

# Public Document Pack



Monitoring Officer  
**Christopher Potter**

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## Agenda

Name of meeting	<b>CABINET</b>
Date	<b>THURSDAY 16 DECEMBER 2021</b>
Time	<b>5.00 PM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Members of the committee	Cllrs L Peacey-Wilcox (Chairman), D Andre, J Bacon, P Fuller, C Jarman, J Jones-Evans, P Jordan, K Love and I Stephens
	Democratic Services Officer: Sarah MacDonald democratic.services@iow.gov.uk

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1. **Minutes** (Pages 7 - 16)

To confirm as a true record the Record of Decision of the meeting held on 11 November 2021.

2. **Declarations of Interest**

To invite Members to declare any interest they might have in the matters on the agenda.

3. **Public Question Time - Maximum 15 Minutes for Written Questions and 15 Minutes for Oral Questions**

Questions may be asked without notice but to guarantee a full reply at the meeting, a question must be put including the name and address of the questioner by delivery in writing or by electronic mail to Democratic Services at [democratic.services@iow.gov.uk](mailto:democratic.services@iow.gov.uk), no later than two clear working days before the start of the meeting. Normally, Cabinet is held on Thursday, therefore the deadline for written questions will be Monday 13 December 2021.

Details of this and other Council committee meetings can be viewed on the Isle of Wight Council's Committee [website](#). This information may be available in alternative formats on request. Please note the meeting will be audio recorded and the recording will be placed on the website (except any part of the meeting from which the press and public are excluded). Young people are welcome to attend Council meetings however parents/carers should be aware that the public gallery is not a supervised area.

4. **Chairman's Announcements**
5. **Report of the Cabinet Member for Children's Services, Education and Lifelong Skills**
  - (a) Closure of Carisbrooke College 6th Form - Final Decision (Pages 17 - 30)
  - (b) Lowering the age range of Hunnyhill Primary School : Consultation outcome (Pages 31 - 48)
6. **Report of the Cabinet Member for Environment, Heritage and Waste Management**
  - (a) Dark Skies Initiative (Pages 49 - 68)
  - (b) Green Garden Waste Subscription Service Fees and Charges review (Pages 69 - 74)
7. **Report of the Cabinet Member for Strategic Finance, Corporate Resources and Transformational Change**
  - (a) Local Council Tax Support Scheme (Pages 75 - 220)
  - (b) Discretionary Housing Payment Policy (Pages 221 - 248)
8. **Report of the Cabinet Member for Regeneration, Business Development and Tourism**
  - (a) Disposal of Ryde Harbour and Adjoining Land to Ryde Town Council (Pages 249 - 264)
  - (b) Isle of Wight Skills Plan (Pages 265 - 294)
9. **Report of the Cabinet Member for Adult Social Care and Public Health**
  - (a) Strategy for the provision of Support within Safe Accommodation 2021-2024 (Pages 295 - 316)
  - (b) Review of the Public Health Partnership Function between Isle of Wight Council and Hampshire County Council. (Pages 317 - 350)
10. **Report of the Cabinet Member for Highways PFI, Transport and Infrastructure**
  - (a) The Isle of Wight Council (Various Streets, East Cowes) (Traffic Regulation) order No 1 2021 (Pages 351 - 390)
  - (b) The Isle of Wight Council (Various Streets, Cowes) (Traffic Regulation) Order No 1 2021 (Pages 391 - 426)
11. **Cabinet Member Announcements**

To invite Cabinet Members to provide a brief update on matters concerning their portfolio.

12. **Consideration of the Forward Plan**

Cabinet Members to identify decisions which need to be amended, added or to be removed from the Forward Plan.

13. **Members' Question Time**

To guarantee a reply to a question, a question must be submitted in writing or by electronic mail to [democratic.services@iow.gov.uk](mailto:democratic.services@iow.gov.uk) no later than 5pm on Tuesday 14 December 2021. A question may be asked at the meeting without prior notice but in these circumstances there is no guarantee that a full reply will be given at the meeting.

CHRISTOPHER POTTER  
Monitoring Officer  
Wednesday, 8 December 2021

## Interests

If there is a matter on this agenda which may relate to an interest you or your partner or spouse has or one you have disclosed in your register of interests, you must declare your interest before the matter is discussed or when your interest becomes apparent. If the matter relates to an interest in your register of pecuniary interests then you must take no part in its consideration and you must leave the room for that item. Should you wish to participate as a member of the public to express your views where public speaking is allowed under the Council's normal procedures, then you will need to seek a dispensation to do so. Dispensations are considered by the Monitoring Officer following the submission of a written request. Dispensations may take up to 2 weeks to be granted.

Members are reminded that it is a requirement of the Code of Conduct that they should also keep their written Register of Interests up to date. Any changes to the interests recorded on that form should be made as soon as reasonably practicable, and within 28 days of the change. A change would be necessary if, for example, your employment changes, you move house or acquire any new property or land.

If you require more guidance on the Code of Conduct or are unsure whether you need to record an interest on the written register you should take advice from the Monitoring Officer – Christopher Potter on (01983) 821000, email [christopher.potter@iow.gov.uk](mailto:christopher.potter@iow.gov.uk), or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email [justin.thorne@iow.gov.uk](mailto:justin.thorne@iow.gov.uk).

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## **Notice of recording**

Please note that all meetings that are open to the public and press may be filmed or recorded and/or commented on online by the council or any member of the public or press. However, this activity must not disrupt the meeting, and if it does you will be asked to stop and possibly to leave the meeting. This meeting may also be filmed for live and subsequent broadcast (except any part of the meeting from which the press and public are excluded).

If you wish to record, film or photograph the council meeting or if you believe that being filmed or recorded would pose a risk to the safety of you or others then please speak with the democratic services officer prior to that start of the meeting. Their contact details are on the agenda papers.

If the press and public are excluded for part of a meeting because confidential or exempt information is likely to be disclosed, there is no right to record that part of the meeting. All recording and filming equipment must be removed from the meeting room when the public and press are excluded.

If you require further information please see the council guide to reporting on council meetings which can be found at <http://www.iwight.com/documentlibrary/view/recording-of-proceedings-guidance-note>

All information that is recorded by the council is held in accordance with the Data Protection Act 2018. For further information please contact Democratic Services at [democratic.services@iow.gov.uk](mailto:democratic.services@iow.gov.uk)

## Arrangements for Submitting Oral Questions at Meetings of Council and Cabinet:

The front desk “opens” for public wishing to attend the meeting half an hour before the meeting.

In the circumstances that a member of the public wishes to ask an oral question, they should approach the front desk and notify them of their intention. They will be given a form to complete which details their name, town/village of residence, email address and the topic of the question (not the question in full, unless they wish to provide this).

These forms will be numbered in the order they are handed back.

The time for registering questions will be for a 20 minute period (up to 10 minutes prior to the start of the meeting). After that time expires the forms will be collected and given to the Chairman of the meeting.

If time allows after dealing with any written questions, the Chairman will then ask those who have submitted a form to put their question. These will be in the order they were received. As the subject matter is known, the Chairman should be able to indicate which member will reply. If time permits the Chairman may accept further questions.

The option to ask a supplementary question will be at the Chairman’s discretion.

Once the defined period of time allowed for questions has passed (and assuming the Chairman has not extended this) then all remaining oral questions are left unanswered.

No oral question will receive a guaranteed written response, unless the member responding indicates as such.

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## Record of decision

**THE FOLLOWING DECISIONS WERE TAKEN ON THURSDAY, 11TH NOVEMBER, 2021 BY THE CABINET**

**THE CALL IN PERIOD FOR THESE DECISIONS EXPIRES AT 5.00 PM ON MONDAY, 22 NOVEMBER 2021**

Members of the Cabinet who were present

Cllrs L Peacey-Wilcox (Chairman), D Andre, J Bacon, P Fuller, C Jarman, J Jones-Evans, P Jordan, K Love and I Stephens

Members also present(non-voting)  
Cllrs G Brodie, S Hastings and C Quirk

Officers Present

John Metcalfe, Christopher Ashman and Laura Gaudion

Confirmed as a true record of decisions taken .....

**Leader of the Council**

<b>Agenda item</b>	Minutes
Decision reference	57 – 2021/22
Decision Taken	<u>RESOLVED:</u>  That the minutes of the meeting held on 25 October 2021 be agreed.

<b>Agenda item</b>	Declarations of Interest
Decision reference	58 – 2021/22
Decision Taken	There were no Declarations of Interest.

<b>Agenda item</b>	Public Question Time - Maximum 15 Minutes for Written Questions and 15 Minutes for Oral Questions
Decision reference	59 – 2021/22

Decision Taken	A written question was submitted by Mr P Coueslant (PQ 43-21) relating to the council's site at Pier Street, Sandown. The Leader provided a response.
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<b>Agenda item</b>	Chairman's Announcements
Decision reference	60 – 2021/22
Summary of Discussion	<p>The Chairman had attended the opening of the Green Meadows extra care facility in Freshwater, with Cllr Jarman and Cllr Love. Up to 75 residents could be accommodated, freeing up other homes for island families.</p> <p>The Chairman had also attended a Remembrance Service at Carisbrooke Castle to lay a cross, and was pleased to see so many island school children and cadets present.</p> <p>The Chairman congratulated the Regeneration team on the £5.8 million received from the levelling up fund for East Cowes. Cllr Love also thanked all involved. The final details were still to be defined but it would be a good opportunity to move forward in partnership with businesses. He had attended the ceremony for the Queens Award for Industry along with the Chairman and felt that this had put the island on the map as an employer for future investment.</p>

<b>Agenda item</b>	Quarterly Performance Monitoring Report - Q2
Decision reference	61 – 2021/22
Summary of Discussion	<p>Cllr Brodie stated that he did not believe that adequate resources had been allocated to the scrutiny process within the council, and was keen to ensure that the Cabinet would more resources into it in the next budget. In response, Cllr Bacon explained that in some areas of the QPMR the measures were quite limited but that the new Corporate Plan, if approved by Full Council, would extend the measures which would provide more information for councillors and the public. It was felt that the increased number of items on the Forward Plan for decision would result in increased demand for scrutiny and the Chairman and Vice Chairman of the Corporate Scrutiny Committee were invited to make any suggestions as to how they felt scrutiny could be improved. Whilst agreeing that support for scrutiny was under resourced, the importance of documents being received in good time was stressed, as</p>



	<p>this would allow enough time for questions to be asked and answers provided by officers in a timely manner.</p> <p>The Chairman agreed that the resourcing of scrutiny would be looked into as part of the budget process.</p> <p>Clarification on some of the measures had been provided to the Corporate Scrutiny Committee in response to queries raised.</p>
Decision Taken	Option 2: Cabinet approves the Performance and Finance Report – Quarter ended 30 September 2021 and the priority report detail as set out in appendices 1-9, together with the council’s financial position as set out at 10 and 11.
Reason for the decision and corporate objective it aligns with	Ongoing management and monitoring of performance data, the council’s strategic risk profile and financial situation is required to support the successful delivery of council priorities. As such, this report provides the Cabinet (and subsequently the council’s scrutiny function) with the necessary information to record achievements, challenge areas of underperformance and to account for it to the wider community.
Options considered and rejected	Option 1: Cabinet does not approve the Performance and Finance Report – Quarter ended 30 September 2021 and the priority report detail as set out in appendices 1-9, together with the council’s financial position as set out at 10-11.

<b>Agenda item</b>	Holiday Activity and Food Programme – Christmas Grants
Decision reference	62 – 2021/22
Summary of Discussion	The first line of Appendix 1 (page 87) should have read ‘winter’ rather than ‘summer’ provision. There was an amount of £21,210 to be allocated to four providers in the Christmas school holidays for approximately 700 children. It was uncertain for how long the funding would continue, but it was being very well spent. The Corporate Scrutiny Committee had supported the recommendation.
Decision Taken	<p>It is recommended that Cabinet approves the award of grants to the organisations identified in Appendix 1 to this report to a total value of £21,210.</p> <p>In the event that a provider is unable to fulfil the funded number of places or has to amend its offer in the light of Covid, it is recommended that the Cabinet Member</p>

	delegates approval to the Director of Children’s Services to reallocate any underspent Winter HAF grant funding to ensure an Isle of Wight wide offer, within the grant allocation for Winter of £61,150. Any such reallocations will be determined in consultation with the Cabinet Member.
Reason for the decision and corporate objective it aligns with	<p>The desired outcomes of the programme are to encourage children and young people:</p> <ul style="list-style-type: none"> <li>• To eat more healthily over the school holidays.</li> <li>• To be more active during the school holidays.</li> <li>• To take part in engaging and enriching activities which support the development of resilience, character and well being along with their wider education attainment.</li> <li>• To be safe and not to be socially isolated.</li> <li>• To have greater knowledge of health nutrition.</li> <li>• To be more engaged with school and other local services.</li> </ul>
Options considered and rejected	None

<b>Agenda item</b>	Pop-up enterprises on Council land
Decision reference	63 – 2021/22
Summary of Discussion	<p>The Cabinet Member for Regeneration, Business Development and Tourism explained that this was something that had been done successfully in Cornwall. It was for temporary businesses such as cycle hire, fitness classes, food stalls and would hopefully encourage businesses to come forward, particularly those starting up including sole trader wishing to show their entrepreneurial skills. It would also generate revenue for the council and would enrich the tourism and community offer. It was hoped to start marketing a pilot scheme in January 2022 for the coming season.</p> <p>In response to a point raised by Corporate Scrutiny in supporting the initiative, it was confirmed that consultation would be held with Town and Parish Councils before deciding on the pilot sites.</p>
Decision Taken	Option A. To market a small number of IWC sites for “pop up” business for 2022 as a pilot scheme to inform a more comprehensive business case for the wider council

	portfolio in 2023. The details of the pilot sites to be offered to be agreed by the Cabinet member for Regeneration, Business Development and Tourism.
Reason for the decision and corporate objective it aligns with	The new Corporate Plan 2021-25 contains the following relevant objectives:  9. Keep the Council solvent and take all the measures we can to improve the financial position of the council.  Activity - Refresh the council's commercial strategy and approach towards securing investment and income generation opportunities by March 2022.
Options considered and rejected	Option B - Not to undertake the pilot scheme.

<b>Agenda item</b>	Review of options to identify investment proposals for regeneration of Culver Parade tourism opportunity area
Decision reference	64 – 2021/22
Summary of Discussion	It was agreed that the world class collection should be preserved and presented in the best way possible, and that everything should be done to support the collection and maximise its potential. The council would continue to look for opportunities for an adequate home for the collection. Thanks were expressed to the staff at Dinosaur Isle for their continued work in what had been an uncertain time.
Decision Taken	Option A - to (i) seek to secure an effective and sustainable long term solution to the future of the dinosaur museum (including the collection and Museum Accreditation) either at the current or any alternative site. (ii) To develop an alternative regeneration proposition of the council owned land at Culver Parade which reflects its environment and supports the Island Biosphere designation. (iii) Pursue an alternative site (either council or third party owned) for the development of a new dinosaur themed visitor attraction, and iv) to undertake full consultation with all relevant local and industry stakeholders in relation to any plans that come forward.
Reason for the decision and corporate objective it aligns with	On 25 October 2021 Cabinet recommended the new Corporate Plan for approval by Full Council in November and it sets out the objectives for the council over the next four years. Of relevance to this paper the plan states the council will:

	<p>Secure the future of the Island's geological collection by working with regeneration and investment partners.</p> <p>Act to maintain the accreditation status of the collection at all times and work with relevant bodies to enhance its display wherever possible.</p>
Options considered and rejected	Option B - to take no further action and continue to run and manage the existing Dinosaur Isle facility.

<b>Agenda item</b>	Cabinet Member Announcements
Decision reference	65 – 2021/22
Summary of Discussion	<p>The Cabinet Member for Planning and Community Engagement reported that a letter had been received from the Minister for Housing concerning exceptional circumstances for the island. indicating that local and neighbourhood plans are fundamental for the Planning Department and its Committee's decisions. It would be for the Planning Inspector to examine any local plan provided and consider whether the evidence provided by the IWC and decide whether these factors amount to constraints which would prevent the IW from meeting its housing needs. Evidence would be the key factor and would need to be robust and defensible.</p> <p>The government had instructed 668 homes to be built on the Island but the council was trying to suppress this to 484 homes.</p> <p>In response to a query from Cllr Brodie, the Leader agreed to share the letter sent to the DLUHC with councillors.</p> <p>The Planning Inspector had upheld a decision of the Planning Committee to refuse permission for an application at Ventnor Road, Apse Heath.</p> <p>The Cabinet Member for Regeneration, Business Development and Tourism reported that local input was being sought in shaping the final plans for use of the £5.8 million from the levelling up fund for East Cowes.</p> <p>The D-Bid had been voted in for the second five-year period. Visit Isle of Wight had a good business plan in place.</p>

A meeting had been held with the Arts Council to discuss cultural regeneration, which was one of the cornerstones of the new Corporate Plan.

The Southampton City of Culture bid was through to the next round.

The Cabinet Member for Highways PFI, Transport and Infrastructure reported that the Floating Bridge was expected to return to service on 13 December after final repairs and testing, crew refresher training and an inspection by the MCA.

The cost of the failures of the Floating Bridge were not to hand, but the council was entering into mediation for the cost and loss of revenue. It was hoped that the current modifications would reduce the level of failure going forward. A report would be brought to Cabinet in January 2022.

In response to a question from Cllr Brodie regarding the lack of notice to Newport and Carisbrooke Community Council regarding Coppins Bridge signal works, the Cabinet member explained that the Contract Management Team resources were stretched, meaning works were sometimes delayed or implemented at short notice, but gave reassurance that consultation would be carried out in future.

The Leader left the meeting at 6pm for a prior appointment and the Deputy Leader took the Chair.

The Cabinet Member for Adult Social Care and Public Health reported that there were difficulties currently in recruiting to the care sector resulting in a shortage of staff on the island. The council was juggling staff to maintain a safe standard. Teams had gone to extra effort after hours. The Integrated Care systems should be moving forward in the new year.

The Deputy Leader reported that homelessness was rising on the island, due in part to problems in the rental market and the removal of the universal Credit uplift. The council was to pursue the rental provider avenue and would be moving forward in partnership with housing associations with the aim of providing affordable accommodation, which other members were pleased to hear. It was recognised that what may be affordable on the island was not necessarily the same as in other parts of the South of England. The Island Planning Strategy was hoping to address this issue and it would be important for the

	<p>Planning Inspector to properly scrutinise the plan and recognise the island's special circumstances. It was believed that more 1-2 bedroom properties were required for island residents in addition to the 3-4 bedroom properties which had been built in recent years.</p> <p>The had been some recent problems with the council's website which were being addressed.</p> <p>The Cabinet Member for Children's Services, Education and Lifelong Skills reported that Ofsted inspections had resumed since being suspended during the pandemic, and that there had been a recent focused visit to the Child Protection Service which had been favourable. There had been some good work done in schools but it had been difficult to evidence improvement. Christ the King College had been given an overall rating which was an improvement from the previous inspection. Broadlea Primary School had also been given an improved rating. 75% of schools had been rated 'good' which was an increase from previous years.</p> <p>The Cabinet Member for Environment, Heritage and Waste Management reported that there had been support from Island Roads for the 'Dark Skies' application, which would bring important benefits for wildlife and tourism. A report would be brought to Cabinet on 16 December. The 'Biosphere in the Bay' project, which had launched in 2020 was being reinstated via the AONB and would seek grant funding to improve the biosphere and heritage in the Bay area.</p> <p>The Cabinet Member for Strategic Finance, Corporate Resources and Transformational Change reported that the Cabinet was working towards a balanced budget, and they members were open to ideas from any Councillor.</p>
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<b>Agenda item</b>	Consideration of the Forward Plan
Decision reference	66 – 2021/22
Summary of Discussion	The many items on the Forward Plan were noted, and it was requested that the relevant Cabinet Member be included in the list in future.

<b>Agenda item</b>	Members' Question Time
Decision reference	67 – 2021/22
Summary of Discussion	A query was raised as to whether the question asked by the Shanklin Hoteliers at the Corporate Scrutiny Committee had been answered. The Cabinet Member for Regeneration, Business Development and Tourism indicated that a response had been prepared and would be sent.

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Purpose: For Decision



## Cabinet report

Date **16 DECEMBER 2021**

Title **CLOSURE OF CARISBROOKE COLLEGE SIXTH FORM**

Report of **CABINET MEMBER FOR CHILDREN'S SERVICES, EDUCATION AND LIFELONG SKILLS**

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### EXECUTIVE SUMMARY

1. The purpose of this paper is to report the outcome of the public consultation and seek authority from Cabinet to approve the alteration of the upper age range so as to remove the Sixth Form at Carisbrooke College with effect from 31 December 2021.
2. A consultation process has been undertaken (in line with the Department for Education's publication "Making Significant Changes ("prescribed alterations") to Maintained Schools) for four weeks (as set out in the regulations) between 28 September and 9 November 2021
3. No representations were received in response to the consultation.

### 4. RECOMMENDATION

That Cabinet approves the alteration of the upper age range so as to remove the Sixth Form at Carisbrooke College with effect from 31 December 2021
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### BACKGROUND

5. Since 1 September 2016, the Island Sixth Form has been administered as part of Medina College. Prior to September 2016 the administration of the Island Sixth Form was managed by Carisbrooke College and Medina College together and Sixth Form students were allocated to either Carisbrooke College or Medina College. All students allocated to Carisbrooke College have now left the Sixth Form and all Sixth Form students are now registered under Medina College. There are no post 16 students registered under Carisbrooke College.

6. The Governing Board therefore requested an alteration of the upper age range so as to remove the sixth form at Carisbrooke College therefore, changing its age range from 11-19 to 11-16.
7. With Medina College and Carisbrooke College sharing a site the Sixth Form element at Medina College will continue to work closely with Carisbrooke College. This will include opportunities for Carisbrooke College students to access the full range of events at the Sixth Form and Carisbrooke College staff continuing to teach post 16 classes at the Sixth Form. There will be no detrimental effects on students or staff from this proposal.

### STRATEGIC CONTEXT

8. This directly links to the Corporate Plan 2021-25 priority which is to work with local communities to maintain and ensure appropriate local school provision. In addition to this it supports the commitment that through ongoing business of the council we will work with and challenge schools performance to ensure that all are good or outstanding, and to ensure work is undertaken to challenge schools in financial deficit to secure a more sustainable position for the schools and the council.

### CONSULTATION

9. The Public Notice was published on the 28 September and the consultation period ran until the 9 November 2021. The notice was published on the [iwight.com](http://iwight.com) and information was shared by the school to all parents/carers.
10. The consultation also appeared in the County Press and Observer Friday 1 October 2021 to allow other stakeholders to comment on the proposal.
11. A period of informal consultation was undertaken by the Governing Body from the 9 November 2020 until the 6 December 2020 and was advertised to the parents and carers in the Carisbrooke College Newsletter dated 6 November 2020.
12. No representations have been received by the Isle of Wight Council, Governing Board or other stakeholders in response to these consultations.

### FINANCIAL / BUDGET IMPLICATIONS

13. Schools have devolved funding and accountability through individual governing bodies, using separate finance systems and bank accounts. Government formula-based revenue funding for 6th Forms is passported onto relevant schools by the local authority as it is received from the Education & Skills Funding Agency (ESFA). The authority monitors the overall budget position of maintained schools through compliance checks required within the Scheme for Financing Schools. There is no direct financial impact of this proposal to the Isle of Wight Council.

## IMPACT ON YOUNG PEOPLE AND FUTURE GENERATIONS

14. This proposal will have a positive impact on both the short- and long-term future for the young people, and future generations on the Isle of Wight. All students under the Federation including those attending Carisbrooke College will continue to access the full range of events at the Sixth Form.

## CLIMATE, ENVIRONMENT & UNESCO BIOSPHERE IMPACT

15. Subject to the availability of funding heat decarbonisation plans will be commissioned in the near future for all LA owned school buildings. This will assist us in the submission of applications for future funding and ultimately to support the IWCs target to be carbon neutral by 2035.
16. All students are already located at the Island Sixth Form Centre, therefore, there will be no change in carbon emissions as a result of this proposal.
17. The current sixth form opening hours are not intended to be changed, and therefore as a result of the proposal it is not likely to have an impact on the building emissions. The school do however regularly promote active travel to school which will continue to support the reduction of emissions created from transporting children to school by car.

## LEGAL IMPLICATIONS

18. Changes to maintained schools are considered 'prescribed alterations', which require a specific statutory process to be followed for their correct implementation. This process has been followed and is set out in the statutory guidance 'Making significant changes ('prescribed alterations') to maintained schools updates in October 2018. The specific prescribed alteration in this report is a change of age range of three years (including the removal of a sixth form), which is a prescribed alteration capable of proposal by the Governing Body of a foundation school and which requires a period of at least four weeks' formal consultation after the publication of a statutory proposal/notice before a decision can be made.

## EQUALITY AND DIVERSITY

19. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or believe, sex and sexual orientation.
20. The recommendations being proposed by the Council in this report; the closure of the sixth form at Carisbrooke College will not have a negative impact on equality and diversity.

21. The policies of the council and Medina College in relation to equal opportunities and eliminating discrimination will continue to apply should the proposed change be approved.
22. An equality impact assessment has been completed and is attached in Appendix 1.

### PROPERTY IMPLICATIONS

23. There are no property implications arising from the proposal as the Island Sixth Form will continue to operate from the same site

### APPENDICES

Appendix 1 – EIA – Carisbrooke College

Contact Point: Jade Kennett, Strategic Development Officer, Childrens Services

☎ 821000 e-mail [jade.kennett@iow.gov.uk](mailto:jade.kennett@iow.gov.uk)

STEVE CROCKER  
*Director of Children's Services*

(CLLR) DEBBIE ANDRE  
*Cabinet Member for Children's Services,  
Education and Lifelong Skills*

**Stage 1 Equality Impact Assessment – Initial Screening**

<b>Assessor(s) Name(s):</b>	Jade Kennett
<b>Directorate/School name:</b>	Childrens Services
<b>Date of Completion:</b>	30/11/2021

**Name of Policy/Strategy/Service/Function Proposal**

Carisbrooke College – Closure of sixth form

**The Aims, Objectives and Expected Outcomes:**

Since 1st September 2016, the Island Sixth Form has been administered as part of Medina College. Prior to September 2016 the administration of the Island Sixth Form was managed by Carisbrooke College and Medina College together and Sixth Form students were allocated to either Carisbrooke College or Medina College. All students allocated to Carisbrooke College have now left the Sixth Form and all Sixth Form students are now registered under Medina College. There are no post 16 students registered under Carisbrooke College.

Please delete as appropriate:

- This is a proposal for a removed school function

Key Questions to Consider in Assessing Potential Impact	
Will the policy /strategy/service/council/school function proposal have a negative impact on any of the protected characteristics or other reasons that are relevant issues for the local community and/or staff?	No
Has previous consultation identified this issue as important or highlighted negative impact and/or we have created a “legitimate expectation” for consultation to take place? A legitimate expectation may be created when we have consulted on similar issues in the past or if we have ever given an indication that we would consult in such situations	Yes
Do different groups of people within the local community have different needs or experiences in the area this issue relates to?	Yes
Could the aims of these proposals be in conflict with the council’s/school’s general duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not?	No
Will the proposal have a significant effect on how services, council or schools function/s is/are delivered?	Yes
Will the proposal have a significant effect on how other organisations operate?	No
Does the proposal involve a significant commitment of resources?	No
Does the proposal relate to an area where there are known inequalities?	No
<p>If you answer <b>Yes</b> to any of these questions, it will be necessary for you to proceed to a full Equality Impact Assessment after you have completed the rest of this initial screening form.</p> <p>If you answer <b>No</b> to all of these questions, please provide appropriate evidence using the table below and complete the evidence considerations box and obtain sign off from your Head of Service/Headteacher.</p>	

Protected Characteristics	Positive	Negative	No impact	Reasons
Age			X	
Disability	X			The existing Carisbrooke college building is accessible, and the college will continue to be inclusive and support children aged 11 and 16 with SEND.
Gender Reassignment			X	
Marriage & Civil Partnership			X	
Pregnancy & Maternity			X	
Race			X	
Religion / Belief			X	
Sex (male / female)			X	
Sexual Orientation			X	

<b>Are there aspects of the proposal that contribute to or improve the opportunity for equality?</b>	<b>Yes</b>
<i>The existing Carisbrooke college building is accessible, and the college will continue to be inclusive and support children aged 11 and 16 with SEND.</i>	

<b>Evidence Considered During Screening</b>
Information submitted by the Governing Body and through the consultation process.

Head of Service/Headteacher sign off & date:	
Legal sign off & date:	

A signed version is to be kept by your team and also an electronic version can be published on the council's / school's website (follow the link from the EIA page on the intranet) unless it relates to staffing/specific individuals. In which case, it should only be kept by your team.



## Stage 2 Full Equality Impact Assessment

<b>Assessor(s)Name(s):</b>	Jade Kennett
<b>Directorate/School name:</b>	Children's Services
<b>Date of Completion:</b>	30/11/2021

### Name of Policy/Strategy/Service/Function Proposal

Closure of Carisbrooke College Sixth Form

### The Aims, Objectives and Expected Outcomes:

*Since 1st September 2016, the Island Sixth Form has been administered as part of Medina College. Prior to September 2016 the administration of the Island Sixth Form was managed by Carisbrooke College and Medina College together and Sixth Form students were allocated to either Carisbrooke College or Medina College. All students allocated to Carisbrooke College have now left the Sixth Form and all Sixth Form students are now registered under Medina College. There are no post 16 students registered under Carisbrooke College.*

*This directly links to the Corporate Plan 2021-25 priority which is to work with local communities to maintain and ensure appropriate local school provision. In addition to this it supports the commitment that through ongoing business of the council we will work with and challenge schools performance to ensure that all are good or outstanding, and to ensure work is undertaken to challenge schools in financial deficit to secure a more sustainable position for the schools and the council.*

Please delete as appropriate:

- This is a proposed change of an existing school function

### Scope of the Equality Impact Assessment

*Since 1 September 2016, the Island Sixth Form has been administered as part of Medina College. Prior to September 2016 the administration of the Island Sixth Form was managed by Carisbrooke College and Medina College together and Sixth Form students were allocated to either Carisbrooke College or Medina College. All students allocated to Carisbrooke College have now left the Sixth Form and all Sixth Form students are now registered under Medina College. There are no post 16 students registered under Carisbrooke College.*

*The Governing Board therefore requested an alteration of the upper age range so as to remove the sixth form at Carisbrooke College therefore, changing its age range from 11-19 to 11-16.*

*With Medina College and Carisbrooke College sharing a site the Sixth Form element at Medina College will continue to work closely with Carisbrooke College. This will include opportunities for Carisbrooke College students to access the full range of events at the Sixth Form and Carisbrooke College staff continuing to teach post 16 classes at the Sixth Form. There will be no detrimental effects on students or staff from this proposal.*

*This EIA has been completed to ensure that there are no detrimental impacts through the proposal.*

*Alongside this both informal and formal consultation has been completed which did not receive any feedback from parents/carers or members of the community.*

### Analysis and assessment

*Given that since the 1 September 2016 the Island Sixth Form has been administered as part of Medina College it is considered that the likely impact on minority, disadvantaged, vulnerable and socially excluded groups is negligible. The IWC and Federation have ensured that through process of both informal and formal consultation parents/carers, staff, and members of the community were considered. No concerns were raised during this period.*

*The School have policies in place that cover eliminate unlawful discrimination, harassment and victimisation and equal opportunities.*

*It is considered that the proposal will have not have any negative impacts.*

## Recommendations

*Given it considered that the proposal will not have any negative impact the recommendation is to proceed as set out within the Cabinet Paper (16 December 2021) and implement the closure of the sixth form at Carisbrooke College from the 31 December 2021.*

**Action/Improvement Plan**

The table below should be completed using the information from your equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Remove or lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact  (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Age	No impact	No	No	None required
Disability	Positive. The school will continue to support all pupils aged 11-16 with SEND	No	No	None required
Gender Reassignment	No impact	No	No	None required
Marriage & Civil Partnership	No impact	No	No	None required
Pregnancy & Maternity	No impact	No	No	None required
Race	No impact	No	No	None required
Religion / Belief	No impact	No	No	None required

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact  (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Sex (male or female)	No	No	No	None required
Sexual Orientation	No	No	No	None required
HR & workforce issues	No	No	No	None required
Human Rights implications if relevant	No	No	No	None required
<p>Please remember - actions should have SMART targets and be reported to the Diversity Board (this should be done via your Directorate representative) or school board and incorporated into your service/team/school Plans and /or objectives of key staff</p>				

Summary	
Date of Assessment:	30/11/2021
Head of Service/Director/Headteacher sign off & date:	
Legal sign off & date:	
Review date	
Date published	

<b>Publishing checklist</b>	<b>Yes</b>	<b>No</b>
<ul style="list-style-type: none"> <li>• <i>Plain English – will your EIA make sense to the public?</i></li> <li>• <i>Acronyms – check you have explained any specialist names or terminology</i></li> <li>• <i>Evidence – will your evidence stand up to scrutiny; can you justify your conclusions?</i></li> <li>• <i>Stakeholders and verification – have you included a range of views and perspectives to back up you analysis?</i></li> <li>• <i>Gaps and information – have you identified any gaps in services or information that need to be addressed in the action plan?</i></li> <li>• <i>Success stories – have you included any positive impacts that have resulted in change for the better?</i></li> <li>• <i>Action plan – is action plan SMART? Have you informed the relevant people to ensure the action plan is carried out?</i></li> <li>• <i>Review have you included a review date and a named person to carry it out?</i></li> <li>• <i>Challenge – has your equality impact assessment been taken to Diversity Board/Call Over/school arenas for challenge?</i></li> <li>• <i>Signing off – has your Head of Service/Director/Headteacher signed off your EIA?</i></li> <li>• <i>Basics – have you signed and dated your EIA and named it for publishing?</i></li> <li>• <i>A signed version to be kept by your team for review and electronic version to be uploaded on to the council’s/school’s website</i></li> </ul>		

Purpose: For Decision



## Cabinet report

Date	<b>16 DECEMBER 2021</b>
Title	<b>LOWERING OF AGE RANGE AT HUNNYHILL PRIMARY SCHOOL</b>
Report of	<b>CABINET MEMBER FOR CHILDREN'S SERVICES, EDUCATION AND LIFELONG SKILLS</b>

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### EXECUTIVE SUMMARY

1. The purpose of this paper is to report the outcome of the public consultation and seek authority from Cabinet to approve the lowering of the age range to three years old at Hunnyhill Primary School with effect from 1 January 2022.
2. A consultation process has been undertaken (in line with the Department for Education's publication "Making Significant Changes ("prescribed alterations") to Maintained Schools) for six weeks (as set out in the regulations) between 28 September and 9 November 2021
3. No representations were received in response to the consultation.

### RECOMMENDATION

- |  |
|--|
| 4. That Cabinet approves the lowering of the age range to three years old at Hunnyhill Primary School with effect from 1 January 2022. |
|--|

### BACKGROUND

5. Hunnyhill Primary School applied to lower their age range from four years old to three years old to facilitate a preschool provision on their school site. The proposal is to open a preschool with 32 children aged 3-4. An existing Pre-School on the site, Jigsaw Preschool, is closing and the proposal is for staff to TUPE across to the school. The director of the pre-school and parents support this application to transfer all management, administration, and governance to the school. The aim is to ensure continuity of care for those children already attending and to keep an onsite pre-school for the community.
6. Jigsaw Pre-school is a private limited company providing 32 childcare places. There are five staff employed. The preschool currently receives government funding for free early years education for children aged two, three and four

years. The preschool is sited on Hunnyhill Primary School grounds connected to the main building of the school.

7. The current capacity of Hunnyhill Primary School is 420 and will be unaffected by the proposal. The current number of pupils registered at the school is 381. The current admission number for the school is 60 and is not affected by the school taking on the preschool which will be a separate capacity of 32 on the implementation of this proposal.
8. Hunnyhill Primary School was judged Good in April 2013, which was supported by a short inspection undertaken in April 2017.

### STRATEGIC CONTEXT

9. The proposal from Hunnyhill Primary school to lower its age range to three years allows for the continuity of care and, early years education of the children currently at the preschool.
10. This directly links to the Corporate Plan 2021-25 priority which is to work with local communities to maintain and ensure appropriate local school provision. In addition to this it supports the commitment that through ongoing business of the council we will work with and challenge schools performance to ensure that all are good or outstanding, and to ensure work is undertaken to challenge schools in financial deficit to secure a more sustainable position for the schools and the council.

### CONSULTATION

11. The Public Notice was published on the 28 September and the consultation period ran until the 9 November 2021. The notice was published on the [iwight.com](http://iwight.com) and information was shared by the school to all parents/carers.
12. The consultation also appeared in the County Press and Observer Friday 1 October 2021 to allow other stakeholders to comment on the proposal.
13. A public meeting was held at the school on the 1 November 2021 and no one attended. It is felt that the school has provided sufficient information for all parents/carers in advance of this and therefore no concerns or queries were to be raised.
14. No representations have been received by the Isle of Wight Council, Governing Board or other stakeholders in response to these consultations.
15. All school and preschool staff have been consulted and are in agreement with the proposal.



## FINANCIAL / BUDGET IMPLICATIONS

16. The school finance officer has assessed the financial position with the school and governors. The report shows it to be in balance for at least the next three years. This indicates the sustainability of the proposal assuming the number of children planned for will be forthcoming.
17. The school has undertaken its own due diligence and understands that the preschool children finances can only be met from early years education claims and parental fee income.
18. Five members of staff will be transferred from the pre-school to the direct management of the school. The Terms and Conditions of work will change according to the Hay Grade pay scale which will be in line with the support staff at the school. This will result in an increased cost in staffing.
19. The Early Years Advisory Team will continue to support the Head Teacher on financial projections to ensure such developments do not have a financially detrimental impact on the running of the school.
20. There will be no direct financial implications for the Local Authority as maintained schools have devolved individual funding and are required to manage their own overall financial position within their allocated resources.

## IMPACT ON YOUNG PEOPLE AND FUTURE GENERATIONS

21. This proposal will have a positive impact on both the short- and long-term future for the young people, and future generations on the Isle of Wight. Children on roll of the preschool will continue to receive a place at the provision should the proposal be approved, ensuring the continuity of care.

## CLIMATE, ENVIRONMENT & UNESCO BIOSPHERE IMPACT

22. Subject to the availability of funding heat decarbonisation plans will be commissioned in the near future for all LA owned school buildings. This will assist us in the submission of applications for future funding and ultimately to support the IWCs target to be carbon neutral by 2035.
23. The preschool opening hours are not intended to be changed, and therefore as a result of the proposal it is not likely to have an impact on the building emissions. The school do however regularly promote active travel to school which will continue to support the reduction of emissions created from transporting children to school by car.

## LEGAL IMPLICATIONS

24. The Head Teacher has been required to undertake their own due diligence in review of the preschool and has taken IOW legal, finance and HR advice.

25. The Transfer of Undertakings Protection of Employment rights for the five staff transferring from the preschool to the direct management of the School. School has sought HR/legal support for this.
26. The five staff members Terms and Conditions of work will change according to the Hay Grade pay scale and will be in line with the support staff at the school.
27. Changes to maintained schools are considered 'prescribed alterations', which require a specific statutory process to be followed for their correct implementation. This process has been followed and is set out in the statutory guidance 'Making significant changes ('prescribed alterations') to maintained schools updates in October 2018. The specific prescribed alteration proposed by this report is a change of age range by one year which is a change that can be proposed by a Local Authority in respect of a community school and must have a period of at least four weeks' formal consultation after the publication of a statutory proposal/notice before a decision can be made.

#### EQUALITY AND DIVERSITY

28. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or believe, sex and sexual orientation.
29. The recommendations being proposed by the Council in this report; the lowering of the age range at Hunnyhill Primary School will not have a negative impact on equality and diversity.
30. The policies of the council and Hunnyhill Primary School in relation to equal opportunities and eliminating discrimination will continue to apply should the proposed change be approved.
31. An equality impact assessment has been completed and is attached in Appendix 1

#### RISK MANAGEMENT

32. TUPE is considered a risk due the amendment of existing preschools staff's terms and conditions. However as these will be on Hay Grade pay scale and will be in line with the support staff at the school it is considered to be more advantageous to them.
33. The financial risks have been reviewed by the Senior Finance Business Partner and are seen as negligible. However, it should be noted that the financial risks have been determined on models of 50 percent occupancy and 85 percent

occupancy. A decrease in the number of children in the area due to birth rates and/or a change in parental demand could have an effect on the pre-school. The LA will continue to support the pre-school to ensure the business model remains sustainable.

### PROPERTY IMPLICATIONS

34. The current preschool space is sufficient for the proposed pupil numbers under the Statutory Framework for the early years foundation stage 2021. There are sufficient toilets and the environment is secure. It has access to an outdoor area and the available space in all areas is maximised for play and active learning.

### APPENDICES

Appendix 1 – EIA – Hunnyhill Primary School

Contact Point: Jade Kennett, Strategic Development Officer, Childrens Services

☎ 821000 e-mail [jade.kennett@iow.gov.uk](mailto:jade.kennett@iow.gov.uk)

STEVE CROCKER  
*Director of Children's Services*

(CLLR) DEBBIE ANDRE  
*Cabinet for Children's Services, Education  
and Lifelong Skills*

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**Stage 1 Equality Impact Assessment – Initial Screening**

<b>Assessor(s) Name(s):</b>	Jade Kennett
<b>Directorate/School name:</b>	Childrens Services
<b>Date of Completion:</b>	30/11/2021

<b>Name of Policy/Strategy/Service/Function Proposal</b>
Lowering of age range at Hunnyhill Primary School

<b>The Aims, Objectives and Expected Outcomes:</b>
<p>Hunnyhill Primary School applied to lower their age range from four years old to three years old to facilitate a preschool provision on their school site. The proposal is to open a preschool with 32 children aged 3-4. An existing Pre-School on the site, Jigsaw Preschool, is closing and the proposal is for staff to TUPE across to the school. The director of the pre-school and parents support this application to transfer all management, administration, and governance to the school. The aim is to ensure continuity of care for those children already attending and to keep an onsite pre-school for the community.</p>
<p>Please delete as appropriate:</p> <ul style="list-style-type: none"> <li>• This is a proposal for a changed school function</li> </ul>

Key Questions to Consider in Assessing Potential Impact	
Will the policy /strategy/service/council/school function proposal have a negative impact on any of the protected characteristics or other reasons that are relevant issues for the local community and/or staff?	No
Has previous consultation identified this issue as important or highlighted negative impact and/or we have created a “legitimate expectation” for consultation to take place? A legitimate expectation may be created when we have consulted on similar issues in the past or if we have ever given an indication that we would consult in such situations	Yes
Do different groups of people within the local community have different needs or experiences in the area this issue relates to?	Yes
Could the aims of these proposals be in conflict with the council’s/school’s general duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not?	No
Will the proposal have a significant effect on how services, council or schools function/s is/are delivered?	Yes
Will the proposal have a significant effect on how other organisations operate?	No
Does the proposal involve a significant commitment of resources?	No
Does the proposal relate to an area where there are known inequalities?	No
<p>If you answer <b>Yes</b> to any of these questions, it will be necessary for you to proceed to a full Equality Impact Assessment after you have completed the rest of this initial screening form.</p> <p>If you answer <b>No</b> to all of these questions, please provide appropriate evidence using the table below and complete the evidence considerations box and obtain sign off from your Head of Service/Headteacher.</p>	

Protected Characteristics	Positive	Negative	No impact	Reasons
Age			X	
Disability	X			The existing Preschool accommodation at Hunnyhill Primary School is accessible, and the School will continue to be inclusive and support children aged 3 to 11 with SEND.
Gender Reassignment			X	
Marriage & Civil Partnership			X	
Pregnancy & Maternity			X	
Race			X	
Religion / Belief			X	
Sex (male / female)			X	
Sexual Orientation			X	

Are there aspects of the proposal that contribute to or improve the opportunity for equality?	Yes
<i>The existing Preschool accommodation at Hunnyhill Primary School is accessible, and the School will continue to be inclusive and support children aged 3 to 11 with SEND.</i>	

**Evidence Considered During Screening**

Information submitted by the Governing Body and through the consultation process.



Head of Service/Headteacher sign off & date:	
Legal sign off & date:	

A signed version is to be kept by your team and also an electronic version can be published on the council's / school's website (follow the link from the EIA page on the intranet) unless it relates to staffing/specific individuals. In which case, it should only be kept by your team.

## Stage 2 Full Equality Impact Assessment

<b>Assessor(s)Name(s):</b>	Jade Kennett
<b>Directorate/School name:</b>	Children's Services
<b>Date of Completion:</b>	30/11/2021

### Name of Policy/Strategy/Service/Function Proposal

Lowering of age range at Hunnyhill Primary School

### The Aims, Objectives and Expected Outcomes:

*Hunnyhill Primary School applied to lower their age range from four years old to three years old to facilitate a preschool provision on their school site. The proposal is to open a preschool with 32 children aged 3-4. An existing Pre-School on the site, Jigsaw Preschool, is closing and the proposal is for staff to TUPE across to the school. The director of the pre-school and parents support this application to transfer all management, administration, and governance to the school. The aim is to ensure continuity of care for those children already attending and to keep an onsite pre-school for the community.*

*This directly links to the Corporate Plan 2021-25 priority which is to work with local communities to maintain and ensure appropriate local school provision. In addition to this it supports the commitment that through ongoing business of the council we will work with and challenge schools performance to ensure that all are good or outstanding, and to ensure work is undertaken to challenge schools in financial deficit to secure a more sustainable position for the schools and the council.*

Please delete as appropriate:

- This is a proposal for a changed school function

## Scope of the Equality Impact Assessment

*4Hunnyhill Primary School applied to lower their age range from four years old to three years old to facilitate a preschool provision on their school site. The proposal is to open a preschool with 32 children aged 3-4. An existing Pre-School on the site, Jigsaw Preschool, is closing and the proposal is for staff to TUPE across to the school. The director of the pre-school and parents support this application to transfer all management, administration, and governance to the school. The aim is to ensure continuity of care for those children already attending and to keep an onsite pre-school for the community.*

*Jigsaw Pre-school is a private limited company providing 32 childcare places. There are five staff employed. The preschool currently receives government funding for free early years education for children aged two, three and four years. The preschool is sited on Hunnyhill Primary School grounds connected to the main building of the school.*

*The current capacity of Hunnyhill Primary School is 420 and will be unaffected by the proposal. The current number of pupils registered at the school is 381. The current admission number for the school is 60 and is not affected by the school taking on the preschool which will be a separate capacity of 32 on the implementation of this proposal.*

*There will be no detrimental effects on pupils or staff from this proposal.*

*This EIA has been completed to ensure that there are no detrimental impacts through the proposal.*

*Alongside this, both informal and formal consultation has been completed which did not receive any feedback from parents/carers or members of the community.*

## Analysis and assessment

*The Public Notice was published on the 28 September and the consultation period ran until the 9 November 2021. The notice was published on the [iweight.com](#) and information was shared by the school to all parents/carers.*

*The consultation also appeared in the County Press and Observer Friday 1 October 2021 to allow other stakeholders to comment on the proposal.*

*A public meeting was held at the school on the 1 November 2021 and no one attended. It is felt that the school has provided sufficient information for all parents/carers in advance of this and therefore no concerns or queries were to be raised.*

*No representations have been received by the Isle of Wight Council, Governing Board or other stakeholders in response to these consultations.*

*All school and preschool staff have been consulted and are in agreement with the proposal.*

*It is considered that the likely impact on minority, disadvantaged, vulnerable and socially excluded groups is negligible. The IWC have ensured that through process of both informal and formal consultation parents/carers, staff, and members of the community were considered. No concerns were raised during this period.*

*The School have policies in place that cover eliminate unlawful discrimination, harassment and victimisation and equal opportunities.*

*It is considered that the proposal will have not have any negative impacts.*

## Recommendations

*Given it considered that the proposal will not have any negative impact the recommendation is to proceed as set out within the Cabinet Paper (16 December 2021) and implement the lowering of the age range at Hunnyhill Primary School from the 1<sup>st</sup> January 2022.*

**Action/Improvement Plan**

The table below should be completed using the information from your equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Remove or lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact  (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Age	No impact	No	No	None required
Disability	Positive. The school will continue to support all pupils aged 3-11 with SEND	No	No	None required
Gender Reassignment	No impact	No	No	None required
Marriage & Civil Partnership	No impact	No	No	None required
Pregnancy & Maternity	No impact	No	No	None required
Race	No impact	No	No	None required
Religion / Belief	No impact	No	No	None required

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact  (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Sex (male or female)	No	No	No	None required
Sexual Orientation	No	No	No	None required
HR & workforce issues	No	No	No	None required
Human Rights implications if relevant	No	No	No	None required
<p>Please remember - actions should have SMART targets and be reported to the Diversity Board (this should be done via your Directorate representative) or school board and incorporated into your service/team/school Plans and /or objectives of key staff</p>				

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Summary	
Date of Assessment:	30/11/2021
Head of Service/Director/Headteacher sign off & date:	
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<b>Publishing checklist</b>	<b>Yes</b>	<b>No</b>
<ul style="list-style-type: none"> <li>• <i>Plain English – will your EIA make sense to the public?</i></li> <li>• <i>Acronyms – check you have explained any specialist names or terminology</i></li> <li>• <i>Evidence – will your evidence stand up to scrutiny; can you justify your conclusions?</i></li> <li>• <i>Stakeholders and verification – have you included a range of views and perspectives to back up you analysis?</i></li> <li>• <i>Gaps and information – have you identified any gaps in services or information that need to be addressed in the action plan?</i></li> <li>• <i>Success stories – have you included any positive impacts that have resulted in change for the better?</i></li> <li>• <i>Action plan – is action plan SMART? Have you informed the relevant people to ensure the action plan is carried out?</i></li> <li>• <i>Review have you included a review date and a named person to carry it out?</i></li> <li>• <i>Challenge – has your equality impact assessment been taken to Diversity Board/Call Over/school arenas for challenge?</i></li> <li>• <i>Signing off – has your Head of Service/Director/Headteacher signed off your EIA?</i></li> <li>• <i>Basics – have you signed and dated your EIA and named it for publishing?</i></li> <li>• <i>A signed version to be kept by your team for review and electronic version to be uploaded on to the council’s/school’s website</i></li> </ul>		





Purpose: For Decision

## Cabinet report

Date **16 DECEMBER 2021**

Title **DARK SKIES INITIATIVE**

Report of **CABINET MEMBER FOR ENVIRONMENT, HERITAGE AND WASTE**

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### EXECUTIVE SUMMARY

1. This Report seeks Cabinet approval for the council to provide key support for an International Dark Skies Association (IDA) accredited Dark Skies Park status application in the south-west of the Island, within the designated Area of Outstanding Natural Beauty, and the following associated actions:
  - (a) Replacement of street lighting within the area included in the application within a set programme of works
  - (b) The preparation of a comprehensive lighting code to be applied within the Dark Skies Park, which would take the form of a Supplementary Planning Document.
  - (c) Ensure annual monitoring and reporting on the success in light pollution control as well as the maintenance of a sky brightness measurement program is carried out.
2. There will be some capital and accrual requirements to succeed in this application. Costs relate to the type of street lighting used in the area, which will need upgrading to meet eligibility criteria.

### RECOMMENDATION

3. To approve Option 1 in principle, and the council supports an IDA-accredited Dark Skies Park status application as outlined in this report with the following commitments:
  - (a) Financial support from the council of £49,453 to replace existing street lights where necessary within a defined programme, subject to the approval of the capital programme by full council
  - (b) The preparation of a comprehensive lighting code to be applied within the Dark Skies Park, which would take the form of a Supplementary Planning Document.

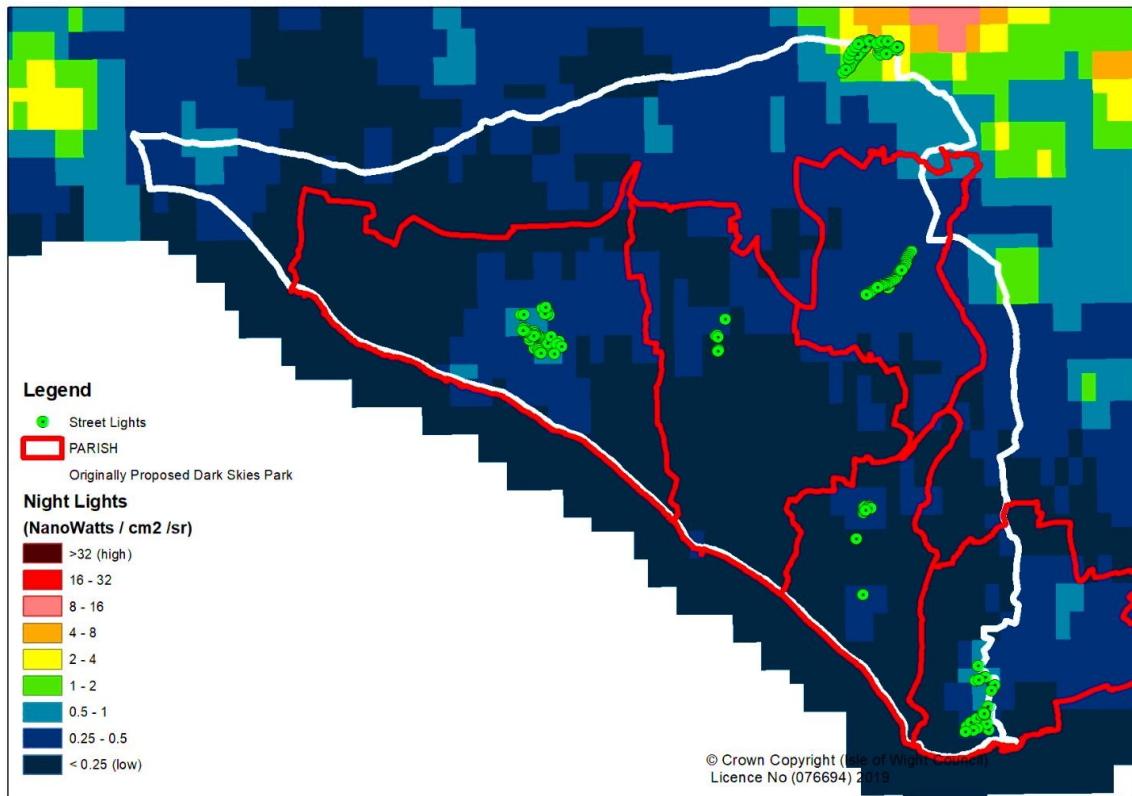
- (c) Ensure annual monitoring and reporting on the success in light pollution control as well as the maintenance of a sky brightness measurement program is carried out.

## BACKGROUND

4. Dark Skies are special areas across the world where there are low levels of light pollution. Under these conditions thousands of stars are revealed at night, this is beneficial to the wildlife and tranquillity of an area along with providing an out of season boost for tourism. Currently there are 64 Dark Sky areas around the world, including: the Channel Island of Sark, the Brecon Beacons National Park and Dumfries and Galloway Dark Sky Reserve.
5. The approval of the Dark Skies Park status application will have several benefits for the Isle of Wight, including:
  - (a) **It helps attracts more visitors:** Gaining Dark Sky status shows communities are providing public education about Dark Skies. This new programming often attracts new visitors. A designation is also a good marketing tool, because it provides new and unique ways to draw visitors.
  - (b) **It brings economic benefits to surrounding communities:** The increase in visitors due to a Dark Sky designation also means an increase in customers for local area businesses. In 2013 a 'Dark Sky Park Economic Impact Assessment' looked at the impact on local business a year after Galloway Forest Park in Scotland became an IDA Dark Sky Park. The report found that for every £1 spent on installing Dark Sky friendly lighting in the area, there was a return on investment of £1.93, due to an increase in tourism. The report concluded the economic benefits were probably much more.
  - (c) **It will support biodiversity in the area:** By making areas darker improves the tranquillity and environmental quality of the area for both people and wildlife. Recent research has suggested that LED street lighting can have serious negative impacts on moth and insect populations. By replacing the street lighting used in the area with new lighting, this would potentially decrease or reverse insect population losses, particularly moths.
6. We are fortunate that much of the Isle of Wight has a high quality of night sky. This is especially apparent within the Isle of Wight Area of Outstanding Natural Beauty (IW AONB).
7. The IDA is the recognised authority on light pollution and was the first organisation to call attention to the hazards of light pollution. The IDA awards different grades of Dark Sky Status to areas of land that are recognised as having exceptional or distinguished quality of starry nights. Dark Sky Status helps to protect these areas for scientific, natural, educational, cultural heritage and public enjoyment.
8. Through the Dark Wight Skies Initiative ([www.darkwightskies.com](http://www.darkwightskies.com)), IW AONB is working in partnership with the Vectis Astronomical Society (VAS), Campaign to Protect Rural England (CPRE) and the Isle of Wight Society to achieve international recognition for the Island's night sky, with IW AONB as the core 'Dark Sky' resource.
9. The Isle of Wight AONB has previously undertaken (over the course of several years) to investigate the possibility of the Isle of Wight becoming a Dark Skies

Community under the provisions of the International Dark Skies Association (IDA). The AONB found that in 2020 they were unable to take this proposal forward so reduced their ambition to a 'Dark Skies Park' with the IDA. The AONB agreed that this proposal would include the area indicated in the Draft Island Planning Strategy (see Figure 1).

10. However, in order to reach the criteria for the IDA 'Dark Skies Park' changes in the



lighting on the roads at Brighstone were required (see Figure 1).

Figure 1. Proposed Dark Skies Park area

11. The AONB will continue working with partners such as the Vectis Astronomical Society to promote the dark skies of the Isle of Wight for residents and tourists and will look at an unaccredited area of the Island where light pollution does not prevent the enjoyment of dark skies. The AONB will also continue to provide comment to the Isle of Wight Council Planning Department on how light pollution can be reduced in new planning applications so we can maintain the dark skies on the Island.

## STRATEGIC CONTEXT

12. The Corporate Plan 2021-2025 sets out three key areas for action. The Dark Skies Park status, if achieved, will support the action of:

**Responding to climate change and enhancing the biosphere:** The Dark Skies Park status will support and enhance the AONB and Biosphere designations and will support biodiversity gain in the proposed area.

13. The IDA-accredited Dark Skies Park status aligns with the following plans and strategies of the council.

<p><a href="#"><u>Draft Island Planning Strategy</u></a></p>	<p>The Strategy will set out how, in spatial planning terms, the Island will develop up to 2027. In principle, the Island Plan Core Strategy is about “place shaping” and delivery.</p> <p>The revised IPCS is currently out to consultation.</p> <p>Once it has been adopted the Island Planning Strategy will play an integral role in contributing to realising the vision the council has for the Island and facilitating growth.</p> <p>The draft strategy includes a Dark Skies Policy.</p>
<p><a href="#"><u>Health and Wellbeing Strategy</u></a></p>	<p>This strategy aims to improve the health and wellbeing of everyone on the Island. It focuses on making faster improvements for those who are most vulnerable and experience a poorer quality of life.</p>
<p><a href="#"><u>Regeneration Strategy</u></a></p>	<p>This 2019-2030 Regeneration Strategy for the Isle of Wight aims to set out how the council is leading the agenda to ensure the economic future of the Island and create the Island that is a great place to grow up, live, work and visit. The strategy sets out where we are today and the actions and activities that we believe will enable the vision for the future to be realised.</p>
<p><a href="#"><u>Island Biodiversity Plan</u></a></p>	<p>The Biodiversity Action Plan is made up of a series of documents produced from 2000 to 2005. <a href="#"><u>Habitat Action Plans</u></a> have been produced to provide a framework for action to conserve and enhance the Island’s biodiversity.</p>
<p><a href="#"><u>Climate and Environment Strategy 2021-2040</u></a></p>	<p>Outlines the need to meet, and action plan to achieve, net zero across the Island by 2040, as well as multiple actions to help improve the Island’s natural environment and to support Island designations including the Biosphere Reserve.</p>
<p>Local Transport Plan</p>	<p>The strategy accords with the developing revised local transport plan (LTP4)</p>

## MANAGEMENT AND GOVERNANCE

14. If successful in attaining Dark Skies Status for the Isle of Wight, there is a need for annual monitoring and reporting on the success in light pollution control as well as the maintenance of a sky brightness measurement program. It is expected the report will be collated by the Dark Wight Skies Partnership; however, as the competent authority it is probable the IOW Council will need final sign off and delivery of the report to the IDA.

## CONSULTATION

15. Consultation has taken place between the AONB team, Planning Services, and Island Roads, and there was consensus over the benefits of a Dark Skies Park designation to the Island. Each Service area has committed to supporting application and to undertake relevant actions to achieve the designation.
16. Extensive consultation (local authority, interested groups, communities, parishes, and individuals) was undertaken over five years regarding the proposition to nominate an area of the Isle of Wight as a Dark Skies Community and subsequently Dark Skies Park (designated areas) under the IDA (International Dark Skies Association).
17. However, the original Dark Skies Community and Dark Skies Park bids were not successful for a number of reasons including the issues around street lighting.
18. The Draft Island Planning Strategy was published for public consultation between 30 July 2021 – 1 October 2021. 35 specific comments were received in relation to the proposed policy EV12: Dark Skies (see Figure 2), all of which were in support of the proposal. These did include some observations around the practicalities of implementation, particularly for existing residential properties and settlements within the proposed area.

*Figure 2. Draft Island Planning Strategy, policy EV12: Dark Skies*

**EV12**  
**Dark skies**

The council supports the creation of a dark skies park in the south west of the Island. Development proposals will be supported within the proposed dark skies park (as shown on the policies map) where they have demonstrated that all reasonable and proportionate opportunities to reduce light pollution have been explored and incorporated.

Development proposals that include roof glazing and large expanses of glazing will not be supported, unless through appropriate design the impacts can be mitigated.

If external lighting cannot be avoided the colour temperature of lighting should not exceed 2700K

## FINANCIAL / BUDGET IMPLICATIONS

19. The funding will be subject to the approval of a capital bid as part of the budget-setting process taken to Full Council in February 2022.
20. The key financial implication involves the replacement of LED street lights within the area proposed for the Dark Skies Park to alternative lights of a different colour temperature as part of the annual programme of maintenance and repair at a cost estimate of £49,453. Replacing the LED units as part of the maintenance programme will significantly reduce the overall cost of the project.

21. There are 181 street lights within the defined dark skies park area and these typically have a colour temperature of 5700K. There are 11 different street light types across this area which includes 18 heritage style installations. The street light types vary depending on the lighting level required at the point of installation and is also a function of the mounting height of the street light when a greater spread of light may be required to illuminate a larger area such as a junction.
22. After the original IDA application, the cost of replacing these 181 street lights was notified to AONB to be £82,118 which included the replacement units and the associated labour cost of installation. Since the original application, it has become possible to reduce the upgrade cost to £49,453 (being the material cost of the replacement units only, based on current prices). This represents a lower cost option of £32,665 less than the original quoted price.
23. Since the original quote was offered, an opportunity has presented itself to allow the upgrade of the communication nodes across the entire street lighting stock on the island. The PFI street lighting has a remote management system that allows each of the street lights to be controlled independently from a central office in Newport and this system utilises these nodes. The provider of the street lighting equipment has agreed to work with Island Roads to facilitate an upgrade of lights to a newer and more efficient node as part of the normal test and inspection visits, thus effectively allowing a cost-efficient upgrade to be achieved by removing repeat visit costs and reducing overall labour costs.
24. It is therefore logical to apply this same benefit to the upgrade of the 181 units in the proposed Dark Skies Park area and pass this saving onto the council. Island Roads consider that it would only take an additional five minutes or so at each light column to replace the LED bulb with a new unit at the warmer temperature and are therefore able to offer a reduced upgrade price that is free of any installation costs. The requirements to achieve this offer is that the timing of the upgrade coincides with our time requirements to undertake testing, inspection, and node upgrades on the existing lighting equipment. This is currently planned to commence in early 2022 but would also need to include the lead time for delivery of the new units which is currently circa two months from order.
25. Any lightbulbs replaced during this process would be stored and where possible used in other parts of the Island as required (although this would be subject to checking any manufacturers' guarantees, etc.)

#### IMPACT ON YOUNG PEOPLE AND FUTURE GENERATIONS

26. There may be potential for the Dark Skies Park status to provide future training and employment opportunities for young people.
27. The Dark Skies Park status may also enhance children's' interest in space, science, stars, and/or astronomy and biodiversity as it will offer new outdoor learning opportunities.
28. Some emerging research suggests that high levels of street lighting may have a negative impact on young people's health. It is possible that changing street lighting could reduce these negative impacts, although it appears that further research in the area would be required to determine this. Therefore, achieving Dark Skies status and changing the lights could have positive health benefits for young people.

## CLIMATE, ENVIRONMENT & UNESCO BIOSPHERE IMPACT

29. To achieve International Dark-Sky Association (IDA) Recognition and create a dark skies park in the south west of the Island, it is necessary to upgrade the existing street lighting to comply with the colour temperature requirements of the IDA. This requires replacing the existing luminaires with new units with the required colour temperature.
30. Lighting with lower colour temperatures has less blue in its spectrum and is referred to as being “warm”. Higher colour temperature sources of light are rich in blue light. IDA recommends that only warm light sources be used for outdoor lighting and has set their standard as ‘no more than 3000K.’
31. The change in lighting is not expected to change the brightness, as long as the wattage of bulbs doesn’t change – it will only change the colour of lighting from cooler to warmer.
32. Lighting will be subject to annual review and included in the trimming and dimming policy.
33. Isle of Wight Council’s Draft Island Planning Strategy policy EV12 Dark Skies (see Figure 2) sets out the future expectation that if external lighting cannot be avoided the colour temperature of lighting should not exceed 2700K. This is warmer than the IDA standard of no more than 3000K. Replacement street lights can be provided at either 3000K or 2700K.
34. There is now compelling scientific evidence that artificial light at night (ALAN) has significant adverse effects on biodiversity and important ecological processes, such as pollination. Recent research by Newcastle University and others has shown that street lighting directly affects moth populations, with LED lighting in particular significantly reducing caterpillar numbers in grass and hedgerow habitats directly under lamps.
35. However, there are a range of mitigation measures that could potentially address these declines. The team at Newcastle, in collaboration with partners on the Isle of Wight, would like to test ALAN mitigation measures in a real-world context including: 1) modifying/filtering LED lamp technology away from harmful ‘blue light’; 2) dimming of existing street lamps; 3) part-lighting (i.e. switching lights off at midnight) and 4) motion-triggered lighting options.
36. Depending on the effectiveness on reducing biodiversity declines, the best option(s) could be rolled out across the Biosphere Reserve, especially in the overall context of achieving Dark Skies status.

