



Cabinet Meeting

10 December 2014

Time 5.00 pm **Public Meeting?** YES **Type of meeting** Executive
Venue Committee Room 3 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership

Chair Cllr Roger Lawrence (Lab)
Vice-chair Cllr Peter Bilson (Lab)

Labour

Cllr Steve Evans
Cllr Val Gibson
Cllr Andrew Johnson
Cllr Elias Mattu
Cllr Phil Page
Cllr John Reynolds
Cllr Sandra Samuels
Cllr Paul Sweet

Quorum for this meeting is five Councillors.

Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

Item No. Title

MEETING BUSINESS ITEMS

- 1 **Apologies for absence**
- 2 **Declaration of interests**
- 3 **Minutes of the previous meeting (12 November 2014)** (Pages 1 - 6)
[For approval]
- 4 **Matters arising**
[To consider any matters arising from the minutes of the previous meeting]

DECISION ITEMS (RED - FOR DECISION BY THE COUNCIL)

- 5 **Local Council Tax Reduction Scheme 2015/16 Onwards** (Pages 7 - 202)
[To recommend proposed revisions to the scheme to Council for approval]

DECISION ITEMS (AMBER - DELEGATED TO THE CABINET)

- 7 **Housing Allocations Policy and Nominations Agreement** (Pages 203 - 252)
[To approve further changes to the housing allocations policy and the nominations agreement]
- 8 **City Centre Area Action Plan - Draft Plan Consultation Stage** (Pages 253 - 262)
[To approve the draft plan as the basis of consultation and approve arrangements to proceed to Publication Stage subject to no major changes arising from the consultations]
- 9 **Exclusion of press and public**
[To pass the following resolution:

That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information on the grounds shown below.]

Part 2 - exempt items, closed to press and public

- 10 **ABCD Legacy Funding for All Saints** (Pages 263 - 268)
[To approve expenditure from the fund towards a
- Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)

conversion project in the All Saints area]

- | | | |
|----|--|---|
| 11 | <p>Westside Delivery Strategy (Pages 269 - 280)
[To receive an update on progress at Westside and approve the proposed strategy]</p> | <p>Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)</p> |
| 12 | <p>Southside Delivery Strategy Update (Pages 281 - 294)
[To receive an update on progress at Southside and to approve the proposed delivery strategy for Southside 3]</p> | <p>Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)</p> |

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Cabinet

Minutes - 12 November 2014

Attendance

Members of the Cabinet

Cllr Roger Lawrence (Chair)
Cllr Peter Bilson (Vice-Chair)
Cllr Steve Evans
Cllr Val Gibson
Cllr Andrew Johnson
Cllr Elias Mattu
Cllr Phil Page
Cllr John Reynolds
Cllr Sandra Samuels
Cllr Paul Sweet

Employees

Dereck Francis	Democratic Support Officer
Keith Ireland	Managing Director
Tim Johnson	Strategic Director, Education and Enterprise
Sarah Norman	Strategic Director, Community
Kevin O'Keefe	Chief Legal Officer
Mark Taylor	Assistant Director, Finance

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
No apologies for absence were submitted for the meeting.
- 2 Declaration of interests**
Cllr Andrew Johnson declared a non-pecuniary interest in Item 8 below (Final Decision Regarding the 2015 Primary School Expansion Programme) in so far as he is Chair of Governors of Bilston CE Primary School.
- 3 Minutes of the previous meeting (22 October 2014)**
Resolved:
That the minutes of the previous meeting held on 22 October 2014 be approved as a correct record and signed by the Chair.
- 4 Matters arising**
There were no matters arising from the minutes of the previous meeting.

5 **Anti-Social Behaviour Service Review and Options Appraisal for Future Service Delivery**

Cllr Elias Mattu presented a report on options for the future delivery of the city's Anti-Social Behaviour Service with a recommended preferred option.

Resolved:

1. That the preferred option (Option 4) for the future delivery model of the city's anti-social behaviour service be approved which recommends:
 - Overall management of the city's Anti-Social Behaviour Service by Wolverhampton Homes under a contractual arrangement with Wolverhampton City Council;
 - Monitoring of the contract through a robust performance management framework;
 - Transfer of Undertakings (Protection of Employment) of Wolverhampton City Council employees to Wolverhampton Homes and a revised staffing model.
2. That the proposal to retain the existing arrangements for the management of domestic noise complaints be approved.
3. That the proposal to procure a single supplier for legal services for anti-social behaviour legal work be approved.
4. That the application of a consistent approach to managing anti-social behaviour cases in Tenant Management Organisation properties by the introduction of a city-wide anti-social behaviour policy be approved.

6 **Anti-Social Behaviour, Crime and Policing Act 2014**

Cllr Elias Mattu presented the report that briefed Cabinet on new legislation relating to anti-social behaviour (ASB), together with an update on plans for local implementation. The Act included two local measures designed to give victims and communities a say in the way ASB is dealt with, the 'Community Remedy' and the 'Community Trigger'. The latter gave victims of ASB the right to request a review of their case, where the locally defined threshold had been met. Cabinet was asked to approve a proposed threshold and process for the 'Community Trigger'.

Resolved:

1. That the undermentioned threshold for the Community Trigger be approved:
 - An individual has reported three separate incidents relating to the same problem in the past six months to the Council, Police or your landlord;
OR
 - An individual has reported one incident or crime motivated by hate (due to race, religion, disability, sexual orientation or transgender identity) in the last six months and no action has been taken;
OR
 - At least five people have made reports about the same problem in the past six months to the Council, Police or your landlord and no action has been taken.

2. That the Community Trigger process in Wolverhampton be managed by the ASB Team Manager and working alongside the ASB Co-ordinator from Wolverhampton Local Policing Unit, the ASB Team Manager be responsible for ensuring the Community Trigger is managed appropriately and in line with Home Office guidance.

7 **Securing Sufficient Accommodation for Looked After Children Strategy 2014-17**

Cllr Val Gibson gave an overview of the latest Securing Sufficient Accommodation for Looked After Children Strategy which set out how the Council planned to fulfil its duty over the next three years, to take reasonably practicable steps that secure sufficient accommodation for looked-after children under its care who could not live at home and whose circumstances indicate that it would be in their best interest to be accommodated by the local authority.

An amendment was required to the bullet point at paragraph 1.3 of the Strategy relating to 'Market development and management'. The bullet point was to be deleted and substituted with the following:

'Market development and management at both the strategic and operational levels to ensure that there is an appropriate range of placement providers who can offer provision to meet all LAC needs.'

Resolved:

That the strategic approach to the provision of services for looked after children (LAC) set out in the Securing Sufficient Accommodation for Looked After Children Strategy as now amended be endorsed.

8 **Final Decision Regarding the 2015 Primary School Expansion Programme**

Cllr Phil Page presented the report on the outcomes of extensive consultations in relation to schemes proposed for inclusion in the 2015 Primary School Expansion Programme. The Children and Young People Scrutiny Panel had undertaken pre decision scrutiny on the proposals at its meeting on 4 November 2014. A note on the feedback from the scrutiny panel had been circulated to the Cabinet.

Cllr Page requested approval to implement the proposed programme in order to ensure the provision of sufficient school places.

Resolved:

1. That the outcomes of Initial Consultation and Formal Consultation on the proposed expansions of Bilston CE Primary School, Bushbury Hill Primary School, Eastfield Primary School, Loxdale Primary School, Manor Primary School, St Martin's CE Primary School and West Park Primary School, in accordance with statutory guidance be received.
2. That the proposed expansion of the following schools be approved:

Bilston CE Primary School.
Bushbury Hill Primary School.
Eastfield Primary School.

Loxdale Primary School.
Manor Primary School.
St Martin's CE Primary School.
West Park Primary School.

3. That the position regarding the proposed expansions of Stowlawn Primary School and Westacre Infant School be noted and approved for implementation.
4. That the current position regarding the need to extend the 2015 Primary School Expansion Programme be noted.
5. That the potential conversion of The Royal School Wolverhampton to free school status and the proposed introduction of additional capacity be noted.
6. That the ongoing development of contingency plans and the establishment of a contingency fund to support the provision of sufficient primary school places be noted.
7. That it be noted that the current bulge in primary school pupil numbers would impact on the secondary estate in the short to medium term.

9 **Developing a Shared Urban Traffic Control (UTC), Development and Design Service**

Cllr Peter Bilson presented proposals to initially develop a merged urban traffic control service with Walsall Metropolitan Borough Council and then to explore the potential for a fully developed Black Country shared UTC service.

Resolved:

1. That the proposals regarding the implementation of a merged service with Walsall Council for the provision of UTC, development and design services to improve operational performance from April 2015 be approved.
2. That the future development of proposals relating to phase two in respect to establishing formal contractual UTC service provision with Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council and other agencies be approved.
3. That the exploration of the establishment of a fully shared UTC service through a single local authority to the remaining Black Country local authorities and possibly other agencies be approved and a further report on the proposed way forward be submitted to Cabinet by March 2016.

10 **Saving £500,000 from Senior Management Costs**

Cllr Roger Lawrence presented the report on a revised senior management structure for the Council. The report outlined how the target he had set, as Leader of the Council, of a minimum of £350,000 saving from the revised structure would be met and exceeded. The report also created the conditions to ensure a performance focused organisation with clearly accountable officer leadership.

Resolved:

1. That the senior management structures attached as appendix 1 to the report be approved for implementation on 1 January 2015.
2. That the savings in excess of £500,000 as detailed in the Medium Term Financial Strategy and financial implications section of the report be approved.
3. That the Leader of the Council in consultation with the Managing Director be authorised to make amendments to the structures moving forward where these are contained within the current cost envelope for senior management and appropriate consultation has taken place with relevant Cabinet Members and employees.
4. That, as proposed to Council on 5 November 2014, an interim be appointed to cover the Strategic Director People until such time as a permanent appointment is made by a Special Appointments Committee of the Council.
5. That the lead officer for Safeguarding at Service Director level (currently the Director of Public Health) be reviewed by the Interim Strategic Director People in January 2015 to ensure the role is best aligned.
6. That the change of roles for the three posts be approved as follows:
 - Assistant Director Education - to Director of Education
 - Assistant Director Governance - to Director of Governance
 - Assistant Director Finance - to Director of Finance (assimilation)
7. That the Assistant Director Finance be assimilated into the role of Director of Finance with effect from 1 January 2015.
8. That all other posts within the new senior management structure be assimilated to or ring-fence interviews arranged or advertised in line with the Council's policies and procedures.
9. That Assistant Director roles be renamed Service Director to ensure accountability on the same grade as present.
10. That it be noted that Council would establish Special Appointments Committees as required to appoint the following posts:
 - a. Director of Education (interviews before Christmas 2014)
 - b. Director of Governance (interviews before Christmas 2014)
 - c. Strategic Director People (sometime in 2015)
11. That it be noted that further reports would be coming forward to Cabinet in January as follows:

Topic	Pre-Decision Scrutiny?
The Corporate Plan	Yes – November/December
Marketing of the City Council	Yes – November/December
Branding of the City Council	Yes – November/December

Customer Service Standards	Yes – November/December
Internal Communications Strategy	Yes – November/December
Revised approach to Directions Conferences	Yes – November/December
Revised Senior Management Terms and Conditions of Employment (Red Item)	No – as Council Decision

All of these are important steps in creating the One Council culture and the Confident Capable Council (C3) to deliver the Corporate Plan.

11 Exclusion of press and public

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item(s) of business as they involve the likely disclosure of exempt information falling within the paragraphs of Schedule 12A of the Act set out below:

<i>Item No.</i>	<i>Title</i>	<i>Applicable paragraph</i>
12	Planning for Public Health	3

Part 2 - exempt items - closed to the press and public

12 Planning for Public Health

Cllr Sandra Samuels outlined the salient points of the report which set out the Council's new duties with respect to Public Health; provided clarity regarding the public health service within the local authority and how this relates to delivery across the Council's wider functions; described the health inequalities challenge for Wolverhampton and why a whole system approach to some of our greatest health concerns was fundamental; and clearly defined our key public health priorities and how the service was planning to deliver them.

Resolved:

1. That Cabinet support the priorities identified by Public Health focussing on the key health challenges facing the City.
2. That the plans and strategies Public Health are putting in place to address these priorities be endorsed.
3. That the breadth and scale of the new public health responsibilities transferred to the Council and the importance of prioritising activity to maximise the impact that can be made on improving the health of the population and reducing health inequalities be noted.
4. That the widening gap in relation to health inequalities in our City and the need to ensure a whole system approach is taken across the Council be noted.



Cabinet Meeting

10 December 2014

Report title	Local Council Tax Reduction Scheme 2015/16 Onwards	
Decision designation	RED	
Cabinet member with lead responsibility	Councillor Andrew Johnson Resources	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Keith Ireland, Managing Director	
Originating service	Revenues and Benefits	
Accountable employee(s)	Sue Martin	Head of Revenues and Benefits
	Tel	01902 554772
	Email	Sue.martin@wolverhampton.gov.uk
Report to be/has been considered by	Council	17 December 2014

Recommendation(s) for action or decision:

The Cabinet is recommended to:

1. Review the consultation feedback and equalities analysis.
2. Approve the Local Council Tax Discretionary Discount Policy.
3. Recommend that Council:
 - 3.1. Notes the feedback from consultation.
 - 3.2. Notes the equality analysis.
 - 3.3. Approves a revision to the local council tax reduction scheme so that the basis on which support is calculated is revised from 88% to 78% of gross liability.
 - 3.4. Approves that within the scheme, households with the following characteristics are protected and will continue to have their entitlement calculated on 88% of gross liability.

- where the claimant or their partner is severely disabled
 - where there is a severely disabled child
 - a single person under 25 years of age without dependents
- 3.5. Approves that for 2015/16 and each subsequent year needs allowances, premiums and non-dependent deductions used to calculate entitlement are uprated using the percentages set by Government for the Prescribed Scheme.
- 3.6. Approves the revised scheme for adoption from 1 April 2015.
- 3.7. Authorises the Cabinet Member for Resources in consultation with the Strategic Director Delivery, to make any consequential amendments to the Council's Constitution.

The recommendations above make reference to a number of specific documents for review and approval. Those documents are:

- Consultation feedback report - appendix (i)
- Equality analysis summary - appendix (ii)
- Council Tax Discretionary Discount Policy - appendix (iii)
- Wolverhampton S13A Scheme 2015 - appendix (iv)

1.0 Purpose

- 1.1. This report seeks approval from Cabinet to submit the local council tax reduction scheme to Full Council with a recommendation that the proposed revisions to the scheme be adopted from 1st April 2015.

2.0 Background

- 2.1. From April 2013 the Council implemented its own local council tax reduction scheme to replace council tax benefit which had been abolished. Government continues to set the rules for pensioners and so the local scheme applies only to working age families.
- 2.2. The abolition of council tax benefit was accompanied by a reduction in Government funding for council tax support. In Wolverhampton the impact was estimated to create a pressure of £3.2 million, a combination of the loss of £2.7 million grant funding and £500,000 in lost council taxbase.
- 2.3. A transitional scheme was implemented for 2013/14 following a decision by Council on 23 January 2013. The Council received a one-off Government grant of £600,000 towards the cost of the scheme, but this still left a gap of £1.9 million which was ultimately funded through other savings and the use of reserves approved as part of the Medium Term Financial Strategy for 2013/14.
- 2.4. Further changes to the local scheme in 2014/15 were approved by Council on 18 December 2013. These changes reduced the cost of the scheme but not to the full extent of the loss in Government funding. As in the preceding year the gap between Government grant and the cost of the scheme was funded through other savings and use of reserves approved as part of the Medium Term Financial Strategy for 2014/15.
- 2.5. This strategy of using alternate means to offset the funding shortfall has allowed the Council to offer some degree of protection to households receiving support. The Council now faces a potential funding gap of £123 million for Council services by 2018/19.
- 2.6. The Council's overall financial position means that to continue to fund the scheme at current levels is unaffordable, whether from within the budget or from reserves. Although the Council continues to consider all options to deliver savings in order to balance the budget, a projected £37 million of savings are still required by 2018/19, therefore if the scheme was not revised alternative savings would have to be identified, which would increase the projected budget deficit to nearly £38 million by 2018/19. All alternative savings are therefore actually already required to address the remaining projected £37 million.
- 2.7. On 23 July 2014 Cabinet agreed to publish, for consultation, a proposed scheme containing the following revisions:
 - a) The basis on which support is calculated is revised from 88% to 78% of gross liability.

- b) Within the draft scheme, households with the following characteristics will be protected and will continue to have their entitlement calculated on 88% of gross liability.
- where the claimant or their partner is severely disabled;
(defined as any household where the claimant or partner receives the higher rate of disability living allowance or the enhanced daily living component rate of personal independence payment)
 - where there is a severely disabled child;
(defined as households that include a dependent child who is entitled to receive the disabled child premium)
 - a single person under 25 years of age without dependents

2.8. A draft revised scheme was published for consultation on 11 August 2014 as part of a comprehensive public consultation exercise.

2.9. The recommendations set out in this report take into account the levels of savings the Council needs to make as a result of the cut in Government grant, whilst still providing support to working age residents on low incomes with the majority of their council tax.

3.0 Revisions to the Scheme – key principles

3.1. A wide range of issues have been considered in designing the scheme as now proposed, including:

- a) The Government's "Statement of Intent" issued in May 2012, Regulations and other guidance relating to vulnerable people and work incentives.
- b) Feedback received from public consultation.
- c) An assessment of the impact on equalities.
- d) Incentivising work and alignment with emerging Universal Credit proposal.
- e) Maintaining, where appropriate, key elements of the council tax benefits scheme.
- f) The impact on collection rates for council tax (including the impact on major precepting authorities) and the administrative costs of the scheme.
- g) The reduction in Government funding for council tax support nationally and the direct impact on the Council's overall financial position.

3.2. Taking into account the equalities assessment and analysis of comments received during consultation, the key features of the scheme as now recommended are:

- a) Support for people of working age will be provided through a means tested reduction.
- b) There will be a discretionary hardship scheme to provide additional assistance in exceptional circumstances to the most vulnerable.
- c) The scheme should continue to disregard in full war disablement pensions and pensions for war widows and widowers.
- d) Protection for households that appear either least able to work or least able to afford any increase in contribution.

3.3. This means most households of working age will pay more towards their council tax from April 2015 and there will be extra help for the most vulnerable in exceptional circumstances.

4.0 Consultation and analysis

4.1. The Local Government Finance Act 2012 specifies that before adopting or revising a scheme, the Council must (in the following order):

- a) Consult any major precepting authority which has power to issue a precept to it.
- b) Publish a draft scheme in such a manner as it thinks fit.
- c) Consult such other persons as it considers are likely to have an interest in the operation of the scheme.

4.2. The Council has carried out a comprehensive public consultation exercise in line with the requirements set out above. An explanation of the proposals and feedback questionnaire was delivered to every household in the city.

4.3. The Council's website included a simple to use on-line calculator that allowed any resident to check and compare their entitlement under the current and proposed schemes.

4.4. A range of public meetings and roadshow events were held during the consultation and over 600 voluntary groups were informed about the proposals through the Voluntary Sector Council.

4.5. Consultation commenced on 11 August and ran until 31 October 2014. During the course of the consultation 560 people used the on-line comparison calculator. There were 545 formal consultation responses and a range of public consultation events attended by over 400 people.

4.6. A detailed report on the outcome of consultation is attached as appendix (i).

4.7. Response to the consultation questions can be summarised as follows:

To what extent do you agree or disagree with	Strongly agree / agree	Strongly disagree / disagree
The proposals in general	51%	37%
The proposal to offer protection to those who are severely disabled	78%	13%
The proposal to offer protection to those who have a severely disabled child	72%	15%
The proposal to offer protection to single people aged under 25	43%	35%

4.8. The main themes in the textual responses are similar to those in previous years. Generally those people agreeing with the proposals felt that everyone should contribute

towards services. Generally those disagreeing with the proposals felt that people on low incomes are already struggling financially.

- 4.9. There was agreement that the Council's scheme should provide additional help to families with children on a low income (64% of respondents agreed or strongly agreed), disabled people (80% of respondents agreed or strongly agreed), Carers (78% of respondents agreed or strongly agreed) and people on low incomes (68% of respondents agreed or strongly agreed).

5.0 Comparisons

- 5.1. There is a mixed picture both nationally and locally when comparing local schemes. The number of councils maintaining the full value of council tax benefit dropped from 59 (18%) in 2013/14 to 45 (14%) in 2014/15. In the West Midlands, three councils have maintained the value of council tax benefit although one of these is currently consulting on changes for 2015/16.
- 5.2. Like Wolverhampton, many councils designed schemes to comply with the rules for transitional grant in 2013/14 but made further changes in 2014/15. Around 40 councils however adopted schemes from the outset where the minimum contribution exceeded 20%.
- 5.3. Setting or increasing a minimum contribution is the most common way in which schemes have been amended although there are some schemes with no minimum contribution but other factors that restrict entitlement.
- 5.4. Similarly some schemes with apparently high minimum contribution rates include protection for vulnerable groups. An analysis of 34 local schemes where the minimum contribution was 25% or more showed that over half included some form of protection.

6.0 Transitional and hardship protection

- 6.1. If any changes are made that have the effect of making the scheme less generous, the Council is under a duty to consider transitional protection for any individuals that would receive a lower level of support.
- 6.2. Essentially the Council has adopted transitional schemes in 2013/14 and 2014/15, opting not to pass on all of the reduction in Government funding through other savings and the use of reserves.
- 6.3. The proposed revisions for 2015/16 onwards result in most working age claimants having to make a greater contribution towards their council tax. The impact is distributed across the caseload with the average contribution increasing by £1.95 per week. The maximum increase in contribution is £2.65 per week affecting households living in properties banded C and above.

- 6.4. In view of this, the proposal to protect groups of claimants considered less able to work and the fact that transitional schemes have been in place for the last two years the recommended scheme does not contain any additional recommendations for transitional protection.
- 6.5. In the event of individual families experiencing exceptional hardship, awards will be considered under the Local Council Tax Discretionary Discount Policy. The policy has been reviewed and an updated version is attached as appendix (iii).

7.0 Conclusion

- 7.1. Overall there is a slightly higher level of agreement with the proposals in general than for the scheme consulted on last year. The number of people responding to the consultation has however reduced. This may be as a result of increased consultation activity across a range of savings measures being considered by the Council. A positive level of support and agreement for the principles of the scheme can be concluded from the consultation exercise.
- 7.2. General protection is maintained under the proposed revisions to the scheme in the following ways:
- a) For claimants with children the scheme will disregard any award of child benefit for the first child and through an addition to the needs allowance for each child.
 - b) For claimants with a disability the scheme will disregard any awards of disability living allowance or personal independence payment and with additions to the needs allowance through disability premiums.
 - c) For claimants with caring responsibilities, anyone who has an actual or underlying entitlement to carers allowance is entitled to an additional carers premium as part of their needs allowance.
 - d) For claimants in receipt of a war pension, war widows' pension or war disablement pension the proposed scheme continues to disregard such income in full.
 - e) For claimants in low paid employment, the proposed scheme will continue to provide disregards of both earned income and of elements of working tax credit.
- 7.3. The recommended revision to the scheme for 2015/16 onwards is that the basis on which support is calculated is revised from 88% to 78% of gross liability.
- 7.4. The effect of increasing the minimum contribution to 22% would mean that a household living in a band A property, receiving maximum support, would be required to pay £220.18 per year in 2015/16 (before any council tax increase) compared with £120.10 per year in 2014/15.
- 7.5. In view of support expressed through the consultation exercise it is also recommended that protection from any increase in minimum contribution should be offered:
- a) where the claimant or their partner is severely disabled;
 - b) where there is a severely disabled child; or
 - c) where the household comprises a single person under 25 years of age without dependents

- 7.6. Out of a total of 18,000 working age claimants, around 1,700 would continue to have support calculated on 88% of gross liability. The cost of protection is estimated at £175,000.
- 7.7. For 2015/16 and each subsequent year it is recommended that needs allowances, premiums and non-dependent deductions used to calculate entitlement are uprated using the percentages set by Government for the Prescribed Scheme.

8.0 Financial implications

- 8.1. Revisions to the scheme are proposed on the basis of narrowing the gap between the cost of the scheme and Government grant.
- 8.2. The mandatory protection of pensioners who continue to receive the same level of assistance as under the previous council tax benefit scheme results in additional costs falling on working age claimants.
- 8.3. Financial modelling of revisions to the scheme is based on current caseload profile and council tax liability. Variation in either of these factors will affect the overall cost of the scheme. For example an increase in council tax for 2015/16 is likely to lead to an increase in caseload and will increase expenditure.
- 8.4. Modelling of the revisions to the scheme outlined in paragraphs 7.3 and 7.5, using the assumptions described in paragraph 8.3 would reduce the cost of the scheme to the Council by an estimated £800,000.
- 8.5. The net saving is calculated taking into account anticipated collection rates and the precept for Fire and Police. A prudent estimate has been used to forecast collection rates along with allowing for the 10% preceptors share.
- 8.6. The savings that result from revising the scheme contribute towards the Council's significant financial challenge. Failure to adopt these revisions will mean that savings of £800,000 remain to be found from elsewhere.
[CF/01122014/D]

9.0 Legal implications

- 9.1. The Local Government Finance Act received Royal Assent on 31 October 2012. The Act includes a requirement for the Council to adopt any revisions to its local council tax support scheme by 31 January of the year in which changes are to be implemented. Failure to do so would result in the Council having to maintain the scheme currently in place.
- 9.2. The framework within which billing authorities must devise their council tax reduction schemes is contained in Part 1 of Schedule 4 to the Act. This Schedule provides that the following matters must be included in an authority's scheme:

- a) a description of the classes of person entitled to a council tax reduction;
- b) details of the reductions which are to apply to those classes (different classes of persons may be entitled to different reductions);
- c) the procedure under which a person may apply for a Council Tax reduction; and
- d) an appeals procedure covering decisions over entitlement to a reduction and the amount of any reduction due

These items are all included in the proposed revised scheme.

- 9.3. Section 67 (2)(aa) Local Government Finance Act 1992 as amended by the 2012 Act states that the implementation of a local council tax support scheme and any subsequent revisions to the scheme will be a function reserved to full Council.
- 9.4. The Council has prepared an Equality Assessment, appendix (ii) to assess the impact of the proposed revisions to the local council tax support scheme on residents of Wolverhampton.
- 9.5. Consultation has been carried out in accordance with the sequence set out in the 2012 Act. The Council has attempted to ensure that all interested parties are able to give a view.
- 9.6. The Council must consider whether there are any groups or individuals that are adversely impacted by any changes when making its final decisions on a local scheme.
[RB/01122014/A]

10.0 Equalities implications

- 10.1. A full equality analysis has been carried out in respect of the proposed revisions to the local council tax support scheme and a summary is included as appendix (ii) to this report.
- 10.2. Cabinet will need to have due regard to any adverse equality implications arising from whatever approach is adopted. Given that persons with the relevant protected characteristics will feature highly within claimant profiles, it is reasonable to expect that adoption of the proposed revisions will have some adverse equality implications.

11.0 Environmental implications

- 11.1. There are no environmental implications arising from this report.

12.0 Human resources implications

- 12.1. There are no human resources implications arising from this report.

13.0 Corporate landlord implications

- 13.1. There are no corporate landlord implications arising from this report.

14.0 Schedule of background papers

Local Government Finance Act 2012

<http://www.legislation.gov.uk/ukpga/2012/17/contents/enacted>

Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<http://www.legislation.gov.uk/uksi/2012/2885/contents/made>

Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012

<http://www.legislation.gov.uk/uksi/2012/2886/made>

Report to Cabinet 23 July 2014

<https://wolverhamptonintranet.moderngov.co.uk/ieListDocuments.aspx?CId=130&MId=193&Ver=4> (item 10)

Joseph Rowntree Foundation Publication – How have low-income families been affected by changes to council tax support.

<http://www.jrf.org.uk/publications/low-income-families-changes-council-tax>

Using evidence to shape better services



Wolverhampton City Council

Local Council Tax Benefit Scheme Consultation

21st November 2014

Final Report

Wastes & resources management



Community safety & neighbourhood policing



Sure Start & Children's Centres



Healthy communities



Affordable housing

Active citizens & customer research



Local Authority research & evaluation



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1) Project details

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2) Summary of key findings

Background

- ◆ Following an initial consultation in 2012, the local council tax scheme was launched in April 2013 and further consultations took place on proposed amendments implemented from April 2014. Further proposals are planned for April 2015 but response to LCTS consultation has declined with each year. However possibly contentious issues, such as savings and child benefit, were not included in this consultation. Responses indicate more general views on benefits and supporting vulnerable persons rather than relating to specific groups of people. However there is greater understanding of the scheme shown with a reduction in the number of respondents replying 'don't know-no opinion'.

Findings

- ◆ Although the level of agreement with the overall proposals has increased in 2014 compared to 2013, (51% vs. 48%) so has the level of disagreement (37% vs. 33%); this is due to lower levels of 'don't know' responses year on year. Those not in receipt of council tax reductions (over 65 years old and /or have no long term disability) are most likely to agree with the proposals whereas those aged 44 to 64 (likely to receive council tax reductions and/or have a long term disability) are least likely to agree.
- ◆ Reasons for agreement with the overall proposals are;
 - everyone should contribute towards services;
 - people should be encouraged to work not live off benefits;
 - families should be responsible for their children;
 - only those who can't work (such as severely disabled) should get support.
- ◆ Reasons for disagreement with the overall proposals are that people on low incomes are already struggling financially and any further reduction in support will make the divide wider rather than help them improve their opportunities. Experts by Experience raise the issue of an additional cost to society versus the savings made by implementing the amendments - they cite cost of anti-social behavior, a rise of children in care, people remaining in hostels longer, increased debt as offsetting or outweighing any savings. This organisation suggests that the impact should be spread across all taxpayers not just those on lower incomes; this view is supported by those who feel there is a right to support vulnerable groups where those with greater levels of income should pay more, rather than those with less having to find more.
- ◆ There is a divide between apportioning of 'blame' between those who feel there is a moral duty to support the vulnerable and less well-off, who should be helped to improve their quality of life and not blamed for their situation, compared to those who feel people on low incomes should help themselves and not expect to be supported by 'hand-outs'. The latter group is least likely to support the proposals to protect the three groups outlined in the leaflet, feeling that they already get allowances which may put them in a better position than other groups who aren't protected.

- ◆ The need to have a fairer, means tested scheme was raised by both those who agree and those who disagree overall, with examples being cited on both sides of either people who receive support that may not actually need it and those who need it but can't access it. Similarly the need to consider all income was raised across responses; those who disagree with protecting certain groups feel that due to other benefits/allowances that these groups are better off than those who don't receive support; those who agree with protecting certain groups feel that the allowances they are given by central government are then taken away by local government.
- ◆ When considering the individual groups proposed for protection, the majority of respondents agreed that those with a severe disability should be protected, although respondents who were disabled were least likely to agree with this. It was felt that life is already challenging for these persons and there is little scope for them to increase their income, so support should be offered. The small number of respondents who disagreed felt that whilst these groups should be supported, this is already done through other benefits and allowances.
- ◆ Similar responses were given when considering protection of allowances to families with a severely disabled child, although here the issue of means testing was more prominent with the ability of the parents to generate income and means testing being key factors for disagreement. Those in receipt of council tax reductions were most likely to support protecting support to disabled persons. Again the issue of blame was raised in responses, with disabled persons being in a position of need through no fault of their own.
- ◆ The proposal to protect single young people under 25 with no dependent children divided respondents with those who do not receive council tax reduction and are aged 16 to 44 most likely to disagree and those who do receive council tax reduction and aged between 45 to 64 most likely to agree. Those who disagreed cited the ability of this group to work and the lack of dependents to provide for; it was therefore felt that differentiation was not justifiable. However those who agree with protecting this group felt they need help to establish a home and find/develop employment as many are on low incomes.
- ◆ When considering existing allowances, agreement to maintain support to disabled people and unpaid carers remains the same as 2013 at 84%, however support for families on low incomes and people on low incomes has fallen to 64% compared to 71% in 2013, as it was felt these groups have the ability to improve their circumstances rather than be supported by benefits.
- ◆ Respondents in receipt of council tax reductions were significantly more likely to agree with maintaining support to all mentioned groups.
- ◆ Whilst the majority of respondents feel that no single group will be disadvantaged by the proposals there is still concern that disabled people and young people will be affected. However as in previous consultations, respondents suggest council tax reduction is dependent on income and means and should not be affected by personal background or group.

3) Introduction

Background

Wolverhampton City Council commissioned M·E·L Research to undertake analysis of findings from a public consultation exercise into proposed changes to the Local Council Tax Benefit Scheme, originally introduced in April 2013. This report presents full findings from the consultation including analysis for sub-groups, based on the full set of 545 responses.

The consultation findings will be used to inform proposed amendments to the design of a Local Council Tax Benefit Scheme from April 2015.

Methodology and sample

Wolverhampton City Council designed and produced an A5 16 page booklet style information guide and questionnaire to support the Council Tax Reduction Scheme consultation. M·E·L Research produced a web based online version of the questionnaire to provide an alternative self-completion method.

Respondents were provided with background information on the local scheme that was introduced in April 2013 and the proposed amendment to the maximum award for working age people of this scheme reducing the allowance to 78% from 88%, those who are severely disabled or have partners/children who are severely disabled will continue to receive the maximum award of 88% support. Young single people aged under 25 with no dependent children will also be offered protection. The remaining proposals are to continue the existing elements of the scheme unchanged. Examples (scenarios) about how the proposed amended scheme could affect the groups proposed for protection were outlined.

A full copy of the proposed scheme was published on the council website including a link to the online survey. Hard copies were posted to all properties in the city. Additional consultation was undertaken with local groups representing residents who may be affected by the proposed amendments. Only one group gave feedback and this was considered alongside the survey data and included in the analysis. Roadshows were also conducted at locations across Wolverhampton to raise awareness of the proposed amendments to the Local Council Tax Benefit Scheme.

Returned postal questionnaires were submitted to M·E·L Research for data entry, cleansing and analysis (including coding of verbatim responses). Data from the online survey has been merged with postal returns and analysed together in this report.

The consultation was undertaken between 11th August and 31st October 2014. The final date for consultation responses was Friday 31st October 2014.

Response

The total number of responses to the consultation survey was 545 (296 paper and 249 online). The sample base has continued to decline since the initial scheme was consulted on in 2012 with 1,007 responses in 2012 (848 paper questionnaire and 159 online questionnaires) and consultation on additional amendments in 2013 achieved a response rate of 806 (637 paper questionnaires and 169 online questionnaires). Details of the achieved sample profile are provided at Appendix A.

Reporting

The output from the survey is in the form of conventional cross-tabulations. These provide results for the total sample and various sub-groups of the sample profile (e.g. age, gender). Sub-groups are as shown in Appendix A. In some cases, sub-groups have been re-grouped (e.g. age bands) to ensure reasonably robust sample sizes; see table below.

Table 1: Sub-groups for reporting

	Number of respondents
16- 44 years	87
45-64 years	221
65 years or older	156
Not specified	81
Total	545
White	390
BME	56
Not specified	99
Total	545

Within the main body of the report, where figures are not shown in the charts, these are three per cent or less and where percentages do not sum to 100 per cent, this is due to computer rounding. The 'base' figure referred to in each chart and table is the total number of people responding to the question.

Comparisons

Where possible comparisons are shown with the previous council tax scheme consultations conducted in 2013 and 2012 with any statistically significant observations noted.

Statistical reliability and statistical significance

By the very nature that surveys typically represent the views of a sample population, sampling error must be considered when evaluating the findings. This is measured by the confidence interval and confidence level of the data. Given the response of 545 returns, the confidence interval for this survey is $\pm 4.2\%$ based upon a 50:50 split on a variable (answer) and a 95% confidence level.

When comparing the results within a sub-group (e.g. age groups), the differences in results are tested for statistical significance. This way we know whether the differences are 'real' or whether they could have occurred by chance. Where statistically significant differences exist, comparisons have been included within this report and/or highlighted in tables.

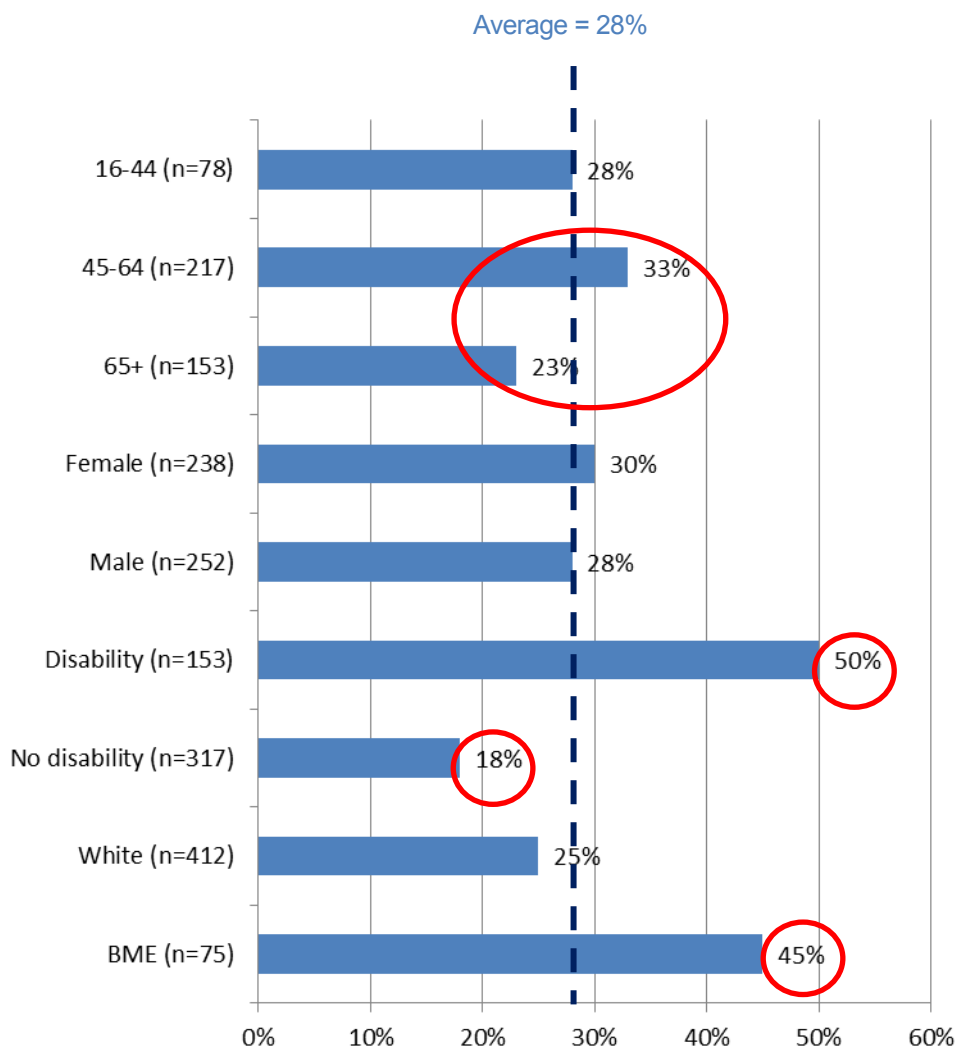
4) Findings

Receipt of council tax reduction

The profile of respondents is detailed in Appendix A, however pensioners are unaffected by the proposals and continue to receive 100% of any council tax support. Establishing the broad profile of respondents who are in receipt of a council tax support is important in understanding who is affected by the proposals when considering responses.

