment of the School and Early Years Finance (England) Regulations 2014, to approve the amended Terms of Reference for the Schools Forum as detailed in this report.

3. BACKGROUND

3.1 The current Terms of Reference were approved by Council at the meeting held on 19 September 2012. The Schools Forum agreed at their meeting on 9 July 2014 to extending the membership to include a School Business Manager as an observer to the Forum. In addition, the Department of Education (DfE) have published statutory regulations which require minor revisions to the operation of Schools Forum.

3.2 This report is seeking the Council's approval to the revised Terms of Reference for the Schools Forum.

3.4 CHANGES TO THE TERMS OF REFERENCE**3.4.1 FUNCTION****3.4.1.1 Current**

The Schools Forum is a statutory body. It was set up in response to the duty placed on the Local Education Authority now the Children's Services Authority (CSA) to establish a Schools' Forum by January 2003.

As part of the current functions of the Schools' Forum, the Council is required to consult and, where appropriate, agree with the Forum on:

- the Local School Funding Formula;

- issues, specified in regulations, in connection with the Schools' budget;
- service contracts;

The Schools Forum has proved to be an effective consultative body and has provided invaluable guidance and advice on school funding.

3.4.1.2 Revisions

The regulations have been revised to be more explicit by requiring the Council to advise and consult the Schools Forum on the financial arrangements related to the education of pupils with special or additional educational needs.

Whilst the Enfield Schools Forum have been consulted on the financial arrangements related to the education of pupils with special or additional educational needs there is still a need to reflect this in the Terms of Reference of the Schools Forum. Therefore, it is recommended this clause is included in the terms of reference for the Schools Forum.

3.4.2 MEMBERSHIP

3.4.2.1 Current

The current regulations governing Schools Forum stipulate that membership must include schools members, non-schools members and at least one academy member if there is an Academy in the authority's area. It is stipulated that:

- schools members make up at least two third of the membership;
- mainstream primary & secondary schools and academy schools members are broadly proportionate to the total number of pupils registered in each;
- schools members should include at least a representative from special schools and another from the Pupil Referral unit;
- non-schools members must include a representative from the Authority's 16 – 19 Partnership and another representing early years providers from the private, voluntary and independent sector. In addition, the Council can nominate other non-schools members to represent the interests and views of key stakeholders and partners other than school;
- lead Cabinet Member and an officer from Education Funding Agency may have observer status;
- an officer from Education Funding Agency has an observer status on the Forum.

3.4.2.2 Revisions

(a) Observers

Currently, the Lead Cabinet Member is an observer to the Forum. The Regulations require where a member has an observer status that they may participate in the meetings but do not have any voting rights.

At their meeting on 9 July 2014, the Schools Forum considered and agreed a request from the School Business Management Forum for a School Business Manager to be an observer to the Schools Forum. It was thought by having a

School Business Manager as a member of the Forum that this representation would bring invaluable knowledge to inform the discussions on the areas being considered by the Forum. Therefore, it is recommended the terms of reference for the Schools Forum are changed to reflect this change.

(b) Special School - Academies

The revised regulations require the schools membership should include a Special Academy representative if there is a Special Academy within the borough. Whilst there is no Special academy in Enfield, it is recommended this provision is included within the terms of reference and thus safeguarding against any changes in the make-up of schools and academies in Enfield.

3.4.3 The revised Terms of Reference incorporating the amendments are attached at Appendix A, with the changes highlighted in bold, italics and underlined.

4. ALTERNATIVE OPTIONS CONSIDERED

The amendments to the Terms of Reference are required as part of the revisions to the regulations governing Schools Forum and so it has not been possible to consider an alternative option.

5. REASONS FOR RECOMMENDATIONS

It is intended that the proposed amendments would address the requirements of regulations in relation to school funding and the organisational arrangements for Schools Forum.

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

6.1 Financial Implications

There are no financial implications.

6.2 Legal Implications

6.2.1 Schools Forums were established by S 47A of the School Standards and Framework Act 1998 (as amended). All Local Authorities are required to establish a Schools Forum for their area in accordance with regulations made by the Secretary of State.

6.2.2 Section 47A of the 1998 Act provides that regulations shall govern the constitution, meetings and process of the Schools Forum. New regulations governing schools forums (among other matters) have been drafted. These regulations are the School and Early Years Finance (England) Regulations 2014 which are due to come into force on 1 January 2015.

6.2.3 The proposed changes to the Terms of Reference are in accordance with the existing and proposed statutory framework and the current guidance issued by the

Education Funding Agency, 'Schools Forums: Operational and Good Practice Guidance', dated October 2014.

6.3 Property Implications

There would be no property implications.

7. KEY RISKS

The Council has a statutory obligation to ensure the arrangements for Schools Forum meet the statutory requirements. The proposals contained in this report support this aim. If these proposals are not implemented then the Council will be in breach of its statutory duty.

8. IMPACT ON COUNCIL PRIORITIES

The recommendations ensure the Schools' Forum operates within the statutory framework which enables all stakeholders a fair access to the arrangements for distributing funding to schools. This would mean:

- assist with maximising the resources available to support educational attainment;
- work in partnership with schools to support school improvement and raise achievement;
- secure effective strategic management of education across the Borough, improving the quality and range of support to schools.

9. EQUALITIES IMPACT IMPLICATIONS

An equalities impact assessment has been carried and the findings include an assessment of the functions within the remit of the Schools Forum.

Background Papers

None

LONDON BOROUGH OF ENFIELD
SCHOOLS FORUM

TERMS OF REFERENCE

1. **Definitions**

In these terms of reference the following expressions shall have the meanings assigned to them below:

‘The CSA’ shall mean the Children’s Services Authority of the London Borough of Enfield.

The ‘Regulations’ shall mean the

- Schools’ Forums (England) Regulations 2014;
- Local Authority (LA) and School Finance (England) Regulations;
- Minimum Funding Guarantee (MFG) in the Financing of Maintained Schools Regulations.

2. **Functions**

2.1 In accordance with Regulations, the Schools’ Forum of the London Borough of Enfield shall be consulted on:

- the Local Authority school funding formula;
- **financial arrangements related to the education of pupils with special educational needs, pupil referral units, education other than at school and early years provision**
- issues, specified in Regulations, in connection with the Schools’ Budget;
- service contracts.

2.2 The Council will also consult the Forum on other matters connected with the Schools’ Budget or on matters connected with the LA revenue budgets or capital expenditure as it sees fit.

2.3 The Forum may scrutinise and challenge the LA’s application of funds to the Schools’ budget, Delegated Schools’ Budget, Central CSA Budgets and Capital Budgets. It may also scrutinise and challenge DfE /Central Government funding to Enfield Council for education.

2.4 The Forum may agree or refuse requests from the Local Authority to:

- allocate particular levels of funding to those Central Services as set out in the relevant Regulations
- carry forward a deficit on central expenditure to the next year to be funded from the Schools Budget
- de-delegate funding for services to mainstream schools as set out in the relevant regulations, but with voting restricted to representatives of such schools and by phase
- changes to the local Scheme for Financing Schools

2.5 The Forum will consider referrals from the Member Governor Forum/Chairs’ Briefing, any other consultative group and Schools’ Governing Bodies.

2.6 The Forum may request detailed information to assist it in carrying out its functions and the Council will use its best endeavours to provide such information.

- 2.7 The Forum will abide by any changes to statutory provisions or changes to the regulatory framework for Schools' Funding; the Terms of Reference will be amended to reflect any such requirements.
- 2.8 The Forum will receive an annual update report covering such issues as pupil number projections, school organisation developments, etc.

3. Membership and Attendance

- 3.1 The arrangements for the election of schools representatives will be as follows:
- Maintained schools representatives will be elected from the relevant Headteachers' Conferences and governor representatives from the relevant Member Governor Forum or Chairs' Briefing;
 - Academy representatives will be elected by seeking nominations from individual academies. Where there are:
 - more nominees than vacancies then the Council will arrange for an election to be held;
 - no or fewer nomination than vacancies then the Council will arrange for the vacancy to be filled by seeking nominations from either the relevant Headteachers' Conferences or the relevant Member Governor Forum or Chairs' Briefing.
 - Headteacher of the Pupil Referral Unit will be nominated as a schools member of the Forum.
- 3.2 The arrangements for non schools members will be as follows:
- Early year's representative will be nominated from the early year's private, voluntary and independent sector;
 - 14 – 16 representative will be nominated from the 16 – 19 Strategic Partnership;
 - Teachers' Committee will nominate a representative member.

The Forum shall consist of the following members:

<u>Schools members</u>		<u>Non-schools members</u>	
No	Type of member	No	Type of member
4	Primary sector Headteachers	1	Early years provider
4	Primary sector governors	1	16 – 19 Representative
2 (3)*	Secondary sector Headteachers	1	Teachers' Committee
2 (3)*	Secondary sector governors	1	Chair, Overview & Scrutiny Panel
2	Academies representatives	1	Assistant Director of Education
1	Special sector headteacher	1	Head of Behaviour Support
1	Special sector governor		
1	Pupil Referral Unit headteacher		
1	<u>Special Academy**</u>		

* Schools members representing the maintained secondary sector will total 5 of either 2 or 3 Headteachers or 2 or 3 Governors. In addition, the makeup of schools membership will be reviewed annually to ensure that the membership reflects the total pupil population for each of the different sectors.

**** This provision is required if there is a special academy in the Borough.**

There are a total of 25 members, non-schools representatives forming a third of the total membership.

Attendance

As well as members attending meetings, it is expected that the Cabinet Member for Children and Young People and officers with resources responsibilities from the Local Authority will attend and participate in meetings of the Schools' Forum.

An officer from the Education Funding Agency will also attend the Forum meetings as an observer.

A School Business Manager will be nominated by the School Business Management Forum to attend the Forum meetings as an observer.

4. Substitutes

4.1 A member who is unable to attend a meeting may arrange for a substitute to attend to represent the same body and to have voting powers. This is to be notified in writing in advance of the meeting to the Clerk to the Schools' Forum and shall remain effective until it is withdrawn.

4.2 Schools members may only nominate a substitute member from the same sector of school and with the same role within a school.

4.3 Non schools members may only nominate a substitute from the relevant representative body.

5. Tenure of Office

5.1 The maximum length of tenure for schools members will be 4 years subject to members still holding the appointment that makes them eligible for membership. Nominations must be forwarded to the Clerk of Schools Forum by the relevant representative body before a new member attends his/ her first meeting.

It should be noted that the level of representation will be reviewed on an annual basis to reflect any changes in pupil numbers in each phase.

5.2 While there is only one maintained or academy Pupil Referral Unit within Enfield, there will be no limit for the headteacher of the Pupil Referral Unit.

5.3 There is no limit on the tenure for non-schools members.

5.4 A Forum member's appointment shall end if the member concerned, either:

- ceases to hold the office by virtue of which he or she became eligible for appointment to the Forum or
- the relevant body seeks to replace the member by making a further nomination or
- his/her term of office as a schools member comes to an end or
- s/he resigns his / her office as a schools member.

5.5 In light of any review of the Schools & Children's Services (SCS) participation and consultative arrangements, the CSA shall exercise its powers to review the composition and constitution of the Schools' Forum. In so doing, the CSA will ensure that all relevant parties are consulted and that any change continues to comply with the regulations.