## LEGAL IMPLICATIONS

37. Gaining official Dark Skies Park status does not carry any legal power.

## EQUALITY AND DIVERSITY

38. An Equality Impact Assessment can be found at Appendix I.

39. The actions outlined in this report are not expected to have any impacts relating to equality.

### PROPERTY IMPLICATIONS

40. The property implications for the council will relate to the management of any council-owned property, that will be in accordance with the Dark Skies policy in the Island Plan Core strategy. This can be undertaken on a case-by-case basis as necessary and in accordance with any future comprehensive lighting code.

### OPTIONS

41. Option 1: Agree to support the Dark Skies Park status application with the following commitments:
- (a) Financial support from the council of £49,453 to replace existing street lights where necessary within a defined programme, subject to the approval of the capital programme by full council
  - (b) The preparation of a comprehensive lighting code to be applied within the Dark Skies Park, which could take the form of a Supplementary Planning Document.
  - (c) Ensure annual monitoring and reporting on the success in light pollution control as well as the maintenance of a sky brightness measurement program is carried out.
42. Option 2: Do not support the application

### RISK MANAGEMENT

43. **Risk 1: programme – financial.**

The most likely risk to the Dark Skies Park application is a lack of available funding for the required changes to street lighting to meet the eligibility criteria.

This risk will be mitigated by applying for a capital bid as part of the budget-setting process taken to Full Council in February 2022. Dark Skies Park requirements will also be monitored on an ongoing basis for any future changes to requirements, which will be discussed with all relevant parties should changes arise in the future.

44. **Risk 2: programme – political/national policy/legislation**

At the time of writing, there are no known plans for updates to legislation around street lighting, with no reference made to street lighting in the 2021 Environment Act.

This risk will be mitigated by monitoring any pending policy and/or legislation. Again, should there be any changes to policy or legislation, this may lead to expenses should lighting need to be changed or upgraded, which will be mitigated as above.

45. **Risk 3: increased cost of supply, installation, and maintenance**

There is potential for prices to increase prior to installation taking place as there are similar issues with global supply chains at the minute owing to hardware and driver shortages.



This risk will be mitigated by requiring regular reports and updates on purchases and supply and requiring advanced notice of any additional sums required.

## EVALUATION

46. Although there are currently no legal requirements for local authorities to meet Dark Skies requirements, there may be several benefits to making the changes required to meet the criteria of the status, including improving the environment for local moth populations, which are known to be in decline as a result of LED streetlighting.
47. The Isle of Wight has effectively made great steps towards Dark Sky status through the new street lighting introduced in recent years. As such, the infrastructure expenditure now required to pursue the application for Dark Sky status is minimal.

## APPENDICES ATTACHED

48. Appendix I – Equality Impact Assessment

## BACKGROUND PAPERS

- [South Ayrshire Dark Sky Lighting](#)
- [Dark Sky Park EIA Report](#)
- [LED streetlights reduce insect populations by 50% | UK Centre for Ecology & Hydrology \(ceh.ac.uk\)](#)
- [Streetlights reduce moth populations \(butterfly-conservation.org\)](#)
- [Reduced street lighting at night and health: A rapid appraisal of public views in England and Wales \(nih.gov\)](#)

Contact Point: Holly Jones, Project Officer Climate Change, ☎ 821000 e-mail [holly.jones@iow.gov.uk](mailto:holly.jones@iow.gov.uk)

COLIN ROWLAND  
*Director of Neighbourhoods*

(CLLR) JONATHAN BACON  
*Cabinet Member for Environment,  
Heritage, and Waste Management*

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**Stage 1 Equality Impact Assessment – Initial Screening**

<b>Assessor(s) Name(s):</b>	Holly Jones
<b>Directorate/School name:</b>	Neighbourhoods
<b>Date of Completion:</b>	19/11/2022

**Name of Policy/Strategy/Service/Function Proposal**

Dark Skies Initiative

**The Aims, Objectives and Expected Outcomes:**

1. This Report seeks Cabinet approval for the council to provide key support for an International Dark Skies Association (IDA) accredited Dark Skies Park status application in the Area of Outstanding Natural Beauty in the south-west of the Island and the following associated actions:
  - (a) Replacement of street lighting within the area included in the application within a set programme of works.
  - (b) The approval of a comprehensive lighting code within the jurisdiction of the Community. This could take the form of Supplementary Planning Guidance similar to other British Dark Skies Areas.
  - (c) Ensure annual monitoring and reporting on the success in light pollution control as well as the maintenance of a sky brightness measurement program is carried out.
2. The approval of the Dark Skies Park status application will have several benefits for the Isle of Wight, including:
  - (a) **It helps attracts more visitors**
  - (b) **It brings economic benefits to surrounding communities**
  - (c) **Night skies get darker**
  - (d) **It may support biodiversity in the area**

Please delete as appropriate:

- This is a new policy/strategy/service/council/school function proposal

Key Questions to Consider in Assessing Potential Impact	
Will the policy /strategy/service/council/school function proposal have a negative impact on any of the protected characteristics or other reasons that are relevant issues for the local community and/or staff?	No
Has previous consultation identified this issue as important or highlighted negative impact and/or we have created a “legitimate expectation” for consultation to take place? A legitimate expectation may be created when we have consulted on similar issues in the past or if we have ever given an indication that we would consult in such situations	No
Do different groups of people within the local community have different needs or experiences in the area this issue relates to?	No
Could the aims of these proposals be in conflict with the council's/school's general duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not?	No
Will the proposal have a significant effect on how services, council or schools function/s is/are delivered?	No
Will the proposal have a significant effect on how other organisations operate?	No
Does the proposal involve a significant commitment of resources?	No
Does the proposal relate to an area where there are known inequalities?	No
<p>If you answer <b>Yes</b> to any of these questions, it will be necessary for you to proceed to a full Equality Impact Assessment after you have completed the rest of this initial screening form.</p> <p>If you answer <b>No</b> to all of these questions, please provide appropriate evidence using the table below and complete the evidence considerations box and obtain sign off from your Head of Service/Headteacher.</p>	

Protected Characteristics	Positive	Negative	No impact	Reasons
Age			x	Lighting is being replaced rather than removed, therefore no impacts on any groups are expected.
Disability			x	The lighting temperature will change, meaning the colour of the light will change, but not the brightness. This means that the new lighting is not expected to impact any partially sighted people.
Gender Reassignment			x	
Marriage & Civil Partnership			x	
Pregnancy & Maternity			x	
Race			x	
Religion / Belief			x	
Sex (male / female)			x	
Sexual Orientation			x	

Are there aspects of the proposal that contribute to or improve the opportunity for equality?	No
<i>If answered Yes, describe what these are and how they may be promoted or enhanced</i>	

**Evidence Considered During Screening**

As this proposal relates solely to replacing lighting in one area of the Island with lighting of a similar type, this is unlikely to have an impact on any of the above-named characteristics.

Head of Service/Headteacher sign off & date:	
Legal sign off & date:	

A signed version is to be kept by your team and also an electronic version can be published on the council's / school's website (follow the link from the EIA page on the intranet) unless it relates to staffing/specific individuals. In which case, it should only be kept by your team.

## Stage 2 Full Equality Impact Assessment

Assessor(s)Name(s):	
Directorate/School name:	
Date of Completion:	

### Name of Policy/Strategy/Service/Function Proposal

### The Aims, Objectives and Expected Outcomes:

*Using the information provided in your initial screening, write a brief description of your policy, strategy, service, council or school function under assessment. It is important to focus on the reasons for a new or changed approach and what it intends to achieve. Include who the main beneficiaries or users are and the main groups of people with protected characteristics who are affected. State how this proposal fits with the council's corporate priorities/school's priorities.*

Please delete as appropriate:

- This is a new policy/strategy/service/council/school function proposal
- This is a proposed change/review to/removal of an existing policy/strategy/service/council/school function (*check whether the original decision was equality impact assessed*)

### Scope of the Equality Impact Assessment

*Include any links to a previous equality impact assessment or work delivered by another Directorate/service/school or partner organisation. Describe the approach to be taken in data collection, stakeholder involvement and state who the stakeholders are.*

*Establish your monitoring and review arrangements.*

*Sources of evidence may include:*

- *Service monitoring reports including equality monitoring data*
- *User feedback*
- *Population data – IW Facts and Figures (add link)*
- *Complaints data*
- *Published research, local or national*
- *Feedback from consultations and focus groups*
- *Feedback from individuals or organisations, other council departments, partner organisations etc*

*Set out any data gaps that may need to be addressed and how you plan to address them and include in your action plan.*

### Analysis and assessment

*Given the available information, what is the actual or likely impact on minority, disadvantaged, vulnerable and socially excluded groups? Is this impact positive or negative or a mixture of both? In particular set out how the council/school as a public body has met its duty to pay regard to eliminate unlawful discrimination, harassment and victimisation and advance the equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not.*

*Detail what concerns were identified during any consultation exercises together with any positive impact that has been identified and how this can be promoted or enhanced. Are there any concerns from consultation and data gathering that have not been taken on board, if so, please justify and explain the reason for this.*

*Does the proposal have the potential to cause unlawful discrimination (for example is it possible that the proposal may exclude certain groups of people from obtaining services or limit their participation in any aspect of public life?)*

*Set out in light of the consultation and data gathering what changes, if any you will make to the proposal*

*What can be done to reduce the effects of any negative impacts? Where negative impact cannot be completely diminished, can this be justified and is it lawful?*



## Recommendations

*Please summarise the main recommendations arising from the assessment. If it is not possible to diminish negative impacts to an acceptable or even a lawful level the recommendation should be that the proposal or the relevant part of it should not proceed.*

**Action/Improvement Plan**

The table below should be completed using the information from your equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Remove or lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact  (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Age				
Disability				
Gender Reassignment				
Marriage & Civil Partnership				
Pregnancy & Maternity				
Race				
Religion / Belief				

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact  (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Sex (male or female)				
Sexual Orientation				
HR & workforce issues				
Human Rights implications if relevant				
<p>Please remember - actions should have SMART targets and be reported to the Diversity Board (this should be done via your Directorate representative) or school board and incorporated into your service/team/school Plans and /or objectives of key staff</p>				

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Summary	
Date of Assessment:	
Head of Service/Director/Headteacher sign off & date:	
Legal sign off & date:	
Review date	
Date published	

<b>Publishing checklist</b>	<b>Yes</b>	<b>No</b>
<ul style="list-style-type: none"> <li>• <i>Plain English – will your EIA make sense to the public?</i></li> <li>• <i>Acronyms – check you have explained any specialist names or terminology</i></li> <li>• <i>Evidence – will your evidence stand up to scrutiny; can you justify your conclusions?</i></li> <li>• <i>Stakeholders and verification – have you included a range of views and perspectives to back up you analysis?</i></li> <li>• <i>Gaps and information – have you identified any gaps in services or information that need to be addressed in the action plan?</i></li> <li>• <i>Success stories – have you included any positive impacts that have resulted in change for the better?</i></li> <li>• <i>Action plan – is action plan SMART? Have you informed the relevant people to ensure the action plan is carried out?</i></li> <li>• <i>Review have you included a review date and a named person to carry it out?</i></li> <li>• <i>Challenge – has your equality impact assessment been taken to Diversity Board/Call Over/school arenas for challenge?</i></li> <li>• <i>Signing off – has your Head of Service/Director/Headteacher signed off your EIA?</i></li> <li>• <i>Basics – have you signed and dated your EIA and named it for publishing?</i></li> <li>• <i>A signed version to be kept by your team for review and electronic version to be uploaded on to the council’s/school’s website</i></li> </ul>		



## Cabinet report

Date **16 DECEMBER 2021**

Title **FEES AND CHARGES REVIEW – GREEN GARDEN WASTE SUBSCRIPTIONS**

Report of **CABINET MEMBER FOR ENVIRONMENT, HERITAGE AND WASTE MANAGEMENT**

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### EXECUTIVE SUMMARY

1. The council is required to find savings and additional income in 2022/23.
2. The recommended price increase supports the council's ability to expand the service to more people in the future.
3. Due to the need to prepare for the subscription renewals from January this decision will need to be taken by Cabinet in December to enable Garden waste subscriptions and renewals to open in the new year.

### RECOMMENDATION

4. Cabinet is recommended to:

Option 2 – Increase annual subscription cost in 2022 by £2 per month.

### BACKGROUND

5. In 2017 the council entered into a Deed of Variation with the Service Provider to deliver a change to the collection of green garden waste whereby the council receives and accepts 100 per cent of the upside and downside on the subscription service, net of operational and capital costs. The service provider retains the lost profit from selling garden waste bags in the libraries and received a 20 per cent management fee on operation cost (not gross profit).
6. Performance of the service is built into the Performance Management Framework of the Waste Contract; key performance standards enable the deduction of sums and accrual of service termination default points in line with the Household Waste Collection service.
7. To enable the growth of the service the service provider must notify the council when the current operation meets 70 per cent of its capacity. This enable the council to make a decision as to where there is sufficient market demand to purchase a further

vehicle, staff and bins for the capacity/demand. There is a risk of loss of net profit if a vehicle and staff are purchased without sufficient demand in the market to fill the capacity (estimated 5000 properties per vehicle).

8. Green Garden waste is classified as a household waste but does not have to be collected by the Waste Collection Authority. The Controlled Waste regulations allow Collection Authorities to charge for the collection but not the treatment of green garden waste. The council pays per tonne of waste treated at the Biffa open windrow composting pad on top of the cost of operating a collection service and the cost of operating the green waste collection at Household Waste Recycling centres.
9. The service is extremely popular and currently has 10,450 subscriptions at £72 per subscription. The 2021/22 subscription year was made up of:
  - 8,899 renewals
  - 1,384 New Sales
  - 167 multi-year subscriptions taken out in earlier years
10. Nominal rises in fees and charges are normally delegated to the Director of the service. However, in this case because of the level of the proposed change the Garden Waste fees uplift are being presented to Cabinet.
11. The subscription service operates from April 1st to March 31st each year. Pricing needs to be agreed before January to be able to Market the service and ensure that the timelines for notices of direct debit changes are met and customers are renewed, or new ones subscribed by mid-March. Routing software is then run and bins delivered prior to the 1 April start date.
12. The team will need to contact 8,899 customers to remind them to renew their services in mid-January, 6,026 of which will require noticed of change of price in their direct debit. From mid-February the subscriptions are then opened to new customers.
13. The number of current subscribers to the service is included in the 2021-25 Isle of Wight Council Corporate Plan and as such will be reported quarterly to Council's Cabinet as part of the Quarterly Performance Management Report.

## STRATEGIC CONTEXT

14. The green garden waste subscription service contributes toward the key Environment, Heritage, and Waste Management aspiration of "Continuing to develop successful waste management and increasing recycling rates further"
15. The green garden waste subscription service is a non-statutory commercial service offered by the IWC on a payment basis. The service supports the councils vision to sustain our economy, environment and people, where everyone can enjoy the benefit of a green and thriving economy.
16. Operating this service in a competitive commercial market allows the revenue and capital costs of operating collections, employment maintained and fuel as well as capital costs of vehicles and bins/reusable sacks to be funded by the cost of subscriptions rather than by the councils core budget.

17. Further by since developing the subscription service two market competitors on the island have started similar services demonstrating that the council has helped grow new economic markets with fair competition for customers to choose from.
18. The opportunity created by the delivery of green garden waste kerbside collection subscriptions reduces the need for residents to drive to Recycling Centres or have garden bonfires which supports a reduction on greenhouse gas emissions on the island.

### CONSULTATION

19. The fees and charges increase for services are normally a decision made internally by the Director of the Service in consultation with Service Managers and Councillors, however the Cabinet Manager for Waste has consulted with the Cabinet and Cabinet Members requested that the decision was brought to them for discussion and decision.
20. Cabinet Members have requested that the decision is brought to Cabinet for discussion and decision.

### FINANCIAL / BUDGET IMPLICATIONS

21. Due to National Government austerity measures this the council is required to find savings and additional income in 2022/23.
22. The separate collection of green garden waste is a discretionary commercial service that is not required to be delivered by the council.
23. The proposed price uplift (option 2 below) for Green Garden Waste Subscriptions would make a significant contribution to savings through reducing the cost of delivering council services by £240,000.
24. The higher price also increases our ability to expand the service to more people in the future.
25. Any price increases proposed by market competitors are currently not known and other waste service contractors have capacity limited by vehicles, staff and HGV driver availability.

### IMPACT ON YOUNG PEOPLE AND FUTURE GENERATIONS

26. Growing a strong GGW subscription service that has commercial services provide increased employment opportunities for future generations in the waste sector. As a market sector there is an ongoing need for training to be made available to increase employment opportunities in for example, HGV driving, heavy plant use, logistics and management of services both in waste and finance.

### CLIMATE, ENVIRONMENT & UNESCO BIOSPHERE IMPACT

27. Amending the fees and charges for this service does not have a direct impact on greenhouse gas emissions however the potential to expand the service will benefit the biosphere for the reasons set out below. The service delivery does reduce the

number of trips that the 10,000 subscribers make to recycling centres, as well as the number of bonfires, both activities contribute to lower air quality.

28. The fleet vehicles used for this service have Euro 6 engines and are tracked by vehicle tracing software that allows driver habits to be identified that may waste fuel or increase emissions, such as idling. Further round optimisation software is used to minimise the miles travelled and reduce unnecessary emissions.

29. The service reuses bins when subscriptions turn over to new customers rather than dispose of 240 litre bins to reduce plastic waste.

## LEGAL IMPLICATIONS

30. Changes to the Contract and the service delivery therein are subject to agreement between the contracting parties. Deeds of Variation have been entered into for savings items over the contract period, including reducing hours at the HWRCs, ceasing the mobile HWRC delivery, reducing reporting requirements for environmental monitoring and the green garden waste service.

31. The Contract protects the risk position commercially for both parties when making a Contractual change. The party making the change is liable for the cost of the change (including legal fees). Should the council make changes the Service providers assumed profit in the base financial model is protected and must continue to be paid by the council. This is termed 'keeping the service provider whole' and prevents the service provider from being bankrupted by client changes.

32. Should the government make a change in law that effect the contract, there are provisions for the costs of those changes. Schedule 14 'Waste Law List' sets out the agreed list of documents that are consider when there is A Qualifying Change in Law if altered by Government and the service is directly affected. In these instances, the council is responsible for the costs of the change.

33. National Resource and Waste Management Strategy Consultation:

The consultation of the National Resource and Waste Management Strategy held earlier this year (closed March 2021) is yet to announce results. A key part of this consultation was the question of whether local Authorities should be required to provide free garden waste collection services to all households. This consultation has made clear that should the change be made, the Government would pay local Authorities the capital and project costs to implement a free green garden waste service but would not cover ongoing revenue costs r loss of earnings.

34. The date of when the consultation results will be made public is not yet known but is unlikely to affect 2022/23 but this may be the last year in which charges can be made.

## EQUALITY AND DIVERSITY

35. This report does not introduce new or revised Policy or Procedure and is not a significant decision for which an equality impact assessment must be undertaken.



## OPTIONS

### **36. Option 1 – Maintain current pricing**

Additional savings achieved – £0

Risks:

Low chance of losing numbers with maintenance of current levels of income/saving  
Budget targets would need to be met from elsewhere to continue subsidising other council services.

Expansion to future customers would require a confirmed 7000 subscriber uplift to enable the service to purchase a new vehicle and ensure the service breaks even

### **37. Option 2 – Increase annual subscription cost in 2022 by £2 per month**

Savings: for 2022 would provide an additional £240,000 saving pa based on 10,000 subscribers.

Risk of Customer Attrition – An increase of £2 per month will take the service from £6 per month to £8 per month and may increase the attrition of current customers to other providers. Each year the subscription service loses 8-10 percent of customers which have been replaced by new subscribers and each year the oversubscription has slightly increased.

Mitigation: There are 1,200 potential customers on the waiting list. This will also require a strong marketing campaign that promotes the benefits of the service, focuses on the monthly cost, the popularity and waiting list and the hold on prices for a minimum of 2 years going forward

Service Benefit: increasing the cost and securing a customer base at this rate in **one year** will make it more commercially viable to be able to expand the service with a third vehicle when demand suggest an increase of 3000 customers is achievable, which will achieve a commercially secure ten per cent net retained income.

### **38. Option 3 - Increase annual subscription cost in 2022 by £1 per month, 2023 by £1 per month**

Would provide an additional £120,000 saving in 2022/23 and an additional £120,000 in 2023/24 based on 10,000 subscribers.

Risk of Customer Attrition – each year the subscription service loses 8-10 percent of customers which have been replaced by new subscribers and each year the oversubscription has slightly increased. The year-on-year increase may be viewed as a trend and lead to an increase in customer loss. There are 1,200 potential customers on the waiting list. A staggered increase of £1 per month over two years will take the service from £6 per month to £8 per month and may increase the attrition of current customers to other providers and it will also add uncertainty for customers in relation to further price rises. Customer trust in service pricing reducing with year on year increases and it is more difficult to be assured of customer growth in future years.

Mitigation of the customer loss will require a strong marketing campaign that promotes the benefits of the service, focuses on the monthly cost, the popularity and waiting list and the hold on prices for 2 years going forward

Service Benefit: increasing the cost and securing a customer base at this rate after two years make it commercially viable to be able to expand the service with a third vehicle when demand suggest an increase of 3000 customers is achievable, and provide a 10 percent retained profit to support future and service contingency costs (e.g. replacement bins, breakdown repair, increased fuel costs etc).

## RISK MANAGEMENT

### 39. RISK: Customers choose to leave the service.

The Green Garden Waste subscription service annually has an 8 percent customer loss and gain turnover. This is for a range of reasons including, moving to a new house, moving into care and choosing to pay a gardener to take the waste away. Increasing the price is likely to cause some customers to leave the service.

#### MITIGATION:

- The service offers the ability to pay on a monthly basis by direct debit, the spreads the annual cost over the 12 months of the subscription.
- The recommendation is to increase the price in one year with a two-year price hold to follow offer customers stability.
- Marketing, a strong marketing campaign promoting the benefits of the popular regular service will target renewals, the waiting list and new customers
- Reputation, the service is popular and has a strong reputation with its customer base who appreciate the regular and consistent service delivered.

This risk will be added to the relevant Risk Register and monitored regularly in line with the Isle of Council Risk Management Framework

## EVALUATION

40. In the context of the savings required to support a reduction in the council's budget, this price increase places the cost to deliver discretionary services outside of the core budget by acting as a commercial entity in the market.

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## Cabinet Report

Date	<b>16 DECEMBER 2021</b>
Title	<b>COUNCIL TAX SUPPORT SCHEME 2022/23</b>
Report of	<b>CABINET MEMBER FOR STRATEGIC FINANCE, CORPORATE RESOURCES AND TRANSFORMATIONAL CHANGE</b>

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### EXECUTIVE SUMMARY

1. Each year the council is required to review its local Council Tax Support (CTS) scheme in accordance with the requirements of the schedule 1A of the Local Government Finance Act 1992 and to either maintain the scheme or replace it.
2. Council Tax Support was introduced from 1 April 2013 when it replaced the directly government funded council tax benefit scheme. The CTS scheme is indirectly funded through the Settlement Funding Assessment (SFA), but this funding has reduced year on year.
3. As with the majority of authorities within England, the council has changed its scheme each year for a number of reasons including:
  - adjusting the level of support in line with the funding available from central government; and;
  - to aid administration.
4. This report details the proposal to make no changes to the scheme and makes recommendation to councillors to this effect for the 2022/23 scheme effective from 1 April 2022.

### RECOMMENDATION

5. Option 2 - To maintain the current LCTS scheme at 65 per cent but allowing for any minor adjustments to annual allowable amounts which are used to offset the calculation.

### BACKGROUND

6. CTS was introduced by central government in April 2013 as a replacement for the Council Tax Benefit scheme (CTB) administered by local authorities on behalf of the Department for Work and Pensions (DWP). As part of its introduction, the government in transferring the responsibility to individual councils set requirements namely:

- the duty to create a local scheme for **Working Age** applicants with billing authorities.
  - An initial reduction in funding equivalent to ten per cent from the levels paid through benefit subsidy to authorities under the previous Council Tax Benefit scheme; and
  - persons of **pension age**, although allowed to apply for CTS, would be dealt with under regulations prescribed by central government and not the authorities' local scheme.
7. Since that time, funding for CTS has been amalgamated with other central government grants paid to local authorities and also within the Business Rates Retention scheme as part of the SFA. It is now not possible to identify the amount of funding actually provided from central government sources for the CTS scheme.
  8. The current support scheme created by the council known as Local Council Tax Support (LCTS) is divided into two schemes, with pension age applicants receiving support under the rules prescribed by central government, and the scheme for working age applicants being determined solely by the local authority.
  9. Pensioners, subject to their income, can receive up to 100 per cent support towards their council tax. The council has no powers to change the level of support provided to pensioners and therefore any changes to the level of LCTS support can only be made to the working age scheme.
  10. When LCTS was introduced in 2013, the council broadly adopted the previous means tested CTB scheme as the basis of awarding support. However, due to the reduction in funding, a number of changes have been made over the years to the working age scheme. These are as follows:

**For 2013/14 the council agreed the following:**

- To reduce maximum entitlement for working age non vulnerable claimants to 91.5 per cent, decreasing to 80 per cent of their council tax liability in the 2014/2015 scheme.
- To safeguard those claimants, their partner, or disabled dependent child who are deemed working age 'vulnerable' in respect of disability and related allowances by ensuring that the new LCTS provided the same level of assistance as the previous CTB.
- Removing the 'second adult rebate' for working age claimants.

**For 2014 to 2016 the council agreed the following:**

- Year two (2014/15) and year three (2015/16) restrict local council tax support to a maximum of 80 per cent of council tax liability. To provide a blanket protection for those claimant's, their partner or dependent child, in receipt of disability and related allowances.
- To introduce the ability to apply a minimum income floor for self-employed earners, as created under the Welfare Reform Act 2012.

**For 2016 to 2017 the council agreed the following:**

- Removal of Family Premium from May 2016
- Backdating requests for LCTS, limited to one calendar month
- Minimum living wage for self-employed claimants after a start-up period of one year
- Removal of the blanket protection for certain claimants (maximum LCTS limited to 80 per cent of Council Tax liability)
- Reduce the capital limit for those with assets from £16,000 down to £6,000 to be eligible to claim LCTS.

**For 2017 to 2018 the council agreed the following:**

- Reduce the period for which a person can be absent from Great Britain and still receive council tax reduction from 13 weeks to 4 weeks (this brought the LCTS in line with the changes in Housing Benefit announced by central government at the time);
- Remove the element of a Work-Related Activity Component in the calculation of the current scheme for new Employment Support Allowance claimants (this brought the LCTS in line to mirror changes in Housing Benefit);
- To limit the number of dependent children within the calculation of LCTS to a maximum of two for any new children born on or after 1 April 2017 (this brought the Council Tax Reduction Scheme in line with changes being introduced by central government to universal credit, tax credits and housing benefit);
- To remove entitlement to the Severe Disability Premium where another person is paid Universal Credit (Carers Element), (this brought LCTS in line with the changes in housing benefit announced by central government in April 2017).

**For 2018 to 2019 the council agreed the following:**

- To provide maximum entitlement for working age claimants to 70 per cent of their council tax liability;
- Restricted to a maximum Band C valuation if a property is banded D or above (Band C is the average level of tax for claimants);
- Bereavement benefit changes (aligned the LCTS with the housing benefit scheme which disregards Bereavement Support as part of the National Welfare Reform changes).

**For 2019 to 2020**

- No changes

**For 2020 to 2021 the council agreed the following:**

- A Banded scheme which was introduced to simplify the scheme for customers and the service because of the effects of Universal Credits on the number of changes to the council tax records.

**For 2021 to 2022**

- Reduction from 70 per cent to 65 per cent maximum support;
- Remove the current blanket protection of claimants in receipt of a disability benefit;
- Disregard the housing element of Universal Credit as income. This element was brought in for equality purposes and was a positive change impacting working age applicants in receipt of Universal Credit and disregard the housing costs in the calculation of the universal credit calculation.

## STRATEGIC CONTEXT

11. Each year the council is required to review its local CTS in accordance with the requirements of Schedule 1A of the Local Government Finance Act 1992 and to either maintain the scheme or replace it.
12. The LCTS scheme needs to be considered in the context of the council's overall budget strategy and the financial impact on the ability to deliver services. The proposals within this report remain aligned to the corporate plan priorities that seek to ensure the following:
  - Ensuring that we listen to people. We will do so by holding consultations in which we will have a proper discussion with residents about issues
  - Keeping the council solvent and take all the measures we can to improve the financial position of the council
  - COVID 19 recovery will be integral to everything we do for residents and Island business
  - Provide greater support to those on low incomes, including through the local council tax support scheme

## CONSULTATION

13. The Local Government Finance Act 1992 (as amended) states the circumstances when consultation must take place with both the public and major precepting authorities.
14. Where an authority considers the replacement of their existing scheme, then full consultation is required. Where the scheme is to remain unchanged, then no consultation is required.
15. The recommendation made in this report is to maintain the current level of support and make no further changes to the scheme for the period April 2022 – 2023.

## FINANCIAL / BUDGET IMPLICATIONS

16. The amount of LCTS being provided has reduced significantly since its introduction in 2013.
17. The total expenditure at 31 March 2021 was £10.4 million and at 30 July 2021 the expenditure was at £10.5 million, of which the council's share is £8.5 million, net of the share of cost attributable to the Police and Crime Commissioner, Town and Parish Councils and Hampshire and Isle of Wight Fire Authority. Since 2013 there has been a reduction in expenditure of £3.3 million which has already been reflected in previous years budgets. This is due to both a reduction in caseload and the changes to the working age scheme since 2013.
18. The assumed SFA funding towards the CTS scheme during 2021/22 is £5.2 million. Based on the council's share of the 2021/22 cost of £8.5m, there is currently an indicative funding gap of £3.3 million.

19. A breakdown of the current LCTS expenditure is shown below as well as a comparison on caseload and spend since 2013.

	Pension age	Working age
<b>No. of claimants</b>	4956	5556
<b>Cost (August 2021)</b>	£6,241,104	£4,230,155

	Average number of claimants 2012/13	Average number of claimants 2015/16	Average number of claimants 2019/20	Average number of claimants 2020/21	Cost of support 2012/13 £M	Cost of support 2015/16 £M	Cost of support 2019/20 £M	Cost of support 2020/21 £M
Pensioner	7,460	6,341	5,214	5,011	£6.9	£5.93	£6.14	£6.09
Working age enhanced premiums (disabled)	1,850	3,320	3,508	3,725	£1.7	£3.46	£2.78	£3.27
Other working age	6,050	3,675	1,838	1,978	£5.2	£2.19	£1.33	£1.03
Totals	15,360	13,336	10,560	10,714	£13.8M	£11.6M	£10.3M	£10.39M

20. It should be noted that the authority cannot vary the level of LCTS support provided to pension age claimants.

### Council tax in year collection summary

21. There has been a reduction in the overall council tax year on year collection figures from 97.80 per cent to 96.2 per cent of all council tax monies collected in year. These figures are taken from the annual council tax in year collection recorded rates. It should however be noted that the level of council tax liability to collect each year has risen from £68.820 million in 2013 to £106,130 million in 2021.

Date	liability	receipts	collection/rate	outstanding
2012-2013	£68,820,136	£67,307,674	97.80%	£1,512,461
2013-2014	£71,809,636	£70,138,623	97.67%	£1,671,013
2014-2015	£75,228,421	£73,448,016	97.63%	£1,780,405
2015-2016	£78,290,900	£76,504,564	97.72%	£1,786,336
2016-2017	£83,945,132	£81,838,764	97.49%	£2,106,368
2017-2018	£90,236,837	£87,862,657	97.37%	£2,374,180
2018 - 2019	£97,846,214	£94,769,049	97%	£2,898,293
2019 - 2020	£102,877,622	£101,541,807	96.58%	£1,335,818
2020 - 2021	£106,130,051	£102,054,330	96.2%	£4,075,721

22. The amount of council tax still to be collected and undergoing recovery action from LCTS applicants amount £1.7 million since commencement of the LCTS scheme.

23. On the 1 April 2013, the service had 487 active requests to make deductions from benefit payments to repay council tax indebtedness (attachments) with the Department for Works and Pensions (DWP) and 1877 further attachments which are awaiting previous attachments to be cleared, with some residents having more than one attachment, with the debt to collect increasing year on year.
24. During the pandemic there has been a fluctuating need for support from LCTS and the number of cases and spend has therefore increased as some residents were affected and remain affected financially.
25. Last year, to provide some financial support during the pandemic, central government provided initiatives to support people nationally, however, many of these are no longer available in 2021. In addition, a pause was made on recovery actions being taken during the pandemic in 2020, which have now resumed.
26. All these factors may affect residents as they try to recover from the effects of the past eighteen months.

### IMPACT ON YOUNG PEOPLE AND FUTURE GENERATIONS

27. Any changes being brought about to the LCTS scheme could have financial impacts on any of those who may claim LCTS in the future. In addition, the income of a household affects children in those households, and with any future changes to the scheme this needs to be considered.

### LEGAL IMPLICATIONS

28. The council will need to set a lawful and balanced budget and council tax level for 2022/23 at the Full Council meeting on 23 February 2022.
29. The Local Government Finance Act 1992 (as amended) stipulates that for each financial year, each billing authority must consider whether to revise its scheme, or to replace it with another scheme. The authority must make any revision to its scheme no later than 11 March in the financial year preceding that for which the revision or replacement scheme is to have effect.
30. In finally deciding what form the local CTS should take, the council will need to take into account what mitigating actions can be taken to reduce any potential impact, the wider budget position, and the potential impact on council taxpayers and users of services.
31. There must be proper consideration of the impact of the proposals on relevant groups and Full Council members are required to have read the equality impact assessment to enable them to have due regard to the public sector equality duty before making a decision.
32. LCTS schemes are dealt with under 13A of the Local Government and Finance Act 1992 and was added by section 10 of the Local Government and Finance Act 2012 so that, in respect of dwellings in England, a person's liability to pay council tax is reduced in accordance with the billing authority's LCTS. Liability may be reduced "to such an extent as the billing authority thinks fit". Billing authorities can apply a reduction in particular cases or by determining a class of case. Liability for council tax can be reduced to nil.



33. The framework within which billing authorities must devise their council tax reduction schemes is contained in section 13A of the Local Government Act 1992 (as amended).

### EQUALITY AND DIVERSITY

34. The council has to comply with section 149 of the Equality Act 2010. This provides that decision makers must have due regard to the elimination of discrimination, victimisation and harassment, advancing equalities, and fostering good relations between different groups (race, disability, gender, age, sexual orientation, gender reassignment, religion/belief, pregnancy and maternity, and marriage/civil partnership). An equality impact assessment has been completed in respect of relevant proposals as part of the decision-making process to enable members to take into account and if necessary, mitigate the impacts as part of the decision-making process.
35. An LCTS exceptional hardship fund was introduced during 2016/17 to recognise the potential impacts to some low-income households that might be faced with genuine hardship as a result of the LCTS 2016/17 scheme changes agreed by Full Council on 20 January 2016. This provision has been reviewed each year by Full Council with the last agreement to continue the scheme agreed on 20 January 2021 and continues to provide support for those in genuine hardship.
36. Discretionary assistance can be applied for to assist a claimant with any shortfall between their CTS and council tax liability in accordance with the policy's intentions. This requires individual applications and takes into account individual circumstances including the claimant's income and essential outgoings.
37. This provision will continue to provide mitigating actions to those deemed to be in genuine hardship and requiring additional support above the LCTS scheme provision.

### OPTIONS

38. Option 1 - The need to review the level of support, given the overall costs of the scheme and whether the maximum level of support for working age cases should be either increased or reduced requires formal consultation to be undertaken, however there is insufficient time available to conduct such consultation within the timeframes available to us for the financial year 2022/23. Whilst retaining the current level of support therefore, it is the intention to consider the restoration of support in the coming years subject to wider budget considerations.

Option 2 – To maintain the current LCTS scheme at 65 per cent but allowing for any minor adjustments to applicable amounts.

### RISK MANAGEMENT

39. Option 1 would have a financial impact on council budget depending on whether the maximum level of support is either increased or decreased. It is considered to have financial risks for the council due to the uncertainty of future growth in cases for LCTS eligibility and the potential impact on council tax collection rates, with the additional pressures that the COVID-19 pandemic situation has brought by way of increase in caseload and spend. The projected level of support with estimated

collection rates will be included within the council tax base calculations in determining the total of council tax income for 2022/23.

40. The total council tax collection as of July 2021 has also increased from this time last year due to the rise in the council tax base, however, on a percentage recovery compared to this time last year, collection is down by 0.4 per cent, due to the COVID 19 pandemic situation, and the ability to progress debt recovery. The amount of council tax collectable continues to increase each year due to percentage increases and therefore a like for like comparison with previous years does not represent the true position. However, for 1 August 2020 the level of council tax collected was £40,417,598 million compared to 1 August 2021 being £43,718,748 million.
41. An assumption is made that overall ultimate collection levels will remain broadly the same of the additional council tax to be collected from working age claimants impacted. This is uncertain but considered prudent.
42. The retrospective debt for LCTS cases going back to 2013 now equates to £1.7 million with collection continuing for prior years. From analysis the highest amount of debt outstanding is from those on a passported benefit (someone on income support, jobseekers' allowance and employment and support allowance) of which 659 claims have a liability order awaiting payment for debt outstanding on council tax accounts. With the entire LCTS caseload having a total of 3,187 liability orders. Therefore, further reductions in support may create additional debt to ultimately collect or write off.
43. Option 1 If full council were to decide to decrease the level of support for the year 2022/23 this would have a negative effect on claimants because they have already experienced a reduction of five per cent in 2021/22. The effects of the pandemic and the level of debt which is accumulating from the non-payment of council tax would put additional pressures on vulnerable residents. There is also insufficient time to conduct the required public consultation on this option but can be further considered for the 2023/24 financial year once there is better understanding of the longer-term impact of the pandemic. Option 1 therefore is not recommended.
44. Option 2 being put forward as recommended for adoption to LCTS for 2022/23 is to make no changes to the scheme, apart from annual minor adjustments to annual allowable amounts which are used to offset the calculation. Making no changes would provide some stability for low-income claimants during the pandemic recovery.
45. The option being put forward as recommended for adoption is option 2.
46. Any risk in collection rates is currently being minimised and mitigated in part by the exceptional hardship fund which is available to assist any claimants suffering from severe hardship and is available for LCTS customers to apply for help and support in assisting to pay shortfalls in their council tax liability.

## EVALUATION

47. Each year the council must undertake a review of the LCTS scheme for working age applicants, to reflect the funding available to support the scheme, as well as the flexibility to design the scheme according to need.
48. Considering the results from the review of the LCTS scheme, it is clear that any further reductions in support as identified by Option 1 are not likely to produce

significant savings and it is likely that there would be a further reduction in council tax collection levels.

49. As described in this report the level of support was reduced with effect from the 1 April 2021, and further reductions in LCTS support during this vulnerable period to those in need of help and support would only cause financial hardship to individuals.

#### APPENDICES ATTACHED

50. Appendix 1: draft Local Council Tax Support scheme policy 2022/2023 based on recommended option  
Appendix 2: Equality impact assessment council tax support scheme  
Appendix 3: Exceptional Hardship Fund revised draft policy

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**Isle of Wight Council**  
**Local Council Tax Support 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 from 1<sup>st</sup> April 2022.
- 1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1<sup>st</sup> April 2022 for a period of one financial year.
- 1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:
- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
  - Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
  - Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
  - Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
  - Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2013;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
  - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
  - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021; and
  - Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

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

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

The three prescribed classes are as follows;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Disregard of certain incomes**

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

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

- 1.6 The adopted scheme for working age applicants is a means test, which compares income against a level of discount. Full details of the working age scheme of the authority are contained within this document from section 2 onwards. The authority is required to specify a scheme for working age and therefore this scheme only applies to a person who;
- a. has not attained the qualifying age for state pension credit; or
  - b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance, on an income-related employment and support allowance or on universal credit.
- 1.7 The Council has resolved that there will be *one* class of persons who will receive a reduction in line with adopted scheme. 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 credit; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;

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

## **Council Tax Reduction Scheme**

Details of support to be given for **working age applicants**

**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 **but for the operation of this scheme**, determined in accordance with the 2019/20 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 as amended by The Child Benefit (General), Child Tax Credit (Amendment) Regulations 2014 and The Child Benefit (General) (Amendment) Regulations 2015;

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

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

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

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

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

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

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

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

**‘couple’** means;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**‘new dwelling’** means, for the purposes of the definition of ‘second authority’ and sections 60C, and 61C the dwelling to which an 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 and Pensions Act 2014;

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

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

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

**‘person on income support’** means a person in receipt of income support;

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

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

**‘personal pension scheme’** means—

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

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

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

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

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

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

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

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

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

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

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

**'qualifying contributory benefit'** means;

(a) severe disablement allowance;

(b) incapacity benefit;

(c) contributory employment and support allowance;

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

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

(a) income support;

(b) income-based jobseeker's allowance;

(c) income-related employment and support allowance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) an employment zone programme;

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

**'Service User'** references in this scheme to an applicant participating as a service user are to

- a. a person who is being consulted by or on behalf of—
  - (i) the Secretary of State in relation to any of the Secretary of State's functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or
  - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or
- b. the carer of a person consulted as described in sub-paragraph (a) where the carer is not being consulted as described in that sub-paragraph;

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

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

**'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;

**'support or reduction week'** means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;

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

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

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

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

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

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

**'Universal Credit'** means any payment of Universal Credit payable under the Welfare Reform Act 2012, the Universal Credit Regulations 2013, The Universal Credit (Consequential,

Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013, Universal Credit (Miscellaneous Amendments) Regulations 2013 and the Universal Credit (Transitional Provisions) Regulations 2014;

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

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

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

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

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

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

**‘water charges’** means;

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

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

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

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

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

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

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

allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).

- 2.4A For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or
  - (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.
- 2.5 For the purposes of this scheme, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- 2.6 In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

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

- 3.1 In this scheme, 'non-dependant' means any person, except someone to whom paragraph 3.2 applies, who normally resides with an applicant or with whom an applicant normally resides.
- 3.2 This paragraph applies to;
- a. any member of the applicant's family;
  - b. if the applicant is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
  - c. a child or young person who is living with the applicant but who is not a member of his household by virtue of section 11(membership of the same household);
  - d. subject to paragraph 3.3, any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under sections 6, 7 or 75 of the 1992 Act (persons liable to pay council tax);
  - e. subject to paragraph 3.3, any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
  - f. a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.
- 3.3 Excepting persons to whom paragraph 3.2 a) to c) and f) refer, a person to whom any of the following sub-paragraphs applies shall be a non-dependant–
- a. a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either;
    - i. that person is a close relative of his or her partner; or
    - ii. the tenancy or other agreement between them is other than on a commercial basis;
  - b. a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of the council tax reduction scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
  - c. a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to



his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the authority is satisfied that the change giving rise to the new liability was not made to take advantage of the support scheme.

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

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

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

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

4.3 Paragraph 4.2 shall not apply–

- a. in the case of a child or young person in respect of whom council tax reduction is claimed;
- b. to a person who;
  - i. is a person in respect of whom a claim for council tax reduction is made;
  - ii. is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act; and
  - 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 Not used**

#### **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.

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

- 7.4 For the purposes of paragraph (3), a right to reside does not include a right, which exists by virtue of, or in accordance with—
- (a) regulation 13 of the EEA Regulations;
  - (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
    - (i) a jobseeker for the purpose of the definition of “qualified person” in regulation 6(1) of those Regulations, or
    - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
  - (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (5) of that regulation of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).
- 7.4A for the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—
- (a) article 3 (grant of leave to EEA and Swiss nationals) of the Immigration (European Economic Area Nationals) (EU Exit) Order 2019 made under section 3A of that Act;
  - (b) Appendix EU to the immigration rules made under section 3(2) of that Act; or
  - (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act.
- 7.5 A person falls within this paragraph if the person is—
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
  - (b) a family member of a person referred to in sub-paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;
  - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
  - (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
  - (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971<sup>3</sup> where that leave is—
    - (i) discretionary leave to enter or remain in the United Kingdom,
    - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012, or
    - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005.
  - (f) a person who has humanitarian protection granted under those rules;
  - (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
  - (h) in receipt of income support or on an income-related employment and support allowance; or
  - (ha) in receipt of an income-based jobseeker’s allowance and has a right to reside other than a right to reside falling within paragraph (4)

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

- 7.6 A person falls within this paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.
- 7.7 A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.
- 7.8 In this regulation—  
 "claim for asylum" has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;  
 "Crown servant" means a person holding an office or employment under the Crown;  
 "EEA Regulations" means the Immigration (European Economic Area) Regulations 2006; and the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014; and  
 "Her Majesty's forces" has the same meaning as in the Armed Forces Act 2006.
- Persons subject to immigration control**
- 7.9 Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- 7.10 A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph 7.9
- 7.11 "Person subject to immigration control" has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

**7A.0 Transitional provision**

- 7A.1 The above does not apply to a person who, on 31st March 2015—
- (a) is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act; and
  - (b) is entitled to an income-based jobseeker's allowance, until the first of the events in paragraph 7A.2 occurs.
- 7A.2 The events are—
- (a) the person makes a new application for a reduction under an authority's scheme established under section 13A (2) of the Act; or
  - (b) the person ceases to be entitled to an income-based jobseeker's allowance.
- 7A.3 In this section "the Act" means the Local Government Finance Act 1992.

**8.0 Temporary Absence (period of absence)**

- 8.1 A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.
- 8.2 In sub-paragraph (1), a "period of temporary absence" means:
- (a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as:
    - (i) the person resides in that accommodation in Great Britain;
    - (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 within Great Britain 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;
- (iii) that period is unlikely to exceed 13 weeks; and

(c) a period of absence within Great Britain not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as:

- (i) the person intends to return to the dwelling;
- (ii) the part of the dwelling in which he usually resided is not let or sub-let;
- (iii) the person is a person to whom sub-paragraph (3) applies; and
- (iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period and

(d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain 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 resides is not let or sub-let; and
- (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks.

8.2A The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.

8.2B Where:

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
  - (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
  - (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,
- then any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

8.2C The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.

8.2D Where:

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
  - (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
  - (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,
- then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

8.2E This sub-paragraph applies where:

- (a) a person is temporarily absent from Great Britain;
- (b) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

8.2F If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of:

- (a) the person's partner or a child or young person for whom the person or the person's partner is responsible;

(b) the person's close relative;  
(c) the close relative of the person's partner; or  
(d) the close relative of a child or young person for whom the person or the person's partner is responsible,  
then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in sub-paragraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).

8.3 This sub-paragraph applies to a person who—

(a) is detained in custody on remand pending trial or required, as a condition of bail, to reside—

(i) in a dwelling, other than the dwelling referred to in sub-paragraph (1), or

(ii) in premises approved under section 13 of the Offender Management Act 2007, or is detained in custody pending sentence upon conviction;

(b) is resident in a hospital or similar institution as a patient;

(c) is undergoing, or whose partner or dependent child is undergoing, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;

(d) is following, a training course;

(e) is undertaking medically approved care of a person;

(f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;

(g) is receiving medically approved care provided in accommodation other than residential accommodation;

(h) is a student;

(i) is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or

(j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

8.3A This sub-paragraph applies to a person ("P") who is:

(a) detained in custody on remand pending trial;

(b) detained pending sentence upon conviction; or

(c) as a condition of bail required to reside—

(i) in a dwelling, other than a dwelling P occupies as P's home; or

(ii) in premises approved under section 13 of the Offender Management Act 2007(7), and who is not also detained in custody following sentence upon conviction.

8.3B This sub-paragraph applies where:

(a) a person is temporarily absent from Great Britain;

(b) the person is a member of Her Majesty's forces posted overseas, a mariner or a continental shelf worker;

(c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

8.3C Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as:

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.

- 8.3D This sub-paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
  - (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of sub-paragraph (3);
  - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- 8.3E Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as:
- (a) the person intends to return to the dwelling;
  - (b) the part of the dwelling in which he usually resided is not let or sub-let;
  - (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.
- 8.3F This sub-paragraph applies where:
- (a) a person is temporarily absent from Great Britain;
  - (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of sub-paragraph (3);
  - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- 8.3G Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as:
- (a) the person intends to return to the dwelling;
  - (b) the part of the dwelling in which he usually resided is not let or sub-let;
  - (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.”;
- 8.4 This sub-paragraph applies to a person who is—
- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, 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.
- 8.5 Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release—
- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
  - (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;
  - (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.
- 8.6 In this paragraph—

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

(a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and

(b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;”

“medically approved” means certified by a medical practitioner;

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006(10)), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces;

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;”

“residential accommodation” means accommodation which is provided in:

(a) a care home;

(b) an independent hospital;

(c) an Abbeyfield Home; or

(d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

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

## **9.0 Membership of a family**

9.1 Within the support scheme adopted by the Council ‘family’ means;

a. a married or unmarried couple;

b. married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person;

c. two people of the same sex who are civil partners of each other and are members of the same household (with or without children);

d. two people of the same sex who are not civil partners of each other but are living together as if they were civil partners (with or without children),

e. and for the purposes of sub-paragraph (d) two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were, they instead two people of the opposite sex;

f. except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a young person;

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

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

- 9.2 Paragraph 9.1 the definition of child or young person shall not apply to a person who is;
- a. on income support;
  - b. an income-based jobseeker's allowance or an income related employment and support allowance; or be entitled to an award of Universal Credit; or
  - c. a person to whom section 6 of the Children (Leaving Care) Act 2000 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.

**12.0 – 14.0 Not Used**

**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 following provisions.

- 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 may if it feels appropriate, 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 may 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);
- (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);
- (d) section 16 (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; and
- (e) an amount determined as representing the housing costs element of any universal credit award.

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 16 (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 may 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 17.2 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 childcare 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 childcare 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 83(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. **but for the operation of this scheme**, 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. **but for the operation of this scheme**, 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. **but for the operation of this scheme**, the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or Employment and Support Regulations 2013;
- 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 2008 or Employment and Support Regulations 2013 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 (vii) above;
  - ix. main phase employment and support allowance;
- g. a pension or allowance to which head (ii), (iv), (vi) or (viii) 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.
- k. 18.12 For the purposes of paragraph 18.11 once paragraph 18.11d) 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.
- 18.12 For the purposes of paragraph 18.11 once paragraph 18.11d) 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 18.11e) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.
- 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, personal independence payment or the support component of the Employment and Support Allowance 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.**

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

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

- i. 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 amended<sup>4</sup>.

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 an applicant participating as a service user.

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

**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 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

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

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 or in the case of a Scottish taxpayer, the Scottish 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 or in the case of a Scottish taxpayer, the Scottish 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 national insurance 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 (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 28.7, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
  - b. an amount in respect of;
    - (i) income tax, and
    - (ii) national insurance contributions payable under the Act, 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 28.8, 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. national insurance 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 28.1 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 or in the case of a Scottish taxpayer, the Scottish 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 or in the case of a Scottish taxpayer, the Scottish 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 national insurance 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 profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year 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.

**29A.0 Minimum Income Floor**

29 A.1 Where no start up period applies to the applicant and the income from self-employment of the applicant or partner as calculated by reference to parts 27 to 29 of this scheme is less than 35 x the hourly national living wage for an ordinary employed worker, the Council will use that amount in the calculation of income for reduction purposes. From that the Council will deduct only an estimate for tax, national insurance and half a pension contribution (where a pension contribution is being made), as if estimating the income of an ordinarily employed worker.

29 A.2 The Council shall determine an appropriate start up period for the employment activity being conducted by the claimant or partner. This will normally be one year from the date of claim, or one year from the date of commencement of the employment activity, whichever is sooner. During this period no Minimum Income Floor shall be applied. The start-up period ends where the person is no longer in gainful self-employment.

29 A.3 Where a claimant or partner holds a position in a company that is analogous to that of a sole owner or partner in the business of that company, he shall be treated as if he were such sole owner or partner and in such a case be subject to the Minimum Income Floor where appropriate.

29 A.4 Ordinarily, no start-up period may be applied in relation to a claimant where a start-up period has previously been applied, whether in relation to a current or previous award of a Council Tax Relief or where one would have been applied, if not for the operation of Council Tax Benefit. The Council may allow a subsequent employment to qualify for a start up period based on the previous history of the claimant and an assessment of such evidence that would support a decision to allow for a subsequent start up period.

29 A.5 In order to establish whether to award a start up period, or at its discretion a subsequent start up period, the claimant must satisfy the Council that the employment is

- Genuine and effective. The Council must be satisfied that the employment activity is being conducted.
- Taking up a total work commitment of 35 hours per week (including any employed work)
- Being conducted with the intention of increasing the income received to the level that would be conducive with that form of employment.

29 A.6 For the purposes of determining whether a claimant is in gainful self-employment or meets the conditions for a start up-period, the Council will require the claimant to provide such evidence or information that it reasonably requires to make that decision, the Council may also require the self employed person to attend an interview for the purpose of establishing whether the employment is gainful or whether the conditions for a start up period are met.

### **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 he 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 housing benefit;

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,
- 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 or in the case of a Scottish taxpayer, the Scottish 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 as a service user.

### **33.0 Capital limit**

33.1 For the purposes of this scheme, the prescribed amount is £6,000 and no support 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 support 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; 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.

- 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 is 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**

#### **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, anybody 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 of the Council's reduction scheme.

45.2 To be eligible for support, 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 person from abroad within the meaning of section 7 of this scheme (persons from abroad).

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) **but for the operation of this scheme**, whose applicable amount would, but for this section, include the disability premium or severe disability premium;

(d) **but for the operation of this scheme**, 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 – this condition needs adding

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 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;
  - (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 sub-paragraphs (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.

#### **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 support in respect of a day for which he is liable to pay council tax, shall be 100 per cent, of the amount A divided by B where;

A is the **lower** of either;

- amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; or
- the amount set by the appropriate authority as the council tax for the relevant financial year in respect of a dwelling within Band C subject to any discount which may be appropriate to the person's circumstances; and

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.

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<sup>5</sup>**

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 £2.00 x 1/7.

58.2 – 58.4 Not Used

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

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<sup>5</sup> The amounts shown within this section shall be updated in line with the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012

- 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:
    - attendance allowance, or would be receiving that allowance but for:
      - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
      - ii. an abatement as a result of hospitalisation; or
    - the care component of the disability living allowance, or would be receiving that component but for:
      - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
      - ii. 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; or
  - e. the support component of the Employment and Support Allowance
- 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;
  - e. 'patient' has the meaning given within this scheme, and
  - f. 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;
  - g. he is not residing with the claimant because he is a member of the armed forces away on operations
- 58.8 Not used
- 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, personal independence payment or the support component of the Employment and Support Allowance 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 Not used**

**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 area<sup>6</sup>**

**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**

**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 support 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.

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



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.

#### **68.0 Making an application<sup>7</sup>**

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).

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

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.

**69.0 Procedure by which a person may apply for a reduction under the authority's scheme<sup>8</sup>**

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

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.

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

(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

(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 month before the date the application was made;
- c. the day 1 month 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 state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
- (ii) the application for a reduction is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,

the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;

(b) in a case where

- (i) an applicant or his partner is a person in receipt of a guarantee credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling 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 award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
- (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or

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

(d) in a case where;

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

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

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

the date on which the change takes place;

(e) in a case where;

(i) 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;

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

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

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

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

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

have been entitled to that allowance.

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.

## **70.0 Submission of evidence electronically**

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

## **71.0 Use of telephone provided evidence**

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

## **72.0 Information and evidence<sup>9</sup>**

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;

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

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 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and  
(b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.
- 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 the London Emergencies Trust, the We Love Manchester Emergency Fund, or the London Bombings Relief Charitable Fund;  
(b) a payment which is disregarded under paragraph 24 of Schedule 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 application<sup>10</sup>**
- 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.

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

- 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 circumstances<sup>11</sup>**
- 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.
- 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.

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

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 21 days 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. In accordance with the Council Tax Reduction Schemes (Prescribed Requirements)(England) Regulations 2012, as amended, penalties of £70 may be imposed by the authority where changes are notified outside of that timescale.

**75.0 Decisions by the authority<sup>12</sup>**

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

**76.0 Notification of decision<sup>13</sup>**

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 paragraph 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances;  
(b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and  
(c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

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

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

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



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<sup>(3)</sup> who has power to apply or, as the case may be, receive benefit on the person's behalf; or
  - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,
- (c) a person appointed by the authority to act for a person unable to act.

#### **77.0 Time and manner of granting council tax reduction<sup>14</sup>**

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

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

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 support is to be paid<sup>15</sup>**

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 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 support / reduction<sup>16</sup>**

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 reasonably practicable, as soon as possible afterwards.

#### **80.0 Payment on the death of the person entitled<sup>17</sup>**

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

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

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

<sup>17</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

as properly awarded or paid on account of them.

**82 .0 Payment where there is joint and several liability<sup>18</sup>**

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 appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

**83.0 - 90.0 Not used**

**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 and in accordance with Data Protections requirements<sup>19</sup>.

**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 claims;
- (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

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<sup>18</sup> Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

<sup>19</sup> Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

- (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.

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

#### **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 support in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to Council tax reduction are or were fulfilled; or

- b. a decision as to an award of such a support should be revised or superseded.

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 support should be revised or superseded.

Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax

### **99.0 Procedure by which a person may make an appeal against certain decisions of the authority<sup>20</sup>**

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.

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

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).

## **Electronic Communication**

### **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.

<sup>20</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

**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 paragraph (1) if the conditions specified in 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.

#### **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**

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

- 1 The authority's Council Tax Reduction scheme from 2022/23 shall be calculated on the basis of the following Banded Discount Scheme:

		<b>HOUSEHOLD</b>				
<b>Band</b>	<b>Level of LCTS</b>	<b>Couple with children</b>	<b>Couple with no children</b>	<b>Single parent with two or more children</b>	<b>Single parent with one child</b>	<b>Single person</b>
1	65%	in receipt of a passported benefit				
2	65%	£0.00 - £255.00	£0.00 - £120.00	£0.00 - £215.00	£0.00 - £145.00	£0.00 - £75.00
3	55%	£255.01 - £305.00	£120.01 - £170.00	£215.01 - £265.00	£145.01 - £195.00	£75.01 - £125.00
4	35%	£305.01 - £355.00	£170.01 - £220.00	£265.01 - £315.00	£195.01 - £245.00	£125.01 - £175.00
5	15%	£355.01 - £405.00	£220.01 - £270.00	£315.01 - £365.00	£245.01 - £295.00	£175.01 - £225.00
6	0%	£405.01 +	£270.01 +	£365.01 +	£295.01 +	£225.01 +

- 2 The amount of discount to be granted is to be based on the following factors:
- The maximum Council Tax Reduction as defined within this scheme;
  - The Council Tax family as defined within this scheme
  - The income of the applicant as defined within this scheme;
  - The capital of the applicant as defined within this scheme;
  - Passported Benefit means where the applicant or partner is in receipt of Income Support, Jobseekers Allowance – income based, Employment and Support Allowance – Income Related;
- 3 For the sake of clarity all incomes shown within the table above are weekly in accordance with the scheme requirements and definitions.
- 4 Discount bands vary depending on both weekly income and the household (family as defined within this scheme). For the sake of clarity, it should be noted that in any application for reduction is limited to a maximum of two dependant children or young persons.
- 5 Any applicant who capital is greater than £6,000 shall not be entitled to any Council Tax Reductions whatsoever.
6. The authority may increase the level of incomes within the grid specified in paragraph 1 on an annual basis by the appropriate level of inflation measured by the Consumer Price Index (CPI) at 1<sup>st</sup> October preceding the effective financial year.
7. \*A disability benefit in the scheme is defined as one, but for the implementation of this scheme would award the applicant with either a disability premium, enhanced disability premium or disabled child premium.

**Schedule 2**

**Not Used**

### **Schedule 3**

#### **Sums to be disregarded in the calculation of earnings<sup>22</sup>**

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<sup>22</sup> 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 or self-employed earner a disregard of £25 shall be given.
2. (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) is responsible for a dependant; 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

**but for the operation of this scheme:**

    - (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.

#### **Schedule 4**

#### **Sums to be disregarded in the calculation of income other than earnings<sup>23</sup>**

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<sup>23</sup> Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. 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 as a service user.
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;
  - (h) an Armed Forces Compensation payment.
- 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) or any local welfare provision as defined by the Social Security (Miscellaneous Amendments) Regulations 2013
- 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 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 or council tax 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 **but for the operation of this scheme**, 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.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
- 66.** Any payment of child benefit.
- 67.** Any Bereavement Support payments made under the Bereavement Support Payment Regulations 2017.
- 68.** Any payments disregarded for Housing Benefits under the Social Security (Emergency Funds) Amendment) Regulations 2017;
- 69.** Carers Allowance
- 70.** Any support Component with an award of Employment and Support Allowance.
- 71.** Where any applicant, partner or dependant is in receipt of Disability Living Allowance, Personal Independence Payment, disability element of working tax credit, Armed Forces Independence Payment or the Support Component of Employment and Support Allowance, a disregard of £50 per week will be deducted from the total net income.



**Schedule 5**  
**Capital to be disregarded<sup>24</sup>**

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<sup>24</sup> Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
- 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. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
6. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
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.

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

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 support.
- 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 support payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

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

**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 subparagraph (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.** (1) Subject to sub-paragraph (2), where an applicant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum council tax reduction), the whole of his capital.  
(2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax reduction), sub-paragraph (1) shall not have effect.
- 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 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).
- 63.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
- 64.** Any Bereavement Support payments made under the Bereavement Support Payment Regulations 2017.
- 65.** Any payments disregarded for Housing Benefits under the Social Security (Emergency Funds) Amendment) Regulations 2017

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**Isle of Wight Council  
Second Stage Equality Impact Assessment  
Council Tax Reduction Scheme 2022/23**

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## **The Council Tax Reduction Scheme for 2022/23**

### **The Aims, Objectives and Expected Outcomes:**

1. Council Tax Reduction (CTR) was introduced by central government in April 2013 as a replacement for the Council Tax Benefit scheme administered on behalf of the Department for Work and Pensions (DWP). As part of its introduction, the government in transferring the responsibility to individual councils set the requirements namely:
  - the duty to create a local scheme for **Working Age** applicants to billing authorities;
  - funding was initially reduced by the equivalent of ten per cent from the levels paid through benefit subsidy to authorities under the previous Council Tax Benefit scheme; and
  - persons of **Pension Age**, although allowed to apply for Council Tax Reduction, would be dealt with under regulations prescribed by central government and not the authority's local scheme.
2. The current support scheme created by the council is divided into two schemes, with pension age applicants receiving support under the rules prescribed by central government, and the scheme for working age applicants being determined solely by the Council.
3. Pensioners, subject to their income, can receive up to 100 per cent support towards their council tax. The Council has no powers to change the level of support provided to pensioners and therefore any changes to the level of CTR can only be made to the working age scheme.
4. When CTR was introduced in 2013, the Council broadly adopted the previous means tested Council Tax Benefit scheme as the basis of awarding support. However, due to the reduction in funding, a number of changes have been made over the years to the working age scheme. These are as follows:

### **Changes made from 1 April 2013 (from the original Council Tax Benefit scheme)**

5. A decision was made to reduce maximum entitlement for working age non-vulnerable claimants to 80 per cent of their council tax liability. The reduction in support was deferred for one year as central government offered additional payments if councils limited their reduction and maintained a scheme that didn't reduce maximum entitlement to less than 91.5 per cent.
6. To safeguard those applicants, their partner, or disabled dependent child who were deemed working age 'vulnerable', the CTR scheme provided the same level of assistance as the previous Council Tax Benefit Scheme (100 per cent).
7. The Second Adult Rebate scheme for working age was removed, this provided a level of discount based on the income and circumstances of any 'second adult' (not the applicant or partner).

## **Changes made from 1 April 2014.**

8. From 1 April 2014, CTR was restricted to a maximum of 80 per cent entitlement for working age. Vulnerable applicants continued to be granted protection at 100 per cent on a 'blanket' policy.

## **Changes made from 1 April 2016**

9. From 1 April 2016, the Family Premium was removed, and backdating limited to one calendar month in line with the national changes to the Housing Benefit scheme. The family premium of £17.45 was previously awarded to households with children within the calculation of CTR and was withdrawn from Housing Benefit from May 2016. This change was approved to bring CTR in line with Housing Benefit regulations.
10. The blanket protection for certain claimants was removed and replaced by an exceptional hardship fund which gives a tailored approach to those cases suffering exceptional hardship. A blanket protection was previously provided to those working age claimants, their partners or dependent children who received certain (disability) benefits to a maximum of 100 per cent of their council tax liability applied. The introduction of a targeted protection scheme (Exceptional Hardship Fund) rather than a blanket protection was to take into account individual circumstances, including the claimant's income and essential outgoings.
11. For self-employed applicants, the minimum income floor was introduced into the scheme. This sets a minimum level of income that is used in the calculation of CTR for certain cases where they have been in business for more than 12 months. These changes align with the approach taken in Universal Credit.
12. The capital limit was reduced from £16,000 to £6,000. The maximum level of capital a claimant could own before they no longer qualified for CTR was previously £16,000, and this was reduced to £6,000 in 2016.

## **Changes made from 1 April 2017**

13. From 1 April 2017, the following changes were made to align CTR with changes made to housing benefit namely:
  - The reduction in the period for which a person can be absent from Great Britain and still receive CTR from thirteen weeks to four weeks. A change which was introduced in housing benefit which excluded a person from housing benefit if they were out of the country for 4 weeks or more. This change was approved to bring CTR in line with Housing Benefit regulations;
  - From the 1 April 2017 new Employment Support Allowance (ESA) claimants who go into the work-related activity group will not receive additional monies in their ESA. This component was £29.05 per week in the calculation. This change was approved to bring CTR in line with Housing Benefit regulations;



- To limit the number of dependent children within the calculation of CTR to a maximum of two for any new children born on or after 1 April 2017 This change was approved to bring CTR in line with Housing Benefit regulations; and
- To remove entitlement to the Severe Disability Premium in line with changes made to housing benefit where another person is paid Universal Credit (Carers Element). This change was approved to bring CTR in line with Housing Benefit regulations.

