

Public Document Pack



Monitoring Officer
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Agenda

Name of meeting	FULL COUNCIL
Date	WEDNESDAY 18 JANUARY 2023
Time	6.00 PM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Members of the committee	All Members of the council
	Democratic Services Officer: Marie Bartlett democratic.services@iow.gov.uk

1. **Minutes** (Pages 5 - 14)

To confirm as a true record the Minutes of the meeting held on 16 November 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, no later than two clear working days before the start of the meeting. Normally, Full Council is held on a Wednesday, therefore the deadline for written questions will be Friday, 13 January 2023.



Details of this and other Council committee 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 Official Announcements**

To receive the Chairman's official announcements.

5. **Leaders Update Report (20 minutes)** (Pages 15 - 16)

- a) To receive the Leader's update report (5 minutes maximum).
- b) Members questions on the Leader's update report (15 minutes maximum).

6. **Reports of the Monitoring Officer**

- (a) Review of Political Proportionality, alternative arrangements, and Appointments (Pages 17 - 34)

7. **Report of the Cabinet Member for Planning and Enforcement**

- (a) Update on Draft Island Planning Strategy (Pages 35 - 38)

8. **Reports of the Cabinet Member for Strategic Finance, Transformational Change and Corporate Resources**

- (a) Pay Policy (Pages 39 - 96)
- (b) Local Council Tax Support Scheme (Pages 97 - 280)

9. **Member Questions to the Leader and to any other Cabinet Member (30 minutes)**

To receive a reply to a question asked during Members' Question Time to the Leader or Cabinet Member, a question must be submitted in writing or by electronic mail to Democratic Services no later than 5pm on Thursday, 12 January 2023. 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
Tuesday, 10 January 2023

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, or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email justin.thorne@iow.gov.uk.

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

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	FULL COUNCIL
Date and Time	WEDNESDAY 16 NOVEMBER 2022 COMMENCING AT 6.00 PM
Venue	COUNCIL CHAMBER, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs C Critchison (Chairman), M Lilley (Vice-Chairman), D Adams, D Andre, J Bacon, M Beston, P Brading, G Brodie, V Churchman, R Downer, W Drew, P Fuller, A Garratt, S Hendry, C Jarman, J Jones-Evans, J Lever, K Love, J Medland, C Mosdell, K Lucioni, J Nicholson, M Oliver, T Outlaw, G Peace, L Peacey-Wilcox, D Pitcher, M Price, R Quigley, C Quirk, R Redrup, J Robertson, P Spink, I Stephens and I Ward
Apologies	Cllrs I Dore and S Ellis

11. **Minutes**

RESOLVED:

THAT the minutes of the Extraordinary meeting held on 5 October 2022 be approved.

12. **Declarations of Interest**

Councillor J Jones-Evans declared an interest in the cost-of-living motion as she was an employer on the Island.

It was noted that the Monitoring Officer had produced a dispensation to Councillors in April 2022 to allow them to take part and vote on the draft Island Planning Strategy.

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

Mr C Palin asked an oral question relating to the concealed figure regarding the floating bridge and was this due to third party insurers of the commercial contractors, the leader agreed.

Mr Palin then asked a supplementary question regarding when the leader had made the public aware of the process of the floating bridge and commit to provide continuing dialog with local town and parish councils with updates, the leader advised that she had agreed to delegate the mediation on the Floating Bridge in February 2022 to the relevant director, which all councillors had been advised of in March 2022, there had been mention of the mediation at various meetings since then.

Ms L Blackledge asked an oral question regarding the Visit IW consultation in relation to a particular levy payer, the Cabinet Member for Levelling up, Regeneration, Business Development and Tourism advised that she would provide a written response to the question.

Mr S Parkes asked an oral question regarding the transport and travel access to and from the Island, where we are presently and how things were moving forward on this matter. The Cabinet Member for Infrastructure, Highways PFI and Transport advised that progress was being made.

14. **Chairman's Official Announcements**

The Chairman advised that she had laid a wreath on behalf of the Isle of Wight council during the Remembrance Day service, she thanked those involved in arranging the event. She had also attended various events and functions representing the Isle of Wight Council.

15. **Report of the Leader**

15a **Appointment of Chief Executive**

The Leader introduced the report outlining the recruitment process that was followed, she thanked everyone who had been involved in the process, the Vice Chairman added that the number of applications was encouraging, and it had been an open process.

The recommendation in the report was proposed and duly seconded, a vote was taken the result of which was:

RESOLVED

That the recommendation of the Appointment and Employment committee be approved.

16. **Report of the Monitoring Officer**

17. **Appointments to Committees and the Standing Advisory Council for Religious Education (SACRE)**

The following nominations were made and duly seconded:

Councillor Ward be appointed to Licensing Committee
Councillor Peace be appointed as Vice Chairman of the Licensing Committee, there were no other nominations.

RESOLVED

1. That Councillor I Ward be appointed to serve on the Licensing Committee.
2. That Councillor G Peace be appointed to serve as the Vice-Chairman of the Licensing Committee.
3. That the Alliance Group's substitutes listed in Appendix 1 be appointed to serve as substitutes for the committees set out in the Appendix.
4. That the persons nominated to the Standing Advisory Council for Religious Education (SACRE) as set out in the Appendix be appointed.

That S Hastings be removed from any substitute list in Appendix 1

18. **Leaders Update Report (20 minutes)**

The Leader introduced her report and advised that since writing her report the Cabinet had agreed the freehold sale of in full (KMP) to a third party for a film studio. She advised that the cost of living crisis was important and would require full support of all councillors.

The Leader was asked to provide more information regarding the KMP decision and advised that she had met with the people involved earlier in the week and was encouraged by the passion and commitment to the project, this would provide opportunities across a lot of various professions on the Island.

A question was asked regarding the work undertaken following the issues with the Ventnor Sea wall, the Leader advised that staff had worked very quickly to ensure local residents were safe and kept away from the dangers of the area.

How people apply for grant money was asked, the Cabinet Member for Children's Services, Education and Lifelong Skills advised that grant money could be applied for through the household support fund on the connect4communities website.

Question was asked when the detail around the KMP decision would be disclosed to the public as the meeting had been held in public. The Monitoring Officer advised that the relevant regulations did not authorise or require disclosure of confidential or exempt information.

19. **Island Planning Strategy**

Councillor Jarman proposed an alteration to his motion which was duly seconded his amended motion was as follows:

THAT, having considered the present Draft Island Planning Strategy, the Leader of the Cabinet be informed that Full Council objects to Cabinet's submitted

recommendations (as per Cabinet decision of 08 September 2022). The objections are as follows:

1)

Item 1 – Housing Company and Council Owned Housing Sites

IPS to provide clear commitment to use IOW Council owned land, that is designated as suitable for housing, to being allocated to the IOW Council's Housing Company (who can work with Housing Associations or others as partners if they wish) to provide social homes affordable to Islanders.

Item 2 – Affordable rented accommodation

For housing developments other than those receiving funding from Homes England (who have their own requirements for the balance of rented/shared ownership as a condition of loans or grants) the affordable housing delivered should be 80% affordable rented and 20% shared ownership.

Item 3 – Time limits on finalising legal agreements

To avoid developers delaying the signing off on legal agreements, a 6 month limit to be imposed on same. Failure to achieve sign-off within that period to result in planning permission being refused.

Item 4 – SHLAA Process

IPS to specify that the process for determining the SHLAA shall be transparent and open with the portfolio holder or their deputy attending all meetings with external parties and minutes to be taken. The respective Ward Member to be invited to attend all related internal meetings and external meetings with third parties.

The PPWG to define, for incorporation in the IPS, how recommendations by officers shall be progressed including member committee scrutiny and member committee scrutiny sign off.

Item 5 – Priority allocation of housing reductions

IPS to give special consideration to capitalising on reduced housing targets in order to relieve pressure on green field sites by retaining as hard the development boundaries in the current plan (ie not the extended boundaries in dIPS) and by considering those at Camp Hill, Freshwater and Bembridge as priorities.

Item 6 – IPS timescales

Revised IPS to be brought back to Full Council no later than April 2023 and in doing so to clarify the regulatory process forward and the legal implications should that revision not be progressed.

Item 7 – Local Energy Security

IPS to recognise the need for local energy security and to provide for a future feasibility study into the generation on IOW of geothermal energy.

Item 8 – Contemporary and accurate data.

IPS to include contemporary and accurate data regarding housing needs, population growth, age profile demographics and related trends including ONS and other sources such as DWP and Health sector analysis.

These key data points to inform the IPS calculations and in conjunction with recognising the exceptional circumstances of the IOW, to define a clear case for further reduced housing targets aligning with the IOW population growth and resident needs.

Item 9 - Affordability

IPS to define the definition of Affordable Housing based on not more than 5 times average local annual income, Affordable Rented Housing based on not more than 1/3 of the net average local monthly earnings and Affordable Social Rented Housing based on the DWP benefit levels.

Item 10 – Zero Carbon

IPS to clarify a consistent and comparable basis to be used for calculation of the carbon impact of delivery, lifetime and site restoration of developments.

- 2) Full Council instructs the Leader of the Cabinet to require the Cabinet to reconsider, in the light of the above specified objections, the Draft Island Planning Strategy submitted to the Full Council, and that the specified period for such reconsideration is sixty working days (beginning on the day after the date on which the Leader of the Cabinet receives these instructions on behalf of the Cabinet) within which the Cabinet Leader may
 - (a) submit a revision of the Draft Island Planning Strategy as amended by the Cabinet (the revised “Draft Island Planning Strategy”), with the Cabinet’s reasons for any amendments made to the Draft Island Planning Strategy, to the Full Council for the Full Council’s consideration; or
 - (b) inform the Full Council of any disagreement that the Cabinet has with any of the Full Council’s objections and the Cabinet’s reasons for any such disagreement.

After some debate, Councillor Brodie proposed an amendment to Item 9-which was duly seconded:

Item 9 - Affordability

IPS to define the definition of Affordable Rented Housing based on not more than 1/3 of the net average local earnings.

A vote was taken on the above, the result of which was:

RESOLVED:

THAT the below amendment was carried

Item 9 - Affordability

IPS to define the definition of Affordable Rented Housing based on not more than 1/3 of the net average local earnings.

A further amendment by Councillor Brodie was proposed and duly seconded

Item 5 – Priority allocation of housing reductions

IPS to give special consideration to capitalising on reduced housing targets in order to relieve pressure on green field sites by retaining some existing development boundaries.

A vote was taken the result of which was:

RESOLVED:

Item 5 – Priority allocation of housing reductions

IPS to give special consideration to capitalising on reduced housing targets in order to relieve pressure on green field sites by retaining some existing development boundaries.

The two agreed amendments were carried and became part of the substantive motion. A vote was taken on that motion the result of which was:

RESOLVED

THAT, having considered the present Draft Island Planning Strategy, the Leader of the Cabinet be informed that Full Council objects to Cabinet's submitted recommendations (as per Cabinet decision of 08 September 2022). The objections are as follows:

1)

Item 1 – Housing Company and Council Owned Housing Sites

IPS to provide clear commitment to use IOW Council owned land, that is designated as suitable for housing, to being allocated to the IOW Council's Housing Company (who can work with Housing Associations or others as partners if they wish) to provide social homes affordable to Islanders.

Item 2 – Affordable rented accommodation

For housing developments other than those receiving funding from Homes England (who have their own requirements for the balance of rented/shared ownership as a condition of loans or grants) the affordable housing delivered should be 80% affordable rented and 20% shared ownership.

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To avoid developers delaying the signing off on legal agreements, a 6 month limit to be imposed on same. Failure to achieve sign-off within that period to result in planning permission being refused.

Item 4 – SHLAA Process

IPS to specify that the process for determining the SHLAA shall be transparent and open with the portfolio holder or their deputy attending all meetings with external parties and minutes to be taken. The respective Ward Member to be invited to attend all related internal meetings and external meetings with third parties.

The PPWG to define, for incorporation in the IPS, how recommendations by officers shall be progressed including member committee scrutiny and member committee scrutiny sign off.

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IPS to give special consideration to capitalising on reduced housing targets in order to relieve pressure on green field sites by retaining some existing development boundaries.

Item 6 – IPS timescales

Revised IPS to be brought back to Full Council no later than April 2023 and in doing so to clarify the regulatory process forward and the legal implications should that revision not be progressed.

Item 7 – Local Energy Security

IPS to recognise the need for local energy security and to provide for a future feasibility study into the generation on IOW of geothermal energy.

Item 8 – Contemporary and accurate data.

IPS to include contemporary and accurate data regarding housing needs, population growth, age profile demographics and related trends including ONS and other sources such as DWP and Health sector analysis.

These key data points to inform the IPS calculations and in conjunction with recognising the exceptional circumstances of the IOW, to define a clear case for further reduced housing targets aligning with the IOW population growth and resident needs.

Item 9 - Affordability

IPS to define the definition of Affordable Rented Housing based on not more than 1/3 of the net average local earnings

Item 10 – Zero Carbon

IPS to clarify a consistent and comparable basis to be used for calculation of the carbon impact of delivery, lifetime and site restoration of developments.

2) Full Council instructs the Leader of the Cabinet to require the Cabinet to reconsider, in the light of the above specified objections, the Draft Island Planning Strategy submitted to the Full Council, and that the specified period for such reconsideration is sixty working days (beginning on the day after the date on which the Leader of the Cabinet receives these instructions on behalf of the Cabinet) within which the Cabinet Leader may

(a) submit a revision of the Draft Island Planning Strategy as amended by the Cabinet (the revised “Draft Island Planning Strategy”), with the Cabinet’s reasons for any amendments made to the Draft Island Planning Strategy, to the Full Council for the Full Council’s consideration; or

(b) inform the Full Council of any disagreement that the Cabinet has with any of the Full Council’s objections and the Cabinet’s reasons for any such disagreement.

20. **Motions Submitted under part 4A, Procedure Rule 9 of the Council's Constitution**

21. **By Councillor Quigley**

Councillor Quigley moved the following motion which was duly seconded:

Cost of living emergency

As a council, we recognise that our residents face a cost of living emergency. It is expected that 54% of households will be in food and/ or energy stress by this winter.

The council notes

That the cost of living emergency is a key issue for us as a local authority.
We need to provide access to the appropriate advice and support and support partners in the community to deliver help.

The council resolves to

Ensure we continue to take a co-ordinated approach to addressing the emergency, working with community partners and providing resources where possible.
Set up a dedicated officer working group to address the issues.
Call on national government to ensure a right to food is written into law.
Free up finance to target help through community groups.
Ensure all council decisions do not disproportionately impact residents who are struggling the most, by considering the socio economic impact in our assessments of actions we need to take.
Champion a real living wage for all workers on the Island.
Make it easier for local groups to access any funding available.
We commit as 39 Cllrs to work together on the cost of living emergency for the benefit of the Island and our residents.

Following debate a vote was taken the results were as follows:

RESOLVED:

Cost of living emergency

As a council, we recognise that our residents face a cost of living emergency. It is expected that 54% of households will be in food and/ or energy stress by this winter.

The council notes

That that the cost of living emergency is a key issue for us as a local authority.
We need to provide access to the appropriate advice and support and support partners in the community to deliver help.

The council resolves to

Ensure we continue to take a co-ordinated approach to addressing the emergency, working with community partners and providing resources where possible
Set up a dedicated officer working group to address the issues
Call on national government to ensure a right to food is written into law
Free up finance to target help through community groups
Ensure all council decisions do not disproportionately impact residents who are struggling the most, by considering the socio economic impact in our assessments of actions we need to take.
Champion a real living wage for all workers on the Island.
Make it easier for local groups to access any funding available.
We commit as 39 Cllrs to work together on the cost of living emergency for the benefit of the Island and our residents.

22. **By Councillor Jarman**

This motion had been raised as a motion without notice on an item earlier in the agenda, therefore it was withdrawn.

22a **By Councillor Lilley**

Councillor Lilley withdrew his motion

22b **By Councillor Brodie**

Councillor Brodie withdrew his motion

23. **Member Questions to the Leader and to any other Cabinet Member (30 minutes)**

Due to time constraints this item was not considered

CHAIRMAN

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Committee: **FULL COUNCIL**

Date: **18 JANUARY 2023**

Title: **LEADER'S UPDATE**

Report of: **LEADER OF THE COUNCIL**

I know that the end of 2022 will have been very difficult for a great many people and also that for those individuals those difficulties will still remain. I do hope that despite this people have been able to enjoy time at Christmas and the New Year with family and loved ones.

Can I remind members present in the chamber that we have all the information about support with the cost of living in one place on the councils website and can I encourage you to share this information far and wide.

I pay tribute again to our community who are rallying around to provide local support as they did during the covid emergency. I also want to thank staff who have and are continuing to provide support to those in need in our communities.

As the tourist season closed the benefits team saw a 17% increase in new applications being made for housing benefit and local council tax support (262 claims) and a 7% increase in changes to claims (3643 changes) which is more than anticipated at this time of year. The team processed new applications within 14 days and changes within 5 days of the final piece of information being provided.

As at the end of November £188k of the £221k funding for discretionary housing payments had been allocated leaving £43k for allocation over the next 3 months. The team are monitoring the fund closely to ensure the most vulnerable residents are supported and can remain in their homes.

The energy rebate scheme administered by the revenues team closed at the end of November. In excess of 56,000 payments of £150 were made to eligible households across the Island. The government is now proposing to implement an alternative energy rebate scheme which aims to provide support to those households who have not received direct funding by means of a credit on their utility bill and although government have held webinars for local authorities to provide information of their intent to launch the scheme from January the revenues team are awaiting for further guidance to be published.

For the council, it was good to end 2022 on a high with the news about the proposed new film studio investment on the island. We are already aware of how idealic the island is as a film location , if this project is successful in getting planning etc we can look forward to new careers opening up for our young people in well paid jobs in the film production sector very soon.

You will, I am sure, be aware that Ferrovial have sold Amey Plc UK. I am able to confirm that Amey's Waste Treatment business, including the Isle of Wight waste contractor, will remain with Ferrovial, but with a new name.

We want to reassure residents, businesses, and schools across the Island there will be no changes to the waste service you receive. Your current crew will continue to collect your waste and recycling. We are committed to our residents to make sure they continue to receive the high standard of service and this will not change.

We continue to develop our new website and both the Revenues and Benefits Service and Waste and Recycling services are now live on the council's new Beta website in accordance with the planned programme of work to upgrade existing website presence.

As a Council, we have renewed our commitment by signing the Age Friendly Employer Pledge which is a nationwide programme helping employers address skills and labour shortages.

As an employer we are committed to exemplary practice in the recruitment, retention and support of workers in their 50s and 60s. We understand the benefits of a multigenerational workforce, and pledge to take action that will ensure that all workers have equitable access to opportunities within our organisation. As a result of the changes to adverts and a focus on the positives of working for the Council we are seeing some key vacancies being filled for the first time in 12 months with talented and experienced candidates.



Purpose: For Decision

Full Council Report

Date **18 JANUARY 2023**

Title **REVIEW OF POLITICAL PROPORTIONALITY,
ALTERNATIVE ARRANGEMENTS,
AND APPOINTMENTS**

Report of **MONITORING OFFICER**

EXECUTIVE SUMMARY

1. The purpose of this report is to undertake the mandatory review of political proportionality triggered by the formation of a new political group following the by-election last November, to give an opportunity for alternative arrangements (if any) to be made instead of political proportionality, and to receive nominations to the revised seat allocations, and to make appointments to seats (including for the vacancy for a representative from IWALC on the Planning Committee).

RECOMMENDATION

2. That the political proportionality review be approved subject to any alternative arrangements duly agreed.
3. That, unless alternative arrangements are agreed, Cllr Andrew Garratt be appointed to continue to serve on the Appeals Committee, with Cllr Nick Stuart appointed his substitute having been nominated by the Liberal Democrat Group.
4. That it be noted that there is one vacancy on the Appeals Committee for an ungrouped councillor or if the alternative arrangements set out in this report are agreed that there are two vacancies on the Appeals Committee for two ungrouped councillors.
5. That Cllr Andrew Garratt be appointed to continue to serve on the Audit Committee, with Cllr Nick Stuart appointed his substitute having been nominated by the Liberal Democrat Group.
6. That Cllr Nick Stuart be appointed to the Planning Committee, with Cllr Andrew Garratt appointed as his substitute having been nominated by the Liberal Democrat Group.