Over a quarter (28%) of respondents receive a council tax reduction based upon their income, and of these, the majority are aged between 45 and 64. When considering sub groups those aged 65 and above are significantly less likely to claim to be in receipt of a council tax reduction (23%) than those aged between 45-64 (33%). Similarly, those with a disability are significantly more likely to receive a reduction (50%) than those without a disability (18%). Respondents from BME groups were also significantly more likely to receive a reduction (45%) than respondents of White ethnicity (25%).

Figure 1: Profile of respondents who currently receive a council tax reduction – Percentage of respondents (excluding no replies)

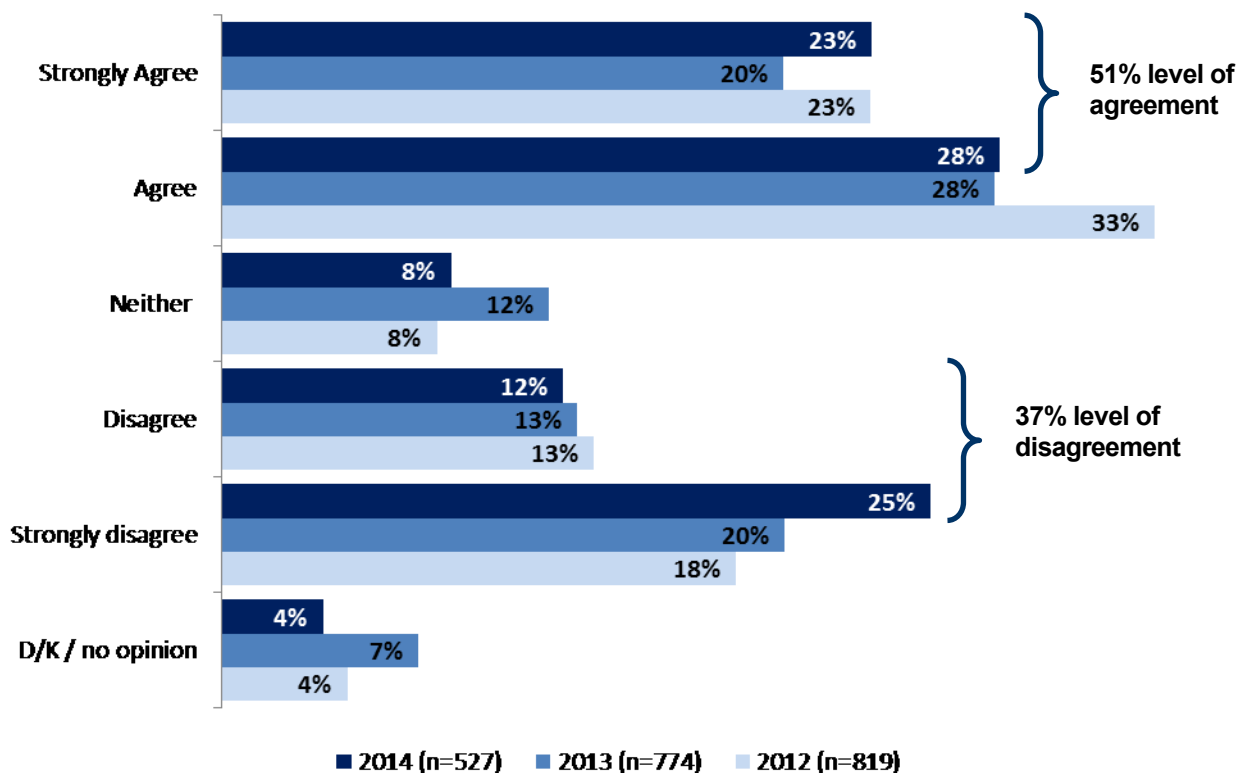


The council tax support scheme overall

The majority of respondents (51%) are in agreement with the proposals in relation to the council tax scheme; this rises to 58% when those who replied 'don't know - no opinion' or 'neither' are removed. Nearly a quarter (23%) strongly agree with the proposals. However this is nearly equal to the number of respondents who strongly disagreed (25%) within the 37% of respondents that expressed a degree of dissatisfaction with the proposals; (25%) strongly disagreed.

Respondents expressed greater disagreement with these proposals than in 2013 and 2012 and the level of ambivalence (8%) reduced from 2013 (12%) to be in line with 2012 (8%).

Figure 2: To what extent do you agree or disagree with the council's proposals in relation to the Council Tax Support Scheme? – Percentage of respondents (excluding no replies)



Considering responses by age groups, whilst those aged 16-44 are in line with the average level of agreement (53%) those aged 65 and over are significantly more likely to agree (strongly agree/agree) (64%) than those aged 44 to 64 (48%).

Similarly those who do not receive a council tax reduction are significantly more likely to agree with the proposals (59%) compared to those who do receive council tax reduction (30%).

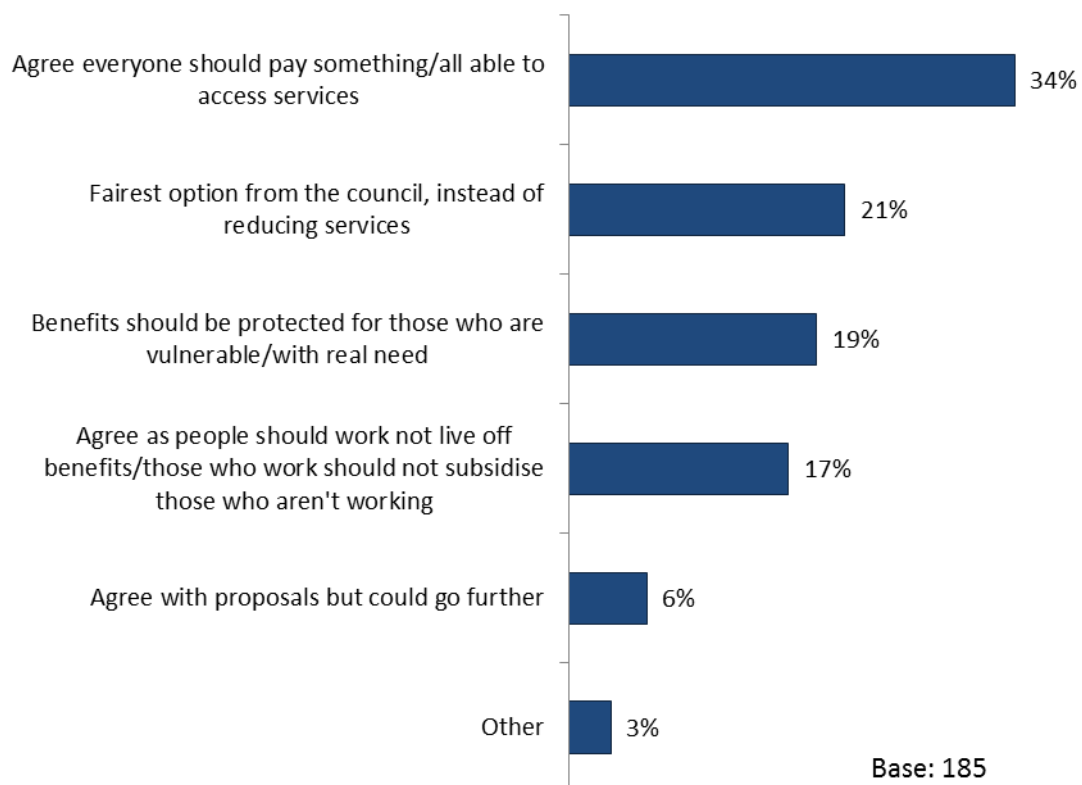
Those respondents with a disability are statistically less likely to agree to the proposals (37%) than respondents who do not have a disability (61%).

All 268 respondents who stated that they 'strongly agree' or 'agree' with the proposals were asked to give their reasons / opinions. **Figure 3** shows the coded responses for the 185 respondents who offered more detail.

The main reason given by respondents continues to be the belief that 'everyone should pay something', this was also the main reason given in 2013 (31%) and 2012 (53%). Just over a fifth (21%) agree that the proposals are the fairest option given the need for the council to make savings, however a further fifth (19%) agree that the vulnerable groups currently protected should continue to be supported with council tax reductions.

Figure 3: If you said 'strongly agree' or 'agree', please give your reasons/opinions

Percentage of responses (only codes with a response greater than 1% are presented)



"Council tax pays in whole or in part for many services run on a communal basis - Bin emptying, policing, schools, road maintenance etc. Why should anyone not pay their full share of these costs - these are household needs just like weekly shopping, mobile subscription, clothes and phone charges, and nobody expects these to be paid for by others (except of course in the case of people in real need who the Council are rightly going to subsidise in full still)."

"The funding gap in the Council's finances has to be addressed. Slightly reducing everyone's allowances is fairer than cutting certain services which may disadvantage only certain sections of the community."

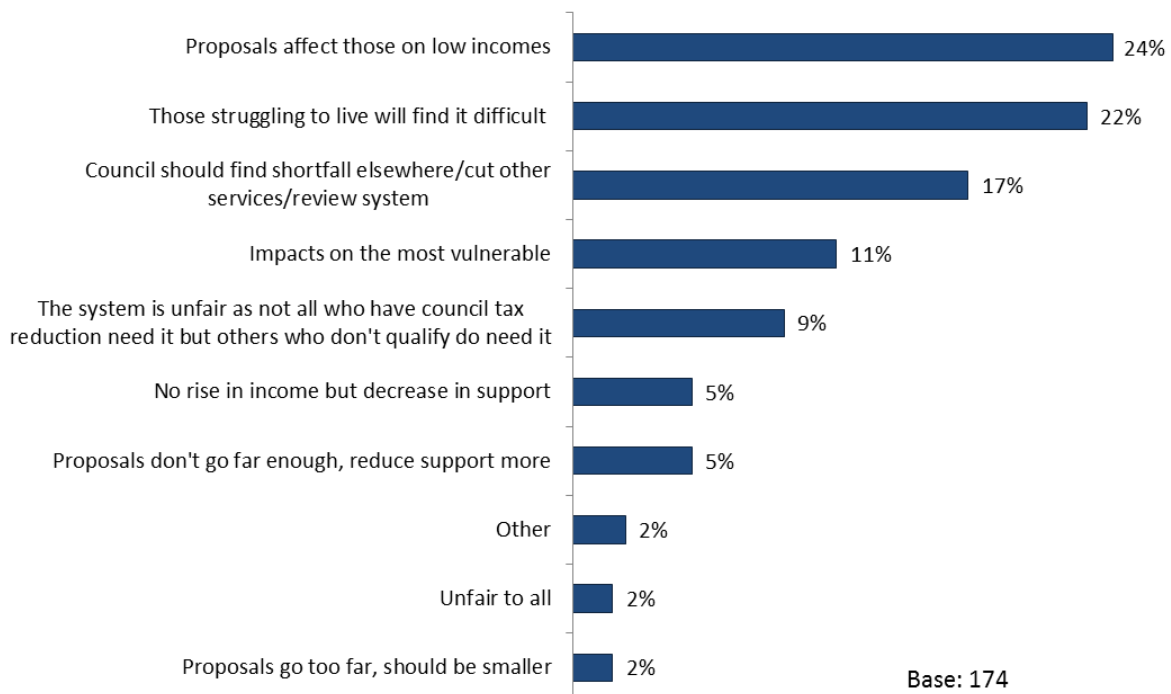
"I strongly agree all disabled people should be protected as they are disabled through no fault of their own and are struggling already with ever spiralling utility bills!"

All 197 respondents who stated that they 'strongly disagree' or 'disagree' with the proposals were asked to give their reasons / opinions. **Figure 4** shows the coded responses for the 174 respondents who offered more detail.

The key reason given for disagreeing is that the proposals affect those who are on low incomes; 24% of comments relate to this with respondents referring to young people on low wage, single people with one income and those on minimum wage. Over a fifth (22%) expressed disagreement with the proposals as those already struggling will find it difficult to absorb the increase in their council tax. A further 17% felt the council should find the savings through reviewing the council tax system overall, making cuts to other services/salaries. How the council tax scheme fits into the overall savings pot needs to be better understood.

Figure 4: If you said 'strongly disagree' or 'disagree', please give your reasons/opinions

Percentage of responses (only codes with a response greater than 1% are presented)



"Reading the Consultation booklet, seems to suggest those who work full time are being asked to pay more, which I agree principal but there is no mention of how to determine who is on a low wage, who is on a medium wage and who are top earners in their professions."

"Means tested benefits are calculated as being the minimum that a person needs to live on excluding housing costs. Each time you make people pay more of that basic income on housing you are in effect expecting them to live below an acceptable level."

"The government pays us a payment to live on, yet it is the government that cut council support. Now the council wants to take that money off us, the very money the government pays us to live on, they might just as well not pay us the money but pay it directly to the council (completely crazy)."

"The people on benefits are protected whilst the low paid/working poor will struggle."

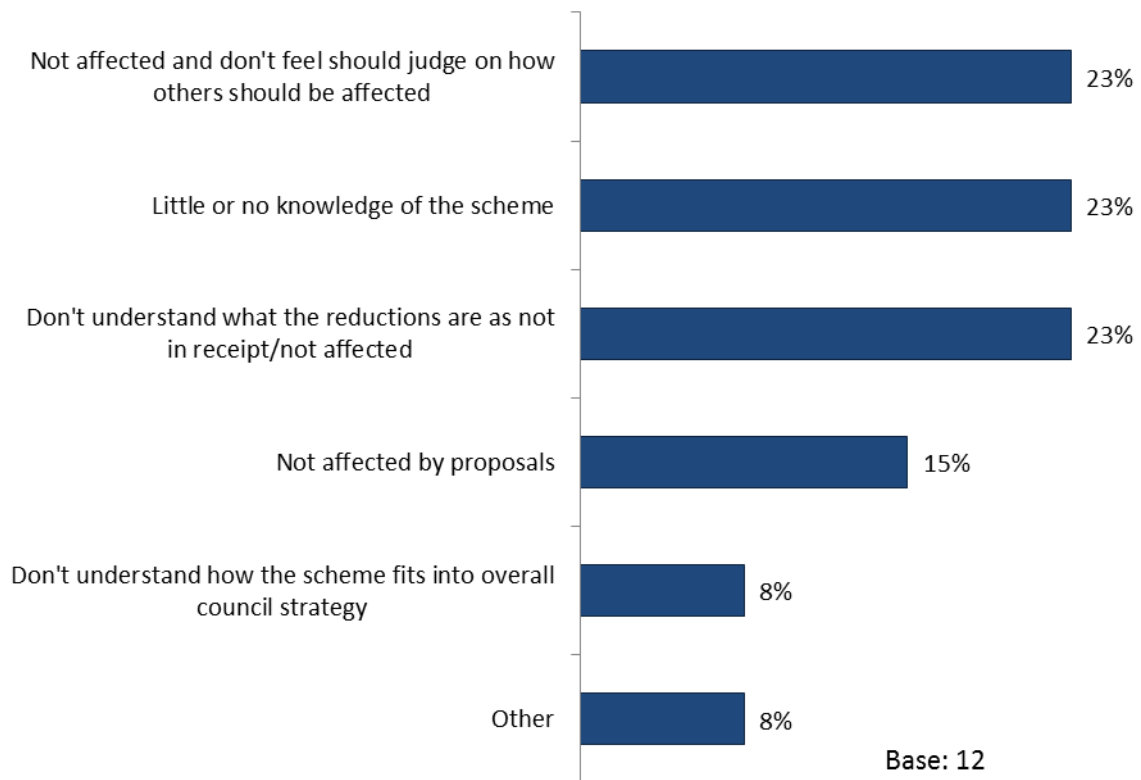
Of the 19 respondents who stated that they did not know whether they agreed with the proposals 12 gave their reasons/opinions and these are shown in **Figure 5** below. Due to the low base size of this analysis, **care is advised** when interpreting these results.

The majority (71%) responded 'don't know' as they are not affected by the proposals; this splits into 23% who felt they could not judge how others should be affected, an additional 23% who don't understand the reductions because they don't receive them and 15% who are not affected so don't know.

Nearly a quarter (23%) replied 'don't know- no opinion' because they felt there was not enough information/personal knowledge about the scheme. This differs to 2013 where respondents replying 'don't know' were more inclined to feel that the proposals were too complicated but similar to 2012 where respondents did not have enough knowledge to decide and not enough information.

Figure 5: If you said 'don't know', please give your reasons/opinions

Percentage of responses



“As a pensioner living alone- so pay single tax payment. I do not feel I have the right to make a judgement on proposals that will not affect me (unless circumstances change).”

“Explanations do not appear to affect our household & are too ambiguous.”

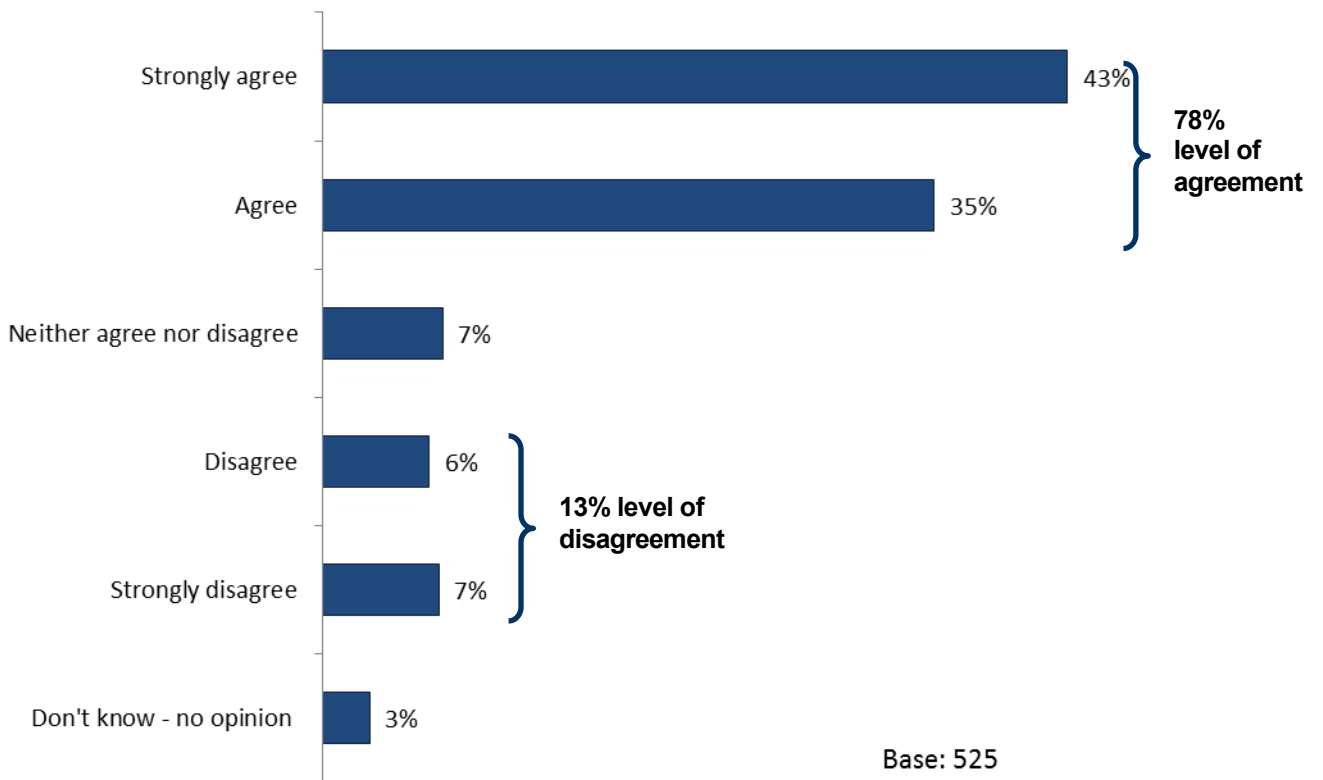
5) Council tax support scheme proposals

Respondents were asked the extent they agreed with each of the proposals to offer protection to certain groups. This differs from 2013 when eight elements of the scheme were proposed for amendment and in 2012 when only one amendment was proposed. Also, in this consultation, each proposal was considered separately whereas in previous years all proposals/amendments were listed in one question.

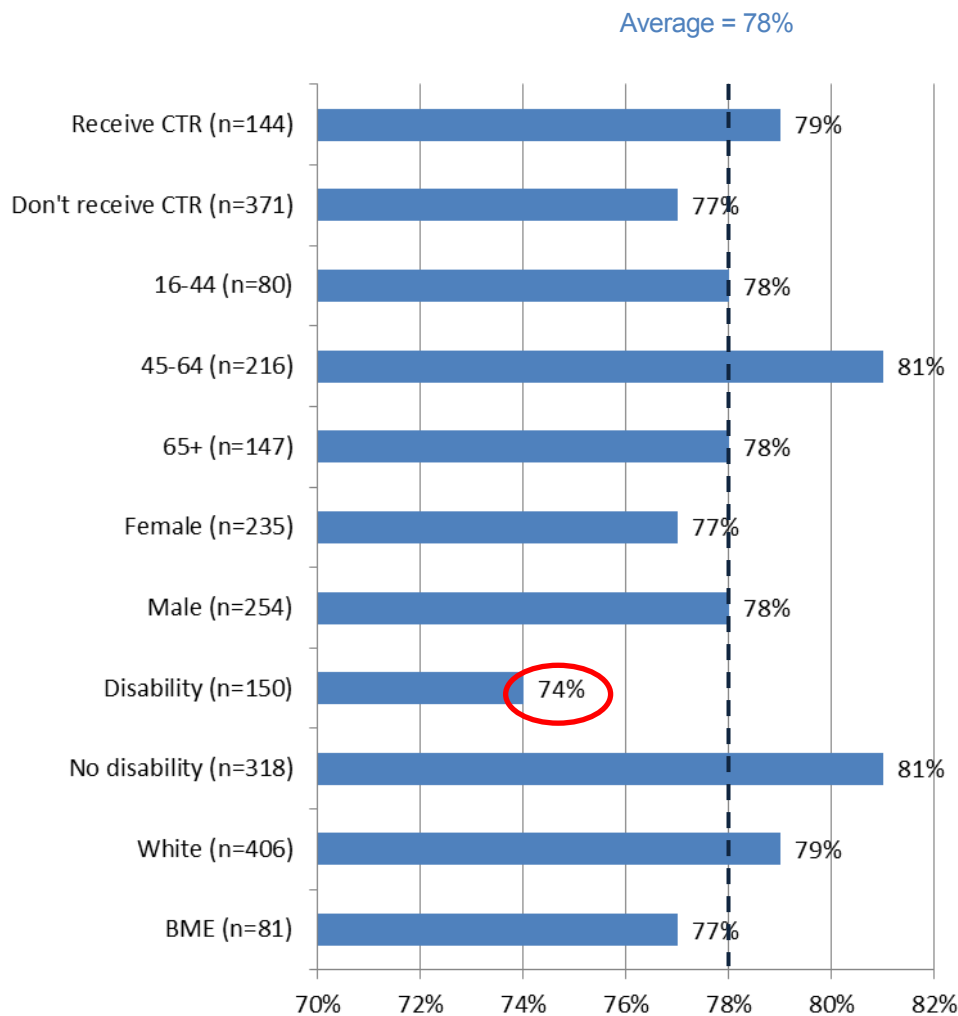
Proposals to offer protection to those people classified as severely disabled

Over three quarters (78%) agree (strongly agree/agree) with the council’s proposals to protect severely disabled persons (those who have been assessed as requiring personal care at all times) with 43% strongly agreeing. Conversely only 13% expressed a level of disagreement.

Figure 6: To what extent do you agree or disagree with the council’s proposals to offer protection to those people classified as severely disabled? Percentage of responses



Considering the responses by sub groups, whilst there are no statistically significant differences between groups, those respondents who are disabled recorded lower agreement (74%) than respondents who are not disabled (81%) see **Figure 7** overleaf.

Figure 7: Profile of respondents who expressed agreement 'strongly agree' or 'agree', Percentage of responses

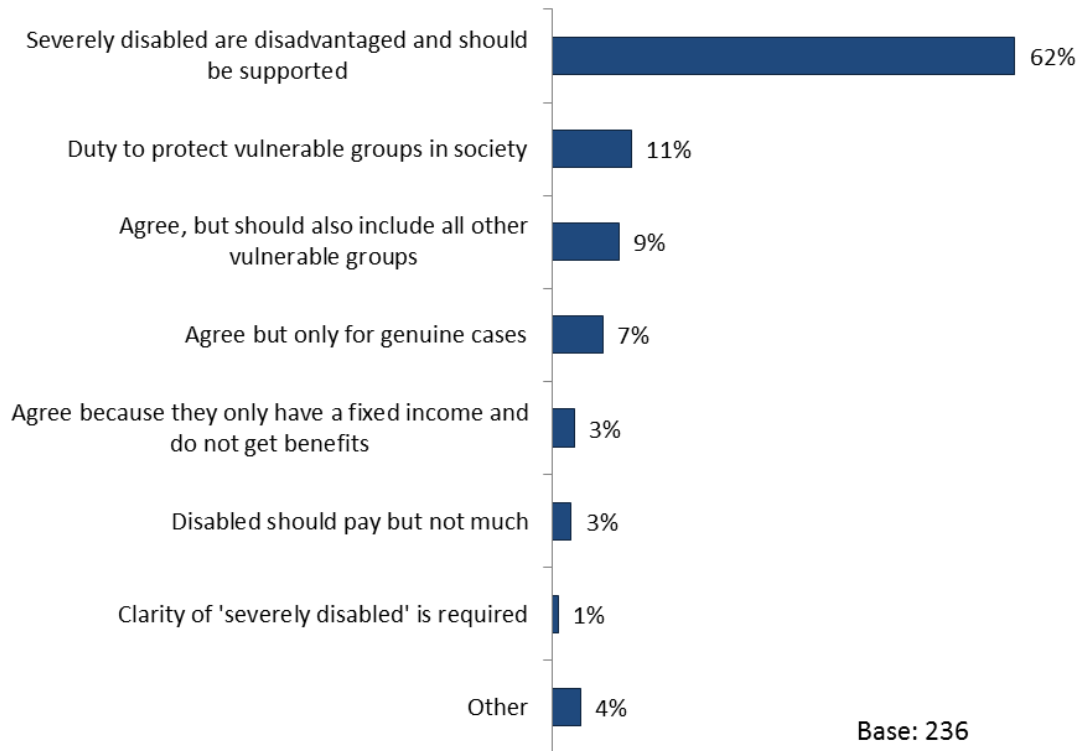
Of the 525 respondents who stated that they 'strongly agree' or 'agree' with this proposal 236 offered their reasons / opinions. **Figure 8** overleaf shows the coded responses.

The majority (62%) feel that severely disabled people struggle enough and should be helped to live as normal a life as possible, it was also noted by many that this group often had greater expenses due to specific needs. Similarly, 11% feel that there is a duty to protect the more vulnerable groups in society such as severely disabled people.

Nearly a fifth (9%) felt severely disabled should be protected but other groups should also be included e.g. Protection extended to middle rate allowance.

Those who agreed rather than strongly agreed were more likely to add caveats to their response such as that they agree with the proposal but only where cases are genuine or that claimants are unable to pay full council tax (7%). A further 3% felt that whilst they should be offered a level of protection this group should still pay but only a little. In some responses fear of abuse of this protection is driven by media reports.

Figure 8: If you said ‘strongly agree’ or ‘agree’, please give your reasons/opinions *Percentage of responses*



“People in this category are unable to work (rather than unwilling) - it is not their fault, and the council should help them”

“Those with a severe disability, or who live with someone who has a severe disability, are in that position through no fault of their own so they should have protection.”

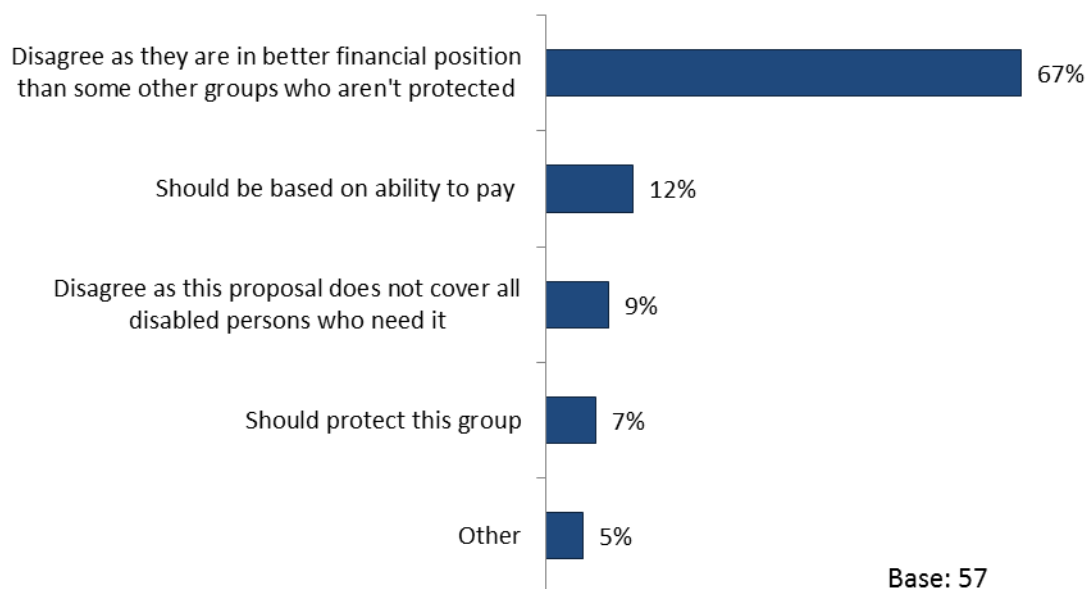
“Agree providing there is proper evidence of a severe disability; any observation of the use of disabled parking permits would surely suggest that there is major abuse of the systems for determining disability.”

All 67 respondents who stated that they 'strongly disagree' or 'disagree' with the proposal to offer protection to those persons who are severely disabled, were asked to give their reasons/opinions. **Figure 9** shows the coded responses for the 57 respondents who offered more detail.

Two thirds (67%) disagree with this proposal believing that severely disabled persons already receive financial support and some cited the examples in the questionnaire as showing how this group are better off than others who work and have no protection. Similarly 12% feel that council tax should be based on ability to pay and not linked to other factors including disability.

A further 9% disagreed as they felt that the proposal does not include all disabled people who need protection and some cited those who did not claim any other benefits for their disability.

Figure 9: If you said 'strongly disagree' or 'disagree', please give your reasons/opinions *Percentage of responses*



"In both cases in the leaflet that was sent explaining the new scheme, the subject is receiving approx. £300 (living alone or £400 pounds a week living as a family.) Compare this to an average pensioner's income, which has probably paid in to the scheme all his working life."

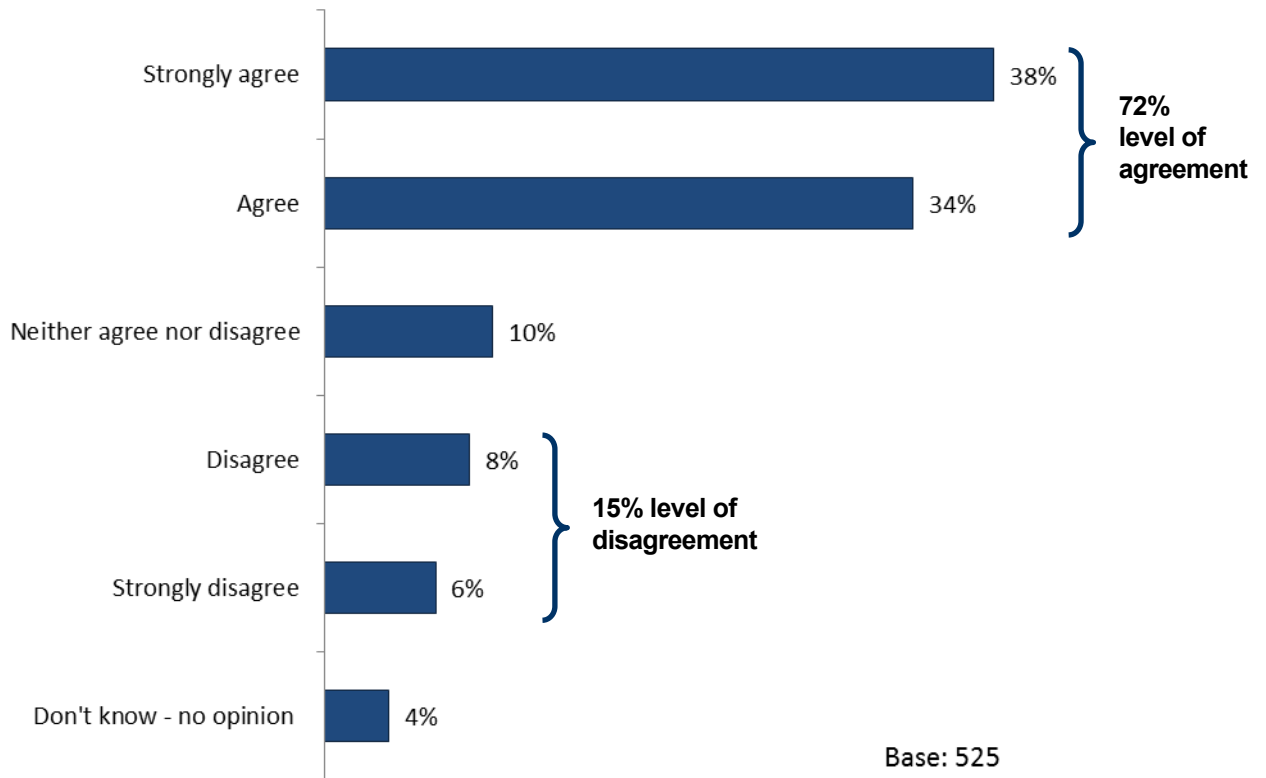
"I fit into the category of being severely disabled (your criteria of PIP enhanced rate for daily care) and still disagree. From my understanding and the examples given, people who are disabled already get much more in benefits with less to pay than other categories. Do only people who are disabled or pensioners deserve at least a basic quality of life?"

Only 5 respondents who stated that they did not know whether they agreed with the proposal to protect severely disabled gave their reasons/opinions and lack of knowledge/information was the main reason.

Proposal to offer protection to those families with a severely disabled child

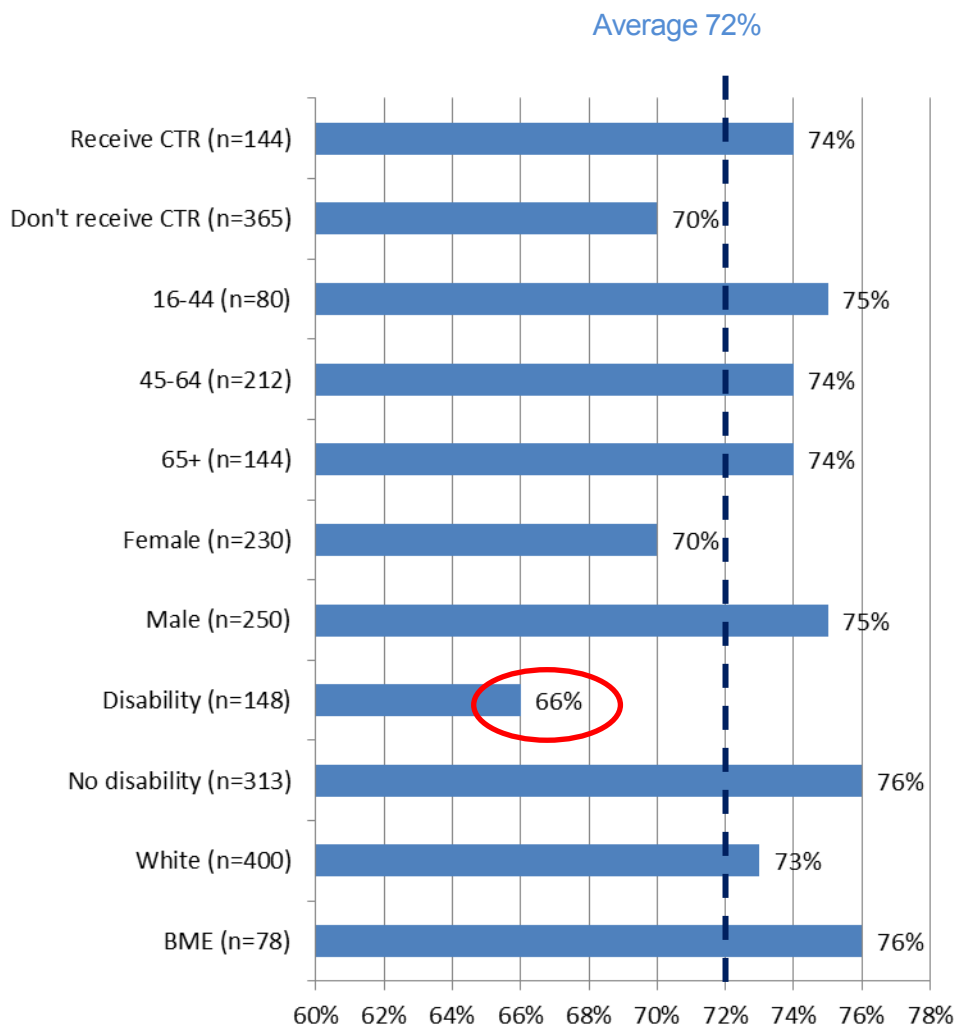
Nearly three quarters (72%) agree (strongly agree/agree) with the council’s proposals to protect families with a severely disabled child (in receipt of Disability Living Allowance-Care component at the higher rate); 38% strongly agreed. Conversely only 15% expressed a level of disagreement.

Figure 10: To what extent do you agree or disagree with the council’s proposals to offer protection to those families with a severely disabled? Percentage of responses



Analysing responses by sub groups, there is a statistically significant difference between the level of agreement for those with a disability (66%) and those without a disability (76%). See **Figure 11** overleaf.

