



# Agenda

## Ordinary Council

Wednesday, 20 January 2021 at 7.00 pm  
Remote Meeting Via Microsoft Teams

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### Membership (Quorum – 10)

Cllrs Ms Sanders (Deputy Mayor), Aspinell, Barrett, Dr Barrett, Bridge, Chilvers, Clarke, J Cloke, S Cloke, Mrs Davies, Mrs Fulcher, Fryd, Haigh, Hirst, Mrs Hones, Hossack, Jakobsson, Keeble, Kendall, Laplain, Lewis, McCheyne, McLaren, Mrs McKinlay, Morrissey, Mynott, Naylor, Nolan, Parker, Mrs Pearson, Poppy, Mrs Pound, Reed, Tanner, Tierney and Tumbridge

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### Agenda

Item	Item	Wards(s) Affected	Page No
	<b>Contents</b>		
	<b>Live broadcast</b>		
	<a href="#">Live broadcast to start at 7pm and available for repeat viewing.</a>		
	<b>Contents</b>		
1.	<b>Appointment of Vice Chair</b>		
2.	<b>Apologies for Absence</b>		
3.	<b>Declarations of Interest</b>		
4.	<b>Mayors Announcements</b>		
5.	<b>Minutes of the previous meeting</b>		7 - 20
6.	<b>Public Questions</b>		

7. **Memorials or Petitions**
8. **Exclusion of the Press and Public**  
That the public and press be excluded and the following item be considered in private session on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).
9. **Strategic Property - Acquisition EXEMPT** 21 - 22  
*REPORT TO FOLLOW*
- The report/appendices are confidential by virtue of the likely disclosure of information exempt under para. 1 and 3 of Part 1 to Schedule 12A to the Local Government Act 1972, namely information relating to any individual and information relating to the financial or business affairs of any particular person (including the Council).
10. **Constitution Working Group** All Wards  
*REPORT TO FOLLOW*
11. **Council Tax Reduction Scheme - 2021/2022** All Wards 23 - 102
12. **Committee Chairs Reports and Members Questions** All Wards 103 - 116
13. **Notice of Motion** All Wards  
*REPORT TO FOLLOW.*
14. **Urgent Business**  
An item of business may only be considered where the Chair is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, the item should be considered as a matter of urgency.



Jonathan Stephenson

Chief Executive

Town Hall  
Brentwood, Essex  
05.01.2021

## Information for Members

Please note the changes in blue apply to remote meetings

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### Introduction

The Government has enacted The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 no 392 (the Regulations) which came into force on the 4 April 2020 and will remain in force until the 7 May 2021.

The Council will hold Committee meetings remotely and enable the public to participate by streaming those meetings that are open to the public.

Only those Committee meetings where the public have a right to speak will the facility be available to enable them to participate where the technology is not available for them to exercise this right then their participation will be by written communication read out at the remote meeting.

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### Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

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### Rights to Attend and Speak

Any member may remotely attend any Committee to which these rules apply.

Any Members may attend any Committee to which these procedure rules apply.


A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.


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### Point of Order/ Personal explanation/ Point of Information

Point of Order	Personal Explanation	Point of Information or clarification
A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.	A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.	A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate, If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

** Access to Information and Meetings**

You have the right to **remotely** attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.brentwood.gov.uk](http://www.brentwood.gov.uk).

** Guidelines on filming, photography, recording and use of social media at council and committee meetings**

**The Council will be holding remote Committee meetings and will make these accessible to the public remotely by being recorded and streamed. Whilst the Regulations apply the following paragraphs will not apply to the meetings of the Council.**


The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

** Private Session**

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

**The Chair or Clerk to the Committee will disconnect all persons who should leave the meeting prior to continuing there will be a short break to ensure that this has happened.**

** modern.gov app**

View upcoming public committee documents on your Apple or Android device with the free modern.gov app.

** Access**

**The Council will provide remote access for public participation by the meeting be accessible.**

There is wheelchair access to the meeting venue from the Main Entrance. If you do wish to attend this meeting, please contact the clerk should you have specific accessibility needs. There is an induction loop in the meeting room.

** Evacuation Procedures**

**This procedure does not apply whilst using remote meetings**

Evacuate the building using the nearest available exit and congregate at the assembly point in the Car Park.

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## Minutes

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**Ordinary Council**  
**Wednesday, 2nd December, 2020**

### Attendance

Cllr Ms Sanders (Deputy Mayor)	Cllr Kendall
Cllr Aspinell	Cllr Laplain
Cllr Barrett	Cllr Lewis
Cllr Dr Barrett	Cllr McCheyne
Cllr Bridge	Cllr McLaren
Cllr Chilvers	Cllr Mrs McKinlay
Cllr J Cloke	Cllr Mynott
Cllr S Cloke	Cllr Naylor
Cllr Mrs Davies	Cllr Nolan
Cllr Mrs Fulcher	Cllr Parker
Cllr Fryd	Cllr Mrs Pearson
Cllr Haigh	Cllr Poppy
Cllr Hirst	Cllr Mrs Pound
Cllr Mrs Hones	Cllr Reed
Cllr Hossack	Cllr Tanner
Cllr Jakobsson	Cllr Tierney
Cllr Keeble	Cllr Tumbridge

### Apologies

Cllr Clarke	Cllr Morrissey
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### Officers Present

Greg Campbell	- Director of Environment
Philip Drane	- Director of Planning and Economy
Amanda Julian	- Director of Law and Governance and Monitoring Officer
Claire Mayhew	- Corporate and Democratic Services Manager
Jean Sharp	- Governance and Member Support Officer
Jonathan Stephenson	- Chief Executive
Steve Summers	- Chief Operating Officer
Jacqueline Van Mellaerts	- Director of Corporate Resources

#### **594. Appointment of a Vice Chair**

The Deputy Mayor, Cllr Miss Sanders, **MOVED** and Cllr Hossack **SECONDED** and it was **RESOLVED** that Cllr Reed should act as Vice-chair for the duration of the meeting.

The Deputy Mayor advised that, in relation to Item 8 – Memorials or Petitions – the petition originally included in the published agenda had been withdrawn, also that Item 11 – Honorary Titles – would be considered following Item 6 – Minutes of the Emergency Committee.

#### **595. Apologies for Absence**

Apologies for absence were received from Cllrs Clarke and Morrissey.

#### **596. Declarations of Interest**

No declarations of interest were made at this stage.

#### **597. Deputy Mayor's Announcements**

The Deputy Mayor followed by Cllrs Hossack, Aspinell, Gareth Barratt, Keeble and Mrs McKinlay paid tribute to fellow Councillor John Kerlake who had passed away unexpectedly in October and would be much missed. Cllr Kerlake had served as Ward Councillor for Hutton Central since 2012 and was Deputy Leader of the Council from 2016 to 2019.

A minute's silence was observed in Cllr Kerlake's memory.

The Deputy Mayor reported that she had attended a small ceremony to raise the Flag of Remembrance to mark the fortnight leading up to Armistice Day and attended the War Memorial to lay a wreath on Remembrance Day on behalf of the residents of Brentwood and observe a two minutes' silence to reflect on those who gave their lives in the line of duty.

She had presented gifts and certificates to the top 5 Active Essex Activity Heroes who had demonstrated community passion and volunteering.

She advised that 3 December would see the first online virtual Lighting Up event and the launch of the Nutcracker Trail around Brentwood, Ingatestone and Shenfield.

#### **598. Minutes of the previous meeting**

Cllr Miss Sanders **MOVED** and Cllr Reed **SECONDED** an **AMENDMENT** under Procedure Rule 8.2.1 to the minutes of the 7 October 2020 Ordinary Council meeting as follows:

Minute 532 to state 'Returning to the substantive motion, following a full debate a recorded vote was requested and the **MOTION** was **CARRIED**'.



In response to a Member's request for councillors' names to be included in the outcome of the recorded vote, the Monitoring Officer advised that only the number of votes and political group could be recorded in the minutes for an exempt item.

Members **APPROVED** the amended minutes of the 7 October 2020 Ordinary Council meeting as a true record.

#### **599. Minutes of the Emergency Committee**

The minutes of the Emergency Committee meetings held on 5 June 2020 and 18 November 2020 were **APPROVED** as true records.

#### **600. Honorary Titles**

Members were reminded that the titles of 'Freeman of the Borough/ Freewoman of the Borough/ Freedom of the Borough and Aldermen' were honorary when the Council recognised distinguished service to the Borough.

Holders of such titles might attend and take part in such civic ceremonies as the Council might from time to time decide, but shall not, as such, have the right to attend meetings of the Council or their Committees or to receive any allowances or other payments.

Cllr Hossack **MOVED** and Cllr Aspinell **SECONDED** the recommendations within the report and following tributes being paid, it was **RESOLVED UNANIMOUSLY:**

**1. That, in pursuance of section 249(5) of the Local Government Act 1972 and in recognition of being a person of distinction and a person who has, in the opinion of the Council, rendered eminent services to the Borough, the Council admits Deputy Lieutenant of Essex, Mr Dennis Rensch MBE OLM DL to be Honorary Freeman of the Borough.**

**2. The presentation of this Honorary Title will take place at Annual Council on 20<sup>th</sup> May 2021.**

#### **601. Public Questions**

Six Public Questions had been received, as follows:

From Mrs Pat Smith:

**1. Regarding the Covid19 pandemic and support for vulnerable people in Brentwood:**

Given that social care has been subjected to huge cuts by central government and as a result many vulnerable and disabled Essex people have been priced out of basic care, by Essex County Council - what are Brentwood Council's

areas of responsibility to such people in Brentwood during the Covid19 pandemic, especially during lockdown, and in what ways did the council ensure that everybody was reached and their basic needs were met?

Cllr Hossack responded as follows:

*Brentwood Borough Council does not have responsibility for adult social services or education – these fall within the remit of the Tier One authority – Essex County Council.*

*From the outset of the Covid19 pandemic housing have sought to provide support, guidance and signposting to all of our residents especially those most vulnerable and elderly. Officers made over 1500 calls to those vulnerable and elderly regardless of tenure to establish needs and offer reassurance. This continues to take place on a daily, weekly and monthly basis to those who wish to receive additional support. All of our processes are being reviewed and amended where necessary in order to adapt to the changing landscape. Regular communication is also sent out by post including information leaflets and letters.*

### **Sheltered Housing**

*All sheltered housing residents were contacted in the first week of the March lockdown to discover what access they had to other support networks. Those with either very little or no other access to additional support were prioritised to be contacted on a daily basis to ensure they were well, not only physically but also had access to any food or medical supplies, and ensuring their mental wellbeing needs were met. Residents who were fortunate to have a strong network of support around them were contacted on a weekly basis to check that all was still well with them and their families.*

*Although a very challenging time, it enabled us to discover more about our residents. It also enabled us to develop closer relationships with other organisations who were offering their services which was a great benefit to some of the residents who enjoyed having doorstep deliveries of little extras that were being donated by local shops.*

*We also made contact with all of our community alarm customers and offered the same support to them, which was not a responsibility but something we were happy to offer and something which was very much appreciated.*

*During the lockdown staff have also developed a monthly magazine which is disseminated to all sheltered residents and we are working with organisations to support our residents' health and wellbeing, through garden and physical activity projects.*

### **Housing Needs & Homelessness**

*At the start of lockdown our Housing Advice and Homeless Prevention Officers were instructed with the support of the Temporary Accommodation Officer to contact all residents in temporary accommodation to ensure they*

*had sufficient support during this time. They identified whether the resident had access to food and medication and also enquired to whether the individual had any communication with friends and relatives to ensure they were coping during the pandemic. Our team worked closely with Brentwood Council's Community Support Officers as well as external agencies such as Peabody to ensure vulnerable residents were given additional support with food parcels and financial advice.*

*Particular focus was made towards vulnerable residents who we identified to have no other means of support from family, friends and other external organisations. Regular contact was made to several residents who we believed required additional support and may not have spoken to anyone else for long periods of time without our intervention.*

*Supporting our most vulnerable residents during this pandemic is our priority. As soon as lockdown was announced in March, the Council worked swiftly to coordinate a community response. A booklet was created, printed and posted to every resident in the Borough, outlining local support services and guidance and this was replicated online. Within 2 weeks of the lockdown announcement, the Council developed and coordinated more than 12 local support across the Borough, and an effective support system. The Council offered a triage point for those who needed support or advice, and this was coordinated appropriately, including contacting local volunteer support systems, working in partnership with the Essex Wellbeing Service, and escalating concerns to intervention teams with social services and CCGs should that be necessary.*

*The Council has also worked closely with local help hubs to ensure that food parcels are available and delivered to vulnerable people, that residents' medications are collected and delivered, and people are connected to their community to reduce social isolation and loneliness. We have provided grants to voluntary organisations to enable them to develop their support offers, such as community meals and local wellbeing hubs, and we continue to support these hubs to develop, providing key new information and lines of support and advice.*

*We directly telephoned 854 clinically extremely vulnerable people and 651 community alarm holder residents directly to ensure their basic needs were met and offer support. We continue to provide weekly up to date information to residents through a variety of means, such as through social media, local newspapers, our website and through direct phone calls. We also work with partners such as the local CVS to continue to support printed information and other departments to ensure a coordinated response to our most vulnerable.*

*The Council also developed a number of local engagement initiatives to support vulnerable people during the pandemic, including offering free home growing and gardening kits to our most vulnerable people and free school holiday clubs with free lunches for children of working parents. Currently we are putting together free arts resource packs to ensure our most vulnerable*

*children and young people have access to creative learning opportunities outside of school and whilst home learning.*

**2. Regarding Residents Questions at Ordinary Council:** If part of a residents question is missed out when it is read to the Leader and Councillors in the chamber (in public), or the Leader does not answer the question properly, or if the questioner has been misunderstood or is misrepresented in the answer, should the Resident be granted a right of reply, to set the record straight, to be published in the subsequent minutes of that meeting?

Cllr Hossack responded as follows:

*The Council responds to public questions in accordance with the Constitution, we follow the rules of procedure in part 4. Questions are dealt with under rule 11, under these rules we answer the question as it is without any further discussions (11.1(f)). The published minutes of this meeting will include the questions and the responses.*

Mr Will Russell had submitted two questions:

1. Brentwood Council have a responsibility to maintain a safe environment in our open spaces. There is growing concern that some dog walkers do not have their dog fully under their control.