### **Changes made from 1 April 2018**

14. From 1 April 2018, further changes were made to the CTR scheme to provide additional funding to the council, namely:
- reducing the maximum entitlement for working age claimants to 70 per cent of their council tax liability;
  - restricting Council Tax Reduction to a maximum Band C valuation - this affects all applicants whose dwellings have a band D or higher; and
  - disregarding the new Bereavement Support Payments in line with changes made to Housing Benefit.
15. The working age scheme for 2018/19 required all working age applicants to pay a minimum of 30 per cent of their council tax (a maximum level of CTR of 70 per cent) and CTR was limited to a maximum of band C for council tax valuation purposes. Any applicants living in premises which have a council tax band of D, E, F, G or H have their entitlement calculated on band C levels.

### **Changes made from 1<sup>st</sup> April 2019**

16. Minor changes were made to the scheme with effect from 1<sup>st</sup> April 2019 namely:
- To disregard the new Infected Blood Scheme payments in line with changes made by government to the housing benefit scheme rules. (Five payment schemes have provided financial support to people infected with HIV and/or hepatitis C as a result of contaminated National Health Service blood or blood products). These schemes are run by: The Eileen Trust, The Macfarlane Trust, MFET Ltd, The Skipton Fund and The Caxton Foundation. Payments from these schemes have been fully disregarded in housing benefit and this has been reflected in CTR using the Exceptional Hardship Fund policy.
  - Any applicants receiving the new Infected Blood Scheme Payments will be given additional support, if required, through the exceptional hardship facility that already exists within the Council Tax Reduction.

### **Changes made from 1<sup>st</sup> April 2020**

17. During 2019, management was tasked to develop options for an alternative council tax reduction banded scheme for consideration and implementation with effect from 1 April 2020 to reduce the administrative burden placed on the council as a result of the introduction of Universal Credit.

18. The introduction of Universal Credit within the area has, as experienced in all other areas, brought a number of significant challenges to both the administration of Council Tax Reduction and also the collection of Council Tax generally. All sites within full-service areas have experienced the following:
- The reluctance of Universal Credit claimants to make a prompt claim for Council Tax Reduction leading to loss of entitlement;
  - A high number of changes to Universal Credit cases are received from the Department for Work and Pensions requiring a change to Council Tax Reduction entitlement. On average 40% of Universal Credit claimants have between eight and twelve changes in entitlement per annum. These changes result in amendments to Council Tax liability, the re-calculation of instalments, delays and the demonstrable loss in collection; and
  - The increased costs of administration through multiple changes with significant additional staff and staff time being needed.
19. In view of these problems a new working age scheme was introduced from 2020/21. The approach has been to fundamentally redesign the scheme to address all of the issues with the earlier schemes.
20. The new scheme replaced the traditional means-tested scheme with a simple income grid model as shown below:

Band	Level of CTR	Couple with no children	Couple with children	Single parent with two or more children	Single parent with one child	Single person	
1	70%	<b>in receipt of a disability benefit</b>					
2	70%	<b>in receipt of a passported benefit</b>					
3	70%	£0.00 - £115.00	£0.00 - £250.00	£0.00 - £210.00	£0.00 - £140.00	£0.00 - £75.00	
4	60%	£115.01 - £165.00	£250.01 - £300.00	£210.01 - £260.00	£140.01 - £190.00	£75.01 - £125.00	
5	40%	£165.01 - £215.00	£300.01 - £350.00	£260.01 - £310.00	£190.01 - £240.00	£125.01 - £175.00	
6	20%	£215.01 - £265.00	£350.01 - £400.00	£310.01 - £360.00	£240.01 - £290.00	£175.01 - £225.00	

21. The main principles of the current (2020/21) scheme are as follows:

- a. The highest level of discount is set at a maximum level of liability (70%) and all current applicants that are in receipt of a 'passport benefit' such as Income Support, Jobseeker's Allowance (Income Based) and Employment and Support Allowance (Income Related) receive maximum discount;
- b. The maximum discount (70%) is also applied to applicants that are in receipt of a 'disability benefit' such as Disability Living Allowance or Personal Independence Payments receive maximum discount;
- c. The payment of CTR continues to be limited to Council Tax Band C level. This means any applicants living in premises which have a council tax band of D, E, F, G or H have their entitlement calculated on band C levels;
- d. All other discount levels are based on the applicant's (and partner's, where they have one) net income;
- e. The scheme allows for variation in household size with the levels of income per band increasing where an applicant has a partner, and / or dependants;
- f. Where an applicant had non-dependants living with them, a standard deduction of £2 per week is made;
- g. To encourage work, a standard £25 per week disregard is provided against all earnings for all applicant types;
- h. Disability benefits such as Disability Living Allowance and Personal Independence Allowance continue to be disregarded and, in addition, the Support Component of Employment and Support Allowance and Carer's Allowance is also be disregarded, again providing additional protection with the scheme;
- i. Child benefit and Child Maintenance continues to be disregarded;
- j. The total disregard on war pensions and war disablement pensions continues under the current scheme;
- k. The capital limit under the current scheme remains at £6,000 and there is no calculation of tariff or 'assumed' income from any capital held: and
- l. The approach to for Self Employed applicants and directors has been maintained with the use of a minimum income floor.

21. The simplicity of the current scheme addresses the problems with the changes caused by Universal Credit and is not so reactive to constant changes in circumstance.

### **Exceptional Hardship Fund**

22. In changing to the new scheme, the Council was mindful that some applicants may lose or have a reduced entitlement to CTR. With that in mind, the scheme also has provisions which will assist applicants facing exceptional hardship. Where any applicant is likely to experience exceptional hardship, they are encouraged to apply for an exceptional hardship payment.
23. The Council considers all applications for exceptional hardship on an individual basis, taking into account available income and essential outgoings. Where appropriate further support is given to the applicant.

## Changes made from 2021/22

24. From 1<sup>st</sup> April 2021 the Council decided that a number of changes needed to be made to the 2020/21 scheme. The changes, which are outlined below, were principally designed to make further savings for the Council to assist with meeting the deficit and also to adjust the scheme to be fairer to those applicants on the lowest income.
25. The changes made for the 2021/22 scheme are as follows:
- (i) Increasing the minimum payment required from working age applicants with changes to the discount levels available;
  - (ii) Removing the automatic maximum discount for persons with a disability;
  - (iii) Disregarding the housing element for all applicants in receipt of Universal Credit; and
26. This scheme from 2021 reduces the maximum level of discount to 65% with corresponding reductions in the lower discount bands as follows:

HOUSEHOLD						
Band	Level of CTR	Couple with children	Couple with no children	Single parent with two or more children	Single parent with one child	Single person
2	65%	in receipt of a passported benefit				
3	65%	£0.00 - £255.00	£0.00 - £120.00	£0.00 - £215.00	£0.00 - £145.00	£0.00 - £75.00
4	55%	£255.01 - £305.00	£120.01 - £170.00	£215.01 - £265.00	£145.01 - £195.00	£75.01 - £125.00
5	35%	£305.01 - £355.00	£170.01 - £220.00	£265.01 - £315.00	£195.01 - £245.00	£125.01 - £175.00
6	15%	£355.01 - £405.00	£220.01 - £270.00	£315.01 - £365.00	£245.01 - £295.00	£175.01 - £225.00
7	0%	£405.01 +	£270.01 +	£365.01 +	£295.01 +	£225.01 +

27. For the 2021/22 scheme, the Council maintained the exceptional hardship fund which is available to all applicants.

## Proposed Scheme for 2022/23

28. For the 2022/23 scheme, the Council is proposing to make **no** further changes to the scheme and it is proposed that provisions within the 2021/22 scheme be carried forward in full.
29. Whilst the Council is obliged to review its scheme for working age applicants each year, where no changes are proposed there is no legal requirement to consult. It is proposed therefore that the discounts available within the scheme shall be as follows:

HOUSEHOLD
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Band	Level of CTR	Couple with children	Couple with no children	Single parent with two or more children	Single parent with one child	Single person	
2	65%	in receipt of a passported benefit					
3	65%	£0.00 - £255.00	£0.00 - £120.00	£0.00 - £215.00	£0.00 - £145.00	£0.00 - £75.00	
4	55%	£255.01 - £305.00	£120.01 - £170.00	£215.01 - £265.00	£145.01 - £195.00	£75.01 - £125.00	
5	35%	£305.01 - £355.00	£170.01 - £220.00	£265.01 - £315.00	£195.01 - £245.00	£125.01 - £175.00	
6	15%	£355.01 - £405.00	£220.01 - £270.00	£315.01 - £365.00	£245.01 - £295.00	£175.01 - £225.00	
7	0%	£405.01 +	£270.01 +	£365.01 +	£295.01 +	£225.01 +	

## Scope of the Equality Impact Assessment

30. This Equality Impact Assessment is designed to examine any potential effects of any proposed scheme change. The decision not to change any aspect of the scheme for the 2022/23 will affect working age applicants only. The Council Tax Reduction scheme for pensioners is prescribed by Central Government and cannot be amended by local authorities.

## Consultation

31. As no changes to the scheme are proposed, no consultation will be undertaken with either the public or with major preceptors.

## Action and Improvement Plan

An action and improvement plan is included within Appendix 1.

## Recommendations

The recommendations for the 2022/23 Council Tax Reduction scheme are shown within Appendix 2.

**Appendix 1**  
**Action and Improvement Plan**

## To maintain the current scheme for the financial year 2022/23

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Age	No impact as the existing scheme will remain unchanged			An exceptional hardship fund will continue to be available for those claimants in most severe financial need
Disability				
Gender Reassignment				
Marriage & Civil Partnership				
Pregnancy & Maternity				
Race				
Religion / Belief				
Sex (male or female)				
Sexual Orientation				
HR & workforce issues	No change to the current administration process			
Human Rights implications if relevant	Not applicable			

**Appendix 2  
Recommendations**



The following recommendations are proposed for the 2022/23 Council Tax Reduction scheme:

- It is proposed that the Council continue with the working age scheme unchanged and as set in 2021/22, for the 2022/23 financial year.

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**Isle of Wight Council**  
**Council Tax Reduction Scheme**  
**Exceptional Hardship Policy**  
**2022/23**

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## 1.0 Background

- 1.1 An Exceptional Hardship Fund has been created by the Council to assist applicants for Council Tax Reduction (CTR) who are facing 'exceptional hardship'. The fund has been created to provide further assistance where an applicant is in receipt of Council Tax Reduction but the level of support being paid by the Council does not meet their full Council Tax liability.
- 1.2 The Exceptional Hardship Fund will be available to any applicant (whether pension or working age) where their daily award of Council Tax Reduction does not meet 100% of their Council Tax liability (less any appropriate discounts and any non-dependant deductions).
- 1.3 The Exceptional Hardship Fund will also be open to those applicants who have applied Council Tax Reduction but have not qualified **and** have made an application under the EHF scheme **within one month** of receiving the decision from the Council. However, in such cases the applicant will need to provide evidence of exceptional circumstances above and beyond a financial reason given that their income / capital will have already been determined to be in excess of the scheme levels.
- 1.4 In the case of paragraph 1.3, the Exceptional Hardship Fund will not be available for those applicants who are precluded from the scheme under the Prescribed Requirement Regulations.
- 1.5 The main features of the fund are as follows:
  - The operation of the Fund will be at the total discretion of the Council;
  - The Fund will be operated by the Revenues and Benefits section on behalf of the Council;
  - There is no statutory right to payments from the fund although the Council will consider all applications received;
  - Exceptional Hardship Fund payments will only be available from 1<sup>st</sup> April 2022 and **will not be available for any other debt other than outstanding Council Tax;**

- A pre-requisite to receive a payment from the Fund is that an amount of Council Tax Reduction **must be in payment** for any day that an Exceptional Hardship Fund payment is requested **or** that an application has been made for Council Tax Reduction and has subsequently been refused within 1 month from the date of application for an Exceptional Hardship Fund payment;
- Where an Exceptional Hardship Payment is requested for a previous period, Exceptional Hardship must have been proven to have existed throughout the whole of the period requested;
- Exceptional Hardship Payments are designed as a short-term help to the applicant only and it is expected that payments will be made for a short term only; and
- All applicants will be expected to engage with the Council and undertake the full application process. Failure to do so will inevitably mean that no payment will be made.

## **2.0 Exceptional Hardship Fund and Equalities**

- 2.1 The creation of an Exceptional Hardship Fund facility meets the Council's obligations under the Equality Act 2010.
- 2.2 This policy has been created to ensure that a level of protection and support is available to those applicants most in need. It should be noted that the Exceptional Hardship Fund is intended to help in cases of **extreme** financial hardship and not support a lifestyle or lifestyle choice. Whilst the definition 'Exception Hardship' is not exactly defined by this policy, it is accepted that changes to the level of support generally will cause financial hardship and any payment made will be at the total discretion of the Council. Exceptional Hardship should be considered as 'hardship beyond that which would normally be suffered'

### **3.0 Purpose of this policy**

3.1 The purpose of this policy is to specify how the Council will operate the scheme, to detail the application process and indicate a number of factors, which will be considered when deciding if an Exceptional Hardship Fund payment can be made.

3.2 Each case will be treated on its own merits and all applicants will be treated fairly and equally in terms of access to the Fund and also the decisions made.

### **4.0 The Exceptional Hardship Fund Process**

4.1 As part of the process of applying for additional support from the Exceptional Hardship Fund, all applicants must be willing to undertake **all** of the following:

- a. Make a separate application for assistance (where required by the Council);
- b. Provide full details of their income and expenditure;
- c. Accept assistance from either the Council or third parties such as the Citizens Advice or similar organisations to enable them to manage their finances more effectively including the termination of non-essential expenditure;
- d. Identify potential changes in payment methods and arrangements to assist the applicant;
- e. Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted; and
- f. Maximise their income through the application for other welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.

4.2 Through the operation of this policy, the Council will look to:

- Allow a short period of time for someone to adjust to unforeseen short-term circumstances and to enable them to “bridge the gap” during this time, whilst the applicant seeks alternative solutions;
- Enable long term support to households in managing their finances;
- Help applicants through personal crises and difficult events that affect their finances;

- Prevent exceptional hardship;
- Help those applicants who are trying to help themselves financially; and
- Encourage and support people to obtain and sustain employment.

4.3 It cannot be awarded for the following circumstances:

- Where full Council Tax liability is already being met by Council Tax Reduction;
- For any other reason, other than to reduce Council Tax liability;
- Where the Council considers that there are unnecessary expenses/debts etc. and that the applicant has not taken reasonable steps to reduce these; or
- To pay for any additional Council Tax caused through the failure of the applicant to notify changes in circumstances in a timely manner or where the applicant has failed to act correctly or honestly.

## **5.0 Awarding an Exceptional Hardship Fund Payment**

5.1 The Council will decide whether or not to make an Exceptional Hardship Fund award, and how much any award might be.

5.2 When making this decision the Council will consider:

- The shortfall between Council Tax Reduction and Council Tax liability;
- Whether the applicant has engaged with the Exceptional Hardship Payment process;
- If a Discretionary Housing Payment for Housing Benefit or Universal Credit Housing Element) has already been awarded to meet a shortfall in rent;
- The personal circumstances, age and medical circumstances (including ill health and disabilities) of the applicant, their partner, any dependants and any other occupants of the applicant's home;
- The difficulty experienced by the applicant, which prohibits them from being able to meet their Council Tax liability, and the length of time this difficulty will exist;
- Shortfalls due to non-dependant deductions;
- The income and expenditure of the applicant, their partner and any dependants or other occupants of the applicant's home;
- How reasonable expenditure exceeds income;



- All income received by the applicant, their partner and any member of their household irrespective of whether the income may fall to be disregarded under the Council Tax Reduction scheme;
- Any savings or capital that might be held by the applicant, their partner and any member of their household irrespective of whether the capital may fall to be disregarded under the Council Tax Reduction scheme;
- Other debts outstanding for the applicant and their partner;
- The exceptional nature of the applicant and/or their family's circumstances that impact on finances; and
- The length of time they have lived in the property.

5.3 The above list is not exhaustive and other relevant factors and special circumstances will be considered.

5.4 An award from the Exceptional Hardship Fund does not guarantee that a further award will be made at a later date, even if the applicant's circumstances have not changed.

5.5 An Exceptional Hardship Fund payment may be less than the difference between the Council Tax liability and the amount of Council Tax Reduction paid. The level of payment may be nil if the authority feels that, in its opinion, the applicant is not suffering 'exceptional hardship' or where the applicant has failed to comply with the Exceptional Hardship process.

## **6.0 Publicity**

6.1 The Council will make a copy of this policy available for inspection and will be published on the Council's website.

## **7.0 Claiming an Exceptional Hardship Fund payment**

7.1 An applicant must make a claim for an Exceptional Hardship Fund award by submitting an application to the Council. The application form can be obtained via

the telephone, in person, at one of the Council offices and/or via the Council's website.

7.2 Applicants can request assistance with the completion of the form from the Revenues and Benefits Service or Customer Services at the Council.

7.3 The application form must be fully completed and supporting information or evidence provided, as reasonably requested by the Council.

7.4 In most cases the person who claims the Exceptional Hardship Fund award will be the person entitled to Council Tax Reduction. However, a claim can be accepted from someone acting on another's behalf, such as an appointee, if it is considered reasonable.

## **8.0 Changes in circumstances**

8.1 The Council may revise an award from the Exceptional Hardship Fund where the applicant's circumstances have changed which either increases or reduces their Council Tax Reduction entitlement.

## **9.0 Duties of the applicant and the applicant's household**

9.1 A person claiming an Exceptional Hardship Fund payment is required to:

- Provide the Council with such information as it may require making a decision;
- Tell the Council of any changes in circumstances, within 21 days, that may be relevant to their ongoing claim; and
- Provide the Council with such other information as it may require in connection with their claim.

## **10.0 The award and duration of an Exceptional Hardship Payment**

10.1 Both the amount and the duration of the award are determined at the discretion of the Council and will be done so on the basis of the evidence supplied and the circumstances of the claim.

10.2 The start date of such a payment and the duration of any payment will be determined by the Council. In any event, the maximum length of the award will not exceed the end of the financial year in which the award is given.

## **11.0 Award of the Exceptional Hardship Fund payment**

11.1 Any Exceptional Hardship Fund payment will be made direct onto the applicant's Council Tax account, thereby reducing the amount of Council Tax payable.

## **12.0 Overpaid Exceptional Hardship Fund Payments**

12.1 Overpaid Exceptional Hardship Fund payments will generally be recovered directly from the applicant's council tax account, thus increasing the amount of council tax due and payable.

## **13.0 Notification of an award**

13.1 The Council will notify the outcome of each application for Exceptional Hardship Fund payments in writing. The notification will include the reason for the decision and advise the applicant of their appeal rights.

## **14.0 Appeals**

14.1 Exceptional Hardship Fund payments are subject to the statutory appeal process as they are made as part of the Council's Council Tax Reduction scheme under Section 13A 1A of the Local Government Finance Act 1992.

14.2 If the applicant is not satisfied with the decision in respect of an application for an Exceptional Hardship Fund payment, a decision to reduce the amount of Exceptional Hardship Fund payment, a decision not to backdate an Exceptional Hardship Fund payment or a decision that there has been an overpayment of an Exceptional Hardship Fund payment, the Council will look at the decision again.

14.3 An officer, other than the original decision maker, will consider the appeal by reviewing the original application and any other additional information and/or representation made, and will make a decision within 14 days of referral or as soon as practicable.

14.4 The outcome of the appeal will be set out in writing, detailing the reasons for the decision or upholding the original decision.

14.5 Further appeals can be made as per Council Tax Reduction to an independent Valuation Tribunal

## **15.0 Fraud**

15.1 The Council is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.

15.2 An applicant who tries to fraudulently claim an Exceptional Hardship Fund payment by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.

15.3 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.

## **16.0 Complaints**

16.1 The Council's 'Compliments and Complaints Procedure' (available on the Councils website) will be applied in the event of any complaint received about this policy.

## **17.0 Policy Review**

17.1 This policy will be reviewed every year and updated as appropriate to ensure it remains fit for purpose. However, the review may take place sooner should there be any significant changes in legislation.



## Cabinet report

Date	<b>16 DECEMBER 2021</b>
Title	<b>DISCRETIONARY HOUSING PAYMENT POLICY</b>
Report of	<b>CABINET MEMBER FOR STRATEGIC FINANCE, CORPORATE RESOURCES AND TRANSFORMATIONAL CHANGE</b>

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### EXECUTIVE SUMMARY

1. This paper is provided to seek support for changes required to the Discretionary Housing Payment policy (DHP). This policy is reviewed each year to take into consideration any changes required of the policy and to detail changes in funding received from the DWP.
2. Each year the DWP provide local authorities with funding to help those who are in receipt of housing benefit or universal credit and are satisfied that the person needs more help with any shortfall between their rental liability and the payment of either their housing benefit payment or the housing cost element of their universal credit payment for a period of time.
3. In addition, the DWP provides guidance to Local Authorities to consider making changes to policies, which is reviewed each year as part of the policy's annual review.
4. This year's annual review of the guidance has taken place, and after receipt of the funding provision from the DWP the recommendation is to amend the policy to take account of the revised allocation of funding provided to the Isle of Wight Council.

### RECOMMENDATION

- Option A. To amend the DHP policy to reflect the funding for 2021/22 provided by the DWP.
- Option C. Minor changes to the policy to be delegated to an officer in consultation with the cabinet member for our service area.

### BACKGROUND

5. Each year the Government distributes grants to Councils to make Discretionary Housing Payments (DHP). These funds can be used to meet eligible shortfalls in rent for people who are already in receipt of Housing Benefit and the rental element of their Universal Credit payment.

6. The DHP scheme covers shortfalls between rental liabilities and payment of housing benefit or the housing element of universal credit and every claimant who has an entitlement to housing benefit or universal credit which includes the housing cost element and has a shortfall is entitled to make a claim for financial support.
7. The main features of the scheme are that:
  - The scheme is purely discretionary, and a claimant does not have the automatic right to a payment;
  - The amount that can be paid out by an authority in any financial year is cash limited by the Secretary of State;
  - Local Authorities decide how to administer the scheme;
  - DHP's are not a payment of housing benefit.
8. The aim of the DHP scheme policy is to provide an appropriate and responsive program of DHP provision to Island residents that have either a housing benefit entitlement or a universal credit housing related rental costs element within their award and are deemed to be in genuine hardship as a result of shortfall between their benefit and rental liability.
9. The scope of the policy has been reviewed to reflect the ongoing impact of welfare reform, universal credit cases and the reduction in funding available from central government to support customers who continue to have a shortfall through the introduction of the various changes where further financial assistance towards housing costs is deemed appropriate.
10. The Isle of Wight Council's DHP policy provides assistance in:
  - Alleviating poverty;
  - Prevent homelessness by sustaining tenancies and safeguarding customers in their homes where it is reasonable to do so, and active steps are being taken by the customer to manage a tenancy;
  - Enable customers in the short term to make the changes necessary to move forward and into more appropriate housing and financial position;
  - Support vulnerable young people in the transition to adult life;
  - Encourage residents of the Island to obtain and sustain employment;
  - Support the vulnerable in the local community;
  - Assisting customers who are trying to help themselves;
  - Supporting the transition into work;
  - Helping claimants through personal and difficult events;
  - Keeping families together.

Any DHP award is intended to provide the applicant with time to take action, which may assist their position. This may include looking for cheaper alternative accommodation, seeking budgeting or debt advice or adjusting to their changed circumstances.

Each year the housing benefit service ensures that all funding is spent to assist residents, as any funding which is not spent has to be returned to the DWP.

## STRATEGIC CONTEXT

11. The revision of DHP scheme supports the council's vision "to work together openly and with our communities to support and sustain our economy, environment and people.
12. Use of the DHP scheme supports those who are in need of financial support to maintain their tenancies and remain part of the community. The scheme ensures that residents receive help and support as well as ensuring funding is spent locally and therefore contributes to economic recovery.
13. The DHP policy needs to be considered in the context of the council's overall budget strategy and the financial impact on the ability to deliver services. The proposals within this report remain aligned to the corporate plan priorities that seek to ensure the following:
  - Ensuring that we listen to people. We will do so by holding consultations in which we will have a proper discussion with residents about issues
  - Keeping the council solvent and take all the measures we can to improve the financial position of the council
  - COVID 19 recovery will be integral to everything we do for residents and Island business
  - Provide greater support to those on low incomes, including through the local council tax support scheme

## FINANCIAL / BUDGET IMPLICATIONS

14. Since 2014/15 the level of Government funding towards DHP's has continued to remain relatively stable. The funding in 2013 was £272,944 and since this time we have seen fluctuations in funding each year depending on changes being introduced by way of Welfare Reforms. The funding available for 2021/22 from central government is £318,378. Future years funding may increase or reduce and is dependent on the level of funding provided by central government. If government DHP funding declines year on year this will have to be reflected in the making of awards and may impact on the most vulnerable and those at risk of homelessness.
15. Any unspent DHP funding from the Government is required to be returned to the DWP at the end of each financial year.

## IMPACT ON YOUNG PEOPLE AND FUTURE GENERATIONS

16. The income of a household affects those children in families where a DHP is being considered, and family make up is taken into consideration with any requests for support being made. Any future changes to the policy will also need to be considered and the effects on young people.

## LEGAL IMPLICATIONS

17. The power to award DHP's is the Discretionary Financial Assistance Regulations 2001(SI2001/1167) as amended. These regulations provide the authority may make payments by way of financial assistance to persons that are entitled to housing benefit or relevant universal credit and appear to the authority to require further assistance to meet housing costs. However, they are clear that the authority has

complete discretion as to whether to make any payment and or the amount of payment

18. Although the regulations give local authorities broad discretion, decisions must be made in accordance with ordinary principles of good decision making. In particular, local authorities have a duty to act fairly, reasonably and consistently. Each case must be decided on its own merits, and decision making should be consistent throughout the year.

## EQUALITY AND DIVERSITY

19. The council has to comply with section 149 of the Equality Act 2010. This provides that decision makers must have due regard to the elimination of discrimination, victimisation and harassment, advancing equalities, and fostering good relations between different groups (race, disability, gender, age, sexual orientation, gender reassignment, religion/belief, pregnancy and maternity, and marriage/civil partnership). An equality impact assessment has been completed in respect of relevant proposals as part of the decision-making process to enable Councillors to take into account and if necessary, mitigate the impacts as part of the decision-making process.
20. This provision will continue to provide support to those deemed to be in genuine hardship and requiring additional support above the provision provided under housing benefit and universal credit award regulations.

## OPTIONS

21. Option A To continue to provide a discretionary housing payment policy and amend the current policy to reflect the funding provided by the DWP to £318,378 for 2021/22.

Option B To not support DHP funding to assist residents locally.

Option C Minor changes to the policy to be delegated to an officer in consultation with the cabinet member for our service area.

## RISK MANAGEMENT

22. The use of monies provided by central government by way of DHP is positive to alleviate financial pressures for those on housing benefit or the housing element of universal credit.
23. In past years the amount of funding as well as those in need financial support has been closely monitored to ensure residents receive help and support as well as ensuring funding is spent locally.
24. Any DHP award is intended to provide the applicant with time to take action, which may assist their position. This may include looking for cheaper alternative accommodation, seeking budgeting or debt advice or adjusting to their changed circumstances, and the service area provide guidance on where further support can be found.



## EVALUATION

25. Each year the council must undertake a review of the DHP policy to reflect the funding available to support the scheme, as well as changes required following the DWP's guidance report, and any welfare reforms which need to be considered to assist residents.
26. The funding provided by the DWP provides essential support to those who have a shortfall between their rental liability and the payment of housing benefit or the housing element of universal credits and who cannot afford to pay the shortfall difference themselves. Option 1 would continue to provide essential support to local residents suffering hardship.
27. The service area would not recommend disregarding the use of this funding as it provides essential help and support to residents locally to alleviate homelessness and continue to assist in providing a place to call home.

## APPENDICES ATTACHED

Appendix 1. Discretionary Housing Payments Policy 2021  
Appendix 2. Equality Impact Assessment

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*Cabinet Member for Strategic Finance, Corporate  
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**Isle of Wight Council**

# **DISCRETIONARY HOUSING PAYMENT (DHP) POLICY**

**September 2021**

# 1 Document Information

<b>Title:</b>	<b>Discretionary Housing Payments Policy (DHP)</b>
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Version History		
Version	Date	Description
0.1	June 2013	1 <sup>st</sup> Draft
1	October 2013	Approved
1.1	September 2015	Slight amendments made following of the review policy in March. Change from Council Tax Benefit to Local Council Tax Support and inclusion of Universal Credit prior to implementation date – currently due Dec 15.
1.2	December 2016	Slight changes made following a review of the policy against the DWP Discretionary Housing Payments Guidance Manual. Review date changed to April every year next review April 2018.
1.3	April 2018	A slight change made following a review to incorporate Universal Credits into one paragraph.

1.4	April 2019	Slight change for the change of funding provision provided by the DWP from April 2019
1.5	April 2020	Updated provision of funding from the DWP and additional wording regarding Universal Credit cases.
1.6	April 2021	Slight change to reflect change of funding provision provided by the DWP from April 2021 and updated guidance regarding Universal Credit cases.

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## 1. Background

- 1.1 The Discretionary Housing Payment (DHP) scheme covers shortfalls between rental liability and payment of Housing Benefit or the Housing element of Universal Credit, it does not cover any payments in respect of Localised Council Tax Support (LCTS) from April 2013.
- 1.2 Every claimant who is entitled to the minimum amount of Housing Benefit or Universal Credit which includes the Housing cost element and has a shortfall is entitled to make a claim for further financial help.
- 1.3 The legislation governing DHP's is contained in the Discretionary Financial Assistance Regulations 2001(S1.2001/1667) as amended by the Council Tax Abolition Regulations 2013 which came into effect from the 1 April 2013 and Universal Credit Regulations 2013 which came into force on the 29 April 2013.
- 1.4 The main features of the scheme are that:
  - The scheme is purely discretionary; a claimant does not have an automatic right to a payment
  - The amount that can be paid out by an authority in any financial year is cash limited by the Secretary of State;
  - Local authorities decide how to administer the scheme
  - DHP's are not a payment of Housing Benefit.
- 1.5 However, the minimum amount of Housing Benefit or the Housing Costs element of Universal Credit must be in payment in the benefit week that a DHP is awarded for.
- 1.6 The scope of this policy has been widened from April 2013 to reflect the impact of welfare reform and any additional funding made available by central government that will support customers through the introduction of the various changes where further financial assistance towards housing costs is deemed appropriate.

## 2. Finance

- 2.1 Since 2014/15 the level of Government funding towards DHP's has continued to remain relatively stable. The funding in 2013 was £272,944 and since this time we have seen fluctuations in funding each year depending on changes being introduced by way of Welfare Reforms. The funding available for 2021/22 from central government is £318,378. Future years funding may increase or reduce and is dependent on the level of funding provided by Central Government. If government DHP funding declines year on year this will have to be reflected in the making of awards and may impact on the most vulnerable and those at risk of homelessness
- 2.2 Appropriate funding will be allocated quarterly throughout the year. The funding will be allocated into four specific groups as follows.

- Core DHP – for general allocation
- Local Housing Allowance (LHA) – for shortfalls caused by the changes to LHA generally
- Social Sector under occupation – for shortfalls caused by changes to Housing Benefit within the Social Sector (Removal of the Spare Room Subsidy); and
- Benefit Capping – shortfalls caused by the limitation of overall benefit expenditure.

2.3 The allocation each quarter will be as follows:

Quarter 1	£79,595
Quarter 2	£79,595
Quarter 3	£79,594
Quarter 4	£79,594

2.4 Any unspent funds from a previous quarter will be allocated between the remaining quarters.

2.5 Any unspent DHP funding from the Government is required to be returned to the Department for Works and Pensions at the end of the financial year.

### 3. Statement of Objectives

3.1 The DHP Officer will consider making a payment of DHP to claimants who meet the qualifying criteria, and where there is sufficient funding to allow payment. They will treat all applications on their individual merits so that all residents will receive fair and equal treatment and will seek through the operation of this policy to:

- Alleviate poverty.
- Prevent homelessness by sustaining tenancies and safeguarding customers in their homes where it is reasonable to do so, and active steps are being taken by the customer to manage a tenancy.
- Enable customers in the short term to make the changes necessary to move forward and into more appropriate housing and financial position
- Support vulnerable young people in the transition to adult life.
- Encourage residents of the Island to obtain and sustain employment.
- Support the vulnerable in the local community.
- Assisting customers who are trying to help themselves.
- Support the transition into work
- Keeping families together

3.2 DHP awards should generally be viewed as short-term emergency funds rather than an ongoing top up payment in addition to a claimant's individual benefit entitlement and should not be considered as a way round any current or future entitlement restrictions set out within the Housing Benefit or Universal Credit legislation. In exceptional cases the length of award can be extended with the ability to provide longer term support in appropriate cases.

- 3.3 The DHP award is designed to give people time to take action, which may assist their position. This may include looking for cheaper alternative accommodation, seeking budgeting or debt advice or adjusting to their changed circumstances. The council would expect claimants to take all reasonable steps to address the reasons for the shortfall to consider making any award.
- 3.4 The council will work in partnership with stakeholders to ensure all Government funding is used to assist our residents and signpost them to other forms of assistance where appropriate.
- 3.5 From April 2013, DHP's can assist people who receive Universal Credit, providing they have a rental liability and are eligible for support towards their housing costs.

#### **4. Claiming a Discretionary Housing Payment**

- 4.1 DHP applications are available on the Isle of Wight Council website; however, there must be entitlement to Housing Benefit for rented accommodation or the housing costs element of Universal Credit for a person to be eligible for consideration. The form should be returned as soon as possible as entitlement is normally considered from the Monday following the date the application is received. The applicant will be required to include any relevant supporting evidence.
- 4.2 The DHP Officer will request evidence in support of an application either in writing or by telephone. The claimant will be asked to provide the evidence within one month of such a request although this will be extended in appropriate circumstances.
- 4.3 The DHP Officer reserves the right to verify any information or evidence provided by the claimant in appropriate cases.

#### **5. Period of Award**

- 5.1 In all cases the DHP Officer will decide the length of time for which a DHP will be awarded on the basis of the evidence supplied and the facts known. Current availability of DHP finances will be taken into account.
- 5.2 The start date of an award will normally be the Monday after the written claim for a DHP is received by the DHP Officer, however discretion to award prior to the receipt date of the application may be considered in exceptional circumstances only.
- 5.3 The minimum period for which the DHP Officer will award a DHP is one week.
- 5.4 As a guide, the DHP Officer will usually award a DHP for 13 weeks.
- 5.5 Repeat payments will only be considered in exceptional circumstances where the claimant is taking all reasonable steps to improve their situation but will not usually be long term (exceeding 26 weeks).



5.6 DHP officers may consider making longer term awards where appropriate.

5.7 DHP awards will terminate at the end of the financial year.

## **6. Awarding a Discretionary Housing Payment**

- 6.1 In deciding whether to award a DHP the DHP Officer may take into account:
- The difference between the applicable amount and received income.
  - The shortfall between Housing Benefit and the liability.
  - Any steps taken by the claimant to reduce the rental liability or seeking alternative solutions.
  - The medical circumstances (i.e. ill health & disabilities) of the claimant, their partner and any other occupants of the claimant's home.
  - Any savings or capital that might be held by the claimant or their family.
  - The level of debts or loans of the claimant or their family, and the duration of the loan period.
  - Any special circumstances brought to the attention of the DHP Officer.
  - Shortfalls due to non-dependant deductions.
  - Rent deposits, rent in advance and removal costs.
  - Allowing DHP on two homes.
  - Households consisting of refugees who require support
  - Whether the claimant has applied for council or another registered social landlord accommodation.
  - If the claimant has agreements for Sky/ Cable/ Mobile Phones etc the amount paid should be considered and may be classed as expenditure until the contract, they are tied into ends or is able to end after a period of notice. However, if the claimant requests a re-consideration on the grounds that there is a genuine need for this to continue, for example in the case of someone who is housebound, TV related payments can exceptionally be allowed to continue as expenditure provided the charge is reasonable.
  - Fines for speeding, parking and bad debts will not be classed as expenditure.
  - The DHP fund allocation availability.

## **6.2 What Types of shortfall can DHP's cover in Universal Credit cases**

The various shortfalls that a DHP can cover include

- Reductions in UC where the benefit cap has been applied.
- Reductions in UC due to the removal of the spare room subsidy.
- Reductions of UC as a result of LHA restrictions.
- Housing cost contributions in UC from non-dependants.
- policy to limit benefit to two children
- rent shortfalls to prevent a household becoming homeless whilst the housing authority explores alternative options
- removal of the family premium

- Any other policy changes that limit the amount of UC payable and
- Former HB only claimants who were previously in receipt of the Severe Disability Premium.

The DHP Officer will decide how much to award based on all circumstances. This may be an amount below the difference between the liability and the payment of Housing Benefit or Housing element costs included in the Universal Credit. An award of a DHP does not guarantee that a further award will be made at a later date even if the claimant's circumstances have not changed. Any award will not exceed the eligible rent for housing benefit or the housing costs less any ineligible service costs for the housing element of universal credit awards.

- 6.3 Claimants should demonstrate that expenditure has been reduced or alternative accommodation has been sought prior to a further award being made.
- 6.4 DHP's can offer support for rent deposits, rent in advance and other lump sum costs associated with housing needs such as removal costs. To get any of these payments the customer must be receiving either Housing Benefit or the housing element of Universal Credit for their rental costs at their current property and been recommended and supported by the Councils' Housing Officers for the prevention of homelessness. Unlike weekly awards for DHP, the council will consider repayment of this award where appropriate.
- 6.5 Other considerations when making a DHP payment for a rent deposit, rent in advance or for removal costs:
- Paying the landlord rather than the customer
  - Have they got a deposit or rent in advance on their existing property which needs to be returned to them
  - Have they had assistance through a rent deposit guarantee scheme or similar
  - Has assistance been sought from the Housing Options Team
  - The availability of other alternative financial support available to a person on application

## 7 Ineligible Amounts

7.1 Discretionary Housing Payments cannot be paid for the following items:

- A shortfall in their income resulting from a DWP sanction, including Job Seekers Allowance
- Ineligible service charges
- Water charges
- Help towards Council Tax charges
- An increase in rent charges due to recovery of rent arrears
- If any other unreasonable expenditure has been undertaken by the claimant

- Rent if not entitled to Housing Benefit
- Housing costs if not eligible to Universal Credits
- The acquisition of furniture or household equipment; and
- The use of such furniture or equipment where that furniture or household equipment will become the property of the claimant by virtue of an agreement with the landlord
- Owner occupiers are not eligible to a DHP to cover mortgage interest payments
- If a new claim advance has been paid for a Universal Credit case. A DHP can only be awarded after the first assessment period.

## **8. Changes of Circumstances**

- 8.1 The DHP Officer may need to revise an award of a DHP where the claimant's circumstances have changed.

## **9. Backdating**

- 9.1 The Isle of Wight Council will consider any requests for Backdated awards. These will be considered on a case-by-case merits only by agreement with a Supervisor, Team Leader, or Senior Member of the Management Team, taking into account all relevant circumstances.

## **10. Method of Payment**

- 10.1 Payment of DHP's will generally be made to the payee of the Housing Benefit claim. The frequency of payments will normally be made in line with the payment of Housing Benefit. In Universal Credit cases payment will normally be issued to the applicant however, it may be issued to the landlord if there are arrears or there is direct payment of the Housing costs element of Universal Credit. In such circumstances the DHP payment would usually be made on the same payment frequency as those currently made for housing benefit payment periods.

## **11. Notification**

- 11.1 The DHP Officer will inform the claimant in writing of the outcome of their application. Where the application is unsuccessful the DHP Officer will set out the reasons why this decision was made.
- 11.2 Where the application is successful the Benefits Section will advise:
- The weekly amount of DHP awarded or whether a lump sum payment
  - The period of the award
  - How, when and whom the award will be paid
  - The requirement to report a change in circumstances

- That an award does not guarantee a further repeat award will be made even if the customer's circumstances have not changed as repeat awards will only be made in exceptional circumstances
- The steps and measures for the claimant to undertake in order to resolve any ongoing shortfall.

## **12. Disputes**

- 12.1 Discretionary Housing Payments are not payments of Housing Benefit and are therefore, not subject to the statutory appeal mechanism.
- 12.2 The DHP Officer will operate the following policy for dealing with disputes.
- 12.3 A claimant (or their appointee or agent) who disagrees with a DHP decision may dispute the decision. A request disputing a decision shall be made in writing to the Benefits Office within one calendar month of the written decision being issued to the claimant.
- 12.4 Where agreement cannot be reached, an independent Benefit Supervisor, Team Leader or Senior Member of the Management Team will consider the case. They will review all the evidence held and will make a decision within 14 days of the referral or as soon as practicable thereafter.
- 12.5 Where a Benefit Supervisor, Team Leader or Senior Member of the Management Team decides not to revise the original decision he/she will notify the claimant of their decision, in writing, setting out the reasons for their decision. This decision is final and binding and may only be challenged via the judicial process or by complaint to the Local Government Ombudsman.
- 12.6 In exceptional circumstances only, all the above time periods for appeal may be extended.

## **13. Overpayments**

- 13.1 The DHP Officer will seek to recover any DHP found to be overpaid. Normally this will involve issuing an invoice to the claimant or the person to whom the award was paid. It is most unlikely that recovery of any overpayment caused by an 'official error' will be sought if the claimant could not be expected to be aware the payment was incorrect.
- 13.2 Overpayments of DHP may occur because of:
- Initial misrepresentation or failure to disclose a material fact
  - Error
  - Change in a customer's circumstances
- 13.3 Under no circumstances will recovery be made from any amount of Housing Benefit or Universal Credit due to the claimant (except if the claimant requests this method of recovery specifically in writing), or from any other prescribed benefits.

13.4 The decision letter that notifies an overpayment will also set out the following:

- Reason for overpayment
- Amount of overpayment
- Period of overpayment
- From whom the overpayment is to be recovered
- The right of review

The review process for overpaid DHP's will mirror that as stated for the award process.

#### **14. Publicity**

14.1 The Isle of Wight Council Benefits Service will publicise the scheme. A copy of this policy is available for inspection and is posted on the Council's website.

#### **15. Fraud**

15.1 The Isle of Wight Council Benefit Services are committed to the fight against fraud in all forms. A claimant who tries to claim a DHP by falsely declaring their circumstances or by providing a false statement or evidence in support of their application may have committed an offence under the Theft Act 1968. Where the DHP Officer suspects that such a fraud may have occurred, the matter will be investigated as appropriate, and this may lead to criminal proceedings being instigated.

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<b>Stage 2 Full Equality Impact Assessment</b>
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<b>Assessor(s)Name(s):</b>	<b>Debbie Vallas</b>
<b>Directorate:</b>	<b>Business Centre</b>
<b>Date of Completion:</b>	<b>September 2021</b>

<b>Name of Policy/Strategy/Service/Function Proposal</b>
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<b>Review of Discretionary Housing Payments Policy</b>
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<b>The Aims, Objectives and Expected Outcomes:</b>
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To review and update the Council's Discretionary Housing Payment (DHP) Policy. DHPs are used to support residents financially in situations where Housing Benefit or Universal Credit does not cover the full amount of rent due on a property. The policy sets out the circumstances under which an additional payment may be considered through the DHP scheme. Any awards made by the Council are discretionary and will be subject to any periodic review. The frequency of review will be based on the reason for making the award.

DHP's do not cover any payments in respect of Localised Council Tax Support (LCTS) from April 2013.

Each year the Government distributes grants to Councils to make Discretionary Housing Payments (DHP). These funds can be used to meet eligible shortfalls in rent for people who are already in receipt of Housing Benefit. The legislation governing DHP's is contained in the Discretionary Financial assistance Regulations 2001.

The main features of the scheme are that:

- The scheme is purely discretionary; a claimant does not have an automatic right to a payment
- The amount that can be paid out by an authority in any financial year is cash limited by the Secretary of State.
- Local authorities decide how to administer the scheme
- DHP's are not a payment of Housing Benefit.
- The introduction of Universal Credit which will include housing cost element. From April 2013 claimants of Universal Credit will receive a payment which

includes a payment towards their rent. This will replace payments of Housing Benefit; however, the Council will still be able to award a DHP to top up the housing element costs for those requiring financial help.

- A change from DHPs being a short-term support mechanism to providing longer term support in appropriate cases

The scope of this policy has been reviewed from April 2021 to reflect the ongoing impact of welfare reform, universal credit cases and the reduction in funding available from central government to support customers who continue to have a shortfall through the introduction of the various changes where further financial assistance towards housing costs is deemed appropriate.

The aim of the DHP scheme policy is to provide an appropriate and responsive program of DHP provision to Island residents that have either a Housing Benefit entitlement or a Universal Credit Housing related rental costs element within their award and are deemed to be in genuine hardship as a result of shortfall between their benefit and rental liability. Genuine hardship will have to be determined, however all other sources of assistance from other sources will need to have been accessed.

DHP awards should generally be viewed as short-term emergency funds to enable the customer a period of time to adjust to their circumstances and should not be considered as a way round any current or future entitlement restrictions set out within the Housing Benefit or Universal Credit legislation. In exceptional cases the length of award can be extended with the ability to provide longer term support in appropriate cases.

In devising the Isle of Wight Council's DHP policy, it is expected to assist with:

- Alleviating poverty.
- Prevent homelessness by sustaining tenancies and safeguarding customers in their homes where it is reasonable to do so, and active steps are being taken by the customer to manage a tenancy.
- Enable customers in the short term to make the changes necessary to move forward and into more appropriate housing and financial position
- Support vulnerable young people in the transition to adult life.
- Encourage residents of the Island to obtain and sustain employment.
- Support the vulnerable in the local community.
- Assisting customers who are trying to help themselves
- Supporting the transition into work
- Helping claimants through personal and difficult events
- Keeping families together

Any DHP award is intended to provide the applicant with time to take action, which may assist their position. This may include looking for cheaper alternative accommodation, seeking budgeting or debt advice or adjusting to their changed circumstances.

The Government has allocated funding of £318,378 to the Isle of Wight Council's for 2021/22. In 2020/21 the funding was £426,403 and this year we have seen an increase to assist with Universal Credit (UC) customers now that we are a full UC service area and affordability pressures in the private rented sector. The funding for 2021/22 is allocated into four specific groups as follows.



- Core DHP – for general allocation
- Local Housing Allowance (LHA) – for shortfalls caused by the changes to LHA generally
- Social Sector under occupation – for shortfalls caused by changes to Housing Benefit within the Social Sector, and
- Benefit Capping – shortfalls caused by the limitation of overall benefit expenditure.

The level of support DHP applicants receive is determined by the Council and will need to consider the affordability and the assistance it should give to claimants to meet a specific and genuine hardship with their rent shortfall.

In order to fully or partly meet any potential funding gap between the level of DHP awarded and funding available to the Council, the Council has to consider that there is a limited amount of money available for awards under DHP, so awards will need to be managed if the funds limit has been reached.

The Housing Benefit average caseload currently stands at 12,036 during 2020/21. The Welfare reforms over recent years have impacted a number of Island Housing Benefit claimants reducing their Housing Benefit entitlement.

The use of DHP is available to all ages of applicants receiving Housing Benefit and is not limited to any particular age group. However, the majority of the Welfare Reforms introduced by Government have been applied to Working Age claimants (those aged between 16 to 62 years) and impacts more greatly on this particular age group.

As at the 1 April 2015, the Social Sector Size restrictions (SSSR) identified potentially 717 claims where a reduction of either 14% or 25% would be applied to the eligible rent limiting the maximum Housing Benefit award from April 2016.

The benefit cap introduced on the 1 April 2013, affected 31 cases. The benefit cap was further reduced from £26,000 to £20,000.00 from the 7 November 2016 and there is now a total of 123 cases which are currently affected in total. The average reduction per week for these total claims comes to approximately £35.50 per week with a total SSSR paid out last year of £44,011 for 223 claims with an average total of £197.36 per claimant.

The purpose of the DHP funding provided by Government to council's is to assist claimants affected by a shortfall between their rental liability and Housing Benefit/housing costs element in Universal Credit.

## Consultation and Scope of the Equality Impact Assessment

As part of the DHP Policy review, eligibility criteria have been carefully considered in order to ensure that those residents who are in most need of a DHP top up are able to access this provision.

**Who, potentially, could this project, policy or proposal have a detrimental effect on, or benefit, and how:**

The DHP scheme will have a positive impact by:

- Easing financial hardship;
- Encouraging, supporting and sustaining residents in employment;
- Supporting tenancies to be more sustainable and reducing homelessness
- Supporting vulnerable residents facing personal crises and difficult events and young people in the transition to adult life
- Supporting those affected by welfare reform

The DHP scheme could have a positive impact in the following ways: -

- The funding and the revised policy will allow the Council to support some of the residents affected by Welfare Reform changes such as the size criteria and benefit cap
- The government has an expectation that part of the funding is utilised to support those who live in significantly adapted accommodation due to someone in the household having a disability.
- The revised policy allows the consideration of long-term support for a period of up to 52 weeks where this is considered appropriate

The results of the previous consultation and EIA have been considered as part of the review of this EIA. Data and information concerning the volumes, amounts and reasons for awarding DHP's that has been collected since 2013/14 has enabled further analysis of the type of need and useful sources of data to consider changes to the DHP policy. In addition to this local data and further Government published national research, guidance or revised Equality Impact Assessments has supported the review of this policy.

Protected Characteristics	Positive	Negative	No impact	Reasons
Age	X			Whilst a greater number of working age

				applicants are more likely to be impacted by the Governments welfare reforms around Housing Benefit, the DHP scheme is available to all Housing Benefit applicants irrespective of age, provided that they meet the qualifying conditions
Disability	x			The DHP scheme recognises those with a disability that may have experienced a Housing benefit reduction as a result of the welfare reforms and have limited capacity to find an alternative solution provided that the council considers the applicant to have insufficient funds or options available to them to assist them through the transition period of these reforms
Gender Reassignment			x	No specific impact
Marriage & Civil Partnership			x	No specific impact
Pregnancy & Maternity			x	No specific impact
Race			x	No specific impact
Religion / Belief			x	No specific impact
Sex (male / female)			x	No specific impact
Sexual Orientation			x	No specific impact

DHP's have been provided by the council since 2001, with a formal policy since 2013/14 which sets out the Councils approach to considering DHP's.

The funding provided by the Government to the Isle of Wight Council of £318,378 can only be used to assist with awards of DHP. Due to the limited grant funding available for providing this DHP scheme there is requirement to consider awards around the merit and criteria set out within the Policy. The scheme seeks to support those claimants where there is genuine hardship as a result of either the welfare reforms or where there is an unavoidable shortfall between their Housing Benefit or Universal Credit housing costs element and rental liability and to protect those claimants that are considered vulnerable or at risk irrespective of age, gender or disability. The funding should be seen as assisting claimants through a transitional period enabling time to seek alternative solutions.

The Discretionary Housing Payment (Grants) Order 2001 prohibits the council from spending more than 2.5 times the amount of the government grant on DHP payments in one financial year. It would therefore be unlawful to award any payment once the council has reached this award limit.

Any DHP funds unspent are required to be returned to the Department for Works and Pensions at the end of the financial year.

The DWP have increased monitoring of DHP awards since 2012/13 to enable them to determine the impact of the welfare reforms and where additional assistance is being sought as a result of these measures. This will also enable the DWP to review the impacts of the reforms and additional funding being provided. Equally the council will be able to review its policy should the need arise to provide the most appropriate mechanism of support by way of DHP to the Island's Housing Benefit claimants.

### **National impact**

The Department of Works & Pensions (DWP) has undertaken analysis showing the effects nationally of individual Welfare reforms and their Impact Assessments. This can be accessed using the link below;

<https://www.gov.uk/government/organisations/department-for-work-pensions/series/welfare-reform-act-2012-equality-impact-assessments>

The DHP grant was previously based on a pot determined by Central Government for 5 years, 2019 – 20 was the last year of this pot, and the amount of grant for 2020-2021 has been subject to spending review. At the Spending Round in September 2019, Treasury confirmed an additional £40m in funding for DHP's for 2020-21. The funding was awarded to support the most vulnerable living in the private rented sector. For the Isle of Wight this resulted in an award of £426,403 which was £144,928 more than the financial year 2019-20 and the DHP Policy has been reviewed and updated to reflect this.

Benefit Cap Equality Impact Assessment. The national implementation of the Benefit Cap went live on 15 July 2013 and following the Governments summer budget on the 8 July 2015 a further reduction has been made to the benefit cap from £26k to £20K.

The government believes that those out of work should not receive more from benefits than many working families earn. Given the perceived success of the household benefit cap in encouraging households to look for work, the government will lower the cap on the total amount of benefits an out of work family can receive, from £26,000 to £20,000 which came into force from November 2016.

In terms of age, the further welfare reforms impacting on housing benefit will be those of working age (16 – 62

years). However, the use of DHP is available to all ages of applicants receiving housing benefit and not limited to any particular age group.

Social sector housing under occupation - The DWP's latest figures provide that 79,000 households had Benefit capped as at February 2020, the number of households capped for Housing Benefit cases has continued to decrease at 11% whilst the number of households capped under Universal Credits has increased to 12%.

As of February 2020, 93% (73,000) of households that had their benefits capped include children, with the figure at 93% (30,000) for Housing Benefit, and 92% (42,000) for Universal Credit. Of those capped households including children, 88% (65,000) had between 1 and 4 children and 10% (7,100) had 5 or more children.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/906855/benefit-cap-statistics](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/906855/benefit-cap-statistics)

220,000 households who had their benefits capped at some point between 15 April 2013 and January 2020, were no longer capped at February 2020. This is an increase of 12,000 from last quarter, at November 2019. 45,000 (50%) households who once had their Universal Credit capped were no longer capped at February 2020, an increase of 8,200 since last quarter. Of the households who have had their Housing Benefit capped, 186,000 (85%) had left the Housing Benefit cap at February 2020

To help ensure Local Authorities are able to protect the most vulnerable housing benefit claimants, the government will provide £80 million plus an additional £40 million of funding for Discretionary Housing Payments over the next 5 years

### Local impact

The number of cases affected by the previous benefit cap was 31 claims and currently there are 176 cases affected by the lower benefit cap introduced in November 2016. The total number of cases which have been affected by the Social Sector Under Occupation rules since its commencement have been 769 cases impacted in total and we currently have 223 cases in receipt of Housing Benefit affected. The average weekly loss for these cases is £48.09 per week and the total SSC paid out this year is £44,011 as at the 1 January 2021.

There are also a number of DHP applications that continue to be made for other shortfalls between liability and housing benefit for other circumstances. Previous years DHP government funding allocations have mainly been spent in full.

Since 1 April 2021 to 30 September 2021 there have been approximately 399 applications for a DHP which has resulted in DHP spend this year to date of £141,903 against the year-end target of £318,378.

An analysis of the DHP awards made to date are broken down below:

Category of DHP award	Number
Benefit Cap	25
Social Sector Under Occupation restrictions	223
Local Housing Allowance Reform	279
Not due to welfare reform Impacts	57
<b>Total awards</b>	<b>584</b>

The impact locally of the various welfare reforms has seen a constant allocation amount in DHP allocation and spending

since 2013. However, some claimants continue to find alternative ways of meeting any shortfalls themselves.


The level of DHP funding being provided by government to support island residents is less than the overall level of reduction being experienced by Island claimants as a result of the welfare changes. The ongoing level of funding available will therefore require careful management and strict compliance to eligibility criteria shown in the DHP Policy and due regard to this has been shown when amending the policy.

## Recommendations

It is recommended that the revisions to the DHP Policy should be implemented. This policy continues to provide the fairest access to additional financial support where there is a shortfall between rental liability and payment of housing benefit or housing costs in Universal Credit and a person is experiencing genuine hardship that can not be resolved through other sources of support available or by taking appropriate action.

The council is mindful that a number of welfare reforms outlined within the findings may subject claimants to reductions in the levels of housing benefit previously received and the introduction of Universal Credit, which has resulted in an increase for assistance. These claimants may approach the council for DHP assistance, and the allocation of awards must have due regard to the individual's circumstances and level of funding available to the council in which to provide appropriate DHP financial assistance.

The use of DHP in the main as short-term emergency funds rather than ongoing top up will allow claimants to adjust or take steps to review their finances and should not be considered as a way round any current or future entitlement restrictions. Only in exceptional cases can the length of award be extended.

Summary	
<b>Date of Assessment:</b>	September 2021
<b>Signed off by Head of Service/Director</b>	 Sharon Betts and  Judy Mason    Legal Services
<b>Review date</b>	September 2021

<b>Date published</b>	
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Purpose: For Decision

## Cabinet Report

Committee	<b>CABINET</b>
Date	<b>16 DECEMBER 2021</b>
Title	<b>DISPOSAL OF RYDE HARBOUR AND ADJOINING LAND TO RYDE TOWN COUNCIL</b>
Report of	<b>CABINET MEMBER FOR REGENERATION BUSINESS DEVELOPMENT AND TOURISM</b>

---

### EXECUTIVE SUMMARY

1. To report back on the actions arising from the report presented to Cabinet on 11 March 2021 (listed below) and to make recommendations on the disposal of Ryde Harbour and adjoining land to Ryde Town Council (RTC).
2. The March 2021 Cabinet paper outlined the full range of options for the disposal of the harbour and provided an evaluation of each one. Councillors agreed to the transfer of the harbour subject to the outcome of the following:

*That Ryde Town Council are treated as a special purchaser for Ryde Harbour and the two parcels of land and the hospitality suite as detailed in their business case subject to:*

- *An independent section 123 valuation of all of the land proposed to be transferred to Ryde Town Council; each party to fund 50 percent of the costs of the valuation.*
- *There being no material objections to the disposal of the land parcels following advertisements placed in accordance with section 123(2A) of the Local Government Act 1972.*
- *Confirmation of how the anticipated loss of budgeted income of up to £11,166 per annum is to be accommodated within the council's overall revenue budget.*

### RECOMMENDATION

3. Agree to the freehold transfer of the Ryde Harbour and the hospitality suite; and the lease transfer of the two parcels of land and hospitality suite to Ryde

Town Council from the 1 April 2022. The transfer to be at nil value and subject to final details to be agreed by the Cabinet member.

#### BACKGROUND

4. In December 2018 the council considered a delegated decision report and agreed to a range of options regarding the disposal of Ryde harbour.
5. In January 2019 prior to undertaking a marketing exercise the council received a formal expression of interest from Ryde Town Council for the purchase of Ryde Harbour; following a meeting with the Deputy Leader and senior officers they submitted an expression of intent which requested that they be considered as a special purchaser. The delegated paper of November 2019 agreed to consider this, subject to a full business case being prepared by Ryde Town Council for the future operation of the harbour.
6. Ryde Town Council submitted a full business case on 10 March 2020 within which they sought to negotiate heads of terms for the freehold purchase of the harbour and hospitality suite, and the lease of two parcels of adjoining land. The land in question comprises part of the adjacent pay and display car park and adjoining esplanade, as well as Eastern Gardens. The areas in question are shown on the plans which form appendix 1.
7. Despite disruptions from the pandemic a final council staff and councillor meeting was held on the 16 December 2020 and it was agreed that a report would be brought back to Cabinet in March 2021, as referred to above.
8. Since then, a working group has been put together consisting of staff from the Isle of Wight Council and Ryde Town Council to work through the recommendations from the March 2021 Cabinet report. The group has met monthly and has had legal and property input to work through the actions.
9. An independent section 123 valuation of all of the land proposed to be transferred to Ryde Town Council; each party to fund 50 percent of the costs of the valuation

A special purchaser is a party with some form of 'interest' in a property, generally being either a legal interest (such as a tenant seeking to buy the freehold, or a party seeking to extinguish a covenant) or a geographical interest (the property adjoins that of the special purchaser and there is a logic to joining the titles). It is usual practice that a special purchaser will normally pay above market value to reflect the added value to them of combining the legal interests, and for being able to buy the property off-market (subject to independent valuation). That said, whilst the council has a fiduciary duty when disposing of property, in some circumstances best consideration can also reflect well-being (social, economic, or environmental), but assessing the 'value' of this against any loss of capital value can be very tricky. If an off-market transaction is to be undertaken then a section 123 valuation is required from an independent valuer, so that the Council can prove that it has achieved best consideration.

The Council procured the specialist marine department at Vail Williams to undertake this valuation, Staff have reviewed the valuation of £50,000 (See below \*1) and believe that proceeding with a transfer for a lesser price can be recommended as best consideration on the basis of the economic savings to be realised from not having to undertake future dredging and works to the harbour walls in the future

10. There being no material objections to the disposal of the land parcels following advertisements placed in accordance with section 123(2A) of the Local Government Act 1972.

If a Local Authority wishes to dispose of land from within its portfolio which is designated as open space it must follow the statutory process set out in section 123 (2A) of the Local Government Act 1972. This legislation requires an advert to be placed in 2 successive editions of the local newspaper, the County Press (IWCP) within the Public Notices section, and that the community has sufficient time to object, if they are so inclined.

Accordingly, as advert was placed in the IWCP on 9 and 16 of July respectively, giving until 6 August to respond in writing. No objections were received.

11. Confirmation of how the anticipated loss of budgeted income of up to £11,166 per annum is to be accommodated within the council's overall revenue budget

This is a small sum of money given the consideration of the monies involved with the future management of the harbour outlined in 15 below. These funds have been discussed with finance and will be recovered from resetting the budget.

## STRATEGIC CONTEXT

12. The potential to outsource the harbour to RTC may create new opportunities and protect the assets in addition to and improving the council's future Capital financial position. It will support the following commitments in the Corporate plan 2021 – 2025 to meet the values of working together and to be effective and efficient and to meet the aspiration namely: -

*The council has a great many assets that could be put to better use by the community and at the same time save money for the council. We will review all of these assets and work with local town, parish and community councils to find better ways for these assets to work positively for the community.*

13. The provision of harbours is not a strategic function of the Council. Whilst Ryde is not a statutory harbour it should be operated in accordance with the requirements of the Port Marine Safety Code. The Council, therefore, has legal duties in the ongoing running of this facility, particularly with regards to health and safety.

## CONSULTATION

14. All interested stakeholders, namely Ryde Town Council, users of the harbour together with local councillors have been consulted and also will be able to make representations through the normal processes in the consideration of this paper.

## FINANCIAL / BUDGET IMPLICATIONS

15. In terms of future capital costs Ryde harbour will require capital dredging, estimated at £300,000 to £400,000; in addition, the gabions that form part of the construction of the harbour arm will require replacement at an estimated cost of £1,062,000. These figures were obtained in 2006 from a report commissioned by Royal Haskoning so are likely to be higher in the present day.
16. If Ryde Town Council were to include the additional parcels of land, as identified within its expression of intent, this is likely to cause financial loss to council with a loss of revenue income from the car park and amenity land hire. At full occupancy this would be estimated at £7,717 for parking and £1,151 from the hire of Eastern Esplanade Gardens. The total combined losses are estimated to be in the region of £8,868 per annum. The total loss of income from the disposal being in the region of £11,166 when the annual revenue position of the harbour is included

## IMPACT ON YOUNG PEOPLE AND FUTURE GENERATIONS

17. The decision preserves the area as an existing harbour, so it will continue to offer recreational benefits for young people and future generations.

## CLIMATE, ENVIRONMENT & UNESCO BIOSPHERE IMPACT

18. There are no direct implications for the council's council climate change and environment strategy. There may be a potential increase in the Island's overall carbon footprint if the harbour is developed in the long term to provide a greater economic benefit to the Island.

## LEGAL IMPLICATIONS

19. The Council has the power to dispose of property under section 123 of the Local Government Act 1972, which requires it to achieve 'best consideration' in any disposal. The Council must follow the statutory open space disposal procedure as set out in section 123 (2A) of the Local Government Act 1972. As the council will be disposing of the property with a restriction the disposal may be at an undervalue. The council can dispose of property at an undervalue using a general consent of the Secretary of State. The difference between the unrestricted value of the property and the disposal consideration must not exceed £2 million and the purpose of the disposal must be likely to contribute to the achievement of the promotion or improvement of economic well-being; the promotion or improvement of social well-being; and/or the

promotion or improvement of environmental well-being in its area or for residents in its area. Subsidy control implications will also need to be considered.

20. Ryde Harbour and the identified parcels of land are owned by the Isle of Wight Council but some of the land may be subject to constraints, this will be made clear in any transfer.

## EQUALITY AND DIVERSITY

21. The Council as a public body is subject to general and specific duties under equality and diversity legislation and as such has a duty to impact assess its service, policies/strategies and decisions with regards to diversity legislation and the nine protected characteristics (race, gender reassignment, disability, age, sex and sexual orientation, religion or belief, pregnancy and maternity, marriage and civil partnership). There are no direct implications for the Council's duties under the terms of the Equality Act 2010 arising from the recommendations in this paper.

## PROPERTY IMPLICATIONS

22. A special purchaser is a party with some form of 'interest' in a property, generally being either a legal interest (such as a tenant seeking to buy the freehold, or a party seeking to extinguish a covenant) or a geographical interest (the property adjoins that of the special purchaser and there is a logic to joining the titles). A town council seeking to acquire a property within its area for policy reasons (as is the case with Ryde Harbour) can therefore be deemed a special purchaser.
23. Standard practice is that a special purchaser will pay above market value to reflect the added value to them of combining the legal interests, and for being able to buy the property off-market (subject to independent valuation). That said, whilst the council has a fiduciary duty when disposing of property, in some circumstances best consideration can reflect well-being (social, economic, or environmental), but assessing the 'value' of this against any loss of capital value can be very tricky. If an off-market transaction is to be undertaken then a section 123 valuation is required from an independent valuer, so that the Council can prove that it has achieved best consideration. This action has been completed.
24. In 2019 the Environment Agency diverted Monktonmead outfall into Ryde harbour although they could not sign up to indefinitely maintain the structure and ultimately this responsibility would fall to the landowner if they were unable to continue to do so. The Environment Agency have added all elements of the outfall structure to their maintenance schedule and while in a position to they will undertake maintenance works as required for structural and safety purposes. Should the Environment Agency be unable to fulfil this

role then they will start withdrawal of maintenance procedures with the council or subsequent owner taking them on.