6. The Chair and Vice-Chair

- 6.1 The Forum shall appoint from its membership, excluding non-executive elected members or eligible officers, a Chair and Vice-Chair.
- 6.2 In the event of an election the Chair and Vice-Chair will be appointed by a majority of the votes cast by individual members.
- 6.3 The Chair and Vice-Chair shall be elected annually. The election for these positions will take place at the first meeting and in subsequent years at the first meeting after the annual meeting of the Council. *(The Forum are advised to bear in mind the potential benefits of regular change of Chair: members are invited to limit re-elections of an individual to the position of Chair in order to avoid periods in the Chair exceeding two years).*
- 6.4 In the event of a casual vacancy occurring in the office of the Chair or Vice-Chair the Forum shall at their next meeting elect one of their members to fill that vacancy and a member so elected will hold office until the first meeting after the annual meeting of the Council.
- 6.5 The Chair or Vice-Chair shall cease to hold office if s/he resigns her/his office by giving written notice to the Clerk, or if s/he ceases to qualify as a member of the Forum.

7. Meetings

- 7.1 The Forum shall meet at least four times each year.
- 7.2 Further meetings may be called with the agreement of the Chair or by decision of the Forum to enable the Forum to carry out its tasks effectively.
- 7.3 Every member shall be given written notice and an agenda at least seven clear days before the date of the meeting.
- 7.4 From time to time the Forum will set up ad hoc working groups to deal in greater detail with matters that require more time than is available in the full Forum meetings and these will be reported to the full Forum meetings.
- 7.5 All meetings of the Forum will be open to members of public unless there is a good reason for the business to be conducted in private. Members of the public should contact the Clerk to the Forum, in advance of the meeting, so that the necessary administrative and health and safety arrangements can be made.
- 7.6 Interested parties who wish to attend a Forum meeting to make a representation may do so by giving at least 3 working days' notice in advance of the meeting concerned to the Clerk to the Forum. At the discretion of the Forum Chair, the group or a representative of the group may address the Forum.

8. Public Access

All documents and proceedings shall be open to the public unless the Forum resolves that there is good reason for documents or proceedings to be kept confidential.

9. Quorum

The quorum for the meeting shall be nine members representing 40% of the total membership.

10. Voting

The voting arrangements shall be as follows:

- (a) Voting on the funding formulae will be restricted to schools members and the Early Years provider.
- (b) Voting on items which are subject to de-delegation will be restricted to the relevant maintained schools members only.
- (c) Any other question to be decided at a meeting of the Forum shall be determined by a majority of the votes of members present. In the case of an equality of votes the Chair shall have a second or casting vote.

11. Conduct and Declarations of Interest

- 11.1 In carrying out their functions, members of the Forum shall act in accordance with the seven principles of public life set out in the report of the Government Committee on Standards in Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 11.2 Members will be required to complete an annual Register of Business to declare any interest that might affect a school at which they are a governor or headteacher or which their children attend or in which they have a pecuniary interest.
- 11.3 At each meeting, members of the Forum shall declare an interest in any proposal that directly affects a school at which they are a governor or headteacher or which their children attend or in which they have a pecuniary interest. Any member with such an interest shall declare it and withdraw from the discussion and take no part in the decision. Where it is clear that a decision in which a member has such an interest is likely to arise at a particular meeting, the member concerned may wish to invite a substitute to attend that meeting.

12. Expenses and Training

- 12.1 Members of the Forum shall be entitled to claim reasonable expenses as outlined in the CSA's policy for the payment of such expenses.
- 12.2 The costs of training course fees and reasonable travel expenses to enable attendance on such courses for members of the Forum to increase their expertise, and knowledge to carry out their School's Forum duties effectively, will be a first call on the schools' budget. Applications for such fees/expenses should be submitted to the Clerk of the Schools Forum. In the event of a dispute over whether a course should be funded, the Chair of the Schools Forum will be the decision-maker and will take account of the resources available from the budget for the Forum's activities. This budget will be reviewed annually.

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COUNCIL QUESTIONS – 28TH JANUARY 2015**Section 1 - Questions to Cabinet Members****Question 1 from Councillor Neville to Councillor Taylor, Leader of the Council**

Is he proud of the fact that he and his fellow Councillors voted against the development of a state of the art hospital on the site of the present Chase Farm Hospital?

Reply from Councillor Taylor

I think you may have not properly understood the debate, or the position taken by my side. We simply could not support the motion we were presented with which was partial, failed to consider all aspects of the development, and was totally lacking in evidence of outcomes. Nor, unlike our motion, did it have any asks of the Royal Free aimed to protect NHS provision for the future.

Question 2 from Councillor Pite to Councillor Bond, Cabinet Member for Environment and Community Safety

Can Councillor Bond please provide the Council with an update on the recent successes within the borough's parks?

Reply from Councillor Bond

Yes, over the past year or so to support the delivery of the Parks and Open Spaces Strategy we have been creative in using section 106 to deliver a range of park enhancements. These include the restoration of the Town Park Boating Lake, the installation of a new trim trail at Albany, restoration of the pond at Tatem, and planned biodiversity improvements to Oakwood Park.

The Parks Service has also secured Fields in Trust Queen Elizabeth II status for Craig Park, St George's Field, Jubilee Park, Ponders End Recreation Ground and Tatem Park, which increases the protection against future development and has led to the delivery of a new artificial cricket wicket in Ponders End Rec, a new orchard and wildlife area within Jubilee Park and new paths in Tatem Park. To this end we have also been awarded Partner of the Year, for Fields in Trust.

In 2013 the Parks Service secured funding from the London Marathon Trust to replace ageing play equipment at Wilbury Way and in 2014 funding for a multi-use games facility at Hazelwood Recreation Ground.

At Aldersbrook Recreation Ground a new social area has been funded by the Mayor of London's Pocket Park programme, which has resulted in the installation of two new table tennis tables, new picnic benches and new trees.

At Firs Farm a bid to the All London Green Grid (ALGG) has been shortlisted for a flood relief and cycle network through the park. It will be decided via a public vote through the London.gov.uk website.

We have also commenced a £2m capital programme this year to replace fencing, footpaths and play equipment that have reached the end of their serviceable life. Further we are committed to increasing the numbers of Green Flag parks in the borough and have carried out mock assessments of a number of parks with potential for two new applications in January 2016.

To support our Friends of Parks this year we have set up a series of workshops covering areas such as working in or near water, funding, biodiversity, basic grounds maintenance and recruiting volunteers.

Significant progress has also been made against the delivery of the biodiversity action plan objectives including the creation of new meadows, orchards and ponds within a number of the borough's parks, the planting of nearly 1000 new trees across the public realm, and the creation of new sustainable urban drainage systems within Grovelands Park, Town Park and Boxers Lake.

Six parks (Forty Hall, Grovelands, Hilly Fields, Oakwood, Trent & Whitewebbs) continue to be managed in a wildlife friendly way through Natural England's Higher Level Stewardship programme, with the Council receiving grant funding to manage areas of the parks in a specific way.

Question 3 from Councillor Vince to Councillor Orhan, Cabinet Member for Education Children's Services and Protection

Is there a policy on how to handle issues of extremism in schools, as I am aware of a recent problem in a primary school?

Reply from Councillor Orhan

We are working with schools to implement and evidence the Ofsted /Department for Education (DfE) requirements on British values and ensuring that heads and governors are all aware of the support available if they have concerns about extremism. In addition, we are linking with the Head of Community Safety to ensure that headteachers are fully briefed regarding the Prevent agenda and how to respond should issues arise. Please see below further details regarding the work of the School Improvement Service (SIS).

The SIS is proactively contributing to the anti-extremism agenda; working in partnership with colleagues across the local authority to ensure that schools are aware of their responsibilities and the available support. This is also a key aspect of our response to the requirement to promote British values, which is now a high profile element within the Ofsted inspection framework.

Actions so far:

- SIS has run a very successful workshop for 30 heads and chairs of governors on promoting British values and combatting extremism
- The Head of School Improvement is working directly with the Head of Community Safety and her team to arrange briefings for primary and

- secondary headteachers and to arrange that a direct link to their Prevent Website is on the School's Portal.
- We have included training on British values and information on Prevent within the Governor Accreditation Programme (GAP); the governor training programme.
 - The Curriculum Access and Support team within SIS has worked directly with Community Safety and Safeguarding to support intervention with individual students deemed to be at risk of radicalisation.
 - We have briefed Training and Development Lead Governors on the British values and Prevent agendas, the specific roles and responsibilities of governing bodies, plus details of the support and training available.

We plan to:

- Run further workshops for headteachers and chairs
- Explore the possibility of offering Prevent training to all secondary headteachers /senior leaders.
- Run specific one off briefing and information sessions for governors.

Question 4 from Councillor Bond to Councillor Brett, Cabinet Member for Community Organisations

Has the Council communicated with our twin in France, Courbevoie to express our condolences and solidarity with the French people over the Charlie Hebdo events?

Reply from Councillor Brett

The Mayor of Enfield and I have written to Mayor Jacques Kossowski, the Mayor of Courbevoie, which is, as members will know, a suburb of Paris. On behalf of the Councillors, officers and residents of Enfield we expressed our sincere condolences to all the victims of the Paris atrocities and their families, and extended our heartfelt sympathies to the injured. Terrorism of any sort is completely unjustified and I am sure members will join me in condemning all acts of terrorism and all crimes of violence.

Question 5 from Councillor Neville to Councillor Taylor, Leader of the Council

Can he inform the Council whether Enfield submitted a bid for the government's £90 million Transformation Challenge Award. This fund was shared by 73 authorities announced at the end of November, who had successfully bid for funding of projects designed to improve delivery of public services while reducing costs to taxpayers?

Reply from Councillor Taylor

Yes, the Council submitted an application for the Transformation Challenge. This application was made after a successful expression of interest. This confirmed that the Department for Communities and Local Government supported the strategic case and vision for the programme, but regrettably we were unsuccessful in our bid.

Question 6 from Councillor Doyle to Councillor Stafford, Cabinet Member for Finance

Can the Cabinet Member advise what the percentage reductions are in local government funding over the last 5 years?

Reply from Councillor Stafford

The Government's Base and Specific grant funding to Enfield from 2011/12 to 2015/16 has reduced by 34%. This excludes ring-fenced specific grants such as the Dedicated Schools Grant and Public Health.

Question 7 from Councillor David-Sanders to Councillor Taylor, Leader of the Council

Will the Leader of the Council explain why opposition members were not invited to the Ordnance Unity Centre opening in December 2014 and will he undertake to invite them to such events in the future?

Reply from Councillor Taylor

Council protocol for invitation to a neighbourhood event ('a new or improved local community facility funded by the Council '), stipulates that the Mayor, Lead Cabinet Member, ward Councillors and the local MP should be invited. I am pleased to report that all these members were invited and attended the opening event – Nick de Bois MP tweeting that he was 'having a tour of the new Unity Centre on Ordnance Rd with new GP services, dentistry, library and community hall – excellent facility.'

Question 8 from Councillor Abdullahi to Councillor McGowan, Cabinet Member for Health and Adult Social Care

Can Councillor McGowan give us an update on progress with the New Options Day Centre for People with Learning Disabilities, when we can expect to see it completed and how this centre will benefit those people in the community with a learning disability and their families?

Reply from Councillor McGowan

The construction is in the final stages; all internal work has been completed and the contractor is in the process of completing the remaining external work. The new building will be completed by the end of January 2015 and a robust transition plan is in place to ensure a smooth move for the service from the current premises to the new building.

New Options will be a valuable community asset. The current premises at the Claverings Industrial Estate are unsuitable as a base going forward and the new building will support the development of a more flexible service and community resource. The building will provide a safe base within the community for vulnerable residents with a learning disability, with close access to the high street and Albany Park to promote greater inclusion within the community. The building is fully

accessible with high quality personal care rooms, so service users with high, complex needs will be able to access an increased range of community opportunities, which would otherwise be restricted to them.