Whilst the law is specific about the penalties, many are not aware of the fines or what is considered a dog not under control. Many Brentwood residents suffer from cynophobia and are fearful of using our outside spaces.

Will Brentwood Council liaise with Essex County Council to raise awareness of this situation either by signage on dog waste bins, their publications or on their websites?

Cllr Hossack responded as follows:

*There is currently no legal requirement for a dog to be kept on a lead in open spaces or parks owned by Brentwood Borough Council or Essex County Council, including Weald Country Park and Thorndon Park.*

*There is also no requirement for dogs to be 'under control', but it is an offence for a dog to be 'dangerously out of control' in a public place, and also on private property. This means that the dog has injured someone or is making someone fear they may be injured. This applies to any breed or type of dog.*

*You can get an unlimited fine or be sent to prison for up to 6 months (or both) if your dog is dangerously out of control. You may not be allowed to own a dog in the future and your dog may be destroyed.*

*A local authority has the power to ask you to keep your dog on a lead when walking along 'designated' roads.*

*Dogs are required to wear a collar with the name and address of the owner inscribed on the collar or on a plate or badge attached to it (Control of Dogs Order 1992). The dog is also required to be microchipped to enable identification if found straying*

*Some public areas can be covered by Public Spaces Protection Orders (PSPOs), which are used to control behaviour, including that of dogs where this is considered to be a problem, and you may have to:*

- keep your dog on a lead*
- put your dog on a lead if told to by a police officer, police community support officer or council officer*
- stop your dog going to certain places - like parts of a park such as children's play areas*
- limit the number of dogs you have with you (this applies to professional dog walkers too)*
- clear up after your dog*
- carry a poop scoop and disposable bags*

*There are no areas in Brentwood parks currently covered by PSPOs.*

*When walking dogs in areas used by other people you should consider using leads as much as possible to ensure that you can maintain social distancing to reduce the risks associated with coronavirus.*

2. Over the last couple of months I have witnessed unsafe parking outside Thorndon Country Park and Weald Country Park. Whilst lockdown is encouraging the use of these parks there is growing concern for the dangers this irresponsible parking is causing.

Will Brentwood Council Liaise with Essex County Council to find a solution for this dangerous situation?

Cllr Hossack responded as follows:

*We have as you know four county councillors who have responsibility for the four divisions that cover Brentwood. I am aware that Cllr Kendall raised this issue with Cllr Walsh, the Cabinet Member for Parks, probably last month or the month before. I'm also aware that Cllr Wagland who has particular responsibility for Highways and is our rural divisional member is aware of the problem and also Cllr Cloke has asked the question of his parking colleagues in SEPP to find out what measures could be taken to try to prevent people parking dangerously. Even as far as TRO managers come back with a costed-up scheme – probably it would cost around six figures to protect the roads with double yellow lines to make it an offence to park in such a way.*

*So the final agency where this responsibility lies is with the police and if you look at the Traffic Management Act of 2004 and the role of the police in Section 22 of that Act, 12.19 clearly states that when an authority receives CPE power the police services specifically include yellow line parking enforcement. We know that there are no yellow lines where Mr Russell is referring to but the police retain sole responsibility for non-yellow line enforcement in certain areas, offences such as dangerous parking and obstruction, failure to comply with police parking signs placed in emergencies. Section 22 of the Road Traffic Act 1988 makes it an offence for the person in charge to leave a vehicle or trailer on a road in such a position as to cause danger to other road users. So as useful as it is to suggest we liaise with County I think there are some impracticalities about the technical work that can be done and the cost involved. Really and truly Essex Police need to make sure that if there is a situation of dangerous parking they exercise their responsibility under the Road Traffic Act 1988 and deal with the situation.*

Ms Susan Kortlandt had submitted two questions:

1. What progress has been made in negotiations with the mobile 'phone companies re the siting of new masts near Brentwood Station and when will these be installed?

Cllr Hossack responded as follows:

*We are dealing with two different companies, Clarke Telecom who represent Cornerstone (the company set up by Vodafone and O2) and Waldon Telecom (representing MBNL which is the company set up by EE and Hutchison 3G).*

#### *Masefield Court Roof*

*A Legal Agreement giving landlords consent for the mobile masts has been agreed by solicitors acting for MBNL and the Council. This was ratified at the Lands Tribunal on 20 November. I attach the Tribunal order but to summarise the mobile operator is meeting the following costs:*

- *Our solicitors (Birketts) costs in drawing up the Agreement with the mobile phone operator*
- *The Council's barristers costs to attend the Tribunal hearing*
- *Telemasters (our mobile mast consultants) costs*
- *£750 + VAT for a revised Fire Risk Inspection that is required*
- *£500 per year for managing the check electric meter that will be installed once the mobile phone company connect into our electrical consumer unit.*

*There will be additional surveyors/consultant's costs for overseeing the installation especially the fixing of equipment to the roof and once these are fully known they can be charged back to the mobile phone company. The type of cost I am thinking of are those of a structural Engineer and a surveyor to*

*consider the proposals especially any drilling into the roof to secure the mobile equipment.*

*We were hoping to achieve a rent of £5,000 per annum in line with a recent court case on another mast but this was knocked back to £2,500 per annum and we took the view that we would agree this rather than spend more money arguing this at the Tribunal. The mobile phone company have also agreed to pay the Council an additional £800 in the form of compensation for the disruption caused by the installation.*

*The access hours that contractors are allowed to service the mobile equipment are restricted to 8am-6pm Monday to Friday and 9am-4.30pm on Weekends and Bank Holidays. In the event of emergencies, access is permitted at any time. Arrangements will need to be agreed regarding the access to the roof and this will be clarified in further discussions with the mobile operator.*

*Further details of the proposed works and health and safety risk and method statements are expected to follow so these can be scrutinised by the Council to ensure the installation is safely undertaken. In terms of further Health and Safety precautions, the mobile phone company are installing safety barriers around the roof to protect contractors.*

*This is only a temporary installation and the mobile phone company can only have this up for a maximum of 18 months without planning approval. They are therefore expected to submit another application for planning approval (the previous one was refused) shortly*

#### *Coptfold Road Green*

*Our advisors are in discussions with Clarke Telecom to agree a heads of terms before a formal agreement can be prepared by solicitors.*

*We are awaiting details of the proposed power supply of the temporary mast (we have been told this is going to be mains fed from the road) and the health and safety aspects of this installation.*

#### *Pastoral Way*

*This is another temporary mast proposal. Our advisors are in discussions with Clarke Telecom who represent the mobile phone companies regarding a Heads of Terms. Birketts solicitors have been instructed to agree an access agreement so the Mobile company can do their ground investigation before confirming the site is suitable.*

*David Wellings is being kept in the picture with regard to all the three mobile phone mast proposals (listed in this email) in the light of the various recommendations of the Grenfell Enquiry. Temporary masts can be up for a maximum of 18 months whilst the installation is either confirmed as a*

*permanent installation or an alternative site found. This is of course subject to planning consent being obtained.*

2. I understand that the Brentwood Centre is likely to be re-opened soon, which is very welcome. Can you tell me how this will affect organisations which have items stored in the centre?

Cllr Hossack responded as follows:

*If any individual or organisations have equipment or items stored at the centre then they will need to contact the Council in the first instance.*

(Cllr Reed advised that he had previously been employed at the Brentwood Centre but had been made redundant on 27 October 2020).

## **602. Memorials or Petitions**

Notice of a petition being presented was originally included in the agenda pack but was withdrawn before the meeting.

There were no memorials.

## **603. Committee Chairs Reports and Members Questions**

In accordance with the Council's Constitution a brief written report by each committee Chair covering their area of responsibility was provided for Members' information at each Ordinary Council meeting.

Any Member might ask a Chair a written or oral question on

- (a) Any matter included in the Chair's written report; or
- (b) Any matter in relation to which the Council has powers or duties or which affects the Council's area and which falls within the area of responsibility of the Chair's committee.

No written questions had been received from Members and the questions that were put to the Chairs at the meeting were responded to accordingly.

## **604. Notices of Motion**

Six Notices of Motion had been submitted in accordance with Rule 3 in Part 4.1 of the Constitution - Council Procedure Rules and were listed in order of the date received.



1. Cllr Nolan **MOVED** and Cllr Hossack **SECONDED** the following Motion:

*Whilst recognising the primary focus of effort should be on getting the Brentwood Centre and our Community Halls back up and running for the benefit of the customers that use these facilities. At the appropriate time, this council resolves to produce a 'lessons learned' report following our former relationship with the BLT and to use this to further inform the considerations we have already given to operating models as part of our Leisure Strategy work to date.*

Cllr Kendall **MOVED** and Cllr Aspinell **SECONDED** an **AMENDMENT** which Cllr Nolan **DID NOT ACCEPT**.

Members debated the **AMENDMENT**, a vote was taken and the **AMENDMENT** was **LOST**.

Returning to the **SUBSTANTIVE MOTION**, during the debate Cllr Tumbridge **MOVED** and Cllr Hossack **SECONDED** that 'the question now be put' and the **MOTION** was **CARRIED**.

A vote was taken on the **SUBSTANTIVE MOTION** and the **MOTION** was **CARRIED**.

2. Cllr Poppy **MOVED** and Cllr Hossack **SECONDED** the following **MOTION**:

*I would like to ask that the CEO, and the MO review the policy of placing members as trustees on outside bodies. As part of the work of the Constitution Working Group (CWG).*

Following a debate a vote was taken and the **MOTION** was **CARRIED UNANIMOUSLY**.

3. Cllr Bridge **MOVED** and Cllr Mrs Pearson **SECONDED** the following **MOTION**:

*This Council notes that its vehicle licencing policy was last updated in 2005. With developments in car technology, this means many modern hybrid and electrical vehicles cannot be licenced by officers as they do not directly meet the requirements of the existing policy. Therefore, this council resolves to update the policy, with a report on a new policy to be presented to a future Licensing Committee meeting, which would allow officers to exercise their discretion on these vehicles.*

Cllr Tumbridge advised that prior to the meeting he had discussed with Cllr Bridge expanding the wording of the Motion which Cllr Bridge **ACCEPTED** and following a discussion a vote was taken and the **MOTION** was **CARRIED** as follows:

*This Council notes that its vehicle licencing policy was last updated in 2005. With developments in car technology, this means many modern hybrid and*

*electrical vehicles cannot be licenced by officers as they do not directly meet the requirements of the existing policy. Therefore, this council resolves to update the policy and in doing so will take the opportunity to review the entire policy to take account of all matters that might benefit from amendment with a report on a new policy to be presented to a future Licensing Committee meeting, which would allow officers to exercise their discretion on these vehicles.*

Cllr Jon Cloke requested that as well as electric vehicles being included in the policy, hydrogen and fuel cell powered vehicles should also be included.

4. Cllr Chilvers **MOVED** and Cllr Aspinell **SECONDED** the following **MOTION**:

*As plans move forward towards the re-opening of the Brentwood Centre, this Council resolves to take the opportunity to upgrade, where necessary, the Centre's disability access facilities and fire safety measures to meet the requirements of any new legislation that has come to pass since the Brentwood Centre was opened.*

Following a debate a vote was taken and the **MOTION** was **CARRIED UNANIMOUSLY**.

5. Cllr Kendall **MOVED** and Cllr Mrs Davies **SECONDED** the following **MOTION**:

*This Council resolves to undertake an audit of the decision making under the lease arrangements and Management Agreement between the Brentwood Trust and the Council. The report to include an analysis of the records available to the officers or that are in the public domain. The report to be bought to Audit and Scrutiny by 31 March 2021.*

Following a debate a vote was taken and the **MOTION** was **LOST**.

6. Cllr Haigh **MOVED** and Cllr Lewis **SECONDED** the following **MOTION**:

*This Council resolves that before it enters into any further non-disclosure agreements relating to income generating projects, the agreements are disclosed to, and discussed by, all elected members prior to execution. It is imperative moving forward that elected members have full knowledge and understanding of any such agreements to protect the interests of investing residents of this Borough.*

*Furthermore, this Council believes that in dealing with the responsibilities of investing residents' monies, a full and open understanding of the risks and rewards of any proposed investments within the boundaries of pre-agreed strategic policies and an agreement by members is a matter of priority.*

Following a debate a vote was taken and the **MOTION** was **LOST**.

## 605. Termination of Meeting

During consideration of the previous item – Notices of Motion - in accordance with Procedure Rules 10.1 and 8.3.11 the Deputy Mayor **MOVED** and Cllr Reed **SECONDED** and the **MOTION** was **CARRIED UNANIMOUSLY** that the meeting continue beyond three hours and fifteen minutes and for a specified period of time – i.e. 60 minutes.

## 606. Constitution Working Group

The purpose of this report was to update Members on the present review of the Constitution.

Under Section 9P of the Local Government Act 2000, the Council was under a statutory duty to keep its Constitution under constant review ensuring its' content was kept it up to date.

Monthly reviews of the Council's Constitution took place with the Council's Monitoring Officer and the Members of the Constitution Working Group (CWG).

The report set out several proposals for the revision of the following chapters/paragraphs within the Council's Constitution:

- Chapter 3, Part 3.1 – Powers and Delegations 2.10 Emergency Committee (Appendix C)
- Chapter 5, Part 5.2 – Planning Code of Good Practice/Planning Chapter (Appendix A & B)
- Delegation(s) to staff – Telecommunications Networks (Appendix F)
- Proposed addition of paragraph 12.2 (e) and Proposed change to Chapter 4 Rules of Procedure (Appendix D)

The cross-party Constitution Working Group (CWG) was consulted on the proposed changes required. The attached appendices reflected the significant and detailed contributions from the Working Group Members.

