

# Public Document Pack



Monitoring Officer  
**Christopher Potter**

County Hall, Newport, Isle of Wight PO30 1UD  
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## Agenda

Name of meeting	<b>CABINET</b>
Date	<b>THURSDAY 10 NOVEMBER 2022</b>
Time	<b>5.00 PM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Members of the Cabinet	Cllrs L Peacey-Wilcox (Chairman), D Andre, J Bacon, P Fuller, C Jarman, J Jones-Evans, P Jordan, K Love, K Lucioni and I Stephens
	Democratic Services Officer: Sarah MacDonald democratic.services@iow.gov.uk

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1. **Minutes** (Pages 5 - 10)

To confirm as a true record the Record of Decision of the meeting held on 13 October 2022.

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 7 November 2022.



Details of this Cabinet meeting and other Council meetings can be viewed on the Isle of Wight Council's [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 Strategic Finance, Transformational Change and Corporate Resources**
  - (a) Quarterly Performance Monitoring Report (QPMR) Quarter 2 2022-23 (Pages 11 - 80)
  - (b) Local Council Tax Support Scheme (Pages 81 - 264)
6. **Report of the Cabinet Member for Adult Social Care and Public Health**
  - (a) Wightcare Options Review (Pages 265 - 318)
7. **Report of the Cabinet Member for Planning and Enforcement**
  - (a) Newport & Ryde Commercial Frontages Design Guide Supplementary Planning Document (SPD) (Pages 319 - 340)
8. **Report of the Cabinet Member for Levelling Up, Regeneration, Business Development and Tourism and the Cabinet Member for Strategic Finance, Transformational Change and Corporate Resources**
  - (a) To dispose of Council-owned employment land at Kingston Marine Park, East Cowes (Pages 341 - 388)
9. **Cabinet Member Announcements**

To invite Cabinet Members to provide a brief update on matters concerning their portfolio.
10. **Consideration of the Forward Plan** (Pages 389 - 398)

Cabinet Members to identify decisions which need to be amended, added or to be removed from the Forward Plan.
11. **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 8 November 2022. 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, 2 November 2022

## 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.



## Minutes

Name of meeting	<b>CABINET</b>
Date and Time	<b>THURSDAY 13 OCTOBER 2022 COMMENCING AT 5.00 PM</b>
Venue	<b>COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT</b>
Present	Cllrs L Peacey-Wilcox (Chairman), D Andre, J Bacon, P Fuller, C Jarman, P Jordan, K Love, K Lucioni and I Stephens
Also Present	Cllr P Spink Simon Bryant, Wendy Perera, Chris Potter and Sharon Betts
Also Present (Virtual)	Cllr G Brodie Chris Ashman, Steve Crocker, Laura Gaudion and Dawn Lang
Apologies	Cllr J Jones-Evans

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### 35. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 8 September 2022 be approved.

### 36. **Declarations of Interest**

Cllrs Jarman and Fuller declared an interest in minute item 39a as they were both Justices of the Peace, sometimes dealing with cases of Domestic Abuse.

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

There were no public questions received.

### 38. **Chairman's Announcements**

The Leader, Chief Executive and Cllr Lilley had signed the Mental Health Pledge for staff and island residents. On the same day the second round of small grants had commenced which would see £50,000 spent on mental health projects.

39. **Report of the Cabinet Member for Adult Social Care and Public Health**

39a **Isle of Wight Domestic Abuse and Sexual Violence Commissioned Services Re-Commissioning update**

Local authorities had a new responsibility with respect to domestic abuse. Grant funding of £292,848 had been allocated by the DHLUC and the planned spend was set out in the report. Currently the service was jointly funded with the Office of the Police and Crime Commissioner. The Leader and Deputy Leader had visited the current service providers, the You Trust, and had been very impressed with the service.

RESOLVED:

That Cabinet approves to spend up to £2,500,000 for the Isle of Wight Council's contribution to the new contract. This is based on up to £350,000 per annum for a contract up to five years plus two single year extension options, commencing 1 October 2023.

That Cabinet approves the plans for the 2022/23 DLUHC domestic abuse allocation. It is recommended that decisions on future spend of DLUHC allocations in relation to domestic abuse responsibilities are delegated to the Director of Public Health in consultation with the Cabinet Member and Director of Adult Social Care on an annual basis.

39b **Additional Spend Within the Commissioned Substance Misuse Treatment Contract**

Funding had been allocated to all local authorities to increase the capacity and quality of substance misuse services. It was anticipated that for the IW Council this would be in the region of £973,000 over the next three years. It was intended that a new multi-agency drug partnership would be set up. The approval of Option 1 in the report would provide assurance in the short term and allow for continuity of service. Thanks were expressed to all those involved in drug and alcohol services on the island.

RESOLVED:

That Cabinet notes the current contract value of the Substance Misuse Treatment Service as £7,381,915 (5-year value) and approves an additional £275,155 plus Rough Sleepers Initiative (RSI) £100,684 for 2022/23.

That Cabinet approves additional spend under the Substance Misuse treatment contract in line with Government funding for years 2023-2025 of up to £1million.

That Cabinet delegates authority to approve this additional spend to the Director of Public Health, in consultation with the Cabinet Member, and Director of Adult Social Care on an annual basis for 2023/24 and 2024/25, considering anticipated funding received from Office for Health Improvement & Disparities (OHID) and Rough Sleepers Initiative as outlined in this report.

40. **Report of the Cabinet Member for Climate Change, Environment, Heritage, Human Resources and Legal and Democratic Services**

40a **Procurement 2022-2025**

This report had been discussed at length at the Corporate Scrutiny Committee meeting two days previously, when it was requested that consideration be given to moving the section of value for money forwards in the strategy to highlight the importance of this key principle. Local community wealth building would be embedded into all processes to encourage resources to remain in the local community. Further detailed documents and processes would be formulated to put the strategy into effect. It was noted that the Corporate Scrutiny Committee had formally supported the recommendation.

RESOLVED:

That Cabinet approves the Isle of Wight Council Procurement Strategy contained at Appendix 1 of this report.

41. **Report of the Cabinet Member for Digital Transformation, Housing, Homelessness and Poverty**

41a **Annual Progress Report on Housing Strategy Action Plan**

The six strategic priorities listed in the report and action plan, which were the same as those under the previous administration were highlighted. The council was now a registered provider and a part time Housing Manager had recently been appointed. Five units has been purchased under the Rough Sleepers Accommodation Project. Three sites had been put out for Expressions of Interest under the Brownfield Release Fund. It was planned to purchase up to 25 properties by Spring 2023. Before the housing company could start trading it would be necessary to carry out a review of the council's assets which was being done by the council's legal department and outside legal advisors. Formal documents would follow when the asset review was complete.

RESOLVED:

That Cabinet notes the Housing Strategy 2020-2025 Action Plan Progress Report 2022 contained at Appendix 1 of the report.

42. **Report of the Cabinet Member for Infrastructure, Highways PFI and Transport**

42a **The Isle of Wight Council (Various Streets, East Cowes) (Traffic Regulation Order No 1 2022**

Hawthorn Meadows was currently unadopted. The developer would pass adoption of the estate to the council to provide residents with highways support. A safety audit had been carried out on the roads to be adopted. There would be a nil cost to the council at the present time.

Concern was expressed that there should be a review of the traffic flow within 6-12 months of Saunders Way being opened. Confirmation was given that there was a TRO review process, the timescale for review would be discussed with the local councillor.

**RESOLVED:**

Cabinet approves the proposed restriction that is subject to this report in relation to The Isle of Wight Council (Various Streets, East Cowes) (Traffic Regulation) Order No1 2022 as proposed.

The implementation of the TRO being approved, be subject to Saunders Way being entirely opened to vehicular traffic.

**43. Cabinet Member Announcements**

The Deputy Leader and Cabinet Member for Digital Transformation, Housing, Homelessness and Poverty announced that he and the Leader had attended the 'Winter is Coming' event at the Riverside Centre, meeting representatives from various organisations offering help to residents over the winter period. A list of their services had been included in a compendium which would be published on the council's website from the following week.

Information was also being gathered regarding organisations and places offering warm spaces over the winter, including libraries, churches and leisure centres. This list would be published at the end of October.

A visit had also been made to Pan Together with the local member, Councillor Brodie, and met a very supportive team there.

Ten new advisors had been recruited to the Citizens Advice Bureau helpline. The council had given some financial help to the Footprint Trust and it was hoped that it would do the same for Citizens Advice.

The Cabinet Member for Planning and Enforcement announced that several councillors had asked for an update report on the Island Planning Strategy, and read out a statement with the next steps.

The Cabinet Member for Climate Change, Environment, Heritage, Human Resources and Legal and Democratic Services reported that in response to queries received regarding Dark Skies status, the criteria had changed and a refreshed application would be submitted before the end of 2022. Applications for membership of the Biosphere Steering Committee were open until the following day. There had been a good number of applications.

Following speculation that the Secretary of State for Business, Energy and Industrial Strategy, Jacob Rees-Mogg, was coming to the island to visit a renewable energy company, it was confirmed during the meeting that the visit had taken place and members expressed disappointment that he had not made contact with the council.



The Cabinet Member for Levelling Up, Regeneration, Business Development and Tourism reported that the council had been allocated £536,000 from the Rural England Shared Prosperity Fund, for small businesses and rural communities. An Investment Plan would be drawn up in November for allocation of the funds.

The first island cultural conference was to take place, which would see the launch of the cultural strategy consultation. A wide range of speakers would be attending.

Sandown and Shanklin Town Councils had agreed to contribute to a place plan for their area. Lake Parish Council would be considering it at their meeting the same evening. The High Streets Task Force had given a clear steer to regenerate Sandown High Street with focus on derelict and empty sites. A vision for the town was being developed.

The Cabinet Member for Children's Services, Education and Lifelong Skills had attended the IW Safeguarding Children Partnership annual conference. Links had been strengthened with the island's Youth Council and Youth MP. The Cabinet Member had also been visiting schools around the island, building relationships with staff and finding out their issues.

There was to be a jobs, careers and education fair at the IW College on 26 October.

The Cabinet Member for Adult Social Care and Public Health expressed thanks to all the people involved in the voluntary sector and said that there was no need for anyone to suffer in silence as there were a lot of services providing help.

More than 200 Ukrainians had come to the island. Their work ethic and contribution to island society had been outstanding.

The Director of Adult Social Care had gone the extra mile in respect of hospital to home where the situation continued to be difficult. Extra staff would be needed to return to Adult Social Care for the coming winter.

#### **44. Consideration of the Forward Plan**

The contents of the Forward Plan were noted with no amendments made.

#### **45. Members' Question Time**

There were no Members' questions received.

CHAIRMAN

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Purpose: For Decision



## Cabinet report

Date	<b>10 NOVEMBER 2022</b>
Title	<b>PERFORMANCE AND FINANCE REPORT – QUARTER ENDED 30 SEPTEMBER 2022</b>
Report of	<b>CABINET MEMBER FOR STRATEGIC FINANCE, TRANSFORMATIONAL CHANGE AND CORPORATE RESOURCES</b>

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### EXECUTIVE SUMMARY

1. The purpose of this report is to:
  - a) provide a summary of progress against Corporate Plan activities and measures for the period July to September 2022 (unless otherwise stated and shown in detail at appendices 1-10)
  - b) inform Cabinet of areas of particular success, issues requiring attention and remedial activity in place to deal with these
  - c) provide a report on the financial position of the council for the same period (shown in appendices 11 and 12)

### RECOMMENDATION

2. That Cabinet approves the Performance and Finance Report for the Quarter ended 30 September 2022, and the priority report detail as set out in appendices 1-10, together with the council's financial position as set out at 11-12.

### BACKGROUND

3. On 17 November 2021, Full Council approved a Corporate Plan which set out the council's vision and strategic priorities for the period 2021 to 2025 and the performance metrics from that plan are the ones included within the appendices to this report.
4. This is the second quarterly report based on the new Corporate Plan. Because of this some of the new measures that are required to evidence its delivery are still in construction at this time and will be introduced to the report when data becomes available. These measures are clearly indicated within the relevant appendices.
5. The report contains an appendix for each Cabinet portfolio (1 to 10) an increase since the previous report following a Cabinet reorganisation and for each financial report (11 to 12)

## CORPORATE PRIORITIES AND STRATEGIC CONTEXT

6. 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.

### Provision of affordable housing for Island Residents

7. Whilst this report has no direct impact on the provision of housing for Island Residents it will play an important part on reporting on the progress towards the delivery of key activities concerned with that outcome. Details of progress on Housing activities can be seen in Appendix 7 (Levelling Up, Regeneration, Business Development and Tourism) of this report.

### Responding to climate change and enhancing the biosphere

8. Details on the progress toward the delivery of the [Council's Climate and Environment Strategy](#) as well as the impact of the decision on the Island's designation as a [UNESCO Biosphere](#) and the biodiversity, environment, and sustainable growth of the area designated can be found in Appendix 8 (Climate Change, Environment, Heritage, Human Resources and Legal & Democratic Services) of this report.

### Economic Recovery and Reducing Poverty

9. Progress towards Economic Recovery and the reduction of poverty is a key outcome for the Isle of Wight Council, and this is reflected in the Corporate Plan 2021-25. As such, each appendix to this report contains relevant details around activities contributing toward this priority.

### Impact on Young People and Future Generations

10. The decisions the Council makes now not only affect current residents, but may have long term impacts, both positive and negative, on young people and future generations. These impacts may not immediately be apparent or may not emerge for a number of years or decades. Impacts will be interrelated across the various domains of young people's lives from housing, to education, employment or training, health, and the environment.
11. The United Nations Conventions on the Rights of the Child (UNCRC) in 1989, in particular article 12, places a duty for children and young people to have an active voice in decision making on matters that affect them. We value the views of our young people. Incorporating coproduction and consultation with young people into our decision-making process is a robust way of ensuring young people's views are taken into consideration. Participation workers experienced in coproduction can support engagement with the Youth Council, our Island children, and wider groups of young people to ensure the voice of young people is sought, heard, and acted upon on important matters that will affect them.
12. Appendix 5 – Childrens Services, Education and Lifelong Skills contains detailed information regarding this priority

13. UN Sustainability Objectives - The United Nations (Department of Economic and Social Affairs) have outlined 17 Sustainable Development Goals (SDGs), which are an urgent call for action by all countries in a global partnership. They recognize that ending poverty and other deprivations must go together with strategies that improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve our oceans and forests. In support of this, we have mapped each Performance Measure and Aspiration, or Activity as outlined in the 2021-25 Corporate plan against the most appropriate / relevant SDG.

The 17 Goals are:

- (1) End poverty in all its forms, everywhere
- (2) End hunger, achieve food security and improved nutrition and promote sustainable agriculture
- (3) Ensure healthy lives and promote well-being for all at all ages
- (4) Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
- (5) Achieve gender equality and empower all women and girls
- (6) Ensure availability and sustainable management of water and sanitation for all
- (7) Ensure access to affordable, reliable, sustainable and modern energy for all
- (8) Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
- (9) Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
- (10) Reduce inequality within and among countries
- (11) Make cities and human settlements inclusive, safe, resilient and sustainable
- (12) Ensure sustainable consumption and production patterns
- (13) Take urgent action to combat climate change and its impacts
- (14) Conserve and sustainably use the oceans, seas and marine resources for sustainable development
- (15) Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
- (16) Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
- (17) Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development

#### Corporate Aims

14. This report links to the key objectives, activities and performance measures as laid out in the latest [Corporate Plan 2021 - 2025](#).

#### CONSULTATION

15. The council manages its performance through a framework of discussion at all levels across the authority on a routine basis and escalates issues and risks to the corporate management team and members. Cabinet members, Corporate Management Team and Directorate staff have been involved in discussions around performance against the measures contained within this report and attached appendices. Otherwise, this paper is a factual report on progress and no other consultation is required.

## SCRUTINY COMMITTEE

16. The report will be reviewed by Corporate Scrutiny Committee on 8 November 2022

## FINANCIAL / BUDGET IMPLICATIONS

17. The Corporate Plan forms a key part of the budgeting and service planning process for the council; it takes account of existing finance and resources and sets out the key priorities and outcomes that the council wishes to achieve. This report will include reference to any implications on the council's financial position arising from activity and performance outlined in the report.

## SUMMARY POSITION OF Q2 2022/23

### Revenue – 2022/23

The net revenue budget for 2022/23 is £161.2m. The original budget was approved at Full Council on 23 February 2022 with on-going savings totalling £3m.

At the end of the second quarter the council is forecasting a balanced budget. However, this includes a number of significant pressure areas being forecast in both Adults and Children's Social Care; Leisure Centre income; energy costs across all service areas; and an estimated pressure for the pay award. This pressure is being offset by savings in treasury management costs, concessionary fares and the use of the Corporate and Covid contingencies which are in place to manage in-year financial shocks and the legacy impact of the Covid-19 pandemic.

It should also be noted that there is a considerable risk to this forecast position as the financial year progresses and the impact of further inflationary and demand pressures due to the current economic climate.

The main variances against the budget are set out in the following table:

<b>Key Items</b>	<b>Forecast Variance £m</b>
<b>Main Pressure Areas:</b>	
Adult Social Care - Care Packages	3.106
Children's Services - Care Packages	2.812
Leisure - Mainly income	0.899
Energy Costs - all service areas	1.022
Pay Award - based on current employer offer	2.700
Miscellaneous Items	-0.451
<b>Main Savings Against Budget:</b>	
Corporate Finance - Treasury Management savings	-1.902
Concessionary Fares	-0.657
<b>Total Net Pressure</b>	<b>7.529</b>
Contribution from Corporate Contingency	-4.862
Contribution from Covid Contingency	-2.883
<b>Net Total Forecast Variance Against Budget (saving) -0.1%</b>	<b>-0.216</b>

See Appendix 11 for a more detailed Revenue Budget Monitor  
Capital 2022/23

The total capital budget for 2022/23 is £47.3m. As at quarter two the council is forecasting actual expenditure of £38.2m. There is forecast net slippage in spending in the current financial year of £9.1m from 2022/23 into future years (i.e., simply representing budgeted spending that is forecast not to take place in 2022/23 but will now fall into 2023/24). There is also a forecast overspend of £0.9m against the total programme, however, given the current economic conditions and delays caused to projects during the pandemic there is a significant risk that further cost pressures will become apparent and will be reported in future reports as the impact becomes clearer.

To bring the capital programme back into balance, additional funding allocated for the Rights of Way Scheme (£300k) and the budget for Tree Planting (£500k) have been put on hold pending a full review of the capital programme as part of the budget process to revise the current year's capital programme and set the future years capital programme  
See Appendix 12 for a more detailed Capital Budget Monitor

### General Reserves 2022/23

General Reserves at the end of quarter two indicates a balance of £12.0m. This is consistent with the revised medium term financial strategy and includes the £1m transferred from last financial year (which is will be confirmed upon completion of the audit process for 2021/22). This takes no account at this stage of the further impact of new emerging inflationary pressures described above.

### LEGAL IMPLICATIONS

18. The council has a statutory requirement under the Local Government Act 1999 to achieve 'best value' in its delivery of its services. The authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency, and effectiveness. The quarterly performance report forms part of such arrangements, thereby assisting the council to comply with legal and statutory requirements.

### 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 belief, sex, and the protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is not considered that there are any direct equality and diversity implications arising from this report.

### OPTIONS

20. Option 1: Cabinet does not approve the Performance and Finance Report – Quarter ended 30 September 2022 and the priority report detail as set out in appendices 1-10 and the financial information set out in appendices 11 to 12

21. Option 2: Cabinet approves the Performance and Finance Report – Quarter ended 30 September 2022 and the priority report detail as set out in appendices 1-10 and the financial information set out in appendices 11 to 12

## RISK MANAGEMENT

22. A detailed analysis of the performance and the summary risk position of each corporate portfolio is provided in appendices 1-10

23. Without the production of the QPMR there would be no overall view available on delivery against the Corporate Plan 2021-25

## EVALUATION

24. Option 2 is recommended in that from the information provided in the report and appendices, Cabinet approves the Performance and Finance Report – Quarter ended 30 September 2022 and the priority report detail as set out in appendices 1-10, and the financial information set out in appendices 11 to 12.

## APPENDICES ATTACHED

Corporate Plan priority reports for:

- Appendix 1: Leader and Strategic Oversight
- Appendix 2: Strategic Finance, Transformational Change & Corporate Resources
- Appendix 3: Adult Social Care and Public Health
- Appendix 4: Deputy Leader, Digital Transformation Housing Provision & Housing Needs
- Appendix 5: Children's Services Education and Lifelong Skills
- Appendix 6: Planning and Enforcement
- Appendix 7: Levelling Up, Regeneration, Business Development and Tourism
- Appendix 8: Climate Change, Environment, Heritage, Human Resources & Legal & Democratic Services
- Appendix 9: Highways PFI, Infrastructure and Transport
- Appendix 10: Community Protection, Regulatory Services and Waste

Financial Reports

- Appendix 11: Revenue budget monitor – Quarter 2 2022/23.
- Appendix 12: Capital budget monitor – Quarter 2 2022/23.

Other Reports

- Appendix 13: Corporate Complaints Review

## BACKGROUND PAPERS

[Corporate Plan 2021-25](#)

[United Nations Sustainable Development Goals](#)

Contact Point: Debbie Downer, Strategic Manager – Organisational Intelligence

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WENDY PERERA  
*Interim Chief Executive*

(CLLR) CHRIS JARMAN  
*Cabinet Member for Strategic Finance,  
Transformational Change and Corporate  
Resources*



# Appendix 1 - 2022/23 Q2

## LEADER AND STRATEGIC OVERSIGHT

**Cabinet Member:** Councillor Lora Peacey Wilcox

**Portfolio Responsibilities:**

- Strategic Oversight
- Integrated Care System
- County Deals and Evolution
- Civic Affairs and Events
- Communications and Design
- Covid Recovery

### Service Updates - Key Aspirations and Ongoing Business

Quarter 2 saw the death of Queen Elizabeth II on 8<sup>th</sup> September 2022. As a mark of respect during the national period of mourning, any meetings which were not operationally essential were cancelled. This included Full Council, Audit Committee and Planning Committee. The flags at County Hall were set to half mast, where they remained throughout the period.

Books of condolence were opened across the island to allow residents to pay their respects and signs were erected in Church Litten to indicate where floral tributes could be laid with bins provided to dispose of any cellophane wrappings.

Crowds gathered in St Thomas' Square, Newport, to watch the High Sheriff of the Isle of Wight, Mrs Kay Marriott, read The Proclamation announcing the start of His Majesty, King Charles III's reign. The reading was followed by the singing of the first verse of the National Anthem.

As the period of mourning led to the cancellation of the island leg of Tour of Britain cycle race, the Isle of Wight Council, Ryde Town Council, Ryde Rowing Club and New Carnival CIC instead exhibited some of the work which was set to feature at the event due to the support of the Appley Day organisers. A prize giving ceremony was held at Ryde Rowing Club.

At the end of September, the Leader and Chief Executive attended the 'Islands Forum,'. This was a new forum created for UK Islands to work together on shared opportunities and challenges and the first forum took place in Orkney. The forum was held at the Research and Innovation Campus in Stromness and was chaired by cabinet office minister for intergovernmental relations Nadhim Zahawi. Representatives attended from the Isles of Scilly, Rathlin (off the coast of Antrim in Northern Ireland), and Anglesey (off Wales), as well as from Shetland, Western Isles, Argyll and Bute and Highland and North Ayrshire Councils, and of course the Isle of Wight. The focus for the first forum was 'Net Zero' and we had the opportunity to see the work that Orkney was delivering in renewables, marine energy, low carbon technologies, offshore wind turbines and green hydrogen.

Public consultations that have taken place during Quarter 2, include:

- **Traffic Regulation Orders** – The council is currently part-way through an island wide review of traffic regulation orders. The current proposal mainly covers the Southern side of the island and have been drawn up from suggestions made since 2014. The plans were agreed with the police before consulting with town and parish council and local elected members t the end of 2021. All the current live proposals are within District 5 (Ventnor, Wroxall, Chale, Niton and Whitwell) and remain open for public feedback until 28<sup>th</sup> October 2022. This consultation supports UN Sustainability Goal 9.

## Strategic Risks

<b>Achieving the vision for the Island</b>		
<b>Assigned to: Chief Executive</b>		
<b>Inherent Score</b>	<b>Target Score</b>	<b>Current Score</b>
<b>14 RED</b>	<b>6 GREEN</b>	<b>12 RED</b>
<b>Previous scores</b>		
<b>Jul 22</b>	<b>Mar 22</b>	<b>Nov 21</b>
<b>12 RED</b>	<b>12 RED</b>	<b>12 RED</b>
<b>Risk score is consistent</b>		

<b>Dealing with threats to business continuity (including cyber incidents)</b>		
<b>Assigned to: Assistant Chief Executive and Director of Strategy</b>		
<b>Inherent score</b>	<b>Target score</b>	<b>Current score</b>
<b>12 RED</b>	<b>6 LOW</b>	<b>9 AMBER</b>
<b>Previous scores</b>		
<b>Jul 22</b>	<b>Mar 22</b>	<b>Nov 21</b>
<b>9 AMBER</b>	<b>9 AMBER</b>	<b>9 AMBER</b>
<b>Risk score is consistent</b>		

# Appendix 2 - 2022/23 Q2

## STRATEGIC FINANCE, TRANSFORMATIONAL CHANGE AND CORPORATE RESOURCES

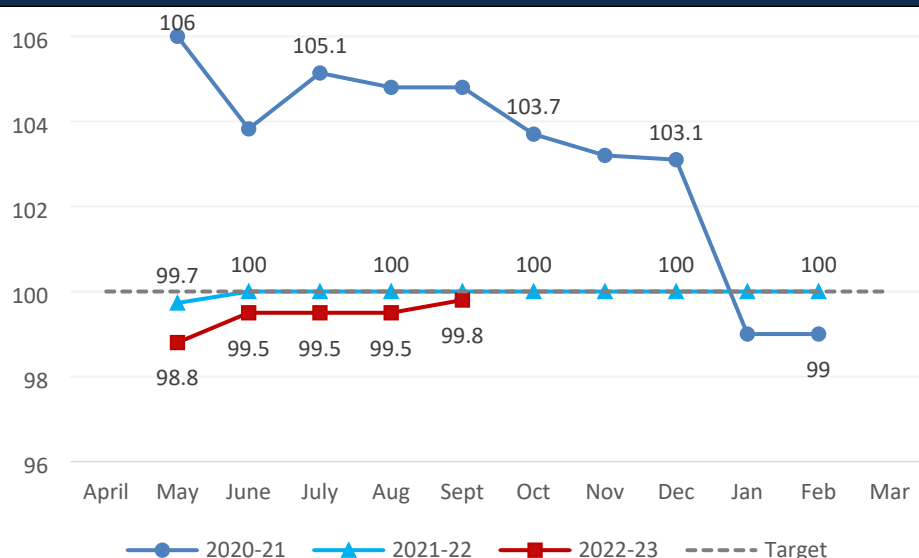
**Cabinet Member:** Councillor Chris Jarman

**Portfolio Responsibilities:**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Finance</li> <li>• Business Centre</li> <li>• Benefits and Grants</li> <li>• Audit</li> <li>• Treasury Management</li> </ul> | <ul style="list-style-type: none"> <li>• Transformational Change</li> <li>• Property and Asset Management</li> <li>• Commercial Property Investments</li> <li>• Leasing</li> <li>• Procurement and Contract Management</li> <li>• Business Intelligence</li> </ul> |
|---|--|

### Performance Measures

**Percentage of predicted revenue outturn compared to budget**



**Aim:** Revenue Outturn is below 100 percent

**UN Sustainable Development Goal:** 8

**Most Recent Status:** September 2022

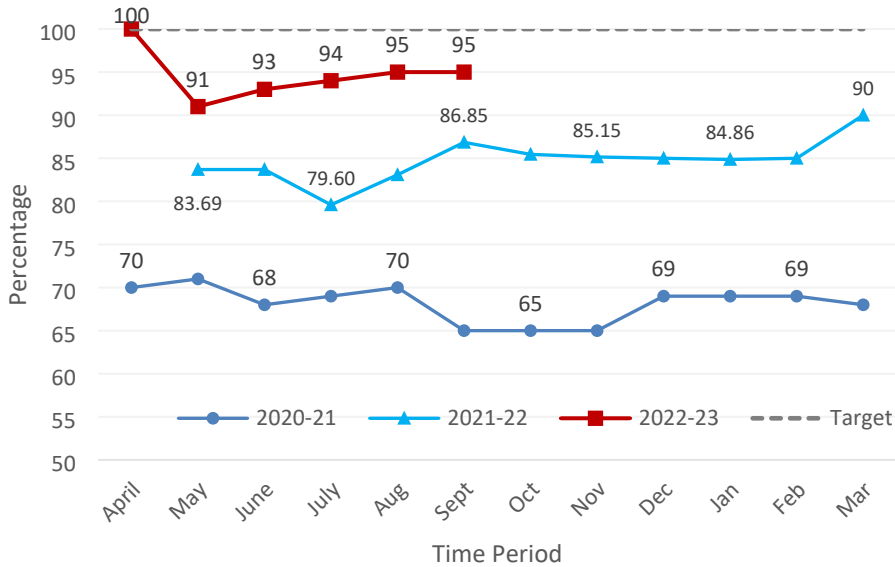
**GREEN**

**Previous Status:** June 2022

**GREEN**

- As at the end of quarter 2 we are forecasting a balanced budget. However, this includes several significant pressures relating to adults & children’s social care, leisure income, energy costs and the anticipated pay award.
- Some of the pressures outlined above have already been offset from savings in treasury management and concessionary fares to leave a total net forecast pressure of £7.5m
- We are planning to utilise the corporate and Covid contingencies as previously agreed offset this net pressure to reach a balanced position at year end.

**Percentage of forecast revenue income (fees & charges) compared to budget**



**Aim:** Revenue income is above 100 percent

**UN Sustainable Development Goal:** 8

**Most Recent Status:** September 2022

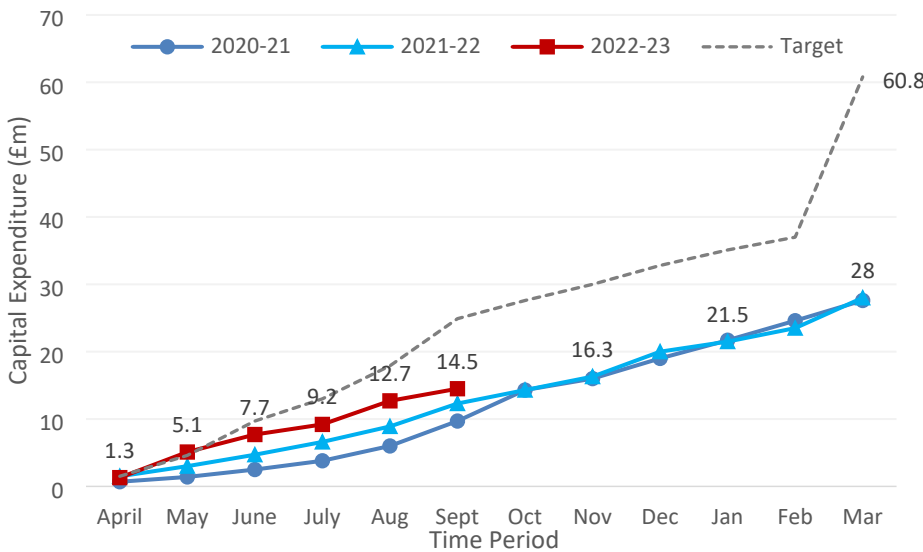
**AMBER**

**Previous Status:** June 2022

**RED**

- Fees and charges are forecast to be under achieved by approx. £1.2m in 2022/23.
- This is due to the slow post Covid recovery of leisure income especially one card subscriptions, as well as other smaller shortfalls from the floating bridge and heritage services
- This pressure forms part of the overall pressure as contained in the previous chart and will therefore be offset by the use of the Covid Contingency to enable a balanced budget to be achieved at year end

**Value of cumulative capital expenditure compared to profiled budget**



**Aim:** Capital expenditure is within/under budget

**UN Sustainable Development Goal:** 8

**Most Recent Status:** September 2022

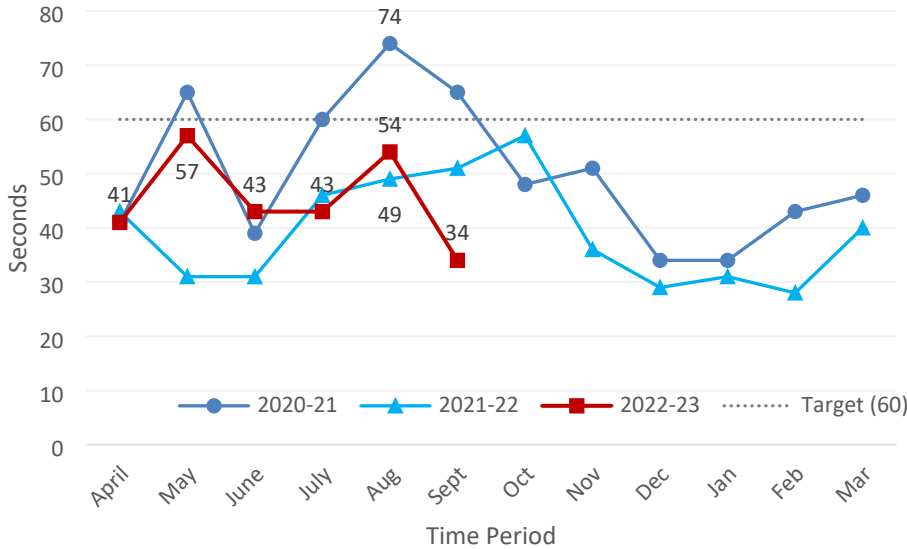
**GREEN**

**Previous Status:** June 2022

**GREEN**

- We are currently forecasting net slippage of around £9m from this year’s capital programme although at least half of this is related to the housing elements of the programme which are still in the early stages of development.
- Capital challenge meetings have been held to more accurately profile spend with over £7m of budgets moved into future years.
- Project Managers are now starting to prepare bids for funding in 23/24 and onwards.

**Average time to answer calls to the contact centre**



**Aim:** Calls are answered within 60 seconds

**UN Sustainable Development Goal:** 16

**Most Recent Status:** September 2022

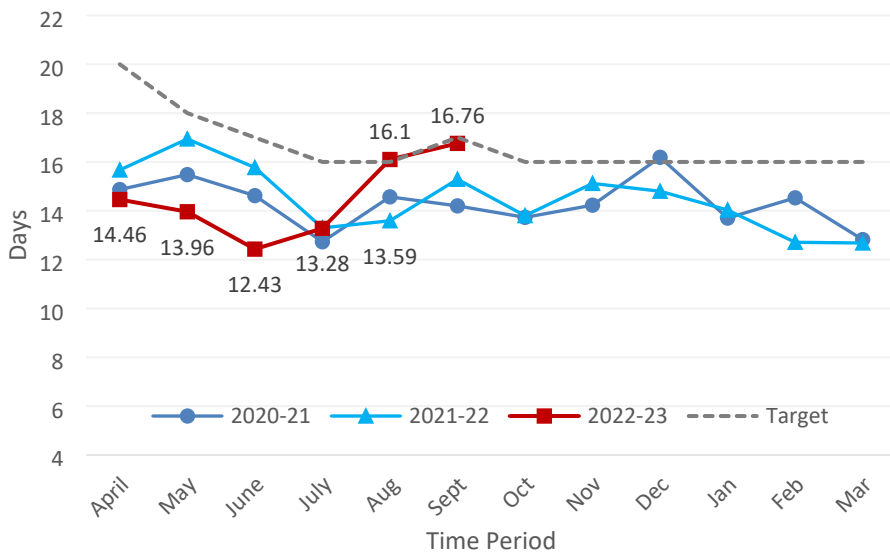
**GREEN**

**Previous Status:** June 2022

**GREEN**

- The average time to answer calls to the contact centre, while on average higher than during the same period last year, remains below our target of 60 seconds, as we did throughout 2021-22.
- The time to answer calls is impacted by staff sickness, as was the case in October last year, and an increase in activity as evidenced during the pandemic.
- Trends indicate we will see a decrease in time taken to answer calls as we enter Quarter 3, as we have for the previous two years. We can already see that the time taken to answer calls has dropped as of the end of Quarter 2.

**Average speed of processing new benefit claims**



**Aim:** Average speed of processing is below target

**UN Sustainable Development Goal:** 1

**Most Recent Status:** September 2022

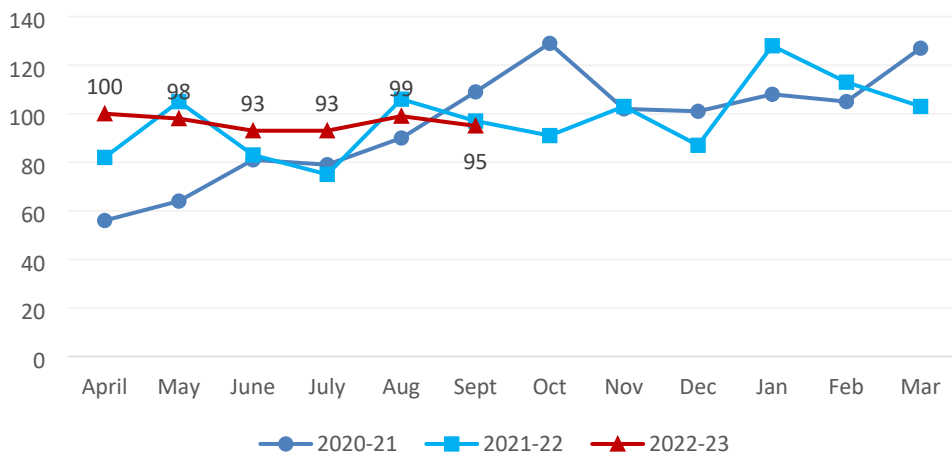
**GREEN**

**Previous Status:** June 2022

**GREEN**

- The number of cases for housing benefits and local council tax support continue to remain constant with most cases for local council tax support.
- The month of August is a busy month for annual leave; however, the new claims are being dealt with efficiently and on time.

### Number of FOI requests received



**Aim:** Not applicable

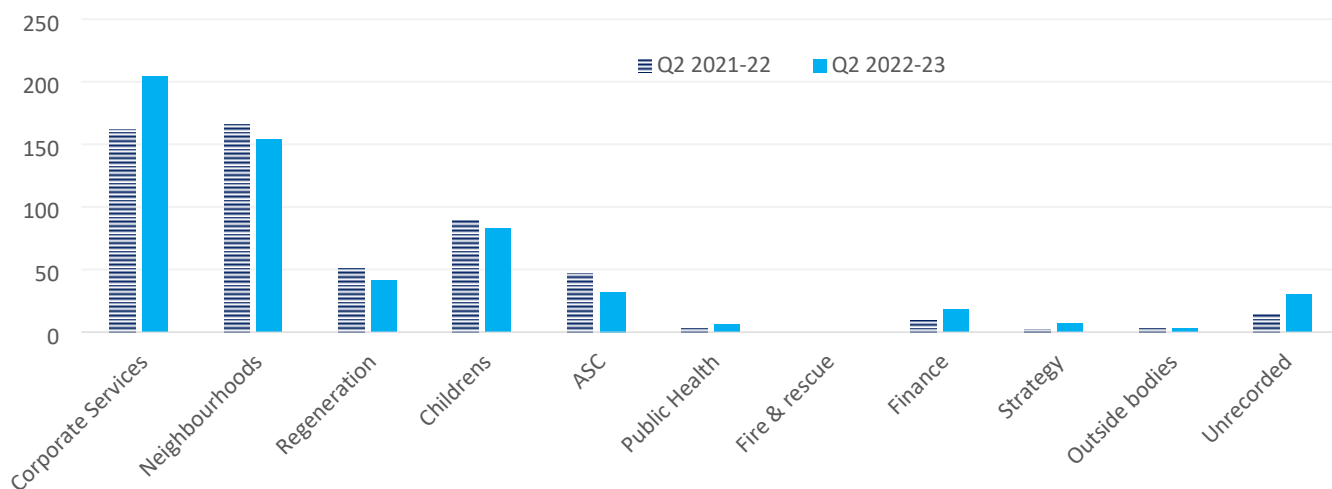
**UN Sustainable Development Goal:** 16

**Most Recent Status:** September 2022

**Monitoring Measure Only**

**Previous Status:** March 2022

**Monitoring Measure Only**



- The number of FOI requests received has remained relatively stable over the last 6 months, ranging between 93 and 100.
- The highest number of requests received are consistently within Corporate services and Neighbourhoods. Corporate have received a total of 204 requests to date this year, compared to 162 in the same period last year. Neighbourhoods however has seen a drop from 166 to 154 for the same period.
- Public Health, Strategy and Outside Bodies continue to receive a low level of requests, and Fire and Rescue is yet to receive a request this year.
- On average for quarter 2, 90 percent of requests have been processed on time (July was 94 percent, August was 90 percent, September was 85 percent)

### Service Updates - Key Aspirations and Ongoing Business

#### The following activity supports UN Sustainability Goal 3:

The recently appointed 'welfare officer' is having a positive impact, actively encouraging the take up of benefits, promoting discounts and disregards for council tax to ensure that residents can access the financial support they are entitled to. The energy rebate scheme closed on the 30th September with 55,565 payments being made to residents living in a property with a council tax band A-D. The discretionary energy rebate scheme remains open to 30 November and to date 199 households have received additional financial support.

#### The following activity supports UN Sustainability Goal 8:

A refreshed procurement strategy has now been completed, considering the key requirements set out in the council's corporate plan and is being presented to the October 2022 cabinet meeting for consideration.

Actions in relation to local market engagement are to be included in the new procurement strategy action plan. Once Cabinet approval has been secured, the action plan will enter delivery and regular reporting of progress against strategy intentions will be undertaken through the audit committee.

The annual survey findings were discussed at Corporate Management Team in June and July. Directors were provided with the feedback for their service area to enable them to discuss the results at their management team meetings and to agree actions to address concerns. The BIG action plan has also been refreshed to provide a greater emphasis on regular conversations with staff to discuss career development, learning, team well-being and the need to build relationships across the Council to prevent 'silo' working. Work has also progressed to address the issues of frontline workers receiving regular communications and access to learning. Discussions at the Managers' Conference in September and articles in the Vine have helped to keep all staff informed.

A pilot leadership programme was launched in July with 22 aspiring leaders across the organisation which will focus on self-managed learning and provide an opportunity for colleagues to share experience and knowledge, as well as hearing the leadership journeys of senior leaders. A date for next year's Council's awards event has been set for 7th July 2023 at Cowes Yacht Haven.

## Strategic Risks

<b>Lack of financial resource and the ability to deliver the council's in-year budget strategy</b>		
<b>Assigned to: Director of Finance and Section 151 Officer</b>		
<b>Inherent Score</b>	<b>Target Score</b>	<b>Current Score</b>
<b>16 RED</b>	<b>5 GREEN</b>	<b>5 GREEN</b>
<b>Previous scores</b>		
<b>Jul 22</b>	<b>Mar 22</b>	<b>Nov 21</b>
<b>5 GREEN</b>	<b>5 GREEN</b>	<b>9 AMBER</b>
<b>No change to risk score</b>		

<b>Lack of financial resource and the ability to deliver the council's medium-term financial strategy</b>		
<b>Assigned to: Director of Finance and Section 151 Officer</b>		
<b>Inherent Score</b>	<b>Target Score</b>	<b>Current Score</b>
<b>16 RED</b>	<b>9 AMBER</b>	<b>9 AMBER</b>
<b>Previous scores</b>		
<b>Jul 22</b>	<b>Mar 22</b>	<b>Nov 21</b>
<b>9 AMBER</b>	<b>9 AMBER</b>	<b>16 RED</b>
<b>No change to risk score</b>		

<b>Insufficient staffing capacity and skills</b>		
<b>Assigned to: Director of Corporate Services</b>		
<b>Inherent Score</b>	<b>Target Score</b>	<b>Current Score</b>
<b>16 RED</b>	<b>9 AMBER</b>	<b>10 RED</b>
<b>Previous scores</b>		
<b>Jul 22</b>	<b>Mar 22</b>	<b>Nov 21</b>
<b>10 RED</b>	<b>9 AMBER</b>	<b>9 AMBER</b>
<b>No change to risk score</b>		

**A change in organisational culture fails to keep a pace with the speed of organisational change, negatively impacting on the delivery of the required transformation to deliver the corporate plan**

**Assigned to: Director of Corporate Services**

Inherent Score	Target Score	Current Score
16 RED	6 GREEN	6 GREEN
Previous scores		
Jul 22	Mar 22	Nov 21
6 GREEN	6 GREEN	6 GREEN
Risk score is consistent		



# Appendix 3 - 2022/23 Q2

## ADULT SOCIAL CARE AND PUBLIC HEALTH

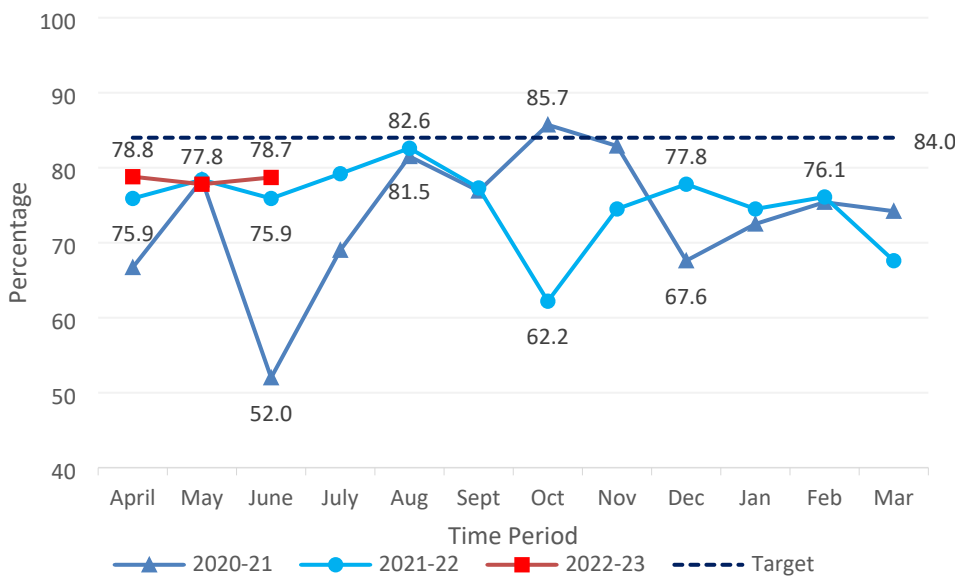
**Cabinet Member: Councillor Karl Love**

**Portfolio Responsibilities:**

- Community Care
- Residential Care
- Nursing Care
- Homecare
- Day Care
- Direct Payments
- Supported Living
- Learning Disability Homes
- Respite Care
- Resettlement
- Safeguarding
- Social Workers
- Family Working
- Healthy Lifestyles
- Domestic Abuse
- Early Help Services
- Obesity
- Social Health
- Substance Misuse
- 0-19 Services

### Performance Measures

**Proportion of older people (65+) still at home 91 days after discharge from hospital into reablement/rehabilitation services**



**Aim:** The percentage of people still at home 91 days after discharge is above 84 percent

**UN Sustainable Development Goal: 3**

**Most Recent Status:** September 2022

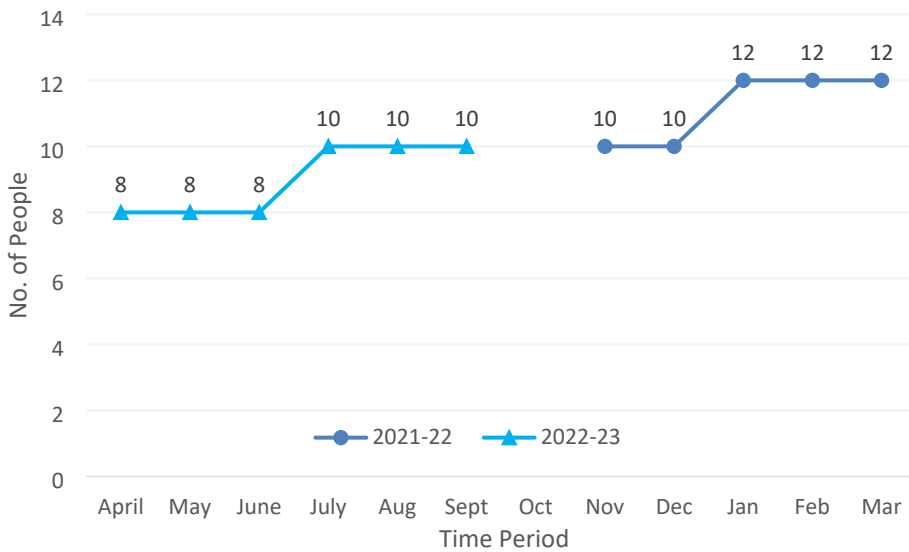
**Amber**

**Previous Status:** March 2022

**Amber**

- Please note that 91 days data will always be 3 months in arrears due to the nature of the measure
- We are currently below the target level of 84 percent of older people still at home 91 days after discharge, with an average 78.4 for quarter 1 of 2022-23
- We are seeing an increase in discharges where there is Long Term Need - This has resulted in people exceeding the normal 42-day window of Reablement by a considerable amount.