Figure 11: Profile of respondents who expressed agreement 'strongly agree/agree' Percentage of responses

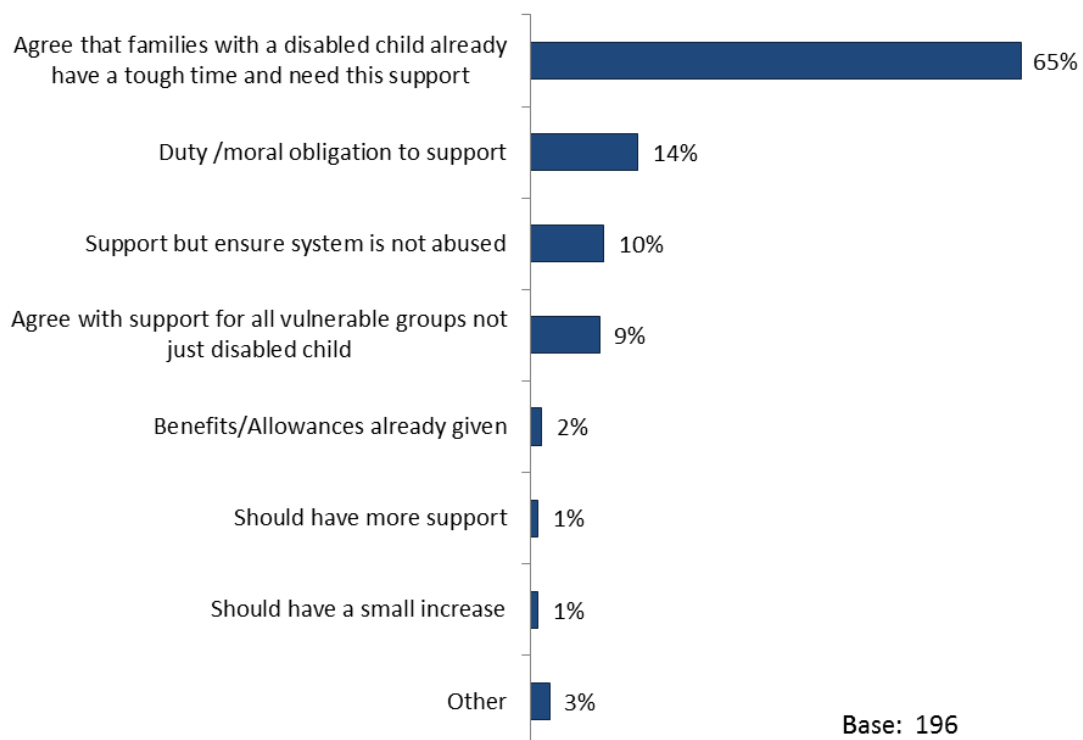


Of the 374 respondents who stated that they 'strongly agree' or 'agree' with this proposal 196 offered their reasons / opinions. **Figure 12** overleaf shows the coded responses. Responses are similar to the 2013 proposals.

Nearly two thirds (65%) feel that families with a severely disabled child have many other issues to struggle with and that they should be protected in the council tax scheme. Similarly, 14% feel that there is a duty/moral obligation for society to protect the more severely disabled people.

Nearly a fifth (9%) felt families with a severely disabled child should be protected but other groups should also be included.

One tenth (10%) agreed that support should be offered but there should be checks/means testing to ensure the support is not abused and goes to those who need it. A further 2% felt that there should be no support as this group already receive benefits but 1% feel families with a severely disabled child should only have to pay a small 'contribution' towards council tax.

Figure 12: If you said 'strongly agree' or 'agree', please give your reasons/opinions *Percentage of responses*

“Severely disabled children require 24 hour care and usually parents are their carers. They cannot access paid work due to those duties.”

“However I feel that limiting it to severely disable is unfair to parents who although their child is disabled does not reach the higher classification.”

“A severe disabled child affects the whole family and many extras are needed that the welfare state does not provide and often family income reduced because one parent stays home to give the child proper love and care.”

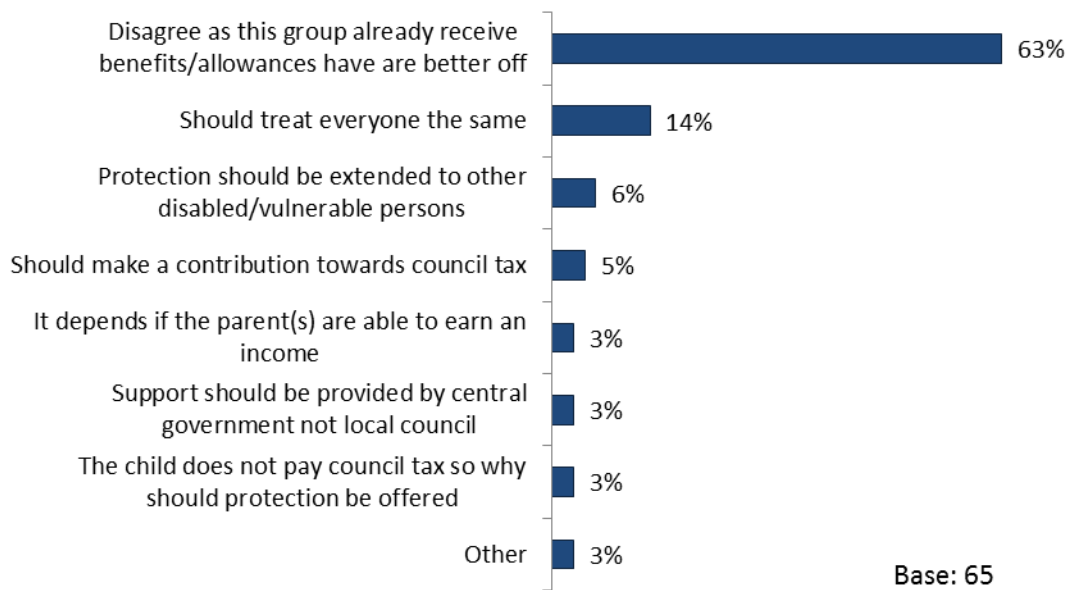
“Some help required but should be calculated to income and means test revived”

The 76 respondents who stated that they 'strongly disagree' or 'disagree' with the proposal to offer protection to those persons who are severely disabled, were asked to give their reasons/opinions. **Figure 13** shows the coded responses for the 65 respondents who offered more detail.

Nearly two thirds who disagree believe that families with a severely disabled child already get sufficient financial support and are often in a better position than other low income groups. Similarly 14% feel that council tax should be based on ability to pay and therefore all should be treated the same. A further 5% feel that these families should make a contribution towards their council tax.

Conversely 6% whilst agreeing to protect these families disagreed with the proposal as they felt that it should include other disabled/vulnerable people who need protection but would not meet the current criteria.

Figure 13: If you said ‘strongly disagree’ or ‘disagree’, please give your reasons/opinions *Percentage of responses*



“These people also have more disposable money than many hard working families. So should not be an exception. Should pay in full like everyone else.”

“Tax credits and other allowances for the child are already adequate. The example quoted in the booklet does not take into account all benefits the family are likely to receive such as free travel to and from a SEN school, that the family can obtain a vehicle through various subsidised schemes and adaptations to the house would also be free or heavily subsidised”

“It does not seem a valid reason for exemption.”

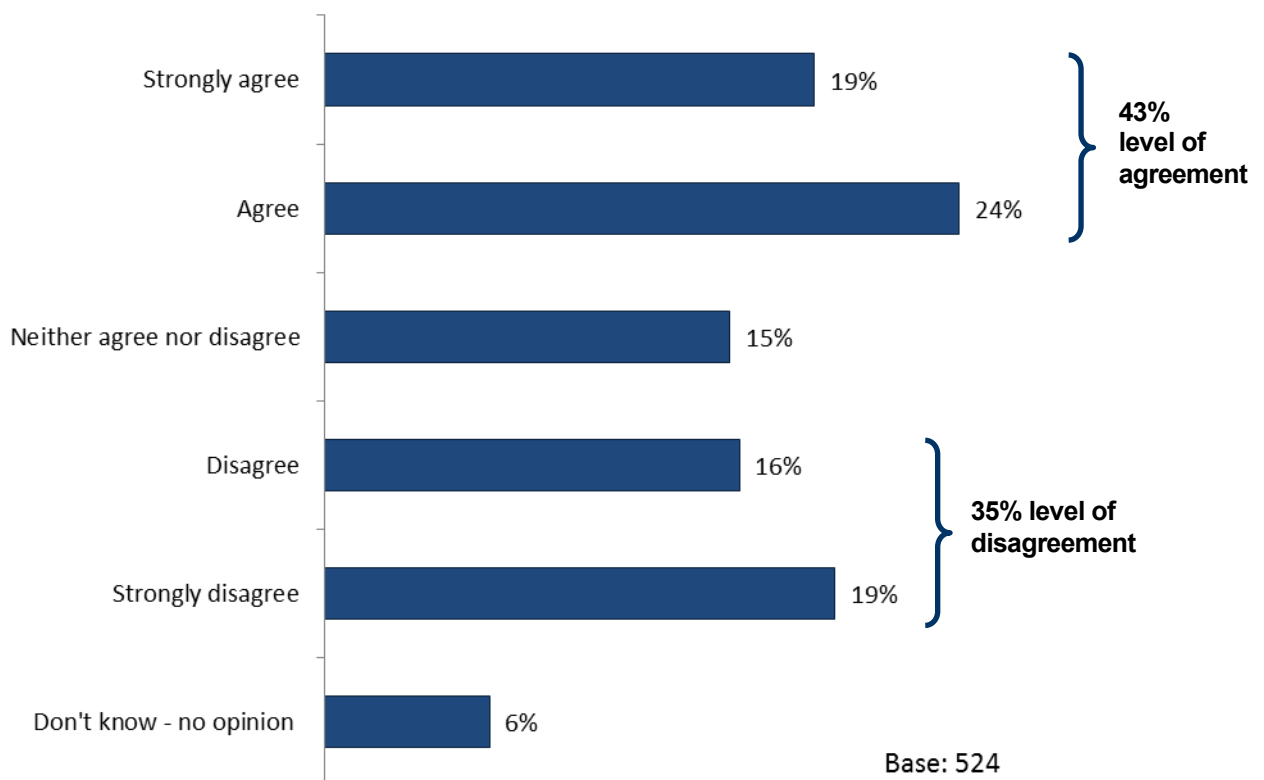
Only 8 respondents who stated that they did not know whether they agreed with the proposal to protect severely disabled gave their reasons/opinions and lack of knowledge/information either about the needs of a severely disabled child or what ‘protection’ was being offered were cited as the main reason.

Proposal to offer protection to those single young people aged under 25 without dependent children

Responses are more evenly spread with divided opinions for this proposal than other proposals.

Less than half (43%) agree (strongly agree/agree) with the council's proposals to protect single young people aged under 25 who have no dependent children, with a fifth (19%) strongly agreeing. In contrast, 35% expressed a level of disagreement and a fifth (19%) strongly disagreed.

Figure 14: To what extent do you agree or disagree with the council's proposals to offer protection to those single young people aged under 24 who have no dependent children? Percentage of responses

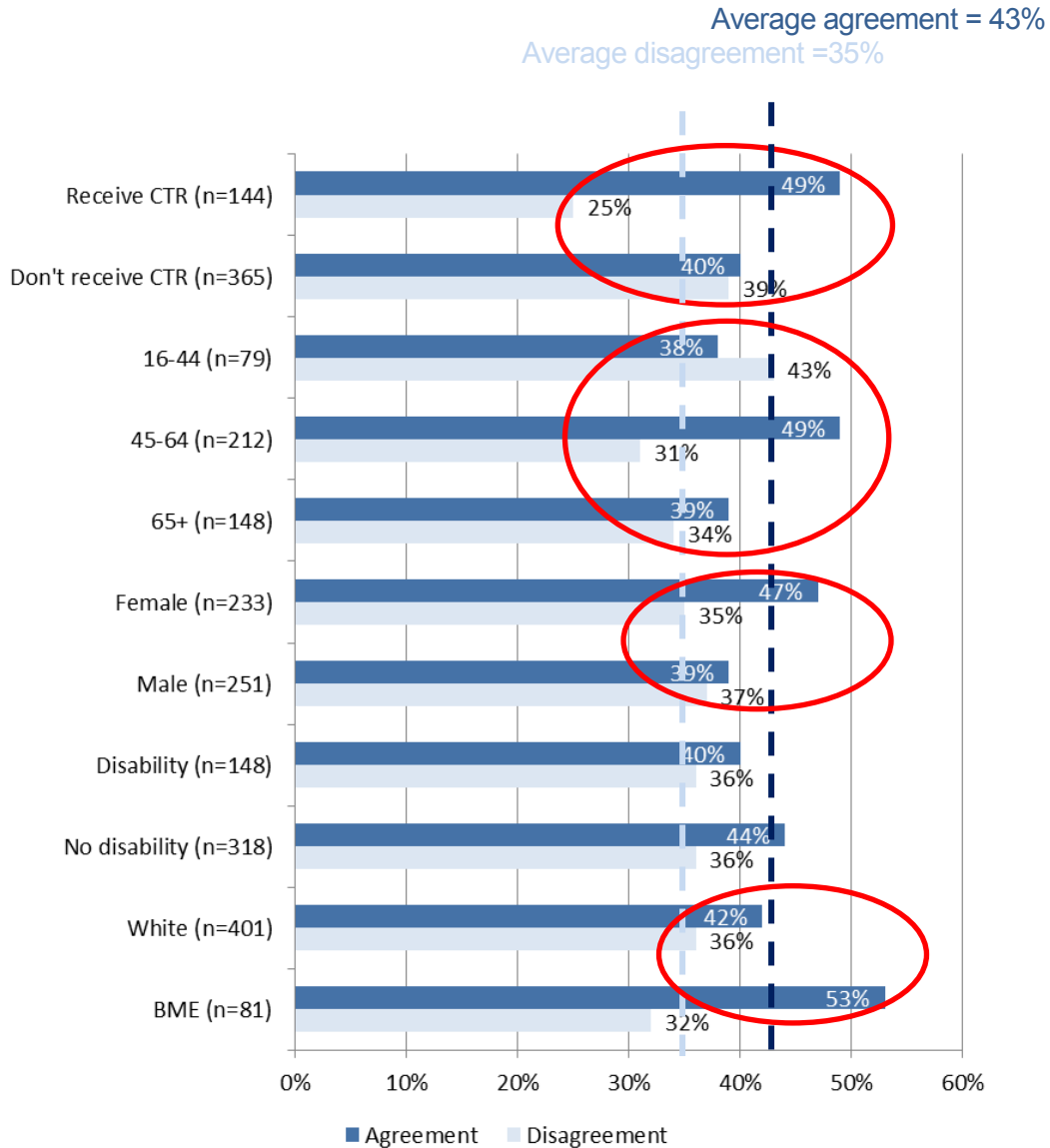


Unlike previous proposals there are a number of differences between the level of agreement and disagreement by sub groups however only one of these is statistically significant; those who are in receipt of council tax reductions are less likely to disagree with this proposal (25%) than those who do not receive a reduction (39%). The difference between levels of agreement is not significant.

Notable differences that are not statistically significant are that females show a higher level of agreement (47%) than males (39%) but both share similar levels of disagreement due to males being more ambivalent/having no opinion. There is a similar pattern for ethnicity with BME respondents showing a higher level of agreement (53%) and white respondents in line with the average at 42% but having a higher level of ambivalence (16%).

Respondents aged between 45 to 64 show a higher level of agreement (49%) but those aged 16 to 44 have a higher level of disagreement (43%). See **Figure 15** below.

Figure 15: Profile of respondents who expressed agreement ‘strongly agree/agree’ and disagreement ‘strongly disagree/disagree’ Percentage of responses

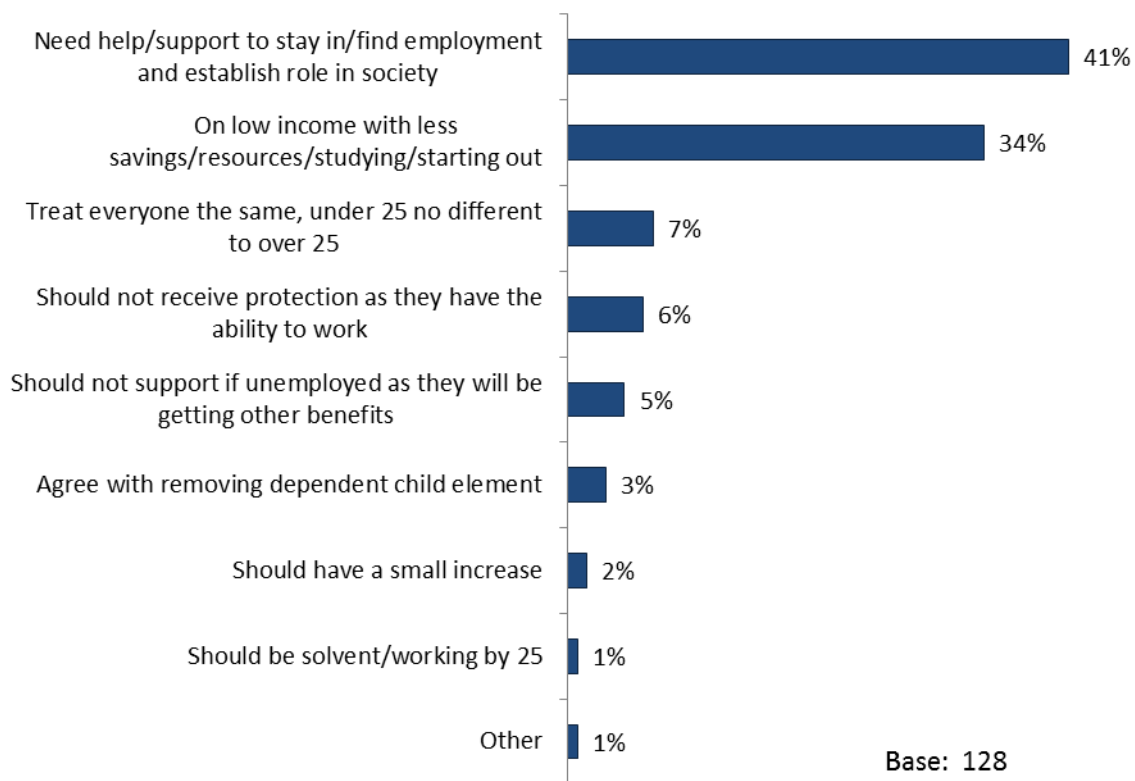


Of the 225 respondents who stated that they ‘strongly agree’ or ‘agree’ with this proposal 128 offered their reasons / opinions. **Figure 16** shows the coded responses.

Two fifths (41%) agree with supporting this proposal as this age group need help to establish themselves in employment so that they can become contributing members of society. A further third (34%) feel that this age group are already on low incomes with high outgoings due to starting out in life or continuing studying.

A number of people who agreed with the proposal felt it should all age groups should be treated the same (7%).

Figure 16: If you said ‘strongly agree’ or ‘agree’, please give your reasons/opinions *Percentage of responses*



“Young people are the most financially disadvantaged group, by age, at present. Removing the dependent children requirement would make it less likely that single young women would become pregnant in order to get accommodation”

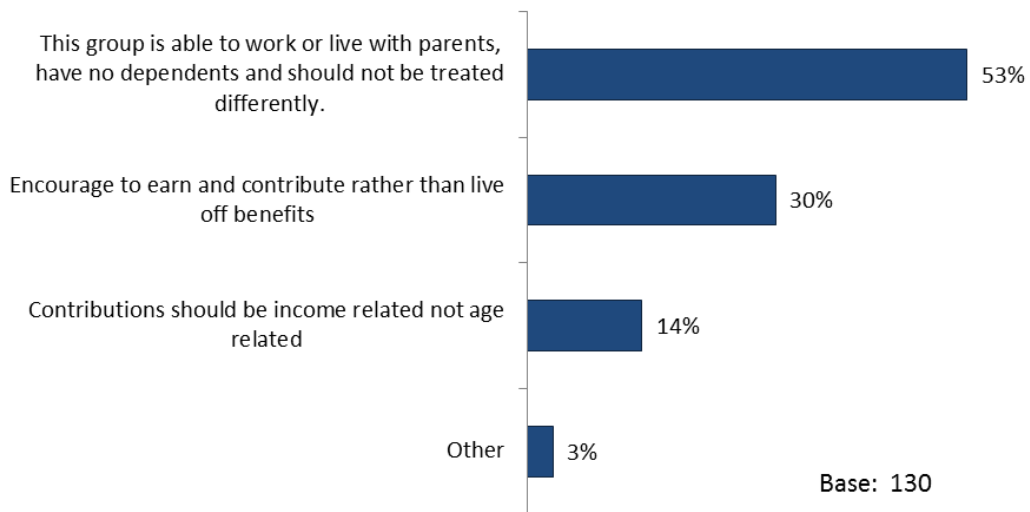
“Under 25 years olds receive less benefit than any other age group, there are also less opportunities and job prospects for under 25 year olds”

“They often are discriminated against, no time off for child, illnesses, maternity / paternity leave, flexible / part time work. Having to take holidays when people with children take school holidays.”

A total of 185 respondents recorded some level of disagreement with this proposal and 130 of these offered a reason for their response.

The majority (53%) disagreed as those aged under 25 without dependent children are able to work (or could live with their parents) and should not be singled out for protection. Nearly a third (30%) felt that it would be better to encourage young people to work/seek employment to develop independence rather than offer benefits/hand-outs. Some of these respondents (14%) suggested that like other age groups there will be those who are able to pay and those who will struggle, therefore council tax reductions should be income related and not dependent on age.

Figure 17: If you said ‘strongly disagree’ or ‘disagree’, please give your reasons/opinions *Percentage of responses*



“If they choose to live alone and be independent, they have to be prepared for financial responsibility.”

“These people have far more chance of finding work than a disabled person does, so why treat them differently?”

“I think if you are earning, then regardless of age, if you have to pay, you have to pay!”

“If young people have chosen to leave home and set up home on their own why should they have more protection than those on a low wage but are older.”

“Is being childless on a par with disablement?”

“There is no reason why a single 24 year old should pay a different amount to a 26 year old. In Scotland people are voting on the referendum at 16. We need to decide where adulthood starts”

“It appears that an assumption is being made that all young people under 25 are on a low wage. Surely it would be better to align the rate of contribution by income”

Of those who replied that they ‘don’t know – no opinion’ 17 respondents offered reasons for their response. These suggest that respondents do not have enough knowledge of this group/council tax to make a judgement or that it would depend on the circumstances of the individual claimant.

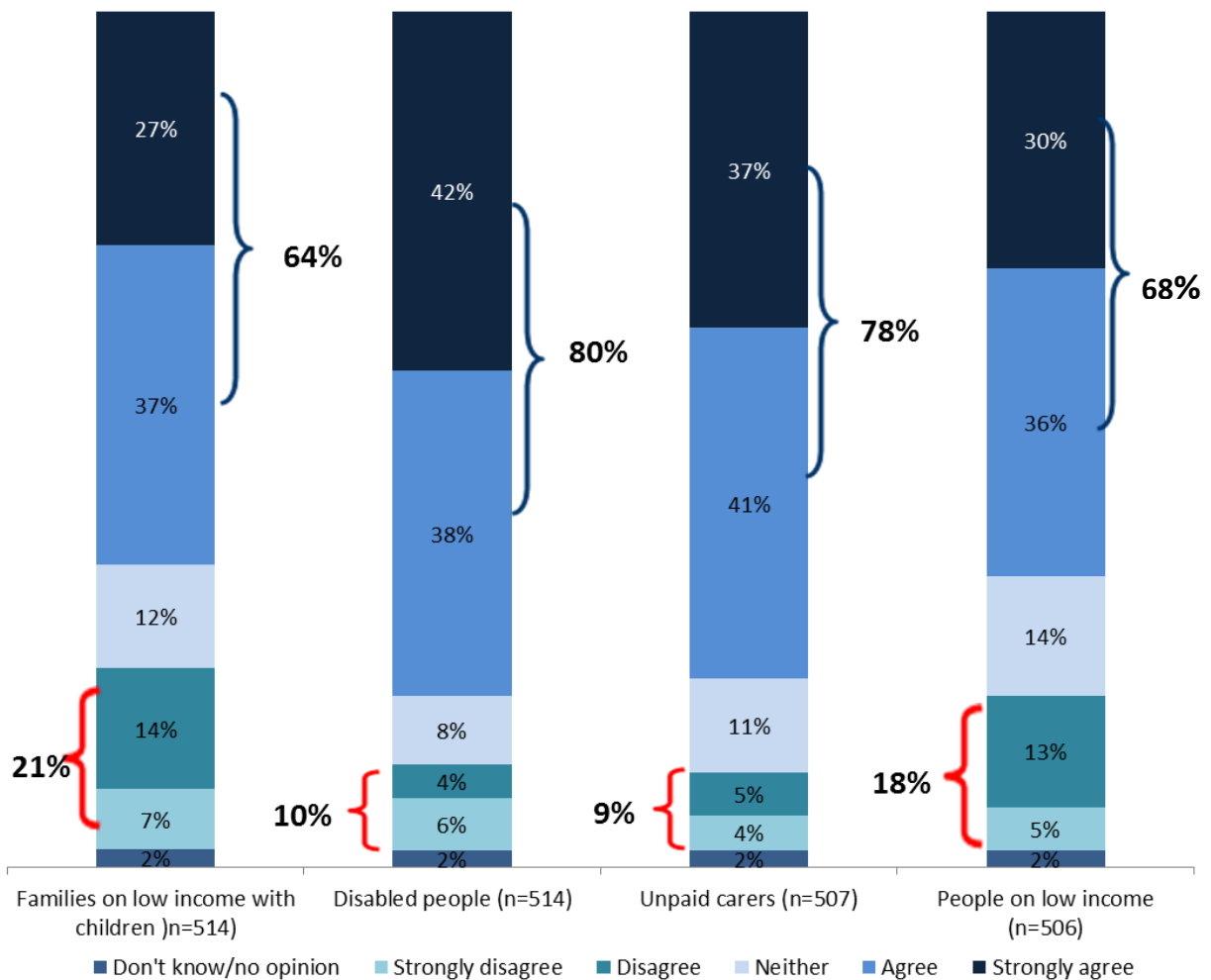
Existing Allowances

Respondents were asked the extent they agreed that the Council's proposed scheme should continue to provide additional help to listed groups of residents. This question removes references to War Disability Pension and War Widows/Widowers Pension which were included in the last two surveys.

Agreement with continued support for disabled people and unpaid carers remains as at 2013 with respondents most likely to agree that the scheme should provide additional help to disabled people (84% which is the same as 2013 and compares to 81% in 2012); and carers (78% total agreement the same as 2013 and compared to 66% in 2012).

Agreement for families on low income maintaining allowances has fallen to 64% from 71% in 2013 and those who agree with maintaining existing allowances for people on low incomes has also declined; 68% compared to 71% in 2013.

Figure 18: To what extent do you agree or disagree with the council's proposals to maintain these allowances?
Percentage of responses



The table below shows analysis of responses by sub-groups of respondents.

Table 2: Overall % strongly agree and agree that the council's proposed scheme should provide additional help to... Percentage of respondents

	Families on low incomes	Disabled people	Carers	People on low incomes
16 to 44 years	64%	87%	77%	58%
45-64 years	66%	82%	83%	74%
65+ years	67%	80%	74%	64%
Male	62%	82%	76%	63%
Female	65%	78%	80%	71%
Disability	62%	78%	80%	73%
No disability	64%	80%	77%	62%
White	63%	80%	80%	66%
BME	71%	82%	72%	66%
Receive CT reduction	77%	86%	88%	88%
Don't receive CT reduction	60%	76%	73%	58%
Average	64%	80%	78%	68%

Statistically significant differences between sub groups are highlighted above with recipients of council tax reduction more likely to agree with providing additional support to all four groups than those who do not receive council tax reductions.

Those with a disability are also more likely to agree (73%) with supporting people on low incomes than those without a disability (62%).

Respondents of BME groups showed higher levels of agreement (71%) for families with low incomes receiving additional support than respondents from white ethnic groups (63%).

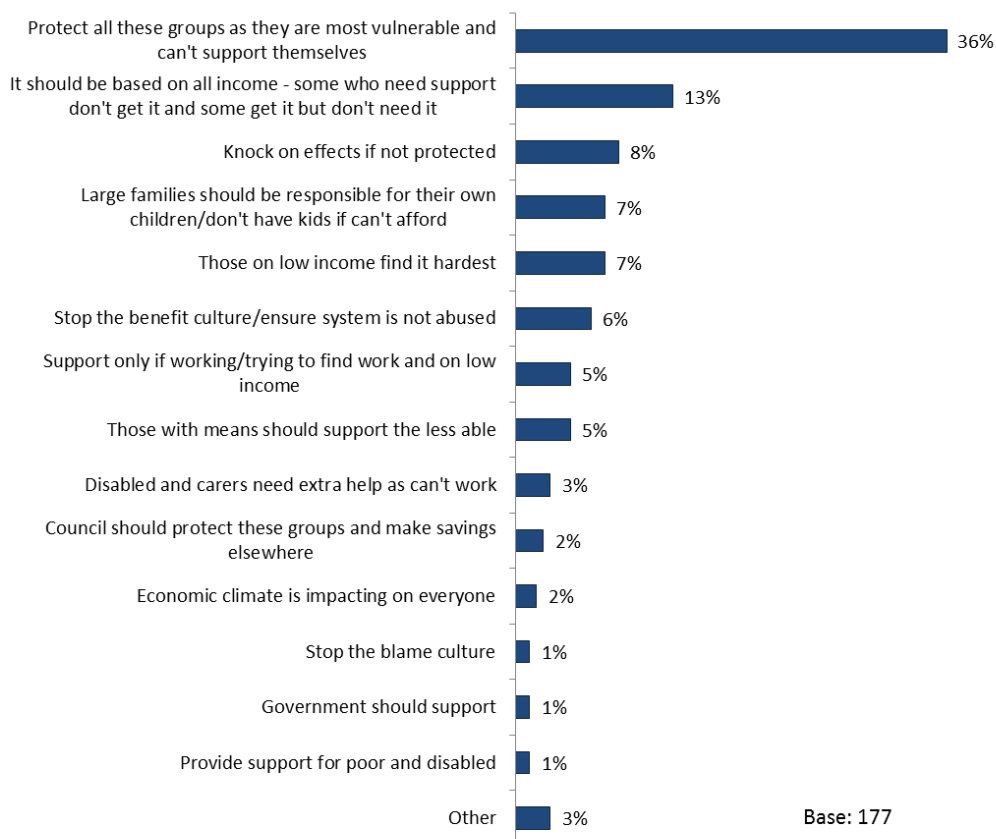
The respondents who stated that they, were asked to give their reasons/opinions. **Figure 19** shows the coded responses for the 177 respondents who offered more detail as to why they stated they ‘strongly agree’ or ‘agree’ with maintaining support for any of the groups four listed groups.

Over a third of respondents (36%) agreed with providing additional support to all of the listed groups as they are the most vulnerable in society, this compares with 33% in 2013. Just over a tenth (13%) agree with protecting these groups but feel that council tax support should be based on income as some of these groups may have the means to pay full/some council tax and other groups that don’t get support may need it.

Just under one in ten (8%) agreed that these groups should be supported as there would be greater implications if they were not able to support themselves such as debts, illness and relationship strains. Whilst there is general support for disabled, unpaid carers and people on low incomes, families with children received least agreement with 7% feeling that parents should provide for their children.

Other response options highlight conditions for agreement, with 6% feeling that the system should be monitored to ensure people don’t rely on benefits instead of working. This is similar to 5% of respondents who felt that support should be given only if people are working and on a low income or are recently unemployed and trying to find work, again citing examples of where the system is abused.

Figure 19: If you said ‘strongly agree’ or ‘agree’, please give your reasons/opinions *Percentage of responses*

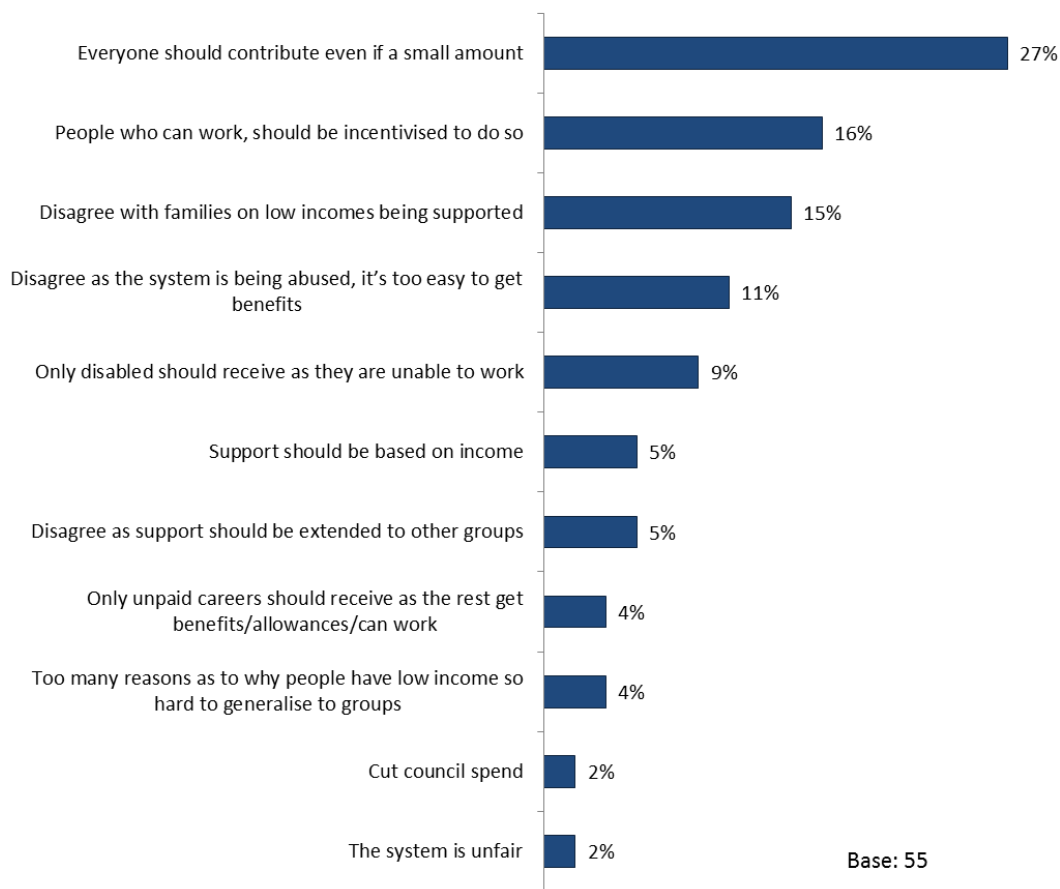


“All of the people listed above do much of the most important unpaid work in society and it isn't fair to plunge them into financial turmoil.”

Respondents who answered ‘strongly disagree’ or ‘disagree’ with the maintaining existing allowances for four groups were asked to give their reasons/opinions. **Figure 20** shows the coded responses for the 55 respondents who offered more detail.

Over a quarter of respondents (27%) who disagreed felt that everyone should contribute something towards their council tax even if it is a small amount. As in 2013, a number of respondents (16%) feel that there should be an incentive to work rather than claim benefits (this was 17% in 2013). These were most likely to ‘strongly disagree’. Nearly the same amount (15%) disagree with families with low incomes receiving additional help but there is support for disabled people (9%) and carers (4%). Just over one in ten (11%) disagree with the maintenance of support as the system is abused by some who live off benefits.

Figure 20: If you said ‘strongly disagree’ or ‘disagree’, please give your reasons/opinions *Percentage of responses*



“Every one (of these groups) gets benefits. So council tax reductions should not be given.”

“...I am shocked to discover that it is possible to obtain up to 88% support purely as the result of being on a low income. I believe that such a high level of support discourages the person from seeking higher pay (or more hours at work) and also encourages employers to avoid improving pay &/or providing more hours of employment.”

“I do not agree with "families on low incomes" as they get other benefits and allowances (and many are not as "low income" as they appear). I am an unpaid carer and don't get any allowances so this is not a level playing field.”

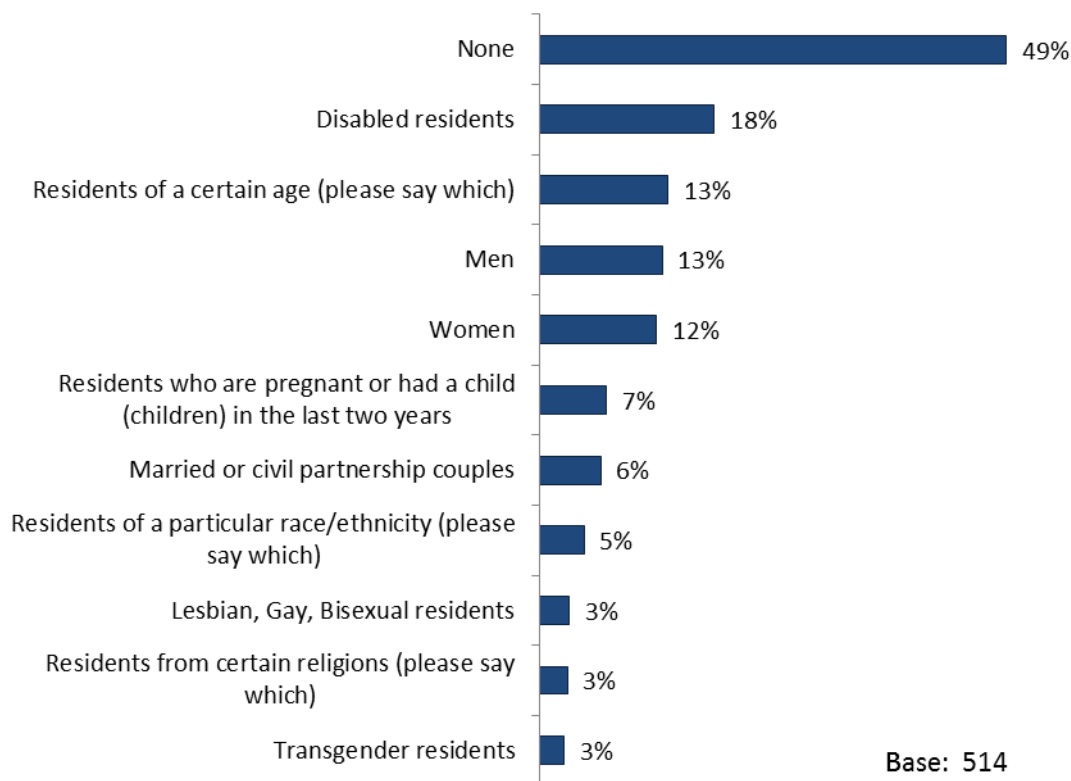
Disadvantaged groups

Asked to identify, from a provided list, which residents they thought would be most disadvantaged by the proposals, the majority (49%) felt that no groups would be disadvantaged. However 18% felt disabled residents; residents of a certain age (13%); men (13%) and women (12%) were also likely to be disadvantaged by the proposals.

Residents of a certain age were specified as under 25's, pensioners and those aged 50-64.