Cllr Hossack **MOVED** and Cllr Mynott **SECONDED** the **RECOMMENDATIONS** within the report with some additional wording to R3. Following a debate a vote was taken and the **MOTION** was **CARRIED** as follows:

### Members agreed:

1. **To the amendments made to the Planning Code of Good Practice and Planning Chapter and adopt them within the Council's Constitution set out in Appendices A and B.**

2. To the permanent inclusion of Chapter 3 at 2.10 the Emergency Committee (Section 40 Standing Orders) within Constitution as set out in Appendix C.
3. That Delegated Authority be given to the Director of Planning and Economy and appropriate officers to determine planning applications relating to Telecommunications Networks within the Borough. The appropriate officers to provide a process to the Planning Committee of how these matters will be decided either as a delegated decision or by way of referral to the Planning Committee.
4. To adopt the proposed addition of paragraph 12.2 (e) and Proposed change to Chapter 4 Rules of Procedure within the Constitution as shown in Appendix D.

#### **607. Urgent Business**

There were no items of urgent business, however the Deputy Mayor advised Members that Jean Sharp – Governance and Member Support Officer – was retiring having worked for Brentwood Borough Council for 23 years. The Deputy Mayor thanked Mrs Sharp for her years of service and wished her well in her retirement.

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The meeting ended at 23.20hrs

## Item 9

### **Strategic Property - Acquisition EXEMPT**

The report/appendices are confidential by virtue of the likely disclosure of information exempt under para. 1 and 3 of Part 1 to Schedule 12A to the Local Government Act 1972, namely information relating to any individual and information relating to the financial or business affairs of any particular person (including the Council).

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<b>Committee:</b> Ordinary Council	<b>Date:</b> 20 January 2021
<b>Subject:</b> Council Tax Reduction Scheme – 2021/2022	<b>Wards Affected:</b> ALL
<b>Report of:</b> Jacqueline Van Mellaerts, Director of Finance & Resources	<b>Public</b>
<b>Report Author:</b> Rob Manser Name: Rob Manser, Shared Services Revenues & Benefits Manager Telephone: 01277 312 500 E-mail: rob.manser@brentwood.gov.uk	<b>For Decision</b>

## Summary

This report recommends two changes to the current Local Council Tax Reduction Scheme (LCTR) for 2021/22.

This would introduce additional support for apprentices and introduce a general 'variation' to the Council Tax Reduction scheme to allow the Council to increase / change the levels of bands / discounts within the scheme where there is an emergency situation, such as COVID for example.

The scheme has been approved by Policy, Resources and Economic Development Committee but requires final approval by Ordinary Council in line with the requirement for approval of a scheme to be in place by 31 March 2021.

Public consultation on a revised scheme was undertaken from 5 October 2020 to 15 November 2020.

## Recommendation(s)

**Members are asked to:**

**R1 Approve the revised Council Tax Reduction Scheme for 2021/22, as set out in Appendix A of this report.**

## Main Report

### **Introduction and Background**

On 1 April 2020 Brentwood Borough Council introduced a local Council Tax Reduction scheme to support working aged residents. This scheme provides financial support to residents that are on a low income or are unemployed, to assist them in paying their Council Tax. Each year, the Council has reviewed its local scheme for the year ahead.

Some form of Council Tax Support (CTS) scheme has been in place in Brentwood since 2013/14. The general principles are agreed on an Essex-wide basis as any decision made by billing authorities has an impact on our major precepting bodies. In the case of Essex County Council (ECC), this impact could be significant.

The scheme impacts all working age customers in line with Government policy. Due to the different demographics of individual billing authorities, support scheme designs differ across Essex with a number of local variations.

### Brentwood's Current Council Tax Reduction scheme

Pension age customers remain protected from any financial changes.

Support for working aged residents is based on the following basic principles:

- Entitlement is based on a banded table which compares household income and the members of a household
- Depending on the level of their net income, the household band they fall into and if there is a disabled household member, working-age customers will receive a percentage reduction of either 100%, 75%, 50%, or 25%
- Singles or Couples with more than 2 children will be restricted to a Council Tax Reduction as if having 2 children
- Residents with over £6,000 in savings are unable to claim
- Where the resident owns their property, if the property is in a Council Tax band F,G or H they are not eligible to claim



This below table demonstrates the simplified banded scheme.

Households with a disabled member will receive up to 100% council tax reduction. All other households of working age will receive up to 75% council tax reduction							
Household	Weekly Income						
	Disabled	£0.00- £75.00	£75.01- £150.00	£150.01- £225.00	£225.01- £300.00	£300.01- £375.00	£375.01- £450.00
	%	%	%	%	%	%	%
Single with no children	100	75	75	50	25	0	0
Couple with no children	100	75	75	50	25	0	0
Single with one child	100	75	75	50	50	25	25
Couple with one child	100	75	75	50	50	25	25
Single with two or more children	100	75	75	75	50	50	25
Couple with two or more children	100	75	75	75	50	50	25

As of 23 November 2020, 1,854 residents are receiving a Council Tax Reduction with a total expenditure for 2020/2021 of £1,925,388.

### **The proposed changes**

In addition to the existing scheme the proposal is to include the following additional elements to support residents:

1. Where an apprentice earns more than £195.01 but less than £300 per week and they are the only other adult in a property, they can be disregarded for Council Tax purposes for the term of their apprenticeship – this is to support single parents and school leavers into employment.

180 households with an apprentice would be better off, estimated overall cost £83k, £9k cost to Brentwood

2. To introduce a general 'variation' to the Council Tax Reduction scheme to allow the Council to increase / change the levels of bands / discounts within the scheme where there is an emergency situation, such as COVID for example. This would allow the Council to provide more support to households who have been affected due to imposed restrictions and being unable to work.

## **Consultation**

Before final approval of the scheme, Councils are required to consult with:

- Major Precepting Authorities (County Council, Police and Fire Authorities)
- The public
- Relevant stakeholder groups

The consultation period of 6 weeks covered 5 October 2020 to 15 November 2020, we published our proposals for a draft scheme on our website with a link to a consultation hosted by ECC (who have the necessary consultation software). People who did not have access to the internet or who wished to give a more detailed response were sent paper consultations if requested.

The consultation was advertised through social media and through direct customer contact.

26 customers responded to this consultation and answered at least some of the questions, this compares with 49 customers in 2019/20.

The consultation asked 2 specific questions:

Q 1. Where an apprentice earns less than £195.00 per week and they are the only other adult in a property the household can receive a 25% reduction from their Council Tax bill. The proposal is that where the apprentice earns more than £195.00 but less than £300 per week and they are the only other adult in a property, they can also receive the 25% reduction from their Council Tax bill for the term of their apprenticeship. This is to support single parents and school leavers into employment.

How do you feel about this approach?

Strongly Agree / Agree / Neither agree or disagree / Disagree / Strongly Disagree

### **92% either Strongly Agreed or Agreed with this proposal**

Q 2. Brentwood Council would like to introduce a general 'variation' to the Council Tax Reduction scheme to allow the Council to increase / change the levels of bands / discounts within the scheme where there is an emergency situation, such as COVID for example. This would allow the Council to provide more support to households who have been affected due to imposed restrictions and being unable to work.

How do you feel about this approach?

Strongly Agree / Agree / Neither agree or disagree / Disagree / Strongly Disagree

### **92% either Strongly Agreed or Agreed with this proposal**

## **OPTIONS**

Approve the recommendation in full – Adopt the proposed new Council Tax Reduction scheme for 2021/2022 as set out in **Appendix A** – this is the preferred option.

Do not approve the recommendation – The Local Council Tax Support Reductions scheme that is currently in place, with the maximum LCTR available of 100%, our current scheme, would remain our default scheme for 2021/2022.

## **References to Corporate Plan**

This report reflects all areas of the Corporate Plan.

## **Implications**

### **Financial Implications**

**Name & Title: Jacqueline Van Mellaerts, Corporate Director (Finances & Resources) & Section 151 Officer**

**Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk**

The Council has to fund the scheme from within the totality of its resources. The scheme must, therefore, balance the needs of those in receipt whilst ensuring the scheme is sustainable for the Council and precepting authorities.

The overall cost to Brentwood and the other precepting authorities of the proposed additional CTR scheme element is estimated at £83k, this is at a cost to Brentwood of £9k.

The pressure will be accounted for within the collection fund and charged to the Council through the yearly surplus/deficit process.

### **Legal Implications**

**Name & Title: Amanda Julian, Corporate Director (Law and Governance) & Monitoring Officer.**

**Tel & Email: 01277 312500/Amanda.julian@brentwood.gov.uk**

The Council has a legal obligation under s13A(2) of the Local Government Finance Act (LGFA) 1992 (as amended) is to have a reduction scheme the LGFA Schedule 1A provides for the interpretation of what a scheme, what matters should be included, how to prepare the scheme and provide for the Secretary of State to prescribe the scheme in regulations. Section 31A of the LGFA sets out the statutory requirements of billing authorities to determine the annual Council Tax base.

The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 prescribes the principles on which local schemes are to operate.

### **Economic Implications**

**Name & Title: Phil Drane, Corporate Director (Planning & Economy)**

**Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk**

It is important that the Council can set a framework for a balanced budget, which in turn can create local economic benefits. Specific proposals to exempt apprentices from Council Tax, subject to the earnings criteria set out within this report, will encourage single parents and school leavers into employment, for example. This proposal will help boost skills and jobs growth, contributing towards economic growth in the borough. The ability for variation in situations of emergency provides flexibility, which when considering the economic experience of 2020 is an important provision to ensure appropriate responses can be made to benefit local communities, including businesses.

### **Other Implications**

None

### **Background Papers**

None

### **Appendices to this report**

Appendix A – Brentwood Council Tax Reduction Scheme 2021/2022.



**Brentwood Borough Council**

**Council Tax Reduction Scheme**

S13A and Schedule 1a of the Local Government Finance Act 1992

**Council Tax Technical changes**

The Council Tax (Exempt Dwellings) (England) (Amendment) Order 2012  
The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment)  
Regulations 2012;  
The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act  
2018

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

- 1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period from 1<sup>st</sup> April 2021.
- 1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1<sup>st</sup> April 2021 for a period of one financial year.
- 1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:
- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
  - Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
  - Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
  - Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
  - Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015:
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
  - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021; and
  - Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

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

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

The three prescribed classes are as follows;

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

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

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed

- c. Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- c. who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- d. whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 9 and Schedule 2 of the Local Government Finance Act 1992;
- e. not have capital savings above £16,000; and
- f. who has made an application for a reduction under the authority's scheme.

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

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

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

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

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

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

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

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

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

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

**Disregard of certain incomes**

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

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

**THE SCHEME FOR WORKING AGE APPLICANTS – THE COUNCIL’S LOCAL SCHEME**

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

**Class D**

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker’s allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;

- d. is not deemed to be absent from the dwelling;
- e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- f. be somebody in respect of whom a maximum Council Tax Reduction amount can be calculated;
- g. not have capital savings above £6,000;
- h. not reside in a dwelling which has a Council Tax band of F,G or H;
- i. not have income above the levels specified within the scheme;
- j. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income* is within a range of incomes specified within Schedule 1; and
- k. has made a valid application for reduction.

## **Council Tax Reduction Scheme**

Details of support to be given for **working age applicants** for the financial year 2021/22

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

### 2.1 In this scheme–

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

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

**‘the 1973 Act’** means the Employment and Training Act 1973;

**‘the 1992 Act’** means the Local Government Finance Act 1992;

**‘the 2000 Act’** means the Electronic Communications Act 2000;

**‘Abbeyfield Home’** means an establishment run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society;

**‘adoption leave’** means a period of absence from work on ordinary or additional adoption leave by virtue of section 75A or 75B of the Employment Rights Act 1996;

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

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

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

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

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

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

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

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

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

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

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

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

**‘child’** means a person under the age of 16;

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

**‘the Children Order’** means the Children (Northern Ireland) Order 1995;

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

**‘claim’** means a claim for council tax reduction;

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

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

**‘the Consequential Provisions Regulations’** means the Housing Benefit and Council tax reduction (Consequential Provisions) Regulations 2006;

**‘contributory employment and support allowance’** means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;

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

**‘council tax reduction scheme’** has the same meaning as **‘council tax reduction or reduction’**

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

**‘couple’** means;

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

Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes. The above includes the Marriage (Same Sex Couples) Act 2013 and The Marriage (Same Sex Couples) Act 2013 (Commencement No. 3) Order 2014;

**‘date of claim’** means the date on which the application or claim is made, or treated as made, for the purposes of this scheme

**‘designated authority’** means any of the following;

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

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

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

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

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

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

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

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

**‘employed earner’** is to be construed in accordance with section 2(1)(a) of the Act and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;

**‘Employment and Support Allowance Regulations’** means the Employment and Support Allowance Regulations 2008 and the Employment and Support Regulations 2013 as appropriate;

**‘Employment and Support Allowance (Existing Awards) Regulations’** means the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) Regulations 2010;

**‘the Employment, Skills and Enterprise Scheme’** means a scheme under section 17A (schemes for assisting persons to obtain employment; ‘work for your benefit’ schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist applicants to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search). This also includes schemes covered by The Jobseekers Allowance (Employment, Skills and Enterprise Scheme) Regulations 2011 as amended by the Jobseekers (Back to Work Schemes) Act 2013 – see **‘Back to Work Schemes’**;

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

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

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

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

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

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

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

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

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

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

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

**‘income-related employment and support allowance’** means an income-related allowance under Part 1 of the Welfare Reform Act 2007;

**‘Income Support Regulations’** means the Income Support (General) Regulations 1987(a);

**‘independent hospital’**–

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

(b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and

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

**‘the Independent Living Fund (2006)’** means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;

**‘invalid carriage or other vehicle’** means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

**‘Jobseekers Act’** means the Jobseekers Act 1995; ‘Jobseeker’s Allowance Regulations’ means the Jobseeker’s Allowance Regulations 1996 and Jobseeker’s Allowance Regulations 2013 as appropriate;

**‘limited capability for work’** has the meaning given in section 1(4) of the Welfare Reform Act;

**‘limited capability for work-related activity’** has the meaning given in section 2(5) of the Welfare Reform Act 2007;

**‘the London Bombing Relief Charitable Fund’** means the company limited by guarantee (number 5505072), and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;

**‘lone parent’** means a person who has no partner and who is responsible for and a member of



the same household as a child or young person;