**Number of new ASC clients discharged from hospital progressing to short or long-term support at home, commissioned via Horizon.**



**Aim:** Monitoring Measure only

**UN Sustainable Development Goal:** 3

**Most Recent Status:** September 2022

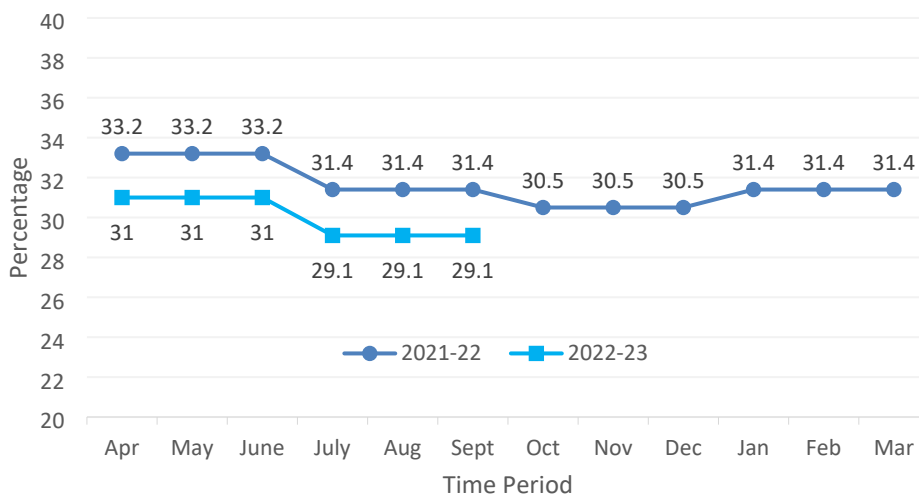
**Monitoring Measure Only**

**Previous Status:** March 2022

**Monitoring Measure Only**

- The number of people discharged from hospital is recorded one quarter in arrears, as the homecare package won't always start the same quarter as the discharge

**Proportion of people in receipt of care and support funded by the council supported to remain at home**



**Aim:** Monitoring Measure only

**UN Sustainable Development Goal:** 3

**Most Recent Status:** September 2022

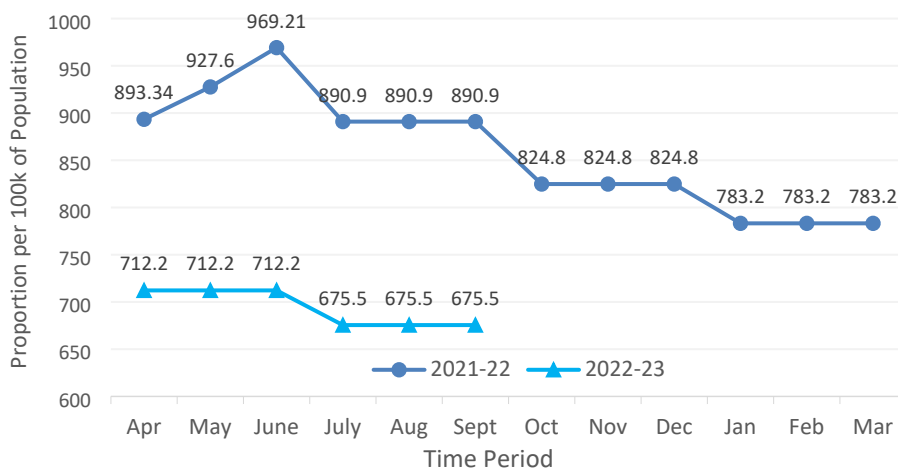
**Monitoring Measure Only**

**Previous Status:** March 2022

**Monitoring Measure Only**

- Due to the nature of the measure, this data will always be at least one month in arrears
- In the last 12 months, the proportion of people in receipt of care supported to remain at home has remained relatively consistent at an average 30.5 percent and this trend currently looks set to continue

**Rate of permanent admissions to residential & nursing care homes per 100k population (65+)**



**Aim:** Monitoring Measure only

**UN Sustainable Development Goal:** 3

**Most Recent Status:** September 2022

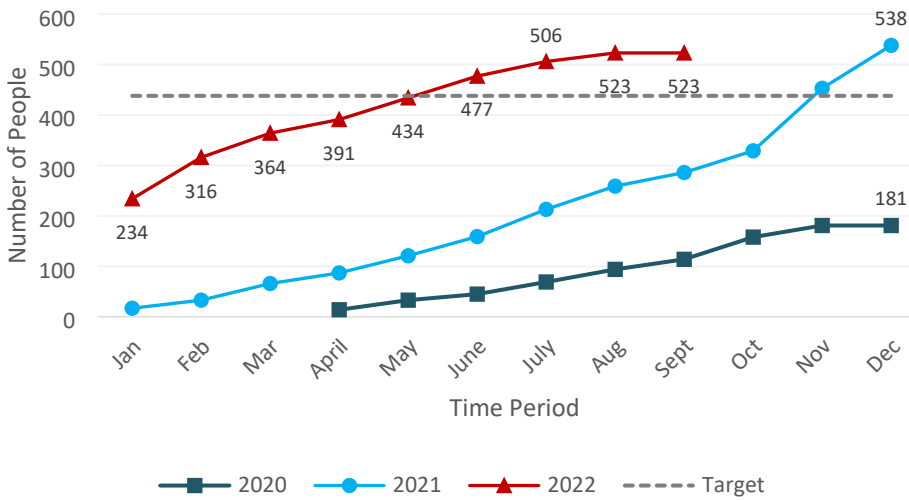
**Monitoring Measure Only**

**Previous Status:** June 2022

**Monitoring Measure Only**

- Due to the nature of the measure, this data will always be at least one month in arrears
- In line with the Care Close to Home strategy, the rate of permanent admissions is significantly lower than during the same period in the previous financial year
- This downward trend looks set to continue through quarter 3

**Smoking Quitters – number of people quitting nicotine at 4 weeks**



**Aim:** Number of people nicotine free reaches/exceeds the end of year target

**UN Sustainable Development Goal: 3**

**Most Recent Status:** September 2022

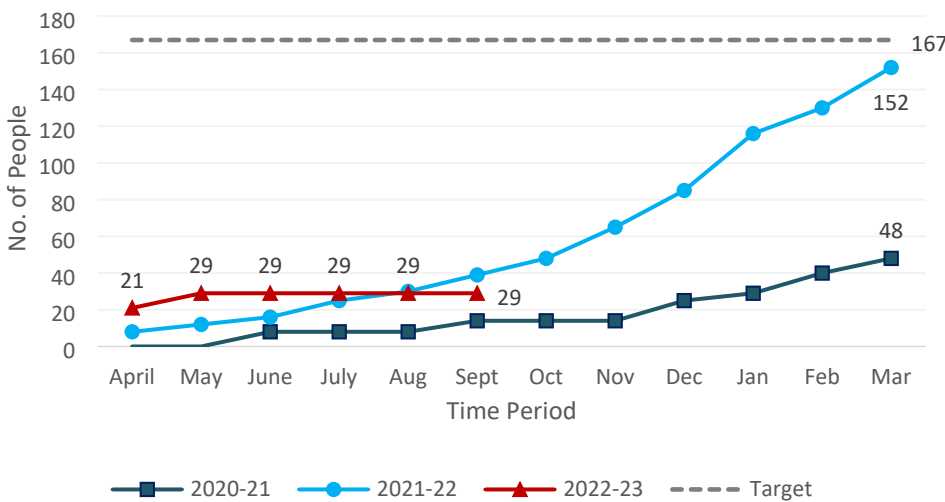
**GREEN**

**Previous Status:** June 2022

**GREEN**

- Please note: There can be a data lag of up to 6 weeks depending on when each quit date was set in the month
- This indicator includes those who have quit smoking nicotine with specialist support
- The contract year for the stop smoking service runs from the 1st January to 31st December.
- The target for 2022 was increased to 438, of which we have already achieved 119 percent.
- We are currently seeing an increase of 65 percent compared to the same time last year

**Number of people achieving weight loss of 5% of body weight in 12 weeks (in commissioned service)**



**Aim:** Number of people achieving 5 percent weight loss reaches/exceeds the end of year target

**UN Sustainable Development Goal: 3**

**Most Recent Status:** September 2022

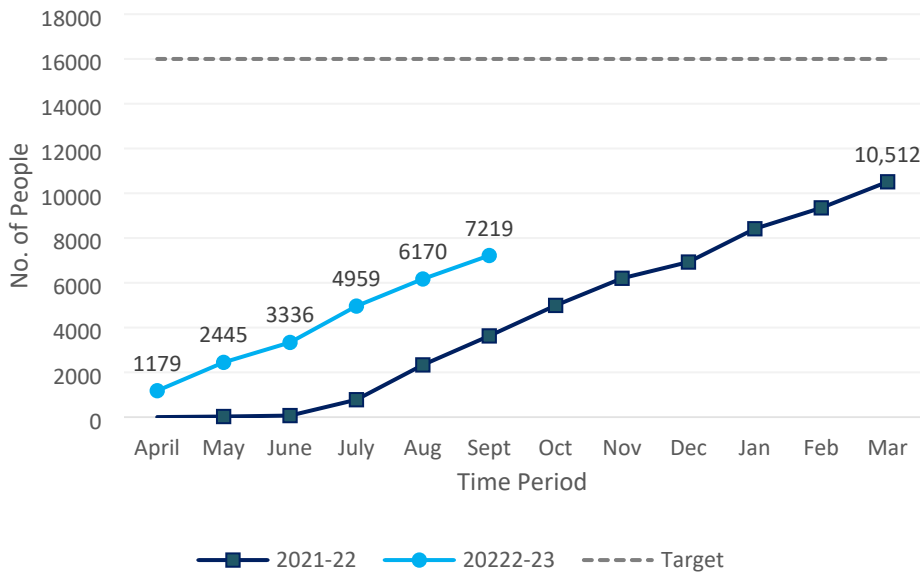
**AMBER**

**Previous Status:** June 2022

**AMBER**

- Weight management services and successful completions is a complex issue, we are now focusing the service on those most at risk and less likely to take up services or able to access through a commercial service.
- The data for Quarter 2 (July-September) will be updated in the subsequent quarter due to 12-week intervention
- The numbers are all tied to the enrolled/access date
- The number of people achieving 5% weight loss in Quarter 1 was 29, more than double the 13 achieved in the same period last year.

### Number of adults 25+ taking part in sport or physical activity



**Aim:** Number of Adults taking part in sport or physical activity reaches/exceeds 16,000 end of year target

**UN Sustainable Development Goal: 3**

**Most Recent Status:** September 2022

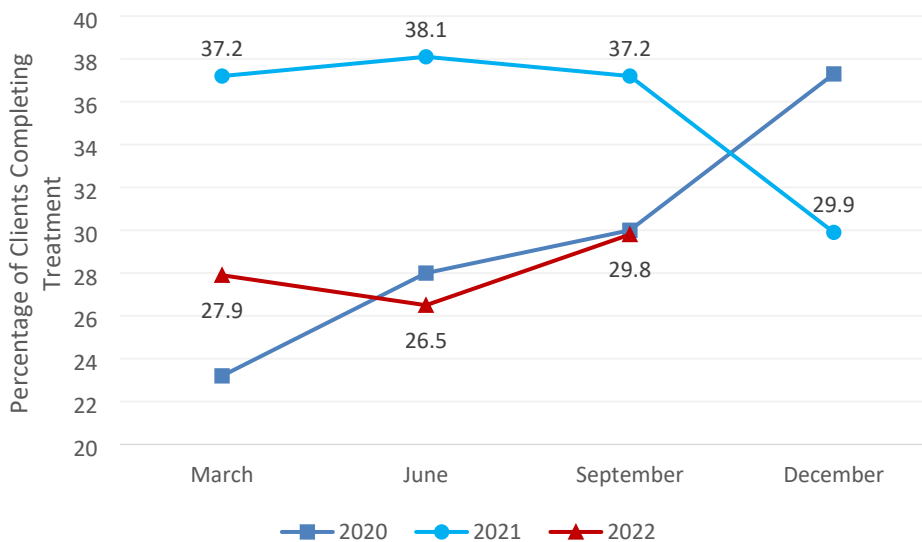
**Amber**

**Previous Status:** June 2022

**Amber**

- Figures for this year are substantially higher than for the same period last year, this is unsurprising given the easing of COVID restrictions and the increase in group activities available.
- There were reduced participants at parkrun during Quarter 2, most likely due to the school holidays.
- We are currently at 45 percent of the 16,000 end of year target
- Activities taking place include the parkrun and the CPD cycling training course

### Successful completion of alcohol treatments



**Aim:** Successful completion of treatment exceeds end of year target

**UN Sustainable Development Goal: 3**

**Most Recent Status:** September 2022

**AMBER**

**Previous Status:** June 2022

**AMBER**

- This figure is a percent on those in treatment therefore if more people access treatment the percent of completions may fall
- The data captured in National Drug Treatment Monitoring System shows only structured treatment outcomes. There are increasing numbers in treatment which can affect the overall percentage.
- A new programme has been launched for which the cycle is not yet complete, so the outcomes are yet to be recorded.
- The role of the drug and alcohol liaison nurse (DLAN) within the hospital has led to identifying patients who previously have not reached out for support, and often these patients are more complex so their treatment journey will be longer and more involved. The DALN has carried out 31 detoxes on the ward not all of which will be captured in this successful outcome indicator.
- True outreach and partnership working in the homelessness hub has also led to increased complexity in cases.
- The Substance misuse service locally is flexible and adapts to need, as a result they deliver a brief interventions pathway for non-dependent drinkers. This has seen 70 people access the BI pathway this quarter alone and there were 54 discharges and 43 percent of these were successful.

## Service Updates - Key Aspirations and Ongoing Business

### The following activity supports UN Sustainable Development Goal 3:

Community engagement activities have concluded, and the final draft is with the Carers Strategy Working group for final comment by Wednesday 21/09/2022. This will then enable the strategy to progress through formal decision-making structures for approval and adoption.

The support available for informal carers continues to be in place and includes a requirement for the provider, Cares IW, to ensure that they are actively promoting assessments for carers. Quarterly reporting is in place and shows increased support being offered to our Islands Carers. It is worth noting that the complexity of support is also increasing.

The Better Care Fund (BCF) for 2022/2023 has been approved by Cabinet and will be submitted in line with the central government requirements once approved by the Health and Well-Being Board.

The full review of the Regaining Independence Service is underway with a focus on greater levels of rehabilitation and reablement services being provided in peoples own homes.

The Gouldings refurbishment continues to progress in accordance with the anticipated timeline, and closure is still planned between 01/04/2023 - 31/10/2023. Staff will be redeployed during this period.

An independent audit of Adult social care safeguarding criteria took place in June and July 2022. Key strengths were identified, as well as areas of practice development. A follow up audit is planned in late September 2022 to look at progress in those areas for development.

Work continues with the Safeguarding Adults Board. This includes

- Safeguarding Workshop at the Adult Social Care and Housing Needs Conference in October.
- Media campaign for Adult Safeguarding Awareness Week in November
- Service user voice central to SAB conference
- Key feedback from ASC and partner agencies in SAB Learning Needs Analysis in November

Public Health are opening a second round of small grants to the voluntary sector for mental health and wellbeing as part of the aim to increase the role of the voluntary sector in delivering services to the community. Key partners are engaged at a strategic level in the Health and Wellbeing board and other partnerships as appropriate.

A Local Government Association (LGA) review of Public Health outcomes was undertaken to further understand how we can improve the health of the population, and the health and wellbeing strategy was finalised and signed off at the July meeting of the board. Further workshops are now being planned.

Public Health continue to collaborate with Energise Me and Sports Development to deliver the We Can Be Active programme of work. Conversations ongoing with those who work with older and vulnerable clients to increase physical activity.

The team have also undertaken the CLEAR assessment and established the training needs of maternity staff. We are working with partners in the Integrated Care Provider to support wider tobacco agenda and NHS Long Term Plan commitments.

The LGA review of Public Health's partnership with Hampshire County Council took place in September and the assessment was overall a positive one. An action plan is currently in development to address any points raised.

As part of the IW suicide prevention strategy, sector led improvement activity is being undertaken, and a presentation is due to the Health and Wellbeing board in November.

The substance misuse services continue to be closely monitored through contract management meetings, a robust performance management framework and quality reporting with positive outcomes, and increased national funding for the service was agreed at cabinet in October.

The new Domestic Abuse Partnership has met to implement the new Act. This is working well with wide engagement from partners.

## Strategic Risks

### Failure to recruit acceptable quality of professional practice across Adult Social Care (ASC) and Housing Needs

Assigned to: Director of Adult Social Care

Inherent score	Target score	Current score
14 RED	6 GREEN	6 GREEN
Previous scores		
Jul 22	Mar 22	Nov 21
8 AMBER	8 AMBER	8 AMBER
Reduction in risk score		

### Failure to identify and effectively manage situations where vulnerable adults are subject to abuse

Assigned to: Director of Adult Social Care and Assistant Director of Operations

Inherent score	Target score	Current score
16 RED	6 GREEN	11 AMBER
Previous scores		
Jul 22	Mar 22	Nov 21
11 AMBER	10 AMBER	10 AMBER
No change in risk score		

### Failure to secure the required outcomes from the integration of adult social care and health

Assigned to: Director of Adult Social Care

Inherent score	Target score	Current score
16 RED	6 GREEN	10 AMBER
Previous scores		
Jul 22	Mar 22	Nov 21
10 AMBER	10 AMBER	10 AMBER
No change to risk score		

### Independent Social Care Sector Sustainability (care Homes and Home Care)

Assigned to: Director of Adult Social Care

Inherent score	Target score	Current score
16 RED	6 GREEN	12 RED
Previous scores		
Jul 22	Mar 22	Nov 21
12 RED	12 RED	12 RED
No change to risk score		

<b>Additional demands placed upon the Isle of Wight Council and partners owing to pandemic flu or similar large-scale outbreaks</b>		
<b>Assigned to: Director of Public Health</b>		
<b>Inherent score</b>	<b>Target score</b>	<b>Current score</b>
<b>16 RED</b>	<b>12 RED</b>	<b>12 RED</b>
<b>Previous scores</b>		
<b>Jul 22</b>	<b>Mar 22</b>	<b>Nov 21</b>
<b>12 RED</b>	<b>16 RED</b>	<b>16 RED</b>
<b>No change to risk score</b>		

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# Appendix 4 - 2022/23 Q2

## DEPUTY LEADER, DIGITAL TRANSFORMATION, HOUSING, HOMELESSNESS AND POVERTY

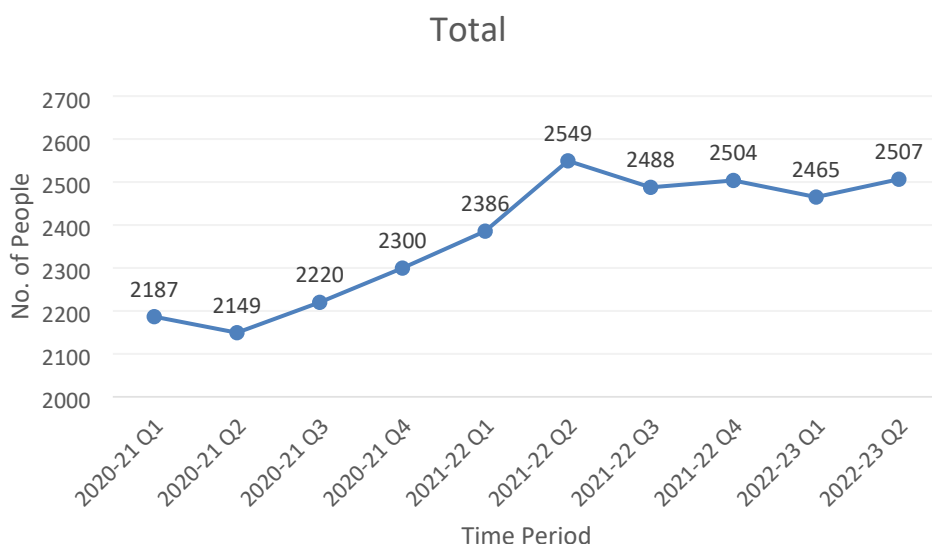
**Cabinet Member:** Councillor Ian Stephens

**Portfolio Responsibilities:**

- ICT Contracts
- Applications Development
- Digital Service
- Software Development
- Compliance and Infrastructure
- Desktop Support
- Telecommunications
- Homelessness
- Rough Sleeping
- Housing Related Support
- Housing Renewal and Enforcement
- Disabled Facilities Grant

### Performance Measures

#### Average number of people on housing register per month in each of the bands



**Aim:** Reduction in the number of people on each band of the housing register at month end

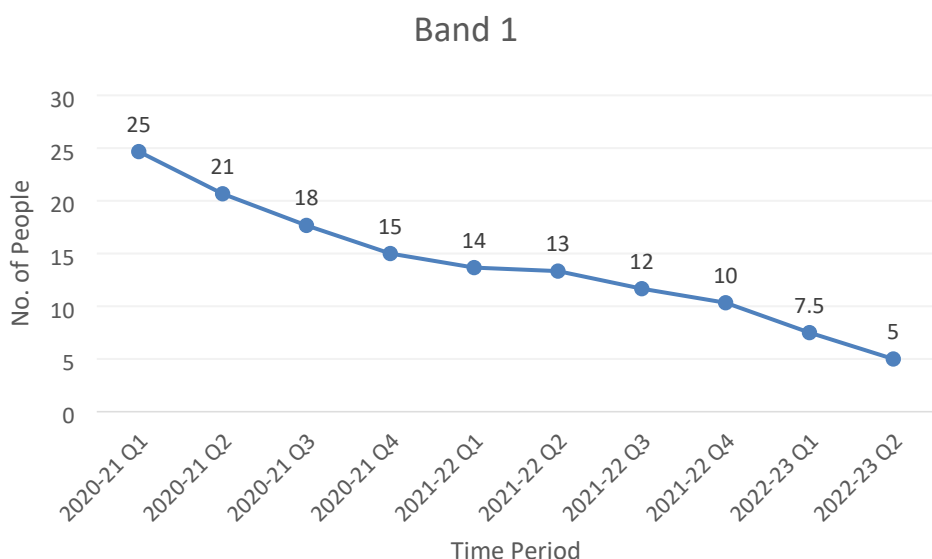
**UN Sustainable Development Goal:** 11

**Most Recent Status:** September 2022

**RED**

**Previous Status:** June 2022

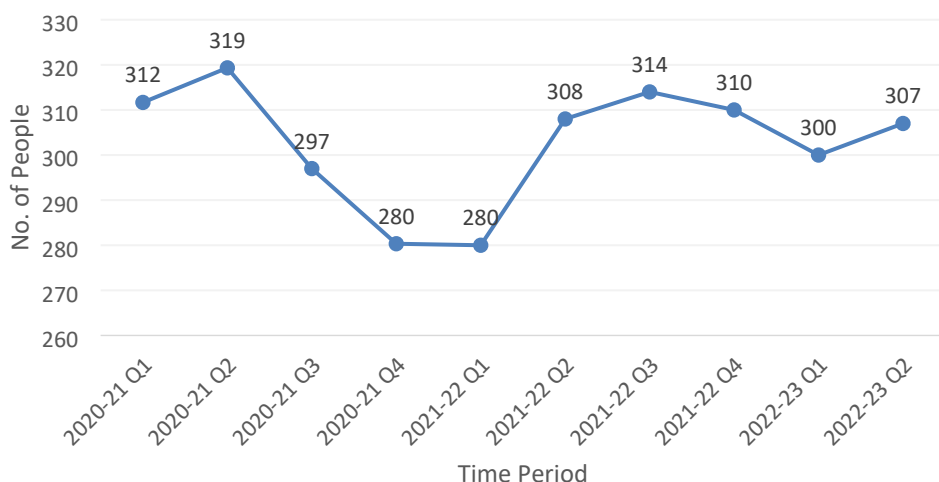
**RED**



Band 1 of the housing register includes those who meet the following criteria

- Urgent medical / welfare issues
- Multiples of Band 2

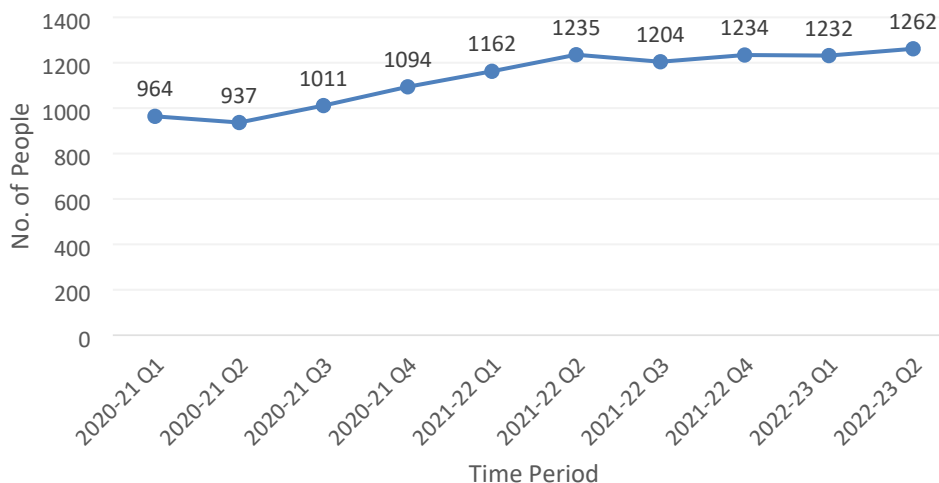
### Band 2



Band 2 of the housing register includes those who meet the following criteria

- Severe overcrowding (at least 2 bedrooms)
- Severe under-occupation (social housing tenants resident on the island)
- Applicants identified as being ready for 'move-on' accommodation
- Social housing tenants on the island vacating disabled adapted accommodation

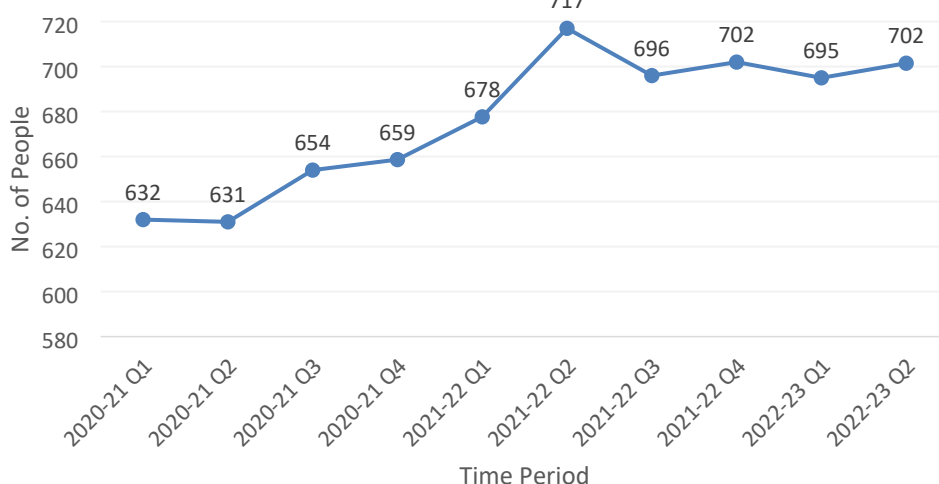
### Band 3



Band 3 of the housing register includes those who meet the following criteria

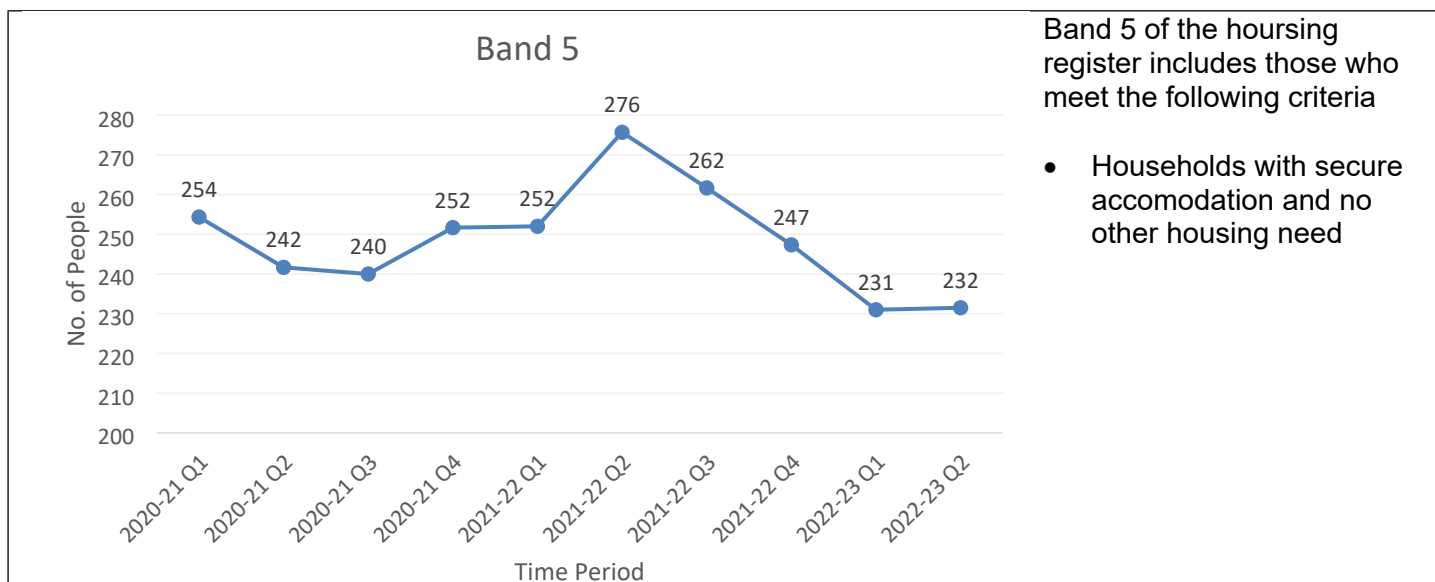
- Multiples of Band 4

### Band 4



Band 4 of the housing register includes those who meet the following criteria

- Homeless applicants
- Significant medical / welfare issues
- Hazardous property condition as defined by the Housing Renewal team
- Lacking or sharing amenities
- Households within insecure accommodation
- Minor overcrowding (1 bedroom)
- Minor under-occupation (private tenants or owner occupiers resident on the island)



Band 5 of the housing register includes those who meet the following criteria

- Households with secure accommodation and no other housing need

- Quarter 2 has seen a decrease in the number of people on the housing register from the same period last year (2507 compared to 2549 in quarter 2 2021), though this has increased from 2465 in quarter 1, with those on band 1 of the register (urgent medical/welfare issues) has dropping to a low of 5 people (average over the quarter)
- The highest proportion of people on the Housing register is consistently within band 3
- Applications are assessed and placed in one of five bands according to their housing needs. Within each band applications will be placed in priority date order, with the application with the oldest date having the highest priority. The date that is normally used is the date the housing need is assessed. Where circumstances change and move between bandings occur, the priority date will be changed to the date when the housing need was re-assessed.

#### Number & value of Disabled Facility Grants issued

- Aim:** Not Applicable
- UN Sustainable Development Goal:** 11
- This is a new measure, introduced as part of the 2021 Corporate plan, thus data is currently limited
- During Quarter 2, 77 grants were approved at a value of £609
- During Quarter 2, 62 grants were completed at a value of £523,000

#### Service Updates - Key Aspirations and Ongoing Business

##### The following activity supports UN Sustainable Development Goal 1:

At the end of quarter 2, the Rough Sleepers Accommodation Project is complete, ahead of the revised November end date. The housing delivery target for September 2022 has also been achieved. Going forward, a new acquisition strategy to acquire properties for council ownership is being prepared and is due for completion in October 2022.

We continue our consultation work with town and parish councils regarding specific sites such as ER Nettlestone, Pyle Street etc, and as of July 2022, planning has begun around Bay Place. A project team has also been set up to identify empty properties that are currently empty for reasons other than being a second or holiday home and could potentially be used for residential accommodation.

##### The following activity supports UN Sustainable Development Goal 8:

The Relocatable Homes scheme was approved by Cabinet in January 2022. The Supplementary Planning Documentation consultation is now complete and is due to be considered by Cabinet in October 2022. Flood risk assessments and site surveys are to be completed during quarter 3.

##### The following activity supports UN Sustainable Development Goal 9:

We are receiving regular updates from Wight Fibre regarding progress with their commercial investment with full fibre for the island, and in June 2022 they confirmed the programme is due for completion by December 2023.

**The following activity supports UN Sustainable Development Goal 11:**

The waiting list for Disabled Facilities grants remains in place, but we have recruited to a new post specifically to assist in grant application. The start date for the role is still to be confirmed, but we are confident that this will speed up the application process going forward and reduce waiting times.

**The following activity supports UN Sustainable Development Goal 16:**

The new website went live on the 12th May 2022 for the following services – Planning, Registrars, Fostering, Adult Social Care, Parking Services, and Adult Community Learning (including a new course booking system). There is a feedback mechanism for users of the new BETA website to allow for continued improvements/refinements to be undertaken.

The revised content and technical requirements to meet the council's statutory obligations under accessibility legislation are planned to be completed by the end of October 2022 for the Housing and Homelessness service, council tax and housing benefit service areas. The Waste & Recycling Service, along with their partner AMEY PLC, are scheduled for revised content and technical aspects to have been completed by the end of November 2022.

Work has commenced with Childrens Services as being the next major service area for review and which will be followed by the Human Resource Service/Recruitment service.

Preparations have also commenced for the decommissioning of the main website by April 2023 and remaining content transfer during the next phase of the project.

The council has taken a lead on co-ordination of information in conjunction with partners to support individuals with “cost of living” issues with a new single point of information and publicity campaign being launched in time for winter 22 Q3

## Strategic Risks

N/A

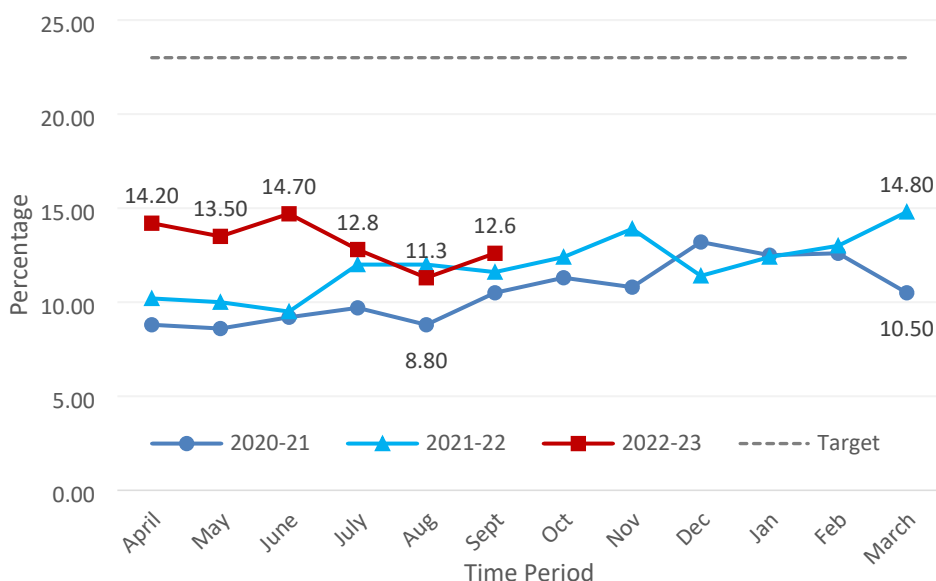
# Appendix 5 - 2022/23 Q2

## CHILDREN’S SERVICES, EDUCATION AND LIFELONG SKILLS

Cabinet Member: Councillor Debbie Andre	
<b>Portfolio Responsibilities:</b> <ul style="list-style-type: none"> <li>• Adoption</li> <li>• Fostering</li> <li>• Disabled Children Support</li> <li>• Respite Care</li> <li>• Early Help</li> <li>• Care Leavers</li> <li>• Safeguarding</li> <li>• Short Breaks</li> </ul>	<ul style="list-style-type: none"> <li>• Youth Service</li> <li>• Special Educational Needs</li> <li>• Alternative Education</li> <li>• Early Years Development</li> <li>• School Improvement</li> <li>• Schools</li> <li>• Asset Management</li> <li>• Home to School Transport</li> </ul>

### Performance Measures

**Percentage of children becoming the subject of Child Protection Plan for a second or subsequent time (within two years of the previous plans end date ).**



**Aim:** The percentage of children becoming subject of a second or subsequent plan remains below 23 percent

**UN Sustainable Development Goal: 3**

**Most Recent Status:** September 2022

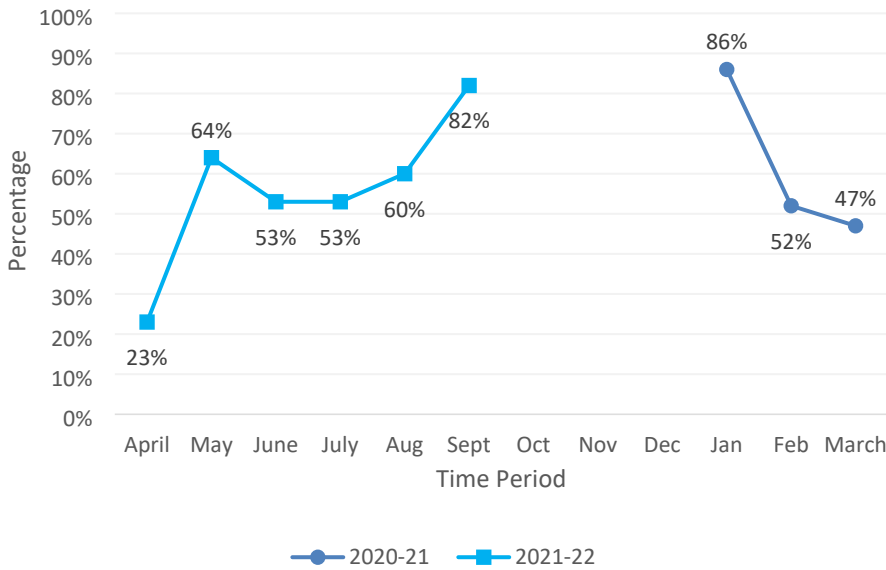
**GREEN**

**Previous Status:** June 2022

**GREEN**

- For children subject to a second or subsequent child protection plan within two years, each one is reviewed by the management team.
- The reason for the second or subsequent child protection plan is analysed with the majority being because of associated issues with the first child protection plan such as domestic abuse, adult substance misuse and/or adult mental health.
- We have seen a drop in the percentage during quarter 2 and remain well below the target of 23 percent, as we have for the last 2.5 years

**Percentage of early help cases closed with outcomes achieved**



**Aim:** Increase in the percentage of cases closed with outcomes achieved

**UN Sustainable Development Goal:** 3

**Most Recent Status:** September 2022

**Monitoring Measure Only**

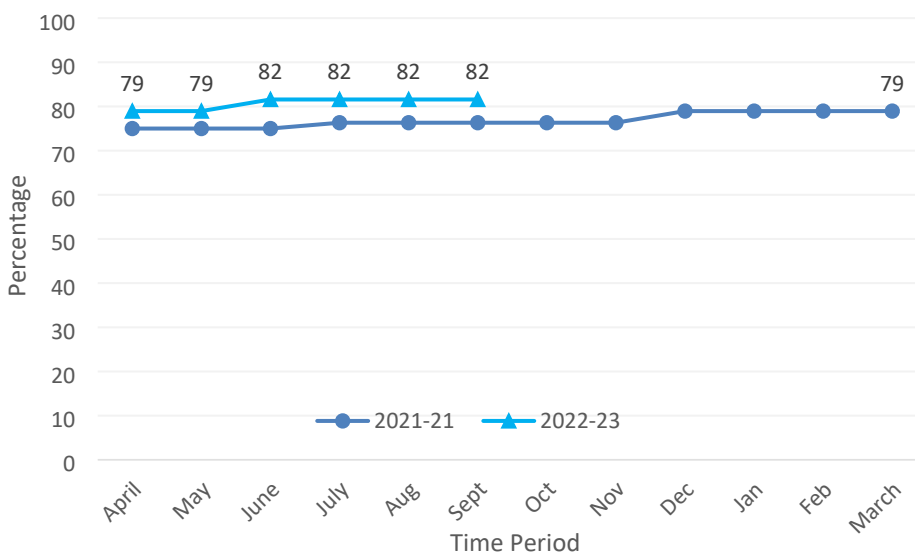
**Previous Status:** June 2022

**Monitoring Measure Only**

- This is a new measure introduced in the 2021 Corporate plan, and as such data is limited.
- There are various reasons for closure of Early Help cases, of which outcomes is one. The number of closed cases and of those with outcomes achieved is shown in the below table
- Many of the cases reported during this period were closed under the category of 'other', which makes it hard to distinguish whether outcomes have been achieved.

	Jan	Feb	Mar	April	May	June	July	Aug	Sep
<b>Cases Closed</b>	21	44	58	13	50	42	34	10	51
<b>Cases Closed with outcomes achieved</b>	18	23	27	3	32	22	18	6	42

**Percentage of primary schools graded as good or outstanding in the most recent inspection (not including schools with no inspection score)**



**Aim:** Increase in the percentage of schools graded good or outstanding in the most recent inspection

**UN Sustainable Development Goal:** 4

**Most Recent Status:** September 2022

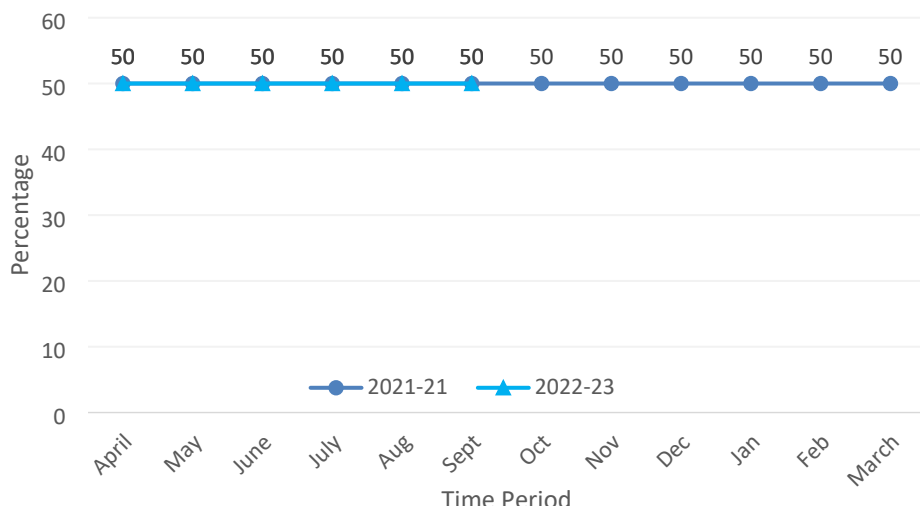
**Monitoring Measure Only**

**Previous Status:** March 2022

**Monitoring Measure Only**

- There were no inspections carried out during quarter 2 and as such, we remained stable at 82 percent
- This compares with 86 percent mean average for all English unitary authorities for the 2020/21 academic year

**Percentage of secondary schools graded good or outstanding in the most recent inspection**



**Aim:** Increase in the percentage of schools graded good or outstanding in the most recent inspection

**UN Sustainable Development Goal:** 4

**Most Recent Status:** September 2022

**Monitoring Measure Only**

**Previous Status:** March 2022

**Monitoring Measure Only**

- There were no inspections carried out in quarter 2, as in quarter 1. As such the percentage of secondary schools rated good or outstanding remained consistent at 50 percent for the last 2 years.
- This compares with 72 percent mean average for all English unitary authorities for the 2020/21 academic year.

**Percentage of all Isle of Wight LA Schools graded good or outstanding in most recent inspection**

Schools	Inadequate	Requires Improvement	Good	Outstanding	Ungraded
48	0	10	38	0	0
	0.00%	21%	79%	0.00%	0.00%
	21%		79%		0.00%

**Aim:** Increase in the percentage of schools graded good or outstanding in the most recent inspection

**UN Sustainable Development Goal:** 4

**Most Recent Status:** September 2022

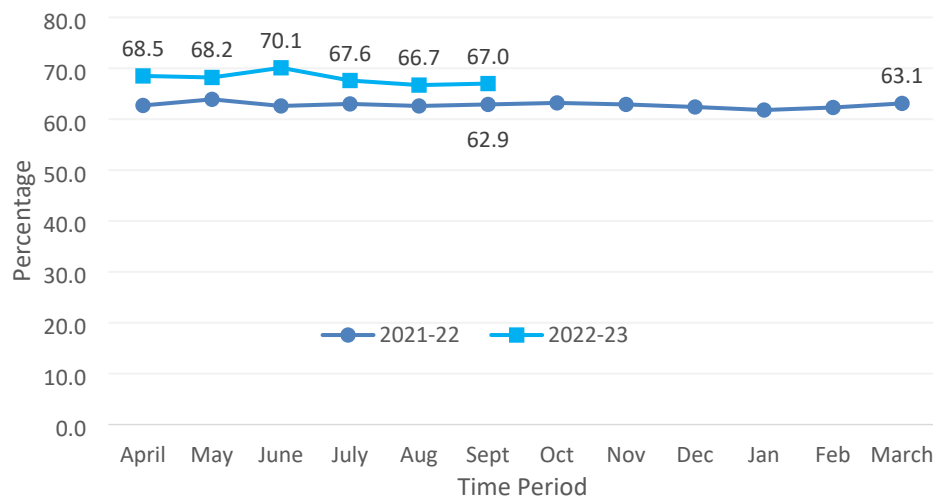
**Monitoring Measure Only**

**Previous Status:** March 2022

**Monitoring Measure Only**

- These results include schools not categorised as either Primary or Secondary. (The Bay CE School, Medina House Schools, St George’s School, and the Pupil Referral Unit all of which are currently rated as being “GOOD” by Ofsted)

**Percentage of care leavers in education, employment, or training**



**Aim:** Increase in the percentage of care leavers in education, employment, or training

**UN Sustainable Development Goal:** 4

**Most Recent Status:** September 2022

**Monitoring Measure Only**

**Previous Status:** June 2022

**Monitoring Measure Only**

- While there is a general trend over quarter 2 (which includes a seasonal impact in terms of school leavers), the figure has been consistently above 60 percent since April 2021 and is 4.1 percent higher than at the same time last year.
- This data includes all care leavers aged over 16

### Service Updates - Key Aspirations and Ongoing Business

#### The following activity supports UN Sustainable Development Goal 3:

Every Cabinet and Committee report is now required to include a paragraph highlighting the impact on children and young people and future generations of any Council decision made by elected members. To coincide with this, Elected Members are considering allocating a dedicated time at Council meetings to enable the Youth Council to submit questions as the public can do.

Following the successful Have Your Say Day held earlier in the year where participation activities were held for 80 family members open to children with disability team, two further Have Your Say Weeks are being planned for the October 2022 and February 2023 half-terms, along with a Halloween Come Dine with Me Special.

The Participation Strategy and action plan has been updated with the findings from audits, surveys, feedback, and participation activities. Parents and children's views are part of all assessments and plans within the service. As part of our ongoing quality assurance framework, parents and carers views are sought as part of case auditing. The focus is on evidencing improvements in social work practice and service improvement because of participation of children and families.

The Early Help Strategy will be updated to include the development of our go further Family Hub developments. The Isle of Wight continues to be held as an exemplar model of best practice in relation to its Family Hubs and continues to participate and present to several national conferences, workshops, and seminars. The Isle of Wight also hosted a visit in Q2 to the Family Hub Network.

#### The following activity supports UN Sustainable Development Goal 4:

The School Places Plan for 2022 will be updated with the latest forecast pupil numbers by Autumn 2022. Scrutiny Committee for Children's Services has received an update earlier in September with an overview of pupil places within each planning area. Department of Education data will be available in October which will be scrutinised carefully to refine the school improvement programme.

The Isle of Wight has been selected to be one of 75 local authorities and awarded £2million to 2025 to develop a 'go further' Family Hub offer. A Trailblazer application from Isle of Wight Children's Services is currently being considered by the Department of Education.

#### The following activity supports UN Sustainable Development Goal 16:

The Lead Member for Children and Education was due to attend the Youth Council during quarter 2 but was unable to due to the Youth Council moving the date of the meeting, as such, this will be rescheduled. The Youth Council has met with the Office of the Police Crime Commissioner Youth Forum lead to establish a local Isle of Wight Forum.

## Strategic Risks

Failure to improve educational attainment		
Assigned to: Director of Children's Services		
Inherent score	Target score	Current score
16 RED	6 GREEN	10 AMBER
Previous scores		
Jul 22	Mar 22	Nov 21
10 AMBER	10 AMBER	10 AMBER



**No change to risk score**

<b>Failure to identify and effectively manage situations where vulnerable children are subject to abuse</b>		
<b>Assigned to: Director of Children’s Services</b>		
<b>Inherent score</b>	<b>Target score</b>	<b>Current score</b>
<b>16 RED</b>	<b>5 GREEN</b>	<b>7 AMBER</b>
<b>Previous scores</b>		
<b>Jul 22</b>	<b>Mar 22</b>	<b>Nov 21</b>
<b>7 AMBER</b>	<b>7 AMBER</b>	<b>7 AMBER</b>
<b>No change to risk score</b>		

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# Appendix 6 - 2022/23 Q2

## PLANNING AND ENFORCEMENT

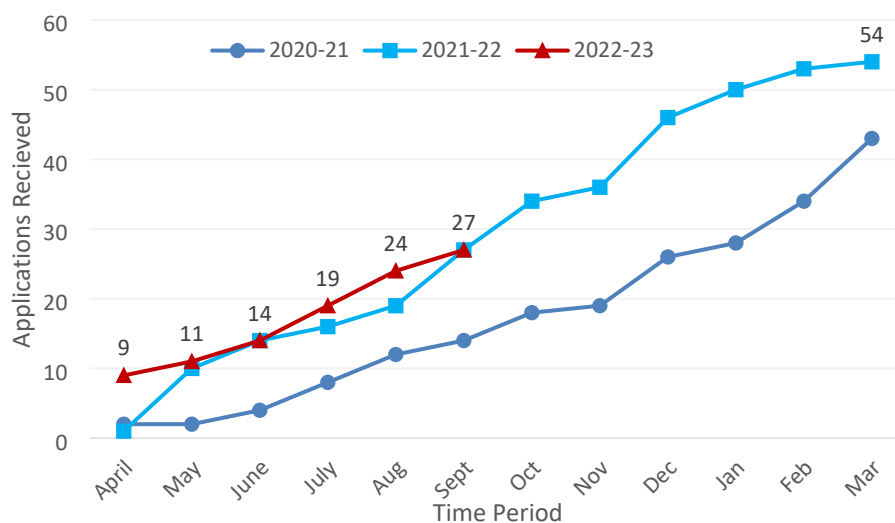
**Cabinet Member:** Councillor Paul Fuller

**Portfolio Responsibilities:**

- Island Planning Strategy
- Local Development Framework
- Planning Applications
- Planning Appeals
- Planning Enforcement
- Trees and Landscape Protection
- Building Control and Inspection

### Performance Measures

#### Number of major planning applications received



**Aim:** Not Applicable

**UN Sustainable Development Goal:** 12

**Most Recent Status:** September 2022

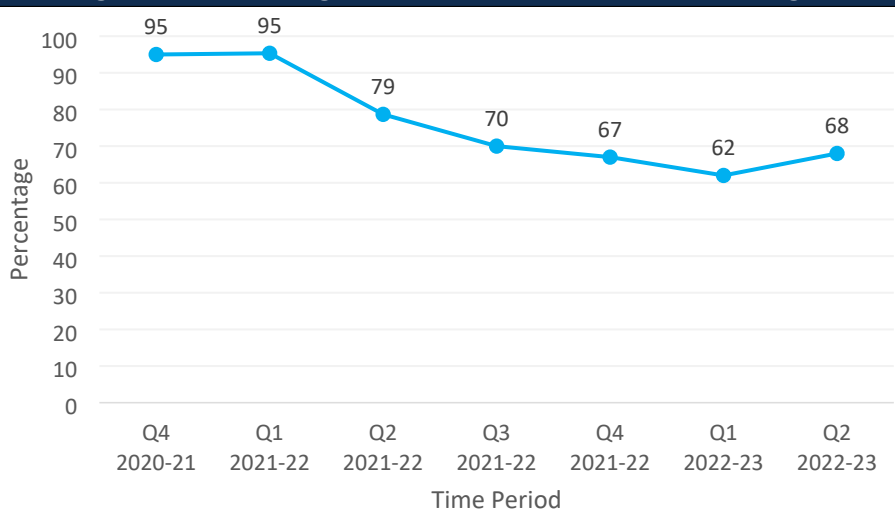
**Monitoring Measure Only**

**Previous Status:** March 2022

**Monitoring Measure Only**

- The number of major planning applications received up to now is the same as those received within the same period last year (27), and over double those received the year before (12 in 2020-21) during the pandemic.

#### Percentage of all planning applications processed within agreed timescales



**Aim:** The percentage of planning applications processed within agreed timescales is at/above 95 percent

**UN Sustainable Development Goal:** 12

**Most Recent Status:** September 2022

**Monitoring Measure Only**

**Previous Status:** March 2022

**Monitoring Measure Only**

- These figures do not include agreed upon extensions of time, which affects the percentage considered as 'on-time'
- Data on the breakdown between major, minor, and other planning applications will be available as part of the quarter 3 report

- Through 2021-22 there was a downward trend in the percentage of applications processed within timescales, but this is now beginning to pick up in 2022-23.

### **Service Updates - Key Aspirations and Ongoing Business**

#### **The following activity supports UN Sustainable Development Goal 9:**

A peer review was undertaken in May and the full report published in June can be viewed on the Council's website. The council committed to develop an action plan to deliver the recommendations of the peer review overseen by a working group of members, officers and wider stakeholders led by the Cabinet Member for Planning together with the Chairman of the Planning Committee and the Strategic Manager for Planning and Infrastructure. This action plan was completed and contains actions across a range of issues, with activities to be carried out up to the end of August 2023.