In addition to the extensive benefits to learning disability service users, the building will be available for hire by the local community outside of service hours, providing an opportunity for the local people to benefit from this modern, flexible community resource.

Question 9 from Councillor Neville to Councillor Taylor, Leader of the Council

He will doubtless be aware that the Enfield entry in the London New Year's Day Parade was the winner of the competition and congratulations go to all those concerned in putting together the entry.

Can he tell the Council why, unlike all of the other borough's having entries in the parade, neither the Mayor nor Deputy Mayor nor any other member of the Labour Group was present to give support to those members of staff and volunteers who had given up their day in order to facilitate the entry? Could he also tell the Council what impression he believes those staff and volunteers will have as a consequence of this total lack of support?

Reply from Councillor Taylor

We were delighted that Enfield's entry in the London New Year's Day Parade "Under Your Own Steam" was judged best of those submitted by the 14 London Boroughs, and everyone involved should rightly be congratulated.

The Mayor and Deputy Mayor were invited to attend in accordance with usual protocol but, unfortunately, both were unable to do so because of prior commitments. Their apologies were submitted to the organisers in advance as were, we understand, those of a number of other boroughs who could not be represented.

Arrangements are being made to arrange for medals to be presented to our participants. As in previous years, the organiser of the London New Year's Day Parade will join the Mayor for a reception and medal presentation at which the Enfield team will be formally congratulated on their excellent achievement.

Question 10 from Councillor During to Councillor Taylor, Leader of the Council

Does the Leader of the Council agree with Michael Portillo, ex Enfield Southgate MP, who said in November 2014 that Ed Miliband will be Prime Minister after 7 May 2015 and what impact does he feel this would have on the borough?

Reply from Councillor Taylor

Mr Portillo is obviously a well-known and well informed commentator on British politics. He, of course, as an ex Conservative Minister, must be expected to support a Conservative victory in the General Election. However he appears to be indicating

Labour will win the General Election. Of course that will be a good thing and will be great news for Enfield.

Question 11 from Councillor Neville to Councillor Oyken, Cabinet Member for Housing and Estate Regeneration

I refer to the decision of the High Court in December quashing the Council's decision to introduce a Landlords Licensing Scheme. I also refer to his statement to the press issued immediately thereafter and repeated in answer to a question at the special Council meeting on 23 December 2014. Does the Cabinet Member not feel that this shows a degree of hubris, not normally associated with a defendant who had just had a pretty damning judgement against them, and where the judge had refused leave to appeal?

Reply from Councillor Oyken

I reiterate my disappointment and disagreement with the recent rulings made in the judgement. My press statement was that of a responsible politician committed to listening first and foremost to the views of Enfield residents: 84% of whom along with a majority of Enfield businesses who responded to the consultation, supported the proposals. It is also worth remembering that the judgement does not find fault with the scheme or challenge the evidence upon which the decision to implement this scheme was taken.

Question 12 from Councillor Esendagli to Councillor Oyken, Cabinet Member for Housing and Estate Regeneration

Can the Cabinet Member for Housing and Estate Regeneration please bring us up to date on the housing scheme in progress at Parsonage Lane?

Reply from Councillor Oyken

I am pleased to be able to inform you that the developer commenced on site 18th December 2014 undertaking enabling works to prepare the site. Although the contractor has not been working over the holiday period, welfare facilities have been installed and ground works have now commenced in earnest.

Parsonage Lane will deliver 18 new build homes which include eight units for rent and 10 shared ownership units, available for first time buyers to access the housing market. Additionally the Council has levered in £690,000 of external resources from the Greater London Authority to support the project.

The Council has taken into consideration availability, quality, cost and requirements for the planning approvals in choosing all of the building materials.

To speed up construction and reduce disruption to local residents we are using an off-site method of construction, which will speed up delivery and provide residential dwellings that meet level 4 of the Code for Sustainable Homes. These properties will therefore be more environmentally friendly and are very energy efficient, so residents

will benefit from lower heating bills. Training opportunities and the use of local labour and supply chains will further enhance the legacy that the project will leave. The development is scheduled to complete in December 2015.

Question 13 from Councillor Neville to Councillor Oyken, Cabinet Member for Housing and Estate Regeneration

Can he tell the Council how much money has been spent by the Council on legal fees in defending the action in relation to the Landlords Licensing Scheme and secondly how much money is expected to be spent in seeking leave to appeal?

Reply from Councillor Oyken

The legal expenses associated with defending the legal action amounts to £25,355. There are a number of variables relating to the expected spend on legal fees associated with the leave to appeal, such as the agreed barrister's fees and other disbursements, therefore this is not quantifiable at present.

Question 14 from Councillor Erbil to Councillor Sitkin, Cabinet Member for Economic Development

Could the Cabinet Member for Economic Development provide Council with an update on the work being done to ensure continued inwards investment in our borough?

Reply from Councillor Sitkin

A strategic document has been prepared that maps the route to a full inward investment strategy and a full service restructure in the next few months will provide the resource to undertake this work.

Question 15 from Councillor Neville to Councillor Oyken, Cabinet Member for Housing and Estate Regeneration

Can he tell the Council how much has been spent in preparing to implement the Landlords Registration Scheme on 1st April 2015 breaking down the expenditure as follows? :

- a. From the date of the Overview and Scrutiny Committee to the date towards the end of July when Mr Regas first notified the Council that he was seeking leave to bring judicial review?
- b. The expenditure from that date to the date on which leave was granted by the Court of Appeal?
- c. From the date on which the Court of Appeal gave leave for the judicial review to go ahead and the date of judgement in that case?

Reply from Councillor Oyken

Prior to the High Court judgement, the Court made no order to prevent the Council from continuing with the development of the scheme. Having committed ourselves

through the Cabinet decision in April 2014 to implement the scheme by 1st April 2015, we see no reason why we would not have continued with the scheme's implementation rather than put ourselves in breach.

From the date of the Overview and Scrutiny Committee on 30th April 2014 to the recent High Court hearing decision on 11th December 2014, resources have been incurred associated to the IT and software development and web services amounting to £55,829.07.

In addition to these costs, £6,000 was incurred in the commissioning of the additional research report by Mayhew and Harper Associates approved at the November 2014 Cabinet. That decision reflected Counsel advice on the most appropriate decision making process. No other external expenditure has been incurred (other than legal costs) since the court decision.

Question 16 from Councillor Hasan to Councillor Bond, Cabinet Member for Environment and Community Safety

Can Councillor Bond confirm what other boroughs are considering doing to reduce spend in parks and what is the London Borough of Enfield's approach?

Reply from Councillor Bond

Enfield has recently commissioned a review of the parks service to determine whether any efficiency improvements can be secured and to draw up a range of options for reducing the net Council expenditure on parks. This review will take into account approaches by other parks services in London and elsewhere.

Question 17 from Councillor Neville to Councillor Oyken, Cabinet Member for Housing and Estate Regeneration

He will doubtless be aware that his Labour colleagues in Croydon have decided that as a result of the judgement in the Regas case, they are going to re-run their consultation prior to making a decision. Will he explain why in the light of this judgement he will not simply reconsider the proposal and the necessity for it?

Reply from Councillor Oyken

I am advised that it would not be appropriate to comment as the judgment is subject to appeal and the answer to this question may stray into the merits of the appeal and be considered pre-judicial.

Question 18 from Councillor Jemal to Councillor McGowan, Cabinet Member for Health and Adult Social Care

Can Councillor McGowan give us an update on work to progress planning permission for the re-provision project and inform us when we might expect to see works commencing on the site?

Reply from Councillor McGowan

I am pleased to advise Council that it was agreed at planning committee on 16th December 2014 that, following re-consultation on the revised plans (incorporating reduction in height of the building to two storeys next to the Alms houses) and subject to no objections being raised, officers in consultation with the Chair, be authorised to grant planning permission. Advanced works on site, including re-routing of a sewer and BT cables are due to start March 2015 with main site establishment commencing in April 2015. The new building will deliver 70 beds, both nursing and residential, and will meet latest standards for Care Homes.

Question 19 from Councillor Neville to Councillor Oyken, Cabinet Member for Housing and Estate Regeneration

In connection with the proposed Landlords Licensing Scheme will the Cabinet Member inform the Council:

- a) With which boroughs did the Council consult, and when, and what was the nature of the consultation? Will the Council publish the responses?
- b) Broken down by focus groups and questionnaires respectively, how many people took part in the "listening and engagement" phase, prior to the formal consultation?
- c) Will the Council publish the questionnaire used for the "listening and engagement" phase, together with any materials provided with the questionnaire?

Reply from Councillor Oyken

It would not be appropriate to comment as these questions relate to the evidence in dispute in court and any answers may stray into the merits of the appeal and be considered sub judice.

Question 20 from Councillor Lappage to Councillor Stafford, Cabinet Member for Finance

Can the Cabinet Member inform the Council how much has been invested in the local infrastructure over the last 5 years and how has this impacted on net borrowing?

Reply from Councillor Stafford

From 2009 to 2014 the Council has invested £609m in capital investment. During this time, net borrowing has increased by £138m including £29m as part of the Government's Housing Revenue Account (HRA) financing changes in 2011/12.

Question 21 from Councillor Neville to Councillor Oyken, Cabinet Member for Housing and Estate Regeneration

Again in connection with the proposed Landlords Licensing Scheme, can he confirm:

(if necessary by consulting with the Cabinet Member for Environment and Community Safety)

- a. That rates of antisocial behaviour have fallen significantly in the past year. What effect does this have on the licensing proposals given that antisocial behaviour is a necessary statutory requirement for the introduction of the scheme? How does this change affect the “evidence base”?
- b. Will he (the Council) publish its work on antisocial behaviour linked to social housing?
- c. Will he confirm that private sector housing has no monopoly on social housing?

Reply from Councillor Oykener

It would not be appropriate to comment to these questions as the issues are closely linked to the evidence in dispute in court and any response may be considered sub judice.

Question 22 from Councillor Erbil to Councillor Oykener, Cabinet Member for Housing and Estate Regeneration

Following the successful partnership with British Gas on the energy efficiency works at Scott House, can the Cabinet Member for Housing and Regeneration please update us on progress with the British Gas deal to similarly upgrade a further six high-rise blocks?

Reply from Councillor Oykener

The scheme at Scott House has indeed been a great success and of benefit to all the affected tenants who are expected to see their fuel costs reduced by up to 40%. I was therefore delighted that officers were able to negotiate further energy efficiency works with British Gas to the benefit of more of our residents.

The works to the four tower blocks on the Exeter Road Estate and Welch House and Woolpack House on the Beaconsfield Estate commenced on 13th October 2014 and have a completion date of 9th September 2015.

As with Scott House, the works consist of applying external wall insulation to the blocks and renewing all windows, both to individual flats and communally. Other works in repair and upgrading to the external of the blocks will be carried out at the same time, for example installing communal satellite TV reception systems, lighting and repairs to the structure.

The external wall insulation will be fully funded by the Energy Company Obligation Agreement between British Gas and Enfield Homes with a further contribution to other works.

I look forward to visiting these Estates when works are complete.

Question 23 from Councillor Neville to Councillor Oyken, Cabinet Member for Housing and Estate Regeneration

Can he tell the what enforcement action has been taken under the Housing Act 2004 over the past five years, for what purposes and in which wards and can he give an indication in each category of the nature of the underlying reason for taking that action?

Reply from Councillor Oyken

Please refer to the attached table (Appendix A) which evidences the number of enforcement notices served by the Housing Enforcement Team over the past five years, under the Housing Act 2004 powers.