**‘the Macfarlane (Special Payments) Trust’** means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

**‘the Macfarlane (Special Payments) (No.2) Trust’** means the trust of that name, established on 3rd May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

**‘the Macfarlane Trust’** means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

**‘main phase employment and support allowance’** means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 except in Part 1 of Schedule 1;

**‘the Mandatory Work Activity Scheme’** means a scheme within section 17A (schemes for assisting persons to obtain employment; ‘work for your benefit’ schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to provide work or work related activity for up to 30 hours per week over a period of four consecutive weeks with a view to assisting applicants to improve their prospect of obtaining employment;

**‘maternity leave’** means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part 8 of the Employment Rights Act 1996;

**‘member of a couple’** means a member of a married or unmarried couple;

**‘MFET Limited’** means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;

**‘mobility supplement’** means a supplement to which paragraph 9 of Schedule 2 refers;

**‘mover’** means an applicant who changes the dwelling in which the applicant is resident and in respect of which the applicant liable to pay council tax from a dwelling in the area of the appropriate authority to a dwelling in the area of the second authority;

**‘net earnings’** means such earnings as are calculated in accordance with section 26;

**‘net profit’** means such profit as is calculated in accordance with section 28;

**‘the New Deal options’** means the employment programmes specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations 1996 and the training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

**‘new dwelling’** means, for the purposes of the definition of ‘second authority’ and sections 60C, and 61C the dwelling to which a applicant has moved, or is about to move, in which the applicant is or will be resident;

**‘non-dependant’** has the meaning prescribed in section 3;

**‘non-dependant deduction’** means a deduction that is to be made under section 58;

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

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

(i) arising out of an exceptional event or exceptional circumstances, or

(ii) that needs to be met to avoid a risk to the well-being of an individual, and

(b) enabling qualifying individuals to establish or maintain a settled home, and—

(i) ‘local authority’ has the meaning given by section 270(1) of the Local Government Act 1972 ;and

(ii) ‘qualifying individuals’ means individuals who have been, or without the assistance might otherwise be:

(aa) in prison, hospital, an establishment providing residential care or other institution, or

(bb) homeless or otherwise living an unsettled way of life; and ‘local authority’ means a local authority in England within the meaning of the Local Government

Act 1972;

**'occupational pension'** means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

**'occupational pension scheme'** has the same meaning as in section 1 of the Pension Schemes Act 1993

**'ordinary clothing or footwear'** means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities;

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

(a) where that person is a member of a couple, the other member of that couple;

(b) subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or

(c) where that person is polygamously married and has an award of universal credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

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

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

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

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

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

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

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

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

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

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

**'personal pension scheme'** means—

a. a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;

b. an annuity contractor trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;

c. a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

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

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

(a) a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and

(b) either party to the marriage has for the time being any spouse additional to the other party.

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

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

(a) in the case of a woman, pensionable age; or

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

**'qualifying contributory benefit'** means;

(a) severe disablement allowance;

(b) incapacity benefit;

(c) contributory employment and support allowance;

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

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

(a) income support;

(b) income-based jobseeker's allowance;

(c) income-related employment and support allowance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) an employment zone programme;

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

(c) the Employment, Skills and Enterprise Scheme;

(d) a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;

(e) Back to Work scheme.

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

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

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

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

**'the SSCBA'** means the Social Security Contributions and Benefits Act 1992

**'State Pension Credit Act'** means the State Pension Credit Act 2002;

**'student'** has the meaning prescribed in section 43;

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

**‘the Tax Credits Act’** means the Tax Credits Act 2002;

**‘tax year’** means a period beginning with 6th April in one year and ending with 5th April in the next;

**‘training allowance’** means an allowance (whether by way of periodical grants or otherwise) payable—

- (a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Young People’s Learning Agency for England, the Chief Executive of Skills Funding or Welsh Ministers;
- (b) to a person for his maintenance or in respect of a member of his family; and
- (c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, the department or approved by the department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers.

It does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the 1973 Act or is training as a teacher;

**‘the Trusts’** means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust;

**‘Universal Credit’** means any payment of Universal Credit payable under the Welfare Reform Act 2012, the Universal Credit Regulations 2013, The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013, Universal Credit (Miscellaneous Amendments) Regulations 2013 and the Universal Credit (Transitional Provisions) Regulations 2014;

**‘Uprating Act’** means the Welfare Benefit Up-rating Act 2013, the Welfare Benefits Up-rating Order 2014 and the Welfare Benefits Up-rating Order 2015;

**‘voluntary organisation’** means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

**‘war disablement pension’** means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;

**‘war pension’** means a war disablement pension, a war widow’s pension or a war widower’s pension;

**‘war widow’s pension’** means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

**‘war widower’s pension’** means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

**‘water charges’** means;

(a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,

(b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002, in so far as such charges are in respect of the dwelling which a person occupies as his home;

**‘week’** means a period of seven days beginning with a Monday;

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

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

2.2 In this scheme, references to an applicant occupying a dwelling or premises as his home shall

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

be determined by the authority.

- 2.3 In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this scheme, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker's allowance is not payable); or
  - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;
  - (c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker's allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;
  - (d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).
- 2.4A For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or
  - (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.
- 2.5 For the purposes of this scheme, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- 2.6 In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

### **3.0 Definition of non-dependant**

- 3.1 In this scheme, 'non-dependant' means any person, except someone to whom paragraph 3.2 applies, who normally resides with an applicant or with whom an applicant normally resides.
- 3.2 This paragraph applies to;
- a. any member of the applicant's family;
  - b. if the applicant is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
  - c. a child or young person who is living with the applicant but who is not a member of his household by virtue of section 11(membership of the same household);
  - d. subject to paragraph 3.3, any person who, with the applicant, is jointly and severally

- liable to pay council tax in respect of a dwelling for any day under sections 6, 7 or 75 of the 1992 Act (persons liable to pay council tax);
- e. subject to paragraph 3.3, any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
- f. a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

3.3 Excepting persons to whom paragraph 3.2 a) to c) and f) refer, a person to whom any of the following sub-paragraphs applies shall be a non-dependant–

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

3.4 Where any member of a household is an apprentice and earns more than £195.01 but less than £300 per week and they are the only other adult in a property, they can be disregarded for Council Tax purposes for the term of their apprentice

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

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

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

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

4.3 Paragraph 4.2 shall not apply–

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

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

- iii. has not previously been allocated a national insurance number.

#### **5.0 Persons who have attained the qualifying age for state pension credit**

5.1 This scheme applies to a person if:

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

#### **6.0 Persons who reside in dwellings with a Council Tax Band of F, G or H**

6.1 Where a person resides in a property that is band F, G, H and is defined within the Housing Benefit regulations as an owner, the amount in section 43.0 shall be 0 percent.

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

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

7.1 Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.

7.2 Except where a person falls within paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.

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

- (a) regulation 13 of the EEA Regulations;
- (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
  - (i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or
  - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
- (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (5) of that regulation of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).

7.4A For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—

- (a) article 3 (grant of leave to EEA and Swiss nationals) of the Immigration (European Economic Area Nationals) (EU Exit) Order 2019 made under section 3A of that Act;
- (b) Appendix EU to the immigration rules made under section 3(2) of that Act; or
- (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act.

7.5 A person falls within this paragraph if the person is—

- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;

- (b) a family member of a person referred to in sub-paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;
- (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
- (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971<sup>3</sup> where that leave is—
  - (i) discretionary leave to enter or remain in the United Kingdom,
  - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012, or
  - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005.
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance or
- (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph 7.4

7.6 A person falls within this paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.

7.7 A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.

7.8 In this regulation—  
 "claim for asylum" has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;  
 "Crown servant" means a person holding an office or employment under the Crown;  
 "EEA Regulations" means the Immigration (European Economic Area) Regulations 2006; and  
 "The Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014; and  
 "Her Majesty's forces" has the same meaning as in the Armed Forces Act 2006.

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

7.9 Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.

7.10 A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph 7.9

7.11 "Person subject to immigration control" has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

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



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

7A.1 The above does not apply to a person who, on 31st March 2015

- (a) is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act; and
- (b) is entitled to an income-based jobseeker's allowance, until the first of the events in paragraph 7A.2 occurs.

7A.2 The events are—

- (a) the person makes a new application for a reduction under an authority's scheme established under section 13A(2) of the Act; or
- (b) the person ceases to be entitled to an income-based jobseeker's allowance.

7A.3 In this section "the Act" means the Local Government Finance Act 1992.

## **8.0 Not Used**

## **9.0 Membership of a family**

9.1 Within the support scheme adopted by the Council 'family' means;

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

For the purposes of the scheme a child is further defined as a 'child or young person'

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

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

9.2 Paragraph 9.1 the definition of child or young person shall not apply to a person who is;

- a. on income support;
- b. an income-based jobseeker's allowance or an income-related employment and support allowance; or has an award of Universal Credit; or
- c. a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies.

9.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is payable

**10.0 Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.**

10.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him and this includes a child or young person to whom paragraph 9.3 applies

10.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph 9.1 as normally living with;

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

10.3 For the purposes of this scheme a child or young person shall be the responsibility of only one person and any person other than the one treated as responsible for the child or young person under this section shall be treated as not so responsible.

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

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

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

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

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

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

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

- 11.4 The authority shall treat a child or young person to whom paragraph 11.3 a) applies as being a member of the applicant's household where;
- a. that child or young person lives with the applicant for part or all of that reduction week; and
  - b. the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.

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

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

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

is to be calculated in accordance with the following provisions.

12.2 The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this section any reference to the applicant applies equally to any partner of that applicant.

- 12.3 Where an applicant or the partner of an applicant is married polygamously to two or more members of his household:
- (a) the applicant must be treated as possessing capital and income belonging to each such member; and
  - (b) the income and capital of that member is to be calculated in accordance with the following provisions in like manner as for the applicant.

12.4 In determining the income and capital of a person who has an award of universal credit of an applicant

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

an award of universal credit the authority may, subject to the following provisions of this paragraph use the calculation or estimate of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.

12.5 The award of universal credit shall be the gross award **before** any deductions for loans, sanctions, advances, third party payments, payments to landlords or any other such deductions made by the Secretary of State.

12.6 The authority may adjust the amount referred to in sub-paragraph (4) to take account of

- (a) income consisting of the award of universal credit;
- (b) the authority's determination of any housing element;
- (c) a sum of £25 disregarded from the calculation of earnings;
- (d) any sum to be disregarded under paragraphs of Schedule 2 to this scheme (sums to be disregarded in the calculation of income other than earnings);
- (e) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable)

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

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

**13.0 Not used**

**14.0 Calculation of income on a weekly basis**

14.1 For the purposes of this scheme, the income of an applicant shall be calculated on a weekly basis;

- a. by estimating the amount which is likely to be his average weekly income in accordance with this section; and
- b. by then deducting any relevant child care charges to which section 15 (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 paragraph 14.2 are met, from those earnings plus whichever credit specified in sub- paragraph (b) of that paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in paragraph (3) applies in his case.

14.2 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 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.

14.3 The maximum deduction to which paragraph 14.1 b) above refers shall 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, £300.00 per week.

**15.0 Treatment of child care charges**

15.1 This section applies where an applicant is incurring relevant child-care charges and;

- a. is a lone parent and is engaged in work;
- b. is a member of a couple both of whom are engaged in work; or
- c. is a member of a couple where one member is engaged in 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).

15.2 For the purposes of paragraph 15.1 a person shall be treated as engaged in work if:

- a. they are engaged in genuine and effective work; or
- b. was working but off work sick and getting Statutory Sick Pay from their employer; or
- c. Was working but on maternity and getting Statuary Maternity Pay from their employer

15.3 – 15.4 Not used

- 15.5 Relevant child care charges are those charges for care to which paragraphs 15.6 and 15.7 apply, and shall be calculated on a weekly basis in accordance with paragraph 15.10.
- 15.6 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.
- 15.7 The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 15.8 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 section 10 (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.
- 15.8 The care to which paragraph 15.7 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 eight 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 eight 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 by the Tax Credit (New Category of Child Care Provider) Regulations 1999;
  - c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; 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; or
  - e. by;
    - i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010; or
    - ii. local authorities registered under section 83(1) of that Act, where the care provided is child minding or day care 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; 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 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering

- or kinship carer is looking after; or
- l. by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
- m. by a person who is not a relative of the child wholly or mainly in the child's home.

15.9 In paragraphs 15.6 and 15.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.

15.10 Relevant child care charges shall 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.

15.11 For the purposes of this scheme the other member of a couple is incapacitated where, **but for the implementation of this scheme:**

- a. 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
- b. 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 regulation made under section 171E of the Act;
- c. 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 2013 as appropriate;
- d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- e. the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- f. 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 Act;
  - ii. attendance allowance under section 64 of the Act;
  - iii. severe disablement allowance under section 68 of the Act;
  - iv. disability living allowance under section 71 of the Act;
  - v. personal independence payment under the Welfare Reform Act 2012;
  - vi. an AFIP;
  - vii. increase of disablement pension under section 104 of the Act;
  - 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 head (ii), (iv) or (v) above;
  - ix. main phase employment and support allowance;
- g. a pension or allowance to which head (ii), (iv), (v) or (vi) of sub-paragraph (f) 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 section shall mean 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 social security (Hospital In-Patients) Regulations 2005;

- h. 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;
- i. paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
- j. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 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.

15.12 For the purposes of paragraph 15.11, once paragraph 15.11e) applies to the applicant, 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 apply to him for so long as he has, or is treated as having, limited capability for work.

15.13 For the purposes of paragraphs 15.6 and 15.8 a), a person is disabled if he is a person—

- a. in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;
- b. 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
- c. 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.

15.14 - 15.16 Not used

15.17 In this section 'applicant' does not include an applicant;

- a. who has, or
- b. who (jointly with his partner) has, an award of universal credit

## **16.0 Average weekly earnings of employed earners**

16.1 Where an applicant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment based on the last weekly pay slip or monthly salary slip. Where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

16.2 Where the amount of an applicant's earnings changes during an award the authority shall estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed 52 weeks.