## OPTIONS

25. The options available to the council are: -
1. Agree to the freehold transfer of the Ryde Harbour and the hospitality suite; and the lease transfer of the two parcels of land and hospitality suite to Ryde Town Council from the 1 April 2022. The transfer to be at nil value and subject to final details to be agreed by the Cabinet member.
  2. Agree to a leasehold transfer of Ryde Harbour, the two parcels and the hospitality suite to Ryde Town Council from the 1st April 2022
  3. Not to agree to transfer of Ryde Harbour to Ryde Town Council and to market both Ryde and Ventnor harbours to ensure that they are managed by third party operators and at no cost to the Council as originally intended.
  4. To cease this exercise and to continue with the direct operation and management of these facilities until a further review of their operation and sustainability can be considered.

## RISK MANAGEMENT

26. In granting Ryde Town Council option 1 or 2 above the risk outlined in the previous cabinet paper for Ventnor Harbour would remain.
27. The implications of the potential transfer of Ryde Harbour and associated land to Ryde Town Council on the regeneration of the esplanade has been considered by council staff in the regeneration and property teams. Furthermore, as part of any transfer council staff will assess the impact of any proposals on the regeneration proposals to ensure that these are not compromised.
28. There is a financial and resource impact on RTC in relation to taking on future maintenance liabilities for Monktonmead outfall, although these are not currently quantifiable.
29. The nature of the disposal of Ryde Harbour (leasehold or freehold) will influence the future financial risk to the council. RTC are seeking a freehold purchase which would mean that all risks associated with the future management, funding, upkeep and legal responsibilities would rest with the town council. This will completely remove any call on council resources for the facility into the future. Ryde Town Council are aware of these issues and the financial risks they would inherit and wish to continue to pursue a freehold purchase. They are also aware that the IWC would need to place a covenant on the disposal of the harbour ensuring that it can only be used as a leisure harbour.

## EVALUATION

30. The provision of Ryde Harbour is not a statutory duty of the council.
31. Refusal of the offer from RTC and the marketing of both harbours together might result in a loss of opportunity from RTC and the marketing exercise may not produce an acceptable offer for either harbour.
32. The valuation has been concluded and it is believed that best consideration has been established. In accordance with section 123(2A) of the Local Government Act 1972, the open spaces have been advertised and no objections have been received. The funds set out in terms of the loss of income have been addressed by finance, due to the long-term positions of capital
  - \*1 No liability is accepted by Vail Williams to/from any third parties (other than IWC and RTC as their clients).

## BACKGROUND PAPERS

Delegated decision report December 18 – Review of Council Assets – Ryde/Ventnor harbours

Delegated decision report November 19 – Review of Council Assets – Ryde/Ventnor harbours

Cabinet Paper March 2021, Disposal of Ryde Harbour and Adjoining Land to Ryde Town Council.

## APPENDICES

Plans showing areas of land requested by Ryde Town Council.

Appendix 1 – Ryde Harbour

Appendix 2 – Ryde Harbour Hospitality Suite

Appendix 3 – Ryde Harbour Car Park

Appendix 4 – Ryde Eastern Gardens

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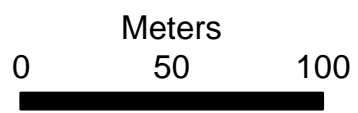
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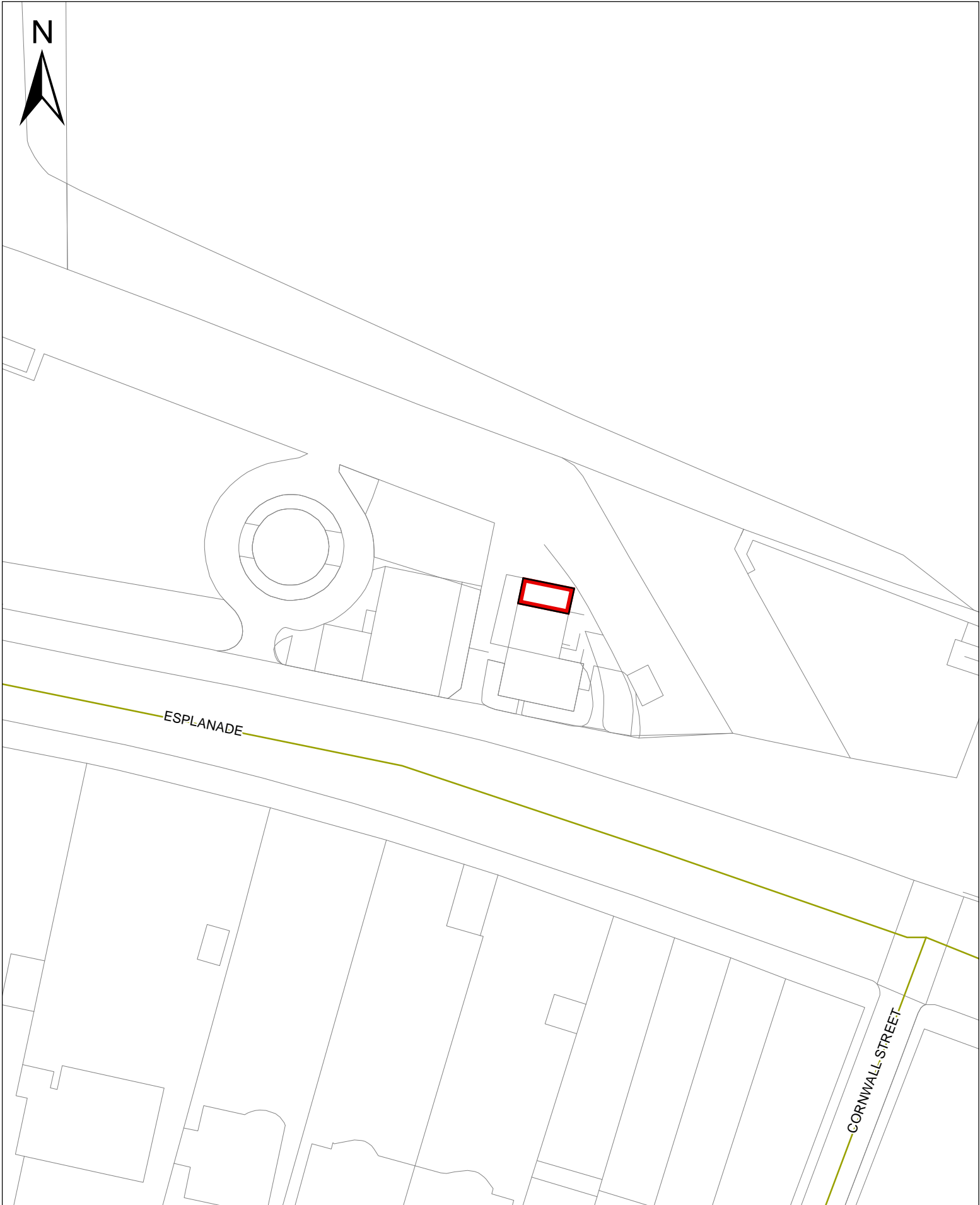
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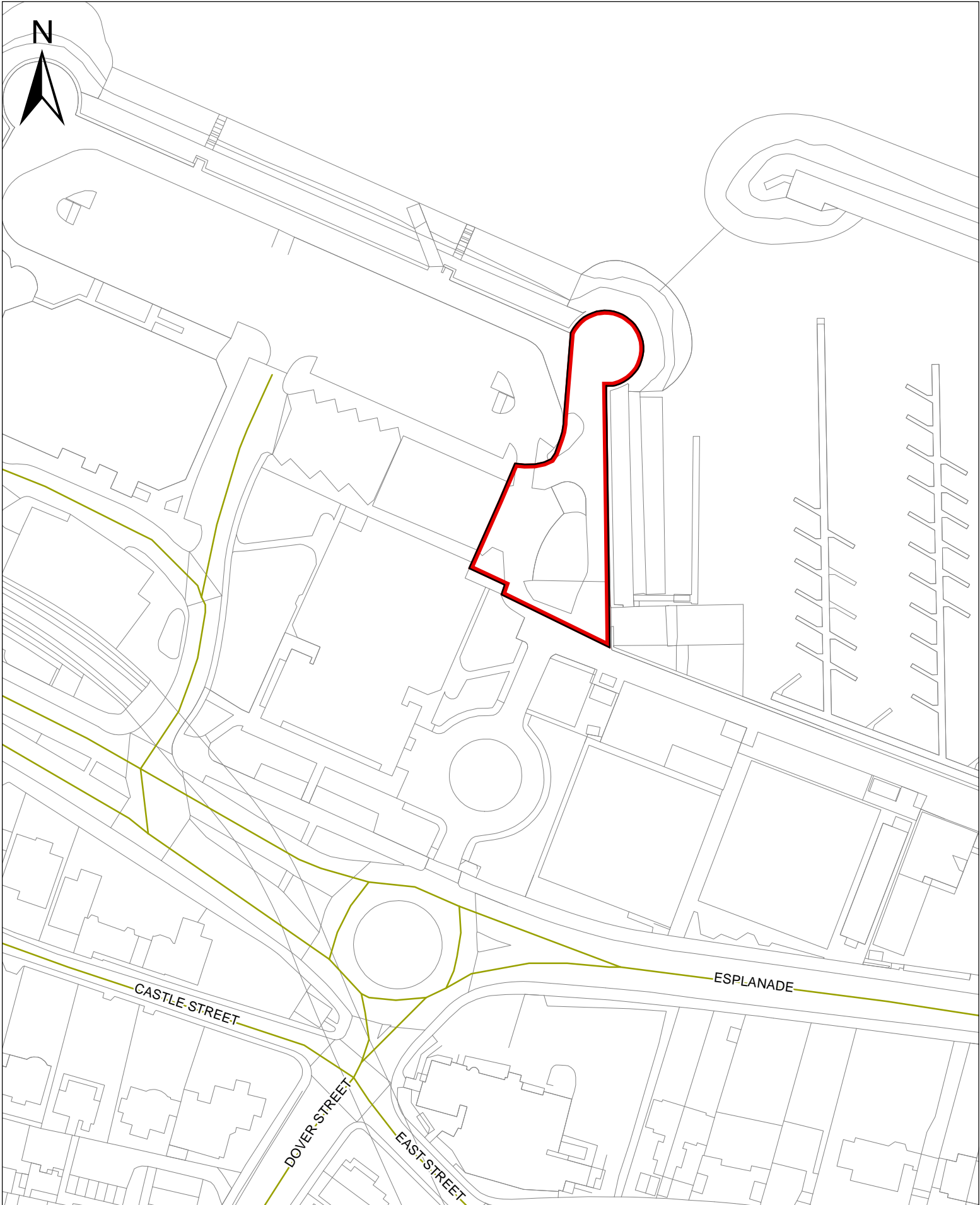


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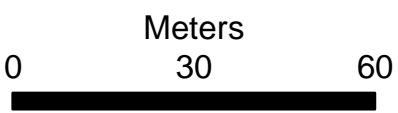
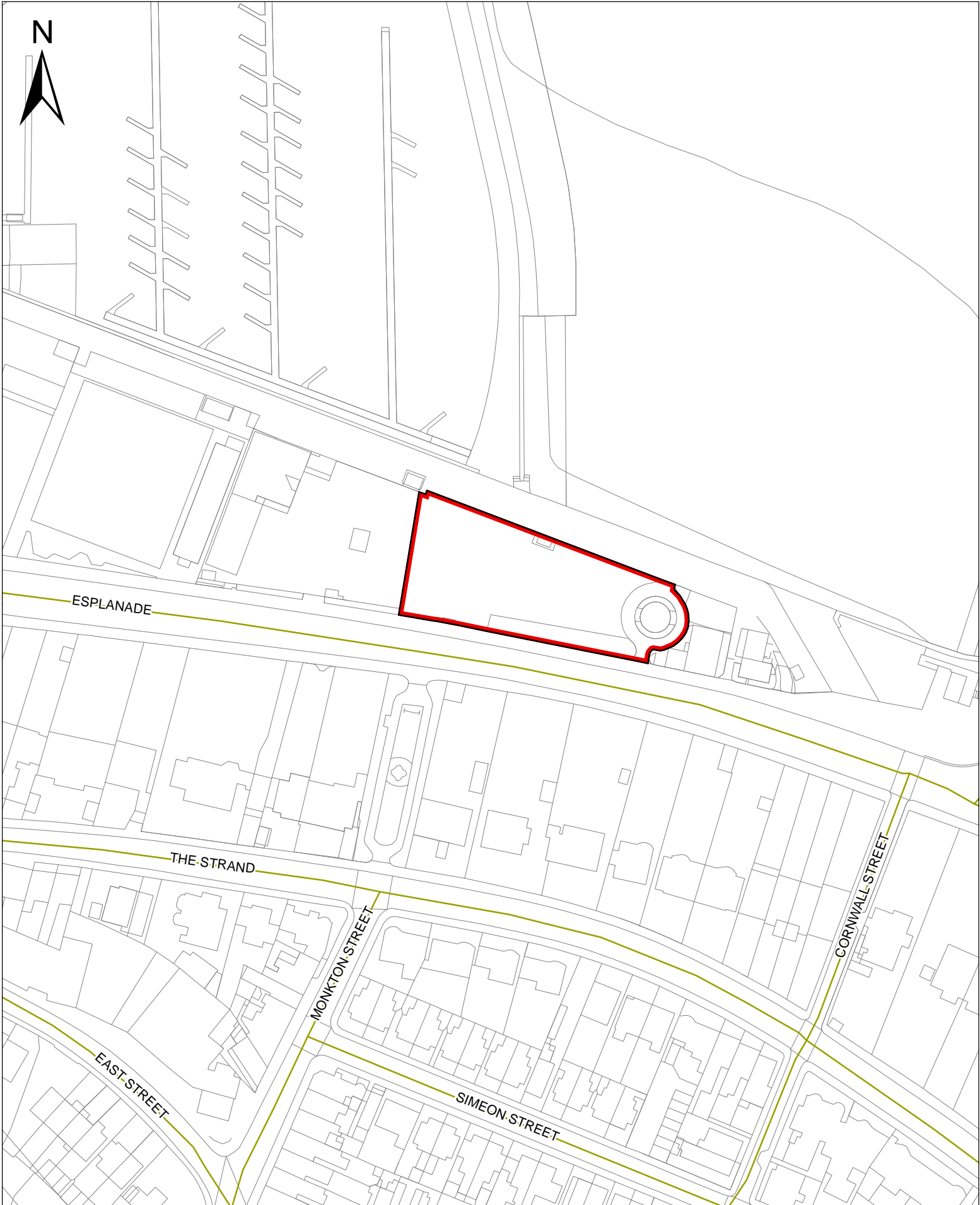
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## Cabinet report

Date	<b>16 DECEMBER 2021</b>
Title	<b>ISLE OF WIGHT SKILLS PLAN</b>
Report of	<b>CABINET MEMBER FOR REGENERATION, BUSINESS DEVELOPMENT AND TOURISM, and CABINET MEMBER FOR CHILDREN'S SERVICES, EDUCATION AND LIFELONG SKILLS</b>

---

### EXECUTIVE SUMMARY

1. The future of the Island economy is dependent on having a workforce with the relevant skills to both encourage inward investment and enable local businesses to thrive. In addition, the benefits to the Island community as a whole of having a skilled workforce goes beyond its economic value and can have a positive impact on quality of life enabling people to make a greater contribution to society.
2. The Regeneration Strategy sets out the ambition to make the Island a great place to grow up, live, work and visit and central to this is the need to ensure that there is a skilled and productive workforce available to meet the current and future skills needs of employers.
3. This means working together with employers and educators to help them to identify and address some of the key challenges that stand in the way of this ambition.
4. The Isle of Wight Skills Plan describes some of these key challenges, particularly as we emerge from the pandemic, and suggests a series of priorities and action that can be taken now and into the future, to help grow the skills base of the Island, give young people high quality career opportunities and help adults to train and upskill throughout their working lives.
5. The Skills Plan will provide the framework and focus for agencies, organisations, businesses and employers engaged across the skills agenda to ensure there is a joined-up approach to both the challenges and opportunities.
6. The paper also recommends the establishment of a Skill Board to ensure a coordinated approach to the actions of the plan.

### RECOMMENDATION

**Option A.** To adopt the Isle of Wight Skills Plan (Appendix 1) and set up an Island Skills Board to oversee skills related activity, identify relevant resources and monitor outcomes of the action plan (Appendix 2).

## BACKGROUND

7. The Isle of Wight economy generates some £2.8 billion of economic activity which accounts for about 10 per cent of the total Solent economy. Prior to the pandemic there was strong growth which outperformed the South East, Portsmouth and Southampton, Solent and the cities.
8. However, the Island has a large skills gap at the top of the skills distribution and whilst the proportion of highly skilled residents on the Island has increased in line with the national average, the gap with other areas has widened.
9. The impact of COVID has been significant and in particular has had a negative impact on 18-24 year olds unemployment and sectors such as tourism and manufacturing which employ relatively large numbers of people on the Island. However, there has been an increase in demand for jobs – including higher level skilled roles – in the health and social care sectors.
10. Government has put in place a package of support to strengthen existing employment and skills support and help people back into the labour market as soon as possible. Importantly there is a recognition that young people are particularly vulnerable due to their lack of experience in work.
11. There are already many successful programmes operating across the Island to promote skills and employability and to support vulnerable young people and adults at risk of social and economic exclusion. In particular there has been significant progress recently to better engage employers in education and careers programmes through the work of Island Futures and the Island Careers Partnership.
12. There has also been a commitment to grow apprenticeships, as well as technical skills through initiatives such as the Isle of Wight College's new Centre of Excellence for Composites, Advanced Manufacturing and Marine (CECMM). The i-aspire initiative has begun to raise the profile of higher level opportunities and support the development of targeted provision to meet identified needs.
13. The recent designation of the Isle of Wight College as a University Centre is also a welcome development in expanding the offer and encouraging the take up of higher level skills across the Island. Also the government's flagship Skills Boot camp programme, which upskills employees without the need to take a qualification, is being delivered on the Island in digital marketing, digital technician and engineering technician roles.
14. In addition, the Isle of Wight is a partner in the Skills Accelerator (Strategic Development Fund pilot) which allows the growth of higher level skills in emerging technologies, cleaner growth, and digital sectors.
15. Alongside these programmes, a more highly targeted adult and community learning offer is encouraging adults to engage in learning, creating progression into higher level opportunities and championing a culture of lifelong learning for wellbeing as well as work.

## STRATEGIC CONTEXT

16. The new Corporate Plan 2021-25 contains the following:

“Growing our skills base and retaining our workforce in key sectors, such as hospitality and social care will be a key challenge for the next five years as will helping those who have lost time from education to recover and achieve their personal goals. These will be key aspects of our Island skills plan”

<p>Work with businesses and training providers to develop a plan for increasing the number of apprenticeship placements and reduce the number of young people not in education, employment or training.</p>	<ul style="list-style-type: none"> <li>• Working with Island Futures we will use external funding sources to deliver a range of apprenticeship and training opportunities such as the Governments Kickstart programme.</li> <li>• Support for the Island Careers partnership and its efforts to link schools and business.</li> </ul>
---	---

## CONSULTATION

17. The plan has been subject to a range of engagement and consultation activities including workshops, one to one discussions with individuals, key agencies, services and businesses, presentations to groups such as Island Careers Partnership and Economic Development Board and the Solent LEP all of which have helped frame the document and also the development of the action plan which sits alongside it.

## FINANCIAL / BUDGET IMPLICATIONS

18. There are no direct financial implications from the recommendations of the report.

## IMPACT ON YOUNG PEOPLE AND FUTURE GENERATIONS

19. The Implementation of the Skills Plan is intended to ensure that young people on the Island benefit from a coordinated approach by all stakeholders to the learning and skills agenda. This is so they have the greatest opportunity to access the best, most productive and most fulfilling employment to their long-term benefit and well-being as well as that of the local economy and the communities where they live.

## LEGAL IMPLICATIONS

20. There are no direct legal implications from the recommendations of the report.

## EQUALITY AND DIVERSITY

21. The council, as a public body, is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There are not negative impacts on any of the protected group as a result of the recommendations of this paper.

## OPTIONS

22. The options available are as follows:

**Option A** To adopt the IW Skills plan (Appendix 1) and set up an Island Skills Board to oversee skills related activity, identify relevant resources and monitor outcomes of the action plan (Appendix 2).

**Option B** Not to adopt the Skills plan

## RISK MANAGEMENT

23. The plan is intended to provide an agreed set of objectives and actions to ensure there is a joined up approach across the agencies and organisations who deliver and manage learning and skills outcomes and that the needs of those who access those services, particularly businesses are reflected in the plan. Without a skills plan and with the range of organisations engaged and active in this area there is risk of duplication, gaps in provision or agreeing priorities which could result in a reduction in the ability to deliver some of the key activities. An agreed plan across agencies on the Island is particularly important in demonstrating to funding organisations, particularly government, that there is a clear and agreed approach.

## EVALUATION

24. The Isle of Wight Skills Plan is an important component of the Island's approach to grow and sustain a higher value economy. The plan seeks to ensure we have the skills in our workforce not only to meet the challenges of our traditionally important sectors such as tourism, hospitality and care but also to provide the foundation for new opportunities in the green economy and high value businesses such as information technology and the knowledge economy in general.
25. In addition to the plan, the establishment of an IW Skills Board to oversee its delivery will enable the outcomes to be monitored and ensure it continues to reflect the Island's needs. The membership of the board and its terms of reference will be overseen by the Economic Development Board and include representation from the key stakeholders who have helped inform the plans development.

## APPENDICES

26. Appendix 1 - Isle of Wight Skills Plan  
27. Appendix 2 - Isle of Wight Skills Plan - Action Plan

## BACKGROUND DOCUMENTS

Isle of Wight Regeneration Strategy.

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**APPENDIX 1**

## Isle of Wight Skills Plan

### Contents

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- 1) Introduction
- 2) Executive Summary
- 3) Economic overview
- 4) Impact of COVID – unemployment; occupations; sectors
- 5) Educational attainment and participation
- 6) Policy context – national and local
- 7) Current employment and skills landscape
- 8) Challenges and opportunities
- 9) Priorities and key actions
- 10) Action Plan
- 11) Governance

## 1) Introduction

The Island Regeneration Strategy 'Inspiration Island' outlines an ambition for the Isle of Wight to be *"an inspiring place to grow up, live, work and visit"*. It will do this taking forward a series of actions to address the key challenges facing the island's economy. Central to this is the need to ensure that there is a skilled and productive workforce available to meet the current and future skills needs of employers.

This means working together with employers and educators to help them to identify and address some of the key challenges that stand in the way of this ambition.

This plan aims to describe some of these key challenges, particularly as we emerge from the pandemic, and suggests a series of priorities and action that can be taken now and into the future, to help grow the skills base of the island, give young people high quality career opportunities and help adults to train and upskill throughout their working lives.

## 2) Executive Summary

The Isle of Wight economy generated some £2.8bn of economic activity (GVA) in 2019, which accounts for about 10% of the total GVA of the Solent economy. Prior to the pandemic there was strong growth – comparable to Hampshire - and outperforming South East, Solent and the cities.

However the Island has a large skills gap with comparator areas at the top of the skills distribution. 33.4% residents of working age have a degree or higher (Level 4+) qualification compared to 44.9% in the South East and 43.1% in the UK . The proportion of highly skilled residents on the Island has increased in line with the national average but the gap with other areas has widened.

The growth in highly skilled occupations on the island was faster than the UK average but below other comparator areas. One in five residents are found in low skilled occupations and the Island has, alongside Southampton, seen growth in low skilled occupations since 2010.

In summary, the occupational structure of the island mirrors its demographics and industrial structure, and the skills profile of its residents, suggesting that there is a need to raise both the demand for, and supply of, higher level skills in order to support the future growth of the economy.

The impact of COVID has been significant and in particular has had a negative impact on 18-24 unemployment and sectors such as tourism and manufacturing which employ relatively large numbers of people on the island. However, there has been an increase in demand for jobs – including higher level skilled roles – in the health and social care sectors.

Government has put in place a package of measures to strengthen existing employment and skills support and help people back into the labour market as soon as possible. Importantly there is a recognition that young people are particularly vulnerable due to their lack of experience in work.

There are already many successful programmes operating across the island to promote skills and employability and to support vulnerable young people and adults at risk of social and economic exclusion. In particular there has been significant progress recently to better engage employers in education and careers programmes through the work of Island Futures and the Island Careers

Partnership. There has also been a commitment to grow apprenticeships, as well as technical skills through initiatives such as the Isle of Wight College's new Centre of Excellence for Composites, Advanced Manufacturing and Marine (CECMM). The i-aspire initiative has begun to raise the profile of higher level opportunities and support the development of targeted provision to meet identified needs. The recent designation of the Isle of Wight College as a University Centre is also a welcome development in expanding the offer and encouraging the take up of higher level skills across the island. Also the government's flagship Skills Boot camp programme, which upskills employees without the need to take a qualification, is being delivered on the island in digital marketing, digital technician and engineering technician roles. In addition, the Isle of Wight is a partner in the Skills Accelerator (Strategic Development Fund pilot) which allows the growth of higher level skills in emerging technologies, cleaner growth, and digital sectors. Alongside these programmes, a more highly targeted adult and community learning offer is encouraging adults to engage in learning, creating progression into higher level opportunities and championing a culture of lifelong learning for wellbeing as well as work.

Through consultation with key stakeholders the following priorities have been identified, which are underpinned by a more detailed action plan to be taken forward over the next 12-24 months.

- **Aligning aspiration and opportunity to better meet employers skills needs**

**This priority will aim to put employers at the centre of the IOW's skills system, better understanding their current and future skills needs, and helping them to access a suitably skilled workforce. It will work to raise awareness of the wide range of inspirational career opportunities available on the island, continue to build mutually beneficial relationships which will better integrate the worlds of education and employment, raising the aspirations of young people and improving participation and attainment.**

- **Developing a highly skilled, productive and future ready workforce**

**This priority will focus on raising skills levels across the island, ensuring sufficient higher level provision which is targeted at the needs of key sectors, and improving level 4/5 technical opportunities, matched to labour market needs. It will build on the i-aspire programme, support the education and skills ambition of the Digital Island Strategy, the IOW University Centre and the Solent Institute of Technology (IoT). It will also encourage upskilling within the workforce, promoting a culture of lifelong learning, support for adults who wish to gain employment or change careers and encourage better take up of leadership and management skills as a driver of innovation, entrepreneurship and growth. It will aim to increase productivity driven by higher skills levels and ultimately close the gap in average earnings between IOW residents and UK averages.**

- **Enabling opportunities for all and a more inclusive approach to growth**

**This priority will focus on improving participation in education and training and employment for disadvantaged groups and communities with high deprivation indicators. It will work with partner organisations to engage and support people to access training and employment programmes and will also consider accessibility for protected groups, ensuring access to opportunity for all.**

### 3) Economic overview

IOW Economic Profile (Nov 2019)

#### The Isle of Wight Economy

- The Isle of Wight generated some £2.8bn of economic activity (GVA) in 2017, which accounts for about 10% of the total GVA of the Solent economy. Health & social care and manufacturing are the largest industrial sectors followed by construction and accommodation and food. Higher value services are underrepresented in terms of their contribution to GVA.
- Economic growth on the Island was on average faster than in most comparable areas; the economy was almost 2.1 times larger in 2017 than in 1998. Growth in real inflation adjusted GVA averaged 2.7% p.a. between 1998 and 2008, is there any further more relevant data? 2008 is a long time ago or has the pattern of growth continued and could we say this? comparable to Hampshire and faster than the South East average, Solent or the two cities.
- Relatively strong growth in the economy was driven largely by manufacturing and several high productivity services. Within manufacturing growth was robust in machinery & transport and manufacture of electronic, optical and electrical products. GVA growth in professional, scientific & technical services was robust and on average faster than before the recession.
- ICT was a strong performing sector. Real growth in ICT was slower than before the recession but nevertheless about three times as fast as the growth in the economy as a whole. Growth in tourism related activities was also robust over this period. Economic activity on the Island has continued to shift from public admin & education, wholesale and transport activities to higher value manufacturing and higher value services.

#### Skills & Occupations – key points

The Island has a large skills gap with comparator areas at the top of the skills distribution. A third of residents of working age have a degree or higher (Level 4+) qualification. The proportion of highly skilled residents on the Island has increased in line with the national average but the gap with other areas has widened.

33.4% of the population is qualified to NVQ4 compared to 44.9% in the South East and 43.1% in GB (ONS Dec 2020) This has increased from 22.4% in 2009.

	IOW%	South East %	Great Britain%
Level 4 +	33.4	44.9	43.1
Level 3+	55	63.5	61.4
Level 2+	76.9	80.6	78.2
Level 1+	88.9	90.3	87.9
No Qualifications	5.8	4.9	6.4

As a result of its industrial structure the Island has a high concentration of residents with intermediate skills. The growth in the proportion of residents with intermediate skills on the Island has been twice as fast as the national average and fastest across comparator areas.



55% of the population is qualified to NVQ3 compared to 63.5% in the South East and 61.4% in the UK (ONS Dec 2020) This has increased from 42.5% in 2009.

There is a concentration of people with low or no qualifications (about one in five residents of working age). This is mostly explained by the Island's demographic and occupational structure. The Isle of Wight has made significant progress in reducing the proportion of low skilled or residents with no formal skills and the improvement on the Island has been faster than in comparator areas.

This is significant because skills distribution is a factor that affects inward investment and sectoral distribution. A relatively low proportion of people with a degree or higher qualification is likely to be a barrier to inward investment and future growth of higher value services, such as digital technologies and professional services.

Growth in higher skilled occupations was sluggish compared to comparator areas but faster than the UK average. The proportion of higher skilled occupations is low but there is a high concentration of medium-skilled occupations. The growth in highly skilled occupations was faster than the UK average but below other comparator areas. One in five residents are found in low skilled occupations and the Island has, alongside Southampton, seen growth in low skilled occupations since 2010.

In summary, the occupational structure of the island mirrors its demographics and industrial structure, and the skills profile of its residents, suggesting that there is a need to raise both the demand for, and supply of, higher level skills in order to support the future growth of the economy.

### **Employers views**

The 2019 Economic Analysis included a survey of employers on the island. They were asked about their recruitment activity and the ability to fill vacancies.

Where businesses faced difficulties recruiting the most common reasons given were 'too few or no applicants' (16%) and 'lacks skills or experience' (15%). A lack of qualifications (5%) does not appear to be a significant issue for most businesses.

Nonetheless, as detailed above, the Economic Profile highlights a large skills gap with comparator areas at the top of the skills distribution. While the Island has a historically high concentration of intermediate skills, the result of its industrial structure is that there remains a concentration of people with low or no qualifications.

By sector, public services (80%) was more likely to have recruited in the past 12 months (2018-19) and also most likely to successfully fill vacancies (100%). Wholesale & retail (21%) was the least likely to have recruited but was nevertheless relatively successful at filling vacancies. However, most sectors were generally successful at filling vacancies.

When asked if businesses had experienced any difficulties recruiting, professional services was least likely to report difficulties with 50% saying 'No'. However, for all other sectors their difficulties were more prevalent and workforce skills are a widely reported concern, particularly post-Brexit with concerns over access to EU workers. As a specialised sector, the marine & maritime sector had a fairly even split across all three types of difficulties, but was relatively high for lack of qualifications compared to other sectors. This perhaps ties in with a greater demand for highly specialised elements

and where science, technology, engineering, and mathematics (STEM) skills are needed. A lack of skills/experience was highest for production & construction (44%).

#### 4) Impact of COVID

[Labour Market Profile - Nomis - Official Labour Market Statistics \(nomisweb.co.uk\)](https://www.nomisweb.co.uk)

##### Unemployment headlines

Unemployment on the island is high compared to SE and GB levels. The all age claimant count was 4.2% (Oct 21) compared to SE 3.8% and GB 4.8. For the last 12 months the all age claimant count on the Isle of Wight has been between 4.2% and 6.9%. There are currently 3,365 people of working age claiming unemployment benefit on the Isle of Wight.

There is also a higher than average economic inactivity rate (23.9%) compared to 19.2% SE and 21.6% GB. Although this is partially explained by the population demographics on the island – there are fewer people of working age, with 16-64 year olds making up 56.1% of IOW population compared to 61.2% in SE and 62.5% GB and a higher proportion of retired people (19.5%) compared to 16.4% SE and 13.6% GB) However there are also higher levels of economically inactive people reporting that they want a job (33.5%) compared to 21.4% SE and 20.7% nationally

This is reflected in a higher proportion of workless households (17.8%) compared to 10.5% SE and 13.6% UK and whilst this had increasing from Dec 2017 to 2019 (against a declining national trend) The numbers have reduced in Dec 2020 back down to 2017 levels (currently 6,700 workless households on the Isle of Wight).

For young people, who have been disproportionately affected by the impact of COVID, the 18-24 claimant rate was 5.9% (compared to 4.9% in the SE and 6 % UK) For the last 12 months to October 2021, the 18-24 claimant count has been above as high as 12% compared to a pre-pandemic average of 4.8% between April 2019-March 2020.

##### Occupations

In terms of the impact of COVID on particular occupations on the island, the EMSI response tracker (Dec 2019 – Jan 2021) compares occupations that are important to the area (high location quotient) with an exposure index that shows the relative impact of COVID on these occupations. Occupations that are both important to the IOW and have been affected by the economic impact of the pandemic are:

- Chefs
- Kitchen and catering assistants
- Sales and retail assistants
- Cleaners and domestics
- Van drivers
- Administrative occupations
- Office managers

Occupations that are significant employers on the IOW and have been less adversely affected by the pandemic are:

- Medical practitioners
- Nurses
- Care workers and home carers
- Education
- Prisons

All of these occupations have seen an increase in demand for jobs between Dec 2019 and Jan 2021, however, occupations with the highest exposure index (chefs and kitchen and catering assistants) are showing the smallest increases in demand (88.2% and 54.8% respectively) whereas the three occupations with the lowest exposure index rating are showing the greatest increase in demand for jobs (143.2% for medical practitioners; 255% for care workers and home carers and 284% for cleaners and domestics).

### Sectors

Compares key industrial sectors on the IOW (high location quotient) their GVA contribution and the exposure index rating showing the relative impact of COVID. Key points

#### Manufacturing

Description	% change in jobs (number) (2020-21)	GVA	Exposure index rating
Manufacture of air and space craft and related machinery	-2.6% (43)	£67.1M	36
Manufacture of electronic components	-3.7% (11)	£8.7M	42
Manufacture of non electrical domestic appliances	+3.8% (5)	£6.7M	35
Manufacture of wiring devices	0	£2.9M	51

#### Tourism

Description	% change in jobs (number) (2020-21)	GVA	Exposure index rating
Holiday and short stay accommodation	-0.5 (4)	£19.7M	50
Amusement parks and theme parks	-2.6% (11)	£6.9M	62

## Marine and Maritime

Description	% change in jobs (number) (2020-21)	GVA	Exposure index rating
Sea and coastal passenger and water transport	-1.4% (3)	£8.6M	20
Sea and coastal freight water transport	0	£4.6M	7
Repair and maintenance of ships and boats	-4.4% (8)	£4.9M	41

Again a high exposure rating correlates to a decline in job opportunities – this is of most concern for the sectors which contribute high levels of GVA to the IOW economy: manufacturing and tourism in particular

### 5) Educational attainment and participation

The percentage of young people gaining a L2 and L3 qualification by age 19 is lower than average, when compared to national, SE and statistical neighbours' performance and the gap is not closing

	IOW	UK
L2 attainment at age 19 (DfE 2019)	71.2%	81.8%
L3 attainment at age 19	47.6%	56.9%

However, participation rates are historically high and the island consistently performs above average for the proportion of young people engaging in education and training post 16.

IOW Participation and NEET - May 2021 Source: MI CCIS submission to DfE						
	Participation	%	NEET	%	Unknown	%
Year 12	1,289	96.6%	16	1.2%	15	1.1%
Year 13	1,214	92.1%	24	1.8%	27	2.1%
Total	2,503	94.4%	40	1.5%	42	1.6%

For Hampshire, the comparable NEET figure over the same period is 2.38% and Unknown 2.74%

However, strong participation does not continue post 18, where both employment outcomes and educational participation are relatively low. Between 2016-2021 HE acceptance rates ranged from 20-23% compared to around 30% nationally (HE Study, 2019) although more recent evidence suggests that this is starting to improve.

## 6) Policy context (national)

Government published 'A Plan for Jobs', their policy response to COVID-19 on 8 July 2020. This included a package of measures worth a total of £30B to support the UK's economic recovery Headlines:

- 1) A new **Job Retention Bonus** to encourage firms to keep on furloughed workers (£9.4B)
- 2) **Supporting jobs** with direct help to find work and to gain the skills people need to get a job (Kickstart Scheme £2.1B; boosting work search; skills and apprenticeships £1.6B)
- 3) **Protecting jobs** in the hospitality and accommodation sectors (reduced VAT for hospitality sector £4.1B; Eat Out scheme £0.5B)
- 4) **Creating jobs** with action to get the property market moving (Stamp Duty cut £3.8.6B) to increase and bring forward infrastructure investment (£5.6B) decarbonise existing property in the public and social housing sector (£1.1B) and to make homes greener, warmer and cheaper to heat (£2B)

### Supporting Jobs

A commitment to move quickly, strengthen existing employment and skills support and help people back into the labour market as soon as possible. Importantly there is a recognition that young people are particularly vulnerable due to their lack of experience in work.

There are three strands of activity:

- to support people in finding jobs
- to enable them to gain the skills they need to get a job
- to provide targeted help for young people to get into work

Specifically in relation to skills, the '**Skills for Jobs**' White Paper was published on 21 Jan 2021.

The White Paper sets out proposals to reform further education so it supports people to get the skills the economy needs throughout their lives, wherever they live in the country. It aims to focus the post-16 sector on this core mission – to increase productivity, support growth industries, and give individuals opportunities to progress in their careers.

There are 5 key elements:

- **Putting employers at the heart of the system so that education and training leads to jobs that can improve productivity and fill skills gaps.**
- **Investing in higher-level technical qualifications that provide a valuable alternative to a university degree.**

- **Making sure people can access training and learning flexibly throughout their lives and are well-informed about what is on offer through great careers support.**
- **Reforming funding and accountability for providers to simplify how funds are allocated, give providers more autonomy, and ensure an effective accountability regime which delivers value for money.**
- **Supporting excellent teaching in further education.**

The White Paper also announces a **Lifetime Skills Guarantee – to improve access to skills for all adults**, including providing a Lifelong Loan Entitlement, the equivalent of four years of post-18 education from 2025; 12-16 week bootcamps in specific sector skills (eg engineering, technical and digital) and free qualifications for any adult without an existing full level 3 (A Level equivalent) qualification. It will also include investment in top-quality provision, funding upgrades to further education colleges across the country and improving apprenticeships.

The **Skills & Post 16 Education Bill** (May 2021) builds on the White Paper and aims to increase opportunities for post 16 technical education that are aligned to the needs of employers, creating more routes into skilled employment in key sectors of the economy such as engineering, manufacturing, digital and clean energy.

It will increasingly focus the post-16 sector on a ‘core mission’ – to increase productivity, support growth industries, and give individuals opportunities to progress in their careers.

<https://www.gov.uk/government/news/pioneering-reforms-to-boost-skills-and-jobs>

Building on the FE White Paper, key measures include

- Embedding employers in the heart of the skills system, by making it a legal requirement that employers and colleges collaborate to develop skills plans so that the training on offer meets the need of local areas
- Supporting the transformation of the current student loans system which will give every adult access to a flexible loan for higher-level education and training at university or college, useable at any point in their lives.
- Introducing new powers to intervene when colleges are failing to deliver good outcomes for the communities they serve, and to direct structural change where needed to ensure colleges improve.

### Local Policy context

[Transforming Solent: Growth Strategy - Solent LEP](#)

The Solent LEP Growth Strategy has 5 key aims, all of which are relevant to the island’s economy:

- A world-leading marine and maritime economy.
- Pioneering approaches to climate change and decarbonisation.
- The UK's capital for coastal renaissance.
- A thriving visitor and cultural economy
- Developing a world-class talent base.

More specifically, in relation to skills, the [Solent LEP LSR](#) has four key strategic priorities:

- Awareness and Aspirations
- Brokerage: matching supply with demand
- Core sectors and competencies
- Digital Inclusion.

Also of significance in relations to the skills landscape is Hampshire's Skills Strategy and Action Plan

<https://documents.hants.gov.uk/education/Hants-SkillsStrategyActionPlan.pdf>

- **PRIORITY 1: A future ready Hampshire economy** – matching skills supply and demand and driving forward productivity for a prosperous and resilient economy
- **PRIORITY 2: An inclusive local labour market** that develops talent and maximises opportunity for all our communities
- **PRIORITY 3: A high quality skills infrastructure and facilities** to raise aspiration and achievement; meet employer demand and create industry standard training in our post 16 sector

More recently and in response to the impact of COVID, these priorities have been refocused in a specific Employment & Skills recovery plan (August 2020)

<https://documents.hants.gov.uk/education/Hants-EmploymentandSkills-RecoveryPlan.pdf>

There are some key actions relating to the following priorities:

**Apprenticeships** – stabilising and growing the offer

**Careers advice and guidance** – ensuring young people, adults and employers have access to timely, relevant and high quality information advice and guidance to inform their education and training decisions.

**Skills** – providing access to relevant learning and skills programmes that support employment and wellbeing.

**Employability** – helping young people develop core employability skills to help them to access a good job in the future economy

#### **IOW context**

**The Island Regeneration Strategy 'Inspiration Island'** outlines an ambition for the Isle of Wight to be "*an inspiring place to grow up, live, work and visit*". It will do this taking forward a series of actions

to address the key challenges facing the island's economy, including: • Attracting and growing jobs that pay higher wages • Providing affordable homes for islanders with the right infrastructure • Protecting and capitalising on our unique environment and cultural heritage • Re-balancing our population to ensure we can sustain our public services • Caring for our most vulnerable people and helping everyone to age well • Reducing deprivation levels in affected areas of the Island • Changing perceptions of the island and its future amongst those who live here and those who might want to relocate, invest and visit • Investing in infrastructure to help mitigate our separation deficits.

Alongside this, the **Digital Island Strategy** (April 2019) focusses specifically on the importance of digital technology, and sets out how the IOW aims to become **“the worlds’ smartest, most connected island”** This will be achieved by identifying the opportunities where digital technology can be used to enable solutions to regional challenges. Essentially, this is: • Supporting delivery of existing plans and policies (economic growth, regeneration, carbon, environment, tourism) • Supporting digital transformation of council services • Enabling economic growth through digital technology, identifying priority economic areas for growth • Identifying key skills required for individuals and businesses to engage with the digital agenda and benefit from the opportunities to grow • Building the island's Sense of Place and overcoming the feeling of ‘dislocation’

The top strategic priority is Digital skills and education – helping people and businesses become ‘digital’ and building the right digital skills for employment to support economic growth.

The **Local Economic Development Plan ‘Our Plan for Growth’ 2018-20** will **“enable economic growth, sectoral diversification, employability and skills, regeneration, infrastructure investment and connectivity across the Isle of Wight.”**

In relation to skills, Theme 2 addresses Skills and Employability with the key actions summarised below:

#### 2.1 Address sectoral labour market requirements

Actions: • Promote the take-up of higher Apprenticeships, business related degree level qualifications and STEM subjects. • Support the further development of the CECAMM by assisting to develop further links with local universities and businesses. • We will develop social value clauses in all our third party contracts as part of any regeneration or housing development to encourage the creation of more construction apprenticeship positions. • Within the new Island Plan we will introduce planning policies that will require skills plans for any relevant developments.

#### 2.2 Address training and employment needs

Actions: • Support the further development of pre-Apprenticeship and partner employability programmes • We will set-up a higher education steering group to drive forward the ambition of creating a consolidated and improved local higher education offer. • We will continue to support an Annual Careers Fair with the Isle of Wight College, businesses and local training providers. • We will continue to support the training of our workforce in basic skills acquisition through our adult education arm.



### 2.3 Address productivity constraints through in-job training

Actions: • Work with businesses and training providers to develop a plan for an increasing number of Apprenticeship placements and continue to reduce the number of those Not in Education, Employment or Training (NEET). • We will support businesses to take up the use of the apprenticeship levy and model by example through the creation of apprenticeship positions within the council.

### 2.4 Promote the development of a strong educated skills base

Actions: • Advocate for a strong link between education provision and the skills and job requirements of growth areas in-line with the new Regeneration Strategy (2018-2020). • Lobby for adequate government spend on education and skills. • Shared market intelligence to inform the planning of employment and skills provision. • We will engage more young people and businesses in the Education Advisor Network and showcase a wider range of work opportunities

i-aspire

In partnership with Hampshire County Council's Childrens' Services, the **i-aspire** programme aimed to improve the performance and sustainability of post 16 education in the island's school sixth forms and support higher levels of progression to Level 4+ programmes of study including developing a Higher Education Plan for the island. This included publishing 'Blue Sky Thinking' – a Guide to Higher Education on the Isle of Wight and a range of related activities to raise awareness of the higher level opportunities available locally and support the development of higher level programmes to meet demand in identified sectors such as creative arts.

[Study Isle of Wight: pick up your Higher Education Guide now | An Isle of Opportunities \(iwightinvest.com\)](http://iwightinvest.com)

Recently the Isle of Wight College has been granted permission by the Department for Education to use the title University Centre, Isle of Wight, in partnership with the University of Portsmouth. This will enable it to further develop its HE programme in line with local needs, including in engineering, manufacturing and aligned area at the college's CECAMM centre. The University Centre allows development in all sector areas with a particular focus on higher level apprentices and higher level technical qualifications

### Summary

The aspiration is for a single, strategic and fully co-ordinated approach which will bring together these initiatives in a holistic way, to facilitate social cohesion, economic and infrastructure development, led by the IOW Regeneration team.

<b>Place Making</b>	<b><u>Skills</u> and Business Development</b>
<b>Infrastructure</b>	<b>Housing</b>
<b>Cultural and Environment assets</b>	<b>Area Regeneration</b>
<b>Communications and Engagement</b>	

Skills is central to the success of this approach including the need to raise aspiration, better communicate opportunities, improve skills levels amongst the island's population, focus on digital skills for work and life and ensure the current and future skills needs of employers can be met.

## 7) Current Employment and Skills Landscape

There is a diverse and well performing post 16 skills system on the island, and much is already underway to take forward the Skills and Employability actions within the local development plan (see above)

- **A comprehensive range of Further Education 16-18 study programmes** – main provider is IW College, which has a 'Good' Ofsted rating (May 2017) additionally HTP and Platform One, UKSA, offer full time post 16 vocational courses
- **Higher Education programmes** – a significant HE offer is available across a number of providers. In 2019 a single prospectus was developed to help raise awareness of these opportunities and increase take up of higher education courses. There is also work underway to increase provision at the IOW College University Centre and to further develop niche provision in key sectors such as creative arts.
- **Apprenticeships** – are delivered across a range of sector subject areas by IW College, HTP, Smart Training, Care Learning Centre (CLC). There are government incentives available for employers wishing to take on an Apprentice and support from the levy transfer programme.
- **Traineeships** – HTP has the largest - and growing - programme of traineeships, for young people taking their first step towards employment. There is also a government incentive for employers taking on a trainee
- **Adult Learning** – Isle of Wight Council receives an Adult & Community Learning (ACL) allocation from government to support adults with skills development, which is targeted at low skilled adults who are least likely to participate in learning. The Isle of Wight College also delivers Adult learning programmes offering a broad range of Distance Learning Courses, Level 3 courses under the National Skills Fund, Technical and Digital Bootcamps, Sector Work Academy Programmes and short courses for employers and individuals.
- **Island Careers** – Island Futures delivers a sold service for careers advice and guidance in 7 out of 10 secondary/special schools. In addition to this, the Careers Improvement Forum focuses on careers leadership, quality and statutory requirements, led by Island Futures and Solent LEP. The Island Careers Partnership is an independent employer led group, focusing on the

support businesses can offer to schools curriculum and careers activity. Solent LEP has a Careers Hub which includes the IOW, and is supported by the Careers & Enterprise Company programme.

- **UniConnect** - The Southern Universities Network provides careers resources and interventions to support progression to HE from under-represented groups and areas
- **Not in Employment, Education or Training (NEET) Support** – The STEP (Skills, Training and Engagement Programme) funded by ESF is run by Hampshire and IoW Councils, providing 1:1 support for 15-24 NEET or at risk of, focusing on statutory NEET 16-18, it also includes a bursary for work experience placements. This is funded to March 2023. The National Careers Service (EDT) has a small resource from Solent LEP to support NEETs, which includes the IOW
- **Kickstart** – the Government’s scheme to support 16-24 year old unemployed young people into work through a 6 month paid placement programme. Isle of Wight Chamber is the main Gateway organisation, and IW Council is also delivering Kickstart opportunities
- **Jobcentre Plus** – ongoing support for 16-24 Universal Credit claimants via work coaches, government is increasing its capacity in response to the impact of COVID
- **Youth Hub** – also part of the Government’s Plan for Jobs, IW Council is proposing the development of a Youth Hub to create a High St ‘one-stop shop’ for young people aged 16-24 claiming Universal Credit.
- **Employment & Skills Plans (ESPs)** – plans linked to major developments and infrastructure projects through council planning and procurement. Targets are agreed with developers to provide apprenticeships, jobs, work experience, careers engagement and other related activity.
- **Skills Bootcamps** – as part of the Government’s Lifetime Skills Guarantee, the Isle of Wight College has secured funding to deliver Engineering Technician, Digital Marketing and Digital Technician bootcamp programmes
- **Skills Accelerator** – as part of the successful strategic development fund bid, the Isle of Wight College will deliver a Skills Accelerator programme for the Isle of Wight
- **T Levels** – the Isle of Wight College will be delivering Level 3 T-Level programmes in Digital; Education & Childcare; Health & Science; Business & Administration and Engineering & Manufacturing from Sept 2022

## 8) Challenges and opportunities

However, more needs to be done if the IOW us to achieve its ambition of becoming an inspiring place to grow up, live, work and visit. An analysis of the evidence, interviews with key local stakeholders, and a workshop session with strategic partners including employers and education providers, has highlighted some key issues that need to be addressed. These can be grouped around the following themes:

ASPIRATION AND OPPORTUNITY

HIGHER LEVEL SKILLS

INCLUSION

CO-ORDINATION AND COMMUNICATION

- **ASPIRATION, ATTAINMENT AND OPPORTUNITY**

There is a perception amongst young people that there are few high quality careers available to them on the IOW. This was clearly articulated in the 2019 report into Higher Education on the island, which included an extensive survey of young people:

‘Regarding (job and career) opportunities, the message from young people is extremely clear. Only a very small minority of learners regard the Isle of Wight as having a good range of opportunities...a renewed commitment to addressing the wider issues of aspiration and opportunity is likely to be well received’

(HE Report- Stage 1- April 2019)

And alongside this comparatively low attainment at L2 and L3 by age 19 and lower progression into higher level learning (Level 5+) has been a longstanding challenge on the IOW. Much work has been done recently to improve the performance of secondary schools on the island and it will be important to continue to raise the profile of this and monitor the impact on attainment going forward, with a particular focus on vulnerable groups such as care leavers, SEND young people and those claiming free school meals – all these cohorts significantly underperform in comparison to their peers.

Historically, post 16 participation has been strong, with the IOW reporting much lower levels of NEET and unknown young people at age 16-17 than average.

	2021	2020	2019
<b>COMBINED 16-17 NEET/UNKNOWN %</b>			
IOW	5.4	2.4	3.4
SOUTH EAST	6.4	6.4	5.5
UK	5.5	5.5	5.5
<b>16-17 NEET %</b>			
IOW	1.7	1.7	2.4
SOUTH EAST	2.5	2.4	2.4

UK	2.8	2.7	2.6
<b>16-17 UNKNOWN %</b>			
IOW	3.7	0.7	0.9
SOUTH EAST	3.9	4.0	3.2
UK	2.7	2.8	2.9

DfE Participation data based on Dec-Feb average

Furthermore, local training providers are reporting a significant number of apprenticeship vacancies on the island that they are unable to fill, suggesting a mismatch in the aspirations of young people and the needs of the labour market.

#### Opportunities

- Build on existing programmes such as i-aspire and the Digital Island to raise awareness of high quality, exciting and highly skilled career opportunities available on the island, linked to wider economic development initiatives such as the 'inspiration island' strategy, there are opportunities to change the narrative, presenting the IOW as a highly skilled and inspirational place to work and live
- ensure the Solent Apprenticeship & Skills Hub and the new Skills Access Hub has a higher profile on the IOW with a clear focus on better matching supply and demand for apprenticeship opportunities
- build on the work of the Island Careers Partnership to continue to improve the relationships between education and employment on the island to ensure young people have excellent and relevant careers opportunities , including more exposure to the world of work
- Take advantage of current national policy by developing a Local Skills Improvement Plan (LSIP) approach to skills which helps employers to make their voices heard and enables providers to better respond to their skills requirements
- **HIGHER LEVEL SKILLS – NEEDS/GAPS/KEY SECTORS**

There are lower levels of island residents with higher level qualifications (NVQ4+) and this is likely to act as an inhibitor to inward investment and growth. A key ambition of the 'Inspiration Island' strategy

is to attract and grow jobs which pay higher wages – whether this is achieved through inward investment or organic growth, it will require a stronger pipeline of local residents with higher level skills.

Although the Island's labour market generates a substantial number of low- and intermediate-skilled roles, it still has a demand for higher level skills. For example, EMSI's projections for 2019 to 2027 show an estimated 840 job openings each year in managerial, professional and technical roles which typically require some form of HE qualification. At the detailed occupational level, the requirement for managers and technical workers includes sustained high-skilled demands: teachers, nurses, doctors, financial managers, production managers and sales professionals.

In addition, the 2019 HE study identified demand for HE courses in the following subject areas:

- Creative industries;
- Environmental technologies;
- Engineering (including marine engineering);
- Leadership and management;
- Health and social care

The Island already has a strong reputation for post-16 provision in elements of the creative industries and there is clear evidence of demand outstripping the supply of that provision. Several mainland universities choose the Island as a location for student fieldwork linked to environmental technologies and ecology, while an ageing population and growing social care needs emphasise the importance of the health and care sector being adequately resourced with skilled workers.

Since this work, the impact of COVID has seen a considerable rise in demand for highly skilled roles - most notably for medical practitioners – with a 143% increase in demand for jobs between Dec 2019 and Jan 2021.

Employers in the marine and maritime sectors are the most likely to report a lack of qualifications as being a barrier to recruitment, suggesting there is scope to develop more higher level technical programmes related to this sector. The expansion of CECAMM and the proposed development of an Institute of Technology (IoT) for the Solent area, including the IoW, alongside increased Level 4/5 programmes at the IOW College and the technical engineering, Digital Marketing and Digital Technician Bootcamp programmes are all welcome developments that are likely to have a positive effect.

Also need to expand the offer to employers of short, sector specific courses, often customised for their business and that aren't funded by government programmes.

#### Opportunities

- Build on current initiatives such as UniConnect, CECAMM expansion; Solent IOT, IOW University Centre and ensure employers are at the centre of developing provision for higher level skills
- Further work to better understand the specific skills needs in key/emerging sectors such as low carbon and digital (using the LSIP model to engage employers) and building on the work already underway, in particular to support the digital sector.

- Promote the government’s Lifetime Skills Guarantee’ locally, with a targeted approach to engage communities in areas of greatest need, and working with providers to ensure there is capacity in sector to meet demand in a flexible way

***An Employer’s perspective (from the manufacturing /engineering sector)***

***There is a perception on the island that a lot of jobs are low paid, low skilled and seasonal, which is often not the case. In the hospitality sector for example, there are a wide range of highly skilled professional opportunities available in finance, HR, project/events management, advertising and PR.***

***It would be helpful to have a clear focus and a single point of contact for skills related programmes, and careers advice for young people and adults. There is lots of positive activity happening but it can be confusing and difficult to navigate.***

***The island has an ageing workforce with significant numbers of people retiring. This is particularly the case in traditional trades such as construction; plumbing etc. where older males are over represented – there aren’t sufficient young people taking up training in these areas to meet future demand.***

***There is significant deprivation in some local communities on the IOW, which is often ‘invisible’ It is important to develop a more inclusive approach to engage these communities, develop skills, encourage employability training and harness talent so that there is a wider and more diverse pool of people to meet the skills needs of local employers.***

- **INCLUSION**

The recent rise in 18-24 unemployment related to COVID and a decline in post 16 participation; poor attainment levels in disadvantaged groups and existing and persistent high levels of deprivation in some local communities, suggested a need for targeted action to engage these groups in programmes to support their education and skills development.

The following wards have 18-24 claimant rates above 15% (ONS May 21)

Whippingham & Osbourne	15.8%
Ventnor W	16.4%
Ryde NE	16.6%
Sandown S	17%
Freshwater N	17.2%

As well as the social and economic benefits of getting more residents into work, this will also support employers to access a more diverse range of talent and will further support their recruitment and skills needs going forward.

There should also be specific consideration given to vulnerable groups. Young people with SEND generally perform well in terms of attainment and progression, and there is a higher than average employment rate for adults with a learning difficulty on the Isle of Wight compared to the national average - 8.6% against 6.7% (2018). This cohort may be able to add value to employers on the island, increasing the talent pool, championing neuro diversity and encouraging a more inclusive outlook for some of the key sectors with skills gaps such as tourism and hospitality.

#### Opportunities

- Promote the government's 'Lifetime Skills Guarantee' locally, with a targeted approach to engage communities in areas of greatest need, and working with providers to ensure there is capacity in sector to meet demand in a flexible way
- Continue to target ACL resources on people who are disadvantaged and least likely to participate in learning, including those on low incomes and with low skills.
- Working with local partners and building on current initiatives such as Youth Hubs, Kickstart and Sector Work Based Academies, establish a single point of contact for adults and young people seeking advice and guidance for employment and skills
- Further investigation into skills and employability programmes for adults and young people with SEND, to ensure they are able to make a positive contribution to the workplace and helping employers to meet skills gaps and embrace a more diverse ethos
- **CO-ORDINATION AND COMMUNICATION**

There is already a significant amount of work underway to support education, skills and employment across the island (see chapter 5) however this is a complex landscape, even in a relatively contained geographical area. An outcome of this plan will be to consider how these initiatives can be better co-ordinated; whether there is scope to work together more strategically to maximise their impact and develop a clear communication plan and/or a single access point for both individuals and employers seeking to better meet their skills needs.

#### 9) Priorities and key actions

- **Aligning aspiration and opportunity to better meet employers skills needs**

**This priority will aim to put employers at the centre of the IOW's skills system, better understanding their current and future skills needs, and helping them to access to a suitably skilled workforce. It will work to raise awareness of the wide range of inspirational career opportunities available on the island, continue to build mutually beneficial relationships which will better integrate the worlds of education and employment, raising the aspirations of young people and improving participation and attainment.**

#### Key actions



**Local Skills Improvement Plan** – establish a local framework based on the principals of the national LSIP model which will engage employers in key sectors in a detailed dialogue to better understand their skills needs. Use this model to conduct further research on future skills, with a focus on skills for high growth and high productivity.

**Apprenticeships** – build on existing programmes such as the Solent Apprenticeship & Skills Hub, and work across the provider network and with careers professional and schools, to raise the profile of Apprenticeships as a high quality careers route and develop a targeted plan to address the mismatch in opportunities and applicants

**Careers** –further develop strong and mutually beneficial relationships between employers and education providers, to raise awareness of the scope and quality of local career opportunities and inspire young people to aspire to jobs in sectors with vacancies and higher level skills needs

- **Developing a highly skilled, productive and future ready workforce**

**This priority will focus on raising skills levels across the island, ensuring sufficient higher level provision which is targeted at the needs of key sectors, and improving L4/5 technical opportunities, matched to labour market needs. It will build on the i-aspire programme, support the education and skills ambition of the Digital Island Strategy, the IOW University Centre and the Solent IoT. It will also encourage upskilling within the workforce, promoting a culture of lifelong learning, support for adults who wish to change careers and encourage better take up of leadership and management skills as a driver of innovation, entrepreneurship and growth. It will aim to increase productivity driven by higher skills levels and ultimately close the gap in average earnings between IOW residents and UK averages.**

#### **Key actions**

**i-aspire and Uni Connect** – maintain the work of the i-aspire programme by raising the profile of higher level opportunities both on the island (by updating ‘Blue Sky Thinking’) and off the island. Using Uni Connect resources to target communities and groups who would not traditionally engage in HE with the aim of embedding successful interventions to ensure sustainability after the end of the funded programme.

**Level 4/5 provision** – supporting a co-ordinated approach to the Level 4/5+ skills offer on the island, for example, IOW University College, Platform One, Solent IoT. Building on the i-aspire initiative and taking forward the recommendations of the HE Report 2019 to develop a co-ordinated approach and more provision in areas of identified need (creative industries; environmental tech/low carbon; engineering/ marine engineering; leadership & management; health & social care)

**Lifetime skills guarantee** – developing a strategic approach to mobilising the governments’ Lifetime Skills Guarantee which focuses on communities and individuals most in need and aligns to job opportunities and skills gaps in sectors with high growth potential including digital skills and leaderships and management programmes

- **Enabling opportunities for all and a more inclusive approach to growth**

**This priority will focus on improving participation in education and training and employment for disadvantaged groups and communities with high deprivation indicators. It will work with partner organisations to engage and support people to access training and employment programmes and will also consider accessibility for protected groups, ensuring access to opportunity for all.**

### **Key Actions**

**Participation 16-18** – continue to support Island Futures to develop a set of actions that will reverse the negative impact of COVID on young people’s participation and progression at 16 and 18; continue to resource tracking and transition work to reduce the number of NEETs and unknowns and focus support on young people who are the most vulnerable including target groups:

- **Virtual college**
- **STEP (Skills Training and Engagement Programme)**

**Employability 16-24** – work alongside Jobcentre Plus to promote and co-ordinate the delivery of national employability programmes on the Isle of Wight, including Sector Work Based Academies and Youth Hubs

**Adult & Community Learning** – targeting ACL resources on areas of greatest need geographically and focusing skills and learning opportunities more directly on progression into work. Building a strong pipeline of L2 skills and progression opportunities to L3+. Promoting the benefits of a lifelong learning culture at local community level

**Equality and Diversity** – investigate options to design specific interventions aimed at target groups to better meet their needs and support them into employment outcomes, with a focus on key sectors with existing skills gaps

### **10) Action Plan**

See annex

### **11) Governance**

Set up an Island Skills Board to oversee skills related activity, identify relevant resources and monitor outcomes of action plan.