7. That Cllr Nick Stuart be appointed to the Policy and Scrutiny Committee for Health and Social Care, having been nominated by the Liberal Democrat Group.
8. That Cllr Nick Stuart be appointed to the Policy and Scrutiny Committee for Neighbourhoods and Regeneration, having been nominated by the Liberal Democrat Group.
9. That alternative arrangements be agreed in that the seat allocated under the political proportionality review to the unaligned group on the Pension Fund Committee be instead allocated to the Liberal Democrat Group, and that the unaligned group be allocated an additional seat on the Appeals Committee to consequently compensate, with the seat allocation to the Liberal Democrat Group on the Appeals Committee being thereby removed.
10. That Cllr Emma Cox, having been nominated by the Isle of Wight Association of Local Councils, be appointed to the Planning Committee to the non-voting seat allocated for IWALC to replace Cllr Giles Aldred and that he be thanked for his service.
11. That the appointments set out in Appendix 1 be agreed subject to any changes agreed during the meeting.

BACKGROUND

Political Proportionality Review

12. Parliament, with its wider democratic mandate, introduced the political proportionality regime under the Local Government and Housing Act 1989. It stopped any majority group, or the majority of councillors present and voting, from simply allocating all seats on committees and other bodies to such a majority to the detriment of the principles of democracy. This is a classic example of parliamentary supremacy.
13. There is a legal requirement to undertake a further review of the political proportionality arrangements when a councillor joins a political group.
14. On 24 November 2022 a by-election in the electoral division of Brighstone, Calbourne and Shalfleet was held following the resignation of Cllr Steve Hastings and Cllr Nick Stuart was duly elected.
15. Cllr Nick Stuart joined the newly established Liberal Democrat group (together with Cllr Andrew Garratt).
16. At the time of writing this report (6 January 2023), the table below lists the number of councillors belonging to established political groups and the number of councillors who are ungrouped:

	November 2022	Overall Percentage
Alliance:	17	44%
Conservatives:	17	44%
Liberal Democrat	2	5%
Ungrouped:	3	7%
Total:	<u>39</u>	<u>100%</u>

17. The results of the political proportionality review means that the indicative changes are as follows:

Appeals Committee (10)

Was Alliance Group (4), Conservative Group (5), Ungrouped (1)

Now Alliance Group (4), Conservative Group (4), **Liberal Democrat Group (1)**, Ungrouped (1)

Audit Committee (7)

Was Alliance Group (3), Conservative Group (3), Ungrouped (1)

Now Alliance Group (3), Conservative Group (3), **Liberal Democrat Group (1)**, Ungrouped (0)

Planning Committee (12)

Was Alliance Group (5), Conservative Group (6), Ungrouped (1)

Now Alliance Group (5), Conservative Group (5), **Liberal Democrat Group (1)**, Ungrouped (1)

Policy and Scrutiny Committee for Health and Social Care (7)

Was Alliance Group (3), Conservative Group (3), Ungrouped (1)

Now Alliance Group (3), Conservative Group (3), **Liberal Democrat (1)**, Ungrouped (0)

Policy and Scrutiny Committee for Neighbourhoods and Regeneration (7)

Was Alliance Group (3), Conservative Group (3) Ungrouped (1)

Now Alliance Group (3), Conservative Group (3), **Liberal Democrat (1)**, Ungrouped (0)

Alternative Arrangements

18. Should, however, the council wish to make alternative arrangements, the council may disapply the political balance requirements in whole or in part provided that no councillor present votes against those alternative arrangements (see section 17(1) of the Local Government and Housing Act

1989 and regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990).

19. An alternative arrangement might be to keep Cllr Andrew Garratt of the Liberal Democrat Group on the Pension Fund Committee where he currently occupies the allocated ungrouped seat, and to reallocate that ungrouped seat to the Liberal Democrat Group. To address the balance, the lost ungrouped seat on the Pension Fund Committee could be allocated to the Appeals Committee, resulting in an additional seat for ungrouped councillors, and the Liberal Democrat's seat allocation on the Appeals Committee would be removed.

Allocation of seats, nominations to and appointments

20. Appendix 1 to this report sets out the allocation of seats on committees.
21. Political groups, and ungrouped councillors, are advised to very carefully consider (1) eligibility, (2) suitability and (3) willingness to serve before making nominations to seats allocated to their respective political groups and to the respective ungrouped allocations.
22. For example, under Part 5 Section 13 ('Code of Practice for Members and Officers Dealing with Planning Matters') it states: The Town and Country Planning Act 1990 establishes a plan-led system. Planning applications must be determined by reference to the current adopted development plan. Each application must be decided in accordance with the plan unless there are material considerations to justify departure from it. Members who are consistently unable to support national or local planning policies will inevitably find themselves unable to take objective decisions in relation to individual planning applications and should not participate in development management decision making.
23. The decision as to whether a member can continue to participate in development management decision-making is one primarily for individual members, having received advice from the Monitoring Officer. However, any member who finds themselves speaking against a particular policy on two or three occasions during a twelve-month period, or five or six occasions during the lifetime of the council, might choose to regard themselves as unable to support that particular policy and withdraw from the debate where it is being applied. Where a member speaks out about three or more policies during a twelve-month period, or against five or six over the lifetime of a council, they similarly might find themselves unable to support national or local policies to the extent that they should not make development management decisions'. [PART 5 - Code of Practice for Members and Officers dealing with Planning Matters.pdf \(modern.gov.co.uk\)](#)
24. Moreover, when making nominations for overview and scrutiny committees, regard must be had to the 'Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities' (May 2019) [Title \(publishing.service.gov.uk\)](#). Chapter 4 sets out the statutory guidance on selecting such committee members, including their chairs. For instance, paragraph 27 states: 'When selecting individual members to serve on scrutiny committees, an authority

should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve'. (By law, no member of the Cabinet can be on any overview and scrutiny committee – see section 9FA (3) of the Local Government Act 2000. This is to prevent conflicts of interests as no person can scrutinise their own decisions).

25. With regard to membership of the Audit Committee, current guidance from CIPFA discourages having cabinet members on the Audit Committee. The reason CIPFA put forward is that it 'could deter the committee from being able to challenge or hold to account the executive on governance, risk and on control matters'. The guidance continues to advise against appointing any cabinet member on to an audit committee unless the committee has compensating arrangements to ensure independence such as appointing independent members or an independent chair i.e. someone who is not an elected councillor of the local authority. The constitution states that Audit Committee members should ideally not be Cabinet members or ideally not members of a Scrutiny committee due to potential conflicts of interest. The change in the constitution was made in May 2021 by Full Council to widen the eligibility for membership to the Audit Committee (through the removal of the absolute ban on Cabinet members serving on the Audit Committee) due to past practical difficulties in making appointments to all seats on that Committee.
26. In addition to the above seat allocation to elected county councillors, the Isle of Wight Association of Local Councils (IWALC) presently has one co-opted person on the Planning Committee to which it nominates a person to serve. This allocated seat is a non-voting seat. (By section 13 of the Local Government and Housing Act 1989 it does not attract voting rights). IWALC have nominated Cllr Emma Cox to replace Cllr Giles Aldred for appointment by Full Council to that seat on the Planning Committee.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

27. Good governance arrangements are essential to the delivery of the council's services and the decision-making process that supports this.
28. The appointment of committees and members to such committees contributes to good governance and enables the [Corporate Plan 2021 – 2025](#) to be delivered, including addressing climate change and complying with the local authority's duty to prevent or reduce crime, disorder and anti-social behaviour under section 17 of the Crime and Disorder Act 1998.

CONSULTATION

29. Group Leaders and non-aligned councillors have been consulted.

FINANCIAL / BUDGET IMPLICATIONS

30. There are no additional costs associated with the proposals contained in this report. The recommendations accord with the resources available within the overall budget agreed by the Full Council on 23 February 2022.

LEGAL IMPLICATIONS

31. The duty to undertake a review of the political proportionality is triggered under section 15 of the Local Government and Housing Act 1989 because the joining of a political group is a statutory triggering event.
32. Under section 16 of the Local Government and Housing Act 1989 the power to appoint committees and to committee seats is that of the local authority acting through the Full Council. (The power to appoint sub-committees and to sub-committee seats rests with the parent committee).
33. This power to appoint persons to committees (and indeed the power to remove persons from committees) cannot be delegated by the Full Council to a committee or to any officer of the council or indeed to any political group, but must be exercised by the Full Council itself. This is because the power to make delegated arrangements under section 101 of the Local Government Act 1972 is subject to express provision contained in that Act or in any subsequent enactment, and section 102 of the Local Government Act 1972 ('Appointment of committees') and section 16 of the Local Government and Housing Act 1989 are such express provisions.
34. It is the duty of the Full Council itself to exercise the power of appointment of elected councillors to its committees 'as soon as practicable'. The obligation on the Full Council is to give effect at the first practicable opportunity appointments are required to be made.
35. As it is only the council that can make appointments to its committees (and only the council has the power to remove) the council must, if it wishes to have any substitutes, appoint substitutes to its committees as political groups have no power to appoint, merely to nominate. The appointment of named substitutes (where such substitution is permitted by law and under the Constitution) has the merit of transparency and openness. As the council has already agreed that political groups should only nominate councillors as substitutes if they have had relevant training in the work of the committee, this approach enables training and resources to be better focussed and so the council's fiduciary duty to ratepayers is better discharged.
36. In the absence of alternative arrangements, the Full Council must appoint to the seats allocated to particular political groups in accordance with the expressed wishes of such groups, and must appoint seats allocated to the ungrouped in accordance with the proportion allocated to the ungrouped councillors (see section 16 (1) and section 16(2A) of the Local Government and Housing Act 1989 as inserted by way of modification by regulation 16 of the Local Government (Committees and Political Groups) Regulations 1990 SI 1553 as amended).
37. Under section 9P of the Local Government Act 2000 the local authority is under a duty to keep up to date.

EQUALITY AND DIVERSITY

38. 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. It is not considered that the content of this report has any negative impact on any of the protected characteristics.

OPTIONS

1. Option 1 - That the political proportionality review be approved.
2. Option 2 - Not to approve political proportionality but to agree alternative arrangements without dissent.
3. Option 3 - That, unless alternative arrangements are agreed, Cllr Andrew Garratt be appointed to continue to serve on the Appeals Committee, with Cllr Nick Stuart appointed his substitute having been nominated by the Liberal Democrat Group.
4. Option 4 – That alternative arrangements are agreed to reallocate the Liberal Democrat seat on the Appeals Committee to the ungrouped and in return the Liberal Democrat are reallocated the ungrouped seat on the Pension Fund Committee.
5. Option 5 - That Cllr Andrew Garratt be appointed to continue to serve on the Audit Committee, with Cllr Nick Stuart appointed his substitute having been nominated by the Liberal Democrat Group.
6. Option 6 – That the Liberal Democrat Group changes its nomination to the Audit Committee.
7. Option 7 – That it be noted that there is one vacancy on the Appeals Committee for an ungrouped councillor.
8. Option 8 - If the alternative arrangements set out in this report are agreed it be noted that there are two vacancies on the Appeals Committee for two ungrouped councillors.
9. Option 9 - That Cllr Nick Stuart be appointed to the Planning Committee, with Cllr Andrew Garratt appointed as his substitute having been nominated by the Liberal Democrat Group.
10. Option 10 – That the Liberal Democrat changes its nomination to the Planning Committee.

11. Option 11 - That Cllr Nick Stuart be appointed to the Policy and Scrutiny Committee for Health and Social Care, having been nominated by the Liberal Democrat Group.
12. Option 12 – That the Liberal Democrat changes its nomination to the Policy and Scrutiny Committee for Health and Social Care.
13. Option 13 - That Cllr Nick Stuart be appointed to the Policy and Scrutiny Committee for Neighbourhoods and Regeneration, having been nominated by the Liberal Democrat Group
14. Option 14 – That the Liberal Democrat Group changes its nomination to the Policy and Scrutiny Committee for Neighbourhoods and Regeneration.
15. Option 15 - That Cllr Emma Cox, having been nominated by the Isle of Wight Association of Local Councils, be appointed to the Planning Committee to the non-voting seat allocated for IWALC to replace Cllr Giles Aldred and that he be thanked for his service.
16. Option 16 – That IWALC changes its nomination.
17. Option 17 – That the appointments set out in Appendix 1 be agreed
18. Option 18 – That appointments different from those set out in Appendix 1 be agreed.

RISK MANAGEMENT

19. The recommendations are to ensure that the council meets its corporate governance requirements and responds to changing requirements and demands. These should lessen the risks arising from any challenge to the decision-making process by way of judicial review or other legal action.

EVALUATION

20. Council has no option and must respect the duly expressed wishes of the respective political groups and to appoint those nominated to their allocated seats on committees which are politically balanced (in the absence of alternative arrangements being agreed without dissent at the meeting).
21. Equally Council has no option (in the absence of alternative arrangements being agreed without dissent at the meeting).and must appoint any unallocated seats on committees which are politically balanced to ungrouped councillors, but it does have discretion as to which ungrouped councillor(s) to appoint. Such discretion has to be exercised properly and in good faith. Fairness requires ungrouped councillors to express their wishes for nomination and for nomination of substitutes.
22. An effective governance system for the council is essential to enable business to be transacted openly and in a timely manner. The appointment of elected councillors (including where appropriate substitutes) to its committees seeks to do this.

APPENDIX ATTACHED

23. Appendix 1 – Appointments to committees.

BACKGROUND PAPERS

24. None.

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CHRISTOPHER POTTER
Monitoring Officer

CLLR LORA PEACEY-WILCOX
Leader of the Council

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Proposed Appointments at 18 January 2023 Full Council

(unless alternative arrangements are agreed without a dissenting vote)

Appeals Committee (10)

[Alliance Group: (4); Conservative Group: (4); Liberal Democrat Group (1): Ungrouped: (1)].

	<u>Members</u>	<u>Named Group/Ungrouped Substitutes</u>
Alliance Group	Cllr Jonathan Bacon (Vice Chairman) Cllr Ian Dore (Chairman) Cllr Rodney Downer Cllr Karen Lucioni	Cllr David Adams Cllr Debbie Andre Cllr Claire Critchison Cllr Paul Fuller Cllr Joe Lever Cllr Michael Lilley Cllr Karl Love Cllr John Medland Cllr Chris Jarman Cllr Julie Jones-Evans Cllr Phil Jordan Cllr Lora Peacey Wilcox Cllr Ian Stephens
Conservative Group*	Cllr Vanessa Churchman Cllr John Nicholson Cllr Martin Oliver Cllr Matthew Price Cllr Peter Spink	Cllr Warren Drew Cllr Suzie Ellis Cllr Stephen Hendry
Liberal Democrat Group+	Cllr Andrew Garratt	Cllr Nick Stuart
Ungrouped	Vacancy	

***NB. Need to remove one Conservative Group councillor from permanent committee membership as one seat is proportionately allocated to the Liberal Democrat Group.
+ If the alternative arrangement proposal is agreed without any dissenting vote, this seat is allocated to the Ungrouped in exchange for the Liberal Democrat Group getting a seat on the Pension Funds Committee, resulting in two vacancies for the ungrouped on the Appeals Committee.**

Co-opted: Cllr Mick Lyons (with Cllr Patricia Redpath as substitute) appointed to serve as the IWALC non-voting co-opted member of the Appeals Committee, when determining a Code of Conduct investigation into the conduct of a town, parish or community council councillor.

Appointments and Employment Committee (6)

[Alliance Group **(3)**; Conservative Group:**(3)**; Ungrouped:**(0)**].

NB. The chairman of the committee is the Executive Leader.

	<u>Members</u>	<u>Named Group Substitutes*</u>
Alliance Group	Cllr Debbie Andre Cllr Jonathan Bacon Cllr Lora Peacey-Wilcox [Holds position due to post of Executive Leader] (Chairman)	Cllr David Adams Cllr Claire Critchison Cllr Ian Dore Cllr Rodney Downer Cllr Paul Fuller Cllr Chris Jarman Cllr Julie Jones-Evans Cllr Phil Jordan Cllr Joe Lever Cllr Michael Lilley Cllr Karl Love Cllr Karen Lucioni Cllr John Medland Cllr Ian Stephens
Conservative Group	Cllr Paul Brading Cllr Suzie Ellis Cllr Joe Robertson (vice-Chairman)	Cllr Warren Drew Cllr Clare Mosdell Cllr Chris Quirk

*Includes the Cabinet Member relevant to the post under consideration

Audit Committee (7)

[Alliance Group:**(3)**; Conservative Group: **(3)**; **Liberal Democrat Group (1)**].

NB. Ideally cannot be Cabinet Members or members of a Scrutiny committee due to potential conflict of interests

	<u>Members</u>	<u>Named Group Substitutes</u>
Alliance Group	Cllr Michael Lilley (Vice Chairman) Cllr Karen Lucioni Vacancy	Cllr Debbie Andre Cllr Claire Critchison Cllr Ian Dore Cllr Rodney Downer Cllr Paul Fuller Cllr Joe Lever Cllr Julie Jones-Evans Cllr John Medland

Conservative Group	Cllr Gary Peace Cllr Matthew Price Cllr Ray Redrup	Cllr Paul Brading Cllr Warren Drew Cllr Suzie Ellis Cllr Martin Oliver
Liberal Democrat Group**	Cllr Andrew Garratt (Chairman)	Cllr Nick Stuart

** Was allocated previously to Ungrouped (Cllr Andrew Garratt)

Corporate Scrutiny Committee (9)

[Alliance Group:(4); Conservative Group:(4); Ungrouped:(1)].

NB. Cannot include any Cabinet Member. Cannot include any Audit Committee member.

	<u>Members</u>	<u>Named Group Substitutes</u>
Alliance Group	Cllr Dave Adams Cllr Joe Lever Cllr Michael Lilley Cllr John Medland	Cllr Claire Critchison Cllr Ian Dore
Conservative Group	Cllr Warren Drew Cllr Chris Quirk (Vice Chairman) Cllr Joe Robertson Cllr Peter Spink	Cllr Michael Beston Cllr Vanessa Churchman Cllr Suzie Ellis Cllr Gary Peace
Ungrouped	Cllr Richard Quigley (Chairman)	None

Co-opted: Cllr Cameron Palin serves on the Corporate Scrutiny Committee as the co-opted voting representative nominated by the IWALC

There is a vacancy for one non-voting co-opted representative from HALC

Harbour Committee (7)

[Alliance Group:(3); Conservative Group:(3); Ungrouped:(1)]

Chairman is the Cabinet Member for Infrastructure and Transport.

	<u>Members</u>	<u>Named Group/Ungrouped Substitutes</u>
Alliance Group	Cllr Jonathan Bacon* Cllr Chris Jarman** Cllr Phil Jordan*** (Chairman)	Cllr Julie Jones-Evans Cllr John Medland

Conservative Group	Cllr Gary Peace (Vice Chairman) Cllr Matthew Price Cllr Ray Redrup	Cllr Vanessa Churchman Cllr Martin Oliver Cllr Peter Spink
Ungrouped	Cllr Daryll Pitcher	None

Includes * the Cabinet member for Environment, Heritage and Waste Management, ** the Cabinet Member for Strategic Finance, Corporate Resources and Transformational Change, and ***the Cabinet Member for the Highways PFI, Infrastructure and Transport.

Investigating and Disciplinary Committee (5)

[Alliance Group (2); Conservative Group: (2); Ungrouped: (1)].

	<u>Members</u>	<u>Named Group/Ungrouped Substitutes</u>
Alliance Group	Cllr Debbie Andre (Chairman) Cllr Peacey-Wilcox	Cllr Dave Adams Cllr Jonathan Bacon Cllr Claire Critchison Cllr Ian Dore Cllr Rodney Downer Cllr Paul Fuller Cllr Julie Jones-Evans Cllr Phil Jordan Cllr Joe Lever Cllr Michael Lilley Cllr Karl Love Cllr Karen Lucioni Cllr John Medland Cllr Ian Stephens
Conservative Group	Cllr Warren Drew (Vice Chairman) Cllr Chris Quirk	Cllr Suzie Ellis Cllr Stephen Hendry Cllr Martin Oliver Cllr Gary Peace
Ungrouped	Cllr Daryll Pitcher	None

Licensing Committee (11)

[Alliance Group:(5); Conservative Group:(5); Ungrouped: (1)].

No Substitutes permitted (to prevent circumvention of statutory rules as to size).