The Island Planning Strategy (IPS) went to Scrutiny in July and is planned for Cabinet and Full Council approval in October 2022, prior to undertaking a 6-week period of public representation.

Staff received Councillor feedback from the administration on the Island Planning Strategy and with ongoing Cabinet Member engagement, updated the policies within. The final version went to Corporate Scrutiny Committee (CSC) on 12<sup>th</sup> July. Councillors Fuller and Bacon have been working closely with the planning team to ensure that the content of the IPS reflects the key aims of the Corporate Plan.

A further informal session of CSC was held on the 10<sup>th</sup> August with staff providing support on potential recommendations and helping draft papers for the 6<sup>th</sup> September meeting, in addition to the Cabinet report for 8<sup>th</sup> September. Additional update sessions also took place on 25<sup>th</sup> August (Alliance Group briefing) and 30<sup>th</sup> August (Ryde Town Council briefing). Staff have been liaising with various cabinet members throughout the last 2 months.

## **Strategic Risks**

N/A

# Appendix 7 - 2022/23 Q2

## LEVELLING UP, REGENERATION, BUSINESS DEVELOPMENT AND TOURISM

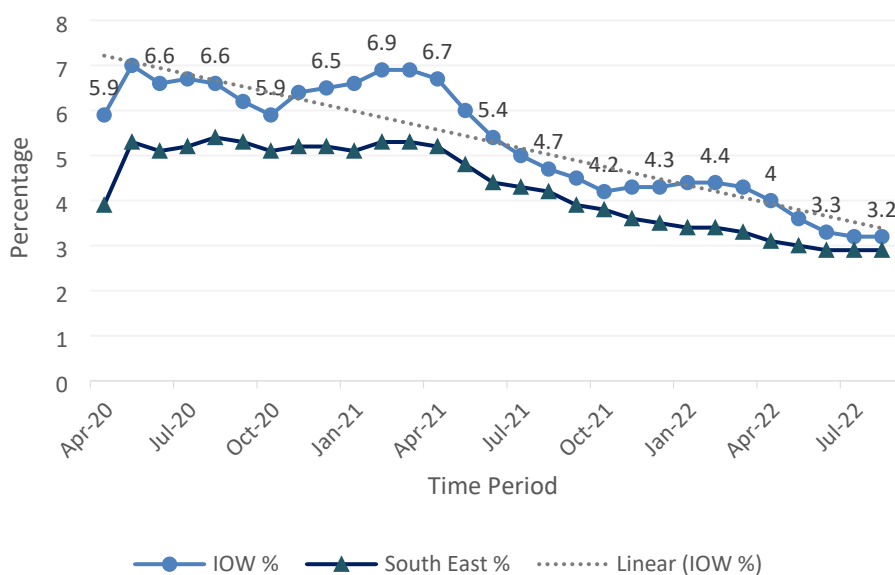
**Cabinet Member:** Councillor Julie Jones-Evans

**Portfolio Responsibilities:**

- Economic Development
- Events
- Regeneration Projects
- Levelling Up, SLEP
- Tourism
- Leisure Centres
- Sports Development

### Performance Measures

**Average number of out of work benefit claimants (per month)**



**Aim:** Reduction in the number of out of work benefit claimants

**UN Sustainable Development Goal:** 8

**Most Recent Status:** September 2022

**Monitoring Measure Only**

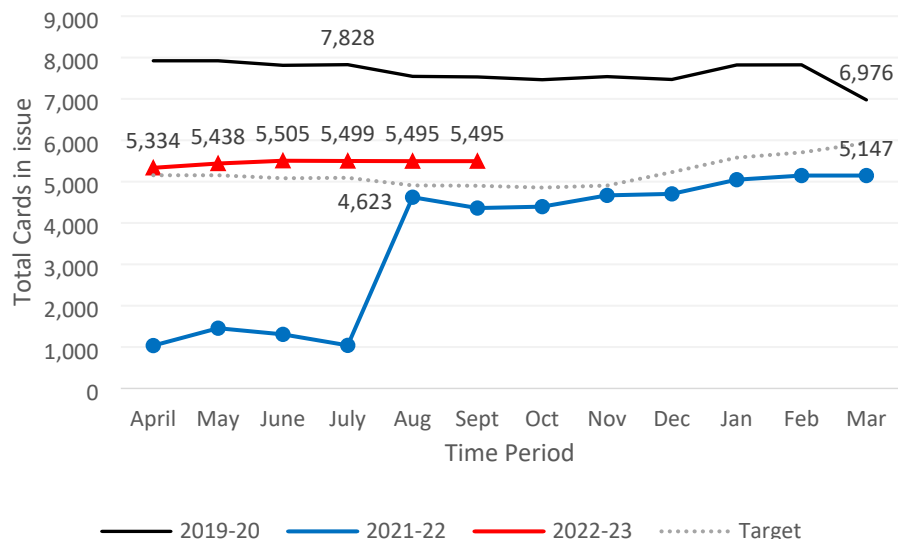
**Previous Status:** June 2022

**Monitoring Measure Only**

- The number of out of work benefit claimants dropped to a two-year low in July this year (3.2 percent of the working age population), a figure which has not been seen on the island since March 2020.
- We remain above the South East average of 2.9 percent, but below the England average of 3.7 percent
- The number of claimants on the IW is falling at a faster rate than regionally or nationally and this downward trend shows the island in a far healthier position that at the same time last year, when the claimant count stood at 4.7 percent for August 2021, indicating positive economic recovery as we continue to exit the pandemic
- The actual claimant count for 2021-22 and 2022-23 is shown in the below table

Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22
5370	4775	4290	4005	3770	3550	3365	3385	3395	3455	3460	3380	3145	2855	2856	2560	2565

### Total number of One Cards in issue



**Aim:** Increase in the number of One Cards in issue

**UN Sustainable Development Goal:** 3

**Most Recent Status:** September 2022

**GREEN**

**Previous Status:** June 2022

**AMBER**

- The number of One Cards (giving unlimited access to selected sports and leisure activities, subject to availability) in issue has seen a steady rise since the phased re-opening of facilities began in the 2021-22 financial year with the first accurate reflection of membership numbers appearing in September 2021 once the first post-Covid direct debits and cancellations have been processed.
- We have not yet returned to pre-Covid levels of membership (we are currently at 73 percent of membership as of September 2019), though over target and above the 4,361 membership of September 2021. This reflects the impact of sales campaigns around membership, along with investment at Medina Leisure.
- The council recognises the importance of leisure services to residents and visitors to the island and is carrying out a review of services in the light of the large increases in fuel costs and the overall impacts of the rise in the cost of living.

### Service Updates - Key Aspirations and Ongoing Business

#### The following activity supports UN Sustainable Development Goal 4:

The creation of a new Cultural Centre on land at Newport harbour includes the provision of a new Record Office. Consultants were commissioned to prepare a vision document for the proposal, and this was finalised mid-September and issued to all key stakeholders. A copy of the vision document was shared with the National Archive for their review and approval; they have since provided feedback on the record office element and this will be reflected as part of the next stage of design and feasibility work.

#### The following activity supports UN Sustainable Development Goal 8:

Methodology and timescale for the development of an island cultural strategy led by the island collection has been confirmed for completion by March 2023. The consultation on the strategy is already underway along with the Cultural conference scheduled for Quarter 3.

A dedicated consultant has now been appointed to address viability and funding issues connected with Newport Harbour projects, and a project board has been established to support the next phase of development. The Supplementary Planning Documents will be considered by cabinet in quarter 3, and feasibility for the Cultural Centre on Newport Quay will be completed at the same time.

The Cabinet decision regarding a development partner for Venture Quays housing development is expected during quarter 3. The expression of interest exercise was completed in August 2022 confirming interest in the site for extra care development. Joint procurement with Adult Social Care for a provider/developer is expected to commence in quarter 3 subject to cabinet member agreement of this approach.

Due diligence on the property swap value of the former Shanklin Spa Hotel site has been completed by the Section 151 director of regeneration and is due for cabinet member sign-off in quarter 3 subject to this consideration and eventual disposal. The developer planning application is also expected to follow during quarter 3.

The council is receiving interest for space at Building 41 following soft marketing and promotion at the recent Chamber Business Expo. Training events delivered by Portsmouth University under "Business Boost" continue and the delivery of a mentoring programme via commission to Digital Island is to commence shortly. The Opening of the Digital Innovation Centre is now planned for October to allow for the IT and booking system to be properly up and running. The building is currently providing space to a local a company prior to relocation to Branstone Farm (to enable business continuity).

Works have been completed at Branstone Farm business park, and houses and business units are to be occupied from quarter 3.

The design and costing of Pier Street frontage is being undertaken by Island Roads, and this will inform the agreed final sales price and secure the comfort of the developer in the deliverability and approval of the scheme.

**The following activity supports UN Sustainable Development Goal 16:**

The Island Skills Board, a sub-group of the Economic Development Board, has now begun to meet and discuss key issues, with Terms of Reference agreed and an action plan finalised. This board is attended by both public and private sector providers, and in November will focus on tourism and hospitality sectors, with representatives from Visit Isle of Wight attending.

A summary of pipeline housing development opportunities funded by One Public estate was completed in June 2022 and the UK Shared Prosperity Fund investment plan was submitted on 1st August 2022 – we are currently awaiting government feedback on this proposal. The Government have also announced a new "rural" addendum (circa £500k) with bids required for submission by 30<sup>th</sup> November 2022.

## Strategic Risks

N/A

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# Appendix 8 - 2022/23 Q2

## CLIMATE CHANGE, ENVIRONMENT, HERITAGE, HUMAN RESOURCES, LEGAL AND DEMOCRATIC SERVICES

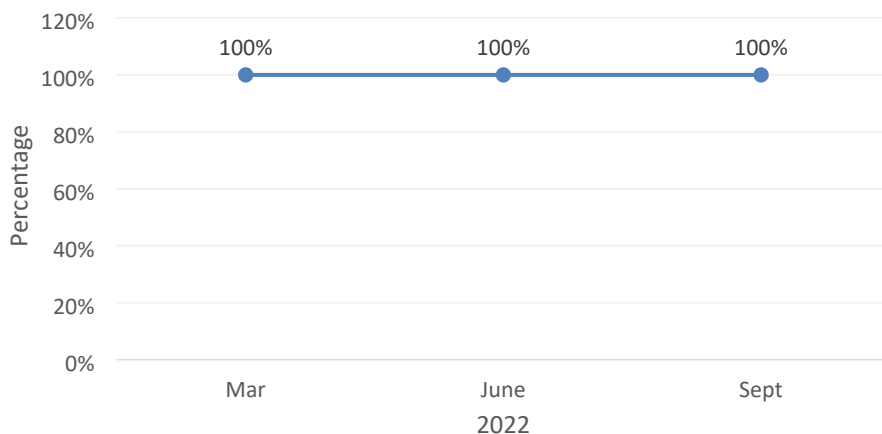
**Cabinet Member:** Councillor Jonathan Bacon

**Portfolio Responsibilities:**

- AONB
- Countryside Management
- Parks and Open Spaces
- Beach Huts
- Rights of Way
- Biosphere
- Climate Change and Environment
- Coastal Management
- Flood Policy and LLFA
- Allotments
- Playing Fields/Sports Grounds
- Amenity Land Hire
- Libraries
- Theatres
- Museums
- Archaeology
- Records Office
- Human Resources
- Elections
- Democratic Services
- Legal Services
- Learning and Development

### Performance Measures

**Percentage of council facilities using green energy only or on-site generation**



**Aim:** 100 percent of council facilities using green energy or onsite generation

**UN Sustainable Development Goal:** 13

**Most Recent Status:** September 2022

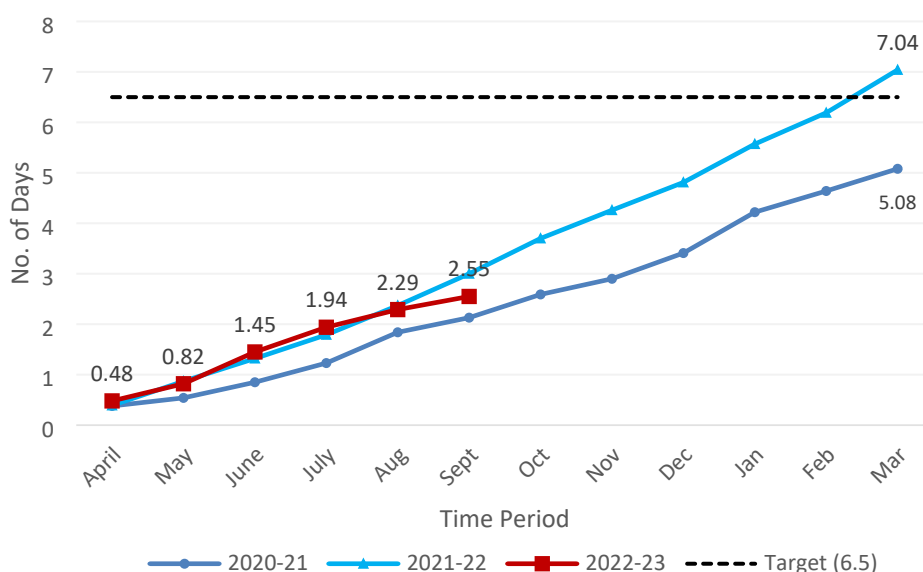
**GREEN**

**Previous Status:** June 2022

**GREEN**

- 100 percent of corporate buildings Up to 1<sup>st</sup> October 2022 when the contracts expire.
- All corporate buildings are supplied with green electricity and where applicable carbon offset gas. While some buildings benefit from renewable generation, grid connection is still necessary.
- New energy contracts will be in place on 1st October 2022, and it is unknown at this time as to whether these will be green/carbon offset as per existing contracts.
- During 2021/22, some 545 kilowatts peak of solar photovoltaic was installed on council buildings.

### Average working days lost to sickness per employee (Cumulative)



**Aim:** Average Days lost to sickness is below the end of year target

**UN Sustainable Development Goal: 3**

**Most Recent Status:**  
September 2022

**GREEN**

**Previous Status:** June 2022

**GREEN**

- By the end of 2021-22, the cumulative average working days lost to sickness reached 7.04, 0.54 days over our target of 6.5 days, though below pre-pandemic levels of 7.68 at the end of 2019-20.
- By end of September 2022, we are at 2.55 days, which is lower than at the same time last year (2.37) but above the 1.84 of the 2020-21 year

### Service Updates - Key Aspirations and Ongoing Business

#### The following activity supports UN Sustainable Development Goal 4:

The creation of a new Cultural Centre on land at Newport harbour includes the provision of a new Record Office. Consultants were commissioned to prepare a vision document for the proposal, and this was finalised mid-September and issued to all key stakeholders. A copy of the vision document was shared with the National Archive for their review and approval; they have since provided feedback on the record office element and this will be reflected as part of the next stage of design and feasibility work.

#### The following activity supports UN Sustainable Development Goal 8:

The recruitment & retention project concluded at the end of September 2022 which delivered refreshed recruitment documentation for managers, a new DBS checking service and creation of a centralised 'one stop shop' recruitment team. The new starter and induction processes have also been reviewed and updated. An options paper on the development of a job summaries library has been completed which will facilitate the launch of the next phase of the project. A review has also been undertaken of existing recruitment IT systems which has identified a business need to modernise these systems. A business case for a funding bid has been developed which will be considered as part of the budget setting exercise.

The partnership agreement with Shademakers (a leading carnival group in Europe, now based in Ryde) and IWC to support building renovation is in place, and the government High Street taskforce is offering its specialist support in repurposing derelict buildings with a particular focus on Sandown.

#### The following activity supports UN Sustainable Development Goal 13:

A programme of updated streetlighting to support the Dark Skies application is underway and the climate change team are discussing the draft application with the regulating body.

Of the ten Salix projects undertaken, all but one is now complete. The final element is the commissioning of the Air Source Heat Pump (ASHP) at the Heights Leisure Centre which slipped to September 2022 owing to water commissioning.

The County Hall decarbonisation project will commence in September 2022. A draft office move plan for staff areas which will need to be vacant whilst works are underway is in progress, pending more detailed information on timings from the contractor. A comms plan to keep staff and services informed is also underway.

Following the cabinet decision regarding how the Biosphere will be supported by the council, we are working on the development of a screening tool and have liaised with other Authorities to establish best practice for decision making. Additionally, IWC has now achieved the Bronze Climate Literacy award as an organisation and are planting the pathway to platinum status by 2025.

The Climate Change staff working group will seek to appoint Climate Ambassadors to support the development of carbon literacy activities across the council.

## **Strategic Risks**

N/A

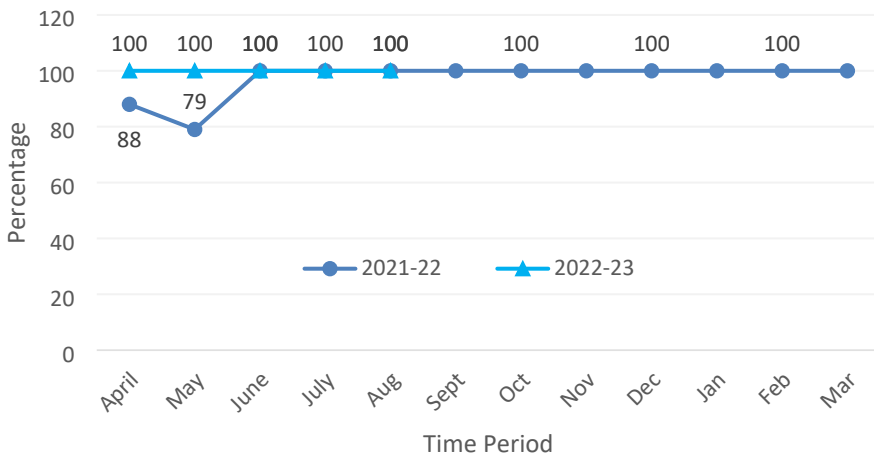
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# Appendix 9 - 2022/23 Q2 INFRASTRUCTURE, HIGHWAYS PFI AND TRANSPORT

<b>Cabinet Member:</b> Councillor Phil Jordan	
<b>Portfolio Responsibilities:</b>	
<ul style="list-style-type: none"> <li>• Parking Services</li> <li>• Floating Bridge</li> <li>• Harbours</li> </ul>	<ul style="list-style-type: none"> <li>• Concessionary Fares</li> <li>• Subsidised Bus Services</li> <li>• Highways PFI Contract</li> <li>• Highways Authority</li> </ul>

## Performance Measures

### Percentage of Category 1 Emergency Responses within 2 hours (hazardous potholes, fallen trees, street lighting etc.)



**Aim:** 100 percent Category 1 Emergency responses within two hours

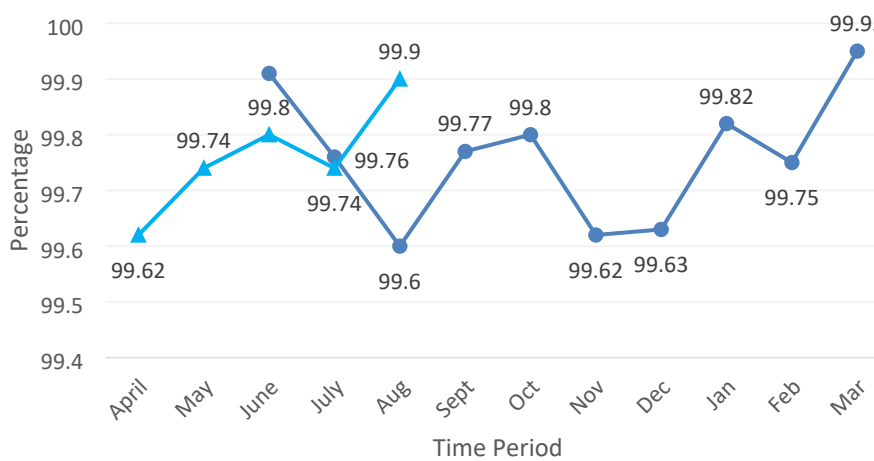
**UN Sustainable Development Goal:** 9

**Most Recent Status:**  
September 2022  
**GREEN**

**Previous Status:**  
June 2022  
**GREEN**

- Emergency responses have maintained 100 percent timeliness since the end of Quarter 1 2021-22.
- Category 1 defects require remedial action within 2 hours to ensure the highway remains safe. 2-hour defects may include:
  - Potholes
  - Fallen Trees / Branches
  - Damaged Street furniture (vandalism or vehicular collision)
  - Street Light outage
  - Damaged Kerbing
  - Damaged Tactile Crossing

### Percentage of highways inspections undertaken (Sec 58 Highways Act Compliance)



**Aim:** 100 percent of highways inspections undertaken

**UN Sustainable Development Goal:** 9

**Most Recent Status:**  
September 2022  
**GREEN**

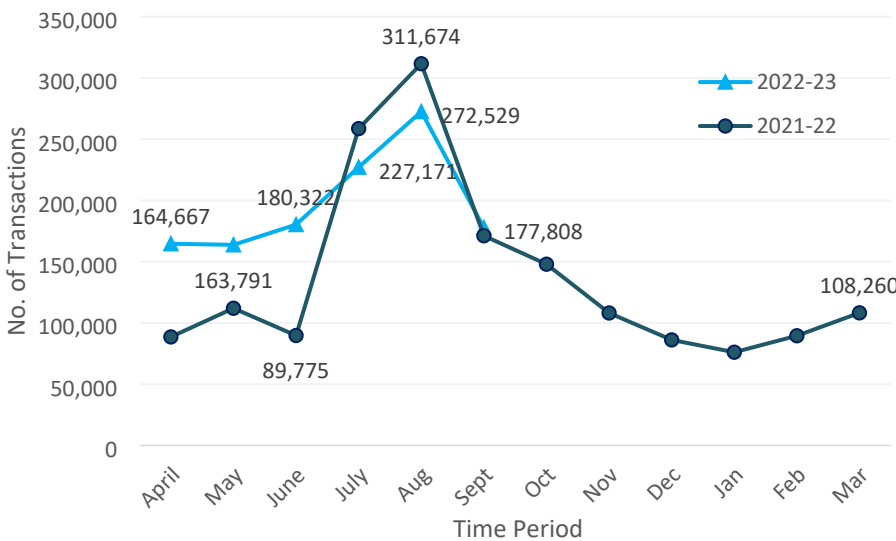
**Previous Status:**  
June 2022  
**GREEN**

- Currently IWC audits a percentage of Island Roads inspections to ensure the Island Roads District Stewards are identifying and rectifying defects in line with code of practice and contractual requirements.
- There were two inspections not done on time and this relates to two roads that require further investigation as these are routinely behind schedule.
- Island Roads had a target of 2,094 in August and have undertaken 2,092 in the timeframe expected. The average number of safety inspections per month is 2,102 with an average performance of 99.73%.

**Number of public transport users**

- **Aim:** Increase in number of public transport users
- **UN Sustainable Development Goal: 9**
- We are in the process of formalising a non-disclosure agreement with South Western Railways for data related to Islandline usage, so there is a delay in obtaining this data until the process is concluded
- We are awaiting an update from ferry service providers as relates to cross-Solent travel, and this is currently being followed up by the Highways and Transport Client team.

**Car parking utilisation**



**Aim:** Increase in car parking utilisation

**UN Sustainable Development Goal: 9**

**Most Recent Status:** September 2022

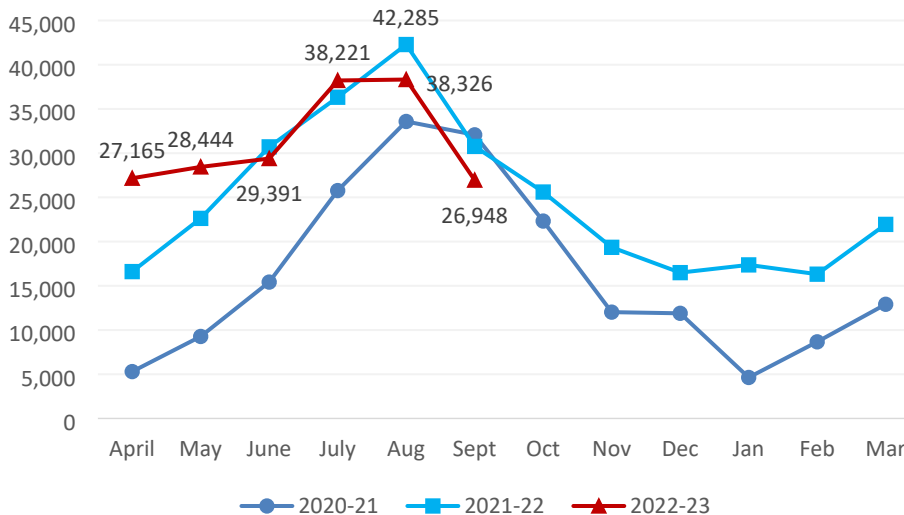
**GREEN**

**Previous Status:** June 2022

**AMBER**

- Quarter 2, while not having matched the high usage level during the same period last year, is now above target for the first time this year with parking income, excluding penalties, equalling £2,784,639 (the target for this point in the year was £2,779,446).
- This increased parking is likely impacted by the trial of one-hour free parking in Newport
- Trends suggest that we are likely to see a drop off in quarter 3 as we exit the summer months and the increased tourist traffic associated with the period

**Floating Bridge Number of Foot Passengers**



**Aim:** Increasing number of foot passengers

**UN Sustainable Development Goal: 9**

**Most Recent Status:** September 2022

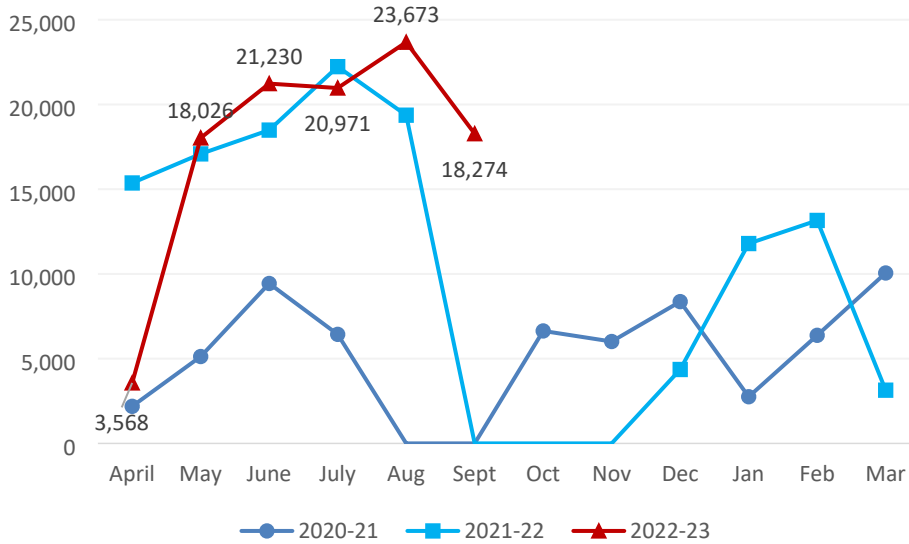
**Monitoring Measure Only**

**Previous Status:** June 2022

**Monitoring Measure Only**

- Quarter 2 saw a steep incline in the number of foot passengers using the floating bridge as is normal over the summer months due to increased tourism on the island, however foot traffic did not match the level for the same period last year (109,375 for quarter 2 of 2021-22 against 103,495 for 2022-23)
- There was minor service suspension during July due to staff shortages, but for August the bridge was fully operational.
- Barring unforeseen any circumstances, trends suggest that we will expect to see a decrease in numbers over quarter 3

**Floating Bridge Number of Vehicles**



**Aim:** Increasing number of vehicles

**UN Sustainable Development Goal:** 9

**Most Recent Status:** September 2022

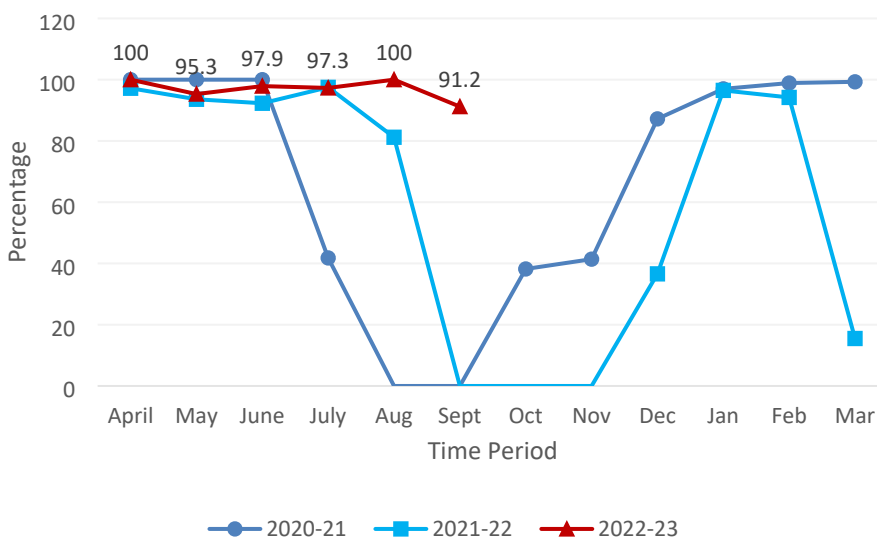
**Monitoring Measure Only**

**Previous Status:** June 2022

**Monitoring Measure Only**

- The total number of vehicles seen during quarter 2 was 62,918 approximately 21,300 higher than in the same period in 2021-22 (41,600) while the bridge was out of service to vehicles between September and November.
- There was minor service suspension during July due to staff shortages, but for August the bridge was fully operational. During September service was suspended due to maintenance for one day, and for three days due to an electrical fault.
- It is expected that there will be a drop in floating bridge utilisation over quarter 3 as we exit the summer period.

**Floating Bridge hours operated as a percentage of scheduled hours**



**Aim:** High percentage of hours operated as a proportion of scheduled hours

**UN Sustainable Development Goal:** 9

**Most Recent Status:** September 2022

**Monitoring Measure Only**

**Previous Status:** June 2022

**Monitoring Measure Only**

- The floating bridge was operational for an average 96 percent of its scheduled hours during quarter 2, which is higher than during the same period last year (89.35 percent).
- Staff shortages were responsible for a minor service disruption in July, but the service has maintained full functionality throughout August. An electrical fault caused service suspension from 12:30 28<sup>th</sup> September until 14:00 1<sup>st</sup> October.

## Service Updates - Key Aspirations and Ongoing Business

### The below activity supports UN Sustainable Development Goal 9:

The mediation agreement for the contract dispute around Floating Bridge 6 has been successfully concluded and the Gateway 5 Review action plan has been fully delivered. A report setting out the options for resolving issues with chain clearances and vessel deviation were submitted to the Solent Local Enterprise Partnership.

The shortlisted options are:

- Chain system alterations
- Thrusters
- Continued use of the push boat

The replacement of Floating Bridge 6 with a new vessel remains a possible fall-back option.

On the basis that the Department of Transport (DfT) deadline for an Enhanced Bus Partnership has been removed and no funding allocated to the Isle of Wight, focus has shifted to the DfT Local Transport Fund requirements to have ongoing Network Review meetings with local bus operators, ahead of any decisions in respect of amendments to local bus services in April 2023. This is ongoing and the latest meeting held on 12 October.

We have received legal advice both on the Partnership document and the associated non-disclosure agreement, as such the intention is to have the draft revised accordingly, statutory consultation undertaken and for the final draft to be ready for Cabinet as soon as possible.

Major schemes at St Mary's, St Georges Way and Smallbrook have been completed, and other smaller capital schemes have been delivered, with the primary focus on safety. The next steps are to continue with commissioning other capital schemes which have been proposed in relation to drainage, bus infrastructure and accessibility. A summary report shall be produced to outline the schemes delivered, underway and due to be commissioned by November.

The completed draft of the Local Transport Plan (LTP) was issued to the project team in September to enable an initial review. However, due to the ongoing delay to the Department for Transport's guidance for new Local Transport Plans it has been agreed at the Major Highways Project Board, that further development of the LTP is paused. It was agreed that the risk was significant as the guidance could require the LTP to be redrafted and that if this was following public consultation, that this could mean that the consultation will need to be re-run at significant additional cost and delay.

Whilst we await the guidance, we will

- Share the draft with further colleagues internally for their input. This will cover both colleagues from Planning and the Climate & Environment Teams.
- Arrange graphic design input and arrangements for public consultation with colleagues in Comms, Media, and Graphics Design Team
- Provide a briefing and presentation to Cllr Jordan as Portfolio Holder, prior to Cabinet.

A draft report around potential improvements to the local traffic arrangements in the Undercliff area has been completed and Highways Team members have been to site to look at constraints and options for the community, but this work is on hold while the issues around the new undercliff footway partial closure are clarified and if possible resolved.



## Strategic Risks

**Failure of the Highways PFI contract resulting in significant financial and operational disruption for the council and its residents**

**Assigned to: Director of Neighbourhoods**

Inherent score	Target score	Current score
16 RED	5 GREEN	7 AMBER
Previous scores		
Jul 22	Mar 22	Nov 21
7 AMBER	8 AMBER	8 AMBER
No change in risk score		

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# Appendix 10 - 2022/23 Q2

## COMMUNITY PROTECTION, REGULATORY SERVICES AND WASTE

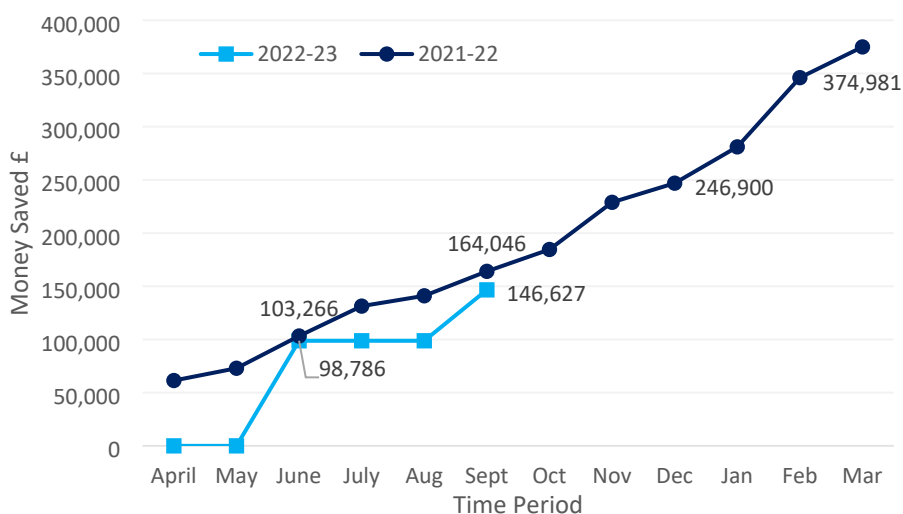
**Cabinet Member:** Councillor Karen Luccioni

**Portfolio Responsibilities:**

- Contingency and Emergency Planning
- Bereavement Services
- Celebratory and Registrars
- Coroner
- Licensing
- Environmental Health
- Trading Standards
- Community Safety
- Waste Disposal
- Waste Collection (Household, Schools and Trade)
- Forest Road Waste Recovery Park (MT Plant and Energy from Waste)
- Household Waste
- Recycling Centres
- Commercial Waste Recycling Centres
- Closed Landfill Sites
- Littering and Fly Tipping

### Performance Measures

**Amount of money saved to vulnerable consumers by trading standard interventions**



**Aim:** Increasing amount of money saved to vulnerable consumers by trading standards interventions

**UN Sustainable Development Goal:** 16

**Most Recent Status:** September 2022

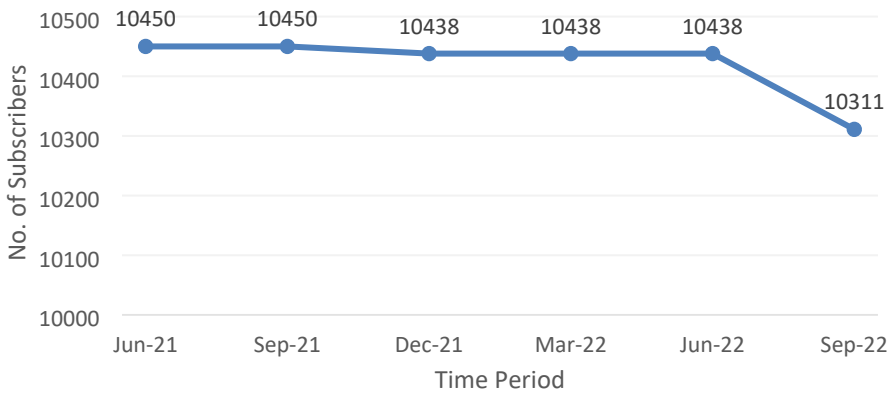
**Monitoring Measure Only**

**Previous Status:** March 2022

**Monitoring Measure Only**

- Complaints received involve reports of scams, product safety, weights and measures, animal health and counterfeit goods.
- IWC is now using a new national tool for Trading Standards to calculate the savings because of interventions, however this will mean reporting frequency will now be quarterly, rather than monthly.
- As at the end of quarter 2, we are £17,419 lower and at the same time in 2021-22.

**Total number of garden waste subscribers**



**Aim:** Increasing number of garden waste subscribers

**UN Sustainable Development Goal:** 13

**Most Recent Status:** September 2022

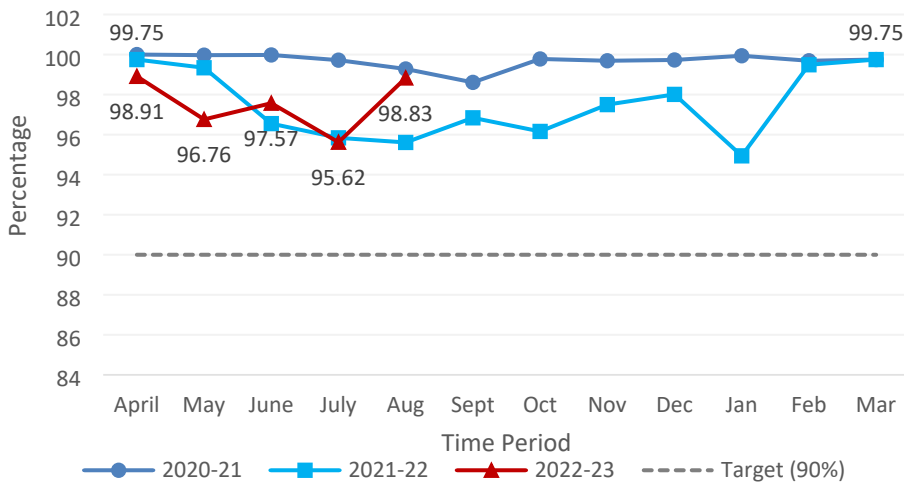
**Monitoring Measure Only**

**Previous Status:** June 2022

**Monitoring Measure Only**

- Once the service opened to subscribers in the spring, we saw a decrease in numbers due to cancelled subscriptions.
- It is likely that this drop in subscriptions has been impacted by the increased cost for a monthly collection of green waste from £72 to £96.
- Of the current 10,311 subscriptions in place, 9,331 were renewals, 965 were new sales, and 15 were multi-year subscriptions taken out prior to 2020

**Percentage of domestic waste diverted from landfill**



**Aim:** 90 percent of domestic waste is diverted from landfill

**UN Sustainable Development Goal:** 13

**Most Recent Status:** September 2022

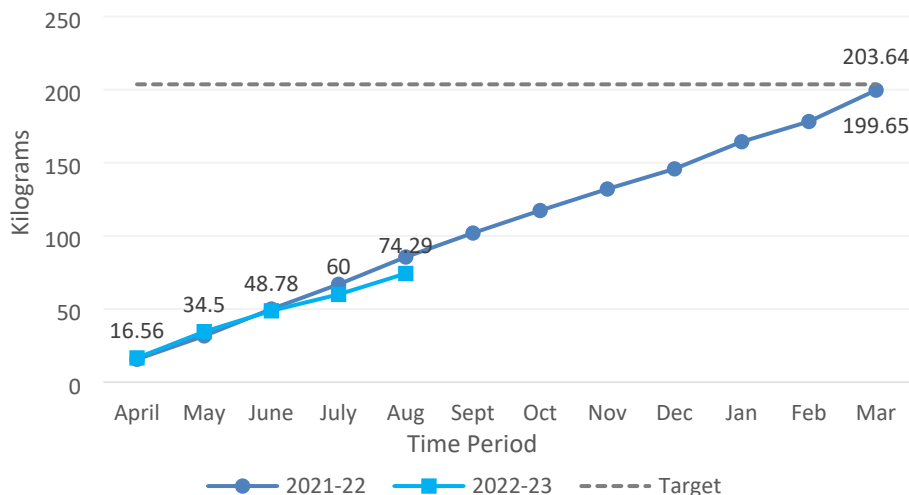
**GREEN**

**Previous Status:** June 2022

**GREEN**

- Diversion rates are currently higher than during the same period last year (98.83 for 2022-23 against 95.61 for 2021-22), with a year-to-date percentage of 97.71 (97.29 for the same period 2021-22)
- Rates remain well above the target 90 percent, as they have consistently throughout the last 2.5 years.

**Reduction in residual (LACW) household waste per person**



**Aim:** Reduction in residual household waste per person is 203.64 kilograms by end of year

**UN Sustainable Development Goal:** 13

**Most Recent Status:** September 2022

**GREEN**

**Previous Status:** June 2022

**GREEN**

- The end of year target for the reduction in residual household waste has increased this year from 182.95 kilograms to 203.64 kilograms
- We are currently slightly below the same period last year in terms of reduction in kilograms for August (74.29 for 2022-23 and 85.57 for 2021-22)

### Service Updates - Key Aspirations and Ongoing Business

#### The following activity supports UN Sustainable Development Goal 11:

The community Safety Partnership is now operational and the Crime Reduction Unit is moving to a new model under the Police and Crime Commissioner from November 2022.

Standards continue to be enforced within the private sector housing market, and an extension to the existing licencing scheme had been scoped but is unlikely to be justified. A new white paper from the government concerning licensing of the private rented sector is soon due which will likely have an impact going forward.

#### The following activity supports UN Sustainable Development Goal 13:

The waste team have assessed the business case for purchasing a third vehicle to support the garden waste subscription service and crew to enable 5000 new visitors and have concluded that there is not sufficient market interest to justify the cost at this time. However, diversion of waste from landfill remains about 90 percent with contractual obligations in place to ensure zero-nonessential waste goes to landfill.

## Strategic Risks

### Failure of the Waste contract resulting in significant financial and operational disruption for the council and its residents

Assigned to: Director of Neighbourhoods

Inherent score	Target score	Current score
16 RED	5 GREEN	8 AMBER
Previous scores		
Jul 22	Mar 22	Nov 21
8 AMBER	8 AMBER	8 AMBER
No change to risk score		

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CABINET REVENUE BUDGET MONITOR - SEPTEMBER 2022

Portfolio/Service Area	Budget £000	Forecast Outturn £000	Forecast Pressure/- Saving £000	Comments
<b>Adult Social Care &amp; Public Health</b>				
ASC Care Packages	38,691	41,797	3,106	Various pressures across settings for care packages, in particular nursing, residential care and direct payments
ASC Other	13,962	13,503	-459	Various minor variances including staff vacancies
Public Health	1,640	1,640	0	Any net variance at year end is balanced by a transfer to or from the Public Health reserve
<b>Portfolio Total</b>	<b>54,293</b>	<b>56,940</b>	<b>2,647</b>	
<b>Children's Services, Education &amp; Lifelong Skills</b>				
Access Performance & Resources	4,465	5,132	667	Main pressure related to Home to School Transport - SEN and network ticket demand growth and HantsDirect increased costs due to higher activity
Children's & Families	23,545	26,357	2,812	Net pressure forecast in the various elements of the care budget - including high cost residential placements, purchased foster care placements, leaving care costs and home care
Education & Inclusion	1,445	1,500	55	Main pressure relates to SEN Statutory Assessment Team - agency and mediation being partially offset by staff vacancies
<b>Portfolio Total</b>	<b>29,455</b>	<b>32,989</b>	<b>3,534</b>	
<b>Digital Transformation, Housing, Homelessness &amp; Poverty</b>				
Housing Renewal	409	401	-8	No significant variances forecast to date.
ICT	6,297	6,086	-211	Various minor variances forecast including underspends on telecommunications and staffing
Housing Needs	2,854	2,878	24	No significant variances forecast to date.
<b>Portfolio Total</b>	<b>9,560</b>	<b>9,365</b>	<b>-195</b>	
<b>Climate, Environment, Heritage, HR, Legal &amp; Democratic</b>				
Amenities & Theatres	-343	-287	56	Various minor variances - main pressure relating to the theatre income
Libraries	963	1,022	59	Various minor variances forecast to date.
Museums/Archaeology/Records Office	508	609	101	Various minor pressures including museum income
Music Service	0	0	0	No variances forecast to date
Parks & Open Spaces/Countryside/Coastal Management	1,671	1,635	-36	No significant variances forecast to date.
Climate Change	67	68	1	No significant variances forecast to date
ACONB	0	0	0	No variances forecast to date
HR	757	730	-27	No significant variances forecast to date.
Legal/Democratic/Elections & Land Charges	2,169	2,063	-106	Various minor variances forecast
Learning & Development	1,050	1,012	-38	Various minor variances forecast
	<b>6,842</b>	<b>6,852</b>	<b>10</b>	
<b>Infrastructure, Highways PFI, Transport</b>				
Car Parking	-4,873	-4,645	228	Main pressure relates to car parking income - mainly off-street parking and permits
Floating Bridge	660	812	152	Main pressure related to income
Harbours	-61	-45	16	No significant variances forecast to date.
Public Transport & Crossing Patrols	5,430	4,764	-666	Forecast underspend related to concessionary fares (reduction in passenger numbers)
Highways PFI Contract & Management	14,381	14,386	5	No significant variances forecast to date.
Shanklin Lift	-35	-24	11	No significant variances forecast to date.
	<b>15,502</b>	<b>15,248</b>	<b>-254</b>	
<b>Leader &amp; Strategic Partnerships</b>				
Chief Executive	873	807	-66	No significant variances forecast to date.
Civic Events	22	16	-6	No significant variances forecast to date
Communications	417	410	-7	No significant variances forecast to date.
<b>Portfolio Total</b>	<b>1,312</b>	<b>1,233</b>	<b>-79</b>	

Portfolio/Service Area	Budget £000	Forecast Outturn £000	Forecast Pressure/- Saving £000	Comments
<b>Planning &amp; Enforcement</b>				
Planning	1,067	1,059	-8	Various minor variances forecast
<b>Portfolio Total</b>	<b>1,067</b>	<b>1,059</b>	<b>-8</b>	
<b>Community Protection, Regulatory &amp; Waste</b>				
Emergency Planning	202	185	-17	No significant variances forecast to date.
Bereavement Services	-688	-730	-42	Additional forecast income is currently offsetting forecast increases in utility costs
Registrars & Coroners	709	810	101	Various pressures in Coroners Service
Regulatory Services	1,127	1,074	-53	Various variances forecast to date including underspends on staffing
Waste Contract	3,741	3,869	128	Various minor variances forecast
	<b>5,091</b>	<b>5,208</b>	<b>117</b>	
<b>Levelling Up, Regen, Bus. Development &amp; Tourism</b>				
Economic Development	391	385	-6	No significant variances forecast to date.
Events	-6	8	14	No significant variances forecast to date.
Regeneration	485	560	75	Various minor variances forecast
Leisure/Sports Development	56	1,335	1,279	Main pressure relates to leisure centres - income and utility costs
<b>Portfolio Total</b>	<b>926</b>	<b>2,288</b>	<b>1,362</b>	
<b>Strategic Finance, Transformational Change &amp; Corporate Resources</b>				
Corporate Finance Items	30,372	28,105	-2,267	Mainly savings forecast in treasury management interest charges and housing benefit overpayment recovery
Financial Management	2,138	2,114	-24	No significant variances forecast to date.
Strategic Land & Property Assets	-294	-333	-39	Various minor variances forecast
Shared Services	4,199	4,246	47	Various minor variances forecast
Procurement	302	299	-3	No significant variances forecast to date.
Org Change & Corporate Performance	427	408	-19	No significant variances forecast to date
Pan Management Company	8	8	0	No variances forecast to date
<b>Portfolio Total</b>	<b>37,152</b>	<b>34,847</b>	<b>-2,305</b>	
<b>Total</b>	<b>161,200</b>	<b>166,029</b>	<b>4,829</b>	
Estimated Impact of Pay Award (based on current offer)			<b>2,700</b>	
<b>Forecast Total Gross Overspend</b>			<b>7,529</b>	
Potential Call on Corporate Contingency			<b>-2,162</b>	To offset pressures in Children's Services placement costs and Floating Bridge
Potential Call on Covid Contingency			<b>-2,883</b>	To offset pressures in Adult Social Care caused by the legacy impact of measures put in place during the pandemic and the loss of leisure income which is largely the result of the pandemic
Potential Call on Corporate Contingency			<b>-2,700</b>	To offset pressure of the pay award
<b>Total Net Forecast Variance</b>			<b>-216</b>	Minor underspend of 0.2% forecast to date

**Notes:**

The forecast as outlined above includes the forecast un-funded pressure of c£1m for utility contract but does not yet include the impact of the newly announced cap on utility contracts of which takes effect from October to March.

