



LONDON BOROUGH OF ENFIELD

**AGENDA FOR THE COUNCIL MEETING
TO BE HELD ON THURSDAY 28TH JANUARY
2016 AT 7.00 PM**

MEETINGS THAT HAVE TAKEN PLACE SINCE THE LAST COUNCIL

Set out below is a list of meetings that have taken place since the last Council meeting. The contact names for the relevant officer are also included.

Name of Meeting	Date	Officer	Contact Telephone
Overview & Scrutiny Committee	12/11/15	Jane Juby	020 8379 1223
Turkey Street Ward Forum	17/11/15	Claire Johnson	020 8379 4239
Cockfosters Ward Forum	18/11/15	Claire Johnson	020 8379 4239
Highlands Ward Forum	18/11/15	Claire Johnson	020 8379 4239
Town Ward Forum	18/11/15	Claire Johnson	020 8379 4239
Cabinet	18/11/15	Jacqui Hurst	020 8379 4096
Safer Neighbourhoods Board	19/11/15	Jane Juby	020 8379 1223
Schools Forum	20/11/15	Sangeeta Brown	020 8379 3109
School Places Scrutiny Workstream	23/11/15	Susan Payne	020 8379 6151
Planning Committee	24/11/15	Metin Halil	020 8379 4091
Licensing Sub-Committee	25/11/15	Jane Creer	020 8379 4093
Overview & Scrutiny Committee	26/11/15	Jane Juby	020 8379 1223
North Central London Sector Joint Health & Scrutiny Committee	27/11/15	Andy Ellis	020 8379 4884
Adoption Scrutiny Workstream	30/11/15	Elaine Huckell	020 8379 3530
Conservation Advisory Group	01/12/15	Andy Higham	020 8379 3848
Child Sexual Exploitation & Associated Risk to Children and Young People task Group	01/12/15	Koulla Panaretou	020 8379 4835
Southgate Ward Forum	01/12/15	Claire Johnson	020 8379 4239
Licensing Sub-Committee	02/12/15	Jane Creer	020 8379 4093
Councillor Conduct Committee	02/12/15	Penelope Williams	020 8379 4098
Deaf Community Forum	03/12/15	Stacey Gilmour	020 8379 4187
Extraordinary Council	07/12/15	James Kinsella	020 8379 4041
Southgate Green Ward Forum	08/12/15	Claire Johnson	020 8379 4239
Schools Forum	09/12/15	Sangeeta Brown	020 8379 3109
Enfield Highway Ward Forum	09/12/15	Claire Johnson	020 8379 4239
Health & Wellbeing Board	10/12/15	Penelope Williams	020 8379 4098
Public Transport Consultative Group	10/12/15	David Taylor	020 8379 3576
Local Plan Cabinet Sub-Committee	14/12/15	Koulla Panaretou	020 8379 4835
Overview & Scrutiny Committee	14/12/15	Jane Juby	020 8379 1223
Housing Board	15/12/15	Elaine Huckell	020 8379 3530
Enfield Lock Ward Forum	15/12/15	Claire Johnson	020 8379 4239
Licensing Sub-Committee	16/12/15	Jane Creer	020 8379 4093
Enfield Community Support Fund Cabinet Sub-Committee	16/12/15	Koulla Panaretou	020 8379 4835
Cabinet	16/12/15	Jacqui Hurst	020 8379 4096
Planning Committee	17/12/15	Metin Halil	020 8379 4091
Conservation Advisory Group	05/01/16	Andy Higham	020 8379 3848
Crime Scrutiny Standing Workstream	12/01/16	Stacey Gilmour	020 8379 4187
Jubilee Ward Forum	12/01/16	Claire Johnson	020 8379 4239
Southbury Ward Forum	13/01/16	Claire Johnson	020 8379 4239
Bush Hill Park Ward Forum	14/01/16	Claire Johnson	020 8379 4239
Lower Edmonton Ward Forum	19/01/16	Claire Johnson	020 8379 4239
Winchmore Hill Ward Forum	19/01/16	Claire Johnson	020 8379 4239
Ponders End Ward Forum	19/01/16	Claire Johnson	020 8379 4239

Name of Meeting	Date	Officer	Contact Telephone
Audit Committee	19/01/16	Metin Halil	020 8379 4091
Schools Forum	20/01/16	Sangeeta Brown	020 8379 3109
Cabinet	20/01/16	Jacqui Hurst	020 8379 4096
Planning Committee	26/01/16	Jane Creer	020 8379 4093
Health Scrutiny Standing Workstream	26/01/16	Susan Payne	020 8379 6151

Members can obtain the minutes of the meetings through either the Council's web site (www.enfield.gov.uk) or the **Governance Team**.

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

Please Reply to: James Kinsella
Phone: (020) 8379 4041
Fax: (020) 8379 3177
Textphone: (020) 8379 4419
E-mail: James.Kinsella@enfield.gov.uk
My Ref: DST/JK

Date: 20 January 2016

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 Thursday, 28th January, 2016 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 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 11 November 2015 (Pages 1 - 28)
- 4.2 Extraordinary Council – Monday 7 December 2015 (Pages 29 – 32)

5. APOLOGIES

6. DECLARATION OF INTERESTS

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

7. OPPOSITION BUSINESS - CYCLE ENFIELD (Pages 33 - 40)

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

The Council rules relating to Opposition Business are attached for information.

8. COUNCIL TAX SUPPORT SCHEME FOR 2016/2017 AND 2017/18 AND COUNCIL AND BUSINESS RATE TAX BASES 2016/17 (Pages 41 - 242)

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 2016/17, which the Council is required to produce under section 13A(1)(a) and meeting 1A of the Local Government Finance Act 1992.

The report also recommends the 2016/17 council tax and business rate bases (Appendices D and E). (Report No.168)

(Key Decision – Reference No. 4255)

Members are asked to note that the NNDR 1 DCLG Business Rate Base Return (Appendix E) has been marked as “To Follow”.

9. UPPER SECONDARY AUTISM PROVISION (Pages 243 - 268)

To receive a report from the Director of Finance, Resources and Customer Services and the Chief Education Officer providing a strategy and solution to the rising need in school places for the Autistic Spectrum Disorder cohort of pupils within the Borough. (Report No.154)

(Key Decision – Reference No. 4209)

Please note Report No. 156 on the Part 2 agenda also refers.

Members are asked to note:

- The attached report is due to be considered by Cabinet on the 20 January 2016. Subject to Cabinet approval of the recommendations, Council is being asked to formally approve the addition of funds to the Capital Programme (as detailed within the Part 2 report) for the various elements of the scheme.

- The decision made by Cabinet on 20 January 2016 will be reported to Council on the update sheet tabled at the meeting.

10. REFERENCE FROM MEMBER & DEMOCRATIC SERVICES GROUP: STRUCTURE OF COUNCIL MEETINGS AND AMENDMENTS TO COUNCIL PROCEDURE RULES (Pages 269 - 300)

To receive a report from the Director of Finance Resources and Customer Services detailing the outcome of a review into the structure and operation of Council meetings and proposing a range of amendments to the Council Procedure Rules. (Report No.169)
(Non-Key)

Members are asked to note that the proposed amendments were referred on to Council for consideration by the Member and Democratic Services Group (13 January 2016).

11. REFERENCE FROM MEMBER & DEMOCRATIC SERVICES GROUP: ENFIELD'S CORPORATE PARENTING BOARD FOR LOOKED AFTER CHILDREN - CHANGES TO TERMS OF REFERENCE (Pages 301 - 306)

To receive a report from the Interim Director of Children's Services seeking agreement to the proposal to increase the representation of elected members on the Council's Corporate Parenting Group and deputy chairing arrangements. (Report No.170)
(Non-Key)

Members are asked to note that the proposed changes to the Terms of Reference were considered and recommended to Council by the Member and Democratic Services Group (13 January 2016).

12. COUNCILLORS QUESTION TIME (TIME ALLOWED 30 MINUTES)

12.1 Urgent Questions (Part 4 - Paragraph 9.2b 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.

12.2 Councillors' Questions (Part 4 – Paragraph 9.2 (a) of Constitution – Page 4-8) (Pages 307 – 346)

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

13. MOTIONS

13.1 In the name of Councillor Barry:

“If the Transatlantic Trade and Investment Partnership (TTIP) is agreed, the people of Enfield will lose many of the regulations that protect their environment, their food and their rights as workers.

A report commissioned by the Government concluded that TTIP offers “few or no benefits to the UK while having meaningful economic and political costs.”

This Council resolves:

- To call on the Government to put the national interests of our people above those of big businesses and to reject this agreement.
- To write to the Secretary of State for Communities and Local Government, local MPs, MLAs, and all London MEPs raising our serious concerns about the impact of TTIP on local authorities and the secrecy of the negotiating process.
- To write to the Local Government Association to raise our serious concerns about the impact of TTIP on local authorities and ask them to raise these with Government on our behalf.
- To call for an impact assessment on the impact of TTIP on local authorities.
- To publicise the Council’s concerns about TTIP; join with other local authorities which are opposed to TTIP across Europe and work with local campaigners to raise awareness about the problems of TTIP.
- To contact the local authorities of municipalities twinned with Enfield asking them to consider passing a similar motion on TTIP.”

13.2 In the name of Councillor Alessandro Georgiou:

“This Council recognises that the Union Flag of the United Kingdom of Great Britain and Northern Ireland is a symbol of Freedom and represents all that is great about the United Kingdom.

The Council will therefore have the Union Flag of the United Kingdom of Great Britain and Northern Ireland present in all full Council meetings. The flag will have a prominent place either hanging behind the Mayor of Enfield's chair or on a flagpole to the right of the Mayor."

13.3 In the name of Councillor Maguire:

"This council is appalled that the services that our local communities rely on continue to face deep cuts in Government funding. Enfield Council has already shouldered £118m of cuts since 2010 and is faced with further cuts in excess of £50m by 2020.

This Labour Administration, in partnership with officers, has worked hard to find innovative ways to save money, to continue to deliver services and to give best value to the people of Enfield. This Council thanks officers and members for their dedication and commitment in dealing with those cuts in a sensitive and constructive manner.

However, further cuts to funding will leave this Council struggling to deliver the services that the people of Enfield need and deserve.

This Council resolves to work with the Local Government Association, politicians, community organisations, the charity and voluntary sector, to expose the damaging and dangerous nature of these cuts and impress on the Government the need to reverse them and to fund local government properly."

13.4 In the name of Councillor Nesil Cazimoglu:

"The country, particularly London, is facing a housing crisis and residents in Enfield are feeling the effects. This Council believes that the government's Housing and Planning Bill will only make the situation worse; and that the only real solution is to build more homes.

House building is at its lowest since the 1920's; private rents have increased by 37% in the past five years and the government continue to use billions of pounds of public money to subsidise private landlords through housing benefit.

The Housing and Planning Bill would:

- Forces 'high-value' council homes to be sold on the open market;
- Extend the right-to-buy to housing association tenants and
- Undermine section 106 requirements on private developers to provide affordable homes

There is no commitment in the Bill that affordable homes will be replaced

like-for-like in the local area.

This Council resolves that the Bill undermines localism by granting the Secretary of State the power to override local plans, to mandate rents for social tenants and to impose a levy on stock-holding councils, violating the terms of the Housing Revenue Account self-financing deal.

This Council calls on the government to grant local authorities the powers and financial ability to increase the supply of housing for our residents. Councils must be given the financial flexibilities they need to be able to scale up housing development, both in partnership and directly.”

14. COMMITTEE MEMBERSHIPS

To confirm the following change to committee memberships:

Conservation Advisory Group: Councillor Kepez to be replaced by Councillor Hurman.

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

15. NOMINATIONS TO OUTSIDE BODIES

To confirm any changes notified to the nomination on outside bodies.

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

16. CALLED IN DECISIONS

None received.

17. DATE OF NEXT MEETING

To note that the next meeting of the Council will be held on Wednesday 24 February 2016 at 7.00pm at the Civic Centre.

18. EXCLUSION OF PRESS AND PUBLIC

To consider 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 agenda on the grounds that it involves 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) as listed on the agenda.

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**MINUTES OF THE MEETING OF THE COUNCIL HELD ON WEDNESDAY, 11
NOVEMBER 2015****COUNCILLORS****PRESENT**

Patricia Ekechi (Mayor), Bernadette Lappage (Deputy Mayor), Abdul Abdullahi, Daniel Anderson, Ali Bakir, Dinah Barry, Chris Bond, Yasemin Brett, Erin Celebi, Councillor Alev Cazimoglu, Nesil Cazimoglu (Jubilee), Lee Chamberlain, Bambos Charalambous, Katherine Chibah, 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, Ahmet Hasan, Elaine Hayward, Robert Hayward, Ertan Hurer, Suna Hurman, Jansev Jemal, Doris Jagge, Eric Jukes, Councillor Nneka Keazor, Adeline Kepez, Joanne Laban, Michael Lavender, Dino Lemonides, Derek Levy, Donald McGowan, Andy Milne, Terence Neville OBE JP, Councillor Ayfer Orhan, Ahmet Oykenner, Anne-Marie Pearce, Daniel Pearce, Michael Rye OBE, George Savva MBE, Alan Sitkin, Edward Smith, Jim Steven, Andrew Stafford, Claire Stewart, Councillor Doug Taylor, Glynis Vince, Haydar Ulus and Ozzie Uzoanya

ABSENT

Jason Charalambous, Mary Maguire, Vicki Pite and Toby Simon.

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

Before the meeting began the Mayor announced that the meeting was being filmed so that it could be watched by those members of the public who could not be accommodated in the public gallery and were being seated in the Conference Room.

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

84**MAYOR'S CHAPLAIN TO GIVE A BLESSING**

The Reverend John Hookway, from St Demetrios Greek Orthodox Church, gave the blessing.

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

The Mayor thanked the Reverend John Hookway for offering the blessing and asked members to join her in a minutes silence in recognition of Remembrance Day.

A minutes silence was held.

The Mayor then made the following announcements:

1. Update on Mayoral Engagements

The Mayor advised that she had attended a number of events since the last Council meeting including:

- A visit to RAF Northolt and the Battle of Britain exhibition, including the Nuclear Bunker.
- A visit to Chase Farm Hospital.
- Attending the Edmonton Eagles event as they received their Queen's Award for Voluntary Services.
- A Remembrance Day Service at St Demetrios's Church
- The Remembrance Sunday events at the Edmonton War Memorial, Chase Side War Memorial in Enfield, and at Southgate.
- Hosting a dinner for a visiting dignitary from France.
- Armistice Day commemorations in Broomfield Park.

2. Clean Britain Gold Award

The Mayor announced that Enfield had won the Clean Britain Gold Award in the large local authority category. The award had been received at the Chartered Institute of Waste Management Clean Britain Awards 2015, held the week previously, in recognition of the work undertaken by the Council in keeping the streets clean for residents, businesses and visitors.

The awards reflected the work done by local authorities across England as well as volunteers and private companies in keeping public spaces clean and had been achieved in recognition of the Council's commitment to keeping the borough clean and for the hard work of its staff on a day to day basis in clearing litter, and dealing promptly with fly tipping and graffiti. The award also recognised the innovative ways in which the council directed its resources to target areas most in need.

A Gold Award in the large population category was one of the most challenging groups and demonstrated the Council's commitment to providing a well presented, safe and clean environment for residents and businesses which in turn played an important role in fostering civic pride and reducing anti-social behaviour.

The Mayor, on behalf of the Council, thanked all staff engaged in the service, many of whom started their working day in the early hours of the morning or late at night and congratulated them on receiving the award.

She formally presented the award to Nicky Fiedler (Assistant Director Public Realm) and David Coventry (Street Scene Section Manager).

3. Future Engagements

The Mayor invited members to join her at the following events:

- The Arctic Convoy Commemoration on 14 November 2015 at 2.45pm, at the Civic Centre;
- A Dementia Awareness Seminar on Saturday 28 November, at the Civic Centre – For more details she asked members to contact Koulla Panaretou in Democratic Services.;
- An Open Day at the Registrars Service - Saturday 28 November at Gentleman's Row.

4. Anniversary Exhibition - Celebrating Enfield's 50 years as a London Borough

As part of the celebrations, in honour of the 50th anniversary of Enfield becoming a London Borough, an exhibition had been set up in the Conference Room Display Cabinets. The Mayor encouraged members to take a look when passing through.

5. Trustees Meeting – Councillor Ali Bakir's Year as Mayor

The Mayor advised members that the Mayor's Charity trustees had met that evening to finalise the accounts from Councillor Ali Bakir's Mayoralty. She was pleased to report that Councillor Bakir had raised £43,843 during his year in office.

The Mayor invited Councillor Bakir to say a few words and he took the opportunity to thank colleagues and everyone else who had contributed towards his fundraising activities as Mayor for their support. He was pleased to announce that the amount raised had now been allocated between 13 voluntary groups, schools, associations and charities across the borough.

The Mayor ended her announcements by reminding members that invitations had recently been sent out for her Christmas Celebration Evening on Friday 11th December 2015, and asking them to respond to Alison Brookes in the Mayor's Office as soon as possible.

86 MINUTES

AGREED that the minutes of the Council meeting held on Thursday 24 September 2015 be confirmed and signed as a correct record.

87 APOLOGIES

Apologies for absence were received from Councillors Jason Charalambous, Mary Maguire, Vicky Pite and Toby Simon,

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Apologies for lateness were received from Councillors Fonyonga and Uzoanya.

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DECLARATION OF INTERESTS

The following interests were declared at the meeting:

Agenda Item 7: Petition – Protection of the Green Belt Land and Wildlife at Enfield Road

- Councillors Lee David-Saunders, Alessandro Georgiou, Joanne Laban, Michael Lavender, Dino Lemonides, Terence Neville, Ann-Marie Pearce, Michael Rye, Edward Smith and Glynis Vince declared non pecuniary interests in this item as they had signed the petition. They remained in the meeting and took part in the debate on this item.
- Councillor Jansev Jemal declared a Disclosable Pecuniary Interest. She withdrew from the meeting and took no part in the consideration of this item.

Agenda Item 8: Opposition Business – Safeguarding the Green Belt from Residential Development

- Councillor Joanne Laban declared a non-pecuniary interest as a result of her employment in the office of one of the Deputy Mayors for London.
- Councillor Jansev Jemal declared a Disclosable Pecuniary Interest. She withdrew from the meeting and took no part in the consideration of this item.

Agenda Item 15: Motions

a. Motion 15.3 (Trade Union Bill) in the name of Councillor Chibah:

- The Mayor advised Members that following a request from the Leader of the Council the Monitoring Officer had agreed to grant a dispensation under Section 33 (a) and (b) of the Members Code of Conduct for all members of the Majority Group in relation to the declaration of any disclosable pecuniary interest they may have relating to trade union sponsorship. Members noted that declarations would still need to be made in relation to any interests not involving sponsorship.
- Disclosable pecuniary interests were declared by Councillors Daniel Pearce (company engaged by Trade Union) and Claire Stewart (employed by a Trade Union). Both Members withdrew from the meeting and took no part in the consideration of this item.

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- Non pecuniary interests were declared by Councillors Elaine Hayward, Robert Hayward and Michael Rye declared a non-pecuniary interest given their membership of a Trade Union.
- b. Motion 15.4 (Transatlantic Trade and Investment Partnership) in the name of Councillor Chibah – Councillor Michael Lavender declared a non-pecuniary interest given his employment by an American company.
- c. Motion 15.7 (London Living Wage) in the name of Councillor Sitkin - non-pecuniary interests declared by Councillor Ertan Hurer (as an employer in borough) and Peter Fallart (due to the nature of his employment)

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PETITION - PROTECTION OF GREEN BELT LAND AND WILDLIFE AT ENFIELD ROAD

Before moving on to deal with this item the Mayor invited John Austin, (Assistant Director, Governance Projects) to provide a brief statement providing advice for Members regarding consideration of the Petition and also Opposition Business (items 7 & 8 on the agenda).

Members were informed that the advice should be taken in the context that no planning application for the development on the green belt land at Enfield Road had been received but it was likely that one would be submitted in the near future.

Council was informed that members of the Planning Committee had been advised that they would need to exercise caution in relation to views they expressed on the issue at the meeting. As such, it was important that they avoided any appearance of having predetermined the assessment of any planning application by making any definitive statements for or against the acceptability of any development at Enfield Road.

He informed members that they could still take part in the debates and indicate a view. However any contributions made, must not indicate that they had a closed mind on any planning application. They must remain open to the consideration of any proposal on its individual merits as well as all other relevant factors, such as committee reports, supporting documents and the views of objectors.

Members noted the advice provided and Council then moved on to receive the report (No.120) of the Director of Finance, Resources and Customer Services detailing the petition, which had met the criteria (in terms of number of signatures) for debate at Council.

The Mayor invited Madeleine Betton and Ian D'Souza, the lead petitioners, from Enfield Roadwatch Action Group, to present their petition to the Council, who having thanked Members for receiving the petition highlighted the following issues:

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- The need to recognise the background and context to the petition in terms of the reasons why so many families chose to settle in Enfield given the community spirit and cohesive nature of a large multicultural society; love of green spaces and high standards of education.
- That over 4,000 people had signed the petition, which it was felt showed the level of passion in terms of protecting the green belt and objection to what it was felt would be an inappropriate development that had the potential to endanger the reasons why Enfield was such an attractive place to live.
- All Enfield's strategies, reports and plans had upheld the green belt status of the site at Enfield Road that was the subject of the petition. The site had also been listed as an area of special character, with the reasons for protecting the green belt having grown rather than diminished over the years.
- Although the draft proposals had included the development of a school, this was not felt to be needed in the area given its proximity to existing provision at Highlands School. Similarly the need for additional housing in the specific area was not recognised meaning, the petitioners felt, there were no special circumstances which could be used to justify development of the site.
- The potential extent of the impact any development would have on existing residents and the surrounding area. The petitioners were keen to protect the environment, keep the area light and open, with clean air and pollution free roads and it was felt elected representatives needed to take account of the strength of these concerns and local opposition to the potential development.
- Whilst recognising the demand for additional housing across the South East of England, local residents felt that Enfield should only have to accommodate its fair share, with the focus for these type of developments on brown rather than greenfield sites and residents not required to make sacrifices in order to maximise returns for developers. There was also a need to recognise and take account of the additional infrastructure requirements that would be associated with any large scale residential development.
- Members were urged to protect the quality of life for residents within the borough and to demonstrate the same level of creativity and vision as displayed by those who had originally created the green belt in considering these type of approaches from developers.
- The need to safeguard and avoid the gradual erosion of the green belt and other open spaces in the borough, recognising their contribution in making Enfield such a unique and attractive place to live.

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- The need to recognise that Enfield's four star reputation was in part based on how it decided to manage its assets and there was a need to ensure, even in times of increasing pressure from a growing population, the Council was able to consider the bigger picture and work with integrity.

The petitioners concluded by urging the Council to recognise the strength of feeling and level of opposition to any proposed development on the site at Enfield Road and to ensure that all necessary steps were taken to protect green belt sites from future development for the future benefit of all those living in the borough.

The Mayor thanked Madeleine Betton and Ian D'Souza for their presentation, which was then subject to a short debate. Issues highlighted during the debate included:

- (a) Members advised they recognised the concerns raised and thanked the petitioners for highlighting the strength of feeling and views for Council to consider.
- (b) The need to recognise that Enfield was one of the greenest boroughs in London, with the green belt space one of its defining features. As well as local residents, many organisations including the Campaign for Rural England and Federation of Enfield Ratepayers and Residents Association (FERRA) were keen to ensure that this green belt space was protected, with the Council having a key role as its custodian.
- (c) The support of the local ward councillors in relation to the petition and need to preserve the special character of the site at Enfield Road.
- (d) The following issues highlighted in specific response to the petition by the Cabinet Member for Environment and Leader of the Council:
 - The Council deeply valued and appreciated the borough's network of green spaces;
 - The need to recognise that the Council's current planning policy was to resist development in the green belt unless extraordinary circumstances could be demonstrated. Any applicant who wished to build would therefore have to make a case which would be subject to robust assessment and independent scrutiny;
 - Decisions on any planning application would be the responsibility of the Planning Committee. Members who served on Enfield's Planning Committee were not subject to political whipping and would need to consider each application on its merits, taking account of the statutory planning framework, national, regional and local planning policy, site circumstances as well as the views of residents and other key stakeholders;

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- The current outline development proposal for the Enfield Road site, including the proposals for an academy school, had been submitted by a private developer and not by the Council. At this stage no formal planning application had been submitted;
 - Any proposal for residential development on the green belt would generally be considered inappropriate, as it would represent a departure from the Council's own Local Plan. It was important to recognise, however, that the Council would not have the final say on whether or not to grant planning permission in these circumstances, as any application of this nature would normally have to be referred to the Mayor of London or possibly the Secretary of State, for final decision.
- (e) The need to avoid the matter becoming a party political issue.
- (f) The green belt was an area of bio diversity and home to significant amounts of wildlife and ancient trees, which contributed towards its special character. The impact of any proposed development on these issues would need to be treated as a material consideration as part of the assessment of any subsequent planning application, with detailed scrutiny also likely from outside organisations such as the London Wildlife Trust.
- (g) The need to recognise the wider health benefits and associated impact of any potential reduction in green space and of current national policy in relation to management of the green belt and open space with the Council looking to actively encourage sustainable transport, walking and cycling schemes.

In concluding the debate the Leader of the Council thanked the petitioners for their presentation. Whilst noting the views expressed and level of support for the petition he reiterated that the final decision on any development proposals could only be made once a formal planning application had been received and had been assessed and considered in the normal way.

The following was therefore unanimously agreed as an outcome of the debate.

AGREED that Council receive and note the petition along with the fact that any planning application received in relation to development of the site would need to be assessed against relevant national, regional and local planning policy having regard to site circumstances and representations received and in accordance with the statutory planning framework.

Councillors Lee David-Saunders, Alessandro Georgiou, Joanne Laban, Michael Lavender, Dino Lemonides, Terence Neville, Ann-Marie Pearce, Michael Rye, Edward Smith and Glynis Vince declared non pecuniary interests in this item as they had signed the petition. They remained in the meeting and took part in the debate on this item.

Councillor Jansev Jemal declared a Disclosable Pecuniary Interest. She withdrew from the meeting and took no part in the consideration of this item.

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OPPOSITION BUSINESS - SAFEGUARDING THE GREEN BELT FROM RESIDENTIAL DEVELOPMENT

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

1. The strength of local opposition towards development on the green belt, as highlighted in the petition considered in relation to the Enfield Road site.
2. The increased interest, which the Opposition Group claimed to have recently noted, in the development of sites in the green belt for residential development and need identified to consider the issues raised and ensure the necessary steps were taken to maintain the current safeguards against these type of developments.
3. The principles and protection established within National Planning Policy Framework and the London Plan towards the function and acceptable use of the green belt.
4. Whilst recognising the rapid population increase within Enfield over the last decade and need to consider, as part of the imminent Local Plan review, how this level of growth could be accommodated the Opposition Group were keen to ensure that consideration of the issues raised regarding protection of the green belt were included as part of the process. In addition they did not support the recent figures quoted by the Cabinet Member for Economic Regeneration and Business Development relating to the level of future ongoing population growth anticipated by 2032 and associated number of new homes identified as required (50,000). It was highlighted that based on the current projections within the Greater London Assembly London Plan the target for Enfield had been assessed as a minimum of 798 new homes per annum (an increase from 560).
5. The recognised contribution of the green belt in terms of combatting pollution, maintaining biodiversity, improving the quality of life and protecting the environment.
6. The need to recognise the current restrictions within the National Planning Policy Framework and principles established under case law in terms of alteration of established green belt boundaries and the fact this should only be permitted in exceptional circumstances and linked to review of the Local Plan. As a principle it was felt the construction of new buildings in the green belt should continue to be regarded as inappropriate and proposals for these type of developments resisted.

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7. Whilst recognising the increasing demand for new housing and associated infrastructure within the borough and targets within the London Plan it was felt these should not be regarded as exceptional circumstances in terms of potential green belt development. The Opposition Group felt there was a need to make clear that large scale residential development of the green belt was not permissible with a clear steer to developers on this point and within its planning policy and guidance.
8. The need to consider alternative options in terms of suitable sites for large scale housing developments, including the potential for development on brownfield land as a means of ensuring the Council was able to meet its targets within the London Plan. In response to a Council Question submitted on this issue, the Opposition Group had noted that according to the Council's Housing Trajectory (2014) approx. 110 hectares (270 acres) had been identified as brownfield land available for residential development across the borough and felt the priority should be focussed on these sites as opposed to the green belt.
9. The specific concerns highlighted within the Opposition Business paper:
 - a. in support of the petition already considered, in relation to any proposed residential development on the Enfield Road site; and
 - b. in relation to the acquisition of Sloeman's Farm by the Council and its potential future use; and
 - c. the purchase of the former Middlesex University site in Trent Park and assurances sought in relation to the impact on conservation of the green belt as a result of any future development proposals relating to the site.

As a result of these issues, the Opposition Group had identified a number of issues within the Opposition Business paper on which responses were sought designed to clarify the Administration's position in relation to the specific sites highlighted and overall stance in relation to protection of the green belt.

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

1. It would not be appropriate for him, as part of the response to the debate to comment on specific or potential planning applications.
2. The need to recognise that population growth was a fundamental issue that needed to be addressed within Enfield. The figures quoted by the Cabinet Member for Economic Development and Business Regeneration had come from the Office for National Statistics, with the population in London projected to grow by over 1.5m over the next 15 years. The impact on Enfield, in terms of meeting this additional housing and associated infrastructure need would therefore need to be carefully

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considered and planned and he therefore welcomed the debate. It was important to recognise, however, that the identification and use of brownfield sites would not be sufficient on its own to meet all of the projected need identified.

3. Whilst recognising and supporting the benefits and success of the green belt, there were challenges that needed to be addressed in relation to meeting the additional housing need identified and all options would therefore need to be considered. As an example reference was made to the recent suggestion by The London Society, who had originally campaigned for establishment of the green belt, around the concept of green wedges.
4. The major challenge identified in relation to the provision of green space not only in terms of the green belt but also in terms of development across the borough with, for example, provision for domestic gardens no longer a key feature in many housing developments. As a result the need to achieve some balance had been identified, particularly in the more developed areas of the borough with the example provided of Angel Gardens in Upper Edmonton where a small open space had been created on a site that could have potentially accommodated 120 residential properties.
5. The need to recognise that any development would involve a range of considerations needing to be taken into account. The consultation shortly to be commenced on the Local Plan would provide an opportunity to consider all options in a structured way, taking account of the overall level of development needed within the borough, available sites and targets for the provision of housing that the Council had to meet in accordance with the London Plan.
6. The need to address the growth in population across London and within the borough could not be ignored and would require all options to be considered in terms of how the borough was shaped for the future. It was hoped that this debate could be undertaken in a mature and reasonable way, taking an evidence based.

Other issues highlighted during the debate were as follows:

- (a) The need highlighted by members of the Opposition Group:
 - To recognise the desire of developers to acquire green belt land, on the basis that it would often be less costly to develop than brownfield sites. It was felt a clear message needed to be provided to developers that the Council was strongly opposed to development on the green belt in order to discourage potential applications.
 - To recognise the contribution that the green belt made to the unique character of Enfield as a borough. Both the Conservative

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and Labour Party candidates for London Mayor had expressed views against development of the green belt.

- The note the work being undertaken by the London Land Commission to develop a register of brownfield sites suitable for potential residential development, which included a range of unused sites owned by public sector organisations.
 - To recognise the extent of new house building achieved under the current Conservative Government, which had been achieved without encroaching on the green belt.
 - To ensure that the benefits of the green belt were recognised, along with the fact (as part of any debate) that alternative options were available in terms of addressing the population growth currently being experienced including the Government's focus on the economic development of areas outside London and immigration, as part of the wider debate on the European Referendum.
 - To highlight concerns in relation to delays in the delivery of the residential developments at Meridian Water and on the small housing site programme.
 - To recognise that allowing development on the green belt would not only destroy the environment, but could increase flooding, and also result in the need for more infrastructure: for roads, drainage, health facilities, and shops. It would also increase traffic congestion.
 - To ensure that the figures provided in relation to future projections for population growth and housing development within the borough were accurate and evidence based. Given the concerns raised and need identified to consider all available options the suggestion was also made that the Council consider setting up a Joint Commission to consider how best to ensure the Council was able to meet current and future demands in terms of the need for housing development.
- (b) The need identified by members of the Majority Group:
- To recognise that the Council had not built anything on the green belt and that current policy within the Local Plan and London Plan precluded development on the green belt, which in order to proceed would therefore require approval via the Mayor for London or Secretary of State.
 - To recognise the obligation on the Council in terms of having to plan for an increase in the borough's population and the number of new homes required to meet the projected level of demand. This

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would require full and careful consideration of population data and projected trends as provided by the Office for National Statistics and Mayor for London and all available options in order to properly address the significant challenge identified.

- To recognise the duty on the Council to review its Local Plan and ensure this was done to the satisfaction of the Planning Inspectorate taking account of the projected increase in population and including consultation on all available development options within the borough.
- To recognise the negative impact of the Conservative Government's benefit reforms in terms of the growth in population within the borough.
- To recognise that the Administration were not in favour of development on the green belt, but had identified a need to consider all available options in terms of addressing the projected increase in population and level of new residential and associated infrastructure development that would be required. This process would need to recognise the finite extent of development site options and balance needing to be struck between managing the level of development in already densely populated areas against the availability of alternative brownfield or other sites within the borough.
- To recognise the significant contribution which the Meridian Water development would make towards the provision of additional residential accommodation within the borough. Any debate on available options would also need to consider the mix of high as well as low rise units that could be provided within any potential development opportunities.
- To highlight, in relation to the concerns raised about the former Middlesex University site in Trent Park, that the site had originally been vacated by the University as a result of proposals for its development not having been approved by the then Conservative Administration. The site had now been sold to a Housing Developer with a planning application anticipated, which would be subject to the usual planning assessment and decision process.
- To highlight that in relation to the Enfield Road site, any planning application received would be also subject to the usual assessment and independent decision making process by the Planning Committee. It was however, important to note that any application would be from a private developer and not the Council. Any associated proposals to create a free school would also require approval from the Secretary of State, although this would be in accordance with Conservative Government policy.

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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.

At the end of the debate, Councillor Smith summed up on behalf of the Opposition Group by highlighting what he felt had been a useful debate. The view which he felt had been outlined by the Majority Group - that whilst reluctant to develop on the green belt this may be inevitable given projected population growth and the limited number of other alternative sites, was not one shared by the Opposition Group. It was felt this stance would send the wrong message to developers and that the position was not supported by the uncertain nature of future population projections. In addition the Opposition Group felt that there were other alternative development sites which could be explored as a priority in order to ensure that the future character of the green belt continued to be maintained and protected.

Councillor Taylor then summed up on behalf of the Majority Group by focussing on the recommendations within the Opposition Business Paper.

In relation to recommendation 9.1 (providing a response on the issues highlighted relating to the Enfield Road site) he felt these matters had already been considered during the debate and in considering the petition under agenda item 7 (Min.*refers). He was not therefore minded to provide any further response.

He advised that the Majority Group were willing to support:

- (a) recommendation 9.2 (agree to comply with the criteria laid down by Government and the Mayor for London to protect the rural character of the green belt and not allow residential or other inappropriate development on it); and
- (b) recommendation 9.3 (to confirm the details of the Local Plan review, including the proposals relating to public consultation and to publish its terms and scope) recognising the desire to engage in a full and open debate on the issues.

In terms of the remaining recommendations he advised that the Majority Group were not minded to support:

- (a) recommendation 9.4 (publishing a list of significant brownfield sites within the borough available for residential development) given the potential commercial sensitivity of the information and fact that the details of many sites were already in the public domain.
- (b) recommendation 9.5 (the statement that the green belt remains safe under a Conservative Government) given the fact that according to figures he had obtained 6 times as many new homes had been built in

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the green belt under the current Conservative Government than under the previous Labour Government.

- (c) recommendation 9.6 (to provide a development plan for the former Middlesex University site at Trent Park detailing the Council's requirements) on the basis that the Council had already established a cross party Working Group to focus on plans for future use of the site.
- (d) recommendation 9.7 (agrees to support a call on the next Mayor for London to tighten provisions relating to development on metropolitan green belt) given the imprecise nature of what was being sought.