Key responsibilities:

- To have strategic oversight of skills supply and demand on the island, liaising with employers to identify current and future skills needs. Developing an LSIP-style model for employer engagement this ought to be driven by an employer representative such as the chamber.
- To provide a link between employers and schools/post 16 provider network, building on the ICP to promote mutually beneficial relationships and shape provision to better meet demand
- To have oversight of the skills action plan, monitoring progress towards high level targets
- Identifying additional resource that may be need to deliver skills objectives
- To bring together key stakeholders with an interest in skills, to facilitate better joined up working, communication and co-ordination

## **APPENDIX 2**

### **IOW Skills Plan**

#### **Priorities and Actions (DRAFT)**

PRIORITY	ACTION	DETAILS	IMPACT MEASURES	BASELINE SUMMER 2021
<b>Aligning aspiration and opportunity to better meet employers skills needs</b>	<ul style="list-style-type: none"> <li>• <b>LSIP model - engage employers in a more detailed dialogue to better understand their skills needs</b></li> <li>• <b>Promote and grow Apprenticeships and technical education</b></li> <li>• <b>Focus careers programmes on areas of current and future labour market needs</b></li> </ul>	<ul style="list-style-type: none"> <li>• Develop a clear model for employer engagement based on principles of LSIP programme. to engage employers in detailed dialogue to better understand their skills needs</li> <li>• Identify areas/key sectors for further research and development (eg, low carbon, creative and digital sector requirements)</li> <li>• Taking forward Island Futures Careers Strategy, promoting employer engagement and involvement across all careers programmes</li> <li>• Better promotion of career opportunities in areas of skill shortage</li> </ul>	<ul style="list-style-type: none"> <li>- Fewer employer reporting skills gaps/recruitment difficulties</li> <li>- increased participation in Apprenticeships</li> </ul>	<p>20% of businesses unable to fill vacancies (ref 2019 business survey)</p> <p>For academic year 19-20 Intermediate 270 Higher 420 Advanced 240</p>

		<p>(eg hospitality; skilled trades)</p> <ul style="list-style-type: none"> <li>• Raising awareness of apprenticeships as a quality career route and also a way for employers to meet their skills needs, working with the Solent Apprenticeships Hub/Skills Access project</li> <li>• Raising aspirations of young people (i-aspire, see Priority 2)</li> </ul>		
<p><b>Developing a highly skilled, productive and future ready workforce</b></p>	<ul style="list-style-type: none"> <li>• <b>i-aspire and Uni Connect</b></li> <li>• <b>increasing Level 4/5 technical and work based skills provision</b></li> <li>• <b>Lifetime skills guarantee – mobilising it on the IOW</b></li> </ul>	<ul style="list-style-type: none"> <li>• Further develop the scope and raise the profile of higher level skills programmes on the island (i-aspire)</li> <li>• Support the Isle of Wight College University Centre</li> <li>• Support Solent IoT development</li> <li>• Take forward Digital Island Strategy – supporting the digital sector with skills to meet needs</li> <li>• Develop a plan to implement Lifetime Skills Guarantee with particular</li> </ul>	<ul style="list-style-type: none"> <li>- Higher % of population with L4+ qualifications</li> <li>- Reduction in average earnings gap</li> </ul>	<p>Level 4+ 33.4% (Jan-Dec 2020)</p> <p>Gross weekly pay for full time workers £545.4 (compared to £587.1 GB and £638.1 SE)</p>

		<p>focus on leadership and management skills at L3+</p> <ul style="list-style-type: none"> <li>Promote lifelong loan entitlement (from 2024)</li> </ul>		
<p><b>Enabling opportunities for all and a more inclusive approach to growth</b></p>	<ul style="list-style-type: none"> <li><b>Participation 16-18/target groups</b></li> <li><b>Virtual college</b></li> <li><b>STEP</b></li> <li><b>SWAPs</b></li> <li><b>Skills boot camps</b></li> <li><b>CSF</b></li> <li><b>Focusing ACL programmes on areas of greatest need</b></li> <li><b>Meeting the needs of priority groups</b></li> </ul>	<ul style="list-style-type: none"> <li>Focus on supporting transition and progression for most vulnerable young people</li> <li>Continue to target programmes on those most at risk (Virtual College; STEP; SEND) and on sectors with most need (SWAP; CSF)</li> <li>ACL to focus on communities with high deprivation indicators – working with JCP to encourage skills for employment and job search support inc digital skills and a lifelong learning ethos</li> <li>Investigate specific activities to meet employment and skills needs of priority groups, linked to the needs of key sectors (eg hospitality)</li> </ul>	<ul style="list-style-type: none"> <li>NEET and unknowns at 2019 levels</li> <li>Reduced 18-24 unemployment levels</li> <li>Participation in ACL programmes</li> <li>Higher levels of Level 2/Level 3 qualifications in target areas</li> </ul>	<p>NEET 1.5% Unknown 1.6% (May 2021)</p> <p>18-24 claimant count 10.2% (May 2021)</p> <p>Level 2+ 76.9% Level 3+ 55%</p> <p>700 ACL enrolments</p>

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## Cabinet report

Date	<b>16 DECEMBER 2021</b>
Title	<b>PROVISION OF SUPPORT WITHIN SAFE ACCOMMODATION 2022 – 2025 SAFE ACCOMMODATION STRATEGY</b>
Report of	<b>CABINET MEMBER FOR ADULT SOCIAL CARE AND PUBLIC HEALTH</b>

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### EXECUTIVE SUMMARY

1. The Domestic Abuse Act 2021 places a statutory duty on Isle of Wight Council (IWC) as a Tier One local authority to develop and publish a Safe Accommodation Strategy.
2. There is a further requirement to reflect the safe accommodation and support needs of the local area within the Strategy. These must be identified via a mandatory Safe Accommodation Needs Assessment, which must be conducted and refreshed on an annual basis.
3. The Isle of Wight Provision of Support within Safe Accommodation Strategy 2022 – 2025 has been informed by an independent needs' analysis conducted by Arora New Dawn
4. The Strategy outlines the following six objectives:
  - Preventing violence and abuse through early intervention and education
  - Survivors have access to a range of appropriate housing options and support services, which increase safety and prevent homelessness / loss of tenure. (Whole Housing Approach)
  - Lived experience shapes service design and delivery
  - Develop and embed Coordinated Community Response to Domestic Abuse
  - Improve our data and intelligence.
  - Hold perpetrators to account whilst providing opportunity for change and support
5. The implementation of the Strategy will be led by the Domestic Abuse Partnership Board. An Action Plan will drive forward the recommendations of the needs assessment as set out in Appendix 1 of the strategy and will be monitored on a quarterly basis. The Strategy will be reviewed annually within the context of the refreshed Safe Accommodation Needs Assessment.

## RECOMMENDATION

6. To approve the Isle of Wight Safe Accommodation Strategy 2022- 2025.

## BACKGROUND

7. The Domestic Abuse Act 2021 ('The Act')<sup>1</sup> introduces a broad range of new measures designed to strengthen the UK response to domestic abuse, including a new statutory definition of domestic abuse incorporating a range of behaviours not limited to physical violence.
8. Part 4 of Act places a duty on each tier one local authority in England to:
  - Assess the need for accommodation-based support for victims of domestic abuse (and their children) in their area.
  - Prepare and publish a strategy for the provision of such support in their area, with regard to the need's assessment.
9. Domestic abuse (DA) is an incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence. Whilst both men and women experience domestic abuse, it disproportionately affects women, who are more likely to be repeat victims and to sustain long-term emotional damage from the abuse they experience. Furthermore, women experience a greater severity of abuse, are significantly more likely to fear injury or death, and substantially more likely to be killed in a domestic or family context<sup>2</sup>
10. The Domestic Abuse Act 2021 (the Act) aims to transform the national response to DA by:
  - preventing offending, protecting survivors and children, and ensuring they have access to support.
  - placing a range of duties on statutory agencies, such as local authorities and criminal justice system agencies; and,
  - requiring relevant local authorities to establish a DA multi-agency partnership board, carry out a safe accommodation needs assessment and publish a strategy for the provision of accommodation-based support in their areas by 5<sup>th</sup> January 2021

This duty under the Act is separate to local authority housing duties under the Housing Act 1996 and Homelessness Act 2002. The Act does not place a requirement on authorities to provide domestic abuse victims with accommodation, but to assess the need for accommodation-based support and develop a strategy to meet that need.

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<sup>1</sup> [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>2</sup> Dobash & Dobash, 2004; Hester, 2013; Myhill, 2015; Myhill, 2017; ONS, 2020; Walby & Allen, 2004; Walby & Towers, 2017.



## STRATEGIC CONTEXT

11. The proposal aligns with various outcomes as set out in the following council strategies:

- Corporate Plan 2021-25
- Public Health Strategy 2020-2025
- Homelessness and Rough Sleeping Strategy 2019-2024
- Community Safety Partnership Plan 2022
- Care Close to Home Strategy 2021-2024

12. In addition, this also links with national strategies:

- The Violence against Women and Girls Strategy (July 2021) and the forthcoming complementary national strategy on domestic abuse aim to reduce the prevalence of violence against women and girls and improve the support and response for victims and survivors by increasing the number of perpetrators brought to justice and increasing appropriate, quality support for victims and survivors, preventing and identifying more of these crimes.
- The Victim's Bill which aims to establish a right to specialist sexual violence and abuse support services for victims of sexual, violent, and domestic abuse, and for connected purposes.
- The Perpetrator Strategy which will form part of the domestic abuse strategy that will go beyond the implementation of the Domestic Abuse Act by improving the detecting, investigating and prosecuting offences involving domestic abuse.
- The Rough Sleeping strategy - GOV.UK ([www.gov.uk](http://www.gov.uk))

13. These strategies tend to be underpinned by a key priority that is shared which is to ensure that vulnerable people are protected from harm and that everyone has the opportunity to live the lives they want to lead in a safe community and a place people can call home.

## SERVICE IMPACT

14. Preventing and intervening early in domestic abuse across the life course of Isle of Wight residents is everyone's business. This strategy provides a framework for all relevant organisations, agencies, and voices of victims (including those of children and young people) and perpetrators to contribute to and identify their role in the domestic abuse safe accommodation agenda as underpinned by the Domestic Abuse Act (2021).

15. In addition to fulfil the requirements as set out within the strategy we will need to expand the choice of types of safe accommodation and support to mitigate disruption to the victim's social, work, and school networks and perpetrators are supported in being held to account for their actions.

## CONSULTATION

16. The wording for the proposed strategy has been approved by the Domestic Abuse Forum and has been consulted on widely with stakeholders, providers and both current and former service users.
17. Further external consultation has not been possible at this stage.

## FINANCIAL / BUDGET IMPLICATIONS

18. The IWC has been provided with a section 31 grant allocation of £292,040 for 2021/22 by the Department for Levelling Up, Housing and Communities (DLUHC) to carry out its duties under the Act by commissioning services to meet the need for support in safe accommodation in its area.
19. In the spirit of the New Burdens Doctrine, the new duty will be funded in future years. The amount of funding from April 2022 will be a matter for the next Spending Review.

## IMPACT ON YOUNG PEOPLE AND FUTURE GENERATIONS

20. To flourish, children need a safe place -- both physically and emotionally -- to come home to. If a child is to turn their full attention to the many demands of growing up, they need a secure, solid home where they feel protected. They need to feel and be safe, which allows them to go out and do battle in the world and return home to recharge.
21. Domestic violence has a devastating impact on children and young people that can last into adulthood. Domestic abuse services offer specialist emotional and practical support for children and young people affected by domestic abuse.

## CLIMATE, ENVIRONMENT & UNESCO BIOSPHERE IMPACT

22. None

## LEGAL IMPLICATIONS

23. The Domestic Abuse Act 2021 requires the Council to appoint a domestic abuse local partnership board for the purposes of providing advice to the Council about the exercise of its housing related domestic abuse functions and the provision of other local authority support in its area. As soon as reasonably practicable after the end of each financial year the Council must submit to the Secretary of State an annual report in relation to the exercise of its functions under Part 4 of the Act. In exercising its functions under Part 4 the Council must have regard to any guidance issued by the Secretary of State.
24. The Act also requires the Council to assess, or make arrangements to assess, the need for accommodation-based support in its area; prepare and publish a strategy for the provision of such support in its area; and monitor and evaluate the effectiveness of the strategy. Before publishing a strategy, the Council must consult with Domestic Abuse Local Partnership Board established under section 58 of the Act and such other persons as the Council considers appropriate.

25. The Act also requires the Council (from 01.10.2021) to provide support to victims of abuse and their children living in refuges, specialist safe accommodation, dispersed accommodation, sanctuary schemes and second stage accommodation. Under the duty the Council must provide support for children, counselling and therapy, housing related advice and support, communication with other health and social care providers, specialist support for victims with complex needs and/or protected characteristics and help for victims to recognise the signs of abusive relationships to prevent victimisation.

## EQUALITY AND DIVERSITY

26. In exercising discretion, the local authority must always be mindful of their duty contained in section 149 of the equality Act 2010, that is the duty to have due regard to the need to (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited or under the Act: (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

27. This includes having due regard to the need to: - (a) Remove or minimise disadvantages suffered by relevant protected characteristic that are connected characteristics from the needs of the persons who do not share it. (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. Section 158 of the Equality Act 2010 permits the taking of positive action where this is proportionate means of meeting the needs of persons who share a protected characteristic which are different from the needs of persons who do not share that protected characteristic.

28. The strategy commits us to ensuring that our safe accommodation and corresponding support is accessible to all of those who need it, irrespective of their individual circumstances and/or any protected characteristics they may have. This includes, but is not limited to, addressing the needs of victims of all genders, all ages, all sexualities, people with physical and learning disabilities, people with mental health issues, substance misusers and people of all ethnicities and migrants.

29. The proposed decision will help the Council to meet its equalities duties and address known inequalities affecting individuals with protected characteristics. No negative consequences are identified for those who identify with one or more protected characteristics; accordingly, the decision represents progress to eliminate discrimination and advance equality of opportunity.

## SECTION 17 CRIME AND DISORDER ACT 1998

30. The Safe Accommodation Strategy aims to positively contribute to prevent, crime, disorder, antisocial behaviour by addressing the support needs of members of our community who are at risk or are experiencing Domestic Abuse.

## OPTIONS

31. The options available to the council are as follows:

Option 1: Approve the Safe Accommodation Strategy 2022-2025.

Option 2: Refuse to approve the Safe Accommodation Strategy 2022-2025.

32. Option 1 is the recommended option as the development and publication of a Domestic Abuse Safe Accommodation Strategy is a statutory duty placed on the local authority.

### RISK MANAGEMENT

33. To minimise the risk of harm to people in our communities the IWC will aim to lead a coordinated effort to ensure everyone on the island has the chance to live safely without fear of being harmed by domestic abuse. We can only achieve this vision with active collaboration, cooperation and responsibility from all organisations and agencies across the island.
34. The delivery of this strategy will help manage this risk by co-ordinating and connecting the work of Isle of Wight Council services and wider partners and providers, this is the foundation of a “whole systems approach” that we seek to embed.
35. As with any strategy, there is a risk that strategic direction does not translate into action on the ground. This has been mitigated by the creation of a comprehensive action plan which will be monitored on a quarterly basis.

### EVALUATION

36. The development and publication of a Domestic Abuse Safe Accommodation Strategy is a statutory duty placed on the local authority.
37. The strategy gives due consideration to the associated risks, legal and budget implications and has been approved by the Domestic Abuse Forum following consultation with stakeholders, providers and both current and former service users. It will provide a strategic plan for the IWC to address issues around domestic abuse safe accommodation and specialist support that affect hundreds of people on the Isle of Wight each year. Its aim is to ensure that the Isle of Wight continues to provide high quality domestic abuse safe accommodation with specialist support to enable victims / survivors and their children to recover from the harm caused by domestic abuse.

### APPENDICES ATTACHED

Appendix 1 – Domestic Abuse Safe Accommodation Strategy 2022-2025

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## Strategy for the Provision of Support within Safe Accommodation 2022-2025

### Isle of Wight Council

<b>Title:</b>	<b>Strategy for the provision of Support within Safe Accommodation 2022-2025</b>
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<b>Current Version:</b>	<b>v1.0</b>
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DRAFT

# Strategy for the Provision of Support within Safe Accommodation 2022-2025

## Isle of Wight Council

### 1. Context

The Domestic Abuse Act 2021 ('The Act')<sup>i</sup> introduces a broad range of new measures designed to strengthen the UK response to domestic abuse, including a new statutory definition of domestic abuse incorporating a range of behaviours not limited to physical violence.

Part 4 of the Act places a duty on each tier one local authority in England to:

- Assess the need for accommodation-based support for victims of domestic abuse (and their children) in their area.
- Prepare and publish a strategy for the provision of such support in their area, with regard to the needs assessment by 5 January 2022.

This is Isle of Wight Council's (IWC) first strategy for the provision of support in safe accommodation. The IWC has undertaken a needs assessment<sup>ii</sup> to inform this strategy which sets out how IWC, in partnership with members of the new board (To be established), will explore ways to improve the offer of support in safe accommodation - to meet identified need - over a three-year period, taking into consideration any available and approved expenditure of new burden funding.

### 2. Introduction

Domestic abuse (DA) is an incident or pattern of incidents of controlling, coercive, threatening, degrading and violent behaviour, including sexual violence. Whilst both men and women experience domestic abuse, it disproportionately affects women, who are more likely to be repeat victims and to sustain long-term emotional damage from the abuse they experience. Furthermore, women experience a greater severity of abuse, are significantly more likely to fear injury or death, and substantially more likely to be killed in a domestic or family context<sup>iii</sup>

The Domestic Abuse Act 2021 (the Act) aims to transform the national response to DA by:

- preventing offending, protecting survivors and children, and ensuring they have access to support.
- placing a range of duties on statutory agencies, such as local authorities and criminal justice system agencies; and,
- requiring relevant local authorities to establish a DA multi-agency partnership board, carry out a safe accommodation needs assessment and publish a strategy for the provision of accommodation-based support in their areas by January 2022.

This duty under the Act is separate to local authority housing duties under the Housing Act 1996 and Homelessness Act 2002. The Act does not place a requirement on authorities to provide domestic abuse victims with accommodation, but to assess the need for accommodation-based support and develop a strategy to meet that need. The duties outlined in Part 4 apply to safe accommodation which is defined in statutory guidance<sup>iv</sup> accompanying the Act as:

- **Refuge accommodation** – a refuge offers single gender or single sex accommodation and domestic abuse support which is tied to that accommodation.
- **Specialist safe accommodation** – specialist safe accommodation offering single gender or single sex accommodation, alongside dedicated domestic abuse support which is tailored to also support those who share particular protected characteristic(s) and / or who share one or more vulnerabilities requiring additional support. Accommodation may be in shared or self-contained housing.
- **Dispersed accommodation:**
  - i. Safe (secure and dedicated to supporting victims of domestic abuse), self-contained accommodation with a similar level of specialist domestic abuse support as provided within a refuge but which may be more suitable for victims who are unable to stay in a refuge with communal spaces, and/or where peer support from other residents may not be appropriate, due to complex support needs, or where older teenage sons cannot be accommodated in a woman only refuge, for example. Where two or more units share any part of the accommodation, including shared hallways or access routes, provision should be single gender or single sex.
  - ii. Safe (secure and dedicated to supporting victims of domestic abuse), self-contained 'semi-independent' accommodation which is not within a refuge but with support for victims who may not require the intensive support offered through refuge, but are still at risk of abuse from their perpetrator/s. Where two or more units share any part of the accommodation, including shared hallways or access routes, provision should be single gender or single sex.
- **Sanctuary Schemes** properties with local authority or private registered providers of social housing installed Sanctuary Schemes which provide enhanced physical security measures to a home or the perimeter of the home. A Sanctuary Scheme is a survivor centred initiative which aims to make it possible for victims of domestic abuse to remain in their own homes, where it is safe for them to do so, where it is their choice, and where the perpetrator does not live in the accommodation. The [Whole Housing Approach Toolkit on Sanctuary Schemes](#) provides further information.
- **Second stage accommodation** - accommodation temporarily provided to victims, including their children, who are moving on from other forms of relevant accommodation and/or who no longer need the intensive level of support provided in a refuge, but would still benefit from a lower level of domestic abuse specific support for a period before they move to fully independent and settled accommodation. Where second stage accommodation is in shared housing it should be single gender or single sex.
- **Other forms of domestic abuse emergency accommodation** – a safe place (single gendered or single sex, secure and dedicated to supporting victims of domestic abuse) with domestic abuse support tied to the accommodation to enable victims to make informed decisions when leaving a perpetrator and seeking safe accommodation. For example, short term (e.g. 2-3 weeks) accommodation providing victims with the space and safety to consider and make informed decisions about the options available to them.



The IWC has been provided with funding for 2021/22 by the Department for Levelling Up, Housing and Communities (DLUHC) to carry out its duties under the Act by commissioning services to meet the need for support in safe accommodation in its area. In the spirit of the New Burdens Doctrine, the new duty will be funded in future years. The amount of funding from April 2022 will be a matter for the next Spending Review.

Actions by IWC and its partners will enhance existing services, pathways and structures and improve the gathering of data and intelligence. There are opportunities to make links between Part 4 of the Act and other areas, especially those that relate to housing.

### 3. Vision

***To ensure everyone on the island has the chance to live safely without fear of being harmed by domestic abuse.***

### 4. National Context<sup>v</sup>

Domestic abuse is a unique crime type. Whilst it is common, it is often hidden and therefore difficult to quantify. However, the Crime Survey for England and Wales (CSEW) estimated that 2.3 million adults aged 16 to 74 years had experienced domestic abuse in the year ending March 2020 <sup>vi</sup>Over 40% of victims of partner abuse have at least one child under the age of 16 years old living in the household<sup>vii</sup>, and [Childhood Local Data on Risks and Needs](#) estimated that 66 in 1,000 0-17 year olds lived in households where a parent is suffering domestic abuse in 2019.

The police recorded a total of 1,288,018 domestic abuse-related incidents and crimes in England and Wales (excluding Greater Manchester Police)<sup>viii</sup> in the year ending March 2020. This is an increase of 4% from the previous year. This follows a broader pattern of increases in police recorded domestic abuse and may reflect general improvements in crime recording by the police. This suggests that more victims are coming forward to report domestic abuse, and that there is greater police awareness of this crime. Excluding fraud, overall, 15% of all police recorded crime was identified as domestic abuse related in the last year.<sup>ix</sup>

Domestic abuse can affect anyone, regardless of age, disability, gender identity, gender reassignment, race, religion or belief, sex or sexual orientation. Domestic abuse can also manifest itself in specific ways within different communities.

The CSEW for the year ending March 2020 estimated that 1.6 million females and 757,000 males aged 16 to 74 years experienced domestic abuse in that year. According to the CSEW for the year ending March 2020, around one in four women aged 16 to 74 (27.6%) had been a victim of domestic abuse in their lifetime. 274 women were killed in domestic homicides between April 2016 and March 2019. In 263 cases (96%) the suspect was male.<sup>x</sup> According to the CSEW for the year ending March 2020 around one in seven men aged 16 to 74 (13.8%) had been a victim of domestic abuse in their lifetime. 83 men were killed in domestic homicides between April 2016 and March 2019. In 44 cases (53%) the suspected perpetrator of these homicides was male.<sup>xi</sup>

[Research published by the Home Office](#) has estimated the social and economic costs of domestic abuse in the region of £66 billion for the victims identified in England and Wales within the year 2016/17. The biggest component of the estimated cost is the physical and emotional harms incurred by victims (£47 billion), particularly the emotional harms (the fear, anxiety and depression experienced by victims because of domestic abuse), which account for the overwhelming majority of the overall costs. The cost to the economy is also considerable, with an estimated £14 billion arising from lost output due to time off work and reduced productivity because of domestic abuse.

There are also additional barriers to services experienced by victims from protected groups and those experiencing multiple disadvantages. Black, Asian and ethnic minority women, women with insecure immigration status, deaf and disabled women and LGBT victims will experience further barriers when accessing services. Similarly, the co-occurrence of homelessness, drug and alcohol use, criminal justice system involvement and mental health will often mean that victims will face huge challenges when seeking support.

## 5. Local Context

The Isle of Wight ('The Island') lies off the coast of Mainland England and spans an area of 147 square miles. It has a population of around 141,771<sup>xii</sup>, with a split of about 49% to 51 % women to men, broadly similar to that in England as a whole. The vast majority of the Island's population (96.8%) are White British, although there are some signs of a gradual diversification, with the non-white population more than doubling from 1.3% in 2001 to 2.7% in 2011<sup>xiii</sup>.

The Island has greater proportion of older residents (those aged 65 and over) than both the South East and England and Wales. It is anticipated that this will increase significantly over the next 10 years, exacerbated by the number of those aged 60-74 migrating to the Island. Like other coastal areas of England, the Isle of Wight is a popular retirement destination<sup>xiv</sup>, but its aging population puts increasing pressure on local health and social care resources. In keeping with its older population, the Island has a higher proportion of people living with health problems or disabilities than both the South East and England and Wales as a whole<sup>xv</sup>. It also has a significantly higher percentage of people with learning disabilities (known to their GPs) than most other comparable areas<sup>xvi</sup>.

The availability of affordable housing in the local area is a major issue, with house prices on the Island at 7 times the annual wage, and demand for social housing far exceeding supply. Some 21% of all local children are classed as being in relative poverty<sup>xvii</sup>, and the Institute for Fiscal Studies (IFS) has identified the Island as one of the **two most vulnerable** areas in England post COVID-19, across all domains of vulnerability (health-related, labour market and family). This is reflective of the elderly population, reliance on tourism and hospitality and concentrated pockets of socio-economic deprivation<sup>xviii</sup>.

The Crime Survey for England and Wales<sup>xix</sup> showed that an estimated 2.3 million adults aged 16 to 74 years experienced domestic abuse in the last year (1.6 million women and 757,000 men), a slight but non-significant decrease from the previous year

The police recorded 758,941 domestic abuse-related crimes in England and Wales (excluding Greater Manchester Police)<sup>1</sup>, an increase of 9% from the previous year; this continues an ongoing trend that may reflect improved recording by the police alongside increased reporting by victims

Referrals of suspects of domestic abuse-flagged cases from the police to the Crown Prosecution Service (CPS) for a charging decision fell 19% to 79,965, from 98,470 in the year ending March 2019.

The police recorded 1,867 incidents of domestic abuse on the Isle of Wight between October 2019 and September 2020, representing an increase of 204 from the previous year. In the most recent annual data set (April 2020-March 2021), this figure remained steady, with 1,879 incidents of domestic abuse reported to police. Since their introduction in 2011, 3 Domestic Homicide Reviews have been published on the Isle of Wight.

In keeping with the national picture, the vast majority (90.8%) of offenders with a domestic abuse flag were male, and in the majority of cases (68%), the perpetrator was a current or ex-partner, which is similar to previous years' figures. The figure for parents as victims was 6.2%, also the same as the previous year. Well over a third of incidents (37%) were repeats<sup>xx</sup>.

Data from Safelives indicates the Isle of Wight Multi Agency Risk Assessment. Conference (MARAC) has a rate of 38 cases per 10,000 adult females compared to a national average of 41, with a repeat level of 19%, which is below both the national average of 31% and the Safelives recommendation of between 28 and 40%. Data appears to indicate cases rose by 36% year on year in 2020, compared to a national rise of 6%. However, Hampshire shows the same percentage rise over the same period and there are questions around robustness of the data. Despite this rise in high-risk cases, the use of the Domestic Violence Disclosure Scheme (DVDS), also known as 'Claire's Law', more than halved in 2020 when compared with the previous year<sup>xxi</sup>.

In the 2020-21 year, 150 children in the locality were subject to Child Protection Plans with the secondary category of domestic abuse. There was a significant increase in these figures across the last two reporting quarters (57 children from April-September and 93 from October to March), with 37% of the total recorded in Q4 (January to March 2021)

This increase in numbers is likely to be due to the prolonged lockdown followed by children returning to school, and Children's social care recruited additional agency social workers ahead of the lockdown easing to be ready for this expected increase. Overall, the numbers of children subject to child protection planning on the Island has increased by 49% since the start of the pandemic and the average caseload of a social worker has increased from 19 to 22 in the same period.

Local police data also indicates that in the year ending March 2020, 42 children from the Island were recorded as 'perpetrators' in that that they had used abusive behaviour or violence towards their parents within the context of Adolescent to Parent Violence and Abuse (APVA).

## 6. Strategic Priorities

The strategic priorities are based on the findings from the strategic needs' assessment and is structured around four key themes: Prevention, Protection, Provision and Partnerships.

<p><b>PREVENT</b></p> <p>Preventing violence and abuse through early intervention and education</p>	<p><b>PROTECT</b></p> <p>Providing support that keeps individuals and their families safe from harm</p>
<p><b>PROVISION</b></p> <p>Survivors have access to a range of appropriate housing options and support services, which increase safety and prevent homelessness / loss of tenure.</p>	<p><b>PARTNERSHIPS</b></p> <p>Develop and embed Coordinated Community Response to Domestic Abuse to ensure our response to abuse is integrated, innovative and inclusive.</p>

## 7. Strategic Objectives and Measuring Success

Objective	Indicator 1	Indicator 2	Indicator 3
1) Preventing violence and abuse through early intervention and education	% Decrease in number of repeat offences of domestic abuse, including offences by Persistent Prolific Offenders	% Decrease in the number of Children in Need planning and reviews where domestic abuse is a concern	% decrease in risk for survivors accessing accommodation related support
2) Survivors have access to a range of appropriate housing options and support services, which increase safety and prevent homelessness.	% increase in survivors who report they were able to access the right support, at the right time	% increase in survivors successfully maintaining settled accommodation	% increase provision to survivors by up to 20% of Sanctuary support as part of homelessness prevention
3) To shape the support within safe accommodation to ensure it is fit for purpose and ensure practitioners are operating at and safe accommodation meets, the relevant quality standards.	% increase of housing providers who are DAHA accredited	% staff report increased confidence in areas of their practice as a result of training, improved communications and increased awareness	% increase in survivors with Protected Characteristics / those underrepresented accessing services
4) Lived experience shapes service design and delivery	% reduction in declined referrals to refuge due to lack of space	% increase in survivors supported via Managed Reciprocal	% Accommodation providers prioritise the maintenance of accommodation for survivors
5) Develop and embed Coordinated Community Response to Domestic Abuse	% reduction in multiple moves / waiting times for settled accommodation	% increase in number of survivors who retain security of tenure as a result of seeking safety	% increase in identification of DA within housing settings  % increase in referrals to DA services from housing settings
6) Hold perpetrators to account whilst providing opportunity for change and support	% increase in the number of perpetrators engaged in services	% increase in successful completions	

## **8. Governance**

The Local Domestic Abuse Partnership Board will be responsible for monitoring our progress against the forthcoming Strategic Action Plan to be developed in partnership with wider stakeholders in early 2022. As well as this, the aim of the Board will be to continue to secure high level commitment to the strategy across multiple agencies and ensure that domestic abuse and Violence Against Women and Girls (VAWG) is included in wider policy and strategy developments across the IOW. Underneath this, we will form a small number of working groups to drive forward change in specific areas of the strategy. These will be short-term and focused groups of multi-agency professionals, formed to address a particular issue, need or challenge as it arises.

The focus and membership of these groups will be decided by the Domestic Abuse and VAWG Partnership Board. We will establish a Service User Advisory Group that will be responsible for providing scrutiny of the strategy, feedback on services, and co-production of campaigns, training, and tools.

The Domestic Abuse Partnership Board will be accountable to the Health and Wellbeing Board. It will also report to the IOW Safeguarding Children's and Adults Boards and Community Safety Partnership.

## **9. Strategic links with other strategies.**

- Corporate Plan 2021-25
- Public Health Strategy 2020-2025
- Homelessness and Rough Sleeping Strategy 2019-2024
- Community Safety Partnership Plan 2022
- Care Close to Home Strategy 2021-2024

In addition, this also links with national strategies:

- The Violence against Women and Girls Strategy (July 2021) and the forthcoming complementary national strategy on domestic abuse aim to reduce the prevalence of violence against women and girls and improve the support and response for victims and survivors by increasing the number of perpetrators brought to justice and increasing appropriate, quality support for victims and survivors, preventing and identifying more of these crimes.
- The Victim's Bill which aims to establish a right to specialist sexual violence and abuse support services for victims of sexual, violent, and domestic abuse, and for connected purposes.
- The Perpetrator Strategy which will form part of the domestic abuse strategy that will go beyond the implementation of the Domestic Abuse Act by improving the detecting, investigating and prosecuting offences involving domestic abuse.
- The rough sleeping strategy - GOV.UK ([www.gov.uk](http://www.gov.uk))

These strategies tend to be underpinned by a key priority that is shared which is to ensure that vulnerable people are protected from harm and that everyone has the opportunity to live the lives they want to lead in a safe community and a place people can call home.

**APPENDIX 1 - Summary of recommendations**

**SUMMARY OF RECOMMENDATIONS**

<b>Number</b>	<b>Recommendation</b>	<b>Category</b>	<b>Agency</b>
1	Review authors, on behalf of IOWC, to share findings on data gaps with relevant colleagues in Hampshire and with the Hampshire Domestic Abuse Health Steering Group, to promote the development of consistent responses across the locality.	Data	IOWC/Review Authors
2	Local work to begin as a priority on the collection of domestic abuse data, to include demographic information. Minimum standards to be set for both forum agencies and LAPB members and local templates/data sharing agreements drawn up accordingly.	Data	IOWC/LAPB
3	Consideration to be given to the need to allocate additional resources to the co-ordination and collection of data, both in the short term as above, and in the longer term as the LAPB carries out its monitoring functions.	Data	IOWC
4	All support available to those in safe accommodation should be routinely offered at intake, regardless of setting, and revisited on a regular basis as part of ongoing support planning.	Support within safe accommodation	Commissioned Provider
5	Undertake further review of the levels and intensity of staff support within safe accommodation, and in the refuge, with a view to identifying any increase in capacity required.	Support within safe accommodation	IOWC/LAPB/ Commissioned Provider
6	Consider a specific capacity increase in move-on support, in response to the challenges with affordable/appropriate local accommodation.	Support within safe accommodation	LAPB
7	Establish a routine process by which the feedback of those using safe accommodation is sought, both by those involved in the oversight of the IDASCS contract and the Local Area Partnership Board (LAPB).	Support within safe accommodation	IOWC/LAPB

<b>Number</b>	<b>Recommendation</b>	<b>Category</b>	<b>Agency</b>
8	Consider resourcing childcare provision (crèche facilities, play provision) for those within safe accommodation to support them to access groups, attend appointments, or seek advice and support.	Support for children	LAPB
9	Address provision for those with disabilities within safe accommodation, both in the short-term (such as adaptations to the downstairs refuge room) and in the longer-term planning of disabled facilities.	Support for those with protected characteristics	IOWC/LAPB
10	Undertake a more in-depth review of support pathways for older victims in conjunction with Adult social care, mapping where older victims who need safe accommodation are placed and what support is made available as part of this process. Assess to what extent the current support a) involves appropriate co-ordination between services and b) meets the specific needs of older victims.	Support for those with protected characteristics	LAPB
11	LAPB to monitor the number of male victims being placed into non-specialist, temporary accommodation in the locality.	Support for those with protected characteristics	LAPB
12	Training to be made available for all specialist staff on working with male victims (via Respect or similar) and with the LGBT community.	Support for those with protected characteristics	IOWC/LAPB/ Commissioned Provider
13	Providers to work to improve the availability of 'by and for' provision, particularly for women from BME backgrounds and the LGBT community. Establish and grow links with relevant community groups and networks in the short term, whilst in the longer term seeking to develop effective local support networks, peer support groups, and so on. Consider representation on the LAPB from relevant community groups.	Support for those with protected characteristics	Commissioned Provider
14	Translation services to be available for the use of all staff, when required, within all safe accommodation settings.	Support for those with protected characteristics	Commissioned Provider
15	Explore the development of a 'wraparound' partnership response to women with complex needs, involving relevant services including the Commissioned provider,	Support for those with complex needs	LAPB

	WoW centre, Substance use services, Housing, Mental health services, and CRC.		
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<b>Number</b>	<b>Recommendation</b>	<b>Category</b>	<b>Agency</b>
16	Expand on the sanctuary scheme, resourcing to provide additional support and assessments, and raise awareness across all Island agencies. Use these additional resources to work more closely with private landlords (See also – whole housing response at section 5) and seek additional opportunities for funding repairs (e.g., through local businesses/Corporate Social Responsibility)	Remaining in the home	Commissioned Provider/IOWC/LAPB
17	Look to transition away from the use of the safe house unit for domestic abuse (once suitable alternatives are available).	Building and locality	IOWC/LAPB
18	Any expansion of future refuge provision to develop in accordance with a dispersed model best fitting of the needs of those from the local area.	Building and locality	IOWC/LAPB
19	The Local Area Partnership Board to embed and oversee improved co-operation and co-ordination between local housing providers, both between the providers themselves and between the providers and wider local partnerships.	Local housing Response	LAPB
20	Revisit a review of all local housing policies and approaches to ensure consistency and compliance with relevant duties.	Local Housing Response	LAPB
21	Local Housing Associations to be represented at The Domestic Abuse Forum.	Local housing Response	DA Forum
22	Local Housing Associations should be represented at the MARAC and the attendance of the representatives prioritized by their organisations.	Local housing Response	MARAC
23	Bi-directional work to be undertaken to improve communication between housing providers and specialist organisations.	Local housing Response	Housing Providers/IOWC/Commissioned Services



24	The Local Authority Housing Department should be resourced to apply for DAHA accreditation, with a focus on improving provision and co-ordination across providers.	Local housing Response	IOWC
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<b>Number</b>	<b>Recommendation</b>	<b>Category</b>	<b>Agency</b>
25	LAPB to consider the Island's transition towards the Whole Housing Approach and improved co-ordination between housing providers and community services.	Local housing response	LAPB/IOWC
26	Membership of the Domestic Abuse forum to be reviewed and the inclusion of all local DA providers, Housing, those representing older people, and those with lived experience prioritised.	Wider partnerships	DA Forum
27	Review MARAC membership to include housing and consider the inclusion of Wight DASH on the distribution and/or attendance list in light of the potential information held.	Wider partnerships	MARAC
28	Raise the profile of the Domestic Abuse Forum and its work locally.	Wider partnerships	IOWC/DA Forum
29	Agencies (to include specialist providers and IOWC) to review the relevant pages of their websites to ensure that information on the support available in relation to domestic abuse (and how to access it) is easy to find, clear, and concise. Content of websites to be reviewed to include a variety of media, including videos, images, and personal testimonies where appropriate.	Accessibility of support information	Specialist DA providers/IOWC
30	In the longer term, consideration to be given to the development of one central Island Domestic Abuse Website, to contain all referral pathways, support information, training news and updates. Website management to form a future requirement of the IDASCS contract, to be undertaken in conjunction with the DA Project Officer, with the web address remaining static regardless of provider.	Accessibility of support information	IOWC
31	Consideration to be given to the possibility of a local number as a single point of contact. To be maintained, as above by the commissioned provider. If it is not	Accessibility of support information	IOWC

	possible to maintain the same number across different providers, consideration to be given to mandating that SPOC numbers for the Island are local numbers.		
<b>Number</b>	<b>Recommendation</b>	<b>Category</b>	<b>Agency</b>
32	Demographic data collection to be improved across all key forum agencies.	Diversity and accessibility	LAPB/Forum
33	Diversity and accessibility to be added to the forum agenda as a static point of discussion and review.	Diversity and accessibility	Forum
34	Develop and embed processes by which feedback and input can be sought directly from those with lived experience in a consistent and sustained way. This should be a whole-Island approach, independent of any commissioned service, for example in the shape of a survivors forum, with representation on both the DAF and LAPB.	Opportunities to feed back	IOWC/DA Forum
35	Undertake a snapshot/brief review of domestic abuse training provision on the Island as a whole, to establish whether professionals have access to training suitable for their area of practice and delivered by those with the relevant knowledge and skills. Compile a development plan where this is not the case.	Training and Policy	IOWC
36	Undertake a full review of the approach to domestic abuse within educational and early years settings, including training, policy and practice. Compile a workforce development plan accordingly.	Training & Policy	IOWC
37	Work towards the availability of centralised Island training information in relation to domestic abuse (see recommendation 30, above), and recommended training pathways for local professionals' dependant on role.	Training & Policy	IOWC
38	IOWC Domestic Abuse policy to be reviewed in conjunction with specialist domestic abuse providers.	Training & Policy	IOWC

39	Audit all forum and LAPB organisations (as a minimum) for clear and consistent policies on staff who are experiencing domestic abuse.	Training & Policy	IOWC/DA Forum/LAPB
40	IOWC Housing to be involved in the management and oversight of the IDASCS contract.	Governance	IOWC
<b>Number</b>	<b>Recommendation</b>	<b>Category</b>	<b>Agency</b>
41	Consider renaming the Domestic Abuse Project Officer to Domestic Abuse Co-ordinator, better reflecting the role performed.	Governance	IOWC

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## Endnotes

<sup>i</sup> [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

<sup>ii</sup> Please find summary of recommendations at Appendix 1

<sup>iii</sup> Dobash & Dobash, 2004; Hester, 2013; Myhill, 2015; Myhill, 2017; ONS, 2020; Walby & Allen, 2004; Walby & Towers, 2017.

<sup>iv</sup> [Delivery of support to victims of domestic abuse in domestic abuse safe accommodation services - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/delivery-of-support-to-victims-of-domestic-abuse-in-domestic-abuse-safe-accommodation-services)

<sup>v</sup> Home Office, Domestic Abuse Draft Statutory Guidance Framework, July 2021

<sup>vi</sup> [Domestic abuse in England and Wales overview - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2020)

<sup>vii</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2020>

<sup>viii</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2020>

<sup>ix</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2020>

<sup>x</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2020>

<sup>xi</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2020>

<sup>xii</sup> ONS, 2020:

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>

<sup>xiii</sup> As above

<sup>xiv</sup> As above

<sup>xv</sup> IOWC, 2019: <https://www.iow.gov.uk/azservices/documents/2552-Equality-Diversity-Factsheet-Jan-2019-v2.pdf>

<sup>xvi</sup> IOWC, 2017: <https://www.iow.gov.uk/azservices/documents/2552-Learning-Disabilities-Factsheet-2017-Final-DB-v1.pdf>

<sup>xvii</sup> IOWC, 2019: <https://www.iow.gov.uk/Meetings/committees/cabinet/13-6-19/PAPERAppendix1DigitalIslandstrategy.pdf>

<sup>xviii</sup> The Institute for Fiscal Studies, 2020: <https://www.ifs.org.uk/publications/14888>

<sup>xix</sup> ONS, Domestic abuse in England and Wales overview: November 2020

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2020>

<sup>xx</sup> All police data taken from Domestic Abuse Problem Profile, IOWC November 2020, or IOW Domestic Abuse forum data 2020-21.

<sup>xxi</sup> As above



Purpose: For Decision

## Cabinet Report

Date **16 DECEMBER 2021**

Title **PUBLIC HEALTH PARTNERSHIP**

Report of **CABINET MEMBER FOR ADULT SOCIAL CARE AND PUBLIC HEALTH**

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### EXECUTIVE SUMMARY

1. In September 2019 a Public Health partnership between Isle of Wight Council (IWC) and Hampshire County Council (HCC) was agreed to run for 5 years. This followed a period of 18 months of review and working together between both Councils as part of this a report that set out the key findings from an analysis of the Public Health function was completed.
2. Prior to the formal partnership the Public Health function was not performing, and recruitment of specialist staff had not been successful leading to the Council not fulfilling its public health duties. A number of recommendations were made under the following themes and at the time of the formal partnership the majority of those critical to the IWC Public Health function had been met, however, further progress has been made to ensure a strong Public Health function leading to a position where the Council can now proudly demonstrate its leadership of public health for the Island. Progress against the remaining recommendations is reviewed here:
  - Public health grant and budget
  - Senior staff time and team capacity
  - Public health intelligence
  - Public health clinical services
3. The Public Health senior leadership and IWC Corporate Management team worked together to address the keys issues with further developments taking place after the formal partnership started. This relationship has continued, and its success is demonstrated by the strong partnership working between the Director of Public Health (DPH) and Public Health Management Team with members of CMT, Cabinet and partners on the IOW further demonstrated during the pandemic.
4. As a result of the partnership, IWC is now delivering its mandated public health duties and has safe, high quality commissioned public health services in place for residents.

5. Although some public health outcomes still require improvement, the work undertaken through the Public Health Partnership to date has laid firm foundations that will enable and facilitate further work to enable this to happen.
6. Through the partnership the public health team has strengthened relationships with the IOW Trust, Integrated Care System, voluntary sector and has brought benefits to IWC due to more effective joint working with other agencies including strengthening with Police and Fire. Feedback from partners demonstrates the benefits of the public health partnership and has improved the reputation of the Council with regard to Public Health leadership.
7. The partnership enables a focus on local island issues under the specialist leadership of senior quality public health staff; as well as providing senior public health leadership to the ICS for the benefit of the population. Neither of which were possible prior to the partnership due to the challenges being dealt with by the Council with regard to public health.

## RECOMMENDATION

8. It is recommended that the Partnership continues in line with the agreement.

## STRATEGIC CONTEXT

### Public Health Grant and Budget

9. The Public Health grant is allocated to Local Authorities (LA) to use to discharge their duty to improve and protect the health of the population and to reduce health inequalities. A Unitary Authority undertakes many activities and has wide reaching opportunities to shape their services in a way that will support delivery of these objectives requiring strong public health leadership.
10. While it is recognised and accepted that in order to deliver this duty, the Public Health grant can be used for activity across the Council. However Public Health England (PHE) formerly, and now Department of Health and Social Care, have a role in assuring that the Public Health local grant is used appropriately, are clear that the first call on the grant must be to deliver the mandated and prescribed Public Health services and services with prime function of public health.
11. The public health ringfenced grant for the IOW has been reviewed and most recently has been aligned to the key areas of public health with an increased budget for smoking cessation, weight management and public mental health. In 2020/21 a longer-term financial plan was developed putting the budget on a stable foundation this includes resolving long term budget disputes and Agenda for Change Pay uplifts
12. A robust Service Level Agreement (SLA) to monitor public health outcomes against use of the Public Health Grant in other areas of the Council has been developed and implemented.
13. The Director of Public Health and the Management Team now have clear oversight of all commissioned public health services and robust processes are in place to support commissioning which has taken time to develop and implement. The

partnership has enabled rapid transfer of the substance misuse service; mobilisation of a new Specialist Sexual and Reproductive Health service; procurement and mobilisation of Healthy Lifestyles Isle of Wight and mobilisation of the 0-19 Public Health Nursing Service ensuring that safe high quality mandated public health services which align with the conditions of the Public Health grant are now in place.

## **Public Health Leadership**

14. One of the key concerns on development of the partnership was the IOW Council not fulfilling all the statutory and mandatory public health functions. Of particular concern was the requirements to provide public health advice to the NHS and planning for, and responding to, emergencies that present a risk to public health. Without a specialist public health this was not possible.
15. During the COVID-19 Pandemic we have seen the benefit of working together and the ability of the IOW Council to provide public health leadership in a public health emergency. The strength of the joint senior team was essential to manage the complexity of the response to this global pandemic. Whilst the pandemic stretched the senior team, the joint working was of benefit to both Councils through increased efficiencies and more focused roles e.g., testing and tracing. During the pandemic the Public Health team led with others in the Council on the rollout of the first COVID-19 app on the Isle of Wight bringing learning to both Councils.
16. The Partnership has provided the Faculty of Public Health approved senior public health leadership to IWC Public Health team members to enable them to contribute productively and safely to the pandemic response including ensuring public health services were able to operate safely, providing robust epidemiological information to partners, supporting the social care and education response to prevention and management of outbreaks, and contributing to impactful communication campaigns.
17. Continued improvement of public health outcomes is very much dependent upon a strong public health function. Since the development of the Public Health Strategy with public health leadership, NHS partners other and partner agencies working on the Isle of Wight have begun to demonstrate that they are working together on the key outcomes to address the priorities.
18. Further developments in the use of MS Teams digital technology fast-tracked during the COVID-19 pandemic have facilitated improved remote working across both Councils, improving efficiency by reducing travel. This does not negate the benefit of meeting together which continue with the DPH and management team continuing to participate in meetings face to face as this is of benefit to effective working with colleagues.
19. Through local senior public health leadership further work has developed across the Council including with:
  - the Regeneration team to improve health through place
  - Adult Social Care on infection control and development of the Integrated Care Systems (ICS)
  - Community Safety on Domestic Abuse prevention and implementation of the new Domestic Abuse act
  - Corporate resources on the Health and Wellbeing of Staff
  - Children’s Services on early help

- Emergency Planning on local extreme weather plans

## **Team Capacity**

20. The partnership has delivered effective senior leadership and specialist staff as set out above which enables the Isle of Wight Council to fulfil its public health duties. In addition, it has benefited positively the Council with the increased capacity of senior staff who are able to focus on key areas of work and embed strongly in the ICS. This has met the technical and leadership capability within the public health function which wasn't present at all levels. This ensured the IWC Public Health team has permanent professionally qualified public health consultant resource which was previously lacking.
21. The development of the IOW public health Strategy has enabled clear team and personal objectives to be developed and has resulted in good progress across a number of domains of public health including development of Early Help, development and publication of the Physical Activity Strategy with Energise Me and a resumed focus on partnership working to take forward other important work including smoking cessation in pregnancy, Partnership Education Attainment and Children's Health (PEACH) programme and work to support people challenged by co-occurring mental health conditions and substance misuse. There has been a renewed focus on mental health which will be increasingly important to maintain in the recovery from COVID-19.
22. The Island Public Health team has stabilised since the staff restructure which took place in August 2019 with morale improving. There is still a need to further develop the team to fully realise the full potential of the team and appropriate skill set, this is ongoing and will be contributed to through the involvement of Isle of Wight staff members in joint workforce development programme aligned to the refresh of the Isle of Wight Public Health Strategy in early 2022.
23. Due to the challenge of recruitment to specialist posts on the IOW some of the staff have been jointly based in Hampshire, for example, specialist health protection practitioners and consultants in public health. During the COVID-19 pandemic, remote working has facilitated the way that staff based in different geographical locations work together effectively.
24. Further work has been undertaken to upskill the team to ensure robust technical and public health leadership skills to ensure delivery of the public health agenda. This includes additional study and continuing professional development in line with skills expected from public health professionals.
25. Risk management and business processes have improved with an effective public health risk register now in place and monitored by the joint Management Team. The Isle of Wight Public Health Strategy was published in 2020 and progress against objectives is monitored through monthly team meetings and reported to Public Health Management Team on a quarterly basis.
26. Through the partnership investment from Health Education England, we have been able to increase the hours of the public health Workforce Development lead for the Isle of Wight working with the council workforce team. This is enabling the team to be supported to develop and progress professionally in line with public health need and IWC corporate needs.



## **Public Health Intelligence**

27. Many of the challenges regarding the IOW public health intelligence function have been resolved including skills development. Matrix working with Hampshire analysts has improved the productivity of the Public Health intelligence function on the Island. The two Isle of Wight Council Public Health Intelligence analysts have increased their specialist skill capability through this arrangement while continuing to need close supervision and guidance with their work
28. By working together within the partnership, access to insight work has supported the IOW public health team. Increased use of targeted social media to reach specific communities on the Island presents a further opportunity to deliver impactful public health behaviour change campaigns.

## **Risks and mitigations**

29. Whilst there are still a range of poor Public Health outcomes on the Isle of Wight including male life expectancy, smoking related deaths, low childhood immunisation rates the increased oversight by the strategy work programme, together with safe and high quality commissioned public health services will enable these to be addressed, however this will be a long-term ambition.
30. As with other areas, the impact of the COVID-19 pandemic has highlighted and widened existing inequalities in physical and mental health for residents of the Isle of Wight. It will be important to continue to work at system level to influence and support improvements in these outcomes.
31. Continued success is fundamentally a shared responsibility with NHS partners but is very much dependent upon a strong Public Health function over time. Since the development of the Public Health Strategy, NHS partners and other partner agencies working on the Isle of Wight have begun to demonstrate that they are working together on the key outcomes to address the priorities.

## **System benefits**

32. The Partnership between Hampshire County Council and Isle of Wight Council has brought a wider benefit to the Isle of Wight and the system. With the majority of the Pan Hampshire area being led by one Director of Public Health and his team has meant an increased influence with partners and for issues of importance to the Isle of Wight.
33. When considering the work required with NHS England and UKHSA (UK Health Security Agency - successor body to PHE) and the Integrated Care System with regard to public health matters including health protection, screening and immunisations and population health management there have been considerable benefits to leading this at scale for the benefit of the population in line with the Council's responsibilities.
34. When commissioning public health services as a team we have been able to align services and bring cost efficiencies to areas with the same service provider whilst also retaining the ability to meet the needs of Isle of Wight residents. This has improved outcomes for the whole population.

## **Commissioning of key mandated Public Health Services**

35. Since the inception of the partnership there has been a focus on ensuring safe, high quality public health services. The service provision was very challenged and needed focused attention and forensic action to improve quality, safety and outcomes. All mandated services are now in place as described below. Key data relating to services can be found in Appendix 1.

### ***Sexual Health Service***

36. Sexual health is a complex area due to the clinical risk and the need for partnership with the CCG and NHS England to ensure an integrated service with termination, vasectomy, and HIV services.

37. On 1 April 2020 the IOW Sexual Health Service (SHS), previously provided by IOW NHS Trust, transitioned to Solent NHS Trust. This was a challenging time as the mobilisation occurred during the COVID-19 pandemic, but due to the flexibility and commitment from the staff on the IOW as well as the staff within the Sexual Health Service in Solent the transition was successful.

38. Transitioning to Solent has meant the team have the support from a wider clinical, operational and leadership team. The benefits to both staff and patients include:

#### *Stronger Leadership*

- a. Wider leadership and management team to support senior leadership in the IOW service, including more access to management supervision and support from corporate teams leading to strengthened governance, quality systems and processes. Access to a wider clinical expertise for clinical supervision and 8-weekly education days for all staff, clinical and non-clinical to provide cross cover for leave, sickness, and training. There is a new culture of reporting and learning from incidents, including near misses.

#### *Improved access to services*

- b. Access to treatment by post for non-complex Chlamydia treatment, combined hormonal contraception and progesterone only contraception, herpes suppression therapy and HIV Pre-Exposure Prophylaxis (PrEP) follow-up.
- c. Specialised lead nurse roles to support the delivery of patient care including safeguarding and practice and development and an Outreach nurse for young vulnerable people.
- d. Full Sexually Transmitted Infections (STI) testing service online, including testing for men who have sex with men.
- e. Permanent services include Consultant cover for HIV patients and complex genitourinary conditions. Deep implant removal clinic which means patients no longer have to travel to the mainland to access this. Ultrasound clinic reducing referrals to secondary care.

### Electronic access to services

- f. Electronic requesting for laboratory tests and electronic results making the turnaround time for patients shorter and stopping manual entry of results. Electronic patient record that is integrated with the mainland, improving continuity of care if the patient attends any of the clinics in Hampshire or the IOW; with planned improvements to introduce a patient health record which will allow patients to log in to their own health record to access results, book appointments and request online STI screening.

### **Substance Misuse Service**

39. Substance misuse services are another complex and challenging area with clinical risk and the need for strong partnerships with other services. The previous substance misuse service provider, IRIS, had faced a number of challenges which had led to the need for a new service provider. A new provider, Inclusion (part of Midlands Partnership NHS Trust), is now commissioned by the Council as part of its Public Health responsibilities and has been running since 1 December 2019.
40. The IOW service has undergone a considerable period of consolidation and more recently, expansion. This has happened in a gradual transition from the service start, the first year of which was strongly focussed on improving internal systems, training and support for staff and ensuring the clinical safety and resilience of the service. More recently the focus has been on becoming more outward looking, focussed on partnerships and meeting the needs of the range of localised communities across the island geography.
41. During the first waves of the pandemic the service transformed its provision to be a mix of online and face to face based on the needs of the clients in the service. The service is now re-established as a face-to-face service and delivering in a covid-secure way.
42. The benefits to both staff and patients include:

#### Improved staffing capability

- a. The service has developed volunteers and attracted new staff to work at the service via a staff bank, this has enabled the service to respond quickly and benefit from additional government funds, expanding the team quickly at the start of the COVID-19 pandemic to cope with additional demands at no cost to local commissioners or authorities. This approach also enabled the protection of vulnerable staff who worked from home and led the partial transformation to telephone and on-line working.
- b. The service has also been able to recruit to Criminal Justice Worker, Harm Reduction Worker, Volunteer Coordinator and Recovery Activities Lead roles as a result of Dame Carol Black investment. The Isle of Wight Service was the first in the South-East Region to fill these posts following approval of the grants. The Harm Reduction work has also been significantly improved through the introduction of a mobile vehicle enabling interventions to reach individuals in outlying areas (including people not previously known to services) and ensure they have access to overdose prevention, testing and

vaccination services as well as links into work to reduce and stop using drugs.

### Improved partnership working

- c. Partnership working has been a strong area of development and the service has joined the existing outstanding local commitment to vulnerable adult's work. Currently the service employs a Housing Navigator, Homeless Mental Health Navigator and a Hospital Liaison Nurse via local partnerships, greatly strengthening the quantity and coherence of the work undertaken to support high need individuals.
- d. The Young People's service has offered monthly sessions to all Island secondary schools & Colleges (6 regularly take these up with a number of others working with us ad-hoc) and weekly satellites in The Foyer and the Pupil Referral Unit. These ensure mainstream needs are met in schools, focussing on those children most at risk of developing substance problems and those at risk of crime and exclusion. Further work is taking place on Gangs, County Lines and Criminal Exploitation. Partnership working with YOT (Youth Offending Team) and CAMHS (Child and Adolescent Mental Health Services) have both been improved with regular joint visits and sharing of resources. The Family and Carers service works closely with the adult and young people's services to ensure those affected by other's substance misuse have access to support whilst recognising the need to respect confidentiality

### ***Lifestyles, Smoking Cessation and Weight Management Services***

- 43. At the time of the formal partnership agreement, smoking cessation and weight management services were delivered by a very small challenged in-house team. In early 2019 the service was audited against national standards and as a result, improvements were rapidly made to ensure delivery of a safe and high-quality service.
- 44. In July 2019 the decision was made to procure an external provider for these services, to ensure service resilience and bring in the wide range of technical and other skills and assets required. Separate procurements were undertaken for evidence-based healthy weight and stop smoking services. The services were mobilised in 2020/21 respectively. The services are now well embedded and enables residents to access a range of support options specific to their individual needs, with services available digitally and in-person.
- 45. Partnership working to improve health outcomes for vulnerable residents has also been a key focus for the team. This has included working with NHS Maternity Services to support women to give up smoking while pregnant. The team is also expanding its scope of work to develop a local action plan for the HIOW Physical Activity Strategy and integrate health into spatial planning.

### ***0-19 Public Health Nursing Service***

- 46. Like sexual health, Public Health Nursing is a complex area due to clinical and safeguarding risks and the need for partnership with other agencies.

47. In 2018/19 a tender was run to procure a provider to run the 0-19 Public Health nursing service to a new specification. Solent NHS trust were successful and began to mobilise just before the COVID-19 pandemic; the start date of the service was delayed to 1 November 2020 due to the restrictions and demands on the Trust. Since that time benefits for staff and patients include:

#### Clinical Delivery and Care Pathways including Safeguarding

48. The development of a new specific Year 3 to Year 7 offer (as part of the wider 0-7 offer) is underway in partnership with other Solent 0-19 services to support the islands most vulnerable children around readiness for school and transition including those with SEND and electively home educated population.

49. Development of specialist roles across the 0-19 service has been completed and will be implemented across the service as opportunities arise with staff engagement and as vacancy arises over the next 3-6 months.

50. The school nursing service redeployed staff to support the delivery of the COVID-19 vaccines both as part of the primary care networks and the mass vaccinations centre at Riverside.

#### Workforce Transformation

51. Development of a demand and capacity tool to support service transformation has been completed. A leadership review was undertaken and appointment of clinical team co-ordinators to manage and quality assure clinical practice have been appointed. There has also been a review and recruitment to increase resource of Business support team.

52. Skill mix roles have been introduced for Community Health Nurses and apprenticeship opportunities to 'grow our own' workforce.

53. A management, clinical and safeguarding supervision model has been implemented alongside regular communication opportunities for staff to contribute and engage in service development.

54. A wellbeing offer to support staff including wellbeing day, team away day opportunity and service development days.

55. System1 record keeping system has been introduced as the primary record.

#### Quality and Performance

56. A Clinical Voice Group has commenced with regular staff engagement and involvement, including service user stories and feedback. The performance team have supported with regular reporting of service Key Performance Indicators (KPI's). An Audit has been undertaken regarding safeguarding information received and partnership working with wider IOW safeguarding service underway to streamline and quality assure processes.

## Estates

57. A new fit for purpose office space has been secured and funded by Solent NHS Trust. The 0-19 service has moved to Enterprise House, Newport and is offering co-location alongside the School Aged Immunisations service as part of Solent NHS Trust and CHIS as part of Southern Health Foundation Trust. All staff have mobile working options include laptop and smart phone to support clinical delivery and digital options.

## Partnership working

58. Established and new relationships have been built upon with the following partners and opportunities for joint working have been implemented- for example – Health Visiting team leads now join the Early Help team allocations on a weekly basis to review all families in need of Early Help on the island to identify the most appropriate lead professional who can work directly with the family.

- Safeguarding/IOW Trust partners
- Maternity Partners
- Social Care
- Early Help
- Barnardo's
- Voluntary - Youth Trust, Home-Start
- Education/Early Years
- Primary Care Networks

## Process and functions

59. Procurement of a new digital system to be offered across the 0-19 Service in IOW, Southampton and Portsmouth based on West Sussex Family Assist Model with the associated implementation project to commence in September 2021.

60. The Business Support function of the service has been increased to include 2 new administrators and a new team lead function with increased activity to release clinicians from administrative duties. A new copy and paste function has been implemented to support information sharing across and in primary care information systems.

## CONCLUSION

61. The Public Health function on the Isle of Wight is in a markedly stronger position in 2021 than in October 2018 and has continued to improve following the inception of the formal Public Health Partnership. Public Health mandated functions are being effectively delivered through a range of commissioned services with robust monitoring of activity, outcomes and risks. The public health budget is being used appropriately and the team have good support from IWC finance colleagues.

62. The Public Health team has stabilised and whilst morale has improved there remains a need to support staff to develop and plans are in place to enable this through the work of the Partnership and Health Education England.

63. Continuation of the Public Health Partnership will facilitate further progress and support the further improvement of public health outcomes for Isle of Wight residents.

## CLIMATE, ENVIRONMENT & UNESCO BIOSPHERE IMPACT

64. No implications.

## EQUALITY AND DIVERSITY

65. The decision relates to a programme and is strategic/administrative in nature; therefore, there is no anticipated negative impact on inequalities.

## RISK MANAGEMENT

66. Risk management is included within the body of the report.

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*Cabinet Member for Adult Social Care and Public Health*

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# Appendix 1: public health service data

Produced by: IWC Public Health Intelligence Team

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Appendix 1

# 2020/21 Prevalence data (QOF)

Quintiles: Low    High Not applicable

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Indicator	Period	England	South East region	Bracknell Forest	Brighton and Hove	Buckinghamshire UA	East Sussex	Hampshire	Isle of Wight	Kent	Medway	Milton Keynes	Oxfordshire	Portsmouth	Reading	Slough	Southampton	Surrey	West Berkshire	West Sussex	Windsor and Maidenhead	Wokingham
CHD: QOF prevalence (all ages) (Persons, All ages) <span>New data</span>	2020/21	3.0	2.8*	2.3	2.1	2.9	3.7	3.2	3.9	2.9	2.6	2.3	2.3	2.7	1.8	2.5	2.2	2.6	2.5	3.5	2.6	2.3
Dementia: QOF prevalence (all ages) (Persons, All ages) <span>New data</span>	2019/20	0.8	0.8	0.6	0.6	0.8	1.2	1.0	1.2	0.8	0.5	0.6	0.7	0.7	0.6	0.4	0.6	0.9	0.7	1.0	0.8	0.8
Diabetes: QOF prevalence (17+) (Persons, 17+ yrs) <span>New data</span>	2019/20	7.1	6.4	6.0	4.2	6.2	7.1	6.7	7.6	6.9	7.6	6.5	5.1	6.5	5.6	9.6	5.9	5.8	5.5	7.4	5.3	5.4
Hypertension: QOF prevalence (all ages) (Persons, All ages) <span>New data</span>	2020/21	13.9	14.1*	13.2	9.6	14.1	17.0	15.6	18.0	14.7	14.5	12.7	12.6	12.0	11.7	12.2	10.8	13.1	14.1	15.5	13.2	12.9
Learning disability: QOF prevalence (Persons, All ages) <span>New data</span>	2019/20	0.5	0.5	0.3	0.5	0.4	0.6	0.5	0.7	0.5	0.4	0.4	0.4	0.5	0.4	0.5	0.5	0.4	0.5	0.5	0.3	0.4
Obesity: QOF prevalence (18+) (Persons, 18+ yrs) <span>New data</span>	2019/20	10.5	9.1	9.0	5.8	7.8	9.8	10.8	10.5	9.4	10.8	9.0	9.2	11.4	8.7	10.0	9.4	7.3	7.7	9.2	6.6	7.1
Osteoporosis: QOF prevalence (50+) (Persons, 50+ yrs) <span>New data</span>	2020/21	0.8	1.0*	0.6	0.3	1.0	1.0	1.5	1.1	0.8	0.5	0.4	1.5	1.2	0.8	0.4	0.9	0.9	1.0	1.0	0.7	0.8
Rheumatoid Arthritis: QOF prevalence (16+) (Persons, 16+ yrs) <span>New data</span>	2020/21	0.8	0.8*	0.6	0.5	0.7	0.9	0.8	1.1	0.9	0.9	0.6	0.7	0.6	0.6	0.6	0.6	0.7	0.8	0.8	0.6	0.8
Stroke: QOF prevalence (all ages) (Persons, All ages) <span>New data</span>	2020/21	1.8	1.8*	1.3	1.3	1.7	2.4	2.1	2.7	1.9	1.3	1.1	1.7	1.6	1.1	1.1	1.5	1.6	1.6	2.1	1.6	1.5

Source: [Public Health Profiles - PHE](#)



# Sexual Health

The Sexual health contract with Solent NHS Trust commenced 1 April 2020. They successfully mobilised the service during national lockdown. Rates have continued to increase as the service embeds and country returns to 'normality' with COVID19.



	<p><b>2020 / 2021: 1,000 + online consultations with remote testing</b> <b>Q1-2 2021/2022: 650 online consultations so far</b></p>
<p>Page 381</p> 	<p><b>2020 / 2021: 750 individuals seen face to face</b> <b>Q1-2 2021/2022: 650 individuals seen face to face so far</b></p>

Solent is also contracted to provide health promotion services including but not limited to; support Schools in the delivery of Relationships Sex and Health Education (RSHE), delivery of one-to-one or peer-led sessions for at risk young people, increasing awareness of HIV and uptake of PrEP and coordination of GET IT ON condom scheme for under 25s.

# Sexual Health

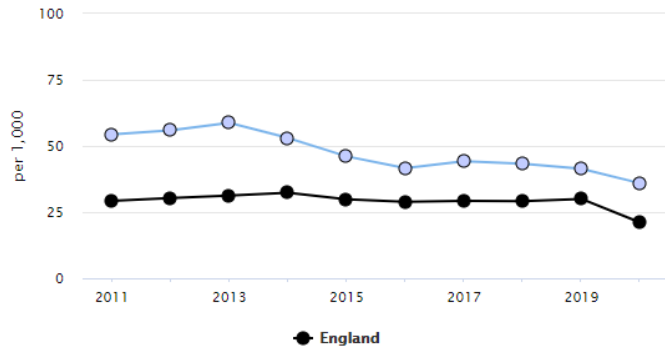
In primary care (GPs) delivery of long-acting reversible contraception remains stable. PHOF data shows the Isle of Wight rate of **47.6** prescribed LARC/1,000 is significantly higher than the England average (34.6) for 2020. This rate represents the second highest rate in the South East region, second only to West Berkshire.

● Lower ● Similar ● Higher ○ Not applicable

Trends for **Isle of Wight** All in South East region    Display **Selected indicator** All indicators

**GP prescribed LARC excluding injections rate / 1,000** New data Crude rate - per 1,000

Show confidence intervals    Show 99.8% CI values    More options



Recent trend: ↓ Decreasing

Period	Isle of Wight				South East	England
	Count	Value	95% Lower CI	95% Upper CI		
2011	1,207	54.4	51.3	57.5	35.3	29.2
2012	1,219	55.9	52.8	59.2	36.5	30.4
2013	1,260	58.8	55.6	62.1	37.9	31.3
2014	1,123	53.0	50.0	56.2	40.1	32.3
2015	958	46.1	43.2	49.1	38.6	29.8
2016	852	41.6	38.9	44.5	37.5	28.8
2017	899	44.3	41.4	47.3	37.7	29.2
2018	863	43.3	40.5	46.3	38.4	29.2
2019	814	41.4	38.6	44.3	40.7	30.0
2020	706	35.9	33.3	38.7	29.0	21.1

Source: OHID based on NHS Business Services Authority ePACT2 prescribing data and Office for National Statistics mid-year population estimates

# Sexual health

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- The Sexual Health service has undergone continuous improvement and transformation; from continuing to support patients through the pandemic, mirroring their activity against Pathway analytics tariffs at request of commissioners and are currently conducting a systems thinking project to identify and work through any waste management issues to improve service delivery.
- In the New Year, Public Health commissioners will also be commencing a Sexual Health Needs Assessment to determine the true needs of the Island's residents and be working with Solent to ensure the service continues to be responsive to requirements.