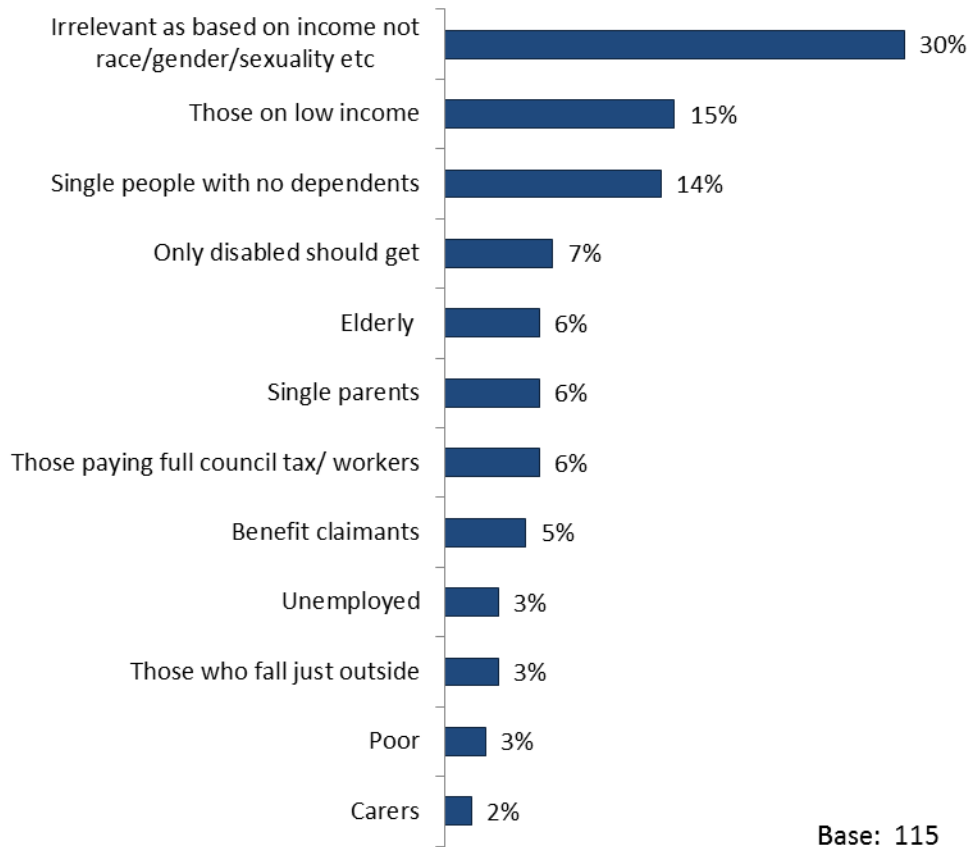
Residents from the following groups were least likely to be disadvantaged; Religion (3%), transgender (3%), sexuality (3%) and race (5%).

Figure 21: Do you consider that any of the following groups of people would be unfairly disadvantaged by the proposed scheme? – Percentage of responses



Other residents that may be disadvantaged are shown in **figure 22**. Many (30%) felt that it was irrelevant as to what group people belonged to as council tax is based on means to pay not any demographic factor. Those on low income were considered to be adversely affected by 15% and single people (all ages) with no dependents by 14%.

Figure22: Please give details of any other group that you think may be adversely affected by these proposals?
Percentage of responses



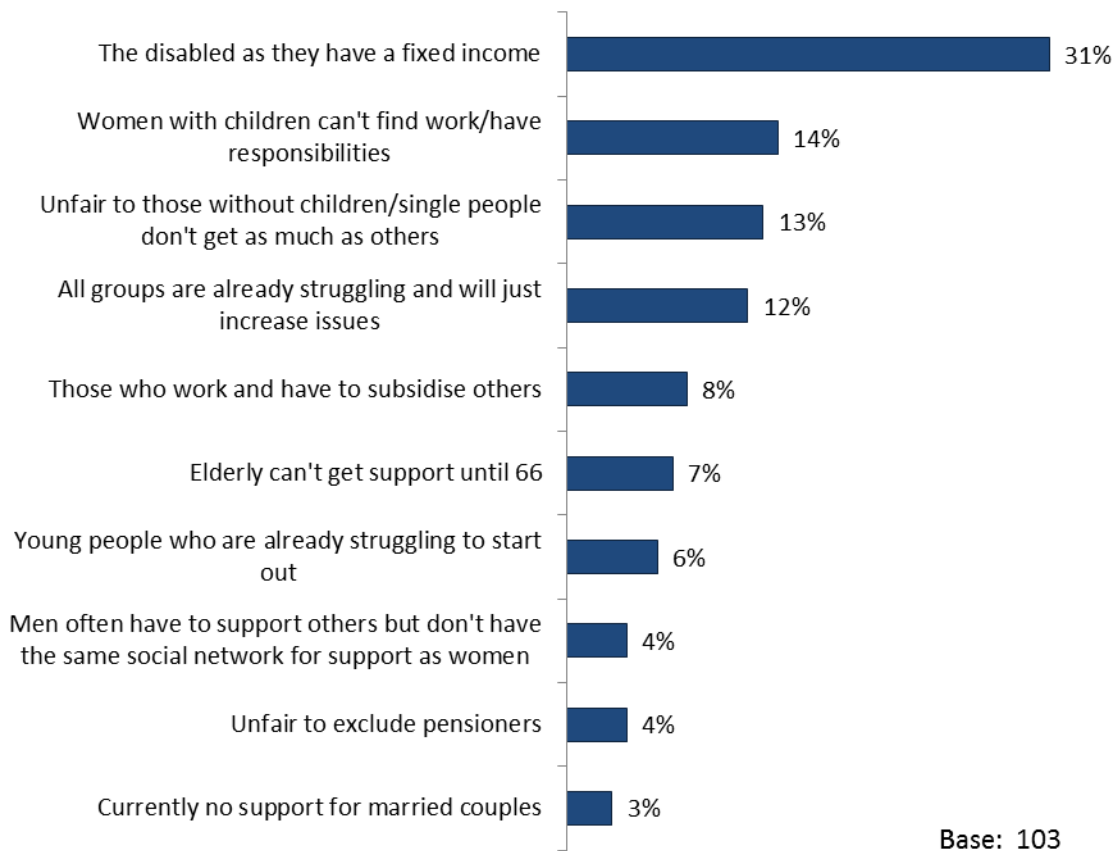
“Assuming that the proposal is covered by equal opportunities policy, everyone should be treated the same and therefore the question is irrelevant”

“The proposals are for a reduction in the overall percentage of allowance given to people wishing to claim council tax benefit. It would be impossible for this to adversely affect any particular group of people as mentioned above.”

Respondents were asked to provide reasons why they felt any of the selected groups would be unfairly disadvantaged.

Nearly a third (31%) feel disabled people would be disadvantaged as they have a fixed income and are unable to work. Reasons for other groups that may be unfairly disadvantaged by the proposals were; women as they have responsibilities of children/dependents (14%), single people as they don't get as much support as other groups (13%) and all groups are affected by the economic climate (12%).

Figure 15: Please give your reasons/opinions why you think the group(s) you have indicated would be unfairly disadvantaged *Percentage of responses (only codes above 2% are presented)*



Appendix A: Sample Profile

The tables below show the sample profile for the 2014 consultation compared with the profile obtained in 2013 and 2012 consultations. The tables exclude those that did not provide the relevant information.

Age	Census		2014		2013		2012	
	Count	%	Count	%	Count	%	Count	%
16-24 years	17,988	12%	5	1%	6	1%	14	1%
25-44 years	69,346	47%	82	18%	140	19%	196	20%
45-64 years	58,555	39%	221	47%	351	48%	410	42%
65 years or older	1,828	12%	156	34%	223	31%	363	37%
Total	147,717	100%	464	100%	720	100%	983	100%

Gender	Census		2014		2013		2012	
	Count	%	Count	%	Count	%	Count	%
Male	123,441	49%	260	52%	385	51%	485	51%
Female	126,029	51%	241	48%	367	49%	457	49%
Total	249,470	100%	501	100%	752	100%	942	100%

Ethnicity	2014		2013		2012	
	Count	%	Count	%	Count	%
White British	390	78%	573	75%	610	63%
White Irish	9	2%	6	1%	142	15%
White Gypsy/Traveller	-	-	*	-	-	-
White Other	18	4%	33	4%	28	3%
Asian: Indian	39	8%	57	8%	51	5%
Asian: Pakistani	*	-	6	1%	6	1%
Asian: Bangladeshi	-	-	*	-	19	2%
Asian: Chinese	*	-	4	1%	0	0%
Asian Other	6	1%	4	1%	10	1%
Mixed: White and Black Caribbean	*	-	8	1%	5	1%
Mixed: White and Asian	-	-	*	-	*	-
Mixed: White and Black African	*	-	*	-	3	0%
Mixed Other	-	-	4	1%	*	-
Black/Black British: Caribbean	18	4%	39	5%	52	5%
Black/Black British: African	*	-	7	1%	8	1%
Black Other	6	1%	8	1%	7	1%
Other: Arab	-	-	-	-	-	-
Other	*	-	6	1%	19	2%
Total	499	100%	757	100%	964	100%

* Sample too small for inclusion

Disability	Census		2014		2013		2012	
	Count	%	Count	%	Count	%	Count	%
Yes	51,258	21%	157	33%	209	30%	248	26%
No	198,212	79%	322	67%	500	70%	705	74%
Total	249,470	100%	479	100%	709	100%	953	100%

Religion	Census		2014		2013		2012	
	Count	%	Count	%	Count	%	Count	%
No religion	49,821	20%	127	23%	152	23%	202	22%
Christian	138,394	55.5%	276	51%	434	64%	615	67%
Buddhist	1,015	0.4%	1	0%	2	0%	5	1%
Hindu	9,292	3.7%	17	3%	14	2%	25	3%
Jewish	88	0%	5	1%	2	0%	5	1%
Muslim	9,062	3.6%	5	1%	9	1%	17	2%
Sikh	22,689	9.1%	17	3%	29	4%	34	4%
Other religion	3,057	1.2%	20	4%	30	4%	12	1%
Not stated	16,052	6.4%	77	14%				
Total	249,470	100%	545	100%	673	100%	915	100%

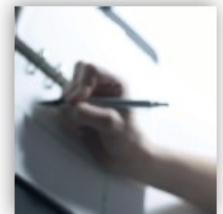
Sexual orientation	2014		2013		2012	
	Count	%	Count	%	Count	%
Lesbian/gay woman	3	1%	5	1%	11	1%
Gay man	8	1%	13	2%	8	1%
Bisexual	5	1%	9	2%	6	1%
Heterosexual/straight	403	74%	543	95%	777	89%
Prefer not to say	115	21%	-	-	55	6%
Other (please say)	11	2%	-	-	14	2%
Total	545	100%	570	100%	871	100%

Whether currently receive Council Tax Benefit from Wolverhampton City Council	2014		2013		2012	
	Count	%	Count	%	Count	%
Yes	153	29%	340	45%	397	41%
No	378	71%	420	55%	569	59%
Total	531	100%	760	100%	966	100%

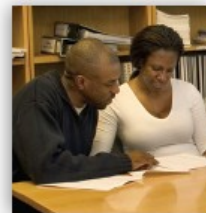
Using evidence to shape better services



Research



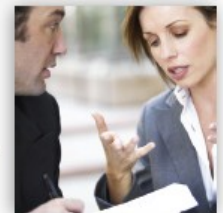
Public Consultation



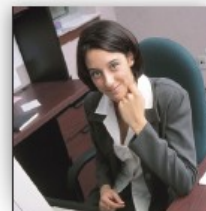
Evaluation



Surveys



Consultancy Evaluation



Skillbuilding



M·E·L Research Ltd
8 Holt Court Aston Science Park Birmingham B7 4AX
T: 0121 604 4664 F: 0121 604 6776 W: www.m-e-l.co.uk

Equality Analysis Summary Form

1. What is the name of the service/function/policy/procedure (proposal) you have assessed?

Council Tax Reduction Scheme

2. Please give a brief description and explanation of the proposal. What needs or duties is it designed to meet?

The Council Tax Reduction Scheme is designed to assist working age charge payers on low incomes to pay their Council Tax. Pensioners are protected by a national scheme which is administered locally. The proposed new scheme replaces the arrangements implemented for 2014/15 and intends to narrow the gap between the total cost of the scheme and the available government funding.

3. Please explain how the proposal was assessed for its likely effects on different groups, with clear references to the information and research used.

The proposed policy will affect all residents of working age if they have a low income and are liable to pay Council Tax. It will also affect people who have a reduction in income in the future. All working age people will be expected to pay at least 22% of their Council Tax Liability. However, additional premiums and allowances will be used to assist those with the lowest incomes or are considered to have greater expenditure requirements such as those people who are disabled or have children. It is also proposed that the existing minimum contribution of 12% will apply to three protected groups. These are people who are severely disabled, have severely disabled children or are single without dependent children and are aged less than 25.

Disability-18% of respondents to the consultation considered that disabled people would be adversely affected by the proposals. However, the proposals maintain additional premiums to assist disabled people and to continue to disregard Disability Living Allowance and Personal Independence Payment as income. In addition the proposals promote positive treatment for the most severely disabled or those with a severely disabled child, as the increase to the minimum contribution to 22% does not apply.

The Council also intends to introduce a Discretionary Discount Policy to assist people experiencing hardship.

Sex-data from the 2011 census below shows the employment status of lone parents irrespective of an existing claim for Council Tax Reduction.

	% of Lone Parent Households	% of Lone Parents in part-time employment		% of Lone Parents in full-time employment		% of Lone Parents not in employment	
		W-ton	England	W-ton	England	W-ton	England
Male	8.8%	1.1%	1.4%	4.1%	5.1%	3.6%	3.2%
Female	90.3%	26.3%	32%	19.7%	20.9%	45.1%	37.4%

Women head the majority of one parent households and are much more likely to be claiming a Council Tax Reduction due to a low income. Women head 5286 one parent households compared to 322 men.

The proposed scheme will disregard the following incomes for all parents;
Child Benefit for the eldest child.

Part of any earned income.

Part of working Tax Credit if working over 16 hours per week or 24 hours for two parent families.

Child Maintenance in full if paid by an absent parent.

Up to £300 per week of child care costs for working parents from eligible earnings.

The proposed scheme also recognises the additional living costs expenses of families with children through the award of an addition to the needs allowance of each dependent child and a Family Premium.

Ethnic Background-We hold data on the ethnic background of 14421 (79.4%) working age people in receipt of Council Tax Reduction out of a total of 18162. Of those people who have provided information 57.2% are of a white ethnic background, the other notable ethnic groups are Asian British people of Indian descent 5.81%, Black British people of Caribbean descent 6.07% and mixed White and Black British of Caribbean descent 2.7%. This compares to the 2011 census of the Wolverhampton population as a whole, White 64.5%, Asian British of Indian descent 12.9%, Black British of Caribbean descent 3.8% and mixed White and Black British of Caribbean descent 3.4%.

Age-People of pensionable age are excluded from this policy as Council Tax Support will continue as a national scheme for this group. However, people of working age will be affected as the proposed restrictions will apply to all people of working age other than those who are severely disabled, have

severely disabled children or are single without dependents and are aged under 25. This last group attract a lower needs allowance for all state benefits than people over 25 and therefore it is proposed to maintain a minimum contribution of 12% rather than 22% in order to assist them. This does discriminate on age grounds but with the intension of alleviating existing discrimination.

Gender Reassignment-People who have had their gender reassigned or are proceeding towards this will have their Council Tax Support assessed in the same way as claimants not in this group.

Pregnancy and Maternity-All claimants irrespective of pregnancy or maternity other than the three protected groups, which are people who are severely disabled, have a severely disabled child or are single aged under 25 with no dependents will be affected by these changes. There is no evidence that the proposed scheme adversely affects this group.

Religion or Belief-All claimants of working age irrespective of religion or belief will be affected by these changes other than those who are severely disabled, have a severely disabled child or are single aged under 25 with no dependants. There is no evidence that the proposed scheme adversely affects this group. A person's religion or belief has no bearing on the assessment process and no information is collected.

Sexual Orientation-All claimants irrespective of sexual orientation will be affected by these changes. A person's sexual orientation has no bearing on the assessment process and no information is collected. There is no evidence that the proposed scheme adversely affects this group.

4. Is there any evidence to suggest that the proposal could affect some groups of people differently? Is there an adverse impact? What are the reasons for this adverse impact?

The proposals have an adverse effect on all people of working age on a low income as they will all lose some support apart from the three groups who it is proposed to protect. These groups are those who are severely disabled, have a severely disabled child or are single without dependents and aged under 25.

5. If the service, function, policy or procedure does have an adverse impact, can that impact be justified?

The adverse impact is as a result of the removal of annual subsidy by Central Government of £3.2M. The Council has a legal duty to set a balanced budget.

6. If the impact cannot be justified, how do you intend to deal with it?

Not applicable.

7. Give a brief description of the consultation methods used (if appropriate), and a summary of the overall findings.

The consultation was extensive and involved sending a copy of the Council's proposals to every residential property in the city. Road shows or presentations took place as shown in the table below.

September 2014	Event/Venue
4th	Presentation to Private Landlord Steering Group
9 th	Road Show-Central Library
16th	Road Show-Wednesfield Market
18th	Road Show-Bilston Market
22nd	Social Tenants Workshop Day-Molineux Stadium
23rd	Road Show-Wolverhampton Market
25th	Road Show-Tettenhall Library
October 2015	
9th	Presentation to Experts by Experience Panel
13th	Presentation to the Tenants' Federation
15th	Road Show-Central Library
20th	Road Show-Central Library

Groups representing various equality strands as well as other community groups were contacted prior to the launch of the consultation to alert them to the process. They were all contacted again following the launch and a reminder sent later.

The Wolverhampton Voluntary Sector Council also alerted its membership of over 500 organisations twice by including information in its electronic bulletin.

8. What conclusions were reached through the analysis and consultation as to the likely ability of the proposal to meet each part of the equality duty?

The proposals adversely affect all working age people on a low income. Vulnerable groups, which are likely to have higher expenditure such as disabled people or families with children are awarded higher premiums and allowances. Those people who are severely disabled or have children who are severely disabled will be offered protection from the reduction as will young single people aged under 25 without dependents as their needs allowance is much lower than those aged 25 or over.

9. Were any modifications to the proposal introduced as a result of the analysis and consultation?

No modifications were introduced.

10. Please explain whether and how the adopted proposal differs from the original proposal.

Not applicable.

11. What equality actions have you identified?

Greater emphasis to be placed on collecting the ethnic background information of customers when they make an initial claim.

12. What plans do you have for monitoring the proposal when it is put into effect?

The policy will be reviewed in twelve months following its implementation to monitor its impact on equalities.

Signature of the lead officer undertaking the analysis:

Full name: Sue Martin

Position: Head of Revenues and Benefits

Dated: 25 November 2014

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Wolverhampton City Council



Wolverhampton City Council Council Tax Discretionary Discount Policy

- 1 Introduction
- 2 Purpose and Principles of the Policy
- 3 Awarding a Discount
- 4 Application Process
- 5 Appeal Process
- 6 Fraud

Review log			
Date	Version	Comments / review	Approved by
02-Dec-2013	1.0		Cabinet Resources Panel 17-Dec-2013
25-Nov-2014	2.0	Re-drafted to include difficulty selling/letting as grounds to waive long term empty premium. Reviewed in light of Valuation tribunal decision	

1. Introduction

- 1.1 Section 13A of the Local Government Finance Act 1992 provides councils with discretion to grant a discount in individual cases or to a prescribed classification of cases. The discount can be anything up to 100% of the council tax bill and is met from Council resources.
- 1.2 The Local Government Finance Act 2012 abolished the national council tax benefit scheme and councils were given powers to develop their own schemes for council tax reduction from 01 April 2013.
- 1.3 The Wolverhampton Council Tax Reduction Scheme does not award full support with council tax liability to anyone of working age. As a consequence some households in Wolverhampton may be experiencing extra difficulty in meeting their new or increased liability.
- 1.4 In the event of any future revisions that make the scheme less generous, the council has a duty to consider transitional protection. Individuals who are identified as in need of transitional protection will be considered for a discount under this policy.
- 1.5 This document sets out the Council's framework for granting a discount to customers experiencing hardship for any reason.

2 Purpose and Principles of the Policy

- 2.1 The purpose of this policy is to assist those people experiencing hardship either as a result of the introduction of, or revisions to, the council tax reduction scheme or for any other reason. It is expected that a discount will only be granted in exceptional circumstances.
- 2.2 This policy aims to provide financial assistance where the customer is the victim of unusual and significant misfortune. A consideration would be whether the situation is of such an unusual nature and have such an impact on the customer that any reasonable taxpayer would accept them being allowed relief to reduce their council tax e.g. where an area is subjected to unexpected flooding.
- 2.3 This policy also aims to support people to meet their council tax liability where they are able to demonstrate exceptional hardship. The test of hardship will be determined by the applicant's individual circumstances and financial ability to make payment.
- 2.4 Each application will be considered on its own merits.
- 2.5 Where appropriate, discounts will complement other support mechanisms for example debt management, money/budgeting advice, maximising benefit, other discretionary support available for other purposes (e.g. Discretionary Housing Payments, Local Discretionary Grant Scheme awards) or referrals to specialist advice services.

Section 3: Awarding a Discount

- 3.1 A discount will be considered to meet some or all of the costs of council tax liability for a period of time where the applicant is able to demonstrate exceptional hardship. It may be granted for any period considered to be reasonable and where the applicant's circumstances are long standing will be subject to a review before the end of that period to check for any changes. The period and amount of any discount under this scheme will be at the discretion of the Council.
- 3.2 The application should relate to the current council tax year unless the liable person has recently received a council tax bill for a previous year. No award may be made in respect of future years.
- 3.3 Factors that will be taken into account when considering applications for a discretionary award are:
- That the applicant has an outstanding balance on their council tax account
 - Whether an extended repayment period is an appropriate alternative
 - There must be evidence of hardship or particular personal circumstances to justify a discount
 - Whether any other occupants of the property could be expected to contribute
 - The applicant has taken reasonable steps to resolve their situation prior to their application i.e. has made efforts to access alternative source of support , claimed discounts, exemptions and any council tax reduction they may be entitled to
 - Enforcing payment of the customer's full council tax liability would result in severe hardship e.g. insufficient money being available for their basic and essential needs such as housing, food, heating, lighting or medical needs
 - Whether there has been a major incident which forces the customer out of the property such as a flood, storm damage or explosion.
 - Whether any award would be reasonable having regard to the interests of other council tax payers.
- 3.4 If a person is submitting an application for discount from the long term empty property premium the following will also be taken into account:
- Where the owner can clearly demonstrate ongoing and realistic efforts to sell or let their property over the last two years since it became empty
 - Where the owner is experiencing particular legal or technical issues which is preventing the sale or letting of the property
 - Where the owner is in negotiation with the Council with a genuine view to letting the property under the Council's scheme(s)
 - Whether collection of the charges could reasonably be deferred until the property is sold.
- 3.5 Meeting the above factors will not give an automatic entitlement to a discount. The discretionary nature of this scheme will require consideration of individual circumstances based on supporting information to demonstrate exceptional hardship.
- 3.6 In assessing basic and essential needs the claimant's age, health and status will be taken into consideration. Expenditure which does not relate to basic and essential needs will not normally be taken into account when assessing hardship and examples of these

items are listed below, however this is not an exhaustive list and will depend on individual circumstances:

- Rental charges for TV, satellite and internet
- Telephone charges for mobile and landline considered unreasonably high
- Credit cards, store cards, loans and other catalogue debts

3.7 A discount would be considered to cover the following; however, this does not guarantee a discount to cover the full council tax liability:

- The shortfall between the amount of daily council tax reduction awarded and the daily council tax liability.
- In the case of persons not in receipt of council tax reduction the discount could be up to the amount of daily council tax liability but not exceed it.

3.8 A discretionary discount will not be considered to cover the following:

- Court and bailiff costs applied to the account
- Charges relating to empty homes that are normally rented out on a commercial basis.

3.9 No cash payments will be made. Any discount under this discretionary scheme will be credited to the council tax account.

4. Application Process

4.1 Customers who wish to make an application for this discretionary discount should apply in writing giving details to support their application. If appropriate, the Council may ask for further information to support the application. If this is not provided within the timescale requested, a decision will be made based on the information already provided.

4.2 The application should normally be made by the person liable for council tax. However, a person acting on their behalf can submit an application if the customer is vulnerable and requires support. The applicant must provide their consent in writing in these circumstances.

4.3 The council will aim to process all applications within 28 working days and applicants will be notified of the decision in writing.

4.4 If a discount is granted and the customer has a change of circumstances which may reduce or remove the need for the discretionary discount, they should inform the council in writing within 14 days of that change in circumstances and the discount may be reduced or recovered.

4.5 Changes in circumstances include any changes to the circumstances of the claimant, their partner or any non-dependant in the household. The list below is not exhaustive and recipients are advised to contact the Revenues and Benefits Service if they need clarification:

- Entitlement and payment of housing benefit
- Address
- Income and capital

- Outgoings
 - Availability of other financial assistance
 - Household composition
 - Entitlement to any other benefits including disability related income.
- 4.6 The discretionary discount will be ceased or reduced if the council determines any of the following:
- The application was based in whole or part on a misrepresentation
 - The applicant has failed to disclose a material fact
 - The discount was made as a result of an error
 - The applicant informs the Council of a relevant change in circumstances
 - The applicant fails to inform the Council of a relevant change in circumstances
- 4.7 If the Council decides to cease or reduce the discount, it will notify the applicant of the decision in writing with reasons. The applicant may appeal against the decision in accordance with Section 5.
- 4.8 Any discretionary discount that we have deemed to have been paid incorrectly will be recovered from the council tax account or by invoicing the recipient if the council tax account is closed.

Section 5: Appeal Process

- 5.1 Any customer who considers the decision to be unreasonable may appeal against the decision. The appeal should be made in writing to the Council and include the reasons for the appeal and any supporting information.
- 5.2 The applicant will be notified of the outcome of the appeal in writing within two months as required by law.
- 5.3 If the applicant still disputes the decision, or has not received a response within two months, he or she has the right to submit an appeal to the Valuation Tribunal. However, the Valuation Tribunal can only consider whether the decision was made reasonably by the Council by applying Judicial Review principles. Applicants would be advised to seek independent advice.

Section 6: Fraud

- 6.1 The Council is committed to protecting public funds and ensuring funds are awarded to the citizens who are rightfully eligible to them. An applicant who tries to fraudulently claim an award from the Council Tax Discretionary Fund by falsely declaring their circumstances, providing a false statement or providing evidence in support of their application, may have committed an offence under The Fraud Act 2006.
- 6.2 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

Wolverhampton City Council
Council Tax Reduction Scheme
S13A and Schedule 1a of the Local Government Finance Act 1992

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1.0 Introduction to the Council Tax Reduction Scheme

- 1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period 1st April 2015 until 31st March 2016.
- 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 1st April 2015 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 (Prescribed Requirements) (England) (Amendment) Regulations 2013;
 - Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013; and
 - Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

The Council has **no** discretion in relation to the calculation of Council Tax Reduction in respect of the pension age scheme.

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

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

The three prescribed classes are as follows;

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

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

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- c. who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority’s scheme;
- d. whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 9 and Schedule 2 of the Local Government Finance Act 1992;
- e. not have capital savings above £16,000; and
- f. who has made an application for a reduction under the authority’s scheme.

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

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

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

Class C: alternative maximum Council Tax Reduction

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

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

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

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

- a. is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
- b. is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- c. is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
 - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- d. is not a person who, jointly with the applicant, falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- e. is not a person who is residing with two or more persons both or all of whom fall within the

same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Disregard of certain incomes

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

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

THE SCHEME FOR WORKING AGE APPLICANTS – THE COUNCIL'S LOCAL SCHEME

- 1.6 The adopted scheme for working age applicants is a means test, which compares income against an assessment of *applicable amounts* (unless otherwise stated). 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 *two* classes of persons who will receive a reduction in line with adopted scheme. There will be *two* main classes prescribed for, for each of which there will be a number of 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 credit¹; 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;

¹ Section 5 of this scheme

² Sections 57 to 63 of this scheme

³ Sections 33 to 42 and Schedule 5 of this scheme

⁴ Sections 15 to 32 and Schedules 3 and 4 of this scheme

- 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 Reduction² amount can be calculated;
- g. not have capital savings above £6,000³;
- h. 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*⁴ is **less** than their *applicable amount*⁵ or the applicant or partner is in receipt of income support, jobseekers allowance (income based) or employment and support allowance (income related); and
- i. has made a valid application for reduction⁶.

Maximum Council Tax Reduction stated above is defined within section 57 of this scheme

Class E

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit⁷; 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 they are 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 Reduction⁸ amount can be calculated;
- g. not have capital savings above £6,000⁹;
- h. 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*¹⁰ is **more** than their *applicable amount*¹¹;
- i. have made a valid application for reduction¹²;
- j. be a person 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 3 2/7 per cent of the difference between his income for the relevant week and his applicable amount.

Maximum Council Tax Reduction stated above is defined within section 57 of this scheme

² Sections 57 to 63 of this scheme

³ Sections 33 to 42 and Schedule 5 of this scheme

⁴ Sections 15 to 32 and Schedules 3 and 4 of this scheme

⁵ Sections 12 to 14 and Schedule 1 of this scheme

⁶ Sections 68 to 74a of this scheme

⁷ Section 5 of this scheme

⁸ Sections 57 to 63 of this scheme

⁹ Sections 33 to 42 and Schedule 5 of this scheme

¹⁰ Sections 15 to 32 and Schedules 3 and 4 of this scheme

¹¹ Sections 12 to 14 and Schedule 1 of this scheme

¹² Sections 68 to 74a of this scheme

Council Tax Reduction Scheme

Details of reduction to be given for **working age applicants** for the financial year 2015/16

Sections 2- 8
Definitions and interpretation

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

2.1 In this scheme:

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

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

‘the 1973 Act’ means of 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

‘applicable amount’ means the amount determined in accordance with schedule 1 of this scheme;

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

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

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

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

‘attendance allowance’ means–

- a. an attendance allowance under Part 3 of the Act;
- b. an increase of disablement pension under section 104 or 105 of the Act;
- c. a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to the Act;
- d. an increase of an allowance which is payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to the Act;
- e. a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or
- f. any payment based on need for attendance which is paid as part of a war disablement pension;

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

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

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

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

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

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

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

'child' means a person under the age of 16;

'child benefit' has the meaning given by section 141 of the SSCBA;

'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 a contributory allowance under Part 1 of the Welfare Reform Act 2007;

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

'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 Reduction' means Council Tax Reduction as defined by S13a Local Government Finance Act 1992 (as amended);

'couple' means:

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

Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes. The above includes the Marriage (Same Sex Couples) Act 2013;

'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:

- a. the local authority; or
- b. 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'**;

'employment zone' means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and an **'employment zone programme'** means a programme established for such an area or areas designed to assist applicants for a jobseeker's allowance to obtain sustainable employment;

'employment zone contractor' means a person who is undertaking the provision of facilities in respect of an employment zone programme on behalf of the Secretary of State for Work and Pensions;

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

'extended reduction' means a payment of Council Tax Reduction payable pursuant to section 60;

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

'extended reduction (qualifying contributory benefits)' means a payment of Council Tax Reduction payable pursuant to section 61;

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

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

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

'he, him, his' also refers to the feminine within this scheme

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

'Immigration and Asylum Act' means the Immigration and Asylum Act 1999;

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

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

'Income Support Regulations' means the Income Support (General) Regulations 1987(a);

'independent hospital'–

(a) in England, means a hospital as defined by section 275 of the National Health Service Act

2006 that is not a health service hospital as defined by that section;

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

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

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

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

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

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

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

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

‘lone parent’ means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

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

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

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

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

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

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

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

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

‘mobility supplement’ means a supplement to which paragraph 9 of Schedule 4 refers;

‘mover’ means a 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 as amended by the Public Service Pension Act 2013;

‘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;

‘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 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;

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

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

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

- a. an employment zone programme;
- b. a programme provided or other arrangements made pursuant to section 2 of the 1973 Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.);
- c. the Employment, Skills and Enterprise Scheme;
- d. a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;

e. Back to Work scheme.

'service user group' means a group of individuals that is consulted by or on behalf of;

- a. a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978,
- b. a landlord authority in consequence of a function under section 105 of the Housing Act 1985,
- c. a public authority in Northern Ireland in consequence of a function under section 49A of the Disability Discrimination Act 1995,
- d. a public authority in consequence of a function relating to disability under section 149 of the Equality Act 2010;
- e. a best value authority in consequence of a function under section 3 of the Local Government Act 1999,
- f. a local authority landlord or registered social landlord in consequence of a function under section 53 of the Housing (Scotland) Act 2001,
- g. a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006,
- h. a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006,
- i. the Care Quality Commission in consequence of a function under section 4 or 5 of the Health and Social Care Act 2008,
- j. the regulator or a private registered provider of social housing in consequence of a function under section 98, 193 or 196 of the Housing and Regeneration Act 2008, or
- k. a public or local authority in Great Britain in consequence of a function conferred under any other enactment,

for the purposes of monitoring and advising on a policy of that body or authority which affects or may affect persons in the group, or of monitoring or advising on services provided by that body or authority which are used (or may potentially be used) by those persons;

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

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

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

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

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

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

'student' has the meaning prescribed in section 43;

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

'the Tax Credits Act' means the Tax Credits Act 2002;

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

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

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

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

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

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

‘Uprating Act’ means the Welfare Benefit Up-rating Act 2013;

‘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 amended¹³; and

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

- 2.2 In this scheme, references to an applicant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.
- 2.3 In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this scheme, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day:
 - 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;

¹³ The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013

- 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 reduction scheme.

4.0 Requirement to provide a National Insurance Number¹⁴

4.1 No person shall be entitled to reduction 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 reduction.

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

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

4.3 Paragraph 4.2 shall not apply:

- a. in the case of a child or young person in respect of whom council tax reduction is claimed;
- b. to a person who:
 - i. is a person in respect of whom a claim for council tax reduction is made;
 - ii. is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act; and
 - iii. has not previously been allocated a national insurance number.

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

5.1 This scheme applies to a person if:

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

6.0 Remunerative work

6.1 Subject to the following provisions of this section, a person shall be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which

¹⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

payment is made or which is done in expectation of payment.

- 6.2 Subject to paragraph 6.3, in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over;
- a. if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
 - b. in any other case, the period of 5 weeks immediately prior to that date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately,
- 6.3 Where, for the purposes of paragraph 6.2 a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.
- 6.4 Where no recognisable cycle has been established in respect of a person's work, regard shall be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.
- 6.5 A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph 6.1 if the absence is either without good cause or by reason of a recognised customary or other holiday.
- 6.6 A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week shall be treated as not being in remunerative work in that week.
- 6.7 A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.
- 6.8 A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which;
- a. a sports award has been made, or is to be made, to him; and
 - b. no other payment is made or is expected to be made to him.

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

Persons treated as not being in Great Britain

- 7.1** Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- 7.2** Except where a person falls within paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.
- 7.3** A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.
- 7.4** For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with—
- (a) regulation 13 of the EEA Regulations or Article 6 of Council Directive 2004/38/EC;
 - (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
 - (i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or
 - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
 - (ab) Article 45 of the Treaty on the functioning of the European Union (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland); or
 - (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (4A) of that regulation or Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).
- 7.5** A person falls within this paragraph if the person is—
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations(5) 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 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, an income-based jobseeker's allowance or on an income-related employment and support allowance; or

- (i) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an “accession State national subject to worker authorisation”)

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

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
“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.

8.0 Temporary Absence (period of absence)

8.1 Where a person is absent from the dwelling throughout any day then no reduction shall be payable

8.2 A person shall not, in relation to any day, which falls within a period of temporary absence from that dwelling, be a prescribed person under paragraph 8.1.

8.3 In paragraph 8.2, a ‘period of temporary absence’ means:

- a. a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as;
 - i. the person resides in that accommodation;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,

where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;

- b. a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as:
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period is unlikely to exceed 13 weeks; and

- c. a period of absence not exceeding 52 weeks, beginning with the first whole day of absence, where and for so long as:
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let;

- iii. the person is a person to whom paragraph 8.4 applies; and
- iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

8.4 This paragraph applies to a person who is:

- a. detained in custody on remand pending trial or required, as a condition of bail, to reside;
 - i. in a dwelling, other than the dwelling referred to in paragraph 8.1, or
 - ii. in premises approved under section 13 of the Offender Management Act 2007, or, detained in custody pending sentence upon conviction;
- b. resident in a hospital or similar institution as a patient;
- c. undergoing, or his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- d. following, in the United Kingdom or elsewhere, a training course;
- e. undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
- f. undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;
- g. in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
- h. a student;
- i. receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or
- j. has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

8.5 This paragraph applies to a person who is:

- a. detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 (as amended by the Mental Health (Discrimination) Act 2013), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986; and
- b. on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989

8.6 Where paragraph 8.5 applies to a person, then, for any day when he is on temporary release—

- a. if such temporary release was immediately preceded by a period of temporary absence under paragraph 8.3 b) or c), he shall be treated, for the purposes of paragraph 8.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;
- b. for the purposes of paragraph 8.4 a), he shall be treated as if he remains in detention;
- c. If he does not fall within sub-paragraph a), he is not considered to be a person who is liable to pay Council Tax in respect of a dwelling of which he is resident

8.7 In this section:

- ‘medically approved’ means certified by a medical practitioner;
- ‘patient’ means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution; ‘residential accommodation’ means accommodation which is provided;
 - a. in a care home;
 - b. in an independent hospital;
 - c. in an Abbeyfield Home; or
 - d. in an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

- 'training course' means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

Sections 9 - 11

The family for Council tax reduction purposes

9.0 Membership of a family

- 9.1 Within the reduction 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 In 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 in any reduction week 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.

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 in any reduction week where;

- a. that child or young person lives with the applicant for part or all of that reduction week; and
- b. the authority considers that it is 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 as amended.

Sections 12 – 14 & Schedule 1
Applicable Amounts for Council tax reduction purposes

12.0 Applicable amounts

12.1 Subject to sections 13 and 14, an applicant's weekly applicable amount shall be aggregate of such of the following amounts as may apply in his case;

- a. an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 as the case may be, of Schedule 1 of this scheme;
- b. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme in respect of any child or young person who is a member of his family;
- c. if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of Schedule 1 (family premium);
- d. the amount of any premiums which may be applicable to him, determined in accordance with paragraphs 4 to 16 of Schedule 1 of this document (premiums).
- e. the amount of either the
 - i. work-related activity component; or
 - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 of this document (the components)
- f. the amount of any transitional addition which may be applicable to him in accordance with paragraph 19 to 20 of Schedule 1 of this scheme (transitional addition).

13.0 Polygamous marriages

13.1 Subject to section 14, where an applicant is a member of a polygamous marriage, his weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case:

- a. the amount applicable to him and one of his partners determined in accordance with paragraph 1 of Schedule 1 of this scheme as if he and that partner were a couple;
- b. an amount equal to the lowest amount within paragraph 1 of Schedule 1 of this scheme in respect of each of his other partners;
- c. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme (applicable amounts or living allowances) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
- d. if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in paragraph 3 of Schedule 1 of this scheme (family premium);
- e. the amount of any premiums which may be applicable to him determined in accordance with paragraphs 4 to 16 of Schedule 1 of this scheme (premiums).
- f. the amount of either the;
 - i. work-related activity component; or
 - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 (the components).
- g. the amount of any transitional addition which may be applicable to him in accordance with paragraphs 19 and 20 of Schedule 1 of this scheme (transitional addition)

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

14.1 In determining the applicable amount for a week 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 maximum amount of the applicant, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (2).

- 14.2 The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.
- 14.3 In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012

Sections 15 – 32 & Schedules 3 & 4

Definition and the treatment of income for Council tax reduction purposes

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

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

is to be calculated in accordance with the provisions of this Part.