As an outcome of the debate the Leader of the Opposition requested that a vote be taken on each of the recommendations within the Opposition Business Paper. In accordance with section 15.4 of the Council Procedure Rules this was on a roll call basis, with the results as follows:

The following recommendations within the Opposition Business Paper were approved:

- (1)** (Recommendation 9.2) The Administration agreed to comply with the criteria laid down by Government and the Mayor to protect the rural character of the Green Belt and not allow residential or other inappropriate development on it;
- (2)** (Recommendation 9.3) The Administration agree to publish the terms and scope for the Local Plan review, including the start and proposed completion dates and when public consultation would be undertaken;

For: 56

Councillor Abdul Abdullahi
Councillor Daniel Anderson
Councillor Ali Bakir
Councillor Dinah Barry
Councillor Chris Bond
Councillor Yasemin Brett
Councillor Erin Celebi
Councillor Alev Cazimoglu
Councillor Nesil Cazimoglu
Councillor Lee Chamberlain,
Councillor Bambos Charalambous
Councillor Katherine Chibah
Councillor Lee David-Sanders
Councillor Dogan Delman
Councillor Nick Dines
Councillor Guney Dogan
Councillor Sarah Doyle
Councillor Christiana During
Councillor Nesimi Erbil

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Councillor Turgut Esendagli
Councillor Peter Fallart
Councillor Krystle Fonyonga
Councillor Achilleas Georgiou
Councillor Alessandro Georgiou
Councillor Christine Hamilton
Councillor Ahmet Hasan
Councillor Elaine Hayward
Councillor Robert Hayward
Councillor Ertan Hurer
Councillor Suna Hurman
Councillor Doris Jiagge
Councillor Eric Jukes
Councillor Nneka Keazor
Councillor Adeline Kepez
Councillor Bernadette Lappage
Councillor Michael Lavender
Councillor Dino Lemonides
Councillor Derek Levy
Councillor Donald McGowan
Councillor Andy Milne
Councillor Terence Neville OBE JP
Councillor Ayfer Orhan
Councillor Ahmet Oykener
Councillor Anne-Marie Pearce
Councillor Daniel Pearce
Councillor Michael Rye
Councillor George Savva
Councillor Alan Sitkin
Councillor Edward Smith
Councillor Jim Steven
Councillor Andrew Stafford
Councillor Claire Stewart
Councillor Doug Taylor
Councillor Glynis Vince
Councillor Haydar Ulus
Councillor Ozzie Uzoanya

Against: 0

Abstentions: 0

The following recommendations were not approved:

- (3)** (Recommendation 9.1) The Administration agrees to provide a response to the issues highlighted within section 4 of the Opposition Business paper relating to Enfield Road.

In support of recommendation 9.1: 19

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Councillor Erin Celebi
Councillor Lee Chamberlain
Councillor Lee David-Sanders
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 Daniel Pearce
Councillor Michael Rye
Councillor Edward Smith
Councillor Jim Steven
Councillor Glynis Vince

Against recommendation 9.1: 32

Councillor Abdul Abdullahi
Councillor Daniel Anderson
Councillor Ali Bakir
Councillor Chris Bond
Councillor Yasemin Brett
Councillor Alev Cazimoglu
Councillor Nesil Cazimoglu
Councillor Bambos Charalambous
Councillor Katherine Chibah
Councillor Guney Dogan
Councillor Sarah Doyle
Councillor Christiana During
Councillor Nesimi Erbil
Councillor Turgut Esendagli
Councillor Krystle Fonyonga
Councillor Achilleas Georgiou
Councillor Christine Hamilton
Councillor Suna Hurman
Councillor Doris Jiage
Councillor Nneka Keazor
Councillor Adeline Kepez
Councillor Bernadette Lappage
Councillor Dino Lemonides
Councillor Don McGowan
Councillor Ayfer Orhan
Councillor Ahmet Oykenner
Councillor Alan Sitkin
Councillor Andrew Stafford

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Councillor Claire Stewart
Councillor Doug Taylor
Councillor Haydar Ulus
Councillor Ozzie Uzoanya

Abstentions in respect of recommendation 9.1: 5

Councillor Dinah Barry
Councillor Don Delman
Councillor Ahmet Hassan
Councillor Derek Levy
Councillor George Savva

- (4) (Recommendation 9.4) The Administration agrees to publish the list of significant brown field sites within the Borough that are available for residential development as has been asked for by the Opposition on a number of occasions.
- (5) (Recommendation 9.5) The Administration agrees, given that a Labour Government under Ed Milliband was not elected and that the green belt remains safe under a Conservative Government, to provide a timetable for the disposal of Sloeman's farm to the private sector.
- (6) (Recommendation 9.6) The Administration agrees, in order to reassure local residents and protect the environmental and civic amenity of Trent Park, to provide a development plan for the campus site setting out the Council's requirements in terms of public access to the listed House and grounds; whether the educational use of the House will be preserved; the heights and density of the residential development and the design standards that will apply; and
- (7) (Recommendation 9.7) The Administration agrees to support a call to the next Mayor of London to tighten further the provisions relating to the metropolitan Green Belt so that it becomes impossible for development to take place in the Green Belt for other than specified exceptions.

In support of recommendations 9.4 – 9.7: 20

Councillor Erin Celebi
Councillor Lee Chamberlain
Councillor Lee David-Sanders
Councillor Nick Dines
Councillor Don Delman
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 Michael Lavender
Councillor Andy Milne
Councillor Terence Neville
Councillor Daniel Pearce
Councillor Michael Rye
Councillor Edward Smith
Councillor Jim Steven
Councillor Glynis Vince

Against recommendations 9.4 – 9.7: 34

Councillor Abdul Abdullahi
Councillor Daniel Anderson
Councillor Ali Bakir
Councillor Chris Bond
Councillor Yasemin Brett
Councillor Alev Cazimoglu
Councillor Nesil Cazimoglu
Councillor Bambos Charalambous
Councillor Katherine Chibah
Councillor Guney Dogan
Councillor Sarah Doyle
Councillor Christiana During
Councillor Nesimi Erbil
Councillor Turgut Esendagli
Councillor Krystle Fonyonga
Councillor Achilleas Georgiou
Councillor Christine Hamilton
Councillor Suna Hurman
Councillor Doris Jiagge
Councillor Nneka Keazor
Councillor Adeline Kepez
Councillor Bernadette Lappage
Councillor Dino Lemonides
Councillor Derek Levy
Councillor Don McGowan
Councillor Ayfer Orhan
Councillor Ahmet Oykenner
Councillor George Savva
Councillor Alan Sitkin
Councillor Andrew Stafford
Councillor Claire Stewart
Councillor Doug Taylor
Councillor Haydar Ulus
Councillor Ozzie Uzoanya

Abstentions in relation to recommendations 9.4 – 9.7: 2

Councillor Dinah Barry
Councillor Ahmet Hassan

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Councillor Joanne Laban declared a non-pecuniary interest as a result of her employment in the office of one of the Deputy Mayors for London. She remained in the meeting and participated in the debate and decision on this item.

Councillor Jansev Jemal declared a Disclosable Pecuniary Interest. She withdrew from the meeting and took no part in the consideration of this item.

91

CHANGE IN ORDER OF BUSINESS

Following on from Opposition Business, Councillor Elaine Hayward moved and Councillor Neville seconded the following proposal to change the order of business on the agenda under paragraph 2.2 (b) of the Council's procedure rules as follows:

- To consider item 15.3 (Motion in the name of Councillor Chibah regarding the Government's new trade union legislation) as the next item of business.

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

For: 16

Against: 30

Abstentions: 0

Councillor Stewart then moved and Councillor Taylor seconded a separate proposal under paragraph 2.2(b) of the Council Procedure Rules to change the order of items on the agenda so that the following were dealt with as the next items of business:

- Item 10: Child Exploitation Task Group – Progress Update;
- Motion 15.3: In the name of Councillor Chibah regarding the Government's new trade union legislation;
- Motion 15.5: In the name of Councillor Barry regarding Individual Electoral Registration (IER).

The change in order of the agenda was agreed without a vote.

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

92

CHILD SEXUAL EXPLOITATION TASK GROUP - PROGRESS UPDATE

Councillor Jemal moved and Councillor Elaine Hayward seconded the report of the Child Sexual Exploitation Task Group (No.122) updating members on the work undertaken by the group to date and its programme for the remainder of the year.

NOTED

1. The task group had been established by Council on 25 February 2015 with a requirement to report back to Council on a bi-annual basis regarding their work.
2. The key areas of focus for the Task Group and significant level of work undertaken to date, as detailed in section 3 of the report. Members of the Task Group had expressed particular admiration for the work being undertaken by the various agencies and expertise and commitment of staff involved in protecting vulnerable young people and keeping them safe. At the same time the Task Group had acknowledged the complex nature of this area of safeguarding and level of partnership working required and had recognised the need to avoid any complacency in terms of the ongoing focus in ensuring that the necessary arrangements were in place to protect vulnerable young people.
3. Following on from 3. above the Task Group had established a work programme of activity for the remainder of the year, detailed within Appendix 1 of the report. Whilst recognising the proactive nature of work being undertaken by the Task Group a number of ongoing challenges had been recognised as requiring detailed consideration given the increasing focus on tackling child sexual exploitation across the UK.
4. The Task Group were keen to encourage all members to raise their awareness around safeguarding and ensure they took up the opportunities available to attend relevant briefings and training, which had formed one of their key interim recommendations.
5. The thanks to all members of the Task Group for their work to date.
6. The Task Group was due to produce an annual report outlining the work undertaken and key recommendations as an outcome of the review, which would be submitted to Cabinet and Council in 2016.

Following a short debate, the recommendations in the report were agreed unanimously (without a vote).

AGREED

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- (1) To note the complex nature of this area of safeguarding and to thank the partnerships and front line staff for their commitment to tackling Child Sexual Exploitation.
- (2) That all members be actively encouraged to get involved by increasing their awareness of this matter and attending future safeguarding presentations that are being put into place specifically for members.

93

MOTIONS

1.1 Councillor Chibah moved and Councillor N.Cazimoglu seconded the following motion:

“That this Council recognises the positive contribution that Trade Unions and Trade Union members make in our workplaces. This Council values the constructive relationship that we have with our Trade Unions and we recognise their commitment, and the commitment of all our staff, to the delivery of good quality public services.

This Council notes with concern the Trade Union Bill which is currently being proposed by the Government and which would affect this Council’s relationship with our Trade Unions and our workforce as a whole. This Council rejects this Bill’s attack on local democracy and the attack on our right to manage our own affairs.

This Council is clear that facility time, negotiated and agreed by us and our Trade Unions to suit our own specific needs, has a valuable role to play in the creation of good quality and responsive local services. Facility time should not be determined or controlled by Government in London.

This Council is happy with the arrangements we currently have in place for deducting Trade Union membership subscriptions through our payroll. We see this as an important part of our positive industrial relations and a cheap and easy to administer system that supports our staff. This system is an administrative matter for the Council and should not be interfered with by the UK Government.

The Council resolves to support the campaign against the unnecessary, anti-democratic and bureaucratic Trade Union Bill.

The Council further resolves to seek to continue its own locally agreed industrial relations strategy and will take every measure possible to maintain its autonomy with regard to facility time and the continuing use of check-off.”

During the debate on this motion proceedings were interrupted as a result of comments made by Councillor Stafford.

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Given the nature of the language used, the Mayor immediately asked Councillor Stafford to apologise for the comments made or advised that she would move that the member be asked to leave the Chamber.

Councillor Stafford offered an immediate apology, however the Leader of the Opposition did not feel this was sufficient and the Opposition Group subsequently withdrew from the Chamber for the remainder of the meeting.

The debate then continued, without the Opposition present, before the motion was put to the vote and agreed with the following result:

For: 33
Against: 0
Abstentions: 0

It was noted that Councillors Daniel Pearce and Claire Stewart had declared Disclosable Pecuniary Interests in the above motion and neither were therefore present during the debate on this item.

It was noted that Councillors Elaine Hayward, Robert Hayward and Michael Rye had declared non-pecuniary interests in the above motion. They were present during the debate, up until the Opposition Group withdrew from the meeting.

1.2 Prior to commencing the debate on Motion 15.3 Councillor Barry (as the Member who had given notice and would be moving the motion) drew members attention to the following alterations that she wished to make to the wording of the original motion listed on the agenda. The proposed alterations had been tabled as part of the update sheet at the meeting:

- (a) To replace the figure of 9,000 with the figure 8,700.
- (b) To delete the words “the Government wants to end the transition period for” in the third paragraph and replace with the words “the Government has ended the transition period to”.
- (c) To replace the word “role” with the word “roll” at the end of the fourth paragraph.
- (d) To delete the remainder of the wording following “fundamental human right” in the final paragraph and replace with “It condemns Government’s action which has been taken at the expense of democracy for political advantage”

The proposed amendments were accepted by Council and Councillor Barry then moved and Councillor Jemal seconded the following motion, as altered above:

“Many people in Enfield may soon be disenfranchised.

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In May, 217,537 people were registered to vote in Enfield. Now, over 8,700 of those are at risk of being removed from the register on 30 November.

Acting against the advice of the Electoral Commission, the Government has ended the transition period to the new Individual Electoral Registration (IER) system in December 2015. This is one year earlier than originally planned.

On 1 December those people that have yet to provide the necessary evidence to remain registered will be taken off the electoral role.

This Council believes that the right to vote is a key foundation of our democracy and a fundamental human right. It condemns government's action which has been taken at the expense of democracy for political advantage."

Due to limited time available the motion was put straight to the vote and agreed, with the following result:

For: 34
Against: 0
Abstentions: 0

94

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.

95

APPROVAL OF ENFIELD'S GAMBLING ACT 2005 POLICY AND 'NO CASINOS' RESOLUTION

RECEIVED a report from the Director – Regeneration and Environment (No. 121) seeking approval to the Statement of Principles (policy) under the Gambling Act 2005, following a public consultation process.

NOTED that the policy has been referred on to Council for formal approval following consideration by the Licensing Committee on 14 October 2015.

AGREED

- (1) To note the results of the public consultation and amendments made thereafter to the proposed Statement of Principles (policy) under the Gambling Act 2005.

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- (2) To approve the Statement of Principles (policy), under the Gambling Act 2005 as attached in Appendix 1 of the report.
- (3) To resolve not to issue casino premises licenses under the Gambling Act 2005.

96

ENFIELD SAFEGUARDING ADULTS BOARD ANNUAL REPORT 2014/15

RECEIVED the report from the Director of Health, Housing and Adult Social Care (No.78A) presenting the Enfield Safeguarding Adults Board Annual Report 2014-15.

NOTED that the report was considered and approved by Cabinet on 21 October 2015. As part of this process Cabinet agreed that the Annual Report should also be referred on to Council for information.

AGREED to note the progress being made in protecting vulnerable adults in the borough as set out in the Annual Report of the Safeguarding Adults Board.

97

ENFIELD'S SAFEGUARDING CHILDREN'S BOARD ANNUAL REPORT 2014/15

RECEIVED a report from the Interim Director of Children's Services (No.79A) presenting the Enfield Safeguarding Children's Board Annual Report 2014-15.

NOTED that the report was considered and approved by Cabinet on 21 October 2015. As part of this process Cabinet agreed that the Annual Report should also be referred on to Council for information.

AGREED to note the Enfield Safeguarding Children's Board Annual Report, including the summary of achievements.

98

REQUEST FOR EXTENSION TO 6 MONTH RULE ON COUNCILLOR ATTENDANCE

Members noted that this item had been withdrawn from the agenda.

99

COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES)

1.1. Urgent Questions

There were no urgent questions.

1.2. Questions by Councillors

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NOTED the sixty eight questions on the Council agenda and written responses provided by the relevant Cabinet Members.

**100
MOTIONS**

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

15.1 In the name of Councillor Orhan:

“Following the campaign in the Londra Gazette and my letter to the Schools Minister urging him to intervene and force the AQA and OCR exam boards to reconsider the decision to scrap “A” levels and GCSEs of certain community languages such as Bengali, Gujarati, Punjabi, Polish, Greek and Turkish, it has been disappointing that other than a reprieve of a year no firm announcement of a commitment has been made by the Government that a u-turn has been achieved. It begs the question who is in charge of education in the UK and if this Government is committed to providing language skill opportunities much in demand in business and much in need by an outward facing country.

As this is of a huge interest for Enfield residents I ask the Council to fully support me in a letter urging the government to make a public statement that community languages will be taught in school beyond 2017.”

15.2 In the name of Cllr N.Cazimoglu:

“The country, particularly London, is facing a housing crisis and residents in Enfield are feeling the effects. This Council believes that the only real solution is to build more homes.

House building is at its lowest since the 1920's; private rents have increased by 37% in the past five years and the government continue to use billions of pounds of public money to subsidise private landlords through housing benefit.

This Council believes that government is complacent about the housing crisis which is affecting many of our residents in Enfield.

We call on the government to grant local authorities the powers and financial ability to increase the supply of housing for our residents. The government should go further than they already have in lifting the cap on borrowing for Housing Revenue Accounts. Council's must be given the financial flexibilities they need to be able to scale up housing development, both in partnership and directly.”

15.4 In the name of Councillor Barry:

COUNCIL - 11.11.2015

“If the Transatlantic Trade and Investment Partnership (TTIP) is agreed, the people of Enfield will lose many of the regulations that protect their environment, their food and their rights as workers.

A report commissioned by the Government concluded that TTIP offers “few or no benefits to the UK while having meaningful economic and political costs.”

This Council resolves:

- To call on the Government to put the national interests of our people above those of big businesses and to reject this agreement.
- To write to the Secretary of State for Communities and Local Government, local MPs, MLAs, and all London MEPs raising our serious concerns about the impact of TTIP on local authorities and the secrecy of the negotiating process.
- To write to the Local Government Association to raise our serious concerns about the impact of TTIP on local authorities and ask them to raise these with Government on our behalf.
- To call for an impact assessment on the impact of TTIP on local authorities.
- To publicise the Council’s concerns about TTIP; join with other local authorities which are opposed to TTIP across Europe and work with local campaigners to raise awareness about the problems of TTIP.
- To contact the local authorities of municipalities twinned with Enfield asking them to consider passing a similar motion on TTIP.”

15.6 In the name of Councillor Alessandro Georgiou:

“This Council recognises that the Union Flag of the United Kingdom of Great Britain and Northern Ireland is a symbol of Freedom and represents all that is great about the United Kingdom.

The Council will therefore have the Union Flag of the United Kingdom of Great Britain and Northern Ireland present in all full Council meetings. The flag will have a prominent place either hanging behind the Mayor of Enfield’s chair or on a flag poll to the right of the Mayor.”

15.7 In the name of Councillor Sitkin:

“This Council calls upon companies operating in Enfield to work with us to explore mechanisms for paying their employees the London Living Wage.”

15.8 In the name of Councillor Celebi:

COUNCIL - 11.11.2015

“Council resolves that a review be undertaken of the decision to digitise the Museum Archives. No final decision should be made until stake holders are fully consulted and the digitising programme is fully costed. Until such review is completed all staff redundancies should also be put on hold.”

**101
COMMITTEE MEMBERSHIPS**

There were no changes to committee memberships.

**102
NOMINATIONS TO OUTSIDE BODIES**

AGREED to confirm the following nominations on outside bodies:

(1) Old Enfield Charitable Trust

Councillor Bond to be re-appointed for a further term as the Labour Group nominated representative.

**103
CALLED IN DECISIONS**

None received.

**104
DATE OF NEXT MEETING**

NOTED that the next meeting of the Council would be held at 7.00pm on Thursday 28 January 2016 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.

EXTRAORDINARY COUNCIL - 7.12.2015

**MINUTES OF THE MEETING OF THE EXTRAORDINARY COUNCIL HELD ON
MONDAY, 7 DECEMBER 2015**

COUNCILLORS

PRESENT

Patricia Ekechi (Mayor), Bernadette Lappage (Deputy Mayor), Abdul Abdullahi, Daniel Anderson, Ali Bakir, Dinah Barry, Yasemin Brett, Councillor Alev Cazimoglu, Nesil Cazimoglu (Jubilee), Erin Celebi, Lee Chamberlain, Bambos Charalambous, Jason Charalambous, Katherine Chibah, 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, Ahmet Hasan, Elaine Hayward, Ertan Hurer, Suna Hurman, Jansev Jemal, Doris Jiagge, Eric Jukes, Councillor Nneka Keazor, Joanne Laban, Michael Lavender, Dino Lemonides, Derek Levy, Donald McGowan, Andy Milne, Terence Neville OBE JP, Councillor Ayfer Orhan, Ahmet Oykenner, Anne-Marie Pearce, Vicki Pite, Michael Rye OBE, George Savva MBE, Toby Simon, Alan Sitkin, Edward Smith, Andrew Stafford, Jim Steven, Claire Stewart, Councillor Doug Taylor (Leader of the Council), Ozzie Uzoanya and Glynis Vince

ABSENT

Chris Bond, Robert Hayward, Adeline Kepez, Mary Maguire, Daniel Pearce and Haydar Ulus

105

WELCOME

Before commencing formal proceedings the Mayor took the opportunity to remind Council of a letter she had sent to all Members in advance of the meeting regarding the standards of behaviour she would expect to be observed at this and all future Council meetings.

Having received confirmation that the letter had been received by Members, the Mayor reminded those present that she would, if required, have no hesitation in using the powers available within the Constitution to ensure good conduct at Council meetings.

106

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Chris Bond, Robert Hayward, Adeline Kepez, Mary Maguire, Daniel Pearce and Haydar Ulus.

Apologies for lateness were received from Councillors Dinos Lemonides and Ozzie Uzoanya.

EXTRAORDINARY COUNCIL - 7.12.2015

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DECLARATIONS OF INTEREST

The following interest was declared at the meeting:

Agenda Item 3.1: Motion in the name of Councillor Neville regarding the conduct of a member at the last ordinary Council meeting:

- Councillor Andrew Stafford declared a Disclosable Pecuniary Interest as the member to whom the Motion submitted for consideration related. Before withdrawing from the Chamber he advised that he had written to the Mayor and members from both political groups to formally apologise for his conduct at the last meeting. He then left the Chamber for the remainder of the meeting.

108

URGENT COUNCIL QUESTION

Before moving on to deal with the motion for which the Extraordinary Meeting had been requisitioned, the Mayor advised that she had also received notice of an urgent question for consideration at the meeting submitted by Councillor Neville, details of which had been tabled at the meeting.

Having consulted with the Monitoring Officer the Mayor advised that she was of the view that the urgency criteria had been met and was therefore minded to accept the question for consideration. As this was an Extraordinary Council Meeting, however, she was required to formally seek Council's agreement to accept it as an additional agenda item.

In response to a procedural query from Councillor Neville, John Austin (Assistant Director Corporate Projects) confirmed that under Council Procedure Rule 3.2 the agenda for an Extraordinary Meeting had to be limited to the item(s) of business notified on the original requisition, unless Council decided otherwise. As notice of the question had not been included as part of the requisition for this meeting the Mayor would therefore need to seek Council's formal approval to its consideration at the meeting.

Having noted the advice, Council agreed to inclusion of the urgent question on the agenda for response at the meeting.

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

"The Leader is quoted in an article published in The Advertiser as saying that Councillor Stafford has been disciplined by the Labour Group for his outburst at the Council meeting on 11th November. Can he tell the Council explicitly what disciplinary action was taken against Councillor Stafford?"

The following response was provided by Councillor Taylor at the meeting:

EXTRAORDINARY COUNCIL - 7.12.2015

“I can confirm that the Labour Group has followed its internal procedures and rules regarding members conduct in terms of dealing with the matter.

The Groups Chief Whip has undertaken an investigation and whilst this was a confidential internal process I am satisfied the matter has been dealt with and action taken in an appropriate manner.”

The Mayor advised that no supplementary question would be permitted and the meeting then moved on to consider the next item of business.

Members noted that the Disclosable Pecuniary Interest which Councillor Stafford had declared would also apply to this item.

**109
MOTIONS**

Before considering the motion listed on the agenda the Mayor invited John Austin to provide advice clarifying the procedure that would need to be followed in terms of dealing with the motion.

In terms of the advice, Members noted that the motion and consideration of issues regarding Members conduct generally fell within the remit of the Councillor Conduct Committee, as delegated by Council within the Constitution. Whilst a complaint relating to the incident at the last Council meeting had been made to the Councillor Conduct Committee this had subsequently been withdrawn.

Given that responsibility for issues relating to Members conduct would usually rest with the Councillor Conduct Committee, Council would need to make a conscious decision to consider this specific issue and in so doing recognise this would be on the basis that it would:

- not set any precedent for the future in relation to member conduct matters and
- preclude the Councillor Conduct Committee from dealing with this specific matter in future, unless new evidence came to light;

Council confirmed that they were happy to agree to consideration of the motion on the basis of the above advice. As a result Councillor Neville then moved and Councillor Alessandro Georgiou seconded the following motion:

“The Council condemns the behaviour of Councillor Stafford during the debate on the government’s Trade Union Bill at the Council meeting on 11 November 2015, when he used an extremely abusive epithet directed at Councillor Alessandro Georgiou during the latter’s speech.

Given that Councillor Stafford’s portfolio responsibilities include legal and governance, in using such language he failed to lead by example. He has not only brought disgrace upon himself, but also on the Council and the Enfield

EXTRAORDINARY COUNCIL - 7.12.2015

Labour Group. In the absence of his voluntary resignation from the Cabinet, this Council calls on the Leader to dismiss Councillor Stafford forthwith as a member of the Cabinet.”

Following a lengthy debate the motion was put to the vote and not approved, with the result as follows:

For: 19
Against: 32
Abstention: 0

It was noted that Councillor Stafford had declared a Disclosable Pecuniary Interest in this matter and was not therefore present at the meeting for the duration of the debate and decision on the item.

**110
END OF MEETING**

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

Council: 28th January 2016 - Opposition Priority Business: Cycle Enfield

1. Introduction

- 1.1 The Conservative Group has brought this paper as Opposition Priority Business (OPB) because this issue is one of the most controversial currently facing our borough. As members of both parties on the Council we would not be representing the community properly if we did not have this debate. You've only to read the newspapers and analyse councillors' post and email inboxes to realise the debate going on in the community, and it is therefore right that we discuss this issue here in the council chamber.
- 1.2 Cycle Enfield is a wide ranging programme and our debate this evening is not about scrapping the concept. There are many good points to the programme including free cycle training for adults and children, family bike rides, Dr Bike, tuition on securing bikes to prevent theft, and information on greenways which are used most especially in our parks. The debate tonight is about the specific Mini Holland schemes that form part of the wider Cycle Enfield programme, and how we, as a borough, take this forward.

2. Background

- 2.1 In 2013 the London Borough of Enfield submitted a bid to potentially win £30 million worth of funding to improve cycling and road infrastructure as part of the Mayor of London's Mini Holland Scheme. This was done on a cross party basis primarily because funding of this magnitude is not on offer from either regional or national government very often, and given our borough's high obesity rate it was seen as possible way of aiding in its reduction. Both Labour and Conservative groups supported the bid, although there was obviously no certainty that Enfield would win as we were in competition with others. The submission was also done close to an election so that if Enfield won the bid, any political group could have been charged with implementing the scheme post the election.
- 2.2 The Conservative group was adamant as a condition of support that any resulting schemes must be subject to the fullest public consultation. In the event the bid submitted was actually one of the very few that included the condition of consultation. This was felt to be important given Enfield's low level of cycling, despite the existence of many kilometres of extant cycling provision. Transport for London (TfL) was flexible with this approach especially as just before submission the bid itself had become the subject of some local controversy. The Mayor's Cycling Commissioner had received communications from the Enfield community expressing disquiet about the bid.
- 2.3 The Mayor of London announced in March 2014 that Enfield had been successful in its bid for funding. He made it quite clear however that funding was dependant on real public buy in. Enfield won the full package of funding

on offer. The decision whilst monumental was met with caution from the community. This highlighted that the consultation that was integral to the bid would have to be done in an open, transparent and meaningful manner. It had to be extremely thorough and the public would have to be confident that the consultation outcome truly reflected the public view.

- 2.4 Following the cautious welcome the community had given to the announcement that Enfield had won the bid, prior to the local elections the Conservative Group in April 2014 brought an Opposition Priority Business Paper before Council recommending that for Mini Holland to be successful it had to achieve community buy in from both residents and businesses along with key stakeholder groups such as residents associations, community groups and the Conservation Advisory Group. We were confident given the debate that took place that the Council as whole wanted a meaningful consultation where people's views would be listened to.

3. Post 2014 Local Elections

3.1 Governance Arrangements

After the 2014 Local Election the governance arrangements for Cycle Enfield (Mini Holland had been merged into the wider Cycle Enfield programme by that time) were decided at Cabinet. Representations took place at Cabinet for more groups to be included on the area panels that were to be established, as people felt that those described in the decision paper were not wide ranging enough to accurately reflect all views.

3.2 Area Panels aka local Partnership Boards.

When one of the first area panels met the councillors who attended were shocked to find that there were not any residents groups at the meeting. When investigations took place it was plain that very few were actually invited to these panels and for one Area Panel none of the residents associations in the area were on the guest list. It was only when there was a change of Cabinet Member 6 months after the governance arrangements were agreed, and following direction from the Mayor's Cycling Commissioner, that more key stakeholder groups were allowed to serve on the Area Panels. By then however the key decisions as to the various options for potential schemes had been made with very little resident input. The problems described unsurprisingly led to a lack of confidence in the consultation process from the outset.

4. The Consultation-The A105 - Green Lanes/London Road

- 4.1 It was decided, wrongly in our view, that this most major of traffic consultations in the borough was to be an online one, notwithstanding that it was known that many residents did not have access to online facilities, and that it was completely unprecedented to conduct such an important traffic consultation by this means. Previously, hard copy consultations individually delivered to all relevant addresses had been used for relatively minor

schemes involving quite small capital sums, yet here was a potential £42million (£30m plus a further £12m Local Implementation Plan Funding) spend that seemingly wasn't enough to pay for individual hard copy consultations to be delivered!

- 4.2 We then discovered that the online consultation was in effect open to anyone and everyone who could access the council's website, irrespective of where they lived. It was not therefore a local consultation limited to residents and businesses within the borough, but was open to all comers regardless of whether they were local stakeholders or not, but in particular, was because of this factor likely to attract support from the cycling fraternity wherever they resided, and regardless of whether they travelled in Enfield or even knew of it!
- 4.3 The result of that consultation was declared on 9 November in a press event attended by the cabinet member, Cllr Anderson and the Mayor's Cycling Commissioner, Andrew Gilligan. With great fanfare we were told that 1646 responses had been received and that there was a significant majority in favour of the proposals. Subsequent Freedom of Information Act requests submitted revealed however that of the 1646 responses, 260 were from people outside of Enfield, of which 43 were outside of London! And further drilling down cast serious doubt on that claim.
- 4.4 While in total 835 supported the proposals, 211 of those were from other London Boroughs or outside London, while 640 respondents were against. It is not difficult to see that if you discount the responses from outside of the borough, there is the slimmest of majorities for the proposals, not enough to justify the claim that Councillor Anderson makes, and certainly not enough to justify expenditure on the scale proposed here. It follows that the administration then has to rely on so called "partially in favour" responses, of which there were 142 to claim real majority support, but officers have acknowledged that they had no basis for adjudging that a response was partially in favour other than the fact that the particular box had been ticked. Such respondents may have simply been in favour of some form of cycling provision but not that on offer. Hardly the basis for a claim by Cllr Anderson of a "clear majority".
- 4.5 Moreover, a separate table showing support for various ideas/ themes, tellingly revealed that "safer cycling" attracted a high priority rating of just 39% which strongly supports the contention that the "partial supporters" should not be used to bolster the "yes" vote in the absence of a proper statistical weighting having been applied, which officers have acknowledged was not done. Put another way, and in a context, we as members are perhaps more familiar with, would any member of the council suggest that their total vote at the election should be bolstered by including the spoiled papers which expressed a vote for more than one candidate on the basis that the voter was expressing partial support for the individual member?

5. David Burrowes Referendum

- 5.1 Because of the widespread public concern expressed over the A105 proposals, Enfield Southgate MP, David Burrowes organised through the summer months three extremely well attended public meetings to debate the proposals. He invited the cabinet member Councillor Daniel Anderson to the meetings, but he failed to attend any of them, but cycling representatives were also invited and were on the platform at these meetings. In December, David Burrowes organised a referendum asking the identical question to Question 1 in the council's consultation i.e. did respondents support the council's proposals for the A105. Some 17000 letters were delivered across the wards covering the A105.
- 5.2 2609 responses were received from people actually on the electoral register for Enfield Southgate of which just 472 (17%) were in favour while 1972 (75%) were against. A separate survey of businesses along the A105 saw 232 letters delivered. The responses from the businesses showed a massive 95% against.
- 5.3 There can only be one conclusion to be drawn from all of this and that is that so far from there being a clear majority in favour of the council's proposals, there is no real support for them; the Enfield public are decidedly against what is proposed.
- 5.4 It is important however to stress that neither the public nor the Conservative Group is against enhanced cycling provision. They simply do not believe that the present proposals are workable or acceptable. That is not say that differently framed proposals would fail to get support.

6. Enfield Town

- 6.1 We know that the current scheme on the table has failed to get business support. Major objections have been submitted from the Enfield Business and Retailers Association, both Palace Exchange and Palace Garden shopping centres, and from the Head of Retail Property at Standard Life, the owner of both Palace Gardens and Palace Exchange. In addition, there are significant objections from The Over 50s Forum, the Old Enfield Charitable Trust, and The Enfield Town Residents Association to name but a few.
- 6.2 Shops in the Town and elsewhere have posters objecting to the scheme and these are given out to customers as well. You could take the view that it is just negativity and they just want to protect their profit margins, but if you listen to them carefully they are not anti-change. They have said they would support Option 4, so businesses are not anti-Cycle Enfield, but they preferred the option that was on display in October 2014 which was the most supported scheme at that consultation event. However the administration chose to ignore this and dismissed it from the final consultation. The public can surely be forgiven for thinking "What was the point of the first consultation?", and does the council really care about public opinion, or was it just a very expensive exercise in non-consultation?

6.3 While we await the formal result of this consultation, we know as I've said that pretty well all major stakeholders in Enfield Town have come out publicly, some in very strident terms, against the proposals, while accepting the principle of enhancing cycling provision.

7. Conclusion

7.1 We simply cannot ignore the strength of feeling on this issue. The Mini Holland part of Cycle Enfield has strong opposition and we have to recognise it. When businesses large and small who are integral to our borough's economy, disability groups, the Over 50+ forum and members of the public voice opposition on this scale, the administration ignores it at its peril. The public are not asking for a few tweaks of the plans, they want fundamental change. It is not bowing down to pressure, it's about listening to our stakeholders. The public, both residents and businesses are our clientele and we must recognise and take on board their views. It is for the council as elected members, but particularly for the administration to show some real political leadership on this issue rather than as has been the case, bowing the knee to unelected bureaucrats and allowing them to dictate what is good for the borough.

7.2 We must remember that we are the servants of the public not their masters! The bid was submitted with the good intention of securing funds and putting them to good use.

7.3 Enfield's community is plainly dissatisfied and is asking for a different way. We need to show the community that we can stand up for them, that we are not arrogant in our belief that we or our officers always know best, because frankly they don't. We must remember why we are elected! The fundamental point is that the public is the master, we are the servant and this Council needs to change its position.

8. Recommendations

The Conservative Group recommends that the Administration adopts the following recommendations:

8.1 Halt work on the Mini Holland part of Cycle Enfield.

8.2 Engage properly with our real stakeholders on the design of the schemes.

8.3 Produce new plans based on:

- a. Option 4 for Enfield Town.
- b. A different approach for A105.
- c. Abandoning the Southbury Road Scheme.
- d. Revisiting the proposed Cycling Schemes for Edmonton and the Hertford Road.

- 8.4 If a suitable outcome is not achieved, then accept that the schemes which do not have both resident and business support, cannot be implemented, and notify the Mayor of London accordingly.

Terry Neville OBE JP
Leader of the Conservative 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 2015/2016 REPORT NO. 168

MEETING TITLE AND DATE:

COUNCIL - 28th January 2016

REPORT OF:

Director of Finance, Resources and Customer Services

Contact Officer: Geoff Waterton

Geoff.Waterton@enfield.gov.uk

Agenda – Part: 1	Item: 8
Subject: Council Tax Support Scheme for 2016/17 and 2017/18 and the Council and Business Rate Tax Bases 2016/17	
Wards: All	
Cabinet Member consulted: Cllr Andrew Stafford	

1. EXECUTIVE SUMMARY

- 1.1 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.
- 1.2 Every year the Council is obliged to consider whether to revise or replace its local Council Tax Support Scheme.
- 1.3 This report recommends changing the Council Tax Support Scheme for 2016/17 to increase the minimum contribution for working age households not in a protected group to 25% and reduce the savings threshold to £6,000 following consultation with local people, statutory regulation amendments and national uprating of social security benefit rates. For the 2017/18 scheme the minimum contribution for working age households not in a protected group will be 26.5%. This reflects the wider funding reductions facing the authority and maintains the principle of the scheme being self-funded.
- 1.4 Appendix A 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 2016/17 Council Tax and Business Rate bases (Appendix D and E).