# Smoking – current prevalence

The Annual Population Survey for 2019 estimates that **14.4%** of the adult population of the Isle of Wight are current smokers. This is not significantly different from the national average and represents a total of **16,896** smokers.



Source: Annual Population Survey (APS)

# Smokers – setting a quit date

The stop smoking service is now commissioned from Solutions 4 Health and the contract commenced on 1 January 2021. Services are offered using a variety of methods depending on personal preference (telephone, virtual and more recently face to face). Since the start of the year until the 20th October 2021, **529 people set a quit date, more than double the figure reported in 2019/20**.

● Better 95% 
 ● Similar 
 ● Worse 95% 
 ○ Not applicable

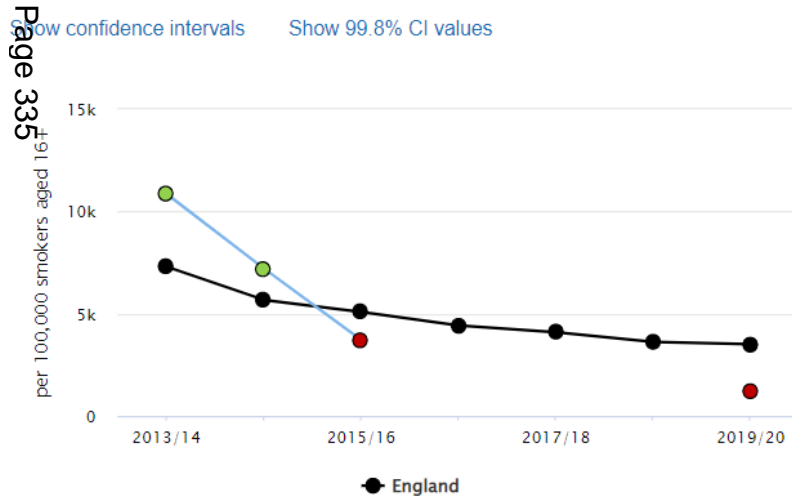
Trends for **Isle of Wight** All in South East region      Display **Selected indicator** All indicators

## Smokers setting a quit date

Crude rate - per 100,000 smokers aged 16+

[Show confidence intervals](#)    [Show 99.8% CI values](#)

[More options](#)



Recent trend: Could not be calculated

Period	Isle of Wight				South East	England
	Count	Value	95% Lower CI	95% Upper CI		
2013/14	2,074	10,868	9,701	12,211	6,030	7,302
2014/15	1,416	7,212	6,419	8,081	4,853	5,677
2015/16	717	3,719	3,268	4,216	4,245	5,092
2016/17	-	*	-	-	3,924	4,429
2017/18	-	*	-	-	3,533	4,097
2018/19	-	*	-	-	3,526	3,614
2019/20	211	1,220	1,007	1,469	3,884*	3,512

Source: NHS Digital Stop Smoking Services data, Annual Population Survey, and PHE Population Health Analysis Team

Source: [Local Tobacco Control Profiles - PHE](#)



# Smoking – successfully quit at 4 weeks

The stop smoking service is now commissioned from Solutions 4 Health and the contract commenced on 1 January 2021. Services are offered using a variety of methods depending on personal preference (telephone, virtual and more recently face to face). Since the start of the year until the 20th October 2021, **252 stopped smoking within four weeks, double the figure reported in 2019/20.**

● Better 95% ● Similar ● Worse 95% ○ Not applicable

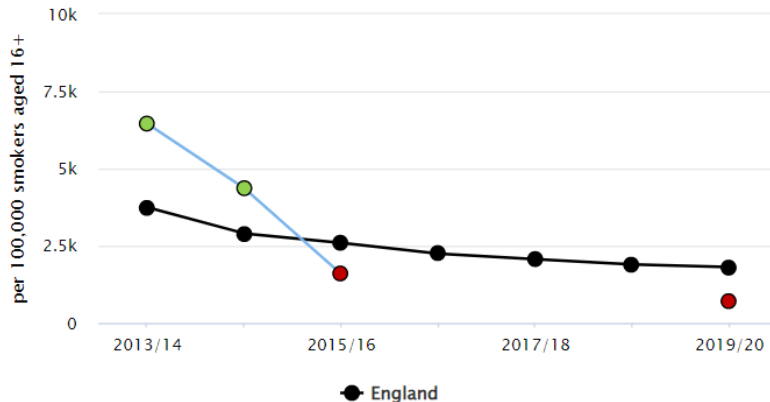
Trends for **Isle of Wight** All in South East region Display **Selected indicator** All indicators

## Smokers that have successfully quit at 4 weeks

Crude rate - per 100,000 smokers aged 16+

Show confidence intervals Show 99.8% CI values

[More options](#)



Recent trend: Could not be calculated

Period	Isle of Wight				South East	England
	Count	Value	95% Lower CI	95% Upper CI		
2013/14	1,232	6,456	5,733	7,300	3,299	3,743
2014/15	857	4,365	3,852	4,929	2,767	2,900
2015/16	305	1,582	1,351	1,847	2,363	2,598
2016/17	-	*	-	-	2,053	2,245
2017/18	-	*	-	-	1,797	2,070
2018/19	-	*	-	-	1,944	1,894
2019/20	126	729	580	900	2,060*	1,808

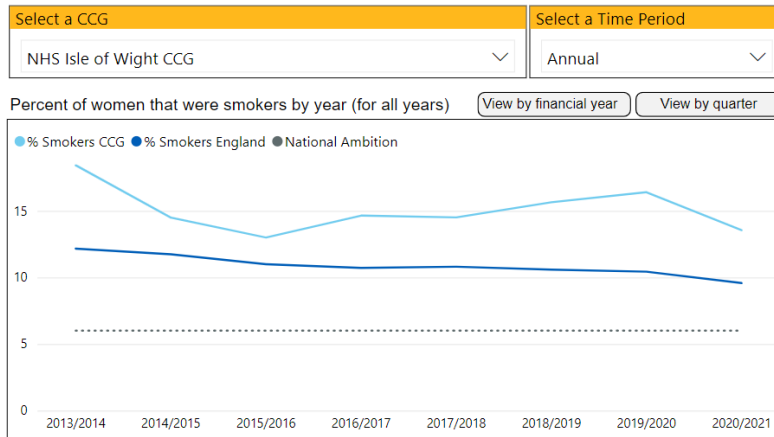
Source: Population Health Analysis Team, Public Health England



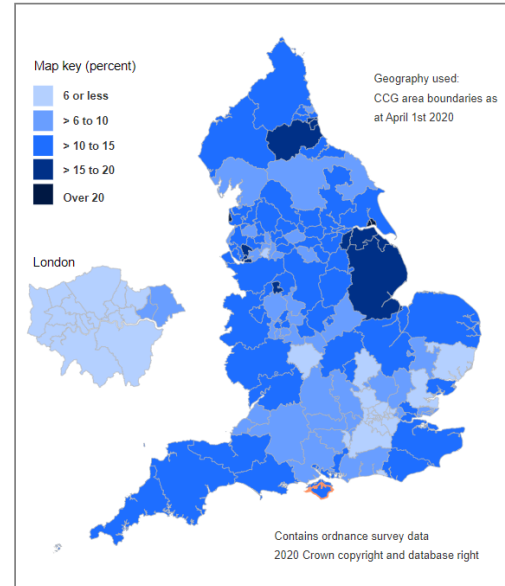
# Smoking at delivery – 2020/21

Figures for 2020/21 indicate that **13.5%** of women were smokers at time of delivery on the Isle of Wight. This is significantly higher than the national figure of 9.6% and the current national ambition of 6%. However, it does represent a decrease from the previous year's position of 16.4% in 2019/20. Data quality is high with only 1 woman whose smoking status was unknown at the time of delivery.

Statistics on women's smoking status at time of delivery, England, 2020/2021



Percent of women that were smokers by CCG (for selected period)



CCG, STP and National comparisons (for selected period)

	Maternities	Smokers	% Smokers	% Unknown
NHS Isle of Wight CCG	968	131	13.5	0.1
Hampshire and the Isle of Wight	16,510	1,561	9.6	1.4
England	548,600	51,840	9.6	1.3

Source: Lifestyles Statistics, NHS Digital.

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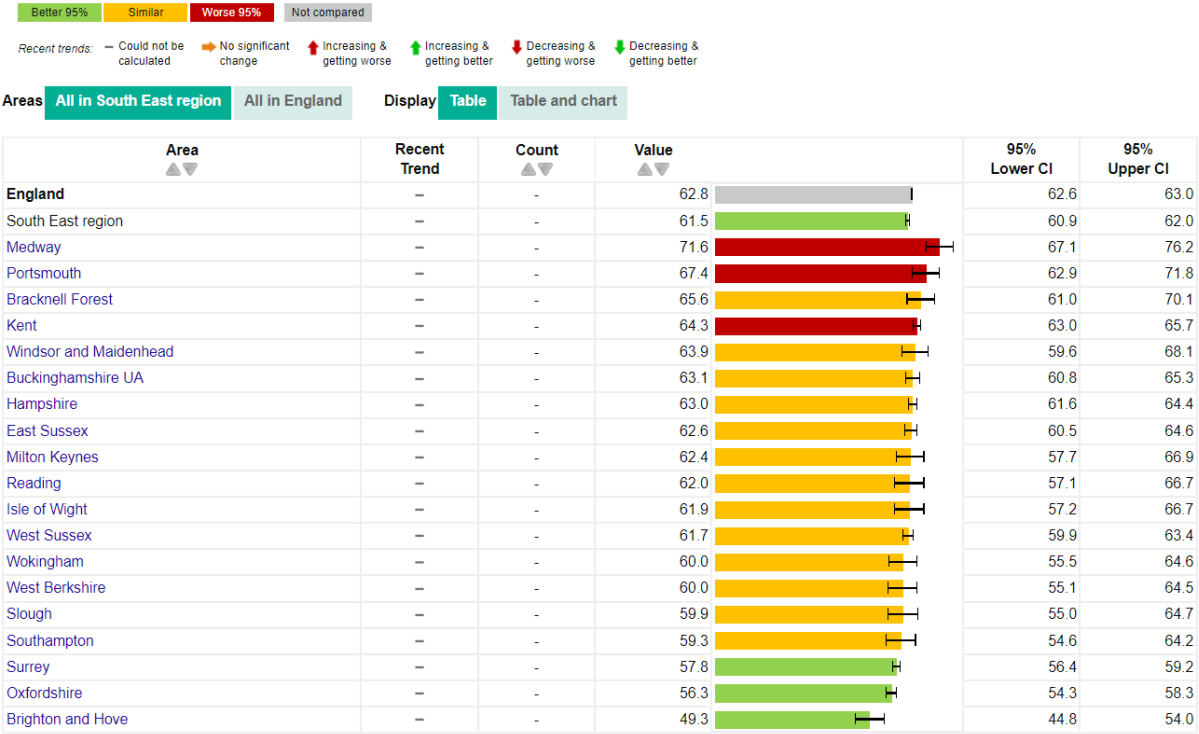
Source: <https://digital.nhs.uk/data-and-information/publications/statistical/statistics-on-women-s-smoking-status-at-time-of-delivery-england>

Smoking in pregnancy is the single biggest modifiable risk factor for miscarriages, stillbirths, premature birth and birth defects.



# Overweight or obese adults 19/20

In 2019/20, results from the Active Lives Survey suggested that **61.9%** of the Isle of Wight's adult population were overweight or obese. This is not significantly different from the national figure of 62.8%.



Source: Public Health England (based on Active Lives survey, Sport England)

# Tier 2 Weight Management

- The Tier 2 Weight Management service is also commissioned from Solutions 4 Health, which commenced 1 January 2021.
- Take up and therefore outcomes have been slower as people have chosen to wait for face to face services to re-start. These started in August 2021 however suitable venue space remains an issue as social distancing is adhered to.
- There is also some hesitancy from people who remain anxious about Covid-19 risk but prefer face to face engagement. Telephone, virtual sessions and a weight loss app have been offered since the start of the contract.
- Since the start of the year **431 people have applied** to enter a course of support but only **103 have attended for at least 6 weeks**.
- Of these **72 (70%)** lost some weight and **48 (47%) lost more than 5%** of their initial body weight (as recommended by NICE guidelines).

# Drug treatment - opiate use

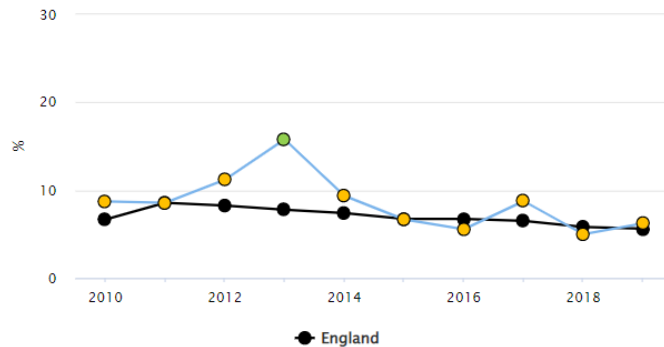
Within Inclusion IOW 220-235 service users have engaged with the substance misuse service for opiate use since June 2021. **32 have successfully completed their treatment** with us, some of those long term service users. This is a higher number than in the previous few years.

● Better 95% ● Similar ● Worse 95% ○ Not applicable

Trends for **Isle of Wight** All in South East region    Display **Selected indicator** All indicators

**Successful completion of drug treatment - opiate users** Proportion - %

[Show confidence intervals](#)    [Show 99.8% CI values](#)    [More options](#)



Recent trend: ➔ No significant change

Period	Isle of Wight				South East	England
	Count	Value	95% Lower CI	95% Upper CI		
2010	31	8.7%	6.2%	12.1%	8.3%	6.7%
2011	29	8.6%	6.0%	12.0%	9.5%	8.6%
2012	35	11.2%	8.2%	15.2%	9.1%	8.3%
2013	45	15.8%	12.0%	20.5%	8.8%	7.8%
2014	26	9.4%	6.5%	13.4%	8.2%	7.4%
2015	19	6.7%	4.3%	10.2%	7.2%	6.7%
2016	16	5.6%	3.4%	8.8%	8.0%	6.7%
2017	28	8.8%	6.1%	12.4%	7.3%	6.5%
2018	15	5.0%	3.0%	8.1%	7.2%	5.8%
2019	20	6.2%	4.1%	9.4%	7.0%	5.6%

Source: Calculated by Public Health England: Knowledge and Intelligence Team (North West) using data from the National Drug Treatment Monitoring System

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# Drug treatment - non-opiate use

In terms of non-opiate treatment outcomes the numbers presenting in structured treatment have been affected as many go through our brief interventions pathway but **25 have successfully completed** from structured treatment since June 2021.

● Better 95%
● Similar
● Worse 95%
○ Not applicable

Trends for **Isle of Wight** All in South East region

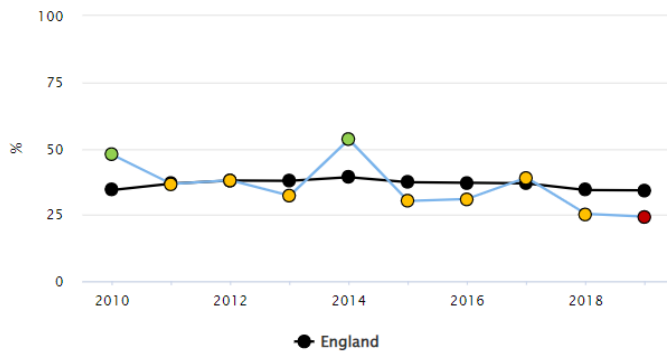
Display **Selected indicator** All indicators

## Successful completion of drug treatment - non-opiate users

Proportion - %

[Show confidence intervals](#)
[Show 99.8% CI values](#)

[More options](#)



Recent trend: ➔ No significant change

Period		Count	Isle of Wight			South East	England
			Value	95% Lower CI	95% Upper CI		
2010	●	41	47.7%	37.4%	58.1%	37.0%	34.4%
2011	●	33	36.7%	27.4%	47.0%	37.1%	36.8%
2012	●	38	38.0%	29.1%	47.8%	40.2%	37.9%
2013	●	39	32.2%	24.6%	41.0%	40.2%	37.8%
2014	●	70	53.4%	44.9%	61.8%	40.1%	39.2%
2015	●	29	30.2%	21.9%	40.0%	37.7%	37.3%
2016	●	31	31.0%	22.8%	40.6%	39.1%	37.1%
2017	●	39	39.0%	30.0%	48.8%	36.3%	36.9%
2018	●	18	25.4%	16.7%	36.6%	34.2%	34.4%
2019	●	27	24.3%	17.3%	33.1%	35.7%	34.2%

Source: Calculated by Public Health England: Knowledge and Intelligence Team (North West) using data from the National Drug Treatment Monitoring System

# Alcohol treatment

Since June 2021, 110 service users engaged with alcohol misuse services and received a brief intervention (up to 6 weeks) and receiving longer term support. In all **24 clients have successfully completed structured treatment for alcohol** in this time period with 244 clients accessing structured treatment for alcohol currently.

Indicator  
**Successful completion of alcohol treatment (Persons, 18+ yrs)** Proportion - %

Show me the profiles these indicators are from

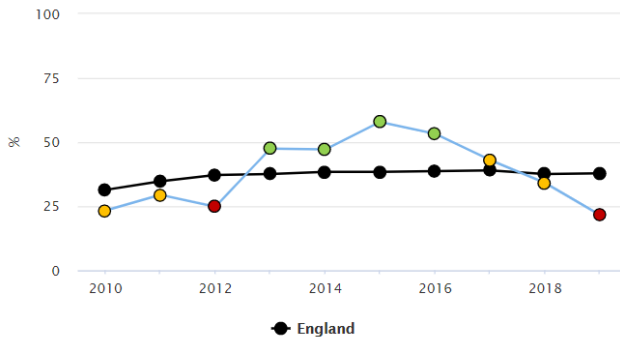
Compared with England **■** ● Better 95% ● Similar ● Worse 95% ○ Not applicable \* a note is attached to the value, hover over to see more details

Trends for **Isle of Wight** All in South East region Display **Selected indicator** All indicators

**Successful completion of alcohol treatment (Persons, 18+ yrs)** Proportion - %

Export chart as image Show confidence intervals Show 99.8% CI values

Export table as CSV file



Recent trend: ↓ Decreasing & getting worse

Period	Isle of Wight				South East	England
	Count	Value	95% Lower CI	95% Upper CI		
2010	24	23.3%	16.2%	32.3%	34.3%	31.4%
2011	48	29.4%	23.0%	36.9%	34.6%	34.8%
2012	60	24.8%	19.8%	30.6%	36.5%	37.1%
2013	121	47.5%	41.4%	53.6%	37.7%	37.5%
2014	91	47.2%	40.2%	54.2%	36.2%	38.4%
2015	107	57.8%	50.6%	64.7%	40.5%	38.4%
2016	74	53.2%	45.0%	61.3%	40.2%	38.7%
2017	74	43.0%	35.9%	50.5%	35.3%	38.9%
2018	44	34.1%	26.5%	42.6%	36.8%	37.6%
2019	42	21.5%	16.3%	27.8%	38.1%	37.8%

Source: Calculated by Public Health England: Knowledge and Intelligence Team (North West) using data from the National Drug Treatment Monitoring System

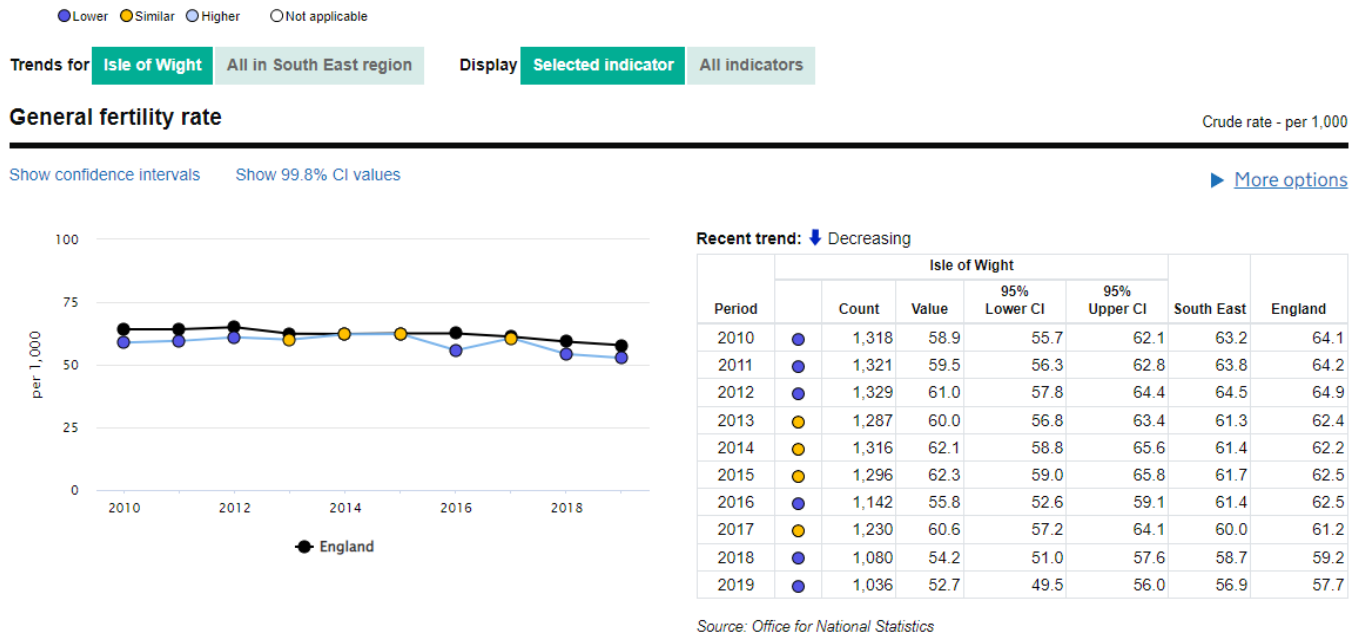
# Substance misuse service

- Additional funding (called the Dame Carol Black Funding) has provided additional capacity in specific areas regarding the criminal justice system, harm reduction, improving pathways for people with complex needs and reduction in substance related deaths.
- Since June 2021, **311 more Naloxone kits** have been issued with bespoke training to service users and professionals. There were **4,044 additional successful contacts with vulnerable and hard to reach service users** between June and the end of August 2021. These span across all additional roles created across the community, in the hospital, in the clinic van, through volunteer contacts, sleep sites, homeless accommodation and at events on IOW. Between June and the end of August 2021 there **were 870 specialist criminal justice interventions** between the new criminal justice role, the Harm Reduction Worker, the Drug and Alcohol Liaison Nurse and the Volunteer co-ordinator and roles focusing on homelessness.

# Births

The number of births on the Isle of Wight is decreasing. In 2020, there were a total of **1,009 births** on the Isle of Wight, the lowest number in recent years. This drop may reflect the COVID-19 period and from May 2021, births have been rising. The service offers the statutory visits to all children, with the exception of those whose parents decline. The service does not stop approaching these families until they are sure they are doing well and parenting confidently.

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# Health visiting

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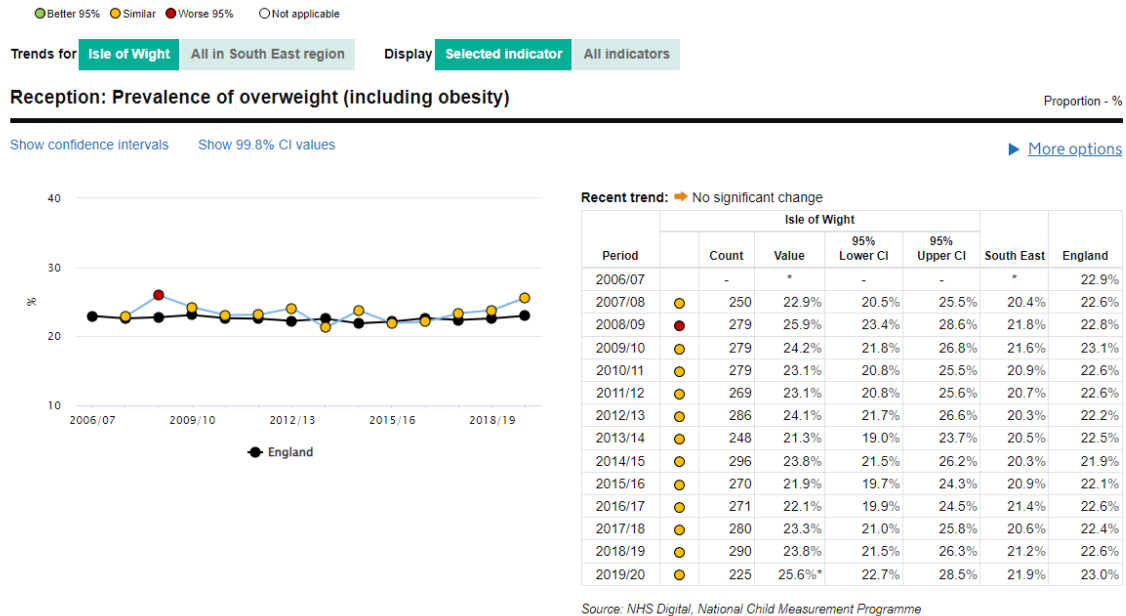
During Q4 of 2020/1

- **94%** of babies received a face to face **New Birth Visit** within 14 days by a Health Visitor (a total of 192 babies)
- **84%** of babies received a **6 to 8 week check** by the time they were 8 weeks (a total of 173 babies)

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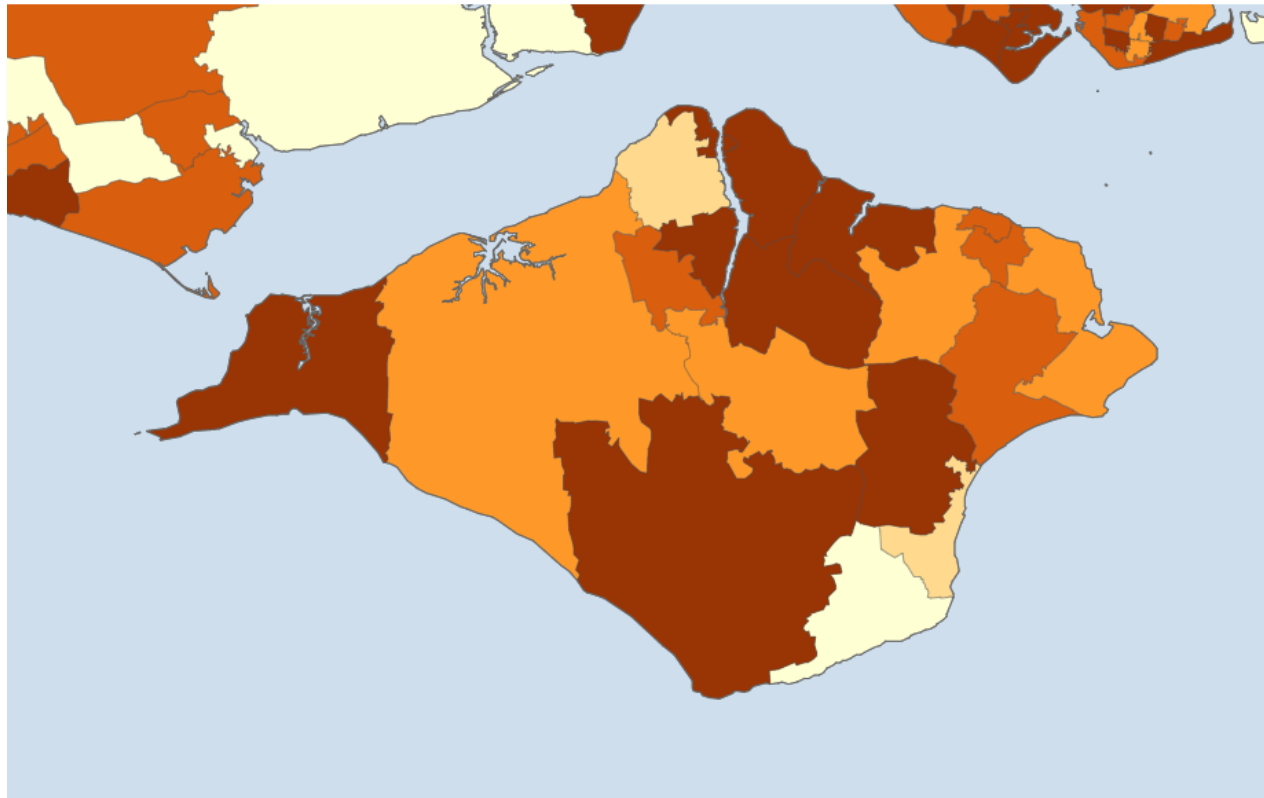
# Childhood obesity - Reception

During 2020/21, as a result of COVID-19 restrictions, the Department of Health only required 10% of children in YR and Y6 to be measured and this target was met locally. The usual aim of the programme is to weigh and measure all children, which typically results in around 95% of children being weighed and measured. Using this revised methodology, **25.6%** of children in YR were overweight or obese. This continues a stable trend in this measure on the Isle of Wight.



# Prevalence of overweight including obesity (%) – Year R, 3 years data, 17/18 to 19/20

Reception: Prevalence of overweight (including obesity) (%) - Source: National Child Measurement Programme (NCMP), NHS Digital



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# Childhood obesity – Year 6

During 2020/21, as a result of COVID-19 restrictions, the Department of Health only required 10% of children in YR and Y6 to be measured. This target was met and exceeded locally as more of the Y6 children were measured as part of their transition to school. The usual aim of the programme is to weigh and measure all children, which typically results in around 95% of children being weighed and measured. Using this revised methodology, **34%** of children in Y6 were overweight or obese.

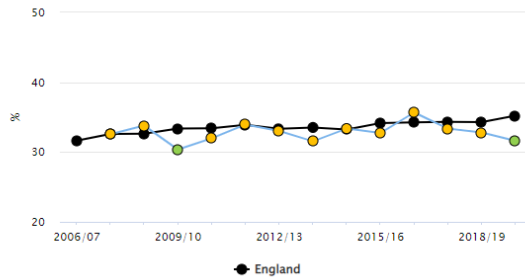
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● Better 95% 
 ● Similar 
 ● Worse 95% 
 ○ Not applicable

Trends for **Isle of Wight** All in South East region 
 Display **Selected indicator** All indicators

**Year 6: Prevalence of overweight (including obesity)** Proportion - %

[Show confidence intervals](#)
[Show 99.8% CI values](#)
[More options](#)



Recent trend: ➔ No significant change

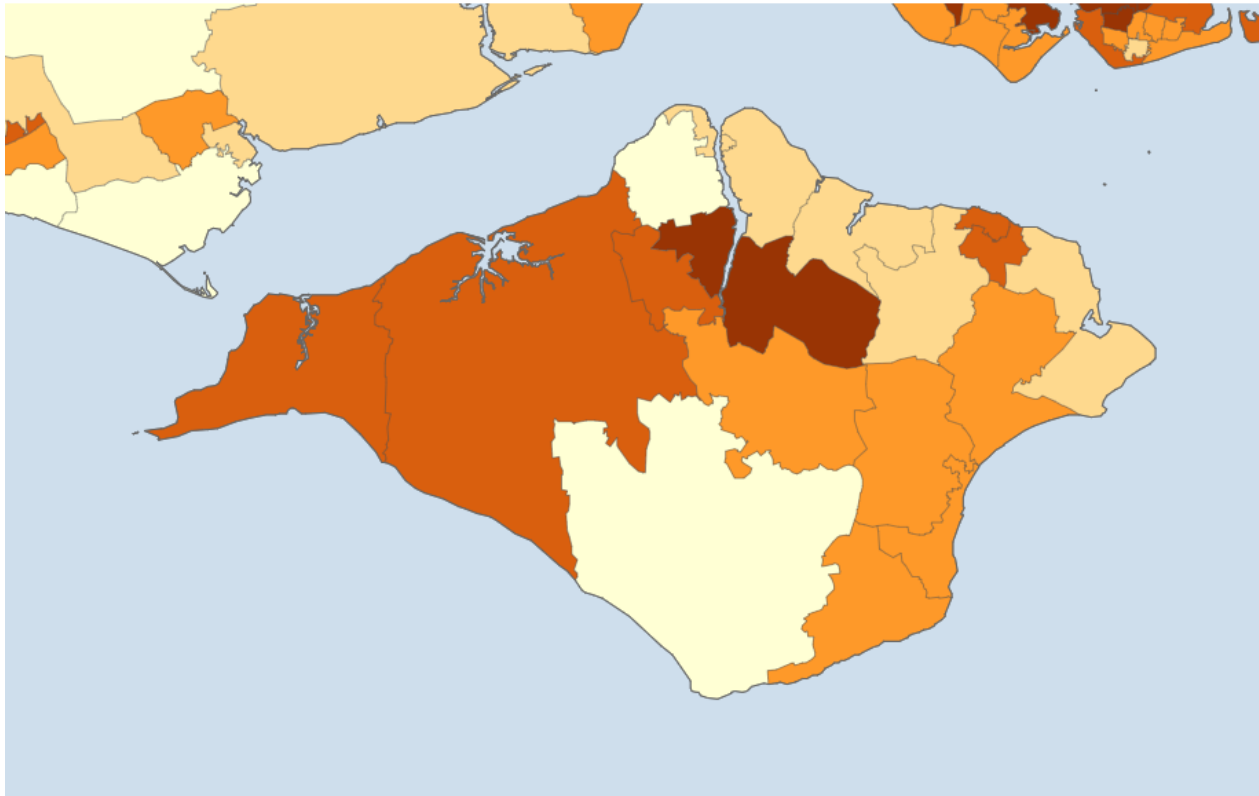
Period	Isle of Wight				South East	England
	Count	Value	95% Lower CI	95% Upper CI		
2006/07	-	*	-	-	*	31.7%
2007/08	422	32.6%	30.1%	35.2%	29.7%	32.6%
2008/09	371	33.8%	31.1%	36.6%	30.1%	32.6%
2009/10	374	30.4%	27.9%	33.0%	31.0%	33.4%
2010/11	384	32.0%	29.4%	34.7%	30.6%	33.4%
2011/12	403	34.0%	31.3%	36.7%	30.8%	33.9%
2012/13	354	33.0%	30.3%	35.9%	29.8%	33.3%
2013/14	365	31.5%	28.9%	34.3%	30.3%	33.5%
2014/15	391	33.4%	30.7%	36.1%	30.1%	33.2%
2015/16	400	32.7%	30.2%	35.4%	30.8%	34.2%
2016/17	437	35.7%	33.0%	38.4%	30.6%	34.2%
2017/18	405	33.4%	30.8%	36.1%	30.8%	34.3%
2018/19	389	32.8%	30.2%	35.5%	30.3%	34.3%
2019/20	270	31.6%*	28.6%	34.8%	31.7%	35.2%

Source: NHS Digital, National Child Measurement Programme

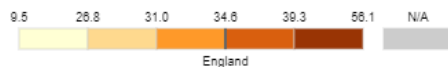
Source: [Obesity Profile - PHE](#)

# Prevalence of overweight including obesity (%) – Year 6, 3 years data, 17/18 to 19/20

Year 6: Prevalence of overweight (including obesity) (%) - Source: National Child Measurement Programme (NCMP), NHS Digital



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Purpose: For Decision



## Cabinet report

Date **16 DECEMBER 2021**

Title **THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, EAST COWES), (TRAFFIC REGULATION) ORDER NO 1 2021**

Report of **CABINET MEMBER FOR HIGHWAYS PFI, TRANSPORT AND INFRASTRUCTURE**

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### EXECUTIVE SUMMARY

1. Proposed Traffic Regulation Order (TRO) - **THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, EAST COWES) (TRAFFIC REGULATION) ORDER NO 1 2021**
2. This report provides the details of recommendation for introducing new parking restrictions, and making some of the existing parking restrictions enforceable, in various locations in East Cowes, as detailed in Appendix 1.
3. The proposals are aiming to ensure safety for all road users, whilst securing the emergency services' access and the movement of the traffic – by removing the inappropriate parking in order to increase visibility, create passing points, and free up footways.

### RECOMMENDATION

4. Option 1: To approve the proposed restrictions that are subject to this report in relation to **THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, EAST COWES) (TRAFFIC REGULATION) ORDER NO 1 2021** as proposed.

### BACKGROUND

5. The Isle of Wight Council (IOWC), as a Local Highway Authority, has a duty to ensure the expeditious and safe movement of people, services, and goods on the island's highway.
6. Various requests for changes on the network, from residents, businesses, Parish / Town Councils and Ward Cllrs, are submitted daily to Island Roads (IR). All requests are assessed and prioritised by the Island Roads' highway engineers, applying appropriate engineering methods, traffic (collision) data, and potential impact on the road safety.

7. As a result, improvements that will enhance safety on the highway are identified each year, implementing of which would require review of the existing parking restrictions, traffic flow direction, and possibly width / weight restrictions.
8. The Council has previously adopted a two-year cycle of rolling reviews, called Traffic Regulation Order (TRO) reviews. The island was divided into 6 virtual areas known as Districts, and the aim is 3 districts to be reviewed each year – ensuring that the whole Island will be reviewed using similar strategic approach and that the traffic regulations across the Island remain consistent.
9. In this occasion, all request for East Cowes in District 1, were assessed and respective proposals were designed by IR's highways engineers and TRO technician, ready for Consultation at the end of March 2020. The proposals were prioritised and agreed with the PFI Contract Management Team (CMT) in line with the IOWC's obligations as a Local Highway Authority. In some locations priority was given to the road safety and movement of traffic, including pedestrian traffic, over preservation of parking spaces.

### STRATEGIC CONTEXT

10. The proposed new regulations are in line with the IOWC's Corporate Plan 2021-25 and more specifically with its vision and clear aim to work together openly and with our communities to support and sustain our economy, environment and people.
11. Some of the key priorities in the new plan, that this report is supporting are: Listen to people; Work with the Parish and Town Councils; Encourage Sustainable transport and Active travel; Complete Island wide speed assessment; Develop Island wide Parking Strategy.
12. The recommendation will also have a positive impact on the aim to protect island's community, as the safety of all road users plays a big role in citizens' wellbeing on a daily basis – as pedestrians, drivers, cyclists and public transport users.

### CONSULTATION

13. Under normal circumstances, the CMT alongside Island Roads, would have conducted an Informal Consultation by holding an exhibition of the proposals in the Town Hall. Due to the unforeseen start of the pandemic and related lockdowns at the time, the consultation was delayed and as a mitigation, a direct engagement was sought with the Town Council and Ward Councillors online and on site, as soon as the social distancing restrictions allowed - from August 2020 to January 2021.
14. Following the legal TRO making process and its requirement for a Formal Consultation, a public Notice, outlining the proposals and inviting public comments, was published in the Isle of Wight County Press on 14 May 2021. Notices and plans were also displayed on-street for a period of 35 days, which



is two weeks longer than the legally required 21 days. The closing date for representations was 18 June 2021.

15. The total number of representations received during the consultation period is 36, containing six supporting views and 33 objections to various proposals; most objections were made on similar grounds – loss of parking space.
16. Summaries of the objections, broken down by location, are detailed in Appendix 2.

#### FINANCIAL / BUDGET IMPLICATIONS

17. The total estimated cost of making of the TRO and implementing the recommended changes on the highways would be approx. £8,417.20 excl. VAT, the estimated maintenance cost for the next 18 years would be approx. £9,764.45 excl. VAT.
18. All costs will be covered by the IOWC's Capital budget for highways.
19. The recommended option would have a positive financial impact by reducing the potential liability issues for the IOWC as a Highway Authority, should collision occur in the locations in need of safety improvement, as identified in the proposals.

#### IMPACT ON YOUNG PEOPLE AND FUTURE GENERATIONS

20. In long term, the recommended decision is likely to have a positive impact on young people and future generations health, as the proposed parking restrictions encourage more residents to walk, cycle, or use public transport.

#### CLIMATE, ENVIRONMENT & UNESCO BIOSPHERE IMPACT

21. The recommended decision is likely to have a positive impact on Island's environment, by reducing the carbon emissions over time, as the proposed parking restrictions encourage use of more sustainable means of transport.

#### LEGAL IMPLICATIONS

22. The Statutory Authority for making new TROs is contained within the Road Traffic Regulation Act 1984.
23. Orders are progressed in accordance with the Local Authority's Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996.
24. The Statutory Authority for signs and road markings are by virtue of the Traffic Signs Regulations and General Directions 2016.
25. The council is under a duty pursuant to Section 16 of the Traffic Management Act 2004 to manage their road network, whilst having regard to their other obligations, policies and objectives at the same time, with a view to facilitate the

passage on the road or any other road of any class of traffic (including pedestrians) and for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.

26. Section 122 requires the local authority to secure the expeditious, convenient and safe movement of traffic (including pedestrians) and the provision of adequate parking facilities. In carrying out this exercise the council must have regard to the:
  - (a) desirability of securing and maintaining reasonable access to premises;
  - (b) the effect on the amenities of any locality effected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the road(s) run;
  - (c) any strategy prepared under section 80 of the Environment Act 1995 (the national air quality strategy);
  - (d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles;
  - (e) any other matters appearing to the local authority to be relevant.
27. Regulation 13 of the 1996 Regulations confirms that before making an order, the traffic authority shall consider all objections duly made to the TROs that have not been withdrawn.
28. All representations were placed for consideration before the IoWC's Highways and Transportation Strategic Manager. A summary of all objections containing the rationales behind the objected proposals, are attached to this report as Appendix 2, for further consideration by the IOWC's Cabinet.

#### EQUALITY AND DIVERSITY

29. The Council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
30. Under the Equality Act 2010 the Council is required to have due regard to its equality duties when making decisions, reviewing services, undertaking projects, developing and reviewing policies.

31. Due regard to the Council's responsibilities under the Equality Act 2010 has been given at the formative stage of this proposal. An Equality Impact Assessment (EIA) form has been completed in Appendix 3.

## OPTIONS

32. Option 1: To approve the restrictions that are subject to this report in relation to THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, EAST COWES) (TRAFFIC REGULATION) ORDER NO 1 2021 as proposed.
33. Option 2: To approve the proposed restrictions that are subject to this report in relation to THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, EAST COWES) (TRAFFIC REGULATION) ORDER NO 1 2021 with amendments – to abandon some of the restrictions, and to implement the rest of the restrictions as proposed.
34. Option 3: To not approve the proposed restrictions that are subject to this report in relation to THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, EAST COWES) (TRAFFIC REGULATION) ORDER NO 1 2021 and to abandon the proposal as a whole.

## RISK MANAGEMENT

35. A risk has been identified to pedestrians, drivers, emergency assess and free movement of traffic.
36. The proposals are aiming to ensure safety for all road users by removing the inappropriate parking in order to increase visibility, create passing points, and free up footways.
37. In some locations priority was given to the road safety and movement of traffic, including pedestrian traffic, over preservation of parking spaces.
38. The proposed changes would reduce the available parking space in some locations, thus resulting in less parking space than the number cars which currently park there.
39. The Authority will monitor the impact of the changes and review the restrictions if necessary.
40. Residents are encouraged to consider more sustainable ways of traveling such as walking, cycling and public transport, which would reduce the number of cars per household. Introducing Residents Parking Schemes could also help with removing the commuter's parking in residential areas.

## EVALUATION

41. Option 2: To approve the proposal with amendments, abandoning some of the restrictions and implementing the rest of them – this option was discounted, despite the high number of objections on the grounds of losing parking space

in some of the locations, as the highways safety engineers in Island Roads considered the proposed new regulations to be essential on grounds of safety.

42. Option 3: To not approve the proposal – this option was discounted because a risk has been identified to pedestrians, drivers, emergency assess and free movement of traffic, and the IOWC as a Local Highway Authority, has a duty to ensure the expeditious and safe movement of people, services, and goods on the island’s highway.

#### APPENDICES ATTACHED

43. Appendix 1 – Proposed parking restrictions
44. Appendix 2 – Summary of objections
45. Appendix 3 – Equality Impact Assessment

#### BACKGROUND PAPERS

46. Local Authority’s Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996

Contact Point: Scott Headey, Deputy Strategic Highways and Transportation Manager, ☎ 821000 e-mail [scott.headey@iow.gov.uk](mailto:scott.headey@iow.gov.uk)

COLIN ROWLAND  
*Director of Neighbourhoods*

CLLR PHIL JORDAN  
*Cabinet Member for Highways PFI, Transport and Infrastructure*



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**TRO Proposal and maps – D1, East Cowes**

**THE ISLE OF WIGHT COUNCIL  
(VARIOUS STREETS, EAST COWES)  
(TRAFFIC REGULATION)  
ORDER NO 1 2021**

Notice is hereby given that the Isle of Wight Council in exercise of their powers under section 1(1), 2(1) (2) of the Road Traffic Regulation Act 1984 as amended ('the Act' of 1984), part 4 of Schedule 9 to the act of 1984, and of all other enabling powers and after consultation with The Chief Officer of Police in accordance with Part 3 of Schedule 9 to the Act of 1984 propose to make an order the effect of which will be to:

1. To revoke the provisions of 'The Isle of Wight Council (Various Streets, East Cowes) (Traffic Regulation) Order No 1 2019'.
2. To consolidate the provisions contained within the following Order:

The Isle of Wight Council (Osborne Heights, East Cowes, Isle of Wight) (Traffic Regulation) Order No 1 2019

3. To re-enact the provisions contained therein subject to the following amendments:

- a. To introduce 'No Waiting at Any Time' parking restriction in the following length of road:

Acom Gardens, on the north, west and east side, from a point 4.5 metres north-east to a point 96 metres east of its junction with Beatrice Avenue.

Acom Gardens, on the south-west and west side, from a point 50 metres east to a point 66 metres east of its junction with Beatrice Avenue.

Adelaide Grove, on the west side, from a point 9 metres south to a point 15 metres south of its junction with Falcon Road.

Broadsmith Avenue, on the south-west side, from a point 23 metres south to a point 57.5 metres south-east of its junction with Nelson Close.

Broadsmith Avenue, on the north-east side, from a point 24 metres south to a point 55 metres south-east of its junction with Nelson Close.

Broadsmith Avenue, on the north-west side, from a point 71 metres south-west to a point 89 metres west of its junction with Kent Avenue.

Broadsmith Avenue, on the south-east side, from a point 71.5 metres south-west to a point 93 metres west of its junction with Kent Avenue.

Cadets Walk, on the south side, from a point 6.5 metres east to a point 12 metres west of its junction with Gort Road.

Castle Street, from its junction with Well Road to a point 23 metres south-west thereof.

Connaught Road, on both sides, from its junctions with Oakfield Road to a point 11.5 metres north thereof.

Esplanade, on the south-east side, from a point 20.5 metres north-east to a point 225.5 metres north-east of its junction with the Play area access road.

Esplanade, on the north-west side, from a point 23.5 metres north-east to a point 94.5 metres north-east of its junction with the Play Area Access Road.

Esplanade, on the north-west side, from a point 136 metres north-east to a point 258 metres north-east of its junction with the Play Area Access Road.

Hefford Road, on the west side, from its junction with Old Road to a point 22.5 metres south thereof.

Hefford Road, on the east side, from its junction with Old Road to a point 26 metres south thereof.

Kings Road, on the west side, from a point 109.5 metres north to a point 124 metres north of its junction with Yarborough Road.

Link Road, on the north-east side, from a point 16 metres north-west to a point 49.5 metres north-west of its junction with Ferry Road.

Mayfield Road, on both sides, from a point 13 metres north to a point 18.5 metres north of its junction with Victoria Grove.

Nelson Close, on both sides, from its junction with Broadsmith Avenue to the end of the highway, to include the entire turning area.

New Barn Road, on both sides, from a point 14 metres north-east to a point 133 metres north-east of its junction with York Avenue.

New Barn Road, on both sides, from a point 49 metres north-east to a point 80 metres north-east of its junction with Sylvan Avenue.

Oakfield Road, on both sides, from a point 3.5 metres east to a point 3.5 metres west of its junction with Connaught Road.

Old Road, on both sides, from its junction with New Barn Road to a point 25 metres north-west thereof

Princess Close, on the south-east side, from a point 32 metres north-east to a point 65.5 metres north-east of its junction with Kent Avenue.

Sylvan Avenue, on both sides, from its junction with New Barn Road to a point 11 metres north-west thereof

Well Road, on the south-west side, from a point 19.5 metres south-east to a point 54 metres south-east of its junction with Castle Street.

York Avenue, on the north-east side, from a point 24.5 metres to a point 86.5 metres south-east of its junction with New Barn Road.

York Avenue, on the north-east side from a point 13 metres south-east to a point 18.5 metres south-east of its junction with Castle Street.

York Avenue, on the north-east side, from a point 66 metres north-west to a point 76 metres north-west of its junction with Well Road.



York Avenue, on the north-east side, from a point 91 metres north-west to a point 111 metres north-west of its junction with Well Road.

York Avenue, on the south side, from a point 32.5 metres west to a point 52.5 metres west of its junction with Connaught Road.

York Avenue, on the south side, from a point 4 metres west to a point 19 metres west of its junction with Glossop Close.

York Avenue, on the west side from a point 30.5 metres north of its junction with Victoria Grove to its junction with Kent Avenue

- b. To introduce 'No Waiting Fridays, 9am to 11am' in the following length of road:

Kings Road, on the west side, from a point 8 metres north to a point 109.5 metres north of its junction with Yarborough Road.

Kings Road, on the west side, from a point 124 metres north to a point 181 metres north of its junction with Yarborough Road.

- c. To introduce 'Limited Waiting 1 Hour, No Return Within 1 Hour, Monday to Saturday 8am to 6pm' in the following length of road:

Link Road, on the south-west side, from a point 17 metres north-west to a point 38 metres north-west of its junction with Ferry Road.

Well Road, on the north-east side, from a point 22.5 metres north-west to a point 62 metres north-west of its junction with Church Path.

- d. To revoke 'Limited Waiting 1 Hour No Return Within 1 Hour, Monday to Saturday, 8am to 6pm' parking restriction:

Castle Street, from its junction with Well Road to a point 23 metres south-west thereof.

Link Road, on the north-east side, from a point 16 metres north-west to a point 49.5 metres north-west of its junction with Ferry Road.

York Avenue, on the north-east side from a point 13 metres south-east to a point 18.5 metres south-east of its junction with Castle Street.

- e. To revoke 'No Waiting At Any Time, 1 May to 30 September' in the following lengths of road:

Esplanade, on the south-east side, from a point 20.5 metres north-east to a point 225.5 metres north-east of its junction with the Play area access road.

Esplanade, on the north-west side, from a point 23.5 metres north-east to a point 94.5 metres north-east of its junction with the Play Area Access Road.

Esplanade, on the north-west side, from a point 136 metres north-east to a point 258 metres north-east of its junction with the Play Area Access Road.

- f. To revoke 'No Waiting Tuesdays 9am to 11am' in the following length of road:

Kings Road, on the west side, from a point 8 metres north to a point 180 metres north of

its junction with Yarborough Road.

- g. To revoke 'No Waiting at Any Time' in the following lengths of road:

Link Road, on the south-west side, from a point 17 metres north-west to a point 38 metres north-west of its junction with Ferry Road.

Well Road, on the north-east side, from a point 22.5 metres north-west to a point 62 metres north-west of its junction with Church Path.

- h. To revoke 'No Waiting, 8am to 6pm' in the following length of road:

Well Road, on the south-west side, from a point 19.5 metres south-east to a point 54 metres south-east of its junction with Castle Street.

- i. To revoke 'Limited Waiting 1 Hour, No Return Within 2 Hours, Monday to Saturday. 8am to 6pm' in the following lengths of road:

York Avenue, on the north-east side, from a point 66 metres north-west to a point 76 metres north-west of its junction with Well Road.

York Avenue, on the north-east side, from a point 91 metres north-west to a point 111 metres north-west of its junction with Well Road.

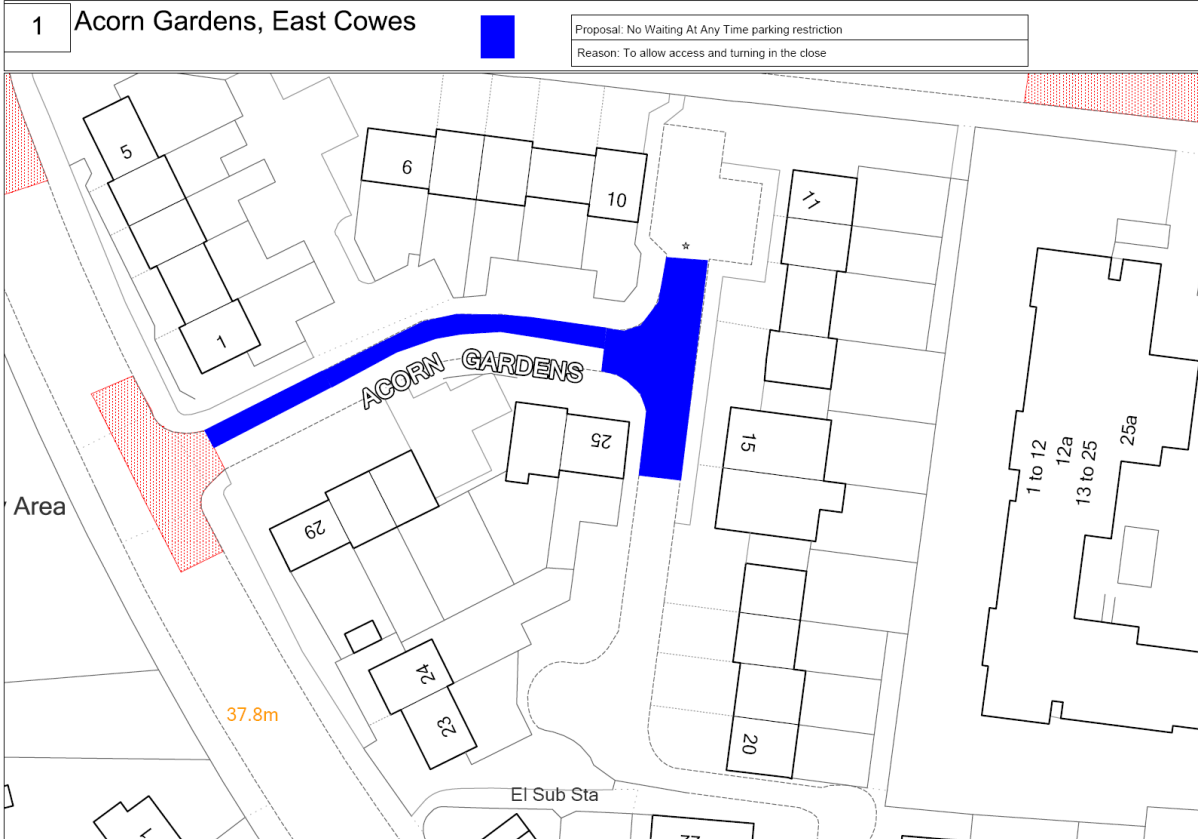
The amendments are being proposed to facilitate the passage on the road or any other road of any class of traffic (including pedestrians) and for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising;

A copy of the draft Order, this Notice and the relevant plan may be inspected between normal office hours at the Customer Service Centre, County Hall, Newport, Isle of Wight during the objection period. If you wish to object to the proposal contained in this notice you should send the grounds for your objection, in writing, to Scott Headey – Traffic Manager, St Christopher House, 42 Daish Way, Newport, Isle of Wight, PO30 5XJ, [highways-pfi@iow.gov.uk](mailto:highways-pfi@iow.gov.uk), not later than 12 noon on Friday 18 June 2021.

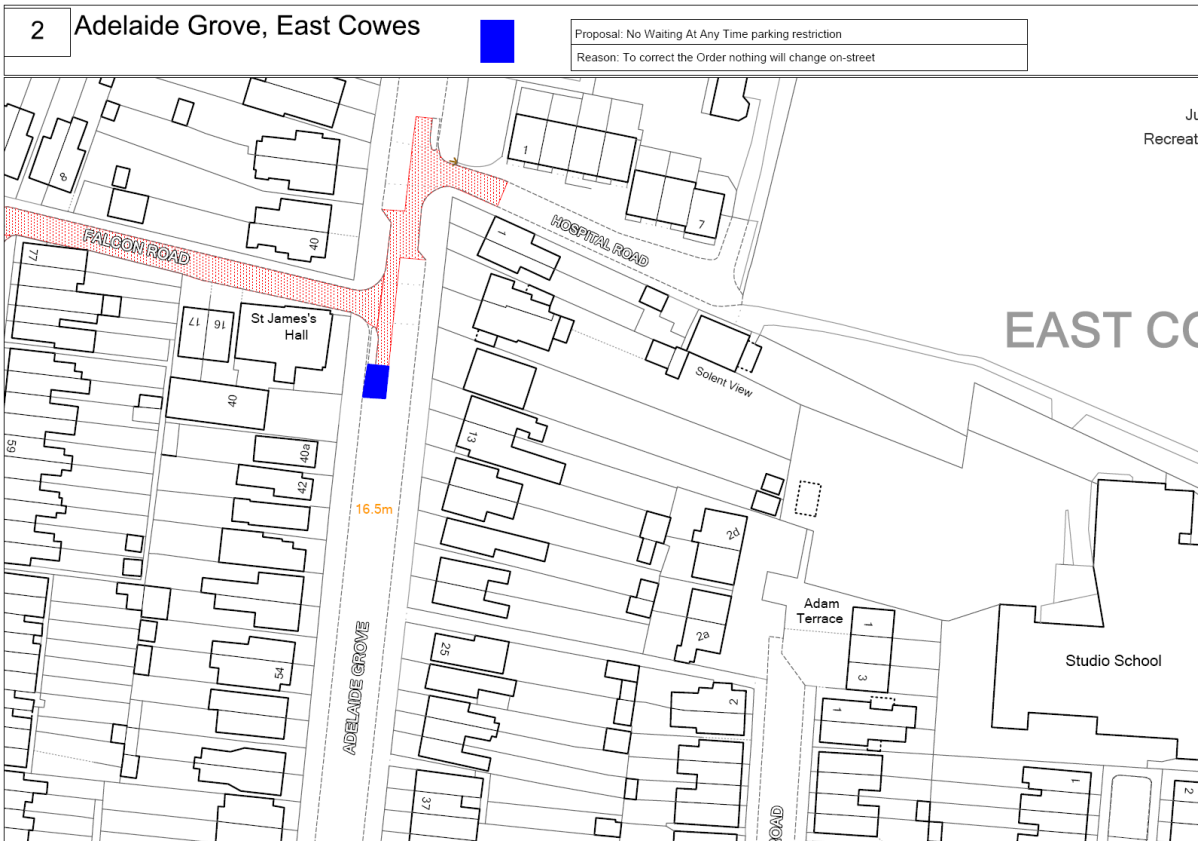
Scott Headey - Deputy Strategic Manager – Highways and Transportation / Traffic Manager

14 May 2021

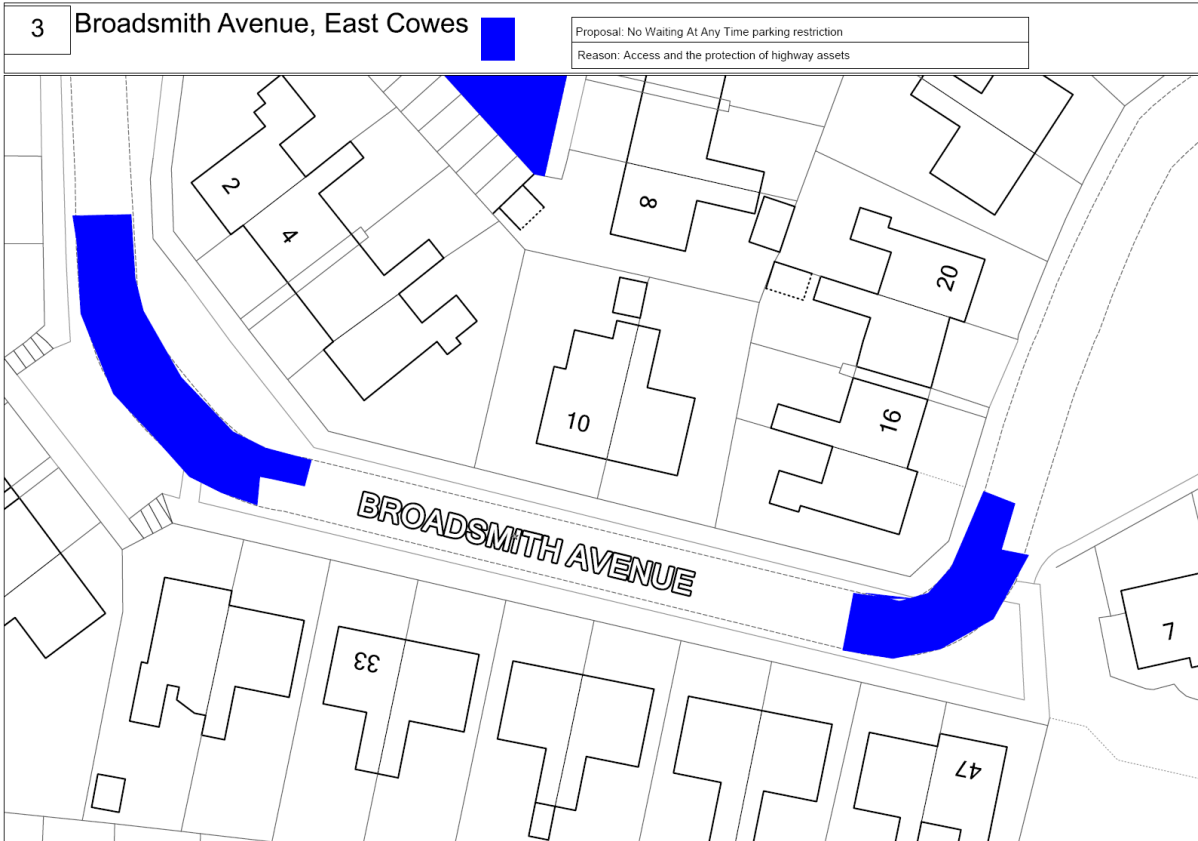
### Acorn Gardens, Support – 1, Object – 2



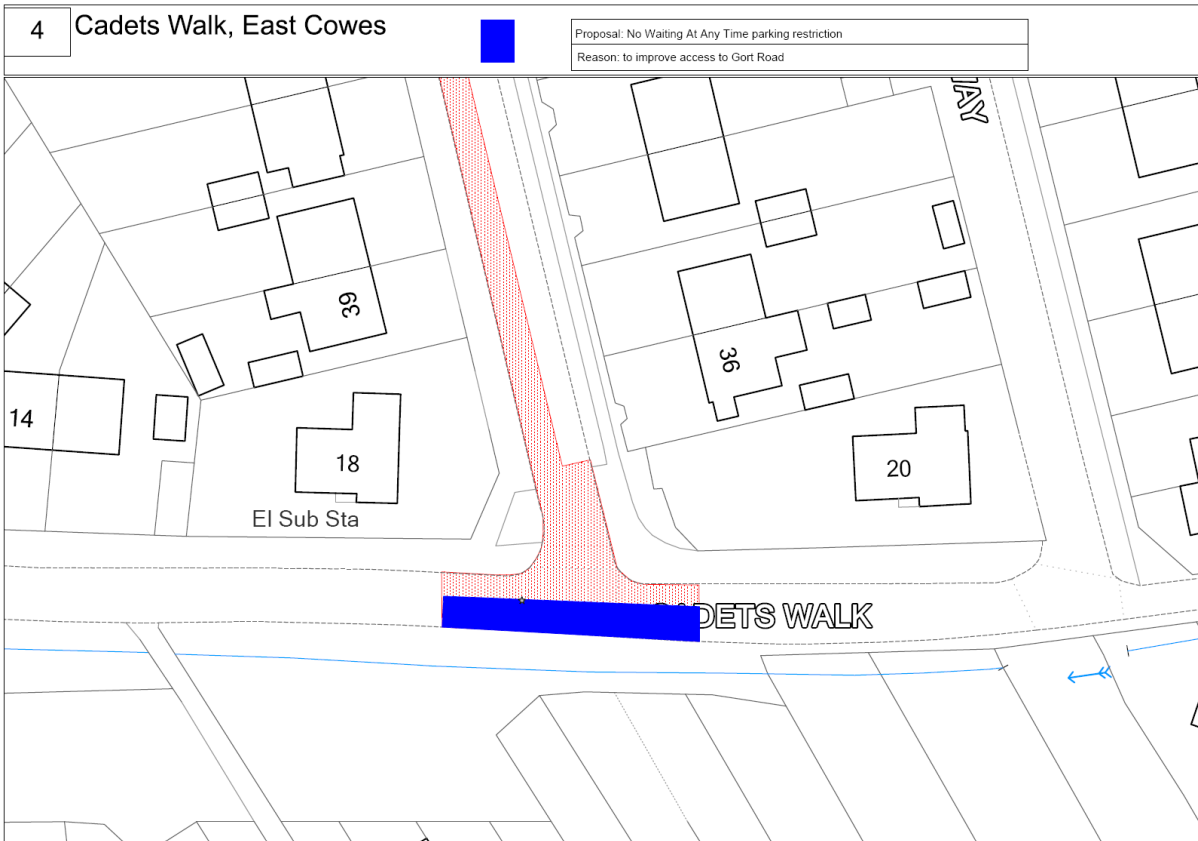
### Adelaide Grove, Support – 0, Object – 0