Question 24 from Councillor Kepez to Councillor Bond, Cabinet Member for Environment and Community Safety

Cycle Enfield is a great opportunity to improve accessibility and improve the life opportunity of some of the borough's poorest residents. Can Councillor Bond provide an update on this scheme?

Reply from Councillor Bond

The Cycle Enfield Project will deliver many economic, environmental, health and public realm benefits and provide accessibility and life opportunity for some of the borough's poorest residents.

At the end of March 2014, the Council was notified that it is one of three outer London boroughs selected to receive Mini Holland funding. Since that time, officers have been busy making preparations to deliver various elements of the Cycle Enfield Project as follows:

- Completed topographical surveys and traffic surveys for the A105 corridor and Enfield Town.
- Appointed a Programme Manager to lead the Cycle Enfield Delivery Team, on 18/08/14.
- Cabinet approved the governance arrangements for the Cycle Enfield Project on 17/09/14.
- Commissioned Ringway Jacobs to prepare a business case (19/09/14) and to undertake preliminary design and modelling (05/09/14) through the London Highways Alliance Contract (LoHAC).
- Prepared a draft consultation strategy 20/10/14.
- Commenced preliminary design and modelling for the A105 Green Lanes and Enfield Town.
- Prepared designs for the Enfield Town to Meridian Water Quietway.
- Held public meetings and design workshops for the proposed Quieter Neighbourhoods e.g. Fox Lane.
- Held inaugural Cycle Enfield Partnership Board meetings for Enfield North (05/01/15) and Enfield West (08/01/15). The Partnership Board meeting for Enfield South East is scheduled for 19/02/15.

- Is undertaking parking and loading surveys and town centre surveys on the A105, Green Lanes; Enfield Town and the A1010, Hertford Road,
- Public meetings to be held near each of the main road routes in February/March 2015.

Question 25 from Councillor Neville to Councillor Taylor, Leader of the Council

Can he tell the Council what he knows about the proposed North East London Strategic Alliance (NELSA) and what discussions has he been a party to in leading to the announcement by the Leader of Barking and Dagenham that such an alliance was to be formed? Can he also tell the Council whether he considers that this is a matter which should be the subject of a Council debate and decision?

Reply from Councillor Taylor

The proposed NELSA is in reality a name change of the NLSA (North London Strategic Alliance) which was formed under the last Conservative administration. I cannot find any record of this being discussed at full Council at the time. The membership of such a sub-regional grouping strengthens Enfield's position to influence policy and access funding and ensure we are an integral part of the Government's devolution agenda. It has never been more important to be part of a sub-region. The long term financial position of Enfield is protected by being part of an effective sub region.

Question 26 from Councillor Stewart to Councillor Bond, Cabinet Member for Environment and Community Safety

Can Councillor Bond provide an update on the current consultation with friends groups on parks locking arrangements?

Reply from Councillor Bond

At Overview and Scrutiny Committee on 29 October 2014, it was agreed that the decision regarding parks locking be deferred to April 2015 to enable consultation with the friends of the parks and the police. All affected friends of parks have been contacted and the consultation is underway.

Question 27 from Councillor Neville to Councillor Taylor, Leader of the Council

At the first meeting of Cycle Enfield Partnership Board – Enfield North it was confirmed that Federation of Enfield Residents and Allied Associations (FERAA) had not been invited to participate as a result of "a decision taken by Councillor Bond". It was also apparent that no residents groups for the areas under consideration had been invited to the meeting. Since the object of the exercise was to start the process of consultation on a spend of some £27m, can he explain to the Council the rationale for specifically excluding from the meeting, the umbrella organisation for residents associations in the borough and also representatives of the appropriate residents associations for the schemes that were being considered?

Reply from Councillor Taylor

The Cycle Enfield Partnership Boards are part of the governance arrangements agreed by Cabinet on 17 September 2015. Their purpose is to consider emerging designs in their particular area and to make recommendations to the Cycle Enfield Project Board about which options should be taken forward to public consultation. Each partnership board comprises of the following:

- The Associate Cabinet Member for the area (Chair) who may co-opt others to participate
- The relevant Member of Parliament
- Ward councillors
- Active residents' associations whose areas are dissected by a segregated cycle route
- Conservation groups and heritage groups
- Schools
- Enfield Business and Retailers' Association
- Cycling groups
- Age UK
- Enfield Vision
- Enfield Disability Action

In Enfield North, there appears to be only one residents' association that meets the above criteria – the Alma Road Residents' Association and they were invited to attend the partnership board meeting on 5 January 2015. There are many organisations that could have been selected to participate in the partnership boards. However, numbers had to be restricted to ensure that the boards function properly and, in my view, ward councillors have a responsibility to gauge opinion.

Over the coming months, there will be many opportunities for local residents and businesses to express their views on the Cycle Enfield Project. In February/March 2015, we will be holding a series of public meetings near each route, where the public can come along and discuss the plans with officers. This will be followed up with further drop-in sessions and a formal consultation.

Question 28 from Councillor Levy to Councillor McGowan, Cabinet Member for Health and Adult Social Care

Given the pressures on hospitals over the Christmas period, widely reported in the media, can Councillor McGowan inform us how our own local hospitals coped over the same period? In addition can Councillor McGowan also inform us how our social care services responded, given that social care pressures nationally are being cited as a contributing factor towards unprecedented pressures in the hospitals?

Reply from Councillor McGowan

There is a well-known crisis in hospital accident and emergency services in the UK. Our local hospitals, North Middlesex University Hospital (NMUH) and Barnet Hospital, have received large numbers of ambulance conveyances at their Accident

and Emergency (A&E) departments and were in and out 'black alert' over the Christmas period. This means that the numbers arriving at A&E who require admission exceed the number of beds currently available at that point in time in the acute setting. Chase Farm Hospital Urgent Care Centre has also had exceptional numbers and has extended its opening hours during this period.

Adult Social Care has increased capacity within the hospitals and community through the seven day working, including management support, facilitating the assessment and discharge process and access to equipment throughout the weekend as well as Monday to Friday. This has been in place since January 2014. Over the winter period, we have increased our social work, occupational therapy and enablement resources to cope with increasing demand and ensure that a whole systems and timely approach is in place for patients. We have moved some enablement assessing staff into the hospital teams to work with social work, ward and discharge staff to further support timely and safe discharge arrangements.

Community based health and social care staff including Hospital Social Work and Discharge Teams, Therapies, Community Matrons, District Nurses worked throughout the Christmas period providing cover to support hospital discharges from 24th December 2014 to 2nd January 2015. This included co-ordination between multi-disciplinary teams including Integrated Community Equipment Services (ICES), Outreach Teams, ICT Health, the Enablement Team's Out of Hours Service and Brokerage Team. London Borough of Enfield (LBE) provided additional management cover over the entire period.

It has been acknowledged by both NMUH and Barnet and Chase Farm Hospitals that delays due to LBE social care are minimal, our performance remains strong and our weekend and bank holiday working is making a difference within the system, both the Haringey and Barnet Systems Resilience Groups have aired this and our performance has been acknowledged by them. The few delays we have had over the last couple of months in acute settings are primarily down to nursing bed availability. There were no social services delays in acute wards over the Christmas period.

I would ask Council to join me in thanking all staff involved for their efforts in reducing the pressures and maintaining services for Enfield residents during this challenging period.

Question 29 from Councillor Laban to Councillor Bond, Cabinet Member for Environment and Community Safety

Please could the Cabinet Member for Environment and Community Safety explain to the chamber the criteria used when selecting which stakeholder groups would have a place on the Cycle Enfield, Area Partnership Boards?

Reply from Councillor Bond

As stated in answer 27 above, the partnership boards are part of the governance arrangements and stakeholders were carefully selected to provide a wide range of

views. Unfortunately, attendance had to be restricted to ensure that the board meetings are manageable and fulfil their purpose.

Question 30 from Councillor Maguire to Councillor McGowan, Cabinet Member for Health and Adult Social Care

It has been reported that the Ordnance Unity Centre attracted 50 new applications to join the GP surgery on day 1. Can Councillor McGowan give an update on how the centre has been received by the local community and how the Council is planning to ensure valuable community facilities such as these remain given the challenging financial context in which we find ourselves?

Reply from Councillor McGowan

I am pleased to report the opening of the new Ordnance Unity Centre has been received very positively by the local community based on feedback to staff and the number of visits. Ordnance Unity Centre for Health did receive over 50 requests to register with the new GP service on the first day of operating from the new premises and is continuing to receive requests to register. The library and community hall is now fully operational and are already being well used.

Question 31 from Councillor Neville to Councillor Taylor, Leader of the Council

Can he explain to the Council the necessity to politicise his Christmas message and will he accept that it rather portrayed him as a “political” Scrooge?

Reply from Councillor Taylor

I am sorry that Councillor Neville did not appreciate the column I penned for the Enfield Advertiser. However freedom to express my views, as I see fit, is something that I will not apologise for. Perhaps the message was not to your taste but so be it. After all the Chief Secretary to the Treasury recently likened Conservative policies as taking Britain back to a Dickenson era, so perhaps I was ahead of my time with the column but consistent with a senior Member of Her Majesty’s Government.

Question 32 from Councillor Hamilton to Councillor Stafford, Cabinet Member for Finance

Can the Cabinet Member advise the Council what awards Finance, Resources and Customer Services have been shortlisted for since 2010?

Reply from Councillor Stafford

Year	Award Body	Reason	Which LBE Service
2010	Centre for Public Scrutiny (CfPS) National community involvement award	Community Influence	Governance Services (Scrutiny)

Year	Award Body	Reason	Which LBE Service
	Municipal Journal (MJ) Awards	Excellence in Democratic Services	Governance Services
	LGC Pension Fund Awards	Pension Fund performance	Financial Management Services
2011	Mayor of London's Green Procurement Code	Green Procurement	Procurement Services
	National Customer Services Awards	Customer Service	Customer Services (OSC)
	Local Government Chronicle	Finance Team of the Year	Revenues and Exchequer Services
	LGC Pension Fund Awards	Pension Fund performance	Financial Management Services
	Global Business Excellence Award	Outstanding Customer Service	Customer Services (OSC)
2012	The Law Society Awards	Lexcel award for Excellence in practice management	Legal Services
	Municipal Journal (MJ) Awards	For Legal Service	Legal Services
	The Lawyer Awards	In-house Public Sector Team of the Year Award	Legal Services
	National Fraud Authority	Excellent financial investigation work with the Edmonton Police Pay Back Unit.	Counter Fraud Team
	Association of Public Service Excellence (PSE) Awards	Best Local Democracy Initiative	Governance Services
	MJ Awards	Community Engagement'	Governance Services
	MJ Awards	Best Local Democracy Initiative'	Governance Services
	Pension Fund performance	Financial Management Services	Runner up
	Sotim - Better Connected	Website reconnection	IT & Transformation Services
2013	The Lawyer Awards	In-house Public Sector Team of the Year Award	Legal Services

Year	Award Body	Reason	Which LBE Service
	Government Opportunities in Public Procurement Awards	Shared procurement service with Waltham Forest.	Procurement Service
	New London Awards	Craig Park youth centre. New build extension and refurbishment £2.6million	Property Services
	IRRV Performance Awards	Excellence in Innovation (Non IT) joint Task Force with Housing needs, Job Centre Plus, CAB and other agencies to support vulnerable people through the Gov. Benefit Changes (Welfare Reform).	Revenues & Benefits Services
	IRRV Performance Awards	Excellence in Innovation (IT) –, Digital and online services for residents, landlords and businesses.	Revenues & Benefits Services
	LGC Pension Fund Awards	Pension Fund performance	Financial Management Services
	Telecare Standards Association	Excellence in telephone customer service	Customer Services (OSC)
2014	MJ Awards	Legal Services	Legal Services
	Lawyers in local government	Lawyer of the year Young lawyer of the year Legal team of the year	Legal Services
	The Lawyer Awards	In-house Public Sector Team of the Year Award	Legal Services
	MJ Awards	Excellence in Community Engagement'	Governance Services
	IRRV Performance Awards	Excellence in Innovation – My Enfield Account	Revenues & Benefits Services
	Improvement & Efficiency Awards	Translation and Interpreting partnership	Translation

Year	Award Body	Reason	Which LBE Service
		– connecting people. A partnership/collaborative working, shared services, in a diverse borough	
	London Council s	Manager/mentor of the Year recognises excellence in individuals and boroughs that are making apprenticeships a success in the capital.	Customer Services (OSC)
	The National Outsourcing Association	Ongoing success of the highly progressive partnership between the two organisations.	Enfield IT and partners SERCO

Question 33 from Councillor R Hayward to Councillor Sitkin Cabinet Member for Economic Development

Both Labour and the Conservatives agree that there is a desperate need for housing within the London Borough of Enfield.