2. RECOMMENDATIONS

- 2.1 That Council agrees the Local Council Tax Support Scheme for 2016/17 to provide financial support for households on low incomes in paying their Council Tax as shown at Appendix A, taking into account the consultation responses (Appendix C) and the Equality Impact Assessment (Appendix B).
- 2.2 For the 2016/17 scheme, the minimum contribution for working age households not in a protected group will increase to 25% and the savings threshold will reduce to £6,000. For the 2017/18 scheme, the minimum contribution will increase to 26.5% to ensure the scheme retains the principle of fully-funded scheme.

There are also statutory regulation amendments and national uprating of social security benefit rates that have been incorporated into the scheme as set out in Section 6 below.

2.3 In recognition of the potential for increased hardship a one-off contribution is made to the Council Tax Hardship Scheme reserve of £500,000. This will be reviewed in January 2017

2.4 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 2016/17 shall be 93,432 Band D equivalents.

2.5 Agree the Department for Communities and Local Government NNDR1 Business Rate base return for 2016/17 (Appendix E). **(To follow)**

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 by 10% and Enfield faced a £5m shortfall in funding if it continued to follow the previous national policy.

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, and working age claimants seeing a 19.5% reduction in support. The Scheme was based on the principle of a fully-funded scheme so that minimum contributions are set at a level of cover the costs of the scheme only and council tax payers are not asked to contribute to the costs. 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 (the maximum allowed).

3.3 Every year the Council is obliged to consider whether to revise or replace its local Council Tax Support Scheme. As a result of the consultation and Equalities Impact Assessment for the 2014/15 scheme, the Council increased the range of protected groups further to include foster carers registered with the Council, people in receipt of Carers Allowance and people in receipt of higher rate disability benefits (Higher Rate Disability Living Allowance, Higher Rate Personal Independence Payments and the support component of Employment Support Allowance).

- 3.4 Over this period the Council's funding has been significantly reduced and this is expected to continue. In 2015/16 the Council protected the scheme and the recipients from these funding reductions and provided a subsidy. However, in the light of continued funding reductions, it is now recommending that the amount of subsidy provided to support low income working age households in paying their council tax is reduced in line with the Council's wider funding reductions.
- 3.5 The Council has to agree a Local Council Tax Support Scheme each year. Next year's scheme has to be agreed by 31 January 2016 or the Government's default scheme will be applied which is likely to cost the Council over £9m per year.

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. The Council has always recognised that by providing a range of payment options, as well as advice to customers, overall collection rates improve. 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. The Council achieved the overall Council Tax collection rate of 97.33% for 2015/16, an increase of 0.46%. This was based on overall 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. 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 with over £250,000 awarded this year and it is likely to be called upon over time not simply within the current financial year of the scheme. Currently over 9000 households are behind in their council tax payments so an increase in bad debt has been incorporated into the figures alongside a further £500,000 added to the Hardship reserve.
- 4.4 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. Similarly the minimum contribution is set at a level to cover the costs of the scheme only and not to provide additional income. 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 has since incorporated the funding for council tax support into general government funding which has been subject to significant reductions.

- 4.5 The Council currently provides £21m a year to fund the Council Tax Support Scheme. Between 2014/15 and 2016/17 the Council's core funding (excluding schools grant and public health) is expected to reduce by 20%. Between 2015/16 and 2016/17 the funding is expected to reduce by 7.5%.
- 4.6 If the Council had not provided a subsidy in 2014/15 and 2015/16 and increased the contribution rate in line with Government funding reductions, the minimum contribution rate would be 39.5% for 2016/17. With the wider funding cuts affecting every service, the Council can no longer afford to subsidise the scheme to the extent that it has. As a result, the Council proposed the subsidy paid to working age households that are not in a protected group is reduced and consulted on a range of options. Pensioners and protected groups would continue to be exempt from these changes.
- 4.7 At the time of the consultation, the Government was also proposing to make changes to the national Tax Credits regime which would have cost the council an estimated £750,000 a year. The Government has now scrapped these changes and therefore the Council will not incur these additional costs. As a result, one of the options is no longer relevant (option C) and the percentage reduction in subsidy referred to in options A and B will reduce. As this decision was not expected and came at the end of the consultation period, the document and questionnaire was not amended. However the consultation document specifically referred to the percentages being indicative and dependent on final Government budget announcements and therefore the consultation results still stand as an indication of people's views on the options.

5. CONSULTATION ON THE 2016/17 PROPOSED SCHEME

- 5.1 The Council consulted on the proposed Local Council Tax Support Scheme for 2016/17 and referred to the potential of agreeing two year scheme. The consultation closed on the 18th December 2015 and was available on the Council's website and advertised extensively including through a flyer sent to every home in the borough, emails to 5,000 Council Tax payers and Council Tax Support recipients, flyers included in regular correspondence, 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.
- 5.2 The consultation asked people a series of questions summarised below and set out in more detail in Appendix C. There were 402 responses, nearly 800% higher than the consultation for the 2015/16 scheme. 17% of responses were from Council Tax Support recipients and 73% were 45 and older. For more detail of the results see Appendix C.
- 72.9% believe that working age households who have the ability to work should have to pay something towards their Council Tax each year irrespective of earnings.
 - 72.1% wanted to keep the protected groups as they are.

- 60.4% believed that the savings threshold for council tax support recipients should be reduced to £6,000 from £16,000.

- 5.3 In the consultation, responders were asked how much they agreed with 4 different options for the contribution rate:
- Option A – increase minimum contribution from 19.5% to 43% to reflect two years of wider council funding reductions and the tax credit changes
 - Option B – increase minimum contribution from 19.5% to 30% to reflect one year of wider council funding reductions and the tax credit changes and make a further £2m in budget reductions to fund the costs
 - Option C – increase minimum contribution from 19.5% to 23% to reflect increased costs of tax credits and make a further £3.25m in budget reductions to fund the costs
 - Option D – keep the 19.5% minimum contribution and make a further £4m in budget reductions to fund the costs
- 5.4 None of the four options were supported by a majority of respondents:
- Option A - 42.7% agreed, 44.5% disagreed
 - Option B - 36.8% agreed, 48.0% disagreed
 - Option C – 33.8% agreed, 51.5% disagreed
 - Option D – 24.8% agreed, 58.5% disagreed
- 5.5 This possibly reflects the fact that most respondents were not Council Tax Support recipients and were therefore more concerned with the impact on services of further budget reductions.
- 5.6 Looking at the responses from Council Tax Support recipients, 84% agreed to continue with the protected groups, 47% agreed that working age households should pay something towards Council Tax with 50% disagreeing and 47% agreed that the savings threshold should be reduced to £6000 with 50% disagreeing. In terms of the options, the most preferred option among CTS claimants was Option D (no change) with 43% agreeing and 30% disagreeing. Option A had 19% agreeing and 63% disagreeing, Option B 24% agreeing and 57% disagreeing and Option C 37% agreeing and 51% disagreeing.
- 5.7 The Greater London Authority responded to the Council's public consultation on the 15th December 2015 and stated:

The Government has expressed a clear intention that in developing their scheme proposals billing authorities should ensure that:

- *Pensioners see no change in their current level of awards whether they are existing or new claimants*
- *They consider extending support or protection to other vulnerable groups*
- *Local schemes should support work incentives and in particular avoid disincentives to move into work*

The GLA concurs with those general broad principles and would encourage all billing authorities in London to have regard to them in framing their schemes.

The GLA considers that before finalising their 2016-17 schemes billing authorities should re-examine the challenges which they will face in collecting relatively small sums of money from claimants on low incomes who may not be in a position to pay by direct debit or other automatic payment mechanisms based on their experiences in the first three years of the localised system.

The Council currently offers a range of payments methods and options and is due to extend customer self-service significantly in 2016/17 to allow customers to manage their council tax payments themselves.

- 5.8 As set out above, Option C is no longer relevant as the Government has scrapped its Tax Credit changes. As a result the Council will not now incur an additional £750,000 cost and this reduces the percentages in Options A and B to 39.5% and 26.5% respectively. As this is more beneficial to the figures and the Council's consultation document made it clear that the final percentages may change as a result of Government funding announcements, the views expressed by responders are still valid.

6. PROPOSED AMENDMENTS TO THE SCHEME FOR 2016/17 and 2017/18

- 6.1 The savings threshold is reduced from £16,000 to £6,000 in line with the consultation responses.
- 6.2 Protected groups remain the same as the 2015/16 scheme.
- 6.3 The minimum contribution for working age households not in a protected group increases from 19.5% to 25% for 2016/17. This will increase to 26.5% in 2017/18 to reflect one year's worth of wider council funding reductions. Whilst none of the options received overall support, this was the 2nd most preferred option and would mitigate some of the financial impact on the poorest households. This would require an increase in bad debt of £251k.
- 6.4 As this does not reflect the full loss in government grant over this time, the Council is still providing a level of subsidy to the scheme to ease transition and reflect the impact that an increase to 39.5% would have on the poorest households in the borough as identified in the Equality Impact Assessment.
- 6.5 In recognition of the potential for increased hardship a one-off contribution is made to the Council Tax Hardship Scheme reserve of £500,000. This will be reviewed in January 2017.
- 6.6 Premium and personal allowances shown in Appendix 1 have been updated in accordance with the social security/housing benefit rates that will apply from April 2016. The *Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations 2015* remove the family premium in the calculation of Housing Benefit from 1 May 2016. The new rules apply to both the working and pension age claimants. There are transitional provisions to protect those in receipt of HB on 30 April 2016 until a relevant change in

circumstances occurs. It is recommended that this change is replicated in the 2016/17 local council tax support scheme effective from 1st May 2016.

- 6.7 The *Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015* have been incorporated in the 2016/17 local council tax support scheme as shown at Appendix 1. Please note the backdating restriction to one month for working age claimants for housing benefit from 1 April 2016 (“good cause” must still be shown) has not been incorporated in the 2016/17 local council tax support scheme to allow the Council flexibility to deal with the delays caused by manual processing of Universal Credit. This will be incorporated for the 2017/18 scheme.
- 6.8 There are also changes to the technical administration of the scheme to enable Universal Credit as an entitling benefit in the calculation of Council Tax Support.

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 The Council has considered a range of alternatives to increasing the contribution rate. These are set out below:
- 7.2. Funding the shortfall by delivering savings in other services. The scale of funding reductions facing the Council means that all services are already required to deliver £18.1m in savings for 2016/17 on top of the £56m they have had to find in the last 3 years. The total cost of the Council Tax Support Scheme at £21m is equivalent to the annual cost of providing:
- Help to residents with learning difficulties (£22m)
 - Safeguarding and looking after children (£26m)
 - Protecting the local environment (waste and parks) (£18m)

If these services were required to find another £4m in savings, this would lead to significant reductions in service provision in these areas.

- 7.3. Funding the shortfall by increasing Council Tax. In the Council’s medium term financial plan agreed in February 2015, the Council has already assumed a 1% increase in Council Tax to protect services from further reductions. If the Council increases Council Tax by more than 1.99%, it must hold a referendum. Therefore any further increase in council tax up to 1.99% would generate less than 25% of the cost of protecting the Council Tax Support Scheme. The Government has now announced that local authorities that provide adult social care can also raise a 2% precept on council tax to fund additional costs of supporting adult social care customers. However this precept is for adult social care, rather than the Council Tax Support Scheme.
- 7.4. Funding the shortfall from reserves. The Council’s reserves can only be used once and are earmarked either for specific risks or projects to make council services more efficient and reduce costs. Reallocating reserves to provide some protection for the Council Tax Support Scheme could lead to:

- Obsolete systems not being replaced and no longer being able to meet customer demands
- New systems and equipment not being purchased aimed to improving efficiency and reducing our staffing costs
- The Council having to cut services further and at short notice to meet the cost of sudden increases in high risk services, such as safeguarding children and helping the elderly in winter

This would not address the long-term financial situation facing the authority as reserves provide only a temporary respite.

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 Equality Impact Assessment and the consultation. The recommended changes introduced in 2014 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 2016/17 budget and Council Tax to be recommended to Council on 24 February 2016.

9.2 Legal implications

- 9.2.1 Each year, after a Council Tax Reduction Scheme has been implemented, the Council must consider whether to revise or replace its scheme. Any revision or replacement to the scheme must be made by 31st January, preceding the financial year to which the revision or replacement is to have effect. If a reduction is reduced or removed the billing authority must make such transitional provision as it thinks fit.
- 9.2.2 As set out in paragraphs 4.7 and 5.8 above, as a result of welfare changes announced by the Government in Summer 2015 it was expected that there would be an increase to the cost of the local scheme, as a result of the proposed reductions in tax credits for working families. However, it was announced in the Autumn Spending Statement on 25th November 2015 that those proposals would be withdrawn.
- 9.2.3 The consultation document sets out that the council may decide to change the scheme on the basis of the consultation, and that figures could change as a result of government spending policy, future announcements on government funding and changes in the Council's tax base (properties eligible to pay council tax).

In certain circumstances, it may be reasonable and fair to re-consult where there is a fundamental change to the issue, once the consultation is underway or has closed.

- 9.2.4 The news of the reversal of the Government proposal on working families tax credits is likely to have reached a vast audience and the responses to the questions remain relevant to the impact of this change, and should not be disregarded. The broad preferences expressed by residents can be taken into account although there is always a risk of challenge in many of the decisions taken in this area.

9.3 Property Implications

None

9.4 Key Risks

- 9.4.1 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 are mitigated by assisting payers with supportive payment arrangements and by applying fairly, consistently and promptly the recovery process.
- 9.4.2 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 2016/17 based on experience to date and the impact of increase in contribution rates. 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.
- 9.4.3 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 retain financial support 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

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APPENDIX A

Enfield Council

Council Tax Support Scheme 2016/17

**Enfield Council
Council Tax Support Scheme
2016/17**



**Enfield Council
Council Tax Reduction Scheme 2016/17**

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PART 1

Introduction

Introduction

1. This scheme relates to the financial year beginning with 1st April 2016 and may be cited as the London Borough of Enfield Council Tax Support Scheme 2016/17.

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 I, paragraphs 33 and 34.

(b) 2004 c.32.

(a) in relation to pensioners—

(i) in relation to the earnings of a self-employed earner, the period determined in accordance with paragraph 43 for the purpose of calculating the weekly earnings of the applicant; or

(ii) in relation to any other income, the period determined in accordance with paragraph 40 for the purpose of calculating the weekly income of the applicant;

(b) in relation to persons who are not pensioners, such period as is set out in paragraphs 47 to 49 over which income falls to be calculated;

“attendance allowance” means—

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

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

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

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

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

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

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

“the Caxton Foundation” means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

“child” means a person under the age of 16;

“child benefit” has the meaning given by section 141 of the SSCBA**(j)**;

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

-
- (a) 1992 c.4. See sections 64 to 67 of that Act in relation to attendance allowance; relevant amendments are referenced elsewhere in these Regulations.
 - (b) S.I. 1983/686; relevant amending instruments are S.I. 1984/1675, 2001/420.
 - (c) 2007 c.3. Section 989 defines basic rate by reference to section 6(2) of that Act. Section 6(2) was amended by section 5 of the Finance Act 2008 (c.9) and section 6 of, and paragraphs 1 and 2 of Schedule 2 to, the Finance Act 2009 (c.10).
 - (d)** 1995 c.18.
 - (e)** 2002 c.16.
 - (f)** 2007 c.5.
 - (g) 2000 c.14. Section 3 was amended by paragraphs 1 and 4 of Schedule 5 to the Health and Social Care Act 2008 (c.14).
 - (h) 2001 asp 8.
 - (i)** S.I. 2003/431 (N.I. 9).
 - (j) Section 141 was amended by section 1 of the Child Benefit Act 2005 (c.6).
 - (k) 2002 c.21; section 8 is repealed by the Welfare Reform Act 2012 (c.5), Schedule 14, Part 1 (not yet in force).

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

“concessionary payment” means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act 2002(a) are charged;

“contributory employment and support allowance” means a contributory allowance under Part 1 of the Welfare Reform Act 2007(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.
 - (4) The Secretary of State in relation to any of the Secretary of State’s functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973 (d); or
 - (5) A body which conducts research or undertakes monitoring for the purpose of planning or improving such functions, in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person;

“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;

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- (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.

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

(b) 2000 c.35.

(2) A child or young person is not be treated as a member of the applicant's household where he is—

- (a) placed with the applicant or his partner by a local authority under section 22C or 23(2)(a) of the Children Act 1989(a) or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out 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) 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).

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- (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 of working age 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 **will** 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, 75% 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, £3.77 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 £195.00, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b); is £3.77
- (b) not less than £195.00 but less than £338.00, the deduction to be made under this paragraph is £7.58;
- (c) Not less than £338.00 but less than £420.00, the deduction to be made under this paragraph is £9.56.
- (d) Not less than £420.00. 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 will, 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 will 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 will 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 and who are not in receipt of Universal Credit.

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 and who are not in receipt of Universal credit.

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 and who are not in receipt of Universal Credit.

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 52 weeks.
- (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 and who are not in receipt of Universal credit.

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 and who are not in receipt of Universal credit

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—

$$(A - (B \times C)) / D$$

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 £6,000, 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.
- 3 Income calculated pursuant to sub paragraphs (2) and (3) must be taken into account –
- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
 - (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment and the first day of each reduction week thereafter; or
- C - in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date the applicant's earnings from employment change so as to require recalculation under this paragraph, and the first day of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction week.
- 4A – An applicant's earnings from employment as an employed earner not calculated pursuant to sub-paragraph (2) and (3) must be taken into account –
- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
 - (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment and the first day of each reduction week thereafter; or
- © in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date of the change and the beginning of each reduction week thereafter, regardless of whether those earnings were actually received in that reduction 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 threshold in relation to Class 2 contributions);
- (d) in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the 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(2) or, as the case may be, 11(8) 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 threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year 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.

72. Calculation of tariff income from capital: persons who are not pensioners

- (c) This tariff no longer applies as the capital limit is now £6,000.00 for working age claimants with effect from 01 April 2016.

(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

(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 and who are not in receipt of Universal Credit

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) £155.60;
(b) aged 65 or over.	(b) £168.70
(2) Couple—	(2)
(a) both members aged under 65;	(a) £237.55
(b) one or both members aged 65 or over.	(b) £252.30

(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) £237.55
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £81.95
(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) £252.30
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £83.60.

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 6(1)(c) of schedule 1 in respect of a family of which at least one member is a child or young person;

a – is £17.45 in respect of a reduction week which begins in the period beginning with 1st April 2016 and ending with 30th April 2016,

b – is nil in respect of a reduction which begins after 1st May 2016

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 under section 70 of the SSCBA or has an award of Universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013(a) 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 or has an award of universal credit that includes the carer element 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 or has such an award of universal credit 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 or having an award of universal credit which includes the carer element 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 or have such an award of universal credit.

(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 or as having an award of universal credit which includes the carer element include reference to a person who would have been in receipt of that allowance or had such an award of universal credit 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

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 who has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013; 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 or such an award of universal credit.	(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;

(c) is aged not less than 18 but less than 25.

(2) Lone parent.

(b) £73.10

(c) £57.90.

(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

Family premium

4. The amount for the purposes of paragraph 6(1)(c) of schedule 1 in respect of a family of which at least one member is a child or young person;

- a – is £17.45 in respect of a reduction week which begins in the period beginning with 1st April 2016 and ending with 30th April 2016,
- b – is nil in respect of a reduction which begins after 1st May 2016.

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

- (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), andif 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

- (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) £32.25.
(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.

(1)	(2)
<i>Second adult</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 £193.00 per week;</p> <p>(ii) is not less than £193.00 per week but less than £250.00 per week;</p> <p>(c) where the dwelling would be wholly occupied by one or more persons to whom paragraph 75(1) of this scheme applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income-based jobseeker's allowance.</p> | <p>(i) 15 per cent of the council tax due in respect of that day;</p> <p>(ii) 7.5 per cent of the council tax due in respect of that day;</p> <p>(c) 100 per cent of the council tax due in respect of that day.</p> |
|--|--|
-

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;

(a) 1990 c.35.

- (d) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 31(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in paragraphs (a) to (d) above;
- (g) subject to paragraph 40, £10 of the pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

21. Subject to paragraph 40, £15 of any—

- (a) widowed mother's allowance paid pursuant to section 37 of the SSCBA;
- (b) widowed parent's allowance paid pursuant to section 39A of the SSCBA.

22.—(1) Any income derived from capital to which the applicant is or is treated under paragraph 70 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17 or 30 to 33 of Schedule 10.

(2) Income derived from capital disregarded under paragraphs 5, 7 or 30 to 33 of Schedule 10 but only to the extent of—

- (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
- (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.

(3) The definition of “water charges” in paragraph 2(1) (interpretation) applies to sub-paragraph (2) of this paragraph with the omission of the words “in so far as such charges are in respect of the dwelling which a person occupies as his home”.

23. Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—

- (a) under, or pursuant to regulations made under powers conferred by, section 22 of the Teaching and Higher Education Act 1998, that student's award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student's student loan,

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

24.—(1) Where the applicant is the parent of a student aged under 25 in advanced education who either—

- (a) is not in receipt of any award, grant or student loan in respect of that education; or
- (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 23, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount must be equal to—

- (a) the weekly amount of the payments; or
- (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),

whichever is less.

25. Any payment made to the applicant by a child or young person or a non-dependant.

26. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 25 or 27 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family—

- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
- (b) where the aggregate of any such payments is £20 or more per week, £20.

27. Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—

- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent of such payments;
- (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent of the excess over £20.

28.—(1) Any income in kind, except where paragraph 54(10)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act 1999 in the calculation of income other than earnings) applies.

(2) The reference in sub-paragraph (1) to “income in kind” does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.

29. Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

30.—(1) Any payment made to the applicant in respect of a person who is a member of his family—

- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(a) (schemes for payments of allowances to adopters) or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes);
- (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
- (c) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child’s maintenance);

(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 family includes at least one child or young person, £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) (employability 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.
- (g) Any payments to an applicant made under section 49 of the Children and Families Act 2014(a) (personal budgets and direct payments).

PART 2

Capital disregarded only for the purposes of determining deemed income

30. The value of the right to receive any income under a life interest or from a life rent.

31. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

32. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

33. Where property is held under a trust, other than—

- (a) a charitable trust within the meaning of the Charities Act 1993; or
- (b) a trust set up with any payment to which paragraph 16 applies,

and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant's partner, or both, that property.

(a) S.I. 1972/12656 (N.I. 14).

(b) 2002 c.6.

SCHEDULE 10

Paragraph 63

Capital disregards: persons who are not pensioners

1. Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.

2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.

3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.

4. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), only one dwelling is to be disregarded under this paragraph.

5. Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.

6. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.

7. Any premises occupied in whole or in part—

- (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
- (b) by the former partner of the applicant as his home; but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.

8. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.

9. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.

10. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

11.—(1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

(2) The assets of any business owned in whole or in part by the applicant where—

- (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but

- (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business,

for a period of 26 weeks from the date on which the application for a reduction under this scheme is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

12.—(1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—

- (a) any payment specified in paragraphs 11, 13 or 14 of Schedule 8;
- (b) an income-related benefit under Part 7 of the SSCBA;
- (c) an income-based jobseeker's allowance;
- (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (e) working tax credit and child tax credit;
- (f) an income-related employment and support allowance,

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as “the relevant sum”) and is—

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) has effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the period of an award of a reduction under this scheme, for the remainder of that period if that is a longer period.

(3) For the purposes of sub-paragraph (2), “the period of an award of a reduction under this scheme” means—

- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant—
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

13. Any sum—

- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or

- (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home,

which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

14. Any sum—

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 as a condition of occupying the home;
- (b) which was so deposited and which is to be used for the purchase of another home,

for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

15. Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to a reduction under this scheme or to increase the amount of that reduction.

16. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

17. Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.

18.—(1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

(2) But sub-paragraph (1)—

- (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
- (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
- (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
- (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).

19. The value of the right to receive any income under a life interest or from a life rent.

20. The value of the right to receive any income which is disregarded under paragraph 15 of Schedule 7 or paragraph 29 of Schedule 8.

21. The surrender value of any policy of life insurance.

22. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

23. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

24.—(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A—

- (a) was formerly in the applicant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the applicant.

25. Any—

- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
- (b) occasional assistance.

26. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.

27. Any capital which by virtue of paragraph 55 or 81 (capital treated as income: persons who are not pensioners, treatment of student loans) is to be treated as income.

28. Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

29.—(1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Sub-paragraph (3) does not apply if—

- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or

- (b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(8) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

30.—(1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph "dwelling" includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

31. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

32. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which

he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

33. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

34. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

35. The value of the right to receive an occupational or personal pension.

36. The value of any funds held under a personal pension scheme.

37. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

38. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

39. Any payment made pursuant to section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.

40. Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.

41. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988(a) or section 66 of the Housing (Scotland) Act 1988(b) (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—

- (a) to purchase premises intended for occupation as his home; or
- (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,

for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.

42. Any arrears of supplementary pension which is disregarded under paragraph 54 of Schedule 8 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 55 or 56 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

43.—(1) Any payment or repayment made—

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);

- (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

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.

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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

SI 2015 No, 2041

Appendix B Enfield Council Predictive Equality Impact Assessment/Analysis

Department:	FRCS	Service:	Assessment Hub
Title of decision:	Council Tax Support Scheme 2016/17 and 2017/18	Date completed:	7 January 2016
Author:	Geoff Waterton	Contact details:	Geoff.waterton@enfield.gov.uk

1	Type of change being proposed: (please tick)						
Service delivery change/ new service/cut in service		Policy change or new policy	x	Grants and commissioning		Budget change	

2	<p>Describe the change, why it is needed, what is the objective of the change and what is the possible impact of the change:</p> <p>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. The Council introduced a local Council Tax Support Scheme to provide financial assistance for low income households in paying their Council Tax. Since 2013, the Council has reviewed the scheme every year and is now deciding on the scheme for 2016/17 and 2017/18.</p> <p>Following previous Equality Impact Assessments and consultations, the Council introduced a range of protected groups in the scheme that remain entitled to a maximum award of 100%. These are: pensioners, war widows, foster carers registered with the Council, people in receipt of Carers Allowance and people in receipt of higher rate disability benefits (Higher Rate Disability Living Allowance, Higher Rate Personal Independence Payments and the support component of Employment Support Allowance). All other working age households are expected to pay a minimum contribution towards Council Tax. A discretionary Hardship Scheme was introduced to provide support to those households that get into severe financial hardship.</p> <p>The scheme proposed for 2016/17 and 2017/18 would see the range of protected groups remaining the same, the savings threshold for entitlement reduced from £16,000 to £6,000 in line with other national benefit schemes and the minimum contribution for working age households not in a protected group increased from 19.5% to 25% in 2016/17. For 2017/18, the minimum contribution would increase in line with any % reduction in wider council funding grants (excluding schools and public health).</p> <p>The reason for increasing the contribution rate is due to wider council funding grant reductions. When the Council Tax Support Scheme was created it was to be a fully-funded scheme whereby council tax payers were not asked to pay more to fund the scheme. Since then the Council has faced significant funding reductions and is now subsidising the cost of the scheme. With further funding reductions, the</p>
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Council cannot continue to subsidise the costs of the scheme without delivering savings in other service areas. The consultation asked Council Tax payers and Council Tax Support recipients their thoughts on a range of options from continuing to protect the scheme as it currently stands, through to increasing the minimum contribution rate to over 39% to reflect two years' worth of funding reductions.

The increase to 26.5% over the two years reflects one year's funding reductions and meets the Council's financial budgeting requirements whilst mitigating the impact of the change for Council Tax Support recipients. This would add approximately £1.48 to the minimum weekly costs for a Band D property based on current Council Tax levels in 2016/17. In recognition of the potential impact for some households, the Council is adding £500,000 to the Council Tax Hardship Scheme.

3 Do you carry out equalities monitoring of your service? If No please state why?

Yes although religious belief, sexual orientation and gender reassignment are not captured as they are not relevant to the assessment or eligibility criteria of the scheme

4. Equalities Impact

Indicate Yes, No or Not Known for each group

	Disability	Gender	Age	Race	Religion & Belief	Sexual Orientation	Gender reassignment	Pregnancy & Maternity	Marriage & Civil Partnerships
1. Does equalities monitoring of your service show people from the following groups benefit from your service? (recipients of the service, policy or budget, and the proposed change)	Y	Y	Y	Y	n/a	n/a	Na/	Y	Y
2. Does the service or policy contribute to eliminating discrimination, promote equality of opportunity, and foster good relations between different groups in the community?	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Could the proposal discriminate, directly or indirectly these groups?	N	N	N	N	N	N	N	N	N
4. Could this proposal affect access to your service by different groups in the community?	N	N	N	N	N	N	N	N	N

5. Could this proposal affect access <u>to information</u> about your service by different groups in the community?	N	N	N	N	N	N	N	N	N
6. Could the proposal have an adverse impact on relations between different groups?	N	N	N	N	N	N	N	N	N

If Yes answered to questions 3-6 above – please describe the impact of the change (including any positive impact on equalities) and what the service will be doing to reduce the negative impact it will have.

The Scheme has been designed to be fair to all whilst ensuring that those facing the greatest risk are prioritised. The proposed scheme includes protection for older people, carers, disabled working 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 discretionary Hardship Scheme will ensure those households facing genuine financial hardship can access support.

5. Tackling Socio-economic inequality Indicate Yes, No or Not Known for each group	Communities living in deprived wards/areas	People not in employment, education or training	People with low academic qualifications	People living in social housing	Lone parents	People on low incomes	People in poor health	Any other socio-economic factor Please state;
Will the proposal specifically impact on communities disadvantaged through the following socio-economic factors?	N	Y	N	N	N	Y	N	N
Does the service or policy contribute to eliminating discrimination, promote equality of opportunity, and foster good relations between different groups in the community?	Y	Y	Y	Y	Y	Y	Y	Y
Could this proposal affect access to your service by different groups in the community?	N	N	N	N	N	N	N	N

If Yes answered above – please describe the impact (including any positive impact on social economic inequality) and any mitigation if

applicable.

Working age households not in a protected group who are on low incomes and or out of work will be required to pay a higher contribution to their Council Tax per annum. The Council has introduced a range of flexible payment arrangements for Council Tax Support recipients and has a discretionary Hardship Scheme for those households that face severe financial hardship. As part of the decision to increase the contribution rate the Council is increasing the Hardship Scheme reserve by £500,000.

6. Review

How and when will you monitor and review the effects of this proposal?

The Council is legally required to review its scheme annually and consider if any revisions are necessary.

Appendix B Enfield Council Predictive Equality Impact Assessment/Analysis

Action plan template for proposed changes to service, policy or budget

Title of decision: ...Council Tax Support Scheme 2016/17.....

Team: Assessment Hub..... Department: ...FRCS.....

Service manager: ...Geoff Waterton.....

Identified Issue	Action Required	Lead Officer	Timescale/ By When	Costs	Review Date/ Comments
Severe hardship	Monitor debts and take-up of Council Tax Hardship Scheme	Geoff Waterton	Ongoing	none	
Impact of the scheme on protected groups	Review impact of the scheme on protected groups	Geoff Waterton	December 2016	none	
Communicate change in scheme to customers and key stakeholders	Amend marketing and web content, issue press release	Geoff Waterton	February 2016	Within resources	

Please insert additional rows if needed

Date to be Reviewed: ...December 2016.....

APPROVAL BY THE RELEVANT ASSISTANT DIRECTOR - Sally McTernan..... SIGNATURE.....

This form should be emailed to joanne.stacey@enfield.gov.uk and be appended to any decision report that follows.

APPENDIX C

Council Tax Support Consultation Findings

1. Methodology

Residents from across the borough were invited to take part in a consultation on the proposals for a new Council Tax Support Scheme for 2016/17 and referred to the potential of agreeing two year scheme. The consultation was available on the Council's website and advertised extensively including through a flyer sent to every home in the borough, emails to 5,000 Council Tax payers and Council Tax Support recipients, flyers included in regular correspondence, 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 it was promoted through Facebook and twitter.

Views were submitted via a survey hosted on the Council website. The survey, optimised for viewing from various devices (i.e. laptop, smartphone and tablet), was available from 18 September to 18 December 2015.

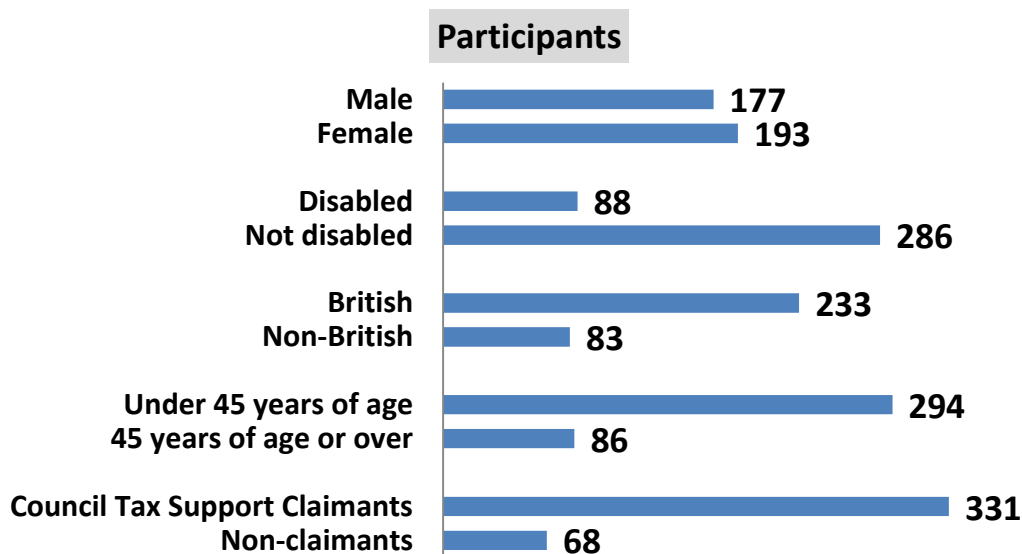
To help residents make an informed judgement on the proposals, they were provided with a summary document containing background information and details of the proposals, as well as link to the Full Cabinet Report relating to the implementation of the previous year's Scheme.

2. Respondents

In total, 402 responses were submitted. Significantly higher than the number of those who participated in the previous year.

The table below provides details of who responded (see Chart 1).

Chart 1



Base size: 402

It should be noted that not all participants were willing to share this information with the Council.

It is particularly encouraging that the proportion of respondents who are disabled, broadly reflect the proportion of residents across the borough who have a disability.

3. Key findings¹

3.1 Working age households who have the ability to work

Around three-quarters (73%) of respondents feel that working age households who have the ability to work should have to pay something towards their Council Tax each year, irrespective of earnings. Around a quarter (24%) said they should not.

This view was shared across the various groups of respondents, with the exception of those who receive Council Tax Support. Those who receive Council Tax Support were split on this issue – 47% said ‘yes’ and 50% said ‘no’.

3.2 Protected groups

For 2015/16, the Council extended the range of people who can still receive 100% Council Tax Support from pensioners and war widows to include foster carers working for the Council, people in receipt of Carers Allowance and people receiving higher rate disability benefits.

When respondents were asked in the latest consultation if they agree with these additional protected groups, almost three-quarters (72%) said ‘yes’, and just over a quarter (28%) did not. Once more, there was a broad consensus across the various groups, with those who currently receive Council Tax Support most in favour (84% said ‘yes’).