	<u>Members</u>
Alliance Group	Cllr David Adams Cllr Jonathan Bacon Cllr Paul Fuller Cllr Chris Jarman Cllr Julie Jones-Evans
Conservative Group	Cllr Michael Beston Cllr Gary Peace (Vice Chairman) Cllr Clare Mosdell Cllr Gary Peace Cllr Peter Spink Cllr Ian Ward
Ungrouped	Cllr Daryll Pitcher (Chairman)

Pension Fund Committee (7)

[Alliance Group: (3); Conservative Group:(3); Ungrouped:(1)].

NB. Cannot be a Pension Board Member.

	<u>Members</u>	<u>Named Group/Ungrouped Substitutes</u>
Alliance Group	Cllr Debbie Andre Cllr Claire Critchison Cllr Chris Jarman (Chairman)	Cllr David Adams Cllr Ian Dore Cllr Rodney Downer Cllr Joe Lever Cllr Karen Lucioni Cllr John Medland
Conservative Group	Cllr Paul Brading Cllr Vanessa Churchman Cllr Ian Ward	Cllr Warren Drew Cllr Suzie Ellis Cllr Stephen Hendry
Ungrouped***	Cllr Andrew Garratt (Vice Chairman)	None

***** NB. If the alternative arrangements proposal is agreed without any dissenting vote, then this seat allocation will be to the Liberal Democrat Group with the appointment continuing of Cllr Andrew Garratt. A consequential change would be for the Ungrouped to be allocated the Liberal Democrat Group seat on the Appeals Committee creating two vacancies to be appointed to.**

Planning Committee (12)

[Alliance Group:(5); Conservative Group: (5); Liberal Democrat Group (1); Ungrouped:(1)].

	<u>Members</u>	<u>Named Group Substitutes</u> *
Alliance Group	Cllr David Adams Cllr Debbie Andre Cllr Claire Critchison Cllr Chris Jarman Cllr John Medland (Chairman)	Cllr Michael Lilley Cllr Karen Lucioni
Conservative Group****	Cllr Vanessa Churchman Cllr Warren Drew (Vice Chairman) Cllr Martin Oliver Cllr Matthew Price Cllr Chris Quirk Cllr Peter Spink	Cllr Paul Brading Cllr Suzie Ellis Cllr Ian Ward
Liberal Democrat Group	Cllr Nick Stuart	Cllr Andrew Garratt
Ungrouped	Cllr Geoff Brodie	None

****NB. Need to remove one Conservative Group councillor from permanent committee membership as one seat is proportionately allocated to the Liberal Democrat Group.

Emma Cox is appointed as the co-opted non-voting IWALC representative nominated by IWALC

*Please note that no more than three substitutes may be appointed to the Planning Committee for each political group under Part 4B rule 5.

Policy and Scrutiny Committee for Children Services, Education and Skills (7)

[Alliance Group: (3); Conservative Group:(3); Ungrouped: (1)].

NB. Cannot be a Cabinet member.

	<u>Members</u>	<u>Named Group Substitutes</u>
Alliance Group	Cllr David Adams Cllr Rodney Downer Cllr Joe Lever (Vice Chairman)	Cllr Claire Critchison Cllr Ian Dore Cllr Michael Lilley Cllr John Medland

Conservative Group	Cllr Suzie Ellis Cllr Stephen Hendry Cllr Tig Outlaw	Cllr Paul Brading Cllr Warren Drew Cllr Martin Oliver
Ungrouped	Cllr Richard Quigley (Chairman)	None

Policy and Scrutiny Committee for Health and Social Care (7)

[Alliance Group:(3); Conservative Group:(3); Liberal Democrat Group (1); Ungrouped:(1)].

NB. Cannot be a Cabinet member.

	<u>Members</u>	<u>Named Group Substitutes</u>
Alliance Group	Cllr Dave Adams Cllr Rodney Downer Cllr Michael Lilley (Vice Chairman)	Cllr Claire Critchison Cllr Ian Dore Cllr Joe Lever
Conservative Group	Cllr Clare Mosdell Cllr John Nicholson (Chairman) Cllr Joe Robertson	Cllr Vanessa Churchman Cllr Suzie Ellis Cllr Martin Oliver Cllr Tig Outlaw
Liberal Democrat Group++	Cllr Nick Stuart	

++ Was previously allocated to the Ungrouped (Cllr Richard Quigley).

Policy and Scrutiny Committee for Neighbourhoods and Regeneration (7)

[Alliance Group:(3); Conservative Group:(3); Liberal Democrat Group (1)].

NB. Cannot be a Cabinet member.

	<u>Members</u>	<u>Named Group Substitutes</u>
Alliance Group	Cllr Rodney Downer Cllr Joe Lever (Chairman) Cllr John Medland (Vice Chairman)	Cllr David Adams Cllr Claire Critchison Cllr Ian Dore Cllr Michael Lilley
Conservative Group	Cllr Michael Beston Cllr Chris Quirk Cllr Ian Ward	Cllr Warren Drew Cllr Suzie Ellis Cllr Tig Outlaw
Liberal Democrat Group+++	Cllr Nick Stuart	

+++ Was previously allocated to the Ungrouped (Vacant).

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Full Council Report

Date	18 JANUARY 2023
Title	PROPOSED REVISIONS TO PART 2 OF THE FULL COUNCIL MOTION DATED 16 NOVEMBER 2022 RELATING TO THE DRAFT ISLAND PLANNING STRATEGY
Report of	CABINET MEMBER FOR PLANNING AND ENFORCEMENT

EXECUTIVE SUMMARY

1. At the Full Council meeting on 16 November 2022 a motion relating to the Draft Island Planning Strategy was agreed with two parts. Part 1 included the reasons why Full Council were returning the Draft Island Planning Strategy to the Leader of the Cabinet for reconsideration. Part 2 set the timescales for this reconsideration to occur.
2. On 22 December 2022 the Department for Levelling Up, Housing and Communities (DLUHC) published a consultation on significant reforms to national planning policy that seeks views on DLUHC's proposed approach to updating the National Planning Policy Framework. This consultation closes on 2 March 2023.
3. This short report seeks the agreement of Full Council to revise Part 2 of the motion agreed on 16 November 2022 as set out in the recommendation below (new wording is underlined for clarity) - the effect being to extend the timetable for reconsideration of the Draft Island Planning Strategy to allow the DLUHC consultation to take place and the implications for the island to be fully reviewed and considered.

RECOMMENDATION

4. Revise the wording of Part 2 of the Full Council resolution on the Draft Island Planning Strategy dated 16 November 2022 to read:

2) That, further to Part 1 of the Full Council's resolution on 16 November 2022 on the draft Island Planning Strategy and in recognition of the potentially significant changes which have occurred since that resolution was passed (in the form of the Governments new NPPF prospectus consultation launched on 22 December 2022 and running until 2 March 2023) the time for reconsideration of the Draft Island Planning Strategy to be extended to no later than the end of June 2023 within which time period the Cabinet Leader may:

- a) submit a revision of the Draft Island Planning Strategy as amended by the Cabinet (the revised “Draft Island Planning Strategy”), with the Cabinet’s reasons for any amendments made to the Draft Island Planning Strategy, to the Full Council for the Full Council’s consideration; or
- b) inform the Full Council of any disagreement that the Cabinet has with any of the Full Council’s objections and the Cabinet’s reasons for any such disagreement; or
- c) inform the Full Council of an alternative route for the Draft Island Planning Strategy that aligns with the revised National Planning Policy Framework due for publication in Spring 2023 and any other changes to legislation and national planning policy and guidance that may reasonably be expected to come into force.

BACKGROUND

5. Based on circumstances known in November 2022, Full Council passed a very explicit resolution on the Draft Island Planning Strategy regarding timescales. Part 2 of the motion passed by Full Council on 16 November 2022 refers to reconsideration by the Cabinet, but significantly includes a deadline within which the Leader may, in effect, either submit a revised draft IPS to Full Council or inform Full Council of its disagreement. The timescale for this reconsideration was sixty working days, beginning on the day after the date which the Leader of the Cabinet received the instruction on behalf of the Cabinet, therefore extending to early February 2023.
6. In a Written Ministerial Statement (WMS) to the House of Commons on 6 December 2022 Michael Gove, Secretary of State for Levelling Up, Housing and Communities, stated that a National Planning Policy Framework prospectus would be published before Christmas. The WMS contained pointers to a number of issues that would be covered in the NPPF Prospectus including changes to the local plan making process, the calculation of housing need and ensuring timely build out within the housing market.
7. On Thursday 22 December 2022, DLUHC published two consultation documents. The first is a [‘Levelling-up and Regeneration Bill: reforms to national planning policy’](#) paper that consists of 15 sections and 58 questions seeking views on the proposed approach to updating the National Planning Policy Framework, preparing National Development Management Policies, how policy may be developed to support levelling up and how national planning policy is currently accessed by users.
8. The second document is a [track changed version of the National Planning Policy Framework](#) that shows indicative changes to the wording of the NPPF for consultation purposes. The DLUHC consultation page can be accessed [here](#) and the deadline for responses is 2 March 2023.
9. The consultation documents cover a wide range of topics and propose changes to national planning policy that could have significant implications for the preparation and content of the Draft Island Planning Strategy and the timescales for its implementation. DLUHC have indicated that following the close of the consultation on 2 March 2023, a revised NPPF will be published and ‘come into force’ in Spring 2023.

10. Given the significance of this national planning policy consultation, it is considered appropriate to allow sufficient time to properly consider the implications of it on the Draft Island Planning Strategy. For this reason, an extension of time until June 2023 is proposed (to allow time after the consultation closes within which the revised NPPF may be published) in the recommendation for the Cabinet Leader to submit a revision of the Draft IPS back to Full Council or inform Full Council of any disagreement Cabinet has with Full Council's objections.
11. A third option (c) has been added to Part 2 of the motion to reflect the possibility that the content of the national planning policy changes means an alternative route, aligning with any new national policy, may be the most appropriate way forward.
12. Officers will be reviewing the detail of the consultation over the coming weeks and briefing sessions will be held to further inform Councillors on the detail of the consultation and implications for the timing and content of the Draft Island Planning Strategy.

CONSULTATION

13. Rather than submitting a Motion on Notice, the Cabinet Member considers it more appropriate to formalise this recommendation to revise the Full Council motion of 16 November 2022 within a written report to allow all Councillors and members of the public to have sight of the recommendation in line with standard publication procedures for Full Council agenda papers.

FINANCIAL / BUDGET IMPLICATIONS

14. There are no direct financial / budget implications in agreeing to extend the timescale for Cabinet to reconsider the Draft Island Planning Strategy. The budget is already in place to cover the costs of the plan making process.

LEGAL IMPLICATIONS

15. There are no direct legal implications in agreeing to extend the timescale for Cabinet to reconsider the Draft Island Planning Strategy. The process of preparing a local plan is set out in the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) and extending the timetable for Cabinet to reconsider will not conflict with these regulations.

EQUALITY AND DIVERSITY IMPLICATIONS

16. There are no direct equality and diversity implications in agreeing to extend the timescale for Cabinet to reconsider the Draft Island Planning Strategy.

PROPERTY IMPLICATIONS

17. There are no direct property implications in agreeing to extend the timescale for Cabinet to reconsider the Draft Island Planning Strategy.

SECTION 17 CRIME AND DISORDER ACT 1998

18. It is considered that an extension of the timetable for Cabinet to reconsider the Draft Island Planning Strategy will not have a direct implication in relation to Section 17 of the Crime and Disorder Act 1998 (as amended by Police and Justice Act 2006).

APPENDICES ATTACHED

19. None.

BACKGROUND PAPERS

20. The Full Council report on the [Island Planning Strategy](#) to its meeting on Wednesday 5 October 2022.
21. The Full Council agenda for the meeting on Wednesday 16 November on the [Island Planning Strategy](#).

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CHRISTOPHER ASHMAN
Director of Regeneration

CLLR PAUL FULLER
*Cabinet Member for Planning and
Enforcement*



Purpose: For Decision

Committee report

Committee	FULL COUNCIL
Date	18 JANUARY 2023
Title	PAY POLICY
Report of	CABINET MEMBER FOR CLIMATE CHANGE, ENVIRONMENT, HERITAGE, HUMAN RESOURCES AND LEGAL AND DEMOCRATIC SERVICES

EXECUTIVE SUMMARY

1. The pay policy is updated on an annual basis to reflect any changes in the pay and conditions of Council staff. The purpose of the policy is to provide an open and transparent framework that ensures clarity, fairness and consistency in the remuneration of our workforce and in doing so will also meet the requirements of Section 38 of The Localism Act 2011, which requires local authorities to publish a pay policy statement and must be adopted by Full Council by 31 March each year immediately preceding the financial year to which it relates. This policy sets out the council's approach to the pay of its workforce for the financial year 1 April 2023 to 31 March 2024.

Full Council is therefore being asked to approve the updated pay policy for the period 2023/24, prior to its publication. The main amendments since the last pay policy are as follows:

- a) Appendix A has been updated to show the 2022-23 pay grades.
- b) Explanation that the pay award for 2023-2024 has not yet been agreed nationally so the pay within the pay policy reflects the application of a pay award of 1 April 2022-1 April 2023.
- c) 5.15: change to annual leave.
- d) 5.16: amendment to public holiday.
- e) 5.17: annual update to employee contribution bands to the Local Government Pension Scheme.
- f) 8.2: pay progression clarity
- g) 8.4: premium payment allowance increase
- h) 9:4: updated to provide the new pay ratios and gender pay gap information, which is the difference between male and female pay which needs to be reported annually.

- i) Appendix F of the pay policy has been revised to reflect the make-up of the workforce showing the current number of permanent full-time equivalent posts by grade.

RECOMMENDATION

That Full Council approve the updated pay policy as drafted for the period 1 April 2023 – 31 March 2024.

BACKGROUND

2. The Localism Act 2011 sets out the requirement to publish a pay policy each year. The council in line with their statutory requirements has undertaken an annual review since its introduction. The document provides a comprehensive overview of all the relevant terms and conditions applied to pay and remuneration and ensures that there is transparency in our approach. The council's current pay policy approved by Full Council at its meeting in January 2022 has been updated to reflect changes in the council's arrangements during the intervening period. The proposed amendments have been included in the revised document shown at Appendix 1 to this paper.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

3. The Localism Act 2011 sets out the statutory requirement for a local authority to establish publish and annually review a pay policy, which is approved by Full Council. Central government's transparency agenda also sets out clear expectations of local authorities to demonstrate their accountability to the local community. In addition, a key component of the council's pay policy is a commitment to equal pay for equal work for all employees and to seek to eliminate any bias in our pay systems. The production and publication of the pay policy document clearly underpins the delivery of all council priorities. The pay policy falls within the council's vision priority to keep the council solvent and take all the measures we can to improve its financial position.
4. Within the [Corporate Plan 2021 – 2025](#) there are key areas of activity that will be our main areas of focus for the lifetime of this plan which will need to be central to everything we do as a council.
5. Responding to climate change and enhancing the biosphere

The Pay policy directly supports the societal elements of shaping a more sustainable Island life through supporting the principles of gender equality, consideration of the living wage, reduced inequalities and decent work and economic growth for persons living and working within the IW Biosphere.

6. In respect of the Climate and Environment Strategy, the Pay policy supports reducing the number of unnecessary work journeys by car and paying to park at work bases which encourages active travel alternatives (walking and cycling) and the use of public transport.

Economic Recovery and Reducing Poverty

7. The Government has established the principle that local government should not be a minimum wage employer and therefore the lowest rate of pay in local government has always been higher than the national living wage to enable employees to receive a reasonable wage for the responsibilities they undertake and fulfil their financial responsibilities.

Impact on Young People and Future Generations

8. 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, employment or training, health and the environment. The salaries set now will have a positive impact on employees of the future.

Corporate Aims

9. The pay policy is the mechanism by which the council's terms and conditions are published and formally adopted by Full Council. The pay policy usually reflects the current pay rather than the new pay due to delays in national agreements. This is the case again this year as the 2022 national pay award was only agreed in October 2022 and staff were back paid until April 2022 in their November pay packets. The 2023-24 pay has not yet been nationally agreed and national discussions are only just starting between the Employer side and the recognised trade unions.
10. This aligns with the Council's corporate plan priority to keep the Island solvent and take all the measures we can to improve the financial position of the council.

CONSULTATION

11. The draft report this year has no substantial changes, but proposed amendments have been shared for consideration with the council's recognised trade unions. No formal consultation is required for the pay policy as this is a document that contains all the necessary information on the council's terms and conditions of employment and addresses the statutory requirements of the Localism Act.
12. Unison has made written submissions this year citing mounting frustration about the level of recompense for the use of private cars when on Council duty. They believe that the current rate of 45p per mile is inadequate given the massive hike in fuel prices over the recent period. They have confirmed that several other councils have introduced an increase per mile on a temporary basis until the end of the current financial year in March 2023 and that the Isle of Wight Health Trust also moved to a 56p per mile rate several months ago.
13. Whilst knowledge of this local increase is inevitably contributing to a scenario in which staff frustration with the Isle of Wight Councils (IWC) approach continues to grow, the Council is a separate employer and its mileage rates have always reflected His Majesty's Revenue and Customs's (HMRC) published mileage rates. Unison are proposing an immediate increase to 56p per mile (to be reviewed again on 1 April 2023).
14. There is mounting pressure nationally to increase these rates, at which point, the IWC rates are likely to increase accordingly. It should also be noted that staff are encouraged to use Council cars and mileage costs are not then applicable.
15. The recommendation is to not accept unison's proposal due to the current challenging financial climate.
16. Unison also proposed an increase in Standby Rates on what they perceive to be the inadequacy of the existing Standby Payment which is currently set at the hourly rate for Grade 10c (i.e., £17.11 per session up to 31 March and increased to £18.11 from 1 April 2022). They state that there are comparatively few council employees who are required to be on Standby duty so that any increase is likely to be relatively inexpensive overall. Unison are proposing an increase to £42 per session (in line with sleep in rates) with appropriate enhancements to be paid in relation to any hours actually worked when called out.

17. Unison stated that there have been particularly strong recent representations from some staff who increasingly consider that the current level of standby payment represents a particularly poor reward given the way in which their lives essentially have to be put on hold for quite significant periods during which they are on call. There are obviously differences in the pattern of standby required by individual work sections, with some employees having to be available for six hours on each Saturday and Sunday every five weeks and with others standing by for the whole of a week (on weekdays between 6.00 p.m. and 8.00 a.m. and then for the whole of a weekend) at least once every two months. Unison believes that a review of this situation is long overdue, with consideration needing to be given to a combination of retainer payments for staff on standby rotas; an improved standby rate; and enhancements for unsocial hours/weekends being paid when employees are actually called out. Unison proposed a return to the terms set out in the National Green Book conditions of service (i.e. double time and time off in lieu for all Bank Holidays and not just 25 and 26 December) with time and a half for Saturday working and double time for Sundays
18. The current terms and conditions including all of these allowances were put in place in 2012 after extensive consultation and a dismissal and re- engagement process. Staff were also given additional annual leave which is significantly more than many other local authorities. Due to budgetary constraints, the above proposals were not approved by the corporate management team.

FINANCIAL / BUDGET IMPLICATIONS

19. The Council put aside 2 per cent for 2022-2023 pay increases and the nationally agreed pay award for all staff including the Chief Executive is an annual increase in pay of £1,925 pro rata for each member of staff has not been budgeted for and therefore is a significant additional cost to the council. This also affects school budgets. The pay award also increased the annual leave allowance by 1 day (pro rata) increasing the overall allowance to 32 days. This has been implemented from January 2023. The pay policy for 2023 reflects the current pay for 2022-23 as confirmed above.

LEGAL IMPLICATIONS

20. Section 38 of the Localism Act sets out the statutory requirements of what is to be included within a pay policy statement each financial year. The statement must set out an authority's policies towards a range of issues relating to the pay of its workforce, particularly its senior staff and its lowest paid employees. Section 39 sets out the requirement for a local authority's pay policy statement to be approved by a resolution of the authority (through Full Council) by 31 March immediately preceding the financial year to which it relates. This must be followed by publication on the authority's website. The authority must have regard to the statutory guidance 'openness and accountability in local pay' issued by the Secretary of State, when performing the function of adopting and revising the policy.