Meridian Water is a great opportunity to help fulfil this need.

- a. Has the Council managed to purchase the following sites - National Grid, IKEA, Dwyer, HSBC? If not why not and when is this likely to happen?
- b. Has the Council managed to secure Meridian Water within a Housing Zone?
- c. The Cabinet agreed the building of the "Boulevard" in the spring of 2015. Will work start in March 2015?

Reply from Councillor Sitkin

- a. The acquisition of the National Grid site has been agreed in principle with National Grid and the internal approval process is now underway with a view to exchanging in February 2015. The Council's agent is negotiating with Dwyer and IKEA with the intention to agree terms in spring 2015. The HSBC owned land will be purchased once the Council has appointed a master developer so not to tie up all of the Council's capital.
- b. Confirmation of the Council's Housing Zone status is expected to be confirmed in March 2015.
- c. The first phase of works to the Boulevard, improving the quality of the road surface, remains on track to start in spring 2015.

Question 34 from Councillor Lappage to Councillor Oyken, Cabinet Member for Housing and Estate Regeneration

Now that Enfield Homes is coming back under direct Council control from April 2015, can the Cabinet Member for Housing and Estate Regeneration tell us how the ALMO is performing against the targets it reports to the Council?

Reply from Councillor Oyken

Enfield Homes report monthly to the Council on the Key Performance Indicators that cover areas such as responsive repairs, re-servicing empty properties, satisfaction with the repairs service as well as decent homes work, time taken to re-let empty properties, gas servicing, collection of rent and leaseholder service charges and complaints handling. I am very pleased to say that Enfield Homes' performance has continued to improve whilst costs have reduced. Eight of these indicators are on target, two are amber (within tolerance) and one is missing its target [stage 1 complaints that escalate to stage 2 (13%)].

Enfield Homes' performance is also reported quarterly to the Housing Board, chaired by the Cabinet Member for Housing & Estate Regeneration and which also includes the Deputy Leader, the Lead Opposition Member for Housing as well as tenants and leaseholders.

I would like to take this opportunity to thank the staff and Board of Enfield Homes for their excellent work for the tenants and leaseholders of the borough and I look forward to welcoming back our colleagues when the Housing Service returns to direct Council control in April 2015.

[More detail can be found on the Performance page on the Enfield Homes website: http://www.enfield.gov.uk/Enfieldhomes/info/13/about_us/111/performance]

Question 35 from Councillor Laban to Councillor Bond, Cabinet Member for Environment and Community Safety

Could the Cabinet Member for Environment and Community Safety explain the consultation process with the Parks Police, prior to the parks locking decision in October being signed?

Reply from Councillor Bond

The Head of Community Safety spoke to the police on the 6th October 2014 (Superintendent Carl Robinson) to understand the view of the senior police leadership team in Enfield on the proposal to stop locking the pedestrian gates for a relatively small number of parks where this practice remained.

The results of analysis by the Community Safety Unit were referenced in that discussion, which showed that there was no indication that locked pedestrian gates made a notable difference to crime figures in parks. This may be because in most

cases parks are by the nature of the facility almost impossible to secure against someone who is minded to get access to the area.

The response of the superintendent on the 8th October was:

“My position on this, as discussed, is that it is a matter for the local Council to decide, as the Council have ownership of the Parks.”

He also noted that local officers should note any specific issues as the changes are implemented in order to assist with any future reviews.

This is what is recommended by the Council in its proposal. It was also repeated in the response to a question from Councillor Neville, in the public meeting of the MOPAC (Mayor’s Office for Policing and Crime) roadshow, at the Civic Centre in December.

Question 36 from Councillor Dogan to Councillor Oyken, Cabinet Member for Housing and Estate Regeneration

In light of the favourable national press interest in the innovative Enfield solutions to housing issues, what can the Cabinet Member for Housing and Estate Regeneration tell us about the conference on this subject being arranged by the Guardian?

Reply from Councillor Oyken

The Councillor is right to note that our concerted effort to improve the housing situation in Enfield is attracting positive interest from a range of parties regionally and nationally. At present we are looking to develop a conference proposal focusing on our reinvigorated approach to addressing housing need with a view to holding a dedicated event featuring nationally recognised speakers in March 2015. I believe that our multi-stranded approach is innovative and will continue to attract interest from those seeking to solve their own housing challenges. The Guardian and their ‘Guardian Cities’ team are interested in what we are doing and in our plans to develop the conference proposal. I expect more media outlets to register their interest with us once our plans are finalised, and any event staged to be a success.

Question 37 from Councillor Laban to Councillor Bond, Cabinet Member for Environment and Community Safety

Please could the Cabinet Member for Environment and Community Safety confirm claims that when consulting certain friends groups, they are being told to support not locking parks at night, because of the efficiencies coming forward?

Reply from Councillor Bond

It’s an open consultation and we are listening to Friends Groups of Parks.

Question 38 from Councillor Kepez to Councillor Sitkin, Cabinet Member for Economic Development

Could the Cabinet Member for Economic Development provide Council with an update on Lee Valley Heating Network Ltd?

Reply from Councillor Sitkin

Full Council on 8 October 2014 agreed to sanction investment in the development phase of the Lee Valley Heat Network (LVHN). This decision was based on a Business Plan which suggests strong viability for a heat network, with an early phase to support the major development at Meridian Water. Since then significant progress has been made:

1. Appointment of a full team of expert consultants to develop a robust project, which is already being seen by many as leading the way in UK heat networks.
2. The discussions with North London Waste Authority (NLWA) are progressing well, including the design scope for a prominent District Heating Energy Centre at the front of the EcoPark. Full contract terms and design sign-off are scheduled to be agreed by the end of April 2015.
3. Following a detailed management review of the project costs to date and the associated tasks and timelines to ensure that the LVHN business is legally, technically and financially sound, the company will finish its development and design phase earlier than expected. The main investment decision is scheduled for Cabinet in June 2015, followed by Full Council in July 2015.

Question 39 from Councillor Laban to Councillor Bond, Cabinet Member for Environment and Community Safety

Does the Cabinet Member for Environment and Community Safety agree that as part of delivering the Council 's key priority of fairness for all, all friends of the parks groups should be treated equally in the future whether they support not locking the parks at night or not?

Reply from Councillor Bond

Yes

Question 40 from Councillor Maguire to Councillor Sitkin, Cabinet Member for Economic Development

Could the Cabinet Member for Economic Development provide Council with an update on the work being done to rebuild Enfield's food sector?

Reply from Councillor Sitkin

Enfield's Food Sector currently accounts for an impressive one third of all manufacturing jobs in the borough. The Garden Enfield Project aims to create further jobs with a food growing economy that is planned on a number of levels,

including growing on a commercial level at scale, promoting the Enfield Veg Co., and initiating Enfield Farm Start.

Commercial Growing

The Council's plans for growing at scale for commercial purposes is underway, with a robust business plan to underpin the creation of a joint venture with a commercial operator. It is anticipated that the first phase of the enterprise will be under construction by the end of 2016 and create jobs, in line with industry standards in growing, packing, processing, marketing and logistics.

Enfield Veg Co.

The Enfield Veg Co., a vegetable box scheme, which provides weekly bags of seasonal produce, launched in November 2013 with 20 customers and expanded to 55 customers over the past year. Produce from the Forty Hall market garden (five acres of organically grown vegetables) supplies, through its box scheme, a number of local outlets such as Budgens, Baskervilles Tea Shop and Forty Hall Café.

The market garden project resulted in three new specialist horticultural jobs in the borough and is a company limited by shares, and is the first of what will be a number of new small businesses that will be created as a result of the Garden Enfield initiative.

The project has had well over 50 volunteers involved in the project as well as Capel Manor students. This opportunity will open doors for individuals seeking work in the food growing sector to gain valuable experience.

Enfield Farm Start

Another strand of the Garden Enfield project will support newly trained farming entrants with the opportunity to grow at a small scale and 'have a go' at growing commercially by providing land at a reasonable cost, infrastructure such as shared equipment and facilities, and support from experienced growers. The plots will be co-located to encourage support between farmers and facilitate routes to commercial markets.

Indirect Economic Impacts

The Garden Enfield Project will set up additional community schemes over the coming years and will encourage local residents to become involved in the growing project. The aim is to create a borough-wide network of growing schemes that offer opportunities for selling produce as well as the social benefits that will evolve.

The project takes the long view in the educational strand of the project which has thus far reached over 300 primary school children with access to growing on school grounds, and created work experience placements for a number of secondary aged students. The aim of developing both an understanding of the origins of fresh food and an appreciation of the health benefits of healthy eating will impact on public health issues now and in future.

Question 41 from Councillor Laban to Councillor Bond, Cabinet Member for Environment and Community Safety

Please could the Cabinet Member for Environment and Community Safety list the friends groups that have been consulted with in relation to not locking parks at night?

Reply from Councillor Bond

As per the Overview and Scrutiny Committee on 29 October 2014, it was agreed that the above decision regarding parks locking be deferred to April 2015 to enable consultation with the friends of the parks and the police. The affected parks, with friends of parks groups, are being consulted as per Appendix 1 within in the Parks Locking Report.

Question 42 from Councillor Jemal to Councillor Bond, Cabinet Member for Environment and Community Safety

Could Councillor Bond update the Council on measures that the Council is taking to encourage the uptake of electric vehicles?

Reply from Councillor Bond

We have already installed a number of electric vehicle charging points in our car parks and a few on-street as well. We also require new development to provide electric vehicle charge points in line with the London Plan standards. However, much more needs to be done if we are going to encourage the up-take of electric vehicles.

Most plug-in vehicle owners will do the largest proportion of their charging at home. The availability of accessible and affordable charging options is therefore key to increasing the uptake of plug-in vehicles. For many residents in Enfield off-street parking is not an option, presenting a barrier to plug-in vehicle adoption for many. In order to address this, the Office for Low Emission Vehicles (OLEV) operates a scheme which gives local authorities access to funding to help with the costs of procurement and installation of on-street charging points in such residential areas. Enfield has recently applied to join this scheme, becoming one of only three London boroughs to do so. Providing the incoming government continues with this initiative after May 2015, Enfield will commit to provide a free on-street electric vehicle bay and charge point, as close as possible to a qualifying resident's home.