The newly announced reversal of the National Insurance increase from 06 November has not yet been included in this forecast - funding provided for this in the finance settlement may be subject to a claw-back

Any in-year pressures that are expected to continue into future years budgets will require the identification of a permanent funding source



## CAPITAL PROGRAMME FORECAST - SEPTEMBER 2022

	In year 22/23 only			Total Scheme (incl previous and future years if relevant)			Notes
	Budget £	Forecast £	Variance under/(over) £	Budget £	Forecast £	Variance under/(over) £	
<b>Adult Social Care, Public Health</b>							
Residential and Community Care equipment replacement programme	62,964	62,964	0	62,964	62,964	0	Annual rolling programme of specialist equipment replacement in council run care and learning disability homes funded from Better Care Fund Govt. grant. Expected to spend fully in year.
Gouldings	16,000	16,000	0	2,132,308	2,132,308	0	Council funded refurbishment works originally allocated funding in 20/21. Construction was programmed to commence early in 2022 outside of winter peak pressures to provide en suite rooms and reablement facilities but this was delayed due to Covid. Some design works have commenced but the main phase of construction is now programmed for 2023. Tender values have exceeded the original budget so this has been supplemented from the Adelaide allocation.
Adelaide	0	0	0	338,363	338,363	0	Council funded refurbishment works to provide en suite rooms and reablement facilities, originally allocated funding in 2020/21 and programmed to commence construction in 2023 outside of winter peak pressures. This was delayed due to Covid with construction now programmed to commence in late 2024 following completion of the Gouldings project and will be dependent on remaining available budget.
Relocation of LD clients with complex needs - Brooklime House, Bluebell Meadows	0	0	0	1,583,981	1,583,981	0	NHS funded purchase and then adaptation works to Brooklime House providing accommodation for LD clients with complex needs. £177k is available in 23/24 for any further adaptations or capital maintenance required.
Relocation of Elmdon LD residents - Carisbrooke House	54,918	54,918	0	475,000	475,000	0	Remaining budget from NHS funded works to Carisbrooke House providing improved independent accommodation for LD clients previously accommodated at Elmdon. This is available for any further adaptations or capital maintenance required and the service has plans to spend fully in year.
Wightcare Digital switch over	118,282	118,282	0	500,000	500,000	0	5 year programme of Wightcare equipment digitalisation funded from Better Care Fund Govt grant.
Supported independent living	0	0	0	1,400,000	1,400,000	0	Approved budget for 23/24 and 24/25 to develop supported independent living facilities for adults with learning disabilities.
Lease home obligations	14,000	14,000	0	14,000	14,000	0	One off works beginning in 2022 to replace flooring at LD homes in line with terms of lease.
St Lawrence water supply	37,558	0	37,558	101,964	101,964	0	Final phase of council funded works to provide mains water to properties in St Lawrence. We are seeking clarification from Southern Water as to remaining works and timings so forecasting slippage until confirmed.
	<b>303,721</b>	<b>266,164</b>	<b>37,558</b>	<b>6,608,580</b>	<b>6,608,580</b>	<b>0</b>	

	In year 22/23 only			Total Scheme (incl previous and future years if relevant)			Notes
	Budget £	Forecast £	Variance under/(over) £	Budget £	Forecast £	Variance under/(over) £	
<b>Children's Services, Education and Lifelong Skills</b>							
Schools capital maintenance programme	4,109,600	3,392,120	717,479	4,109,600	4,109,600	0	Annual, grant funded rolling programme of capital condition works to schools. Whilst most of the funding has been committed to agreed projects, some remains uncommitted at this stage in the year and is shown here as slippage. This will reduce as it is allocated to agreed priorities.
Priority schools building programme	4,461,774	4,461,774	0	25,490,196	25,490,196	0	Grant funded programme of new schools builds which is largely complete with All Saints Freshwater continuing in 22/23.
Devolved formula capital	646,192	300,000	346,192	646,192	646,192	0	Annual programme of grant funding passported on to schools for capital works/equipment. Although the council is the accountable body for this funding, the schools control how and when it is spent and we are forecasting slippage based on previous years spend levels.
Healthy Pupils Capital Fund	3,268	3,268	0	103,025	103,025	0	Final phase of grants to schools now completed
Beaulieu House	192,983	192,983	0	345,974	345,974	0	5 year programme of council funded works to update and improve facilities at council run home
East Cowes Family Centre	8,836	8,836	0	10,000	10,000	0	One off grant funded works
New Island Learning Centre	0	2,367	-2,367	2,025,141	2,025,141	0	Final phase of council funded works to improve ILC
Foster carers adaptations	63,970	0	63,970	219,030	219,030	0	Council funded grant scheme available to foster carers to complete home adaptations/extensions where this will support children with additional needs or fostering of siblings. There are no commitments against this at the moment so we are forecasting slippage
	<b>9,486,622</b>	<b>8,361,347</b>	<b>1,125,275</b>	<b>32,949,157</b>	<b>32,949,157</b>	<b>0</b>	
<b>Digital Transformation, Housing, Homelessness and Poverty</b>							
Howard House	13,479	13,479	0	846,224	846,224	0	Final works of a £1m project of works to provide a homeless assessment hub at the former Barton School site which commenced in Feb 21. The IWC is contributing £500k to the overall project (including revenue spend) which levers in another £500k from Govt grant.
RSAP purchase of flats (match S106 funding to be added)	509,218	509,218	0	779,736	779,736	0	Grant funding announced in 2021, matched with funding from S106 balances. 5 properties have been identified and 3 completed in 21/22, with remaining 2 in the 1st quarter of 22/23. Refurbishment works may also be undertaken in 22/23 prior to the flats being occupied.
Disabled Facilities Grants	1,804,447	1,804,447	0	2,704,447	2,704,447	0	Annual programme of disabled facilities grants funded from the better care fund grant to enable people to remain independent in their own homes. Householders control appointment of contractors and timing of works (which continue to suffer delays due to material and contractors shortages) so some of the spend in 22/23 will be associated with approvals from 21/22. Similarly some approvals from 22/23 will not be completed until 23/24 so we have slipped £900k into 23/24 to cover these. The service is reporting an exceptionally high number of referrals this year along with increasing costs per application. Increases in costs are due both to the inflationary pressures on materials and construction and the complexity of referrals.

	In year 22/23 only			Total Scheme (incl previous and future years if relevant)			Notes
	Budget £	Forecast £	Variance under/(over) £	Budget £	Forecast £	Variance under/(over) £	
Housing Renewal and Well Being Grants	39,326	39,326	0	39,326	39,326	0	Annual programme of housing grants to top up DFGs and support other housing priorities also controlled by householders. Can be topped up from DFG budget as required.
Community housing fund	92,000	92,000	0	1,567,252	1,567,252	0	Grants to individuals and community groups to develop and support self build projects, funded from Govt grant and delivered in partnership with Community Action IOW. Timing of spend will depend on demand and delivery by self builders.
Housing equity capital	1,315,000	0	1,315,000	1,315,000	1,315,000	0	Start-up capital necessary for the housing company to become operational, plus direct funding to provide a subsidy for a programme of affordable housing delivery. Programme is in development so we are forecasting slippage until this is confirmed.
Affordable Housing (relocatables)	1,760,763	1,870	1,758,893	3,560,850	3,560,850	0	£3.6m housing project funded from a combination of revenue, borrowing and S106 contributions. Programme of works to be agreed, forecasting slippage until confirmed
Housing	5,000,000	0	5,000,000	40,000,000	40,000,000	0	Budget for provision of affordable homes funded from borrowing. As such projects will require individual business cases to be completed along with a financial assessment. These are in development so we are forecasting slippage until confirmed.
Compulsory purchase orders	0	0	0	750,000	750,000	0	Provision for compulsory purchase orders where appropriate to return housing into use. Funded from back to back sale of same properties. Budget is profiled into 23/24 as there are no plans for purchases at this time.
PSN Compliance	87,656	87,656	0	87,656	87,656	0	Annual programme of council funded works to ensure secure connectivity.
ICT rolling equipment replacement programme	315,458	315,458	0	315,458	315,458	0	Annual rolling programme of council funded ICT end user equipment replacement, currently procuring and expected to spend in qtrs 3 and 4.
Back up server/storage and firewall replacement	136,380	136,380	0	1,108,000	1,108,000	0	Final phase of programme of council funded ICT core software and equipment replacement. Currently procuring and expected to spend in quarters 3 and 4.
Corporate applications update	18,654	18,654	0	18,654	18,654	0	Annual rolling programme of council funded ICT application replacements (corporate functions, not service specific).
Switches in data centre	300,000	300,000	0	300,000	300,000	0	Replacement of hardware in data centre, currently reviewing to establish project costs which are thought to have changed due to material shortages and inflationary pressures
Lord Louis Library Circuits	3,551	3,551	0	3,551	3,551	0	New circuits to replace Thompson House network
Access systems/video conferencing	40,954	40,954	0	110,000	110,000	0	Final phase of establishment of council funded video conferencing facilities across key sites.
Cyber security back up solution	53,678	53,678	0	175,000	175,000	0	Capital element of wider, council funded project to ensure security of systems and information.
	<b>11,490,565</b>	<b>3,416,672</b>	<b>8,073,893</b>	<b>53,681,155</b>	<b>53,681,155</b>	<b>0</b>	

	In year 22/23 only			Total Scheme (incl previous and future years if relevant)			Notes
	Budget £	Forecast £	Variance under/(over) £	Budget £	Forecast £	Variance under/(over) £	
	<b>Climate Change, Environment, Heritage, Human Resources and Legal and Democratic Services</b>						
Rights of Way	341,150	341,150	0	341,150	341,150	0	Annual programme of island wide rights of way improvement works, partially funded from transport grant which may be supplemented by S106 funding as appropriate. £200k of additional budget has been released for a prioritised workplan from the £500k allocated as a budget amendment.
Rights of Way - on hold	300,000	0	300,000				£300k on hold pending release
England Coast Path	241,040	241,040	0	241,040	241,040	0	First phase of grant award for England Coast Path just announced and with planned delivery of 31.3.2023.
Active Travel - Rew Lane	66,213	66,213	0	551,167	551,167	0	Final invoice due for Active Travel project to improve Rew Lane for pedestrians and cyclists, partially funded from Govt Grant.
Active Travel - Scarrots lane	79,200	79,200	0	79,200	79,200	0	Active Travel funding just announced for Scarrots Lane Project
West Wight Greenway	0	0	0	496,479	496,479	0	First phase of council funded works to establish a green way connection from Newport to the West Wight, with S106 contributions utilised where available. This is linked to a bid to the LUF so the extent of any works will be dependent on a successful outcome. Budget has been profiled into 23/24 until agreement with landowners and LUF bid is reached
Coastal defences	149,824	149,824	0	257,079	257,079	0	Minor council funded, capital maintenance works to various coastal defences (timber groynes/seawalls/etc). Although there is a planned programme of works, there is also an element of reactive work as a result of winter storms etc.
EA Coastal schemes match funding	10,000	10,000	0	40,951,633	40,951,633	0	Match funding set aside for EA coastal defences schemes. Profiled into future years until EA have completed their assessments and we have confirmation that they go ahead.
Beach huts	86,916	86,916	0	201,130	201,130	0	2nd phase of beach huts to be built at St Helens funded from income generated by scheme.
Downside Recreation ground drainage	12,085	12,085	0	90,000	90,000	0	Final phase of council funded works to improve drainage.
East Cowes Community library	15,000	15,000	0	100,000	100,000	0	Final grant to community library/hub, funded from S106
Public realm	225,856	225,856	0	150,856	150,856	0	Annual programme of council funded works to public realm including parks and car parks boundaries, play equipment and seafront facilities. There is also a new allocation of budget in 22/23 for beach safety boards and beach railings.
Tree planting - on hold	500,000	0	500,000	500,000	500,000	0	Tree planting budget from budget amendment pending release. Forecast slippage.
Lord Louis Library Roof	150,000	150,000	0	300,000	300,000	0	New budget for major repairs/replacement of Lord Louis Library roof.
Shanklin Cliff Lift	0	0	0	170,000	170,000	0	Repainting of lift shaft and replacement of lower canopy currently programmed for spring 23

	In year 22/23 only			Total Scheme (incl previous and future years if relevant)			Notes
	Budget £	Forecast £	Variance under/(over) £	Budget £	Forecast £	Variance under/(over) £	
New Cultural Centre	10,000	10,000	0	730,000	730,000	0	New match funding which may be required to pump prime &/or support a bid to the National Lottery Fund, profiled in 23/24 until plan developed.
	<b>2,187,284</b>	<b>1,387,284</b>	<b>800,000</b>	<b>45,159,734</b>	<b>45,159,734</b>	<b>0</b>	
<b>Community Protection, Regulatory Services and Waste</b>							
New garden waste vehicle	0	0	0	350,000	350,000	0	New waste vehicle to meet additional demand, delivery programmed for 23/24.
Waste contract capital payments	2,083,330	2,083,330	0	63,851,876	63,851,876	0	Final phase of council funded capital works to Forest Road site and programmed purchase of replacement fleet. This has been delayed by contractors not being able to get on site during COVID19. We are forecasting milestone payments of around £2m in 22/23.
ASB and community safety CCTV	887	887	0	3,000	3,000	0	Minor project to purchase and deploy CCTV as required
Chapel refurbishment to replace seating, catafalque and other furnishings	48,309	48,309	0	98,309	98,309	0	New project programmed to commence in 2022/23 to replace chapel furnishings
	<b>2,132,526</b>	<b>2,132,526</b>	<b>0</b>	<b>64,303,185</b>	<b>64,303,185</b>	<b>0</b>	
<b>Infrastructure, Highways PFI, and Transport</b>							
Newport Harbour Walls and Quayside	35,000	35,000	0	1,578,618	1,578,618	0	Next phase of Council funded works to address Newport Harbour condition including dredging and walls. Surveys are now being updated ready for prioritisation against £590k budget in 23/24.
Old year integrated transport schemes	0	0	0	58,086	58,086	0	Slipped works from 19-20 programme of highways improvements funded from annual transport grant, completion profiled for 23/24
Highways Network Integrity Priority Works	1,299,550	1,299,550	0	2,616,148	2,616,148	0	Approved budgets for 22/23 and 23/24 focused on network integrity priorities. Delivery will depend on Island Roads capacity given all other transport related schemes. Funded mainly from annual transport capital grant.
Safety schemes - Small Brook junction	759,050	759,050	0	1,433,000	1,433,000	0	Slipped scheme from 20-21 to improve Smallbrook junction as no 1 safety priority across island. Funded mainly from annual transport capital grant and challenge fund grant and largely complete.
Safety schemes - Forest Road Junction	25,000	25,000	0	318,000	318,000	0	Safety scheme on Forest Road, funded from Challenge Fund Grant, first phase delivered in 21/22 with second phase programmed for 23/24 pending negotiations with land owners
Other safety schemes	198,661	198,661	0	433,500	433,500	0	Minor safety schemes funded from challenge grant identified across the island. Budget is profiled across 22/23 and 23/24
Highways PFI additional street lighting	95,000	95,000	0	95,000	95,000	0	Additional street lighting funded from reserve, procured but delivery will depend on island roads capacity.

	In year 22/23 only			Total Scheme (incl previous and future years if relevant)			Notes
	Budget £	Forecast £	Variance under/(over) £	Budget £	Forecast £	Variance under/(over) £	
Newport junctions	45,000	45,000	0	9,502,053	9,502,053	0	Programme of works to improve Newport junctions funded mainly by S31 grant. St Marys and St Georges are largely complete. Remaining element of scheme will be subject to report to cabinet so £600k has already been profiled into 23/24 and we are forecasting a further £535k as slippage until a decision is made.
Transforming Cities Fund - Ryde	9,366,971	9,366,971	0	10,095,123	10,595,123	-500,000	Programme of works to improve Ryde interchange, Pier, Railway Station and Bus Station as part of a wider cross Solent project headed by Portsmouth City Council. This is funded from Govt grant and levers in funding from partners. The works to the highways and bus interchange has commenced, and Ryde Pier has been instructed with work expected to commence in August 22 with completion in June 23. The works to the station will now be managed by the Council and are currently being procured. The project manager for this scheme is currently forecasting budget pressures which will be clearer once the station procurement is complete but at the moment is estimated to be around £500k.
Highways PFI Capitalised Unitary Charge	884,660	884,660	0	884,660	884,660	0	Annual capital element of PFI unitary charge funded as part of the overall PFI contract
Binstead Flood alleviation	170,000	0	170,000	170,000	170,000	0	Funding for flood alleviation works following Binstead flooding, working with EA to establish lead for project and timescales, forecasting slippage until EA confirm.
Car parking contactless/new machines	125,452	125,452	0	233,000	233,000	0	3 year programme to upgrade to contactless car parking payment meters. Project to introduce new meters has not been progressed so funding (from ITB grant) has been returned to highways
Car Parking equipment	27,000	27,000	0	27,000	27,000	0	Replacement of body worn cameras (delivered) and counting machine (procured and being built)
Solent Transport Bike Share	139,725	139,725	0	335,340	335,340	0	New grant funding stream announced via Southampton City Council Solent Transport Partnership
Dark Skies Initiative	49,453	49,453	0	49,453	49,453	0	Initiative to replace street lighting - has been procured but delivery will depend on Island Roads capacity
Ryde Safer Street CCTV	42,306	42,306	0	42,306	42,306	0	Grant funding for CCTV Ryde
FB6 CCTV	8,258	8,258	0	17,000	17,000	0	CCTV for FB6 funded from corporate resources.
FB6 spares	66,843	66,843	0	89,623	89,623	0	Stock of critical spares for FB6 purchased per recommendation in Govt review in order to minimise out of service time
FB6 chains	0	0	0	25,000	25,000	0	Approved budget for replacement chains in 24/25
	<b>13,337,929</b>	<b>13,167,929</b>	<b>170,000</b>	<b>28,002,911</b>	<b>28,502,911</b>	<b>-500,000</b>	

	In year 22/23 only			Total Scheme (incl previous and future years if relevant)			Notes
	Budget £	Forecast £	Variance under/(over) £	Budget £	Forecast £	Variance under/(over) £	
<b>Levelling Up, Regeneration, Business Development and Tourism</b>							
BAE site innovation hub (Building 41)	828,710	1,570,178	-741,468	1,850,000	1,850,000	0	BAE Building 41 development of innovation hub, currently programmed across 2 years. There will also be some additional ERDF grant for this project which will be added in once the capital/revenue split has been agreed. Grant is claimed in retrospect so is showing in the total scheme columns,
Branstone Farm	1,180,444	1,540,444	-360,000	4,771,766	5,131,766	-360,000	1st phase of build on former Branstone Farm site to develop business park and housing and infrastructure. Partially funded by Solent LEP grant. Works are programmed to be largely complete by September 2022 but are currently forecast to overspend by £360k.
Venture Quays Levelling up Fund	3,221,129	3,221,129	0	6,365,373	6,365,373	0	LUF grant with match funding from IWC and partners. Marine Engineering works are already underway with the first grant allocation made to Wight Shipyard, and a programme of works to the Columbine building, barrack building and public realm are being developed with delivery programmed to complete by April 24
Nicolson Road	5,000	5,000	0	1,955,000	1,955,000	0	Planning consent has been granted for Nicolson Road, and the site is currently being marketed.
Heritage High Streets	711,580	711,580	0	1,000,000	1,000,000	0	Match funding for Heritage High Streets works in Ryde and Newport leveraging in an additional £1m from Govt grant. Delivered in partnership with Town Councils. Awaiting spend profile information from the project manager and expect some of this budget to be moved into 23/24.
East Cowes Landslip	113,991	113,991	0	113,991	113,991	0	Project funding for works to remove and prevent further movement of East Cowes landslip. An initial allocation of funding has been made from the Regeneration budget, further funding is expected from a community contribution (£28k to be invoiced)
Brownfield Land Release Schemes	0	0	0	1,149,765	1,149,765	0	Grant and match funding to undertake necessary demolition and planning works to release brownfield land for disposal. Thompson House has now been vacated and services relocated, and the application for demolition submitted as the first site to be progressed in the delivery programme. Budget profiled in 23/24 until delivery programme agreed.
Other Regeneration Schemes	35,000	35,000	0	5,204,713	5,204,713	0	Budget available for other regeneration projects not yet released. Forecasting slippage until agreed
Camp Hill Infrastructure	388,169	388,169	0	1,030,000	1,030,000	0	Works funded from MOJ receipt. Drainage survey and some minor works have been delivered and funding drawn down from receipt. Street lighting is underway and has also been drawn down from receipt. £ 325k of drawn down funding is profiled in 23/24. Remaining receipt of £5.187m is held in reserve.
On street electric charging points	0	19,048	-19,048	81,496	81,496	0	£22k IOWC budget to install on street electric vehicle charging points which will lever in up to £67k of Govt grant. Grant is claimed in retrospect so is showing in the total scheme columns.
Changing Places	76,000	76,000	0	76,000	76,000	0	New grant funding announced to support provision of changing places in community locations

	In year 22/23 only			Total Scheme (incl previous and future years if relevant)			Notes
	Budget £	Forecast £	Variance under/(over) £	Budget £	Forecast £	Variance under/(over) £	
Medina heat and power	138,530	138,530	0	141,000	141,000	0	Additional funding to replace heat and power systems at Medina Leisure for more carbon neutral supplies, being delivered in conjunction with Salix decarbonisation project. Remainder of budget may be required for match funding for further phases so being retained for now.
Sales and marketing	74,800	74,800	0	74,800	74,800	0	Programme to improve marketing offer across island bus shelters postponed during COVID-19 now being finalised with island roads
Heights and Medina Pools dosing units	12,000	16,900	-4,900	12,000	16,900	-4,900	Replacement of units at both facilities, overspend will be covered from within service area.
Heights replacement pool filters	32,160	32,160	0	32,160	32,160	0	Replacement of unit at Heights Leisure Centre to be procured once issues with access and plant room available space have been resolved
	<b>6,817,513</b>	<b>7,942,929</b>	<b>-1,125,416</b>	<b>23,858,063</b>	<b>24,222,963</b>	<b>-364,900</b>	
<b>Strategic Finance, Transformational Change and Corporate Resources</b>							
Fleet vehicle replacement	196,316	196,316	0	196,316	196,316	0	Annual council funded programme to replace council fleet as necessary.
Strategic assets	355,023	355,023	0	355,023	355,023	0	Annual council funded programme to maintain council property portfolio.
County Hall Uninterruptable Power supply	160,000	160,000	0	250,000	250,000	0	Replacement of UPS to server room programmed to complete in 22/23, as first stage of upgrade, followed by replacement air conditioning. At this stage we believe costs will come in below budget and are estimating around £50k can be returned to corporate resources. However it may be prudent to retain this until air con costs are known
County Hall Service room air con	0	0	0	250,000	250,000	0	Air Con for service room, following installation of UPS. Budget is in 23/24 pending procurement and contract award
County hall replacement windows	0	0	0	676,302	676,302	0	Replacement windows in old building to improve insulation and heat retention. Being delivered in conjunction with Salix decarbonisation programme so budget is in 23/24 until procurement and contract award
Salix Decarbonisation grant	839,359	839,359	0	2,499,710	2,499,710	0	On going project to 'decarbonise' council buildings by installing solar panels and other carbon neutral energy sources. This is funded from Govt grant and will support our zero emissions ambitions.
County hall CCTV and security	17,500	17,500	0	17,500	17,500	0	Council funded works to improve access security at county hall.
	<b>1,568,199</b>	<b>1,568,199</b>	<b>0</b>	<b>4,244,851</b>	<b>4,244,851</b>	<b>0</b>	
<b>Total Programme</b>	<b>47,324,360</b>	<b>38,243,050</b>	<b>9,081,310</b>	<b>258,807,636</b>	<b>259,672,536</b>	<b>-864,900</b>	





Title **Corporate Complaints Review September 2022**

Report of Sharon Betts

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## 1. SUMMARY

2. The Local Government and Social Care Ombudsman's (LGSCO) annual review of complaints 2021-2022, was published on 27<sup>th</sup> July 2022.
3. The LGSCO review, details specific guidance to Local Authorities based on the outcomes of their investigations and their individual performance and referencing key focus areas to strengthen and support our commitment to complaint handling being Complaints Upheld; Compliance with Recommendations; Satisfactory Remedies provided by the Authority.
4. They remain keen to see that Local Authorities can demonstrate they are actively using complaints to learn more about performance and perceptions, and that learning, and outcomes are considered and disseminated to make positive changes to working practices. In addition, they are asking Local Authorities to consider how it prioritises and resources complaints, particularly in terms of capacity and visibility following a recent Ombudsman survey that revealed 55% of complaints teams are now doing more work with less resource, coupled with a general loss of experience and re-allocation of responsibilities across departments.

## 5. BACKGROUND

### 6. **Isle of Wight Council Corporate Complaints and Quality Outcomes**

7. Complaints can play a key part in supporting the scrutiny of public services when used as a resource to help councillors identify issues that are affecting local people.
8. The LGSCO provide a council performance map which places all council complaint statistics in a single, interactive hub which can be used by councillors to scrutinise the performance of the authority, it also allows comparisons to be made between similar councils. [www.lgo.org.uk/your-councils-performance](http://www.lgo.org.uk/your-councils-performance). The LGSCO suggests using the statistics they publish and considering the following:
9. **Complaints upheld** - how does the council compare against the national averages?
10. The LGSCO fully investigated 12 complaints between the 1<sup>st</sup> April and the 31 March 2022 on behalf of the Isle of Wight Council and upheld 67% of these, slightly higher than the national average of 64%. Whilst the number of complaints investigated is lower than last year, (18 in 2020/2021), the number upheld has increased from 39% (2020/2021) to 67% however due to the low numbers this is in fact an increase of 1 case from 7 to 8.
11. **Compliance with recommendations** - does your authority have a 100% compliance rate – if not, what is it doing to scrutinise complaints where it failed to comply?

12. Compliance rate for the Isle of Wight Council is 100% which is slightly higher than the national average
13. Whilst we have maintained our 100% compliance rate, compared to an average of 99% in other authorities, the LGSCO did issue a public report for one case where we failed to accept the findings and recommendations from the investigating officers draft decision, and this progressed to a public report. We did subsequently accept the findings and implemented the recommendations however if a complaint reaches a public interest report, resolution may not prevent it from proceeding if the LGSCO consider it has a wider implication for other local authorities or is of a significant topical nature.
14. We continue to highlight the importance of seeking proactive complaint resolution for any complaint and providing a resolution at any stage of an LGSCO investigation. They are typically receptive to such an approach, however, when an authority fails to implement their recommendations or disagrees with decisions or recommendations it is important to be mindful that they will consider a range of actions, including issuing a public interest report and opening a new investigation into the authority's failure to provide the agreed remedy.
15. **Satisfactory remedy provided by the authority:** how often does your authority do this, and how does it compare with others?
16. We fall slightly below the national average which indicates we could do more to actively resolve complaints before they reach the LGSCO
17. In not one of the 8 upheld cases had the council provided a satisfactory remedy before the complaint reached the Ombudsman and their investigations resulted in 7 recommendations to put things right for individuals and 4 recommendations for us to improve our services. This compares to an average of 12% in similar organisations.
18. The LGSCO encourages the early resolution of complaints and credits organisations that accept fault and find appropriate ways to put things right therefore we should be seeking to consider remedies at an earlier stage, acknowledging the complainant may choose to not accept the remedy we offer and progress to the LGSCO regardless.
19. It remains important that our complaints process seeks to capture and learn lessons from the complaints we receive with a view to improving outcomes for future complainants and other stakeholders. Key to establishing quality learning outcomes is understanding what has led to the complaint and why we have been unable to settle this at an informal stage. Similarly, we must promote an enabling role in the settlement of complaints and the early offer of remedies.

## 20. LGSCO Complaints – Isle of Wight/National Comparison

Year		19/20	20/21	21/22
<b>Category</b>				
<b>Complaints Upheld</b>	<b>Isle of Wight</b>	47%	39%	67%
	<b>National</b>	56%	63%	64%
<b>Compliance</b>	<b>Isle of Wight</b>	100%	100%	100%
	<b>National</b>	99%	99%	99%
<b>Satisfactory Remedies</b>	<b>Isle of Wight</b>	14%	0%	0%
	<b>National</b>	11%	10%	12%

## 21. PERFORMANCE STATISTICS

22. The Corporate Plan includes a performance indicator of a rolling twelve-month average number of stage 1 complaints made about council services per month. The baseline figure for 2022/23 is 50. Figures on the number of Stage 1 complaints received by the council are reported to Cabinet as part of its quarterly performance reports. The rolling 12-month average figure for July 2022 was 44 complaints.

23. Data relating to the statutory process for children’s services, and on complaints relating to the delivery of the Highways PFI contract by Island Roads is documented separately below.

**24. Island Roads**

Complaints Data for the period 1 April 2021 to 31 March 2022

Directorate/Service Area	Complaint Type	Number of Complaints	Total
Neighbourhoods - Island Roads	Communication	15	93
	Health & Safety	4	
	Speed of Service	2	
	Staff Behaviour	33	
	Standard of Service	31	
	Other Complaint	8	

25. Island Roads have adopted our complaints policy, and review complaints on a weekly basis with call handlers however the analysis of complaints and the process for logging learning outcomes is under consideration by the management team.

**26. Childrens Services – Statutory Complaints**

Complaints Data for the period 1 April 2021 to 31 March 2022

Directorate	Type of Representation	Number of Complaints	Total
Children’s Services	Complaint	20	36
	Pre-complaint (to Statutory Stage 1 Complaint)	10	
	Case Concern (to Statutory Stage 1 Complaint)	0	
	Joint complaint	0	
	Refused	3	
	Withdrawn	1	
	Case Concern	2	

27. General learning points and service improvements identified from social care complaints received in 2021/22 were comparable to previous periods, particularly around the importance of good communication. The service area incorporates learning from complaints in the response letter to the complainant by the senior manager, who also implements and monitors any required action. When a complaint is closed, all recommended actions are recorded on Hampshire’s complaints management system.

**28. Corporate Complaints (Excl Island Roads, ASC, and Children’s Services - Statutory)**

Complaints Data for the period 1 April 2021 to 31 March 2022 (ASC have their own process and that they report directly to the Health and Adult Social Care Scrutiny Sub Committee next due on 12<sup>th</sup> September 2022)

29. 394 new corporate complaints were logged during this period. Of these 72 have recorded learning outcomes (18%).

Directorate	Service Area*	Learning Outcomes	Number of Complaints	Total
Corporate Services	Adult Community Learning	0	1	60
	Blue Badge	2	2	
	Business Rates	2	6	
	Call Centre	2	2	
	Chief Executive	1	1	
	Council Complaints	0	1	
	Council Tax	27	34	
	Enforcement Service	3	3	
	Fleet Management	0	1	
	Help Centres	1	1	
	Housing Benefit	3	5	
	How to Pay the Council	1	1	
	Test & Trace Support Payment Scheme	0	1	
	Website	0	1	
Neighbourhoods	Bereavement Services	0	2	250
	Community Safety Services	0	1	
	Cowes Floating Bridge	0	4	
	Environment Officers	0	3	
	Environmental Health	0	5	
	Health & Safety at Work	0	1	
	Highways PFI	1	19	
	Household Waste & Recycling (All Waste Services)	0	136	
	Housing Enforcement	0	2	
	Housing Renewal	0	3	
	Leisure Services	0	3	
	Licensing	0	3	
	Newport Harbour	0	1	
	Parking Operations	0	31	
	Parking Services	0	9	
	Public Rights of Way	1	7	
	Recreation Leisure & Public Spaces	1	20	
Children's Services **(Non-statutory complaints)	Childrens Complaints	0	5	35
	Chillerton & Rookley Primary School	0	3	

	Educational Psychology Service	0	1	
	Schools	0	7	
	Special Educational Needs (SEN)	0	18	
	Speech, Language, and Communication	0	1	
Regeneration	Corporate Estate Management	1	1	47
	Electric Vehicle Charge Points	1	1	
	Energy Initiatives	3	3	
	Planning Development	4	10	
	Planning Enforcement	17	31	
	Property Services – Building Management	0	1	
Strategy	Media Relations	1	1	2
	Website	0	1	

\* CRM service logged against

\*\* Figures represents all Children's Complaints logged via IWC and may include Statutory & Non- statutory complaints

*NB* There were no complaints recorded for Public Health during this period

### 30. Learning Outcomes

31. It is helpful to categorise each complaint to identify patterns and wider causes of specific issues rather than the immediate cause of a complaint. There were 111 complaints during the period that had an identifiable theme and where changes/improvements were made:

- **Communication (28)** Action taken to improve the wording of letters and terms and conditions and promotion of clear and accurate conversations
- **Staff training (42)** Action taken to deliver targeted training to address areas leading to complaint
- **Process improvement (41)** Action taken to improve response times, no longer issuing unnecessary forms when not required, additional checks for accuracy

32. It is also important to highlight good practice and where learning outcomes have led to improvements in service delivery. Below is an example that demonstrates how the recording of complaints, learning and actions can be used to improve customer outcomes:

33. **Complaint:** Customer complained regarding the poor service they had received from the Enforcement and Collection agency. Elements of complaint were why there are erroneous transfers of money, why there has been 2 accounts set up for one council tax debt in 2010 and why I was charged 2 separate compliance fees. Payments from the website and the information given to me are conflicting and/or missing

34. **Learning:** Identified lack of effective communications; the importance of flagging difficult or complex cases with a team leader; timeliness of moving cases across to enforcement, regular consideration of cases of a certain age to determine most effective and efficient way of managing these

35. **Action:** Regular team meetings are required to review cases; difficult cases to be highlighted to a team leader to discuss the way forward; team to ensure when sending any information out that the correct information is provided. Team training to improve effective

communications and subsequently the council tax recovery debt team now sits under the same line management as the enforcement team to facilitate better communications and timeliness of cases being progressed to enforcement.

### **36. Supporting Complaints and Service Improvement**

37. In their Annual Review, the LGSCO has asked the council to consider how it prioritises complaints, particularly in terms of capacity and visibility. It is seeking to promote properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members and that can provide valuable insight about how we are performing, detect themes and use that intelligence to improve service delivery.
38. The IW Council currently provides a designated role “complaint and investigations officer” within Adult Social Care and utilises a dedicated complaints team within Hampshire County Council for Childrens Services (statutory complaints). These service areas tend to receive complaints that are more complex and require more investigation than other service areas. There is no designated corporate complaints officer, this role was removed some time ago and responsibility for the co-ordination of stage 1 and 2 complaint responses moved to departmental Nominated Complaints Officer’s (NCO) and their deputies who undertake the administration of this in addition to their substantive posts. The Customer Support Team (CST) comprises of the Contact Centre Manager and a Team Leader who advise on stage 1 and 2 complaints, they also have responsibility for LGSCO liaison, the complaints and unacceptable behaviour policy and process, data provision and collection.
39. The LGSCO also highlighted dissatisfaction with timescale compliance in two cases and have asked us to consider how we might make improvement to reduce delays in the remedy process.
40. The two delays of particular concern relate to cases for children’s services and although one delay was minimal, the second saw a delay of nearly two months where difficulties arose securing an investigating officer and independent person. Childrens services have in place an implementation plan that addresses the need for an increase in their resource pool. Whilst it is not unusual to request an extension from the LGSCO, a maximum of two weeks is ordinarily deemed reasonable.
41. The CST will endeavour to obtain a response to the Ombudsman’s enquiries within the necessary timescale and ensure any Ombudsman recommendations are acted on regularly; however, it is the responsibility of the service area to manage their resource appropriately to ensure timescale compliance. To highlight the requirement, the CST will ensure that all email correspondence clearly states that remedies must be fully completed within the LGSCOs given timescale and what that timescale is. The Ombudsman has produced a simple guide to working with them, which explains how they work, how we can work together and expectations when working with the assessment and investigation teams. The guide is aimed at all levels whether that be an experienced officer who has dealt with the Ombudsman for many years, or an officer who is new to the role. The CST will circulate this to all NCO’s and Deputies.
42. There is still progress to be made in the recording of learning outcomes and tracking of service improvements made as a result of complaints. All complaints will have a learning outcome of some kind, even when the complaint is not upheld, managers should be reflective of the situation leading to the complaint and consider how things could have been done differently to avoid the complaint being raised at all and formally capture these considerations.
43. Complaint data was issued to PA’s and Directors in February and feedback on the format and content has now been incorporated into the complaint dashboard (previously referred to as the portal). Access for NCO’s and Deputy’s has been delayed due to testing, but we

anticipate this to be available towards the end of August providing immediate access and increased visibility of complaint data.

44. The LGSCO offered three online complaint courses last year which were attended by 35 staff including Island Roads, Managers from several service areas and NCOs. We are now exploring an e-learning module with the Learning and Development Team that will expand our existing complaints module to create content that reflects our own policies and processes. Individuals can still however, enrol on the LGSCO complaint handling course for a fee of £45.

#### **45. Summary**

46. There were no outcomes or recommendations from the meeting of the Scrutiny Committee on 12<sup>th</sup> October 2021. However, the target set at the November 2020 Scrutiny Committee has been met:

- Increasing the target for resolving complaints at Stage 1 from 50% by 2022 to 90%.

The current percentage of complaints resolved at Stage 1 is 92% as of 31<sup>st</sup> March 2022

47. The Council regularly reviews its complaints policy and has clear objectives relating to improving service delivery by identifying learning outcomes. The Corporate Management Team acknowledge that learning outcomes from our customers should be at the heart of service delivery, their views and comments are important to us and are therefore actively making improvements that will allow us to improve and develop our services to better serve our residents.
48. Overall, we have maintained a consistent performance in respect of complaints received and those referred for investigation by the LGSCO, however the areas for improvement remain recording learning outcomes and using complaints to drive a culture of learning, reflection, and improvement and putting things right when we find something has gone wrong, rather than wait for the complaint process to conclude before doing this

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Transformational Change and  
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## Cabinet Report

Date	<b>10 NOVEMBER 2022</b>
Title	<b>LOCAL COUNCIL TAX SUPPORT SCHEME 2023/24</b>
Report of	<b>CABINET MEMBER FOR STRATEGIC FINANCE, TRANSFORMATIONAL CHANGE AND CORPORATE RESOURCES</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 central government funded council tax benefit regime. From its inception, the funding available to the council from government 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. In the current year the Council itself is experiencing very significant financial challenges as a consequence of:
  - the on-going costs associated with the Covid-19 pandemic (in Care Services and Leisure Services)
  - the extraordinary levels of inflation which is substantially increasing the cost of delivering day to day council services
  - Increases in demand for council services from residents that are suffering from the effects of their increase in the cost of living
  - Rising interest rates and its impact on the viability of capital schemes

In the current year the Council is drawing on contingencies and reserves in the sum of almost £8m in order to accommodate these unbudgeted cost increases. Looking forward to next year (Financial Year 2023/24), existing financial pressures alongside continued inflationary and demand pressures for next year are currently

forecast to expose the Council to significant unfunded budget pressures which will need to be addressed in addition to the Council's £2m savings requirement.

5. It remains unclear the extent to which any Government support might be available for these extraordinary financial pressures through the Local Government Funding Settlement due to be announced in December 2022. The Government's 3 Year Comprehensive Spending Review indicates that no further funding is available and the Prime Minister and the Chancellor have indicated that there will be cuts to public spending alongside tax rises in order to address the national debt. Due to the substantial scale of the forecast unfunded financial pressures alongside the uncertainty of any additional Government funding, the Council is unable to consider any new policy initiative at this time that would increase the financial burden upon the Council.
6. This report details the proposed changes and makes recommendation to members for the 2023/24 scheme effective from 1 April 2023.

## RECOMMENDATION

7. It is recommended that Cabinet/Full Council:
  - Option 1 – Record their preference to increase the maximum level of support for working age cases to 70 per cent (from the current maximum level of 65 per cent) subject to it being affordable to the Council and therefore considered alongside (and part of) the Council's overall Budget for 2023/24
  - Option 4 - To add a local welfare payment disregard to mirror housing benefit regulations
  - Option 5 - To disregard any increase in welfare benefit payments due to crisis or emergency provision.

## BACKGROUND

8. The national Council Tax Benefit Scheme was abolished by central government on 31 March 2013. Under the national scheme claimants on very low incomes could get 100 per cent of their council tax paid. The government paid a grant in respect of the benefit allocation, which meant that there was no cost falling on the council.
9. Council Tax Support (CTS) was introduced by central government 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 requirements, namely:
  - the duty to create a local scheme for working age applicants with 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 support, would be dealt with under regulations prescribed by central government and not the authorities' local scheme.
10. Since that time, funding for CTS has been amalgamated into the settlement funding assessment (SFA) for each local authority as determined by central government. The funding for Local Council Tax Support is not separately identifiable within the SFA and therefore has been exposed to cuts on the same basis. This implies a cut in funding equating to £6.7 million (56 per cent).
  11. CTS is not actually paid to claimants but is instead shown as a discount on their council tax bill. This reduces the council tax base and so the cost is not expenditure as such, but instead a reduction in income raising ability.
  12. Under the local scheme, the cost of CTS is expressed as a discount and results in a reduction in the council tax base. This has a financial impact on the Isle of Wight Council, as well as the Police and Crime Commissioner for Hampshire and the Isle of Wight, the Hampshire and Isle of Wight Fire and Rescue Service and local preceptors. For local town and parish council preceptors, the funding relating to them has been included with the Isle of Wight Council's funding which is then apportioned and passed on to individual town and parish councils.
  13. 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 local authority.
  14. 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 CTS can only be made to the working age scheme.
  15. 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.
  16. A CTS 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 local CTS 2016/17 scheme changes agreed by Full Council on 20 January 2016. This provision was reviewed again by Full Council on 19 January 2022 and continues to provide support for those in genuine hardship. This requires individual applications and takes into account individual circumstances including the claimant's income and essential outgoings.

## CORPORATE PRIORITIES AND STRATEGIC CONTEXT

17. Each year the council is required to review its Council Tax Reduction Scheme in accordance with the requirements of Schedule 1A of the Local Government Finance Act 1992 and to either maintain the scheme or replace it. The Isle of Wight council tax reduction scheme is known as the Local Council Tax Support (LCTS) scheme.

18. In the Full Council meeting of 19 January 2022, a commitment was made to review the maximum level of LCTS provided to residents in 2034/24 to increase support available to residents.

ECONOMIC RECOVERY AND REDUCING POVERTY

19. The LCTS scheme assists those on low incomes with payment of their council tax liability, which includes households with children. In doing so, the scheme helps to reduce effects of poverty on these residents. In addition, the exceptional hardship fund provides additional support to any households in receipt of LCTS and suffering hardship to receive extra assistance in paying their council tax.
20. The effects of recovery from the pandemic are still being seen, as well as the current cost of living crisis which is affecting residents across the island and particularly those in receipt in LCTS. Recovery from the economic situation may see more residents applying for LCTS for financial support which may increase spend of the scheme further.

IMPACT ON YOUNG PEOPLE AND FUTURE GENERATIONS

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

CORPORATE AIMS

22. The Local Council Tax Support scheme needs to be considered in the context of the council’s overall financial position, budget strategy and the ability to continue to deliver public services on a sustainable basis. It also needs to be consistent with, and balance this with 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

23. A full and comprehensive consultation exercise was undertaken from 3 August to 28 September 2022 as follows:

Stakeholders	Methodology
1. Existing claimants (both working age and pensionable age, approximately 10,800).	Individual postcards to inform of the LCTS potential changes wording “If you receive Local Council Tax Support, new changes could affect you. The Isle of Wight Council is seeking your

	<p>views on options to change the amount we award in Local Council Tax Support. There are a number of options being considered and we are asking for your input to help shape the decision. You can provide your views via a consultation from 3 August to 28 September at <a href="http://www.iow.gov.uk/lcts">www.iow.gov.uk/lcts</a>”</p> <p>Online survey via questionnaire explaining proposals and likely impact. Paper survey if requested.</p>
2. Council taxpayers and service users generally	<p>Online survey via questionnaire explaining proposals and likely impact. Paper survey if requested.</p>
3. Interested organisations and groups.	<p>The Anti-Poverty Group partners were emailed detailing the consultation on two occasions to circulate and raise awareness with their customers.</p> <p>People Matter consulted and agreed a simplified consultation document.</p> <p>Age Friendly Group provided with details of the consultation.</p> <p>Internal council services provided with details of the consultation</p> <p>Email to all parish and town council clerks to raise awareness and seek their views</p> <p>Letter sent to the police and crime commissioner seeking views.</p> <p>Letter sent to the Hampshire and the Isle of Wight Fire authority</p> <p>A total of 274 responses to the consultation were received.</p>
<b><u>General Awareness</u></b>	
Provision of information and awareness raising of changes and proposals	<p><a href="http://www.iwight.com">www.iwight.com</a></p> <p>Press releases. Face to face communication at customer service points. The council's Facebook and Twitter sites (weekly promotions). Information on the front page of <a href="http://iwight.com">iwight.com</a>.</p>

24. Details of the consultation response analysis are set out in Appendix 1. The consultation was responded to by 274 residents (which for validation purposes provides confidence in the outcome of the consultation) of whom 58 per cent stated they were currently receiving LCTS. Respondents were also given the opportunity to provide additional comments when asked why they disagreed with an option and what alternatives they would like to see considered, which are set out in Annex 1a.
25. The consultation explored options to provide additional support for residents during the current financial climate.
26. The majority of respondents:
  - Agreed with increasing the maximum level of support to 70 per cent
  - Agreed with increasing the current earnings disregard level from £25 per week to £30 per week
  - Agreed with decreasing the level of non-dependant deduction from £2 per week to £1 per week
  - Agreed with disregarding local welfare payments as income
  - Agreed with disregarding an emergency increase in welfare benefit payments
  - Agreed with keeping the scheme the same as it currently is
  - Disagreed with reducing the maximum level of support to 60 per cent

The full details of the consultation analysis are set out in Appendix 1 and Annex 1a.

27. Annex 1b provides a summary of the responses received from town and parish councils in terms of their views on the options to change the LCTS scheme. There were nine responses received from the town and parish councils with the majority of these agreeing to providing increased support to low-income households, in particular supporting option 1.
28. Annex 1c provides the responses received from the Hampshire and Isle of Wight Fire and Rescue Authority and the Police & Crime Commissioner for Hampshire & Isle of Wight.
29. There remains provision through the Exceptional Hardship Fund which takes into account individual circumstances, including the claimants' income and essential outgoings for a claimant to demonstrate that they require an exceptional hardship award as a result of 'genuine hardship'. This discretionary assistance can be applied for by a claimant to help with any shortfall between their LCTS and council tax liability in accordance with the policy's intentions. This is a potential mitigation action where considered appropriate.
30. The equality impact assessment completed during 2022 has been updated following the consultation exercise and this is set out in Appendix 2 to this report. The equality impact assessment is based on the scheme options for 2023/24 including the recommended changes.
31. The government has determined that under the new CTS scheme arrangements that there can be no reduction for council tax support to pensioners, so the consulted options relate solely to working age claimants.

32. Within the assessment of LCTS, there will remain several sources of income or benefits that are either fully disregarded or have a specific level of disregard applied to them in determining the level of income that is used within the calculation of LCTS. The disregards from certain incomes received were consulted on in previous years and assist those who are disabled, have families and are working to meet some of their household costs.

COUNCIL TAX SUPPORT SCHEME POTENTIAL CHANGES: -

33. The cost of the options consulted upon are listed below:

<u>OPTIONS</u>	<u>AMOUNT</u>	<u>COST/SAVING TO THE SCHEME</u>
1.Increase the level of support to 70 per cent	£359,821	Cost
2.Increase the earnings disregard	£ 20,144	Cost
3.Decrease the non-dependant deduction to £1	£ 17,912	Cost
4.Disregard of local welfare payments	£ 0.00	There is no cost to this item
5.Disregard of emergency increases	£ 0.00	There is no cost to this item

FINANCIAL / BUDGET IMPLICATIONS

34. In addition to the wider considerations in the report such as the outcome of the consultation, the impact on claimants and the equality impact assessment, the overall financial position of the council needs to be taken into account.
35. The SFA funding towards CTS during 2022/23 is estimated at £5.20 million, a similar level to the previous year. This means there is currently a funding gap of £3.04 million.
36. The projected outturn cost of LCTS for 2022/23 is £10.3 million. This represents the overall reduction in council tax by way of council tax support given under the current scheme and reduces the Council Tax income to the Isle of Wight Council, Police & Crime Commissioner, Fire & Rescue Authority and town and parish councils.
37. The total LCTS expenditure as at 31 March 2022 was £10.4 million. At 30 September 2022 the expenditure was at £10.3 million, of which the council's share is £8.25 million, net of the share of cost attributable to the Police & Crime Commissioner, Fire & Rescue Authority and Town and Parish Councils. This is due to both a reduction in caseload and the changes to the working age scheme since 2013.

	Average number of claimants 2015/16	Average number of claimants 2018/19	Average number of claimants 2019/20	Average number of claimants 2021/22	Cost of support 2015/16 £M	Cost of support 2018/19 £M	Cost of support 2019/20 £M	Cost of support 2021/22 £M

Pensioner	6,341	5,385	5,214	4,842	£5.93	£5.99	£6.14	£6.16
Working age	6,995	5,356	5,346	5,433	£5.65	£4.05	£4.11	£4.14
Totals	13,336	10,741	10,560	10,275	£11.6	£10.0	£10.3	£10.3

38. A breakdown of the current CTS cost is shown below:

	<b>Pension age</b>	<b>Working age</b>
<b>No. of claimants</b>	4,751	5,316
<b>Cost (as at 30.9.2022)</b>	£6.1 million	£4.2 million

39. It can be seen from the above tables that the total number of claimants and spend has remained relatively constant since 2018, which has been managed through reductions of LCTS to ensure the cost of the scheme remains constant. However, changes to the scheme over the past years to reduce the level of support, given the overall financial pressures, has meant that more claimants are struggling to pay their remaining council tax liabilities.

40. The current scheme requires all working age claimants to pay a minimum of 35 per cent of their council tax. As such, the reduction in support through LCTS over the last few years has seen the level of debt amongst LCTS claimants increasing.

## LEGAL IMPLICATIONS

41. The council will need to set a lawful and balanced budget and council tax level for 2023/24 at the Full Council meeting on 22 February 2023.

42. 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.

43. In finally deciding what form the local LCTS should take, the council will need to take into account the equality impact assessment of the options, what mitigating actions can be taken to reduce the impact, the results of the consultation exercise, the wider budget position, and the potential impact on council taxpayers and users of services.

44. 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.

45. CTS 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.

46. 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

47. 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.
48. The equality impact assessment for the proposed Local Council Tax Support Scheme is attached at Appendix 2 to this report and is required to have been read by Full Council members before making any decision on the scheme.
49. The equality impact assessment at Appendix 2 shows that with the proposed options for this year, there is no negative impact on any particular groups of claimants, as the proposals seek to increase support in different ways.
50. Furthermore, the council has already introduced an exceptional hardship scheme since 2016 and allows any claimant to apply for additional support up to the full level of their council tax and will continue to provide mitigating actions to those deemed to be in genuine hardship and requiring additional support above the LCTS scheme provision.

## OPTIONS

51. In relation to all options, the Council must have due regard to the Council's current financial position which currently forecasts significant unfunded budget pressures in order to continue to deliver "steady state" services in addition to the need to identify £2m of previously approved budget savings. In this context, the Council must consider the rationality of any decision it approves in relation to both financial management and continued delivery of council services.
52. There are five options to consider as detailed below:

**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 increased to 70 per cent (from the current maximum level of 65 per cent)

The projected gap between the government grant and the estimated cost of council tax support if the current scheme was left unchanged for 2022/23 is estimated to be £3.04 million.

For this year the cost of the scheme to date stands at 10.3 million and may increase depending on the economic crisis currently being faced and the potential for more residents to apply for LCTS.

**OPTION 2** - To increase the earnings disregard to £30 from the current £25 per week

Currently where applicants (or their partner, if they have one) have earnings, an earnings disregard of £25 per week is deducted from their total weekly income before their remaining income is taken into account in the calculation for eligibility to a reduction in council tax liability. This proposed option would increase this disregard to £30 per week which would mean those working would have more of their income taken into account when calculating their LCTS entitlement.

In the current economic climate, this would affect the most vulnerable or those experiencing the most hardship and therefore to increase the disregard would assist these residents during these difficult economic times. This option provides support to those working and has minimal cost impacts on the scheme as demonstrated in the table at point 34 above.

**OPTION 3** - To decrease the non-dependant deduction rate to £1 from £2 per week

Currently where an applicant (and their partner if they have one) have other adults living with them such as adult sons, daughters, elderly relatives, or another person over the age of 18, their LCTS may be reduced. Any charge made is called a non-dependant deduction. In theory, the applicant should look to recoup this deduction from those adults, however keeping to the current levels alleviates financial pressure on any non-dependants' income. The current charge for a non-dependant deduction is £2 per week and decreasing this level will increase the level of support provided and has minimal cost impacts on the scheme as demonstrated in the table at point 34 above

**OPTION 4** - To add a local welfare payment disregard to mirror housing benefit regulations.

In the current national financial position as a result of events such as the COVID-19 pandemic, the war in Ukraine and the rising cost of energy prices, central government has begun to implement targeted financial support to households through local welfare payments. Payments such as the 'Homes for Ukraine - thank you payments' have been disregarded as income from housing benefit calculations, meaning that if a claimant receives this, it is not counted in the calculation of their entitlement. There is currently no such provision within the LCTS scheme, and so if this proposed option was adopted, it would enable the council to disregard these payments as income in the LCTS calculation.

**OPTION 5** – To disregard any increase in welfare benefit payments due to crisis or emergency provision.

Normally, any increases in state welfare benefit amounts are implemented by central government at the start of the financial year and take into account factors such as inflation. However, in the current national financial position as a result of events such as the COVID-19 pandemic, the war in Ukraine and the rising cost of energy prices, central government may look to increase the basic amount of welfare benefit payments issued to claimant's part-way through a financial year. If this happened, it

would mean that LCTS entitlement could decrease because a higher income was being taken into account. This proposed option would mean that claimants' LCTS entitlement would not be affected as the increase in welfare benefits would be disregarded.