EQUALITY AND DIVERSITY

21. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
22. Under the Equality Act 2010 we are required to have due regard to our equality duties when making decisions, reviewing services, undertaking projects, developing and reviewing policies. An equality impact assessment was undertaken and offered for consideration by all relevant parties together with recognised trade unions as part of the consultation undertaken for policy introduction in 2012. This revised pay policy does not negatively impact on any protected

characteristic and there are no substantive changes since the last pay policy and therefore no further equality impact has been drafted.

23. From 2017, Gender Pay Gap Legislation requires any organisation that has 250 or more employees to publish a report showing how large the pay gap is between male and female employees. The pay gap is the difference between the average (mean or median) earnings of men and women, expressed as the percentage of women's earnings compared to men's earnings. The gender pay gap data within the report was published in March 2022.
24. This report is based on those who were employed on the 31 of March 2021. The pay period used for the calculation of pay was the month of March 2021 as employees are paid monthly. The bonus period covers the period 1 of April 2020 to the 31 of March 2021.

OPTIONS

Option 1: To adopt the pay policy as drafted and attached as Appendix 1.

Option 2: Reject the pay policy as drafted and refer back for further consideration.

RISK MANAGEMENT

25. The proposed revised pay policy statement sets out a clear framework through which pay spending decisions are taken. The proposed revisions serve to ensure that all relevant aspects of terms and conditions are up to date and accurate for the public record. All changes to terms and conditions are subject to formal procedural processes and after due consultation with the council's recognised trade unions. There are no substantive changes to any terms and conditions proposed within this report.
26. There has and continues to be much media interest in council spending and there is the potential for considerable reputational damage should it not be possible for the council to justify its decision-making processes with regards to pay and other aspects of remuneration. In addition, there is a statutory requirement to publish a pay policy by 31 March 2023. However, it is also within the context of the council's commitment to public accountability and transparency in which it is considered that such a policy approach serves to improve confidence in the council's governance arrangements.
27. This pay policy has no substantial changes to the pay policy since the last one was approved in January 2022 [ITEM 6a - Full Council report post call over- pay policy 05.01.pdf \(modern.gov.co.uk\)](#) and the staff pay is in line with the nationally agreed pay award. The council continues to operate within the parameters set out by its contents and as such it is not considered that there are any identifiable risks to the council in its undertaking.

EVALUATION

28. There is a continued legislative requirement under the Localism Act 2011 to establish and publish a pay policy statement which is approved by Full Council each year before the 31 March immediately preceding the year to which it relates. Further revisions have been made to reflect the up-to-date position with regards to the council's pay and reward arrangements. In addition to the statutory guidance, consideration has also been given to the inclusion of detail relating to pay and reward for the whole workforce to offer greater openness and transparency in pay related decisions.
29. The pay policy can be adopted as drafted or rejected. There are no significant changes proposed to the current version. The annual pay award for 2022-2023 was subject to national negotiation with provision now having been determined as part of the budget setting process. As stated above, the 2021-2022 pay award was retrospectively agreed as part of the national collective bargaining process. This is a well-established policy and is reviewed and refreshed in

line with legislative requirements on an annual basis to ensure it remains fit for purpose and is updated with any changes that have taken place. It provides a solid and transparent framework through which the council can undertake its decision making with regards to the pay and remuneration of its

APPENDICES ATTACHED

Appendix 1- proposed pay policy 2023.

BACKGROUND PAPERS

Gender pay gap data published March 2022.

[Directorate of "\[type Directorate name\]" \(iow.gov.uk\)](#)

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Isle of Wight Council

Isle of Wight Council
PAY POLICY

March 2023

Document Information

Title:	Pay Policy
Status:	Draft
Current Version:	12
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Approved by:	Full Council
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Version History		
Version	Date	Description
0.1	June 2011	Approved by Directors Team and submitted for consultation with chief officers
0.2	July 2011	Revised to accommodate Employment Committee comments and feedback
0.3	February 2012	Revised to accommodate Localism Act requirements and published guidance
0.4	March 2012	Revised to accommodate minor amendments proposed by Employment Committee at their meeting of 5 March 2012
1	March 2012	Approved by full Council
1.1	January 2013	Revised to accommodate amendments to the Local Government Pension Scheme Discretionary Provisions and additional guidance issued by the Secretary of State for Communities and Local Government and general updating.
2	March 2013	Approved by full Council

Version History		
Version	Date	Description
3	January 2014	Updated to reflect the Local Government national pay bargaining 1% rise for all employees below chief officer level and to provide clarification on the council's pension policy where employer's consent is required for the early release of pension together with proposed changes to the senior management pay structure.
3.1	May 2014	Updated to reflect the revised senior management structure and changes to the Local Government Pension Scheme Regulations with effect from 1 April 2014.
4	February 2015	Updated to reflect the Local Government national pay bargaining 2.2% rise for all employees except for chief officers who have been awarded 2% with effect from 1 January 2015; changes to the pay structure following implementation of the job evaluation scheme review which will be effective from 1 July 2015.
5	January 2016	Updated to reflect new salary grades, updated job titles and reflect new chief executive role.
6	January 2017	Updated to reflect April 2017 pay award. The premium payments table has been updated to provide further clarification and current pay rates. Update provided on the planned timeframe for implementation of proposed exit payment regulations (recovery and threshold). Chief Officer person specifications have been replaced with the updated generic role profiles. The 'Number of permanent full-time equivalent posts by grade' graph has been updated with this year's figures.
7	February 2018	Updated to reflect the changes to annual leave entitlement as a result of a change to Christmas leave arrangements; current policy with regards to staff car parking permits; current pay bandings for the calculation of pension contributions and clarification of the circumstances where pay protection is afforded.
8	December 2018	Updated to reflect new salary grades and clarification of Living Wage. Addition of gender pay gap information
9	January 2020	Update to reflect 2019 salary grades, increase in apprenticeship wage, updated gender pay gap information, clarity on mileage claims and HMRC mileage rates
10	January 2021	Update to reflect 2020 salary grades, pension contributions, staff parking update, and gender pay gap data.

Version History		
Version	Date	Description
11	December 2021	Update to reflect pension contributions, staff parking update, and gender pay gap data, removal of exit cap regulations, removal of references to fire service.
12	December 2022	Update to reflect pension contributions, pay award, pension contributions, public holiday, annual leave, clarity on pay progression and adverse pay award.

Contents

	Page No
1. Introduction	7
2. Equal pay commitment	7
3. Definitions	8
4. Pay framework	8
5. Terms and conditions – All staff	9
• Core working hours	9
• Role definition	9
• Pay awards	9
• Appointment	9
• Recovery of exit payments on return to any public sector body	9
• Relocation allowance	10
• Market supplements	10
• Additional duties	10
• Business travel	10
• Excess travel	11
• Charging for car parking at work	11
• Professional fees	12
• Re-engagement	12
• Annual leave	12
• Public and extra statutory holidays	12
• Pension contribution	12
6. Benefits of employment	13
7. Official election duties and fees	14
8. Pay arrangements up to chief executive level	15
• Pay structure	15
• Pay progression	15
• Pay protection	15
• Premium payments	15
9. Pay arrangements – chief officers	17
• Pay structure	17
• Pay progression	17
• Emergency response	17
• Pay ratio	17
• Gender pay gap	18
10. Discretionary provisions	20
11. Severance arrangements	23

Appendix A: Pay Framework – April 2022	25
Appendix B: Generic Role Profile - Chief Officer (Grade 17)	26
Appendix C: Generic Role Profile – Chief Officer (Grade 18)	32
Appendix D: Generic Role Profile – Senior Manager (Grade 19)	38
Appendix E: Generic Role Profile – Senior Manager (Grade 20)	45
Appendix F: Number of permanent full time equivalent posts by grade	52

1. Introduction

- 1.1.** The purpose of this policy is to provide an open and transparent framework that ensures clarity, fairness and consistency in the remuneration of our workforce and in doing so will also meet the requirements of Section 38 of The Localism Act 2011, which requires local authorities to publish a pay policy statement which has to be adopted by Full Council by 31 March each year. This policy sets out the council's approach to the pay of its workforce for the financial year 1 April 2022 to 31 March 2023. This policy will be published on the workforce information section of the council's transparency pages on [iwight.com](http://www.iwight.com) and be available as a key document located from the council's A to Z document library as well as being easily located by free search text from www.iwight.com or other web search engines.

2. Equal pay commitment

- 2.1.** We are committed to the principle of equal pay for equal work for all our employees and seek to eliminate any bias in our pay systems.
- 2.2.** As an integral part of our published equality objectives, we understand that equal pay between the nine protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation) is a legal right under the Equality Act 2010 and is one of the key indicators of our ability to demonstrate equality of opportunity to those in our employment.
- 2.3.** It is in our interest as an employer to ensure that we have a fair and just pay system and one that our employees have confidence in the process of eliminating bias. We are committed to working in partnership with our recognised trade unions/employee representatives to take action to ensure that we provide equal pay. We are confident that this significantly contributes to the necessary trust, morale and engagement of a positive employment relationship.
- 2.4.** We believe that in affording openness and transparency in our approach to pay and reward, we are sending a positive message to both our employees and Island residents that we are operating on a basis that is fair and equitable as well as to help us control costs and improve efficiency.
- 2.5.** Our objectives therefore are to:
- be open and transparent in our approach to pay and reward;
 - eliminate any unfair, unjust or unlawful practices that impact on pay;
 - take appropriate remedial action where required;
 - develop and maintain pay and reward equity between staff groups;
 - work in partnership with recognised trade unions/employee representatives in determining and monitoring pay policy decisions
- 2.6.** In delivering the council's vision and key priorities, together with our commitments to equal pay and a reputation as a good employer, we recognise the importance of administering pay in a way that:
- 2.6.1.** attracts, motivates and retains appropriately skilled, knowledgeable and talented people needed to maintain and improve the council's performance and meet future challenges.
- 2.6.2.** is affordable and transparent;

- 2.6.3. reflects the market for comparable jobs, within and outside of local government, with skills and competencies required to meet agreed delivery and performance outcomes;
- 2.6.4. delivers the required levels of competence within an overall workforce strategy within approved budget parameters

3. Definitions

3.1. For the purpose of this policy, the following definitions apply:

- 3.1.1. A chief officer refers to the statutory roles of head of paid service; director of children's services; director of public health; director of adult social services; chief fire officer; section 151 officer and monitoring officer together with those officers designated as chief executive, and heads of service together with any other designated post that requires member appointment under the council's constitutional arrangements.
- 3.1.2. The term 'lowest paid employees' refers to those staff earning below the median full time equivalent of £25,878 per annum, including any allowance or other payments made in connection with their role. This is in line with the council's current pay structure which determines that a post is at junior officer level up to this salary point on the pay scale. The actual lowest pay point on the pay scale, excluding apprenticeships is £20,442 as set out in Appendix A. It is possible for a local authority to also apply the Living wage as set by the Living Wage Foundation, at a local level, although this has not been adopted by the Isle of Wight Council at present. The council does however pay all staff at or above the National Living wage as set and reviewed annually by Central Government, except for apprentices who are now paid at the National Minimum wage which is above the National Apprenticeship rate or alternatively for Higher Level Apprentices, the payment will be 80% of the evaluated role.

4. Pay framework

- 4.1. In the main, the pay and terms and conditions of Isle of Wight Council employment are covered either by local agreements (particularly the IWC Terms and Conditions 2012), local policies, or collective agreements negotiated by the National Joint Council (NJC) for Local Government Services. NJC conditions of service are published in what is commonly known as the "Green Book". The Isle of Wight Council has a locally agreed pay framework, as set out in Appendix A.
- 4.2. The terms and conditions of employment for chief officers are determined either by local agreements (particularly the IWC Terms and Conditions 2012), local policies, or collective agreements negotiated by the Joint Negotiating Committee (JNC) for Chief Executives and Chief Officers of Local Authorities.
- 4.3. The above bodies provide an agreed national framework for pay and terms and conditions, but which also contain a number of flexibilities for local modification to suit local service requirements. These are the result of negotiations between trade unions and local government employers.
- 4.4. The School Teachers' Pay and Conditions Document, issued by the Department for Education, contains the statutory requirements for teachers' pay and conditions that maintained schools and local authorities in England and Wales must abide by. The pay and conditions of teachers are not included within this document.

5. Terms and conditions - all staff

5.1. The council operates under the national terms and conditions as set out by NJC and JNC in respect of sick leave and sick pay; maternity leave and maternity pay scheme; shared parental leave and shared parental pay scheme; and paternity leave and paternity pay scheme.

5.2. Core working hours

Annual working hours are 1,633 per annum, full time equivalent, agreed between the employee and their line manager. The timing of working hours depends upon role definition (set out in 5.3 below). Core hours are determined by managers according to the specific needs of the service and will cover a period of 14 hours between 6am and 10pm. Work carried out within core hours is paid at plain time rates unless specified otherwise.

5.3. Role definition

Roles within the council are categorised as either “flexible” or “constrained”.

5.3.1. *Flexible roles* are not normally subject to particular operational times or to regular and frequent immediate reactive response to the service or customers within the community. There is occasional requirement to cover at times other than normal hours, but generally staff are able to choose their working patterns and the freedom to exercise that choice does not, in the main, impact adversely on service delivery to the community.

5.3.2. *Constrained roles* are largely governed by particular working time or patterns because of the needs of the service or demands regular and frequent immediate reactive response to the community or customers’ needs. Staff generally do not have the freedom of choice in their working patterns and to have such would impact adversely on service delivery to the community.

5.4. Pay awards

Pay awards are considered annually for staff and are based on those determined by the national pay bargaining undertaken by the Local Government Employers. Further to the last pay policy the April 2021-March 2022 pay award was agreed nationally and belatedly implemented in February 2022. The pay award detailed in this policy is that agreed nationally up to 31 March 2023 and is an additional £1,925 pro rata per employee. In addition to this there is an additional day’s annual leave (pro rata) and an increase of 4.04% to allowances. There is currently no agreement nationally regarding the pay for 2023-2024. The outcome of this will not be known before this pay policy is approved by full council.

5.5. Appointment

Employees new to the council will normally be appointed to the first point within the salary range within the respective pay grade. Where a candidate’s current employment package would make the first point unattractive or where the employee already operates at a level commensurate with a higher salary, the recruiting manager has delegated authority to appoint at a higher point within the salary range. The candidate’s level of experience and skills must be consistent with those of other employees already employed in a similar role.

5.6. Recovery of Exit Payment on return to any public sector body

The anticipated legislation for the recovery of exit payments has been further delayed by central government and as such this remains an area for consideration of required policy and procedure once a new timetable for implementation is made available.

5.7. Relocation allowance

It is recognised that it may be necessary to compensate, at least in part, the financial costs incurred by a new employee in relocation to the Island or to a location within commutable distance where required (and the successful candidate's existing residence is beyond 50 miles in distance from the Isle of Wight, or outside of a reasonable commuting time) in order to take up their duties. Granting a relocation allowance as part of the recruitment package requires approval as part of the council's recruitment authorisation process. In determining the business case for the granting of a relocation allowance, consideration has to be given to whether:

- 5.7.1.** advertisement within a national/international market is required;
- 5.7.2.** there is a need to increase the potential of recruiting high calibre staff or within particularly hard to recruit occupations.
- 5.7.3.** it is a permanent post (although if deemed to be a key post on a fixed term contract of up to two years, consideration can be given to an appropriate level of reimbursement).

The current allowance payable is up to a maximum of £8,000. Full conditions of operation are set out in the council's Recruitment Policy.

Under the council's Relocation Scheme the council also offers new recruits an allowance to cover some of the costs associated with travelling in order to attract potential candidates within commuting distance but who would not wish to relocate to the Island in the current economic climate.

5.8. Market supplements

There are some occupations which are notoriously difficult to recruit and retain within the public sector. Where there is significant evidence pointing to salary levels which are out of line with the market rate for particular skills or recruitment, the payment of a market supplement may be an appropriate solution. Annual review and analysis of available evidence of whether there have been any changes in the job market will inform whether market supplements will continue to be paid. Full conditions of operation are set out in the council's Market Supplement Policy. Currently, a market supplement is paid to social workers working in childcare, out of hours adult mental health practitioners, Lawyers, certain regulatory officers and some leisure staff.

5.9. Additional duties

There may be occasions when an employee is required to undertake the duties of a higher graded post for a continuous period of up to 12 months. In such circumstances, the employee will receive the salary that would apply as if they were promoted to that post. These must be for genuine reasons other than annual leave or the short-term sickness absence of another officer.

In the review undertaken by managers when a post becomes vacant, there may be circumstances when a manager determines not to recruit, but to assign a proportion of the full duties and responsibilities to another employee. Where such a situation arises, payment of a responsibility allowance can be made upon submission of a business case. The rate of allowance payable is dependent upon the percentage of additional duties required up to a maximum of a 12-month period, unless there are exceptional circumstances for this to be extended. There are three levels of payment 2.5 per cent, 5 per cent and 7.5 per cent of the difference between the substantive and higher graded post for the period during which the additional duties/responsibilities are undertaken. Full conditions of operation are set out in the council's Acting Up and Secondment Policy. The council actively encourages the use of secondments both internally and externally within partner organisations.

5.10. Business travel

For genuine operational needs and where privately-owned vehicles are used for business travel purposes, the council reimburses employees as casual users in line with Her Majesty's Revenue and Customs approved levels as follows:

Business mileage undertaken by staff will be reimbursed at the appropriate HMRC tax-exempt mileage rates;

First 10,000 business miles in the tax year

Vehicle type

Cars & vans	45p
Motorcycles	24p
Bicycles	20p

Staff who undertake more than 8,500 business miles per annum are classed as essential users and receive an annual lump sum, in accordance with the NJC terms and conditions, payable in monthly instalments. This is in recognition of the additional wear and tear that high mileage incurs. This allowance is removed should any employee change job where business travel is not required or is likely to be below the threshold set out above. Essential car users are paid at the rate of £849 per annum with a mileage rate of 36.09 pence per business mile up to £8,500 claimed and thereafter at a rate of 13.06 pence.

There is by local agreement with chief officers, no claiming of on Island business travel expenses.

5.11. Excess travel and mileage claims

Since 1 April 2012 no reimbursement or allowance has been payable to employees whose on Island work base location is changed by the council. Agile working has now been rolled out across the Council All staff have a designated base (agreed with their managers) where they start work and if they are not working there, they are expected to use a work base of the same or less distance from their home. Mileage claims to a work base will not be accepted if they are a greater distance from home than the normal agreed work base. The first and last on island work journey of the day will be counted as commuter mileage and therefore not claimable.

Since 1 April 2012 no reimbursement or allowance has been payable to employees whose on Island work base location is changed by the council.

5.12. Charging for car parking at work

Any member of staff or Councillor who uses a car parking space during the working day which is within a designated area of the Council's parking order is required to either pay the daily parking charge or purchase a staff parking permit. There are two types of staff parking permit now available. These comprise of a monthly permit at the cost of £15 or £10 for staff paid below Grade 4 (or equivalent before deductions) or a daily permit at the cost of £1.10, or £0.70 for staff paid below Grade 4 (or equivalent before deductions). Both permit types allow unlimited parking in long stay car parks any member of staff or Councillor is working for the Council, subject to terms and conditions. Both permit types must be applied for using the MiPermit system and payment will be taken by credit/debit card. Full conditions of operation are set out in the council's Charging for Car Parking at Work Policy.

5.13. Professional fees

Since 1 August 2011, no reimbursement or payment of professional association membership fees has been made to employees other than those who are appointed into trainee positions and working towards a recognised professional qualification as a requirement of their employment, when payment will be made until they qualify, at which point they will become responsible for the payment of their own fees.

5.14. Re-engagement

Employees whose appointment is terminated on a voluntary redundancy basis, or who accept early retirement, will not normally be re-engaged by the council on a directly employed basis for a period of 6 months or a consultancy basis for a period of two years unless approved on an exceptional basis by the Director of Corporate Services. Managers are required to submit a business case if wanting to re-engage in these circumstances. This is currently under review.

The general rules relating to re-engagement are as follows:

- Any return to the council's employment must be via the normal process of competitive selection.
- The return must not be to the same or a closely related post, as this would call into question the original decision to declare the post redundant.
- The employee must not take up the post (if they are to be directly employed) any sooner than four weeks after the effective date of redundancy or early retirement, or they will forfeit the original redundancy payment and pension entitlement will be affected.
- Anyone who is re-employed will be treated as a new starter and any previous service with the council or other related body will not count towards entitlements to notice periods, sick leave, annual leave, or other benefits dependent upon continuous service.