This is just one example of innovative action that the Council is taking to improve air quality and the borough's environment. Another is the London Boroughs' Consolidation Centre project that Councillor Stafford has been overseeing, where we have introduced a consolidation centre in partnership with Camden and Waltham Forest Councils that significantly reduces the number of delivery trips that need to be made to the authorities, saving money and reducing vehicle emissions.

Question 43 from Councillor Laban to Councillor Bond, Cabinet Member for Environment and Community Safety

Please could the Cabinet Member for Environment and Community Safety explain the protocol in relation to consulting with Friends of the Parks Groups on parks matters?

Reply from Councillor Bond

All Friends Groups sign up to the Friends Agreement and the following elements on the Council side of the agreement would apply to consultation and keeping the Groups informed:

4. A Council Partnerships & Projects Officer will attend quarterly Friends Group Open Meetings (Monday to Friday) providing at least four weeks notice has been given.

5. Provide relevant information to Friends Group via electronic means.

6. Involve the Friends Group on relevant public consultation exercises and feedback results.

8. Inform and consult with the Friends Group regarding any proposed use of the Park for events, or for any other use not within the normal purposes of the Park.

9. Provide briefings/communication to the Friends Group on Corporate matters including those concerning the wider Council agenda.

Question 46 from Councillor Levy to Councillor Bond, Cabinet Member for Environment and Community Safety

Since the Labour Council created a 'Sustainability Team' taxpayers are now saving almost £1m per year in unnecessary energy cost. Can Councillor Bond tell us the latest Enfield 2020 successes?

Reply from Councillor Bond

- The Council has invested almost £6.5 million to improve the energy performance of 48 Council buildings, 11 schools and all of Enfield's street lights, which is estimated to save over £930k per year on its energy bills.
- Through the Big London Energy Switch, over 1,000 households in some of Enfield's most deprived communities have registered to switch energy provider.

This has resulted in average energy bill savings of over £100 per year for each household that switched energy provider.

- As a result of proactive engagement with British Gas, the Council has brought millions of ECO funding into Enfield. This has already improved the energy performance of over 100 Council homes, saving residents an average of £400 per year. A further six tower blocks will now be targeted, together with private-sector homes in three of Enfield's most deprived wards.
- The Council has worked with other London boroughs to develop the £6.5 million Smart Homes project, using government Green Deal Communities funding to encourage take up of solid wall insulation in private-sector homes and help local businesses install some of the available measures.

As a result of its range of innovative energy projects, the Council was shortlisted as a finalist for the Local Government Chronicle 2014 Public Sector Awards for Energy Efficiency.

Question 45 from Councillor Laban to Councillor Bond, Cabinet Member for Environment and Community Safety

Over the Christmas period the weather got considerably colder and roads were icy and as a result residents complained to Councillors about how dangerous it was to drive. Due to these complaints would the Cabinet Member for Environment and Community Safety put residents' safety first and re-evaluate the decision made in August to shorten the length of the winter gritting network?

Reply from Councillor Bond

When I reviewed Enfield's winter maintenance plan before the start of this winter season, my decision to reduce the length of the Priority 1 network for gritting roads in advance of ice and snow was based upon the principles identified in the national Code of Practice for Highway Maintenance Management, which sets out the priorities for highway authorities to consider.

The reduced network includes all Classified A, B and C Roads in Enfield as well as other link roads, all bus routes, roads that serve emergency facilities, main industrial and business centres plus access for Council critical service provision such as Council depots. The priority 1 network is approximately 32% of the overall road length of the Borough, which is comparable with other boroughs.

It is my intention to keep the Priority 1 network as agreed with Officers and to review it, as I do every year, after the winter season.

Question 46 from Councillor Chibah to Councillor Stafford, Cabinet Member for Finance

How much money has Enfield Council been awarded from the Department of Communities & Local Government because of its demonstrated ideas on how to improve prevention of fraud, increase recovery of money stolen by fraud and innovative ideas to generate the most effective savings?

Reply from Councillor Stafford

Enfield Council has been awarded £195,000 from the Department for Communities and Local Government in a bid to cut fraud. The money will fund a project that will focus on building fraud prevention measures and reporting of cases prevented across as many of the Council's services for vulnerable people as possible. It will see Enfield working more closely with other local authorities and the private sector to seek out potential fraudulent activity and confirm the adequacy of both prevention and detection controls.

Funding has been awarded as the proposal has demonstrated innovative ideas to generate the most effective savings. The overall aim is to stop fraud from entering the Council's systems and reduce the need for costly detection measures, reactive recovery and investigations.

Question 47 from Councillor Laban to Councillor Bond, Cabinet Member for Environment and Community Safety

Please could the Cabinet Member for Environment and Community Safety inform the chamber of the amount of salt the borough holds for winter gritting?

Reply from Councillor Bond

Our highways contractor has over 700 tonnes of salt at his depot and we have an additional 400 tonnes at our Morson Road Depot. In addition, we have access to a pan-London stock of 28,000 tonnes through our arrangements with our London Highway Alliance Contractor (LoHAC), Ringway Jacobs.

Question 48 from Councillor Barry to Councillor Bond, Cabinet Member for Environment and Community Safety

Would the Cabinet member for Environment join me in congratulating and thanking the many Council employees who have contributed to Enfield winning the 2014 Clean Britain Award in recognition of the Council's work in keeping our streets tidy for residents?

Reply from Councillor Bond

Yes this is a great achievement and recognition of the service provided.

Question 49 from Councillor Laban to Councillor Bond, Cabinet Member for Environment and Community Safety

Enfield Town has had overflowing bins at the weekend and rubbish bags left out on the street. Please could the Cabinet Member for Environment and Community Safety assure the Council that he will make it a priority to ensure that the town centre looks clean and attractive to visitors?

Reply from Councillor Bond

Yes

Question 50 from Councillor Jiage to Councillor Sitkin, Cabinet Member for Economic Development

Following the conference on tackling fuel poverty that the Council organised in November 2014, what action is the Council taking with its partners, such as British Gas and National Energy Action (NEA), to bring affordable energy to residents in the borough?

Reply from Councillor Sitkin

The Tackling Fuel Poverty conference in November 2014 was a great success and helped to shape the beginnings of a Fuel Poverty Action Plan for Enfield, with Councillors Sitkin, Simbodyal and Brett in attendance. Attendees included Enfield's Citizens Advice Bureau, the Over 50s Forum and the Royal Free London NHS Foundation Trust. A follow-up event has been organised for Thursday 29 January 2015 to further develop the Action Plan Framework, by agreeing objectives, designating responsibilities and determining activities, so helping to outline where NEA's free support can be best targeted.

Work has started on creating 'Energy Champions' in the borough, with an Energy Awareness City and Guilds Level 3 course run over 7, 8 and 9 January 2015 for a number of partner organisation and Council representatives. The attendees are due to take the level 3 exam on 16 January and a 'Train the Trainer' course is being run on 23 January, enabling them to deliver Energy Awareness City and Guilds Level 1 to residents and organisations in Enfield.

The Community Action Partnership has started to look at referrals processes relating to fuel poverty in Enfield, to see if there is the potential to develop a multi-agency referral system. An initial meeting with key partners has been organised in January. The Community Action Partnership is already supporting events in the borough, with NEA, British Gas, the Leader of the Council and the Sustainability Service due to attend the Over 50s Forum Winter Fair on 20 February 2015. A co-operative of local businesses is also due to attend, to provide advice on installing energy efficiency measures in the home.

After the workshop on 29 January, further work will develop and embed the Community Action Partnership in Enfield, helping residents to access affordable warmth and reduce fuel poverty in the borough.

Question 51 from Councillor Laban to Councillor Bond, Cabinet Member for Environment and Community Safety

Please could the Cabinet Member for Environment and Community Safety inform the chamber what percentage of the income from pitch hire fees goes towards the maintenance of the pitches?

Reply from Councillor Bond

Currently the Parks Service uses 37.5% of the income raised from sports pitch bookings for the routine maintenance of the pitches and associated equipment (goal posts etc.).

Question 52 from Councillor Laban to Councillor Sitkin, Cabinet Member for Economic Development

Please could the Cabinet Member for Economic Development inform the chamber precisely which projects will be funded via the New Homes Bonus (NHB) top slice monies?

Reply from Councillor Sitkin

The New Homes Bonus top slice is to be used across 3 main projects – Apprenticeships Skills and Training; Support to the Business Community; High Street Improvements.

The Authority made bids for an allocation of the £70m NHB top-slice to provide funding for the Local Enterprise Partnership (LEP). What has been agreed is £1.083m which is equivalent to the top-slice. The agreed projects are:

LEP Priority Theme	Project summary	Timeframe	NHB GRANT
Apprenticeships, skills and training	Apprenticeship Training Association for the Construction and Logistics Sectors : Create an Apprenticeship Training Association for the construction sector in Enfield. The organisation would be commissioned by the Council to engage with business and young people, matching current students of construction-related courses, and individuals experiencing barriers to employment with local construction firms. It would also have a remit for identifying apprentices interested in pursuing a career in driving jobs as part of the logistics sector.	April 2015 - March 2017	£292,000
Business Support	Business Sector Forums - Development and Expansion: The proposal details the creation of Sector Forums for both the food sector and the logistics sector. The intention would be, over the course of the two years of funding, to then grow these new forums and 3 existing forums to include all relevant stakeholders, and look to make the work sustainable going forward by leveraging additional funds from the businesses involved and other sources of funding. The proposal also focuses on sector specific promotion of business in Enfield,	April 2015 - March 2017	£291,268
High Streets	High Streets: Physical improvements to a number of shop fronts within Enfield Town and Ponders End within the London Borough of Enfield. Improvements will target ground floor retail units of independent retailers as part of a block so that they contribute to the quality and appeal of the borough's High Streets.	January 2015 - March 2017	£500,000
			£1,083,268

Question 53 from Councillor Fallart to Councillor Bond, Cabinet Member for Environment and Community Safety

Could Councillor Bond please provide a breakdown of the costs to the Council of Illegal Crossovers - Enforcement Programme Phase 1, including hiring temporary staff to carry out the work?

Reply from Councillor Bond

We already have an established team that manages the Council's vehicle crossover application and construction process. This initiative has required the up-front investment of an additional temporary highway inspector and technical support staff for which costs are estimated to be £20,000 to for phase 1 to the end of March 2015. Vehicles unlawfully crossing the footway contribute significantly to the damage, which results in the Council spending £2.5M per annum on resurfacing. This initiative will reduce costs in the long run.

Question 54 from Councillor J Charalambous to Councillor Bond, Cabinet Member for Environment and Community Safety

Could the Cabinet Member for Environment and Community Safety confirm whether he will look closely at traffic flow along Cockfosters Road and carry out a full assessment, with special consideration of the impact that the new Cat Hill housing development will have on traffic flow once completed? Cockfosters Road is a very well used and major access road between the M25 to Southgate, however traffic flow at peak times is often at a near standstill. The additional pressures that the new Cat Hill development will place on traffic flow will be considerable, and therefore will the member assure me that he will support my demand that enhancements and improvements to ease the flow of traffic will be made before the development at Cat Hill is completed?

Reply from Councillor Bond

The traffic impact of the Cat Hill development was considered in detail as part of the determination of the planning application and, bearing in mind the traffic that would have been generated by the previous university use, the Planning Committee concluded that the application could not reasonably be refused on transport grounds. This view was reached having to take account of both the collation government's National Planning Policy Framework and the Core Strategy developed by the last Conservative Administration.