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

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

15A.0 Calculation of income and capital: persons who have an award of universal credit

- 15A.1 In determining the income of an applicant
- a. who has, or
 - b. who (jointly with his partner) has,
- an award of universal credit the authority must, subject to the following provisions of this paragraph, use the calculation or estimate of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.

- 15A.2 The authority must adjust the amount referred to in sub-paragraph (1) to take account of
- (a) income consisting of the award of universal credit, determined in accordance with subparagraph (3);
 - (b) any sum to be disregarded under paragraphs of Schedule 3 to this scheme (sums to be disregarded in the calculation of earnings: persons who are not pensioners);
 - (c) any sum to be disregarded under paragraphs of Schedule 4 to this scheme (sums to be disregarded in the calculation of income other than earnings: persons who are not pensioners);
 - (d) section 33 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
 - (e) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).

- 15A.3 The amount for the award of universal credit is to be determined by multiplying the amount of the award by 12 and dividing the product by 52.

- 15A.4 sections 33 (income and capital of non-dependant to be treated as applicant's) and 52 and 53 (disregards from income) apply (so far as relevant) for the purpose of determining any adjustments, which fall to be made to the figure for income under sub-paragraph (2)

- 15A.5 In determining the capital of an applicant;
- (a) who has, or
 - (b) who (jointly with his partner) has,
- an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award

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

16.1 Where it appears to the authority that a non-dependant and the applicant have entered into arrangements in order to take advantage of the council tax reduction scheme and the non-dependant has more capital and income than the applicant, that authority shall, except where the applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, treat the applicant as possessing capital and income belonging to that non-dependant, and, in such a case, shall disregard any capital and income which the applicant does possess.

16.2 Where an applicant is treated as possessing capital and income belonging to a non-dependant under paragraph 16.1 the capital and income of that non-dependant shall be calculated in accordance with the following provisions in like manner as for the applicant and any reference to the 'applicant' shall, except where the context otherwise requires, be construed for the purposes of this scheme as if it were a reference to that non-dependant.

17.0 Calculation of income on a weekly basis

17.1 For the purposes of this scheme and in line with regulation 34 of the Housing Benefit Regulations 2006 (disregard to changes in tax, contributions etc.), the income of an applicant shall be calculated on a weekly basis;

- a. by estimating the amount which is likely to be his average weekly income in accordance with this Section and in line with Sections 2, 3, 4 and 5 of Part 6 of the Housing Benefit Regulations 2006;
- b. by adding to that amount the weekly income calculated in line with regulation 52 of the Housing Benefit Regulations 2006 (calculation to tariff income from capital); and
- c. by then deducting any relevant child care charges to which section 18 (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 18.2 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.

17.2 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.

17.3 The maximum deduction to which paragraph 17.1 c) 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.

The amounts stated in this paragraph shall be amended in accordance with the Housing Benefit Regulations 2006 (as amended).

17.4 For the purposes of paragraph 17.1 'income' includes capital treated as income under section 31 (capital treated as income) and income, which an applicant is treated as possessing under section 32 (notional income).

18.0 Treatment of child care charges

18.1 This section applies where an applicant is incurring relevant child-care charges and:

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

other:

- i. is incapacitated;
- ii. is an in-patient in hospital; or
- iii. is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).

18.2 For the purposes of paragraph 18.1 and subject to paragraph 18.4, a person to whom paragraph 18.3 applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he:

- a. is paid statutory sick pay;
- b. is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the Act;
- c. is paid an employment and support allowance;
- d. is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations 1987; or
- e. is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

18.3 This paragraph applies to a person who was engaged in remunerative work immediately before

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

18.4 In a case to which paragraph 18.2 d) or e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.

18.5 Relevant child care charges are those charges for care to which paragraphs 18.6 and 18.7 apply, and shall be calculated on a weekly basis in accordance with paragraph 18.10.

18.6 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.

18.7 The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 18.8 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.

18.8 The care to which paragraph 18.7 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 8(1) of that Act, where the care provided is child minding or daycare 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.
- 18.9 In paragraphs 18.6 and 18.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.
- 18.10 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.
- 18.11 For the purposes of paragraph 18.1 c) the other member of a couple is incapacitated where
- 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;
- 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.

18.12 For the purposes of paragraph 18.11 once paragraph 18.11 (d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

18.12A For the purposes of paragraph 18.11, once paragraph 18.11 (e) 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.

- 18.13 For the purposes of paragraphs 18.6 and 18.8 (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.

- 18.14 For the purposes of paragraph 18.1 a person on maternity leave, paternity leave or adoption leave shall be treated as if she is engaged in remunerative work for the period specified in paragraph 18.15 ('the relevant period') provided that—
- a. in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;
 - b. the applicant is incurring relevant child care charges within the meaning of paragraph 18.5; and
 - c. she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.

- 18.15 For the purposes of paragraph 18.14 the relevant period shall begin on the day on which the person's maternity, paternity leave or adoption leave commences and shall end on—
- a. the date that leave ends;
 - b. if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
 - c. if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credits ends.
- whichever shall occur first.

- 18.16 In paragraphs 18.14 and 18.15
- a. '**qualifying support**' means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support Regulations 1987; and
 - b. '**child care element**' of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element) 2002.

- 18.17 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

19.0 Average weekly earnings of employed earners

- 19.1 Where an applicant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment:
- a. over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
 - i. 5 weeks, if he is paid weekly; or
 - ii. 2 months, if he is paid monthly; or

- b. whether or not sub-paragraph 19.1a i) or ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

19.2 Where the applicant has been in his employment for less than the period specified in paragraph 19.1 (a)(i) or (ii):

- a. if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings shall be estimated by reference to those earnings;
- b. in any other case, the authority shall require the applicant's employer to furnish an estimate of the applicant's likely weekly earnings over such period as the authority may require and the applicant's average weekly earnings shall be estimated by reference to that estimate.

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

19.4 For the purposes of this section the applicant's earnings shall be calculated in accordance with sections 25 and 26

20.0 Average weekly earnings of self-employed earners

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

20.2 For the purposes of this section the applicant's earnings shall be calculated in accordance with section 27 to 29 of this scheme.

21.0 Average weekly income other than earnings

21.1 An applicant's income which does not consist of earnings shall, except where paragraph 18.2 applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period shall not in any case exceed 52 weeks; and nothing in this paragraph shall authorise the authority to disregard any such income other than that specified in Schedule 4 of this scheme

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

21.3 For the purposes of this section income other than earnings shall be calculated in accordance with paragraphs 30 to 32 of this scheme

22.0 Calculation of average weekly income from tax credits

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

22.2 Where this section applies, the period over which a tax credit is to be taken into account shall be the period set out in paragraph 22.3

22.3 Where the instalment in respect of which payment of a tax credit is made is:

- a. a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
- b. a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
- c. a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
- d. a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

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

23.0 Calculation of weekly income

23.1 For the purposes of sections 19 (average weekly earnings of employed earners), 21 (average weekly income other than earnings) and 22 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made:

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

23.2 For the purpose of section 20 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

24.0 Disregard of changes in tax, contributions etc.

24.0 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 social security 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 earnings exception in relation to Class 2 contributions);
- d. in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the Act;
- e. in the maximum rate of child tax credit or working tax credit,

for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

25.0 Earnings of employed earners

25.1 Subject to paragraph 25.2, 'earnings' means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes:

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;

- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of:
 - (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;
- g. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- h. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- i. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- j. any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- k. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- l. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended¹⁵.

25.2 Earnings shall not include:

- a. subject to paragraph 25.3, any payment in kind;
- b. any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
- c. any occupational pension
- d. any payment in respect of expenses arising out of the applicant's participation in a service user group.

25.3 Paragraph 25.2 a) shall not apply in respect of any non-cash voucher referred to in paragraph 25.1 m)

26.0 Calculation of net earnings of employed earners

26.1 For the purposes of section 19 (average weekly earnings of employed earners), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall, subject to paragraph 26.2, be his net earnings.

26.2 There shall be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 14 of Schedule 3.

26.3 For the purposes of paragraph 26.1 net earnings shall, except where paragraph 26.6 applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;

- 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

¹⁵ Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

- 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.
- 26.4 In this section ‘qualifying contribution’ means any sum which is payable periodically as a contribution towards a personal pension scheme.
- 26.5 The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying contribution shall be determined—
- 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.
- 26.6 Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 19 (average weekly earnings of employment earners), his net earnings shall be calculated by taking into account those earnings over the assessment period, less—
- 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 of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;
 - b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
 - c. one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.
- 27.0 Earnings of self-employed earners**
- 27.1 Subject to paragraph 27.2, ‘earnings’, in the case of employment as a self- employed earner, means the gross income of the employment plus any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.
- 27.2 ‘Earnings’ shall not include any payment to which paragraph 27 or 28 of Schedule 4 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant’s care) nor shall it include any sports award.
- 27.3 This paragraph applies to:
- a. royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or

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

27.4 Where the applicant's earnings consist of any items to which paragraph 27.3 applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by:

- a. the amount of the reduction under this scheme which would be payable had the payment not been made, plus
- b. an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 3 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case.

28.0 Calculation of net profit of self-employed earners

28.1 For the purposes of section 20 (average weekly earnings of self-employed earners) the earnings of an applicant to be taken into account shall be:

- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
- b. in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less–
 - i. an amount in respect of income tax and of social security contributions payable under the Act calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - ii. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.

28.2 There shall be disregarded from an applicant's net profit, any sum, where applicable, specified in paragraph 1 to 14 of Schedule 3.

28.3 For the purposes of paragraph 28.1 a) the net profit of the employment must, except where paragraph 28.9 applies, be calculated by taking into account the earnings for the employment over the assessment period less:

- a. subject to paragraphs 28.5 to 28.8, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
- b. an amount in respect of;
 - (i) income tax, and
 - (ii) social security contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
- c. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.

28.4 For the purposes of paragraph 28.1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of the employment.

28.5 Subject to paragraph 28.6 no deduction shall be made under paragraph 28.3 (a) or 28.4, in respect of:

- a. any capital expenditure;

- b. the depreciation of any capital asset;
 - c. any sum employed or intended to be employed in the setting up or expansion of the employment;
 - d. any loss incurred before the beginning of the assessment period;
 - e. the repayment of capital on any loan taken out for the purposes of the employment;
 - f. any expenses incurred in providing business entertainment, and
 - g. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.
- 28.6 A deduction shall be made under paragraph 28.3 (a) or 28.4 in respect of the repayment of capital on any loan used for:
- a. the replacement in the course of business of equipment or machinery; and
 - b. the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- 28.7 The authority shall refuse to make deduction in respect of any expenses under paragraph 28.3 a. or 28.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 28.8 For the avoidance of doubt:
- a. deduction shall not be made under paragraph 28.3 (a) or 28.4 in respect of any sum unless it has been expended for the purposes of the business;
 - b. a deduction shall be made thereunder in respect of—
 - i. the excess of any value added tax paid over value added tax received in the assessment period;
 - ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - iii. any payment of interest on a loan taken out for the purposes of the employment
- 28.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of
- a. income tax; and
 - b. social security contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - c. one-half of the amount calculated in accordance with paragraph 28.11 in respect of any qualifying contribution
- 28.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.
- 28.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined
- a. where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and divided the product by 365;
 - b. in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.
- 28.12 In this section, 'qualifying premium' means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.

29.0 Deduction of tax and contributions of self-employed earners

- 29.1 The amount to be deducted in respect of income tax under section 28.1b) i), 28.3 b) i) or 28.9 a) i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.
- 29.2 The amount to be deducted in respect of social security contributions under paragraphs 28.1 1 b)(i); 28.3 b) ii) or 28.9 a shall be the total of:
- a. the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Act at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of the Act (small earnings exception) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and
 - b. the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata.
- 29.3 In this section 'chargeable income' means—
- a. except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under paragraph 28.3 (a) or, as the case may be, 28.4 of section 28;
 - b. in the case of employment as a child minder, one-third of the earnings of that employment.

30.0 Calculation of income other than earnings

- 30.1 For the purposes of section 21 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account shall, subject to paragraphs 30.2 to 30.4, be his gross income and any capital treated as income under section 31 (capital treated as income).
- 30.2 There is to be disregarded from the calculation of an applicant's gross income under paragraph 30.1, any sum, where applicable, specified in Schedule 4.
- 30.3 Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under paragraph 30.1 shall be the gross amount payable.
- 30.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- 30.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under

paragraph 30.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

30.6 In paragraph 30.5 'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.

30.7 Paragraph 30.8 and 30.9 apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

30.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph 30.7 applies, shall be calculated by applying the formula—

$$\frac{A - (B \times C)}{D}$$

D

Where

A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 51.5

B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;

C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 51.2 had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax reduction immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to council tax reduction;

D = the number of reduction weeks in the assessment period.

30.9 Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph (30.8) applies, shall be calculated by applying the formula in paragraph 30.8 but as if:

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 51.5

30.10 In this section— 'academic year' and 'student loan' shall have the same meanings as for the purposes of sections 43 to 45, 'assessment period' means:

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

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

- i. the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
- ii. the last day of the last quarter for which an instalment of the relevant payment was payable to that person.

whichever of these dates is earlier

'quarter' in relation to an assessment period means a period in that year beginning on;

- a. 1st January and ending on 31st March;
- b. 1st April and ending on 30th June;
- c. 1st July and ending on 31st August; or

d. 1st September and ending on 31st December;
'relevant payment' means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 46.7 or both.

30.11 For the avoidance of doubt there shall be included as income to be taken into account under paragraph 30.1

- a. any payment to which paragraph 25.2 (payments not earnings) applies; or
- b. in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

31.0 Capital treated as income

31.1 Any capital payable by instalments which are outstanding at the date on which the claim is made or treated as made, or, at the date of any subsequent revision or supersession, shall, if the aggregate of the instalments outstanding and the amount of the applicant's capital otherwise calculated in accordance with sections 33 to 42 of this scheme exceeds £6,000, be treated as income.

31.2 Any payment received under an annuity shall be treated as income.

31.3 Any earnings to the extent that they are not a payment of income shall be treated as income.

31.4 Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 Act shall be treated as income

31.5 Where an agreement or court order provides that payments shall be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital), shall be treated as income.

32.0 Notional income

32.1 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of support or increasing the amount of that support.

32.2 Except in the case of—

- a. a discretionary trust;
- b. a trust derived from a payment made in consequence of a personal injury;
- c. a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
- d. any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a);
- e. any sum to which paragraph 48(a) of Schedule 5 refers;
- f. rehabilitation allowance made under section 2 of the 1973 Act;
- g. child tax credit; or
- h. working tax credit; or
- i. any sum to which paragraph 32.13 applies;

any income which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

32.3 – 32.5 Not used

- 32.6 Any payment of income, other than a payment of income specified in paragraph 32.7 made—
- a. to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under or by a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
 - b. to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
 - c. to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- 32.7 Paragraph 32.6 shall not apply in respect of a payment of income made:
- a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
 - b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
 - c. pursuant to section 2 of the 1973 Act in respect of a person's participation—
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - d. in respect of a person's participation in the Work for Your Benefit Pilot Scheme
 - e. in respect of a previous participation in the Mandatory Work Activity Scheme;
 - f. in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
 - g. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- 32.8 Where an applicant is in receipt of any benefit (other than council tax reduction) under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority shall select to apply in its area, to the date on which the altered rate is to take effect.

32.9 Subject to paragraph 32.10, where:

- a. applicant performs a service for another person; and
- b. that person makes no payment of earnings or pays less than that paid for a comparable employment in the area, the authority shall treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

32.10 Paragraph 32.9 shall not apply:

- a. to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
- b. in a case where the service is performed in connection with—
 - (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or
 - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme ; or
- c. to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

32.10A In paragraph 32.10 (c) 'work placement' means practical work experience which is not undertaken in expectation of payment.

32.11 Where an applicant is treated as possessing any income under any of paragraph 32.1 to (32.8), the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of that income as if a payment has actually been made and as if it were actual income which he does possess.

32.12 Where an applicant is treated as possessing any earnings under paragraph 32.9 the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph (3) of section 26 (calculation of net earnings of employed earners) shall not apply and his net earnings shall be calculated by taking into account those earnings which he is treated as possessing, less:

- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the starting rate or, as the case may be, the starting rate and the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the starting rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rate basis;
- b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
- c. one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

32.13 Paragraphs (32.1), (32.2), (32.6) and (32.9) shall not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation in a service user group.

Sections 33 – 42 & Schedule 5

Definition and the treatment of capital for Council tax reduction purposes

33.0 Capital limit

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

34.0 Calculation of capital

34.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to paragraph (34.2), be the whole of his capital calculated in accordance with this scheme and any income treated as capital under section 36 (income treated as capital).

34.2 There shall be disregarded from the calculation of an applicant's capital under paragraph (34.1), any capital, where applicable, specified in Schedule 5.

35.0 Disregard of capital of child and young person

35.1 The capital of a child or young person who is a member of the applicant's family shall not be treated as capital of the applicant.

36.0 Income treated as capital

36.1 Any bounty derived from employment to which paragraph 8 of Schedule 3 applies and paid at intervals of at least one year shall be treated as capital.

36.2 Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E shall be treated as capital.

36.3 Any holiday pay which is not earnings under section 25(1)(d) (earnings of employed earners) shall be treated as capital.

36.4 Except any income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28, 47 or 48 of Schedule 5, any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the applicant's account.

36.5 In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer shall be treated as capital.

36.6 Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, shall be treated as capital.

36.7 There shall be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.

36.8 Any arrears of subsistence allowance which are paid to an applicant as a lump sum shall be treated as capital.

36.9 Any arrears of working tax credit or child tax credit shall be treated as capital.

37.0 Calculation of capital in the United Kingdom

37.1 Capital which an applicant possesses in the United Kingdom shall be calculated at its current market or surrender value less:

- a. where there would be expenses attributable to the sale, 10 per cent.; and
- b. the amount of any encumbrance secured on it;

38.0 Calculation of capital outside the United Kingdom

38.1 Capital which an applicant possesses in a country outside the United Kingdom shall be calculated

- a. in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value.
- b. in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,
less, where there would be expenses attributable to sale, 10 per cent. and the amount of any encumbrances secured on it.

39.0 Notional capital

39.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax reduction or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with section 40 (diminishing notional capital rule).

39.2 Except in the case of:

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or
- (c) any loan which would be obtained only if secured against capital disregarded under Schedule 5; or
- (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
- (e) any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a); or
- (f) any sum to which paragraph 48(a) of Schedule 5 refers; or
- (g) child tax credit; or
- (h) working tax credit,

any capital which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

39.3 Any payment of capital, other than a payment of capital specified in paragraph (39.4), made:

- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
- (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

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

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

Allowance Regulations;

- ii. in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
- iii. in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
- iv. in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
- v. in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- c. in respect of a person's participation in the Mandatory Work Activity Scheme;
- d. Enterprise Scheme;
- e. in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme;
- f. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - i. a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - ii. the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; andthe person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

39.5 Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case

- a. the value of his holding in that company shall, notwithstanding section 34 (calculation of capital) be disregarded; and
- b. he shall, subject to paragraph 39.6, be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.

39.6 For so long as the applicant undertakes activities in the course of the business of the company, the amount which, he is treated as possessing under paragraph 39.5 shall be disregarded.

39.7 Where an applicant is treated as possessing capital under any of paragraphs 39.1 to 39.2 the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital, which he does possess.

40.0 Diminishing notional capital rule

40.1 Where an applicant is treated as possessing capital under section 39.1 (notional capital), the amount which he is treated as possessing:

- a. in the case of a week that is subsequent to
 - (i) the relevant week in respect of which the conditions set out in paragraph 40.2 are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions, shall be reduced by an amount determined under paragraph 40.3;
- b. in the case of a week in respect of which paragraph 40.1(a) does not apply but where
 - (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in paragraph 40.4 is satisfied, shall be reduced by the amount determined under paragraph 40.4.

40.2 This paragraph applies to a reduction week or part-week where the applicant satisfies the conditions that:

- a. he is in receipt of council tax reduction; and

- b. but for paragraph 39.1, he would have received an additional amount of council tax reduction in that week.
- 40.3 In a case to which paragraph 40.2 applies, the amount of the reduction for the purposes of paragraph 40.1(a) shall be equal to the aggregate of:
- a. the additional amount to which sub-paragraph 40.2 (b) refers;
 - b. where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
 - c. where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 51(1) of the Income Support Regulations (notional capital);
 - d. where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital) and
 - e. where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of reduction week to which paragraph 40.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- 40.4 Subject to paragraph 40.5, for the purposes of paragraph 40.1(b) the condition is that the applicant would have been entitled to council tax reduction in the relevant week but for paragraph 39.1, and in such a case the amount of the reduction shall be equal to the aggregate of:
- a. the amount of council tax reduction to which the applicant would have been entitled in the relevant week but for paragraph 39.1; and for the purposes of this sub-paragraph is the amount in respect of a part-week, that amount shall be determined by dividing the amount of council tax reduction to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;
 - b. if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the reduction week which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number equal to that number of days in the part-week and multiplying the quotient so obtained by 7;
 - c. if the applicant would, but for regulation 51(1) of the Income Support Regulations, have been entitled to income support in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income support to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7
 - d. if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the reduction week, within the meaning of this scheme, which includes the last day of the

relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7; and

- e. if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount must be determined by dividing the amount of the income-related employment and support allowance to which he would have been so entitled by the number equal to the number of days in that part-week and multiplying the quotient so obtained by 7.

40.5 The amount determined under paragraph 40.4 shall be re-determined under that paragraph if the applicant makes a further claim for council tax reduction and the conditions in paragraph 40.6 are satisfied, and in such a case:

- a. sub-paragraphs (a) to (d) of paragraph 40.4 shall apply as if for the words 'relevant week' there were substituted the words 'relevant subsequent week'; and
- b. subject to paragraph 40.7, the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.

40.6 The conditions are that:

- a. a further claim is made 26 or more weeks after
 - (i) the date on which the applicant made a claim for council tax reduction in respect of which he was first treated as possessing the capital in question under paragraph 39.1;
 - (ii) in a case where there has been at least one re-determination in accordance with paragraph 40.5, the date on which he last made a claim for council tax reduction which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to council tax reduction, whichever last occurred; and
- b. the applicant would have been entitled to council tax reduction but for paragraph 39.1.

40.7 The amount as re-determined pursuant to paragraph 40.5 shall not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount shall continue to have effect.

40.8 For the purposes of this section

- a. 'part-week'
 - (i) in paragraph 40.4(a) means a period of less than a week for which council tax reduction is allowed;
 - (ii) in paragraph 40.4(b) means a period of less than a week for which housing benefit is payable;
 - (iii) in paragraph 40.4 (c),(d) and (e) means—
- aa. a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
- bb. any other period of less than a week for which it is payable;
- b. 'relevant week' means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of section 39.1
 - (i) was first taken into account for the purpose of determining his entitlement to council tax reduction; or
 - (ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or

ceasing to receive, council tax reduction;
and where more than one reduction week is identified by reference to heads (i) and (ii) of this sub-paragraph the later or latest such reduction week or, as the case may be, the later or latest such part-week;

- c. 'relevant subsequent week' means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

41.0 Capital jointly held

41.1 Except where an applicant possesses capital which is disregarded under paragraph 39(5) (notional capital) where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Section shall apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess

42.0 Not used

Sections 43 - 56

Definition and the treatment of students for Council tax reduction purposes¹⁶

¹⁶ Amounts shown in sections 43 to 56 will be updated in line with the Housing Benefit Regulations 2006 (as amended)

43.0 Student related definitions

43.1 In this scheme the following definitions apply;

'academic year' means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;

'access funds' means:

- a. grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- b. grants made under section 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- c. grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- d. discretionary payments, known as "learner support funds", which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or
- e. Financial Contingency Funds made available by the Welsh Ministers;

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

'contribution' means;

- a. any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student's grant or student loan; or
- b. any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following person to contribute towards the holder's expenses;
 - (i) the holder of the allowance or bursary;
 - (ii) the holder's parents;
 - (iii) the holder's parent's spouse, civil partner or a person ordinarily living with the holder's parent as if he or she were the spouse or civil partner of that parent; or
 - (iv) the holder's spouse or civil partner;

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

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

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

'full-time course of study' means a full time course of study which;

- a. is not funded in whole or in part by the Secretary of State under section 14 of the

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

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

'grant' (except in the definition of 'access funds') means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary but does not include a payment from access funds or any payment to which paragraph 12 of Schedule 4 or paragraph 53 of Schedule 5 applies;

'grant income' means:

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

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

'last day of the course' means:

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

'period of study' means:

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

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

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

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

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

'standard maintenance grant' means:

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

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

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

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

43.2 For the purposes of the definition of 'full-time student', a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course

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

43.3 For the purposes of sub-paragraph (a) of paragraph 43.2, the period referred to in that sub-paragraph shall include;

- a. where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
- b. any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational

establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

44.0 Treatment of students

44.1 The following sections relate to students who claim Council tax reduction

45.0 Students who are excluded from entitlement to council tax reduction

45.1 Students (except those specified in paragraph 45.3) are not able to claim Council tax reduction under Classes D and E of the Council's reduction scheme.

45.2 To be eligible for reduction, the student must be liable for Council Tax under Section 6 of the Local Government Finance Act 1992 and they must not be deemed to be a full time student or a persons from abroad within the meaning of section 7 of this scheme (persons from aboard).

45.3 Paragraph 45.2 shall not apply to a student:

- (a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) whose applicable amount would, but for this section, include the disability premium or severe disability premium;
- (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;
- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.
- (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
- (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989, or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
- (i) who is;
 - i) aged under 21 and whose course of study is not a course of higher education
 - ii) aged 21 and attained that age during a course of study which is not a course of higher education;
 - iii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person).
- (j) in respect of whom
 - i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
 - (iii) a payment has been made under section 2 of the Education Act 1962 or

under or by virtue of regulations made under the Teaching and Higher Education Act 1998;

(iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or

(v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

45.3A Paragraph 45.3(i)(ii) only applies to a claimant until the end of the course during which the claimant attained the age of 21

45.4 For the purposes of paragraph 45.3, once paragraph 45.3(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.

45.5 In paragraph 45.3(h) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

45.6 A full-time student to whom sub-paragraph (i) of paragraph 45.3 applies, shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

45.7 Paragraph 45.2 shall not apply to a full-time student for the period specified in paragraph 45.8 if:

(a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;

- (i) engaged in caring for another person; or
- (ii) ill;

(b) he has subsequently ceased to be engaged in engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and

(c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph 45.8.

45.8 The period specified for the purposes of paragraph 45.7 is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;

(a) the day on which he resumes attending or undertaking the course; or

(b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,

which shall first occur.

46.0 Calculation of grant income

46.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs 46.2 and 46.3, be the whole of his grant income.

46.2 There shall be excluded from a student's grant income any payment:

(a) intended to meet tuition fees or examination fees;

(b) in respect of the student's disability;

- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
 - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
 - (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
 - (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
 - (h) intended for the child care costs of a child dependant.
 - (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.
- 46.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.
- The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).
- 46.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- 46.5 Subject to paragraphs 46.6 and 46.7, a student's grant income shall be apportioned;
- (a) subject to paragraph 46.8, in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
 - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- 46.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- 46.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither paragraph 46.6 nor section 50 (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.
- 46.8 In the case if a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

47.0 Calculation of covenant income where a contribution is assessed

47.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to paragraph 47.3, the amount of the contribution.

47.2 The weekly amount of the student's covenant shall be determined:
(a) by dividing the amount of income which falls to be taken into account under paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
(b) by disregarding from the resulting amount, £5.

47.3 For the purposes of paragraph 47.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under paragraph 46.2(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

48.0 Covenant income where no grant income or no contribution is assessed

48.1 Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows:

- (a) any sums intended for any expenditure specified in paragraph 46.2 (a) to (e) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;
- (c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 46.2(f) and 46.3 (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
- (d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 shall be disregarded.

48.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with subparagraphs (a) to (d) of paragraph 48.1, except that:

- (a) the value of the standard maintenance grant shall be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 46.2 (a) to (e); and
- (b) the amount to be disregarded under paragraph 48.1(c) shall be abated by an amount equal to the amount of any sums disregarded under paragraph 46.2(f) and (g) and 46.3.

49.0 Student Covenant Income and Grant income – non disregard

49.1 No part of a student's covenant income or grant income shall be disregarded under paragraph 15 of Schedule 4 to this scheme.

50.0 Other amounts to be disregarded

50.1 For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with section 51, any amounts intended for any expenditure specified in paragraph 46.2 (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraphs 46.2 or 46.3, 47.3, 48.1(a) or (c) or 51.5 (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

51.0 Treatment of student loans

51.1 A student loan shall be treated as income.

51.2 In calculating the weekly amount of the loan to be taken into account as income:

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes with last day of the course,
- (b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year and ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this sub-paragraph, 'quarter' shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2005;
- (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year;
 - (ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincide with, or immediately follows, the earlier of 1st September or the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
- (d) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of;
 - (i) the first day of the first reduction week in September; or
 - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of June,

and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

51.3 A student shall be treated as possessing a student loan in respect of an academic year where;

- (a) a student loan has been made to him in respect of that year; or
- (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.

51.4 Where a student is treated as possessing a student loan under paragraph 51.3, the amount of the student loan to be taken into account as income shall be, subject to paragraph 51.5

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a

sum equal to

- (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
- (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.

- 51.5 There shall be deducted from the amount of income taken into account under paragraph 51.4
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.
- The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).

51A.0 Treatment of fee loans

- 51A. 1A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.

52.0 Treatment of payments from access funds

- 52.1 This paragraph applies to payments from access funds that are not payments to which paragraph 55.2 or 55.3 (income treated as capital) applies.
- 52.2 A payment from access funds, other than a payment to which paragraph 52.3 applies, shall be disregarded as income.
- 52.3 Subject to paragraph 52.4 of this section and paragraph 35 of Schedule 4:
- a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and
 - b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.
- 52.4 Where a payment from access funds is made:
- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
 - (b) before the first day of the course to a person in anticipation of that person becoming a student,
- that payment shall be disregarded as income.

53.0 Disregard of contribution

- 53.1 Where the applicant or his partner is a student and for the purposes of assessing a contribution to the student's grant or student loan, the other partner's income has been taken into account, an amount equal to that contribution shall be disregarded for the purposes of assessing that other partner's income.

54.0 Further disregard of student's income

54.1 Where any part of a student's income has already been taken into account for the purpose of assessing his entitlement to a grant or student loan, the amount taken into account shall be disregarded in assessing that student's income.

55.0 Income treated as capital

55.1 Any amount by way of a refund of tax deducted from a student's covenant income shall be treated as capital.

55.2 Any amount paid from access funds as a single lump sum shall be treated as capital.

55.3 An amount paid from access fund as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.

56.0 Disregard of changes occurring during summer vacation

56.1 In calculating a student's income the authority shall disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course, if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

Sections 57 – 63

The calculation and amount of Council tax reduction

57.0 Maximum council tax reduction

57.1 Subject to paragraphs 57.2 to 57.4, the amount of a person's maximum council tax reduction in respect of a day for which he is liable to pay council tax, shall be 78 per cent, of the amount A divided by B where:

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

less any deductions in respect of non-dependants which fall to be made under section 58 (non-dependant deductions).

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

Where:

- the applicant or their partner is receiving the higher rate of the care component of the disability living allowance or the enhanced rate of the daily living component of the personal independence payment; or
- the applicant or partner is responsible for a dependant child or young person who are entitled to receive the enhanced disability premium for a child; or
- the applicant is a single person less than 25 years of age without dependent child(ren) or young person (s)

then the maximum percentage as given in paragraph 57.1 shall be 88 per cent.

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

57.3 Subject to paragraph 57.4, where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons but excepting any person so residing with the applicant who is a student to whom paragraph 45.2 (students who are excluded from entitlement to council tax reduction) applies, in determining the maximum council tax reduction in his case in accordance with paragraph 57.1, the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

57.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph 57.3 shall not apply in his case

58.0 Non-dependant deductions

58.1 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 57 (maximum Council Tax Reduction) shall be;

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

58.2 In the case of a non-dependant aged 18 or over to whom paragraph 58.1(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—

- (a) less than £xx.xx, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
 - (b) not less than £xx.xx, but less than £xx.xx, the deduction to be made under this section shall be £xx.xx x 1/7;
 - (c) not less than £xx.xx, but less than £xx.xx, the deduction to be made under this section shall be £xx.xx x 1/7;
- 58.3 Only one deduction shall be made under this section in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.
- 58.4 In applying the provisions of paragraph 58.2 in the case of a couple or, as the case may be a polygamous marriage, regard shall be had, for the purpose of that paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.
- 58.5 Where in respect of a day:
- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
 - (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouses and civil partners); and
 - (c) the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.
- 58.6 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is:
- (a) blind or treated as blind by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
 - (b) receiving in respect of himself
 - (i) attendance allowance, or would be receiving that allowance but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
 - (c) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - (d) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- 58.7 No deduction shall be made in respect of a non-dependant if;
- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
 - (b) he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) he is a full time student within the meaning of section 44.0 (Students); or
 - (d) he is not residing with the applicant because he has been a patient for a period of

- excess of 52 weeks, and for these purposes;
- (i) 'patient' has the meaning given within this scheme, and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods;
- (e) he is not residing with the claimant because he is a member of the armed forces away on operations

58.8 No deduction shall be made in respect of a non-dependant;

- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance; or
- (b) to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.

58.9 In the application of paragraph 58.2 there shall be disregarded from his weekly gross income—

- (a) any attendance allowance, disability living allowance or personal independence payment or an AFIP received by him;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust , MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which had his income fallen to be calculated under section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
- (c) any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

59.0 Council tax reduction taper (applies to persons defined within Class E)

59.1 The prescribed daily percentage for the purpose of calculating reduction as a percentage of excess of income over the applicable amount which is deducted from maximum council tax reduction, shall be $3 \frac{2}{7}$ per cent. Where an applicant's income exceeds their applicable amount, their council tax reduction shall be calculated by deducting their excess income multiplied by the taper from their maximum council tax reduction as defined within section 57 of this scheme

60.0 Extended reductions

60.1 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.

60.2 For the purpose of paragraph 60.1(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.

60.3 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.

60.4 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 60.1(b).

60.5 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.

60A.0 Duration of extended reduction period

60A.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.

60A.2 For the purpose of paragraph (60A.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.

60A.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.

60B.0 Amount of extended reduction

60B.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 60 (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 60 did not apply to the applicant.

60B.2 Paragraph 60B1 does not apply in the case of a mover.

60B.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.

60C Extended reductions – movers

60C.1 This section applies:

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

60C.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.

60C.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.

60C.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.

60D.0 Relationship between extended reduction and entitlement to council tax reduction under the general conditions of entitlement

60D.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 60.1(b), that award will not cease until the end of the extended reduction period.

60D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction payable in accordance with paragraph 60B.1(a) or 60C.2 (amount of extended reduction – movers).

61.0 Extended reductions (qualifying contributory benefits)

61.1 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.

61.2 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 61.1(b).

61A.0 Duration of extended reduction period (qualifying contributory benefits)

61A.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.

61A.2 For the purpose of paragraph 61A.1, an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

61A.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.

61B.0 Amount of extended reduction (qualifying contributory benefits)

61B.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.

61B.2 Paragraph 61B.1 does not apply in the case of a mover.

61B.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.

61C.0 Extended reductions (qualifying contributory benefits) – movers

61C.1 This section applies:

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

61C.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.

61C.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.

61C.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.

61D.0 Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax reduction under the general conditions of entitlement

61D.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 in paragraph 61.1 (b), that award will not cease until the end of the extended reduction period.

61D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 61B.1(a) or 61C.2 (amount of extended reduction—movers).

61E.0 Extended reductions: movers into the authority's area¹⁷

61E.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 scheme by the amount of that extended reduction.

62.0 - 63.0 Not Used

¹⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Sections 64 – 67

Dates on which entitlement and changes of circumstances are to take effect

64.0 Date on which entitlement is to begin

64.1 Subject to paragraph 64.2, any person to whom or in respect of whom a claim for council tax reduction is made and who is otherwise entitled to that reduction shall be so entitled from the reduction week following the date on which that claim is made or is treated as made.

64.2 Where a person is otherwise entitled to council tax reduction and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his claim is made or is treated as made, he shall be so entitled from that reduction week.

65.0 - 66.0 Not Used

67.0 Date on which change of circumstances is to take effect

67.1 Except in cases where section 24 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph, a change of circumstances which affects entitlement to, or the amount of, a reduction under the authority's scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.

67.2 Subject to paragraph (3), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.

67.3 Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 12 of that Act, it shall take effect from the day on which the change in amount has effect.

67.4 Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

67.5 Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

67.6 If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with paragraphs (1) to (5) they take effect from the day to which the appropriate paragraph from (2) to (5) above refers, or, where more than one day is concerned, from the earlier day.

67.7 Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the Act, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

67.8 Without prejudice to paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

Sections 68– 74A

Claiming and the treatment of claims for Council tax reduction purposes

68.0 Making an application¹⁸

- 68.1 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.
- 68.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;
- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
 - (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
 - (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
- that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.
- 68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.
- 68.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).
- 68.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4):
- (a) it may at any time revoke the appointment;
 - (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
 - (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- 68.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- 68.7 The authority must:
- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a) of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012;
 - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

¹⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

69.0 Procedure by which a person may apply for a reduction under the authority's scheme¹⁹

69.1. Paragraphs 2 to 7 apply to an application made under the authority's scheme.

69.2. An application may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance with sections 101 – 106A of this scheme, or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

69.3 (1) An application which is made in writing must be made to the designated office on a properly completed form.

(2) The form must be provided free of charge by the authority for the purpose.

69.4 (1) Where an application made in writing is defective because—

- (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
- (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,

the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

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

69.5. (1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

69.6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.

69.7 (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

69.8 Notwithstanding other paragraphs within this section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered.

(1) Where an applicant ;

- (a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and

¹⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period),

the application is to be treated as made on the date determined in accordance with sub-paragraph (2).

- (2) That date is the latest of;
- a. the first day from which the applicant had continuous good cause;
 - b. the day 1 months before the date the application was made;
 - c. the day 1 months before the date when the applicant requested that the application should include a past period.

69A.0 Date on which an application is made

69A.1 Subject to sub-paragraph (7), the date on which an application is made is;

(a) in a case where:

- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
- (ii) the application is made within one 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 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 month of the date of the death or the separation, the date of the death or separation;

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

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

69A.2 For the purposes only of sub-paragraph (1)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under:

- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
- (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),

have been entitled to that allowance.

- 69A.3 Where there is a defect in an application by telephone;
- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance;
 - (b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.
- 69A.4 The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.
- 69A.5 The conditions are that:
- (a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one 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 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 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 month of the request or within such longer period as the authority considers reasonable.
- 69A.6 Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.
- 69A.7 Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under the authority's scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under its scheme for a period beginning not later than;
- (a) in the case of an application made by;
 - (i) a pensioner, or
 - (ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit, the seventeenth reduction week following the date on which the application is made, or
 - (b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made, the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.
- 69A.8 In this paragraph "appropriate DWP office" means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims of income support, a job seekers allowance or an employment and

support allowance.