16.3 For the purposes of this section the applicant's earnings shall be calculated in accordance with the following sections.

**17.0 Average weekly earnings of self-employed earners**

17.1 Where an applicant's income consists of earnings from employment as a self-employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed a year.

**18.0 Average weekly income other than earnings**

18.1 An applicant's income which does not consist of earnings shall, except where paragraph 18.2 applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period shall not in any case exceed 52 weeks; and nothing in this paragraph shall authorise the authority to disregard any such income other than that specified in Schedule 2 of this scheme

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

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

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

19.2 Where this section applies, the period over which a tax credit is to be taken into account shall be the period set out in paragraph 19.3

19.3 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.

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

**20.0 Calculation of weekly income**

20.1 For the purposes of average weekly earnings of employed earners, average weekly income other than earnings and calculation of average weekly income from tax credits, where the period in respect of which a payment is made;

- a. does not exceed a week, the weekly amount shall be the amount of that payment;
- b. exceeds a week, the weekly amount shall be determined—
  - i. in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
  - ii. in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the product by 7.

20.2 For the purpose of calculating the average weekly earnings of self-employed earners the weekly amount of earnings of an applicant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.



**21.0 Disregard of changes in tax, contributions etc.**

21.1 In calculating the applicant's income the appropriate authority may disregard any legislative change

- a. in the basic or other rates of income tax;
- b. in the amount of any personal tax relief;
- c. in the rates of national insurance contributions payable under the Act or in the lower earnings limit or upper earnings limit for Class 1 contributions under the Act, the lower or upper limits applicable to Class 4 contributions under the Act or the amount specified in section 11(4) of the Act (small profits threshold in relation to Class 2 contributions);
- d. in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the Act;

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

**22.0 Earnings of employed earners**

22.1 Subject to paragraph 22.2, 'earnings' means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes—

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
- g. (i) travelling expenses incurred by the applicant between his home and his place of employment;
- (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- h. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- i. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- j. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- k. any statutory sick pay, statutory maternity pay, statutory paternity pay, shared parental pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- l. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave, shared parental pay or adoption leave or is absent from work because he is ill;
- m. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended<sup>4</sup>.

22.2 Earnings shall not include—

- a. subject to paragraph 22.3, any payment in kind;
- b. any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;

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

- c. any occupational pension
- d. any payment in respect of expenses arising out of the applicant's participation in a service user group or an applicant participating as a service user

22.3 Paragraph 22.2 a) shall not apply in respect of any non-cash voucher referred to in paragraph 22.1)

**23.0 Calculation of net earnings of employed earners**

23.1 For the purposes of average weekly earnings of employed earners, the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall, be his net earnings.

23.2 There shall be disregarded from an applicant's net earnings, £20 per week. This disregard shall apply irrespective of the number of hours worked.

23.3 For the purposes of paragraph 23.1 net earnings shall, except where paragraph 23.6 applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;

- a. any amount deducted from those earnings by way of
  - i) income tax;
  - ii) primary Class 1 contributions under the Act;
- b. one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- c. one-half of the amount calculated in accordance with paragraph 26.5 in respect of any qualifying contribution payable by the applicant; and
- d. where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted for those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the Act.

23.4 In this section 'qualifying contribution' means any sum which is payable periodically as a contribution towards a personal pension scheme.

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

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

23.6 Where the earnings of an applicant are estimated, his net earnings shall 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 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;
- b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were

- payable; and
- c. one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

#### **24.0 Earnings of self-employed earners**

24.1 Subject to paragraph 24.2, 'earnings', in the case of employment as a self-employed earner, means the gross income of the employment.

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

24.3 This paragraph applies to—

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

24.4 Where the applicant's earnings consist of any items to which paragraph 24.3 applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by

- a) the amount of the reduction under this scheme which would be payable had the payment not been made, plus
- b) an amount of £20 per week. This disregard shall apply irrespective of the number of hours worked.

#### **25.0 Calculation of net profit of self-employed earners**

25.1 For the purposes of calculating the average weekly earnings of self-employed earners, the earnings of an applicant to be taken into account shall be, in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;

25.2 There shall be disregarded from an applicant's net profit, an amount of £20 per week. This disregard shall apply irrespective of the number of hours worked

25.3 The net profit of the employment shall be calculated by taking into account the earnings for the employment over the assessment period less

- a. any expenses wholly and exclusively incurred in that period for the purposes of that employment;
- b. an amount in respect of;
  - (i) income tax, and
  - (ii) national insurance contributions payable under the Act; and
- c. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.

25.4 The net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, any expenses wholly and exclusively incurred in

that period for the purposes of the employment.

- 25.5 No deduction shall be made in respect of—
- a. any capital expenditure;
  - b. the depreciation of any capital asset;
  - c. any sum employed or intended to be employed in the setting up or expansion of the employment;
  - d. any loss incurred before the beginning of the assessment period;
  - e. the repayment of capital on any loan taken out for the purposes of the employment;
  - f. any expenses incurred in providing business entertainment, and
  - g. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.
- 25.6 A deduction shall be made in respect of the repayment of capital on any loan used for—
- a. the replacement in the course of business of equipment or machinery; and
  - b. the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- 25.7 The authority shall refuse to make deductions in respect of any expenses where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 25.8 For the avoidance of doubt—
- a. deductions shall not be made in respect of any sum unless it has been expended for the purposes of the business;
  - b. a deduction shall be made thereunder in respect of—
    - i. the excess of any value added tax paid over value added tax received in the assessment period;
    - ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
    - iii. any payment of interest on a loan taken out for the purposes of the employment
- 25.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of
- a. income tax; and
  - b. national insurance contributions payable under the Act; and
  - c. one-half of the amount calculated in respect of any qualifying contribution.
- 25.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.
- 25.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined
- a. where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and divided the product by 365;
  - b. in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.
- 25.12 In this section, 'qualifying premium' means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.

**26.0 Not used**

**27.0 Calculation of income other than earnings**

- 27.1 The income of an applicant which does not consist of earnings to be taken into account shall, be his gross income and any capital treated as income.
- 27.2 There is to be disregarded from the calculation of an applicant's gross income, any sum, where applicable, specified in Schedule 2.
- 27.3 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 shall be the gross amount payable.
- 27.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008 or 2013 as appropriate, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- 27.5 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 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 27.6 In paragraph 30.5 'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.
- 27.7 For the avoidance of doubt there shall be included as income to be taken into account 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.

**28.0 – 29.0 Not used**

**30.0 Capital limit**

- 30.1 For the purposes of this scheme, the prescribed amount is £6,000 and no reduction shall be granted when the applicant has an amount greater than this level.

**31.0 Calculation of capital**

- 31.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, be the whole of his capital calculated in accordance with this scheme..

**32.0 - 38.0 Not used**

**39.0 Student related definitions**

- 39.1 In this scheme the following definitions apply;
- 'academic year'** means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;
- 'access funds'** means;
- a. grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;

- b. grants made under section 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- c. grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- d. discretionary payments, known as “learner support funds”, which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or
- e. Financial Contingency Funds made available by the Welsh Ministers;

**‘college of further education’** means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

**‘course of study’** means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

**‘covenant income’** means the gross income payable to a full-time student under a Deed of Covenant by his parent;

**‘education authority’** means a government department, a local authority as defined in section 579 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain;

**‘full-time course of study’** means a full-time course of study which;

- a. is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;
- b. is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
  - (i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student’s learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or
  - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- c. is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
  - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
  - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

**‘full-time student’** means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

**‘grant’** (except in the definition of ‘access funds’) means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary but does not include a payment from access funds or any payment to which paragraph 12 of Schedule

2 or paragraph 53 of Schedule 3 applies;

**'grant income'** means

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

**'higher education'** means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992;

**'last day of the course'** means;

- a. in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;
- b. in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

**'period of study'** means—

- a. in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- b. in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, the year's start and ending with either—
  - (i) the day before the start of the next year of the course in a case where the student's grant or loan is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
  - (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- c. in the final year of a course of study of more than one year, the period beginning with that year's start and ending with the last day of the course;

**'periods of experience'** means periods of work experience which form part of a sandwich course;

**'qualifying course'** means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker's Allowance Regulations;

**'modular course'** means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

**'sandwich course'** has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans), (Scotland), Regulations 2007 or regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

**'standard maintenance grant'** means—

- a. except where paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 ('the 2003 Regulations') for such a student;
- b. except where paragraph (c) applies, in the case of a student residing at his parent's home, the amount specified in paragraph 3 thereof;
- c. in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as 'standard maintenance allowance' for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- d. in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

**'student'** means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

- a. a course of study at an educational establishment; or
- b. a qualifying course;

**‘student’ loan** means a loan towards a student’s maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and shall include, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Student’s Allowances (Scotland) Regulations 2007

- 39.2 For the purposes of the definition of ‘full-time student’, a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course
- a. in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending;
    - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
    - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
  - b. in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

- 39.3 For the purposes of sub-paragraph (a) of paragraph 39.2, the period referred to in that sub-paragraph shall include;
- a. where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
  - b. any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

#### **40.0 Treatment of students**

- 40.1 The following sections relate to students who claim Council tax reduction

#### **41.0 Calculation of grant income**

- 41.1 The amount of a student’s grant, covenant income or loan income to be taken into account shall, be the **whole** of his grant, covenant or loan income. No disregards shall be applied.
- 41.2 Any grant, covenant income or loan income shall be calculated at the level actually received or at the level that could be received if applied for.
- 41.3 In calculating the weekly income, the authority shall take the total grant, covenant income or loan income and apportion it equally between the period for which it is paid or for which it could be paid if applied for.

#### **42.0 Treatment of payments from access funds**

- 42.1 This paragraph applies to payments from access funds.
- 42.2 A payment from access funds, shall be calculated as income.
- 42.3 In calculating the weekly income from access funds, the authority shall take the total access fund payment or any amount that could be paid if applied for and apportion it equally between the period for which it is paid or for which it could be paid if applied for.



#### **43.0 Maximum council tax reduction**

43.1 Subject to paragraphs 43.2 to 43.4, the amount of a person's maximum council tax support in respect of a day for which he is liable to pay council tax, shall be 100 per cent, of the amount A/B where;

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

B is the number of days in that financial year,

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

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

43.3 Subject to paragraph 43.4, 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 paragraph 43.1, the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

43.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph 43.3 shall not apply in his case.

#### **44.0 Not Used**

#### **45.0 Non-dependant deductions**

45.1 There shall be no non-dependant deductions.

#### **46.0 Extended reductions**

46.1 An applicant who is entitled to council tax reduction (by virtue of the general conditions of entitlement) shall be 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, 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.

46.2 For the purpose of paragraph 46.1(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.

46.3 For the purpose of this section, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they shall be treated as being entitled to and in

receipt of jobseeker's allowance.

- 46.4 An applicant must be treated as entitled to council tax reduction by virtue of the general conditions of entitlement where—
- (a) the applicant ceased to be entitled to council tax reduction 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 paragraph 46.1(b).

46.5 This section shall not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support Regulations (remunerative work: housing costs) applied to that applicant.

#### **47.0 Duration of extended reduction period**

47.1 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 the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

47.2 For the purpose of paragraph (47.1), 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.

47.3 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.

#### **48.0 Amount of extended reduction**

48.1 For any week during the extended reduction period the amount of the extended reduction payable to an applicant shall be the higher of—

- (a) the amount of council tax reduction to which the applicant was entitled under the general conditions of entitlement 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 council tax reduction to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if section 47 (extended reductions) did not apply to the applicant; or
- (c) the amount of council tax reduction to which the applicant's partner would be entitled under the general conditions of entitlement, if section 47 did not apply to the applicant.

48.2 Paragraph 48.1 does not apply in the case of a mover.

48.3 Where an applicant is in receipt of an extended reduction under this section and the applicant's partner makes a claim for council tax reduction, no amount of council tax reduction shall be payable by the appropriate authority during the extended reduction period.

#### **49.0 Extended reductions – movers**

49.1 This section applies;

- (a) to a mover; and
- (b) from the Monday following the day of the move.

49.2 The amount of the extended reduction payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax reduction 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 income-related benefit.

49.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction may take the form of a payment from the appropriate authority to;

- (a) the second authority; or
- (b) the mover directly.

49.4 Where—

- (a) a mover, or the mover's partner, makes a claim for council tax reduction to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended reduction from the appropriate authority, the second authority shall reduce the weekly amount of council tax reduction that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended reduction until the end of the extended reduction period.

#### **50.0 Relationship between extended reduction and entitlement to council tax reduction under the general conditions of entitlement**

50.1 Where an applicant's council tax reduction award would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 51.1(b), that award will not cease until the end of the extended reduction period.

#### **51.0 Extended reductions (qualifying contributory benefits)**

51.1 An applicant who is entitled to council tax reduction (by virtue of the general conditions of entitlement) shall be 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, 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.

51.2 An applicant must be treated as entitled to council tax reduction by virtue of the general conditions of entitlement where;

- (a) the applicant ceased to be entitled to council tax reduction 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 paragraph 51.1(b).

**52.0 Duration of extended reduction period (qualifying contributory benefits)**

52.1 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.

52.2 For the purpose of this section, 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.

52.3 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 (qualifying contributory benefits) is payable has no liability for council tax, if that occurs first.

**53.0 Amount of extended reduction (qualifying contributory benefits)**

53.1 For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant shall be the higher of;

- (a) the amount of council tax reduction to which the applicant was entitled under the general conditions of entitlement 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 council tax reduction to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if section 61 (extended reductions (qualifying contributory benefits)) did not apply to the applicant; or
- (c) the amount of council tax reduction to which the applicant's partner would be entitled under the general conditions of entitlement, if section 61 did not apply to the applicant.

53.2 Paragraph 53.1 does not apply in the case of a mover.

53.3 Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this section and the applicant's partner makes a claim for council tax reduction, no amount of council tax reduction shall be payable by the appropriate authority during the extended reduction period.

**54.0 Extended reductions (qualifying contributory benefits) – movers**

54.1 This section applies;

- (a) to a mover; and
- (b) from the Monday following the day of the move.

54.2 The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax reduction 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.