However, amongst other things, the S106 agreement secured as part of the planning permission included funding to allow us to relook at the impact of the completed development on Cat Hill roundabout. I would be interested hear Councillor Charalambous's specific ideas on what he thinks can be done to ease traffic flow, but I am not supporter of an old fashioned 'predict and provide' approach which will simply draw more traffic onto the corridor.

Question 55 from Councillor J Charalambous to Councillor Bond, Cabinet Member for Environment and Community Safety

Could the Cabinet Member for Environment and Community Safety explain why Enfield Council does not collect recycling from commercial sites, and whether they will be willing to change their policy on this? After I followed up a complaint by the Hadley Wood Association Centre, I was informed that Enfield does not offer a 'fully mixed recycling service' for commercial premises. This leaves these

establishments no choice but to dispose of recyclable material in general waste bins which, in 2015, seems absurd.

Reply from Councillor Bond

The Council is not currently able to provide a mixed recyclables collection as it is not economically viable to do so. Commercial mixed recyclate is also usually of a much lower quality and with higher contamination than domestic streams which can cause difficulties at the sorting plant.

Commercial sites generally produce a different mix of recyclables to households with a much higher proportion of card and paper than is found in domestic collections. The cost of processing mixed recyclables is also significantly higher than that of paper/card. Because of this the Council offers businesses a paper/card recycling service which is both financially worthwhile and simple for them to manage.

Going forward we are currently procuring a new mixed recyclables processing contract and have included within the specification the ability to accept commercial recyclate. This contract is expected to be in place by October 2015 and once it is let commercial waste officers will reassess the viability of providing a commercial mixed recycling service.

Question 56 from Councillor J Charalambous to Councillor Bond, Cabinet Member for Environment and Community Safety

Would the Cabinet Member for Environment and Community Safety confirm whether he is willing to support a Cockfosters' resident's campaign for step-free access at Hadley Wood railway station? Recent maintenance works at the station have revealed several options for step-free access, and indeed there was such access in the past. Will the Member agree to put pressure on Network Rail to encourage them to introduce step-free access as soon as possible?

Reply from Councillor Bond

The lack of step-free access is an issue for many stations in Enfield and we have in the past successfully bid for funding from the Department of Transport's 'Access for All' programme for lifts at Edmonton Green station. The Government's £100m Access for All funding for the period 2014-2019 has recently been extended by £60m and now includes Palmers Green Station, which is the third busiest station in the borough used by approximately 1.7 million passengers a year.

Hadley Wood is a relatively quiet station (used by some 328,000 passengers per year) with only Crews Hill and Angel Road used by fewer people. It is sensible to consider which of the borough's stations should be prioritised for step-free access to take advantage of any future funding opportunities. However, my initial thought is that this should be Silver Street Station rather than Hadley Wood in view of the number of passengers using the station (815,000 passengers per year) and the high proportion with impaired mobility likely to be travelling to and from the North Middlesex Hospital.

Question 57 from Councillor J Charalambous to Councillor Bond, Cabinet Member for Environment and Community Safety

Will the Cabinet Member for Environment and Community Safety confirm when double yellow lines will be introduced at the end of Duchy Road (at the end closest to the junction with Lancaster Avenue)? After complaints were initially raised with the Council in 2013 about poor access and visibility into and out of Duchy Road due to parked commercial vehicles, a consultation only went out in October 2014, and no further action has yet been taken by the Council. The narrowness of the well-used junction caused by the parked commercial vehicles has substantially increased the risk of accident and injury and therefore parking restrictions are urgently required. The consultation which had 103 respondents showed 96.1% support for double yellow lines, and therefore can the member confirm when residents' will be able to see them?

Reply from Councillor Bond

The consultation did indeed indicate a high level of support for some form of yellow lines on Duchy Road. However, there was a distinct lack of agreement amongst residents as to the type of extent or restrictions that should be provided to prevent parking by commercial vehicles. Officers are currently finalising a report for my consideration summarising a number of alternative options. I can confirm that the restrictions at the junction of Duchy Road and Lancaster Road, at the very least, will be implemented before the end of March this year.

Question 58 from Councillor J Charalambous to Councillor Bond, Cabinet Member for Environment and Community Safety

Will the Cabinet Member for Environment and Community Safety explain why residents and businesses whose roads were removed from this year's winter gritting schedule were not consulted first? Could he also confirm why roads on which schools are located and the roads leading up to them, such as Hadley Wood Primary School of which I am a governor, were also removed from the schedule? Will the Member assure the Council that these school roads in particular will be re-added to the schedule as soon as possible to ensure that access to and from schools in poor weather will be protected?

Reply from Councillor Bond

I am not obliged to consult, however the revised priority 1 gritting network was published in the November edition of 'Our Enfield'; it was covered in my article in the local paper in response to the decision being called-in, and it is clearly set out on Enfield's website.

Question 59 from Councillor J Charalambous to Councillor Bond, Cabinet Member for Environment and Community Safety

Will the Cabinet Member for Environment and Community Safety provide an update on the new housing development at Cat Hill; confirm when the development is due to

be completed; and confirm whether the developer has been complying with all relevant development and planning conditions?

Reply from Councillor Bond

The residential development of 231 dwelling continues and is scheduled for completion around April 2016. The developer has complied with all conditions of the planning permission and the site continues to be regularly monitored by officers to ensure compliance with the approved plans and conditions. This monitoring includes regular visits by the tree officer.

Question 60 from Councillor J Charalambous to Councillor Taylor, Leader of the Council

Following the recent news that Allianze University College of Medical Sciences (AUCMS), the owners of the former Middlesex University campus in Trent Park, are in liquidation:

- a. Could Councillor Taylor confirm that the Council will immediately repair the well-used Snakes Lane which has found itself in a state of very perilous repair for some time? Snakes Lane is a private road which forms part of the estate sold to AUCMS, however it is used on a daily basis by Trent Park residents, users of the Trent Park hockey and football clubs, and other visitors to the Park. It currently finds itself with crater-sized pot holes, which have substantially increased the likelihood of accident and serious injury.
- b. Will the Leader of the Council support my campaign to ensure that a responsible buyer is found for the site that will enhance the site and provide cultural and educational opportunities, as well as protect and promote the history and heritage of the Grade II listed site and grounds? Will he assure me that the Council will endeavour to ensure the site will not be sold to a property developer with a view to building housing in Trent Park, and that under no circumstances would planning permission be granted for housing on this site?

Reply from Councillor Taylor

- a. The responsibility for repairing the private road known as Snakes Lane rests with the owner of the road. However, Enfield Council is considering a number of options and powers, and has written to the university to discuss different ways of solving this issue for the benefit of Enfield residents. We have recently had a response from the group that has responsibility for managing the site and officers will be meeting their directors to broker a solution taking into account the Council's interests as you have identified.
- b. Officers are committed to working with all parties including potential future purchasers, to safeguard the future of this site in line with adopted policy. The Council adopted a Planning Statement (July 2012) for the former campus setting out the Council's views on the future options and land use potential. The statement recognised any future proposals would need to be heritage led and sensitive to this context due to the statutory requirement to preserve the

significant heritage and landscape value of the former campus (the mansion and gardens are Grade II listed while the site is designated Metropolitan Open Land (MOL)). Within this however, development could potentially involve educational, community, leisure, recreational and economic opportunities subject to appropriateness.

The adopted statement highlights that local and national policy would not support a residential led scheme although it recognises that an institutional residential use or residential development as an ancillary that acts as an enabler may have to be considered.

Question 61 from Councillor J Charalambous to Councillor Bond Cabinet Member for Environment and Community Safety

Could the Cabinet Member for Environment and Community Safety confirm whether he supports Conservative demands for 20 minutes free parking on all high streets in Enfield? Businesses across Cockfosters, including those on Cockfosters Road, have been demanding time-limited free parking in front of their businesses for several years.

Despite numerous petitions from businesses and residents across my ward over recent years calling for time-limited free parking, no action as yet been taken, and I understand the Council instead intends to increase parking fees across Enfield. When will the Member realise that punitive parking charges for high street shoppers only serves to starve trade and business to local high streets, damaging the businesses which Enfield residents depend on?

Reply from Councillor Bond

We have been trialling 'stop and shop' bays which entitle motorists to park for free for 15 minutes since 6 October 2014. They are located at various shopping areas in the west and east of the borough. We will be reviewing the outcome of the trial in March 2015.

We have no plans to increase parking charges.

Question 62 from Councillor J Charalambous to Councillor Stafford Cabinet Member for Finance

Will the Cabinet Member for Finance explain why applicants for a disabled persons' Blue Badge can only apply online? Many people who require a Blue Badge may not have the means of accessing a computer and internet, and therefore will the member confirm that paper applications can be sent to those who request one?

Reply from Councillor Stafford

In line with the Department for Transport Blue Badge Improvement Scheme (BBIS) and wider Digital Britain programme, Blue Badge applications were switched to online in Enfield in December 2013.

Provisions have been put in place to assist those who may not have access to a computer or who are unfamiliar with using one as follows:

- Customers can visit any of our libraries, where they can get assistance from a member of staff.
- Visit any of our Access Centres (Civic Centre/John Wilkes House/Edmonton Green), where assistance can be given to complete by one of our Digital Champions.
- Customers can also call the Concessionary Travel Team, who will go through the application form over the phone with them.
- Should a customer not be able to use any of the above options, a paper form can be sent out.

In 2014 90% of all Blue Badge applications were made on line.

Question 63 from Councillor J Charalambous to Councillor Taylor, Leader of the Council

Will the Leader of the Council join me and the Conservative Group in congratulating the Chickenshed Theatre on their successful Christmas run of Peter Pan, for which I was grateful to be invited together with colleagues from both sides of the Council? Will he share my view that Enfield Council should continue to support this excellent charity's future endeavours?

Reply from Councillor Taylor

I would like to congratulate Chickenshed Theatre on their very successful Christmas show, Peter Pan. I know that Councillors and all the residents who attended had a very enjoyable time. Enfield Council is always keen to support Chickenshed Theatre as it provides a very valuable service to our residents. I am aware that Officers have been supporting Chickenshed most visibly in their recent 40th Anniversary celebrations and we will continue to support Chickenshed with their future endeavours.

Question 64 from Councillor Laban to Councillor Sitkin, Cabinet Member for Economic Development

Please could the Cabinet Member for Economic Development inform the chamber of the number of copies of Opportunity Enfield have been printed and the cost?

Reply from Councillor Sitkin

Opportunity Enfield is a private sector funded, professionally produced magazine aimed at attracting inward investment and raising the profile of the borough. 5000 copies are produced for each edition – supported by associated networking events, an on-going e-news service and a managed website. All this is achieved at a cost to Enfield Council of a single page advert - £4,000 + VAT - per edition. The rest is funded by key local stakeholders who will all benefit from Enfield's improving profile.

Question 65 from Councillor Laban to Councillor Sitkin, Cabinet Member for Economic Development

Please could the Cabinet Member for Economic Development set out in detail the names of all the stakeholders that the Opportunity Enfield magazine was:

- a. Mailed to via the post?
- b. Emailed to?

Reply from Councillor Sitkin

- a. 3Fox post the magazine to over 3500 stakeholders including developers, investors, local and central government officers, partner organisations, politicians and interested individuals. This information contains third party, personal data. The disclosure of such information would breach the fair processing principle contained in the Data Protection Act (DPA) 1998, where it would be unfair to that person to release the information.
- b. 3Fox send newsletters to the same contact list. This information contains third party, personal data. The disclosure of such information would breach the fair processing principle contained in the Data Protection Act (DPA) 1998, where it would be unfair to that person to release the information.