70.0 Submission of evidence electronically

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

71.0 Use of telephone provided evidence

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

72.0 Information and evidence²⁰

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

72.2 This sub-paragraph is satisfied in relation to a person if—

- (a) the application is accompanied by;
 - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
- (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;
 - (i) evidence of the application for a national insurance number to be so allocated; and
 - (ii) the information or evidence enabling it to be so allocated.

72.3 Sub-paragraph (2) does not apply;

- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
- (b) to a person who;
 - (i) is a person treated as not being in Great Britain for the purposes of this scheme;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
 - (iii) has not previously been allocated a national insurance number.

72.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority's scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

72.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.

72.6 Where the authority makes a request under sub-paragraph (4), it must;

- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 (duty to notify change of circumstances) to notify

²⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

the authority of any change of circumstances; and
(b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.

- 72.7 This sub-paragraph applies to any of the following payments;
- (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
 - (b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);
 - (c) a payment which is disregarded under paragraph 58.9.

- 72.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;
- (a) the name and address of the pension fund holder;
 - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

73.0 Amendment and withdrawal of application²¹

- 73.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.
- 73.2 Where the application was made by telephone the amendment may also be made by telephone.
- 73.3 Any application amended is to be treated as if it had been amended in the first instance.
- 73.4 A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.
- 73.5 Where the application was made by telephone, the withdrawal may also be made by telephone.
- 73.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
- 73.7 Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

74.0 Duty to notify changes of circumstances²²

- 74.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time;
- (a) between the making of an application and a decision being made on it, or
 - (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under the authority's scheme) including at any time while the applicant is in receipt of such a reduction.

²¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 74.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant change of circumstances") by giving notice to the authority;
- (a) in writing; or
 - (b) by telephone—
 - (i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
 - (c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.
- 74.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying
- (a) changes in the amount of council tax payable to the authority;
 - (b) changes in the age of the applicant or that of any member of his family;
 - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 74.4 For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.
- 74.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.
- 74.6 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the authority may use a date later than the actual change of circumstances.

Sections 75- 90

Decisions, decision notices and awards of Council tax reduction

75.0 Decisions by the authority²³

75.1 The authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and section 69 being satisfied, or as soon as reasonably practicable thereafter.

76.0 Notification of decision²⁴

76.1 The authority must notify in writing any person affected by a decision made by it under its scheme;

(a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;

(b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

76.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement;

(a) informing the person affected of the duty imposed by 74.1;

(b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and

(c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

76.3 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

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

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

76.6 The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

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

76.8 This sub-paragraph applies to—

(a) the applicant;

(b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;

(i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or

(ii) in Scotland, a judicial factor or any guardian acting or appointed under the

Adults with Incapacity (Scotland) Act 2000(3) who has power to apply or, as the case may be, receive benefit on the person's behalf; or

(iii) an attorney with a general power or a power to apply or, as the case may be,

²³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

(c) a person appointed by the authority to act for a person unable to act.

77.0 Time and manner of granting council tax reduction²⁵

77.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement:

- (a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
- (b) where;
 - (i) such a reduction is not possible; or
 - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
 - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

77.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

77.3 In a case to which paragraph (1)(b) refers:

- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
 - (i) must be paid to that person if he so requires; or
 - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
- (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
- (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

77.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

78.0 Persons to whom reduction is to be paid²⁶

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

78.2 Where a person other than a person who is entitled to a reduction under this authority's scheme made the application for the reduction and that first person is a person acting

²⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

79.0 Shortfall in reduction²⁷

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

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

80.0 Payment on the death of the person entitled²⁸

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

81.0 Offsetting

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

82.0 Payment where there is joint and several liability²⁹

82.1 Where;

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

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

82.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an

²⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁹ Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

appointment under paragraph 4(3) or is treated as having been so appointed by virtue of paragraph 4(4), the amount of the reduction may be paid to that person.

83.0 – 87.0 Not Used

88.0 Diminution of notional capital

88.1 Where notional capital has been used in the calculation of Council tax reduction. Further calculations may be undertaken every thirteen weeks to reduce the notional capital by the amount of council tax reduction that would have been awarded if the notional capital had not been taken into account in the calculation.

89.0 Not used

90.0 Not used

Sections 91 – 94

Collection, holding and forwarding of information for Council tax reduction purposes

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

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

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council tax reduction with the DWP or HMRC as appropriate.

92.0 Collection of information

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

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

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

93.0 Recording and holding information

93.1 The authority may

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

94.0 Forwarding of information

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

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

Sections 95 – 98

Revisions, Written Statements, Termination of Council tax reduction

95.0 Persons affected by Decisions

- 95.1 A person is to be treated as a person affected by a relevant decision of the authority where that person is;
- a. an applicant;
 - b. in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
 - (i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or reduction 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 reduction appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
 - c. a person appointed by the authority under this scheme;

96.0 Revisions of Decisions

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

97.0 Written Statements

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

98.0 Terminations

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

Section 99

Appeals against the authority's decisions

99.0 Procedure by which a person may make an appeal against certain decisions of the authority³⁰

- 99.1 A person who is aggrieved by a decision of the authority, which affects:
- (a) the person's entitlement to a reduction under its scheme, or
 - (b) the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 The authority must
- (a) consider the matter to which the notice relates;
 - (b) notify the aggrieved person in writing;
 - (i) that the ground is not well founded, giving reasons for that belief; or
 - (ii) that steps have been taken to deal with the grievance, stating the steps taken.
- 99.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act.

³⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Section 100

Procedure for applying for a discretionary reduction

100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act³¹

100.1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance this scheme or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

100.2 Where;

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

³¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Section 101 – 106A³²
Electronic Communication

³² Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

101.0 Interpretation

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

102.0 Conditions for the use of electronic communication

102.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.

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

102.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

102.4 The second condition is that the person uses an approved method of;

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any application or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

102.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.

102.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

102.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

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

103.0 Use of intermediaries

103.1 The authority may use intermediaries in connection with;

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

104.0 Effect of delivering information by means of electronic communication

104.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed;

- (a) by this section; and
- (b) by or under an enactment,

are satisfied.

104.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

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

105.0 Proof of identity of sender or recipient of information

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

106.0 Proof of delivery of information

106.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;

(a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or

(b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

106.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

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

106A.0 Proof of content of information

106A.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

Section 107
Counter Fraud and Compliance

107.0 Counter Fraud and compliance

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

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

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

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

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

Schedule 1
Applicable Amounts³³

³³ ³³ The amounts shown within this schedule shall be updated in line with the Housing Benefit Regulations 2006 as amended

Personal Allowance

- 1 The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes the main scheme;

Column 1 Person or Couple	Column 2
1. A Single applicant who; a) is entitled to main phase employment and support allowance	£xx.xx
b) is aged not less than 25	£xx.xx
c) is aged not less than 18 but less than 25	£xx.xx
2. Lone Parent	£xx.xx
3. Couple; a) Where the applicant is entitled to the main phase of employment and support allowance	£xx.xx
b) Where one member is aged not less that 18	£xx.xx
c) Polygamous Addition	£xx.xx

For the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if;

- a. Paragraph 17 or 18 is satisfied in relation to the applicant; or
- b. The applicant is entitled to a converted employment and support allowance

- 2 (1) The amount specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of the main scheme

Column 1 Child or Young Person	Column 2
Person in respect of the period– (a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	£xx.xx
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	£xx.xx

(2) In column (1) of the table in paragraph (1), "the first Monday in September" means the Monday which first occurs in the month of September in any year.

Family Premiums

3. (1) The amount for the purposes of this scheme in respect of a family of which at least one member is a child or young person shall be
- a. where the applicant is a lone parent to whom sub-paragraph (3) of Schedule 3 of the Housing Benefit Regulations 2006 applies, £22.20;
 - b. in any other case, £xx.xx;

Premiums

4. Except as provided in paragraph 5, the premiums specified in this Schedule shall, for the purposes of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs 4 to 16 in respect of that premium.
5. Subject to paragraph 6, where an applicant satisfies the conditions in respect of more than one premium in this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.
6. (1) The following premiums, namely—
 - a. severe disability premium to which paragraph 10 applies;
 - b. an enhanced disability premium to which paragraph 11 applies;
 - c. a disabled child premium to which paragraph 12 applies; and
 - d. carer premium to which paragraph 13 applies,may be applicable in addition to any other premium which may apply under this Schedule
7. (1) Subject to sub-paragraph (2), for the purposes of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for
 - a. in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
 - b. any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the 1973 Act or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under or section 2 of the Enterprise and New Towns (Scotland) Act 1990 for any period during which he is in receipt of a training allowance.(2) For the purposes of the carer premium, a person shall be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of the personal independence payment under the Welfare Reform Act 2012 or an AFIP.

Disability Premium

8. The condition (s) to be met is contained in Schedule 3 (12) Housing Benefit Regulations 2006

Additional Condition for the Disability Premiums

9. The condition (s) to be met is contained in Schedule 3 (13) Housing Benefit Regulations 2006

Severe Disability Premiums

10. The condition (s) to be met is contained in Schedule 3 (14) Housing Benefit Regulations 2006

Enhanced Disability Premium

11. The condition (s) to be met is contained in Schedule 3 (15) Housing Benefit Regulations 2006

Disabled Child Premium

12. The condition (s) to be met is contained in Schedule 3 (16) Housing Benefit Regulations 2006

Carer Premium

13. The condition (s) to be met is contained in Schedule 3 (17) Housing Benefit Regulations 2006

Persons in receipt of concessionary payments

14. For the purpose of determining whether a premium is applicable to a person under paragraphs 8 to 13, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a

payment of that benefit.

Persons in receipt of benefit for another

15. For the purposes of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

Amounts of Premium

16. For the purposes of this Schedule, the following amounts shall apply;

Premium	Amount
Disability Premium	£xx.xx
a. where the applicant satisfies the condition in paragraph 12(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 12(b) of Schedule 3 Housing Benefit Regulations 2006	£xx.xx
Severe Disability Premium	£xx.xx
a. where the applicant satisfies the condition in paragraph 14(2)(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 14(2)(b) of Schedule 3 Housing Benefit Regulations 2006	£xx.xx
i. in a case where there is someone in receipt of carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 14(5);	
ii. in a case where there is no one in receipt of such an allowance	£xx.xx
Disabled Child Premium	£xx.xx in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Carer Premium	£xx.xx in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Enhanced Disability Premium	(a) £xx.xx in respect of each child or young person in respect of whom the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied; (b) £xx.xx in respect of each person who is neither— (i) a child or young person; nor (ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 15 are satisfied; (c) £xx.xx where the applicant is a

	member of a couple or a polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied in respect of a member of that couple or polygamous marriage.
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The components

- 17. The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006 as amended by the Social Security (Miscellaneous Amendments) Regulations 2013
- 18. The amount of the work-related activity component is £xx.xx. The amount of the support component is £xx.xx.

Transitional Addition

- 19. The applicant is entitled to the transitional addition calculated in accordance with paragraph 30 of Schedule 3 of the Housing Benefit Regulations 2006 where the applicant or the applicant's partner meets the conditions contained within paragraphs 27 – 29 of Schedule 3 of the Housing Benefit Regulations 2006

Amount of transitional addition

- 20. The amount of any transitional addition is calculated in accordance with paragraphs 30 and 31 of Schedule 3 of the Housing Benefit Regulations 2006

Schedule 2

Not Used

Schedule 3

Sums to be disregarded in the calculation of earnings³⁴

³⁴ All amounts within this schedule will be amended in line with the Housing Benefit Regulations 2006 (as amended)

1. In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—
 - (a) where—
 - (i) the employment has been terminated because of retirement; and
 - (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,
any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
 - (b) where before the first day of entitlement to council tax reduction the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—
 - (i) any payment of the nature described in
 - (aa) paragraph 25.1(e), or
 - (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
 - (ii) any award, sum or payment of the nature described in
 - (aa) paragraph 25.1(g) or (h), or
 - (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),
including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;
 - (c) where before the first day of entitlement to council tax reduction—
 - (i) the employment has not been terminated, but
 - (ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), or (j).
2. In the case of an applicant who, before first day of entitlement to council tax reduction;
 - (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
 - (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,
any earnings paid or due to be paid in respect of that employment except;
 - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
 - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), (i) or (j).
- 2A. In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain would have been so engaged and who has ceased to be so employed, from the date of the cessation

of his employment any earnings derived from that employment except earnings to which paragraph 27.3 and paragraph 27.4 (earnings of self-employed earners) apply.

3. (1) In a case to which this paragraph applies and paragraph 4 does not apply, £20; but notwithstanding section 15 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.
- (2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component.
- (3) This paragraph applies where
 - (a) he is a member of a couple and his applicable amount includes an amount by way of the disability premium; and
 - (b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.
- (4)–(5) Not used
4. In a case where the applicant is a lone parent, £25.
5. (1) In a case to which neither paragraph 3 nor paragraph 4 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium, £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with this scheme as being in receipt of carer's allowance.
- (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £20 of the aggregated amount.
6. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment;
 - (a) specified in paragraph 8(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 5 exceed £20;
 - (b) other than one specified in paragraph 8(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
7. In a case where paragraphs 3, 5, 6 and 8 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.
8. (1) In a case where paragraphs 3, 4, 5 and 6 do not apply to the applicant, £20 of earnings derived from one or more employments as–
 - (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;

- (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005(a)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
 - (c) an auxiliary coastguard in respect of coast rescue activities;
 - (d) a person engaged part-time in the manning or launching of a life boat;
 - (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;
- but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except to the extent specified in sub-paragraph (2).
- (2) If the applicant's partner is engaged in employment;
 - (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
 - (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.

9. Where the applicant is engaged in one or more employments specified in paragraph 8(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 8 exceed £20.

10. In a case to which none of the paragraphs 3 to 9 applies, £5.

10A. (1) Where;

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 12 does not apply,

the amount specified in sub-paragraph (7) ('the specified amount').

(2) Where this paragraph applies, paragraphs 3 to 10 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 4, then paragraph 4 applies instead of this paragraph.

(3) Notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ('A') it shall not apply to the other member of that couple ('B') except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there shall also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is;

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance; or
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975

- (6) 'Exempt work' means work of the kind described in;
(a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations; or (as the case may be)
(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,
and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.
- (7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).
11. Any amount or the balance of any amount which would fall to be disregarded under paragraph 19 or 20 of Schedule 4 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.
12. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.
13. Any earnings derived from employment, which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.
14. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.
15. Any earnings of a child or young person.
16. (1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10A of this Schedule shall be increased by £17.10.
- (2) The conditions of this sub-paragraph are that—
(a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies; or
(b) the applicant—
(i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
(ii) is a member of a couple and
(aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
(bb) his applicable amount includes a family premium; or
(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
(iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and;
(aa) the applicant's applicable amount includes a disability premium, the work-related activity component or the support component ;
(bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in sub-head (aa) above and is engaged in remunerative work for on average not less than 16 hours per week.

- (3) The following are the amounts referred to in sub-paragraph (1);
 - (a) the amount calculated as disregardable from the applicant's earnings under paragraphs 3 to 10A of this Schedule;
 - (b) the amount of child care charges calculated as deductible under paragraph 17(1)(c); and
 - (c) £17.10
 - (4) The provisions of section 6 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that section were a reference to 30 hours.
- 17.** In this Schedule 'part-time employment' means employment in which the person is engaged on average for less than 16 hours a week.

Schedule 4

Sums to be disregarded in the calculation of income other than earnings³⁵

³⁵ 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).
- A2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment in respect of any expenses incurred or to be incurred by an applicant who is–
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).
- 2A. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
4. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance the whole of his income.
5. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.
6. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
7. Any disability living allowance or personal independence payment or AFIP
8. Any concessionary payment made to compensate for the non-payment of;
 - (a) any payment specified in paragraph 7 or 10;
 - (b) income support;
 - (c) an income-based jobseeker's allowance.
 - (d) an income-related employment and support allowance.
9. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
10. Any attendance allowance.
11. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
12. (1) Any payment–
 - (a) by way of an education maintenance allowance made pursuant to;

- (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992
- (b) corresponding to such an education maintenance allowance, made pursuant to;
- (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
- (iii) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,
- in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 13.** Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 14** (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
- (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
 - (b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
- (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- 15** (1) Subject to sub-paragraph (2), any of the following payments;
- (a) a charitable payment;
 - (b) a voluntary payment;
 - (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
 - (d) a payment under an annuity purchased;
 - (i) pursuant to any agreement or court order to make payments to the applicant; or

- (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
 - (e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.

- (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by–
 - (a) a former partner of the applicant, or a former partner of any member of the applicant’s family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant’s family.

- 16.** 100% of any of the following, namely
 - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow’s pension or war widower’s pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

- 17.** Subject to paragraph 35, £15 of any;
 - (a) widowed mother’s allowance paid pursuant to section 37 of the Act;
 - (b) widowed parent’s allowance paid pursuant to section 39A of the Act.

- 18.** (1) Any income derived from capital to which the applicant is or is treated under section 41 (capital jointly held) as beneficially entitled but, subject to sub- paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28 of Schedule 5.
(2) Income derived from capital disregarded under paragraphs 2, 4 or 25 to 28 of Schedule 5 but only to the extent of–
 - (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
(3) The definition of ‘water charges’ in paragraph 2(1) shall apply to sub-paragraph (2) of this paragraph with the omission of the words ‘in so far as such charges are in respect of the dwelling which a person occupies as his home’.

- 19.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating–
 - (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998, that student’s award;
 - (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student’s bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or

- (c) the student's student loan,
an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.
- 20.** (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;
- (a) is not in receipt of any award, grant or student loan in respect of that education; or
 - (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,
- and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student's term.
- (2) For the purposes of sub-paragraph (1), the amount shall be equal to—
- (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),
- whichever is less.
- 21.** Any payment made to the applicant by a child or young person or a non- dependant.
- 22.** Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 21 or 23 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family—
- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
 - (b) where the aggregate of any such payments is £20 or more per week, £20.
- 23.** (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—
- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;
 - (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.
- (2) In this paragraph, 'board and lodging accommodation' means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.
- 24.** (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to 'income in kind' does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.

25. Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
26. (1) Any payment made to the applicant in respect of a person who is a member of his family—
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)
 - (b) not used
 - (ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
27. Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made
- (a) by a local authority under—
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
 - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
28. Any payment made to the applicant or his partner for a person ('the person concerned'), who is not normally a member of the applicant's household but is temporarily in his care, by—
- (a) a health authority;
 - (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (c) a voluntary organisation;
 - (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
 - (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006
29. Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

- 29A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995(local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.
- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
- 30.** (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
 - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—
- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
 - (b) meet any amount due by way of premiums on—
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
- 31.** Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.
- 32.** Any social fund payment made pursuant to Part 8 of the Act (the Social Fund).
- 33.** Any payment under Part 10 of the Act (Christmas bonus for pensioners).
- 34.** Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 35.** The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 15.2 (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 47.2(b) and paragraph 48.1(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 51(2) (treatment of student loans), paragraph 52(3) (treatment of payments from access funds) and paragraphs 16 and 17 shall in no case exceed £20 per week.
- 36.** (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been

dissolved at the time of that person's death;

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

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

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

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

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

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

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

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

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

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

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

37. Any housing benefit.

38. Any payment made by the Secretary of State to compensate for the loss (in whole or in part)

of entitlement to housing benefit.

- 39. - 40.** not used
- 41.** Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
- 42.** Not used
- 43.** Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
- 44.** Not used
- 45.** (1) Any payment or repayment made—
(a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).
(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in sub-paragraph (1).
- 46.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).
- 47.** Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
- 48.** (1) Where an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.
(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments such be aggregated and treated as if they were a single payment.
(3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).
- 48A.** (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.
(2) In paragraph (1) 'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;
(a) the Child Support Act 1991;
(b) the Child Support (Northern Ireland) Order 1991;
(c) a court order;

- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;
- 'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.
- 49.** Not used
- 50.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 51.** Any guardian's allowance.
- 52.** (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- (2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- 53.** Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
- 54.** In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
- 55** (1) Any payment which is
- (a) made under any of the Dispensing Instruments to a widow, widower or
- (b) surviving civil partner of a person;
- (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
- (ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.
- (2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).
- 55A.** Any council tax reduction or council tax benefit to which the applicant is entitled.
- 56.** Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10
- 56A.–56B.** Not used
- 57.** Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct

payments).

- 58.** (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—
- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
 - (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,
- in respect of which such assistance is or was received.
- (2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account
- 59.** (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- (3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
- 60.** Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
- 61.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
- 62.** Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
- 63.** (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
- 64.** Not used
- 65.** Not used
- 66.** Any payment of the higher rate of child benefit only.

Schedule 5
Capital to be disregarded³⁶

³⁶ 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 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
- A2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
2. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
4. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
- 5 - 6. Not used
7. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub- leases or sub-tenancies.
8.
 - (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 - (2) The assets of any business owned in whole or in part by the applicant where—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax reduction is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.
 - (3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial

activity in respect of which such assistance is being received.

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

9. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
 - (b) an income-related benefit under Part 7 of the Act;
 - (c) an income-based jobseeker's allowance;
 - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (e) working tax credit and child tax credit
 - (f) an income-related employment and support allowance

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

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

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

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

- (3) For the purposes of sub-paragraph(2), 'the award of council tax reduction' means–
- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
 - (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant;
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

10. Any sum
- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
 - (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

11. Any sum–
- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;
 - (b) which was so deposited and which is to be used for the purchase of another

home,

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

- 12.** Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax reduction or to increase the amount of that reduction.
- 13.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 14.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 14A.** (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

(2) But sub-paragraph (1)
 - (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
 - (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
 - (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
 - (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
- 15.** The value of the right to receive any income under a life interest or from a life rent.
- 16.** The value of the right to receive any income, which is disregarded under paragraph 13 of Schedule 3 or paragraph 25 of Schedule 4.
- 17.** The surrender value of any policy of life insurance.
- 18.** Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
- 19.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 19A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A;
 - (a) was formerly in the applicant's care, and

- (b) is aged 18 or over, and
- (c) continues to live with the applicant.

20. Any social fund payment made pursuant to Part 8 of the Act.
21. Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
22. Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
23. Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
24. (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
 - (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child ,a young person or a student who has not completed his full-time education and has no parent or step-

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

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

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

(b) the payment is made either;

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

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

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

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

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

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

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

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

27. Any premises which the applicant intends to occupy as his home, and in respect of which he is
taking steps to obtain possession and has sought legal advice, or has commenced legal
proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on
which he first sought such advice or first commenced such proceedings whichever is the
earlier, or such longer period as is reasonable in the circumstances to enable him to obtain
possession and commence occupation of those premises.

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

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

30. Not used
31. The value of the right to receive an occupational or personal pension.
32. The value of any funds held under a personal pension scheme
33. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
34. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
35. Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
36. Not used.
37. Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
38. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
 - (a) to purchase premises intended for occupation as his home; or
 - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
39. Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
40. (1) Any payment or repayment made—
 - (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),but only for a period of 52 weeks from the date of receipt of the payment or repayment.
(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.
41. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of

vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

- 41A.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
- 42.** Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
- 43.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 44.** Not used
- 45.** Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
- 46.** Not used
- 47.** (1) Any sum of capital to which sub-paragraph (2) applies and
- (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 (as amended by the Civil Procedure (Amendment No. 7) Rule 2013) or by the Court of Protection;
 - (b) which can only be disposed of by order or direction of any such court; or
 - (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.
- (2) This sub-paragraph applies to a sum of capital which is derived from;
- (a) an award of damages for a personal injury to that person; or
 - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 48.** Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from
- (a) award of damages for a personal injury to that person; or
 - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 49.** Any payment to the applicant as holder of the Victoria Cross or George Cross.
- 50.** Not used
- 51.** In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.
- 52.** (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

- 53.** (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996;
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act ;

or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

53A.-53B. Not used

54. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

55. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

- 56.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of—
- (a) the applicant;
 - (b) the applicant's partner;
 - (c) the applicant's deceased spouse or deceased civil partner; or
 - (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

- 57.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
 - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

- (2) Where a trust payment is made to;
 - (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—
 - (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to—
 - (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
 - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.
- (5) In this paragraph, a reference to a person—
 - (a) being the diagnosed person's partner;
 - (b) being a member of a diagnosed person's family;
 - (c) acting in place of the diagnosed person's parents,at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.
- (6) In this paragraph— 'diagnosed person' means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;
'relevant trust' means a trust established out of funds provided by the Secretary of

State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

'trust payment' means a payment under a relevant trust.

- 58.** The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner
- (a) was a slave labourer or a forced labourer;
 - (b) had suffered property loss or had suffered personal injury; or
 - (c) was a parent of a child who had died,
- during the Second World War.
- 59** (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) 'local authority' includes in England a county council.
- 60.** Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
- 61.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 62.** Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

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Cabinet Meeting

10 December 2014

Report title	Housing Allocations Policy and Nominations Agreement	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Tim Johnson, Education and Enterprise	
Originating service	Housing Services	
Accountable employee(s)	Kenny Aitchison	Service Manager Housing Strategy and Development Tel 01902 554841 Email kenny.aitchison@wolverhampton.gov.uk
Report to be/has been considered by	N/A	

Recommendation(s) for action or decision:

The Cabinet is recommended to:

1. Approve further changes to the Housing Allocations Policy in response to local housing need, making best use of stock and best practice relating to the Welfare Reform Act and the Localism Act 2011
2. Approve the revised Nominations Agreement
3. Approve the consultation strategy for reviewing the age designation for council flats across the city with Councillors and tenants

4. Delegate authority to the Cabinet Member for Economic Regeneration and Prosperity in consultation with the Strategic Director for Education and Enterprise to agree revisions to the existing age designations following a review of consultation on a block by block basis.

Recommendations for noting:

The Cabinet is asked to note:

That consultation on further proposed amendments to the Housing Allocations Policy in relation to the age designation of council flats will commence and that further reports will be brought to Cabinet during 2015.

1.0 Purpose

- 1.1 The purpose of this report is to approve further changes to the Housing Allocations Policy and the Nominations Agreement and the new draft of both policies to ensure they are up to date and fit for purpose. Further this report seeks Cabinet approval for the process to review the age designation to council flats across the city to ensure that any age designation is legally compliant with the Equalities Act 2010.

2.0 Background

- 2.1 Local Authorities are required by Part VI Section 167 of the Housing Act 1996 to have a scheme for determining priorities, and the procedure to be followed, in allocating housing accommodation both to first time applicants and transferring tenants including nominations to Registered Providers (Housing Associations) – The Allocations Policy.
- 2.2 The aim of the Allocations Policy, whilst meeting legislative requirements, is to make best use of the limited supply of social and affordable housing becoming vacant each year by providing a simple, transparent priority system based on clear criteria which determines an applicant's place within the allocations scheme.
- 2.3 It is considered to be good practice to regularly review allocations policies. This is done to ensure that they reflect current trends in local housing need and recent changes in legislation. It is particularly important at present to review the Allocations Policy regularly as the impacts of the Equalities Act 2010, Localism Act 2011 and the Welfare Reform Act 2012 are still being considered.
- 2.4 The Council last reviewed its Allocations Policy in July 2014, with Cabinet approving a number of recommendations at its meeting on 23 July 2014.
- 2.5 Due to many amendments to the Allocations Policy over a number of years to keep it up to date with legislative and policy changes, the document itself has become difficult to read in certain sections with some of the terms and wording out of date. A complete rewrite of the Allocations Policy has been undertaken to ensure it meets the Council's corporate document standards.
- 2.6 The Council's Nominations Agreement with social housing providers in the city sets out the mechanism by which the Council will make nominations of people on its waiting list to social housing providers. It also provides the procedures that are to be used to make existing and arising void properties available for nominations by the Council.
- 2.7 The Nominations Agreement has not been reviewed for quite some time and no longer matches the reality of the Council making nominations from its waiting list (via Wolverhampton Homes) to housing association properties. A new revised Nominations Agreement has been consulted on with the Council's housing association partners at Wolverhampton Housing Organisation Consortium (WHOC) and a revised agreement and monitoring process agreed.

3.0 Proposed change to the Allocations Policy

3.1 There is one minor change to the Allocations Policy being proposed to ensure that it remains up to date and fit for purpose. An additional clause has been added to Section 28 “Death of a tenant where there is no legal right of succession” to allow consideration for someone left in a property for a tenancy if they would be entitled to re-housing under the Homelessness Act and they fulfil the Council’s two year residency rule.

4.0 Nominations Agreement

- 4.1 Alongside the review of the Allocations Policy, a review of the Nominations Agreement has been undertaken.
- 4.2 The revised Nominations Agreement has been drafted in consultation with the Council’s housing association partners through the Wolverhampton Housing Organisations Consortium (WHOC) and reflects what happens in practice where applicants from the Council’s waiting list are nominated to housing association properties.
- 4.3 A new monitoring process has been introduced to ensure that all parties work to the agreement.
- 4.4 The Council will need to sign a separate agreement with each of the housing associations who have properties within the city.

5.0 Review of the age designation of flats

- 5.1 During the 2013 review of the Allocations Policy, the Equality Analysis identified that there was no consistency or rationale to the age designation relating to the occupation of some flats. This has led to a number of blocks historically being designated for particular age groups with the reasons why now often difficult to justify. It concluded that a review of the age designation of blocks was required which would develop a rationale and may result in the removal of such designations in some instances. This is in order to comply with equality legislation to prevent applicants potentially being discriminated against because of their age.
- 5.2 The Allocations Policy lists 79 blocks that have an age designation attached to them.

Age Designation	Total number of blocks
25+	1
30+	48
40+	10
50+	10
55+	1
60+	9

This amounts to 2,038 flats across the city, of which 1,141 are high rise flats (currently applicants with children under 18 are not eligible for these properties).

- 5.3 During 2012/13, 1,020 flats became available for letting of which around a fifth (18%) were flats with an age designation. As at 1 August 2014 85% (11,163) of applicants on the housing register needed either a one or two bedroom home. The majority of one and two bedroom council properties are flats.
- 5.4 The number of bids on flats with an age designation tends to be fewer than undesignated flats and in some instances the age designation makes some properties difficult to let, meaning properties are allocated to applicants of lesser priority in Bands 3 or 4 more often than general relets. This has implications in terms of meeting the housing needs of those most in need. In 2012/13 19% of all relets went to applicants in Band 3 in comparison to 33% of relets for age designated flats.
- 5.5 Ineligible bidders for flats with an age designation tend to be younger applicants rather than families, which highlights the demand for such properties from younger people. The 18 – 39 age group account for 61.1% of applicants on the housing register compared to 27.9% for the 40 – 59 age group and 11% for those aged 60+ (as at April 2013).

Proposed Process

- 5.6 In order to change the age designation of a block, all residents within the block will need to be consulted in a sensitive way. Due to the number of blocks this applies to it is suggested a phased approach is adopted. A desktop review to build up the characteristics of each block has been undertaken, this has helped to establish -
- Current demand for the properties as indicated by lettings data
 - Turnover of properties
 - The current age profile of tenants within each block where age restrictions apply.
- 5.7 An Age Designation Operational Group consisting of Council employees and colleagues from Wolverhampton Homes has been established to review the results of the desktop analysis alongside issues specifically affecting flats and flat life. This has included issues such as access, sustainability, anti-social behaviour and complaints as well as local knowledge to identify any reasons why the suggested blocks might retain its designation.
- 5.8 Council and Wolverhampton Homes employees have devised criteria that decisions on age designation will be based upon in order to develop a consistent rationale. Typically where a block meets a number of the suggested criteria listed below it would be considered as appropriate for age de-designation:
- Demand from people satisfying the age restriction has fallen;
 - The block of flats is in a location considered high demand based on Homes in the City (HitC) data;

- There are issues that affect mobility in accessing some/all floors of the block for example there are no lifts within the property;
- There is availability of alternative accommodation in the locality that is suitable for people above the age designation;
- At least 50% of flats within the block are owned by leaseholders. It may be appropriate to remove age designation as there are no age designation covenants in any of the Council leases, thus there is no control over the age of people within sold properties and so the Council could not stop younger people living in the block in any case.

5.9 Wider stakeholder consultation will be undertaken including briefing Councillors. Following the consultation recommendations will be put to the Cabinet Member for Economic Regeneration and Prosperity in consultation with the Strategic Director for Education and Enterprise, unless the recommendations are considered likely to be controversial, to approve one of three options for each designated block:

- Maintain current age designation – with justification provided
- Amend the age designation – but an age designation will still apply – with justification provided
- Remove the age designation to general needs

5.10 Age designation also applies to a small number of properties managed by tenant management organisations (TMO). Housing Services employees will work with the TMOs in these cases to try and establish a consistent approach across the whole of the Council's housing stock.

5.11 Where it can be reasonably justified based on set criteria that the current age designation should be maintained, no further action is required. This justification will need to be robust enough to stand up to legal challenge and thus an Equalities Analysis will need to be undertaken to ensure obligations under the Equalities Act are satisfied. Any such decisions will be reported through to Cabinet.

5.12 Where the recommendation is to amend or remove the age designation, tenants of those blocks will be informed of the reasons for this and how it will be implemented.

5.13 The Allocations Policy and Northgate system (The Council's housing management software) will be amended to ensure the policy changes are effectively implemented. This process will also be adopted for any future age designations of blocks should it be required.

5.14 Changes to age designation can be an emotive subject. It will therefore need to be managed sensitively and effectively to ensure tenants and prospective tenants are involved in the process, understand why changes are being made and are aware of the support being put in place to manage the transition going forward.

5.15 Once implemented there is potential for increased risk of neighbour disputes if younger people move into flats previously occupied by older people however managing agents have the tools to monitor and manage any issues that arise.

6.0 Financial implications

6.1 This report has no adverse financial implications for the HRA. There is a likelihood that removing or changing age designations will make flats in some blocks easier to let, which will increase occupation rates and therefore increase rental income.
[CF/18112014/Q]

7.0 Legal implications

7.1 The Council as a Local Housing Authority is required to allocate housing accommodation in accordance with Part VI of the Housing Act 1996. Section 167 of the Act requires the Council to have an allocation scheme and to allocate housing accommodation in accordance with the scheme.

7.2 Sections 145-147 of the Localism Act 2011 were brought into force on 18 June 2012 by the Localism Act 2011, which extends the discretion Local Authorities have in relation to their housing allocation policies.
[RP/17112014/N]

8.0 Equalities implications

8.1 A full equalities analysis is being undertaken with the outcomes being addressed as they arise to ensure that any potential adverse implications are identified and mitigated.

9.0 Environmental implications

9.1 In blocks of flats where the age designation has been reduced or removed, there is the potential for an increase in complaints about disturbance from neighbours. However, it is considered that managing agents have the tools to monitor and manage any issues that arise.

10.0 Human resources implications

10.1 No human resources implications have been identified.

11.0 Corporate landlord implications

11.1 This report has positive implications for the Council's position as a corporate landlord it should improve the way that council housing stock is allocated.

12.0 Schedule of background papers

12.1 Re-drafted [Allocations Policy](#)

12.2 Revised [Nominations Agreement](#)

12.3 Report to Cabinet 23 July 2014 - 2014 Housing Allocations Policy Review Part 1

Housing Allocations Policy Revised November 2014

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Introduction

This document contains details of the scheme that Wolverhampton City Council uses in deciding between competing applicants for housing as required by s166A Housing Act 1996.

This Policy records, collects and takes account of individual's needs and requirements in order to allocate housing to those that need it most.

This Policy does not discriminate against any person on the grounds of race, gender, sexuality, age, class, appearance, religion, responsibility for dependents, unrelated criminal activities, being HIV positive or with AIDS, or any other matter which causes a person to be treated with injustice.

This policy applies to:-

- Existing tenants who want to transfer from one tenancy to another
- New applicants
- Nominations to Registered Providers

At the time of writing this policy, the Council had a housing stock around 23,000 properties.

Approximately 1,800 properties will become available for re-letting in a year and, at any one time; there are about 12,500 applicants on the housing register with around 6,500 with a housing need. Many applicants have no realistic prospect of receiving a council home.

The Council recognises that it alone will never meet the demand for affordable rented accommodation in the city. The Council also works to encourage applicants to explore all options for housing open to them but it aims to make the best use of the limited vacancies which become available.

The objectives of the policy are to:-

- identify those people in the greatest housing need and help them decide where they would like to live;
- prevent people from becoming statutory homeless;
- make best use of the housing stock and suggest other housing options to applicants;
- ensure that the Council's legal duties are met;
- reduce the number of properties refused by applicants and ensure properties are let as quickly as possible; and
- Enable applicants to be informed of vacancies which arise and express an interest.

Equality and Diversity

In producing and operating this policy, we aim to ensure that Council housing is accessible to all sections of the community and provides for a diverse range of housing needs. It should be read in conjunction with the Council's Equality and Diversity Policy, the overall

aims of which are to:

- a) eliminate unlawful discrimination;
- b) promote equality of opportunity; and
- c) promote good relations between people of diverse backgrounds

in its employment policies and practices, in its services, and in its engagement with partners and with the communities of the city.

Data Protection and Freedom of Information

The Council recognises that applicants for housing provide personal and sometimes sensitive information. The Council undertakes to treat this with care and respect, and in particular it will:

- a) hold, retain and dispose of all information in accordance with current legislation
- b) keep personal information secure and restrict access to it
- c) enable the applicant to have access to their own information unless it is exempt under the Freedom of Information Act 2000, and to correct any inaccuracies.

Statement on Fraud

The Council will require applicants to produce specified identification documents (including photographs) and may check the accuracy of information submitted in support of the application. This is to deter and detect fraud and ensure that housing is allocated to those who are entitled to it.

Where investigations identify that a housing fraud has been committed we will take appropriate and proportionate action which may include the following:

- a) application for possession of any property obtained, retained or used fraudulently;
- b) recovery of any monies obtained as a result of the fraud e.g. rent paid tenants to who the property is unlawfully sub-let;
- c) exclusion or, deferral from, or demotion on the waiting list for accommodation;
- d) report to the Police for criminal investigations and action, or where applicable, conduct relevant investigations as potential prosecuting authority; and
- e) offer advice and assistance to other victims of the fraud, for example a person who has unknowingly paid rent to a tenant who has unlawfully sub-let their council tenancy to them.

To deter those who may be considering committing a housing fraud we will publicise details of any actions we will take to counter fraud, details of cases where action has been taken and encourage members of the public to report fraud through all appropriate media and communication channels.

1 Background

- 1.1 Wolverhampton City Council's housing stock is managed by five managing agents which are:
- a) Wolverhampton Homes, an Arms Length Management Company
 - b) Dovecotes Tenants Management Organisation;
 - c) Bushbury Hill Estate Management Board;
 - d) New Park Village Tenants Management Co-operative; and
 - e) Springfield Horseshoe Housing Management Co-operative.
- 1.2 All allocations will be made in accordance with this Policy and must be followed by all managing agents, although some local variations may be allowed. A local variation will only be allowed with the express consent of the Council in writing. Such local variations in policy will be set out in writing and will be made available on request. All Council properties are to be advertised via the Council's Homes in the City choice based lettings scheme.
- 1.3 The way that a Local Authority allocates empty properties is largely governed by various Acts of Parliament and also the outcome of cases that have been before the Courts. Wolverhampton's Tenancy Strategy has also been considered, which commits to the use of introductory tenancies followed by secure tenancies for Council housing across the City. The City Council and its managing agents also take account of Government guidance concerning allocations which are published from time to time.
- 1.4 Allocations are dealt with in the Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011.
- a) Section 167 (1) of the Housing Act 1996 as amended requires every local housing authority to have a scheme for determining priorities, the procedure to be followed and for allocating housing accommodation.
 - b) Section 167 (2) states that the scheme has to include a statement on the authority's policy on offering people who are to be allocated housing accommodation a choice of housing accommodation and the opportunity to express preferences about the housing accommodation that is offered to them.
- 1.5 This policy must be implemented in such a way as to ensure reasonable preference is given to:
- a) people who are homeless (within the meaning of Part 7 of the Housing Act 1996) that is they have no accommodation available for their occupation;
 - b) people who have made applications for homeless assistance and have received a decision that a prescribed duty is owed to them;
 - c) people who are occupying insanitary or overcrowded housing or are otherwise living in unsatisfactory housing conditions;

- d) people who need to move on medical or social grounds including grounds relating to a disability; and
- e) people who need to move to a particular locality in the district of the Authority, where failure to meet that need would cause hardship (to themselves or others).