## RISK MANAGEMENT

53. The financial risks relate to the uncertainty of future growth in cases and eligibility and the potential impact on council tax collection rates, with additional pressures due to Covid-19 and the cost-of-living crisis from an 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 2023/24.
54. The total council tax collection as of October 2022 has 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 the same at 56.4%. This figure includes the sum paid to council tax accounts for the energy rebate scheme. Adjusting for these payments like for like collection has reduced by 0.5%. The council tax base continues to increase meaning there is more to collect and therefore a like for like comparison to previous years is not reflected on the same tax base. However, for September 2021 the level of council tax collected was £64 million compared to September 2022 being £67 million (inclusive of the energy rebate payment of £690k).
55. The assumption is 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.
56. The retrospective debt for LCTS cases going back to 2013 now equates to £2.02 million with collection continuing for prior years. From analysis, the highest amount of debt outstanding is from those on a passported benefit (Income Support, Jobseekers Allowance and Employment and Support Allowance) of which 2,119 claims have a liability order awaiting payment for debt outstanding on council tax accounts. Therefore, further reductions in support may create additional debt to ultimately collect or write off.
57. The options being put forward as recommended for adoption as changes to LCTS for 2023/24 are options 1 (subject to affordability), 4 and 5.
58. Option 1 (subject to affordability) will impact on the council's overall collection rate levels, however with the level of debt, which is increasing on LCTS cases, the current analysis provides that residents in receipt of LCTS are struggling to pay the current levels of council tax, and therefore this option provides some additional support by reversing the levels to 70 per cent.
59. Options 4 and 5 safeguard the scheme against changes which are being brought into effect for the housing benefit scheme and therefore these measures mirror welfare changes being brought in by central government, providing fairness in the scheme.
60. Any risk in collection rates are 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. Over the course of the past two years there has been an increase in the number of requests for exceptional hardship fund assistance.

## EVALUATION

61. 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.
62. Since the LCTS scheme commenced in 2013, the level of debt has slowly been increasing as the level of support has been reduced. As LCTS residents are struggling to pay the residual level of council tax after support has been awarded, Option 1 (subject to affordability) has been put forward to increase the current maximum award of 65 per cent to 70 per cent to provide further support.
63. Implementing Option 2 would provide an increased earnings disregard to those residents currently in work, which would support with the cost of living. However, based on the number of residents this would affect and the small increase of disregard, this option is considered to be of little overall advantage within the scheme.
64. Implementing Option 3 would provide an increase in LCTS entitlement to those with a non-dependant living in their household. However, based on the number of residents this would affect and the small decrease of the deduction, this option is considered to be of little overall advantage within the scheme.
65. Adopting Option 4 would align the LCTS scheme with Housing Benefit regulations, making administration simpler and also ensuring that residents in receipt of such welfare payments would not be negatively affected. There would be no cost to the scheme with this change.
66. Adopting Option 5 would provide protection to LCTS claimants if central government were to bring in any emergency increases to their welfare benefits which, if left unaccounted for, could result in a loss of entitlement to LCTS. There would be no cost to the scheme with this change, but it would benefit the resident experiencing an uplift in their welfare benefit entitlement.
67. To support claimants, the council introduced an exceptional hardship scheme in 2016 which allows any claimant to apply for additional support up to the full level of their council tax liability and will continue to provide additional support above the LCTS scheme provision to those deemed to be in genuine hardship. This scheme is offered to claimants and published widely to offer help and support.

## APPENDICES ATTACHED

- |             |  |
|-------------|--|
| Appendix 1: | Summary of responses to consultation.                                |
| Annex 1a:   | Additional written text responses to the consultation.               |
| Annex 1b:   | Comments received from town and parish councils to the consultation. |
| Annex 1c:   | Comments received from the police and fire authority.                |
| Appendix 2: | Equality impact assessment council tax support scheme.               |
| Appendix 3: | Examples of impact on claimants.                                     |

Appendix 4: Draft local scheme policy based on proposed option.  
Appendix 5: Draft exceptional hardship fund policy.

Contact Point: Debbie Vallas, Benefits Operational Manager – Tel (01983) 823950  
e-mail [debbie.vallas@iow.gov.uk](mailto:debbie.vallas@iow.gov.uk)

CHRIS WARD  
*Director of Finance and S151 Officer*

CHRIS JARMAN  
*Cabinet Member for Strategic Finance,  
Transformational Change and Corporate  
Resources*

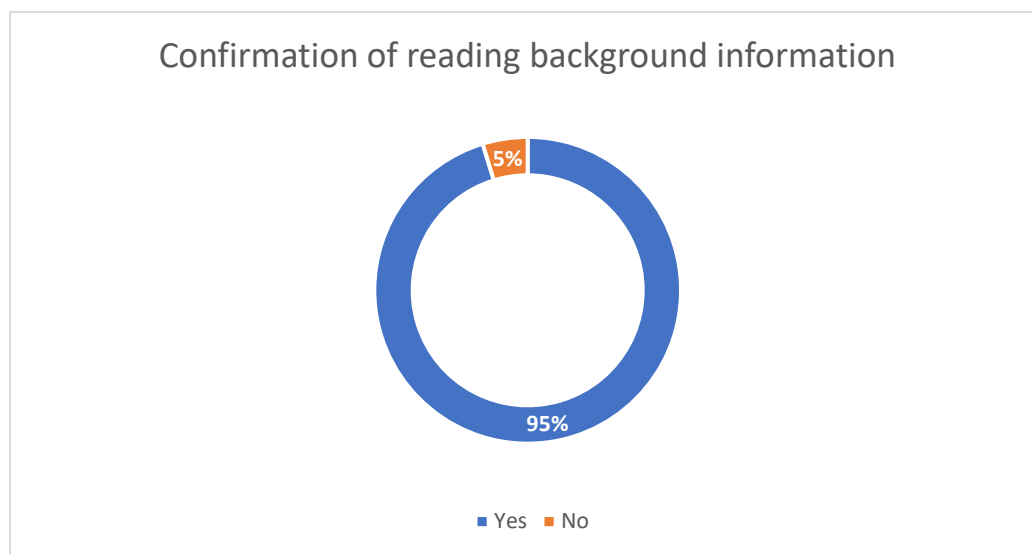
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## Results from the IWC Local Council Tax Support Scheme Consultation 2023/24

The above consultation was undertaken between 3 August 2022 and 28 September 2022. On completion, a total of 274 responses had been received. The charts below detail the responses received for each question asked of the participants.

### **I have read the background information about the Local Council Tax Support scheme.**

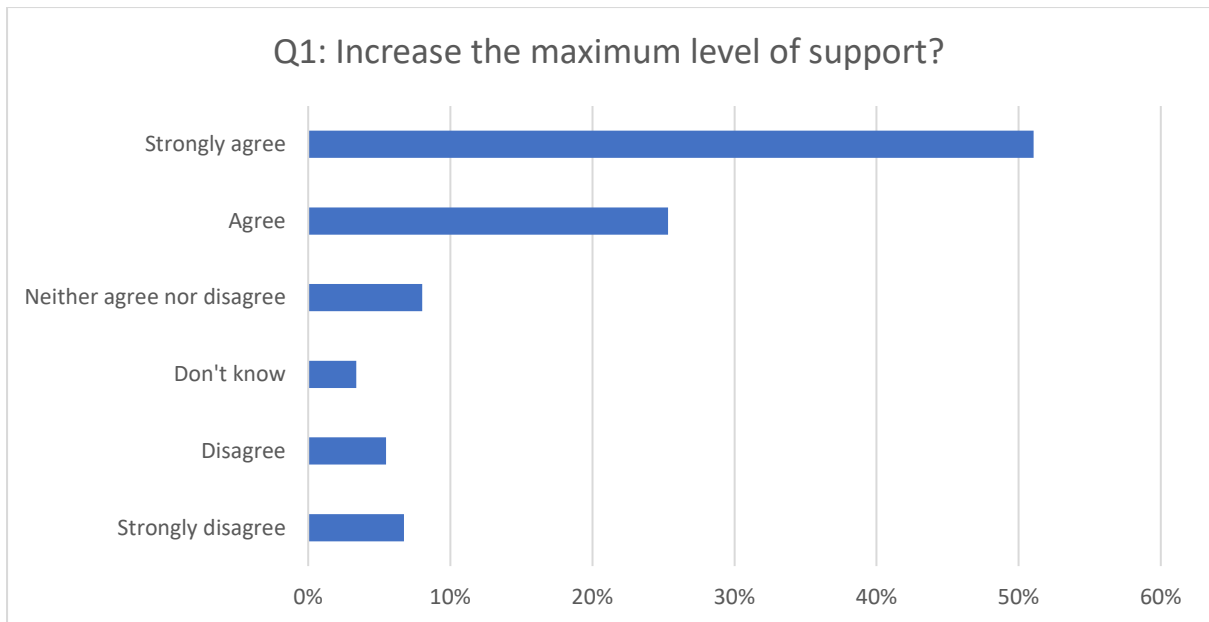
261 respondents (95%) indicated that they had read the background information about the Local Council Tax Support scheme, which equates to 100% of participants. 13 participants (5%) indicated that they had not yet read the background information which accompanied the scheme, as was indicated by the introduction to the survey.



### **Question 1 [Option 1]: Do you agree with increasing the maximum level of support?**

There was a total of 237 responses to this question.

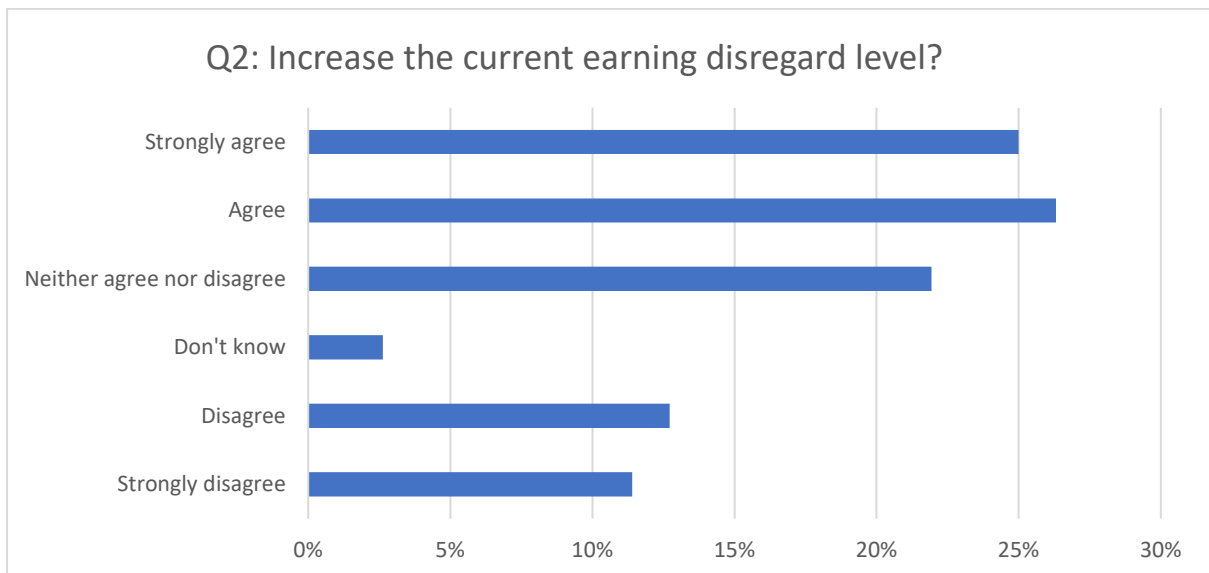
Of these, 181 participants (76%) indicated that they agreed with Option 1 – the increase of the maximum level of support for working age claimants from 65% to 70% as proposed by the Isle of Wight Council. 29 participants (12%) did not agree with this option and 27 (11%) of participants responded that they were unsure whether they agree. A further 37 participants chose not to answer this question



**Question 2 [Option 2]: Do you agree with increasing the current earnings disregard level?**

There was a total of 228 responses to this question.

Of these, 117 participants (51%) indicated that they agreed with Option 2 – the increase of earnings disregard from £25 per week to £30 per week as proposed by the Isle of Wight Council. 55 participants (24%) stated that they did not agree with Option 2 and 56 participants (25%) responded that they were unsure whether they agree or disagree. A further 46 participants chose not to answer this question.

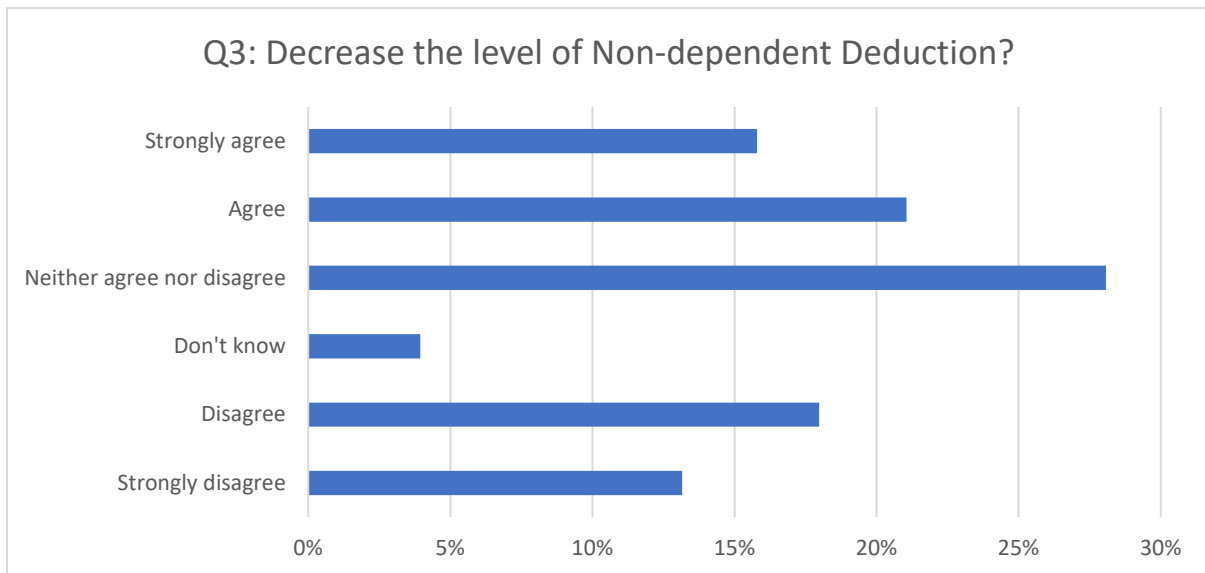




**Question 3 [Option 3]: Do you agree with decreasing the level of Non-Dependant Deduction?**

There was a total of 228 responses to this question.

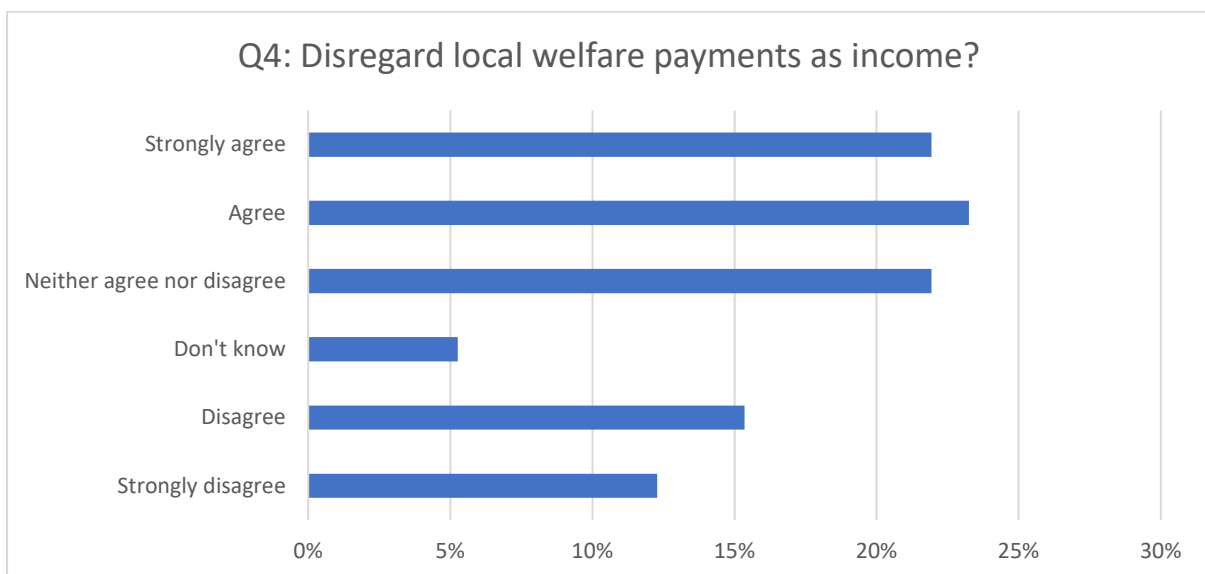
Of these, 84 participants (37%) indicated that they agreed with Option 3 - to decrease the level of non-dependant deduction from £2 per week to £1 per week as proposed by the Isle of Wight Council. 71 participants (31%) stated that they did not agree with Option 3 and 73 participants (32%) responded that they were unsure whether they agree or disagree. A further 46 participants chose not to answer this question.



**Question 4 [Option 4]: Do you agree with disregarding local welfare payments as income?**

There was total of 228 responses to this question.

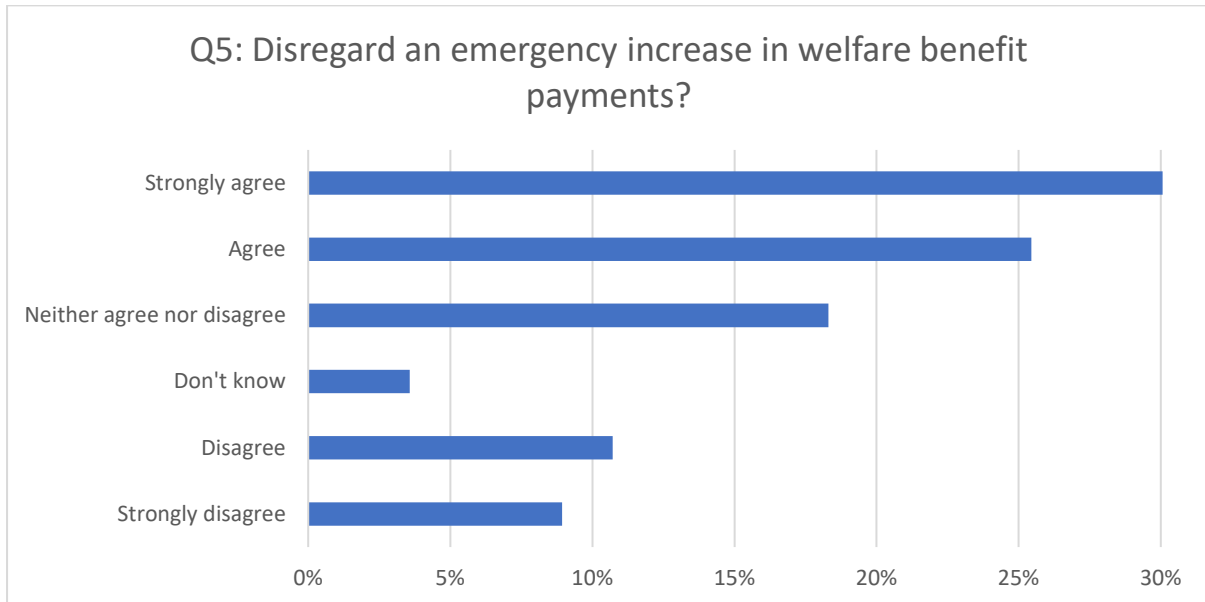
Of these, 103 participants (45%) indicated that they agreed with Option 4 – to disregard local welfare payments as income as proposed by the Isle of Wight Council. 63 participants (27%) stated that they did not agree with Option 4 and 62 participants (27%) were unsure whether they agree or disagree. A further 46 participants chose not to answer this question.



**Question 5 [Option 5]: Do you agree with disregarding an emergency increase in welfare benefit payments?**

There was a total of 224 responses to this question.

Of these, 131 participants (58%) indicated that they agree with Option 5 – to disregard an emergency increase in welfare payments as proposed by the Isle of Wight Council. 44 participants (20%) stated they did not agree with Option 5 and 49 participants (22%) were unsure whether they agree or disagree. A further 50 participants chose not to answer this question.



**Question[s] 6 and 7 [Alternative 1 and 2]: Do you agree with Alternatives 1 and 2?**

The consultation described two alternatives to the proposed scheme changes– whether the scheme should stay the same as it currently is (Alternative 1), or whether there should be a reduction in the maximum level of Local Council Tax Support to 60% to find savings.

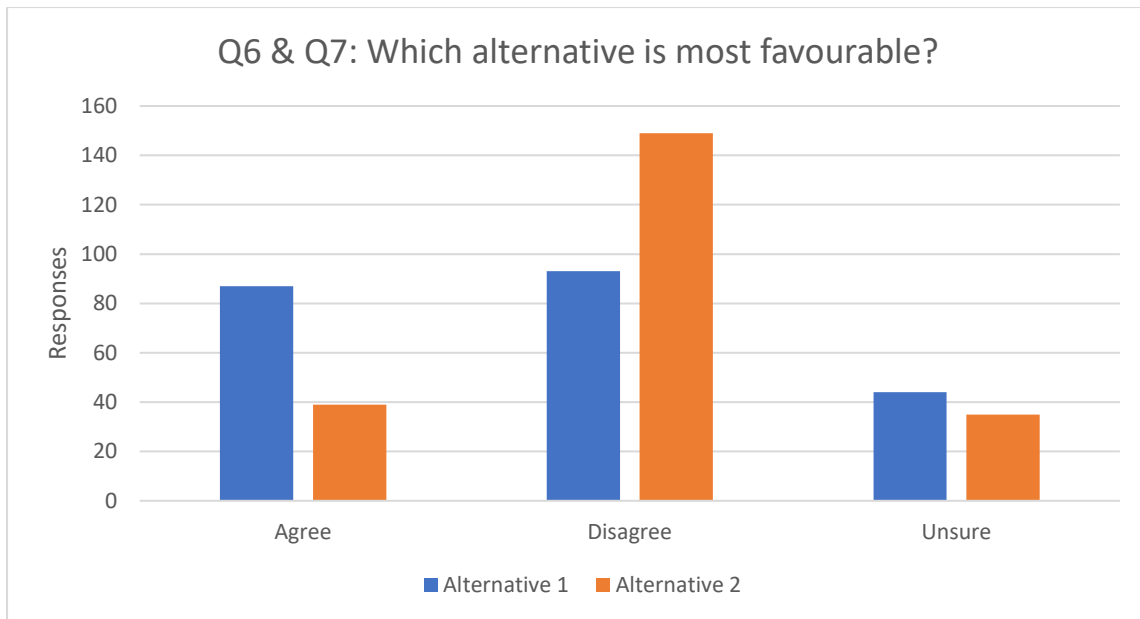
The graph below illustrates the preference of the two Alternatives to the participants by asking whether they agreed or disagreed with each proposed Alternative.

There were 224 responses to these questions.

Of these, 87 participants (39%) indicated that they agreed with Alternative 1, whereas 93 participants (42%) indicated that they did not agree; while a further 44 participants (20%) were unsure.

39 participants (17%) indicated that they agreed with Alternative 2, whereas 149 participants (67%) indicated that they did not agree; while a further 35 participants (16%) were unsure.

A further 50 participants chose not to answer these questions.



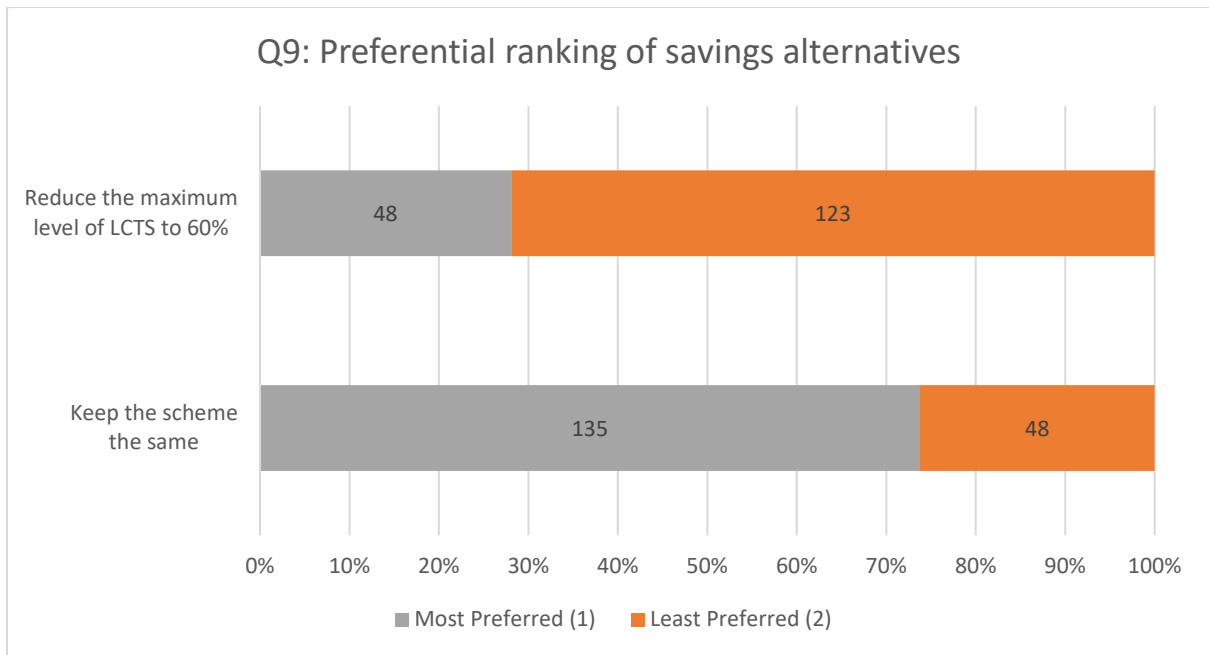
**Question 8 [Alternative 1 and 2]: If the council was to choose these alternative options to make savings, what would be your order of preference?**

The table and graph below detail how the participants of the consultation ranked the Alternative options in order of preference from 1 and 2, where a score of 1 indicates the most preferred Alternative and 2 indicates the least preferred Alternative.

The table shows that 135 participants stated their most preferred alternative was to keep the scheme as it is currently, and 123 respondents stated their least preferred alternative was to reduce the maximum support to 60%.

Order of Preference	Keep the Scheme the Same (Alternative 1)	Reduce maximum support to 60% (Alternative 2)
Most Preferred (1)	<b>135</b>	48
Least Preferred (2)	48	<b>123</b>

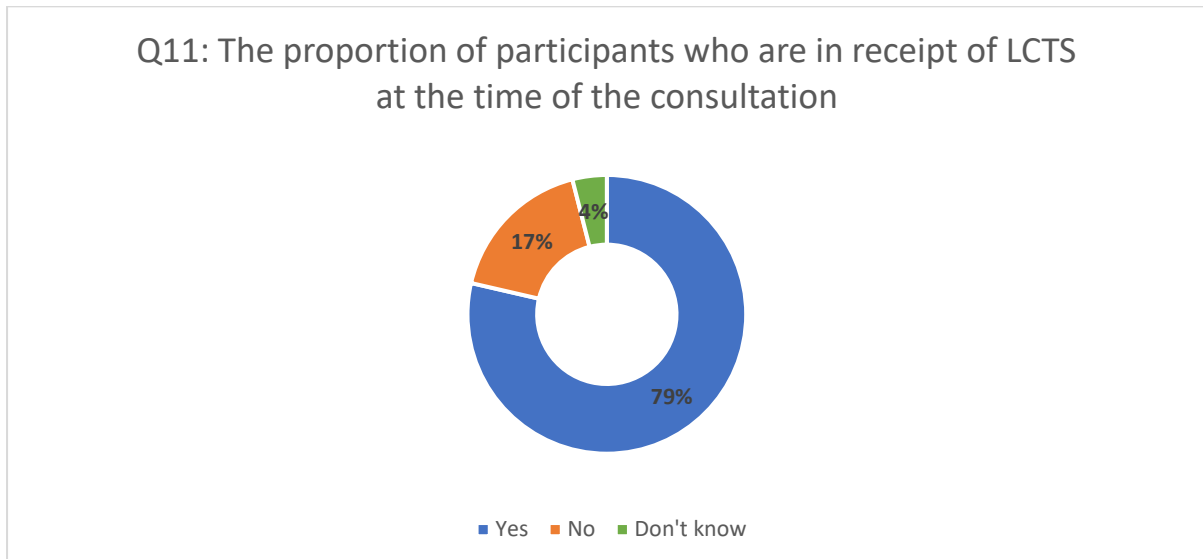
The graph below visually displays the favourability of these different Alternatives, as stacked out of 100% totals to visualise relative preference against other options.



**Question 11: Are you, or someone in your household, getting Local Council Tax Support at this time?**

There was a total of 201 responses to this question.

Of these, 158 participants (79%) indicated that they are in receipt of Local Council Tax Support at the time of the consultation while 35 participants (17%) answered that they were not. 8 participants (4%) did not know whether they are getting Local Council Tax Support at this time. A further 73 participants chose not to answer this question.



**Comments from the open-ended questions on the consultation.**

**Question 9: If you disagree with the options detailed above, please use the space below if you would like the council to consider any other options.**

<b><u>1.</u></b>	Support all people that need the help. The ones who work and supply the money.
<b><u>2.</u></b>	For the last decade, the Council has been balancing the budget on the backs of the disabled. Stop trying to make us pay more. When you do these figures, make sure that the alternatives are not suggested as the solution, for many of us object to the alternatives.
<b><u>3.</u></b>	The council should go further, restoring support to 75%, and then more when resources allow.
<b><u>4.</u></b>	I would like to see council tax hiked dramatically on second homes and all homes not purpose built as holiday homes but let out or used as such. The income from this could reduce the council tax for everybody else.
<b><u>5.</u></b>	Should not be charged council tax if disabled and on pip
<b><u>6.</u></b>	Reducing the level of LCTS does not work. People are already struggling to make ends meet and are preparing to choose between heating and eating. For me it also includes lighting. The current scheme is not ideal for those on the lowest income either but it's better than any of the alternatives suggested which are giving with one hand and taking with another.
<b><u>7.</u></b>	I feel those on low incomes should be getting more help towards there council tax minimum wage is hard at the best of times
<b><u>8.</u></b>	increase base to support 75% this covers all on low to no income who need help
<b><u>9.</u></b>	People on benefits need more support as the cost of living is rising dramatically
<b><u>10.</u></b>	I am already struggling with my outgoings on the benefits i am receiving, if you reduce the amount, I will be getting it will make. Life even harder for me. I think keeping it as it is fair to everyone because we know I what we have to pay and try our best to manage through these difficult times. I don't even know how I am going to get through this winter this all the price hikes, I will have to keep my heating off to be able to manage at least trying to pay the bills. Which will affect my health with the coldness
<b><u>11.</u></b>	Help should be more targeted towards working families on low wages not on benefits. Any extra costs should be met by second holiday homeowners on the island. They should pay a lot more especially as there is such a severe shortage of houses to rent and buy at affordable prices. If you doubled their council tax this could be used to help others because if can afford to buy a second home, I don't think it will be a hardship for them.
<b><u>12.</u></b>	I'm not sure
<b><u>13.</u></b>	Max rebate should be increased to 70% as the Independents PROMISED last year.

<b><u>14.</u></b>	return the lcts scheme to 100% reduction for claimants in receipt of pip / ESA benefits, who are not physically or mentally able to work.
<b><u>15.</u></b>	As a disabled person living alone, I am struggling to pay my Council Tax bill every month. If the reduction goes against me, I might not be able to pay at all because of the competing rising costs of food and power. I'm sure that the Council would rather receive something rather than nothing from me, so I favour a 70% reduction or keeping it at 65% if necessary. The Council need to look at charging second homeowners a higher amount. Housing stock is in short supply because of people who own but do not occupy homes here. A higher charge for those that have thousands to spare is fairer than trying to squeeze pennies out of people at the bottom of the earning ladder.
<b><u>16.</u></b>	We do not need a new COUNCIL BOSS on £138,000 the last one was a waste of money so we don't need a new one
<b><u>17.</u></b>	Disagree with both of the above, would prefer a benefits tested increase to a 100% for those on the most basic benefit, for example £75 per week basic universal credit for single person on JSA. This could decrease for those working and receiving benefits, and for those with long term illness on universal credit (not PIP) for example who receive more.
<b><u>18.</u></b>	People who are disabled, on benefits, should receive 100% discount. We should be top of the list for assistance.
<b><u>19.</u></b>	How about councillors taking a pay cut!!!! Stop buying mainland properties and stop building!!
<b><u>20.</u></b>	Because of the current situation and knowing that things will be much worse for the poorest especially the elderly, sick and disabled I feel that the council tax reduction should go up and benefit increases not taken as income, there are a lot of vulnerable people like myself who don't get the winter fuel allowance or help with fuel bills, because we don't pay directly, our landlord owns the meters, we still have to pay all the increases as the landlord has put rent, electricity and laundry token prices up, but we get no help. And don't mention the household support fund, so embarrassing and humiliating to have to account for every penny we spend and what on, I like many others with mental and physical health issues find that just too intrusive, I would rather go without.
<b><u>21.</u></b>	Increase support as household finances are being stretched further in current financial crisis, this has biggest effect on those with least income.
<b><u>22.</u></b>	Just increase it!
<b><u>23.</u></b>	no alternative options as the council work for the people and not to make money off the people
<b><u>24.</u></b>	Check thoroughly who is the most needy. Family's should be prioritised. Single people can work more hrs if necessary.
<b><u>25.</u></b>	Helping residents by increasing the council tax support will benefit to many households that they straggling to pay the other bills and ensure food and clothes for their family especially who have child. Thanks
<b><u>26.</u></b>	I think you need to consider how self-employed people are not entitled to council tax support. Currently the minimum income floor is used when working out support

	for council tax which is really unfair and leaves a lot of people struggling to pay council tax
<b><u>27.</u></b>	Reducing the maximum level of support at a time when family budgets are being absolutely crippled by rising costs of groceries, utilities etc. is not acceptable.

**Question 10: If you have any further comments to make regarding the LCTS Scheme that you haven't had opportunity to raise elsewhere, please use the space below.**

<b><u>1</u></b>	Stop trying to balance the budget on the backs of the disabled like the Tories have done the last few years! The disabled should be paying less council tax and instead both in current and real terms we are paying more.
<b><u>2</u></b>	My hours were increased, therefore more income, I lost most of it on universal credit and having to pay more council tax, I wish I'm not bothered
<b><u>3</u></b>	I think couples with children with a child with a disability should be able to claim lcts regardless of couples earnings
<b><u>4</u></b>	Everybody is having a tough time at the moment - we can't afford higher council tax.
<b><u>5</u></b>	Given the current cost of living crisis, all efforts have to be made to reduce the burden on less well-off households. Is there any chance of revising the scheme in this financial year?
<b><u>6</u></b>	Stop disregarding any income. People who get disability benefits are receiving an income - disability is still income and it should be counted against any LCTS. If their Disability payments are high, they should get no LCTS - why should able bodied, working people pay more, whilst disabled get income ignored - hardly equality is it.
<b><u>7</u></b>	Disabled should not be charged
<b><u>8</u></b>	The alternatives you have suggested are pointless. It may increase the level of LCTS but by increasing the rate of council tax your writing off the increased support. Social care and the protection of the vulnerable on this island are already shocking they do not need the funding cut. Perhaps look at decreasing Council spending elsewhere.
<b><u>9</u></b>	Those people on special diets needing more help due to disabilities have more out lays
<b><u>10</u></b>	the system does need changing to a more across all level approach to even income based with lowest at 75% then increment as you earn more this would help all
<b><u>11</u></b>	Consideration to pensioners who don't get Pension Credit.
<b><u>12</u></b>	Mixed age couples who are disabled loose out big time. I retired from ESA last year, went to pension, got £35 a week LESS income in total but had to pay EXTRA £100 plus council Tax a year as rate of rebate went down as pension not a passported benefit. VERY UNFAIR. My local councillor helped me get a discretionary payment equivalent to the difference, but it was a long fight and many others still suffering. Please bring in some rule so that newly retired mixed age who would if still getting ESA get full rebate continue to do so if no other change to their disability status other than simply becoming state pension age. (Their disabled status could be easily verified by DWP). IT IS VERY UNFAIR. If I was a single pensioner I would get 100%

	rebate, if a pension age couple ditto .. but as mixed age, despite my wife & I being severely disabled, high rate care and mobility for her on PIP and for me too ... we lose out. Please talk to Cllr Paul Brading about it as he is keen to make the system fairer.
<b><u>13</u></b>	To alter the benefit now with the large increase in fuel is fool hardy you will end up with more debt. You need to cut back on unnecessary spending within the council.
<b><u>14</u></b>	I know that LCTS does need to change for the better as it is hard to make payments that are high each month when all other bills are rising as well. I feel that low income families are struggling to meet basic living needs which can then result in falling into debt. The pandemic and rising living costs are hurting all financially and help is needed ASAP.
<b><u>15</u></b>	when i moved back to the isle of wight after many years away from my homeland i was and still am, in receipt of several social benefits, PIP and ESA were awarded after my physical and mental state forced me to cease working. i have worked since the age of 16 and since approx. 10 years ago, at the age of 49, my whole life changed, from being prosperous in an exceedingly well-paid job to becoming homeless. the council tax support for myself was at 100% reduction but since last year all claimants for LCTS must now contribute, this i find unfair and wrong since the reasons given were that the extra funds were supposed to support those in need. that's exactly myself and many others who found that instead of being supported 100% had to now contribute. unfair and unjust.
<b><u>16</u></b>	I would like the Council to consider the impact of any changes to younger disabled people. Many of us are in extreme financial difficulty thanks to housing benefit not being available to us except through the extremely flawed Universal Credit system, and the energy/ cost of living crisis. There is no capacity to pay more and no future likelihood of our situation improving.
<b><u>17</u></b>	Revert passported benefits to include those in receipt of contribution-based ESA, where Support Group and PIP or other disability benefit
<b><u>18</u></b>	I'll give you a heads-up notification right here and now. Paying your council tax increases will be 100% the last thing I will pay. My energy prices increase in the next 6 months will leave me with a monthly deficit out of my benefits. So your council tax will not be paid if I have no money left. On that you have my word.
<b><u>19</u></b>	My wife is long term disabled and we appreciate the help you do give. Over the years we have had the five-room allowance removed from our rent resulting in us having to move, the tax support changed from 100% to its current levels, we now have to find £74.00 a month. Benefits have not gone up to reflect this and the current rent allowance is nowhere near the current cost of renting, we were a lot worse off than we use to be before the cost of living crisis arrived and any more cost increases on top of the pending energy increases will bury us.
<b><u>20</u></b>	Think what it must be like to live on what the minimum amount is! These are human beings! Imagine they are relatives or friends. They are the same as them. They deserve help!
<b><u>21</u></b>	Council tax support for those on the lowest income should be 100% like other places in the UK.
<b><u>22</u></b>	If people can't afford to pay council tax or rent this would inevitably lead to even more cost to the council to rehouse people who lose their homes or to prosecute them for non-payment of council tax.
<b><u>23</u></b>	yes, there are those who will not work extra hours when offered, or will work for cash in hand. Those who have a drug or alcohol dependence should not be carried by those who work hard for their families
<b><u>24</u></b>	Councillors taking a 7% pay cut and actually do a job!



<b><u>25</u></b>	I am a pensioner on guaranteed pension credit and AA for disability. I could afford to pay £10 a month to you in council tax instead if paying nothing and I wish there was some way of doing this. Can you do another survey to gauge opinion on this?
<b><u>26</u></b>	The council should as reported in the press increase the amount to 70% full stop - and not dilute the issue by giving other choices - more people are employed than unemployed - So a greater number will vote for upping the amount to be disregarded - so those in most need (Unemployed) will not benefit etc - the council will be favouring the better off if more people vote for the aforementioned.
<b><u>27</u></b>	As I say every time you consult on LCTS, if the DWP thought I could survive on less they'd *give* me less. My home is falling to bits and I can't afford to do anything about it.
<b><u>28</u></b>	I find it abhorrent that I receive benefits & disability (which the gov gives as the minimum to live on & I still pay council tax?!
<b><u>29</u></b>	Communication with people with mental health issues is patchy. I've had horrible phone calls with totally unsympathetic people. I'm sure I'm not alone in having to explain, in full, every time I speak to someone, if I'm in trouble, which only happens if I move house. Considering the state of the rental market, I'm sure people like me will be moving regularly, and the stress of that does not need compounding by someone who appears to believe you've stolen money from her handbag. We don't need judgement.
<b><u>30</u></b>	Scrap LCTS. Why should other taxpayers subsidise them? We wouldn't subsidise their supermarket food bill. If necessary, their state benefits should be increased.
<b><u>31</u></b>	Too many people in receipt of help that have falsified their claims. Make sure that the claims are legit.
<b><u>32</u></b>	Don't forget the disabled, who every year end up paying more from less overall money!
<b><u>33</u></b>	As a LCTS recipient the increase has taken a large percentage of small wages. Combined with fuel cost and rent we need to make a choice between paying for fuel, food and council tax. Council tax being last on the list of priorities and risk is worth defaulting in order of priority's
<b><u>34</u></b>	Not to cost too much so as to avoid increasing the Council Tax for those working persons who struggle to pay and get no assistance or help towards any costs
<b><u>35</u></b>	The administration of the scheme within the IW Council needs to be streamlined and the officers who deal with this need to receive updated training on dealing with those of us who need to access the scheme. I have never found it so difficult to deal with a council department, they seem particularly unwilling to talk to their customers and when you can talk to them, it is almost as though I am being 'talked down to'. As a working single parent, that is not an acceptable level of service. The scheme documents sent out to customers are difficult to understand and lack explanation. These are things which could be easily and quickly rectified and would actually save money in the long term, because if you make the scheme easy to understand and easy to access, queries can be resolved quickly without multiple calls / emails / letters.
<b><u>36</u></b>	Sorry, can't get my head round this, but I appreciate all the good work you do.
<b><u>37</u></b>	I think the council should look at support for the self-employed. In my situation you only have an income if you are chosen as preferred contractor. So, in some cases you earn less than minimum wage for the year. But still have to find the money to pay council tax. At the current scheme it's just about manageable. If the scheme was reduced it would mean more hardship for some.



## Town and Parish Council responses to Local Council Tax Support Consultation 2023/24

Town & Parish Council	Comments
East Cowes Town Council	The Council agreed with Option 1, strongly agreed with Option 2, strongly agreed with Option 3, strongly agreed with Option 4 and strongly agreed with Option 5, and the views were made on behalf of the community of East Cowes.
Northwood Parish Council	The consultation was considered at the meeting on Tuesday 6 September and the Council resolved to support whatever measure gives assistance to those most in need.
Cowes Town Council	We would welcome the opportunity to give more support to families on low income and increase in the level of support would be much welcomed.
Nettlestone and Seaview Parish Council	The council neither agreed nor disagreed with Option 1, neither agreed nor disagreed with Option 2, neither agreed nor disagreed with Option 3, neither agreed nor disagreed with Option 4 and strongly agreed with Option 5. The council are in favour of Option 5 but no other changes.
Ryde Town Council	The Council voted for option 1 at our Full Council meeting on Monday 5 <sup>th</sup> September 2022.
Shanklin Town Council	Members noted the consultation document and resolved that they would comment individually if they so wished.
Newport and Carisbrooke Community Council	At the meeting held Monday 5 September it was unanimously decided amongst members that Newport and Carisbrooke Community Council support option one within the consultation. The council would welcome this increase as it would see those

in need receive the much-needed support that they require during this increasingly tough period. Although the Community Council would like to see this increase further in the future, the cost that comes with implementing and provided this is substantial.

Bembridge Parish Council

The Council neither agreed nor disagreed with Option 1, neither agreed nor disagreed with Option 2, neither agreed nor disagreed with Option 3, strongly agreed with Option 4 and agreed with Option 5.

Calbourne, Newtown and Porchfield Parish Council

The Council resolved that the Parish Council supported Option 1 to return the Council Tax support to 70%. The Parish Council considered that the Isle of Wight Council should support low-income households where a relatively small increase would provide a significant uplift to such households. It also resolved to support options 2 to 5 that as additional marginal support mechanisms that provide a fairer approach for the Council Tax support scheme. The Parish Council resolved that in the unfortunate circumstances that the Isle of Wight Council chose not to return to 70% Council Tax Support that the rate should remain at 65%.

Newchurch Parish Council

At its meeting on 27<sup>th</sup> September Newchurch Parish Council resolved to ask that the IW Council give due consideration to those most vulnerable in the community to any changes made to the current Local Council Tax Support Scheme.

**Hampshire and Isle of Wight Fire and Rescue Authority****Response to Council Tax Support Consultation**

Thank you for consulting Hampshire and Isle of Wight Fire and Rescue Authority about proposed changes to the council tax support scheme for the Isle of Wight.

Your letter requests views on the volatility of the council tax base and council tax yield in future years. Funding stability is important for the fire authority, in order to help maintain a consistent level of service. The authority accordingly prefers the council tax base to be managed in a way which reduces volatility. Our budget plans also assume that there will be growth to the council tax base each year due to factors such as new housing developments. Funding pressures and grant constraints means that council tax is an extremely important source of funding for fire and rescue services.

The consultation proposes several options for changes to the scheme, all of which make it slightly more generous to those receiving support. They can be grouped into two categories.

One group of items (options 4 and 5) involves allowing the scheme to disregard changes to local and national welfare and special payments. This seems a sensible change to make and keeps the scheme in line with how other benefits, such as housing benefit, assess these. It means that households will not for instance lose council tax support if they receive Government help with energy bills. It will also ensure that people do not get penalised for supporting important initiatives such as Homes for Ukraine.

The other group of proposals (options 1, 2 and 3) involve changes to support levels, the earnings disregard and the non-dependent deduction rate. Isle of Wight Council, as the authority responsible for running the scheme, will best know the circumstances of existing recipients. This should guide the design of the scheme, so without holding this detailed data we do not wish to comment on exactly where the thresholds should be set. We believe that a good scheme should though follow two general principles. Firstly, support should be prioritised for the most vulnerable, which your scheme appears to do. Secondly, the cost of the scheme needs to be carefully managed, as it reduces the amount of council tax income received to fund vital fire and rescue services. We note that the proposals all slightly increase the cost of the scheme and thus will reduce council tax income. However, we also fully appreciate that many households are currently under pressure from the rising cost of living. The increased cost of the scheme is also relatively modest. We are therefore content with these changes if Isle of Wight Council considers these new thresholds to be appropriate.

6 September 2022

Your reference: WP/DV/LM

Mrs Wendy Perera  
Chief Executive – Interim  
Isle of Wight Council  
County Hall  
High Street  
Newport  
Isle of Wight  
PO30 1UD

By email: [wendy.perera@iow.gov.uk](mailto:wendy.perera@iow.gov.uk)

Dear Mrs Perera

Thank you for consulting me, in my duty as Police and Crime Commissioner, about Isle of Wight Council's proposed changes to its council tax support scheme.

The first group of proposals relate to changes to scheme thresholds (options 1, 2 and 3 - support levels, earnings disregard and the non-dependent deduction rate). Isle of Wight Council, through its responsibility for administering the council tax support scheme, will best know the circumstances of existing recipients. This should guide the setting of thresholds, so without holding this detailed data I do not wish to prescribe to the Council exactly where it should set these thresholds.

The other proposals (options 4 and 5) involve disregarding changes to local and national welfare and special payments. This seems reasonable as it will match how other benefits treat these. Households will not for instance lose council tax support if they receive Government help with energy bills or be penalised for supporting Homes for Ukraine.

I believe that a well-designed council tax support scheme should follow two key principles. Firstly, support should be prioritised for the most vulnerable, which the Isle of Wight's scheme appears to do. Secondly, the costs of the scheme need to be carefully managed, as granting support reduces the amount of council tax income available to me as the PCC. The proposed

changes slightly increase the cost of the scheme. However, I fully appreciate that many households are under pressure from the rising cost of living. I am thus content with these changes if the Isle of Wight Council considers these new thresholds to be appropriate.

Your letter also requested my views about council tax base volatility and council tax yield in future years. It is important that the precept funding I receive remains stable, to enable me to deliver on my Police and Crime priorities, and to ensure that I can continue to maintain the delivery of an effective Police Force on behalf of the residents of the Isle of Wight. I thus prefer the council tax base to be managed in a way which reduces volatility. My Budget plans also assume council tax base growth each year due to factors such as new housing developments.

Yours sincerely



Donna Jones  
Police & Crime Commissioner

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**Isle of Wight Council  
Second Stage Equality Impact Assessment  
Council Tax Reduction Scheme 2023/24**

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## The Council Tax Reduction Scheme 2023/24

### 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 2020/21 scheme were as follows:

- a. The highest level of discount was 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%) 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 was 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 were based on the applicant's (and partner's, where they have one) net income;
- e. The scheme allowed 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 was 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 are disregarded;
- j. The total disregard on war pensions and war disablement pensions continues;
- k. The capital limit under the scheme remained 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 scheme addressed 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 income based 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 assisted 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 were 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 reduced the maximum level of discount to 65% with corresponding reductions in the lower discount bands as follows:

Band	Level of CTR	HOUSEHOLD				
		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 still available to all applicants.

## Changes made from 2022/23

28. For the 2022/23 scheme, the Council made **no** further changes to the scheme and the 2021/22 scheme was carried forward in full, with discounts being provided as follows:



		<u>HOUSEHOLD</u>				
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 +

### Proposed changes for 2023/24

29. For 2023/24, the Council initially proposed the following options for change:
- **Option 1** – Increasing the maximum level of support from 65 per cent to 70 per cent;
  - **Option 2** – Increasing the earnings disregard to £30 **from** the current £25;
  - **Option 3** – Decreasing the Non-dependent deduction rate to £1 per week;
  - **Option 4** – Adding a local welfare payment disregard to mirror Housing Benefit regulations; and
  - **Option 5** – Where Central Government increases the amount of any welfare benefit payments due to a crisis or as an emergency provision, the council reserves the right to disregard any increase as thought necessary to protect the entitlement of any Council Tax Reduction
30. In the case of Option 1 the income levels and discounts would be as follows:

		<u>HOUSEHOLD</u>				
Band	Level of LCTS	Couple with children	Couple with no children	Single parent with two or more children	Single parent with one child	Single person
1	<b>Option 1 70%</b>	in receipt of a passported benefit				

2	<b>Option 1 70%</b>	£0.00 - £265.00	£0.00 - £125.00	£0.00 - £220.00	£0.00 - £150.00	£0.00 - £80.00
3	60%	£265.01 - £315.00	£125.01 - £175.00	£220.01 - £270.00	£150.01 - £200.00	£80.01 - £130.00
4	40%	£315.01 - £365.00	£175.01 - £225.00	£270.01 - £320.00	£200.01 - £250.00	£130.01 - £180.00
5	20%	£365.01 - £415.00	£225.01 - £275.00	£320.01 - £370.00	£250.01 - £300.00	£180.01 - £230.00
6	0%	£415.01 +	£275.01 +	£370.01 +	£300.01 +	£230.01 +

## Scope of the Equality Impact Assessment

31. This Equality Impact Assessment is designed to examine any potential effects of any proposed scheme change. Changing the scheme for 2023/24 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

32. The Council has undertaken a full consultation with both Major Preceptors and the public. The full results of the public consultation are included with Appendix 1 and the response from the Major Preceptors is included within Appendix 2. Appendix 3 includes responses from local preceptors who, although it is not statutory to consult with them, the Council felt it was important to obtain their views.