5.15. Annual leave

From 1 January 2023, all employees operating under the NJC/JNC for Local Government Services are entitled to 32 days or 237 hours per annum (pro-rata if part-time). The leave year operates from 1 January to 31 December.

5.16. Public and extra statutory holidays

All staff are normally entitled to eight days or 59 hours public holidays per annum (pro-rata if part-time) plus 32 days annual leave per annum (pro-rata if part-time) from April 2023. In 2022 staff were entitled to an additional public holiday on 3 June for the Queen's Jubilee as well as an additional day for her funeral. In 2023 there will be an additional national public holiday on 8 May for the King's coronation.

5.17. Pension contributions

All employees whether designated as in permanent employment or on a fixed term contract (where the contract period is for three or more months) are automatically admitted to membership of the Local Government Pension Scheme (LGPS) although they have the right to opt out if they so wish.

Scheme regulations are made under the Superannuation Act 1972. Changes to the rules are discussed at national level by employee and employer representatives but can only be amended

with the approval of Parliament. As scheme members, employees pay contributions and the council pays in the balance of the cost of providing accrued benefits after taking into account investment returns. Every three years, an independent actuary calculates how much the council should contribute to the scheme. The amount will vary, but the current level of contribution made by the council is 23.5% per cent.

2022/23 table of employee contribution bands are shown below:

Pay band	Yearly pay	Main section contribution rate	50/50 section contribution rate
1	Up to £15,000	5.50%	2.75%
2	£15,001 to £23,600	5.80%	2.90%
3	£23,601 to £38,300	6.50%	3.25%
4	£38,301 to £48,500	6.80%	3.40%
5	£48,501 to £67,900	8.50%	4.25%
6	£67,901 to £96,200	9.90%	4.95%
7	£96,201 - £113,400	10.50%	5.25%
8	£113,401 - £170,100	11.40%	5.70%
9	£170,101 or more	12.50%	6.25%

**The pay band ranges will be increased each April in line with the cost of living.*

6. Benefits of employment

6.1. The council operates a salary sacrifice scheme for childcare vouchers, where employees can make substantial savings to their childcare costs through the payroll in tax and national insurance payments. Employees who pay for Ofsted registered childcare can have payments made directly from their salary to their childcare provider, subject to a maximum amount per week/month. The scheme covers children up to the age of 15 (16 if disabled). In April 2018 the government introduced a new tax-free childcare scheme, which restricted new members joining the salary sacrifice scheme. No new members of staff can join this scheme, but the scheme remains for existing members.

- 6.2.** All staff have access to an Employee Assistance Programme (EAP) which is an impartial and completely confidential advice and counselling support service which is available 24/7 via a free phone number. Employees also have access to a website where they can seek information and advice on a wide range of topics including work-life, personal life and health and wellbeing
- 6.3.** Other financial benefits include our list of local retailer discounts which contains over 100 Island businesses that are prepared to offer discounts on their products and services to council employees and our list of miscellaneous discounts contains off-Island and web- based businesses which also provides discounts. In addition, there are several sites designed specifically for those who work in the public sector. They are free to access and enable employees to take advantage of special offers and discounts on a whole range of products and services offered by various well-known retailers and other companies.
- 6.4.** As part of our wellbeing strategy, the council's 'One Card' employee scheme offers access to the council's leisure and fitness facilities at Medina Leisure Centre, the Heights leisure centre and Westridge tone zone and squash courts at a reduced rate. Discounts are available off the published price of a 'One Card', and there is a choice of two card options and several different payment methods. The council also has access to the Civil Service Sports Council (CSSC), a not for profit organisation that offers a low rate membership option to a wide range of sport and leisure activities. There are also a range of discounts on public transport. This includes reduction on ticket prices for ferry services to and from the Island with the three operators - Hovertravel, Red Funnel and Wightlink, and a discount on certain Southern Vectis tickets for Island bus travel
- 6.5.** We recognise the importance of investing in the learning and development needs of employees to enable the skills, competencies and behaviours required of staff in their work duties to be carried out effectively and efficiently, to remain safe within their workplace and which enable career development. We also give due consideration to any requests that are made by staff under the Right to Time off for Training legislation. The council also operates a people performance review process (PPM) which sets the expectation that employees will have regular 1-1s with their manager to monitor work performance, establish new work priorities and timescales and the identification of learning needs. Within available resources and according to priority needs, learning and development opportunities may take the form (but not exclusively) of course attendance, distance learning, directed research, e-learning, work shadowing, coaching and/or mentoring. All new staff are required to complete e- learning induction modules and attend the corporate induction programme. The Learning Hub is a one stop digital learning platform which enables all staff to plan for and access digital and face to face learning programmes and to access career pathways. It also enables managers to have visibility of all of their team's learning and development to discuss during regular meetings. Some learning and development activities are mandatory to meet expected personal responsibilities in areas such as health and safety, equality and diversity and safeguarding. The council also has a functional skills programme which staff can access to support the improvement of numeracy and literacy skills. Continuous professional development is also supported by the apprenticeship levy funds which enable staff to access apprenticeship programmes which can lead to nationally recognised qualifications.

An annual celebratory award event formally recognises the significant and/or outstanding contributions that individual or groups of staff make to the community. Long service of 25 and 40 years is also recognised at this event.

7. Official election duties and fees

- 7.1.** Official duties for the purposes of Parliamentary and national referendums are statutory functions that are separate to any other local government statutory role (such as the section 151, head of paid service or monitoring officer) or any other functional requirements of a local

government officer. Fees payable to those who carry out official election duties are set by statute and are reclaimable from central government.

- 7.2.** Official duties for the purposes of local elections are also statutory functions, as set out above, and fees payable to those who carry out official election duties are set by the Hampshire and Isle of Wight election fees working party. The full arrangements and current fee structure is set out in a Hampshire and Isle of Wight elections fee structure.
- 7.3.** In the case of the Isle of Wight Council, returning officer duties are currently undertaken by the Director of Corporate Services who will appoint a number of deputy returning officers.

8. Pay arrangements up to chief executive level

8.1. Pay structure

A new pay structure was introduced on 1st July 2015 following the conclusion of the job evaluation project. Within the overall pay scale there are 20 grades as set out in Appendix A. The grade for each role is determined by a job evaluation process according to the knowledge, skills, effort, responsibilities and demands required of the role. All posts including chief officers are included on the 20 new pay grades, excluding the chief executive. A comparison of the number of permanent full-time equivalent posts by salary grade is set out in Appendix F. There are no arrangements which could be perceived as seeking to minimise tax payments in the terms of remuneration for senior appointments.

8.2. Pay progression

Currently, annual automatic pay progression is in operation between pay points within a pay banding up to the maximum point. Increases are made on 1 April each year. Officers with less than six months' service in the grade by 1 April are granted their first increment six months after their appointment. This was reviewed as a part of the council's current pay structure and job evaluation scheme review. If posts are regraded, they are expected to start at increment A, even if there is no actual salary difference due to the fact that they will progress up the increments in future years. Officers can be recruited on any increment dependent on their experience but once employed business cases to increase the increment will not be accepted.

Casuals are generally recruited on the bottom increment (point A) and are not subject to pay progression. Managers may increase the increment subject to a business case and funding availability.

8.3. Pay protection

Where, as a result of job evaluation or redeployment there is a reduction in pay, staff will receive salary protection which will be at least limited to a period equivalent to the period of notice to which they would be entitled under their contract of employment. This will only be applicable in circumstances where the employee has compulsorily had a reduction in pay due to restructure or redeployment and will apply to reductions in contractual pay and allowances.

8.4. Premium payments

The council has undertaken an extensive review of all terms and conditions of employees which saw the rationalisation of allowances and premium rates paid to employees whose roles necessitate out-of-hours working. These arrangements are determined under local bargaining arrangements with recognised trade unions. The 2022 pay award increases allowances by 4.04%.

- Since 1 April 2012, posts designated as constrained (as set out in section 5.3) have attracted the following allowances and are payable to eligible employees up to salary grade 10, point E (£36,307). However, in exceptional circumstances such as the Isle of Wight Festival, plain time rate pay for additional time will be paid in addition to the contracted hours, if there is a valid authorised business case confirming the circumstances and the reasons why staff are unable to take time off in the normal way.

Current rates are set out below:

Element	Enhancement to pay	Description
Adverse work element	£105 per annum	Applies where: those working conditions are deemed to be more difficult than reasonably expected in any job i.e. over and above the reasonable expectation for the job, a scheme of Adverse Work Element will apply and an allowance will be payable to staff who qualify. This has been in place since the terms and conditions review but due to the small amount per annum is not often used.
Overtime	Plain time rate	Applies where: (a) there is a contractual requirement to work more than 37 hours per week or (b) Voluntary overtime worked in a constrained post cannot be reasonably taken as time off in lieu.
Night Duty	Plain time plus one third	Applies to hours worked outside of the service's designated core hours. This rate will also apply where shift patterns fall outside the service's designated core hours (see shift allowance below).
Responsibility Allowance	No automatic entitlement	Responsibility allowances will apply only where a cost-effective business case is made to and approved by the authorisation panel. "Acting up" arrangements will be development opportunities and will be time limited.
Shift Allowance	10% of plain time rate will apply to all hours of working shift patterns whose start / finishing times commence / end beyond the designated core hours for the service. Plain time rates only apply to shifts whose start and finish times fall within designated core hours for the service.	Shifts are defined as regular patterns of work carried out at different times either on a daily or weekly basis. All hours of a particular shift where the start / finishing times commences / end beyond core hours for the service. Additionally, where the hours of a shift fall outside the core hours for the service, the night work rate of a one third enhancement to plain time will apply to those hours.

Element	Enhancement to pay	Description
Weekend Work	Plain time rates	This rate applies to all hours worked within the service's designated core hours.
Standby Allowance	Where staff are required to undertake standby duty, a standby session is paid as a single payment which equates to the hourly rate of Grade 10 (point C). Only payable where the standby is additional to contractual hours per week.	A standby session is 24 hours or part thereof but must exceed four hours duration. Where the needs of the service demand, all posts eligible will participate on standby.
Call-Out	Plain Time Rate	All posts may be reasonably required to be called out at times other than normal working patterns. Where an employee is paid a higher substantive grade than that of the role being covered on call-out, they will be paid at the maximum of the grade for the role being performed on call-out. All hours of call-out work will be paid at plain time rate. Staff graded higher than Grade 10, who are required to be called out, will be paid at their actual rate of pay for time called out.
Public / Bank Holiday Working	Christmas Day (25.12) and / or Boxing Day (26.12): normal pay plus plain time for hours worked plus time off in lieu. All other public and bank holidays -see right.	Work on alternative public holidays when Christmas Day or Boxing Day fall on a Saturday or Sunday and work on all other public holidays will be paid either at normal pay plus time off in lieu, or alternatively at normal pay plus plain time for hours worked (no time off in lieu) where this is a more cost effective approach.
Sleeping In Allowance		Sleep ins paid at £42 per night session (9 hours)
Casual Adult mental health practitioners	Call-Out: £85 per session	Plain time rate

9. Pay arrangements - chief officers

9.1. Pay structure

Our structure for chief officers is included within the 20 pay grades under the job evaluation pay framework, excluding the chief executive whose salary is a spot salary that has been evaluated through market testing.

The scope of each chief officer's job responsibilities are set out in the council's constitution which is published on the council's website and can be found by using the following links:

<https://iow.moderngov.co.uk/ieListMeetings.aspx?Committeed=219&info=1&MD=Constitution&bcr=1>

<https://www.iow.gov.uk/Council/Working-for-the-Council/IWC-Workforce-Information/Organisational-Structure-and-Responsibilities>

Generic role profiles have been established for the appointment and performance management of chief officers, which set out the generic requirements to fulfil the duties expected at this level. These can be found at Appendix B and C, and senior management level at Appendix D and E for information.

The Openness and Accountability in Local Pay Guidance under Section 40 of the Localism Act sets out the requirement for Full Council to be given the opportunity to vote before large salary packages are offered in respect of a new appointment. The secretary of state considers that £100,000 is the threshold for this to be undertaken. The pay-scale for chief officer posts is incorporated into the new pay framework following the job evaluation exercise, as set out as Appendix A and the remuneration for the chief executive has been set by Full Council as being up to a maximum ceiling of £150,000 per annum with current salary including pay award at £139,963. Approval by Full Council to this policy document is therefore considered to meet the requirements of the guidance. Should any variation to the pay-scale for chief officers be proposed in any future appointment, including elements of payments made to chief officers engaged under a contract for services, i.e. agency staff then this will be a matter for the Appointments Panel to recommend to Full Council during the authorisation process to recruit to a vacant post. There is currently no performance-related pay or bonuses for chief officers

9.2. Pay progression

There is no automatic pay progression for the chief executive as it is a spot salary, although salary will be increased based on national negotiations for annual cost of living pay awards in line with the Joint Negotiating Committee for Chief Officers.

The establishment of annual performance targets for chief officers is a matter for determination by the chief executive and where appropriate in consultation with the lead Cabinet portfolio holder(s).

The establishment of annual performance targets for the chief executive is a matter for determination by the leader of the council in consultation with relevant Cabinet portfolio holder(s), other group leaders and subject to any other constitutional arrangements for their approval and review.

9.3. Emergency response

Chief officers and strategic managers are required to participate in the council's emergency duty scheme. No additional payment is made for such duty.

9.4. Pay ratio

The proposition by the Prime Minister and Chancellor in commissioning the public sector pay review in 2010 was that there should be no more than a 20:1 pay multiple to demonstrate fairness in pay.

The pay differential between the highest paid and the lowest within the Isle of Wight Council (using the full time equivalent (FTE) base salary as the indicator of measure), and excluding schools, fire service personnel, casuals, trainees and apprentices the following can be identified:

December 2022

- the highest salary is £139,963 and the lowest salary is £20,442
- the mean salary is £30,202
- the median salary is £25,878

Which represents:

- a ratio of 1: 6.75 between the lowest and highest salary
- a ratio of 1: 4.57 between the mean and the highest salary
- a ratio of 1: 5.33 between the median and the highest salary

Whilst it is not the intention to establish a target reduction in ratio, close monitoring/benchmarking will to be undertaken to allow ongoing monitoring of median/mean workforce earnings.

9.5. Gender Pay gap

From 2017, Gender Pay Gap Legislation requires any organisation that has 250 or more employees to publish a report showing how large the pay gap is between male and female employees. The pay gap is the difference between the average (mean or median) earnings of men and women, expressed as the percentage of women's earnings compared to men's earnings.

The report must be published by the 30th of March each year for the public sector; the information must be displayed on the employers' own website and a designated Government website.

The Isle of Wight Councils Gender Pay Gap information is summarised below and the full report can be found by [clicking here](#).

9.5.1. The mean gender pay gap in hourly pay

	Females (£)	Males (£)	Gap (%)
March 2017	12.6	13.93	9.6
March 2018	12.13	13.48	10.1
March 2019	12.80	13.95	8.26
March 2020	13.35	14.94	10.68
March 2021	14.43	16.04	10.0

9.5.2. The median gender pay gap in hourly pay

	Females (£)	Males (£)	Gap (%)
March 2017	10.57	12.42	14.9
March 2018	10.44	12.35	15.5
March 2019	10.89	12.61	13.66
March 2020	11.19	13.64	17.98
March 2021	12.20	14.73	17.2

9.5.3. The mean bonus gender pay gap

	Females (£)	Males (£)	Gap (%)
March 2017	0	0	0
March 2018	1345	0	
March 2019	1704	0	
March 2020	2116	0	

March 2021	3594	0	
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9.5.4. The median bonus gender pay gap

	Females (£)	Males (£)	Gap (%)
March 2017	0	0	0
March 2018	1345	0	
March 2019	1704	0	
March 2020	2116	0	
March 2021	3594	0	

9.5.5. The proportion of males and females receiving a bonus payment

	Females (%)	Males (%)
March 2017	0	0
March 2018	0.05	0
March 2019	0.06	0
March 2020	0.08	0
March 2021	0.1	0

9.5.6. The proportion of people in each quartile within the council's pay framework that are male and female

March 2021		
Quartile	Female	Male
Lower quartile	72.9%	27.1%
Lower middle quartile	72.8%	27.2%
Upper Middle quartile	53.9%	46.1%
Top quartile	54.8%	45.2%

These figures are based on those who were employed on the 31 March 2021. The pay period used for the calculation of pay was the month of March 2021 as employees are paid monthly. The bonus period covers the period 1 April 2020 to the 31st March 2021.

10. Discretionary provisions

The Local Government Pension Scheme (LGPS) Regulations require the council to publicise a statement on the way certain discretions available under the pension scheme will be applied. This is a management policy, not an employee right and confers no contractual rights. However, the statement does not commit the council to a scheme of automatic exercise of the discretions and any such variation must be considered on its own merit and undertaken within the required corporate governance arrangements. This places a duty upon the council to provide appropriate, documented evidence to justify a variation being made and that the necessary authorisation has been secured. In all such cases, for the decisions to be lawful, there must be a clearly documented rationale agreed by key elected members for a departure from the policy.

Only the policy which is current at the time a relevant event occurs to an employee will be the one that applies.

This statement is applicable to all employees with the exception of those employed in maintained schools who, as LGPS employers in their own right are required to have their own policy on the application of discretions.

10.1. As an employing authority, the Isle of Wight Council's policy as regards available discretions is as follows:

10.1.1. Voluntary redundancy/early retirement from age 55, including the impact of the '85-year rule'

The Isle of Wight Council's current policy is to not "switch on the 85 year rule" where an early retirement application is made between the ages of 55 and 59. This would result in an actuarial reduction to any pension benefits taken by a member aged 55 to 59, regardless of whether the 85 year rule is satisfied. The only exceptions to this rule are redundancy, ill-health and flexible retirements, whereby the 85-year rule, in accordance with pension regulations, is not discretionary and therefore must be honoured in all of these situations.

Early retirement with employer's consent can be applied for between the ages of 60 and Normal Retirement or State Pension Age, whichever is earlier, providing the 85-year rule is not satisfied. Requesting this type of retirement would allow an employee to retire at 60 without actuarial reductions applied to their benefits.

Voluntary and compulsory redundancy has the same effect on pension benefits, whereby no actuarial reduction will be applied to benefits if the redundancy occurs after the pension member's 55th birthday.

The council may not afford employer consent to early retirement or voluntary redundancy, if by leaving local government employment, the resultant loss of skills, knowledge and experience will have a detrimental effect on the service provided by the council. The chief financial officer and head of resources must be satisfied that appropriate savings to meet the capitalised costs associated with release of pension (and payable to the pension fund) can be secured before approval is given. Applications for voluntary redundancy and early retirement with employer's consent must be made in-line with the Isle of Wight Council's policy.

10.1.2. Augmentation of benefits – leavers who have attained age 55 (i.e. a discretion that allows the employer to purchase extra pension benefits for a pension scheme member)

Our current policy is that we will not grant any additional benefits or pension under this delegation.

10.1.3. Augmentation of benefits – new employees

Our current policy is that we will not grant any additional benefits under this delegation upon entry to Isle of Wight Council employment.

10.1.4. Transfer values – acceptance of inward transfers

When a transfer of pension rights from the private or public sector is permissible, we will only accept such a transfer when the request for us to look into it was made within the first 12 months of employment. Requests received after the first 12 months will be refused. We also refuse to accept transfers (other than from within the Local Government Pension Scheme and the Public Sector Transfer Club), that would result in a membership credit in excess of 40 years. When assessing this 40-year limit we take into account all non LGPS and non-club transfers.

10.1.5. Shared Cost Additional Voluntary Contributions (AVCs) and/or Shared Cost Additional Pension Contributions (ie a discretion that allows the employer to pay a percentage of any additional voluntary contributions an employee makes to their pension)

Our current policy is that we will not grant any additional benefits under this delegation by way of additional contributions on behalf of an employee. This decision does not preclude any employee from effecting an AVC in their own right. The council introduced the AVC salary sacrifice scheme during 2020 for LGPS members, which through its operation affords National Insurance contribution and income tax savings for employees and National Insurance contribution savings for the council as the employer.