Those who did not agree were asked what changes they would make. Of the 95 responses to this open-ended question, a number of key themes emerged (in order of prevalence):

- Foster carers should not receive Council Tax Support as they receive payments to foster children and are not necessarily the most needy
- Level of Council Tax Support should be based on ability to pay
- No household should receive Council Tax Support

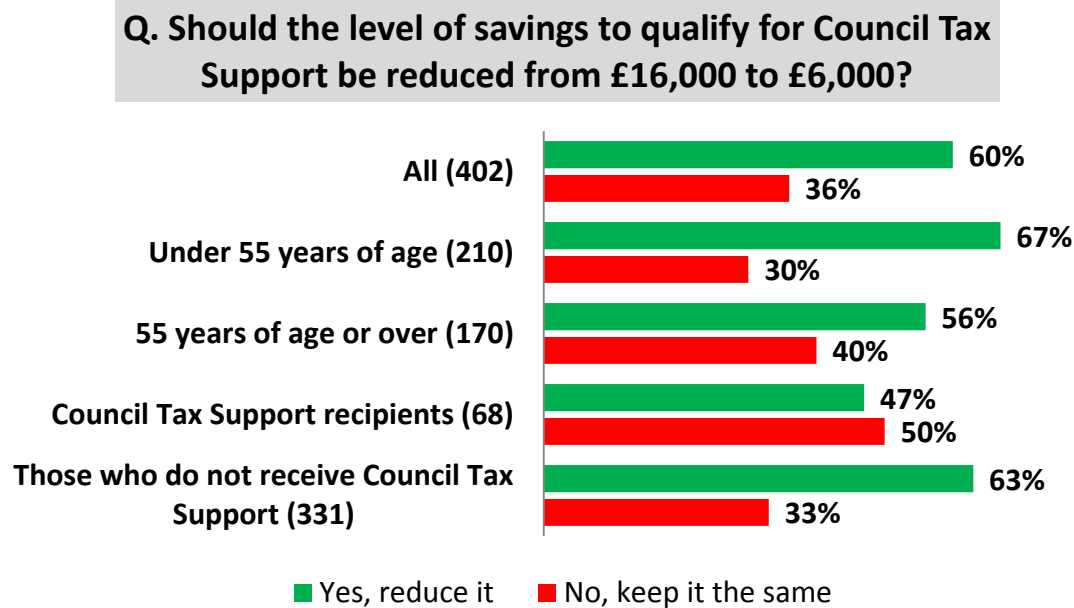
3.3 Minimum level of savings to receive Council Tax Support

In order to qualify for Council Tax Support, people must have less than £16,000 in savings. When they were asked if this should be reduced so that anyone with £6,000 in savings should not receive any financial assistance with their Council Tax through the Council Tax Support Scheme, six out of 10 (60%) said it should be reduced, while two-thirds (36%) want it to stay the same.

¹ NB totals may not always equal 100%. This will be due to computer rounding

Those who receive Council Tax Support and those aged 55 or over were less likely to want it reduced (see Chart 2).

Chart 2



Base sizes are in brackets

Around a half (47%) of Council Tax Support recipients would like to see the savings limit decreased and a similar proportion (50%) would like to see it remain the same. This appears to be lower than the average (60%) across Enfield as a whole. However, the findings do not indicate a rejection of the proposal by those who receive Council Tax Support.

Similarly, those aged 55 or over are not as supportive as respondents as a whole, with 56% in favour of reducing the savings level to £6,000. However, we cannot be confident this is statistically significantly lower than the average (60%) for all respondents.

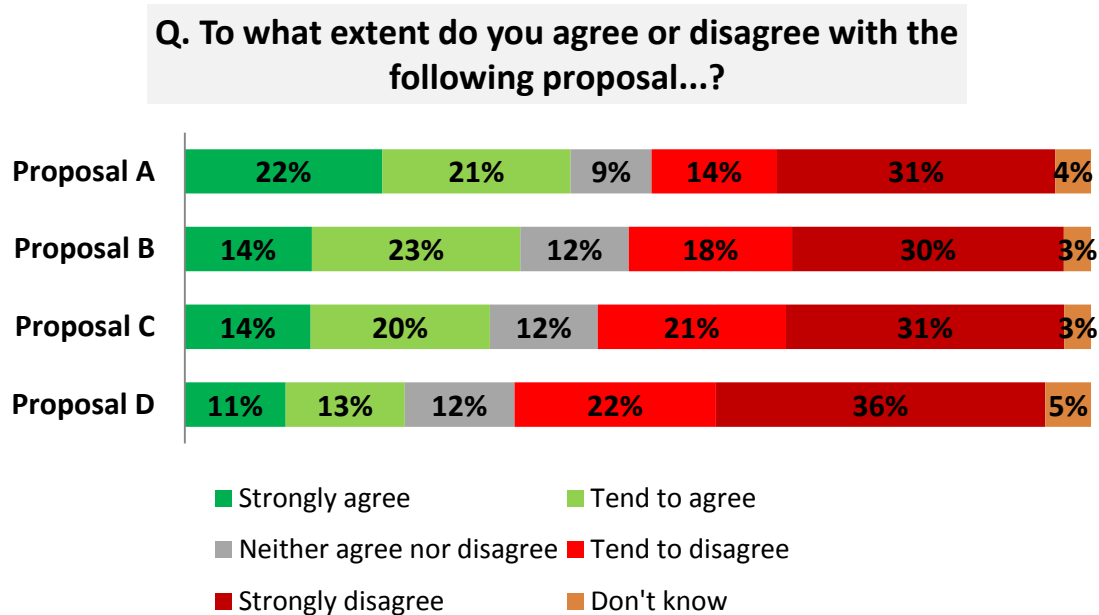
3.4 Level of Council Tax Support that should be provided

Respondents were asked for their views on proposals for the levels of Council Tax Support that should be provided:

- **Proposal A** - Reduce the subsidy provided to claimants in line with the two years of funding reductions (20%) and the extra tax credit costs, increasing the minimum contribution level from 19.5% to 43%
- **Proposal B** - Reduce the subsidy provided to claimants in line with one year's funding reduction (7.5%) and the extra tax credit costs, increasing the minimum contribution level from 19.5% to 30%
- **Proposal C** - Reduce the subsidy provided to claimants in line with the extra tax credit costs only, increasing the minimum contribution level from 19.5% to 23%
- **Proposal D** - Keep the 19.5% contribution rate and fund the reduction through £4m more budget reductions to fund the costs

The preferred approaches are A (43%) and B (37%). The least favoured appears to be D with only a quarter (25%) supporting the proposal to fund the reduction through Council budget savings (see Chart 3).

Chart 3



Base size: 402

The most preferred option is to reduce the subsidy provided to claimants in line with the two years of funding reductions (20%) and the extra tax credit costs, increasing the minimum contribution level from 19.5% to 43% (**Proposal A**). Around two out of five (43%) agree with this proposal, while a similar number (45%) disagree.

The second most preferred option is to reduce the subsidy provided to claimants in line with one year's funding reduction (7.5%) and the extra tax credit costs, increasing the minimum contribution level from 19.5% to 30% (**Proposal B**). Around four out of ten (37%) agree and around half (48%) disagree.

At the time of the consultation, the Government was also proposing to make changes to the national Tax Credits regime which would have cost the Council an additional £750,000 a year. The Government has since decided not to take this forward. This was unexpected and came at the end of the consultation period. As a result, **Proposal C** is no longer relevant and the percentage reduction in subsidy referred to in Proposals A and B will decrease. However, the findings relating to Proposals A and B retain an indicative value that should be considered.

Proposal D was, overall, the least favoured option – 25% agree, 59% disagree. Respondents' views on this proposal were definitive, with 36% stating that they 'strongly disagree'. It was the most preferred option among Council Tax Support recipients (44% agree) and the least popular with those who do not receive Council Tax Support (22% agree).

In no instance did a majority support any of the proposals. However, in response to the open ended questions in the survey, a substantial number of residents expressed the view that no level of support should be provided. These comments include the following:

I think it is fair that everyone should pay council tax
Disagreed with Proposals A, B, C and D

My suggestion: Remove support for all groups.
Disagreed with Proposals, A, B, C and D

This may, in part, explain why no proposal received support from a majority of respondents. A further consideration is that the majority of respondents do not receive Council Tax Support and may therefore be concerned about the impact on services of the Council needing to make further budget savings.

Cutting services is not an option
Disagreed with Proposals A, C and D

I categorically am against making cuts in other services or using reserves to fund this scheme, or raising the council tax everyone else has to pay to fund the scheme. We live in times of cuts and everyone needs to pull their weight, not just those who are better off.
Disagreed with Proposals B, C and D

3.5 Comparison of views of CTS recipients and non-recipients

Proposal A is the least preferred option of those who receive Council Tax Support, with only 19% stating that they agree and around two-thirds (63%) disagree. This may be expected as it would involve an increase in the minimum contribution. This is the most preferred option among those who do not receive Council Tax Support (48% agree, 40% disagree). Council Tax Support recipients appear to prefer Proposal B (24% agree, 57% disagree). See Table 1.

Table 1

	Proposal A		Proposal B	
	Agree	Disagree	Agree	Disagree
CTS recipients (68)	19%	63%	24%	57%
Non-CTS recipients (331)	48%	40%	40%	46%
<i>Difference</i>	29%	23%	16%	11%

Base sizes in brackets

Around a half (48%) of non-recipients agree with Proposal A. A smaller proportion of non-recipients agree with Proposal B (40% agree). Thus, it would appear that non-recipients prefer Proposal A rather Proposal B.

When comparing the views of those who receive Council Tax Support and those who don't, it is clear that both proposals are favoured more by those who do not receive Council Tax Support. However, it is worth noting that the views of Council Tax Support recipients and those who do not receive such Support appear to be closer in relation to Proposal B rather than Proposal A. This is indicated by the figures in the 'Difference' row. The figures indicate that in relation to Proposal A, the percentage point difference between the proportion of

Council Tax Support recipients who agree and the number of non-recipients who agree, is 29%. When looking at the findings in relation to Proposal B, the difference is 16%.

3.6 Additional comments

Respondents were asked to provide any additional comments they would like the Council to consider. The main theme emerging from the responses to this request was the suggestion to increase Council Tax. In addition to this, a number of residents suggest the Council looks to make further efficiency savings.

Below are a selection of comments relating to requests to increase Council Tax:

Seriously consider increasing Council Tax. This should probably have already happened, but the longer it is delayed, the bigger the increase will need to be.

If a referendum is needed to raise council tax by more than 1.99% then perhaps the council should consider this and if there is agreement to a greater rise introduce this to protect services.

Raise the council tax rate for those like me who can afford it.

I strongly believe that the Council must now increase Council Tax to all Enfield residents, by at least 2%.

Increasing the Council Tax to avoid cutting vital services is the only way forward I suspect. Since moving to Enfield in 2004 I have not experienced any increase in my Council Tax, even though everything else seems to have increased. I would not expect the Council to be able to run services effectively now without increasing the Council Tax.

Council tax should be increased by 1.9%

The council should consider raising council tax

We would prefer LBE to increase Council Tax across the board rather than reduce benefits for the poorest in our community, thereby retaining as many key local services as possible.

Organisation

4. Summary

An overall majority (73%) feel that working age households who have the ability to work should have to pay something towards their Council Tax. A similar proportion (72%) agree with the proposal for the additional protected groups. Most of those who do not agree feel that either foster carers should not receive Council Tax Support, Council Tax Support should be based on ability to pay or that no household should receive any Support.

Respondents have a preference to reduce the limit of savings to qualify for Council Tax Support from £16,000 to £6,000 - in line with other national benefit schemes.

The findings indicate that among all respondents, Proposal D is the least favoured option. Taking into account the fact that Proposal C is no longer relevant, Proposals A and B appear to be the most viable options.

When looking at the views of all respondents, there appears to be a preference for Proposal A rather than Proposal B. However, the views of Council Tax Support recipients and non-recipients appear to be closer in relation to Proposal B than Proposal A.

As stated in this report, Proposal C is no longer relevant and Proposal D is the least preferred option. Taking this into account, along with the findings relating to Proposals A and B, it would appear adopting an approach similar to both A and B would provide a compromise solution.

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Enfield Council

Council Taxbase 2016/17.

Appendix D to Council Report – 28th January 2016

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 2017.

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%
2004/13	98%
2013/15	96.87%
2015/16	97.19%

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. On present estimates it is recommended that the overall collection percentage for 2016/17 is 96.95% reflecting the higher loss provision required for the increase tax income relating to the Council Tax Support scheme.

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 2016/17 of 93,183 properties. The main changes between the 2015/16 and 2016/17 tax bases are summarised in the following table.

Council Tax Base Movements 2015/16 to 2016/17	Band D Equivalents
2015/16 Tax Base	91,714
2016/17 Changes:	
1. Increase in properties	740
2. Council Tax Support Scheme changed from 19.5% to 25% in 2016/17 (Net of Non-Collection)	1,136
3. Other movements in Council Tax Support Scheme	649
4. Discounts & Empty Home Premium	350
5. Provision for non-collection on increase in tax base (excluding CTS changes)	(272)
2016/17 Tax Base	94,317

The Council must decide the tax base by the 31st January 2016 prior to setting the council tax for 2016/17.

London taxbase collection rates for 2015/16 are shown below. Enfield's collection rate is the 17th highest in London. Prior to the introduction of council tax support in 2013 the council tax collection rate was 98% and in the upper quartile of London borough collection rates.

Kingston-upon-Thames	59,304	99.00%
Sutton	69,723	99.00%
Barnet	132,151	98.50%
Redbridge	80,570	98.45%
Richmond-upon-Thames	85,697	98.20%
Bexley	77,303	98.00%
Havering	83,110	98.00%
Hillingdon	91,200	98.00%
Hounslow	78,761	98.00%
Camden	85,170	97.70%
Bromley	125,130	97.65%
Hammersmith & Fulham	71,983	97.50%
Kensington & Chelsea	92,778	97.50%
Harrow	79,795	97.50%
Waltham Forest	68,526	97.50%
Merton	69,638	97.25%
Enfield	91,714	97.19%
Southwark	87,727	96.75%
Croydon	113,893	96.70%
Ealing	104,596	96.70%
Wandsworth	120,607	96.60%
Barking & Dagenham	42,625	96.58%
Tower Hamlets	78,840	96.50%
Brent	82,799	96.50%
Lewisham	75,526	96.00%
Westminster	121,891	96.00%
Newham	67,097	95.86%
Lambeth	97,780	95.50%
City of London	6,240	95.00%
Hackney	63,896	95.00%
Haringey	70,810	95.00%
Islington	72,001	94.50%
Greenwich	69,702	93.50%

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 2016/17 shall be 94,317 Band D equivalents.

2016/17 Taxbase (Note figures Calculated to one decimal place but shown to nearest whole number)	Band A (Entitled to disabled relief reduction)	BAND A 1	BAND B 2	BAND C 3	BAND D 4	BAND E 5	BAND F 6	BAND G 7	BAND H 8	TOTAL 9
1. Total number of dwellings on valuation list on 14th September 2015		5,230	11,530	33,530	36,325	20,836	9,034	5,853	888	123,226
2. Number of exempt dwellings (e.g. vacant due to hospitalisation, residence in care home or death, occupied by students, occupied by mentally impaired residents) [Line 21]		(109)	(260)	(438)	(408)	(228)	(78)	(40)	(7)	(1,568)
3. Number of chargeable dwellings [lines 1-2]		5,121	11,270	33,092	35,917	20,608	8,956	5,813	881	121,658
4. Chargeable dwellings subject to disabled reduction		(1)	(9)	(90)	(177)	(189)	(94)	(76)	(30)	(666)
5. Chargeable dwellings in this Council Tax band by virtue of disabled relief	1	9	90	177	189	94	76	30	0	666
6. Number of chargeable dwellings adjusted in accordance with lines 4 + 5	1	5,129	11,351	33,179	35,929	20,513	8,938	5,767	851	121,658
7. Statutory and discretionary discounts (see table below):										
a. Dwellings subject to 25% discounts [Lines 21 + 22 @ 25%]	(0)	(767)	(1,720)	(3,635)	(2,788)	(1,232)	(440)	(189)	(23)	(10,791.9)
b. Second Home - no discount [Line 23]	0	0	0	0	0	0	0	0	0	0.0
c. All residents disregard 50% discount [Line 24 @ 50%]	0	(5)	(5)	(17)	(30)	(18)	(19)	(24)	(8)	(124.0)
d. Council Tax Support Discounts [increased from 19.5% to 25% in 2016/17]	(1)	(1,803)	(3,592)	(7,569)	(4,703)	(2,232)	(438)	(140)	(4)	(20,480.5)
8. Total Discounts	(0.9)	(2,574.6)	(5,316.0)	(11,219.8)	(7,520.4)	(3,481.0)	(896.5)	(352.6)	(34.6)	(31,396.4)
9. 50% Empty Home Premium		33.0	31.5	33.0	21.0	19.5	6.5	6.0	2.0	153
10. Other Locally Calculated Adjustments (None 2016/17)										
11. Total Chargeable dwellings	0.0	2,587.0	6,067.0	21,992.0	28,430.0	17,052.0	8,048.0	5,420.0	818.0	90,414.0
12. Ratio to Band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
13. Number of Band D equivalents	0	1,725	4,719	19,548	28,430	20,841	11,625	9,033	1,636	97,557
14. General Collection Rate	98.0%	98.0%	98.0%	98.0%	98.0%	98.0%	98.0%	98.0%	98.0%	98.0%
15. General provision for 2% non-collection	0	(35)	(94)	(391)	(853)	(417)	(233)	(181)	(33)	(2,235)
16. Provision for 15% non-collection on tax increase due to council tax support					(1,005)					(1,005)
17. Tax Base 2016/17	0	1,691	4,625	19,157	26,572	20,424	11,393	8,852	1,603	94,317
Exemptions Memorandum										
18. Number of dwellings on valuation list exempt (Class B & D to W exemptions)		(109)	(260)	(438)	(408)	(228)	(78)	(40)	(7)	(1,568)
19. Estimated Net Demolitions etc. (none 2016/17)										0
20. Exempt dwelling after Technical Changes from 1 April 2013		(109)	(260)	(438)	(408)	(228)	(78)	(40)	(7)	(1,568)
Statutory Discounts Memorandum										
21. Number of dwellings entitled to a single adult household 25% discount	(1)	(2,963)	(6,738)	(13,777)	(10,267)	(4,551)	(1,625)	(706)	(86)	(40,714)
22. Number of dwellings entitled to a 25% discount due to all but one resident being disregarded for council tax purposes	0	(105)	(140)	(761)	(883)	(376)	(133)	(49)	(6)	(2,453)
23. Number of dwellings classed as second homes	0	(49)	(161)	(394)	(303)	(145)	(62)	(28)	(7)	(1,149)
24. Number of dwellings entitled to a 50% discount (all residents being disregarded for council tax purposes)	0	(9)	(10)	(33)	(60)	(35)	(38)	(48)	(15)	(248)

Enfield Council

NNDR Business Rate Base Return 2016/17.

Appendix E to Council Report – 28th January 2016

Please note this appendix is marked as “To Follow”

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MUNICIPAL YEAR 2015/2016 REPORT NO. 154

MEETING TITLE AND DATE:

CABINET – 20th January 2016
COUNCIL – 28th January 2016

JOINT REPORT OF:

Director of:

Finance, Resources and
 Customer Services and
 The Chief Education Officer

Contact officers:

Mohammed Lais Tel: 0208-379-4004 email: mohammed.lais@enfield.gov.uk
 Gary Barnes Tel: 0208-379 4250 email: gary.barnes@enfield.gov.uk

Agenda - Part: 1	Item 9
Upper Secondary Autism Provision (USAP) KD 4209 WARD: All	
Cabinet Members consulted: Cllrs Orhan & Stafford	

1. EXECUTIVE SUMMARY

- 1.1 This report is part of the Council's wider strategy to meet the needs of the increasing numbers of pupils with Autism in the borough. It proposes an innovative partnership approach to the provision for older secondary aged pupils with complex needs as they make the transfer to adulthood.
- 1.2 The key aim of this report is that Cabinet agree to the strategy contained herein that will allow additional school places for children and young people and give them the opportunity to stay within the Borough and be educated as well as preparing the Council for the implications of the Children and Families Act 2014.
- 1.3 Authority was sought and granted (Key Decision 3960) on the 11th September 2014 to enter into a short term year lease with Barnet and Southgate College for the Farbey Building at the former Minchenden School ('The Property').
- 1.4 This report now seeks the Authority of the Cabinet and Council for the freehold acquisition of the former Minchenden School site to fulfil the requirements of rising ASD places that are needed in the Borough.
- 1.5 A high level internal feasibility has been carried out for the use of the Farbey Building at Minchenden as a Special School and to adapt it so that pupils of the ASD can fully benefit The Property and surrounding infrastructure.
- 1.6 The availability of this site within the Borough represents a unique opportunity for the Council to address an identified need for additional

pupil places and it is anticipated that this site will make a strong contribution to reducing the demand for costly out-of-borough placements and generate cost reductions of placements.

- 1.7 The need for additional Special School places in the Borough was identified within the July 2015 Cabinet report on school places (KD4141) and recognises that the Minchenden School site is ideal for this provision. It is recommended within that Report that Officers are authorised to conduct any necessary land transactions, including acquisitions by way of freehold or leasehold, as individual schemes are developed to enable the delivery of the Council's Statutory Duty to provide school places.
- 1.8 Development options of Council assets in the wider Southgate Circus area are outlined in brief within this report with a further report to Cabinet and Council in late Summer outlining the detailed business case to support the delivery of the USAP at Minchenden Special School.
- 1.9 The purchase of this site will ensure the Council can continue to meet the statutory duty to provide sufficient places to meet anticipated demand for school places.
- 1.10 It is proposed to acquire the site to add to the Council's Corporate Property portfolio.
- 1.11 Approval is required to add these projects (Minchenden and Southgate Circus Library Project) to the Capital Programme and fund the acquisition. A further report to Cabinet in late Summer 2016 will present the detailed business case for the overall development model.

2. RECOMMENDATION

It is recommended that Cabinet:

- 2.1 Notes the rise and demand for places at the higher end of the Autistic Disorder Spectrum and associated costs.
- 2.2 approves the Council's acquisition of the freehold interest in the land and buildings that form all of Minchenden School (plan edged red as shown at appendix 1) which are owned by the Barnet and Southgate College on the terms detailed within the Part 2 report and further approves the total acquisition budget also detailed within the Part 2 report and;
 - i) Recommends that Council approves the addition of funds to the Capital Programme as detailed within the Part 2 report for the acquisition of land and;
 - ii) Recommends that Council approves the addition of funds to the Capital Programme as detailed within the Part 2 report for the additional feasibility work to the Farbey Building, the Mews Building and part of

Leigh Hunt Drive Car Park for the Minchenden ASD Provision.

- iii) Delegates Authority to the Cabinet Members for Finance and Efficiency, Education, Children's Services and Protection in conjunction with the Director of Finance, Resources and Customer Services and the Chief Education Officer to approve the final terms and structure of the transaction in accordance with the Council's Property Procedure Rules.

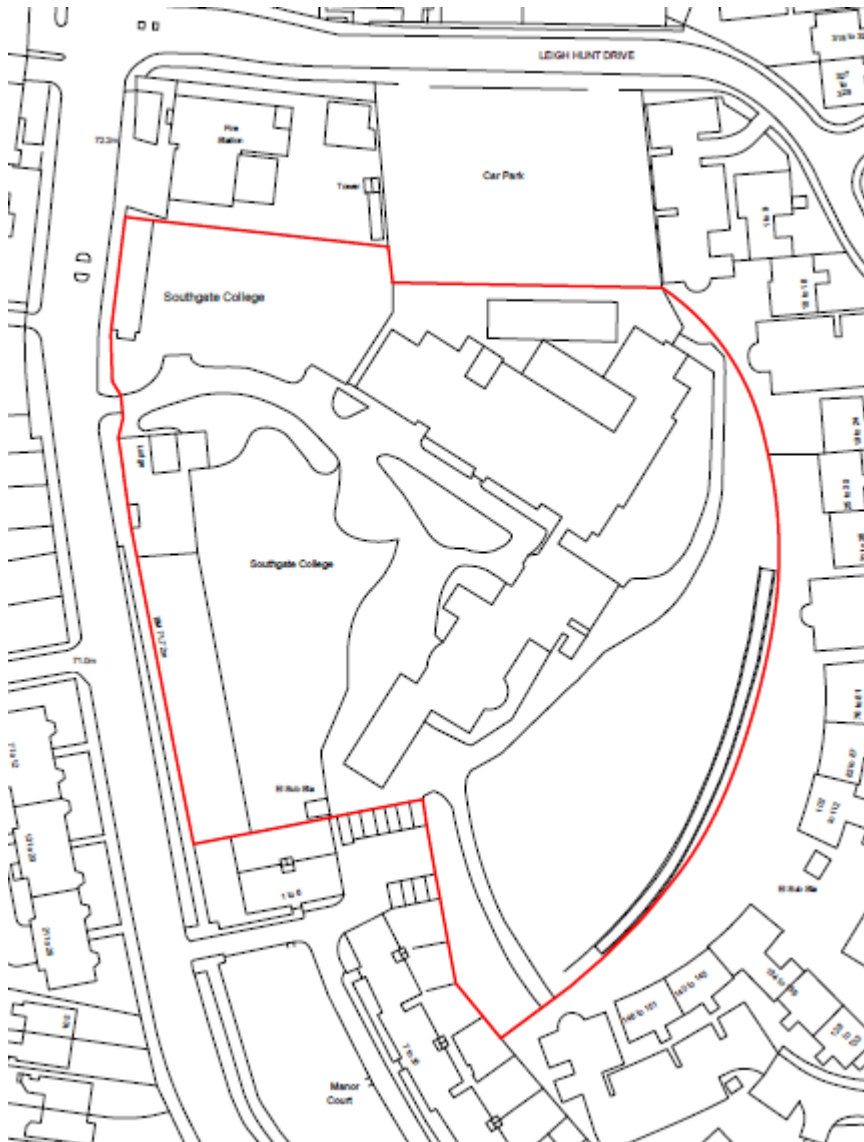
2.3 approves in principal (subject to feasibility and further report to Cabinet) the Council's redevelopment options of Southgate Circus Library and approves the option on Southgate House as detailed within Part 2 of this report, and:

- i. Recommends that Council approves the addition of funds to the Capital Programme as detailed within the Part 2 report to carry out the detailed feasibility of associated Council assets as shown at Appendix 2
- ii. Approves the grant of a 125 year lease to Barnet and Southgate College for accommodation of 1,000sqm on the Southgate Circus Library site at a premium noted in Part 2.
- iii. Approves the Public Library function to relocate to Barnet and Southgate College's Learning Resource Unit at Southgate College with Delegated Authority to the Cabinet Members for Education, Children's Services and Protection conjunction with the Director of Finance, Resources and Customer Services to approve the final structure of the partnership.

3. BACKGROUND

- 3.1 Barnet and Southgate College are freehold owners of the Former Minchenden School site on the High Street, Southgate, N14 6LA. shown here edged red and it is proposed to acquire this under the agreed terms detailed within Part 2 of this report.

Fig 1: **Minchenden Site**



- 3.2 The Property is located just south of the Southgate shopping centre and tube station, being approached off the A1004 High Street. The Site is situated south of the fire station and Leigh Hunt Drive car Park, a Council owned public car park.
- 3.3 There are six buildings on the site namely Southgate Mansion House which is a Grade II* listed building; the adjacent Art and Nursery blocks, which are integral to

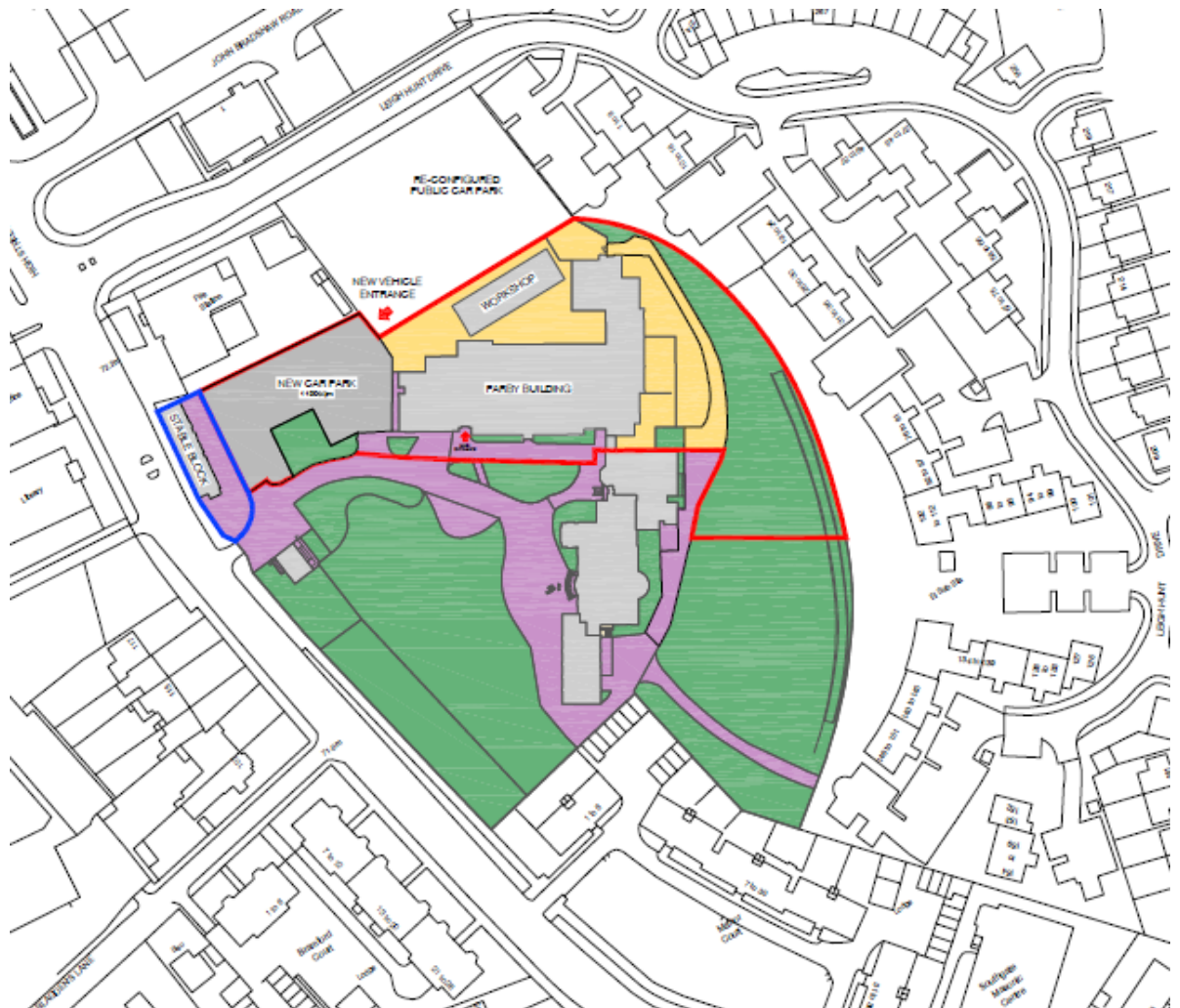
the Mansion House; an independent Gate house (a three bedroom detached house) located at the entrance to the site from the High Street, the Mews Building; and the Farbey Building and an adjacent open sided workshop structure.

- 3.4 The total area of the Minchenden site is 4.4 acres (1.62ha).
- 3.5 The age of the buildings range from the Mansion House being built in 1780 to the last construction in the 1960's of the gatehouse which was used by the College to assist Special Educational Needs students to cope with living in the community.
- 3.6 These buildings over the past three to four years have received very little or no upgrade to the fabric or services within. The college have only undertaken reactive maintenance. There is water ingress to several buildings from the rainwater goods and roof, most of the electrical systems will need complete renewal and the buildings contain asbestos. Financial maintenance liabilities of each of the properties are detailed in Part 2 of this report, however as there will be a wholesale remodelling of the Farbey, Mews building and Car park the cost of these will be absorbed into the feasibility.
- 3.7 The Council will have a vacant site liability once acquired as the site is quite vulnerable. The Property will require security, CCTV and other measures to prevent unauthorised occupation in the short term only until the main works start.
- 3.8 The Council have in place a short term lease over roughly half of the site. In the interim the Council has made this site available in the short term as an overflow space for Durant's School should the strain on their current site become too much. The lease also allowed the required repeated access for consultants to undertake a feasibility studies that will inform the future report to Cabinet for the new provision.
- 3.9 The proposed development will provide modern fit for purpose education facilities for the Upper Secondary Autistic Provision.
- 3.10 The valuation approach, methodology and financial justification for recommending the acquisition of the Minchenden School Site is detailed within the Part 2 Report.
- 3.11 The Council's appointed Valuers, Bilfinger GVA have carried out initial site appraisals with valuations and reported the outcomes back to Strategic Property Services and are detailed within Part 2 Report.

Minchenden Special School Proposal:

3.12 The plan titled the School Site shows the new layout of the site

Fig 2: The School Site



3.13 It is proposed to purchase the site and for it to be divided into two; one section containing the Mansion House and land and buildings to the south of the current entrance driveway and a site to the north consisting of the Farbey building, open sided work shop, Mews building, and adjacent 50 space car park.

3.14 The current lease boundary of the site is shown on Fig 2 and delineated in red and the proposed boundary for the Mews building is shown in blue. The proposal is to reconfigure the adjacent public car park at Leigh Hunt Drive to provide the main vehicle and pedestrian access into the new school site. As a mitigation of the loss of parking spaces, further on street bays will be provided in the vicinity as well a detailed parking study that will submitted with any planning application to support the new school.

- 3.15 The adjacent Grade II* listed Mansion House and associated ancillary buildings will continue to be accessed by vehicles and pedestrians from the existing Southgate High Road entrance. The proposal is to fence the site boundary for the new school to provide a safe and secure environment for staff, pupils and visitors to the School. This will have to be aesthetically constructed and will require planning permission as well as Historic England approval.
- 3.16 The site will be kept within the Council's corporate property portfolio and will provide the additional accommodation required for 120 pupils at the upper spectrum of the secondary provision for Autism within the Borough which will address the forecasted increases the Council is faced with as shown in Fig. 4.
- 3.17 At this stage, it is proposed to retain the existing car park on the Minchenden site, for use by the new school and to provide a number of hard play (yellow on the above plan) and soft landscaped (green on the above plan) external areas around the site, with direct access from some of the ground floor classrooms. An external area directly in front of (to the east) of the Mews Building is proposed to be used as external social space by 6th Form pupils.
- 3.18 This proposal seeks to maximise space within the solid structure of the Farbey Building and secure school spaces for future children with ASD in a modern fit for purpose school, to this end various surveys and design work will now be carried out to ascertain a cost to inform the detailed business plan.

Strategic Need

- 3.19 Further to previous reports to Cabinet, pupil numbers are rising throughout the Borough in line with the projections provided by the Office for National Statistics with information on new housing and trends in national and international migration. The projections are reviewed annually following the January Schools Census. One of the priorities of Schools and Children's Services (SCS) and the Council as a whole has always been to meet the needs of pupils with Autism and Emotional Behavioural Difficulties and understand the duty to support the provision of suitable and sufficient accommodation for the increasing numbers and complexity of need.
- 3.20 The demand continues to rise particularly within the Autistic spectrum which is of particular concern. The Council has increased the amount and quality of provision and expertise in both mainstream and special settings. However it continues to face growing numbers of young people with complex needs and their families who need this additional support above and beyond a mainstream placement. The numbers are further increased by an increasing number of referrals for support for secondary aged pupils with Autism who are exhibiting mental health difficulties as they go through puberty and make the transition into adulthood.
- 3.21 The numbers/ percentage of pupils with a diagnosis of Autism continue to rise particularly at primary schools. In our 2011 Strategy we identified that Autism was an area of increasing need as the proportion of statemented pupils on the Autism Spectrum at the time was 10.4% in primary and 4.4% in secondary. The SEN/Inclusion strategy is currently being reviewed and has identified that meeting the needs of pupils with Autism and Emotional Behavioural Difficulties are the main

priorities required to support the increasing number with complex behavioural needs. It is clear that this position remains the same in 2014 and that demand continues to rise.

- 3.22 Autism is of particular concern and even though Schools and Children's Services have increased the amount and quality of provision and expertise in both mainstream and special settings, the Council is faced with a growing number of young people with complex needs and their families who need more than just a mainstream placement. To date the increased demand has been met by providing additional capacity on a temporary basis at a combination of Russet House and Durant's special schools. However, it is not possible to increase that capacity further and the current capacity is not sustainable over the long-term without a permanent solution.
- 3.23 As the need for specialist places continues to increase Enfield SEN services have had to place children in special schools outside the borough at a high cost both in terms of provision and transport. Parents of children with Autism have been closely involved in the development of the SEN strategy and have been actively requesting an increase in in-borough provision over a number of years. The proposal to expand the provision in partnership with our existing Special schools is strongly supported by the parent representatives on the SEND strategy group and also the representative from the National Autistic Society.
- 3.24 A recent assessment of the likely demand for support for children with the ASD and the highest support needs produced the following picture of future demand, which is shown in the table overleaf.

Fig 3: Table showing increase in the number of school places in special schools

	2015	2016	2017	2018	2019
Target capacity requirements for ASD special school places	269	284	300	317	335
Current total capacity	267	267	267	267	267
Current ideal delivery capacity	204	204	204	204	204
Capacity gap against ideal situation	65	80	96	113	131
Capacity gap against current situation	2	17	33	50	68

- 3.25 With current total capacity already increased to the maximum possible within available buildings any additional demand can only be met through the increased use of out-of-borough placements. If current trends continue we expect an average of 17 children a year requiring high level support, across all year groups, at specialist provision for their ASD related needs.
- 3.26 In the initial years of the increased capacity there is expected to be spare capacity as the year group's work through each school's provision. This is because an additional 113 places will be provided at all ages and there is expected to be an

average increase of 17 pupils per year with the expectation that all new provision would be fully utilised six years after expanding.