Question 66 from Councillor Laban to Councillor Sitkin, Cabinet Member for Economic Development

Please could the Cabinet Member for Economic Development inform the chamber of how many meetings he or his Assistant Director have had with organisations since May 2014 as a result of information on the Opportunity Website or the recent brochures?

Reply from Councillor Sitkin

We meet constantly with a number of organisations on the Opportunity Enfield distribution list, including Ardmore Construction, Ikea, Johnson Mathey, London Waste, Mulalley, Newlon Housing, Segro, St Modwen and Thames Water. In addition, we often use Opportunity Enfield distribution material as backup on the many occasions we meet with other manufacturers, logistics specialists and potential future investors in Enfield. I do hope that Councillor Laban is aware that counterparts tend to provide one another with information packs?

Let's also hope Councillor Laban realises the impossibility of identifying every company who has consulted the Opportunity Enfield website as a result of the stellar work this administration has done in raising the borough's profile following eight years of Conservative passivity. If by organisations she is asking which businesses we have contacted, the answer is that above and beyond the aforementioned regular contacts we meet with a minimum of two new companies each month to discuss issues relating to employment and business investment. Not to mention a number of specific sector forums attended by the Cabinet Member and officers; the business ambassadors' meeting hosted by Coca Cola; and other productive conferences

planned for the near future, starting with the business 'summit' we have organised to match STEM (Science, Technology, Engineering and Maths) education and skills to employment needs.

Question 67 from Councillor Laban to Councillor Sitkin, Cabinet Member for Economic Development

Please could the Cabinet Member for Economic Development explain whether the Opportunity Enfield magazine was printed by Enfield Council's in house design and print service or whether it was printed by an external printing company?

Reply from Councillor Sitkin

The magazine is a privately funded magazine and not an Enfield Council publication. Independent publishers 3Fox use their own external print company.

Question 68 from Councillor Laban to Councillor Sitkin, Cabinet Member for Economic Development

Please could the Cabinet Member for Economic Development inform the chamber how many hits that www.opportunityenfield.com has had since May 2014?

Reply from Councillor Sitkin

As of 15 Jan 2015, from 1 May 2014 the Opportunity Enfield website received 5,193 page hits from 2,875 individual users. The main draw of this privately funded website is the on-going news service. It is also an effective 'shop window' for any company looking into Enfield, as an investor or would-be occupier.

Question 69 from Councillor Laban to Councillor Sitkin, Cabinet Member for Economic Development

Please could the Cabinet Member for Economic Development set out what targets he has set 3 Fox International to achieve as part of its contract with the London Borough of Enfield?

Reply from Councillor Sitkin

There is no contract in place with 3Fox. Opportunity Enfield is an independently produced, privately funded publication under independent editorial control.

Question 70 from Councillor Laban to Councillor Sitkin, Cabinet Member for Economic Development

The Burleigh Way development in Enfield Town has all its shops vacant. Please could the Cabinet Member explain what strategies his department is putting into place to work with partners and investors to get those shop units filled?

Reply from Councillor Sitkin

This work is already underway. The Enfield Thinks project (funded by the Mayors High Street Fund) will use these shops to host the boroughs first pop up university (with Birbeck) to host a 13 week programme of teaching and access to employment events. Additionally the landlord has met with officers and Middlesex University to work up a project of employment start-ups for students who need a venue to 'kick start' their way to being an entrepreneur.

Question 71 from Councillor Celebi to Councillor Bond, Cabinet Member for Environment and Community Safety

Please could the Cabinet Member for Environment and Community Safety set out the communication to date with the Friends of Bury Lodge regarding the clearance of the site?

Reply from Councillor Bond

An open meeting was held in March 2014 with Friends of Bury Lodge Park about proposed development (advertised in newsletter).

A further consultation event has been arranged for 24th January 2015, this is being hosted jointly by Enfield Council and Thames21.

Question 72 from Councillor Celebi to Councillor Bond, Cabinet Member for Environment and Community Safety

Would the Cabinet Member for Environment and Community Safety ensure that the Friends of Bury Lodge will be fully consulted with over the new SUDs (Sustainable, Urban Drainage systems) project in Bury Lodge Park?

Reply from Councillor Bond

A public consultation event has already been organised for Saturday 24th January 2015. The Friends of Bury Lodge Group, local residents and ward Councillors have been invited to discuss the scheme with Council officers and representatives from Thames 21.

Question 73 from Councillor Laban to Councillor Bond Cabinet Member for Environment and Community Safety

Please could the Cabinet Member for Environment and Community Safety confirm that his department will be submitting an application to receive funding from the Department for Communities and Local Government's (DCLG) new fund to help Council s crack down on unauthorised development?

Reply from Councillor Bond

DCLG has just announced a new fund of £1 million of which £200K will be available between now and 31 March this year, and the remaining £800K will be available until

31 March 2016. The objective is to offer some financial assistance up to £10k or 50% of the costs (whichever is the lesser amount) in progressing injunctions in planning cases against a persistent breach of planning control. The grant has to be applied for and is subject to a range of conditions. However, conditions and the maximum grant for any one case is limited to not more than half the Council's estimated costs, but is limited to a maximum payment of £10K. Funding will only be available where other enforcement options have been, or would be, ineffective, or where there have been persistent breaches of planning control over a long period. A number of cases are being reviewed to see if they would meet the eligibility criteria. If so, applications will be made to access the fund.

Section 2 - Questions to Associate Cabinet Members

Question 74 from Councillor Chamberlain to Councillor Savva, Associate Cabinet Member (Enfield South East)

Could the Associate Cabinet Member please tell the Council what meetings he has attended and with whom since last Council meeting?

Reply from Councillor Savva

I would like to thank Councillor Lee Chamberlin for his question over my various activities during the last 2 months.

Given below is a brief description of some of the activities –

- I will start with the site visit in his ward at Bury Street Lodge site on the proposed development. Present at the site were Councillors Ahmet Oykenner, Sarah Doyle, Erin Celebi, and the Friends of Bury Lodge John Jewson, Denise Valance, 3 members from the Bowls Club, plus Andrew Doyle, Mohammed Lais LBE, Anne Crown LBE Sarah Carter LBE.
- Attended a community meeting at Green Towers, Edmonton Green following an incident in one of the blocks at Edmonton Green. Present were the police, Andy Love MP representatives from L&Q housing association, tenants and leaseholders and community workers. Here we heard the residents' comments, concerns and suggestions.
- Met with the Church Lane Residents Association, along with LBE officers - Bob Griffiths, Robert Oles, Andy Higham, had meeting with the Chair of CAPE (Community Action Partnership for Enfield) Mr Eddie Fraser. Had a meeting with the leaseholders over the payment arrangements towards the improvements works in the Council flats or houses (matter ongoing).
- Had meetings with the resident's representative in Oxford Gardens over alleged unsociable behaviour and have brought this to the attention of the ward councillors and officers (not South East).
- Attended the following meetings - Local Plan Cabinet Sub Committee, Corporate Asset Management, Cabinet meetings, Strategic Leadership,

Chaired a well-attended South East Partnership meeting, formerly the Edmonton Leaside Partnership.

- Chaired another well attended Ward Forum for Edmonton Green, Haselbury, Upper Edmonton.

Question 75 from Councillor Laban to Councillor Uzoanya, Associate Cabinet Member (Enfield North)

Could the Associate Cabinet Member please tell the Council what meetings he has attended and with whom since last Council meeting?

Reply from Councillor Uzoanya

May I advise Councillor Laban to refer to the Associate Cabinet Member (Enfield North) report which went to Cabinet in December, which list details of the meetings I have attended, and for her to note that despite me extending the invitation to Councillor Laban, Councillor Elaine Haywood and Councillor Neville, only one Councillor from her party, Councillor Dines, has invited me to their ward forum.

More recently I attended the heavily attended meeting called Cycle Enfield, which I chaired but surprisingly did not feature Councillor Laban, whom I understand is keen as I am for Cycle Enfield to be wheeled not just across Enfield North but other parts of the Borough.

I look forward to further meetings and working closely with her on projects such as Cycle Enfield.

Question 76 from Councillor Neville to Councillor B Charalambous, Associate Cabinet Member (Enfield West)

Could the Associate Cabinet Member please tell the Council what meetings he has attended and with whom since last Council meeting?

Reply from Councillor Charalambous

Since the last Council meeting on 19 November 2014 I have attended the following meetings in my capacity as Associate Cabinet Member for West Enfield:

- 4 December 2014 - Broomfield House Partnership Board
- 10 December 2014 - Cabinet
- 17 December 2014 - Winchmore Hill Community Forum
- 8 January 2015 - Corporate Asset Management Board
- 8 January 2015 - Cycle Enfield Partnership Board - Enfield West
- 13 January 2015 - Southgate Green Community Forum
- 19 January 2015 - West Enfield Partnership Board

I also have the following meetings in my diary at present until full Council on 28 January 2015

- 20 January 2015 - Palmers Green Community Forum
- 26 January 2015 - Broomfield House Partnership Board

Section 3 - Questions to Overview and Scrutiny Committee Members

Question 77 from Councillor Neville to Councillor Cazimoglu, Chair of the Health Scrutiny Workstream?

Would she tell the Council what she understands to be the meaning of the term “cottage hospital”?

Reply from Councillor Cazimoglu

The term Cottage Hospital is used to describe a centre which provides healthcare facilities and resources, smaller than a district hospital, not housing an A&E or Maternity Unit. It most certainly is not a district general hospital as was present on the Chase Farm Site before this governments downgrade.

APPENDIX A: Private Sector Housing – Housing Act 2004 Enforcement Action

Category	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	TOTAL
Formal Notices Served	34	36	43	101	106	320

Private Sector Housing – Notices by Ward 2009-2014

Enforcement Notices	SN	WM	SU	CF	CS	EH	SB	TW	GR	HL	UE	BW	PN	JB	LE	PD	EK	BH	EG	HA	TS
N501-Unfit	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
N503-Unfit House	3	0	0	0	5	3	5	1	0	0	4	0	0	3	9	9	3	3	3	7	0
N504-Unfit Flat	0	1	0	0	1	3	1	1	1	0	1	0	0	1	0	0	1	0	3	3	0
N505-Disrepair	6	4	11	11	1	12	10	8	4	8	16	9	3	10	24	10	8	4	21	4	1
N506-Notice of Intention WID	0	0	0	0	0	1	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0
N507-Limit Occupation	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
N508-Overcrowding	0	0	0	0	0	0	1	0	0	0	1	3	0	1	1	1	4	0	0	4	0

N512-Power of Entry	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0
N513-Closing Order	0	0	0	0	0	1	0	0	0	0	0	1	1	0	1	0	0	0	0	1	0
N514-Demolition Order	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
N515-Request for Information	0	0	0	0	0	4	1	0	0	0	0	0	0	5	0	0	0	0	3	0	0
N516-Damage by Pests	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
N517-Prohibition Order	0	6	0	0	0	1	0	0	0	0	2	0	2	1	1	0	1	0	3	2	0
TOTAL	9	11	11	11	7	26	18	10	6	9	24	14	7	21	37	20	18	7	33	21	1

Southgate Green (SN)
 Winchmore Hill (WM)
 Southgate (SU)
 Cockfosters (CF)
 Chase (CS)
 Enfield Highway (EH)
 Southbury (SB)
 Town (TW)
 Grange (GR)
 Highlands (HL)

Upper Edmonton (UE)
Bowes (BW)
Palmers Green (PN)
Jubilee (JB)
Lower Edmonton (LE)
Ponders End (PD)
Enfield Lock (EK)
Bush Hill Park (BH)
Edmonton Green (EG)
Haselbury (HA)
Turkey Street (TS)

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