54.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from the appropriate authority to—

- (a) the second authority; or
- (b) the mover directly.

54.4 Where

- (a) a mover, or the mover's partner, makes a claim for council tax reduction to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying

- contributory benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended reduction (qualifying contributory benefits) from the appropriate authority, the second authority shall reduce the weekly amount of council tax reduction that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended reduction (qualifying contributory benefits) until the end of the extended reduction period.

**55.0 Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax reduction under the general conditions of entitlement**

55.1 Where an applicant's council tax reduction award would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed, that award will not cease until the end of the extended reduction period.

55.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction payable in accordance amount of extended reduction— movers.

**56.0 Extended reductions: movers into the authority's area<sup>5</sup>**

56.1 Where;

- a. an application is made to the authority for a reduction under its scheme, and
- b. the applicant or the partner of the applicant, is in receipt of an extended reduction from;
- (i) another billing authority in England; or
- (ii) a billing authority in Wales,
- the current authority must reduce any reduction to which the applicant is entitled under its Council Tax Reduction scheme by the amount of that extended reduction.

**57.0 Date on which entitlement is to begin**

57.1 Any person to whom or in respect of whom a claim for council tax reduction is made and who is otherwise entitled to that support shall be so entitled from the date on which that claim is made or is treated as made.

**58.0 Date on which change of circumstances is to take effect**

58.1 Where:

- a) there is a change of circumstances which results in an **increase** in reduction for the applicant; **and**
- b) the applicant has reported that change to the authority within 21 days of the happening of the event,
- the change shall be effected from the actual date of the change.

58.2 Where:

- a) there is a change of circumstances which results in an **increase** in reduction for the applicant; **and**
- b) the applicant has failed to reported that change to the authority within 21 days of the happening of the event,
- the change shall be effected from the date that the notification is received by the authority.

58.3 Where:

- a) there is a change of circumstances which results in a **decrease** in reduction for the applicant the change shall be effected from the actual date of the change

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<sup>5</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

**59.0 Making an application<sup>6</sup>**

- 59.1 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.
- 59.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;
- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
  - (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
  - (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
- that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.
- 59.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.
- 59.4 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).
- 59.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);
- (a) it may at any time revoke the appointment;
  - (b) the person appointed may resign his office after having given 4 weeks' notice in writing to the authority of his intention to do so;
  - (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- 59.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- 59.7 The authority must;
- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a) of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012;
  - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
  - (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

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<sup>6</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

**60.0 Procedure by which a person may apply for a reduction under the authority's scheme<sup>7</sup>**

60.1. Paragraphs 2 to 7 apply to an application made under the authority's scheme. Notwithstanding other paragraphs within this section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered. For the purposes of this scheme any Universal Credit claim, a Local Authority Information Document (LAID) or Local Authority Customer Information document (LACI) issued by the Department for Work and Pensions shall be treated as a valid claim

60.2. An application may be made;

- (a) in writing,
- (b) by means of an electronic communication or by means of an electronic communication from either the DWP or HMRC; or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

60.3 (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.

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

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

60.5. (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.

60.6. 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.

60.7 (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.

60.8 Notwithstanding other paragraphs within this section, the authority will determine the method

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

by which claims are to be made as well as where claims should be sent or delivered.

60.9 The authority may determine that the date of application can be backdated. The backdating of applications will be at the authority's discretion but in any event would be no further than the start of the financial year in which the application is made.

**61.0 Date on which an application is made**

61.1 Subject to sub-paragraph (7), the date on which an application is made is;

(a) in a case where;

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

(ii) the application is made within one calendar month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,

the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

(b) in a case where;

(i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,

(ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and

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

the date on which the change takes place;

(c) in a case where;

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

(ii) the applicant makes an application for a reduction under that scheme within one calendar month of the date of the death or the separation,

the date of the death or separation;

(d) except where paragraph (a), (b) or (c) is satisfied, in a case where a properly completed application is received within one calendar month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

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

61.2 For the purposes only of sub-paragraph (1)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under;

(a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or

(b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),

have been entitled to that allowance.

61.3 Where there is a defect in an application by telephone;

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



(b) is not corrected within one calendar month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.

61.4 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.

61.5 The conditions are that—

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

(b) where an application is not on approved form or further information requested by authority applies;

(i) the approved form sent to the applicant is received at the offices of the authority properly completed within one calendar month of it having been sent to him; or, as the case may be;

(ii) the applicant supplies whatever information or evidence was requested within one calendar month of the request; or,

in either case, within such longer period as the authority may consider reasonable; or

(c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one calendar month of the request or within such longer period as the authority considers reasonable.

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

## **62.0 Submission of evidence electronically**

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

## **63.0 Use of telephone provided evidence**

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

## **64.0 Information and evidence<sup>8</sup>**

64.1 Subject to sub-paragraph (3), a person who makes an application for a reduction under an authority's scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

64.2 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;

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

and  
(ii) the information or evidence enabling it to be so allocated.

- 64.3 Sub-paragraph (2) does not apply;  
(a) in the case of a child or young person in respect of whom an application for a reduction is made;  
(b) to a person who;  
(i) is a person treated as not being in Great Britain for the purposes of this scheme;  
(ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and  
(iii) has not previously been allocated a national insurance number.
- 64.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority's scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one calendar month of the authority requiring him to do so or such longer period as the authority may consider reasonable.
- 64.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.
- 64.6 Where the authority makes a request under sub-paragraph (4), it must;  
(a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and  
(b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.
- 64.7 This sub-paragraph applies to any of the following payments;  
(a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the London Emergencies Trust, the We Love Manchester Emergency Fund, or the London Bombings Relief Charitable Fund;  
(b) a payment which is disregarded under paragraph 24 of Schedule 3, other than a payment under the Independent Living Fund (2006);
- 64.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;  
(a) the name and address of the pension fund holder;  
(b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.
- 65.0 Amendment and withdrawal of application<sup>9</sup>**
- 65.1 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.

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

- 65.2 Where the application was made by telephone the amendment may also be made by telephone.
- 65.3 Any application amended is to be treated as if it had been amended in the first instance.
- 65.4 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.
- 65.5 Where the application was made by telephone, the withdrawal may also be made by telephone.
- 65.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
- 65.7 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.
- 66.0 Duty to notify changes of circumstances<sup>10</sup>**
- 66.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time;
- (a) between the making of an application and a decision being made on it, or
  - (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under the authority's scheme) including at any time while the applicant is in receipt of such a reduction.
- 66.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;
- (a) in writing; or
  - (b) by telephone—
    - (i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
    - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
  - (c) by using the on-line council tax reduction form available on the authority's website; or
  - (d) 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.
- 66.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying
- (a) changes in the amount of council tax payable to the authority;
  - (b) changes in the age of the applicant or that of any member of his family;
  - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 66.4 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.

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

66.5 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.

**67.0 Decisions by the authority<sup>11</sup>**

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

**68.0 Notification of decision<sup>12</sup>**

68.1 The authority must notify in writing any person affected by a decision made by it under its scheme;  
(a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;  
(b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

68.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement;  
(a) informing the person affected of the duty imposed by paragraph 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances;  
(b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and  
(c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

68.3 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.

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

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

68.6 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.

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

68.8 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

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

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

- 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 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 to act for a person unable to act.

#### **69.0 Time and manner of granting council tax reduction<sup>13</sup>**

- 69.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;
- (a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
  - (b) where;
    - (i) such a reduction is not possible; or
    - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
    - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.
- 69.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).
- 69.3 In a case to which paragraph (1)(b) refers;
- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
    - (i) must be paid to that person if he so requires; or
    - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
  - (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
  - (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.
- 69.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

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

**70.0 Persons to whom support is to be paid<sup>14</sup>**

70.1 Subject to section 80 (payment on death) and paragraph (2), any payment of the amount of a reduction must be made to that person.

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

**71.0 Shortfall in support / reduction<sup>15</sup>**

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

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

**72.0 Payment on the death of the person entitled<sup>16</sup>**

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

**73.0 Offsetting**

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

**74.0 Payment where there is joint and several liability<sup>17</sup>**

74.1 Where;

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

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

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

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

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

<sup>17</sup> Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

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

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

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

75.2 Where required by the relevant department and where required by law, the authority may share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements<sup>18</sup>.

**76.0 Collection of information**

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

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

76.2 The authority may verify relevant information supplied to, or obtained.

**77.0 Recording and holding information**

77.1 The authority may

- (a) may make a record of such information; and
- (b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering council tax reduction.

**78.0 Forwarding of information**

78.1 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax reduction to which the relevant information relates, being

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

**79.0 Persons affected by Decisions**

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

- a. an applicant;
- b. in the case of a person who is liable to make payments in respect of a dwelling and is unable

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<sup>18</sup> Data Retention and Investigatory Powers Act 2014, Data Retention Regulations 2014 and The Regulation of Investigatory Powers (Acquisition and Disclosure of Communications Data: Code of Practice) Order 2015

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

#### **80.0 Revisions of Decisions**

- 80.1 Subject to the provisions in this scheme, a relevant decision ('the original decision) may be revised or further revised by the authority, which made the decision where the person affected makes an application for a revision within;
- (i) one calendar month of the date of notification of the original decision; or
  - (ii) such extended time as the authority may allow.
- 80.2 The authority may revise or further revise that original decision at any time. Where further information is required from the person affected, the authority shall request such information and evidence as it feels is reasonable. Such information must be supplied within;
- i) one calendar month of the date of notification of the additional information; or
  - (ii) such extended time as the authority may allow

#### **81.0 Written Statements**

- 81.1 Subject to the provisions in the scheme, the authority may upon a written request issue a written statement to a person affected to further explain the decision of the authority in relation to Council tax reduction. The request must be received within one calendar month of the date of the notification being issued by the authority.

#### **82.0 Terminations**

- 82.1 The authority may terminate support in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;
- a. the conditions for entitlement to Council tax reduction are or were fulfilled; or
  - b. a decision as to an award of such a support should be revised or superseded.
- 82.2 The authority may terminate, in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;
- a. the conditions for entitlement to Council tax reduction are or were fulfilled; or
  - b. a decision as to an award of such a support should be revised or superseded.
- Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax

#### **83.0 Procedure by which a person may make an appeal against certain decisions of the authority<sup>19</sup>**

- 83.1 A person who is aggrieved by a decision of the authority, which affects;
- (a) the person's entitlement to a reduction under its scheme, or
  - (b) the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 83.2 The authority must
- (a) consider the matter to which the notice relates;
  - (b) notify the aggrieved person in writing;
    - (i) that the grievance is not well founded, giving reasons for that belief; or
    - (ii) that steps have been taken to deal with the grievance, stating the steps taken.

<sup>19</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012



83.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act<sup>20</sup>.

#### **84.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act<sup>21</sup>**

84.1 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 this scheme or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

84.2 Where;

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

#### **85.0 Electronic Communication**

##### **Interpretation**

85.1 In this Part;

**"information"** includes an application, a certificate, notice or other evidence; and  
**"official computer system"** means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

#### **86.0 Conditions for the use of electronic communication**

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

86.2 A person other than the authority may use an electronic communication in connection with the matters referred to in paragraph (1) if the conditions specified in paragraphs (3) to (6) are satisfied.

86.3 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.

86.4 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.

86.5 The third condition is that any information sent by means of an electronic communication is

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<sup>20</sup> As amended by the Tribunal Procedure (Amendment No 3 ) Rules 2014, The First-tier Tribunal and Upper Tribunal (Chambers) (Amendment) Order 2015 and The Tribunal Procedure (Amendment) Rules 2015

<sup>21</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

in a form approved for the purposes.

86.6 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.

86.7 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.

86.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

#### **87.0 Use of intermediaries**

87.1 The authority may use intermediaries in connection with;  
(a) the delivery of any information by means of an electronic communication; and  
(b) the authentication or security of anything transmitted by such means,  
and may require other persons to use intermediaries in connection with those matters.

#### **88.0 Effect of delivering information by means of electronic communication**

88.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed;  
(a) by this section; and  
(b) by or under an enactment,  
are satisfied.

88.2 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).

88.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

#### **89.0 Proof of identity of sender or recipient of information**

89.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of—  
(a) the sender of any information delivered by means of an electronic communication to an official computer system; or  
(b) the recipient of any such information delivered by means of an electronic communication from an official computer system,  
the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

#### **90.0 Proof of delivery of information**

90.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;  
(a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or  
(b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

90.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is

presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

90.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

**91.0 Proof of content of information**

91.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

**92.0 Counter Fraud and compliance**

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

- a. Prevent and detect fraudulent claims and actions in respect of Council tax reduction;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases

92.2 The authority believes that it is important to minimise the opportunity for fraud and;

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

92.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph 107.1 and 107.2 can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

**Schedule 1**

**Calculation of the amount of Council Tax Reduction in accordance with the  
Discount Scheme**

- 1 The authority's Council Tax Reduction scheme from 2021/22 shall be calculated on the basis of the following Banded Discount Scheme:

		Weekly Income & Discount (%)					
		£0-£75.00	£75.01 - £150.00	£150.01 - £225.00	£225.01 - £300.00	£300.01 - £375.00	£375.01 - £450.00
Household	Single with no dependant	75%	75%	50%	25%	0%	0%
	Couple with no dependant	75%	75%	50%	25%	0%	0%
	Single with one dependant	75%	75%	50%	50%	25%	25%
	Couple with one dependant	75%	75%	50%	50%	25%	25%
	Couple with two or more dependants	75%	75%	75%	50%	50%	25%
	Single with two or more dependants	75%	75%	75%	50%	50%	25%

- 2 The amount of discount to be granted is to be based on the following factors:
- The maximum Council Tax Reduction as defined within this scheme;
  - The Council Tax family as defined within this scheme
  - The income of the applicant as defined within this scheme;
  - The capital of the applicant as defined within this scheme.
3. Where the applicant, their partner or any dependant in their household is entitled to any of the following:
- Disabled Living Allowance
  - Personal Independence Payments
  - Armed Forces Independence Payments
  - Working Tax Credit with the disability element.
  - Severe Disablement Allowance
  - Employment Support Allowance which includes the support component
- and** the applicant is entitled to any award within the table in paragraph 1, then the amount to be granted shall be increased to 100%.
- 4 For the sake of clarity all incomes shown within the table above are weekly in accordance with the scheme requirements and definitions.
- 5 Discount bands vary depending on both weekly income and the household (family as defined within this scheme). For the sake of clarity, it should be noted that in any application for reduction is limited to a maximum of two dependant children or young persons.
- 6 Any applicant who capital is greater than £6,000 shall not be entitled to any Council Tax Reductions whatsoever.
7. The authority may increase the level of incomes within the grid specified in paragraph 1 on an annual basis by the appropriate level of inflation measured by the Consumer Price Index (CPI) at 1<sup>st</sup> October preceding the effective financial year.
- 8 Where Government increase benefits or makes changes to the welfare benefit system generally to allow for additional monies to be paid to applicants generally, the authority make changes to either the levels of discounts or to the income ranges within each discount band to ensure that applicants are not disadvantaged
9. Where an applicant or partner is in receipt of a relevant benefit namely Income Support, Income Related Employment and Support Allowance or Income Based Jobseeker's Allowance, discount will be award at 75%

## Schedule 2

**Sums to be disregarded in the calculation of income other than earnings<sup>22</sup>**

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<sup>22</sup> Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
2. 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.
3. 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.
4. Any disability living allowance or personal independence payment or AFIP
5. 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.
6. Any attendance allowance.
7. (1) Subject to sub-paragraph (2), any of the following payments;
  - (a) a charitable payment;
  - (b) a voluntary payment;
  - (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
  - (d) a payment under an annuity purchased;
    - (i) pursuant to any agreement or court order to make payments to the applicant; or
    - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
  - (e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.