- 3.27 This six year period present two opportunities to subsidise cost. The first is through offering places to other local authorities where their capacity has been fully utilised in that year group as a way of generating income. The second is to achieve cost savings by encouraging the parents with children placed in out-of-borough provision to accept an in-borough placement. However, practitioners advise that this is only realistically achievable at school transition points of the existing placement, namely Year 6 to Year 7.
- 3.28 These options require further work by practitioners to establish acceptable market rates for the care packages offered and the potential number of current out-of-borough placements that could be brought back into the borough. However, with the difference between in and out-borough borough ASD support at over £34,000 per individual per year achieving 10 per year for five years could either save or generate income of up to £1.7 million.
- 3.29 The costs of out-of-borough provision, especially for children with high support needs are considerable. The cost for each child will depend on their particular level of need and support package but using individual cost records an average high support cost of £65,814 for a child with ASD has been generated (no transportation costs are included in this figure).
- 3.30 For the purpose of this exercise the average cost, an average increase of 17 children per year and annual inflation of 2% have been used to model the likely increase in revenue costs of reliance of out-of-borough placements to meet demand for children with ASD requiring high support as these would be the children provided for at the planning expansion utilising the Farbey building at Minchenden.
- 3.31 The out-of-borough costs have been compared with the equivalent in-borough costs to generate the difference over time of increasing and using in-borough capacity. Transportation costs are an issue but have been discounted from this exercise as these costs are subject to a separate piece of work to gain efficiencies.
- 3.32 The table overleaf shows that a capital investment in Minchenden would be offset longer term by the cumulative budgeted cost avoidance position from not having to rely on out-of-borough provision within six years.
- 3.33 In addition, the DfE have stated that it recognises the increasing demand for special school places and intends to make funding available to LA's to increase capacity in early 2016. It is not yet known whether the additional funding will be an allocation or a bidding round but the recent successful STC Targeted Basic Need bid attracted £1.6 million grant to provide fifty places in a pupil referral unit. Local authorities have commented that the amount per pupil was not sufficient for the higher level needs of pupils with high support needs such as Autistic Spectrum Disorder where class groups are never more than 7 pupils. The DfE have stated that they will consider this as part of the wider issue.
- 3.34 Using the £1.6 million for 50 places, or an equivalent of £32,600 a place, as a low end estimate of what should be made available from a DfE grant round we would

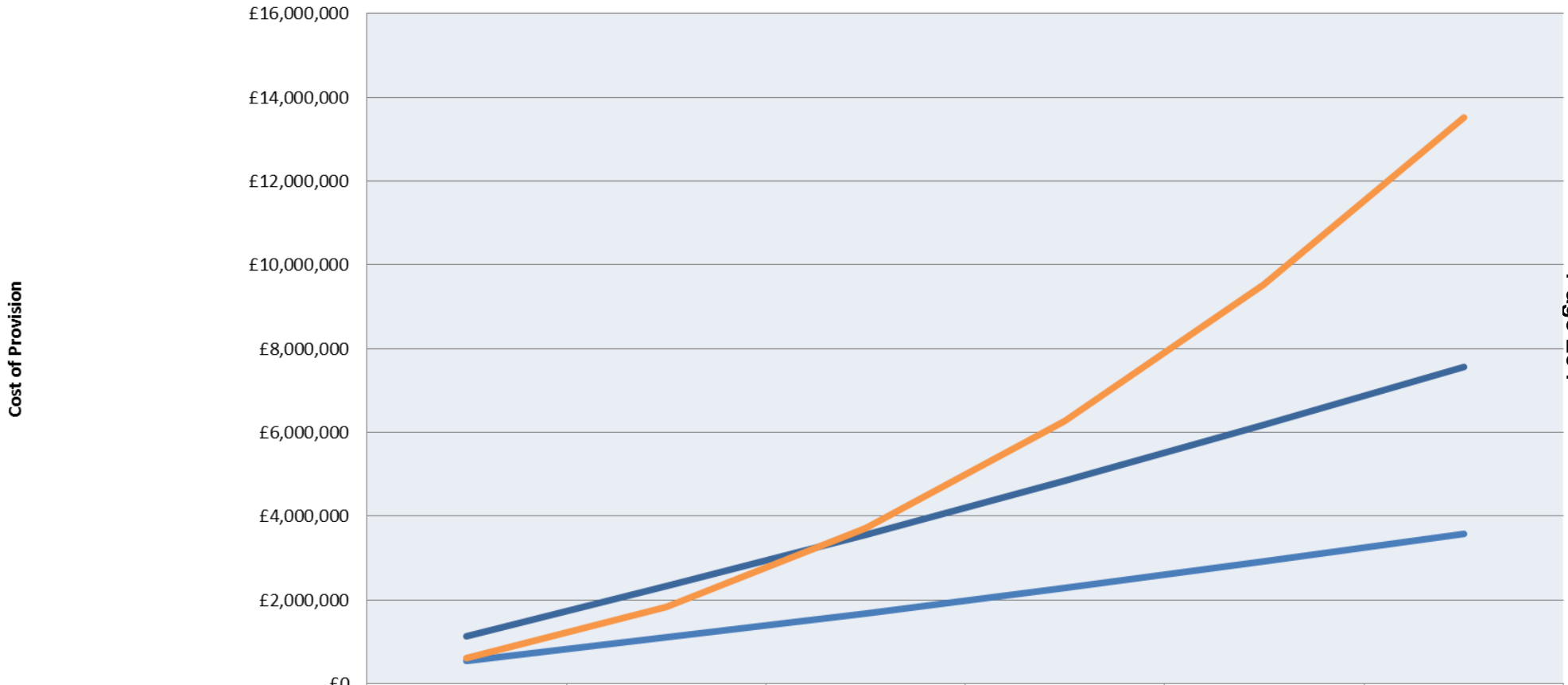
expect to achieve grant income of £3.59 million for the proposed additional capacity of 110 places achieved through delivering Minchenden

- 3.35 In order to accomplish/achieve this it is proposed that the council utilises part of the former Minchenden Site. This has the potential to be used to assist in providing the additional form of entry required for autistic provision. It is proposed that the Minchenden building is refurbished to provide accommodation for, the upper spectrum of the required secondary provision and a short stay overnight provision (should the required approvals be received) and a daytime Life skills centre.

	Avg cost per pupil	Annual Inflation	Assumed annual net increase in pupils	Yr 1 (2016)	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6 (2021)
Out of borough high support provision for ASD	£65,814	2%	17	£1,141,220	£2,328,088	£3,561,975	£4,844,286	£6,176,465	£7,559,993
In borough high support provision for ASD	£31,094	2%	17	£539,174	£1,099,916	£1,682,871	£2,288,704	£2,918,098	£3,571,752
Annual difference				£602,045	£1,228,173	£1,879,104	£2,555,582	£3,258,367	£3,988,241
Accumulated difference				£602,045	£1,830,218	£3,709,322	£6,264,904	£9,523,271	£13,511,511

Fig 4 & 5 - Cumulative Cost Avoidance over the course of a 6 year period

Cost Avoidance: In Borough Vs Out of Borough ASD Provision



	yr 1	Yr2	Yr3	Yr4	Yr5	Yr6
Out of Borough provision for ASD	£1,141,220	£2,328,088	£3,561,975	£4,844,286	£6,176,465	£7,559,993
In Borough provision for ASD	£539,174	£1,099,916	£1,682,871	£2,288,704	£2,918,098	£3,571,752
Cumulative Cost Avoidance over 6 Yrs	£602,045	£1,830,218	£3,709,322	£6,264,904	£9,523,271	£13,511,511

- 3.36 The revenue funding for this area is derived largely from the Dedicated Schools Grant (DSG). It is the Local Authority's responsibility to allocate this budget to those eligible for high needs block (HNB) funding. This includes funding for children and young people with a statement of educational need, or in the future the education element of an Education, Health and Care Plan (EHCP). The centrally retained element (CRI) of this funding is subject to high demand. It is therefore important to mitigate existing budgetary pressure risk and take preventative action to control further demand.
- 3.37 Minchenden is a strategic piece of real estate within the overall strategy as the acquisition and long term investment and planning into the ASD will alleviate demand on the CRI.
- 3.38 To enable the Council to deliver the additional permanent pupil places, it is necessary to start the design and feasibility phases for the delivery of the school and undertake the requisite survey work to consult with the various stakeholders in order to submit a planning application.

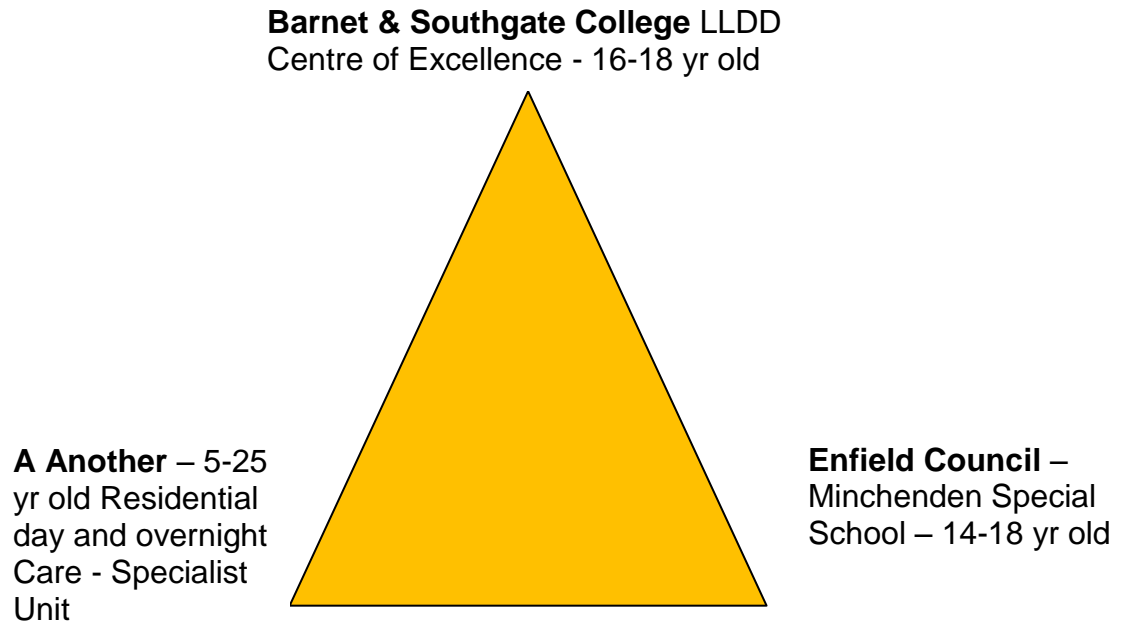
4. PROPOSAL

- 4.1 The proposal in this report is part of a major strategic development of Autism provision and support across Enfield. It has involved partners across schools, colleges, health services, parents, young people themselves and council teams in working together to meet the needs of and support young people across the autistic spectrum.
- 4.2 This report supports the development of an innovative approach that would make Enfield a leader and a centre of excellence in supporting some of our most complex young people as they move through secondary school into adulthood and the next steps in their learning journey.
- 4.3 The proposal is to purchase the freehold interest in the land and buildings that form all of Minchenden School (plan edged red as shown at appendix 1) which are owned by the Barnet and Southgate College at a price not exceeding the maximum price as detailed in Part 2 of this report.
- 4.4 To undertake a high level feasibility to refurbish and redevelop the Farbey Building to create a modern educational establishment for the Upper Secondary Autistic Provision for the London Borough of Enfield School.
- 4.5 This proposal looks to increase the specialist Autism provision across all age groups by providing additional capacity for older children on the additional site in the Farbey building at Minchenden. The aim is to establish provision for 120 pupils for Year 9-11 and post-16 pupils (aged 14-18) at the additional site which will allow increased numbers at both the Durants site and the Russet House Site as the young people are spread across 3 sites.
- 4.6 The two special schools will continue work together to ensure that the existing excellent provision and expertise of Russet House and Durant are expanded to continue to meet the needs of pupils in the borough.

- 4.7 The Farbey Building and surrounding grounds will need refurbishment and minor redevelopment to create a modern, fit for purpose, educational establishment. This will add to the current excellent Ofsted rated autistic provision already offered in the borough to help reduce future reliance on costly out-of-borough provision to meet future demand.
- 4.8 An outline project budget is required for the feasibility work for the Farbey building which is requested in Part 2 of this report.
- 4.9 To support the acquisition of Minchenden Special School it is envisaged that the build costs and reconfiguration of the school and associated works may be offset by redeveloping wider Council assets in the Southgate Circus area, see Part 2 of this report for a proposal for the delivery of the provision.
- 4.10 The Council's public library function will be remodelled and set within Barnet and Southgate College's Learning Resource Unit sited within the college. This partnership of public purposes aligns with the Library Development Plan 2015-2018.
- 4.11 Ensuring a library service fit for the future means that change is needed to reinvigorate our libraries so they are better used within their communities and meet the demands of a new generation of library users and in line with the Council's Asset Management Strategy, the Library Service is committed to developing new models of provision based on partnership working to ensure that our resources are used as efficiently and effectively as possible.
- 4.12 Working in partnership with Barnet and Southgate College will bring increased access for the local community to the library stocks and other resources of the partners. The college will benefit from a wider range of people coming onto campus and a well-resourced public library for its students, which caters to both their study and leisure needs. A key priority for libraries will be to raise their profile so that they are able to work with other partners to improve local democracy, health and wellbeing, learning and public access to services.
- 4.13 Barnet and Southgate College's new Learning Disabilities building (LLDD) based at the Southgate Campus in Enfield provides a new and improved learning environment for disabled students and those with learning difficulties. It is the first purpose built centre to provide specialist education facilities which are totally dedicated to the specific needs of the students with learning disabilities and the provision includes an element of support for young adults with autism. This facility is across the road from the Minchenden Complex and will enable partnership working and sharing of good practice to help further enhance provision.
- 4.14 To this end the Council in partnership with Barnet & Southgate College and another provider will seek to bring forward an ambitious plan to underpin a full lifecycle proposal for autism within Southgate. The Council as provider will educate students with autistic need from the ages of 14-18, the College's provision is then an option to support the subsequent age range with lifecycle skills, progression to independent living, and potentially higher education. Finally, a dedicated unit with highly specialised support infrastructure including day care units and overnight stay provide support to those requiring highly specialist therapeutic support and greater pathways

to independent living from early adulthood, which will enable students to progress to employment, supported employment, further or higher education, or independent living.

Fig6 – Southgate Autistic Proposal (Tri- Party Provision Model)



5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Not trying to acquire the Minchenden Complex is considered a lost opportunity to add flexibility to the education portfolio and reduce the long term revenue liability burden of the Council.
- 5.2 Officers have considered using other education facilities owned by the Council for expansion to try and increase the number of forms of entry. Many of these are too small and on difficult sites and some sites were earmarked for other types of development. Several sites not in the Council's ownership were also considered, but many of these were too costly given their residential potential or the land owner was unwilling to enter into formal discussions with the Council.
- 5.3 Officers have considered the use of this site to assist in the delivery of primary pupil places; however when considered the site itself is not suitable for primary school nor are the properties located within. The outdoor play space is not adequate and the use of only the ground floor of the Farbey building could be considered – however the space is limited as there is no DDA compliance within the building with varying levels and floor heights.
- 5.4 Keep the status quo and secure costly out of borough places for approximately 120 pupils over the next six years.

6. REASONS FOR RECOMMENDATIONS

- 6.1 This is a rare opportunity in the Enfield property market. The acquisition will mean that there will be a sufficient supply of pupil places to match the anticipated demand within the Borough for several years to come.
- 6.2 This is the only viable site now available and possibly in the future that could support this type of need.
- 6.3 The acquisition of the Minchenden site will satisfy the requirements for space standards as set out within the guidance set by the Department for Education (BB103).
- 6.4 The outline Business Case set out within Part 2 of this report demonstrates that the funding arrangements for this project are achievable and the Council should explore further with higher level feasibility for each project.

7. KEY RISKS

- 7.1 **Failure to provide statutory places** resulting in possible legal action by 120 Enfield families resulting in a damaged reputation and failure to meet the needs of these residents,- Mitigated by scheme.
- 7.2 **Failure of DfE to allocate funding** for the SEN program or this specific scheme – Mitigated by scheme offering disposal options as additional ways to decrease the draw down on the councils capital program.
- 7.3 **Risk of current staff** objecting to change of location, which could result in an issue with staff retention – Mitigated by early consultation with staff during feasibility study
- 7.4 **Risk of costs rising** and value of disposal values falling.- Mitigated by monitoring and early identification at Capital Board of any possible issues
- 7.5 **Risk of delays** and additional costs as a result of demands of Historic England. Mitigated by consultation with body at feasibility stage to continue during design.
- 7.6 **Risk of issues with planning** application due to Heritage or other issues. To be mitigated by early consultation with planners plus a pre planning application.

See Part 2 for additional key risks

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

8.1 Financial Implications

See Part 2 Report

8.2 Legal Implications

- 8.2.1 The Children and Families Act 2014 places a duty on local authorities to keep education and care provision under review. A local authority must consider the extent to which the educational, training and social care provision it makes for children and young persons who have special educational needs or a disability is sufficient to meet the needs of those persons. A local authority is also required to make arrangements to secure any special educational provision specified for an individual child or young person.
- 8.2.2 Section 120 of the Local Government Act 1972 gives the Council a specific power to acquire property for the purpose of exercising its general functions as a local authority.
- 8.2.3 Section 1 of the Localism Act 2011 provides the Council with a general power of competence to do anything which an individual generally may do.
- 8.2.4 The contract for the acquisition of the site will need to be in a form agreed by the Assistant Director (Legal Services and Governance) and due diligence carried out on the seller's title.

8.3 Property Implications

- 8.3.1 As embedded in this report.
- 8.3.2 External consultants (Bilfinger GVA) have undertaken valuations that estimate the market value of the land and buildings at the Minchenden Complex. These valuations state the maximum that should be paid for the freehold interest in the land.
- 8.3.3 The Council is of the opinion that the acquisition is in line with the Council Property Procedure Rules and the Council have obtained best value under s20 of the LGA (1972); thus the valuation received confirms the price offered for the land.
- 8.3.4 Once acquired the site will need to be made secure with enhanced security provision which will include the provision of a rapid response 24hr on call team, CCTV and the Council may look to employ a 'Guardian Company' to secure the Mansion House until a time when appropriate when wider plans come to the forefront.
- 8.3.5 A full condition survey has been carried out by the Corporate Maintenance and Construction Team and suggests that there is a repairing liability if the buildings were to be used in the current state, however as the Farbey building will be reused and stripped out to a new specification all the liabilities will be absorbed into the cost of transforming the Farbey building.

- 8.3.6 The Mansion House also known as Southgate House will require immediate repairs to make it air and watertight for the interim as this is one of the historic buildings within Enfield dating from about 1780. The plaque near the front door records its occupation by Baron Lawrence (who relieved the siege of Delhi) from 1861 until his appointment as the first Governor-General of India in 1864.
- 8.3.7 As part of the refurbishment and remodelling of the Farbey Building, any services serving both buildings will have to be separated and a full asbestos survey will have to be undertaken.
- 8.3.8 The transaction is exempt from VAT, but will have Stamp Duty Land Tax implications.
- 8.3.9 A full handover of the site together with instructions and operating manuals for the site on completion must take place with the responsible Property Officer to ensure a smooth transition.
- 8.3.10 The Minchenden Complex will also have to be put onto the Council's Corporate Insurance register and a full rebuilding cost will have to be divulged to the Council Insurance section.

9. PERFORMANCE MANAGEMENT IMPLICATIONS

The purchase of The School Site will assist in the delivery of the Council's education policy and improvement action being taken for this provision. There will be the provision of the projected and current requirements for school places within the Autistic spectrum, for young people across the Borough

10. EQUALITIES IMPACT ASSESSMENT

The proposed purchase will not cause a change to policy or service delivery and therefore an equalities impact assessment is not considered necessary.

11. PUBLIC HEALTH IMPLICATIONS

In the short term after acquisition, the school site will need to be made secure including any buildings. All health and safety precautions should be undertaken by the contractor, including eventual disposal.

In the longer term the School will deliver through efficiencies and secure by design, a safe and secure environment to educate the young persons of Enfield.

12. IMPACT ON COUNCIL PRIORITIES

12.1 Fairness for All

The purchase of the land and additional parcels will increase flexibility in the education portfolio and will provide additional special provision school places which serve the entire Borough

12.2 Growth and Sustainability

The purchase of the land will lead to increased flexibility of the education portfolio and service demand for pupil places for years to come. This proposal will also provide additional school places in a sector of the community of high demand. The places will increase the numbers of pupils and parents being assisted

12.3 Strong Communities

Improving educational outcomes assists in the creation of a stronger community,

The school places will be offered to the young people of Enfield who need them from all wards.

The accommodation will incorporate, where possible the potential to be used outside the normal school day by the community

The new facility will relieve the pressure across the Borough's community schools where some of these pupils are currently accommodated.

13. HR IMPLICATIONS

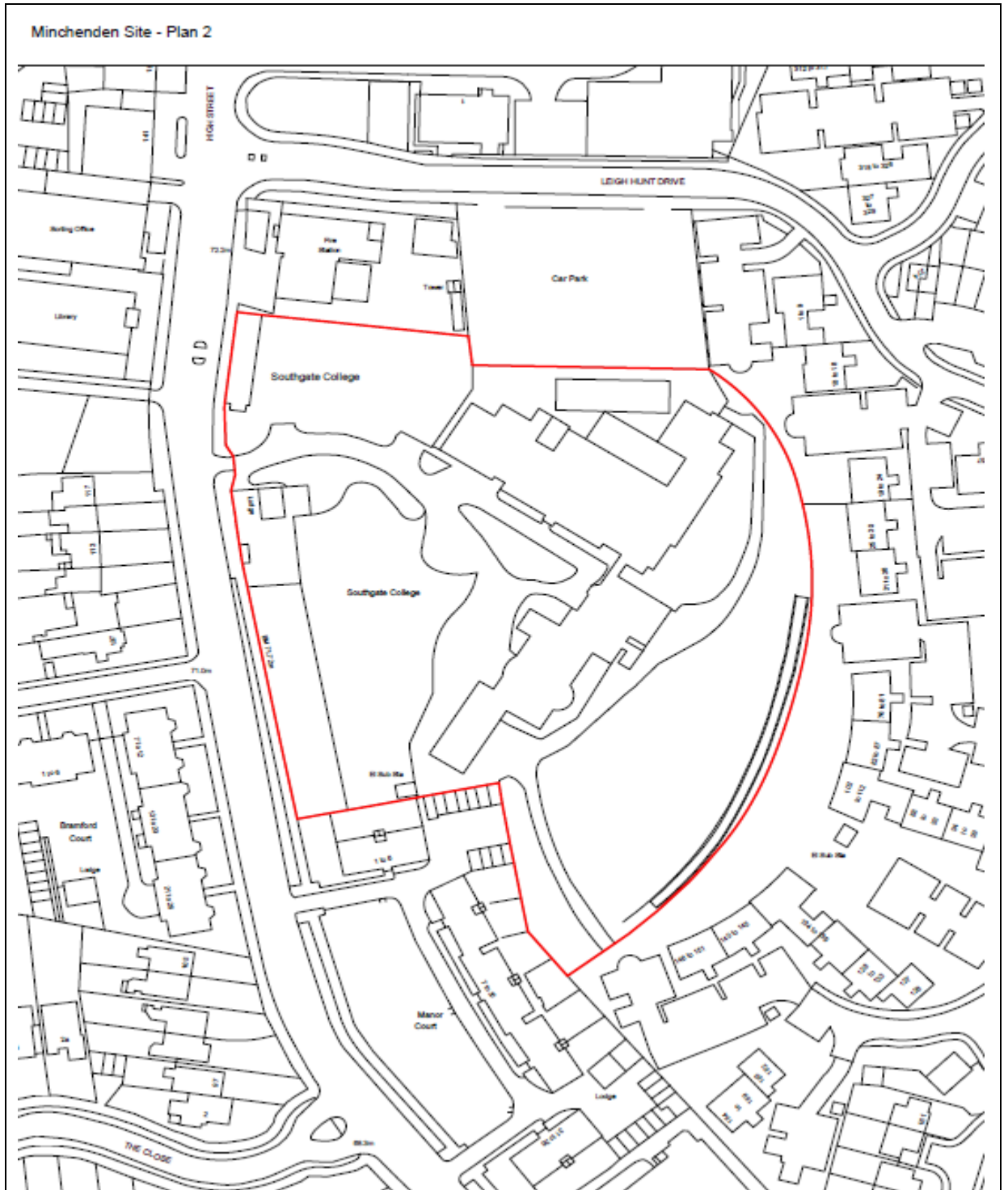
13.1 Delivering this school development scheme within the tight time constraints together with various other complex projects and schemes in the pipeline will require additional resources, initially will be met from within existing sources, however specialist areas where delivery is concerned may need to be met from external sources.

13.2 As the projects(s) evolve there will be a requirement at different stages for further skill sets to complete various tasks, this could be achieved either through the Strategic Partnership Co-Sourcing agreement or through another short term agreement.

BACKGROUND PAPERS

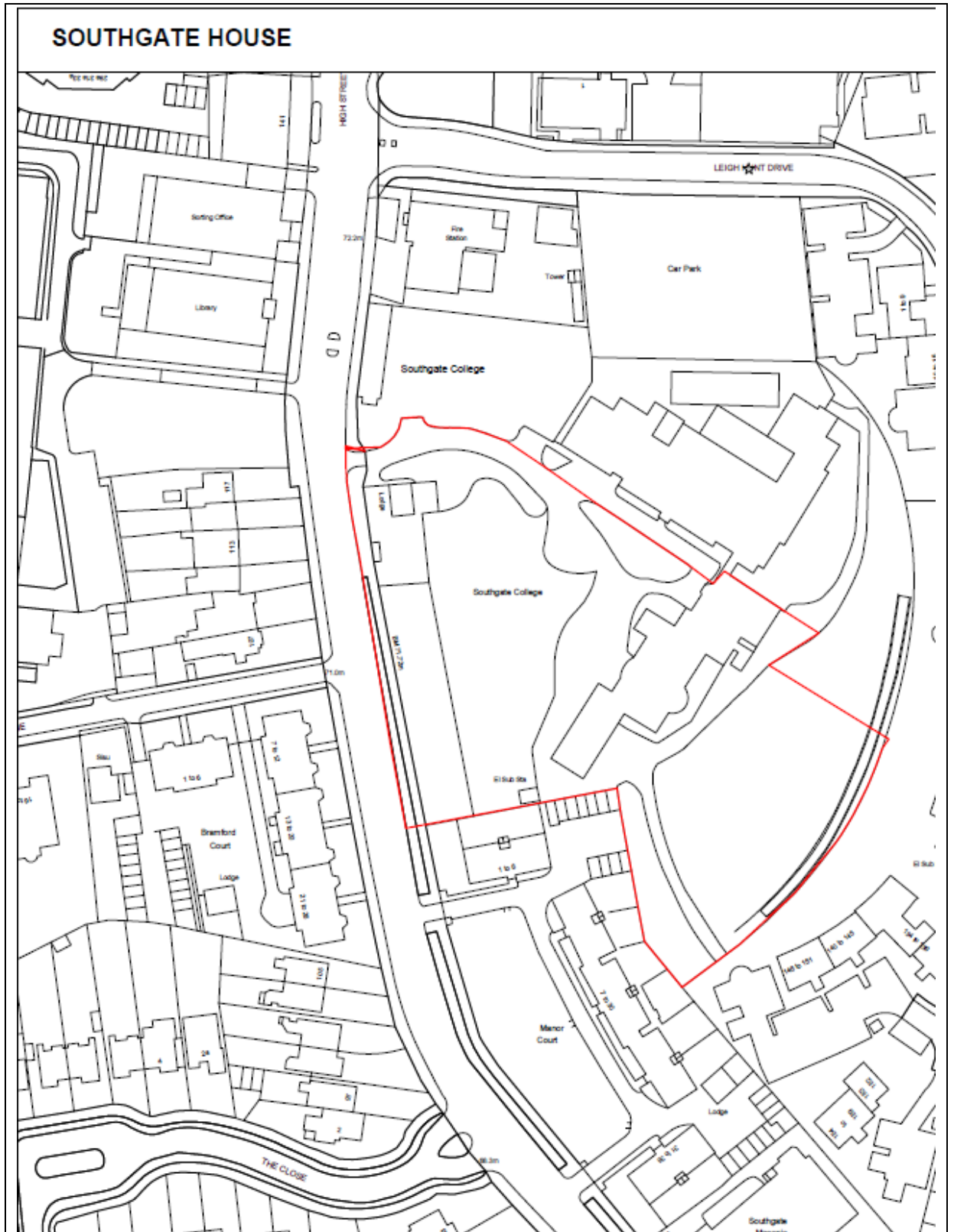
None.

Appendix 1- SITE PLAN



Appendix 2 – Draft Agreement for Lease (Confidential) – refer to Part 2 report.

Appendix 3 – Southgate House



MUNICIPAL YEAR 2015/2016 REPORT NO. 169**MEETING TITLE AND DATE:**

Council – 28th January
2016

REPORT OF:

Director of Finance
Resources & Customer
Services

Agenda – Part: 1	Item: 10
Subject: Reference from Members & Democratic Services Group: Review of Council Procedure Rules	
Cabinet & Other Members consulted: n/a	

Contact: Asmat Hussain (020 8379 6438)

E mail: Asmat.Hussain@enfield.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 This report details the outcome of a review of the structure and operation of full Council meetings and associated changes recommended to the Council Procedure Rules (CPRs), which has been undertaken by Member & Democratic Services Group (MDSG).
- 1.2 The review has been focussed around the way in which Council meetings can be more effectively managed in order to make proceedings clearer and more relevant to members of the public and press.
- 1.3 This report outlines the key areas of focus under the review and changes to the CPRs, for formal consideration and adoption within the Constitution by Council. The proposed changes have been detailed in tracked format within the amended CPRs attached as Appendix 1.

2. RECOMMENDATIONS

Council is asked to consider and formally approve, for inclusion as part of the Constitution, the changes proposed to the CPRs, as set out in Appendix 1 of the report which will apply from the next (February 16) Council meeting onwards.

3. BACKGROUND

- 3.1 The review undertaken by MDSG commenced in February 2015, with members keen to consider how full Council meetings were currently structured and were operating in practice. The aim behind the review was to look at ways in which Council meetings could be made more effective, both in terms of how business was conducted and how proceedings could better engage both the public and press.
- 3.2 As a starting point, MDSG identified a number of key roles for the full Council meeting, which were highlighted as follows:
- (a) To celebrate civic life e.g. Mayoral announcements, presentations, Mayor Making and Freedom of the Borough ceremonies.
 - (b) To take major decisions and deal with those issues reserved by law to full Council.
 - (c) To hold the Executive to account.
 - (d) To provide information to the public and councillors on major developments/issues impacting on the borough; and
 - (e) To express a collective view as a Council, representing the local community within Enfield.
- 3.3 In terms of the scope for the review, Members were keen to focus on the following areas:
- (a) How Council meetings could be made more accessible to the public and press, recognising the difficulty in following procedures around debates.
 - (b) How the quality and structure of debates, motions and questions could be improved in order to open up the meeting whilst also ensuring proper accountability in terms of the way that the Executive could be held to account.
 - (c) The current role and operation of Council Questions and Motions and need to ensure that the Opposition, in terms of holding the Executive to account, were also seen to be acting responsibly.
 - (d) The need to maintain the ability during debates at Council to be able to articulate differing political views on local issues of concern, which was seen as a valuable and legitimate democratic role for Council.
- 3.4 MDSG has, over the course of its review considered a number of proposed changes to the way in which Council meetings could be more effectively structured and business conducted. A series of updated

CPRs have been presented to the Group for review which have been subject to consultation with both political groups.

- 3.5 The final package of measures was presented to MDSG on 13 January 2016 and as a result of the discussions at that meeting it was agreed the proposed changes should be referred to Council for formal consideration.
- 3.6 Whilst it has been possible to achieve consensus between the political groups on a significant proportion of the proposed changes, the Leader of the Opposition has advised that his group remain keen to see Council Questions moved up the order of business so they are taken as one of the first items on future Council agendas. MDSG noted that this had not been accepted by the Majority Group, on the basis that the Mayor could, if felt necessary, agree to move questions up the agenda at specific meetings. The Majority Group did not feel this process needed to be formalised for all meetings and the package of changes has therefore been referred on to Council for consideration on this basis.
- 3.7 Council is now being asked to consider the package of measures identified by MDSG and, if minded, to formally approve the changes to the Council Procedure Rules (as outlined within Appendix 1) for inclusion as part of the Constitution on the basis they will become effective from the February 16 Council meeting onwards.
- 3.8 Subject to any decision made, officers will provide more detailed guidance for members on the practical implementation of the changes agreed.

4. ALTERNATIVE OPTIONS CONSIDERED

Do nothing – MDSG did not feel this was a viable option given the need identified to look at how Council meetings could be made more effective, both in terms of how business was conducted and how proceedings could better engage both the public and press.

5. REASONS FOR RECOMMENDATIONS

To update and amend the CPRs to reflect the outcome of the review undertaken by MDSG and the aim of making full Council meetings more effective and engaging, in terms of how business is conducted.

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

6.1 Financial Implications

None – the changes required to the Constitution and practical implementation of them, along with any further guidance for members will be delivered within existing resources.

6.2 Legal Implications

The changes being proposed to the CPRs are in accordance with the Council's statutory requirements; pursuant to section 37 of the Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (SI 2012/2089).

7. KEY RISKS

The changes being recommended to the way in which full Council will operate have been designed to ensure that future meetings are managed in as effective a way as possible whilst also making proceedings more accessible for key stakeholders such as local residents and the press.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All & Strong Communities

The changes to the CPRs have been designed to increase accessibility and openness in relation to the Council's political management arrangements and way in which full Council functions.

9. EQUALITIES IMPACT IMPLICATIONS

It has not been necessary to carry out an Equalities Impact Assessment in relation to this proposal.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

The changes introduced to the Council's governance and decision making procedures have been designed to assist the Council in managing its business in as efficient and effective a way as possible.

11. PUBLIC HEALTH IMPLICATIONS

There are no specific public health implications arising from the proposals within this report.

Background Papers

None

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Part 4

Rules of Procedure

Chapter 4.1 - Rules of Procedure

4.1 COUNCIL PROCEDURE RULES

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1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May.

The annual meeting will:

- (a) elect a person to preside if the Mayor or Deputy Mayor of Council are not present;
- (b) elect the Mayor of Council;
- (c) elect the Deputy Mayor of Council;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Mayor or chair of the meeting;
- (f) note the decision of the Leader as to the number of Members of the Executive; who he or she has appointed to those roles; the scope of their respective portfolios and the terms of delegation to them and Officers;
- (g) appoint at least one Overview and Scrutiny Committee, a Councillor Conduct Committee and such other bodies as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;
- (h) agree the scheme of delegation;
- (i) approve a programme of ordinary meetings of the Council for the year;
- (j) consider any urgent business identified for consideration at the meeting; and
- (k) agree the calendar for Council bodies for the year.

1.2 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council meeting will:

- (i) decide which member level bodies to establish for the municipal year;
- (ii) decide the size and terms of reference for those bodies;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each council and outside body; and
- (v) appoint to those council bodies and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive.

1.3 Role of Annual Council Meeting when there has been an ordinary election

At the first annual meeting after an ordinary election of Councillors the following shall apply in addition to the above:

- (i) elect a Leader to serve for a four-year term or until the next annual meeting after ordinary whole Council elections;
- (ii) note the appointment by the Leader of his or her Deputy Leader to serve for the four-year term;
- (iii) note the Leader's decision as to the number of executive Members, their respective functions and any other executive changes the Leader may have made.

2. ORDINARY MEETINGS

2.1 Frequency of Council Meetings

Ordinary meetings of the Council will take place in accordance with the calendar decided at the Council's annual meeting.

2.2 Order of Business

The order of business at ordinary meetings of the Council will be as follows:

- (a) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (b) Mayor's announcements;

- (c) to approve as a correct record and sign the minutes of the last meeting of the Council;
- (d) receive any declarations of interest from members;
- (e) to deal with any business required by statute to be done before any other business;
- (f) to receive and consider any Petitions referred to Council in accordance with ~~Council Procedure~~ Rule ~~3533~~
- (g) Opposition Business under Rule 15
- (h) to deal with any other business expressly required by statute (not required under (c) above) or specified in the summons including reports from the Executive, Proper Officers, Overview and Scrutiny Committee, Audit Committee, Councillor Conduct Committee or other Joint Bodies & Partners
- (i) to answer questions asked under Rule 10 ~~of this section~~;
- (j) to consider motions; and
- k) other business, if any, specified in the summons.