## Action and Improvement Plan

33. An action and improvement plan is included within Appendix 4.

## Recommendations

34. The recommendations for the 2023/24 Council Tax Reduction scheme are shown within Appendix 5.

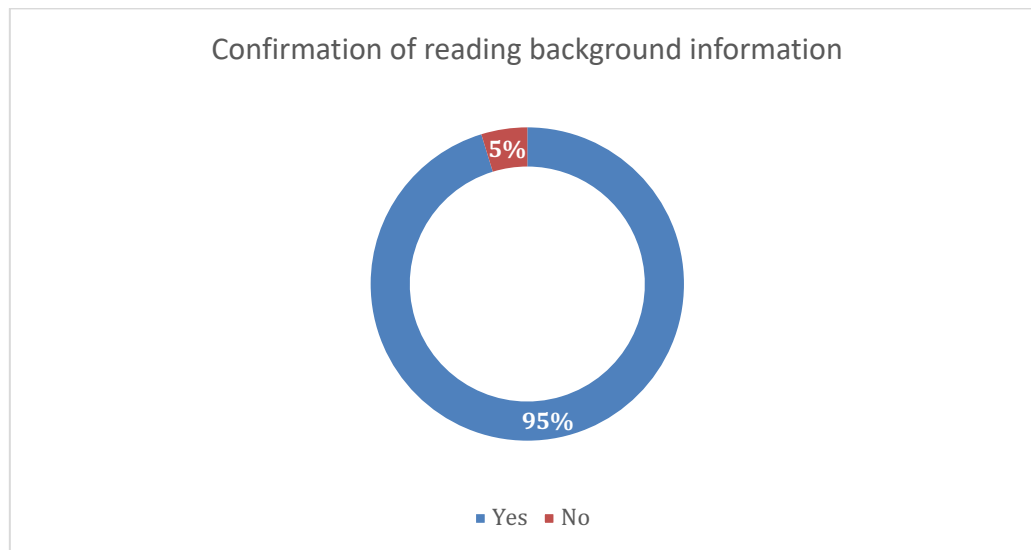
**Appendix 1**  
**Consultation Responses - Public**

## Results from the IWC Local Council Tax Support Scheme Consultation 2023/24

The above consultation was undertaken between 2 August 2022 and 27 September 2022. On completion, a total of 274 responses had been received. The charts below detail the responses received for each question asked of the participants.

### **I have read the background information about the Local Council Tax Support scheme.**

261 respondents (95%) indicated that they had read the background information about the Local Council Tax Support scheme, which equates to 100% of participants. 13 participants (5%) indicated that they had not yet read the background information which accompanied the scheme, as was indicated by the introduction to the survey.

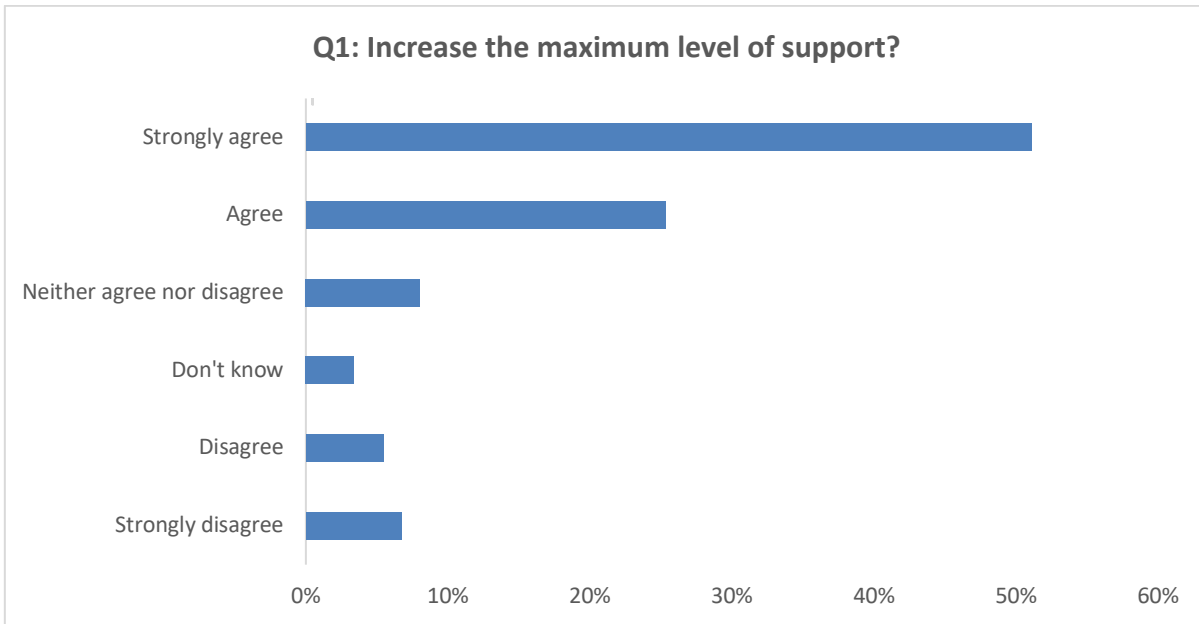


### **Question 1 [Option 1]: Do you agree with increasing the maximum level of support?**

There was a total of 237 responses to this question.

Of these, 181 participants (76%) indicated that they agreed with Option 1 – the increase of the maximum level of support for working age claimants from 65% to 70% as proposed by the Isle of Wight Council. 29 participants (12%) did not agree with this option and 27 (11%) of participants responded that they were unsure whether they agree. A further 37 participants chose not to answer this question

**Q1: Increase the maximum level of support?**

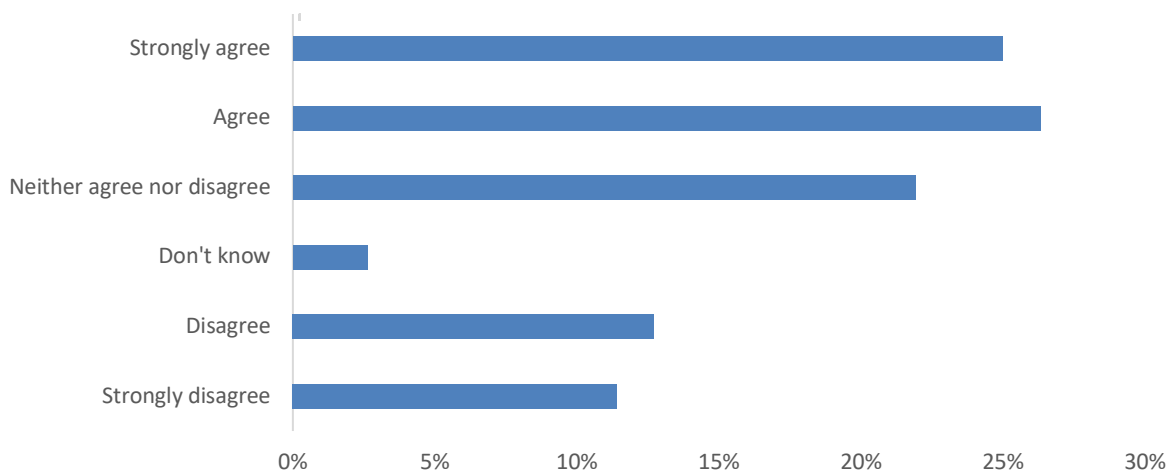


**Question 2 [Option 2]: Do you agree with increasing the current earnings disregard level?**

There was a total of 228 responses to this question.

Of these, 117 participants (51%) indicated that they agreed with Option 2 – the increase of earnings disregard from £25 per week to £30 per week as proposed by the Isle of Wight Council. 55 participants (24%) stated that they did not agree with Option 2 and 56 participants (25%) responded that they were unsure whether they agree or disagree. A further 46 participants chose not to answer this question.

**Q2: Increase the current earning disregard level?**

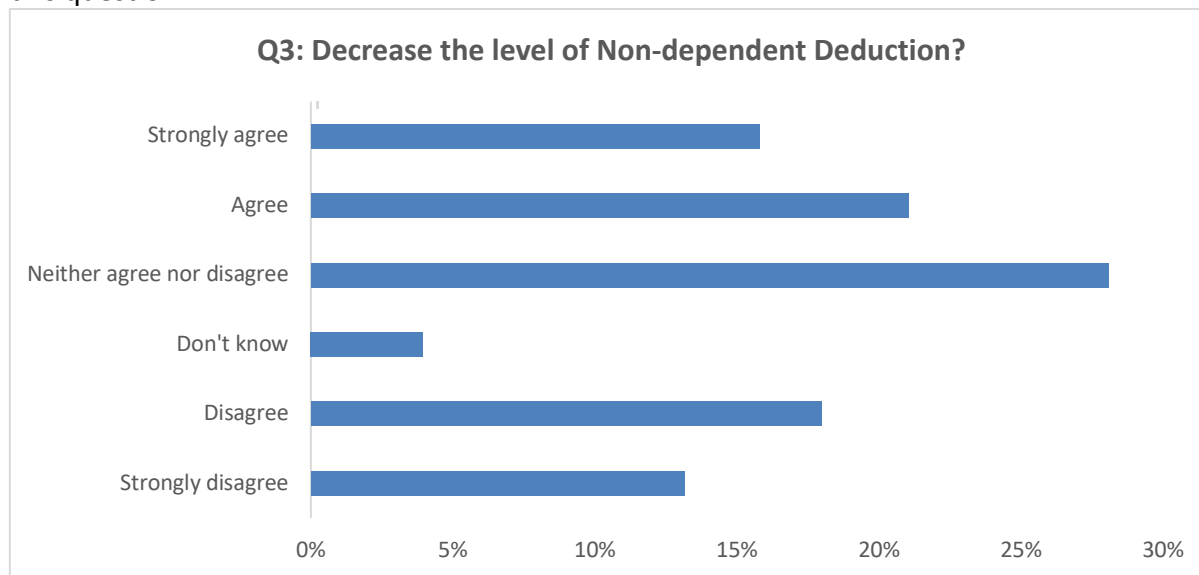


**Question 3 [Option 3]: Do you agree with decreasing the level of Non-Dependant Deduction?**

There was a total of 228 responses to this question.

Of these, 84 participants (37%) indicated that they agreed with Option 3 - to decrease the level of non-dependant deduction from £2 per week to £1 per week as proposed by the Isle of Wight Council.

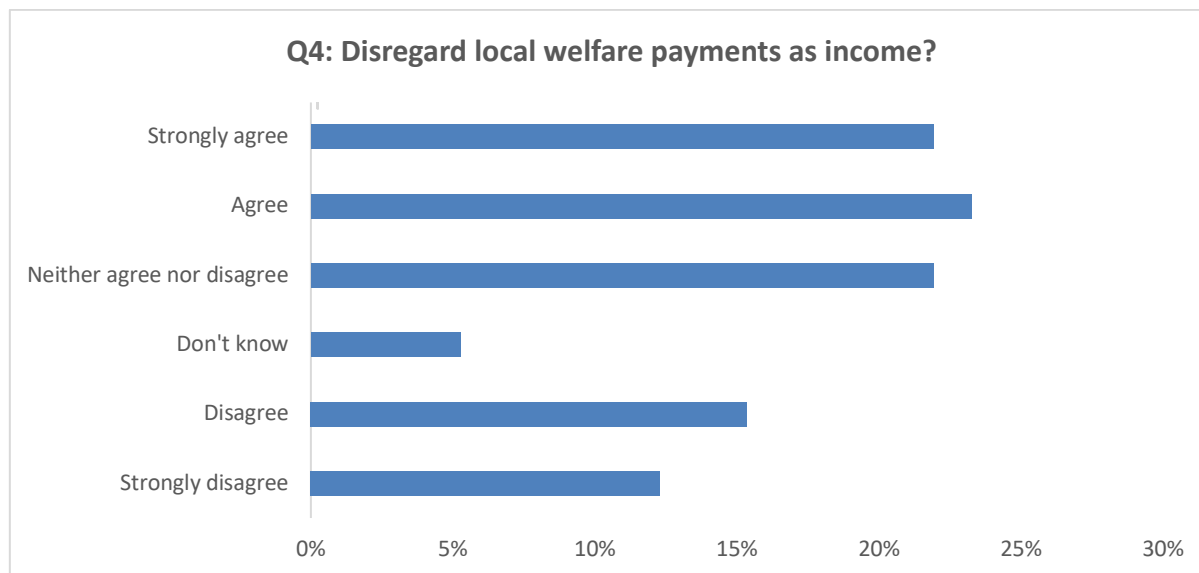
71 participants (31%) stated that they did not agree with Option 3 and 73 participants (32%) responded that they were unsure whether they agree or disagree. A further 46 participants chose not to answer this question.



**Question 4 [Option 4]: Do you agree with disregarding local welfare payments as income?**

There was total of 228 responses to this question.

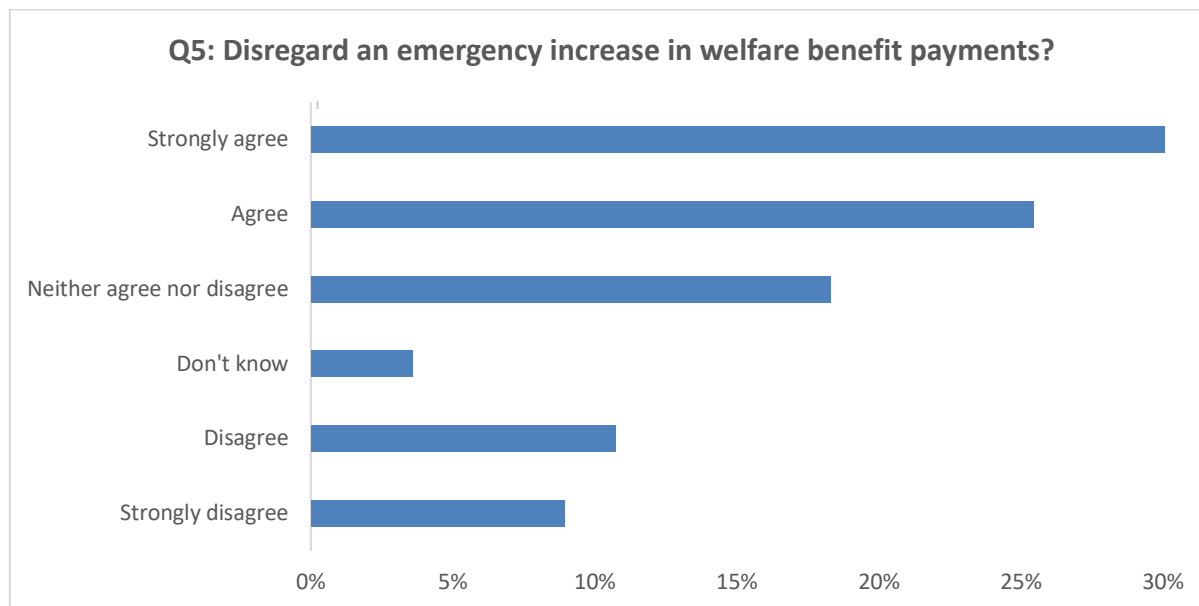
Of these, 103 participants (45%) indicated that they agreed with Option 4 – to disregard local welfare payments as income as proposed by the Isle of Wight Council. 63 participants (27%) stated that they did not agree with Option 4 and 62 participants (27%) were unsure whether they agree or disagree. A further 46 participants chose not to answer this question.



**Question 5 [Option 5]: Do you agree with disregarding an emergency increase in welfare benefit payments?**

There was a total of 224 responses to this question.

Of these, 131 participants (58%) indicated that they agree with Option 5 – to disregard an emergency increase in welfare payments as proposed by the Isle of Wight Council. 44 participants (20%) stated they did not agree with Option 5 and 49 participants (22%) were unsure whether they agree or disagree. A further 50 participants chose not to answer this question.



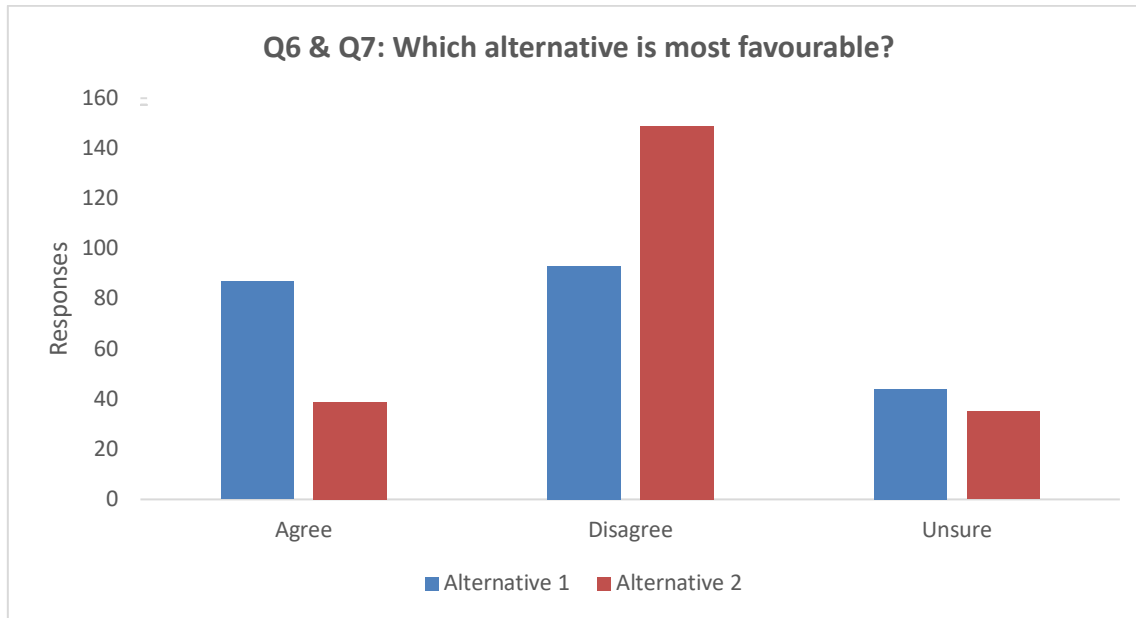
**Question[s] 6 and 7 [Alternative 1 and 2]: Do you agree with Alternatives 1 and 2?**

The consultation described two alternatives to the proposed scheme changes– whether the scheme should stay the same as it currently is (Alternative 1), or whether there should be a reduction in the maximum level of Local Council Tax Support to 60% to find savings.

The graph below illustrates the preference of the two Alternatives to the participants by asking whether they agreed or disagreed with each proposed Alternative.

There were 224 responses to these questions.

Of these, 87 participants (39%) indicated that they agreed with Alternative 1, whereas 93 participants (42%) indicated that they did not agree; while a further 44 participants (20%) were unsure. 39 participants (17%) indicated that they agreed with Alternative 2, whereas 149 participants (67%) indicated that they did not agree; while a further 35 participants (16%) were unsure. A further 50 participants chose not to answer these questions.



**Question 8 [Alternative 1 and 2]: If the council was to choose these alternative options to make savings, what would be your order of preference?**

The table and graph below detail how the participants of the consultation ranked the Alternative options in order of preference from 1 and 2, where a score of 1 indicates the most preferred Alternative and 2 indicates the least preferred Alternative.

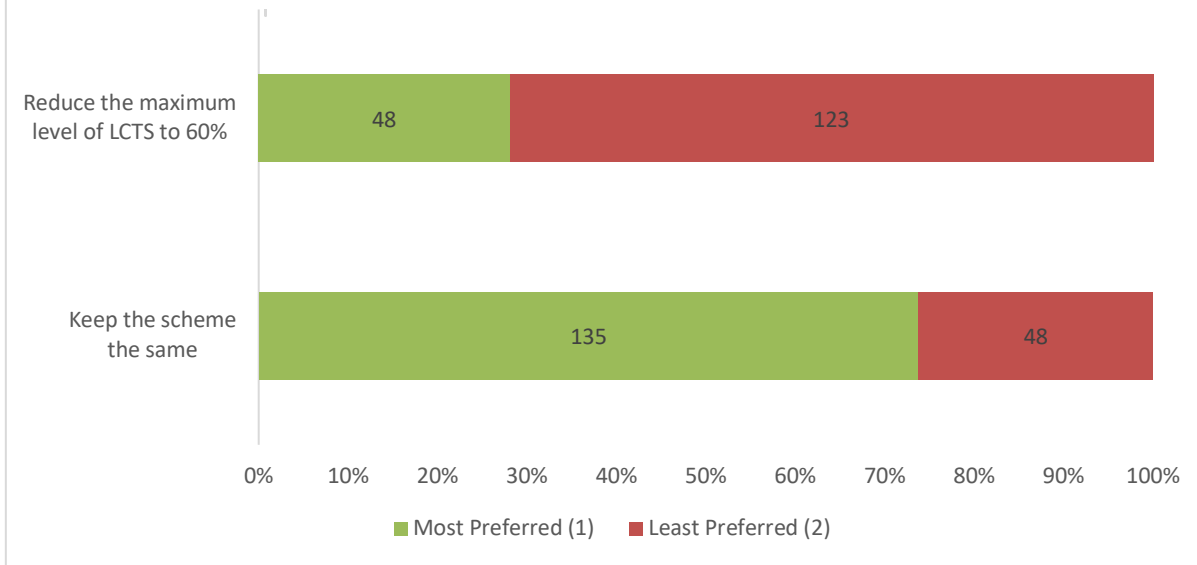
The table shows that 135 participants stated their most preferred alternative was to keep the scheme as it is currently, and 123 respondents stated their least preferred alternative was to reduce the maximum support to 60%.

Order of Preference	Keep the Scheme the Same (Alternative 1)	Reduce maximum support to 60% (Alternative 2)
Most Preferred (1)	<b>135</b>	48
Least Preferred (2)	48	<b>123</b>

The graph below visually displays the favourability of these different Alternatives, as stacked out of 100% totals to visualise relative preference against other options.



### Q9: Preferential ranking of savings alternatives

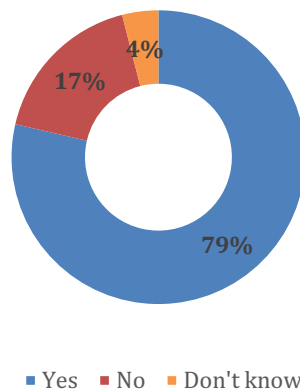


### **Question 11: Are you, or someone in your household, getting Local Council Tax Support at this time?**

There was a total of 201 responses to this question.

Of these, 158 participants (79%) indicated that they are in receipt of Local Council Tax Support at the time of the consultation while 35 participants (17%) answered that they were not. 8 participants (4%) did not know whether they are getting Local Council Tax Support at this time. A further 73 participants chose not to answer this question.

### **Q11: The proportion of participants who are in receipt of LCTS at the time of the consultation**



The following changes are recommended for the 2023/24 Council Tax Reduction scheme:

- (a) Increase the maximum level of support from 65 per cent to 70 per cent;
- (b) Increase the earnings disregard to £30 from the current £25;
- (c) Decrease the Non-dependent deduction rate to £1 per week;
- (d) Add a local welfare payment disregard to mirror Housing Benefit regulations; and
- (e) Where Central Government increases the amount of any welfare benefit payments due to a crisis or as an emergency provision, the council reserves the right to disregard any increase as thought necessary to protect the entitlement of any Council Tax Reduction.

**Appendix 2**  
**Consultation response by the Police & Crime Commissioner & the Fire and Rescue Service**

## **Hampshire and Isle of Wight Fire and Rescue Authority**

### **Response to Council Tax Support Consultation**

Thank you for consulting Hampshire and Isle of Wight Fire and Rescue Authority about proposed changes to the council tax support scheme for the Isle of Wight.

Your letter requests views on the volatility of the council tax base and council tax yield in future years. Funding stability is important for the fire authority, in order to help maintain a consistent level of service. The authority accordingly prefers the council tax base to be managed in a way which reduces volatility. Our budget plans also assume that there will be growth to the council tax base each year due to factors such as new housing developments. Funding pressures and grant constraints means that council tax is an extremely important source of funding for fire and rescue services.

The consultation proposes several options for changes to the scheme, all of which make it slightly more generous to those receiving support. They can be grouped into two categories.

One group of items (options 4 and 5) involves allowing the scheme to disregard changes to local and national welfare and special payments. This seems a sensible change to make and keeps the scheme in line with how other benefits, such as housing benefit, assess these. It means that households will not for instance lose council tax support if they receive Government help with energy bills. It will also ensure that people do not get penalised for supporting important initiatives such as Homes for Ukraine.

The other group of proposals (options 1, 2 and 3) involve changes to support levels, the earnings disregard and the non-dependent deduction rate. Isle of Wight Council, as the authority responsible for running the scheme, will best know the circumstances of existing recipients. This should guide the design of the scheme, so without holding this detailed data we do not wish to comment on exactly where the thresholds should be set. We believe that a good scheme should though follow two general principles. Firstly, support should be prioritised for the most vulnerable, which your scheme appears to do. Secondly, the cost of the scheme needs to be carefully managed, as it reduces the amount of council tax income received to fund vital fire and rescue services. We note that the proposals all slightly increase the cost of the scheme and thus will reduce council tax income. However, we also fully appreciate that many households are currently under pressure from the rising cost of living. The increased cost of the scheme is also relatively modest. We are therefore content with these changes if Isle of Wight Council considers these new thresholds to be appropriate.

6 September 2022

Your reference: WP/DV/LM

Mrs Wendy Perera  
Chief Executive – Interim  
Isle of Wight Council  
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By email: [wendy.perera@iow.gov.uk](mailto:wendy.perera@iow.gov.uk)

Dear Mrs Perera

Thank you for consulting me, in my duty as Police and Crime Commissioner, about Isle of Wight Council's proposed changes to its council tax support scheme.

The first group of proposals relate to changes to scheme thresholds (options 1, 2 and 3 - support levels, earnings disregard and the non-dependent deduction rate). Isle of Wight Council, through its responsibility for administering the council tax support scheme, will best know the circumstances of existing recipients. This should guide the setting of thresholds, so without holding this detailed data I do not wish to prescribe to the Council exactly where it should set these thresholds.

The other proposals (options 4 and 5) involve disregarding changes to local and national welfare and special payments. This seems reasonable as it will match how other benefits treat these. Households will not for instance lose council tax support if they receive Government help with energy bills or be penalised for supporting Homes for Ukraine.

I believe that a well-designed council tax support scheme should follow two key principles. Firstly, support should be prioritised for the most vulnerable, which the Isle of Wight's scheme appears to do. Secondly, the costs of the scheme need to be carefully managed, as granting support reduces the amount of council tax income available to me as the PCC. The proposed

**Appendix 3**  
**Consultation response from local preceptors**

## Town and Parish Council responses to Local Council Tax Support Consultation 2023/24

Town & Parish Council	Comments
East Cowes Town Council	The Council agreed with Option 1, strongly agreed with Option 2, strongly agreed with Option 3, strongly agreed with Option 4 and strongly agreed with Option 5, and the views were made on behalf of the community of East Cowes.
Northwood Parish Council	The consultation was considered at the meeting on Tuesday 6 September and the Council resolved to support whatever measure gives assistance to those most in need.
Cowes Town Council	We would welcome the opportunity to give more support to families on low income and increase in the level of support would be much welcomed.
Nettlestone and Seaview Parish Council	The council neither agreed nor disagreed with Option 1, neither agreed nor disagreed with Option 2, neither agreed nor disagreed with Option 3, neither agreed nor disagreed with Option 4 and strongly agreed with Option 5. The council are in favour of Option 5 but no other changes.
Ryde Town Council	The Council voted for option 1 at our Full Council meeting on Monday 5 <sup>th</sup> September 2022.
Shanklin Town Council	Members noted the consultation document and resolved that they would comment individually if they so wished.
Newport and Carisbrooke Community Council	At the meeting held Monday 5 September it was unanimously decided amongst members that Newport and Carisbrooke Community Council support option one within the consultation. The council would welcome this increase as it would see those in need receive the much-needed support that they require during this increasingly tough period. Although the Community Council would like to see this increase further in the future, the cost

that comes with implementing and provided this is substantial.

Bembridge Parish Council

The Council neither agreed nor disagreed with Option 1, neither agreed nor disagreed with Option 2, neither agreed nor disagreed with Option 3, strongly agreed with Option 4 and agreed with Option 5.

Calbourne, Newtown and Porchfield Parish Council

The Council resolved that the Parish Council supported Option 1 to return the Council Tax support to 70%. The Parish Council considered that the Isle of Wight Council should support low-income households where a relatively small increase would provide a significant uplift to such households. It also resolved to support options 2 to 5 that as additional marginal support mechanisms that provide a fairer approach for the Council Tax support scheme. The Parish Council resolved that in the unfortunate circumstances that the Isle of Wight Council chose not to return to 70% Council Tax Support that the rate should remain at 65%.



**Appendix 4**  
**Action and Improvement Plan**

## To make changes to the Council Tax Reduction scheme for the financial year 2023/24

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  Sex (male or female)  Sexual Orientation	Positive, as the scheme will become more generous. All options increase the potential support that can be received	No	Not applicable	An exceptional hardship fund will continue to be available for those claimants in most severe financial need, although it is anticipated that with a more generous scheme, the need for the fund may reduce.
HR & workforce issues	Minor changes to work processes in line with the new scheme. With more support available, less collection and recovery action potentially will be less.			
Human Rights implications if relevant	Not applicable			

**Appendix 5  
Recommendations**

It can be seen from the above that all of the proposed changes to the Council Tax Support scheme have received overwhelmingly positive responses from consultations with the public, the major precepting authorities and from local precepting authorities.

In view of this **and** the recommendations for the 2023/24 financial year are as follows:

- Option 1** – Increasing the maximum level of support from 65 per cent to 70 per cent;
- Option 4** – Adding a local welfare payment disregard to mirror Housing Benefit regulations; and
- Option 5** – Where Central Government increases the amount of any welfare benefit payments due to a crisis or as an emergency provision, the council reserves the right to disregard any increase as thought necessary to protect the entitlement of any Council Tax Reduction

The recommendation is to proceed with the above changes.

- Option 2** – Increasing the earnings disregard to £30 from the current £25;
- Option 3** – Decreasing the Non-dependent deduction rate to £1 per week;

Due to the relatively small number of cases affected, it is recommended that the Council does not proceed with Options 2 and 3 at this time.

## Case Studies from the IWC Local Council Tax Support Scheme Consultation 2023/24

The case studies below give examples of how Option 1, Option 4 and Option 5 might affect various households who currently receive Local Council Tax Support.

(Please note that in the case studies, the figures provided are applicable only to that specific option.)

### Option 1 – Increase the maximum level of support to 70 per cent or 75 per cent

Mr. Blue lives alone in a Band A property and gets Job Seekers Allowance (income based) of £77.00 per week.

He currently gets an annual discount of £713.82 (65 per cent) through LCTS. This means he pays £384.37 per year for his council tax.

Under Option 1, if the maximum support level was increased to 70 per cent, he would pay £329.46 per year. This is £54.91 per year less than he currently pays.

Under Option 1, if the maximum support level was increased to 75 per cent, he would pay £274.55 per year. This is £109.82 per year less than he currently pays.

### Option 4 – Disregard Local Welfare Payments

Mr Orange is a single person living in a Band A property. He receives Employment Support Allowance of £77.00 per week, and Personal Independence Payment of £61.85 per week. He also receives £500 per month Homes for Ukraine Thank-You Payment for hosting a Ukrainian refugee in his home.

He currently gets an annual discount of £678.65 through LCTS. This means he pays £365.43 per year for her council tax.

Under this option, he would get the same annual discount through LCTS because his Homes for Ukraine Thank-You Payment is disregarded as income.

### Case Study: Option 5 – Disregard any emergency increase in state welfare benefits

Mr Black lives in a Band A property with four dependent children. He receives Child Benefit of £65.15 per week which is fully disregarded, and Universal Credit of £207.18 per week, and his housing costs are disregarded from this under the scheme.

He currently gets an annual discount of £717.02 through LCTS. This means he pays £381.71 per year for his council tax.

If central government raised the standard rates of Universal Credit part way through 2023, this option would mean that he would have the same annual discount through LCTS as above.

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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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**Draft 2023/24 Council Tax Reduction Scheme**

**The following options are under consideration by the Council**

- **Option 1** – Increase the maximum level of support from 65 per cent to 70 per cent
- **Option 2** – Increase the earnings disregard to £30 from the current £25
- **Option 3** – Decrease the Non-dependent deduction rate to £1 per week
- **Option 4** – Adding a local welfare payment disregard to mirror Housing Benefit regulations. This will allow us to disregard all special payments made by the Local Authority, such as the ‘Homes for Ukraine – Thank you payments’
- **Option 5** – Where Central Government increases the amount of any welfare benefit payments due to a crisis or as an emergency provision, the council reserves the right to disregard any increase as thought necessary to protect the entitlement of any Council Tax Reduction

## **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 2023.

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 2023 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;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022; 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 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

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<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—
- (za) (za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971<sup>(1)</sup>, where such leave is granted by virtue of—
    - (i) the Afghan Relocations and Assistance Policy; or
    - (ii) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
  - (zb) a person in Great Britain not coming within sub-paragraph (za) or (e)(iv) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2020
    - (a) (Removed by the Council Tax Reductions Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021
    - (b) Appendix EU to the immigration rules made under section 3(2) of that Act;
    - (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; or
    - (d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) 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;

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

- (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005; or
  - (iv) granted under the Afghan Citizens Resettlement Scheme.
- (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

“EEA Regulations” means the Immigration (European Economic Area) Regulations 2006; and the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014; and

**Persons subject to immigration control**

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.

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  
  
(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—

“medically approved” means certified by a medical practitioner;

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

“residential accommodation” means accommodation which is provided in:

- (a) a care home;
- (b) an independent hospital;
- (c) an Abbeyfield Home; or
- (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

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

## **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 20018 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 virtue 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

- c. account of the termination of his employment by reason of redundancy;
- d. 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;
- e. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- f. any payment by way of a retainer;
- g. 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;
- h. (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;
- i. 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);
- j. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- k. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- l. 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;
- m. 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;
- n. 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

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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

- 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 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—

A - (BxC)

D

Where

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

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

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

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

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

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

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

which shall first occur.

#### **46.0 Calculation of grant income**

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

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

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

- (b) in respect of the student's disability;
  - (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
  - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
  - (e) on account of any other person but only if that person is residing outside of the United Kingdom;
  - (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.

**(Option 3 - £1 per week)**

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 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;

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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

- 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.

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

- 67.3 Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 12 of that Act, it shall take effect from the day on which the change in amount has effect.
- 67.4 Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.
- 67.5 Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.
- 67.6 If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with paragraphs (1) to (5) they take effect from the day to which the appropriate paragraph from (2) to (5) above refers, or, where more than one day is concerned, from the earlier day.
- 67.7 Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the Act, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.
- 67.8 Without prejudice to paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.
- 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

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

which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.

- 68.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).
- 68.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);
- (a) it may at any time revoke the appointment;
  - (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
  - (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- 68.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.
- 68.7 The authority must;
- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a) of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012;
  - (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
  - (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

**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

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

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

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

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

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

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

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

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

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

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

(1) Where an applicant;

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

(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; 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);

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



(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.

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,

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

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

within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.

- 74.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying
- (a) changes in the amount of council tax payable to the authority;
  - (b) changes in the age of the applicant or that of any member of his family;
  - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 74.4 For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.
- 74.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.
- 74.6 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within 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.
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- 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

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<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

reduction or its amount.

- 76.3 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.
- 76.4 In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in the authority's scheme relating to the procedure for making an appeal.
- 76.5 A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.
- 76.6 The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.
- 76.7 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).
- 76.8 This sub-paragraph applies to—
- (a) the applicant;
  - (b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;
    - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
    - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000<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

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

paragraph (1).

- 77.3 In a case to which paragraph (1)(b) refers;
- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
    - (i) must be paid to that person if he so requires; or
    - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
  - (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
  - (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.
- 77.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

**78.0 Persons to whom 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.

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<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

**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 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>.

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

<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

## **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

- (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

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<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

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.

#### **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 2023/24 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% <b>Option 1</b> 70%	in receipt of a passported benefit				
2	65% <b>Option 1</b> 70%	£0.00 - £265.00	£0.00 - £125.00	£0.00 - £220.00	£0.00 - £150.00	£0.00 - £80.00
3	60%	£265.01 - £315.00	£125.01 - £175.00	£220.01 - £270.00	£150.01 - £200.00	£80.01 - £130.00
4	40%	£315.01 - £365.00	£175.01 - £225.00	£270.01 - £320.00	£200.01 - £250.00	£130.01 - £180.00
5	20%	£365.01 - £415.00	£225.01 - £275.00	£320.01 - £370.00	£250.01 - £300.00	£180.01 - £230.00
6	0%	£415.01 +	£275.01 +	£370.01 +	£300.01 +	£230.01 +

- 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. **(Option 2 £30 per week)**
  
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. **Option 4 – Disregard Local Welfare Payments, Option 5 – Disregard any increase in national welfare benefits by Government in response to any crisis.**
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) Regulations 2017

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**Isle of Wight Council**  
**Council Tax Reduction Scheme**  
**Exceptional Hardship Policy**  
**2023/24**

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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 2023 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>10 NOVEMBER 2022</b>
Title	<b>WIGHTCARE OPTIONS REVIEW</b>
Report of	<b>CABINET MEMBER FOR ADULT SOCIAL CARE AND PUBLIC HEALTH</b>

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### EXECUTIVE SUMMARY

1. This paper sets out options for the future delivery of the Wightcare service. Wightcare is a discretionary service which provides a high quality, 24-hour, 365-day emergency support service to approximately 2,100 vulnerable island residents. The service enables clients to maintain their independence in their own home by enabling them to receive support, from qualified and experienced staff, in an emergency. In addition, it also operates several other functions including the Isle of Wight Councils out-of-hours service.
2. It was agreed at Cabinet on 12 May 2022, that a paper would be brought to Cabinet to review the business model options of Wightcare following a review of the service with a formal options analysis and to provide a recommended way forward for the service that is financially viable.
3. Wightcare is unique on the island in that it is the only island-based service that installs and maintains equipment, monitors calls 24/7 and provides a mobile response team that will visit the person when an emergency call is received. The Wightcare service provides a range of chargeable services for Island residents as well as completing a number of corporate functions, including the provision of the out of hours service and the lone worker system.
4. Further details are available in Appendix 1.

### RECOMMENDATION

- |   |
|---|
| <ol style="list-style-type: none"><li>5. That Cabinet agree:<ul style="list-style-type: none"><li>- To retain the Wightcare service in-house and develop two-year cost recovery model from April 2023 to achieve financial breakeven, reducing dependency on public funds and stabilising the service for the future under statutory charging guidance. This recommendation is supported by an independent review of the service by the industry body, the TSA.</li></ul></li></ol> |
|---|

## BACKGROUND

6. Wightcare supports people to live independently at home. Wightcare is unique on the island in that it is the only service operating on the Island that install, maintains equipment, monitors calls 24/7 and provides a mobile response team. Other organisations provide remote monitoring (e.g., to contact a relative or carer by phone) but do not have a team who can respond immediately in an emergency should an urgent response be required.
7. The Wightcare service was launched more than 35 years ago and is an important service that prevents deployment of ambulances, hospital admission and admission to residential care in urgent and emergency situations, in addition to reducing social care packages.
8. Wightcare provides several statutory functions for the Council such as providing an out of hours call handling service for critical services, including adult social care, and administers and maintains the Councils' lone working system. In addition, the service supports the wider Health & Social Care system by providing a free Carers Alert Scheme and a Home from Hospital service whereby the Wightcare service is available free of charge to individuals leaving hospital to expediate their discharge. These additional services are not currently funded, the cost of which is met by Adult Social Care and its clients.
9. Although Cabinet considered and agreed a fee increase on the 12<sup>th</sup> May 2022, the first since 2018, officers had also initiated an independent review of the Wightcare service and commissioned the Telecare Services Authority (TSA) to support the council in reviewing the current service provision and to explore opportunities for future delivery and growth based around their knowledge of the industry and other services nationally.
10. TSA is the recognised industry standards body driving standards and provide accreditation to services who meet those standards. The independent review supported part of the broader deep dive review of the service to explore both opportunities for growth and market penetration, and to inform an appraisal of the service business model.
11. Wightcare has been accredited by the TSA against its quality standards framework since 2018.
12. Wightcare supports over 2,100 vulnerable Island residents, most of these individuals fund the service themselves with 6.75% of clients funded directly by Adult Social Care. In addition, Wightcare is contracted by 6 housing providers to provide equipment and/or a mobile response service to their residents across the Island.

## CORPORATE PRIORITIES AND STRATEGIC CONTEXT

### Responding to climate change and enhancing the biosphere

13. The recommendation itself will have no impact on the Councils' climate change agenda, however, consideration will need to be made when crafting the two-year development plan as this may have an impact on emissions should additional

vehicles be needed etc, although a move to electric vehicles would be the preferred option.

14. The deployment of Technology Enabled Care can reduce the number of visits needed for individuals as part of their assessed care need, this will reduce carbon emissions from visiting care staff.
15. The Wightcare service continues to recycle equipment to reduce costs and carbon footprint.
16. With regard to supporting the biosphere, the Wightcare service supports one of the sustainable development global goals of the United Nations to “ensure healthy lives and promote well-being for all at all ages”.

#### Economic Recovery and Reducing Poverty

17. The recommendation of this report will have no direct impact on this area of activity.

#### Impact on Young People and Future Generations

18. This review of Wightcare services and options contained within this report has aimed to ensure the viability of Wightcare for both the here and now but also future generations. This will seek to avoid a negative impact on our community for both young and other carers by making sure the service is maintained to aid and support their loved ones needs and continue to provide peace of mind. The options do not include a disbanding of the service as this review recognises the positive support that Wightcare Services can and does provide to residents today but also to those in the future

#### Corporate Aims

19. The Alliance Administration intends to proactively seek new streams of income that it can reinvest in services for the community by acting in a more commercial focused manner. It has set out the need for the council to be financially balanced and sustainable and this review has sought to understand the opportunities available to approaching a service redesign and reducing costs for the Wightcare service, while maximising the value and provisions offered to its residents.
20. The council’s commercial strategy is underpinned by a framework that seeks to embed principles of commercial and entrepreneurial thinking based on four themes:
  - (1) Community Focused – generating outcomes that benefit our communities for generations to come
  - (2) Learning organisation – to be more entrepreneurial and promoting developing new ideas which are robustly informed through analysis and lessons learned
  - (3) Team effort – championing the ability to think innovatively to benefit the organisation and our wider communities
  - (4) Financial stability – underpin and give confidence in our ability to take measured risk to maintain our financial stability.

Commercial focus is more than making a profit, it includes continually improving efficiency of service delivery by reducing costs and capitalising on new technologies

to do things in different ways; and considering the whole life cost of policy decisions and benefits realisation.

21. The Adult Social Care and Housing Need Care Close to Home Strategy 2022 – 2025 states its vision is for “People to live independent, safe and healthy lives in a place they call home where they feel safe and part of their community providing the right care for people in the right environment”. Keys 1a and 2b specifically relate to providing support in the individuals home, Wightcare directly supports these two strategic aims by providing equipment, technology and a Responder service enabling individuals to live at home safely.
22. The Health and Wellbeing Board at its July 2022 meeting received and approved both the Island’s Health and Wellbeing Strategy 2022 to 2027 and the Health& Care Plan 2022 to 2025. Both are closely aligned, which ties together the quest to improve health inequalities and health and care outcomes on the Island.
23. The Cabinet paper of the 12<sup>th</sup> May 2022 identified a need to undertake a review of Wightcare to ensure a sustainable service operating with zero subsidy may be achieved.
24. This broader options review has sought to analyse and test the Wightcare service budget costs and income to make the service more financially sustainable and remove subsidy going forward.

#### CONSULTATION

25. Subject to approval of the recommendation and the progress of the two-year development plan, further consultation will take place with staff, customers, and stakeholders, before embarking on any changed activities and will follow due process.

#### SCRUTINY COMMITTEE

26. This paper will be presented to the Scrutiny Committee on 8 November 2022.

#### FINANCIAL / BUDGET IMPLICATIONS

27. Following a deep dive review of all costs associated with the delivery of the Wightcare service, it has been identified that the service costs £1.572m per year. For the 2022/2023 financial year the Adult Social Care revenue budget is expected to subsidise Wightcare by £549,603.
28. Refer to appendix 4 for further breakdown on finances
29. It is important to note that the Wightcare service carries out several additional functions for the Council (see point 8 above), which are not fully recharged or reflected in the budget position outlined in appendix 4. These include the management of the Council’s Lone Working system, the Out of Hours telephony support and the Carers Alert Scheme. Services such as Carers Alert Scheme and Home from Hospital are functions undertaken by Wightcare and as such form part of their overall costs which are not passed back to Adult Social Care

30. The use of Wightcare in the community has reduced the reliance on the limited home care and residential resources available on the Island, the cost of those service users needing increased support hasn't been calculated, however is a factor which should be taken into consideration should the service model change.
31. Should Wightcare no longer provide the out of hours service on behalf of the Council, there would be a minimum staffing cost to IWC of £85,000 per annum, plus additional costs to cover annual leave, sickness as well as the shift and night-time working allowances would need to be factored in.
32. In order to 'break even', a 53.8% increase in either client numbers or client charges would need to be achieved to close the subsidy gap of £549,603. There is a risk that this level of additional clients would incur additional staffing costs to maintain a safe service, and an increase in client charges would impact on the competitiveness of the service and we could see people leave the service.

### LEGAL IMPLICATIONS

33. The council has the power to charge for discretionary services under section 93 of the Local Government Act 2003 (LGA 2003). Discretionary services are limited only to the services authorised by statute that council provides voluntarily (section 93(1)(a), LGA 2003).
34. The power to charge exists only where the recipient of the service has agreed to its provision (section 93(1), LGA 2003) (the Local Government Act Power to Charge).
35. Local authorities are under a general duty, pursuant to section 93(3), LGA 2003, to secure that, from one financial year to the next, the income from charges for services does not exceed the costs of provision.
36. A local authority should offset any surplus or deficit in income because of any over or under recovery of charges when setting future charges for the discretionary service. This ensures that over time the income generated by the discretionary service equates to the cost of providing the service (paragraphs 15-17, ODPM Guidance).
37. The council can set the level of charge for each discretionary service if the income from charges for each kind of service does not exceed the costs of its provision (section 93(5), LGA 2003).
38. The completion of a data protection impact assessment (DPIA) will assist officers in clarifying what information is needed to facilitate any changes in process and consider the legal basis and security arrangements at the outset. The process will also help the Council to identify, assess and mitigate or minimise privacy risks with data processing activities. They are particularly relevant when a new data processing process, system or technology is being introduced.
39. A DPIA will be considered and completed alongside the detailed development plan and forwarded to the Councils Corporate Information Unit for review.
40. The recommendation of this paper meets the above legal advice providing the recharges for the Wightcare service do not exceed its operating costs.

## EQUALITY AND DIVERSITY

41. 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.
42. A full equality impact assessment will be carried out as part of the wider consultation exercise once the two-year development plan has been finalised. This will identify how the service promotes equality and diversity to ensure legal compliance and how the services we provide and the decisions that we make meet the needs of our local community.

## PROPERTY IMPLICATIONS

43. Wightcare is currently located within the Seaclose offices, occupying the building 24/7. The service contributes to the running cost of the building through corporate overheads. The recommendation of this paper does not affect the current or future property needs of the service.

## OPTIONS

44. Option 1 - Retain the Wightcare service in-house and develop two-year cost recovery model to achieve financial breakeven, reducing dependency on public funds and stabilising the service for the future under statutory charging guidance.
45. Option 2 – Outsource service to private sector, there are various models this could form, and further work will need to be completed to understand any implications and costs.
46. Option 3 – Create a Local Authority Trading Company under which Wightcare would trade commercially, further work will need to be completed to understand the costs and implications of this option.
47. The TSA report in Appendix 3, covers the benefits and disbenefits of each of the above options.

## RISK MANAGEMENT

48. All options carry risk and an element of uncertainty, which may be influenced by several factors including:
  - (a) Limit to what a customer is prepared to pay for procuring a discretionary service
  - (b) Cost of Living and economic uncertainty influencing what services and support people can or are willing to pay for
  - (c) Financial stability of any service provision and whether can be a profitable service versus generating outcomes that continue to benefit our communities for generations to come by avoiding additional financial risk to statutory services

- (d) Reputational risk to the council and risk to wider health and care system on Island if new service/provider fails and returning service provision to the council
  - (e) Quality and accreditation standards not met
  - (f) Additional governance and contractual management needs
49. The recommendation of this paper to retain the Wightcare service in-house (option 1) involves the least risk as shown in appendix 5.
50. This seeks to limit risk exposure to the council by recognising both the need to explore recovery of costs of service provision, without undermining the outcomes that the Wightcare service provides in the broader context of being customer focused around our health and social care prevention agenda to ensure “people are able to live independent, safe and healthy lives in a place they call home where they feel safe and part of their community providing the right care for people in the right environment”, as set out in the Care Closer to Home strategy.

## EVALUATION

51. It is the recommendation of this paper that the Wightcare service should remain in house, alongside the development of a robust development plan spanning two years, to enable the service to financially breakeven at the end of this period. This will ensure that the service can continue to support the Islands most vulnerable residents whilst minimising risk to the local authority.
52. The independent review commissioned by the Council and conducted by the TSA, supports the recommendation that the Wightcare service should remain in-house and build on the existing and well-established brand.
53. The retention of the Wightcare service within the Council, allows for greater control and response to meet emerging and current demands within the health & social care system on the Island. An in-house service will be able to respond quicker and more flexibly to changing dynamics and support wider outcomes within the Care Close to Home Strategy and Corporate Plan.

## APPENDICES ATTACHED

Appendix 1 – Executive summary supplemental information

Appendix 2 – TSA report

Appendix 3 – Evaluation of delivery model options of Wightcare

Appendix 4 – Financial breakdown

Appendix 5 – Risk Management Analysis

Appendix 6 – Outline of two-year development plan

## BACKGROUND PAPERS

- [Review of Wightcare fee model Cabinet Paper 12 May 2022](#)
- [Isle of Wight Council Commercial Strategy Cabinet Paper 12 May 2022](#)

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LAURA GAUDION  
*Director of Adult Social Care & Housing  
Needs*

CLLR KARL LOVE  
*Cabinet Members for Adult Social Care  
and Public Health*



# Executive Summary – Wightcare Options

## **Background**

Wightcare supports people to live independently at home. Wightcare is unique on the island in that it is the only service operating on the Island that install, maintains equipment, monitors calls 24/7 and provides a mobile response team. The service was launched some 35 years ago and is important as it prevents deployment of ambulances, hospital admissions, admissions to residential care and in addition to reducing social care packages of care. The service also provides statutory functions for the council in terms of its Out of Hours call handling service and the administration of the lone worker system. Currently the service has in the region of 2,000 service users.

We have a growing over 65's rate on the Island with approximately 1 in 4 people on the island currently over the age of 65 and this is expected to reach approx 1 in 3 people by 2028. By 2038 it is estimated that there will be a 57% increase in those over 65 needing support.

Although Cabinet agreed to a rise in Wightcare fees on 12 May 2022, the first since 2018, officers had initiated an independent review of the service to explore opportunities for future delivery and growth capabilities.