1.6 An authority does not have to keep a register of those applying for housing but Wolverhampton has chosen to do so in order to be able to respond to statutory and other requirements relating to factors such as the demand for properties in the City.

This means that everyone applying must have applied for inclusion on the register except those who are ineligible to join or who have been formally excluded. (See 3 below)

2 Data protection

- 2.1 Under the Data Protection Act 1998, the Council and its Managing Agents will use the information about its applicants for the purpose of re-housing. It may also be used for issues of safeguarding children and adults, for preventing and detecting fraud and other criminal offences.
- 2.2 Applicants have the right to access the personal information held about them by contacting the Council's Data Protection Team on 01902 554498 or data.protection@wolverhampton.gov.uk.

3 Access to the housing register

- 3.1 Wolverhampton operates an open register and anyone who applies to Wolverhampton, and is eligible, will be included.

It follows from the above that blanket exclusions of particular groups cannot be applied. Each application will be reviewed on a case by case basis.

Exclusions

- 3.2 The Housing Act 1996, as amended by the Homelessness Act 2002, restricts certain people subject to immigration control, or with limited rights of residence or failing the habitual residence test access to the Housing Register, as well as some European nationals depending on their residency and/or employment status and on any specific exclusions. The regulations are updated by Parliament from time to time, and the Council will consider any housing application under the law as it stands when the application or allocation is made. Any applicant excluded from the register will receive written confirmation of the Council's decision.
- 3.3 Applicants may also be excluded from the Housing Register when the Authority is satisfied that the applicant or a member of their household has been guilty of behaviour serious enough to make him or her unsuitable to be a tenant of the Authority.
- 3.4 For the purpose of this Allocation Policy, unacceptable behaviour includes the behaviour of the applicant, a member of their household and/or their lodgers or visitors. This could

include but is not limited to the making of a possession order or the use of anti-social behaviour powers given to the Council by law. Or, where the Council believes any person covered by this section has caused harassment, alarm, distress, nuisance or inconvenience to any other person otherwise engaging in lawful behaviour in the City.

The exclusion only applies to the member(s) of the household who were participative in the unacceptable behaviour with other family members being able to make a separate application for housing.

Unacceptable behaviour also includes but is not limited to substantial rent arrears cases (not caused by factors outside the applicant's control), persistent non payers, tenancy fraud or other tenancy breaches.

The exclusion will be for a set period of time which will be detailed in the information sent to the applicant informing them of the terms of their exclusion and may include conditions after the exclusion period which an applicant must be able demonstrate have been fulfilled prior to the exclusion ending.

- 3.5 Persons subject to the criteria set out in 3.2, 3.3 & 3.4 cannot be granted a sole tenancy or participate in a joint tenancy.

Applicants have the right on request to a review of the decision to exclude them from the housing register on the grounds of serious behaviour

Lesser preference

- 3.6 There are other circumstances where a person can be included on the housing register but their preference is reduced.

See section on Assessment and Bands for details on how this will be applied.

Application process

- 3.7 Applications will normally only be accepted via the [on-line application form](#) or by phone. An initial assessment will be undertaken based on the information provided on the application. Prior to any offer of accommodation evidence will need to be provided of all circumstances and residency details on the application at that time.
- 3.8 All applications will be checked to ensure the accuracy of the information provided by an applicant. The application must set out in full all persons who will be residing within any future property allocated under this policy and must provide any proof or documentation requested in order to assist with this purpose. Applicants must also include any former names of any persons included on the application. These checks may also be carried out at the time of allocation to ensure that an applicant's circumstances have not changed. Failure to provide such information or to make bids could lead to an application being closed after 6 months.
- 3.9 Joint applications will be accepted from married or cohabiting couples including same sex relationships providing that each partner is eligible in their own right to access the

housing register or applicants not in a relationship who are looking to be considered for a 2 or 3 bedroom flat or maisonette.

- 3.10 Extended household members or others will not normally be included on the application in their own right unless there is parental responsibility or there are medical or social grounds which require that the household needs to live together. Applicants must be able to demonstrate such a need exists and must provide any proof or documentation requested by the Council to assist with this purpose. These checks may also be carried out at the time of allocation to ensure that an applicant's circumstances have not changed.
- 3.11 Help with completing the application form will be made available to anyone who requests it.
- 3.12 As a result of this assessment or an applicant's inaction, applicants may be:
- a) accepted on to the housing register;
 - b) excluded from the housing register;
 - c) deferred until suitability or eligibility has been demonstrated to the Council's satisfaction;
 - d) accepted but given less preference than other applicants; or
 - e) have their applications closed.

4 16/17 year olds

4.1 16/17 year olds will not normally qualify for an allocation until reaching the age of 18.

4.2 However, if appropriate, the application for re-housing before the age of 18 can be referred to Wolverhampton Young Persons Accommodation Forum (WYPAF).

4.3 The criteria for this to happen are:

- must be single with no dependents and
- in need of support to live independently

4.4 Additionally the applicant will be either:

- homeless or threatened with homelessness
- living in an unsuitable environment with a demonstrable, urgent, need to move
- resident in a hostel or foyer or other supported accommodation and ready to move on a care leaver owed a duty under the Leaving Care Act 2000

4.5 Having assessed the case, WYPAF will then make a recommendation as to appropriate accommodation and / or support. This may, or may not, involve a Council tenancy.

- 4.6 16/17 year olds with dependents will be routed through either the Council's Housing Options Service or the Young Parents Single Referral Panel.
- 4.7 Any 16/17 being granted a council tenancy will be required to have a trustee
- 4.8 For under 16 year olds succeeding to a tenancy, see 22 below.

5 Reviews

- 5.1 The Housing Act 1996 Part 6 gives applicants the right to request a review of a decision not to award preference on the grounds of:
- a) unacceptable behaviour;
 - b) the facts of their case which have, or may be, taken into account when considering whether or not to allocate a property; or
 - c) that they are not eligible to join the Housing Register.
- 5.2 Applicants will be advised of all decisions in writing along with the reasons for the decision being taken. Applicants will also be advised of their right of review a decision taken if applicable.
- 5.5 Should an applicant wish to exercise their right for a review to be undertaken, they should usually request this review within 21 days of service of the decision. Later requests for a review may be considered if the applicant can demonstrate a genuine and reasonable reason for the delay in requesting the review.
- 5.6 Any request for a review can be made in writing or orally.

Procedure on review

- 5.7 The following procedure will be followed in relation to reviews:-
- All letters concerning a decision made under this policy should provide information about the right to request a review.
 - A review can be undertaken in writing or orally in person and must usually be heard within 56 days of the request for a review.
 - The review will be carried out by someone not involved in the original decision and who is of appropriate seniority.
 - The review will take into account the present circumstances of the applicant not just those applicable at the time of the original decision.
 - The applicant will be given five clear days notice of the date on which the appeals will be considered either orally or in writing.
 - If the review is to be carried out in person, the applicant may be represented.
 - The applicant will be notified, in writing, of the outcome of the review and, if the decision is to uphold the original decision, the reasons why.

5.8 If the applicant disputes the outcome of the review then they can take action to request a judicial review. This will not look at the outcome of the review but at the grounds that the Council has in some way failed to carry out some matter of administration correctly.

6 Prioritisation of applicants

6.1 Applicants circumstances are assessed and placed in one of five bands for allocation purposes. With the Emergency Band having the highest housing priority and band 4 with lesser preference having the lowest priority.

6.2 Where an applicant has two or more needs within a band they will be considered ahead of applicants with fewer needs in that band.

6.3 These bands are:

Emergency Band

Cases where:

- the applicant has been assessed by the Council as being homeless, unintentionally and owed a full housing duty by the Council;
- there has been a Multi Agency Panel review and immediate rehousing is required;
- a substantially adapted or purpose built property is required. This category includes those applicants covered by regulations which apply to members and former members of the Armed Forces and having particular regard for those injured or disabled in action;
- a substantially adapted (2 or more adaptations in the property) or purpose built property is being freed; or
- an appointed Occupational Therapist has decided the applicant's property is unsuitable for the applicant or a member of their household needs and where adaptations would cost in excess of £5,000 or cannot be carried out due to the construction of the property.

Band 1

Cases where:

- there is an urgent need to move on medical or social grounds;
- there is a young person leaving care;
- the applicant has been assessed by the Council as being homeless in priority need and intentionally homeless;
- the applicant is freeing a placement in a specialist housing scheme, or subject to a single referral forum decision, and has been assessed as ready to move on;
- the household is short of three or more bedrooms in their present accommodation or are experiencing overcrowding that results in a child over the age of 10 having to share a room with a child of the opposite sex;
- a tenant of Wolverhampton City Council or a Registered Provider wishes to leave a house and move to a flat, maisonette or bungalow;

- the applicant's home is subject to a Compulsory Purchase Order/Closing Order;
- the applicant has an urgent need to move to a particular area in the City and where not to do so would cause hardship to themselves or to others.
- Wolverhampton City Council or Registered Provider tenant releasing three or more bedrooms;
- Armed Forces personnel with families upon the provision of a Certificate of Cessation of Entitlement to Occupy Service Living Accommodation; or
- where a Council service tenants occupying tied accommodation whose contract states that accommodation must be occupied and their employment is terminated, the service tenant retires or tied accommodation is no longer available. This will not apply to Employees leaving as a result of dismissal.

Band 2

Cases where:

- the applicant is freeing a placement in a supported housing scheme e.g. hostel / foyer etc. has been assessed as ready to move on;
- the applicant is homeless, unintentionally, but non-priority;
- the household is short of two bedrooms in their present accommodation;
- a family, couple or pensioner is sharing any of kitchen, bathroom or toilet. (does not apply to owner occupiers or anyone who is a tenant of *any* kind that has their own kitchen, bathroom and toilet);
- there is a significant need to move on medical or social grounds;
- Wolverhampton City Council or Registered Provider tenant releasing two bedrooms;
- the applicant has received a Notice to Quit, Section 8 notice or Section 21 notice (under their respective Acts of Parliament) and there is no reasonable prospect of legal proceedings being successfully defended unless there are rent arrears present at the time of the application. This is subject to section 3.2 to 3.5 of this policy; or
- the applicant is a tenant of WCC or RP who has children under 12 years of age but does not have access to a private garden, this would not apply for a like to like property.

Band 3

Cases where:

- there is a need to move on medical or welfare grounds but which is less than that required for Bands 1 & 2;
- the household is short of one bedroom in their present accommodation;
- the applicant is a single person sharing any of kitchen, bathroom or toilet (does not apply to owner occupiers or a tenant of *any* kind that has their own kitchen, bathroom and toilet); or
- Wolverhampton City Council or Registered Provider tenant releasing one bedroom.

Band 4

Cases where there is no housing need and cases with lesser housing preference:

- people who live outside of Wolverhampton who do not have an emergency or band 1 identified need to be in the City;
- people who have not lived in the City for at least two years unless there is an emergency or band 1 need to move on medical or social grounds or the applicant or a member of the household is seeking employment in the City and has a firm offer of employment.

The requirements to be resident in the City do not apply to:

- a) those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application for an allocation of social housing;
- b) bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service; or
- c) existing or former members of the reserved forces who are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their service.
 - owner occupiers who have more than £48000 equity in their present property or did so in a property sold in the past two years. Applicants will need to demonstrate that they are proactively marketing their property and regularly update the Council as to the situation regarding the sale;
 - anyone who owes debts of more than £60 to a Council or Registered Provider unless they are a current Council or Registered Provider tenant and are requesting a transfer to a smaller, more affordable property due to the financial hardships making their rent unaffordable and there is no possession order. The allocation of alternative accommodation will be dependent on:
 - i. the tenant making regular payments (for a minimum of three months) to show commitment to the repayment plan;
 - ii. the tenant will be subject to a full income and expenditure exercise by/on behalf of their managing agent where a repayment plan will be agreed with the tenant; and
 - iii. the debt owed at the current property being transferred to the new tenancy and any agreement to discharge the remaining debt will become a condition of the new tenancy;

- tenants of the Council who have been in their property for less than one year;
- tenants of the Council whose property has failed a pre leaving inspection;
- applicants that have refused an offer of accommodation following a review of their Emergency Band priority.
- applicants who have been involved in unacceptable behaviour such as persistent non payers, applicant or member of his or her household involved in anti-social behaviour but not serious enough to be excluded from the housing register.
- applicants who do not have a settled address from where their housing needs can be assessed.
- applicants living in hostel or supported housing until assessed as ready to move on.

7 Emergency banding time limit

- 7.1 Where an applicant has been placed in the Emergency Band, this priority will apply for two months.
- 7.2 If, after those two months are up, re-housing has not been achieved, the applicant's priority will be reviewed taking into account the availability of suitable properties during the previous two months.
- 7.3 Three options will be considered:
- a) renew the priority for a further two months
 - b) remove the priority and place the re-assessed application in the appropriate band
 - c) make direct bids for accommodation on behalf of the applicant. If successful and then refused the application will be placed in Band 4.
- 7.4 There is a right of review of decisions made under 3 b-c above.

8 Change of circumstances

- 8.1 Where there is a change in an applicant's circumstances, their relative degree of preference, and therefore their banding priority, will be reviewed. This may result in the applicant moving up or down within the bands. It is the responsibility of the applicant to inform the Council of the changes.
- 8.2 For applicants that do not currently live in Wolverhampton if they have a change in circumstances that cannot be met in the area in which they live e.g. to give or receive essential support, their application will be placed in the appropriate band. This will not apply to needs that can be met where they currently live e.g. overcrowding. It will only be applied where Wolverhampton is the only place where such needs can be met.

9 Band date

9.1 This will be the date the applicant registered for re-housing **except** where there has been a change in a housing need e.g. a medical award when the date of the change will be used. The allocation will normally be made to the application with the earliest date.

10. Two tenancies for one

10.1 Where two Council or Registered Provider tenants are each giving up a property type that is in demand (determined by analysis of the number of bids and availability of type of property) additional preference should be given in the form of an additional need within the band the applicants have been given and only where their circumstances have been assessed to assist them into moving into one property.

11 Medical grounds

11.1 The Housing Act 1996 states that reasonable preference on the housing register should be given to applicants who have a need to move on medical or welfare/social grounds.

11.2 This category includes an applicant, or member of that applicant's household, whose health is being affected by their current property, and where a move to another more suitable property would alleviate their condition or make it easier to manage.

11.3 Where it appears that there is a need to make enquiries into an applicant's medical condition the Council will make use of an independent medical advisor or refer the case to the medical panel.

11.4 The applicant should provide their own medical evidence if appropriate which will be sent to the independent advisor or considered by the medical panel to assist with the assessment.

11.5 The applicant will be required to complete a medical referral form that may be submitted to the independent advisor. If it is decided that reasonable preference should be awarded then they will make a recommendation that the applicant is placed in the appropriate band and, where appropriate, a recommendation as to property type.

The medical panel can review the decision made by the independent medical advisor.

11.6 Where two or more members of a household would qualify for medical priority and the levels of priority are different, the highest will apply.

11.7 Medical priority will be reviewed after 6 months or after refusal of a suitable offer of accommodation.

11.8 **Note:** Where a particular circumstance, or set of circumstances, has been taken into account when awarding medical priority, that same circumstance, or set of circumstances, will not be taken into account in any request for social priority or vice versa.

12 Social/welfare grounds

12.1 Social/Welfare grounds are factors affecting a person's situation where a move would help in resolving that particular circumstance. Social need awards will be reviewed after 3 months or on refusal of a suitable offer of accommodation.

Circumstances applicable to a Band 1 award

- move to enable a disabled/mentally ill/elderly person & carer to be close in order to prevent immediate admission to hospital or a home where essential support is given. Will only apply where applicant is looking to move to the same estate as carer
- violent injury/death, suicide, rape or attempted rape in or near the home which directly affects the applicant or a member of the applicants household
- where a neighbourhood dispute/racial harassment/hate crime incident results in court action and the applicant needs to move away from an area;
- life threatening violence or the likelihood of it
- children being returned from care but dependent on a change of accommodation
- freeing a hospital bed or residential home placement where present accommodation is deemed unsuitable following professional advice
- change of accommodation required for exceptional social/medical factors where moving would enable the delivery/monitoring of essential support services. Awarded when Housing Support have confirmation that the applicant is engaging with supporting agencies

Circumstances applicable to a Band 2 award

- burglary: where the applicant is considered vulnerable and is the target of repeat offending
- neighbourhood disputes/racial harassment incidents/hate crime resulting in intimidation or serious threats or damage to property which are recurrent
- to move away from criminal activity and/or drug problems where the applicant would be vulnerable to being drawn back to previous criminality
- Couples/Families/Single people in financial hardship actively looking to downsize from larger accommodation to smaller accommodation and circumstances currently assessed as band 2
- Applicant is a current or former member of the armed forces, injured serviceman or woman, bereaved spouse or civil partner or existing or former member of the reserved forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their service

Circumstances applicable to a Band 3 award

- accident or bereavement in or near the home which is seriously affecting the applicant or a member of their family.
- neighbourhood disputes/racial harassment resulting in graffiti, gestures, letters.
- where, following the breakdown of a marriage, civil partnership or established common law relationship the former partners are still living in the same property.

- Couples/Families/Single people in financial hardship actively looking to downsize from larger accommodation to smaller accommodation and circumstances currently assessed as band 3
- Applicant is a current or former member of the armed forces, injured serviceman or woman, bereaved spouse or civil partner or existing or former member of the reserved forces who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their service

Note: Where a particular circumstance, or set of circumstances, has been taken into account when awarding social priority, that same circumstance, or set of circumstances, will not be taken into account in any request for medical priority or vice versa.

13 Lettings variations

Local Connection

- 13.1 One in four of all lettings will be to an applicant that has local connection to the area in which the property is located. Applicants need to choose one area in which they claim a local connection.
- 13.2 To satisfy this factor the applicant must be able to demonstrate at least one of the following criteria in addition to any housing need criteria:
- a) Giving or receiving essential support which is evidenced by professional support e.g. hospital, social services etc. Can also be confirmed by the Council's medical advisor.
 - b) Needs to be close to family/child minder for help with child care etc. which is necessary for the applicant to find/remain in work and travelling from one part of the City to leave children at childcare and then travelling on to work/education has cost, time, disruption implications etc. Difficulties must be able to be evidenced.
 - c) Long term residency - 5 years out of the previous 10.
 - d) Working in the area where the job includes early starts/late finishes.
 - e) Children in school in the area.
 - f) Cultural reasons e.g. to be near place of worship, community facilities etc.
- 13.3 Properties will be selected randomly to be advertised with preference to applicants with a local connection to the area by an automated process and will be of any property type in any area. In the event of there being no suitable applicants with local connection then the offer will be made to another case in accordance with section 15.1

Lower Bands

- 13.4 To ensure that applicants in Band 2 and Band 3 have an opportunity to receive an offer of accommodation; preference will be given to applicants from these bands for 10% of all lettings made.

- 13.5 Properties will be selected randomly by an automated process and will be of any property type in any area.
- 13.6 In the event of there being no suitable applicants from Bands 2 & 3 then the offer will be made to another case in accordance with section 16.1.

Making best use of Stock

- 13.7 To make best use of the housing stock and to support Wolverhampton Council and RP tenants to move from a house, 50% of all suitable bungalows, flats and maisonettes will be given to those tenants. If the property has adaptations applicants will be considered ahead of house release.
- 13.8 To address under occupancy and overcrowding houses that are released by a Wolverhampton Council tenant moving to a Council or RP bungalow, flat or maisonette or a lodger left in possession of a house the property will be advertised with preference to an applicant who is short of bedrooms in their present council or RP home.

Flats let to Community Directorate

- 13.9 Should the current occupant of one of the 10 flats let to Community Directorate ask to remain in the property instead of moving on at the end of the six months licence they will be allowed to do so.
- 13.10 The flat will be replaced from the current void pool portfolio with another, similar, property and let to the Community Directorate.

14 Bidding

- 14.1 Properties that are available or about to become available for letting are normally advertised on a weekly basis from 6pm on Tuesdays until 9 a.m. on the following Monday. This is known as the bidding period. Adverts can be seen on our website www.homesinthecity.org.uk; Civic Centre and other Housing Offices in Wolverhampton.
- 14.2 Applicants are invited to express an interest (known as bidding) in up to 3 properties which they are eligible for during the bidding period. This enables the Council and its Managing Agents to advise applicants of all available properties as well as being able to meet the Council's legal duties to those people who have an urgent statutory need to be housed.
- 14.3 Bids can be made via the website, by text, via automated phone line, in person at a Housing Office or by phone

15 Managing the housing register

- 15.1 Applicants with a housing need will be expected to bid on a regular basis. Applicants who are not actively looking for accommodation and have not expressed an interest or bid for a property for 6 months will be deferred.
- 15.2 The applicant will receive a letter explaining the expectations of the applicant and giving contact details should the applicant require any assistance or advice.
- 15.3 The applicant's application is deferred, closed or cancelled at the time the letter is sent until contact made. This means that the applicant is unable to bid for any further homes until contact has been made with the Council.
- 15.4 Applications may also be deferred, closed or cancelled in the following circumstances to ensure that applicant details are kept as up-to-date as possible: -
- We are informed that they are no longer living at the registered address.
 - We have reason to believe that an applicants needs are not recorded correctly.
 - We have reason to believe that an applicant has made a fraudulent application or provided incorrect information to increase priority.
 - The applicant accepts a home; this could be prior to or following an accompanied viewing.
 - Undeclared debts/tenancy issues are found i.e. if applicant has not indicated on application that debts are outstanding or has not kept to agreed payment arrangement.
- 15.5 Applications may only be re-activated following contact from the applicant and satisfactory investigations have taken place.
- 15.6 Applicants will be required to re-register annually on the anniversary of joining Homes in the City and to advise the Council of any changes in their circumstances or contact details. Failure to reply to the re-registration letter will result in an applicant being removed from the Housing Register.
- 15.7 Under normal circumstances if an applicant fails to re-register or a requests their deferment to be lifted after a 6 month period they will be required to make a new application however, a review of this can be requested.

16 Selection of offers

- 16.1 In the majority of cases properties will be advertised open to all except those selected with lettings variations as highlighted in section 13. When the bidding period comes to an end, contact will be made with the applicant who is in the highest priority band, with the greatest number of housing needs that placed them in that band, who has had that level of housing need the longest and is eligible for that property. The applicant will be contacted to request that they supply evidence of their housing circumstances, their identity and the identity of those moving with them.

- 16.2 If the applicant fails to provide this evidence within a reasonable amount of time the applicant will be bypassed and contact will be made with the next applicant on the shortlist.
- 16.3 Prior to an offer being made the applicant will be subject to an affordability assessment by the managing agent. Where there are affordability concerns the applicant will be referred to a money management service for advice and support on how they will financially sustain a tenancy.
- 16.4 In exceptional circumstances, following a case conference, the Council and its managing agents reserve the right to withhold an offer, or close or cancel an offer. Circumstances where this could occur include but are not limited to:
- where there are concerns that the allocation of the property is a risk on management grounds, such as severe antisocial behaviour or where a perpetrator of domestic violence, hate crime or other offences would be rehoused close to previous victims;
 - where there is evidence from a medical or social work professional that the property bid for would not meet the applicants particular needs;
 - where in order to live independently the applicant will require a package of support that has not been confirmed at the point of the bid being placed; or
 - where the Council believes that information provided at the application or allocation stage is false or misleading.
- 16.5 Where such a situation arises, the applicant will be advised of the offer being withheld/ refused and informed why this decision has been made.
- 16.6 Many factors affect which applicant is top of the shortlist for each home (detailed in Section 13 - Lettings Variations). In the event of a property being advertised with multiple preferences shortlist will be run combining all of the preferences. If no applicant matches all of the preferences the property will be allocated as highlighted in 16.1.
- 16.7 Applicants in the emergency band and band 1 to 3 will be considered for an offer prior to applicants in band 4.
- 16.8 Applicants in band 4 with no housing need will be considered for an offer ahead of applicants in band 4 with lesser preference.

17 Refusals

- 17.1 Applicants that refuse 3 offers in any 12 month period will be deferred for 3 months. Applicants will be advised in writing of this deferment and can request a review of the decision via the review process (see section 5).
- 17.2 An applicants housing application may be reviewed following a refusal of a property.

18 Feedback

- 18.1 Applicants will be able to see the outcome of each letting including the number of people to express an interest, the band priority and the date of application of the successful applicant. This information is available on the Homes in the City website and Housing Offices.

19 Support in the allocations process

- 19.1 It is recognised that some applicants may require help with applying for properties. Information on available properties is accessible in a number of ways to ensure that applicants with disabilities, such as sight or hearing impairments, can make as informed a choice as able-bodied applicants. Support workers are also trained in the process of bidding to ensure that they can offer positive assistance to applicants requiring assistance.
- 19.2 Some particularly vulnerable applicants may require additional help to ensure that they have the same opportunity to access accommodation. The Supported Application List is a further enhancement which seeks to provide a number of personalised services for vulnerable applicants, such as:
- contact with applicants to advise of available properties;
 - referral to the appropriate local agency or support worker to enable proactive support with applying, or applying on the applicant's behalf; or
 - regular contact from staff to ensure needs are being met in terms of support.
- 19.3 Referrals for admitting to the Supported List may come from a number of sources, although most would come via the following (not exclusive):
- from the application form – where a badly completed form may indicate literacy or language problems or where the applicant may indicate a particular disability such as a hearing or sight impairment;
 - request from a support worker – where a support worker specifically requests additional assistance for one of their clients; or
 - from a non-bidders' report – where it is identified the applicant is not making bids for suitable accommodation.
- 19.4 The extent of additional assistance will be tailored to meet the needs of the individual applicant.
- 19.5 List of potentially vulnerable client groups
- Homeless / Rough sleepers
Ex-offenders / those at risk of offending or imprisonment
Physical or sensory disability
Risk of domestic violence
Alcohol / drug problems
Teenage parents
Elderly people

Young people at risk
Living with HIV / AIDS
Learning disabilities
Travellers
Homeless families with support needs
Refugees / Asylum seekers

20 Introductory tenancies

- 20.1 Wolverhampton City Council operates introductory tenancies.
- 20.2 All new tenants of the Council will be introductory tenants for the first twelve months of their tenancy. This will not apply to current Council tenants transferring or to new tenants who were previously secure tenants of another authority or an assured tenant of a Registered Providers.
- 20.3 A tenancy will remain introductory however if proceedings for possession have been started but not yet resolved.
- 20.4 The rights of introductory tenants differ from those of secure tenants.

Introductory tenants cannot:

- a) take in lodgers;
 - b) exercise the right to buy (although the period spent as an introductory tenant will count towards the qualifying period);
 - c) sub-let;
 - d) carry out a mutual exchange; or
 - e) vote on matters concerning changes in policy or practice concerning housing management.
- 20.5 However there may be times when the Council would wish to allow something that is not given as a right e.g. allow a mutual exchange.
- 20.6 Where action is taken to end a tenancy the Council does not have to prove the facts in court only that it has followed the correct procedure particularly with regard to considering any appeal against the decision to go to court.
- 20.7 Extended Introductory tenancies can be extended up to 18 months.

21 Registered provider nominations

- 21.1 Registered Providers (RPs) used to be known as Registered Social Landlords (RSLs) and prior to that as Housing Associations. They are non profit making organisations providing homes for people in housing need.
- 21.2 Wolverhampton City Council has an agreement with the RPs that have properties in the city that a negotiated percentage of their lettings will be to people nominated to them

from the Council's Housing Register. A copy of the nomination agreement is available upon request.

- 21.3 All properties put forward from the RPs for a nomination will be advertised in the same way as council properties so that applicants are offered the widest choice of accommodation available. The advert will distinguish that it is an RP property and display the name the relevant RP.
- 21.4 The nomination will be made within the Allocation Policy and the household make/family size up as set out by the RP.
- 21.5 Nominations will only be made where an applicant would be eligible to receive an offer of accommodation as set out in 3 above.
- 21.6 Once an applicant is nominated they will not be considered for other offers until such time as the RP has advised the Council of the outcome of the nomination.

22 Relationship breakdown

- 22.1 Relationships for the purpose of this policy are defined as marriages, civil partnerships and established common law partnerships i.e. 12 months +.
- 22.2 In general it would be the intention that the partner that has responsibility for any child/ren of the relationship should remain in the home. In this event the allocation of that property will be excluded from the general allocation policy. The other partner will be able to bid on other properties subject to the banding under clause 6.3.
- 22.3 If the breakdown is as a result of domestic abuse it may be more appropriate to rehouse the parent and child/ren away from the matrimonial home.
- 22.4 If 22.2 above applies and the former partner is left in occupation as a tenant, then action under ground 2A Schedule One of the Housing Act 1996 as amended may be taken to end the tenancy. In these circumstances no offer of alternative accommodation will be made.
- 22.5 In all cases the applicants will be expected to sign, in the presence of a housing officer, a declaration stating the reasons for the relationship breakdown and, where there are children involved, the arrangements for their future care.
- 22.6 If one partner has left the home and there are no contact details available for them, then the remaining partner will be required to declare that fact in the declaration in 22.5 above.

23 Referrals for minors

- 23.1 Where Wolverhampton's Children and Young Peoples Services feel that rehousing is required in helping them carry out their functions to a child in need; a full report should be prepared by them in line with statutory requirements.

23.2 The report should detail why, without rehousing, the child is unlikely to achieve or maintain a reasonable standard of health or development.

23.3 The report will then be considered by the Council and, if appropriate, the case will be placed in the relevant band.

24 Access to children

24.1 Where an applicant has a joint residence order in respect of children with a former partner, the eligibilities set out section 34 may be varied to take account of that order.

24.2 Other demands on the housing stock will be considered along with any potential under-occupancy of the property. Children will only be included as part of the household if the child is both dependent upon and resident with the applicant. A child shall be deemed to be resident with the applicant if it is their principal place of residence. Proof may be required to ensure that evidence provided in this respect is correct to the Council's satisfaction.

25 Sundry factors affecting allocations

25.1 Worsening situation

Where an applicant deliberately worsens their living conditions in order to gain benefit under this Allocations Policy no increase in their priority will be given until they have been in the new circumstances for one year.

25.2 Declaration of interest

Applicants that work for Wolverhampton Homes, Dovecotes Tenants Management Organisation, Bushbury Hill EMB, New Park Village TMC and Springfield Horseshoe HMC must make this fact known in any application for rehousing. Any offer of accommodation to a member of staff of their organisations must be referred to the Director of Housing at Wolverhampton Homes for approval.

25.3 Major repair, fire, flood or Key Worker

- a) Occasionally allocations will be made under Schedule 1 s79 Housing Act 1985 for example to Council tenants whose own property is undergoing major works or has been the subject of a disaster such as fire, flood etc., or to an employee of the Council who is required to occupy a particular property for the better performance of their duties (Service Tenants) or is someone that has been declared by Wolverhampton City Council's Corporate Human Resources Team to be a new member of staff requiring temporary accommodation before completing a full move to the area.
- b) As these are not secure tenancies, this type of letting is not covered by this Allocations Policy.

- c) Tenants being out of their home where the works have resulted in the decant period of more than 6 months and the household meets the eligibility criteria for the property the tenant can be offered the choice to stay or return to their original property.

25.4 Local Lettings Plans

- a) From time to time it may be identified by a managing agent that a particular area, block etc. would benefit from a local lettings plan where the needs are not met by way of the main allocations policy.
- b) This could relate to particular age groups, the number of children in locality, need to manage criminality, essential workers to be near work where high housing costs would otherwise prevent them from being in the community they serve, the economically active etc.
- c) The managing agent would need to demonstrate to the Council the need for such a policy giving:
- the objective of the policy;
 - the numbers/types of properties affected;
 - the evidence used to support the proposal including existing tenant base, potential tenants and turnover by property type;
 - an assessment of the impact on potential tenants who would possibly be disadvantaged by the implementation of such a policy;
 - evidence of consultation with any other affected persons or organisations such as Tenants Groups, RPs, Voluntary Sector Groups or other existing forums such as Area Panels;
 - how it is proposed to market the policy so that existing and potential stakeholders are aware of it; and
 - how the policy will be monitored particularly with regard to equal opportunities and its success in achieving its objectives.
- d) The use of Local Lettings Plans must be balanced against the Council's legal duty to allocate accommodation to people in housing need and must not dominate the Council's lettings policy.
- e) Local Lettings Plans will be subject to review in a timescale agreed between the managing agent and the Council.
- f) All requests to implement a Local Lettings Plan must receive Council approval by way of an Individual Executive Decision Notice.
- g) Copies of any Local Lettings plans are available on request.

26 Joint tenancies

Granting of Joint Tenancy

- 26.1 Joint tenancies will normally be granted to married couples (including Civil Partnerships) or couples living together as common law partners and where it can be shown that they have done so for 12 months or more.
- 26.2 Joint tenancies can be granted to applicants not in a relationship for 2 or 3 bedroom flats or maisonettes.
- 26.3 In each case the joint tenancy will only be granted if the other person would be eligible in their own right to receive an allocation.
- 26.5 If a tenant has succeeded to a tenancy a joint tenant cannot be added.
- 26.6 Where someone joins a tenancy they will be asked to sign to accept the terms of the current tenancy agreement and will receive a specimen copy of that agreement.

Discretionary lettings

The below lettings can be made at the sole discretion of the Council. They fall outside of the main policy above, however are an integral part of the Council's Allocation Policy.

27 Ending a joint tenancy

- 27.1 When one party gives notice on a joint tenancy this has the effect of bringing the whole tenancy to an end.
- 27.2 The Council will, having regard to all the circumstances of the case and if so requested, decide whether to grant a sole tenancy to the former joint tenant who remains in the property.
- 27.3 Factors to be considered would include responsibility for children, caring for a relative, the size of the property having regard to the household size of the applicant requesting the property, the demand for that particular property at the time etc.
- 27.4 The Family Court can decide that a joint tenancy be transferred to a sole tenancy in the name of one of partners then this transfer is not subject to this Allocations Policy.

28 Death of a tenant where there is no legal right of succession

- 28.1 Where there is no legal successor but someone is left in the property, consideration will be given to allow that person to be given the tenancy if:
 - a) that person has lived with the previous tenant for more than 10 years

or

- b) will be taking on the responsibility for the previous tenant's dependants, and in both cases
- c) the household is eligible for the property type, (for households eligible for a house under occupation by 1 bedroom is permitted) or
- d) the applicant would be entitled to re-housing under the Homelessness Act and the applicant has lived in the City for at least 2 years.

28.2 Where the conditions of 29.1 are not met the person/s left in the property will be treated as possession use and occupation account.

28.3 Lodgers in possession will be placed in the band according to the property type they are residing in i.e. if releasing a house band 1 and the application will be registered to the date of the start of last tenancy.

28.4 28.2 and 28.3 above will only apply if the lodger in possession is eligible to receive an allocation under the terms of this Allocation Policy.

28.5 The Family Court can decide that the tenancy be given to the person/s left in the property in which case the transfer is not subject to this allocations policy.

29 Assignments

29.1 A tenancy can only be assigned in three ways

- a) to someone who would qualify as a successor;
- b) by way of mutual exchange under s91 Housing Act 1985; or
- c) following an order of the court under a number of provisions concerning family law.

30 Assignment to a potential successor

30.1 In a) above the proposed assignee would have to satisfy the criteria in s87 Housing Act 1985 as set out in 1 a – c above.

30.2 Assignments to potential successors must be by deed but this necessity may be avoided if the assignment is evidenced in writing.

30.3 The provisions under 2a above do not apply when the tenancy has been assigned.

30.4 Assignments by way of exchange are allowed under s92 Housing Act 1985.

31 Mutual exchanges

- 31.1 A secure tenant may assign the tenancy to another secure tenant. Both tenants need the written permission of their landlord. This permission will not be unreasonably withheld except on or more specific grounds.
- 31.2 The Council will reply to a request to assign by way of mutual exchange within 42 days of receiving the request and will inform the tenant of the outcome and, if permission is not given, the reason for refusal.
- 31.3 The Council may refuse consent on the following grounds which are set out in Schedule 3 of the Housing Act 1985. These apply to any party to the exchange.
- a) the tenant is, or will be on a specified date, obliged to give up possession following a court order; or
 - b) proceedings have begun for possession of the property under one or more of grounds in Part 1 Schedule 2 Housing Act 1985 which are:
 - i. rent has not been paid or a tenancy condition has been broken.
 - ii. nuisance or annoyance has been caused or the property has been used for immoral or illegal purposes.
 - iii. due to the neglect of the tenant the condition of the property and /or the furniture has been allowed to deteriorate.
 - iv. the tenant obtained the tenancy by knowingly and recklessly making a false statement.
 - v. the tenant or previous tenant who was a member of their family obtained the tenancy by way of mutual exchange and a premium was paid.
 - vi. the outgoing tenant's property is substantially larger than the incoming tenant needs, this is regarded as two or more bedrooms unoccupied;
 - vii. the outgoing tenant's property is not reasonably suitable to the needs of the incoming tenant i.e. the exchange would result in overcrowding;
 - viii. the property is used mainly for purposes other than housing and was let to the tenant by Wolverhampton City Council in connection with their employment;
 - ix. the property was either purpose built for, or has been adapted to make it suitable for, occupation by a physically disabled person and, if the exchange were allowed, there would be no such person living there; or
 - x. the property is one of a group of properties which are let to people with special needs and a social service or special facility is provided nearby i.e. sheltered schemes.

- 31.4. As stated in 32.1 above while permission will not be unreasonably withheld by the Council it may impose conditions on the consent for example, clearing rent arrears, making good damage or rectifying any other breach of the tenancy agreement not covered in 32.3b above.
- 31.5 Permission will not be unreasonably withheld for a Council or RP tenant who has accrued rent arrears if their proposed move is due to the financial hardships of Welfare Reform making their rent unaffordable. Tenants must:
- a. be exchanging their property for smaller, more affordable accommodation.
 - b. have reduce the debt over a 3 month period and have a signed repayment plan.