Items (a), to (e) above shall not be displaced, but items (f) to (k) above may be varied in accordance with rule 4 below ~~or by:~~

- ~~(a) the Mayor at his/her discretion, or~~
- ~~(b) a resolution passed on a motion which shall be moved and seconded without notice and put without discussion.~~

2.3 Removal of Leader

The Leader can be removed by a majority vote of the Council. If such a resolution is passed the Council should elect a new Leader at the same meeting; otherwise the Deputy Leader is to act in his/her place until such time as a new Leader can be elected.

3. EXTRAORDINARY MEETINGS

3.1 Calling Extraordinary Meetings

An extraordinary meeting of the council may be called at any time by the Mayor. ~~Those listed below may require that the~~

Comment [TS1]: Para 3 sch12 LGA 72 says it is the Mayor who calls but does not impose a limitation on the business, including where it is convened by requisition.

~~Monitoring Officer call Council meetings in addition to ordinary meetings~~
Such a meeting may also be called by:

- (a) the Council by resolution;

The Council may resolve to call an extraordinary meeting to consider issues of importance to the Borough and it may invite any person of relevant experience or knowledge to address the Council meeting on the chosen issue.

~~(b) the Mayor of the Council;~~

- (~~e~~b) the Chief Executive; and

- (~~e~~c) any five councillors if they have signed a requisition presented to the Mayor and ~~he/she~~the Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

The business to be carried out at an Extraordinary meeting shall be restricted to those items referred to in the notice convening the meeting, unless the Council Mayor decides otherwise.

4. COUNCIL AGENDA BUSINESS PLANNING

- (a) The timings and order of business for items to be considered on the agenda at each Ordinary or Extraordinary Council meeting will be agreed in advance of the Council meeting (following publication of the agenda) by the Mayor, having consulted with representatives from the Majority and main Opposition Group on the Council.
- (~~b~~) The timings and order of business agreed will be adhered to during the Council meeting. However if, during the meeting, the Mayor agrees that amendment of the timings or the order of business is justified, unless the Council a motion agrees to vary the order of agenda or timings at the meeting, subject to this may be put ing moved, seconded and agreed at the meeting in accordance with Council procedure Rules 13(m) and 14.10(c). Such a motion shall specify how the remainder of the business is to be dealt with and may include an extension of the meeting under rule 9.3.

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Monitoring Officer and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Monitoring Officer will issue a summons signed by him or her to every councillor. The summons will be issued in electronic format, ~~where to~~ where to councillors who have consented to receiving it in this format, ~~or and~~ will be provided in hard copy to the address they have registered for this purpose ~~where for those who~~ they have not. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the chair. Where these rules apply to meetings other than full Council, this also includes the chair of those meetings.

8. QUORUM

- (a) The quorum for any meeting of the Council is at least one quarter of the whole number of Members of the Council - that is 16 councillors, based on a current membership of 63 councillors;
- (b) No business will be considered at a meeting of the Council unless there is a quorum present. If during any meeting the Mayor, after counting the number of councillors present, declares that there is not a quorum present, the meeting will be adjourned. Any business not carried out will be adjourned to a time fixed by the Mayor at the time the meeting is adjourned, or, if he or she does not fix a time, to the next ordinary meeting of the Council.

9. DURATION OF COUNCIL MEETINGS & GUILLOTINE PROCEDURE

9.1 ~~_____~~ All council meetings will start at 7.00pm, unless the Mayor decides otherwise. ~~With the exception of Extraordinary meetings they, and~~ will finish at 10.15pm or 3 hours after the completion of Mayor's Announcements, whichever is the later. ~~Meetings can be extended for additional periods of no more than 30 minutes each, if agreed by Council, but this should only be in exceptional cases.~~

9.2 Extraordinary Meetings will finish at a time to be agreed by the Mayor, following consultation with representatives from the Majority and main Opposition Group on the Council, having allowed sufficient-ample time for debate of the business specified in the notice of the meeting.

9.3 Meetings can be extended under Rule 13(m) for additional periods of no more than 30 minutes each, if agreed by Council, but this should only be in exceptional cases. ~~If the business on the agenda has not been completed at the time the Council meeting is due to finish (see above), the following procedure will apply:~~

9.14 ~~If the business on the agenda has not been completed at the time the Council meeting is due to finish (see above), the following procedure will apply:~~

Motions and Reports

- (a) Any motions or reports under debate (including any amendments) shall be voted upon without further discussion. Voting shall be by a show of hands and no roll call shall be taken;
- (b) Motions not yet considered will lapse unless referred by the Mayor to another council body. A lapsed motion does not imply consent or dissent by the Council meeting;
- (c) The Mayor shall put reports not yet considered, to the Council all together, without debate, question or comments from the meeting, although points of accuracy or reference on to another body will be permitted.

~~9.2~~ Other Business on Agenda

- (d) The Mayor shall then put to the meeting, in sequence and without debate, each further remaining item of business on the agenda. No procedural or other motion, question, comment or debate shall be permitted. Answers to questions not yet asked will be taken as printed on the agenda papers; and

~~9.3~~ Nominations to Outside Bodies and Council Memberships

- (e) The Council will be deemed to have agreed memberships of Council bodies (except Cabinet appointments) and nominations to outside organisations in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

10. QUESTIONS

10.1 General

All questions at the Council meeting must relate to the Council's powers or matters that affect the Borough. Questions will be put and answered without debate. The question must specify the relevant councillor who is being asked to respond. In the case of any doubt the Monitoring Officer, in consultation with the Mayor, will decide the appropriate councillor to respond.

10.2 Questions from Councillors

(a) Questions requiring a written response

Any councillor may ask a Cabinet Member, Associate Cabinet Member, Overview and Scrutiny/Scrutiny Workstream Chair or Statutory Committee Chair a question at a Council meeting.

Councillors can also ask questions of any Members serving on the following outside bodies: -

- London Councils
- Lee Valley Regional Park Authority
- Local Government Association - General Assembly
- North London Waste Authority
- London Fire and Emergency Planning Authority
- Enfield Strategic Partnership

This list will be kept under review by the Monitoring Officer and Party Whips.

Questions must be submitted in writing to the Monitoring Officer by 9:00am 9 calendar days prior to the meeting in question. This should include both the name of the councillor asking the question and the councillor to whom it is addressed. A minimum of 30 minutes will be set aside at each meeting for such questions, although the Council may agree to extend this time, subject to this being moved and seconded and the duration of the proposed extension being stated at the time. In addition, 15 minutes be allocated to questions asked of -councillors serving on outside bodies. If there are no questions to outside body representatives this extra 15 minutes will not be required.

If a councillor who has submitted a question is unable to be present, the Mayor will take it as printed on the agenda.

All answers to questions will be in writing and will be published online and circulated to members via email by 3:00pm 2 working

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days before the relevant meeting. Questions to Cabinet Members will be listed first on Council agendas. One supplementary question will be allowed but this must relate to the subject matter of the written question.

The answer to a supplementary question should preferably be given orally at the meeting. Written responses will be permitted if research is required, or the information is not immediately available, and should be circulated to all members via email within 12 working days of the Council meeting.

If the councillor to whom the question has been addressed is not present at the council meeting, another councillor may answer any supplementary question in his/her place. If the councillor asking the question is absent, he/she may nominate another councillor to ask a supplementary question.

(b) Urgent Questions by Councillors

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.

Such questions shall, normally, if possible be delivered in writing to the Monitoring Officer by no later than 12 noon on the day before the meeting.

An urgent issue is one 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 councillor 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.

One supplementary question for oral response at the meeting will be allowed.

11. MOTIONS WITH NOTICE

11.1 Every motion shall relate to the Council's powers or duties or an issue that affects the Borough. With the exception of those Motions which may be moved without notice, notice of each Motion shall be in writing and signed by the councillor(s) giving the notice. The notice shall be delivered to the Monitoring Officer at the latest (12 noon) 12 calendar days prior to the Council

meeting. Where a Group submits more than one motion at any one time, it shall indicate the order in which it wishes them to be considered.

- 11.2 On receipt of a notice of motion, the Monitoring Officer shall arrange for it to be dated, numbered in the order of receipt. A record of these Motions will be kept by the Monitoring Officer, which shall be open to inspection by every councillor.
- 11.3 The Monitoring Officer shall set out in the summons for every meeting all motions of which notice has been given, in the order in which they have been received, unless the councillor concerned stated in writing, when giving it, that he or she proposes to move it at some later meeting, or has since withdrawn it in writing.
- 11.4 If a motion set out in the summons is not moved and seconded, either by a councillor who gave the notice or by some other councillor, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 11.5 If the subject matter of any motion set out in the summons comes within the remit of any appropriate Council body it shall, upon being moved and seconded formally without supporting speeches, stand referred without discussion to such body. The Mayor however may allow the motion to be dealt with at the Council meeting at which it is moved, if he/she feels it is more convenient and conducive to the dispatch of business.

11.6 **Urgent Motions**

Any councillor may move an urgent motion relating to an urgent issue immediately prior to the commencement of Motions. The subject matter should relate to an issue to which the Council has powers or duties or which affects the Borough.

Any councillor intending to propose such a motion shall, ~~normally~~ if possible, deliver the text to the Monitoring Officer not later than 12 noon on the day before the meeting. The motion shall not be debated unless it is seconded and the Mayor agrees that it involves an urgent issue of which notice under paragraph 11 of this Constitution could not reasonably have been given. An urgent issue is defined as one which could not reasonably have been foreseen or anticipated prior to the deadline for the submission of Motions and which needs to be considered before the next meeting of the ~~Council~~ Council.

12. REPORTS TO THE COUNCIL

12.1 The Council will receive reports from a variety of sources;

- Cabinet - Individually and collectively
- Proper Officers
- Councillor Conduct Committee
- Audit Committee
- Overview and Scrutiny Committee
- Reports/Presentations by external agencies on matters considered to be important to Borough residents and or specific communities of interest.

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12.2 [All reports shall comply with the Council's current requirements for the preparation of reports.](#)

12.3 All reports will have officer advice stated fully and clearly in the reports before the Council. Councillors will lead debate in Council meetings and will address themselves to other councillors through the Mayor. Relevant councillors will be responsible for their recommendations to Council and for ensuring that necessary action flows from Council decisions.

12.4 Reports to the Council will be moved and seconded. The mover of a report and the first speaker for the Opposition may speak for 5 minutes. No subsequent speech may exceed 4 minutes without the consent of the Mayor. The mover of the report will have a right of reply at the end of the debate immediately before the report is put to the vote. A maximum of 3 minutes is to be allowed for the right of reply.

12.5 As an exception to the above rule the Leader of the Council (or a nominated representative) may speak for a total of 10 minutes when moving the budget setting report. The Leader of the Opposition (or a nominated representative) will also be allowed 10 minutes to respond following the budget setting report having been moved and seconded. Normal rules will then apply for the remainder of the debate.

12.6 On any new matters presented to Council by the public and any partner organisation, the Council will reserve its position subject to adequate consideration and advice from the Cabinet, the Overview and Scrutiny Committee, and relevant officer(s).

13. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;

- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer to the Cabinet, a committee/sub-committee/panel of the Council or to an external body;
- (e) to appoint a council body or member arising from an item on the agenda for the meeting;
- (f) to receive reports or adoption of recommendations of council bodies or officers and any resolutions following from them;
- (g) to withdraw a motion (open only to the mover of the motion, or any other councillor authorised to do so on his/her behalf. This must be then agreed by the Council, without discussion, and the seconder, if seconded at the time of the request);
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to vary the timings or the order of business under rule 4 or to extend the time of the meeting for Ordinary meetings, that the meeting continue beyond 10.15pm (or 3 hours after the completion of Mayor's announcements whichever is the later), under rule 9; under rule 9.3;
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a councillor named under paragraph 21.3 or to exclude them from the meeting under paragraph 21.4; ~~and~~
- (q) to give the consent of the Council where its consent is required by this Constitution; ~~and-~~
- (r) to allow further time for debate on an item.

14. RULES OF DEBATE

14.1 The Mayor, subject to these rules, shall call any councillor to speak who has indicated his or her wish to do so.

14.2 No speeches until motion seconded

No speeches may be made until a motion has been moved and seconded.

14.3 Right to require motion in writing

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

4-14.4 4 **Secunder's speech**

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

14.5 Content / length of speeches and Speakers

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

The mover of a Motion and the first speaker for the Opposition may speak for 5 minutes. No subsequent speech may exceed 4 minutes without the consent of the Mayor. . Speeches exercising the right of reply will be limited to 3 minutes.

14.6 When a member may speak again

A councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

(a) in exercise of a right of reply and to sum up at the end of a debate;

(b) on a point of order;

~~(b)(c)~~ by way of personal explanation;

~~(e)(d)~~ In instances where an independent member presents a report to Council, they will also have the right to contribute to the discussion

14.7 Amendments to motions, reports or other business

- (a) An amendment must be relevant to the motion, report or other business being considered and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion or recommendation being considered.

- (b) The text of any amendment shall, normally, be delivered in writing to the Monitoring Officer no later than 12 noon the day before the relevant meeting.
- (c) The substantive motion or recommendations must be moved and seconded before any amendment can be formally proposed. Amendments will be moved and seconded immediately following the substantive motion, report or other business having been moved and seconded. The Mayor will, however, have the discretion to accept additional amendments moved and seconded during the debate which relate to matters highlighted during the debate on that item at the meeting. If an amendment is moved during a debate the Mayor may request a short break in order to allow time for consideration of a suitable form of wording and provision of any advice required to Members.
- (d) There will then follow a single debate on the motion, report or other item of business and any amendment(s) moved and seconded. The debate will finish with the right of reply for the mover(s) of any amendment(s) and of the original motion, report or other item of business (3 minutes each).
- (e) The amendment(s) will then be voted upon, followed by the substantive motion, report or other items of business (amended or not) without further debate.
- (f) If an amendment is carried, the motion, report or other item of business (as amended) takes the place of the original motion, or recommendation(s) in the report or other item of business. The Mayor will then read out the amended motion, recommendation(s) in the report or other item of business before it is put to the vote as the substantive motion or recommendation..

14.8 Alteration of motion

- (a) A councillor may alter a motion of which ~~he/she has they~~ have given notice with but once the deadline for submission of motions has passed this will require the consent of the meeting. The meeting's consent will be ~~signified-put~~ without discussion.
- (b) A councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

Comment [JK2]: Amendment agreed for referral to Council by MDSG on 13th January 16.

14.9 Withdrawal of motion

A councillor may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. This consent will be signified without discussion. No councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

14.10 Motions which may be moved during debate

When a motion, report or other item of business is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion or recommendation;
- (b) to amend a motion or recommendation;
- (c) to amend the timings or the order of business under rule 4 to allow further time for debate;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) to adjourn a debate;
- (g) to adjourn a meeting;
- (h) to extend the time of the meeting under rule 9.3 for Ordinary meetings, that the meeting continue beyond 10.15pm (or 3 hours after the completion of Mayor's announcements, whichever is the later);
- (i) to exclude the public and press in accordance with the Access to Information Rules; and
- (j) to not hear further a councillor named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

14.11 Closure motions

- (a) A councillor may move, without comment, the following motions at the end of a speech of another councillor:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
 - (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will then put the procedural motion to the vote.
 - (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will put the motion to the vote.
 - (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote.
- (~~d~~)(e) When the time allotted for the debate on an item is within 5 minutes of its end, the Mayor shall invite (subject to no extension of time having been sought) the mover of the motion and of any amendments to exercise their right of reply prior to the question(s) being put to the meeting.

14.12 Point of order

A councillor may only raise a point of order at the end of the speech to which it relates. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The councillor must indicate the rule or law and the way in which he/she considers it has been broken. The councillor's speech will be limited to 1 minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the matter will be final.

14.13 Personal explanation

A councillor may only make a point of personal explanation at the end of the speech to which it relates. A personal explanation may only relate to some material part of the earlier speech by the councillor, which may appear to have been misunderstood in the present debate. The councillor's speech will be limited to 1 minute, with any additional time to be agreed at the discretion of the Mayor. The ruling of the Mayor on the admissibility of a personal explanation will be final.

15. OPPOSITION BUSINESS

- 15.1 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 normal business meeting (in May/June), and then the 3rd (November), 4th (January) and 6th (March) ordinary meetings programmed each year, unless otherwise agreed between the political parties. A minimum of 45 minutes will be set aside at each of the four meetings.
- 15.2 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.
- 15.3 The procedure for the submission and processing of such business is as follows:
- (a) The second largest party shall submit to the Monitoring Officer 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 Monitoring Officer 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 Monitoring Officer 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 Council Procedure Rule 2.2 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
- (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 councillor from 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 councillor 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~~through 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.
 - (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

16. PREVIOUS DECISIONS AND MOTIONS

16.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 5 councillors.

16.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 7 councillors. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

This rule will also apply to any other business (with the exception of items reserved to Council or which require Council approval under the Constitution Procedure Rules) in the same terms as ones that have been debated at a meeting of the Council in the past 6 months. This will exclude items dealt with under the guillotine or Council Questions.

17. VOTING

17.1 Simple Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

17.2 Mayor's casting vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise this vote.

17.3 Show of hands

Unless a roll call or recorded vote is demanded under paragraph 157.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the confirmation of the meeting.

17.4 Roll Call

Before the vote is taken, any councillor may ask for a roll call. That member must be supported by 11 other councillors who show their support by standing in their places. The vote shall then be recorded to show how each councillor present cast their vote (or whether they abstained from voting). The Mayor will announce the numerical result as soon as it is known.

17.5 Recorded vote

If 11 councillors present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded in the minutes. A request for a recorded vote will override a demand for a roll call.

17.6 Right to require individual vote to be recorded

Where any councillor requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

This is a mandatory Standing Order under the Local Authorities (Standing Orders) Regulations 1993 and cannot therefore be suspended or deleted.

17.7 Recorded voting at the budget decision meeting

(a) -Immediately after any vote is taken at the Council's Budget Setting Meeting on any decision relating to the making of a calculation there will be recorded in the minutes of that meeting the names of those voting for or against the decision or who abstained from voting.

(b) For the avoidance of doubt; rule 17.7(a) applies to proposed amendments as well as to a substantive motion

(c) The voting will be recorded as a roll call under rule 17.4 above.

This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 2001 (as amended) and cannot therefore be suspended or deleted.

17.8 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

18. MINUTES

18.1 Signing the minutes

The Mayor will sign the minutes of the Council meeting at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. Only points of accuracy can be discussed. Any question of accuracy shall be raised by motion, moved without notice. If no such question is raised or, if it is raised, then as soon as it has been disposed of, the Mayor shall sign the minutes.

18.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting, then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of Paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes of the Local Authority (Standing Orders) Regulations 1993.

This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and cannot be suspended or deleted.

19. RECORD OF ATTENDANCE

All councillors present during the whole or part of a meeting must sign their names in the attendance book prior to the end of each meeting to assist with the record of attendance.

20. EXCLUSION OF PUBLIC

20.1 Members of the public and press may only be excluded from the meeting either in accordance with the Access to Information

Rules in Part 4 of the Constitution or Procedure Rule ~~24~~22 (Disturbance by Public). Every effort will be made to have the decisions made in the open part of the meeting with reports being split into open and confidential or exempt parts.

- 20.2 The specific reason for excluding the press and public will be set out on the agenda (if in accordance with the Access to Information Procedure Rules) and recorded in the minutes.

21. MEMBERS' CONDUCT

21.1 Disclosable Pecuniary Interests

Any councillor who has a Disclosable Pecuniary Interest in any business being considered at a Council meeting must declare that item and leave the room where the meeting is being held whenever it becomes apparent that the business is being or is about to be considered at that meeting, unless the councillor has obtained a dispensation under the Council's dispensation procedure.

21.2 Standing to speak

When a councillor speaks at full Council they must stand (unless unable to do so) and address the meeting through the Mayor. If more than one councillor stands, the Mayor will ask one to speak and the others must sit. Other councillors must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

When the Mayor stands during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.

No councillor shall impute unworthy motives to, or use offensive or unbecoming words about another councillor or be guilty of tedious repetition.

21.3 Councillor not to be heard further

If a councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

21.4 Councillor to leave the meeting

If the councillor continues to behave improperly after such a motion is carried, the Mayor may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

21.5 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

22. DISTURBANCE BY MEMBERS OF THE PUBLIC

22.1 If a group or an individual member(s) of the public interrupts the proceedings at any meeting, the Mayor shall warn the person(s) concerned. If the interruption continues, the Mayor shall order their removal from the meeting room

22.2 In case of general disturbance in any part of the room open to the public, or of the premises where meeting is being held, the Mayor shall order that part to be cleared. If in the Mayor's view, this is not practicable and it is not possible to continue the meeting in light of the disturbance, he/she may rule that the meeting adjourn and/or that the meeting should be reconvened in a different venue.

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

All of these Council Procedure Rules except 17.6, 17.7 and 18.2 may be suspended by motion on notice or without notice if at least one half of all councillors are present. Suspension can only be for the duration of the meeting.

24. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council but not to Cabinet meetings. Rules 5-9, 13-14, 17-24, ~~30-31-27~~ and ~~3332~~ (but not Rule 22.2) will also apply to meetings of committees and sub-committees.

25. IMPLEMENTATION OF THE COUNCIL'S DECISIONS

All decisions of the Council will be implemented in the usual way on all matters within the Council's remit.

Matters outside the remit of the Council will be taken forward by the Cabinet and the Corporate Management Board who will work with and make the necessary representations to outside bodies. The Council will be kept informed of any significant action arising out of these matters.

26. RECORDS OF COUNCIL DECISIONS

A brief record of the decisions made by the Council will be made public within 2 calendar days of each meeting. The record will be posted on the Council's web site. Minutes of the meetings will be available within 10 calendar days of the meeting.

27. PUBLICISING COUNCIL MEETINGS

The Council meetings will be well publicised and the public encouraged to attend.

28. APPOINTMENTS TO OUTSIDE BODIES

Where it is within its power, appointments decided by the Council, including those to outside bodies, will be for the duration of one year. The Council will exercise this power subject to the political balance regulations.

Where the Council is required to appoint to an outside body for a period of more than one year, the Council may at any time withdraw its recognition of the appointee as a representative of the Council.

29. PARTY LEADERS

Each party represented on the Council shall notify the Monitoring Officer of the name of the person selected as that party's leader and the names of all other members of that party group.

30. URGENT ACTION

The Leader (or in his or her absence the Deputy Leader) in consultation with the relevant Cabinet member, shall be able to exercise the powers of the Council in any matter of immediate urgency making the prompt exercise of the powers of the Council desirable and which cannot await the next ordinary meeting of the Council. This shall exclude any matter which the law reserves to the full Council. Decisions made under this provision will be reported to the next meeting of the Council.

31. COUNCIL SEATING PLAN

Councillors will be allocated designated places within the Council Chamber during Council Meetings. This seating plan must be adhered to at all times unless prior agreement is reached with the respective party whip and this is notified to the Mayor and the Monitoring Officer prior to the meeting.

32. FILMING AT MEETINGS

- (a) The filming and recording of the public sessions of any Council, Cabinet, Committee, Panel or Ward Forum meetings through any audio, visual or written methods will be allowed, providing this does not disturb the conduct of the meeting.
- (b) The Chair of the relevant meeting will have the power to withdraw this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example through flash photography, intrusive camera or lighting equipment or the behaviour of the person filming the meeting.
- (c) Subject to (a) and (b) above, reasonable facilities will be provided for anyone wishing to record or film at a meeting. Whilst notice is not formally required anyone intending to film or record at a meeting is asked to contact the relevant meeting administrator in advance of the meeting, so that the Chair, other councillors and any members of the public present can be informed and the necessary arrangements made.
- (d) All those visually recording a meeting must remain in designated areas within the meeting room and are requested to only focus on recording councillors, officers and the public directly involved in the conduct of the meeting. Should any member of the public participating in the meeting object to being filmed then the Chair will make arrangements for that individual to be excluded from the recording.
- (e) Covert recording/filming at meetings will not be permitted and the person filming will be asked to provide an assurance that (a) recordings will include sound and vision; (b) the original version will be available to the Council on request; and (c) that recordings will not be edited in a misleading way.
- (f) If a meeting passes a motion to exclude the press and public then all rights to record the part of the meeting to which the exemption applies will be removed.

33. PETITIONS

In accordance with the Council's Petition Scheme, if a Petition is received which contains at least 1% of the assessed population figure from the 2011 Census (3,124) as published by the Office of National Statistics it will be referred for debate by the full Council, unless it is a petition asking for a senior council officer to give evidence at a public meeting.

The Head of Scrutiny will advise the petition organiser of the date for full Council and the time allowed for presentation of the petition in addition they will seek to clarify the remedy being sought and advise that a councillor can present the petition on their behalf. A report will then be prepared detailing the subject of the petition and what action the Council and/or partner organisations are being asked to take and arrange for this to be included on an appropriate Council agenda that suits all parties.

The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

34. INTERPRETATION OF RULES

The ruling of the Mayor as to the construction or application of any of these rules shall not further be challenged at any meeting of the Council.

MUNICIPAL YEAR 2015/2016 REPORT NO. **170**

MEETING TITLE AND DATE:

Member & Democratic Services Group
– 13 January 16
Council – 28 January 2016

REPORT OF: Tony Theodoulou

Interim Director of Children's Services

Contact officer and telephone number:

Linda Hughes 0208 379 8222

E-mail: Linda.Hughes@enfield.gov.uk

Agenda - Part: 1	Item: 11
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<p>Subject: Reference from Member & Democratic Services Group: Enfield's Corporate Parenting Board for Looked After Children - Changes to Terms of Reference</p>

<p>Cabinet Member consulted: Cllr Orhan</p>
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1. EXECUTIVE SUMMARY

This report seeks approval to change the Terms of Reference for Enfield's Corporate Parenting Group to increase representation by Elected Members on this Group from two to four. The Group is chaired by the Cabinet Member for Education, Children's Services and Protection and also includes the Shadow Cabinet Member for Children's Services. This is body on which Council has agreed to waive the proportionality requirements, so that its membership remains balanced between both political groups.

As Cabinet Member, Councillor Orhan has the key role in overseeing partnerships and plans, to ensure that the Council's looked after children are safeguarded and that their life chances are promoted. However, the 2004 Children Act conferred a legal responsibility on all Elected Members within a Council to fulfil the duties of a good corporate parent. In Enfield, this role is discharged in part through the functions of the Corporate Parenting Group, chaired by the cabinet member and attended by the shadow cabinet member.

The proposal to increase the number of Members on the Group would ensure fuller representation on the strategic board responsible for overseeing the welfare of the Councils looked after children and was approved for recommendation on to Council by the Member & Democratic Services Group on 13th January 2016.

In addition Member & Democratic Services Group identified a need to clarify the arrangements for deputising as chair the Group, should the Cabinet Member not be present. It was recommended that in these instances the deputy should

come from one of the other councillors chosen at the meeting, which has been reflected in section 4.2 of the appended Terms of Reference.

2. RECOMMENDATIONS

That the proposal to increase the representation of Elected Members on the Council's Corporate Parenting Board from two to four (split 2:2 between both groups) along with the deputy chairing arrangements are approved, as detailed in the Terms of Reference attached as Appendix 1.

3. BACKGROUND

Corporate Parenting refers to the responsibility of a Local Authority and its partner agencies to safeguard its looked after children and to ensure that their life chances are promoted. Elected members have a key role to play in ensuring that a Council's obligations to its looked after children are met. The 2004 Children Act sets out the specific responsibilities in this regard. Elected members must be satisfied that;

- Effective policies and practices are in place to promote the welfare of looked after children
- Appropriate mechanisms are in place to ensure the participation of looked after children in the services which affect them
- The needs of looked after children are prioritised
- Appropriate scrutiny is in place to inform service improvement
- Services are monitored for their effectiveness in meeting the needs of looked after children

The Corporate Parenting Group is an important mechanism for allowing Members to scrutinise the work of officers in order to satisfy themselves that these responsibilities are being met.

Members of Kratos, the Children in Care Council, sit on the Corporate Parenting Group and this provides Members with an opportunity to hear directly from looked after children about the services they receive. The young people from Kratos enjoy the opportunity to speak directly to the Members and officers on the Corporate Parenting Group and their active involvement helps shape service development and delivery.

4. ALTERNATIVE OPTIONS CONSIDERED

Not applicable

5. REASONS FOR RECOMMENDATIONS

To extend the involvement of Elected Members in the governance arrangements for the Council's looked after children

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

6.1 Financial Implications

None identified in relation to this proposal.

6.2 Legal Implications

The proposal seeks to assist the Council to fulfil its Corporate Parenting duties as defined in the 2004 Children Act

7. KEY RISKS

There are no identified risks

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

The Corporate Parenting Group oversees all the services to looked after children and ensures that the needs of vulnerable children are fully met.

8.2 Growth and Sustainability

The Corporate Parenting Group ensures that looked after children and care leavers have access to targeted services which prepare them for employment, education and training.

8.3 Strong Communities

The Corporate Parenting Group provides strong leadership, encourages the active citizenship of looked after children and listens to their views. It coordinates partnership working to achieve the Council's aims.

9. EQUALITIES IMPACT IMPLICATIONS

The Corporate Parenting Group provides a governance function for services for looked after children. This ensures that looked after children have every opportunity to fulfil their potential and achieve positive outcomes in line with their non looked after peers.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

A key role of the Corporate Parenting Group is to scrutinize the performance of a range of services to ensure that these are effective.

11. HEALTH AND SAFETY IMPLICATIONS

There are no health and safety implications

12. HR IMPLICATIONS

There are no HR implications

13. PUBLIC HEALTH IMPLICATIONS

There are no public health implications

Background Papers: None

Appendix 1: Terms of Reference – Corporate Parenting Group

1. Purpose of the Group

To ensure that the Council fulfils its role as corporate parent to its looked after children, young people and care leavers and that Members, partner agencies, officers and the children in care council work together to provide a coordinated, holistic approach to service delivery and development

2. Tasks

- 2.1 To oversee the development of the Corporate Parenting Strategy and to monitor the implementation of the action plan to ensure continuous service improvement
- 2.2 To promote the participation, engagement and influence of looked after children, young people and care leavers in the services which affect them
- 2.3 To ensure that the Council's foster carers are involved and engaged with strategic and operational developments
- 2.4 To make sure that all constituent services prioritise the well-being of looked after children, young people and care leavers and work together to remove barriers to success and to promote positive outcomes
- 2.5 To receive and challenge reports on the progress and achievement of looked after children, young people and care leavers

3. Membership

3.1 Membership list:

Organisation/ Department	Designation	
Enfield Council	Lead Member for Education, Children's Services & Protection Shadow Cabinet Member for Children's Services 2 x additional Councillors	
Children's Services	Director of Children's Services (Interim) Asst Director for Children's Social Care (Interim) Head of Service for Looked After Children Head of Virtual School & HEART Team Manager Designated Nurse Service Manager Leaving Care/LAC	

KRATOS Members	Chair of Kratos Deputy Chair of Kratos	
Education Services	Chief Education Officer (Interim)	
Health Services	Head of Children's Health Commissioning	
Safeguarding	Head of Safeguarding	
Enfield Foster Care Association	FCA Chairperson	
Cheviots Children's Disability Service	Head of Service/ Service Manager	
Youth Services	Deputy Head of Youth Support Service Participation Team Manager Targeted Youth Engagement Worker	
Local FE college	College of Haringey and North East London	
Housing Representatives	Housing Options and Advice Health, Housing & Adult Social Care	

3.2 The Group shall have the power to co-opt other members as appropriate.

3.3 Each member of the Group can nominate a deputy who will attend in their absence, if appropriate and subject to the agreement of the Chair.

4. Meetings

4.1 The Group shall meet at least 4 times a year with additional meetings to be arranged as agreed by Members.

4.2 The group will be chaired by the Lead Member for Education, Children's Services & Protection; and deputised **by another councillor chosen at the meeting, should the chair not be present.**

4.3 Administrative support will be provided by the Department of Children's Services to complete the following.

- Co-ordination of agenda preparation
- Support the convening of meetings
- Circulation of agendas and papers prior to meeting
- Monitoring and progressing actions agreed by the Group

5. Scrutiny

5.1 The activities of the Corporate Parenting Group will be subject to scrutiny by the relevant scrutiny committee.

6. Review

These terms of reference will be reviewed annually.

Council Questions 28 January 2016

Section One: Questions for Cabinet Members

Question 1 from Councillor Neville to Councillor Anderson, Cabinet Member for Environment

I made the Cabinet Member aware on 17 December 2015 of a post by the London Cycling Campaign (LCC) urging its supporters to vote for the council's proposals for Enfield Town in which it said the scheme needed saving urgently.

Can the cabinet member tell the council unequivocally:

- (a) What steps he took on receipt of my email, which he failed to acknowledge, to investigate how the LCC could have become aware of the level of response to the consultation such that it was able to attempt to distort the outcome by seeking to elicit favourable responses from cycling supporters across London?
- (b) Does he believe that it is appropriate for the LCC or any other campaigning group to seek to encourage responses from persons other than residents and businesses in the borough?
- (c) That responses from persons living outside the borough will not be counted in assessing the level of support for the various schemes?
- (d) That the 260 responses to the A105 proposals from persons outside the borough (including 43 living outside London) and included in his claim for "majority support", will now be discounted?

Reply from Councillor Anderson:

As I have repeatedly said the Council is engaged in a series of consultation exercises for each segment of the Cycle Enfield programme which will be subject to Cabinet approval. There is no referendum so the continual emphasis on the numbers responding is a complete red herring and there was no outcome with which to distort. The LCC was, therefore, equally mistaken in their assumption that the scheme needed saving.

With regards to the A105 consultation - like all the segments that make up Cycle Enfield - its objective was to elicit comments, views and opinions in order to help us shape the design ensuring that it mitigates and addresses, where possible, concerns raised by the respondents. This would naturally include the views of those living outside of Enfield who are just as capable of identifying improvements as Enfield residents and businesses. Cycle Enfield is a huge project that has regional, not solely an Enfield, impact so we welcome all responses, wherever they come from, to our consultations, although of course we are keen to hear from those who live, work, study and do business and shop in Enfield.

As to Councillor Neville's point about "majority support" for the A105 proposals I believe that David Burrowes MP himself has effectively demonstrated that.

Unhappy with our thorough and methodical consultation process, which was aimed at eliciting comments on the design of the schemes, Mr Burrowes instead engaged in his own methodically questionable tick-box 'referendum' that referred at various points to Cycle Enfield as a principle, the A105 and Enfield Town schemes.

Be that as it may, in spite of his claim that 75% of his constituents oppose our plans for the A105, his 'referendum' actually showed otherwise. Postcards were sent out to 17,000 households, interestingly only a portion of his constituency, of which just 2,828 or 16.64% of those - responded. Of this 1,973 people opposed the proposals, which is just 11.6% of the 17,000 households.

However, rather like the dog that did not bark in Conan Doyle's 'Silver Blaze', the more interesting fact is that the overwhelming majority he polled - 14,172 of households or 83.37% have chosen not to participate. It cannot, therefore, be said that 75% of those polled, let alone of David Burrowes' constituency, are opposed to Cycle Enfield.

Question 2 from Councillor B Charalambous to Councillor Taylor, the Leader of the Council

As well as the penalties imposed upon us by the damping mechanism and the historically poor public health funding, the 2016/17 provisional funding settlement is especially unfavourable to us. Could the Leader of the Council explain why Enfield's funding is worse than many others and whether the methodology used by Government was subject to consultation?

Reply from Councillor Taylor:

Enfield's Settlement Funding Assessment (i.e. Revenue Support Grant and Retained Business Rates) will fall by 11.7% in 2016/17 and by 29.9% by 2019/20. This compares to the average fall for inner London of 8.6% (2016/17 and 24.6% (2019/20). This position is the result of inner London councils' Revenue Support Grant (RSG) and Retained Business Rates still being higher than outer London but with overall smaller percentage reductions set by the Government.

The Settlement has been changed so that rather than all local authorities receiving the same percentage reduction in RSG funding, the government will now take into account the amount that can be raised locally from Council Tax, thereby increasing the reduction in RSG funding for higher taxbase authorities (in terms of the ratio of taxbase income to Settlement Funding Assessment) and lowering the reduction for lower than average taxbase authorities. The government has also altered the split of funding between tiers of government, which would appear to favour upper tier services. These changes have not been consulted upon previously.