## **Service review approach**

In recognition that:

- Residents & Councillors expressed concern regarding the affordability of services and the model used for setting fees and charges – raising fees alone is not a sustainable model
- As a discretionary service and with recurring financial pressures to the council, the need to operate and achieve financial sustainability, minimising subsidy and achieve growth
- Care Close to Home strategy seeks to retain and regain independence in the persons home
- The service provides added value to the health and care system that is not recharged currently but needs to be explored and reviewed if recovery of costs is appropriate and it supports broader health and care system
- The service needs to seek to operate in a more business like way and maximise marketing reach and potential growth of user base, and continue to be more innovative in services provided

The review sought to:

- review current provision with identification of any short term wins and recommendations for development of operational delivery and strategic growth drivers
- presentation of high-level options for future service delivery model and appraisal of each option

## **Wightcare services stocktake and challenges**

A detailed review of the service is attached as an appendix. This highlighted the following key challenges:

- Affordability, continued fee increases alone may not resolve income needs without looking at the model used for setting charges and adding options
- Reviewing the financial model and how all costs are allocated, income sources and opportunities may be enhanced
- The service delivers 'added value' to health and care services not necessarily recharged or funded for, but should it be to reflect services provided under a commercial model and how tracked in terms of outcomes and cost avoidance to other budgets?
- How the services resources are deployed and operate in a more business like way to increase growth and minimise costs
- Maximising marketing and growth reach in achieving new service users and the packages offered
- Thinking Wightcare first – relationships with front line teams and partners awareness and access to services with robust referral process and ensuring the service is a first thought
- Technology Enabled Care (TEC) combining virtual and physical care to support customer needs capitalising on the digital shift and product development
- Full Responder service is resource intense over 24/7/365

## **Recommendation**

That Cabinet agree to the Wightcare service remaining in-house, alongside the development of a robust development plan spanning two years, to enable the service to financially breakeven at the end of this period. This recommendation is supported by an independent review of the service by the industry body, the TSA.

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# Enhancing the Wightcare service – Options for future service delivery

June 2022

## Recommendations summary

- Development and delivery of robust growth plan and associated service development action plan to achieve financial breakeven of the Wightcare service within two years – retaining the Wightcare service inhouse and building on well-established brand
  - Establish/enhance relationships with front line teams & public sector partners (awareness training, attending team meetings/funding panels, drop-in surgery sessions, trusted advisor role, liaising with Fire Service over safe & well checks)
  - Establish robust referral process for social care and health, focused on outcomes and risk, and measuring expected impact at point of referral (closer working with Finance & Performance to establish mechanism for monitoring benefits to social care and health through avoidance/slowing progression of need)
  - Create supporting marketing collateral/assets to drive growth (Wightcare website – linked through to Council site, Twitter campaigns, video case studies, seasonal campaigns aligned to Winter/Carers week/Falls week etc) and creation of standard service packages for private paying customers (Wellbeing, Falls, Dementia Care)
  - Phased redesign of the service to refocus roles and support growth plan (increased marketing, better referral management, aligned to changes in demand on the service)

The landscape of Technology Enabled Care (TEC) service delivery and commissioning is continually changing, with a clear focus over the next 2-3 years being the analogue to digital transition; there is also a growing opportunity to take enabling technology forward and firmly embed within a blended model of care, combining the virtual and physical, aligned to co-production and choice and control and being able to meet the increasing consumer demand for solutions supporting everyday routine.

The appetite for digital technology in society has never been greater as we see the vast majority of people using a smart phone on a daily basis and over 13 million smart speakers in homes in the UK.

The past 18+ months of the Covid-19 pandemic has brought the opportunities for wider adoption of digital solutions to the forefront of thinking across both society and social care, health and housing services, not just in terms of how to use digital within delivery of different services to improve the efficiency of organisations and their workforce, but to improve the experience for the service user/patient/tenant and also to better align with their increasing expectations.

The same can be said of Care Technology-Telecare and the pace of activity around the analogue to digital shift (A2D) – this slowed as the various lockdowns impacted on services and focus shifted to stabilisation and service continuity, but A2D activity around the UK has accelerated significantly in its thinking, but not as significantly in its adoption.

Wightcare have their digital journey underway, with 52% of customers already provided with digital alarm units in their homes

There are many projects ongoing that are moving the organisation along their digital roadmap:

- A2D transition work including the upgrade of the ARC platform to a fully end to end digital platform (requiring scoping of the marketplace, creation of a specification and subsequent procurement exercise)
- Falls Prevention project using TEC
- Home from hospital initiative - Discharge service that provides 6 weeks support with TEC free of charge, with a view to retaining the person in the service as an ongoing paying customer (providing both timely support post discharge and a 'try before you buy' window for the individual and their family)

Wightcare have the vision to take the service forward into the digital era and widen their offering. The service is in a strong position versus the national picture (**52% digital coverage vs c.20% national average**), but does need a robust development plan to strengthen the building blocks of the service

Wightcare is a service available to support people to live independently at home, unique on the island in that it is the only island-based service that installs and maintains equipment, monitors calls 24/7 and provides a mobile response team, currently supporting over 2,180 people (with only 8% in receipt of funded social care services)

Other organisations provide remote monitoring (e.g., to contact a relative or carer by phone) but do not have a team who can respond immediately in an emergency should an urgent response be required.

The Wightcare service provides an extensive list of optional chargeable services including:

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- Assistive Technology (alarm unit and pendant, advanced tech GPS locators/SOS buttons, epilepsy sensors, fall detectors and many more)
- Daily Living Aids
- Welfare Calls (Telecheck Service)
- Installation and maintenance of equipment
- Monitored calls 24/7
- Mobile Responder service

Wightcare is a local service that is over 30 years old and has been providing families with reassurance that their loved ones are supported and kept safe in their own surroundings.

# Evaluation of Wightcare Service Strengths

24/7 mobile  
response  
service  
including  
lifting

Relationships  
– know the  
people,  
patient,  
caring,  
thorough

Reputation –  
providing  
added value  
to health and  
care services

Quality  
Standards  
Framework  
certified

Not  
transactional;  
outcomes  
focused

Always close  
the feedback  
loop and go  
the extra mile

Personal  
touch / caring  
– known to  
customers

Provides solid  
contribution  
to the general  
fund

Security &  
accountability  
from the local  
authority  
brand

>30 yrs  
experience

Local  
knowledge

Peace of  
mind

GPS device–  
keeps you  
safe  
anywhere,  
not just in  
your own  
home



In addition to emergency monitoring and response services, the Wightcare service delivers added value to health and care services, and to individuals and families through a range of additional support and interventions:

- Guided signposting into community services, networking and voluntary sector support
- Mobilisation of the mobile responder services to support calls for 2,647 falls, 488 incidents of being 'stuck', 69 calls for people who were 'unwell' and 50 incidents of welfare concern all avoided ambulance/fire or police support
  - Average responses times well within national 45-minute guideline; only **c.5.5% of callouts** required subsequent ambulance callout – significant reduction of long lie potential
  - Based on national average £252 cost for ambulance callout, **avoidance of £667k** through Wightcare attending in place of an ambulance for falls response (saving to IW Ambulance)
- Onward referrals, with consent, to other health and care services such as falls prevention, GPs, district nursing
- Providing call handling for other services, CRUSE bereavement (Free) and Council OOH (Half price)
- Manage lone workers and carers alert scheme for the Council and Carers IW

# Current Wightcare service- SWOT

## Strengths

- Local knowledge and call out team
- Small team – 18 responders, 9 call centre operators
- Ability to add on connection capacity with no additional resources
- Personal touch / caring – trusted brand
- Reputation – good in emergency response
- Security and accountability as local authority
- Wightcare speak directly with potential new connections about service offering
- Commenced supplementary service offer in Telecheck

## Weaknesses

- Currently in financial deficit as a service
- Restricted by corporate website for promotion
- Too risk averse with staff numbers – areas of over resourcing vs demand, e.g., mobile response
- High pricing model
- Using a traditional, maternalistic service model
- Not explored new innovative tec widely
- Don't recharge for value-add work (yet avoids cost elsewhere)
- Better use of service data needed to grow service, e.g. 140 people received service free for 6 weeks post discharge, only 18.5% retained service

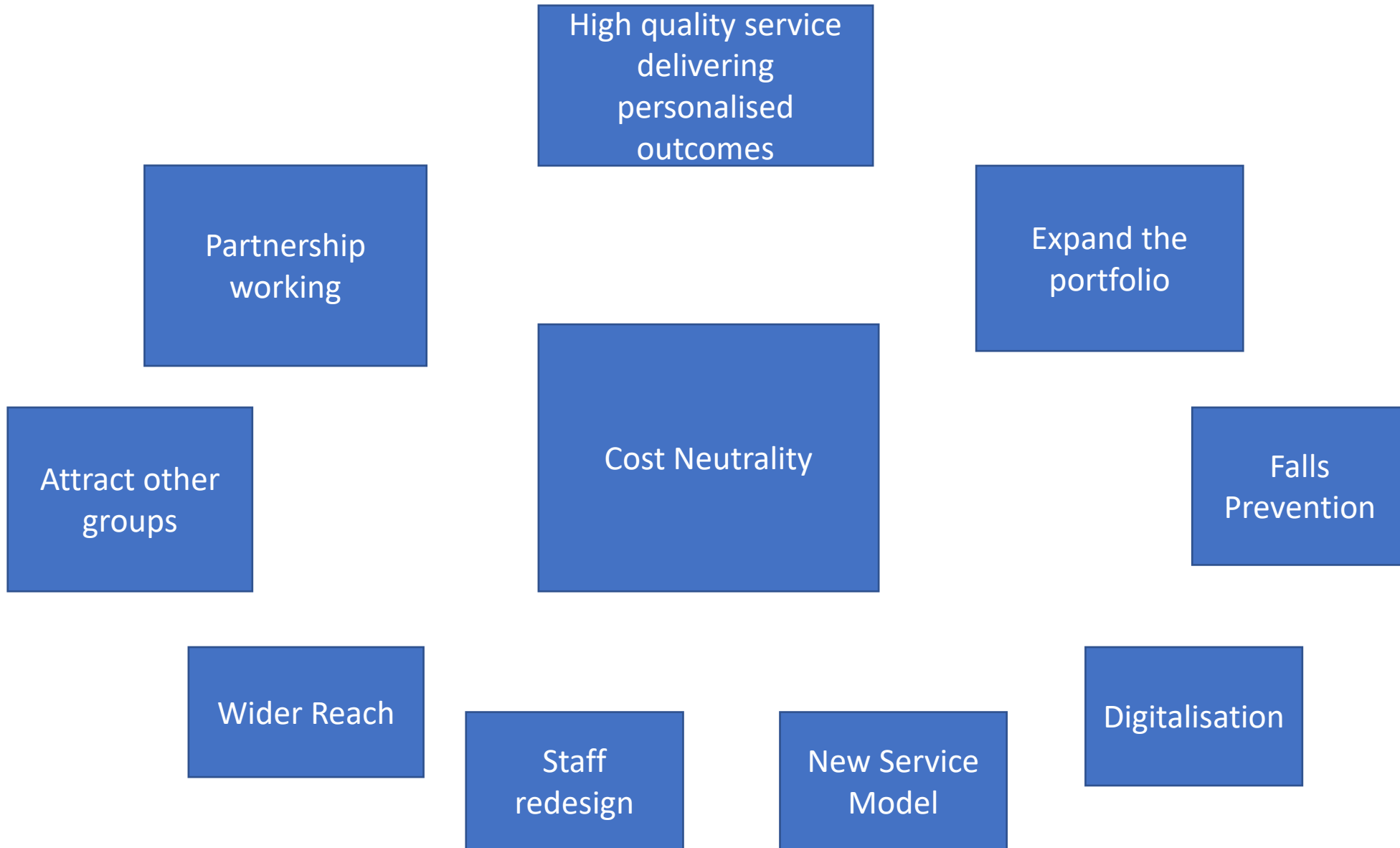
## Opportunities

- Ageing population
- Post-COVID need for extra reassurance
- Embed within social work assessment
- High population of ageing individuals with no family support on the island
- Promote the added value work with other services and what contributions to retain service model

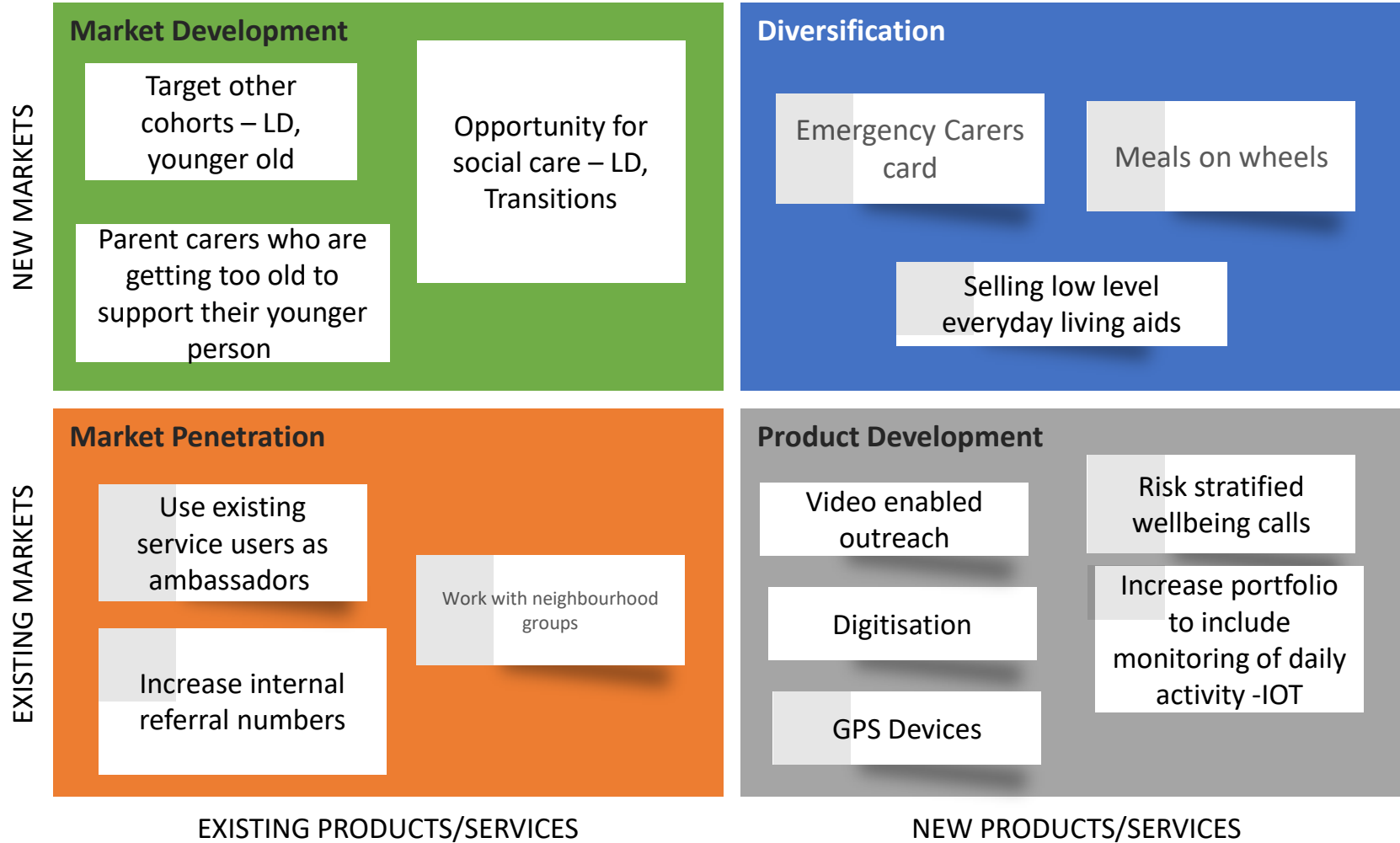
## Threats

- National competitors offering more than personal alarms
- Being outsourced to a national organisation
- Being changed into a trading arm
- Net loss of 93 customers in 21/22

# What are Wightcare looking to achieve as a service?



# Ansoff Growth Matrix



# Key drivers for technology – development areas across Social Care, Health, Public Health and Housing

**Inactivity monitoring/dehydration** - identifying lack of movement and providing prompts to move about the property, make a drink - focus on reducing risk of UTI/falls

**Reducing risk of falls** - utilising wearable technology and activity sensors to understand falls risks and capture predictive data/trends or utilising gait analysis and exercise programmes

**Delivering proactive (video) calls to identified vulnerable and socially isolated people to promote Public Health Messages** – e.g. flu jab reminder, keeping hydrated, preparing for Winter, reminder of exercise routines post rehabilitation

**Supporting independence in the community** – enabling activity outside of the home, supported through location devices, fall alerts and two-way communication to reduce risks and enable timely response to the individual

**Enabling care delivery at distance** - through virtual care visits (medication checks, wellbeing calls) – working in collaboration with domiciliary care agencies

**Embedding digital technology within housing provision** – effective support of vulnerable tenants (wellbeing clinics, social inclusion) and enabling efficiencies (housing repairs, concierge, reminders/calendars)

# Competitor mapping

## What are their perceived USPs?

- Economies of scale, well known brands such as PPP Taking care etc are able to offer a broader portfolio and an already digital service.
- Better marketing of their services
- Lower operating costs
- However, competition is largely based off the island

## What marketing tools & activities are used?

- Website
- Social media
- Adverts
- Case studies to promote
- Sales collateral
- Partnering with charities
- Word of mouth

# Competing private pay market

## Isle of Wight (Wightcare)

1. Monitoring = £6.80 p/w
2. Monitoring & mobile response = £9.72 p/w
3. Telecare = £11.25 p/w
3. Telecheck service = £21.73 p/m for 7 weekly calls / £32.59 p/m for upto 14 weekly calls

## Southampton City Council (Careline)

1. Silver service = £3.50 (without response) p/w
  2. Gold service = £5 p/w (includes response)
- Additional charge of £25 for installation and £40 for keysafe (required for Gold service)

## Portsmouth Council (Safe at Home)

1. Standalone - £4.80 p/w
  2. Basic - £6.80 p/w
  3. Plus - £10.00 p/w
  4. 24 hr response - £15.00 p/w (no lifting)
- Set-up fee of £55  
Keysafe required for all but the first service level

## PPP Taking Care

1. Pendant alarm & monitoring - £4.08 p/w / 17.15 p/m (with £69 set up fee)
  2. Fall alarm & monitoring - £5.95 p/w / £24.99 p/m (with £69 set up fee)
  3. Taking Care Anywhere - £6.31 p/w / £26.49 p/m (with £70 set up)
- Option of keysafe for £65.99

## Hampshire County Council (Argenti – self-funders)

1. Starter package - £3.50p/w / £14.68 p/m
  2. Falls Detector or Smoke Detector package - £4.64 p/w / £19.48 p/m
  3. 'Out & About' package - £5.35 p/w / £22.48 p/m plus £149 initial equipment cost
  4. Digital Premium package - £11.90 p/w / £49.99 p/m
- No physical response

# Competing private pay market summary of services

Organisation	Package	Monitoring	Responders	Telecare	Keysafe	Installation fee	Weekly price	Notes
Wightcare	Option 1	✓			Included	£ 90.00	£ 7.70	
	Option 2	✓	✓		Included	£ 90.00	£ 11.00	
	Option 3	✓	✓	✓	Included	£ 90.00	£ 12.73	
Portsmouth	Basic	✓		✓		£ 55.00	£ 6.80	
	Plus	✓	9pm - 6am	✓		£ 55.00	£ 10.00	No lifting
	24 hr Response	✓	✓	✓		£ 55.00	£ 15.00	No lifting
PPP Healthcare	Classic	✓			£ 65.99	£ 69.00	£ 3.95	
	Classic + Falls	✓		✓	£ 65.99	£ 69.00	£ 5.77	
Southampton CC	Silver	✓				£ 25.00	£ 3.50	
	Gold	✓	✓		£ 40.00	£ 25.00	£ 5.00	SO14-SO19 Only
New Forest DC	Standard	✓				£ 39.90	£ 3.76	
Hampshire CC	Starter Package	✓			£ 95.99	£ 60.00	£ 3.39	+£54 activation fee
	Falls/Smoke	✓		✓	£ 95.99	£ 60.00	£ 4.50	+£54 activation fee



What could be developed as enhancements or additional services?

- targeted wellbeing calls
- GPS devices
- additional support & visits during holiday season
- links to home improvement
- retailing basic aids to daily living
- Learning Disability/Transition Services

What would people be willing to pay? Redefining the tiered service model (silver, gold & diamond) or creating 'packages' such as Wellbeing package, Falls package

- What could be the impact of reducing service costs to make the service more attractive around price?

Who would be the customer?

- self-funders
- ICB/ICS – focusing on home from hospital support, D2A and avoiding re-admission

Who to target marketing at?

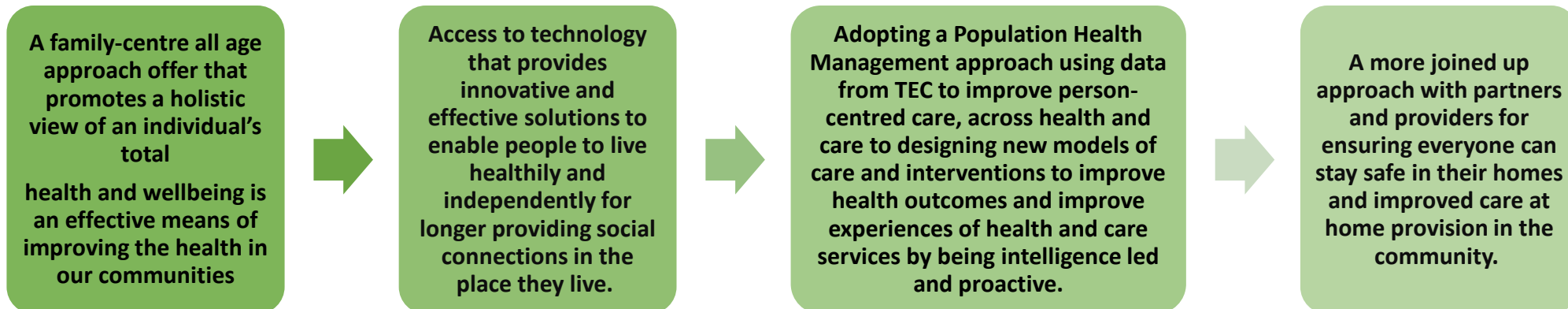
- Sons and daughters living at a distance
- Younger Old individuals

## The Health & Wellbeing Strategy 2022 - 2027 Healthy places for healthy people to live healthy lives across the Island

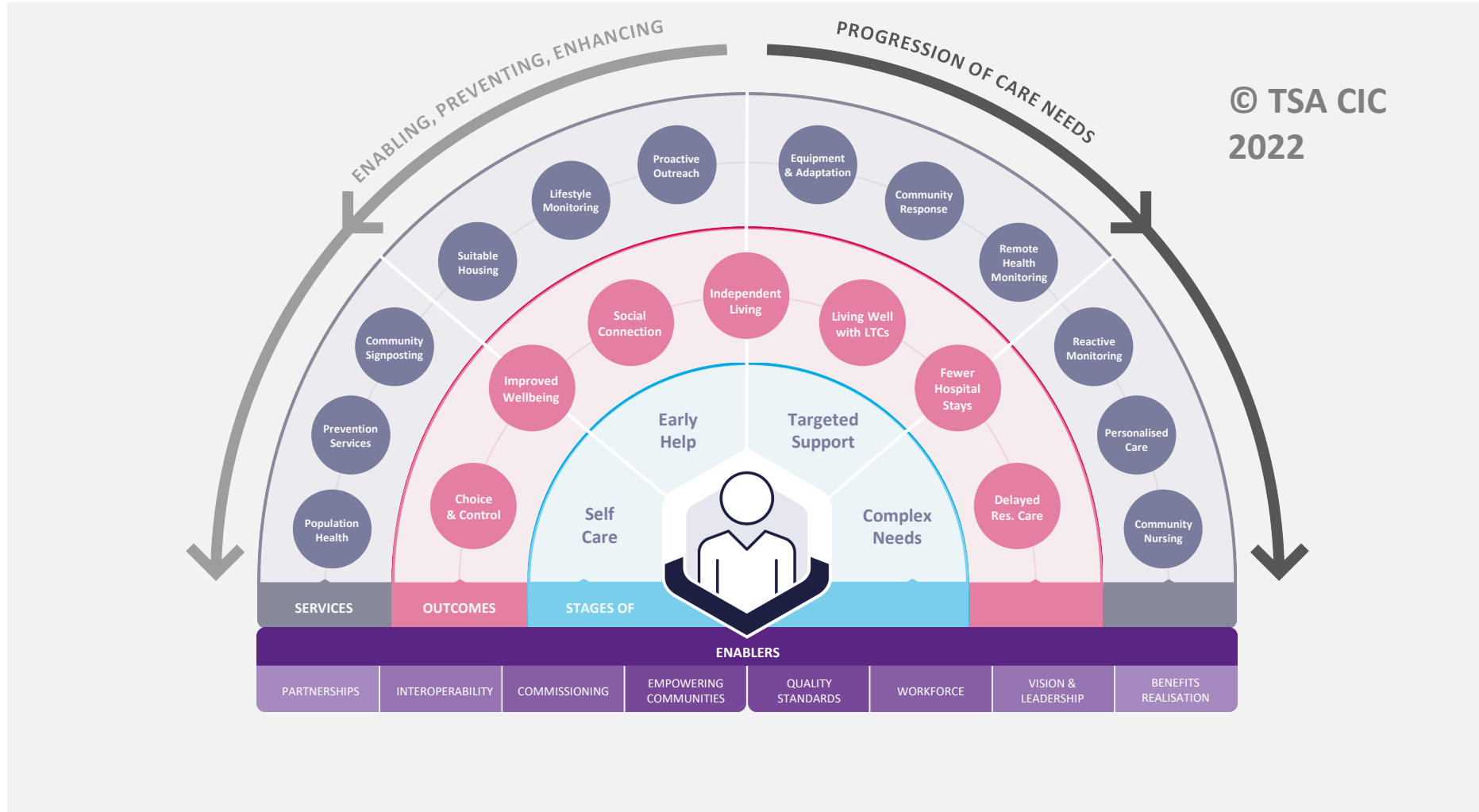
### Three Priorities:

1. Healthy Places focus - healthy homes
2. Healthy People focus - mental health and emotional wellbeing
3. Healthy Lives focus - health inequalities

### Positioning enabling technology at the heart of care and health support at home



# Digital care technology & support services – slowing down the progression of need



The best return would be using specific packages as below, with key messaging around the benefits of the package and support service.

It will be more attractive to family members who aren't sure what TEC to purchase for their loved one and resonate with similar consumer activity such as purchasing broadband or mobile phone packages, examples being:

- SAFE AND SECURE AT HOME PERIPHERALS: Smoke Detector, Ambient Temperature Sensor, Property Exit Sensor, IoT sensors
- DEMENTIA PERIPHERALS: CO2 Detector, Smoke Detector, Bogus Caller, Property Exit Sensor
- FALLS PACKAGE PERIPHERALS: Fall Predictor device, bed occupancy sensor, hydration cup (potentially combined with Telecheck to support hydration and nutrition routine)
- WINTER CHILLS PERIPHERALS: CO2 Detector, Smoke Detector, Ambient Temperature Sensor (combined with Telecheck to help prepare for Winter, flu jab reminders etc)
- OUT & ABOUT PACKAGE: Providing GPS solutions with geofencing for safe walking, two-way audio in the device and coverage through roaming SIM across the island and when on holiday

## Reablement

764 reablement episodes  
in 20/21

Opportunities to:

- Position enabling technology within reablement
- 6 week 'try before you buy' for those with no ongoing needs becoming potential private funders
- Utilise 'lifestyle' monitoring & data insights to support appropriate sized care packages post-reablement

## Learning Disabilities/ Autism

Only 46 individuals funded  
by the LA are classified as  
disabled (learning and  
physically)

Opportunities to:

- Better utilise apps and simple prompts / reminders to support management of routine
- Enhance safe community access through GPS solutions
- Potentially reduce waking nights/sleep in costs using technology

## Demographic growth

Isle of Wight population  
is expected to grow by  
from 142,296 to 171,200  
by 2033

- 27.8% are 65 or over (2018)
- Predictions suggest that the number of 65-84 year olds are set to increase by 24% by 2030
- 80 plus group is set to increase by 31%

Cost neutrality is a high priority for the authority, in order to achieve this there will need to be savings made.

Review of the current costs for the service highlights the employee costs as the biggest overspend, coupled with reduced demand over previous months within mobile response in particular

Commence a phased redesign of the service to refocus roles and support growth plan (increased marketing, better referral management, aligned to changes in demand on the service). This would enable the service to continue to deliver and redistribution into new roles around Marketing and referral management).

Another quick win for the service will be implementing enhanced reporting and outcomes measures to allow accurate calculation of the added value work. This can be used in discussions around overspend to explain some of the deficit and to explore with partners financial contributions avoiding added costs to their service provisions.

# Supplementary content

# Broadening the scope of enabling technology solutions & wrap around support

**Activity monitoring – data driven insights :** using mixture of activity and motion sensors within an individual's place of residence, building trends and patterns of movement, notifying where individual patterns of movement change and delivering predictive analytics which can help to identify risks earlier and support right sizing of care packages.

**Practical products/equipment:** In broad terms, this covers any product designed to support or enable independence. This includes mainstream products and technology that provides assistance to people with specific needs, for instance; smartphones, smarter walking aids (GPS), medication dispensers, aids to hydration and nutrition, smoke and carbon detectors, flood detectors, bed sensors (not an exhaustive list).

**Telecare 'on the go' and 'always on':** Devices used in and away from the home that support independence and safer access to the community, facilitate two-way interaction and, through digital heartbeats, will notify in real time if faults arise.

**Apps and self-management:** A growing area of support where a mobile device, smartphone or desktop PC is used to manage health and well-being. These can also be used by an individual themselves (in line with outcomes of an assessment of needs and risks), paid staff and/or family carers to help with monitoring and care coordination.

**Telehealth:** Devices used in or away from the home that enable health 'vital signs' measurements such as blood pressure, glucose, weight, and wound management. This information supports decision making around personalised care planning/appropriate interventions.

**Video consultations and tele-diagnostics:** Enables electronic 'face to face' consultation between service users or patients and staff. It enables decisions to be made without the need for anyone to leave their desk or home. Building on the growth of video consultation and virtual wellbeing calls developed during Covid-19 lockdowns



# How could the service best support health and care outcomes?

NHS suggest universalised personal care is the delivery plan for personalised care to be 'business as usual' for 2.5 million people by 2024.

Wightcare is already on the journey to deliver personalised preventative care today with pockets of proactive work like the Telecheck outbound calling service for wellbeing and using GPS devices for individuals with dementia in conjunction with the response service if the individual is found out of their designated area.

There needs to be greater scaling up from pockets of projects.

The service needs to be more outcomes driven for the individual and looking at the service as a holistic provision of the best health and social care service being delivered together.

# Potential for Health technology adoption

Developing a more joined up pathway between Wightcare and Health on use and delivery of assistive technology for both telecare and telehealth.

This can help alleviate growing pressures on the NHS and social care and allow individuals to own their own healthcare and wellbeing.

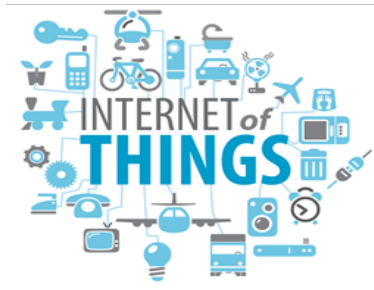
Telehealth- Supports Home based LTC monitoring for Diabetes, Heart Disease, and COPD. Enabling the individual to self-manage their own health care and take ownership of their treatment. Reducing dependency on primary health services

Telemedicine- uses video technology and devices to enable specialists and consultants to support patients and other professionals remotely by making a diagnosis and recommending treatments without the need of in person interactions.

Hospital Discharge- Use of technology to enable efficient discharge, allowing primary services to be freed up. Provides reassurance to individuals and families on return home for up to 6 weeks until assessments have been completed and care packages have been put into place.

Using Health tech provides autonomy over wellbeing for the individual and/or carer as well as peace of mind. It allows high quality care to be delivered in a place of the person's choosing.

# The Connected Resident – Enabling Positive Ageing & Independence



**The Silver Line**  
helpline for older people

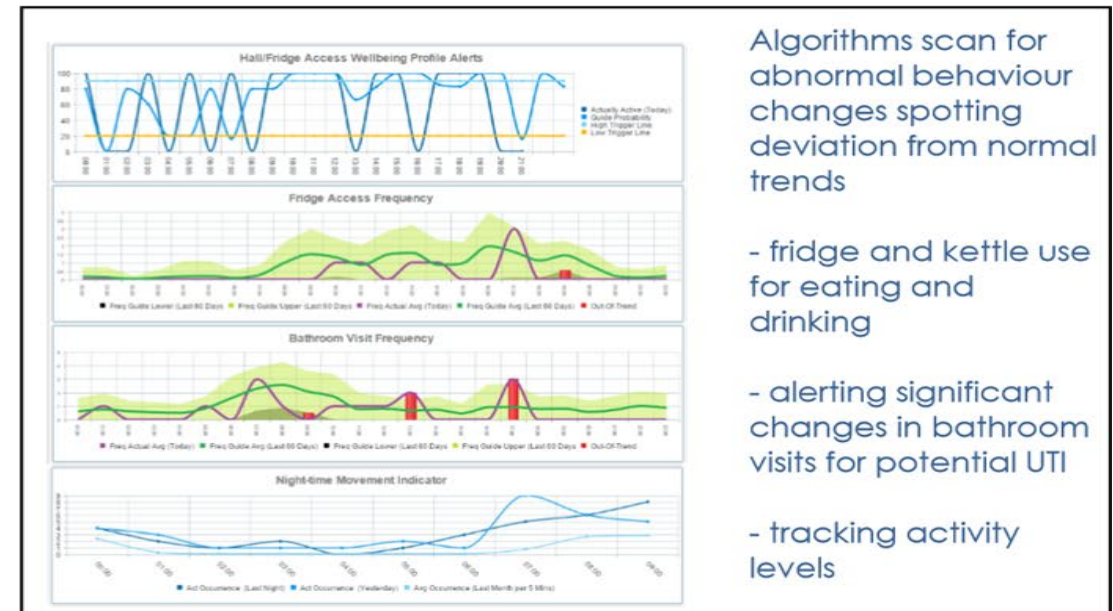
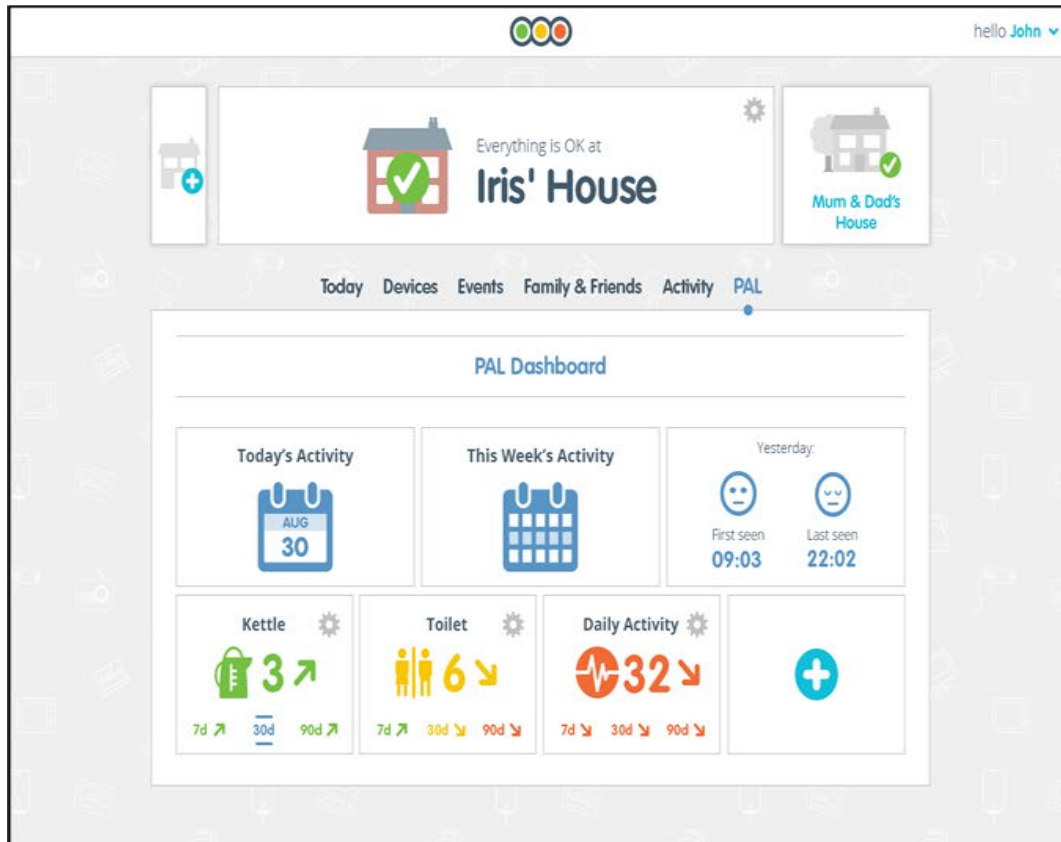
amazon echo



Service users, patients, carers – must not be in position of leaving their everyday technology at the door when engaging with TEC services

# Data analytics & machine learning to support practitioners & provide information to families

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Using lifestyle monitoring to support informed decision making – promoting positive risk taking backed by data ‘enabling support’ rather than ‘just in case support’

# Enabling digital technology supporting everyday living

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# Appendix 3 – Evaluation of options

# Future form of Wightcare service – Option 1 retaining existing Council service (recommended option)

Pro	Con
Wightcare is a trusted brand with growth across different service offers	Without robust service development and restructure, service costs will outweigh income
Retains valuable staff resources with longstanding knowledge	Current low level of marketing activity will not extend reach of the service
Local service is delivered by locals - Personal touch	Service requires greater profile across health and care
Greater knowledge of community resources and networks to link customers to	Price increases alone will not fully address the financial position & will lead to loss of customers
Retains local pound as significant contributor to island economy	Overhead costs are outside of the control of Wightcare and may fluctuate due to other corporate service need costs.



# Future form of Wightcare service – Option 2 service commissioned externally

Pro	Con
Potential to exploit greater economies of scale and experience across different contracts	Greater likelihood of limited local knowledge and services available on the island
Greater expected experience of benefits realisation and culture change due to nature of commissioned contracts	Far more likely to only deliver exactly what is laid out in the contract and far harder to amend during contract without variation process
Regular performance monitoring to ensure KPI's are achieved	Potentially significant unseen cost outside of contract for additional extras
	More likelihood for money to be taken out of local economy as service provider expected to not be located on the island

# Future form of Wightcare service – Option 3 new Local Authority Trading Company (LATC)

Pro	Con
The new company has the 'branding' associated with the Council to retain public confidence	There are one off set up costs to create a new infrastructure
Terms of set up will include the level of any profit that is returned in kind to the Council or reinvested in the company to meet increased demand	The retained infrastructure of the Council may not easily achieve the benefit of cost reductions & consequent savings
Retains value staff resources and experience	Separate insurance and risk indemnity will be required
Research has shown that staff commitment increases and sickness decreases.	Question over whether the trading arm would need to purchase support services through the Council or option to look elsewhere
	Need for LATC model unclear as no defined competition on island

# Financial Breakdown

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	BUDGET 2022/23		
<b>CONTROLABLE COSTS</b>			
Employee costs	1,133,479	72.12%	Includes management apportionment and 2022/23 estimated pay award
Premises costs	0	0.00%	Premises costs recharges in non-controllable
Transport costs	31,252	1.99%	
Supplies & services costs	85,851	5.46%	
Other payments	0	0.00%	
<b>Sub-total</b>	<b>1,250,582</b>	<b>79.57%</b>	
Direct Internal recharges	2,855	0.18%	
Out of Hours recharge	-20,846	-1.33%	Income based on 2021/22 activity
<b>Sub-total</b>	<b>-17,991</b>	<b>-1.14%</b>	
<b>NON-CONTROLLABLE COSTS</b>			
Corporate overheads	215,105	13.69%	
Capital costs	124,016	7.89%	Includes depreciation of £500k equipment investment
<b>Sub-total</b>	<b>339,121</b>	<b>21.58%</b>	
<b>TOTAL GROSS EXPENDITURE</b>	<b>1,571,713</b>		
<b>INCOME</b>			
Fees & charges - self funding	-962,734	94.19%	Income based on current July 2022 activity
Fees & charges - ASC funded	-59,377	5.81%	Income based on 2021/22 activity
<b>TOTAL INCOME</b>	<b>-1,022,111</b>		
<b>Total Net Subsidy/(Surplus)</b>	<b>549,603</b>		
<i>Income shortfall</i>	<i>53.77%</i>		

Appendix 4

- 21/22 staffing spend of £1,074,852
- 22/23 baseline staffing costs of £1,133,479 (inc estimated pay award)
- Contingency requirement for bank/cover should be established and monitored against
- Need to verify the centrally reported staffing budget (any apportionment)
- What actions/measures/processes are needed to ensure greater control of spend?
  - Non Controllable costs service has no influence as devised by corporate ratio's applied
  - Providing a 24/7/365 provision has significant staffing costs

# Risk Management Analysis

## Option 1 – Retain Wightcare provision in-house risks

- Continued (albeit reduced) subsidy of the service until the 2 year development plan can be deployed
- Limit to charges that can be applied to customers before reaching saturation point
- Without investment in marketing opportunities, limited growth opportunities
- Economic uncertainty and Cost of Living Crisis limiting clients willing to pay for services
- That IW health and social care recharge of services provided on behalf of system is not forthcoming

## Appendix 5 – Risk Management Analysis

### Option 2 – Outsource service to Private sector risks

- Loss of Local Authority control in terms of decision making, outcomes and outputs
- New provider likely to deliver exactly what is laid out in the contract, limiting added value and flexibility
- Potential significant unseen costs outside of contract for additional extras
- Likelihood that money will be taken out of local economy as new provider relocates part of service off Island
- Reputation risk to the Local Authority if out of hours call handling function included within contract due to potential lack of local knowledge
- Risk to wider Health & Social Care system on the Island if new provider fails
- New TSA accreditation would be required, if not achieved,
- Additional contract management responsibilities
- Loss of integrated working across health & social care system
- Need to consider growing Island demographics and commission service for the future needs of the Island
- Loss of resource to ASCHN to support other functions
- Economic uncertainty and Cost of Living Crisis limiting clients using the service

## Appendix 5 – Risk Management Analysis

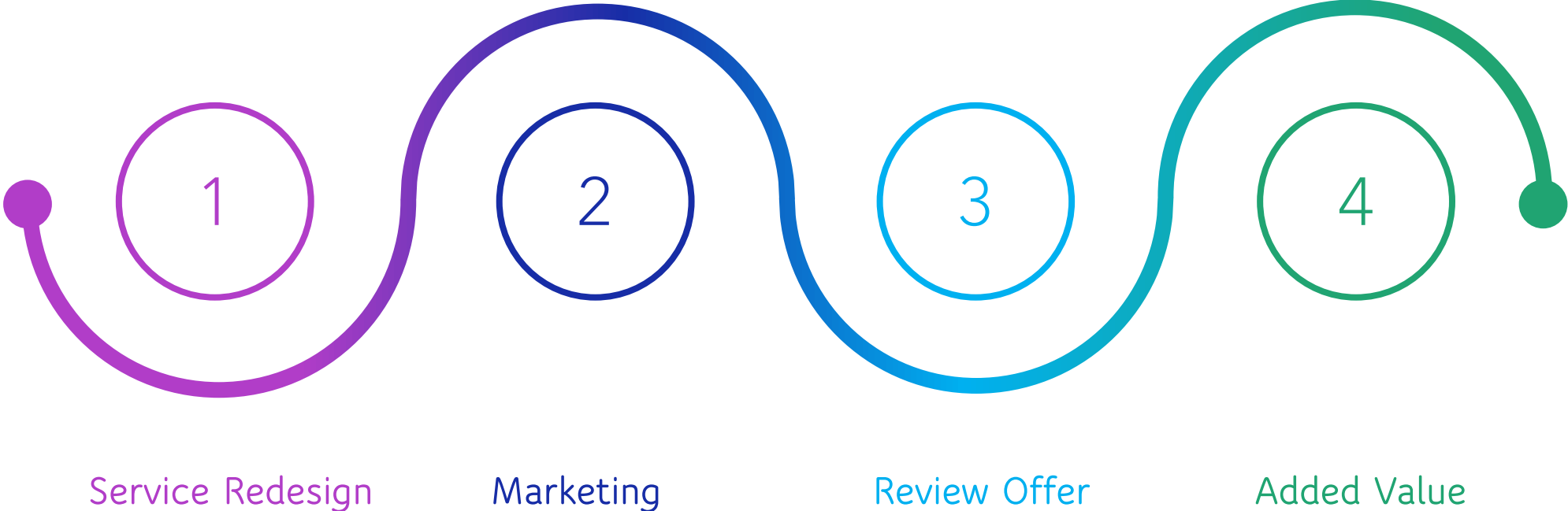
### Option 3 – Create a local authority trading company risks

- Loss of Local Authority control in terms of decision making, outcomes and outputs
- There are additional costs to create new governance and infrastructure
- The retained infrastructure of the Council may not easily achieve the benefit of cost reductions & consequent savings
- The Trading Company may not choose to purchase support services through the Council reducing income to corporate functions
- Risk of failure and returning to Local Authority control or disbanding of service
- Reputation risk to the Local Authority if out of hours call handling function included within contract due to potential lack of local knowledge
- Tax implications on any surplus income
- Loss of resource to ASCHN to support other functions
- Need to be financially stable in order to create Trading Company

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# WIGHTCARE TRANSFORMATION PLAN 2023 - 2025



# WIGHTCARE TRANSFORMATION PLAN

## 1 - SERVICE REDESIGN

1

### Referral Process

Revise referral process for internal and external stakeholders, creating comprehensive data to capture benefit realisation

2

### Review Delivery Methods

A review of the core service function and delivery methods which may realise cost savings

3

### Staff Development

Implement development pathways for staff to expand knowledge and skills

# WIGHTCARE TRANSFORMATION PLAN

## 2 - MARKETING

1

### Continue with engagement events and social media activities

Wightcare have attended local events for the first time this year and found these to be a positive experience with interest shown in the work we do. Facebook paid advertising has been the most successful use of social media and created interest in the service and increased interaction with our audience

2

### Create bespoke website

The service would greatly benefit from its own website which can provide increased information and interaction with the public and potential service users. With links back and forth to the Council's main website, the dedicated pages would be more aligned with the Council's commercial agenda.

3

### Creation of permanent Marketing Officer post to support delivery of marketing opportunities

Wightcare has benefited from transformation funds to create a new temporary Marketing post, this dedicated resource will lead on all engagement and stakeholder activities

# WIGHTCARE TRANSFORMATION PLAN

## 3 - REVIEW OFFER

1

### Revise available packages

Remodeling of 'packages' available through Wightcare to be more relevant and taking into consideration emerging needs in the community.

2

### Review Island offer

Consider implementing joined up approach to assistive technology across the Island, bringing together Telecare and Telehealth services, promoting a one stop approach and delivering efficiencies into the health and social care system on the Island.

3

### Emerging Technology

Implementation of digital technologies opens door to new and emerging technologies that could compliment traditional offer

# WIGHTCARE TRANSFORMATION PLAN

## 4 - ADDED VALUE

1

### Review fees for providing OOH service to Council colleagues

Full cost of providing an OOH service on behalf of the Council is to be explored

2

### Explore funding opportunities

Explore funding opportunities to deliver wider costs savings/cost avoidance within the Health & Social Care system on the Island

3

### Implement fees for Lone Working System

Wightcare delivers and monitors the lone working system for Council staff, meeting corporate need but at nil cost to the authority. By moving to a more commercial fee-based model, the service could be extended to other organisations.

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## Cabinet report

Date	<b>10 NOVEMBER 2022</b>
Title	<b>ADOPTION OF THE NEWPORT AND RYDE COMMERCIAL FRONTAGES DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT (SPD)</b>
Report of	<b>CABINET MEMBER FOR PLANNING AND ENFORCEMENT</b>

---

### EXECUTIVE SUMMARY

1. The purpose of this report is to consider the adoption of the Newport and Ryde Commercial Frontages Design Guide supplementary planning document (SPD), following a consultation exercise undertaken by the Isle of Wight Council.
2. The report recommends the adoption of the design guidance, following the consultation period, as a supplementary planning document.
3. The adoption of the design guide as an SPD will result in the council and property owners being able to use the detailed guidance within the document as clear and consistent advice in relation to the redesign and refurbishment of commercial frontages within Newport and Ryde. The SPD will support the work of the Heritage Action Zone (HAZ) projects by helping to emphasise the importance of the High Street in both locations, contributing towards the sense of place and retaining the historic character.

### RECOMMENDATION

- |  |
|--|
| <ol style="list-style-type: none"><li>4. That the Newport and Ryde Commercial Frontages Design Guide be adopted as a supplementary planning document.</li><li>5. That any final editorial and presentational changes to the draft supplementary planning document are delegated to the Director of Regeneration in consultation with the Cabinet Member for Planning and Enforcement. These changes will not alter the meaning of the document and will be restricted to grammatical and typographical errors.</li></ol> |
|--|

### BACKGROUND

#### Island Plan

6. The Island Plan Core Strategy was adopted by the council in March 2012. Policy DM2 (Design Quality for New Development) and Policy DM9 (Town Centres)

establish the strategic principles, from a planning perspective for the redesign of and refurbishment to existing buildings within town centres.

#### SPD adoption process

7. The national planning policy framework (NPPF) sets out that SPDs are ‘documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan’.
8. SPDs are subject to statutory preparation procedures under regulations 11 to 14 of the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#).
9. For an SPD to come into force it must be agreed and formally adopted by the council’s Cabinet. Once adopted the SPD will then be a material consideration, where relevant, in the determination of planning applications. The proposed SPD can be found as the first background paper link.

#### Heritage Action Zone / Commercial Frontages

10. Newport and Ryde were both successful in bidding to become High Street Heritage Action Zones in 2019 and project work commenced in April 2020. The Heritage Action Zone’s aim to restore key buildings and traditional shopfronts, improve public spaces and bring unused parts of buildings back into use as homes, workplaces and community spaces. The work will help our High Streets recover and evolve, with one eye on the past and one on the future.
11. As part of the Heritage Action Zone (HAZ) projects, the Isle of Wight Council, Ryde Town Council and Newport and Carisbrooke Community Council, working in partnership with Historic England and design consultants Create Streets, jointly commissioned and produced a Newport and Ryde Commercial Frontages Design Guide (the Design Guide). The purpose of the document is to seek an improvement in the quality of shopfronts in the historic conservation areas of Newport and Ryde town centres.
12. The detailed guidance within the document provides further detail to Core Strategy policies DM2 and DM9 that can be applied in Newport and Ryde town centres.

#### CORPORATE PRIORITIES AND STRATEGIC CONTEXT

13. The [Corporate Plan 2021 - 2025](#) sets out the administration’s key areas for action, aspirations and key activities. The specific key area for action, aspirations and key activities relevant to the Newport and Ryde Commercial Frontages Design Guide SPD are:

##### Key area for action:

- Economic recovery

##### Aspirations and key activities:

- (39) Focus on regeneration our High Street and visitor economy to assist post COVID-19 recovery and growth;



- (40) Promote people-oriented place planning for town centres;

#### Responding to climate change and enhancing the biosphere

14. As detailed in section 4.1.2 of the design guide document, upgrading building stock to reduce energy use will make an important contribution to the net zero targets set out in the [Council's Climate and Environment Strategy](#).
15. Shopfront design can help support climate action in a number of simple but effective ways:
  - Longevity: Buildings and shopfronts that last the longest are the most sustainable as the carbon embodied in their design is not lost but remains in use;
  - Street use: By making shops and the street a more comfortable place to be, people are encouraged to spend time in their local high street and shop locally rather than, perhaps, drive to a less sustainable out of town option;
  - Energy Efficiency: Historic buildings perform differently to modern buildings in terms of energy efficiency and there are a number of measures shopfronts can adopt to improve energy efficiency.
16. Therefore adopting the design guide to be used as a material consideration in the determination of planning applications will make a positive contribution towards the Council's net zero ambitions.