Redundancy payments

It is our current policy that redundancy payments will be based on statutory redundancy calculations payable under the Employment Rights Act in terms of the calculation of the number of weeks to be paid based on age and length of continuous local government service. Our current policy is that we will not grant any additional benefits under this delegation for additional compensation under the Discretionary Payment Regulations to be applied. A week's pay will be based on the lesser of:

- An employee's actual contractual pay; or
- The statutory minimum.

Voluntary redundancy requests do not attract any enhanced compensation rates.

10.1.6. Flexible retirement

In-line with Local Government Pension regulations the Isle of Wight Council currently offers flexible retirement to members over the age of 55 as an option to employees who wish to reduce their working hours or grade before retiring fully. Employer's consent must be obtained for all flexible retirements and full retirement benefits will be paid with immediate effect, notwithstanding the fact that they have not retired from their employment. Flexible Retirement will cause the ongoing accrual pensionable benefits to cease on the date of the effect and therefore any additional service after the date of flexible retirement will not count towards satisfying the '85-year rule'.

For employees who satisfy the 85-year rule at the date of flexible retirement no actuarial reductions will be applied to the resultant pension benefits. The Isle of Wight Council is in no way obliged to grant flexible retirement to members who satisfy the 85-year rule and the same process for approval as voluntary redundancy and early retirement with employer's consent will need to be followed. All applications for flexible retirement must be made in-line with the Isle of Wight Council's Flexible Retirement policy.

The Council may not agree to flexible retirement if by reducing the weekly hours worked or grade, will have a detrimental effect on the service provided by the Council. Where a capitalised cost will be incurred because the applicant satisfies the 85 year rule, the Chief Financial Officer and Director of Corporate Services must be satisfied that appropriate savings to meet the capitalised costs associated with release of pension (and payable to the Pension Fund) can be secured before approval is given. Flexible retirement will normally only be granted where there is no cost to the Local Authority or where due consideration has been given to the cost benefit of agreeing such an approach.

10.2. As an administering authority, the Isle of Wight Council's policy as regards available discretions is as follows:

10.2.1. Re-employed pensioners

It is our current policy that the pension of those pensioner members who are re-employed within local government will not be abated. (Abatement is the reduction or suspension of a member's pension where a person in receipt of their pension becomes re-employed with an employer who offers the LGPS.)

10.2.2. Spouses pension payable for life

It is our current policy that there will be continued payment for the whole life of a widow's or widower's pension even where the recipient remarries, enters a civil partnership or cohabitates with another person.

10.2.3. Premature release

Once a scheme member has attained the age of 55, they may request access to payment of their benefits on a reduced basis. This requires employer's consent to be given. It is current policy that any such request would only be granted where there is no cost to the local authority due to the early release of benefits.

10.2.4. Injury Benefit Scheme

Under the Local Government (Discretionary Provisions) (Injury Allowances) Regulations 2011, it is our current policy that we will not adopt a discretionary injury benefit scheme which makes provision for a person who has sustained an injury in the course of carrying out their work.

11. Severance Arrangements

11.1. There may be exceptional circumstances that occur from time to time when the most economically advantageous option for the council requires some form of compensation arrangement to be entered into or for a variation to be granted to the discretionary provisions set out above and where for example, a consensual arrangement is required in order to avoid delays, tribunal costs or detriment to key service priorities. In doing this, regard must be had to the losses suffered by the individual, future employment prospects and the overall impact on the council's finances of both reaching and not reaching agreement.

11.2. The necessary procedures must be followed when such arrangements are proposed and/or in circumstances where termination of employment involves any of the following:

- Early release of pension entitlement (other than on ill-health grounds) which requires capitalised costs to be met.
- Payments in excess of the statutory redundancy payment.
- Any other enhancement that requires approval as set out in the Discretionary Provisions.
- A compensatory payment for loss of office that either relates to a chief officer and / or is in excess of £50,000 for any other employee.
- Where a combination of the above for any one individual exceeds £50,000.

11.3. Procedure to be followed:

Whilst it is accepted that there must be public accountability for any severance package granted, it is considered that there is potential to breach employment obligations under a contract of employment by entering into debate about individual severance arrangements at Full Council, and it would not be in the best interests of efficiency or to allow timely conclusion to sensitive and/or complex matters that need to be resolved swiftly when required. The following procedural process therefore sets out the level of scrutiny that is to be undertaken in respect of any authorisation.

In all cases and irrespective of the sums involved, an "Authorisation for Early Release of Pension Benefits/Discretionary Payments" form must be completed then discussed with and authorised by the relevant head of service, head of resources and chief executive. The form must set out all the costs and savings associated with the proposal and must be certified by the section 151 officer or other authorised signatory. The exit cap will be considered as part of this process.

The costs associated with reimbursing the Pension Fund for the capitalised costs of an early retirement must be met from the resultant savings.

Where a settlement relates to a chief officer and/or where for another employee:

- the capitalised costs of reimbursing the pension fund exceed £50,000;
- a compensatory payment for loss of office exceeds £50,000;
- any other discretionary payment exceeds £50,000;
- a combination of the above exceeds £50,000

Then, the leader and Cabinet member for resources in consultation with the relevant Cabinet member must be informed in advance of any offer being made or approval being given.

Where compensatory payments are proposed for loss of office, appropriate legal advice must be taken. This must be secured in writing and also attached to the authorisation form prior to approval. All relevant information utilised in the calculation of a proposed compensatory payment must be retained as evidence on file with the relevant authorisation form.

In any circumstances where pay in lieu of notice is to be considered it must be possible to evidence that one or all of the following criteria can be met:

- that circumstances dictate that it would be untenable or detrimental for the individual to remain at work or to return to work and there is no gainful alternative work during a notice period;
- occupational health/medical advice indicates that the individual is not fit for work during the notice period.

Where the anticipated termination date is known and it is therefore possible to give due notice, this is not considered appropriate circumstances in which authorisation can be given for pay in lieu of notice.

Appendix A

Grade	A	B	C	D	E
Grade 1	20442		20627		20812
Grade 2	20812		20937		21063
Grade 3	21189		21317		21445
Grade 4	21575		21771		21968
Grade 5	22368		22573		22777
Grade 6	22777	22984	23194	23620	24054
Grade 7	24496	24948	25409	25642	25878
Grade 8	26669	27334	28018	28721	29439
Grade 9	30152	30813	31578	32344	33110
Grade 10	33563	34249	34935	35621	36307
Grade 11	39623	40325	41026	41728	42431
Grade 12	42432	43010	43591	44172	44751
Grade 13	44847	45718	46588	47456	48326
Grade 14	52955	53942	54931	55918	56906
Grade 15	60892	62075	63257	64438	65621
Grade 16	70530	71907	73293	74679	76065
Grade 17	86646	88279	89912	91545	93178
Grade 18	94329	96096	97864	99632	101399
Grade 19	102010	103914	105818	107724	109628
Grade 20	109693	111732	113771	115810	117850

Appendix B – Generic Role Profile – Chief Officer (Grade 17)

Job Family	Leadership
Pay Range	Grade 17
Reference	HOS01
Purpose	
To lead and control a major service area to deliver significant operational and /or professional expertise services which support the achievement of the aims and desired outcomes of the Council.	
Service to Customers	
<i>Accountability</i>	<i>End Result</i>
Direct and control the management of the service / professional expertise area for which responsible.	Activities within the service area are directed and controlled to ensure the required outcomes and standards are delivered either directly; through commissioned or funded services; or via community empowerment.
	Consultation informs the design, development, delivery and performance management of the service / professional area.
	Customer and client satisfaction are maximised
	Service quality, efficiency and continuity are maximised.
Strategy and policy formulation and implementation for area of responsibility are aligned to the Councils overall corporate strategy and objectives. Actively contribute to the strategic direction of the council.	Service requirements are identified, and priorities established.
	Service area strategy is developed, agreed and implemented.
	Changing priorities and external requirements are anticipated, assessed and effective responses developed.
	Council strategic direction is informed and influenced by recommendations.
Lead the development and oversee the implementation of policy, systems, contracts, processes, performance criteria, standards, governance frameworks, and procedures within area of responsibility which meet strategic / operational requirements, internal and external reporting requirements	Policies, procedures and controls ensure that the area of responsibility is compliant with all relevant legislation, codes, regulations, guidelines, standards and best practice.
	Governance frameworks have clear accountabilities and effectiveness is measurable.

Page 70

and ensure compliance with legislation and regulations.	Compliance is monitored and ensured.
	External inspections are managed effectively.
	Action is taken to resolve any issues identified.
	Policies, systems, frameworks, information management and reporting etc. meet all audit, regulatory and operational requirements.
Advise Strategic Managers, Directors, Members and others on issues relevant to the service area. Provide professional challenge and advice to colleagues, managers and partner organisations.	Expert professional advice, interpretation, information, support and challenge are provided to IWC and external parties on the full range of operational, legislative and strategic issues within the field of expertise.
	Strategic Managers are actively supported, consulted, advised, kept informed and involved in the activities of the service area.
	Responses to major corporate or partner initiatives / complex strategic or operational issues are managed effectively.
Implement a comprehensive risk management programme for the area of responsibility.	Corporate risk management processes are implemented and delivered within the area of responsibility
	Operational, financial, regulatory and political risk are identified and managed in accordance with Local Government and national working practices.
	Mitigation is identified and recommended in prospective high risk areas.
Business Improvement	
<p>Ensure the development and delivery of continuous improvements in all aspects of the service area. Manage and control the planning and implementation of improvements.</p> <p>Ensure that the capacity to respond positively to change is enhanced, “traditional thinking” is challenged and innovative solutions are pursued throughout the area of responsibility.</p>	A culture of continuous improvement is established and embedded throughout the area of responsibility.
	The external market, political and regulatory environment and internal drivers which impact the service area are monitored.
	Strategic and operational issues, implications, change requirements and opportunities are identified.
	Improvement of the service area is focussed and driven to meet strategic objectives and service requirements.
	Targets for improvement are developed and agreed with Head of Service
	Agreed improvements are planned and delivered.

Plan and direct / sponsor major projects and / or service wide and partner based programmes/ initiatives.	Scope and objectives of the project / programme are clearly defined.
	Resources required to deliver the project / programme are secured.
	Projects / programmes have clear and assigned accountabilities and achieve their objectives.
	Transition is managed effectively to ensure minimal disruption to service users.
Colleagues, Self and Partners	
Participate in own self development, in order to improve performance at work.	Participate in the Performance Development Review process.
	Keep records of achievements.
	Undertake learning activities as required.
Actively promote and celebrate diversity	When appropriate seek to eliminate unlawful discrimination, harassment and victimisation
	Advance equality of opportunity between those people who possess a protected characteristic and those who do not
	Foster good relations between those people who possess a protected characteristic and those who do not
Ensure that the skills, knowledge and professional standards within the area of responsibility are developed and that the service area is able to meet all operational and regulatory requirements	Changes which impact learning and development are identified and actioned.
	Realistic self assessments of development needs are made by self and management team.
	Management team are supported, coached and mentored in the delivery of their responsibilities.
	A proactive, customer focussed, "can do" culture is developed and embedded throughout the service area.
	Skills and knowledge within the area of responsibility are developed to meet identified requirements.
	Professional competence and integrity within the area of responsibility is ensured.
	Knowledge sharing is established and embedded throughout area of responsibility / influence.
	The workplace is actively championed as a learning environment.

Develop and manage stakeholder relationships. Proactively build good working relationships, develop links and communicate effectively with all stakeholders including Members and Strategic Managers. Represent and make decisions on behalf of the service. Represent IWC at partnership, public and other high profile events, influencing opinions and actions both internally and externally.	Relationships with key stakeholders are established, promoted, managed and sustained.
	Stakeholder consultation is used to develop and manage the area of responsibility
	Council policies and interests are upheld and promoted within the Council and in all external relationships.
	The reputation of the council is enhanced
	Effective lobbying/influencing is demonstrated.
	Beneficial outcomes are negotiated.
	Effective communications / promotional activities are planned and delivered.
	Stakeholder requirements are met.
Develop opportunities for partnership working both within and outside the council. Lead on relevant partnerships between the Council and other public, private, voluntary and community sector bodies.	Where appropriate, service delivery is achieved / supported through partnerships.
	Responsibilities for the delivery of services are established between the service area and partner organisations.
	Partnership working groups are led effectively.
	Best practice is identified, shared and promoted.
Ensure support is provided in response to a corporate emergency.	Support is provided to meet the identified need.
	Requests made for support are reasonable with regard to both the job and the job holder's circumstances.
Managing Resources	
Provide leadership and direction for the service area, to ensure the delivery of timely and appropriate services to customers.	Leadership of professional teams results in the planning, commissioning and delivery of the services required.
	The service area teams are professional, highly competent, effective, motivated and outcomes focussed.
	Performance and development reviews are completed to the required standards and timescales.
	Deficiencies and underperformance are actively resolved.

	Recruitment, induction development, employee relations and all HR processes and planning are completed to the required standards and timescales.
	Corporate initiatives are actively supported and delivered.
	Effective team meetings take place.
Plan and manage the budgets within area of responsibility. Ensure all financial transactions are authorised, processed and reconciled correctly.	Budgets are developed and agreed with Strategic Manager.
	The service area is delivered within agreed budget.
	Funding from external sources is identified and secured where appropriate.
	Savings and efficiencies are systematically identified and delivered. Value for money is maximised.
	Financial expenditure and procedures are controlled to assure financial integrity, regulatory and Council policy compliance.
Accountable for the strategic and operational planning and delivery of the service area targets and objectives (either directly or through commissioned / managed services). Input to the strategic planning of the wider service and / or organisation. Ensure compliance with all internal and external standards.	Service plan and targets for area of responsibility are developed, agreed and communicated within the required timeframe.
	Robust performance and quality management systems and procedures are in place and meet all requirements.
	Performance, progress against the service plan and contractual compliance are monitored and managed effectively.
	Action plans are developed, implemented and delivered.
	Quality, performance and other management information is produced and published in accordance with council policy, regulations and legislation.
	Compliance with all relevant legislation, policies and procedures is ensured.
Identify, secure, deploy and manage the resources necessary for the service area to meet/exceed its objectives.	Resources are effectively and efficiently deployed to achieve service area objectives.
	Appropriate organisation structures and processes are recommended and agreed with Strategic Managers.
	Agreed structures are implemented.
Ensure the successful implementation of health and safety legislation, policies and practices.	There is a proactive and positive culture of health and safety.
	The organisation meets its statutory health and safety requirements.
	Strategic risks are effectively managed

Knowledge, Skills and Experience	
Page 7	Significant relevant experience of managing a service / professional expertise area in a large public sector organisation (preferably local government).
	Substantial experience of service planning and delivery.
	Extensive knowledge of local government and wider sector / external influences.
	Extensive and comprehensive knowledge and understanding of the service area; the requirements, systems, policy, practices, procedures, legislation and major issues facing it.
	Proven track record of effectively managing significant budgets and ensuring the delivery of services within agreed resources.
	Proven ability to identify standards and performance requirements for own and partner organisations and deliver effective performance management.
	Significant experience of leading and sustaining partnerships both internally and externally.
	Authority and credibility to work effectively in a political environment establish positive and productive relationships with stakeholders and engage successfully with colleagues, partners and customers.
	Excellent interpersonal and communication and presentation skills, with proven ability to communicate effectively and persuasively to a wide range of audiences both horizontally and vertically throughout the organisation.
	Proven track record of managing major projects and policy development.
	Proven track record of success in delivering major organisational change.
	Proven leadership ability, with evidence of developing a multi - disciplinary team approach, managing staff, inspiring confidence, encouraging, motivating and influencing others.
	Proven ability to think innovatively and conceptually and deliver against this.
	Evidence of enthusiasm, drive, commitment and energy demonstrated in achieving goals.
	Resilient and positive in spite of setbacks.
	Demonstrates behaviours which model the Council's values.

Indicative Qualifications	
	Educated to degree level or equivalent standard.
	Post graduate qualification may be required or ability to demonstrate equivalent ability.
	Relevant professional qualification may be required.
	May require relevant certifications including evidence of fluency in English language.

Appendix C – Generic Role Profile – Chief Officer (Grade 18)

Job Family	Leadership
Pay Range	Grade 18
Reference	HOS02
Purpose	
To act as lead officer providing strategic policy direction and leadership, operational management and financial control for a service or strategic function within the Council. Support the Executive and other Members, Chief Executive and Corporate Management Team, to achieve the aims and desired outcomes of the Council.	
Service to Customers	
<i>Accountability</i>	<i>End Result</i>
Direct, develop and control the service. Responsible for all operational decision making and management of the service.	Activities within the service are directed and controlled to ensure the required outcomes and standards are delivered either directly; through commissioned or funded services; or via community empowerment.
	Member input, community consultation and customer feedback inform the design, development, delivery and performance management of the service.
	Customer and client satisfaction are maximised
	Service quality, efficiency and continuity are maximised.
Service strategy and policy formulation and implementation are aligned to the Councils overall corporate strategy and objectives. Actively contribute to the corporate management and strategic direction of the council as part of the Leadership Group.	Service priorities are established.
	Service strategy is developed, agreed and implemented.
	Changing priorities and external requirements are anticipated and assessed
	Innovative approaches and responses are developed and delivered.
	Council strategy is developed jointly with partners where appropriate.
Policy options for future council plans are developed.	
Ensure the development and implementation of policy, systems, processes, performance criteria governance	Policies and controls ensure that the area of responsibility is compliant with all relevant legislation, codes, regulations, guidelines, standards and best practice.

frameworks, and procedures within area of responsibility meet strategic / operational requirements, internal and external reporting requirements and ensure compliance with external legislation and regulations.	Governance frameworks have clear accountabilities and effectiveness is measurable.
	Compliance is monitored and ensured.
	Action is taken to resolve any issues identified.
	All internal and external audit and reporting requirements are met.
	Policies, systems, frameworks, information management and reporting etc. meet all strategic, regulatory and operational requirements.
Advise Chief Executive, Directors and Members on issues relevant to the service. Provide challenge and advice to colleagues, managers and partner organisations.	Act as lead professional adviser in area of responsibility.
	Chief Executive, Directors and Executive Members are actively consulted on, supported, advised, kept informed and involved in the plans and activities of the service.
	Strategic advice, critical challenge and moderation are provided in relation to all aspects of the service and wider council / partner activities as appropriate.
Direct and implement a comprehensive risk management programme for the service.	Corporate risk management processes are implemented and delivered within the service.
	Operational, financial, regulatory and political risk are identified and managed in accordance with Local Government and national working practices.
	Mitigation is identified and recommended in prospective high risk areas.
Business Improvement	
Work with Council Members, Chief Executive, Directors, own management team, other Heads of Service and partner agencies to identify and address issues which impact on the service and across the wider council and community.	A culture of continuous improvement is established and embedded throughout the service.
	External market and the political and regulatory environment are monitored.
	Strategic issues, implications and opportunities and internally and externally driven change requirements are identified.
	Strategies for the management and delivery of change are developed and implemented.
Ensure that the capacity to respond positively to change is enhanced, "traditional thinking" is challenged and innovative	Necessary changes to culture and practice are implemented and sustained.
	Conditions for others to perform and to innovate are created.