Question 3 from Councillor Neville to Councillor Anderson, Cabinet Member for Environment

As regards the Cycle Enfield proposals for Enfield Town, will the Cabinet Member confirm to Council that almost every stakeholder in Enfield Town has opposed the Council's proposals, many in pretty strident terms, and that the list includes the following:

- The Head of UK Retail Property Estate for Standard Life,
- Freeholders of both Palace Gardens and Palace Exchange
- The Palace Exchange Traders Association
- The Old Enfield Charitable Trust
- The Enfield Over 50s Forum
- The Enfield Businesses and Retailers Association
- The Enfield Town Residents Association

Can he now tell the council what action he proposes to take against the background of such overwhelming opposition?

Reply from Councillor Anderson:

The responses to the Enfield Town consultation are still being analysed and so any detailed comment at this stage would be extremely premature. However, I reiterate that the purpose of a consultation exercise, unlike that of a referendum, is to elicit comments and identify concerns so that a considered decision can be made. It is not in essence about how many people favour or disfavour proposals. That said I have no doubt that that the draft proposals will adapt and evolve in light of the extensive feedback we have received and will be subject to Cabinet approval. Cycle Enfield remains part of this Administration's vision of creating a better Enfield - one that will transform the borough, boost the local economy, significantly improve transport links and help create a cleaner and healthier borough.

Question 4 from Councillor Stewart to Councillor Orhan, Cabinet Member for Education, Children's Services & Protection

Can the Cabinet Member for Education, Children's Services & Protection please tell this Council the potential implications of any further reductions of the Government's Schools Grant funding allocations to Enfield?

Reply from Councillor Orhan:

I have to tell Council Members that I am very concerned about the negative impact on our schools as a result of the current funding policy. The government is telling us that schools' budgets will be protected and I am afraid to say that this is just not the case. Last year, and again this year, there has been a flat cash settlement, i.e. no reduction in funding but no allowance for inflation or increased costs in say pensions or pay settlements. In order to cover this, schools will have to make hard decisions in terms of staffing just to break even. They are also feeling the impact of cuts to Local Authority services that may have previously been provided free of charge. If you then add the increasing level of need across Enfield and the challenges this is bringing to all schools you will begin to understand my concern.

Several of our schools in Enfield are already finding themselves struggling with deficit budgets and over one third are reporting that they will not be able to set a

balanced budget over three years. This will mean that increasing numbers of schools will be faced with cutting the very staff that are needed to meet the increasing demands of the children and young people.

Colleagues will be interested to know that Schools Forum and my officers have recently asked our MPs to lobby on our behalf to ensure that Enfield's context is taken into consideration and I am happy to report back to Members if we receive any feedback.

Question 5 from Councillor Neville to Councillor Anderson, Cabinet Member for Environment

Does the Cabinet member agree with the Head of UK Retail Property Estate for Standard Life Investments, who cannot possibly be described as NIMBY, when he says "however having carefully studied the council's current preferred proposals (options 1 and 6a) we have serious doubts about the ability of either of these options to deliver the positive outcomes we would all hope for. We believe both option 1 and option 6a would lead to greater traffic congestion and restrict shopper access, thereby negatively impacting the majority of businesses in the centre of Enfield..."

We have identified various specifics within the current preferred proposals that we believe would be particularly unhelpful, especially,

- Creating a two way traffic flow on Cecil Road
- Changing the road layout on Church Street "

Reply from Councillor Anderson:

I appreciate and respect those comments and we will, of course, continue to work with local businesses to understand, mitigate and address (where possible) their concerns. As part of the evaluation proposals moving forward and as part of the Cabinet approval process, we will necessarily take into account traffic modelling exercises and the results of an economic assessment. However, it is worth reiterating that the vast majority of traffic that passes through Church Street does not stop and, therefore, can hardly be said to enhance the ambience of Enfield Town. Furthermore, 75% of those who visit Enfield Town do not come by car, but that, nonetheless, existing council car parking facilities will remain.

Question 6 from Councillor Pite to Councillor Orhan, Cabinet Member for Education, Children's Services & Protection

Can the Cabinet Member for Education, Children's Services & Protection tell this Council if London Authorities such as Enfield are the biggest losers of the new education funding allocations from Government and how much per pupil Enfield is likely to lose?

Reply from Councillor Orhan:

The funding allocations to the Council's Education Support Grant are calculated on a per pupil basis and the information we have received about the proposed changes to

that funding indicate that this rate will be reduced for pupils in maintained schools by almost 12%. (Currently we receive £87 per pupil and this is to be cut to £77.)

This money is used to fund a number of Council services that provide statutory support for schools such as Education Welfare, Educational Psychology and School Improvement support for schools causing concern and moderation activities. Colleagues will know that many of these services have already faced reductions to their budgets and are likely to be placed under further pressure as part of the Council's savings programme. The fact that we have one of the largest school-age population in London and that it is continuing to increase will mean that we are one of the biggest losers, particularly as the percentage of vulnerable children in Enfield is still increasing at a much faster rate than many other London Local Authorities. This will place still more pressure on services that are already stretched, as the government is changing the entitlement to benefits and support without actually doing anything to address the real level of need of these families and young people.

Question 7 from Councillor Neville to Councillor Anderson, Cabinet Member for Environment

Can the Cabinet Member tell the Council why Option 4 in the Cycle Enfield proposals for Enfield Town, which appears to command some support, was not included in the main consultation, and in the light of the opposition, will he now withdraw the present proposals and re-consult on Option 4.

Reply from Councillor Anderson:

As previously explained, a wide range of options were initially considered before going out to public consultation. This included option 4. However, the two options that were consulted upon were the ones that the Council felt would best deliver the improvements we are looking to achieve in Enfield Town and which Transport for London (TfL) would fund if approved by Cabinet. Therefore, we did not believe it right to consult on an option that we did not believe would deliver what we are looking for and would not be funded by TFL.

Question 8 from Councillor Stafford to Councillor Taylor, Leader of the Council

I am sure that all councillors thoughts are with the families in Scotland and Yorkshire whose lives have been destroyed by the recent flooding. Whilst this Conservative Government continues to be criticised for its lack of investment in these areas, this Labour Council has invested heavily in protecting all our residents from our recent changes in climate. Could the Leader of the Council comment on our approach and in particular the Salmons Brook Flood alleviation scheme that the opposition opposed vehemently from day one: this is despite its obvious benefits to our residents in Edmonton Green?

Reply from Councillor Taylor:

Enfield has recently developed a Local Flood Risk Management Strategy. This document describes how the Council works with partners such as the Environment Agency and Thames Water to protect residents and businesses from flooding across the borough. A public consultation was carried out in 2015 to raise awareness about

these issues and give residents an opportunity to comment on the proposals, the final document is due to be published by March 2016. Aside from some minor landscaping and tree planting, construction works for the Salmons Brook Flood Alleviation Scheme are now complete. This scheme, delivered by the Environment Agency with support from Enfield Council, reduces the risk of flooding for approximately 2,000 properties in the Edmonton area. My recollection is that the Conservative opposition were not supportive of the flood alleviation scheme.

Question 9 from Councillor Neville to Councillor Anderson, Cabinet Member for Environment

In connection with the Cycle Enfield proposals, can he tell the Council whether he and or the Leader of the Council have had any meetings with the Mayor of London and or any of his senior representatives to discuss the proposals, and if so with what result?

Reply from Councillor Anderson:

We have an excellent relationship with the Mayor's Office and Transport for London (TfL) and had a number of meetings with Andrew Gilligan, the Mayor's Cycling Commissioner for London as well as having had a number of conversations with Isabel Dedring, Deputy Mayor of London. Both have been enthusiastically supportive of our Cycle Enfield proposals.

Question 10 from Councillor Pite to Councillor Brett, Cabinet Member for Community Organisations and Culture

Can the Cabinet Member for Community Organisations and Culture comment on the dire warnings of Sir Bernard Hogan Howe about the future of policing in London and the implications for Enfield?

Reply from Councillor Brett:

The Autumn Spending Review did not see the realisation of 40% cuts to police that had been anticipated and which the Commissioner had raised concerns about publicly. The attacks in Paris and elsewhere would have made cuts to security (including policing) seem contrary to public concerns about safety.

The detail of the review is not yet fully understood, but we will check that Enfield is not disadvantaged. We know that there is a recruitment drive planned over the next year for up to 1900 extra officers. We will seek assurances that Enfield receives its full complement of recruits, but retains the necessary level of experienced officers to ensure community safety.

Question 11 from Councillor Neville to Councillor Anderson, Cabinet Member for Environment

Can he tell the Council what action he has personally taken to influence the proposals in each of the Cycle Enfield schemes?

Reply from Councillor Anderson:

I have frequent meetings and conversations with Council officers and our consultants to discuss the Cycle Enfield schemes and to ensure that they are in alignment with our vision of a better Enfield.

Question 12 from Councillor Simon to Councillor Anderson, Cabinet Member for Environment

The Environment Department has recently concluded a comprehensive review of our approach to running large-scale events at Trent Park. This enabled local stakeholders to feed into the process and raise any concerns they may have based on recent events. Can the Cabinet Member for Environment confirm how he will be responding to any issues raised?

Reply from Councillor Anderson:

The outcome of the review has been communicated with all local stakeholders. The review highlighted a number of issues raised by stakeholders and recommended additional control measures, which have now been implemented, to assist in the mitigation of these issues, where possible, when planning and delivering future events.

The key actions we will be taking are as follows:

- The Council will commit to a maximum number of 8 event days or 4 weekends for large-scale events (i.e. over 5,000 people), per calendar year, within the park.
- There will be a minimum of a 3-week gap between all large events (unless there is an exceptional reason not to have this gap).
- There will be a maximum of 4 large-scale (i.e. over 5,000 people) event days or 2 weekends during the school holiday in July and August.
- The Council will take control of the delivery and implementation of offsite traffic and waste management, but funded by the organiser.
- There will be an introduction of an Environmental Impact Fee (subject to the Council agreeing this in February as part of its fees and charges), which will be ring-fenced for investment directly into the park (with the agreement of the Friends of Trent Country Park).
- The Council will progress, with the intention to implement, an online event application process to assist in providing a more modern and efficient approach to communication and consultation with stakeholders.
- There will be the creation of a Trent Country Park stakeholder group to assist the distribution of information to all interested parties and allow for any concerns around events to be discussed, and for the appropriate control measures to be put in place.
- The Council will commit to work, and consult, with all stakeholders on a new borough-wide outdoor event policy for implementation by 2018.

Question 13 from Councillor Neville to Councillor Anderson, Cabinet Member for Environment

Can he tell the council why hard copy consultations were not delivered to every household likely to be affected by the proposals for Cycle Enfield, as would have been the case for very modest traffic schemes?

Reply from Councillor Anderson:

The question is not comparing like with like. 'Modest traffic schemes' do not cover three miles of A road. It would therefore be completely impractical and incredibly wasteful to send large scale plans covering, for instance, the entire A105 scheme to each and every household along the corridor.

However, 14,000 letters were sent to all homes and businesses along the proposed route and a further 60,000 leaflets were sent to homes in the surrounding area encouraging them to have their say. Letters were also sent to schools and youth groups, such as the scouts; to larger businesses across the borough to publicise the scheme and encourage participation in the consultation. Details were publicised in 'Our Enfield' the Council's own publication, which goes to ALL households in the borough. The independently produced 'EN Magazine' also featured the scheme. In addition, officers attended the Palmers Green Festival and Enfield Town Show promoting the scheme and meetings were held with older people at sheltered housing complexes and day centres along the proposed route. Contact was also made with the emergency services, road user groups and bus operators. Additionally, posters were publicly displayed and there were articles and adverts in the local papers.

Nonetheless, the online approach taken allowed those interested to see all the detail they required in order to come to an informed view on our proposals. It also allowed us to reach a much wider audience than would usually be the case, in particular the young who are typically under-represented in our consultations. However, those who requested hard copy consultation plans and forms were accommodated.

Question 14 from Councillor Maguire to Councillor Brett, Cabinet Member for Community Organisations & Culture

While I am delighted that Ed Vaizey MP, Minister of State for Culture, Communications and Creative Industries, is encouraging local councils to protect their arts budgets in a recent parliamentary debate, does the Cabinet Member for Community Organisations and Culture have any ideas on how this can be made possible in Enfield given the scale of government cuts to local authorities?

Reply from Councillor Brett:

Over the past seven years Enfield Council has invested in the capital infrastructure of the Arts and Culture Portfolio to enable the department to become financially self-sufficient. We have refurbished the Council's four primary cultural venues, Millfield Theatre, Millfield House, the Dugdale Centre and Forty Hall and Estate, enabling the venues to generate increased revenue through a variety of sources including venue

hire and event ticket sales. The investment has enabled the Council to produce a business plan that supports cultural activity whilst at the same time reducing the cost of the service to the council year on year. At the same time the Arts and Culture Team has worked with independent local cultural providers to create a support network for festivals and events throughout the borough that creates a platform to share information and expertise to ensure the sustainability for arts and culture in Enfield, into the future.

Question 15 from Councillor Neville to Councillor Anderson, Cabinet Member for Environment

Can he tell the Council why the economic impact assessment for the A105 Cycle Enfield proposals was only commissioned shortly before Christmas with a requirement for its completion by mid-January 2016?

Does he not agree that with the Christmas and New Year holiday straddling that period the assessment is unlikely to be accurate?

Reply from Councillor Anderson:

No I don't. The economic impact assessment utilises a wide range of published information and the time of year the study was commissioned is entirely irrelevant and displays a complete lack of understanding of the process involved.

Question 16 from Councillor Barry to Councillor Keazor, Cabinet Member for Public Health & Sport

Could the Cabinet Member for Public Health & Sport update on us on significant developments in the sport portfolio over the last 3 months?

Reply from Councillor Keazor:

Enfield Council is part of the leisure and sport national commissioning programme delivered by Chief Leisure Officers Association (CLOA) and Sport England to explore the cross cutting agendas that sport and physical activity can contribute to strategically. A range of colleagues were interviewed including our Chief Executive, Director of Finance, Resources & Customer Services, Director of Public Health and Chair of the Enfield Clinical Commissioning Group (ECCG), and a desktop analysis of our strategies and those of the ECCG and NHS was undertaken. We are working through the findings but the initial steer is around prevention, exercise referral, regeneration and marketing and communications. This project is about changing the perception of sport and physical activity and recognising its benefits to wider social development and health inequalities.

We have also submitted a bid to the Greater London Authority for the Mayor's Sports Participation Fund and we are invited to the second stage for a presentation/interview. We are hoping to hear the outcome by end of the month. The programme would focus on 3 projects including a women and girls project, a falls prevention programme for people who have recently fallen or are at risk of falling working in partnership with the Enfield Clinical Commissioning Group (CCG) and an exercise referral programme.

We are now rolling out the Section 106 community coaching hours, in partnership with the Tottenham Hotspur Foundation (THF), to local community groups to receive free coaching from THF coaches to encourage active lifestyles. Groups already involved in the programme include MIND, Sisters in Islam, Enfield Children, Age UK, Mencap, the Radiomathon Centre and young people's services to name a few.

The Council's Leisure and Sport Team has piloted health awareness training with a view to roll this out to front line staff such as social workers. The training is called 'Make Every Contact Count', and is about everyone promoting health and well-being through very brief interventions/conversations. This will ensure residents that may not be thinking about physical activity for health benefits are providing information on how they could make a lifestyle change in relation to exercise, nutrition, smoking and drinking less alcohol and sugary drinks.

Question 17 from Councillor Neville to Councillor Anderson, Cabinet Member for Environment

Can he tell the Council when the Environmental Impact Assessments on all the proposed Cycle Enfield schemes will be commissioned?

Reply from Councillor Anderson:

An Environmental Impact Assessment is not actually required under the provisions of the Town and Country Planning Act (Environmental Impact Assessment) Regulations 2011; although a formal screening opinion will be obtained as and when the schemes are determined. Nevertheless, in early November 2015, Cambridge Environmental Consultants Ltd (CERC) were commissioned to undertake air quality assessments for the five main road cycling schemes, which are likely to see the main environmental impact.

Question 18 from Councillor During to the Councillor Alev Cazimoglu, Cabinet Member for Health & Social Care

The Chief Nursing Officer for England recently visited Enfield's Integrated Learning Disabilities Service (ILDS). Could the Cabinet Member for Health & Social Care tell us what was the purpose of this visit and what was her impression of the service in Enfield?

Reply from Councillor Alev Cazimoglu:

The Chief Nursing Officer, Jane Cummings, visited the ILDS on Tuesday in recognition of the excellent work done by the service and its partners in moving people with learning difficulties on from hospital and to reduce the need for new admissions to Assessment & Treatment (A&T). This has been a priority, post Winterbourne View. Whilst Enfield had very low numbers of people placed in out of borough assessment & treatment services, we have done exceptionally well in moving these people on to new, more inclusive accommodation. We have also reduced admissions from the community to A&T from 1,850 bed nights in 13/14 to 200 bed nights to date in 2015/16.

Jane Cummings met with one of our service users who spent 25 years in a hospital under the Mental Health Act, who is now living in her flat in Enfield and doing incredibly well. Jane was very impressed with what she found in Enfield and particularly commented on the strength of our integrated health and social care service for people with learning disabilities. Jane also highlighted how person centred our service was, noting that this is not consistently found in many other places.

We are rightly proud of our learning disabilities health & social care partnership and our front line staff who work with dedication and skill. To receive this recognition from the most senior nurse in England is fantastic.

Question 19 from Councillor Neville to Councillor Anderson, Cabinet Member for Environment

For each of the Cycle Enfield schemes please confirm to the Council precisely when and by whom traffic surveys and for what duration (either desktop or otherwise) were carried out to enable the necessary traffic modelling that you have previously said was undertaken prior to consulting on these schemes?

Reply from Councillor Anderson:

Please see below details of the traffic surveys undertaken to inform the traffic modelling for the main road cycling schemes:

Scheme	Survey Times	Survey Company	Methodology
A105	07:00-10:00 and 16:00-19:00 on Tuesday 8 July 2014 10:00-16:00 on Saturday 12 July 2014	Advanced Transport Services	Video camera surveys were undertaken, with classified counts recorded in 15 minute periods. Saturday surveys were only carried out at key locations, such as supermarket access junction etc. where flows would be comparatively high on a Saturday.
Enfield Town	07:00-10:00 and 16:00-19:00 on Tuesday 8 July 2014 (Non-Market	Advanced Transport Services	Video camera surveys were undertaken, with classified counts recorded in 15 minute periods.

	Day) 07:00-10:00 and 16:00-19:00 on Thursday 10 July 2014 (Market Day) 10:00-16:00 on Saturday 12 July 2014		Saturday surveys were carried out at all junctions in the Enfield Town model scope.
A110 Southbury Road corridor	07:00-10:00 and 16:00-19:00 on Thursday 11 December 2014 10:00-16:00 on Saturday 13 December 2014	Traffic Survey Partners	Video camera surveys were undertaken, with classified counts recorded in 15 minute periods. Saturday surveys were only carried out at key locations, such as supermarket access junction etc. where flows would be comparatively high on a Saturday.
A1010 Hertford Road South	07:00-10:00 and 16:00-19:00 on Thursday 29 January 2015 10:00-16:00 on Saturday 31 January 2015	Advanced Transport Services	Video camera surveys were undertaken, with classified counts recorded in 15 minute periods. Saturday surveys were only carried out at key locations, such as supermarket access junction etc. where flows would be comparatively high on a Saturday.
A1010 Hertford Road North	07:00-10:00 and 16:00-19:00 on Thursday 16 July 2015 10:00-16:00 on Saturday 18 July 2015	Traffic Survey Partners	Video camera surveys were undertaken, with classified counts recorded in 15 minute periods. Saturday surveys were only carried out at key locations, such as supermarket access junction etc. where flows would be comparatively high on a Saturday.

Question 20 from Councillor Nesil Cazimoglu to the Councillor Sitkin, Cabinet Member for Economic Regeneration & Business Development

Would the Cabinet Member for Economic Regeneration & Business Development update the Council on the Sustainability Award that the London Borough of Enfield has been shortlisted for this year - and explain how this adds to the UK Entrepreneurial Council of the Year commendation that the Business and Economic Development Department received last year?

Reply from Councillor Sitkin:

Enfield Council's Sustainability Team has made the shortlist for the national 'Team of the Year' award, run by weekly magazine the Local Government Chronicle.

The Council is one of just 10 authorities shortlisted for the award, competing against 98 other local authorities from across the UK. Interviews are in mid-January, with the awards ceremony on 16 March 2016 at Grosvenor House, London, which is the LGC's 20th anniversary event.

Judges fed back that the Sustainability Team's entry was 'extremely well presented,' was 'underpinned by strong team work' and was 'both customer and community focussed.' It provides national recognition of Enfield Council's bold vision to make Enfield a better place to live, work and visit.

The Enfield 2020 Sustainability Programme is leading the way amongst UK local authorities. With over 50 large-scale sustainability projects and over £1 billion being invested by Enfield Council and partners in this agenda.

The Council has put sustainability at the heart of our economic development strategy, nurturing a green tech industry that will give our people and entrepreneurs an excellent chance to succeed in the growth sectors of the future. We are also establishing "Energetic" as a Council's own energy company that is becoming a model for the rest of the country. At the same time, we've reduced the Council's carbon footprint by 35% over 5 years and supported our communities in achieving great energy savings.

The innovative nature and impact of Enfield 2020 has been recognised on the national stage for the last three years. In 2014 the Council was finalist in the Local Government Chronicle (CGC's) Public Sector Energy Efficiency Awards. In 2015 the Council received an LGC commendation as UK Entrepreneurial Council of the Year. This was a Council wide award and recognised the approach of our trading company. We're now a finalist in 'Team of the Year' award.

Question 21 from Councillor Rye to Councillor Alev Cazimoglu, Cabinet Health and Social Care

Following the announcement of the closure of Reardon Court, could she inform the Council how many clients are affected by this closure, how many has the council now made alternative arrangements for and at what date would she anticipate Reardon Court closing its doors for the final time?

Reply from Councillor Alev Cazimoglu:

Currently there are 24 residents, 16 tenants and 63 day centre attendees at Reardon Court.

All service users are receiving formal assessments as expeditiously as possible and are being supported by Council officers to find suitable alternative accommodation, care and support. No definitive end date has been set as the Council wants to ensure that the necessary processes are followed to enable all service users to be moved to appropriate alternative placements which meet their needs. However, it is envisioned that service users will be in transition in 2-3 months.

Question 22 from Councillor Uzoanya to Councillor Alev Cazimoglu, Cabinet Member for Health & Social Care

Could the Cabinet Member for Health & Social Care explain impact of the spending review on Adult Social Care in Enfield over the next two years?

Reply from Councillor Alev Cazimoglu:

Before I talk specifically about the spending review let me first say that between 2010 and 2019 the amount of money allocated to this Council through our revenue grant from central government will have fallen by 60%. Despite all of the hard work done to date and the many difficult decisions taken, the council still faces a £70m funding shortfall. Only £20m of that amount has been found so far leaving a further £50m to find. Adult Social Care, with a net budget of around £80m has a savings target by 2019 of £24m, a 30% reduction. Factor in to that increasing numbers of vulnerable people who continue to need our help and we have an additional annual pressure of £2m. The Council has made no provision for these additional pressures and these additional costs will have to be met from within existing resources.

Moving to the Spending Review, there were two very specific items relating to Adult Social Care. The first is the creation of a social care precept equal to a 2% Council Tax levy. In Enfield this equates to about £1.8m per year. The second is an increased allocation for local authorities from the Better Care Fund. I need to say here, however, that this does not begin until 2017/18 when our pressures in Adult Social Care are very real right now and it will be money taken from health services. If you then consider, in addition to the pressures I've mentioned already, the pension reforms and living wage requirements to fund for a front line workforce highly undervalued, struggling to retain its people and finding it so difficult to attract new people, I believe the impact of the spending review will barely scratch the surface when so much more further investment is urgently needed to keep our most vulnerable people safe.

Question 23 from Councillor Fallart to Councillor Alan Sitkin, Cabinet for Economic Regeneration and Business Development

Does Enfield Council offer ultra-high speed broadband connections in buildings it rents out to business?

Reply from Councillor Sitkin:

High speed broadband connections can be purchased from a variety of telecommunications providers serving the Borough, including Virgin Media, BT and Vodafone. Under OFCOM regulations, the Council is unable to provide broadband facilities to business as this is considered to be public subsidy and anticompetitive in the broadband market space. Consequently the Council is unable to offer these facilities in buildings rented out to business. The Council does however continue to provide free public access broadband, including wifi capabilities at all of its Libraries.

Question 24 from Councillor Hasan to Councillor Orhan, Cabinet Member for Education, Children’s Services & Protection

Does the Cabinet Member for Education, Children’s Services & Protection have concerns that the Government's commitment to adequately fund education is a lot of empty words? For example, it is a concern for some London Councils that as much as £600 million will be taken out of the Education Services Grant (ESG). How concerned is Councillor Orhan and what is the likely impact of all this reduction to Enfield families and children?

Reply from Councillor Orhan:

Colleagues, I do indeed think that the Government's commitment to adequately fund education is a lot of empty words. My responses to questions 4 and 6 have already given information to support my view. It is very clear that there are serious reductions to the funding and resource that schools will be able to access to improve outcomes for Enfield’s children and young people. The Government may be offering a flat cash settlement to the basic funding for schools’ budgets but this will not meet the current budgetary increases. For example, increases in pay or conditions of service for staff. In addition they completely mask the other cuts to Council services for schools and the fact that schools will have no additional funds in their budgets to meet the increasing needs of their pupils.

The very real pressure on our schools, at a time when they have made so much progress as judged by Ofsted, is an issue for all Councillors and should mean that we join together, as Schools Forum have done, to lobby our MPs for a fairer settlement . I believe that my officers have had some success already in that this year we have had an increase to the high needs element of the Schools grant but this does not reflect the actual increases in need nor the pressure for special schools places that we are now faced with.

Question 25 from Councillor Dines to Councillor Orhan Cabinet Member for Education, Children’s Services and Protection

Are you comfortable that the only solution the Council has put forward to meet the school places shortage in central and western Enfield – expect a house builder to build a school whilst delivering housing – will inevitably contravene?:

- 1) Enfield’s Local Plan
- 2) The London Plan
- 3) The National Planning Policy Framework (NPPF)

Reply from Councillor Orhan:

This is not a local authority led proposal to meet future demand for school places. Any proposal to develop land at Enfield Road will require a planning application and no application has been received. There is a clear legislative and policy framework within which the assessment and determination of planning applications relating to development on green belt land must follow. This includes the local, regional and national framework noted above.

Question 26 from Councillor Stewart to Councillor Anderson, Cabinet Member for Environment

At the November Cabinet meeting it was agreed to reduce the frequency of grass cutting in parks due to the continuing savage government cuts to our funding. Can the Cabinet Member for Environment explain how this saving will be achieved?

Reply from Councillor Anderson:

The saving will reduce the resources available for grass cutting resulting in an increase of natural grass areas in parks. There are distinct advantages of this for biodiversity. For example, in 2015 the Green Flag inspection recommendations pointed towards the opportunity to increase natural grass areas in parks by leaving grass around perimeters of parks to grow naturally, encouraging native plant species to develop.

Question 27 from Councillor Dines to Councillor Orhan Cabinet Member for Education, Children's Services and Protection

Did you have any conversations with your Cabinet colleagues responsible for planning over the last two years about the suitability of your department's policy of believing the best way to deliver a secondary school for central and western Enfield is to partner with a house builder and, as there is no other site than green belt to build the houses, contravene Enfield's Local Plan?

Reply from Councillor Orhan:

I assume this is referring to the Enfield Road site. This is not a local authority led proposal to meet future demand for school places. Any proposal to develop land at Enfield Road will require a planning application and no application has been received. There is a clear legislative and policy framework within which the assessment and determination of planning applications relating to development on green belt land must follow.

Question 28 from Councillor McGowan to Councillor Orhan, Cabinet Member for Education, Children's Services & Protection

We know how essential a healthy body and mind is and with proposals to introduce cycle lanes as part of the Mini-Holland scheme, can the Cabinet Member for Education, Children's Services & Protection tell this Council of the positive impact of children safely cycling to school and the contribution to their immediate and long term health?

Reply from Councillor Orhan:

Physical activity is associated with a reduction in all Long-term conditions (LTCs) of between 20-40%. This includes conditions such as heart disease, diabetes, mental health and dementia. Cycling is therefore very good for the individual. LTCs account for 70% of the NHS budget. The mini-Holland scheme will therefore help to protect healthcare services in Enfield. Cycling is also associated with a reduction in air pollution, road noise, segregation (e.g. the A10), and financial resilience (not having to pay for public or motorised transport) and is therefore clearly very good for the whole borough. The benefit to our children is obvious with safe routes to school improving physical activity levels and reducing the threat of obesity.

Question 29 from Councillor Dines to Councillor Orhan Cabinet Member for Education, Children's Services and Protection

Have either you or your Department pro-actively spoken to the Department of Education in the last year about finding a site in central or Western Enfield that could be suitable for a new school and ascertaining the value of it so it can be purchased?

Reply from Councillor Orhan:

We have commissioned Property Services to advise on site options, including sites that could come to market, and expect a report by the end of February to inform school place planning for 2016/17, including future conversations with the EFA about the need for additional secondary school capacity. This is an acceptable timescale given the statements in the October Cabinet report on school places about the need for additional capacity by September 2020, with that capacity ideally in the Central or Western areas of the borough.

Question 30 from Councillor Jemal to Councillor Taylor, Leader of the Council

Can the Leader of the Council tell us how London is changing in poverty terms and what does it mean for Enfield?

Reply from the Leader of the Council

Unadjusted Means Tested Benefit Rate (UNBR)

The overall level of poverty rose between 2008 and 2013 in outer London (2% using UNBR analysis) and it fell by 19% in inner London. This is driven by claimants and households. This uses Fenton's 'unadjusted means tested benefit rate' as the measure. It takes the number of claimants of out of work benefits and pension credit and divides that by the number of households in the area.

Outer London is getting poorer in comparison to inner London.

Indices of Multiple Deprivation

In 2015, Enfield was ranked the 64th most deprived area within England out of 326 local authority districts. Enfield moved from the 14th most deprived London Borough (of 33) in 2010 to the 12th most deprived London Borough in 2015.

London Poverty Profile

According to London's Poverty Profile, 27% of Londoners live in poverty after housing costs are taken into account, compared with 20% in the rest of England. According to the profile, this rate of poverty has not substantially changed in the last ten years but the number affected has risen from 1.9 to 2.2 million people as a result of London's population increase.

This profile looks at a full range of indicators which reflect poverty and highlights which of these have a particular impact in Enfield. Cumulatively, Enfield is in the lowest quartile (lowest 8) of London Boroughs across this set of indicators. This includes landlord possessions of rented property where Enfield recorded 29.7 possessions per 1000 renting households – more than double the London average.

Child Poverty

Under the current definition 29.6% of children in Enfield were in poverty in 2012. This was the 6th highest proportion among London boroughs. However, with over 21,000 children affected, Enfield had the highest absolute number of children in poverty of any London borough.

Question 31 from Councillor Dines to Councillor Orhan Cabinet Member for Education, Children's Services and Protection

Given the Council's Plan A for a new school in Central and Western Enfield – expect a housebuilder to deliver a new school on green belt (which is the only possible outcome of the plan as laid out in paragraph 3.11 of the school places strategy) – could fall at many of the planning hurdles placed in front of it...what is the Plan B?

Reply from Councillor Orhan:

I would just like to remind Councillor Dines that the Enfield Road proposal is not the Council's Plan.

Once we have the additional information, expected from the Property Services report, on site options, the wider plans for provision of secondary school capacity for 2020 will be developed. This will include options for permanent provision and any temporary requirements as contingency plans.

Question 32 from Councillor Abdullahi to the Councillor Brett, Cabinet Member for Community Organisations & Culture

Could the Cabinet Member for Community Organisations & Culture give us an update on the expanded work capability assessment and universal credit and whether there is continuing public support for these measures? How will this impact upon Enfield?

Reply from Councillor Brett:

The expanded work capability assessment is linked to the ability to claim Employment Support Allowance (ESA) which since its introduction in 2008, has

required claimants to face a series of challenges to their ongoing receipt of benefit paid because of incapacity for work. The Government has repeatedly tightened the assessment criteria, and introduced conditions and sanctions, which require total compliance from claimants, to remain on ESA. This has left many people in considerable financial hardship as a result of breaks in entitlement.

The impact of any further changes on increased sanction measures could result in a further increase in broken benefits claims and increased poverty. This would require more interventions from the Council in the recovery of rent, council tax and other monies due from affected residents, plus an increase in issues associated with poverty – such as homelessness, substance abuse and a deterioration in health and wellbeing.

The national expansion of Universal Credit has started with the roll out of the first four tranches starting in February 2015, concluding by April 2016. By this time Universal Credit will be live in all 714 Job Centres in England, Scotland and Wales.

By the spring of 2016, Universal Credit will be tested extensively before legacy benefits are migrated over to the new system from 2016. During this period of transition there is significant risk associated with the successful payment of housing rents and Council tax as both organisational systems, and claimants, adapt to the new way of claiming.

Question 33 from Councillor Dines to Councillor Sitkin Cabinet member for Economic Regeneration and Business Development

Given the importance of the Local Plan and the potential changes that could occur to communities such as those in Crews Hill and Botany Bay with any green belt development, does Councillor Sitkin not think part of the public consultation process for the Plan should be to pro-actively go out to these communities and explain the process and what is going on, in effect a mini-roadshow style of event?

Reply from Councillor Sitkin:

Borough wide public consultation on key issues for the Local Plan is currently underway with a variety of events including at the borough's main libraries and information on the Council's website. The Local Plan consultation data base includes contacts for a wide range of community and residents groups including those for Crews Hill and Botany Bay, all of which have been informed of the current consultation.

Question 34 from Councillor Levy to Councillor Taylor, the Leader of the Council

Can the Leader of the Council say if rail fares have increased since 2010 and what impact does this have on residents in Enfield?

Reply from Councillor Taylor:

Yes. Three times faster than inflation. The privatisation of rail services has not worked, with the UK rail network 40% less efficient than the best performing European railway systems. The percentage increase 2010 – 2016 for example for Enfield to Liverpool Street is 34%.

Question 35 from Councillor Dines to Councillor Orhan Cabinet Member for Education, Children’s Services and Protection

Has Councillor Orhan or anyone in the Department made representations to the Wren Academy and asked them to lower the 50% faith based entry criteria they are currently proposing?

Reply from Councillor Orhan:

As the Council is not involved with the Wren Academy application to open a new school we are not aware if this proposal has been formally approved. If approval is granted then we will of course enter into discussions with them about their admissions criteria. I assume from the question that Conservative policy is to discourage such faith based admissions policy.

Question 36 from Councillor Bond to Councillor Orhan, Cabinet Member for Education, Children’s Services & Protection

Can the Cabinet Member for Education, Children’s Services & Protection tell this Council if the concerns by London Councils that the Local Authorities will have to find an additional £70 million to replace the cuts from central government to its Education Services Grant (ESG) funding are justified and explain what impact this will have in Enfield?

Reply from Councillor Orhan:

I think that the concerns expressed by London Councils are absolutely justified. My responses to Questions 4, 6 and 24 all address this issue to some degree, but I need to emphasise that the likelihood of this Council being able to replace the reduction to the Education Support Grant is severely limited, if not impossible. We already find ourselves under immense financial pressure as we attempt to make savings from our already slim budgets for services to children and families; these pressures being as a direct result of the cuts already imposed by this government. All our services are under threat and we are already having to make very hard decisions about what we are going to be able to fund, going forward. We are determined to maintain high quality services for our residents that improve their life chances although this is becoming increasingly difficult with the government’s agenda.

If you combine the pressure on the Schools grant with the reduction to the Council’s education grant then a definite impact will be that schools, that are already finding it difficult to balance their budgets, will have to look at reducing their staff – this is how the vast majority of their budgets are made up and given the work done over the recent years to balance budgets and work to eliminate any waste, there is little to no headroom left which will not affect the direct staffing support to children in the classroom. This means probably less teachers and definitely less support staff and staff that are needed to raise achievement and make the difference for our children

and young people and young people

Question 37 from Councillor Dines to Councillor Orhan Cabinet Member for Education, Children’s Services and Protection

Has Councillor Orhan or anyone in the Department asked the Wren Academy how many children from Barnet they expect will qualify for the school over Enfield children given the close proximity of a number of C of E Primary Schools in that Borough to the Enfield Road location?

Reply from Councillor Orhan:

The answer to this question is the same as for Question 35. We have not had those conversations with the Wren Academy at present.

Question 38 from Councillor Bakir to Councillor Alan Sitkin, Cabinet Member for Economic Regeneration and Business Development

Can the Cabinet Member for Economic Regeneration and Business Development explain if there will be any impact to Enfield families from the reduction to Adult Education and how would her department be picking up the fall-out from the cuts?