#### Economic Recovery and Reducing Poverty

17. It is considered that there will be no direct impact on reducing poverty arising from adopting the design guide. By providing clear and consistent advice in relation to the redesign and refurbishment of commercial frontages within Newport and Ryde, adopting the design guide as SPD will support:
  - the council's regeneration ambitions
  - sustainable economic growth
  - development of opportunities for investment
  - skills development

#### Impact on Young People and Future Generations

18. It is considered that there will be no direct impact on young people and future generations arising from adopting the design guide.

#### CONSULTATION

19. Extensive consultation took place during the preparation of the design guide. From March 2021 to December 2021 the document was developed alongside local stakeholders through a five-part consultation programme: "deep" stakeholder consultation, "wide" community engagement, face-to-face interviews, public workshops, and a feedback review. A wide range of stakeholders and the public were engaged throughout the consultation exercise and helped to shape the content. A summary of the consultation stages and outcomes can be found at Appendix 1.

20. In line with regulations 11 to 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the local planning authority also undertook a statutory 6 week consultation on the Draft SPD. This took place from Friday 17 June 2022 until Monday 1 August 2022.
21. A summary of responses from the aforementioned statutory consultation period is attached at Appendix 2, and the responses did not result in any changes to the content of the design guide document.

#### FINANCIAL / BUDGET IMPLICATIONS

22. It is considered that there will be no direct financial / budget implications arising from adopting the design guide.

#### LEGAL IMPLICATIONS

23. Supplementary planning documents should be prepared only where necessary and in line with paragraph 153 of the NPPF.
24. If adopted the SPD will add further detail to the policies already in the Island Plan Core Strategy. The SPD will be a formal document that will be a material consideration in planning decisions, but not part of the development plan.

#### EQUALITY AND DIVERSITY

25. 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.
26. A stage one equality impact assessment (EqIA) has been undertaken in connection with the proposed SPD (see Appendix 3).
27. It is considered that the SPD itself will not have a negative impact on any of the protected characteristics. This is because the status of the document is such that higher level policy and legislation is also required to be considered as part of the determination of any planning application, which would take account of our legal duties under equality legislation.

#### PROPERTY IMPLICATIONS

28. It is considered that there will be no direct property implications, although any decisions over the future of council owned sites within the geographical area covered by the proposed SPD will need to consider relevant planning policy that would include the SPD once adopted.

#### OPTIONS

29. The options are set out as follows:

- a) To adopt the Newport and Ryde Commercial Frontages Design Guide document as a supplementary planning document; and
- b) To delegate any final editorial and presentational changes to the draft supplementary planning document to the Director of Regeneration in consultation with the Cabinet Member for Planning and Enforcement. These changes will not alter the meaning of the document and will be restricted to grammatical and typographical errors; or
- c) To not adopt Newport and Ryde Commercial Frontages Design Guide document as a supplementary planning document.

## RISK MANAGEMENT

30. The main risk of not adopting the design guide as an SPD is that the council will not be able to use the detailed guidance within the document, that has been prepared with significant public and stakeholder engagement as a key part of the Heritage Action Zone (HAZ) project, as a material consideration when determining planning applications.

## EVALUATION

31. The adoption of the design guide as an SPD will result in the council being able to use the detailed guidance within the document as clear and consistent advice in relation to the redesign and refurbishment of commercial frontages within Newport and Ryde. This will help support the objectives of the Heritage Action Zone projects in both towns and provide clarity for property owners when considering investment and refurbishment projects.

## APPENDICES

- Appendix 1: Consultation stages summary
- Appendix 2: Summary of consultation responses
- Appendix 3: Stage one equality impact assessment (EqIA)

## BACKGROUND PAPERS

32. Newport and Ryde Commercial Frontages Design Guide: [Viewing Document: Commercial Frontages Design Guide 2022 \(iow.gov.uk\)](#)
33. Island Plan Core Strategy: [Microsoft Word - Core Strategy - Mar 2012.doc \(iow.gov.uk\)](#)

Contact Point: James Brewer, Planning Team Leader Policy & Delivery  
☎ 821000 extension 8567 e-mail [james.brewer@iow.gov.uk](mailto:james.brewer@iow.gov.uk)

CHRIS ASHMAN  
*Director of Regeneration*

(CLLR) PAUL FULLER  
*Cabinet Member for Planning and Enforcement*

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## Appendix a: public engagement that informed this design guide

### Introduction

Isle of Wight Council, Ryde Town Council and Newport and Carisbrooke Parish Council (the Councils) alongside Historic England and design consultants Create Streets have produced a Newport and Ryde Commercial Frontages Design Guide (the Design Guide) which seeks an improvement in the quality of shopfronts in the historic conservation areas of Newport and Ryde town centres. This Consultation Report explains how the Councils have undertaken public consultation to inform the development of the Design Guide, and how the engagement, feedback and responses received to date have influenced its development.

### Purpose of the Consultation Programme:

- To understand local likes and dislikes within local historic high streets and conservation areas;
- To understand local hopes and fears for future of local historic high streets and conservation areas;
- To build a sense of genuine ownership of the Design Guide; and
- To start generating ideas for ways to encourage community support in caring for and improving shopfronts and high streets.



*Conducting shopkeeper interviews in Ryde*



## Consultation Summary

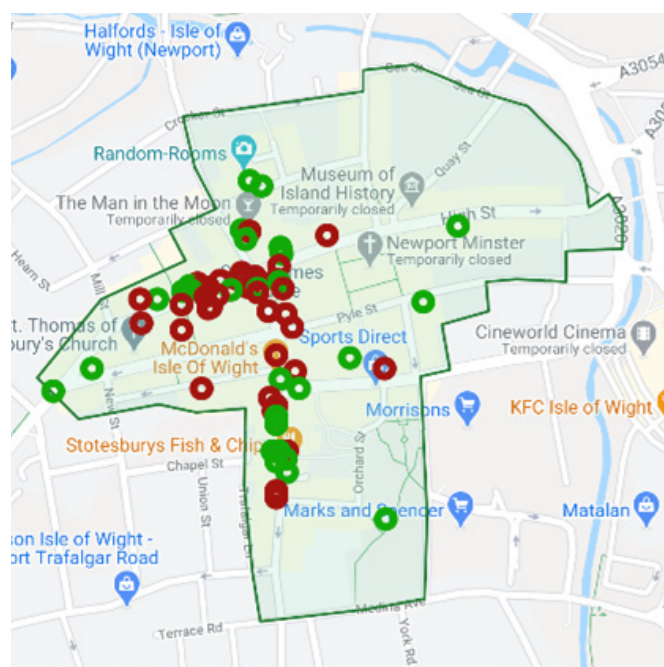
From March to December 2021 the Newport and Ryde Commercial Frontages Design Guide has been developed alongside local stakeholders through a five-part consultation programme: “deep” stakeholder consultation, “wide” community engagement, face-to-face interviews, public workshops, and a feedback review.

*Part 1: “Deep” stakeholder consultation* consisted of:

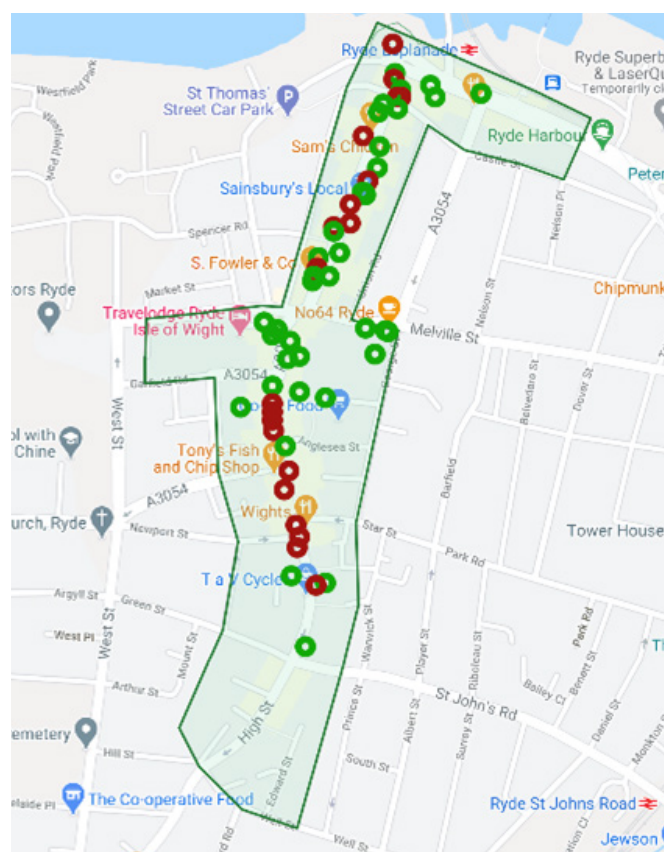
- Over 100 e-mail introduction to the project, project team and request for interview;
- 30 one-to-one structured interviews and invitation to first workshop; and
- The creation of a review group of over 150 people who have agreed and wish to remain fully engaged.

*Part 2: “Wide” community engagement* was channelled through a dedicated microsite shared on the ‘High Street Heritage Action Zone’ website (<https://iwhaz.uk>), on social media accounts (Shaping Newport Facebook page; Ryde Town Council Facebook page; and Twitter handles @shapingnewport and @RydeTownCouncil). The website contains:

- a brief description of project goals;
- photos of popular components of streets to ‘signal intent’;
- project updates and invitations to forthcoming workshops;
- Links to an online mapping survey using the Create Communities platform, to gather data on shopfront preferences across the two towns.



*Newport Create Communities Interactive Map*



*Ryde Create Communities Interactive Map*

## Create Communities data

206 people took part in the Create Communities surveys (111 people in Ryde and 95 people in Newport). responded via the Create Communities platform

Across both Newport and Ryde, the data shows that the appearance of a shopfront and how well it enhances the street influences how well liked the shop is.

**What do you think...**

How do you feel about this shopfront or place? \*

What shopfront or place are you commenting on?

If you chose a shopfront, what do you like or dislike about it? You don't need to answer every question

Do you like how the shopfront looks?  
 Yes  No

Do you like the colours?  
 Yes  No

Do you like the size of the windows?  
 Yes  No

Do you like the shop sign?  
 Yes  No

Do you like the amount of advertising on the windows?  
 Yes  No

Does the shopfront enhance the street?  
 Yes  No

Please tell us anything else that you like or dislike about the shopfront

Which of the following changes directly outside of this shop would improve your experience of shopping in Ryde?

- Tables and chairs
- Stalls and displays
- Step-free access
- Planters and flowers
- Bunting

Please tell us anything else that would improve your experience of shopping in Ryde

Is there an interesting story or something that should be preserved about this building?

If you would like to be updated on progress of the shopfront design guidance, please leave your email address here

# 94% of people who like a shop also like its looks

# 93% also agree it enhances the street

## In Ryde...

71 shops were liked



30 shops were disliked\*



## In Newport...

40 shops were liked



52 shops were disliked\*



<i>The most important features driving the success of a shopfront in order of importance are:</i>	<b>Average across Newport and Ryde</b>	<i>The most important features driving the failure of a shopfront, in order of importance, are:</i>	<b>Average across Newport and Ryde</b>
Windows	95%	Looks	93%
Looks	94%	The amount of advertising	87%
Colour	92%	Signage	86%
Signage	89%	Colour	81%
The amount of advertising	85%	Windows	61%

*Create Communities survey data*



*Newport's most popular commercial frontage*



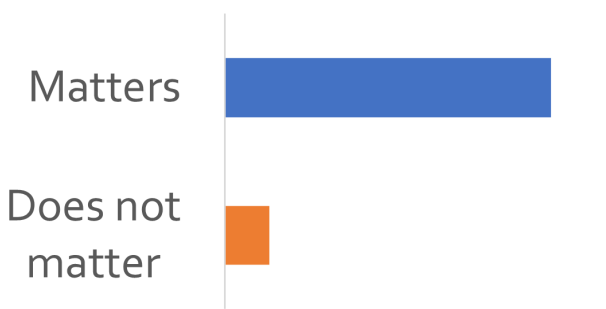
### Part 3: Face-to-face interviews

Design consultants Create Streets visited Newport and Ryde between the 4-5th of May 2021 to interview members of the public as well as local shopkeepers and business owners. 29 interviews, lasting an average of 10 minutes each, were conducted across both towns. 3 interviews were video recorded for use in future promotional materials

#### The interview questions:

- What date does your shop front date from?
- Is architectural heritage important in Ryde?
- Would you/ your landlord be looking to invest in your shopfront in the next 10 years?
- What (if anything) is stopping you from investing in your shop front?
- Is natural ventilation important in your business?
- Would you install an awning on your shop front?
- Do you have any other comments relating to good/ bad shop fronts, or architectural heritage in Ryde?

**Is the architectural heritage of shop fronts important in your area?**



**Do you know the period that your shopfront / building dates from?**



Conducting interviews with members of the public in Ryde

**Ryde: 82% of interviewees said heritage matters**

**Newport: 100% of interviewees said heritage matters**

**Ryde: 37% of interviewees knew the period from which their building dates**

**Newport: 57% of interviewees knew the period from which their building dates**

## Part 4: Workshops

3 public workshops were held over the course of the project. All workshops were held virtually via Zoom.

### Workshop 1 was held on March 31st 2021

- 10 people from the consultants team, Historic England and the Councils attended
- 23 local stakeholders attended

The purpose of the initial workshop was to present the findings of the initial interviews with shop owners in Newport and Ryde and to discuss the community's initial priorities for the design guide.

### Workshop 2 was held on 20th May 2021

- 6 people from the consultants team, Historic England and the Councils attended
- 2 local stakeholders attended

The second workshop was a virtual 'drop-in'. Invitations and reminders were sent out to over 100 stakeholders via email. During this workshop, the key findings from the Create Communities interactive map and survey were presented. An overview of what the design guide would contain was also presented.

### Workshop 3 was held on 12th August 2021

- 5 people from the consultants team, Historic England and the Councils attended
- 6 local stakeholders attended

The purpose of the third workshop was to review the 3D shopfront designs that had been developed and test the flow-chart step-by-step design process with stakeholders.



## Part 5: Feedback review

Upon completion of the draft Design Guide, a formal consultation was launched on the Design Guide microsite, linked to the HAZ website. The draft guidance was published alongside a Google Form survey.

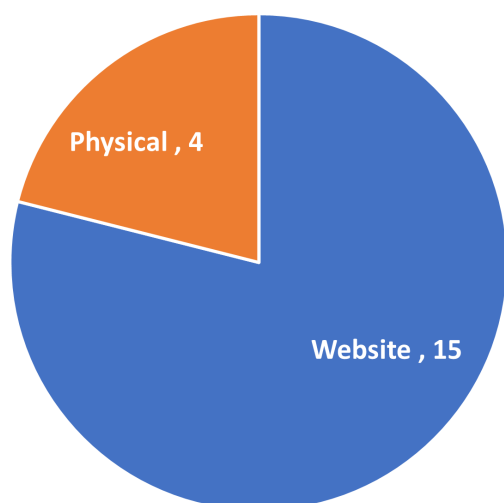
On the 26th of November 2021 an email was sent to the stakeholder list to make them aware that the draft Design Guide was available for viewing and review. On the 6th of January 2022, a reminder was sent out, and the deadline for comments was extended to Sunday 9th January 2022.

18 survey responses were received.

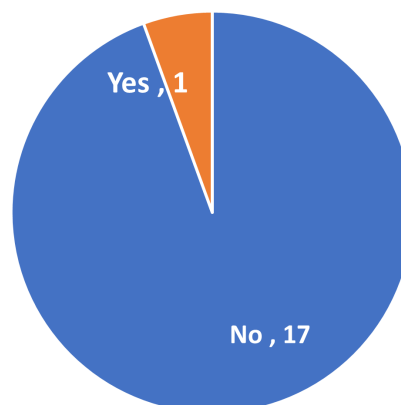
*“How clear is the design guide in helping you understand the importance and impact of commercial frontages on the High Street?”*

**Average 4.4 out of a maximum of 5**

*Would you be more likely to access this guide through a website or a physical copy?*



*Are there any architectural features, materials, or colours typical of Newport or Ryde that you think are missing from the design guide?*



### Feedback received:

*“Guide is clear and concise. Shopfront images pleasant to look at. Gives a clear impression of what the area could become”.*

*“I think the guide is really clear and it would be wonderful if the changes could help persuade the shop owners to make changes to their shop front designs”.*

*“I think the guide is the right mix of images and text, which makes it easier to use. It provides good technical definitions in images to help explain the terminology. I think it will provide a very useful design guide to push improvements”.*

*“I am fascinated by the detailed explanations of the historic architectural features of shopfronts and the buildings in which they are contained, and how they developed over time. The guide raises awareness of a worrying lack of respect nowadays for these features, giving a brash and ugly impression, and of the importance of restoring them to create cohesion and authenticity within their neighbourhood”.*

*“The guide is packed with historical facts and photographs, giving us a good sense of heritage for shopfronts and upper floors alike. The individual example designs have given me ideas for my own buildings/shopfronts and the street scene as a whole”.*

*“I like the fact you have found archive photos of the shopfronts where you can, to show where the ideas have come from”.*

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**Draft Shopfront Design Guidance Supplementary Planning Document Consultation under regulations 11 to 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012**

The consultation ran from **Friday 10 June until midday Monday 1 August 2022**. A total of 6 representations were received and the summary of comments can be found below.

Representations	Number	Support	Object	No Comment	General Comment	Summary of Comments	Changes to SPD
Statutory Consultees	3						
<i>Southern Water</i>				✓			
<i>Historic England</i>				✓			
<i>Natural England</i>					✓	SPD could consider the following: <ul style="list-style-type: none"> <li>• Green Infrastructure</li> <li>• Biodiversity enhancement</li> <li>• Landscape enhancement</li> </ul>	The general comments made during the consultation did not result in a change to the content of the document. Given the narrow content and purpose of the Supplementary Planning Document in relation to replacement shopfronts, it would not be expected to cover these topic areas.
Parish/Town Councils	1						
<i>Newport &amp; Carisbrooke Community Council</i>		✓				Recommend approval	
Public Comments	2						
		✓				Retain details in design and reference archive pictures to reinstate character.	
					✓	Consider signage on shops.	The general comments made during the consultation did not result in a change to the content of the document. This topic is covered in Section 4 'Design Guidance' sub heading 4.5 'Signage'.

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## Appendix 3: Newport &amp; Ryde Commercial Frontages Design Guide SPD Draft EqIA, October 2022

<b>Stage 1 Equality Impact Assessment – Initial Screening</b>
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<b>Assessor(s) Name(s):</b>	James Brewer Planning Team Leader - Policy & Delivery
<b>Directorate/School name:</b>	Regeneration
<b>Date of Completion:</b>	13 October 2022

<b>Name of Policy/Strategy/Service/Function Proposal</b>
--

<b>NEWPORT AND RYDE COMMERCIAL FRONTAGES DESIGN GUIDE SPD</b>
---

<b>The Aims, Objectives and Expected Outcomes:</b>
--

As part of the Heritage Action Zone (HAZ) projects, the Isle of Wight Council, Ryde Town Council and Newport and Carisbrooke Parish Council, working in partnership with Historic England and design consultants Create Streets, jointly commissioned and produced a Newport and Ryde Commercial Frontages Design Guide (the Design Guide).

The purpose of the document is to seek an improvement in the quality of shopfronts in the historic conservation areas of Newport and Ryde town centres.

The expected outcome of the design guide is that if Cabinet agree to adopted as a Supplementary Planning Document (SPD, the document will be used as a material consideration in the determination of planning applications by the Isle of Wight Council.

Please delete as appropriate:

- This is a new policy/strategy/service/council/school function proposal
- ~~This is a proposal for a new, changed or removed policy/strategy/service/council/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?	Yes/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/No
Do different groups of people within the local community have different needs or experiences in the area this issue relates to?	Yes/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?	Yes/No
Will the proposal have a significant effect on how services, council or schools function/s is/are delivered?	Yes/No
Will the proposal have a significant effect on how other organisations operate?	Yes/No
Does the proposal involve a significant commitment of resources?	Yes/No
Does the proposal relate to an area where there are known inequalities?	Yes/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	<p>The Newport and Ryde Commercial Frontages Design Guide SPD will be a material consideration in the determination of planning applications. All planning applications are required to be determined in general conformity with national planning policy and guidance.</p> <p>There are no aspects of the document that would have positive or negative impacts on the opportunities for equality for this group.</p>
Disability	X			See next section.
Gender Reassignment			X	<p>The Newport and Ryde Commercial Frontages Design Guide SPD will be a material consideration in the determination of planning applications. All planning applications are required to be determined in general conformity with national planning policy and guidance.</p> <p>There are no aspects of the document that would have positive or negative impacts on the opportunities for equality for this group.</p>
Marriage & Civil Partnership			X	<p>The Newport and Ryde Commercial Frontages Design Guide SPD will be a material consideration in the determination of planning applications. All planning applications are required to be determined in general conformity with national planning policy and guidance.</p> <p>There are no aspects of the document that would have positive or negative impacts on the opportunities for equality for this group.</p>
Pregnancy & Maternity			X	<p>The Newport and Ryde Commercial Frontages Design Guide SPD will be a material consideration in the determination of planning applications. All planning applications are required to be determined in general conformity with national planning policy and guidance.</p> <p>There are no aspects of the document that would have positive or negative impacts on the opportunities for equality for this group.</p>
Race			X	<p>The Newport and Ryde Commercial Frontages Design Guide SPD will be a material consideration in the determination of planning applications. All planning applications are required to be determined in general conformity with national planning policy and guidance.</p>

Appendix 3: Newport & Ryde Commercial Frontages Design Guide SPD Draft EqIA, October 2022

				There are no aspects of the document that would have positive or negative impacts on the opportunities for equality for this group.
Religion / Belief			X	<p>The Newport and Ryde Commercial Frontages Design Guide SPD will be a material consideration in the determination of planning applications. All planning applications are required to be determined in general conformity with national planning policy and guidance.</p> <p>There are no aspects of the document that would have positive or negative impacts on the opportunities for equality for this group.</p>
Sex (male / female)			X	<p>The Newport and Ryde Commercial Frontages Design Guide SPD will be a material consideration in the determination of planning applications. All planning applications are required to be determined in general conformity with national planning policy and guidance.</p> <p>There are no aspects of the document that would have positive or negative impacts on the opportunities for equality for this group.</p>
Sexual Orientation			X	<p>The Newport and Ryde Commercial Frontages Design Guide SPD will be a material consideration in the determination of planning applications. All planning applications are required to be determined in general conformity with national planning policy and guidance.</p> <p>There are no aspects of the document that would have positive or negative impacts on the opportunities for equality for this group.</p>

Are there aspects of the proposal that contribute to or improve the opportunity for equality?	Yes/No
<p>The Final Design Checklist within section 5 (page 130) of the document includes reference to considering any enhancements that may be needed to ensure that the design give access to all, including people with disabilities, in accordance with the Equality Act 2010. This consideration would have a positive impact on the opportunities for equality for this group.</p>	

Evidence Considered During Screening	
<p>The Newport and Ryde Commercial Frontages Design Guide SPD has been subject to an equalities impact assessment which demonstrates that no negative impacts on the protected characteristics are expected from the adoption or use of the document as a material consideration in the determination of planning applications.</p>	
Head of Service sign off & date:	<i>Ollie Boulter</i> 14 <sup>th</sup> October 2022

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## Cabinet report

Date **10 NOVEMBER 2022**

Title **DISPOSAL OF KINGSTON MARINE PARK**

Report of **CABINET MEMBER FOR LEVELLING UP, REGENERATION  
BUSINESS DEVELOPMENT AND TOURISM**

**CABINET MEMBER FOR STRATEGIC FINANCE,  
TRANSFORMATIONAL CHANGE AND CORPORATE  
RESOURCES**

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### EXECUTIVE SUMMARY

1. The council has received a financial offer from a third party to buy the freehold in Kingston Marine Park (KMP) for the purpose creating jobs in the creative industries on the site and approval is sought for this transaction. The third party comprises three well known, sector-leading figures with decades of experience (see Confidential Appendix 1).
2. KMP has been vacant for over ten years since it was bought by the South East England Development Agency (SEEDA) - which later became the Homes and Communities Agency (HCA), now Homes England (HE) - in order to relocate occupiers from East Cowes waterfront and enable their East Cowes masterplan. Originally bare agricultural fields sloping steeply down to the River Medina, the land was extensively reprofiled and otherwise enabled for employment use, and consent was obtained for a marine business park. This required river access, which proved undeliverable for environmental reasons.
3. The council bought the site from the HCA in 2018 after their remit changed from regeneration to housing delivery, in order to secure a major employment development site for the benefit of the Island. Significant additional research has been carried out into delivering water access, to comply with the existing planning consents but this remains very difficult and in recent years the council has received interest and offers from non-marine employment uses. The most recent is the subject of this report.
4. It has been agreed with the third party that the council will retain in the sale documents an option to buy back, for £1.00, two and a half acres of otherwise undevelopable land at the north west of KMP adjacent Saunders Way for the location of a potential battery storage facility, as and when it proves deliverable.
5. Mainland property owners in both private and public sector are waking up to the many direct and spin-off benefits available from the creative industry sector and are doing all they can to brief themselves and attract developments to their doorstep.

6. The sale of the majority of the KMP site to the third party for the development of creative industries would contribute to a range of the council's stated Corporate Plan and Regeneration Strategy objectives and aspirations.

## RECOMMENDATION

Option 1 - Approve the freehold sale of KMP, to a third party, as detailed in Confidential Appendices 1,2 and 3, subject to contract and achieving detailed planning consent.

Delegate the authority to approve final terms following this decision to both the Cabinet Member for Levelling Up, Regeneration, Business Development and Tourism and the Cabinet Member for Strategic Finance, Transformational Change and Corporate Resources in consultation with the Director of Regeneration and the council's Section 151 officer

## CONFIDENTIAL / EXEMPT ITEMS

7. The content and financial terms of this proposal and recommendation are confidential and exempt from publication for commercial business reasons of the proposer, as outlined in the Confidential Appendices.

## BACKGROUND

8. KMP comprises approximately 6.58 hectares (16 acres) in total, of which approximately 3.84 hectares (9.5 acres) is regarded as developable, located off Saunders Way in East Cowes, bounded by Cowes Power Station to the north, self-build housing and a Barratt housing estate to the east, agricultural land to the south and the River Medina to the west.
9. The council bought the site from the Homes and Communities Agency (HCA) in May 2018 after their remit changed from delivering regeneration to housing (they are now Homes England).
10. The HCA's East Cowes masterplan had included relocating boatbuilding and other marine uses from Venture Quays in East Cowes town centre, and these steeply sloping fields were identified and acquired for this purpose then extensively re-profiled to form two level development platforms. During this process, ground instability led to only the lower development platform next to the river being delivered, with the upper area adjacent Saunders Way being stabilised as a slope and planted as permanent landscaping.
11. The HCA were granted planning consent in November 2012 (P/00494/11) for:
  - Outline for a marine business park of up to 15,000 square metres (160,000 square feet) of floorspace, for office, research and development, light industrial, industrial and storage and distribution uses (Classes B1, B2 & B8) plus parking & landscaping, plus
  - Detailed for engineering operations to alter site levels including formation of retaining structures, formation of vehicular access onto Saunders Way, internal site access road, construction of jetty with hoist dock and pontoon (implemented with amendments)

12. A subsequent reserved matters consent P/01376/17 in January 2018, for a smaller marine business park on the lower development platform, was not implemented.
13. Planning consent restricts use to marine employment unless otherwise agreed in writing with the Local Planning Authority. This requires river access.
14. The Medina River is ecologically sensitive and its importance for nature conservation is reflected in the various tiers of designation at international, national and local level, including designations as a Site of Special Scientific Interest (SSSI), a Special Protection Area (SPA), a Special Area of Conservation (SAC) and a Ramsar site.
15. The HCA were unable to provide the river access needed to deliver marine use and this remains unresolved.
16. The council Regeneration Directorate acquired KMP from the HCA in May 2018 with the aspiration of delivering economic growth and prosperity, and to plan for the Island's future employment land needs. Efforts have been made since then to identify other ways of delivering marine access, including via third party agreements with neighbouring landowners (RWE nPower) and less invasive ways of accessing the river, but subsequent European environment law appears to add to the difficulty of ever delivering a marine use development here.
17. The site has been marketed nationally, following a review of options for development for marine employment requiring water access, which were ruled out due to environmental factors. The site is widely known by Island and mainland agents to be available, and occasional speculative enquiries have been received for non-marine employment use.

## CORPORATE PRIORITIES AND STRATEGIC CONTEXT

### Responding to climate change and enhancing the biosphere

18. The council has been considering the option for a battery storage project at Kingston Marine Park which is conveniently located adjacent to a primary substation. The battery storage facility, once developed, will potentially absorb surplus renewable generation and provide greater resilience for the Island's energy system. A sufficient area of the site will be retained by the council for the potential battery storage project although delivery of this initiative will be dependent on ground conditions, economic viability and planning consent. This will be the subject of a future separate cabinet report.

### Economic Recovery and Reducing Poverty

19. The proposal will regenerate a strategic employment site and create up to 1,000 direct, sustainable, high value jobs. This will contribute to economic recovery and reduce poverty.

## Impact on Young People and Future Generations

20. The third party have discussed with the council their medium-term plans for a skills project at the site, working with industry experts and local further and higher education providers as appropriate.
21. This would give young people highly valuable and transferable skills, and the potential future for careers in the creative industries, building on employment and on-the-job training prospects the project will offer young people from the outset.

## Corporate Aims

22. The three key areas for action detailed in the 2021-2025 Corporate Plan are:
  - affordable housing provision,
  - climate change response and biosphere enhancement, and
  - economic recovery.
23. The 2019-2030 Regeneration Strategy sets out the council's approach to securing future economic prosperity and making the Island a great place to grow up, live, work and visit. It focuses on key themes, including:
  - place-making – five sites identified (not including KMP, the delivery of which is a bonus)
  - housing – delivering affordable housing
  - transport and infrastructure – partly to mitigate our separation from the mainland
  - cultural and environmental assets – especially focused on growing out of season tourism
  - skills and business development – including attracting higher paid jobs, Digital Island
  - area regeneration – reducing deprivation
  - changing perceptions of the Island – attractive to locals, visitors and inward investors

## *Affordable Housing*

24. The third party proposal will not directly add to affordable housing provision, but it will offer affordable housing providers a wider range of well trained and better paid residents, if employees and trainees employed at the project and associated businesses become occupiers.

## *Climate change and biosphere*

25. The developer's construction methods will use solar photovoltaics and other renewable energy sources, with on-site electricity generation expected to be used directly in the operation of the site with the potential to feed any excess into the power grid via the power station next door, or into the council's proposed battery storage facility close-by. The developer has specifically confirmed they are happy to work with the council, agreeing the council to retain part of KMP close to Saunders Way for this.
26. Extensive thoughtful planting of the undeveloped parts of the site (especially the area currently shown as Phase 3 on the sketch layout in the offer document) will contribute



positively to the biosphere. The Island's beauty is one of the main attractions for the developer to set up here.

27. Any subsequent planning application brought forward would require 10 per cent biodiversity net gain which has the potential to enhance the local marine habitats and coastal zone, thereby supporting the development of our Biosphere

#### *Economic recovery*

28. Economic recovery will be helped significantly by the creation of many full and part time jobs at KMP – the developer have described 1,000 jobs in total – requiring a wide range of skills, some industry-specific, some fully transferable, but all sustained without the need for council or Government grant funding – although any available funding will be applied for.

#### *Area regeneration*

29. It is anticipated that the positive effects of the proposals will not be limited to East Cowes and Whippingham residents and businesses, but will ripple across all areas of the Island, offering wide ranging island business opportunities, as well as direct employment on site and on location.
30. Business rates generated by the project will contribute to keeping the Island solvent and improving the financial position of the council. This proposal does not require any investment or other commitment from the council.

#### *Perception of the Island, out of season tourism, Digital Island*

31. The proposal not only offers significant inward investment at nil cost to the council, it raises the profile and status of the Island, it offers employment and education opportunities, and it delivers an unexpected gain over and above the administration's specific regeneration, business development and tourism targets (listed at 35 and 36 in the Corporate Plan, such as Shanklin Spa and Newport Harbour) as well as directly hitting targets 37 and 38 (elevating creative industries as part of the regeneration strategy, and using empty properties). It is also likely that the digital nature of the creative industries sectors involved will lead to opportunities to connect with the Digital Island Strategy.

#### CONSULTATION

32. Due to the confidential nature of the negotiations connected with the site there has been no consultation with third parties regarding the proposal
33. Public consultation on the scheme will take place as part of any planning application made by the proposed purchaser
34. The local ward member has been briefed on the proposal within the limits commercial confidentiality allow.

## FINANCIAL / BUDGET IMPLICATIONS

### Please refer to Confidential Appendix 2

35. The proposed terms of the disposal are deemed to satisfy the Council's obligations to achieve best consideration for the site on the basis that:
- a. Other sales in the vicinity for industrial / commercial use have been sold for a lower price per acre
  - b. There is no other known interest in the site from purchasers in the same sector as the proposed purchaser
  - c. The site has been marketed nationally
  - d. The site has been available for some considerable time
  - e. The offer is time limited with no realistic expectation that a better offer would be obtained through further marketing
36. Whilst reliance is being placed on the information and opinion described in the independent valuation report (Confidential Appendix 3), that report states that the company "does not accept responsibility for the consequence of any binding decision that may be made on the basis of this advice. As a consequence, our report will be provided on a non-reliance basis"

## LEGAL IMPLICATIONS

- 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 Homes and Communities Agency have the benefit of a Clawback Agreement of 24 May 2018 between the Homes and Communities Agency (1) and Isle of Wight Council (2) which could result in payments being made by the council to the Homes and Communities Agency

## EQUALITY AND DIVERSITY

37. This proposal is for the straightforward sale of a vacant commercial property asset within the Regeneration Directorate's direct remit. It is considered that this action would have no adverse implications or consequences for any of the protected characteristics as a result of a decision to approve.

## PROPERTY IMPLICATIONS

38. The proposal and recommendation has no direct relevance or implications as regards the Strategic Asset Management Plan, other than it being the sale of an asset requiring good practice by property professionals in considering options for disposal, which is the case.
39. There is a clawback provision on the title which was imposed by Homes England (HE) when IWC purchased the site. This allows employment uses ("Use Class B1, B2 and B8") without a further payment to HE. The use proposed as part of this sale is an employment use, but IWC must notify HE of the disposal and until that has taken place there is no certainty as to whether a payment will be due. IWC will seek to clarify this

as soon as possible with HE. If however it is ultimately determined that a payment to HE is due, it should be noted that such a payment would be due on any disposal of this site, not just this sale, and that IWC would still receive fifty percent of any uplift in the land value.”

40. Capital issues: this proposal would sell the freehold in KMP in return for a capital receipt
41. Revenue issues: none
42. Landlord and tenant implications: none
43. Property related Statutory Compliance or Health and Safety issues: none

## OPTIONS

### **Option 1**

44. Approve the freehold sale of KMP, to the third party, based on terms described above and as detailed in Confidential Appendices 1,2 and 3, subject to contract and achieving detailed planning consent.
45. In doing so, delegate the authority to approve final terms following this decision to both the Cabinet Member for Levelling Up, Regeneration, Business Development and Tourism and the Cabinet Member for Strategic Finance, Corporate Resources and Transformational Change in consultation with the Director of Regeneration and the council's Section 151 officer.

### **Option 2**

46. Reject this freehold offer and seek to agree a revenue producing leasehold transaction. As part of negotiations to date, the following alternate options have been discussed with and rejected by the third party:
  - the council retain the freehold and grant the developer a long ground lease (say 125 years), securing a long term, low risk revenue return
  - the council retain the freehold and fund all of the development costs via the Public Works Loans Board/ similar, in return for a short (say 25yrs) occupational lease at full market rent payable by the developer on the completed development
  - the council form a Joint Venture company with the developer, the council contributing the land in exchange for revenue via an equity share in the business

### **Option 3**

47. Reject all current interest and instruct a national agent with regional experience and presence to carry out a full marketing campaign, with all options considered.
48. It is considered highly unlikely that this would uncover new parties interested in leasing KMP in its present condition, with an unfinished ground surface across the whole development platform, in the centre of which is the large foundation for the proposed

hoist dock - with exposed mini pilings protruding a metre or so vertically from the slab - both of which prevent full use as well as presenting a significant health and safety issue.

49. This would therefore require further site enabling investment from the council.

50. It is further considered that a better financial offer to purchase would not be forthcoming from a developer. Other things being equal, commercial land buyers who are owner-occupiers always pay more than developers since they do not require a developer's profit (an appraisal cost which reduces any land bid).

## RISK MANAGEMENT

### *Risk*

51. The proposed buyer may buy and landbank the site.

### *Risk management*

52. The developer are highly driven to deliver the project at KMP and are in a hurry to do so, for commercial reasons (see confidential Appendix 2).

53. The assessment of the Regeneration Directorate is that they will not landbank the site, but the method of disposal will ensure this (for example a sale by way of building lease followed by freehold transfer on practical completion).

### *Risk*

54. The buyer may not achieve an acceptable detailed planning consent and the sale may not proceed.

### *Risk management*

55. The planning department have been engaged at an early stage and have met with the developer on site and offering Pre-Application planning advice The developer has engaged an architect who is leading their project team to this end.

### *Risk*

56. That although this seems like an acceptable financial offer, another similar project, may bid more.

### *Risk management*

57. This proposal and offer from this developer is considered to be a "one off" opportunity, brought about by a combination of factors including that two of the three principals live locally, giving them a personal interest in developing the project here, both to the benefit the Island and as a legacy to their own industry success (ensuring it will be done well). It comes at a unique time of global expansion of creative industries, It is considered unlikely that other better qualified people in the industry have been looking to travel to the Island to build develop a similar project speculatively, paying a land price significantly higher than this developer are offering.

58. Nevertheless, Savills Commercial have provided a commentary on the employment land market and creative industries, and whether the council is well advised to approve the bid or look for another. This forms Confidential Appendix 3.

### *Risk*

59. Other previously interested, or unknown other parties may raise concerns considering any historic and current interest in the site.

### *Risk Management*

60. Director of Regeneration to advise stakeholders at an early stage of the council's position regarding the proposed disposal in the absence of any other detailed offers or proposals.

## EVALUATION

### **Option 1 (freehold sale)**

61. This will deliver a risk-free capital receipt and help meet a range of targets in the 2021-25 Corporate Plan and the 2019-2030 Regeneration Strategy.

### **Option 2 (leasehold disposal)**

62. For commercial reasons, the developer prefers a freehold purchase and have rejected other routes to market which would deliver a revenue return to the council, one of which (the joint venture idea) also involves risk to the council. This option is considered unlikely to be deliverable.

### **Option 3 (reject all current interest and go to market widely, from scratch)**

63. This would cause the developers deadlines to be missed and risks losing the opportunity for the island, with all its significant regeneration benefits. There is no certainty that a better bid would be received from another party and it may be argued that a "standard" employment use investor/developer/occupier would require a discount to best land value evidence, rather than the premium being offered by this purchaser.

## APPENDICES ATTACHED

Confidential Appendix 1: Developer proposal and offer

Confidential Appendix 2: Financial commentary and site layouts

Confidential Appendix 3: Savills Commercial report

Contact Point: Graeme Haigh, Senior Property Manager, Regeneration Directorate  
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CHRIS ASHMAN  
*Director of Regeneration*

COUNCILLOR JULIE JONES-EVANS  
*Cabinet Member for Regeneration,  
Business Development and Tourism*

COUNCILLOR JARMAN  
*Cabinet Member for Strategic Finance,  
Transformational Change and Corporate  
Resources*

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## Isle of Wight Council Forward Plan – 1 November 2022 and (where relevant) Notice of Intention to Hold Part of Meeting in Private Session

The Forward Plan is a list of all matters that are due to be considered no earlier than 28 clear working days from the date of this notice by the appropriate Decision Making Body or individual including those deemed to be key decisions.

The plan also gives notice of which decisions (if any) that may be made in private with the exclusion of press and public where for example personal or commercially sensitive information is to be considered in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information(England) Regulations 2012.

A list of all Council Members can be found on the Council's web site from this link

The Leader of the Council (also responsible for Strategic Oversight) is Cllr Lora Peacey-Wilcox.

Other members of the Cabinet are:

Deputy Leader and Cabinet Member for Digital Transformation, Housing, Homelessness and Poverty - Cllr Ian Stephens

Cabinet Member for Infrastructure, Highways PFI and Transport - Cllr Phil Jordan

Cabinet Member for Children's Services, Education and Lifelong Skills - Cllr Debbie Andre

Cabinet Member for Levelling-Up, Regeneration, Business Development and Tourism - Cllr Julie Jones-Evans

Cabinet Member for Adult Social Care and Public Health - Cllr Karl Love

Cabinet Member for Planning and Enforcement - Cllr Paul Fuller

Cabinet Member for Strategic Finance, Transformational Change and Corporate Resources – Cllr Chris Jarman

Cabinet Member for Climate Change, Environment, Heritage, Human Resources, Legal and Democratic Services - Cllr Jonathan Bacon

Cabinet Member for Community Protection, Regulatory Services and Waste – Cllr Karen Lucioni

\* Please note that any items highlighted in yellow are changes or additions from the previous Forward Plan

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
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Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Wightcare Options Review</b></p> <p>To review the business model options of Wightcare following a review of the service with a formal options analysis providing a recommended way forward for the service that is financially viable and sustainable for the future.</p>	<p>Cabinet</p> <p>Date 1<sup>st</sup> added: 7 September 2022</p>	<p>10 Nov 2022</p>			<p>Open</p>
<p><b>Local Council Tax Support Scheme</b></p> <p>Every year local authorities are required to undertake a review of their scheme to ensure it still meets local needs as well as financial impacts. Any potential changes require full consultation with residents and the final decision made at Full Council for implementation on the 1 April every year for the statutory provisions to be undertaken.</p>	<p>Cabinet</p> <p>Full Council</p> <p>Cabinet Member for Strategic Finance, Transformational Change and Corporate Resources</p> <p>Date 1<sup>st</sup> added: 7 September 2022</p>	<p>10 Nov 2022</p> <p>18 Jan 2023</p>			<p>Open</p>
<p><b>Quarterly Performance Monitoring Report (QPMR) Quarter 2 2022-23</b></p> <p>To provide a summary of progress against Corporate Plan activities and measures for the period July to Sept 2022. To inform Cabinet of areas of particular success, issues requiring attention and remedial activity in place to deal with these. To provide a report on the financial position of the council for the same period</p>	<p>Cabinet</p> <p>Date 1<sup>st</sup> added: 7 September 2022</p>	<p>10 Nov 2022</p>			<p>Open</p>

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Newport &amp; Ryde Commercial Frontages Design Guide Supplementary Planning Document (SPD)</b></p> <p>To decide whether to adopt the 'Newport &amp; Ryde Commercial Frontages Design Guide' as a Supplementary Planning Document (SPD) to be used as a material consideration when determining planning applications.</p>	<p>Cabinet</p> <p>Cabinet Member for Planning and Enforcement</p> <p>Date 1<sup>st</sup> added: 4 October 2022</p>	<p>10 Nov 2022</p>		<p>Various including direct consultation with public and town parish &amp; community councils by HAZ team in preparing the document and also stakeholder consultation as part of formal SPD process</p>	<p>Open</p>
<p><b>To dispose of Council-owned employment land at Kingston Marine Park, East Cowes</b></p> <p>To consider options for disposal for the KMP site arising from an analysis of interest from an EOI marketing exercise held during Sept/Oct 22</p>	<p>Cabinet</p> <p>Cabinet Member for Strategic Finance, Transformational Change and Corporate Resources</p> <p>Date 1<sup>st</sup> added: 4 October 2022</p>	<p>10 Nov 2022</p>		<p>Local councillor</p>	<p>Part exempt Appendix summarising appraisal of responses to EOI issued in Sept 2022 – responses were submitted as commercial in confidence</p>
<p><b>Island Planning Strategy</b></p> <p>As the Draft IPS was not agreed on 5 October, Full Council is to specify its objections and to formally refer the matter back to the Cabinet.</p>	<p>Full Council</p> <p>Date 1<sup>st</sup> added: 17 March 2022</p>	<p>16 Nov 2022</p>		<p>Internal and External Full public consultation</p>	<p>Open</p>

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Appointment of Chief Executive</b></p> <p>To consider the recommendation of the Appointments and Employment Committee regarding the appointment of a new Chief Executive.</p>	Full Council	16 Nov 2022		Internal and external stakeholders contributed to the interview process	Open
<p><b>The adoption of the Newport Harbour Masterplan Supplementary Planning Document</b></p> <p>Whether to adopt the draft Newport Harbour Masterplan as a supplementary planning document</p>	<p>Cabinet Member for Climate Change, Environment, Heritage, Human Resources and Legal and Democratic Services</p> <p>Date 1<sup>st</sup> added: 4 October 2022</p> <p>Cabinet</p> <p>Cabinet Member for Levelling Up, Regeneration, Business Development and Tourism</p> <p>Date 1<sup>st</sup> added: 7 September 2022</p>	12 Jan 2023			Open
<p><b>School Funding Formula &amp; Budget Setting 2023/24</b></p> <p>Following the Department for Education (DfE) Dedicated Schools Grant (DSG) release in December, this report sets the local school funding formula and associated wider DSG budget for 2023/24.</p>	Cabinet	12 Jan 2023			Open

Page 3 of 3



Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Review of the Public Health Partnership Function between Isle of Wight Council and Hampshire County Council.</b></p> <p>To provide an update on the Public Health Partnership with Isle of Wight Council, specifically on progress against the remaining recommendations from the 2018 review which had not been met at the time of the formal partnership.</p>	<p>Cabinet</p> <p>Cabinet Member for Adult Social Care, Public Health</p> <p>Date 1<sup>st</sup> added: 3 November 2021</p>	<p>12 Jan 2023</p>			<p>Open</p>
<p><b>The Isle of Wight Council (Various Streets, Ryde) (Traffic Regulation) Order No.2 2022 and The Isle of Wight Council (Residents' Parking Places) Order No.1 2022</b></p> <p>TRO proposal in Ryde and Binstead, as part of the District 3 TRO review.</p>	<p>Cabinet</p> <p>Cabinet Member for Infrastructure, Highways PFI and Transport</p> <p>Date 1<sup>st</sup> added: 4 October 2022</p>	<p>12 Jan 2023</p>			<p>Open</p>
<p><b>The Isle of Wight Council (Various Streets, Nettlestone and Seaview) (Traffic Regulation) Order No1 2022</b></p> <p>TRO proposal in Nettlestone and Seaview, as part of the District 3 TRO review.</p>	<p>Cabinet</p> <p>Cabinet Member for Infrastructure, Highways PFI and Transport</p> <p>Date 1<sup>st</sup> added: 4 October 2022</p>	<p>12 Jan 2023</p>			<p>Open</p>

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Disposal of potential housing site(s) in East Cowes</b></p> <p>To confirm the granting of an option to dispose , subject to securing planning permission, on one or both of the council owned development sites known as Maresfield Rd and Albany</p>	<p>Cabinet</p> <p>Cabinet Member for Levelling Up, Regeneration, Business Development and Tourism Date 1<sup>st</sup> added: 6 July 2022</p>	<p>12 Jan 2023</p>		<p>East Cowes Waterfront Implementation Group and local member</p>	<p>Part exempt Yes – appendix summarising appraisal of responses to EOI issued in April 2022 – responses were submitted as commercial in confidence</p>
<p><b>To approve the terms of a new land hire agreement with IW Festival Ltd for the staging of the IW Festival at Seaclose Park.</b></p> <p>To approve the terms of a new land hire agreement for the staging of the IW Festival by the organiser for the period 2023 to 2028</p>	<p>Cabinet</p> <p>Cabinet Member for Strategic Finance, Transformational Change and Corporate Resources Date 1<sup>st</sup> added: 4 October 2022</p>	<p>12 Jan 2023</p>		<p>Local councillor</p>	<p>Part exempt Appendix summarising appraisal of approach to concluding terms as contains comparison with other sites that must remain commercial in confidence</p>

Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Isle of Wight Council Fleet Replacement Programme</b></p> <ul style="list-style-type: none"> <li>• Utilisation of the Isle of Wight Council Fleet</li> <li>• Electric vehicles as replacement to petrol/diesels where possible</li> <li>• Leasing vehicles or purchasing vehicles via capital</li> <li>• Future vehicle charging networking and infrastructure</li> <li>• Priority list of vehicles</li> <li>• Replacement options figures</li> <li>• Revenue budget implications</li> <li>• Emission reductions by electric vehicles</li> </ul>	<p>Cabinet</p> <p>Cabinet Member for Strategic Finance, Transformational Change and Corporate Resources</p> <p>Date 1<sup>st</sup> added:</p>	<p>12 Jan 2023</p>			<p>Part exempt Confidential Appendix - commercial confidentiality</p>
<p><b>Report of the Independent Remuneration Panel and Approval of the Members Allowance Scheme</b></p>	<p>Full Council</p>	<p>18 Jan 2023</p>			<p>Open</p>
<p>Date 1<sup>st</sup> added:</p>	<p>Date 1<sup>st</sup> added:</p>				

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Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Quarterly Performance Monitoring Report Q3 2022-23</b></p> <p>To provide a summary of progress against Corporate Plan activities and measures for the period October to December 2022. To inform Cabinet of areas of particular success, issues requiring attention and remedial activity in place to deal with these. To provide a report on the financial position of the council for the same period</p>	<p>Cabinet</p> <p>Cabinet Member for Strategic Finance, Transformational Change and Corporate Resources Date 1<sup>st</sup> added:</p>	<p>9 Feb 2023</p>			<p>Open</p>

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Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Discretionary Rates Relief – Heat Network Rates Relief Scheme</b></p> <p>This is a Government led initiative for one year only to support eligible business ratepayers who provide thermal energy from a central source to customers via a network of pipes for the purpose of space heating, space cooling or domestic hot water. From 1 April 2023 Government intends for the relief to be provided via legislation and relief to be provided from that date onwards and the council to provide under discretionary relief provisions for the one-year period to assist eligible business rate payers as an incentive to reducing carbon emissions from heating.</p> <p>At the time of writing one business has been identified on the Island out of the 25 across England.</p>	Cabinet	9 Feb 2023			Open
	Date 1 <sup>st</sup> added:				

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Title and Summary of Proposed Decision	Decision Making Body and name of relevant Cabinet Member	Meeting Date/Proposed Publishing Date	Relevant documents submitted to decision maker to be considered*	Consultees (including town and parish councils) and Consultation Method	May report or part of report be dealt with in private? If so - why?
<p><b>Approval of 'Statement of Intent' for ECO4 Flexibility Scheme</b></p> <p>The Energy Company Obligation (ECO4) Scheme runs from 2022-26. It allows local authorities to apply a broader range of criteria to define fuel poor and vulnerable households that can benefit from ECO4 funding for energy efficiency improvements, known as ECO Flex. To participate in ECO Flex, local authorities must publish a 'Statement of Intent' (SOI) which specifies the criteria that will be used to define eligible households. This report will consider the SOI for the Isle of Wight Council to be used throughout ECO4.</p>	<p>Cabinet</p> <p>Deputy Leader, Cabinet Member for Digital Transformation, Housing, Homelessness and Poverty</p> <p>Date 1<sup>st</sup> added:</p>	<p>9 Feb 2023</p>			<p>Open</p>