solutions are pursued throughout the area of responsibility.	Improvement of the service is focussed and driven to meet strategic objectives and improve service user outcomes.
Plan and direct / sponsor significant strategic programmes, projects and initiatives, both within the service area and across the council / partnerships.	Major change /complex multi-disciplinary programmes are monitored and directional control provided.
	Scope and objectives of the project / programme are clearly defined.
	Resources required to deliver the project / programme are secured.
	Projects / programmes have clear and assigned accountabilities and achieve their objectives.
	Transition is managed effectively to ensure minimal disruption to service users.
Colleagues, Self and Partners	
Participate in own self development, in order to improve performance at work.	Participate in the Performance Development Review process.
	Keep records of achievements.
	Undertake learning activities as required.
Actively promote and celebrate diversity	When appropriate seek to eliminate unlawful discrimination, harassment and victimisation
	Advance equality of opportunity between those people who possess a protected characteristic and those who do not
	Foster good relations between those people who possess a protected characteristic and those who do not
Ensure that the skills and knowledge within the service are developed and that the service is able to meet the challenges it faces. Responsible for professional standards throughout the service. Drive the cultural changes needed to ensure customer focus is at the heart of organisational and individual behaviour	Changes which impact learning and development are identified and actioned.
	Realistic self assessments of development needs are made by self and management team.
	Management team is supported, coached and mentored in the delivery of their responsibilities.
	A proactive, customer focussed, "can do" culture is developed and embedded throughout the service.
	Empowerment of staff and / or the wider community is enabled.
	Skills and knowledge within the service and where appropriate partner

	organisations, are developed to meet identified requirements.
	Knowledge sharing is established and embedded throughout the council and partner organisations.
	Professional competence and integrity within the service is ensured.
	The workplace is actively championed as a learning environment.
Develop opportunities for partnership working both within and outside the council. Lead on relevant partnerships between the Council and other public, private, voluntary and community sector bodies.	Where appropriate, delivery of the service is achieved / supported through partnerships.
	A clear framework of accountabilities for the effective discharge of their respective responsibilities and the delivery of services is established between the service and partner organisations.
	Partnership working is led effectively.
	Best practice is identified, shared and promoted.
Ensure support is provided in response to a corporate emergency.	Support is provided to meet the identified need.
	Requests made for support are reasonable with regard to both the job and the job holder's circumstances.
Managing Resources	
Provide leadership and direction for the service, to ensure the delivery of timely and appropriate services to customers.	Strategic leadership of integrated professional teams results in the planning, commissioning and delivery of the services required.
	The service is led by a professional, motivated and effective management team.
	Performance and development reviews are completed to the required standards and timescales.
	Deficiencies and underperformance are actively resolved.
	Recruitment, induction development, employee relations and all HR processes and planning are completed to the required standards and timescales.
	Corporate initiatives are actively supported and delivered.
	Effective team meetings take place.
Direct and control the financial expenditure and integrity of	Budgets are developed and agreed with appropriate Executive Member(s) /

the service.	Strategic Manager.
	Budgets and financial risk are monitored and managed in compliance with organisational requirements.
	The service is delivered within agreed budget.
	Funding from external sources is identified and secured where appropriate.
	Value for money is maximised.
	Regulatory and Council financial policy and procedural compliance is assured.
Accountable for the strategic and operational planning and delivery of the service targets and objectives. Ensure the service's plan and performance (either directly or through commissioned / managed services) result in the implementation of agreed Council strategies, policies and outcomes. Input to the strategic planning of the wider organisation.	Service strategic and medium term plans support Council objectives.
	Policy direction is translated into service outcomes.
	Service and business plans and targets are developed, communicated, cascaded and monitored.
	Robust performance and quality management systems and procedures are in place and meet all requirements.
	Monitoring / measurement of performance and standards is planned and delivered.
	Performance, quality and contractual compliance are managed effectively.
	Action plans are developed, implemented and delivered.
	Compliance with all relevant legislation, policies and procedures is ensured.
Identify, secure, deploy and manage the resources necessary for the service to meet/ exceed its objectives.	Resources are effectively and efficiently deployed to achieve service objectives.
	Assets within the service are controlled and managed effectively.
	Appropriate organisation structures and processes are developed and implemented to meet changing organisational requirements.
Ensure the successful implementation of health and safety legislation, policies and practices.	There is a proactive and positive culture of health and safety.
	The organisation meets its statutory health and safety requirements.
	Strategic risks are effectively managed

Page 80

Knowledge, Skills and Experience
Significant experience of leading and managing a related / relevant service area in a large public sector organisation (preferably local government).
Proven track record of successfully developing and championing a customer focussed service function.
Extensive and comprehensive knowledge and understanding of the national policy context, requirements and major issues facing the service area.
Proven track record of effectively managing significant budgets and ensuring the delivery of services within agreed resources.
Proven ability to deliver effective performance management within own service and understanding of the performance management process in partnership arrangements.
Understanding of appropriate professional standards and how these can be achieved.
Significant experience of leading and sustaining partnerships both internally and externally to achieve shared objectives and synergies.
Authority and credibility to work effectively in a political environment and establish positive and productive relationships with stakeholders.
Excellent interpersonal and communication and presentation skills, with proven ability to communicate effectively and persuasively to a wide range of audiences both horizontally and vertically throughout the organisation.
Proven track record of operating strategically on corporate projects and policy development.
Proven track record of accountability for and success in delivering major organisational change.
Proven leadership ability, with evidence of developing a multi - disciplinary team approach, managing staff, inspiring confidence, encouraging, motivating and influencing others.
Proven ability to think innovatively and conceptually and deliver against this.
Evidence of enthusiasm, drive, commitment and energy demonstrated in achieving goals.
Resilient and positive in spite of setbacks.
Demonstrates behaviours which model the Council's values.
Indicative Qualifications
Educated to degree level or equivalent standard.
Post graduate qualification may be required or ability to demonstrate equivalent ability.
Relevant professional qualification may be required.
May require relevant certifications including evidence of fluency in English language.

Appendix D – Generic Role Profile – Senior Manager (Grade 19)

Job Family	Leadership
Pay Range	Grade 19
Reference	SM01
Purpose	
To provide strategic leadership and direction in the management of the Council, working with Council Members, the Chief Executive and other members of the Corporate Management Team, to develop the culture and achieve the aims and desired outcomes of the Council.	
Service to Customers	
<i>Accountability</i>	<i>End Result</i>
Direct and control corporate management of a portfolio of services. Support and assure the leadership and management of these services.	Activities within the portfolio of services are directed and controlled to ensure the required outcomes and standards are delivered either directly; through commissioned or funded services; or via community empowerment.
	Customer and client satisfaction are maximised.
	Member input, community consultation and customer feedback inform the design, delivery and performance management of services.
	Service quality, efficiency, continuity and commercial viability are maximised.
Actively contribute to the formulation and implementation of Council strategies and objectives from the Councils political directives, as a member of the Corporate Management team. Ensure that innovative approaches, which meet the long term needs of the Isle of Wight and its residents, are identified, developed and delivered.	The Councils strategic plans are consistent with the democratically derived political and social intentions.
	Changing priorities and external requirements are anticipated and assessed.
	Innovative approaches and responses are developed and delivered.
	Service strategies deliver the Councils vision and objectives.
Undertake the formal responsibilities required for assigned regulated designations on behalf of the Council.	Policy options for future Council plans are developed.
	All statutory functions as outlined in the relevant legislation are met.
	Constraints and opportunities posed by regulatory changes are identified and incorporated into strategic decision making.

	Responses to Scrutiny Committee enquiries are led effectively.
Ensure the development and implementation of policy, systems, processes, governance frameworks and procedures meet all strategic / operational requirements, all internal and external reporting requirements and ensure compliance with external legislation and regulations.	Policies and controls ensure that the Council is compliant with all relevant legislation, codes, regulations, guidelines and standards.
	Compliance within the services for which responsible is monitored and ensured.
	Action is taken to resolve any issues identified.
	All internal and external reporting requirements are met.
	Policies, systems, frameworks etc. meet all strategic, regulatory and operational requirements.
Advise Elected Members and Council Committees. Provide challenge and advice to colleagues, partner organisations and Heads of Service.	Members of the Council are actively consulted on, supported, kept informed and involved in the activities of the Council.
	Executive is advised on Council plans and policy and on the achievability of these.
	Executive is advised of the implications of decisions and actions.
	Strategic advice, critical challenge and moderation are provided in relation to own services areas and wider Council / partner activities.
Ensure a comprehensive risk management programme is in place for the services for which responsible	Corporate risk management processes are implemented and delivered across the services.
	Operational, financial, regulatory and political risk are identified and managed in accordance with Local Government and national working practices.
	Mitigation is identified and recommended in prospective high risk areas.
Ensure organisational safeguarding strategies reflect statutory requirements and best practice. Ensure these are understood and implemented within the area of responsibility.	There is a proactive and positive Safeguarding Culture.
	The organisation meets its statutory Safeguarding requirements.
	Strategic risks are effectively managed.
Business Improvement	
Work with Council Members, other Strategic Directors, Heads of Service and partner agencies to identify and	A culture of continuous improvement is established and embedded throughout the organisation.

address issues which impact on Councils services and the wider community.	External political and regulatory environment is monitored.
	Strategic issues / implications and opportunities for “ground breaking” developments are identified.
	Strategies for the management and delivery of change are developed and implemented.
	Improvements are planned and targets set.
Ensure that the capacity to respond positively to change is enhanced, “traditional thinking” is challenged and that risk taking in identifying innovative solutions is encouraged where appropriate.	Innovative changes to culture and practice are identified, assessed, implemented and sustained.
	Conditions for others to perform and to innovate are created.
	Transformation of services and behaviours is focussed and driven to meet strategic objectives.
Plan and direct / sponsor significant strategic or Council-wide programmes, projects and initiatives.	Corporate change programmes are monitored and directional control provided.
	Transformational change to organisational culture, behaviours, practice and process is driven and directed.
	Projects / programmes have clear and assigned accountabilities and achieve their objectives.
Colleagues, Self and Partners	
Participate in own self development, in order to improve performance at work.	Participate in the Performance Development Review process.
	Keep records of achievements.
	Undertake learning activities as required.
Actively promote and celebrate diversity	When appropriate seek to eliminate unlawful discrimination, harassment and victimisation
	Advance equality of opportunity between those people who possess a protected characteristic and those who do not
	Foster good relations between those people who possess a protected characteristic and those who do not
Ensure that skills and knowledge are developed to meet future organisational and regulatory requirements and that	Changes which impact learning and development are identified and actioned.
	Realistic self assessments of development needs are made by self and Heads

Page 84

<p>the Council is able to meet the challenges it faces. Accountable for the professional standards within the services for which responsible. Drive the cultural changes needed to ensure customer focus is at the heart of organisational and individual behaviour.</p>	of Service.
	Heads of Service are supported, coached and mentored in the delivery of their responsibilities.
	A proactive, customer focussed, “can do” culture is developed and embedded throughout the organisation.
	Empowerment of staff and the wider community is enabled.
	Skills and knowledge across the services and where appropriate partner organisations are developed to meet identified requirements (e.g. commercial, partnership working and commissioning skills)
	Knowledge sharing is established and embedded throughout the Council and partner organisations.
	Professional competence and integrity is ensured.
	The workplace is actively championed as a learning environment.
<p>Manage and develop stakeholder relationships. Ensure the services for which responsible have good relationships with Council Members, other service areas, customers, stakeholders, the public and the media.</p>	Good working relationships with associated and affected interest groups / key stakeholders are established, promoted, fostered and sustained.
	Council policies and interests are upheld and promoted within the Council and in all external relationships.
	Heads of Service use Councillor, employee and public consultation as key integral components of their service management.
	The Council is represented on local, regional and national forums.
<p>Drive innovation in models of service delivery through leading and developing relevant partnerships between the Council and other public, private, voluntary and community sector bodies.</p>	Delivery of services is achieved / supported through partnerships.
	A clear framework of accountabilities is established between services and partner organisations.
	Members are supported in building and sustaining partnerships.
	Best practice is identified, shared and promoted.
<p>Ensure support is provided in response to a corporate emergency.</p>	Support is provided to meet the identified need.
	Requests made for support are reasonable with regard to both the job and the job holder’s circumstances.

Managing Resources	
Provide leadership and direction across the portfolio of services for which responsible.	Strategic leadership in the planning, commissioning and delivery of services is effectively provided.
	The services are led by professional, motivated and effective management teams.
	The performance of the Heads of Service is effectively managed.
	Deficiencies and underperformance are actively resolved.
	Heads of Service and their management teams lead, actively support and deliver corporate initiatives.
	Effective team meetings take place.
Ensure the effective financial management of the services within the portfolio.	Budgets are agreed.
	Services are delivered within allocated budgets.
	Value for money is maximised.
	Regulatory and Council financial policy and procedural compliance is assured.
Ensure the targets and objectives of the services for which responsible, result in the delivery of agreed Council strategies, policies and desired outcomes.	Strategic plans within the services support the Council objectives
	Policy direction is translated into service outcomes.
	Service and business plans are developed, communicated, cascaded and monitored.
	Robust performance and quality management, reporting, governance and audit systems and procedures enable services to be monitored and managed effectively.
	High performance against all external measures is achieved.
	Executive / Executive Members are advised on actual or potential under achievement and plans for improvement.
	Action plans are developed, implemented and delivered.
	Compliance with all relevant legislation, policies and procedures is ensured.
Operate strategically across the whole Council to ensure the	Internal and external organisational boundaries do not impede the delivery of

effective deployment of resources. Ensure appropriate organisation structures and processes are developed and implemented.	the Councils aims and priorities.
	Resources are effectively and efficiently deployed to achieve Council objectives.
	Appropriate organisation structures and processes are developed to meet organisational requirements.
Ensure the successful implementation of health and safety legislation, policies and practices.	There is a proactive and positive culture of health and safety.
	The organisation meets its statutory health and safety requirements.
	Strategic risks are effectively managed
Knowledge, Skills and Experience	
Significant senior strategic management experience, including translating organisational drivers into strategic objectives, longer term plans, new ways of working and specific outcomes, for a portfolio of services in a large public sector organisation (preferably local government).	
Proven ability to manage a wide variety of activities across a range of professional areas of expertise and oversee their achievement of the organisations strategic goals.	
Extensive knowledge of the major issues facing local government.	
Extensive and comprehensive knowledge and understanding of the national policy context, requirements and future direction for relevant service areas.	
Proven track record of accountability for significant budgets and ensuring the delivery of services within agreed resources.	
Proven ability to drive through and deliver effective performance management within own organisation and understanding of the performance management process in partnership arrangements.	
Significant experience of creating, leading and sustaining partnerships both internally and externally to achieve shared objectives and synergies.	
Experience in persuading a wide range of stakeholders to work together, encouraging an organisational focus on the needs of the community.	
Authority and credibility to work effectively in a political environment and establish positive relationships with Members.	
Excellent interpersonal and communication and presentation skills, with proven ability to communicate effectively to a wide range of audiences both horizontally and vertically throughout the organisation.	
Proven track record of operating strategically to identify, initiate and oversee corporate projects and policy development.	
Proven track record of accountability for and success in delivering major organisational change.	

Proven leadership ability, with evidence of developing and embedding vision, setting direction, inspiring confidence, encouraging, motivating and influencing others.
Proven ability to think innovatively and conceptually and deliver against this.
Evidence of enthusiasm, drive, commitment and energy demonstrated in achieving goals.
Resilient and positive in spite of setbacks.
Demonstrates behaviours which model the Council's values.
Indicative Qualifications
Educated to degree level or equivalent standard.
Post graduate qualification may be required or ability to demonstrate equivalent ability.
Relevant professional qualification may be required.
May require relevant certifications including evidence of fluency in English language.

Appendix E – Generic Role Profile – Senior Manager (Grade 20)

Job Family	Leadership
Pay Range	Grade 20
Reference	SM02
Purpose	
To advise the Council, directing and controlling the Councils corporate management, to ensure the effective deployment of resources and the development and implementation of the Councils culture, aims and objectives.	
Service to Customers	
<i>Accountability</i>	<i>End Result</i>
Direct and control the corporate management of the Council. Support and assure the Leader and Executive in the development of the strategic direction of the Council. Ensure an integrated approach to complex community issues and challenges is co-ordinated across the Council and that customer focus is at the heart of council strategy.	A clear management framework for the development and achievement of policies and objectives is set.
	Community consultation and member input informs the strategic direction of the Council.
	Resident and service user satisfaction is maximised.
	Service quality, efficiency, value for money, commercial viability and continuity are maximised.
Formulate, communicate and implement Council wide targets from the Councils political directives. Ensure that innovative approaches, which meet the long term needs of the Isle of Wight and its residents, are identified, developed and delivered.	The Councils strategic direction and plans are consistent with the democratically derived political and social intentions.
	Changing priorities and external requirements are anticipated and assessed.
	Innovative approaches and responses to corporate culture, values, strategy, policy, plans and targets are developed, communicated and delivered.
Undertake the formal responsibilities required for assigned regulated designations on behalf of the Council.	Act as the Councils Head of Paid Service as prescribed by legislation.
	All statutory functions as outlined in the relevant legislation are met.
	Constraints and opportunities posed by regulatory changes are identified and incorporated into strategic decision making.
Establish and direct the management approach to	Policies and controls ensure that the Council is compliant with all relevant

compliance in the Council and that the development and implementation of internal policies and procedures ensures adherence to external legislation and regulations.	legislation, codes, regulations, guidelines and standards.
	Executive, scrutiny, non-executive functions and service delivery are separated, balanced and effectively resourced.
	Compliance within the Council is ensured.
	Action is taken to resolve any issues identified.
As principal policy advisor, provide expert advice and challenge to Members, committees, colleagues, partner organisations, Directors, Strategic Managers, Heads of Service and other stakeholders.	All internal and external reporting requirements are met.
	Policy and strategy are discussed with Elected Members, unions, wider stakeholders and the business community as appropriate.
	Executive is consulted on Council plans and policy and on the achievability of these.
	Executive is advised of the implications of decisions and actions.
	Recommendations are made to Executive.
	Members of the Council are advised on appropriate responses to local, national and where required, international matters.
Ensure a comprehensive risk management programme for the Council is developed and implemented.	Strategic advice, critical challenge and moderation are provided in relation major issues / policy options.
	Corporate risk management processes and crisis management plans are developed and implemented.
Ensure organisational safeguarding strategies reflect statutory requirements and best practice. Ensure these are understood and implemented throughout the Council.	Operational, financial, regulatory and political risk are identified and managed in accordance with Local Government and national working practices.
	There is a proactive and positive Safeguarding Culture.
	The organisation meets its statutory Safeguarding requirements.
Business Improvement	Strategic risks are effectively managed.
Initiate and develop with Council Members, Directors, Strategic Managers and Partners, strategies for the management of change in issues which impact on both the	A culture of continuous improvement is established and embedded throughout the Council.
	The external political and regulatory environment is monitored.

Councils services and the wider community.	Strategic issues / implications and opportunities for “ground breaking” developments are identified.
	Priorities are identified.
	Strategies for the management of and delivery of change are developed and implemented.
Ensure that the capacity to respond positively to change is enhanced, “traditional thinking” is challenged and that risk taking in identifying innovative solutions is encouraged where appropriate. Lead organisational development.	Transformational change to organisational culture, practice and process is driven and directed.
	Conditions for others to perform and to innovate are created.
	Corporate change programmes are monitored and directional control provided.
	The Council remains “fit for purpose”.
Colleagues, Self and Partners	
Participate in own self development, in order to improve performance at work.	Participate in the Performance Development Review process.
	Keep records of achievements.
	Undertake learning activities as required.
Actively promote and celebrate diversity	When appropriate seek to eliminate unlawful discrimination, harassment and victimisation
	Advance equality of opportunity between those people who possess a protected characteristic and those who do not
	Foster good relations between those people who possess a protected characteristic and those who do not
Act as a leadership role model; instigate and reinforce an explicit set of declared business and ethical values, behaviours and codes of conduct. Drive the cultural changes needed to ensure customer focus is at the heart of organisational and individual behaviour and that the Council is able to meet the challenges it faces.	A proactive, customer focussed, “can do” culture which achieves the strategic objectives of the Council and is supported by the Elected Members, regulators, employees and community, is developed and embedded throughout the organisation.