(2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by—

  - (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
  - (b) the parent of a child or young person where that child or young person is a member of the applicant's family.
8. 100% of any of the following, namely
  - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
  - (b) a war widow's pension or war widower's pension;
  - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
  - (d) a guaranteed income payment;
  - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
  - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
  - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

9. Any payment made to the applicant by a child or young person or a non- dependant.
10. (1) Any payment made to the applicant in respect of a person who is a member of his family–  
 (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978**(b)** (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)  
 (b) not used  
 (ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);  
 (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child’s maintenance);  
 (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);  
 (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
11. 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).
12. 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).
13. (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995 (local authorities’ duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person (‘A’) which A passes on to the applicant.  
 (2) Sub-paragraph (1) applies only where A;  
 (a) was formerly in the applicant’s care, and  
 (b) is aged 18 or over, and  
 (c) continues to live with the applicant.
14. (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;  
 (a) on a loan which is secured on the dwelling which the applicant occupies as his



home; or

(b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.

(2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—

(a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and

(b) meet any amount due by way of premiums on—

(i) that policy; or

(ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

15. Any social fund payment made pursuant to Part 8 of the Act (the Social Fund) or any local welfare fund provision

16. Any payment under Part 10 of the Act (Christmas bonus for pensioners).

17. (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

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

(a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;

(a) the person who is suffering from haemophilia or who is a qualifying person;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

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

(a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and

(b) the payment is made either;

(i) to that person's parent or step-parent, or

(ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

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

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

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either

(i) to that person's parent or step-parent, or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

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

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

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

- 18.** Any housing benefit or council tax benefit.
- 19.** 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.
- 20.** Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
- 21.** 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).
- 22.** (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.  
(2) In paragraph (1)  
'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;
- (a) the Child Support Act 1991;
- (b) the Child Support (Northern Ireland) Order 1991;
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;
- 'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

- 23.** (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- (2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- 24.** 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.
- 25.** In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 2 to that Scheme.
- 26** (1) Any payment which is
- (a) made under any of the Dispensing Instruments to a widow, widower or
  - (b) surviving civil partner of a person;
    - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
    - (ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.
- (2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).
- 27.** Any council tax reduction or council tax benefit to which the applicant is entitled.
- 28.** Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
- 29.** (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.
- 30.** Any bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017
- 31.** Any payments made by the London Emergencies Trust" means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017 or the We Love Manchester Emergency Fund" means the registered charity of that name (number 1173260) established on 30th May 2017
- 32.** Any payment of child benefit.

**Schedule 3**  
**Capital to be disregarded<sup>23</sup>**

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<sup>23</sup> Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
2. 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.
3. 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.
4. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.  
 (2) The assets of any business owned in whole or in part by the applicant where—
  - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
  - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

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

  - (3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.
  - (4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
5. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
  - (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 2;
  - (b) an income-related benefit under Part 7 of the Act;
  - (c) an income-based jobseeker's allowance;
  - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
  - (e) working tax credit and child tax credit
  - (f) an income-related employment and support allowance

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

  - (2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as 'the relevant sum') and is
    - (a) paid in order to rectify or to compensate for, an official error as defined in

regulation 1(2) of the Decisions and Appeals Regulations; and  
(b) received by the applicant in full on or after 14th October 2001,

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

(3) For the purposes of sub-paragraph(2), 'the award of council tax reduction' means—  
(a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and  
(b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant;  
(i) is the person who received the relevant sum; or  
(ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

6. 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.
7. Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax reduction or to increase the amount of that support.
8. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
9. 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.
10. (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).

11. The value of the right to receive any income under a life interest or from a life rent.
12. The surrender value of any policy of life insurance.
13. 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).
14. (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.
15. Any social fund payment made pursuant to Part 8 of the Act.
16. 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.
17. Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
18. (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.  
  
(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
  - (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
  - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
  - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.  
(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
  - (a) the person who is suffering from haemophilia or who is a qualifying person;
  - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

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

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

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

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

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

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

**19.** (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.

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

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

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



- 23.** 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).
- 24.** Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
- 25.** Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used–
- (a) to purchase premises intended for occupation as his home; or
  - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,
- for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
- 26.** Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 2 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
- 27.** 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.
- 28.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
- 29.** 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.
- 30.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 31.** Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
- 32.** (1) Any sum of capital to which sub-paragraph (2) applies and
- (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 (as amended by the Civil Procedure (Amendment No. 7) Rule 2013) or by the Court of Protection;
  - (b) which can only be disposed of by order or direction of any such court; or
  - (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.
- (2) This sub-paragraph applies to a sum of capital which is derived from;
- (a) an award of damages for a personal injury to that person; or
  - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 33.** 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.

**34.** Any payment to the applicant as holder of the Victoria Cross or George Cross.

**35.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is

- (a) a diagnosed person;
- (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

(2) Where a trust payment is made to;

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
  - (i) two years after that date; or
  - (ii) on the day before the day on which that person—
    - (aa) ceases receiving full-time education; or
    - (bb) attains the age of 20,whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—

- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

(4) Where a payment as referred to in sub-paragraph (3) is made to—

- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
- (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—

- (i) two years after that date; or
- (ii) on the day before the day on which that person
  - (aa) ceases receiving full-time education; or
  - (bb) attains the age of 20,

whichever is the latest.

- (5) In this paragraph, a reference to a person—
  - (a) being the diagnosed person’s partner;
  - (b) being a member of a diagnosed person’s family;
  - (c) acting in place of the diagnosed person’s parents,
 at the date of the diagnosed person’s death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.
- (6) In this paragraph— ‘diagnosed person’ means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;
   
‘relevant trust’ means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;
   
‘trust payment’ means a payment under a relevant trust.
- 36.** 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.
- 37.** (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.
- 38.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 39.** Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
- 40.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)

### **Council Tax Technical Changes**

The Council Tax (Exempt Dwellings) (England) (Amendment) Order 2012

The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment)  
Regulations 2012

The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act  
2018

### **Council Tax Technical Changes**

The scheme for establishing liability for Council Tax and its collection is set out in the Local Government Finance Act 1992. The Act gives discretion to billing authorities to grant discounts in certain cases within prescribed limits. The discounts available for 2021/22 will be as follows:

- That in relation to all dwellings in Class B (second homes) 10% discount shall apply
- That in relation to all dwellings in Class C (dwellings that are unoccupied and unfurnished) a discount of 100% shall apply for a continuous period of up to 3 months where the dwelling has been occupied for a continuous period of 6 weeks
- That in relation to all dwellings in Class D (dwellings that are unoccupied and requiring or undergoing major works) a discount of up to 25% for up to 12 months
- A 100% premium be charged on long term (more than 2 years) empty dwellings (in addition to the normal charge)

In addition to the above changes The Class C (Empty & Unfurnished) and the Class D (Uninhabitable) discounts will not be available where a property has benefited from an exemption, It is the intention of this Local authority to administer both the Class C and Class D discount in the same way as when they were previously The Class C (Empty & Unfurnished) and The Class A (Uninhabitable) exemptions prior to the introduction of The Council Tax (Exempt Dwellings) (England) (Amendment) Order 2012 and The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012

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# Agenda Item 12

<b>Committee:</b> Ordinary Council	<b>Date:</b> 20 January 2021
<b>Subject:</b> Chairs' reports and Members' Questions	<b>Wards Affected:</b> All
<b>Report of:</b> Claire Mayhew – Corporate & Democratic Services Manager	<b>Public</b>
<b>Report Author/s:</b> Name: Claire Mayhew - Corporate & Democratic Services Manager Telephone: 01277 312741 E-mail: <a href="mailto:claire.mayhew@brentwood.gov.uk">claire.mayhew@brentwood.gov.uk</a>	<b>For Information</b>

In accordance with the Council's Constitution a brief written report by each committee Chair covering their area of responsibility is provided for Members' information at each Ordinary Council meeting.

Any Member may ask a Chair a written or oral question on

- (a) any matter included in a Chair's written report; or
- (b) any matter in relation to which the Council has powers or duties or which affects the Council's area and which falls within the area of responsibility of the Chair's committee.

The period allowed for Chairs' reports, written and oral questions and answers will not exceed 60 minutes without leave of the Mayor.

One written question has been received from Cllr Chilvers, as follows:

*The Brentwood Leisure Trust (BLT) was offering a two year gym membership at the Brentwood Centre at a cost of over £550. A contract of this duration is uncommon and is certainly ill-advised according to trusted financial advice website [moneysavingexpert.com](http://moneysavingexpert.com).*

*When were Brentwood Council's administration councillors, officers or trustees made aware of this prior to BLT going in to administration? If so, was it raised with the trust as a concern or added to the council's risk register?*

*Those that paid by credit card may be able to claim via their card issuer but what course of action can those that paid by other means take to recover their subscriptions, bearing in mind it takes many months to recover monies as an unsecured creditor in an administration scenario and only a nominal fraction is usually recovered?*

## **Appendices to this report**

Chairs Reports for:

Appendix A: Audit and Scrutiny Committee – To follow

Appendix B: Community and Health Committee

Appendix C: Environment, Enforcement and Housing Committee – To follow

Appendix D: Policy, Resources and Economic Development Committee – To follow



## Appendix A

<b>Committee(s):</b> Ordinary Council	<b>Date:</b> 20 <sup>th</sup> January 2021
<b>Subject:</b> Chairs report for Audit and Scrutiny Committee	<b>Wards Affected:</b> All
<b>Committee Chair:</b> Cllr Charles Nolan	
<b>Report of:</b> Jacqueline Van Mellaerts, Corporate Director of Finance & Resources	<b>For Information</b>

No Audit and Scrutiny meetings have taken place since the last Ordinary Council.

### **Statement of Accounts 2019/20**

In the previous chairs report at the last Ordinary Council, members were advised that the Unaudited (Draft) Statement of Accounts 2019/20 and Annual Governance Statement was approved by Audit & Scrutiny on 28<sup>th</sup> July by the revised deadline of 31<sup>st</sup> August. The minutes of this meeting have been reviewed and the recommendations clearly state the unaudited accounts were approved.

Members were also advised that External auditors EY LLP are scheduled to commence the audit on 21<sup>st</sup> September and complete on 31<sup>st</sup> October 2020. For Local Authorities the publication date for audited 2019/20 accounts has moved from 31<sup>st</sup> July to 30 November 2020, because of COVID-19.

The latest Audit & Scrutiny Committee took place on 24<sup>th</sup> November, in order to adhere to the revised publication deadline. The Audit Results Report has been received from EY and a presentation was made on their findings.

At the time of writing the report the auditors have raised some outstanding matters that need to be completed before the audit opinion can be given. Subject to satisfactory completion it is expected to issue an unqualified opinion.

The auditors also advised their audit opinion, subject to consultation, is likely to emphasise the following:

- Valuation of investment properties and other land and buildings valued using market data – We expect to include an “emphasis of matter” paragraph to draw users attention to the Council’s valuer’s material uncertainty disclosure in Note 38 of the accounts. This is not a modification to the audit report.
- Going concern – given the significance of the Covid-19 pandemic on the financial operations and financial management of the Authority we have been required to complete additional procedures in respect of Going Concern and assess management’s disclosure covering the Council as a single entity and also in respect of its wholly owned subsidiary. Depending on our review of that information and responses there may be an impact on our audit report for 2019/20. Once we have obtained and reviewed the Council’s assessment and proposed disclosure, our final audit report will be subject to internal consultation with our professional practice directorate.

There were a number of adjusted differences that will be updated by management in the final statement of accounts, and two unadjusted differences that will not be corrected by management.

### **Scrutiny Work Programme**

The committee continues to undertake its scrutiny work programme for the following workstreams:

- Local Development Plan
- Performance Indicators and Formal Complaints
- Housing and Repairs and Maintenance contract (To be arranged)

## Appendix B

<b>Committee(s):</b> Ordinary Council	<b>Date:</b> 20 January 2021
<b>Subject:</b> Chairs report for Community and Health Committee	<b>Wards Affected:</b> All
<b>Committee Chair:</b> Cllr Cliff Poppy	
<b>Report of:</b> Kim Anderson, Partnership, Leisure and Funding Manager	<b>Public</b>
<b>Report Author:</b> Name: Kim Anderson, Partnership, Leisure and Funding Manager Telephone: 01277 312500 E-mail: kim.anderson@brentwood.gov.uk	<b>For Information</b>

### **Community Support Network**

Weekly meetings are continuing to take place with the Community Support Network. Requests for support increased in the run up to Christmas. There is still a need for telephone befriending services especially for the elderly. Lighthouse Furniture project has seen a continued rise in demand.