Council tenants must meet certain criteria:

- i. the debt owed at the current property will be transferred to the new tenancy and any agreement to discharge the remaining debt will become a condition of the new tenancy;
 - ii. will be subject to a full income and expenditure exercise by/on behalf of their managing agent where a repayment plan will be agreed with the tenant
- 31.6 Whilst a request to exchange with a tenant of a property designated for a certain age group cannot lawfully be refused, the ingoing tenant will made aware of the designation and the expectations of other tenants. (see 34.4 for a list of designations)
- 31.7 Once the necessary permissions have been given the exchange will take place on the following Monday.
- 31.8 If a tenant feels that permission has been refused unreasonably or that a condition has been imposed unreasonably they can ask for a review of the decision. (See Appeals and Reviews below)

32 Designated properties

- 32.1 Particular properties, particularly certain blocks of flats, are designated for particular age groups. If a joint application only 1 of the applicants need to meet the age designation. Applicants with children under the age of 18 years as part of their household will not be considered for age designation properties. No allocation of a property in a former sheltered scheme will be made to an applicant with children of any age.
- 32.2 Any designation will be included in the advertisement for a property. If no eligible applicants bid for it then the property will be allocated to the applicant that most closely meets the criteria.
- 32.3 Periodic reviews of designations may be undertaken to ensure that the Council is able to react to changes in supply and demand.

32.4 A list of current designations is available on request.

33 Property eligibilities

33.1 The Council and RPs in Wolverhampton have a variety of homes of different types and sizes available.

33.2 The type of property an applicant is eligible for depends on the size and make up of their household. The eligibility will always be given when a property is advertised.

33.3 Eligibilities will be kept under review to ensure that the Council is able to respond to changes in supply and demand.

33.4 Current eligibilities are:

- The type and size of home an applicant is eligible for depends on who is in the household and is determined by the Council's Allocations Policy.
- Eligibility will be decided when the Homes in the City application is assessed.

Household Categories

Please note that **all** household categories could include other people aged 21+ living with them. These members of the household may affect the size of home that can be applied for, but will not change the category the applicant is in.

Singles Single applicant with no children under the age of 21 living with them.

Couples Joint applicants with no children under the age of 21 living with them.

Families Single or joint applicants with children under the age of 21 living with them. Children will be added to an application after evidence of pregnancy greater than 3 months.

Aged 60+ Single or joint applicants one of whom is aged 60+ and who have no children under the age of 21 living with them.

Disability Households with at least one person who has a disability who has been assessed as needing adapted property.

Property types available

Flat Priority for ground floor flats is given to applicants who are over 55 years old or applicants requiring one level accommodation and access without climbing stairs or 1 or 2 steps. Studio flats have a combined living room and bedroom. Families will be considered for 2 bedroom flats and maisonettes ahead of couples and single people. Some flats have a garden.

Maisonette A maisonette is a flat on two levels with its own internal staircase; some maisonettes have a private garden.

House Houses are reserved for applicants with children under the age of 21 living with them. Parlour houses have two living rooms downstairs.

Bungalow Bungalows are reserved for applicants with an immediate need for a fully adapted or purpose build property or have a progressive degenerative disease and their needs are such they will require a fully adapted/purpose built property imminently.

Adapted Homes that have been adapted for use by a person with a disability. Preference will be given to applicants whose needs best match the adaptations in the property in the event that there are no suitable applicants then the offer will be made to another case in accordance with normal Allocation Policy.

33.5 Bedroom eligibility guide

The size of home that can be applied for depends on the number of bedrooms the household needs. Factors including medical need, social need, disability and bedroom release can also affect bedroom eligibility.

- Each single person aged 16+, or adult couple is eligible for 1 bedroom
- Single parents are eligible for a bedroom and are not required to share with children
- Children of the same sex can share a bedroom until they are 15. Children of opposite sex can share a bedroom until they are 9
- Maximum of 2 children per bedroom

Current eligibilities are given below

Singles and Couples

Singles and couples	Studio	1 bed flat	2 bed flat	3 bed flat	2 bed mais.	3 bed mais.
eligible for 1 bedroom	✓	✓	✓		✓	
eligible for 2 bedrooms			✓		✓	
eligible for 3+ bedrooms				✓		✓

Single and couples – bedroom release	Studio	1 bed flat	2 bed flat	3 bed flat	2 bed mais.	3 bed mais.
eligible for 1 bedroom	✓	✓				
eligible for 2 bedrooms			✓		✓	
eligible for 3+ bedrooms				✓		✓

Families

Families	2 bed flat	3 bed flat	2 bed mais	3 bed mais	2 bed house	2 bed parlour	3 bed house	3 bed parlour	4 bed house	4 bed parlour	5 bed house	6 bed house
eligible for 2 bedrooms	✓	✓	✓	✓	✓	✓						
eligible for 3 bedrooms		✓		✓			✓	✓				
eligible for 4 bedrooms								✓	✓	✓		
eligible for 5+ bedrooms										✓	✓	✓

Families - bedroom release	2 bed flat	3 bed flat	2 bed mais	3 bed mais	2 bed house	2 bed parlour	3 bed house	3 bed parlour
eligible for 2 bedrooms	✓		✓		✓	✓		
eligible for 3 bedrooms		✓		✓			✓	✓

Aged 60+

Applicant 60+	studio	1 bed flat	2 bed flat	3 bed flat	2 bed mais	3 bed mais	1 bed bung	2 bed bung	3 bed bung	4 bed bung
eligible for 1 bedroom	✓	✓	✓		✓		✓	✓		
eligible for 2 bedrooms			✓		✓			✓		
eligible for 3 bedrooms				✓		✓			✓	
eligible for 4+ bedrooms										✓

Applicant 60+ - bedroom release	studio	1 bed flat	2 bed flat	3 bed flat	2 bed mais	3 bed mais	1 bed bung	2 bed bung	3 bed bung	4 bed bung
eligible for 1 bedroom	✓	✓					✓			
eligible for 2 bedrooms			✓		✓			✓		
eligible for 3 bedrooms				✓		✓			✓	

Disabled Singles and Couples

Disabled single applicant and couples	studio	1 bed flat	2 bed flat	3 bed flat	2 bed mais	3 bed mais	1 bed bung	2 bed bung	3 bed bung	4 bed bung
eligible for 1 bedroom	✓	✓	✓		✓		✓	✓		
eligible for 2 bedrooms			✓		✓			✓		
eligible for 3 bedrooms				✓		✓			✓	
eligible for 4+ bedrooms				✓		✓			✓	✓

Disabled single applicant and couples – bedroom release	studio	1 bed flat	2 bed flat	3 bed flat	2 bed mais	3 bed mais	1 bed bung	2 bed bung	3 bed bung
eligible for 1 bedroom	✓	✓					✓		
eligible for 2 bedrooms			✓		✓			✓	
eligible for 3 bedrooms				✓		✓			✓

Disabled Families

Disabled families	2 bed flat	3 bed flat	2 bed mais	3 bed mais	2 bed bung	3 bed bung	2 bed house	2 bed parlour	3 bed house	3 bed parlour
eligible for 2 bedrooms	✓	✓	✓	✓	✓	✓	✓	✓		
eligible for 3 bedrooms		✓		✓		✓			✓	✓

Disabled families	4 bed bung	3 bed parlour	4 bed house	4 bed parlour	5 bed house	6 bed house
eligible for 4+ bedrooms	✓	✓	✓	✓	✓	✓

Disabled families – bedroom release	2 bed flat	3 bed flat	2 bed mais	3 bed mais	2 bed bung	3 bed bung	2 bed house	2 bed parlour	3 bed house	3 bed parlour
eligible for 2 bedrooms	✓		✓		✓		✓	✓		
eligible for 3 bedrooms		✓		✓		✓			✓	✓

Disabled aged 60+

Disabled aged 60+	Studio	1 bed flat	2 bed flat	3 bed flat	2 bed mais	3 bed mais	1 bed bung	2 bed bung	3 bed bung	4 bed bung
eligible for 1 bedroom	✓	✓	✓		✓		✓			
eligible for 2 bedrooms			✓		✓			✓		
eligible for 3 bedrooms				✓		✓			✓	
eligible for 4+ bedrooms				✓		✓			✓	✓

Disabled aged 60+ - bedroom release	Studio	1 bed flat	2 bed flat	3 bed flat	2 bed mais	3 bed mais	1 bed bung	2 bed bung	3 bed bung	4 bed bung
eligible for 1 bedroom	✓	✓					✓			
eligible for 2 bedrooms			✓		✓			✓		
eligible for 3 bedrooms				✓		✓			✓	

AGREEMENT OF NOMINATION ARRANGEMENTS

BETWEEN

WOLVERHAMPTON CITY COUNCIL AND

SOCIAL HOUSING PROVIDERS

1. Purpose of Agreement

- 1.1 This agreement sets out the mechanism by which the Council will make nominations to social housing providers. It also provides the procedures that are to be used to make existing and arising void properties available for nominations by the Council.

2. Scope of Nominations

- 2.1 The nomination arrangements in this agreement apply to all social housing providers with property within the city, even if they are not Registered Providers.
- 2.2 This agreement shall apply to new build properties, improved properties, conversions, and relets. This includes housing which is built or adapted for people with special needs and accommodation for the elderly. This excludes schemes directly funded by other statutory agencies, where 100% nomination rights for the funder are a condition of funding.
- 2.3 The properties offered for nominees shall be a cross section of the quality and type of accommodation owned by the social housing providers and take into account, size, type, location and whether social or affordable rent. Adapted properties will be included and properties that are accessible though not adapted will also be identified as such when seeking nominations, in order to assist customers with disabilities to choose suitable homes.

3. Percentage of Nominations

- 3.1 Social housing providers shall offer the Council the right to nominate tenants for a minimum of 50% of net lettings. Net lettings are defined as total lettings.

No account shall be taken of:

- Transfers (to re-lets only)
- Mutual exchanges
- Succession allocations to lodgers left in occupation
- Tenanted acquisitions.
- Decants to facilitate major repairs, where the tenant will be returning

- 3.2 This Nominations Agreement requires that every new build scheme (irrespective of the number of units) and every conversion producing three or more units that has received public subsidy or is funded by a Section 106 agreement should give the Council 100% nominations on first lettings, and 50% nominations to subsequent lettings. This principle will apply unless it is superseded by an agreed specific Local Lettings Plan.
- 3.3 If a social housing provider has funded a new build scheme entirely through their own resources, they will give the Council 50% of nominations on first and subsequent lettings.
- 3.4 Where appropriate, the agreement for nominations will be written into the development agreement or a Section 106 agreement between the Council and the social housing provider.

4. Local Lettings Plan (LLP)

- 4.1 From time to time a social housing provider may identify that a particular area, housing block, new development, etc. would benefit from a local lettings plan. As the Strategic Housing Authority, the Council will be consulted, at least six months prior to expected completion, upon local lettings plan proposals and Cabinet approval will be sought for their application. LLPs will be subject to review in a timescale agreed between the Council and the social housing provider.
- 4.2 The social housing provider will need to demonstrate to the Council the reasoning behind a LLP giving:
- The objective of the LLP.
 - The numbers/types of properties affected.
 - The evidence used to support the proposal.
 - An assessment of the impact on potential tenants who would possibly be disadvantaged by the implementation of an LLP.
 - Evidence of consultation with any other affected persons or organisations such as Tenants Groups, RPs, Voluntary Sector Groups or other existing forums.
 - How it is proposed to market the LLP so that existing and potential stakeholders are aware of it.

- How the LLP will be monitored particularly with regard to equal opportunities and its success in achieving its objectives.

5. Requesting a Nomination

- 5.1 All nomination requests will be made to the Council via Wolverhampton Homes Lettings Team (WH) and WH will be responsible for the making of all nominations.
- 5.2 For first lettings of new build or newly refurbished or converted properties, the provider shall request nominations three months prior to handover of the properties. Where a property has been adapted or developed to meet a specific need, it may be appropriate for the provider to request nominations six months prior to handover.
- 5.3 For re-let properties, providers shall inform the WH when vacancies occur through a nominations request..
- 5.4 All properties for which a nomination is requested will be advertised through Homes in the City (HitC), the Council's choice based lettings scheme.
- 5.5 WH will respond within three working days following closure of the adverts either to make a nomination or to inform the provider that it has no nominations to make. If WH is unable to identify a suitable nominee, or has failed to meet target timescales, a failure to nominate can be recorded.
- 5.6 To make a nomination request:
- a) The Provider completes a nomination request pro-forma when a vacancy occurs and emails it to the Nomination Officer. A photograph in jpeg format of the property in landscape, resized to 200 x 150 is required.
 - b) The nomination request pro-forma must be received by Friday at 12.00 noon in order for Wolverhampton Homes to create the property record and add it to the following week's adverts.
 - c) Properties are advertised weekly on Tuesday, opening at 6.00 pm and closing on Monday at 1.00 pm. On bank holidays a two week advertising cycle may be required. Providers will be notified by Wolverhampton Homes when this will occur.
 - d) Once the shortlist of bidders has been sent, the provider undertakes not to let that property other than to the person who is successful with their bid and therefore the nomination, unless there are no bids or eligible bidders for the property.

6 Making and Accepting Nominations

- 6.1 A shortlist of bidders is run when the Homes in the City advertising cycle closes each Monday. Wolverhampton Homes will send the provider a shortlist of bidders within three working days. This shortlist will include any information about the applicant that has been collected at registration stage.
- 6.2 If a restriction was selected when the property was advertised, for example, preference given to bands 2/3 applicants; these applicants will be at the top of the shortlist.
- 6.3 The shortlist will name bidders in priority order. The provider will offer the property to the first bidder on the shortlist, if refused they will move down the shortlist until the property is accepted. Providers will need to record the reasons why an applicant refused the offer of a property for monitoring purposes. If there are no interested bidders, the provider will indicate this on their monthly Lettings Log returns to the Council. The provider may request that the property is re-advertised. If the Council fails to nominate the provider will allocate the property from their own register and this would be classed as a nomination

Whilst a nomination is generally made in accordance with the Council's Allocation Policy, the nomination will meet the Registered Providers occupancy criteria. A nomination that does not meet a RP occupancy criteria can be rejected.

- 6.4 Applications are not verified at registration; providers will need to undertake their own checks for ID and proofs of residency. If the applicant is unable to provide the relevant information within 48 hours the provider can move on to the next bidder. The Council will share any information they have gathered at registration stage

7 Housing Homeless People

- 7.1 Social housing providers fully accept their responsibility to assist the Council in its duty towards homeless people. Providers shall inform WH immediately whether the household has accepted or refused the property offered.
- 7.2 Providers will accept the Council's assessment that a nominee is homeless and in priority need, but the decision to offer will be in line with the providers occupancy criteria.

8 Number of Offers

- 8.1 The Council restricts the number of offers a person can receive in respect of letting its own dwellings to three offers in any twelve month period.
- 8.2 Applicants with a Homeless Priority status are normally restricted to two reasonable offer.

- 8.3 Reasonable offers made by a social housing provider will count towards the maximum offers that a person could receive.

9 Dispute Resolution

- 9.1 If a dispute arises between the Council and a social housing provider with regard to the obligations or processes that are set out in this Nominations Agreement, the dispute will be escalated to the Head of Housing at the Council and the relevant senior officer at the provider for consideration. They may decide to delegate to nominated person(s) agreed by both parties.

10 Monitoring

- 10.1 Wolverhampton Housing Organisations Consortium will review performance on nominations, develop new initiatives, working practices and the arrangements set out in this agreement..
- 10.2 The Council will fully consult WHOC on any proposed changes to the Nominations Agreement.
- 10.3 The Council and social housing providers shall notify each other of any changes in their lettings policy and criteria which may affect this agreement.
- 10.4 Providers will submit lettings log to the Council on a monthly basis. Logs should be emailed to housing.strategy@wolverhampton.gov.uk .
- 10.5 A summary of lettings log returns will be presented at WHOC to allow all parties to monitor this agreement and lettings made by providers.
- 10.6 The Council will review each social housing provider's Lettings Log and compare this with lettings data held by the Department for Communities and Local Government on its CORE database on a six monthly basis. This information will be reported to WHOC.
- 10.6 Where a provider has failed to offer the appropriate percentage of nominations within a six month period, it is expected that this percentage will be made up by an increased number of properties being made available for the Council to nominate to in the following six months.
- 10.7 If, after 12 months, and following verification of a provider's lettings data using CORE, the appropriate percentage of nominations still has not been offered to the Council, the Council will refer the matter for dispute resolution, as set out in section 9 of this agreement.
- 10.8 The Council will make an annual report on the nominations process to Housing Operations Group (HOG). HOG will report any issues arising to the Housing Executive Board (HEB) as appropriate. This annual report will then be reported to the Council's Cabinet (Performance Management) Panel

11 Data Protection

11.1 All data must be collected, stored and used in Accordance with the Data Protection Act 1998.

12 Equalities

12.1 Social housing providers and the Council shall ensure that all groups are given equal opportunities in access to social housing provider properties via nominations. All agree to abide by the requirements of the Equalities Act 2010.

12.2 Equality monitoring will be undertaken by the Council on an annual basis and reported to WHOC.

12.3 An annual information report on nominations will be provided to the Equalities Advisory Group by the Housing Strategy and Development Team.

.....
Signed on behalf of:
(Name of social housing provider)

.....
Signed on behalf of:
Wolverhampton City Council

APPENDIX A

Refusing nominations and failure to nominate

1. Circumstances in which a social housing provider can refuse a nomination

1.1 The purpose of this agreement is to ensure that the Council makes appropriate nominations to social housing providers. It is hoped therefore, that the number of nominations returned to the Council will be small. It is however, recognised that circumstances may change following the making of a nomination and that there will be some circumstances when it is appropriate for a provider to refuse a nomination.

1.2 These are where:-

- the nominee is already housed by another agency
- the nominee has moved away
- there is no response from nominee after three contacts
- the nominee does not fit the Provider's published eligibility criteria
- the nominee has refused reasonable offer
- information given about a nominee is substantially incorrect, in which case Wolverhampton Homes must be informed in order to amend the application.
- information given by a nominee is substantially incorrect, in which case Wolverhampton Homes must be informed in order to amend the application.
- the nomination is not received within timescale
- the nominee is found to have made a fraudulent application, in which case Wolverhampton Homes must be informed in order to take appropriate action

1.3 In all cases where details about an applicant are found to be incorrect, the provider will inform the WH Lettings Team of this.

2. Circumstances in which a social housing provider can record a failure to nominate

2.1 There are two reasons why the Council may fail to nominate.

- i. No bids were placed on the property when it was advertised on Homes in the City.
- ii. The Council failed to make a nomination within the target of three working days from the end of the advert period as prescribed by the Nominations Agreement.

2.2 In either of the cases above, a provider may record a failure to nominate and may allocate the property in accordance with their lettings policy, or they may ask

Wolverhampton Homes Lettings Team to re-advertise the property through Homes in the City.

- 2.3 Properties which have been categorised as 'Failed to Nominate' will be allocated a reference number by the Council which must be quoted by Providers on their monthly Lettings Log to be returned to the Council. The Council will cross-check their record of failures to nominate against the providers Lettings Log and any discrepancies discussed with the designated officer of the Provider concerned.
- 2.4 The number of properties included in this category form part of the social housing providers target to offer 50% of net lettings to nominees, for example; if a Provider houses 42% it will have achieved its target if a further 8% are categorised as 'Fail to Nominate'.

APPENDIX B

Glossary

Social housing providers

- Providers of all types of affordable housing, including, but not limited to both social rented and affordable rented properties

Transfer

- Where a tenant moves to another property within the same providers property portfolio.



Cabinet Meeting

10 December 2014

Report title	City Centre Area Action Plan (AAP) – Draft Plan Consultation Stage	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Tim Johnson, Education and Enterprise	
Originating service	Planning	
Accountable employee(s)	Simon Latham Tel Email	Planning Officer 01902 555639 simon.latham@wolverhampton.gov.uk
Report has been considered by	Strategic Executive Board Enterprise and Business Scrutiny Panel	30 October 2014 2 December 2014

Recommendation(s) for action or decision:

Cabinet is recommended to:

1. Approve the draft City Centre Area Action Plan as the basis for public and stakeholder consultation.
2. Subject to no major objections being received to the draft plan during the consultation, to delegate authority to the Cabinet Member for Economic Regeneration and Prosperity, in consultation with the Strategic Director for Education and Enterprise, to approve the response to comments made to the draft plan and to approve the Publication Stage of the AAP.
3. To receive a further report to consider the formal submission version of the AAP.

Recommendations for noting:

The Cabinet is asked to note:

The progress made with the preparation of the City Centre Area Action Plan.

1.0 Purpose

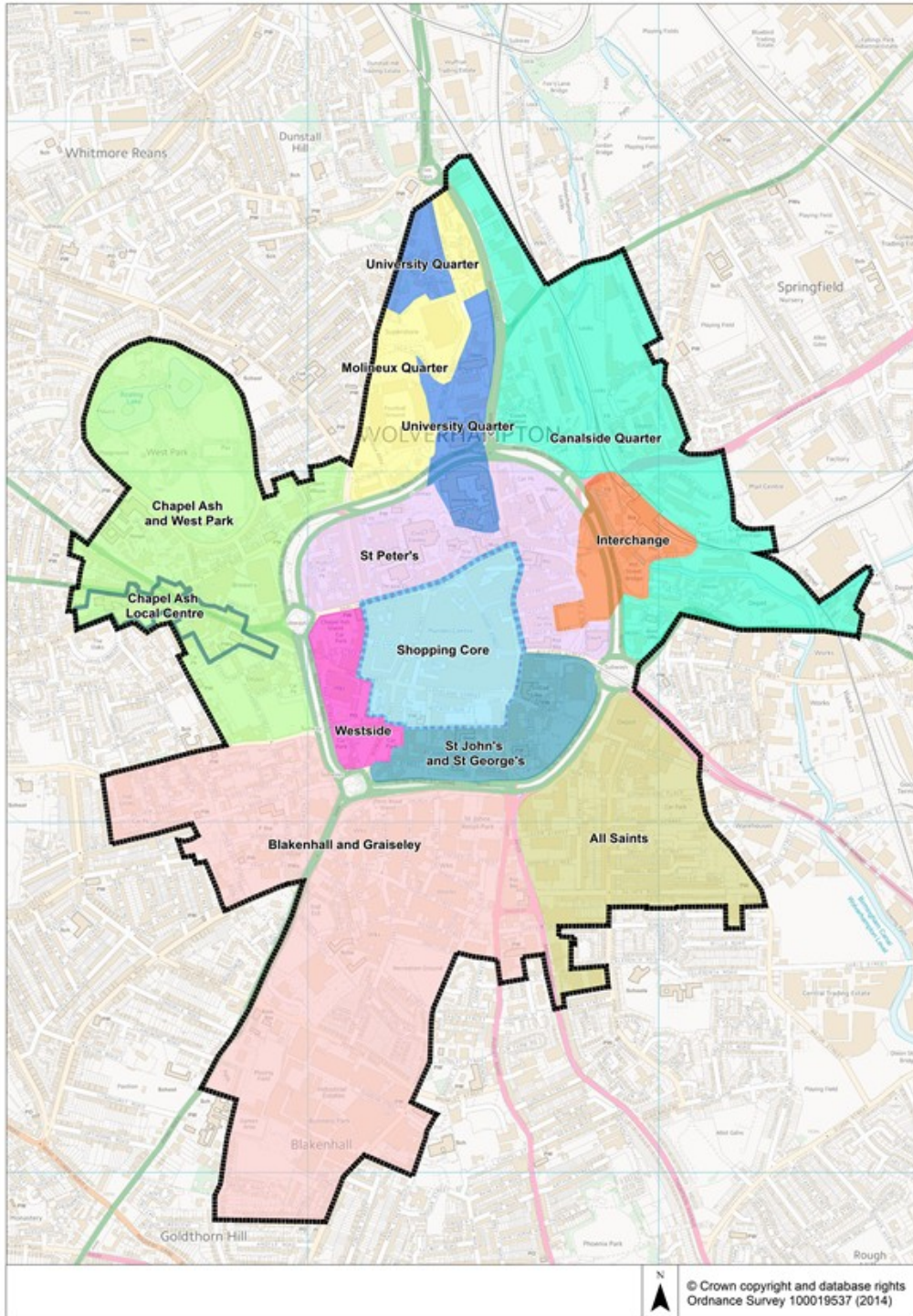
- 1.1 To inform Cabinet of the progress made with the City Centre Area Action Plan (AAP), outline the key elements of the draft plan and seek approval for the AAP to proceed to draft plan consultation, and subject to no major changes, seek approval for the AAP to proceed to Publication Stage. The Plan is programmed for consideration by Enterprise and Business Scrutiny Panel on 2 December 2014 and any comments will be verbally updated to Cabinet. Copies of this document are available in the Members' Rooms and is available electronically as a background paper to the Enterprise and Business Scrutiny Panel meeting on 2 December 2014 from the following link:

<http://wolverhampton.moderngov.co.uk/documents/s6026/City%20Centre%20AAP%20Draft%20Plan%20final.pdf>

2.0 Background

- 2.1 The City Centre AAP will be a statutory planning document covering the period up to 2026 as part of the City's Local Plan. The AAP covers the area within the city centre ring road and the neighbourhoods on its immediate periphery and is split into Character Areas, as shown on the Plan 1 on the following page.
- 2.2 The AAP is one of the key mechanisms to support the on-going regeneration of the City Centre. It will deliver certainty for the private sector to make investment decisions, an up-to-date legal basis for planning decisions and appeals, and will inform project pipeline identification for future funding bids, such as the Black Country Strategic Economic Plan (SEP).
- 2.3 The AAP is the final piece in the jigsaw of detailed AAPs covering the city's 'regeneration spine', made up of i54, the Stafford Road Corridor, the city centre and Bilston Corridor. The AAP area includes the key city centre development opportunities including Westside, Southside, Canalside Quarter and Interchange and within these areas will identify sites for development, key infrastructure proposals and areas for consolidation, enhancement and environmental improvements.
- 2.4 The draft Plan builds on progress made in recent years with the adoption of the Black Country Core Strategy (2011) and the City Centre Prospectus (2012) and the on-going city centre soft market testing exercise led by the Commercial Development team. It has been informed by extensive community, business and stakeholder engagement consultation which has taken place over the last year, including the City Centre AAP Issues and Options consultation in December 2013 – January 2014 and one-to-one meetings with key stakeholders and community groups. These consultations did not raise any specific equalities issues. The draft Plan is also based on an up-to-date evidence base, including a City Centre Retail Update Study and a City Centre Development Sites Study.

2.5 The draft plan consultation will give the community a formal opportunity to shape the future of their area and the plan is likely to generate significant interest from a range of organisations, businesses and members of the public. The purpose of the draft plan stage is to encourage comment on the detail of policies and proposals, including capturing equalities information, in order to shape the Publication Plan to be produced in May/June 2015.



Plan 1 – City Centre AAP Boundary and Character Areas

3.0 The draft Plan – key issues

3.1 The draft plan will reflect the following key messages informed by the robust, market-based and up-to-date evidence base:

Future Growth and Uses

- The city centre has strong potential for growth in the short to medium term, with a wide range of development opportunities to deliver regeneration.
- The Plan should respond to changing shopping patterns and the impact of the recession by encouraging a wider range of activity including a far stronger leisure offer, additional Grade A office accommodation and a significant quantity of new housing. For shopping uses, the priority should be to consolidate and reconfigure the existing retail core of the Mander Centre, Wulfrun Centre, Dudley St and Victoria St and then plan for limited growth.
- The overall approach should be one of promoting mixed-use development and provide flexibility to respond to changing market conditions, but some areas should be prioritised for particular uses to ensure that key outputs are delivered – for example ensuring a minimum level of new housing and offices.

Car Parking

- Whilst currently the city centre has broadly the right quantity and balance of car parking spaces, the location, type, accessibility, signage and quality of parking spaces need to be improved, linked to future regeneration projects.
- Therefore, current levels of car parking should be maintained, with a focus on short stay parking within the ring road, comprising accessible, well-signed, higher density and better quality parking befitting of a city centre. A Car Parking Strategy is in the process of being commissioned which will also inform parking delivery mechanisms.

Historic Character

- The city centre has a rich and distinctive character but peripheral areas are in need of regeneration, including bringing key listed buildings back into use
- A number of sites with local character and distinctiveness need to be designated to protect local character in All Saints, Blakenhall and Graiseley

4.0 Objectives of the draft Plan

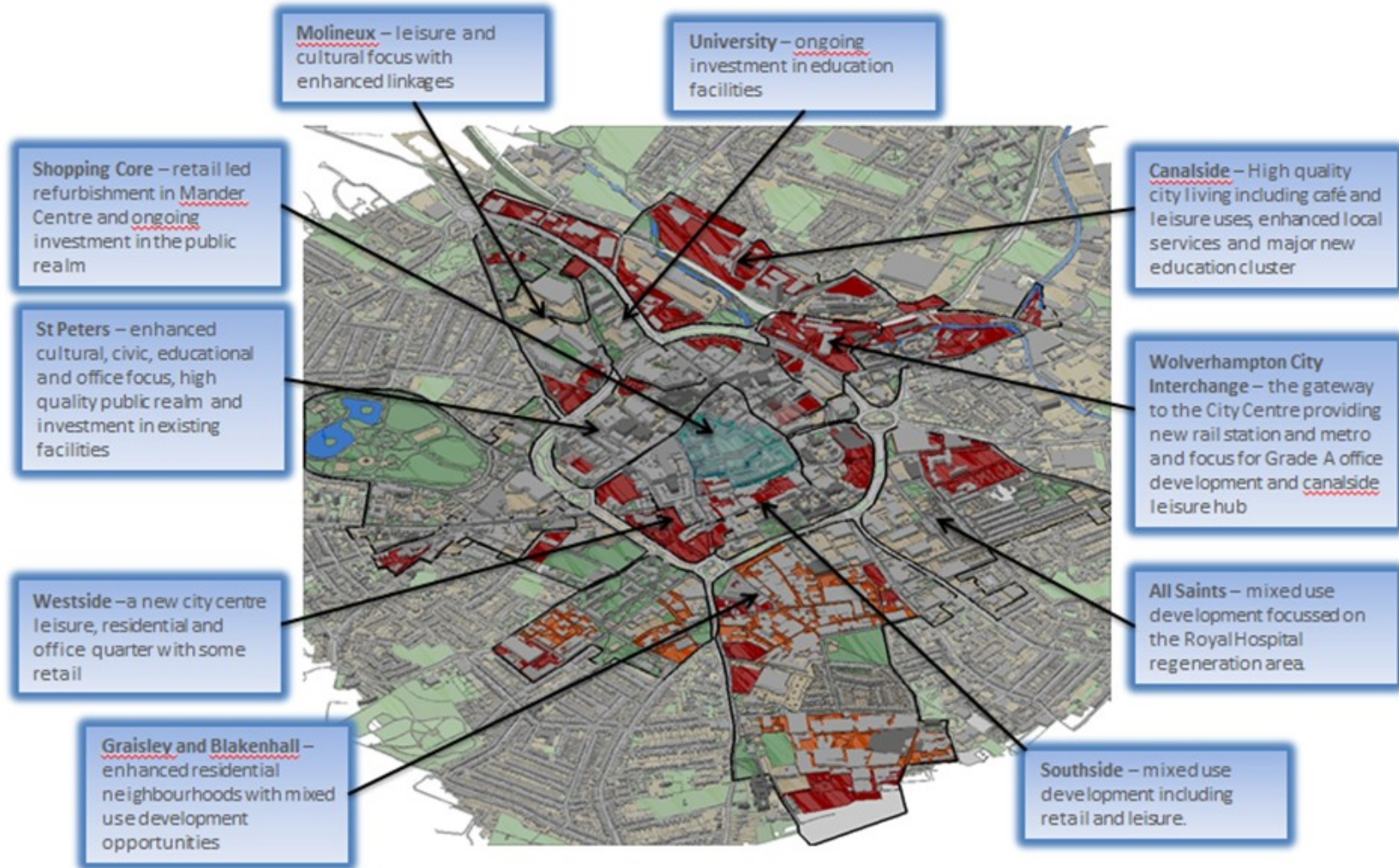
4.1 The main aim is to provide a positive and flexible plan to secure investment, regeneration and jobs in the City Centre. This will be achieved by focussing on the following objectives, under three 'key drivers':

1. Delivering a more Prosperous and Cohesive city centre
 - Diversifying the City Centre economy - consolidating the retail function, reducing vacancy rates and encouraging more leisure, office, residential and education uses
 - Recognising the significance of the city centre as a focus for visitor and cultural activity and maximising the benefits from existing and future visitor and cultural assets
2. Creating Sustainable Communities
 - Supporting existing communities and looking to grow the resident population
3. Transforming and Protecting the Environment
 - Improving accessibility, connectivity and public realm
 - Preserving historic and local character
 - Improving green infrastructure

5.0 The strategy

5.1 Building on the evidence and objectives the proposed spatial strategy and development outputs are shown on Plan 2 and Fig. 1 on the following pages and are summarised below:

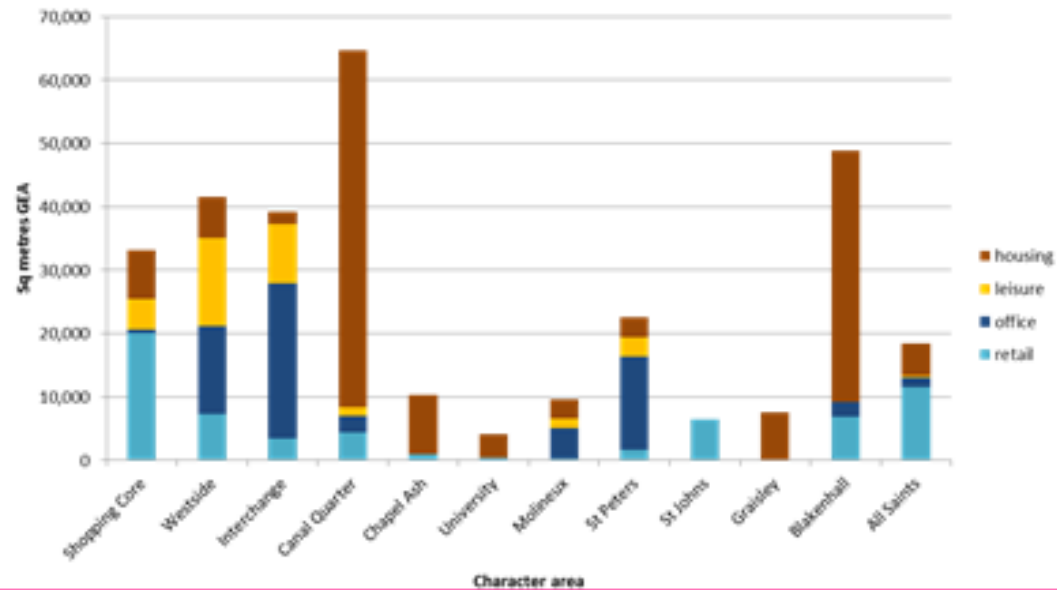
- Large scale office and commercial leisure with modernised retail offer within:
 - The Shopping Core – retail-led refurbishment in Mander Centre and some expansion in Southside
 - Westside – the opportunity to create a new leisure, residential and possible office development
 - Interchange – new Rail and Metro Station and a new Grade A office-led Quarter
- City living and education focus in:
 - Canalside
 - University
- Enhanced visitor and cultural focus in:
 - St Peters
 - Molineux
- Enhanced residential and mixed-use neighbourhoods in:
 - Chapel Ash and West Park
 - St Johns and St Georges
 - Blakenhall and Graiseley
 - All Saints



Plan 2 – Spatial Strategy

The Spatial Strategy and Development sites - outputs

City Centre AAP Development Outputs by Character area



Wolverhampton. Making it happen

Fig 1 - Development Outputs

6.0 Structure of draft Plan document

6.1 The draft plan document has a similar structure to the adopted AAPs for the Stafford Road Corridor and Bilston Corridor comprising a vision, a set of thematic policies to guide regeneration, and details on the proposals for the character areas and development opportunities. There are also sections on infrastructure, delivery and monitoring and information about the public consultation and next steps.

7.0 Next Steps

7.1 Any comments from Scrutiny and Cabinet, and any minor changes will be made to the draft plan prior to formal public consultation commencing, which is scheduled from mid-December 2014 – February 2015. This will build on on-going stakeholder and community engagement, and will include:

- AAP documents and information about how to give feedback being provided on the council website
- Public consultation events in January and February 2015, including a public exhibition and community and stakeholder meetings

7.2 Following public consultation further adjustments to the Plan will take place prior to publication, submission, public examination and adoption of the Plan by mid-2016.

8.0 Financial implications

8.1 The AAP is one of the key mechanisms to support on-going financial investment, economic growth and regeneration in the city centre. All costs associated with the preparation of the AAP are covered within existing Planning revenue budgets [Finance [ES/20112014/O].

9.0 Legal implications

9.1 Section 15 of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to prepare, publish and maintain a Local Development Scheme (LDS) including Local Development Documents. In accordance with Section 17 of the 2004 Act the AAP will become a Local Development Document which forms part of the Local Plan for Wolverhampton.

9.2 The procedure to be followed to prepare the AAP is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (SI 2012/767) which came into force on 6 April 2012 and revoked the 2004 Regulations (SI 2004/2204).

9.3 The 2012 Regulations are now being used to guide the preparation of the AAP. It is worth noting that the Regulations (Regulation 38) provide a 'saving provision' to ensure that work done by the Local Planning Authority under the 2004 Regulations are treated as 'done' under the corresponding provision of the 2012 Regulations.
[RB/17112014/J].

10.0 Equalities implications

- 10.1 A screening has been carried out for equalities implications. The draft plan itself is not envisaged to have any specific equalities implications, but this will be tested during the public consultation on the draft Plan, which will include engagement opportunities with local people with protected characteristics (as defined by the Equality Act 2010).
- 10.2 The AAP is at a strategic level to attract investment in the city and brings together a number of projects and proposals from other service areas. For example, the AAP reflects transport priorities and the city centre public realm improvements work. Although these in themselves are not expected to have any equalities implications there will be an opportunity for all levels of comments to be received, both detailed and strategic.
- 10.3 Within the developmental details and delivery of these projects, equality issues will be fully considered and assessed prior to their implementation.
- 10.4 As stated, this report is supported by an Equality Analysis which has not highlighted the potential for any equalities issues that would prevent Councillors from approving it. It is important to note, however, that the basis of outline approval will be conditional on future consultation work generally and in particular in relation to equalities, supporting this initial view.
- 10.5 The results of engagement work will be included at the Submission Stage of the Plan's preparation. Other reports relating to the delivery of projects associated with city centre regeneration will also be reported, where relevant. In this way Councillors' final approval can be obtained via a process that has demonstrated "due regard" to the requirements of the Public Sector Equality Duty as created by the Equality Act 2010.

11.0 Environmental implications

- 11.1 A Sustainability Appraisal (SA) has been carried out throughout the plan preparation process, including on the draft plan. SA is a process for evaluating the environmental consequences of proposed policies and proposals to ensure sustainability issues are fully integrated and addressed at the earliest appropriate stage. The overall aim of the SA process is to inform and influence the development of the AAP and maximise its sustainability value.

12.0 Corporate landlord implications

- 12.1 The policies and proposals in the AAP will apply to any Council land and property in the AAP area which is subject to a development proposal.

13.0 Schedule of background papers

City Centre Area Action Plan (AAP) Draft Plan - Enterprise and Business Scrutiny Panel meeting on 2 December 2014

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