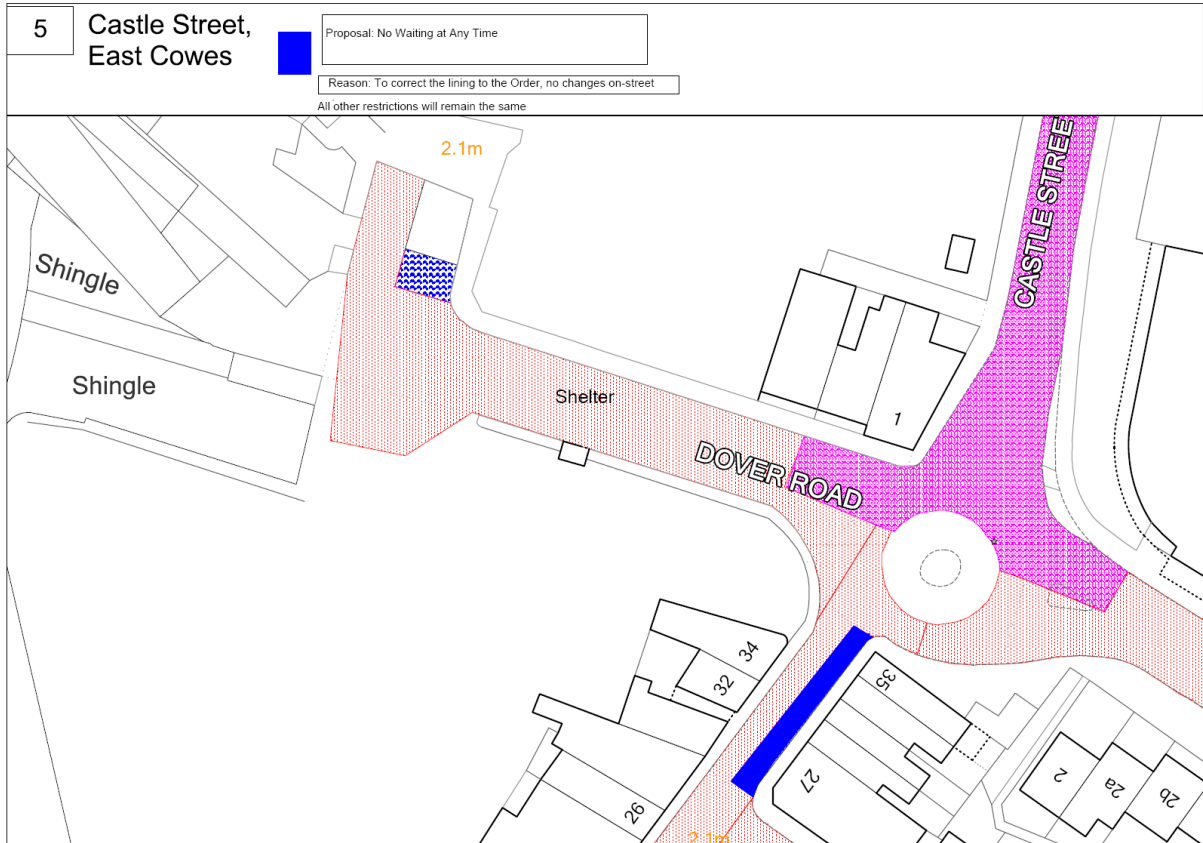
### Broadsmith Avenue, Support – 0, Object – 5



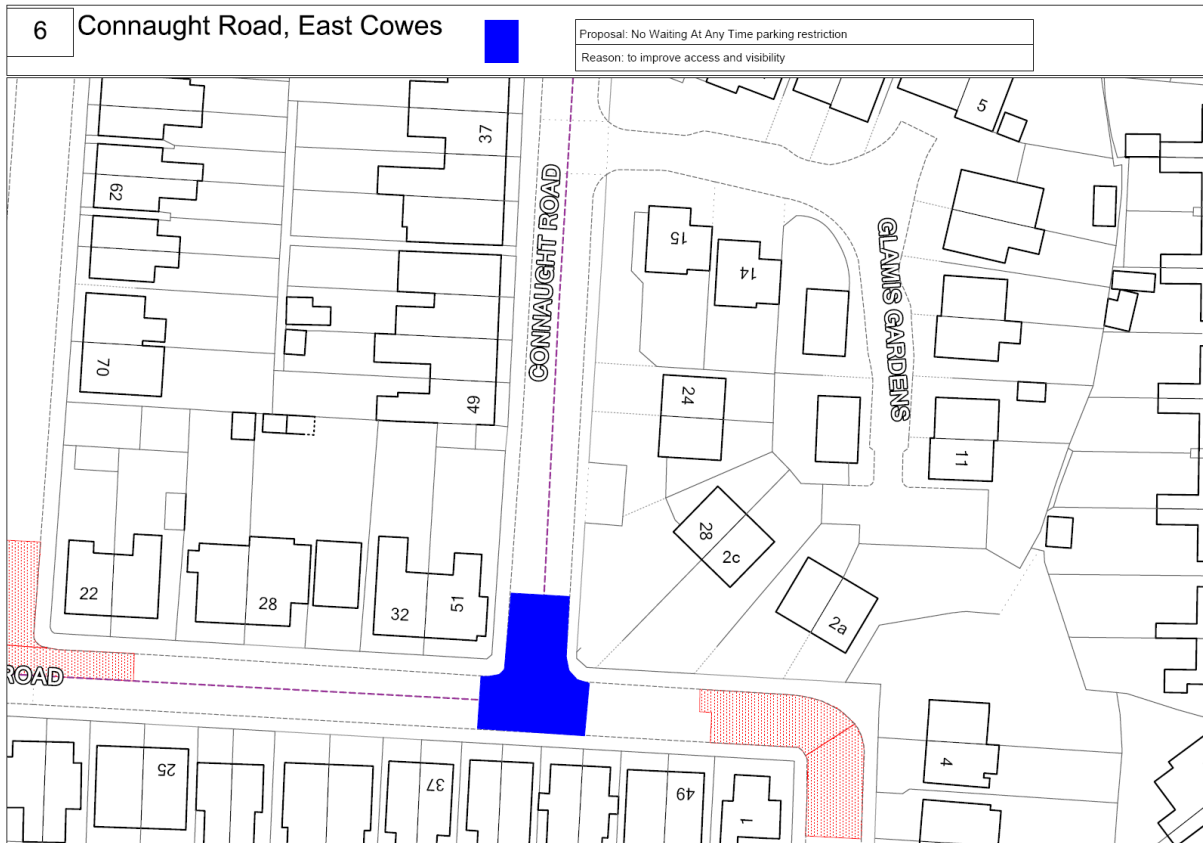
### Cadets Walk, Support – 0, Object – 1



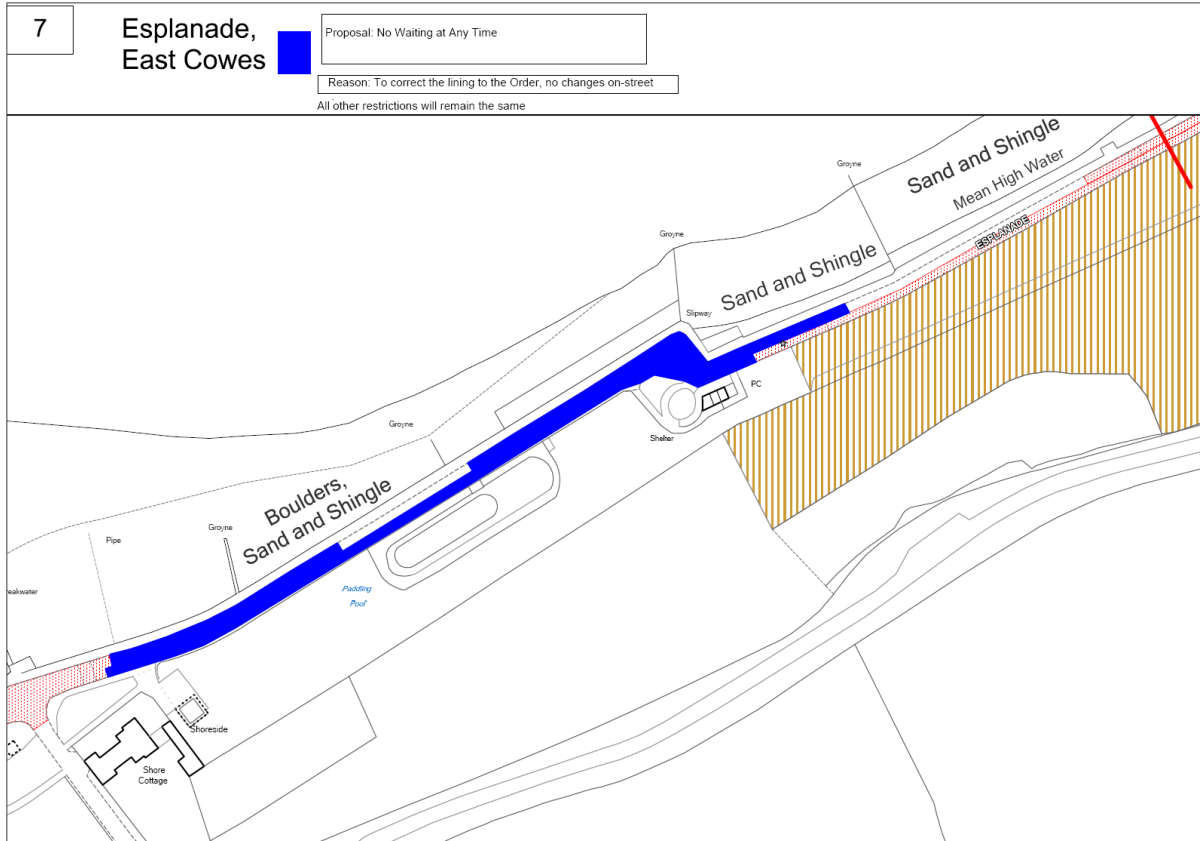
**Castle Street, Support – 1, Object – 0**



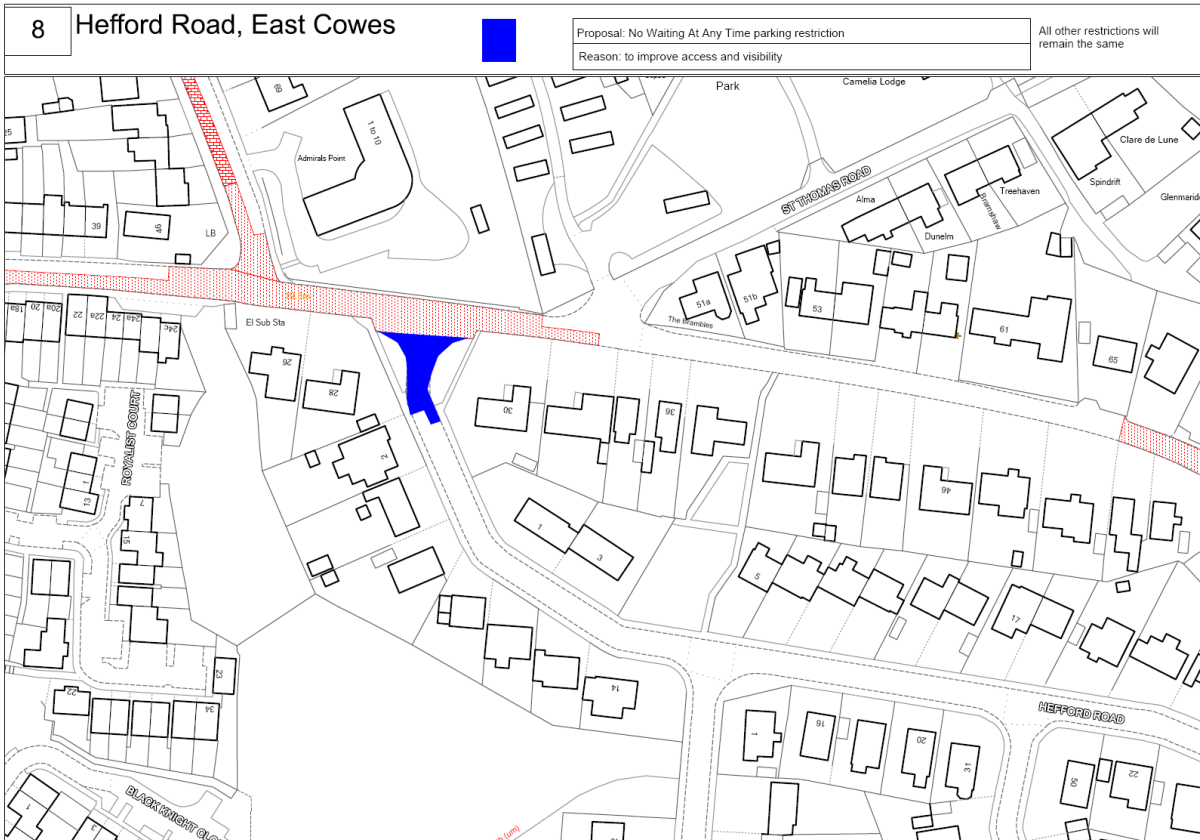
**Connaught Road, Support – 3, Object – 3**



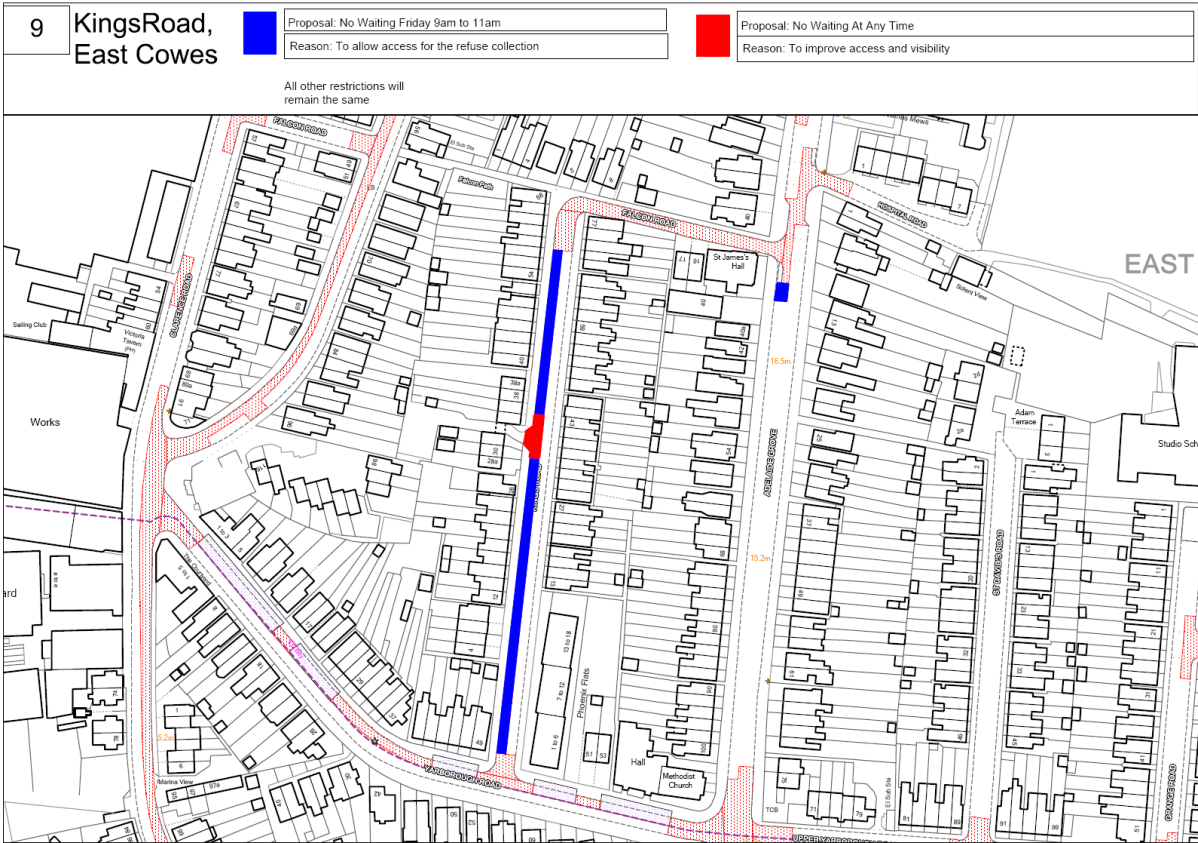
## Esplanade, Support – 0, Object – 2



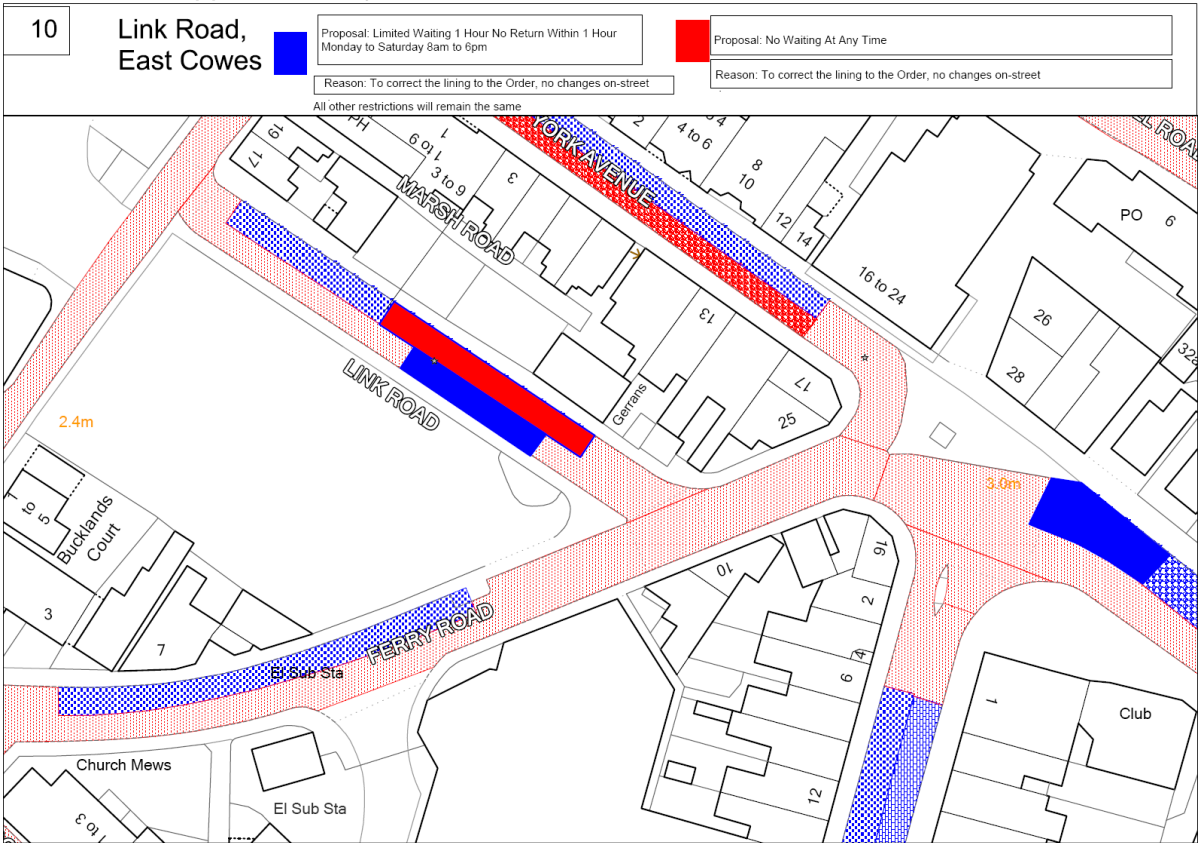
## Hefford Road, Support – 0, Object – 1



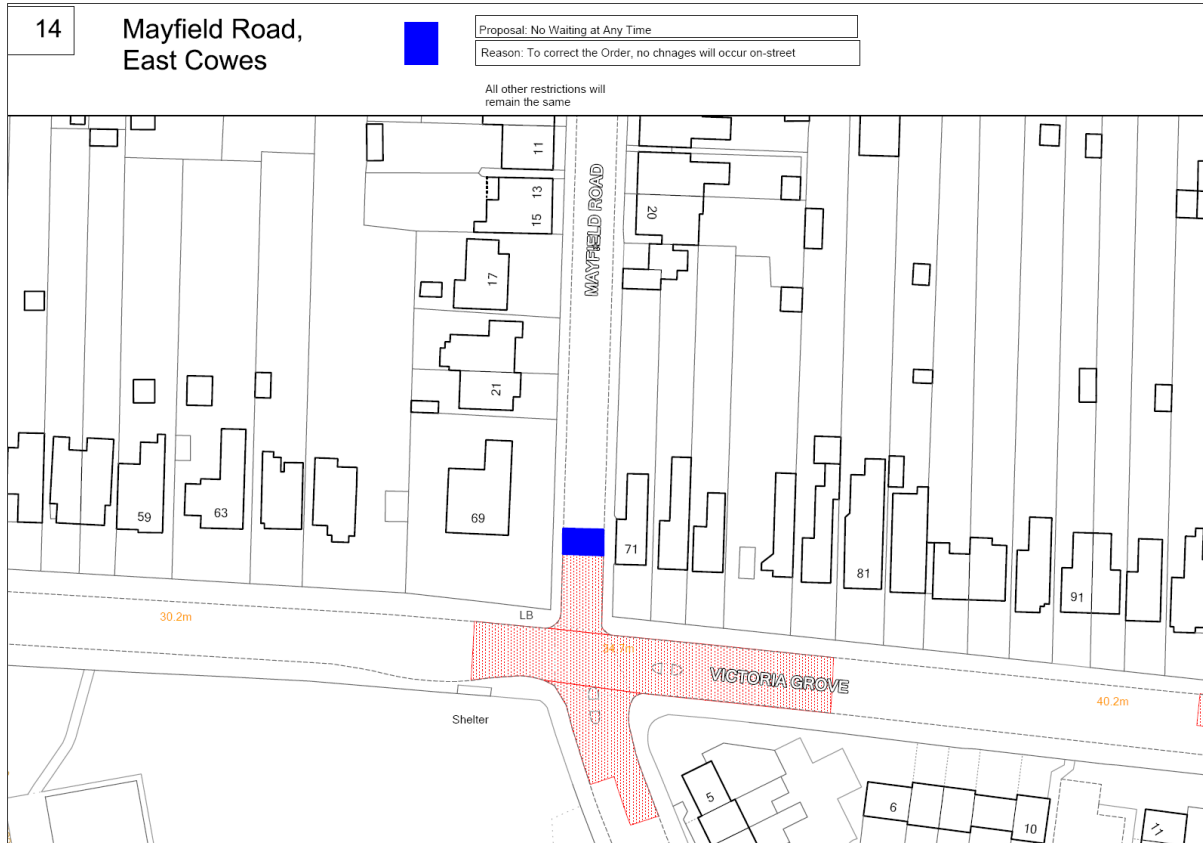
### Kings Road, Support – 0, Object – 1



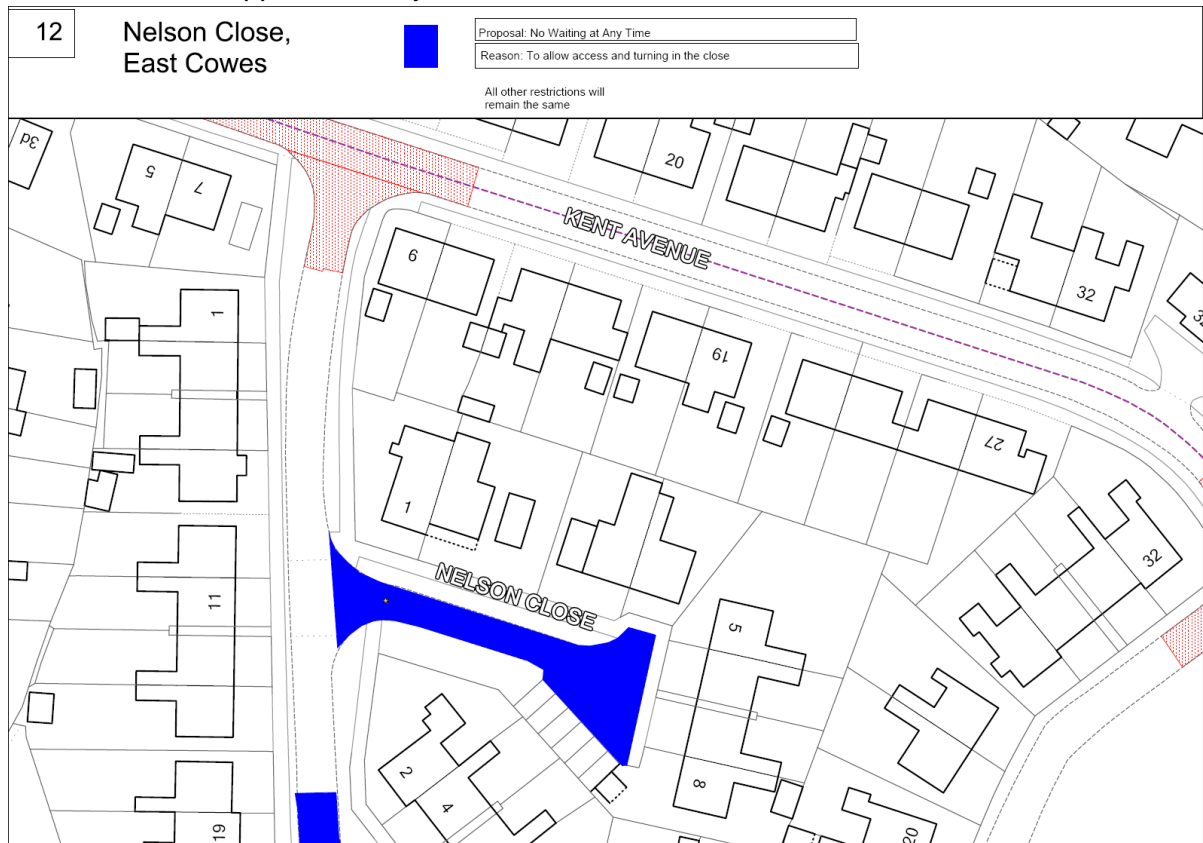
### Link Road, Support – 0, Object – 1



**Mayfield Road, Support – 1, Object – 0**



**Nelson Close, Support – 0, Object – 1**



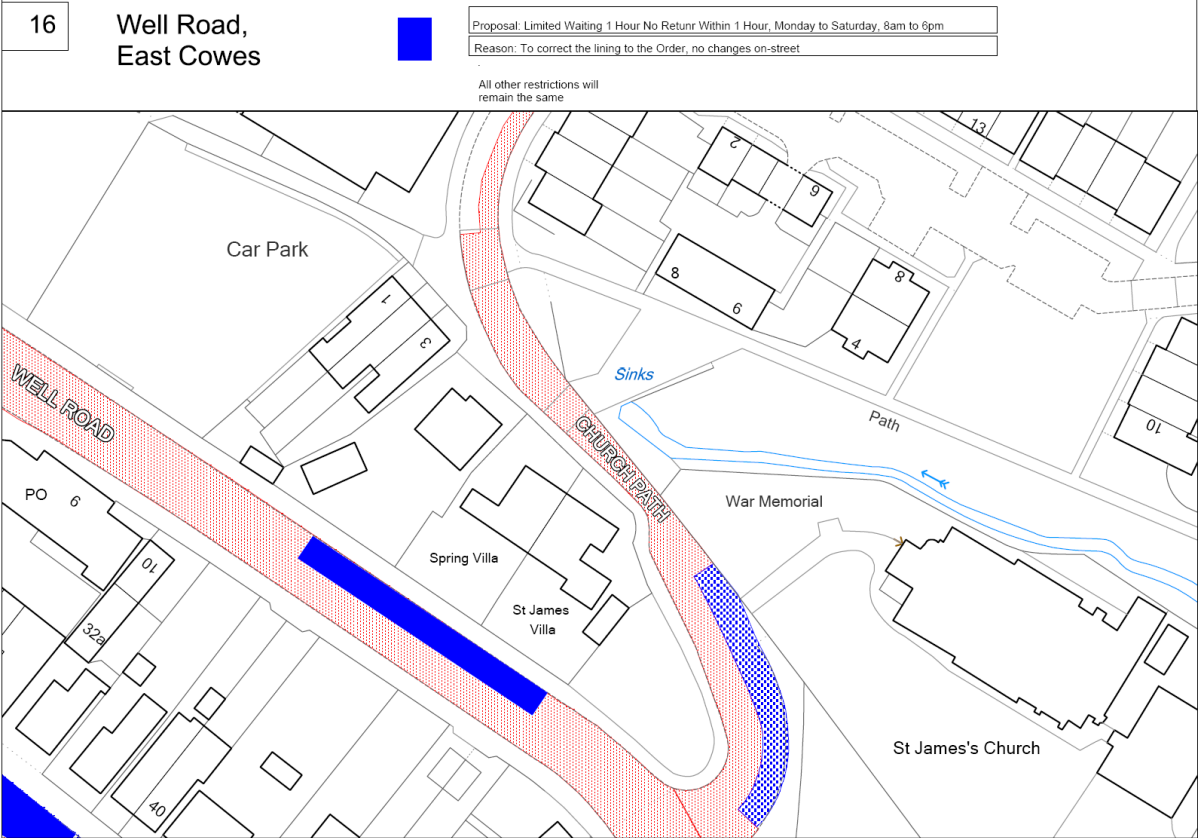


**Princess Close, Support – 0, Object – 20**

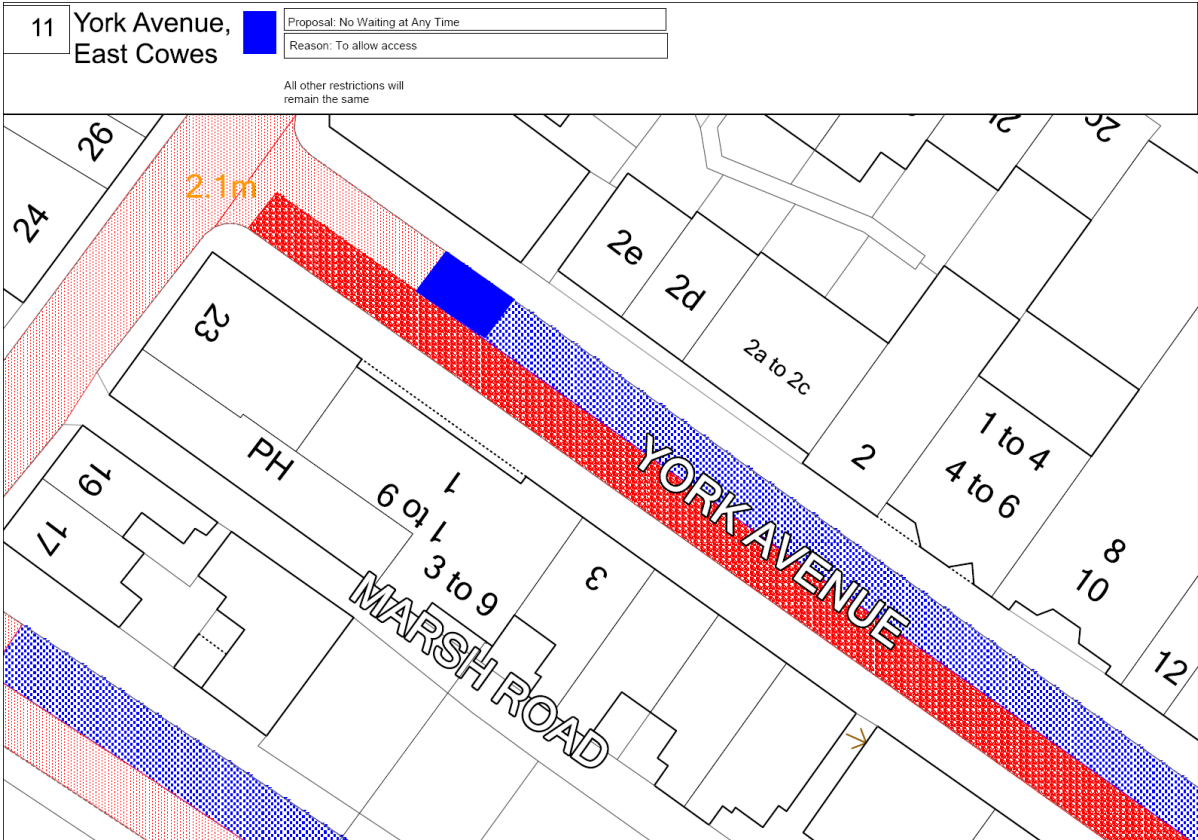
13	Princess Close, East Cowes	■	Proposal: No Waiting at Any Time Reason: To allow access and protection of highway asset
All other restrictions will remain the same			

**Well Road, Support – 0, Object – 1**

15	Well Road, East Cowes	■	Proposal: No Waiting At Any Time Reason: To correct the lining to the Order, no changes on-street
All other restrictions will remain the same			



**York Avenue, East Cowes nr Marsh Rd, Support – 0, Object – 0**



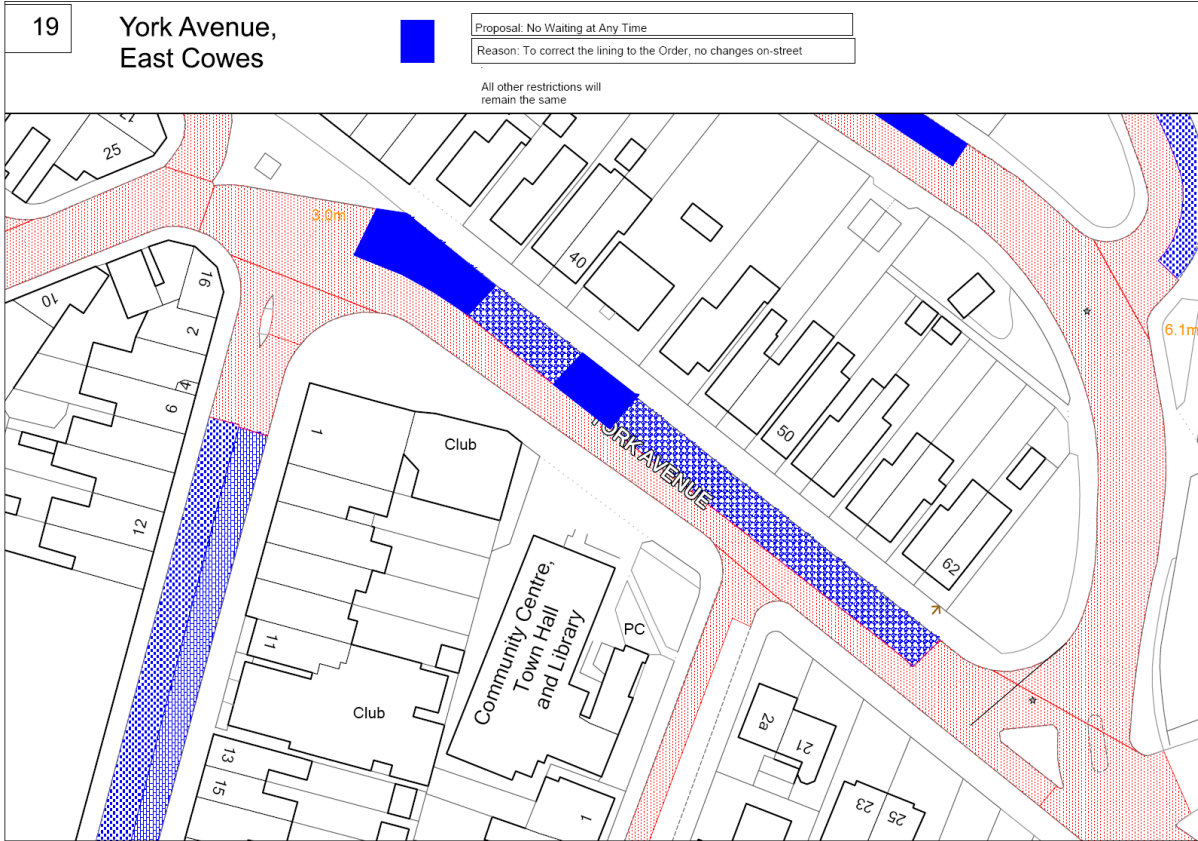
**York Avenue, East Cowes nr Albert Cottage, Support – 0, Object – 0**

<b>17</b>	<p><b>York Avenue, East Cowes</b></p>		<p>Proposal: No Waiting at Any Time Reason: To correct the lining to the Order, no changes on-street</p>
<p>All other restrictions will remain the same</p>			

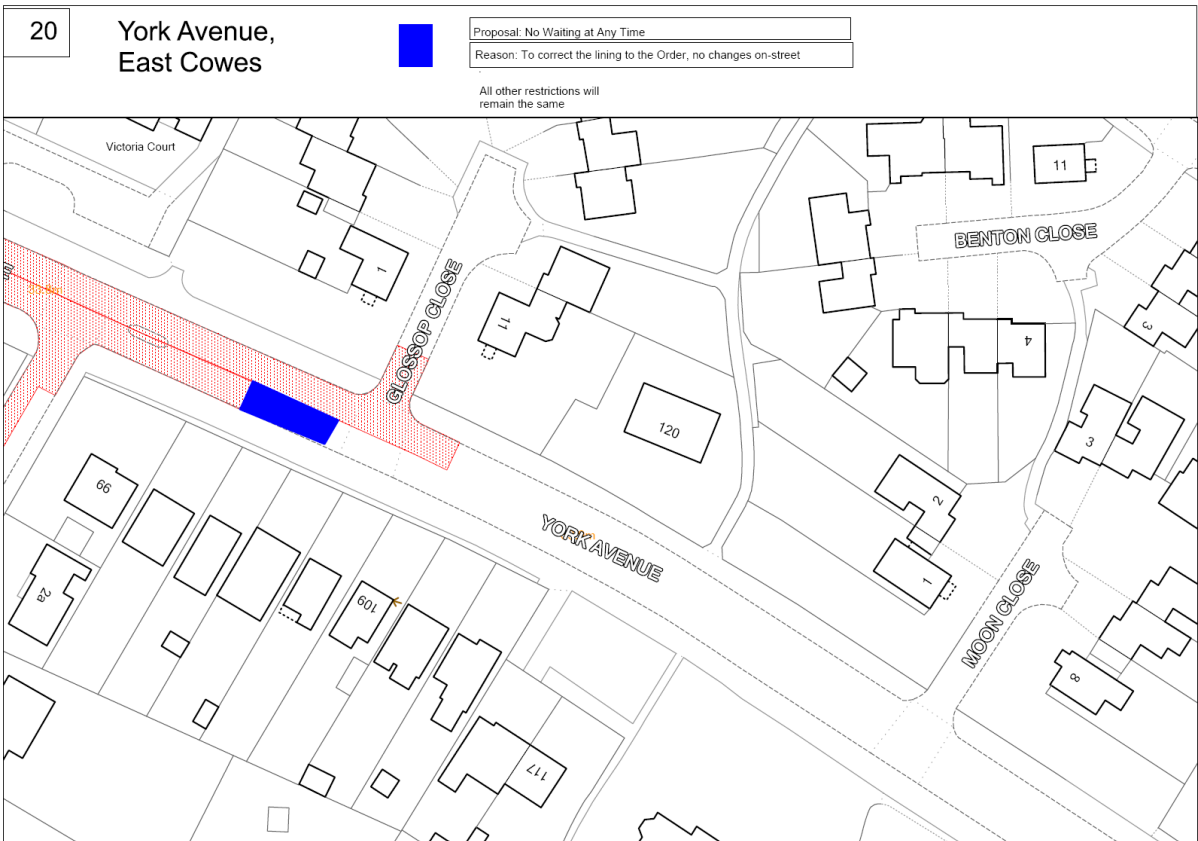
**York Avenue, East Cowes nr Connaught Rd, Support – 0, Object – 1**

<b>18</b>	<p><b>York Avenue, East Cowes</b></p>		<p>Proposal: No Waiting at Any Time Reason: To correct the lining to the Order, no changes on-street</p>
<p>All other restrictions will remain the same</p>			

**York Avenue, East Cowes op Town Hall, Support – 0, Object – 0**



**York Avenue, East Cowes op Glossop CI, Support – 0, Object – 0**



**York Avenue, East Cowes nr Kent Ave, Support – 0, Object – 0**

<b>21</b>	<p><b>York Avenue, East Cowes</b></p>		<p>Proposal: No Waiting at Any Time Reason: To correct the lining to the Order and to aid traffic flow.</p>
<p>All other restrictions will remain the same</p>			

**New Barn Road, Support – 0, Object – 1**

<b>22</b>	<p><b>New Barn Road, East Cowes</b></p>		<p>Proposal: 'No Waiting at Any Time', parking restriction Reason: to prevent parking and allow the free flow of traffic. Note: all other restrictions will remain the same.</p>

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## **Summary of Representations – D1, East Cowes**

Representations – 36 (Support – 6, Objections – 33)

### **1. Acorn Gardens, Support – 1, Object – 2**

Rationale – Improving pedestrians safety, emergency services access, preserving amenities.

Support – Would like No waiting at any tie at both sides of the road.

Objections – The proposed restriction will remove parking space, leaving insufficient parking for residents. Proposal from the objector – IOW Council to offer an alternative parking such as the green at the top of Broadsmith Avenue. To introduce parking on the pavement on one side of the road. To introduce No Waiting restriction on the waste collection days only.

### **2. Adelaide Grove, Support – 0, Object – 0**

### **3. Broadsmith Avenue, Support – 0, Object – 5**

Rationale – Improving pedestrians safety, emergency services access, preserving amenities.

Objections – The proposed restriction will remove parking space, leaving insufficient parking for residents and moving the issue to the surrounding areas. It will cause inconvenience the families with young kids, elderly and disable residents. Proposals from the objectors – IOW Council to widen the junctions instead of covering them with parking restriction; IOW Council to offer an alternative parking, by converting existing green spaces in the area into car parks - such as the green at the top of Broadsmith Avenue. Stop people parking work vehicles in residential areas. IOW Council to introduce an RPZ.

### **4. Cadets Walk, Support – 0, Object – 1**

Rationale – Improving visibility, road safety and traffic flow at junctions.

Objection – The proposed restriction will remove parking space, leaving insufficient parking for residents. Objector's proposal - To introduce No Waiting restriction on the waste collection days only.

### **5. Castle Street, Support – 1, Object – 0**

### **6. Connaught Road, Support – 3, Object – 3**

Rationale – Improving visibility, road safety and traffic flow at junctions.

Objections – The proposed restriction will remove parking space, leaving insufficient parking for residents and moving the issue to the surrounding areas. It will cause inconvenience the families with young kids, elderly and disable residents. The proposal will devalue the properties. Objectors' proposals – remove the no longer needed restriction on Grange Road (school now closed). IOW Council to offer an alternative parking, by buying private land/driveways that are not in use and converting them into public car parks.

**7. Esplanade, Support – 0, Object – 2**

Rationale – To make the existing restriction enforceable.

Objections – The proposed restriction will remove parking space, leaving insufficient parking for hut owners and sea front visitors, and will allow speeding.

**8. Hefford Road, Support – 0, Object – 1**

Rationale – Improving visibility, road safety and traffic flow at junctions.

Objection – The proposed restriction will remove parking space, leaving insufficient parking for the residents.

**9. Kings Road, Support – 0, Object – 1**

Rationale – Improving visibility, road safety and traffic flow at junctions. Improving pedestrians safety, preserving amenities, and waste collection access on the collection day.

Objection – There is no need for this restriction as the residents now park partly on the pavement.

**10. Link Road, Support – 0, Object – 1**

Rationale – To make the existing restriction enforceable.

Objection – The existing restriction is not needed.

**11. Mayfield Road, Support – 1, Object – 0**

**12. Nelson Close, Support – 0, Object – 1**

Rationale – Improving pedestrians safety, emergency services access, preserving amenities.

Objection – The proposed restriction will remove parking space, leaving insufficient parking for residents and moving the issue to the surrounding areas. It will cause inconvenience the families with young kids, elderly and disable residents. Proposal from the objector – IOW Council to widen the junctions instead of covering them with parking restriction; IOW Council to offer an alternative parking, by converting existing green spaces in the area into car parks - such as the green at the top of Broadsmith Avenue. Stop people parking work vehicles in residential areas.

**13. Princess Close, Support – 0, Object – 20**

Rationale – Improving pedestrians safety, emergency services access, preserving amenities.

Objections & Petition (signed by 18 households) – The proposed restriction will remove parking space, leaving insufficient parking for residents and moving the issue to the surrounding areas. It will cause inconvenience the families with young kids, elderly and disable residents. The proposal is not in line with the IOW Council's traffic and parking strategies, giving the predicted population growth on the island; it will have a negative impact



on quality of life for residents, it will devalue their properties. Proposals from the objectors – IOW Council to widen the junctions instead of covering them with parking restriction; IOW Council to offer an alternative parking, by converting existing green spaces in the area into car parks - such as the green at the top of Broadsmith Avenue. To introduce No Waiting restriction on the waste collection days only. Stop people parking work vehicles in residential areas.

**14, 15. Well Road, Support – 0, Object – 1**

Rationale – To make the existing restriction enforceable.

Objection – The existing restriction is ignored as there is a need for deliveries and disabled drivers parking in this location. Objector’s proposal – introduce a loading bay and limited waiting bays instead.

**16. York Avenue, East Cowes nr Marsh Rd, Support – 0, Object – 0**

**17. York Avenue, East Cowes nr Albert Cottage, Support – 0, Object – 0**

**18. York Avenue, East Cowes nr Connaught Rd, Support – 0, Object – 1**

Rationale – To make the existing restriction enforceable.

Objection – The existing restriction is not needed.

**19. York Avenue, East Cowes op Town Hall, Support – 0, Object – 0**

**20. York Avenue, East Cowes op Glossop Cl, Support – 0, Object – 0**

**21. York Avenue, East Cowes nr Kent Ave, Support – 0, Object – 0**

**22. New Barn Road, Support – 0, Object – 1**

Rationale – Improving visibility, road safety and traffic flow at bends and junctions.

Objection – The proposed restriction will remove parking space, leaving insufficient parking for residents and visitors, and moving the issue to the surrounding areas. Proposal from the objector – allow parking from the Royal Entrance to No 12 Newbarn Road.

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**Stage 1 Equality Impact Assessment – Initial Screening**

<b>Assessor(s) Name(s):</b>	Scott Headey - Deputy Strategic Manager Highways and Transportation, Highways PFI Contract Management Team
<b>Directorate:</b>	Neighbourhoods
<b>Date of Completion:</b>	29 September 2021

**Name of Policy/Strategy/Service/Function Proposal**

Implementation of **The Isle of Wight Council (Various Streets, East Cowes) (Traffic Regulation) Order No 1 2021**, introducing amendments to the traffic management in some locations in East Cowes, to accommodate the safe movement of the traffic and all other road users of the highway by removing the inappropriate parking, in order to increase visibility, create passing points, free up footways, and in some cases – ensure emergency vehicles access.

**The Aims, Objectives and Expected Outcomes:**

Traffic Regulation Orders are progressed in accordance with the Local Authority's Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996.

These restrictions were proposed to facilitate the passage on the road or any other road of any class of traffic (including pedestrians) and for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.

Please delete as appropriate:

- This is a new strategy

<b>Key Questions to Consider in Assessing Potential Impact</b>	
Will the strategy have a negative impact on any of the protected characteristics or other reasons that are relevant issues for the local community and/or staff?	<b>No</b>
Has previous consultation identified this issue as important or highlighted negative impact and/or we have created a "legitimate expectation" for consultation to take place? A legitimate expectation may be created when we have consulted on similar issues in the past or if we have ever given an indication that we would consult in such situations	<b>Yes</b>
Do different groups of people within the local community have different needs or experiences in the area this issue relates to?	<b>Yes</b>
Could the aims of these proposals be in conflict with the council's general duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not?	<b>No</b>
Will the proposal have a significant effect on how services or a council function/s is/are delivered?	<b>No</b>
Will the proposal have a significant effect on how other organisations operate?	<b>No</b>
Does the proposal involve a significant commitment of resources?	<b>No</b>
Does the proposal relate to an area where there are known inequalities?	<b>No</b>
<p>If you answer <b>Yes</b> to any of these questions, it will be necessary for you to proceed to a full Equality Impact Assessment after you have completed the rest of this initial screening form.</p> <p>If you answer <b>No</b> to all of these questions, please provide appropriate evidence using the table below and complete the evidence considerations box and obtain sign off from your Head of Service.</p>	

Protected Characteristics	Positive	Negative	No impact	Reasons
Age	X	X		A risk has been identified to pedestrians, drivers, cyclists and free movement of traffic. The proposal is aiming to ensure safety for all road users, whilst securing the movement of the traffic. Whilst the proposal removes a small number of parking spaces and some homeowners may not be able to park directly in front of their properties, the new restriction will allow picking up and dropping off passengers, as well as loading and unloading of goods. In some cases, priority needs to be given to the road safety and movement of traffic, over preservation of parking spaces. Some of the proposals are designed to ensure much needed access for emergency vehicles, which is likely to benefit people covered by this protected characteristic. The Authority will monitor the impact of the changes and review the restrictions if necessary.
Disability	X	X		A risk has been identified to pedestrians, drivers, cyclists and free movement of traffic. The proposal is aiming to ensure safety for all road users, whilst securing the movement of the traffic. Whilst the proposal removes a small number of parking spaces and some homeowners may not be able to park directly in front of their properties, the new restriction will allow picking up and dropping off passengers, as well as loading and unloading of goods. In some cases, priority needs to be given to the road safety and movement of traffic, over preservation of parking spaces. Some of the proposals are designed to ensure much needed access for emergency vehicles, which is likely to benefit people covered by this protected characteristic. The Authority will monitor the impact of the changes and review the restrictions if necessary.
Gender Reassignment	X			The proposal is not considered to have detrimental effect on persons covered by this protected characteristic. It is considered to have a positive impact on them, providing


				increased visibility when crossing the road at junctions and bends, ensuring emergency vehicles access.
Marriage & Civil Partnership	X			The proposal is not considered to have detrimental effect on persons covered by this protected characteristic. It is considered to have a positive impact on them, providing increased visibility when crossing the road at junctions and bends, ensuring emergency vehicles access.
Pregnancy & Maternity	X			The proposal is not considered to have detrimental effect on persons covered by this protected characteristic. It is considered to have a positive impact on them, providing increased visibility when crossing the road at junctions and bends, ensuring emergency vehicles access.
Race	X			The proposal is not considered to have detrimental effect on persons covered by this protected characteristic. It is considered to have a positive impact on them, providing increased visibility when crossing the road at junctions and bends, ensuring emergency vehicles access.
Religion / Belief	X			The proposal is not considered to have detrimental effect on persons covered by this protected characteristic. It is considered to have a positive impact on them, providing increased visibility when crossing the road at junctions and bends, ensuring emergency vehicles access.
Sex (male / female)	X			The proposal is not considered to have detrimental effect on persons covered by this protected characteristic. It is considered to have a positive impact on them, providing increased visibility when crossing the road at junctions and bends, ensuring emergency vehicles access.
Sexual Orientation	X			The proposal is not considered to have detrimental effect on persons covered by this protected characteristic. It is considered to have a positive impact on them, providing increased visibility when crossing the road at the junction.

<b>Are there aspects of the proposal that contribute to or improve the opportunity for equality?</b>	<b>Yes/No</b>
<i>If answered Yes, describe what these are and how they may be promoted or enhanced</i>	

The proposal is aiming to ensure safety for all road users, whilst securing the movement of the traffic, by removing the inappropriate parking in order to increase visibility, create passing points, and free up footways. This will make crossing the roads easier and safer for all pedestrians, including elderly and disable people.

### Evidence Considered During Screening

Through the formal consultation exercise from 14/05/2021 to 18/06/2021, the opportunity to provide comment and representation on the proposals was provided. 36 letters of representation were received during the consultation process and these have been considered by the Highway Authority. In summary, the representations included six (6) statements of support and 33 objections – all objections on the grounds of potential loss of parking spaces. All representations have been fully considered in the Cabinet Report.

Head of Service Sign off:	Scott Headey - Deputy Strategic Manager Highways and Transportation, Highways PFI Contract Management Team 
Advice sought from Legal Services (Name)	Judy Mason - Strategic Manager of Human Resources and Employment Lawyer
Date	29 September 2021

### Stage 2 Full Equality Impact Assessment

<b>Assessor(s)Name(s):</b>	Scott Headey - Deputy Strategic Manager Highways and Transportation, Highways PFI Contract Management Team
<b>Directorate:</b>	Neighborhoods
<b>Date of Completion:</b>	29 September 2021

### Name of Policy/Strategy/Service/Function Proposal

Implementation of **The Isle of Wight Council (Various Streets, East Cowes) (Traffic Regulation) Order No 1 2021**, introducing amendments to the traffic management in some locations in East Cowes, to accommodate the safe movement of the traffic and all other road users of the highway by removing the inappropriate parking, in order to increase visibility, create passing points, free up footways, and in some cases – ensure emergency vehicles access.

### **The Aims, Objectives and Expected Outcomes:**

Traffic Regulation Orders are progressed in accordance with the Local Authority's Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996.

These restrictions were proposed to facilitate the passage on the road or any other road of any class of traffic (including pedestrians) and for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.

### **Scope of the Equality Impact Assessment**

The Council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it.

Due regard to the Council's responsibilities under the Equality Act 2010 has been given, considering the potential impact of this proposal on the protected characteristic.



## **Analysis and assessment**

The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. A small number of parking spaces will be removed and some elderly or disabled residents may not be able to always park in front of their properties.

At the same time, the proposal is aiming to ensure safety for all road users, whilst securing the movement of the traffic, by removing the inappropriate parking in order to increase visibility, create passing points, and free up footways. Some of the proposals are designed to ensure much needed access for emergency vehicles, which is likely to benefit the protected characteristics. This will make crossing the roads easier and safer for all pedestrians, including elderly and disable people.

In addition, the new restriction will allow picking up and dropping off passengers, as well as loading and unloading of goods. In some cases, priority needs to be given to the road safety and movement of traffic, over preservation of parking spaces.

## **Recommendations**

To implement the restrictions as proposed.

The Authority will monitor the impact of the changes and review the restrictions if necessary.

## Action/Improvement Plan


The table below should be completed using the information from your equality impact assessment to produce an action plan for the implementation of the proposals to:

1. Remove or lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact  (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Age	Negative and positive	Negative - The proposal can lead to some elderly drivers sometimes parking away from their homes, and therefore walking longer distance than previously.	Positive – the proposal will make crossing the road easier and safer for all pedestrians, including elderly people. Emergency assess will be available 24/7.	The new restriction will allow picking up and dropping off passengers, as well as loading/unloading. The Authority will monitor the impact of the changes and review the restrictions if necessary.
Disability	Negative and positive	Negative - The proposal can lead to some elderly drivers parking away from their homes sometimes, and therefore walking longer distance than previously.	Positive – the proposal will make crossing the road easier and safer for all pedestrians, including elderly people. Emergency assess will be available 24/7.	The new restriction will allow picking up and dropping off passengers, as well as loading/unloading. The Authority will monitor the impact of the changes and review the restrictions if necessary
Gender Reassignment	Positive	No	No	The proposal will provide increased visibility when crossing the road at junctions and bends, and will allow emergency vehicles access.
Marriage & Civil Partnership	Positive	No	No	The proposal will provide increased visibility when crossing the road at

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact <b>(NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)</b>
				junctions and bends, and will allow emergency vehicles access.
Pregnancy & Maternity	Positive	No	No	The proposal will provide increased visibility when crossing the road at junctions and bends, and will allow emergency vehicles access.
Race	Positive	No	No	The proposal will provide increased visibility when crossing the road at junctions and bends, and will allow emergency vehicles access.
Religion / Belief	Positive	No	No	The proposal will provide increased visibility when crossing the road at junctions and bends, and will allow emergency vehicles access.
Sex (male or female)	Positive	No	No	The proposal will provide increased visibility when crossing the road at junctions and bends, and will allow emergency vehicles access.
Sexual Orientation	Positive	No	No	The proposal will provide increased visibility when crossing the road at junctions and bends, and will allow emergency vehicles access.
HR & workforce issues	Positive	No	No	The proposal will provide increased visibility when crossing the road at junctions and bends, and will allow emergency vehicles access.
Human Rights implications if relevant	Positive	No	No	The proposal will provide increased visibility when crossing the road at junctions and bends, and will allow emergency vehicles access.

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact <b>(NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)</b>
Please remember - actions should have SMART targets and be reported to the Diversity Board (this should be done via your Directorate representative) and incorporated into your service/team Plans and /or objectives of key staff				

<b>Summary</b>	
<b>Date of Assessment:</b>	29 September 2021
<b>Signed off by Head of Service/Director</b>	Jayne Dando Strategic Manager – Highways & Transportation 
<b>Review date</b>	One year after sealing the order
<b>Date published</b>	8 December 2021

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Purpose: For Decision



## Cabinet report

Date	<b>16 DECEMBER 2021</b>
Title	<b>THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, COWES), (TRAFFIC REGULATION) ORDER NO 1 2021</b>
Report of	<b>CABINET MEMBER FOR HIGHWAYS PFI, TRANSPORT AND INFRASTRUCTURE</b>

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### EXECUTIVE SUMMARY

1. Proposed Traffic Regulation Order (TRO) - **THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, COWES) (TRAFFIC REGULATION) ORDER NO 1 2021**
2. This report provides the details of recommendation for introducing new parking restrictions, and making some of the existing parking restrictions enforceable, in various locations in Cowes, as detailed in Appendix 1.
3. The proposals are aiming to ensure safety for all road users, whilst securing the emergency services' access and the movement of the traffic – by removing the inappropriate parking in order to increase visibility, create passing points, and free up footways.

### RECOMMENDATION

4. Option 1: To approve the proposed restrictions that are subject to this report in relation to THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, COWES) (TRAFFIC REGULATION) ORDER NO 1 2021 as proposed.

### BACKGROUND

5. The Isle of Wight Council (IOWC), as a Local Highway Authority, has a duty to ensure the expeditious and safe movement of people, services, and goods on the island's highway.
6. Various requests for changes on the network, from residents, businesses, Parish / Town Councils and Ward Cllrs, are submitted daily to Island Roads (IR). All requests are assessed and prioritised by the Island Roads' highway engineers, applying appropriate engineering methods, traffic (collision) data, and potential impact on the road safety.

7. As a result, improvements that will enhance safety on the highway are identified each year, implementing of which would require review of the existing parking restrictions, traffic flow direction, and possibly width / weight restrictions.
8. The Council has previously adopted a two-year cycle of rolling reviews, called Traffic Regulation Order (TRO) reviews. The island was divided into six virtual areas known as Districts, and the aim is three districts to be reviewed each year – ensuring that the whole Island will be reviewed using similar strategic approach and that the traffic regulations across the Island remain consistent.
9. In this occasion, all requests for Cowes in District 1 were assessed and respective proposals were designed by IR's highways engineers and TRO technician, ready for Consultation at the end of March 2020. The proposals were prioritised and agreed with the PFI Contract Management Team (CMT) in line with the IOWC's obligations as a Local Highway Authority. In some locations priority was given to the road safety and movement of traffic, including pedestrian traffic, over preservation of parking spaces.

### STRATEGIC CONTEXT

10. The proposed new regulations are in line with the IOWC's Corporate Plan 2021-25 and more specifically with its vision and clear aim to work together openly and with our communities to support and sustain our economy, environment and people.
11. Some of the key priorities in the new plan, that this report is supporting are: Listen to people; Work with the Parish and Town Councils; Encourage Sustainable transport and Active travel; Complete Island wide speed assessment; Develop Island wide Parking Strategy.
12. The recommendation will also have a positive impact on the aim to protect island's community, as the safety of all road users plays a big role in citizens' wellbeing on a daily basis – as pedestrians, drivers, cyclists and public transport users.

### CONSULTATION

13. Under normal circumstances, the CMT alongside Island Roads, would have conducted an Informal Consultation by holding an exhibition of the proposals in the Town Hall. Due to the unforeseen start of the pandemic and related lockdowns at the time, the consultation was delayed and as a mitigation, a direct engagement was sought with the Town Council and Ward Councillors online and on site, as soon as the social distancing restrictions allowed - from August 2020 to January 2021.
14. Following the legal TRO making process and its requirement for a Formal Consultation, a public Notice, outlining the proposals and inviting public comments, was published in the Isle of Wight County Press on 14 May 2021. Notices and plans were also displayed on-street for a period of 35 days, which



is two weeks longer than the legally required 21 days. The closing date for representations was 18 June 2021.

15. The total number of representations received during the consultation period was 23, containing eight supporting views and 22 objections to various proposals; most objections were made on similar grounds – loss of parking space.
16. Summaries of the objections, broken down by location, are detailed in Appendix 2.

#### FINANCIAL / BUDGET IMPLICATIONS

17. The total estimated cost of making of the TRO and implementing the recommended changes on the highways would be approx. £7,916.22 excl. VAT, the estimated maintenance cost for the next 18 years would be approx. £18,229.28 excl. VAT.
18. All costs will be covered by the IOWC's Capital budget for highways.
19. The recommended option would have a positive financial impact by reducing the potential liability issues for the IOWC as a Highway Authority, should collision occur in the locations in need of safety improvement, as identified in the proposals.

#### IMPACT ON YOUNG PEOPLE AND FUTURE GENERATIONS

20. In long term, the recommended decision is likely to have a positive impact on young people and future generations health, as the proposed parking restrictions encourage more residents to walk, cycle, or use public transport.

#### CLIMATE, ENVIRONMENT & UNESCO BIOSPHERE IMPACT

21. The recommended decision is likely to have a positive impact on Island's environment, by reducing the carbon emissions over time, as the proposed parking restrictions encourage use of more sustainable means of transport.

#### LEGAL IMPLICATIONS

22. The Statutory Authority for making new TROs is contained within the Road Traffic Regulation Act 1984.
23. Orders are progressed in accordance with the Local Authority's Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996.
24. The council is under a duty pursuant to Section 16 of the Traffic Management Act 2004 to manage their road network, whilst having regard to their other obligations, policies and objectives at the same time, with a view to facilitate the passage on the road or any other road of any class of traffic (including

pedestrians) and for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.

25. Thorough consideration has been given to the factors set out in Section 122 of the Road Traffic Regulation Act 1984 in proposing these traffic orders.
26. Section 122 requires the local authority to secure the expeditious, convenient and safe movement of traffic (including pedestrians) and the provision of adequate parking facilities. In carrying out this exercise the council must have regard to the:
  - (a) desirability of securing and maintaining reasonable access to premises;
  - (b) the effect on the amenities of any locality effected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the road(s) run;
  - (c) any strategy prepared under section 80 of the Environment Act 1995 (the national air quality strategy);
  - (d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles;
  - (e) any other matters appearing to the local authority to be relevant.
27. Regulation 13 of the 1996 Regulations confirms that before making an order, the traffic authority shall consider all objections duly made to the TROs that have not been withdrawn.
28. All representations were placed for consideration before the IoWC's Highways and Transportation Senior Managers. A summary of all objections containing the rationales behind the objected proposals, are attached to this report as Appendix 2, for further consideration by the IoWC's Cabinet.

## EQUALITY AND DIVERSITY

29. The Council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
30. Under the Equality Act 2010 the Council is required to have due regard to its equality duties when making decisions, reviewing services, undertaking projects, developing and reviewing policies.

31. Due regard to the Council's responsibilities under the Equality Act 2010 has been given at the formative stage of this proposal. An Equality Impact Assessment (EIA) form has been completed in Appendix 3.

### OPTIONS

32. Option 1: To approve the restrictions that are subject to this report in relation to THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, COWES) (TRAFFIC REGULATION) ORDER NO 1 2021 as proposed.
33. Option 2: To approve the proposed restrictions that are subject to this report in relation to THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, COWES) (TRAFFIC REGULATION) ORDER NO 1 2021 with amendments – to abandon some of the restrictions, and to implement the rest of the restrictions as proposed.
34. Option 3: To not approve the proposed restrictions that are subject to this report in relation to THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, COWES) (TRAFFIC REGULATION) ORDER NO 1 2021 and to abandon the proposal as a whole.

### RISK MANAGEMENT

35. A risk has been identified to pedestrians, drivers, emergency assess and free movement of traffic.
36. The proposals are aiming to ensure safety for all road users by removing the inappropriate parking in order to increase visibility, create passing points, and free up footways.
37. In some locations priority was given to the road safety and movement of traffic, including pedestrian traffic, over preservation of parking spaces.
38. The proposed changes would reduce the available parking space in some locations, thus resulting in less parking space than the number cars which currently park there.
39. The Authority will monitor the impact of the changes and review the restrictions if necessary.
40. Residents are encouraged to consider more sustainable ways of traveling such as walking, cycling and public transport, which would reduce the number of cars per household. Introducing Residents Parking Schemes could also help with removing the commuter's parking in residential areas.

### EVALUATION

41. Option 2: To approve the proposal with amendments, abandoning some of the restrictions and implementing the rest of them – this option was discounted,

despite the high number of objections on the grounds of losing parking space in some of the locations, as the highways safety engineers in Island Roads considered the proposed new regulations to be essential on grounds of safety.

42. Option 3: To not approve the proposal – this option was discounted because a risk has been identified to pedestrians, drivers, emergency assess and free movement of traffic, and the IOWC as a Local Highway Authority, has a duty to ensure the expeditious and safe movement of people, services, and goods on the island’s highway.

#### APPENDICES ATTACHED

43. Appendix 1 – Proposed parking restrictions
44. Appendix 2 – Summary of objections
45. Appendix 3 – Equality Impact Assessment

#### BACKGROUND PAPERS

46. Local Authority’s Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996 - attached.

Contact Point: Scott Headey, Deputy Strategic Highways and Transportation Manager, ☎ 821000 e-mail [scott.headey@iow.gov.uk](mailto:scott.headey@iow.gov.uk)

COLIN ROWLAND  
*Director of Neighbourhoods*

CLLR PHIL JORDAN  
*Cabinet Member for Highways PFI, Transport and Infrastructure*



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**TRO Proposal and maps – D1, Cowes****THE ISLE OF WIGHT COUNCIL  
(VARIOUS STREETS, COWES)  
(TRAFFIC REGULATION)  
ORDER NO 1 2021**

Notice is hereby given that the Isle of Wight Council in exercise of their powers under section 1(1), 2(1) (2) of the Road Traffic Regulation Act 1984 as amended ('the Act' of 1984), part 4 of Schedule 9 to the act of 1984, and of all other enabling powers and after consultation with The Chief Officer of Police in accordance with Part 3 of Schedule 9 to the Act of 1984 propose to make an order the effect of which will be to:

1. To enact the provisions contained therein subject to the following amendments:
  - a. To introduce 'No Waiting at Any Time' parking restriction in the following length of road:

Ash Grove, cul-de-sac, Cowes, on both sides, from its junction with Ash Grove, for its entire length.