Reply from Councillor Sitkin:

Due to this Government’s draconian and ideologically driven cuts agenda, the Adult Skills budget allocated to Skills for Work has been reduced this year - as have all college funds. In the past, this budget had been primarily used to cover costs of accredited learning. One response in today’s more cash-strapped environment has been to provide training free of charge mainly delivering this in schools – while charging for exams. Note that the borough’s larger schools have taken to supporting these costs on parents’ behalf.

The community learning grant remained the same this year, with the relevant service carrying out even more direct delivery than it had been commissioned to do. This reflects the confidence we have in our quality of provision, recently substantiated by the good Ofsted we were awarded in March 2015.

College area reviews will have a further impact but as the process is currently taking place the outcomes are unknown. There are opportunities for European Structural and Investment Fund funding in partnership with Further Education and other local authorities. However, there will also be strong commercial competition from large nationwide organisations. Note that these are funds delivered in partnership with Department for Work and Pensions, Schools Funding Agency and the Big Lottery.

Lastly, it is worth mentioning that for many years we have been applying a “pound-plus” approach to community learning, with residents being asked to make a small contribution towards the cost of training. To date we have had a great deal of success with this way of doing business.

Question 39 from Councillor Smith to Councillor Oykenor Cabinet Member for Housing and Housing Regeneration

Following the poor performance of the new repair and maintenance term contractors since their appointment, could he confirm the latest performance indicators for this function, that is: percentage of all responsive repairs completed in timescale; voids works in target time; satisfaction with Decent Homes; percentage of urgent repairs completed on time; average days taken to re-let all properties; and average days taken to re-let general needs vacant properties?

Reply from Councillor Oykenor:

The performance of the two repairs and maintenance contractors, who commenced operations in May 2015 did start relatively poorly. This was due to a range of factors including a short mobilisation period and very few staff from the former contractor coming over to them via TUPE (Transfer of Undertakings (Protection and Unemployment)). The main concern was in the refurbishment of empty properties for new tenants.

Due to a series of actions taken by the Repairs and Maintenance Team performance has improved considerably in the intervening period. The latest performance figures available are for November/December 2015. Savings on R&M expenditure against spend in 2014-15 is projected to be £3.2m. Action Plans agreed with the two contractors are in place to achieve targets by year end. It should also be noted that customer satisfaction with the repairs service (Dec 2015) stands at 95.5% against a target of 92%.

Indicator	Target	YTD
Percentage of all responsive repairs completed in timescale	98.85%	88.70%
Void works in target time	95%	65%
Percentage of urgent repairs completed on time	96%	88.33%
Average days taken to re-let all properties	27	37
Average days taken to re-let general needs properties	26	35
Average days taken to re-let sheltered housing properties	42	42
Gas servicing	100%	100%

Question 40 from Councillor Kepez to Councillor Keazor, Cabinet Member for Public Health & Sport

Could the Cabinet Member for Public Health & Sport set out the benefits she sees from the provision of sports pitches by Power League at Edmonton County School?

Reply from Councillor Keazor:

The new sport facilities at Edmonton County School includes a high quality sports hall, one 11 a side 3G football pitch and five 6 a side pitches, all these facilities will be utilised by the pupils of Edmonton County School during school hours – the school has required an upgrade of it sports facilities for several years and

Powerleague have provided this at no financial cost to the school or Council. The provision provides residents the opportunity to participate in the popular Powerleague provision in their local area. The Council also has 'community use' hours available at the weekends and school holidays to promote sport and physical activity (mainly football) to targeted groups.

Question 41 from Councillor Smith to Councillor Oykenor Cabinet Member for Housing and Housing Regeneration

Following Climate Energy going into administration before Christmas, could he confirm when the individual schemes in the small sites programme are likely to re-start on site and the revised estimates of practical completion?

Reply from Councillor Oykenor:

Kier have since appointed Airey Miller Construction Management (AMCM) to work with them to deliver the seven sites at the earliest opportunity. Unfortunately there will be a short period where there is no activity on site while the due diligence review is completed. Following this review we will receive a revised programme for completions.

Appropriate insurances have been put in place, measures have been taken to mitigate against security risks and make the buildings wind and water tight, formal dialogue is ongoing with the administrators and existing sub-contractors, and early indications are that work will commence back on site in the next few weeks.

Question 42 from Councillor Chibah to Councillor Sitkin, Cabinet Member for Economic Regeneration & Business Development

Would the Cabinet member for Economic Regeneration & Business Development provide the Council with the Department for Work and Pensions data evidencing how under this Labour administration, London Borough of Enfield has outperformed other London boroughs in terms of its comparative employment rate?

Reply from Councillor Sitkin:

Employment rates have improved significantly across London but Enfield has shown particularly strong improvements.

The most recent data from Department for Work and Pension on Job Seekers' Allowance claimants in Enfield dated November 2015 indicates that since November 2014 the claimant count has dropped from 5,598 to 3,775, a shift from 2.7% of the working age population to 1.8%.

The comparison with London-wide figures is stark, where figures in London have also dropped but less dramatically, from 2.2% in November 2014 to 1.7% for November 2015.

Also, due to implementation of Universal Credit in Enfield, employers are notably favourable in employing those in receipt due to the flexibility surrounding the benefit itself that is, not restricted to 16 hours per week to retain benefit.

Another even more noteworthy measure is the differential between the average monthly employment rate in Enfield, verses London as a whole. Whereas under the Tories and during the first period after the 2009 crash Enfield was several percentage points worse off than the rest of London, for the past few months our employment rate has been higher than the London average.

Question 43 from Councillor Smith to Councillor Oykenor Cabinet Member for Housing and Housing Regeneration

Given the delays in completing the decanting of the Alma Estate, could he confirm the date when he expects all the original tenants to have vacated their properties and the number and the date when he expects all the temporary tenants who have been moved in in the interim to vacate their properties?

Reply from Councillor Oykenor:

Planning for the Alma Estate was approved at September Planning Committee and as part of this process a Section 106 agreement needs to be completed along with final sign off from the Greater London Authority. Negotiations on this agreement are still ongoing with the developer and start on site cannot commence until they have been finalised and the build programme issued.

The decanting of secure tenants is in phases and progressed in-line with the build programme of the developer. At present we are on schedule with our decant programme.

Question 44 from Councillor Hamilton to Councillor Stafford, Cabinet Member for Finance and Efficiency

Could the Cabinet Member for Finance and Efficiency tell us what the budget reductions announced by the Secretary of State for Enfield over the next four years are?

Reply from Councillor Stafford:

The budget cuts announced by the Secretary of State for Communities and Local Government for Enfield over the next four years are £38.7m (29.9%) based on the provisional Settlement Funding Assessments. With population growth and inflation this means over £50 million of savings are required.

Question 45 from Councillor Smith to Councillor Oykenor Cabinet member for Housing and Housing Regeneration

Given the Administration's recent decision to set up a Council sponsored housing association to utilise right to buy receipts, can he confirm the target date for setting up this body and whether any councillors will sit on the Board?

Reply from Councillor Oykenor:

On the 18 November 2015 Cabinet approved the report to set up a new Limited Liability Company with the intention of setting up a Registered Provider to support

the spend of Right To Buy receipts.

Since the Cabinet meeting we have been discussing the process with Legal Services and a tender specification is being prepared to appoint external consultants to undertake the process of setting up the body on our behalf.

Part of the consultants' role will be to appoint members of the board, give advice on governance structures and register with the HCA as part of the regulation process. We have been advised that this process could take between 9-18 months to complete.

Question 46 from Councillor Bakir to Councillor Anderson Cabinet Member for Environment

In the current climate of significant government cuts to the Council budget, can the Cabinet Member for Environment give assurances that our Refuse and Recycling Services are operating as cost-effectively as possible.

Reply from Councillor Anderson:

Yes, I can.

Question 47 from Councillor Smith to Councillor Oyken Cabinet member for Housing and Housing Regeneration

Now that the management of the community halls has been taken in house by the Council, could he confirm the estimated profit or loss of this function for 2015/16 and the target profit for 2016/17?

Reply from Councillor Oyken:

The overall strategy for managing the twelve Community Halls is to cover repairs, cleaning, staffing and utilities costs and provide inexpensive and available facilities for local people. Since the halls have come back into the Council management, income has risen from £207,335 in 2013/14 to £247,178 in 2014/15. The Council is projecting a loss of approximately £20,000-£30,000 this year because of the impact of refurbishment costs of two halls, Mottingham and Kempe Halls, and the newly imposed cost of Business Rates. It is forecast that the additional income from the increased portfolio will allow the service to break even in 2016/17.

Question 48 from Councillor Levy to Councillor Keazor, Cabinet Member for Public Health and Sport

Does the Cabinet Member for Public Health and Sport welcome the news about the sports pitch on Enfield Playing Fields, and set out the benefits she thinks it will bring to public health and sports participation?

Reply from Councillor Keazor:

Yes, I fully support this proposal as it will provide a much needed facility to enable

the delivery of free community sports sessions, support increased participation in physical activity and generate income to invest back into the borough's leisure facilities.

Question 49 from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Efficiency

Will he publish an organisation chart showing the previous departmental organisation at head of service level of the Council's departments and the proposed organisation under Enfield 2017 to assist all councillors to understand the major changes being proposed to back office and middle office functions?

Reply from Councillor Stafford:

Once this work has been completed a copy of this will be made available in the Member's Library. Briefings for both political parties are being organised at the moment.

Question 50 from Councillor Jagge to Councillor Sitkin, Cabinet Member for Economic Regeneration & Business Development

Would the Cabinet Member for Economic Regeneration & Business Development share with the Council, Mayor of London, Boris Johnson's letter expressing real surprise and sharp criticism of the Department for Transportation's last minute reversal of its explicit longstanding commitment to see a four train an hour service to Meridian Water?

Reply from Councillor Sitkin:

Please find attached as Appendix A, a letter from the Mayor of London to the Secretary of State for Transport for an urgent review of the Angel Road and Northumberland Park 4 trains per hour issue.

Question 51 from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Efficiency

Could he confirm the target financial saving under Enfield 2017 for 2015/16 compared with the projected actual out turn for the same year?

Reply from Councillor Stafford:

The financial position for Enfield 2017 is set out in the monthly monitoring reports to Cabinet. Overall, Enfield 2017 is on track to achieve its end goal and there has been some adjustment to the delivery of the project during the year but Enfield 2017 will deliver the projected savings.

Question 52 from Councillor McGowan to Councillor Sitkin, Cabinet Member for Economic Regeneration & Business Development

Would the Cabinet Member for Economic Regeneration & Business Development update the Council on this Labour administration's digital tech hub initiatives?

Reply from Councillor Sitkin:

The Council is currently advancing in two directions in terms of its digital economy ambitions.

The first relates to the London Regeneration Fund bid that it has helped local workspace social enterprise Building Bloqs prepare. See answer to question 62.

The other relates to the support being provided to a consortium of community sector and statutory providers including Barnet & Southgate College and Enterprise Enfield to progress a digital training skills centre. The initiative has originated from a concern for the needs of the Black and Minority Ethnic (BAME) community in Edmonton which has traditionally seen disproportionately high rates of unemployment.

Excellent links have been forged with other London tech initiatives eg Hackney and Croydon to develop a bespoke Enfield specific programme and a meeting with the Skills Funding Agency (SFA) to support this proposal is scheduled in late January 2016.

Digital skills are integral to the growth of new businesses in Enfield, and the inward investment strategy and sector boards development will ensure that the requirement for a trained ready workforce is embedded. This will also be a key requirement of the STEM (Science, Technology, Engineering and Mathematics) work with schools and colleges particularly to increase the number of Enfield residents, starting with women and BAME youths, accessing these skills and jobs.

Question 53 from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Efficiency

Could he confirm the estimated number of posts that will be removed from the Council structure under Enfield 2017 in 2015/16? Can he confirm how many of these will be compulsory redundancies?

Reply from Councillor Stafford:

It is estimated that 370 posts will be removed from the Council structure under Enfield 2017 in 2015/16. Most reductions have been achieved through a range of initiatives including voluntary arrangements and a significant reduction in the use of agency workers. To date only 14 staff have left due to compulsory redundancy.

Question 54 from Councillor Lemonides to the Cabinet Member for Economic Regeneration & Business Development

Would the Cabinet member for Economic Regeneration & Business Development update the Council on the rapid and very real progress this administration has made in accelerating Meridian Water?

Reply from Councillor Sitkin:

Within the last 12 months the Council has achieved the following on Meridian Water:

- Housing Zone status confirmed awarding the Council £25m of funding
- Completed the purchase of 15 hectares of land (enough land for 4,000+ homes)
- Completed negotiations with 3 Master Developer candidates – final bids are due on 2nd February
- Appointed an expert team
- Achieved a planning consent to decontaminate the initial sites
- Opened Angel Gardens open space
- Supported a huge London Regeneration Fund bid that would enable the workspace social enterprise Building Bloqs to scale up considerably
- The Meridian Water Regeneration Strategy is on the Cabinet Agenda for February 2016

Question 55 from Councillor Laban to Councillor Keazor, Cabinet Member for Public Health and Sport

Please could the Cabinet Member for Public Health and Sport inform the chamber whether she supports the proposals to dispose of the free to use tennis courts on the A10 in favour of an expansion of Edmonton Cemetery?

Reply from Councillor Keazor:

No decision has been taken to dispose of the tennis courts.

Question 56 from Councillor Doyle to Councillor Taylor, the Leader of the Council

In response to questions raised at the last Council on population increases, can the Leader explain how the Office for National Statistics calculates and attributes population increase?

Reply from Councillor Taylor:

Over the next decade population is expected to increase in the UK by 4.4 million. By mid-2039 the increase is expected to be a further 5.3 million. Half of this total of 9.7 million is attributable to natural change (the difference between birth and deaths). Enfield needs to plan for population increase in the borough.

Question 57 from Councillor Laban to Councillor Keazor, Cabinet Member for Public Health and Sport

Does the Cabinet Member for Public Health and Sport not agree that given the borough's obesity levels we should be improving the accessibility of free to use sports facilities not disposing of them especially those in close proximity to some of the poorest parts of our borough?

Reply from Councillor Keazor:

The Council operates an exercise referral scheme with the Health trainer service who work within the deprived areas of the borough to refer people into free physical activity sessions at leisure centres. This service provides a more tailored approach to lifestyle change than simply providing free activities for everyone. The service is offered to a range of individuals including those who are overweight or obese – this approach ensures residents in most need are supported through the programme to make long term changes and support prevention of long term conditions. The health trainer sessions are based predominantly in the poorest parts of the Borough. The Council will continue to seek external funding for targeted activities and therefore continue to provide affordable and accessible physical activity provision in leisure centres, albeit it may be in a different format. We also have a range of provision within our parks for residents to access sport facilities such as trim trails, outdoor gyms, tennis courts and Multi use games areas.

The Council aims takes a whole system approach to obesity, this includes shaping the environment, influencing policy change and providing the right offer. More information on the Council's Healthy weight strategy will be available in due course. Cycling is of course a very effective means of building physical activity into everyday life for both children and adults. Our Cycle Enfield campaign should significantly increase access and opportunity to help address your concerns.

It is obviously disappointing that the Government cuts to Enfield's funding jeopardises sporting provision.

Question 58 from Councillor Dogan to Councillor Stafford Cabinet Member for Finance and Efficiency

Can the Cabinet Member for Finance and Efficiency explain when Enfield will retain its full business rate and will this make Enfield better off?

Reply from Councillor Stafford:

The Chancellor of the Exchequer reiterated his intention in the Autumn Statement, first announced at October 2015's Conservative Party Conference, to enable local government to retain all £26 billion of the income from business rates by the end of this Parliament. A new 100% rates retention scheme would mean that local authorities would benefit from an additional £13 billion of revenue. The additional revenue will mean that councils will take on new responsibilities and that central grant to local authorities will be significantly reduced including the phasing out of Revenue Support Grant (RSG).

There will be further consultation in 2016 about a potential transfer of responsibilities to local government including the funding of:

- The administration of housing benefit for pensioners
- Transport for London's capital projects
- Public health
- More responsibilities to support older people with care needs
- Other responsibilities for local government not yet specified.

The system of top-ups and tariffs will remain. The uniform rate of business rates will be abolished. The aim of this proposal is to boost growth, help attract business and create jobs. Those councils with elected mayors will be able to add a premium to their business rates to pay for new infrastructure as long as they have support of the business community through a majority of the business members of their local enterprise partnership.

The Chancellor also announced that the Government will report back on the business rates review by Budget 2016. There is not sufficient detail given within the announcement to decide whether Enfield will be better off or not.

As yet, the details of this scheme are unclear, as is the impact on Enfield. The Government expects to consult on more detailed proposals 2016 and Enfield will make full representations as part of that process.

Question 59 from Councillor Laban to Councillor Anderson, Cabinet Member for Environment

Could the Cabinet Member for Environment apologise to the users of the tennis courts on the A10 for announcing that you are going to dispose of them in favour of expanding the Edmonton Cemetery?

Reply from Councillor Anderson:

The premise of the question is incorrect. No decision has been taken on this matter.

Question 60 from Councillor Barry to Councillor Sitkin, Cabinet Member for Economic Regeneration & Business Development

Would the Cabinet member for Economic Regeneration & Business Development update the Council on the very real successes that this Labour administration has had in restoring Enfield's proud manufacturing tradition?

Reply from Councillor Sitkin:

The Council is fully committed to creating the conditions so that many thousands of manufacturing jobs will come to Enfield over the next 10-15 years. Our efforts are divided between a proactive inward investment programme; support for Enfield's existing business community; support for start-ups; and employability upskilling jobseekers.

In terms of our inwards investment efforts, we have been having a great deal of success, largely due to the proactive work this Administration is doing in going out to sell Enfield to the market. Members will have read in recent months about some excellent new manufacturing companies that have decided to move to Enfield and I am confident that we will be able to announce another fantastic newcomer within another few days.

In terms of supporting our existing companies' growth, the Economic Development department has updated communications through both computerisation and regular

meetings with land agents, a novel step for this Council and indeed, we are told, councils nationwide. We have become much more responsive to companies' growth requirements, with some excellent results. Specifically the fact that whereas Enfield's employment rate languished several percentage points below the London average under the party opposite, for the past few months we have moved 0.5% above. Note that external funding has been secured to develop vibrant sector boards in key growth sectors, which will further encourage the growth of manufacturing.

In terms of the work we are doing to support start-ups, one example is the support we have given a local workplace social enterprise that this Administration has nurtured in the hope that they will win London Regeneration Fund funding allowing them to accelerate the development of open workshops for prototype manufacturers in Southeast Enfield. This represents a step change in the commercial use in the area – a move away from industrial warehousing and logistic type uses (relatively plentiful across the borough) and developing small-scale creative workshops for creative makers and artistic uses that both build on the rich industrial artisan heritage of the area, but also take into account trends and opportunities that are arising across London

In terms of employability, I refer you to the work being done across this Administration, including by my friend and colleague Councillor Orhan, to advance Science, Technology Engineering and Mathematics (STEM) programmes benefiting Enfield residents.

Question 61 from Councillor Laban to Councillor Anderson, Cabinet Member for Environment

Could the Cabinet Member for Environment commit that our refuse and recycling collection service will remain weekly after February?

Reply from Councillor Anderson:

Yes. Refuse and recycling services will remain weekly. However, we are looking at the best way to run our composting services in future years.

Question 62 from Councillor Uzoanya to Councillor Orhan, Cabinet Member for Education, Children's Services & Protection

Can the Cabinet Member for Education, Children's Services & Protection tell this Council if it is true that young people's behaviour in Enfield has outperformed the rest of London in terms of "good behaviour"?

Reply from Councillor Orhan:

I am very happy to report back on this matter which concerns young people's behaviour specifically relating to their health, and the findings of the recent report "*What About YOUth*" published by Public Health England.

The very pleasing results of the survey of 15 year olds nationwide show that Enfield's young people display a host of good health behaviours in many aspects of health, surpassing those of their peers elsewhere in the country.

These include the following key areas:

- Percentage of those with a long term illness, disability or medical condition diagnosed by a doctor
- Percentage of those with 3 or more risky behaviours
- Percentage who eat 5 portions or more of fruit and veg per day
- Percentage of current smokers
- Percentage of regular smokers
- Percentage of occasional smokers
- Percentage who have tried e-cigarettes
- Percentage who have ever had an alcoholic drink
- Percentage of regular drinkers
- Percentage who have been drunk in the last 4 years
- Percentage who have ever tried cannabis
- Percentage who have taken cannabis in the last month
- Percentage of those who were bullied in the last month

The findings of the survey showed that there were **no** areas of behaviour in the categories of “General Health, Diet and Physical Activity” and “Wellbeing and Bullying”, where our young people aged 15 were worse than others.

<http://www.healthwatchenfield.co.uk/news/15-year-olds-enfield-engage-less-negative-health-behaviours-15-year-olds-across-country>

Question 63 from Councillor Laban to Councillor Anderson, Cabinet Member for Environment

Please could the Cabinet Member for Environment update the chamber on the progress of delivery of its promised additional Household Waste and Recycling Centre in the East of the borough?

Reply from Councillor Anderson:

The North London Waste Authority (NLWA) has undertaken to develop a Refuse and Recycling Centre (RRC) at the Edmonton Ecopark as part of its redevelopment of that site when replacing the current Energy from Waste (EFW) facility there. The process for obtaining a Development Control Order (DCO) for the site is underway and expected to be completed in February 2017. This will reverse the previous Conservative administration’s decision to close the Carterhatch Lane site when Councillor Neville was Cabinet Member for Environment.

Question 64 from Councillor Bond to Councillor Keazor, Cabinet Member for Public Health & Sport

Does the Cabinet Member for Public Health & Sport welcome the new Government sports strategy, launched in December 2015, and how does she see that benefitting community sport in Enfield?

Reply from Councillor Keazor:

It is reassuring to see the that feedback we and I’m sure many other Boroughs provided has been taken into account in this new strategy. We welcome the fact that

the children from the age of 5 will be targeted for specific action which, this will of course support our drive to tackle weight management for children and their families. We all know that traditional sport does not appeal to everyone so the recognition of physical activity such as fitness and dance is positive and will appeal to the wider population. Officers are working closely with Sport England to help shape their new strategy and priorities in light of the new government strategy.

Question 65 from Councillor Laban to Councillor Anderson, Cabinet Member for Environment

Would the Cabinet Member for Environment apologise to the Leader of the Council for his department holding an event on Chase Green even though a letter was sent to residents by the Council explicitly stating that the Leader had said that events would not occur on Chase Green?

Reply from Councillor Anderson:

I understand that a cancer patient charity event to raise thousands of pounds to support local residents dealing with life-threatening illnesses was held on the site. Officers are reviewing the use of the site in line with its purpose, but I would hope that you would celebrate the good works of the charity.

Question 66 from Councillor Nesil Cazimoglu to Councillor Keazor, Cabinet Member for Public Health and Sport

Could the Cabinet Member for Public Health and Sport update councillors on the recent review of excellent practice in sports commissioning, where Enfield was one of the chosen boroughs?

Reply from Councillor Keazor:

Enfield Council is part of the leisure and sport national commissioning programme delivered by CLOA (Chief Leisure Officers Association) and Sport England to explore the cross cutting agendas that sport and physical activity can contribute to strategically. A range of colleagues were interviewed including our Chief Executive, Director of Finance, Resources & Customer Services, Director of Public Health and Chair of the Enfield Clinical Commissioning Group (ECCG) to name a few and a desktop analysis of our strategies and those of the ECCG and NHS.

We are working through the findings but the initial steer is around prevention, exercise referral, regeneration and marketing and communications. This project is about changing the perception of sport and physical activity and recognising its benefits to wider social development and health inequalities. Leisure and sport officers have as a result engaged with the Health and Well-being board to take some of this work forward. We will also have the opportunity to work closer with GPs through an initial presentation/engagement session with Dr William Bird who is renowned in the industry for his work around the physiological health benefits of sport and physical activity. We hope this peer to peer session will start to steer GPs towards prescribing physical activity for health.

Question 67 from Councillor Laban to Councillor Anderson, Cabinet Member for Environment

Please could the Cabinet Member for Environment commit to implementing a communications strategy within the Public Realm division because the many issues regarding the recent event on Chase Green could have been avoided if staff had talked to one another?

Reply from Councillor Anderson:

New arrangements for communicating and working with issues of the parks will be introduced following the annual budget. However, it is worth noting that Councillor Laban together with her fellow ward councillors, namely Councillor Steven and Councillor Rye, were consulted prior to the decision to proceed with the Chase Green event, but surprisingly given her subsequent unhappiness expressed no comment. Perhaps the members listed should communicate a bit better.

Question 68 from Councillor Laban to Councillor Anderson, Cabinet Member for Environment

Could the Cabinet Member for Environment explain why we are changing from paying for waste disposal via the levy method to menu pricing when for years it has been stated that this was not good for the borough economically due to our Co-Mingled Dry Recycling, Mixed Organic Waste, Food Waste and Garden Waste contract?

Reply from Councillor Anderson:

I refer you to the Cabinet report for the meeting of 20 January 2016 on this issue.

Question 69 from Councillor Laban to Councillor Stafford, Cabinet Member for Finance Efficiency

Could the Cabinet Member for Finance and Efficiency explain whether he supports the Cabinet Member for Environment's proposals to dispose of the tennis courts on the A10 as he was previously against it when he led a call in on the issue in July 2007?

Reply from Councillor Stafford:

Councillor Laban's memory is correct. I did oppose the original relocation plan in 2007 because the Director of Environment at that time wanted to keep the public tennis courts west of the A10 in Bush Hill Park where there is already an abundance of private tennis clubs. However I refer you to the answers to questions 55, 57 and 59 on this agenda on this issue.

At present I believe no decision has been taken as to where the public tennis courts will be re-located but the obvious preference is to the East of the A10.

Question 70 from Councillor Laban to Councillor Brett, Cabinet Member for Community Organisations & Culture

Would the Cabinet Member for Community Organisations & Culture:

- a. Arrange for the damaged area which previously housed the stolen public art piece "Lost Treasures" in Grove Street, Upper Edmonton to be tided and made good?
- b. Explain why the damaged area opposite St John and St James School, which previously housed "Lost Treasures" has still not been repaired and replaced despite the fact it is been like it for many months?

Reply from Councillor Brett:

The Mosaic was part of an independent project by Artstart funded by Heritage Lottery called 'Lost Treasures'. Artstart has already been informed of the missing pieces. Council officers are looking at what the provision in the project is for repair and what, if any, role there is in the project for the Local Authority"

Question 71 from Councillor Celebi to Councillor Anderson, Cabinet Member for Environment

Following the deputation made by myself on behalf of the crossing patrol and local residents to Cabinet on 16th December 2015 in respect of the issues and problems created by a lack of safe crossing facilities at Raglan school in Wellington Road, can the Cabinet Member inform me what action he has taken, or will take, to improve safety of children crossing the road?

Reply from Councillor Anderson:

Officers have been investigating remedial measures, including a possible zebra crossing, since well before the deputation and they will be reporting their conclusions to me in the near future. I can assure Councillor Celebi that child safety is of paramount concern to the Council, which is why Wellington Road, by the entrance to Raglan School, has a 20 mph speed limit with traffic calming measures. Can I assume that the Conservative opposition has performed a U turn and now supports traffic calming around schools which it has previously opposed?

Question 72 from Councillor Celebi to Councillor Anderson, Cabinet Member for Environment

Can the Cabinet Member confirm whether he has received a copy of the online petition as an addition to the paper petition that I presented at the Cabinet meeting on 16th December 2015 regarding the lack of safe crossing facilities at Raglan school, Wellington Road? Can he also confirm the number of signatories on the electronic petition?

Reply from Councillor Anderson:

Yes, we did receive the petition and the number of signatories was 69.

Question 73 from Councillor R Hayward to Councillor Orhan, Cabinet Member for Education, Children's Services and Protection

What is the present situation regarding the possible new primary school in Grovelands Park? If Historic England has rejected the proposal what alternatives are being considered?

Reply from Councillor Orhan:

We are still committed to delivering the proposed school at Grovelands and the negotiations with Historic England are ongoing and very complex. There have been some recent developments and we have agreed with Historic England to carry out some further work in January. As colleagues will know, we have set up a provision with Bowes School at Broomfield with the intention that this will form the school at Grovelands if the application is successful. This provision is already admitting pupils and we are working closely with both schools to ensure that the provision is able to continue.

Question 74 from Councillor R Hayward to Councillor Anderson, Cabinet Member for Environment

The street lighting is no longer adequate and pedestrians are not being seen by motorists. Has there been an increase in accidents and do you propose to review your dimming policy?

Reply from Councillor Anderson:

The Council commenced the adaptive lighting strategy with the installation of a Central Management System (CMS) in early 2012. This system led to a reduction in energy consumption by the street lighting assets and for the on/off timing to be trimmed at both dusk and dawn. During the introduction of CMS reduced levels of lighting were trialled in different areas and councillors, police and various interested parties considered the changes in lighting levels. All agreed that levels were adequate for night time environment. In addition, both crime and collision records continue to be monitored.

The Council has also taken part in a major study - LANTERNS (Local Authority collaborators' National Evaluation of Reduced Night-time Streetlight project) the findings, of which show that a reduction in lighting levels makes very little difference to the level of crimes or traffic accidents.

Question 75 from Councillor R Hayward to Councillor Anderson Cabinet Member for Environment

What are the flood risk areas of Enfield? What is the Council's policy on these areas to protect existing development and future development?

Reply from Councillor Anderson:

Unlike the Conservative group who actually opposed flood elevation schemes, this Labour Administration is fully committed to protecting our residents in flood risk areas. The main flood risk areas in Enfield are in the low-lying areas of the Lee Valley, such as Ponders End, Brimsdown and Edmonton. There are significant flood risk areas elsewhere in the borough where surface water runoff and smaller rivers also have the potential to cause significant flooding during extreme rainfall. Enfield published a Surface Water Management Plan in 2012, which identifies these areas and presents an action plan for managing these risks. This has recently been followed up with a Local Flood Risk Management Strategy which describes all the actions taken by the Council to reduce the risk of flooding. Enfield has clear planning policies to ensure that new development is safe from unacceptable flood risks.

Question 76 from Councillor R Hayward to Councillor Sitkin, Economic Regeneration and Business Development

Has the doubt over four trains per hour for Meridian Water meant that the three developers vying to become the Master Developer are less keen? Will the development suffer?

Reply from Councillor Sitkin:

No, they remain as keen as ever – and bids from all three developers are in fact being submitted to the Council on 2 February. It is true that all three consider 4 trains per hour as crucial to unlocking housing growth in the years to come. But they seem more than satisfied with the work that the Council is doing to ensure that Meridian Water receives the requisite level of transportation service.

Question 77 from Councillor R Hayward to Councillor Sitkin, Economic Regeneration and Business Development

The fiasco with the Ministry of Transport over the 4 trains per hour at Meridian Water could have been avoided by contractual agreements. Why was this not done? It has already cost £200,000 for the Judicial Review, what further costs are expected during the appeal?

Reply from Councillor Sitkin:

It is the Department for Transport that has reversed their position on 4 trains per an hour. This is of course completely at odds with the stated Government position of needing to build more homes and the position agreed with this council and the Greater London Authority. Note the 30 November 2015 letter attached as Appendix A from Conservative Mayor Boris Johnson to Patrick McLoughlin, Secretary of State for Transport, decrying the Department for Transport's last-minute betrayal of all the promises that it had consistently made ever since the beginning of the process regarding train frequencies. One of the arguments that the Mayor makes is that business partners need to be as good as their word. I'm surprised that Councillor Hayward doesn't support Mr Johnson in demanding trustworthiness from public bodies. Further costs would be a matter of the way any appeal is determined.

Question 78 from Councillor Robert Hayward to Councillor Sitkin Economic Regeneration and Business Development

In a previous question you provided me with the hectarage of brownfield sites in the Borough. What specific sites make up this hectarage, their names and individual areas?

Reply from Councillor Sitkin:

Many of the brownfield sites lie within the Council's published regeneration priority areas such as Meridian Water. The full list of brownfield sites within the current Housing Trajectory is not in the public domain as it contains sensitive/commercial information on some sites which have been identified as potentially suitable for housing development but may currently be in other uses/ownership. They may be at various stage within the planning process or be subject to tender/acquisition.

Section 2: Questions for Associate Cabinet Members

Question 79 from Councillor Hurman to the Councillor Savva, Associate Cabinet Member for Enfield South East

Can the Associate Cabinet Member for Enfield South East comment on the level of flooding in Enfield this winter?

Response from Councillor Savva:

Recent rainfall levels have been significantly higher than average and, although no serious flooding has occurred so far in Enfield, the risk of flooding is elevated due to the increased soil saturation levels in the catchment and heightened river flows we are currently seeing. Enfield has a robust Multi Agency Flood Plan which sets out how Enfield works with other emergency responders in the event of a flood. It is disappointing that we don't have the support of the conservative group to invest in flood management across the borough.

MAYOR OF LONDON**Rt Hon Patrick McLoughlin MP**

Secretary of State
Department for Transport
Great Minster House
33 Horseferry Road
London SW1P 4DR

Date: 30 NOV 2015

Dear Patrick

East Anglia Rail Passenger Franchise ITT – STAR scheme 4tph

I am disappointed to be writing to you again about this issue. After my letter to you on 14 October, we welcomed the Department for Transport's (DfT's) initiative to host a round table meeting on 11 November with an expert neutral chair. The chair's view, based on the evidence, was that the DfT should urgently review its position on whether it is possible to provide 4tph at both Angel Road and Northumberland Park. Despite this, and others both within and outside the Department who have good reason to believe it would be possible, the responsible team in the Rail Executive appears unwilling to look again at this crucial decision.

I would ask that you seek an urgent senior level review in an attempt to come to a resolution before Enfield's impending Judicial Review. DfT officials have confirmed that a timetable providing 4tph at both Angel Road and Northumberland Park is 'physically possible' without taking stopping trains from other stations and that it would fall within established timetabling rules. Network Rail has also confirmed its long-held view that a 4tph timetable could be implemented.

We have been discussing this scheme for several years with DfT representatives. We were reassured by the DfT in July this year that a regular 4tph service at both Angel Road and Northumberland Park would be specified in the ITT. We have also been led to believe that it was in fact specified in the draft ITT until 24 hours before it was published; so we are mystified as to why it was not included.

Frustratingly, there is also a fall-back option which officials also appear to be refusing to consider. Reducing train frequency at Brimsdown from 5tph to 4tph in the AM peak would allow 4tph at Angel Road and Northumberland Park and ensure there is no detrimental impact on service performance, which we know is a concern of the Department. There are only 2tph in the PM peak at Brimsdown, so the AM peak is over-provisioned and both the London Boroughs of Enfield and Haringey would support this option if it would help to resolve the issue.

MAYOR OF LONDON

In the longer-term, I am sure we can all agree that four-tracking would be a way to dramatically improve services along this corridor. But four-tracking is not feasible until 2024 at the earliest and Enfield and Haringey are reliant on 4tph considerably sooner than that to make their housing developments possible. For example, a 4tph service is an essential precondition for Enfield's selection in January 2016 of a development partner for its £2.5bn Meridian Water development scheme.

This approach of transport infrastructure enabling housing growth is very different from the old "predict and provide", based on simply catering for existing demand. New railway infrastructure has unique potential when used in this way to trigger housing growth, but certainty of an enhanced service is required, before new passengers create higher demand, for the developments at Angel Road and Northumberland Park to go forward.

The DfT must become more attuned to this way of thinking if the Government is to get anywhere near meeting its housing targets. At immediate risk are 8,000 homes, 3,000 jobs and £80m stamp duty for the Treasury at Meridian Water and 3,700 homes and 1,000 jobs at Northumberland Park. Together they form a significant chunk of housing and jobs growth within the Upper Lee Valley Opportunity Area Planning Framework which identifies potential for 20,000 new homes and 15,000 new jobs. Plans for Meridian Water are at an advanced stage but any delay or reduction in development capacity would undermine investor confidence there and in the wider area. This would frustrate delivery of new homes and jobs and tarnish London and the UK's international reputation.

Considerable effort and investment has already gone into supporting the STAR scheme which will be wasted if a regular 4tph service cannot be achieved. You agreed to the DfT £6m contribution recognising the impact it could have on housing growth. The London Enterprise Panel, TfL, Network Rail, LB Haringey and LB Enfield have all also invested in the scheme to a total of £52.1m. Coupled with LB Enfield's investment of £70m in Meridian Water to date, this is a considerable sum of public money that hangs on resolving this issue.

I do hope that we can come to a solution on this, for the benefit of all parties, before the court hearing in December. For this to happen, I believe further senior level review and fresh thinking is necessary.

Yours ever,



Boris Johnson
Mayor of London