The Community Support email was monitored over the Christmas holiday period and there was a watching brief with the wider network on any rise in referrals with expectation that demand for support is likely to increase in the run up to Christmas.

The festive Can in the Van initiative on the 4 December to support the local foodbank, Daily Bread Café and Manna Meals, had enough donations to fill 56 red glass boxes. These were distributed over the Christmas period.

The CVS led donations for presents of treats for elderly residents that were alone had 175 parcels wrapped and delivered to the community hubs for distribution to vulnerable residents. And lastly the Daily Bread Café gave out 300 hampers with a turkey in the run up to Christmas.

### **Brentwood Leisure Trust and Brentwood Centre re-opening**

As Members will be aware the Brentwood Centre was opened on the 5 December. As Brentwood is currently in Tier 4 the government restrictions state that leisure centres remain closed to the public. Staff are carrying on with ongoing training and other tasks that are easier to complete without the public on site. They will continue to support the mass vaccination set up at the site.

The Council is in the process of applying to the National Leisure Recovery Fund, and the deadline for submission is 15 January.

The International Hall is being used as a mass vaccination Centre with the first cohort of residents being vaccinated before Christmas and returning for their 2<sup>nd</sup> vaccination on 5 & 6 January. It is likely that the vaccinations days will increase in January as the supply of vaccines increases and with it .

## **Testing sites**

### Mobile Testing sites

The Brentwood Centre car park and Hutton Poplars Hall are currently being used as mobile testing sites for those that have symptoms. Other sites are being considered should further sites be required.

### Lateral flow testing

The lateral flow testing site has been set up at the Nightingale Centre. This is by appointment only for asymptomatic residents.

## **Leisure Strategy – King George’s Playing Fields**

Works are due to commence on the new development for King George’s Playing Fields with the construction of a new pavilion building, splash pad and outdoor adventure play. Regular updates will be provided to members through the construction. A dedicated webpage has been set up to provide regular updates for the public. <https://www.brentwood.gov.uk/index.php?cid=2934>

## **Play Area Strategy**

The final designs for Hutton Recreation play area are in progress.

Works on the Junior Play area section at King George’s Play Area are due to start in January.

## **Let's Create Art Packs**

The Council has distributed over 200 art packs to children and young people receiving the packs will be referred by local community hubs and children's services, and will be either a young carer, from a low-income or single-parent family, or have a long-term health condition. This has been supported through a grant of £1000 from the Royal Opera House Bridge which has been match funded by Countryside and Usborne books to create 200 free arts resource packs for children and young people to increase access to creative learning opportunities. The packs will be stuffed with fantastic arts and crafts materials for children to make their own decorations or cards for Christmas and older recipients will benefit from high quality art pencils, pens, sketch books and paints.

## Appendix C

<b>Committee(s):</b> Ordinary Council	<b>Date:</b> 20 January 2021
<b>Subject:</b> Chairs Report for Environment, Enforcement and Housing Committee	<b>Wards Affected:</b> All
<b>Committee Chair:</b> Cllr Maria Pearson	
<b>Report of:</b> Dan Cannon - Community Safety & CCTV Manager Greg Campbell - Director of Operations	<b>Public</b>
<b>Report Author:</b> Name: Greg Campbell, Director of Operations Telephone: 01277 312738 E-mail: <a href="mailto:greg.campbell@brentwood.gov.uk">greg.campbell@brentwood.gov.uk</a>  Name: Dan Cannon – Community Safety & CCTV Manager Telephone: 01277 312692 E-mail: <a href="mailto:daniel.cannon@brentwood.gov.uk">daniel.cannon@brentwood.gov.uk</a>	<b>For Information</b>

### **Electric Vehicle Charging Points**

The two Electric Vehicle Points located in the North Town Hall Car Park have now been commissioned and are fully active and working. They will be advertised on the appropriate EV Charging location sites week commencing from the 18<sup>th</sup> January 2021. Further the new EV Charging points located in the South Town Hall Car Park will begin installation in the next few weeks.

The procurement exercise to provide EV Chargers across other Council owned car parks will begin early in 2021

### **Services Generally During Coronavirus Restrictions**

The Country has again been working under further restrictions based on the Coronavirus outbreak. However at present all services have continued to be maintained and managed within the Depot, Parking and Environmental Health. This is further exceptional when you consider the increase in refuse that the Christmas period brings. Safety and preventative measures have been reviewed and reinforced to ensure the staff are as safe while they provide essential and important front line services. We have had a number of staff who have tested positive and staff who have had to self isolate however staff have continued to work through the restrictions and the teams have worked admirably in these difficult circumstances and continue to deliver front line services in all refuse, street scene, parks & countryside, licensing and Environmental Health areas.

We continue to monitor the situation and will make adjustments and changes to ensure safety as and when necessary

### **Community Safety Partnership**

The Community Safety Partnership in conjunction with Essex Police & other partners have received over 800 gifts. The Community Christmas Giving Tree appeal was hugely successful in Brentwood and we were able to wrap and deliver presents to those children and families directly to their addresses and via local foodbanks.

Volunteers, Council staff and Police colleagues helped to wrap and sort the presents before being allocated to the most in need.

## Appendix D

<b>Committee(s):</b> Policy, Resources and Economic Development Committee	<b>Date:</b> 20 January 2021
<b>Subject:</b> Chairs report for Policy, Resources and Economic Development Committee	<b>Wards Affected:</b> All
<b>Committee Chair:</b> Cllr Chris Hossack	
<b>Report of:</b>  Name: Jacqueline Van Mellaerts, Corporate Director of Finance & Resources Tel: 01277 312829 E-mail: <a href="mailto:jacqueline.vanmellaerts@brentwood.gov.uk">jacqueline.vanmellaerts@brentwood.gov.uk</a>  Name: Amanda Julian, Director of Law & Governance and Monitoring Officer Telephone: Tel: 01277 312705 E-mail: <a href="mailto:amanda.julian@brentwood.gov.uk">amanda.julian@brentwood.gov.uk</a>  Name: Phil Drane, Director of Planning and Economy Telephone: 01277 312610 E-mail: <a href="mailto:philip.drane@brentwood.gov.uk">philip.drane@brentwood.gov.uk</a>	<b>For Information</b>

### **Local Development Plan**

The LDP examination process continues with hearing sessions now underway. Week one of the hearing sessions (1-4 and 11 December), have considered matters and issues such as legal compliance (duty to cooperate), spatial strategy, Green Belt, housing and employment needs, and Dunton Hills Garden Village. Weeks two and three (2-5 and 9-12 February, with reserve days), will consider proposed allocated sites and development management policies. More information is available on the Council's website at [www.brentwood.gov.uk/examination](http://www.brentwood.gov.uk/examination)

### **Economic Development Strategy**

The Place Audit for Brentwood, Shenfield and Ingatestone was brought to Policy, Resources and Economic Development Committee in September. This follows an Economic Development Study completed in March 2020. Together, this helps provide baseline evidence on the local economy. Several recommendations are made in the documents and these will help inform the setting of priorities of our new Economic Development Strategy. Two business-led workshops have been held to discuss High Street priorities and parking, considering Brentwood, Shenfield and Ingatestone as local centres. Outputs from these workshops will help inform both the emerging Economic Development Strategy and work to commission a new Parking Strategy. Updates on these projects are brought to PRED Committee regularly.

## **Business Grants**

Following a decision at an emergency committee on the 18<sup>th</sup> November to approve the Council's Additional Restrictions Grant Scheme, following Governments announcement on 17 October, the following number of grants have been reviewed and applied for the different national schemes.

Applications - up to 06/12/2020	Open (Tier 2) Scheme	Closed (lockdown) Scheme	Discretionary (ARG) Scheme
Total received to date	<b>180</b>	<b>339</b>	<b>164</b>
Paid to date	<b>45</b>	<b>237</b>	<b>85</b>
Refused to date	<b>19</b>	<b>18</b>	<b>35</b>
Awaiting further information	<b>116</b>	<b>84</b>	<b>44</b>
Monetary value paid to date	<b>£29,140</b>	<b>£342,070</b>	<b>£108,000</b>





	ARG Scheme		BAG Scheme
Applications - up to 04/01/2021	ARG Scheme 05/11 to 10/01 <b>Window 1</b>	ARG Scheme 11/01 to ongoing <b>Window 2</b>	Business Adaptations Grant (BAG)
Total received to date	<b>313</b>		<b>88</b>
Paid to date	<b>229</b>		<b>67</b>
Refused to date	<b>64</b>		<b>20</b>
Awaiting further info	<b>20</b>		<b>1</b>
Monetary value paid to date	<b>£347,000</b>		<b>£74,000</b>
Allocation	<b>£1,540,420</b>		<b>£132,000</b>
Available spend	<b>£1,193,420</b>		<b>£58,000</b>

### Canvass

The revised register of electors was published on 1<sup>st</sup> December in accordance with the new electoral reform and the necessity to change the canvass processes at short notice in response to the Covid situation.

Further work is continuing to maintain the accuracy of the register and ensure electors are registered and eligible to vote in this years elections.

### Elections 2021

Although nationally there are growing concerns about the safety of running elections and the door-to-door campaigning aspects during this pandemic. We are continuing with election preparations for the Police, Fire & Crime Commissioner, County Council, Local and Parish elections scheduled to take place on 6<sup>th</sup> May 2021. We will shortly be writing to electors assuring them that although polling stations will be a safe place to cast their vote, they do have the option to apply for a postal or proxy vote. Details will be provided on how they can quickly and easily apply for postal or proxy vote.

## **Local Government Association Seminar**

We have received details of a Local Government Association (LGA) event that might be of interest to your councillors, as well as anyone else planning to stand for election or campaign in 2021. The seminar is titled Local Elections 2021: Standing for election and campaigning in a COVID-19 context and taking place on Tuesday 26 January 2021 from 14.00 – 15.30. It is free to attend. There are speakers from the Electoral Commission as well as the Chairman of the LGA. Please feel free to forward the details to anyone who you think may be interested.

## **Constitution Working Group**

The Constitution Working Group have met on five occasions since April 2020, to ensure the Council Constitution is constantly reviewed.

At the last Ordinary Council on 2<sup>nd</sup> December 2020, Council approved the following insertions/amendments:-

- Changes required to the Planning Code/Chapter (Chapter 5, 5.2)
- Emergency Committee permanently with the Constitution (Standard Order 40)
- Proposed addition of paragraph 12.2 (e) and Proposed change to Chapter 4 Rules of Procedure
- Delegation(s) to staff – Telecommunications Networks

These approved insertions will be incorporated within the Constitution in the next few weeks and Members will be notified of the changes.

Further work is still on-going to the Planning Chapter and Part 4.1 (Rules of Procedure) and a report is before members this evening.

## **Remote Meetings**

With the country started its third lockdown on 5th January 2021. The committee/council meetings will continue remotely. However, officers will monitor this continuously.

## **Wedding Ceremonies**

Under the advice from Essex Registers, all wedding ceremonies that were to be held at the Town Hall have been cancelled, this took effect from 24<sup>th</sup> December 2020. Weddings will only be granted under exceptional circumstances.

## **Legal and Procurement Services**

The post of Legal and Procurement Services Manager was advertised with a closing date of the 4 January 2021. Shortlisting and invitations to attend for interview are to be sent shortly. The recruitment to the solicitor posts will also commence shortly.

## Information Governance

A new IG group of officers has been set up to ensure that policies, procedures and guidance documents are kept up to date and in line with legislation. There will be an inaugural meeting to set out a project plan.

Information governance is concerned with **how information is held, obtained, recorded, used and/or shared**. Information is used here as a collective term to cover terms such as data, documents, records and content (electronic and paper); and should be assessed against the 7 Data Ethics Principles.

It is essential that the Council has a robust information governance framework, to ensure that information, particularly personal and sensitive information is effectively managed with accountability structures, governance processes, documented policies and procedures, staff training and appropriate resources.

The Group will bring reports to PRED as necessary.

Information Governance Framework		
	Strategy (determines context and objectives)	Information Governance Strategy
Why do I need to do this?	Policies (identifies issues and scope)	Schedule of Information Governance Policies
What is required?	Controls (Management)	Part 5 of constitution (i.e. CSOs, Financial Regulations) ICO, Data Ethics Principles & Data Retention Policy & Disposal, Privacy Notices, ROPAs, Encryption & Passwords, Training, Roles and Responsibilities
How do I do it?	Procedures	Subject Access Requests, Data Protection Impact Assessments, Breach Log & Notifications, Data Sharing Protocols
	Guidelines	Data Ethics Workbook, Clear Desk Policy, Code of conduct, Schemes of Delegated Authority, Email Policy, Mobile Phone Policy

## **Members Interests**

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

## **Ordinary Council Terms of Reference**

### **General Powers of Council**

The Council is the ultimate decision making body of Brentwood Borough Council and the principal forum for major political debate. All 37 Councillors who have been elected to represent the borough attend the Council meeting.

The Council decides the overall objectives, major policies and financial strategies of the Council. It also considers recommendations from the Scrutiny and Regulatory Committees on issues of significance.

Through the Constitution, it delegates responsibility for carrying out many of the Borough Council's functions and policies to its committees. It also agrees the membership of the committees/sub-committees.

Only the Council will exercise the following functions:-

- (a) adopting and approving changes to the Constitution;
- (b) adopting and amending Contract Standing Orders and Financial Regulations;
- (c) agreeing and/or amending the terms of reference for committees and any joint committees, deciding on their composition chairmanship and making initial appointments to them;
- (d) appointing representatives to outside bodies and consultative groups unless the appointment has been delegated by the Council;
- (e) adopting and amending a members' allowances scheme under Chapter 6;
- (f) to elect the Leader and Deputy Leader of the Council;
- (g) to designate the Chairs and Vice Chairs of the Council;
- (h) adoption of the Code of Conduct for Members;
- (i) electoral and ceremonial matters relevant to the Council
- (j) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (k) setting the Council's Budget and Council Tax;
- (l) approving the making of a virement or payment from the Council's reserves for values exceeding £200,000;

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