Cotton Close, on the west side, from its junction with Seaview Road, to the end of the highway, to include both turning areas.

Cotton Close, on the east side, from its junction with Seaview Road to a point 7.5 metres north thereof

Cotton Close, on the east side, from a point 22.5 metres north of Seaview Road to the end of the highway.

Crossfield Avenue, on the north-west side, from a point 16.5 metres south-west to a point 53.5 metres south-west of its junction with Ward Avenue.

Crossfield Avenue, on the south-east side, from a point 50.5 metres south-west to a point 101 metres south-west of its junction with Ward Avenue.

Fellows Road, on the south-east side, from a point 6 metres north-east to a point 6 metres south-west of its junction with Grove Road

Fellows Road, on the north-west side, from a point 6 metres north-east to a point 10 metres south-west of its junction with Grove Road

Grove Road, on both sides, from its junction with Mill Hill Road to a point 6.5 metres north-west thereof,

Grove Road, on both sides, from its junction with Fellows Road to a point 6.5 metres south-east thereof.

Medina Road, on the north-east side, from a point 31.5 metres south-east to a point 57 metres south-east of its junction with Langley Road.

Mill Hill Road, on the north-west side, from a point 6 metres north-east to a point 10 metres south-west of its junction with Grove Road.

Newport Road, on both sides, from its junction with Three Gates Road to a point 151 metres north-east thereof.

Newport Road, on the south side, from a point 130 metres west to a point 196 metres west of its junction with Mill Hill Road.

Newport Road, on the north side, from a point 45 metres north-east to a point 37.5 metres west of its junction with Arctic Road.

Newport Road, on the west side, from a point 14 metres north of its junction with Milton Road to a point 27 metres north of its junction with Smithards Lane.

Newport Road, on the west side, from a point 35.5 metres south to a point 57 metres south of its junction with Bellevue Road.

Newport Road, on the west side, from a point 78.5 metres south to a point 120.5 metres south of its junction with Bellevue Road.

Newport Road, on the east side from a point 38.5 metres south to a point 44 metres south of its junction with Arctic Road.

Newport Road, on the west side from a point 62 metres north to a point 68.5 metres north of its junction with Bellevue Road.

Place Road, on the north-east side, from a point 7.5 metres south to a point 83.5 metres south of its junction with Place Road

Place Road, on the north-east side, from a point 16 metres north to a point 141 metres north of its junction with Place Road

Place Road, on the north-east side, from a point 161.5 metres north-west to a point 186.5 metres north-west of its junction with Place Road.

Place Road, on the north-east side, from a point 153.5 metres south-east to a point 172 metres south-east of its junction with Park Road

Place Road, on the north-east side, from a point 75.5 metres south-east to a point 84 metres south-east of its junction with Park Road.

Place Road, on the south-west side, from a point 25 metres south-east of its junction with Park Road to a point 149 metres south-east of its junction with Deauville Avenue.

Place Road, on the north side, from its junction with Place Road to a point 19 metres east thereof.

Place Road, on the south side, from its junction with Place Road to a point 15 metres east thereof.

Stanley Road, on both sides, from its junction with Tennyson Road to a point 8.5 metres west thereof.



Tennyson Road, on the west side, from a point 8 metres north to a point 7 metres south of its junction with Stanley Road.

- b. To introduce 'No Waiting at Any Time / No Loading 0800 to 0900 and 1430 to 1630' parking restriction on the following length of road:

Baring Road, on the east side, from a point 47 metres north to a point 349 metres north of its junction with Crossfield Avenue.

- c. To introduce 'Limited Waiting 30 Minutes, No return Within 30 Minutes, Monday to Saturday, 8am to 6pm, in the following lengths of road:

Park Road, on the south-east side, from a point 10 metres north-east to a point 20 metres north-east of its junction with Princes Street

- d. To revoke, 'No Waiting at Any Time' parking restriction, in the following lengths of road:

Baring Road, on the north side, from a point 17 metres west to a point 45 metres west of its junction with Castle Hill.

Newport Road, on the west side, from a point 14.5 metres north to a point 41.5 metres north of its junction with Stephenson Road.

Newport Road, on the west side from a point 15.5 metres south to a point 35.5 metres south of its junction with Bellevue Road.

Queens Road, on the south side, from a point 9 metres east to a point 84 metres east of its junction with Egypt Hill.

- e. To revoke, 'Limited Waiting, 30 Minutes No Return Within 30 Minutes, Monday to Saturday', in the following length of road:

Park Road, on the south-east side, from a point 20 metres north-east to a point 31.5 metres north-east of its junction with Princes Street.

- f. To revoke 'No Waiting / No Loading at any time, in the following lengths of road:

Park Road, on the south-east side, from a point 10 metres north-east to a point 20 metres north-east of its junction with Princes Street.

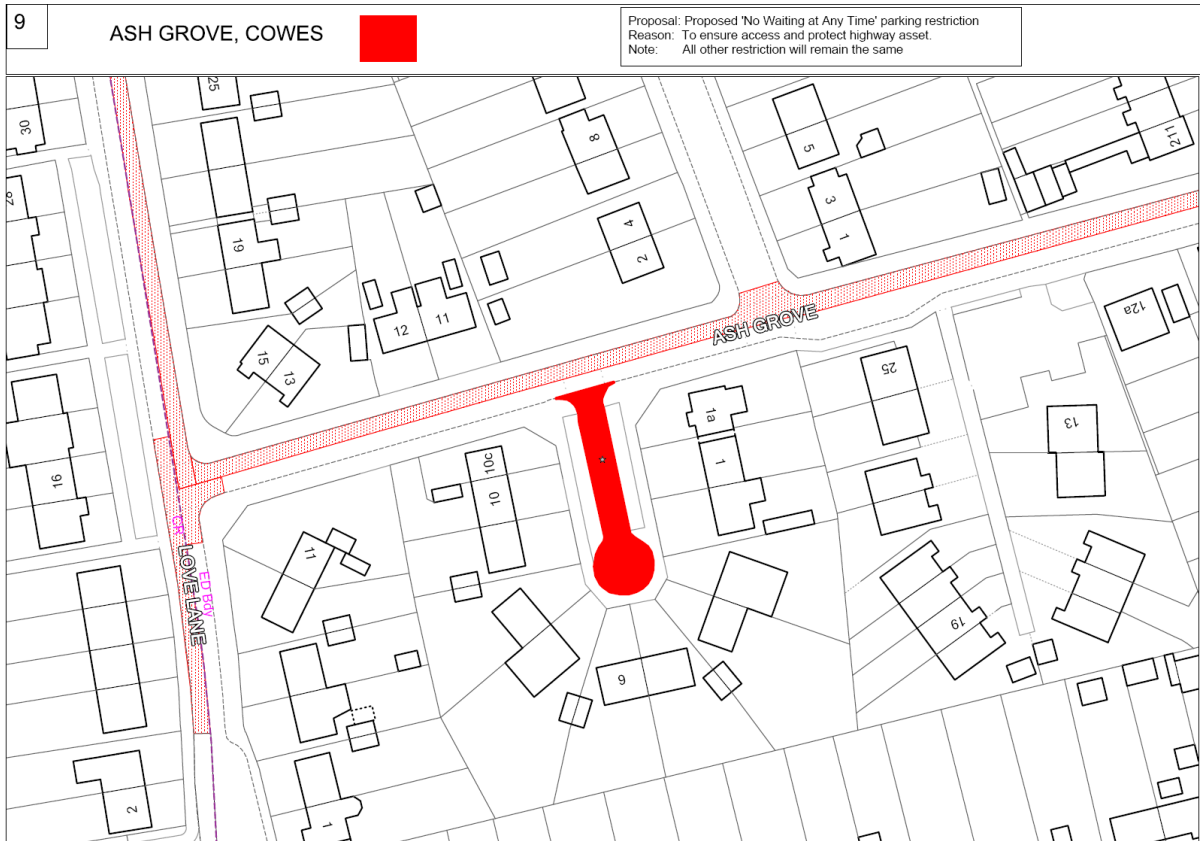
The amendments are being proposed to facilitate the passage on the road or any other road of any class of traffic (including pedestrians) and for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising;

A copy of the draft Order, this Notice and the relevant plan may be inspected between normal office hours at the Customer Service Centre, County Hall, Newport, Isle of Wight during the objection period. If you wish to object to the proposal contained in this notice you should send the grounds for your objection, in writing, to Scott Headey – Traffic Manager, St Christopher House, 42 Daish Way, Newport, Isle of Wight, PO30 5XJ, [highways-pfi@iow.gov.uk](mailto:highways-pfi@iow.gov.uk), not later than 12 noon on Friday 18 June 2021.

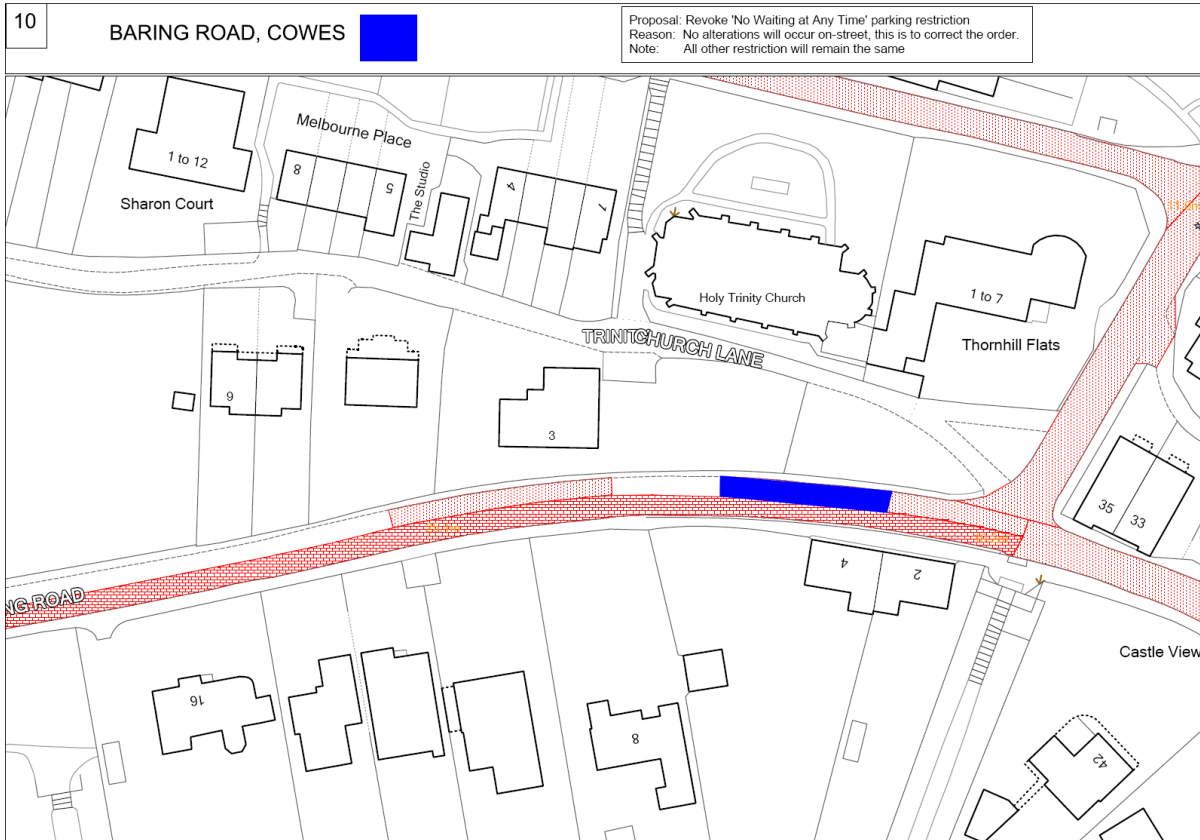
Scott Headey - Deputy Strategic Manager – Highways and Transportation / Traffic Manager

14 May 2021

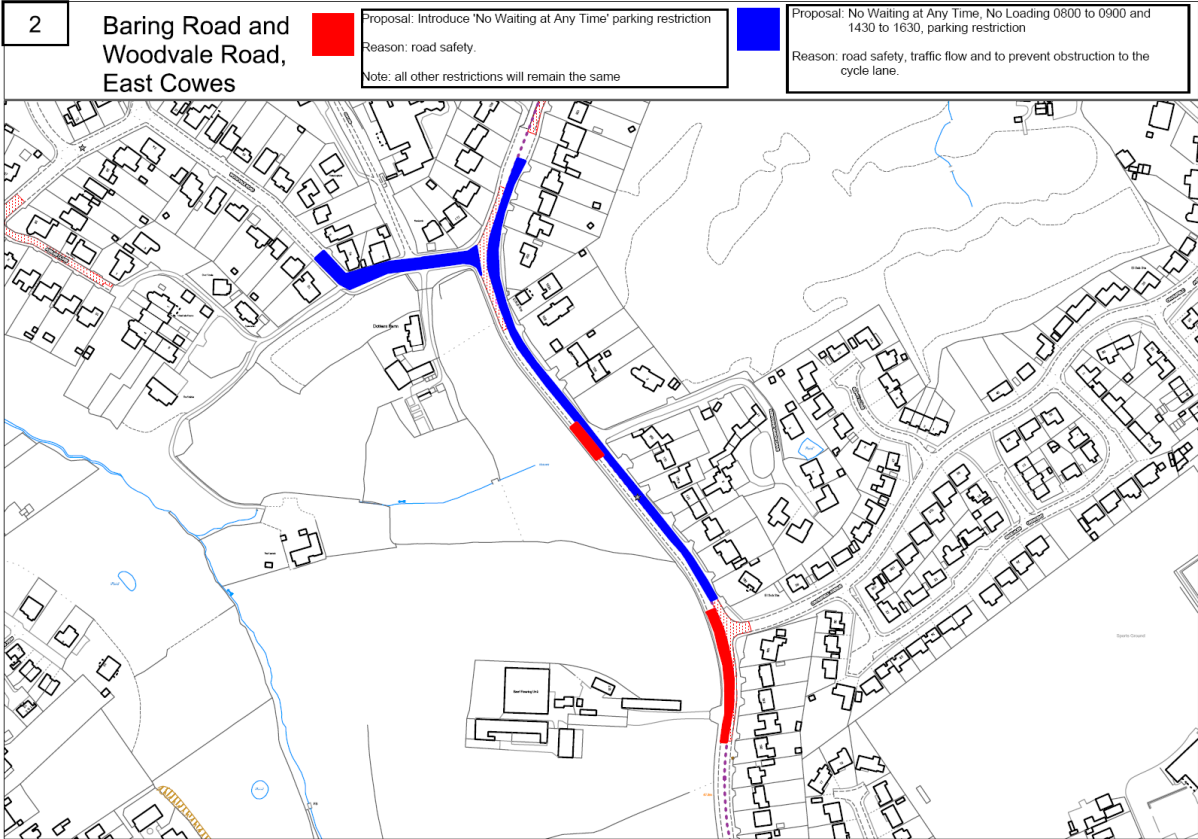
**Ash Grove, Support – 0, Object – 6**



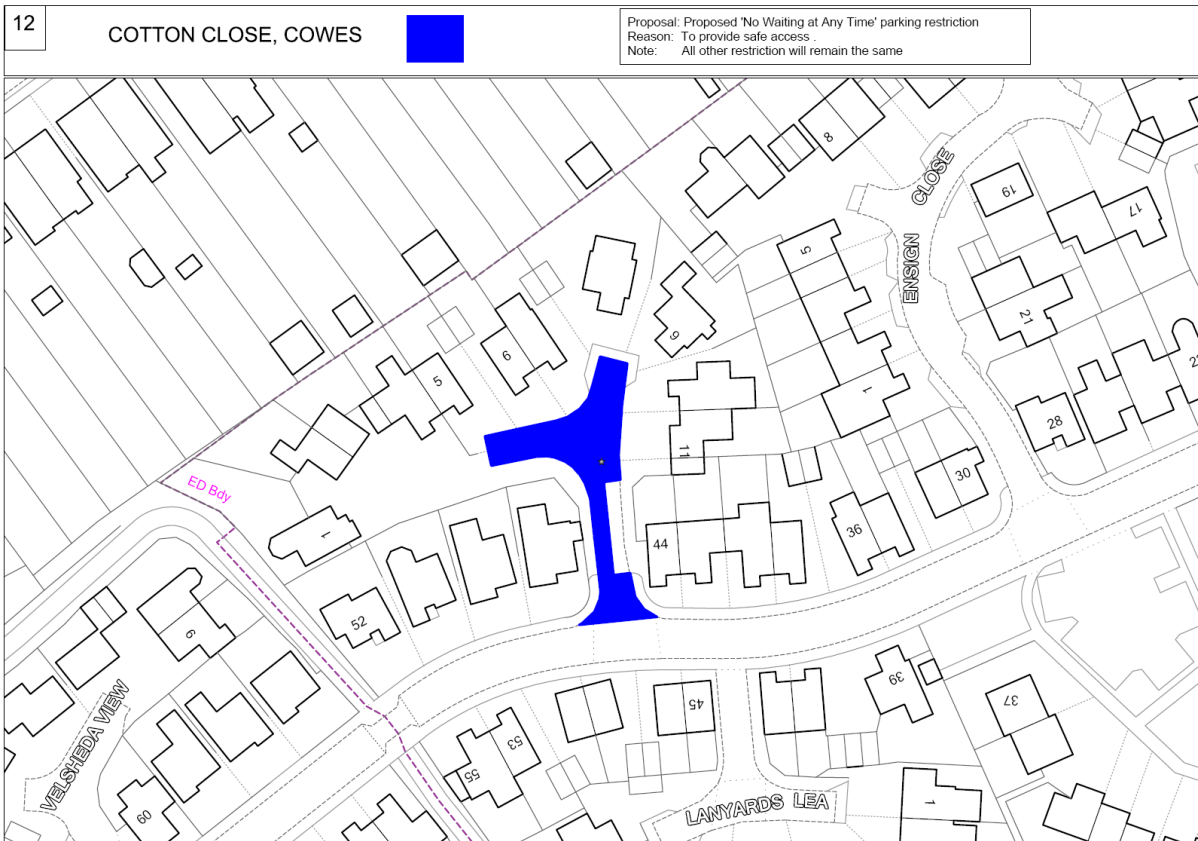
**Baring Road near Castle Hill, Support – 1, Object – 0**



**Baring Road & Woodvale Road, Support – 2, Object – 1**

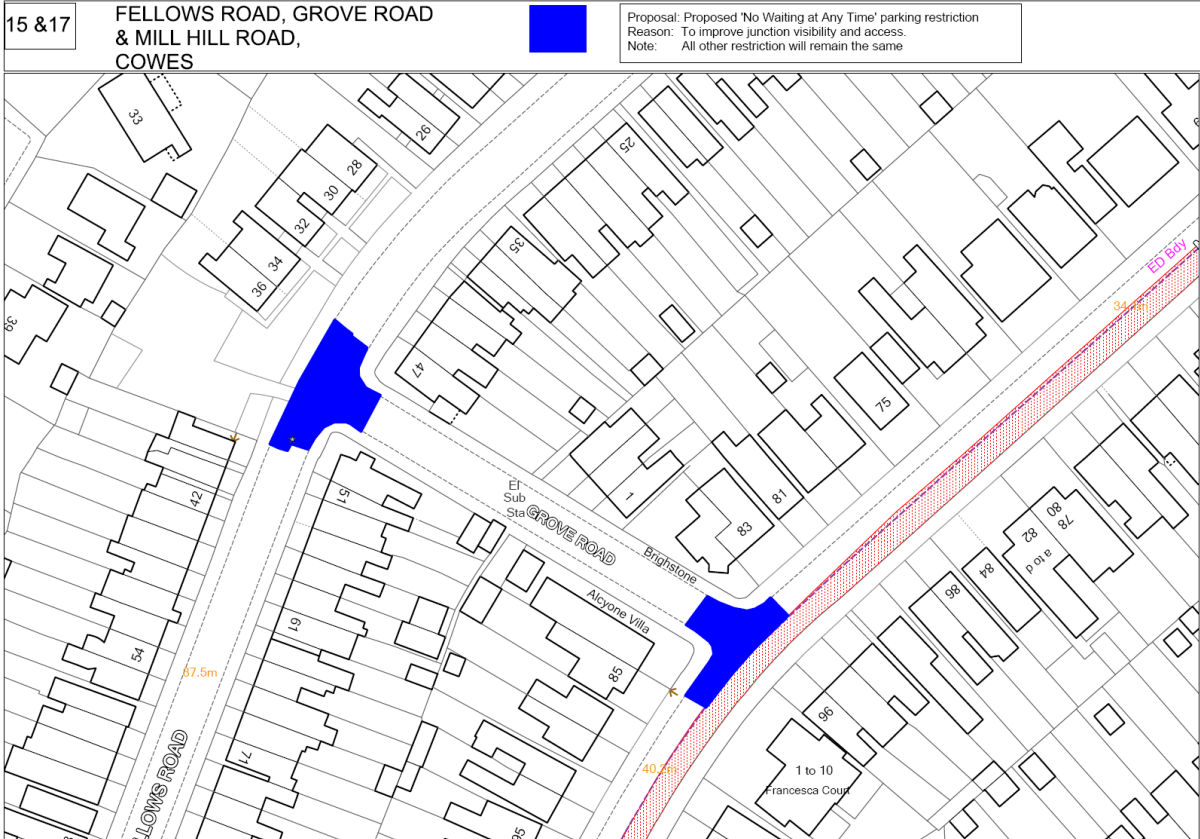


**Cotton Close, Support – 1, Object – 2**

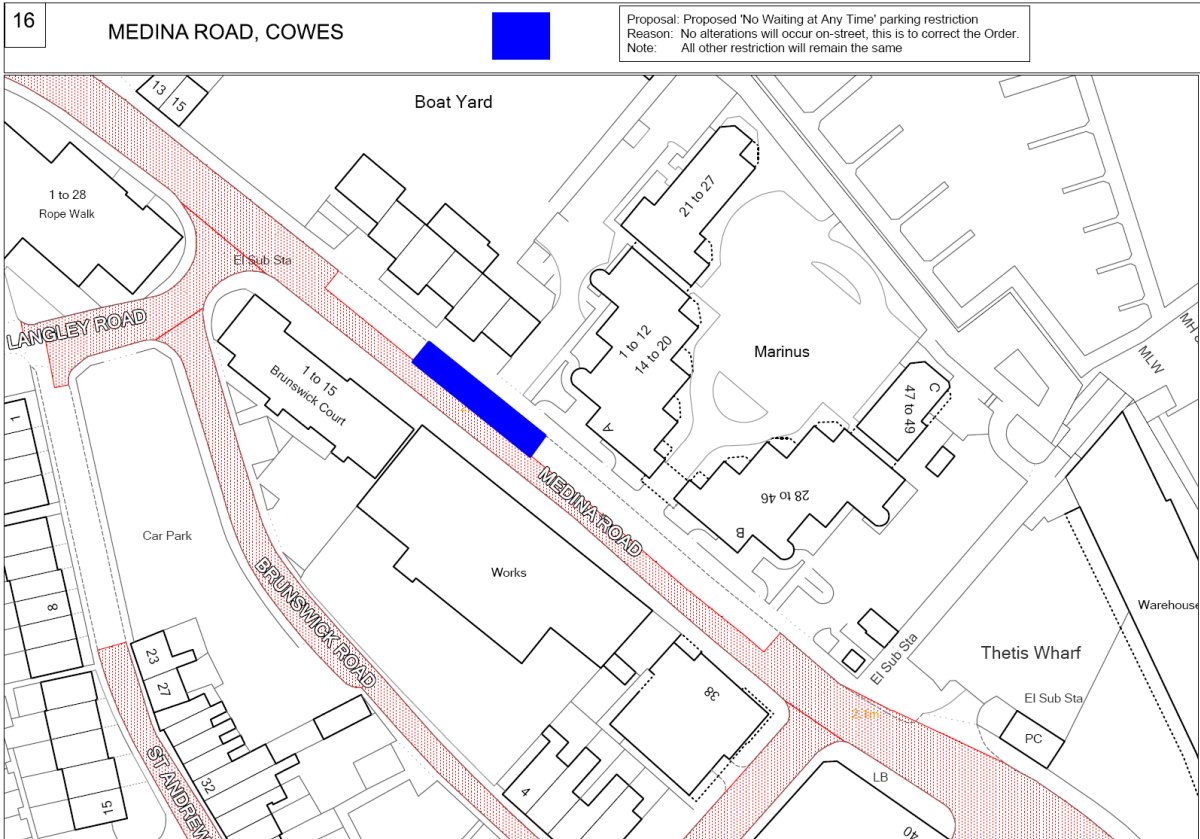




**Fellows Rd, Grove Rd & Mill Hill Rd, Support – 0, Object – 2**

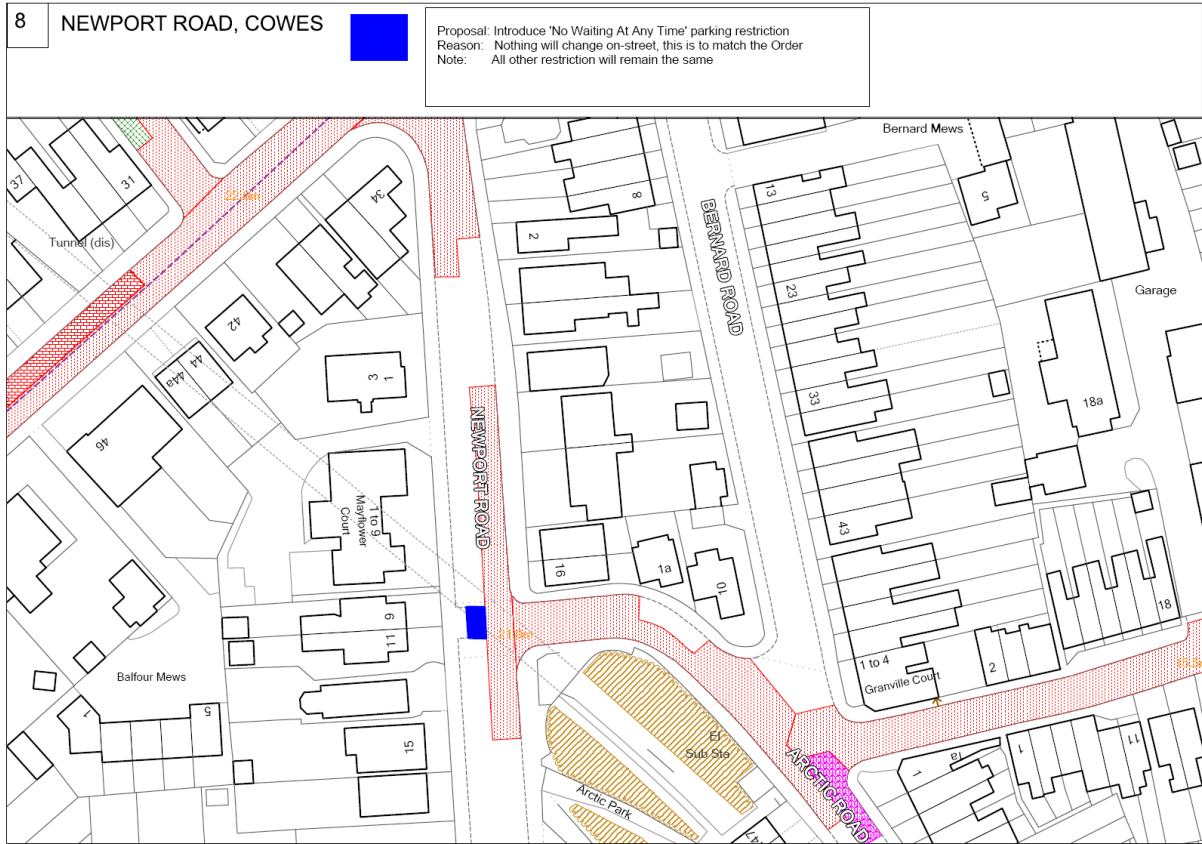


**Medina Road, Support – 0, Object – 1**

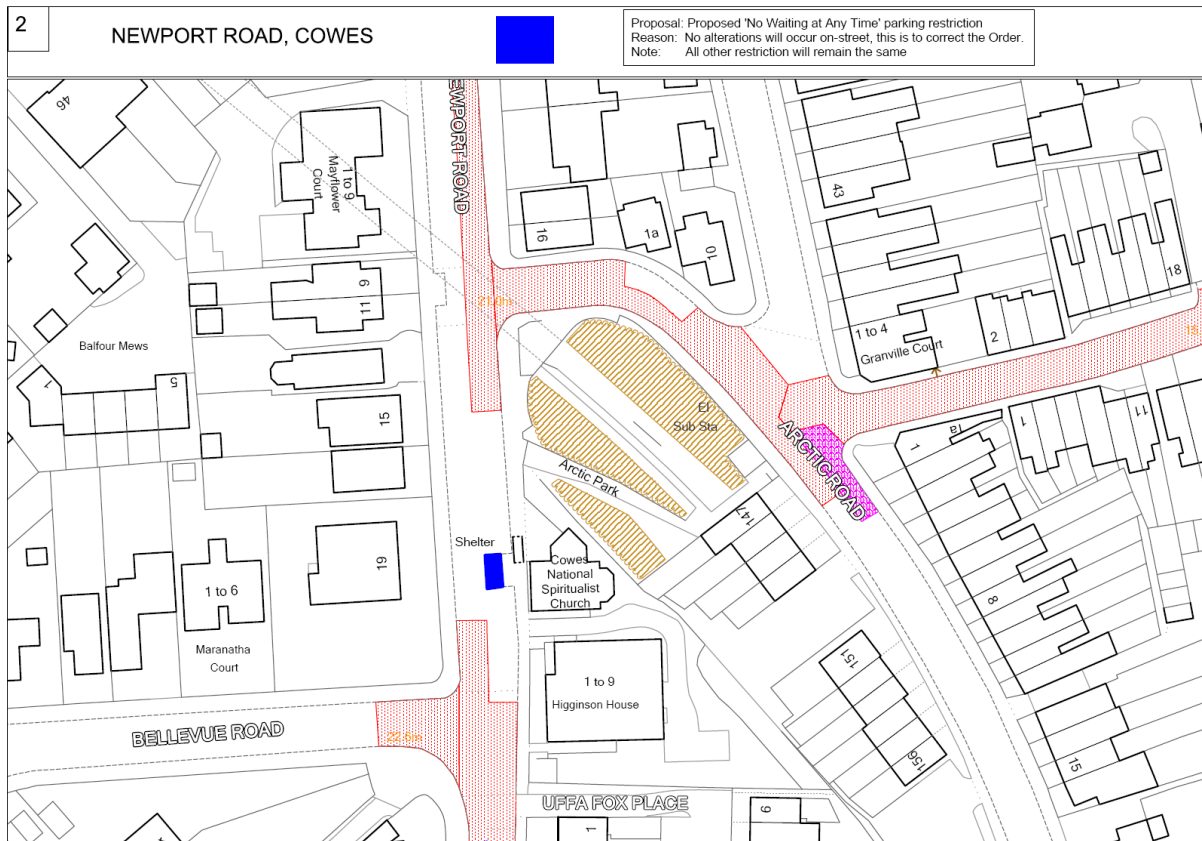


# Newport Road (North to South), Support – 0, Object – 9

## Newport Road op Arctic Rd



## Newport Road nr Arctic Park



### Newport Road nr Bellevue Road

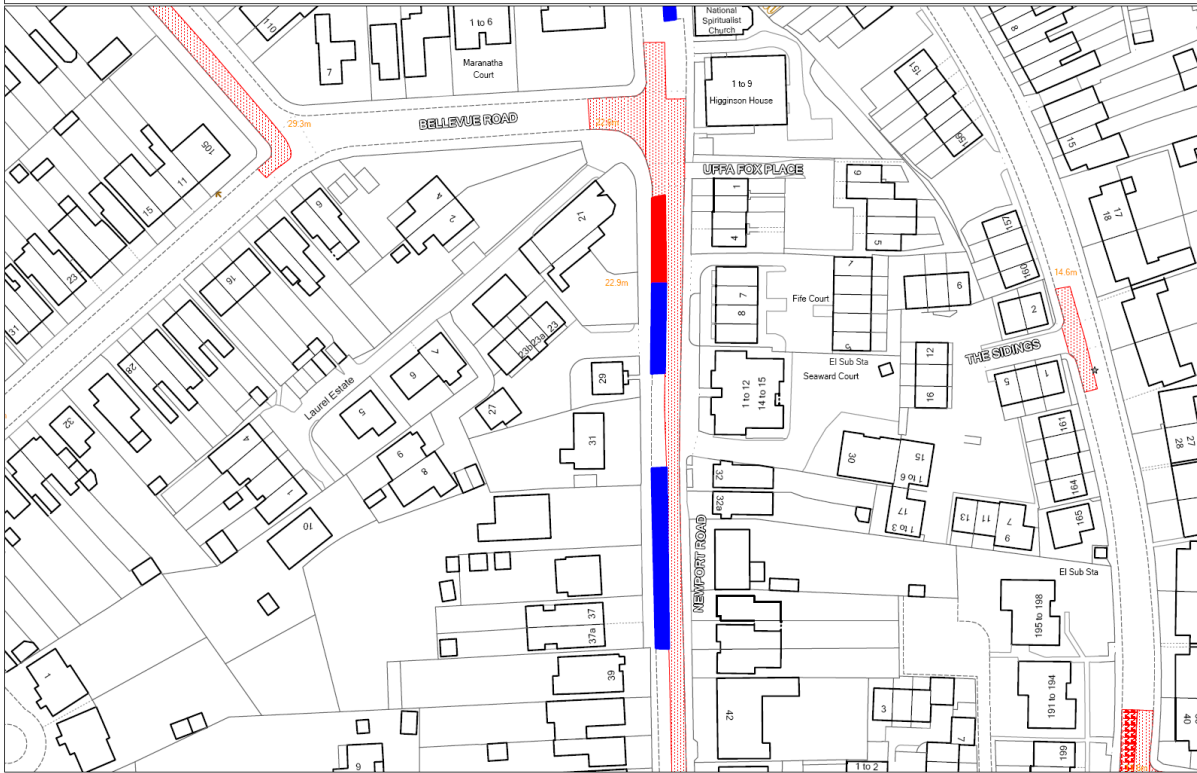
3 NEWPORT ROAD, COWES



Proposal: Proposed 'No Waiting at Any Time' parking restriction  
Reason: For visibility and safety.  
Note: All other restriction will remain the same



Proposal: Revoke 'No Waiting at Any Time' parking restriction  
Reason: There will be change on site, this is to match the Order.  
Note: All other restriction will remain the same



### Newport Road junc Stephenson Road

4 NEWPORT ROAD, COWES



Proposal: Revoke 'No Waiting at Any Time' parking restriction  
Reason: Nothing will change on-street, this is to match the Order.  
Note: All other restriction will remain the same



Proposal: Revoke 'No Waiting at Any Time' parking restriction  
Reason: Nothing will change on-street, this is to match the Order.  
Note: All other restriction will remain the same

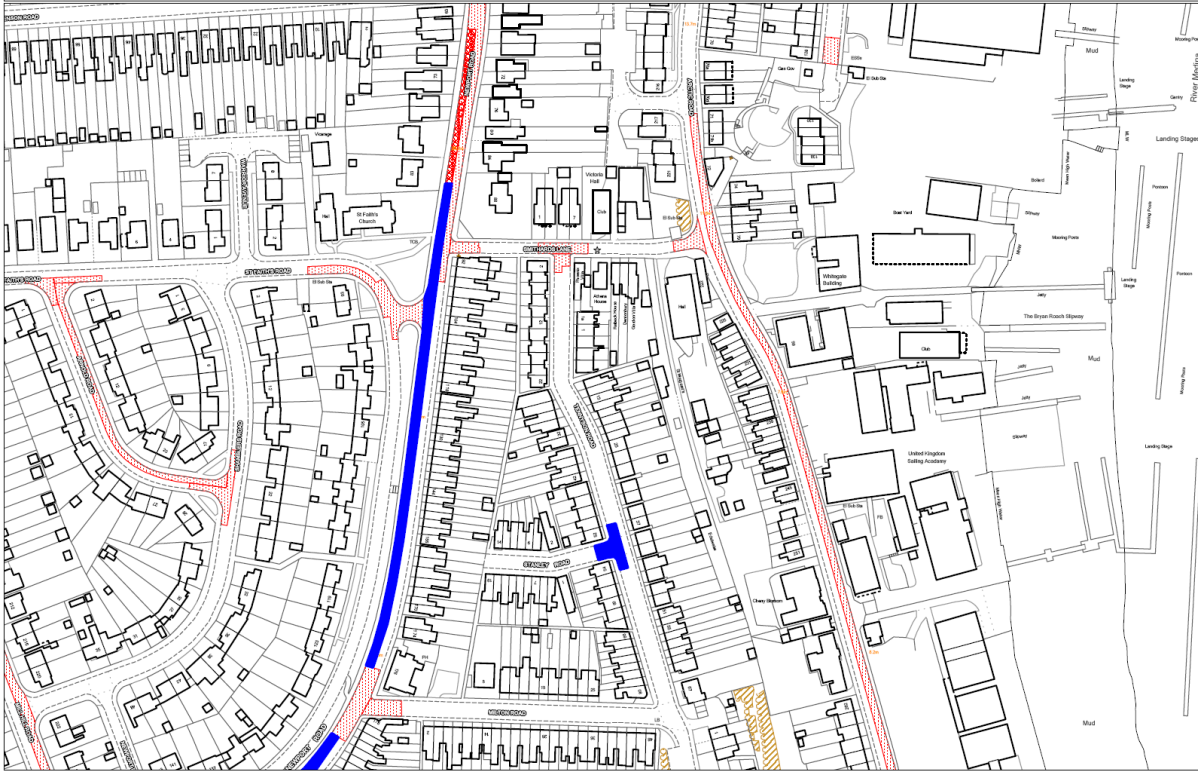




## Newport Road nr St Faiths Road

5 NEWPORT ROAD,  
COWES

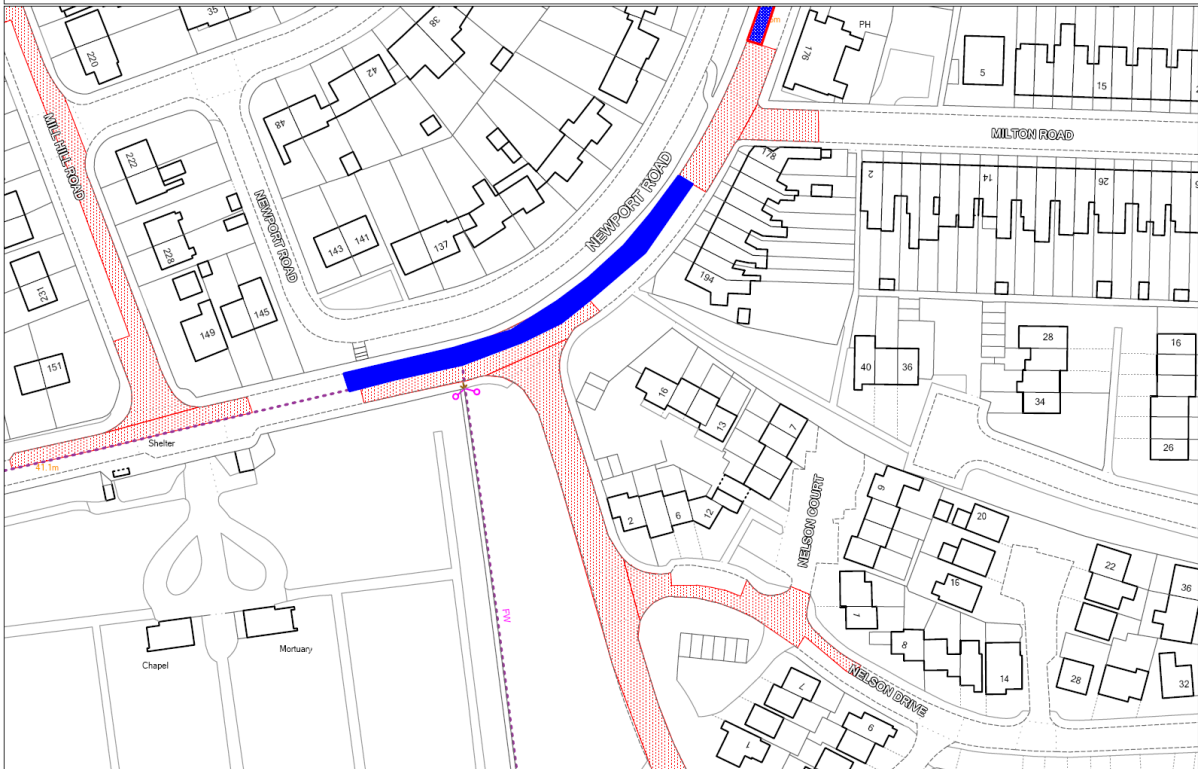
Proposal: Proposed 'No Waiting at Any Time' parking restriction  
Reason: For visibility and safety.  
Note: All other restriction will remain the same



## Newport Road junc Arctic Road

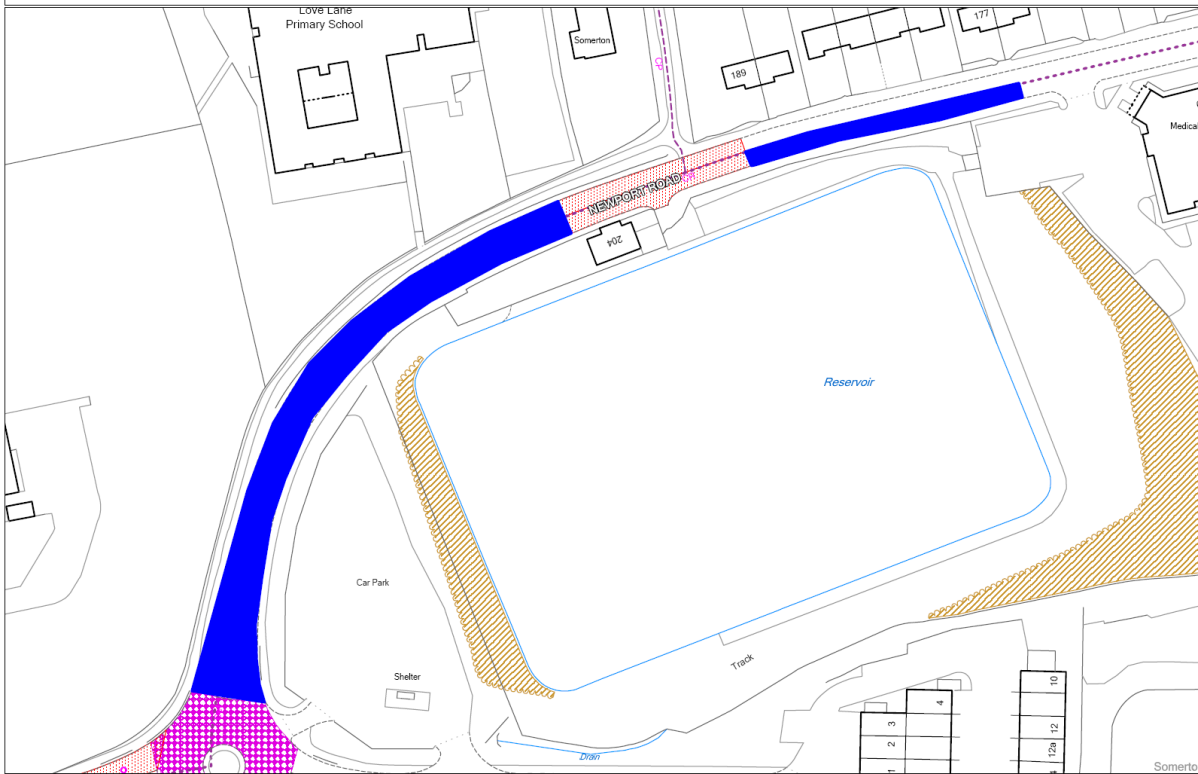
6 NEWPORT ROAD,  
COWES

Proposal: Proposed 'No Waiting at Any Time' parking restriction  
Reason: For visibility and safety.  
Note: All other restriction will remain the same



# Newport Road nr Medical Centre

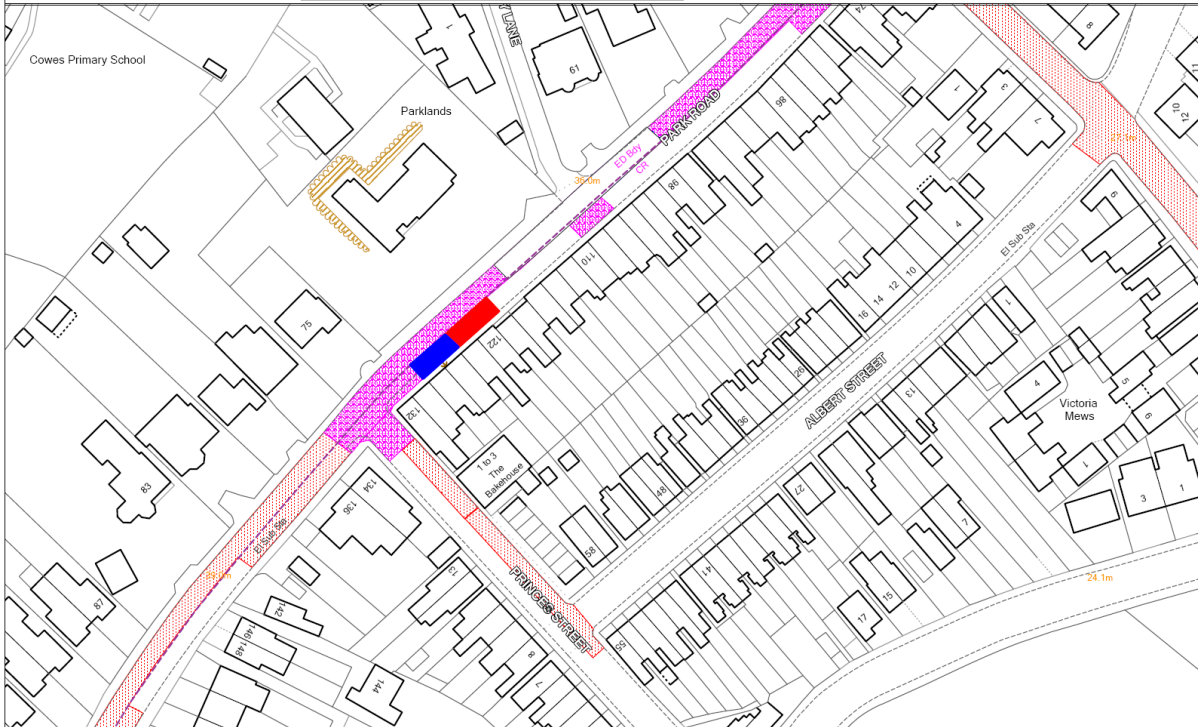
7 NEWPORT ROAD, COWES  
 Proposal: Proposed 'No Waiting at Any Time' parking restriction  
 Reason: For visibility and safety.  
 Note: All other restriction will remain the same



# Park Road, Support – 0, Object – 0

18 Park Road COWES  
 Proposal: Revoke 'Limited Waiting 30 Mins, No Return Within 30 Mins, Monday to Saturday' parking restriction  
 Reason: Nothing will change on-street, this is to match the Order.  
 Note: All other restriction will remain the same

Proposal: Revoke 'No Waiting / No Loading At Any Time' parking restriction and introduce 'Limited Waiting 30 Mins, No Return Within 30 Mins, Monday to Saturday, 8am to 6pm.'  
 Reason: Nothing will change on-street, this is to match the Order.  
 Note: All other restriction will remain the same



## Stanley Road & Tennyson Road, Support – 1, Object – 0

1 STANLEY ROAD AND  
TENNYSON ROAD, COWES



Proposal: Introduce 'No Waiting At Any Time' parking restriction  
Reason: Road safety and visibility  
Note: All other restriction will remain the same

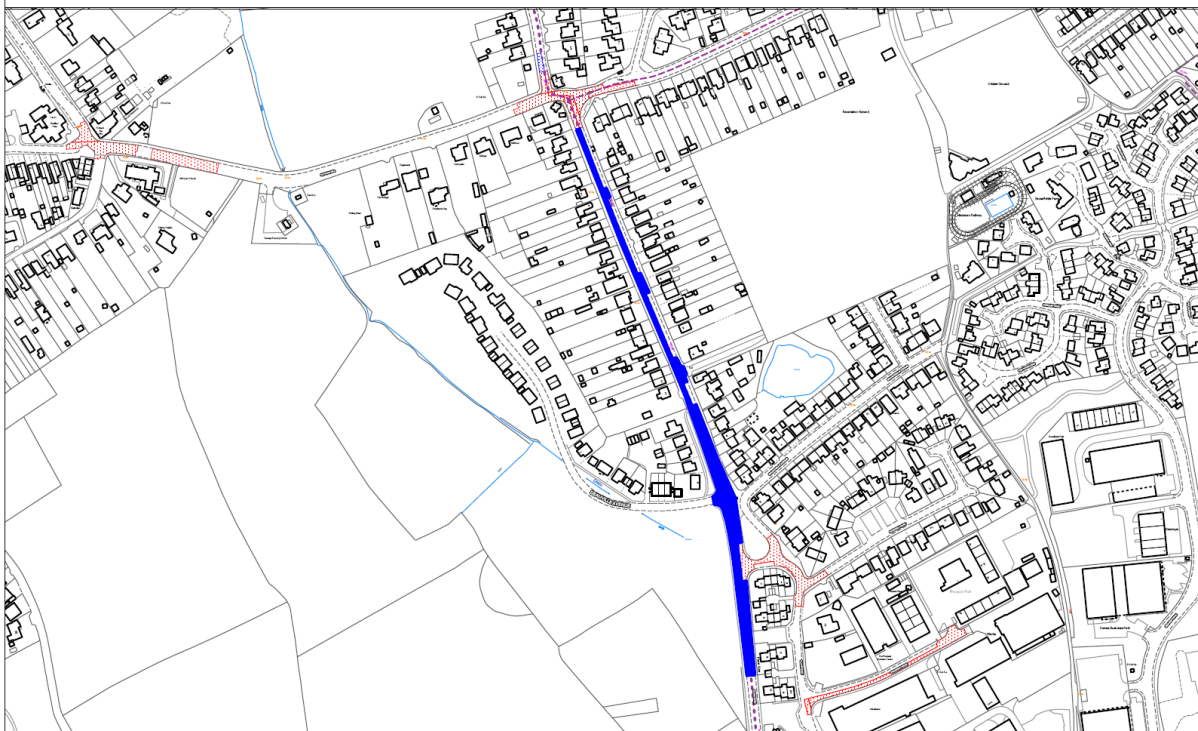


## Place Road, Support – 2, Object – 1

19 PLACE ROAD,  
COWES



Proposal: Introduce 'No Waiting At Any Time' parking restriction  
Reason: Road safety and Traffic Flow  
Note: All other restriction will remain the same



20 PLACE ROAD,  
COWES



Proposal: Introduce 'No Waiting At Any Time' parking restriction  
Reason: Road safety and Traffic Flow  
Note: All other restriction will remain the same



### **Summary of Representations – D1, Cowes**

Representations – 23 (Support – 8, Objections – 23)

#### **Ash Grove, Support – 0, Object – 6**

Rationale – Improving pedestrians safety, emergency services access, preserving amenities. The grass verges in the cull-se-sac are regularly damaged due to its narrow width and parked cars; this also makes it difficult to access by emergency and waste collection vehicles. Cars parked on the footway make it unavailable for pedestrians. All but four houses have private parking facilities and those four houses have front space suitable for driveways.

Objections – The proposed restriction will remove parking space, leaving insufficient parking for residents, and causing inconvenience for them and moving the problem to other streets nearby. Proposed by the objectors – the IOWC to widen the street by removing verges on Council's expense, or, the IOWC to create private driveways for the four houses in question, on Council's expense; the parked cars in this location belong to teachers and parents, therefore the Council should provide a car park to the school.

#### **Baring Road near Castle Hill, Support – 1, Object – 0**

#### **Baring Road (east side only), Support – 2, Object – 2**

Rationale – Improving road safety (cyclists and pedestrians) and traffic flow during school drop off / pick up hours by preventing parking and parents stopping on a cycle lane.

Objection – The proposed restriction will be ignored by parents who need to drop off and pick up their kids. The proposed restriction will force parents to park up nearer the top of Baring Road on school runs, near its junction with Tuttons Hill, causing a bottle neck; traffic will be speeded up. Objectors' proposals - the cycle lane is not used, remove it instead of proposing restriction to keep it clear. Could consideration be made for a pedestrian crossing near the school entrance. Please extend the loading ban to No 132-138.

#### **Cotton Close, Support – 1, Object – 2**

Rationale – Improving pedestrians safety, emergency services access, preserving amenities.

Objections – The proposed restriction will remove parking space, which is now also used by residents with second work vehicles who's private cars are parked on the driveways, and visitors. These work vehicles and visitors will be causing congestion elsewhere on the estate or nearby roads. The yellow lines will downgrade the look of the area. Proposal by the objectors – IOW Council to convert grass verges to footways.

#### **Crossfield Avenue, Support – 1, Object – 0**

#### **Esplanade Queens Road, Support – 1, Object – 0**

#### **Fellows Rd, Grove Rd & Mill Hill Rd, Support – 0, Object – 2**

Rationale – Improving visibility, road safety and traffic flow at junctions.

Objections – The proposed restriction will remove parking space, which is now also used by residents with second and third car, and commuters; this space is much needed for residents. Proposals by the objectors – reduce the length of the proposed restriction; IOW Council to find alternative parking solution for the residents.

**Medina Road**, Support – 0, Object – 1

Rationale – Improving visibility, road safety and traffic flow at development's entrance. Restriction already in place, this order will make it enforceable.

Objection – The existing restriction is not needed.

**Newport Road**, Support – 0, Object – 9

Rationale – Improving road safety, visibility at bends and traffic flow by creating passing points.

Objections (to the straight stretches of the road only) – The proposed restriction is only needed at the bends; at the straight stretches of the road it will allow speeding. The new restriction will remove parking space, much needed by the residents. The proposed restriction will have an impact on the elderly and disabled residents as they would be unable to park near their homes. Objectors' proposals – IOW Council to introduce a residents' parking scheme instead of introducing DYL and removing the parking; the pavements along Newport Road are wide and could be narrowed without impacting on pedestrians, making the roadway wider - allowing traffic to flow safely.

**Park Road**, Support – 0, Object – 0

**Stanley Road & Tennyson Road**, Support – 1, Object – 0

**Place Road**, Support – 2, Object – 1

Rationale – Improving road safety and traffic flow by preventing inconsiderate parking and creating passing points.

Objection – The proposed restriction will allow speeding and will remove parking space, much needed by the residents. Objector's proposals – IOW Council to introduce a verge (footway) parking ban instead; IOW Council to install physical measures to prevent speeding; IOW Council to install fixed speed cameras.

**Stage 1 Equality Impact Assessment – Initial Screening**

<b>Assessor(s) Name(s):</b>	Scott Headey - Deputy Strategic Manager Highways and Transportation, Highways PFI Contract Management Team
<b>Directorate:</b>	Neighbourhoods
<b>Date of Completion:</b>	29 September 2021

**Name of Policy/Strategy/Service/Function Proposal**

Implementation of **The Isle of Wight Council (Various Streets, Cowes) (Traffic Regulation) Order No 1 2021**, introducing amendments to the traffic management in some locations in Cowes, to accommodate the safe movement of the traffic and all other road users of the highway by removing the inappropriate parking, in order to increase visibility, create passing points, free up footways, and in some cases – ensure emergency vehicles access.

**The Aims, Objectives and Expected Outcomes:**

Traffic Regulation Orders are progressed in accordance with the Local Authority's Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996.

These restrictions were proposed to facilitate the passage on the road or any other road of any class of traffic (including pedestrians) and for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.

Please delete as appropriate:

- This is a new strategy

<b>Key Questions to Consider in Assessing Potential Impact</b>	
Will the strategy have a negative impact on any of the protected characteristics or other reasons that are relevant issues for the local community and/or staff?	<b>No</b>
Has previous consultation identified this issue as important or highlighted negative impact and/or we have created a "legitimate expectation" for consultation to take place? A legitimate expectation may be created when we have consulted on similar issues in the past or if we have ever given an indication that we would consult in such situations	<b>Yes</b>
Do different groups of people within the local community have different needs or experiences in the area this issue relates to?	<b>Yes</b>
Could the aims of these proposals be in conflict with the council's general duty to pay due regard to the need to eliminate discrimination, advance equality of opportunity and to foster good relations between people who share a protected characteristic and people who do not?	<b>No</b>
Will the proposal have a significant effect on how services or a council function/s is/are delivered?	<b>No</b>
Will the proposal have a significant effect on how other organisations operate?	<b>No</b>
Does the proposal involve a significant commitment of resources?	<b>No</b>
Does the proposal relate to an area where there are known inequalities?	<b>No</b>
<p>If you answer <b>Yes</b> to any of these questions, it will be necessary for you to proceed to a full Equality Impact Assessment after you have completed the rest of this initial screening form.</p> <p>If you answer <b>No</b> to all of these questions, please provide appropriate evidence using the table below and complete the evidence considerations box and obtain sign off from your Head of Service.</p>	



Protected Characteristics	Positive	Negative	No impact	Reasons
Age	X	X		A risk has been identified to pedestrians, drivers, cyclists and free movement of traffic. The proposal is aiming to ensure safety for all road users, whilst securing the movement of the traffic. Whilst the proposal removes a small number of parking spaces and some homeowners may not be able to park directly in front of their properties, the new restriction will allow picking up and dropping off passengers, as well as loading and unloading of goods. In some cases, priority needs to be given to the road safety and movement of traffic, over preservation of parking spaces. Some of the proposals are designed to ensure much needed access for emergency vehicles, which is likely to benefit people covered by this protected characteristic. The Authority will monitor the impact of the changes and review the restrictions if necessary.
Disability	X	X		A risk has been identified to pedestrians, drivers, cyclists and free movement of traffic. The proposal is aiming to ensure safety for all road users, whilst securing the movement of the traffic. Whilst the proposal removes a small number of parking spaces and some homeowners may not be able to park directly in front of their properties, the new restriction will allow picking up and dropping off passengers, as well as loading and unloading of goods. In some cases, priority needs to be given to the road safety and movement of traffic, over preservation of parking spaces. Some of the proposals are designed to ensure much needed access for emergency vehicles, which is likely to benefit people covered by this protected characteristic. The Authority will monitor the impact of the changes and review the restrictions if necessary.
Gender Reassignment	X			The proposal is not considered to have detrimental effect on persons covered by this protected characteristic. It is considered to have a positive impact on them, providing


				increased visibility when crossing the road at junctions and bends, ensuring emergency vehicles access.
Marriage & Civil Partnership	X			The proposal is not considered to have detrimental effect on persons covered by this protected characteristic. It is considered to have a positive impact on them, providing increased visibility when crossing the road at junctions and bends, ensuring emergency vehicles access.
Pregnancy & Maternity	X			The proposal is not considered to have detrimental effect on persons covered by this protected characteristic. It is considered to have a positive impact on them, providing increased visibility when crossing the road at junctions and bends, ensuring emergency vehicles access.
Race	X			The proposal is not considered to have detrimental effect on persons covered by this protected characteristic. It is considered to have a positive impact on them, providing increased visibility when crossing the road at junctions and bends, ensuring emergency vehicles access.
Religion / Belief	X			The proposal is not considered to have detrimental effect on persons covered by this protected characteristic. It is considered to have a positive impact on them, providing increased visibility when crossing the road at junctions and bends, ensuring emergency vehicles access.
Sex (male / female)	X			The proposal is not considered to have detrimental effect on persons covered by this protected characteristic. It is considered to have a positive impact on them, providing increased visibility when crossing the road at junctions and bends, ensuring emergency vehicles access.
Sexual Orientation	X			The proposal is not considered to have detrimental effect on persons covered by this protected characteristic. It is considered to have a positive impact on them, providing increased visibility when crossing the road at the junction.

<b>Are there aspects of the proposal that contribute to or improve the opportunity for equality?</b>	<b>Yes/No</b>
<i>If answered Yes, describe what these are and how they may be promoted or enhanced</i>	

The proposal is aiming to ensure safety for all road users, whilst securing the movement of the traffic, by removing the inappropriate parking in order to increase visibility, create passing points, and free up footways. This will make crossing the roads easier and safer for all pedestrians, including elderly and disable people.

### Evidence Considered During Screening

Through the formal consultation exercise from 14/05/2021 to 18/06/2021, the opportunity to provide comment and representation on the proposals was provided. 23 letters of representation were received during the consultation process and these have been considered by the Highway Authority. In summary, the representations included eight (8) statements of support and 22 objections – all objections on the grounds of potential loss of parking spaces. All representations have been fully considered in the Cabinet Report.

Head of Service Sign off:	Scott Headey - Deputy Strategic Manager Highways and Transportation, Highways PFI Contract Management Team 
Advice sought from Legal Services (Name)	Judy Mason - Strategic Manager of Human Resources and Employment Lawyer
Date	29 September 2021

### Stage 2 Full Equality Impact Assessment

<b>Assessor(s)Name(s):</b>	Scott Headey - Deputy Strategic Manager Highways and Transportation, Highways PFI Contract Management Team
<b>Directorate:</b>	Neighborhoods
<b>Date of Completion:</b>	29 September 2021

### Name of Policy/Strategy/Service/Function Proposal

Implementation of **The Isle of Wight Council (Various Streets, Cowes) (Traffic Regulation) Order No 1 2021**, introducing amendments to the traffic management in some locations in Cowes, to accommodate the safe movement of the traffic and all other road users of the highway by removing the inappropriate parking, in order to increase visibility, create passing points, free up footways, and in some cases – ensure emergency vehicles access.

### **The Aims, Objectives and Expected Outcomes:**

Traffic Regulation Orders are progressed in accordance with the Local Authority's Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996.

These restrictions were proposed to facilitate the passage on the road or any other road of any class of traffic (including pedestrians) and for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.

### **Scope of the Equality Impact Assessment**

The Council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it.

Due regard to the Council's responsibilities under the Equality Act 2010 has been given, considering the potential impact of this proposal on the protected characteristic.

## **Analysis and assessment**

The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. A small number of parking spaces will be removed and some elderly or disabled residents may not be able to always park in front of their properties.

At the same time, the proposal is aiming to ensure safety for all road users, whilst securing the movement of the traffic, by removing the inappropriate parking in order to increase visibility, create passing points, and free up footways. Some of the proposals are designed to ensure much needed access for emergency vehicles, which is likely to benefit the protected characteristics. This will make crossing the roads easier and safer for all pedestrians, including elderly and disable people.

In addition, the new restriction will allow picking up and dropping off passengers, as well as loading and unloading of goods. In some cases, priority needs to be given to the road safety and movement of traffic, over preservation of parking spaces.

## **Recommendations**

To implement the restrictions as proposed.

The Authority will monitor the impact of the changes and review the restrictions if necessary.

## Action/Improvement Plan

The table below should be completed using the information from your equality impact assessment to produce an action plan for the implementation of the proposals to:


1. Remove or lower the negative impact, and/or
2. Ensure that the negative impact is legal under anti-discriminatory law, and/or
3. Provide an opportunity to promote equality, equal opportunity and improve relations within equality target groups, i.e. increase the positive impact

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact  (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Age	Negative and positive	Negative - The proposal can lead to some elderly drivers sometimes parking away from their homes, and therefore walking longer distance than previously.	Positive – the proposal will make crossing the road easier and safer for all pedestrians, including elderly people. Emergency assess will be available 24/7.	The new restriction will allow picking up and dropping off passengers, as well as loading/unloading. The Authority will monitor the impact of the changes and review the restrictions if necessary.
Disability	Negative and positive	Negative - The proposal can lead to some elderly drivers parking away from their homes sometimes, and therefore walking longer distance than previously.	Positive – the proposal will make crossing the road easier and safer for all pedestrians, including elderly people. Emergency assess will be available 24/7.	The new restriction will allow picking up and dropping off passengers, as well as loading/unloading. The Authority will monitor the impact of the changes and review the restrictions if necessary
Gender Reassignment	Positive	No	No	The proposal will provide increased visibility when crossing the road at junctions and bends, and will allow emergency vehicles access.
Marriage & Civil Partnership	Positive	No	No	The proposal will provide increased visibility when crossing the road at

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact <b>(NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)</b>
				junctions and bends, and will allow emergency vehicles access.
Pregnancy & Maternity	Positive	No	No	The proposal will provide increased visibility when crossing the road at junctions and bends, and will allow emergency vehicles access.
Race	Positive	No	No	The proposal will provide increased visibility when crossing the road at junctions and bends, and will allow emergency vehicles access.
Religion / Belief	Positive	No	No	The proposal will provide increased visibility when crossing the road at junctions and bends, and will allow emergency vehicles access.
Sex (male or female)	Positive	No	No	The proposal will provide increased visibility when crossing the road at junctions and bends, and will allow emergency vehicles access.
Sexual Orientation	Positive	No	No	The proposal will provide increased visibility when crossing the road at junctions and bends, and will allow emergency vehicles access.
HR & workforce issues	Positive	No	No	The proposal will provide increased visibility when crossing the road at junctions and bends, and will allow emergency vehicles access.
Human Rights implications if relevant	Positive	No	No	The proposal will provide increased visibility when crossing the road at junctions and bends, and will allow emergency vehicles access.

Area of impact	Is there evidence of negative positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact <b>(NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)</b>
Please remember - actions should have SMART targets and be reported to the Diversity Board (this should be done via your Directorate representative) and incorporated into your service/team Plans and /or objectives of key staff				



<b>Summary</b>	
<b>Date of Assessment:</b>	29 September 2021
<b>Signed off by Head of Service/Director</b>	Jayne Dando Strategic Manager – Highways & Transportation 
<b>Review date</b>	One year after sealing the order
<b>Date published</b>	8 December 2021

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