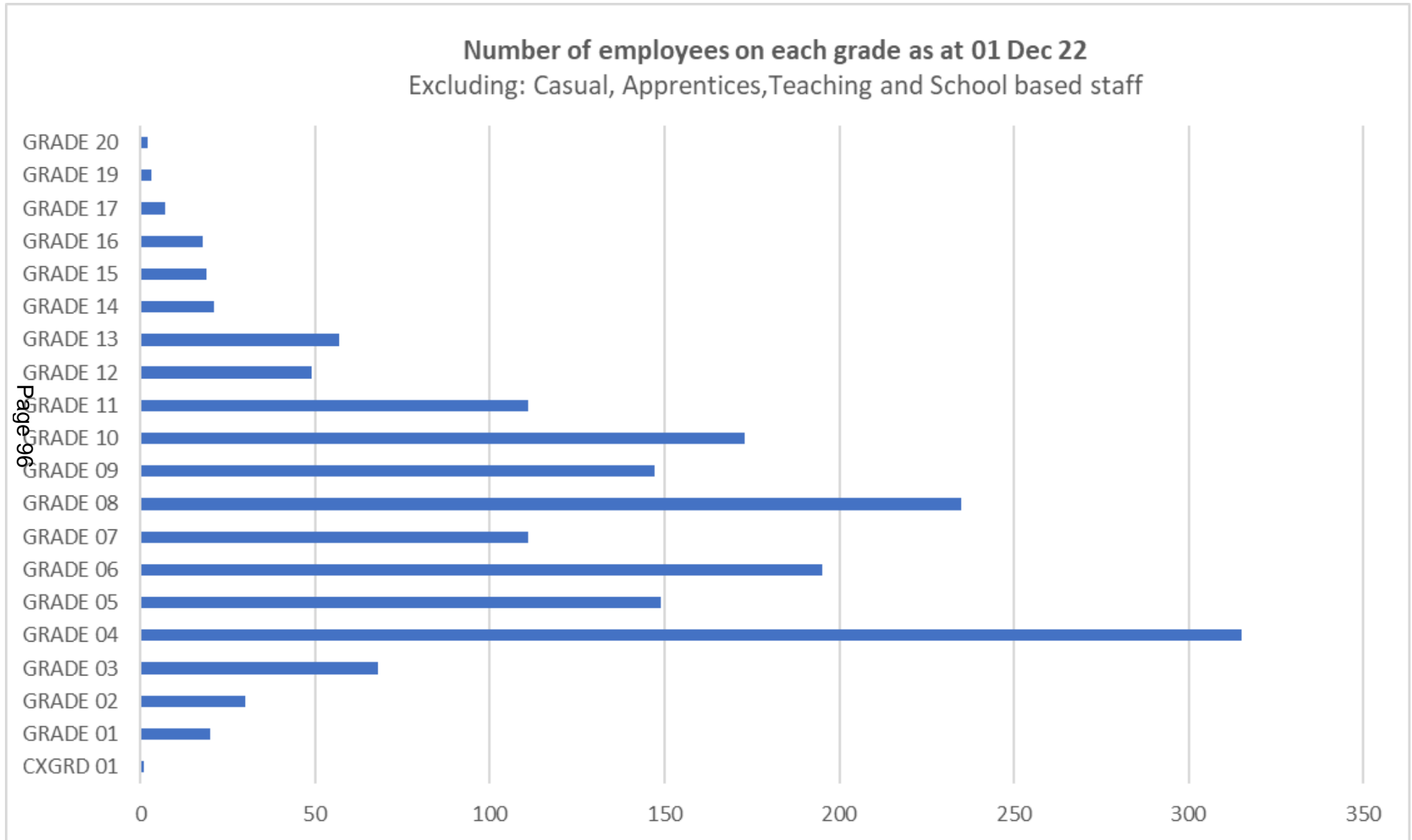
<p>Ensure that the skills and knowledge within the Council are developed to meet all strategic, operational and regulatory requirements. Accountable for the professional standards throughout the Council.</p>	Directors and Strategic Managers are supported and mentored in the delivery of their responsibilities.
	Realistic self assessments of development needs are made by Directors, Strategic Managers and Heads of Service.
	Skills and knowledge throughout the Council and where appropriate partner organisations are developed to meet strategic goals.
	Knowledge sharing is established and embedded throughout the Council and partner organisations.
	Professional competence and integrity is ensured.
	The workplace is actively championed as a learning environment.
<p>Manage and develop relationships between Members, political groups, services, officers, the public and the media. Act as an advocate and ambassador for the Isle of Wight.</p>	Good working relationships with associated and affected interest groups / key stakeholders are established, promoted, fostered and sustained.
	The roles of all stakeholders are clear and promote effective delivery of Council aims.
	Council policies and interests are upheld and promoted within the Council and in all external relationships.
	External decisions and policy which affect the Isle of Wight and its residents are influenced to achieve positive outcomes.
	A positive image and profile of the County is consistently presented to media, visitors and all stakeholders.
	The Council is represented externally as agreed with the Council's Executive.
	Communication within and by the Council is effective and efficient.
	Opportunities to develop partnerships are identified, promoted and pursued.
<p>Actively promote and sustain partnership working. Drive innovation through leading and developing effective partnerships with key stakeholders within the community, in government and other public bodies, the voluntary sector and the business community.</p>	Delivery of Council strategy is achieved / supported through partnerships.
	Accountabilities between the Council and partner organisations are clearly established and defined.
	Members are supported in building and sustaining partnerships.

Ensure support is provided in response to a corporate emergency.	Support is provided to meet the identified need.
	Requests made for support are reasonable with regard to both the job and the job holder's circumstances.
Managing Resources	
Provide leadership, motivation and direction for the Corporate Management Team and employees throughout the Council.	Strategic leadership in the planning, commissioning and delivery of Council services is effectively delivered.
	The Council is led by a professional, motivated, effective and integrated corporate management team.
	The performance of Directors, Strategic Managers and Heads of Service are effectively managed.
	Deficiencies and underperformance are actively resolved.
	Effective team meetings take place.
Direct and control the oversight of all financial activities of the Council.	Budgets are assigned and reflect strategic objectives.
	Services are delivered within the overall Council operating budgets.
	Accurate financial reporting meets all internal and external requirements.
	Accounts are authorised.
	Regulatory and Council financial policy and procedural compliance is assured.
Direct and control the oversight of all operational planning and service activities of the Council. Ensure the effective deployment of resources across the Council. Champion performance management and best value throughout the organisation.	Strategic plans deliver Council objectives
	Appropriate leadership and organisation structures are in place to deliver against strategic goals.
	An appropriate internal control environment ensures services are delivered efficiently and effectively,
	Performance across the organisation is measured and monitored.
	High performance against all external measures is achieved.
	Executive is advised as to actual or potential under achievement and plans for improvement.
Action plans are developed, implemented and delivered.	

Ensure the successful implementation of health and safety legislation, policies and practices.	There is a proactive and positive culture of health and safety.
	The organisation meets its statutory health and safety requirements.
	Strategic risks are effectively managed
Knowledge, Skills and Experience	
Significant senior strategic management experience, within a local authority.	
Demonstrable experience of developing and effectively delivering an organisation's vision, values and strategic objectives within a political environment.	
Demonstrable evidence of developing close, strategic relationships with a wide range of external organisations.	
Demonstrable experience of driving organisational development and cultural change within a large organisation.	
Demonstrable experience of leading effective corporate performance and planning processes.	
Demonstrable experience in the control and oversight of significant organisational finances.	
Proven track record of promoting, leading and managing change and of harnessing the strengths and talents of employees at all levels in a large organisation.	
Demonstrable evidence of proven success in the achievement of equality of opportunity in employment and service delivery.	
Extensive knowledge and understanding of the major issues facing local government.	
A clear understanding of and commitment to, corporate and partnership working.	
Proven ability to champion performance management and best value within a large organisation.	
Proven ability to work across service boundaries and to facilitate the delivery of cross cutting activity.	
Proven ability to maintain clarity about organisational priorities, how to define them and how to use resources effectively to achieve them.	
Proven ability to identify and pursue the potential of ICT and e-services in securing service improvement and increased efficiency.	
Proven ability to gain and retain the confidence of elected members of all political parties.	
Proven ability to assist elected members in their development of the Councils overall policy, direction and strategy.	
Proven ability to align political policy imperatives with service outcomes to achieve the overall strategies of the Council.	
Proven ability to represent the Council in a variety of settings.	
Demonstrate behaviours which model the Council's values.	

Indicative Qualifications
Educated to degree level or equivalent standard.
Post graduate qualification may be required or ability to demonstrate equivalent ability.
Relevant professional qualification may be required.
May require relevant certifications including evidence of fluency in English language.

Appendix F: Number of Employees by grade (as of December 2022)





Full Council Report

Date	18 JANUARY 2023
Title	LOCAL COUNCIL TAX SUPPORT SCHEME 2023/24
Report of	CABINET MEMBER FOR STRATEGIC FINANCE, TRANSFORMATIONAL CHANGE AND CORPORATE RESOURCES

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 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

	<p>your input to help shape the decision. You can provide your views via a consultation from 3 August to 28 September at www.iow.gov.uk/lcts”</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>
<u>General Awareness</u>	
Provision of information and awareness raising of changes and proposals	<p>www.iwight.com</p> <p>Press releases.</p> <p>Face to face communication at customer service points.</p> <p>The council’s Facebook and Twitter sites (weekly promotions).</p> <p>Information on the front page of iwight.com.</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 and Crime Commissioner for Hampshire and 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 and Crime Commissioner, Fire and 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 and Crime Commissioner, Fire and 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:

	Pension age	Working age
No. of claimants	4,751	5,316
Cost (as at 30.9.2022)	£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.

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Director of Finance and S151 Officer

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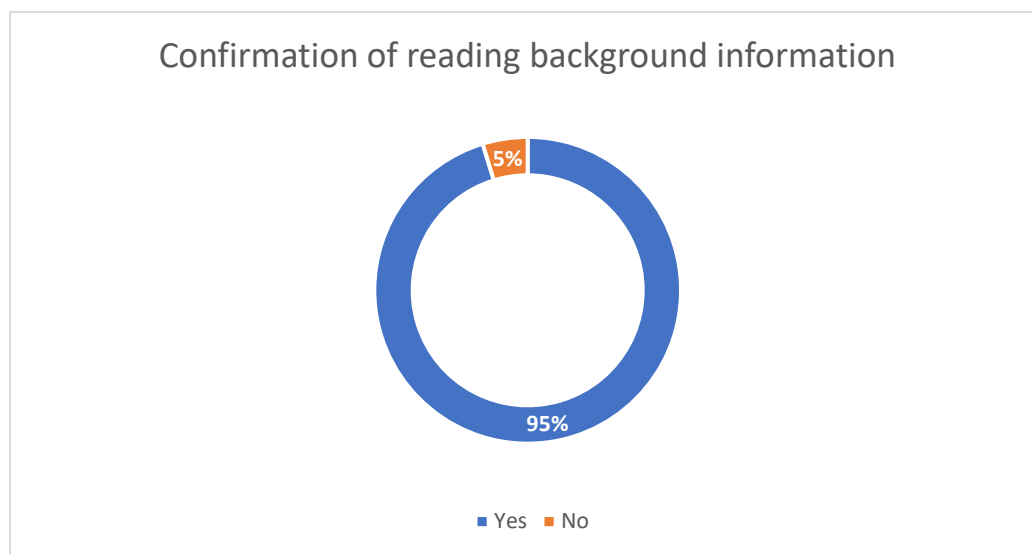
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Results from the IWC Local Council Tax Support Scheme Consultation 2023/24

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.

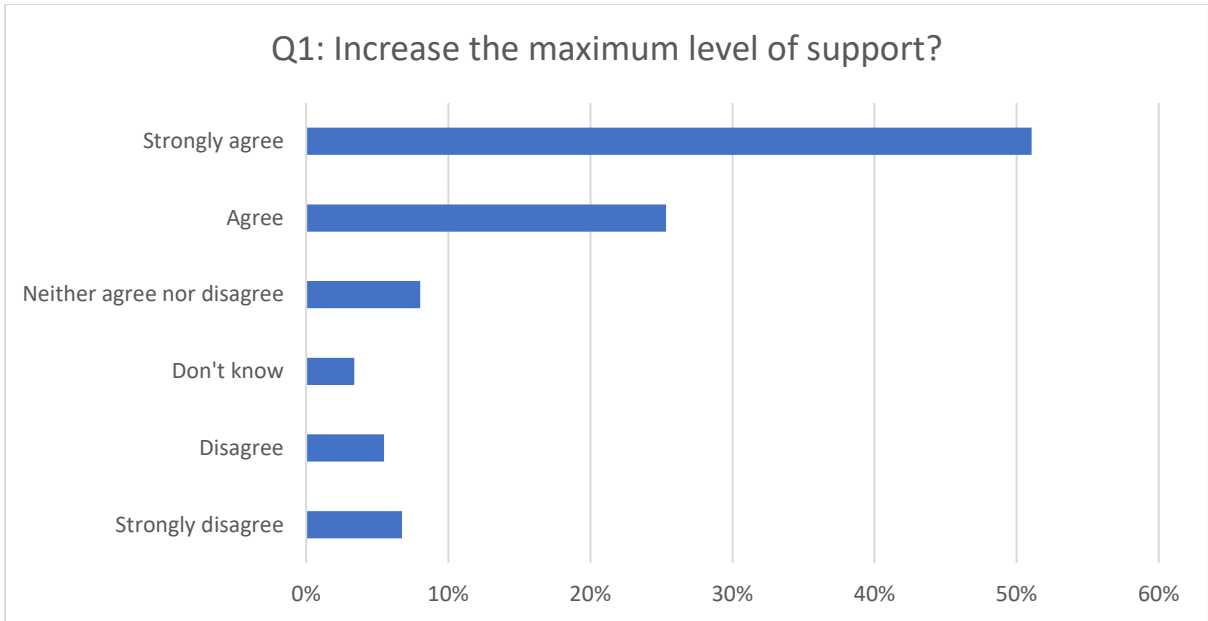
261 respondents (95%) indicated that they had read the background information about the Local Council Tax Support scheme, which equates to 100% of participants. 13 participants (5%) indicated that they had not yet read the background information which accompanied the scheme, as was indicated by the introduction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

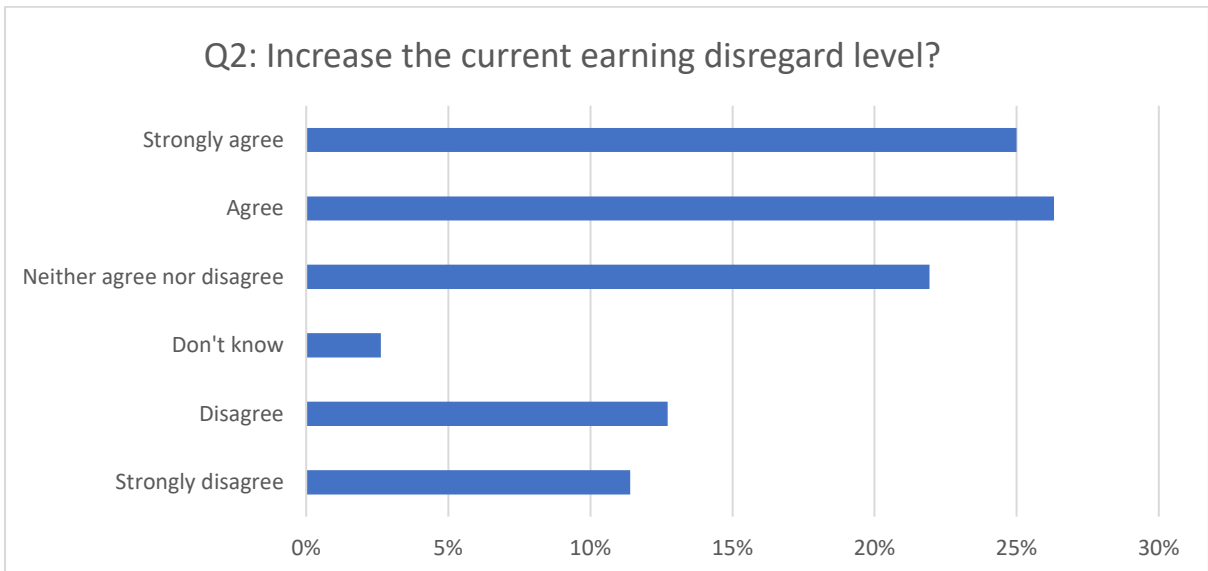
Of these, 181 participants (76%) indicated that they agreed with Option 1 – the increase of the maximum level of support for working age claimants from 65% to 70% as proposed by the Isle of Wight Council. 29 participants (12%) did not agree with this option and 27 (11%) of participants responded that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

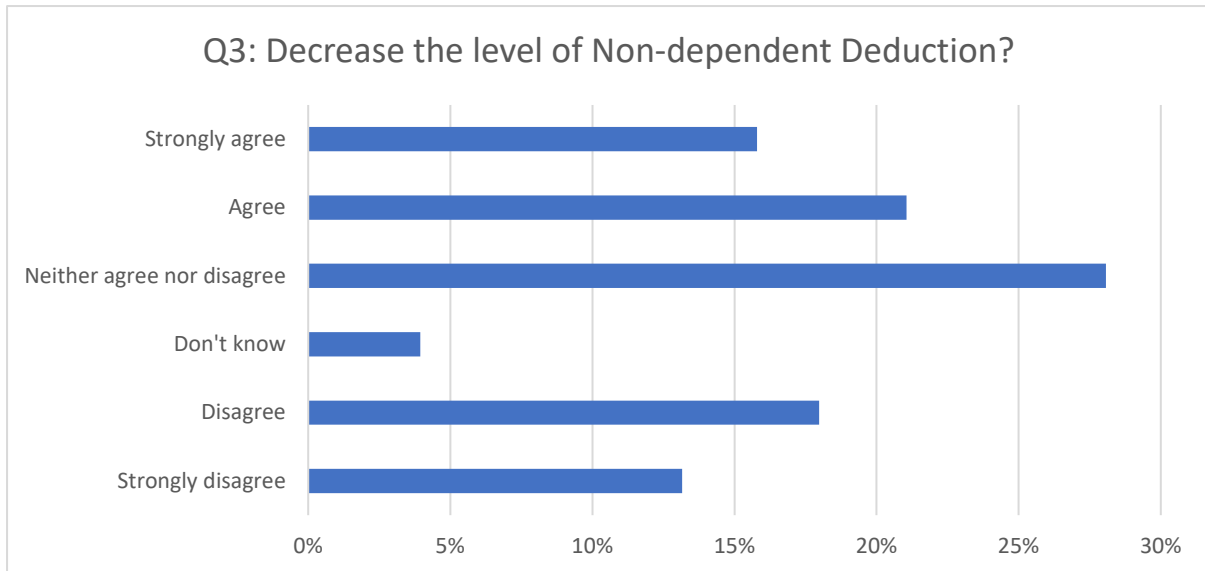
Of these, 117 participants (51%) indicated that they agreed with Option 2 – the increase of earnings disregard from £25 per week to £30 per week as proposed by the Isle of Wight Council. 55 participants (24%) stated that they did not agree with Option 2 and 56 participants (25%) responded that they were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

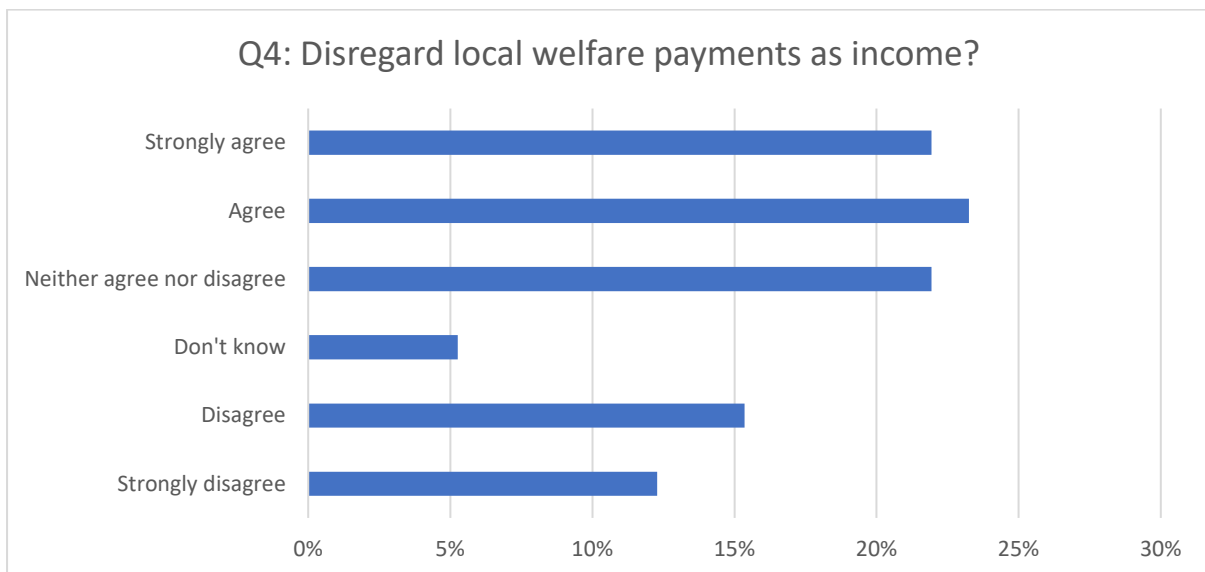
Of these, 84 participants (37%) indicated that they agreed with Option 3 - to decrease the level of non-dependant deduction from £2 per week to £1 per week as proposed by the Isle of Wight Council. 71 participants (31%) stated that they did not agree with Option 3 and 73 participants (32%) responded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

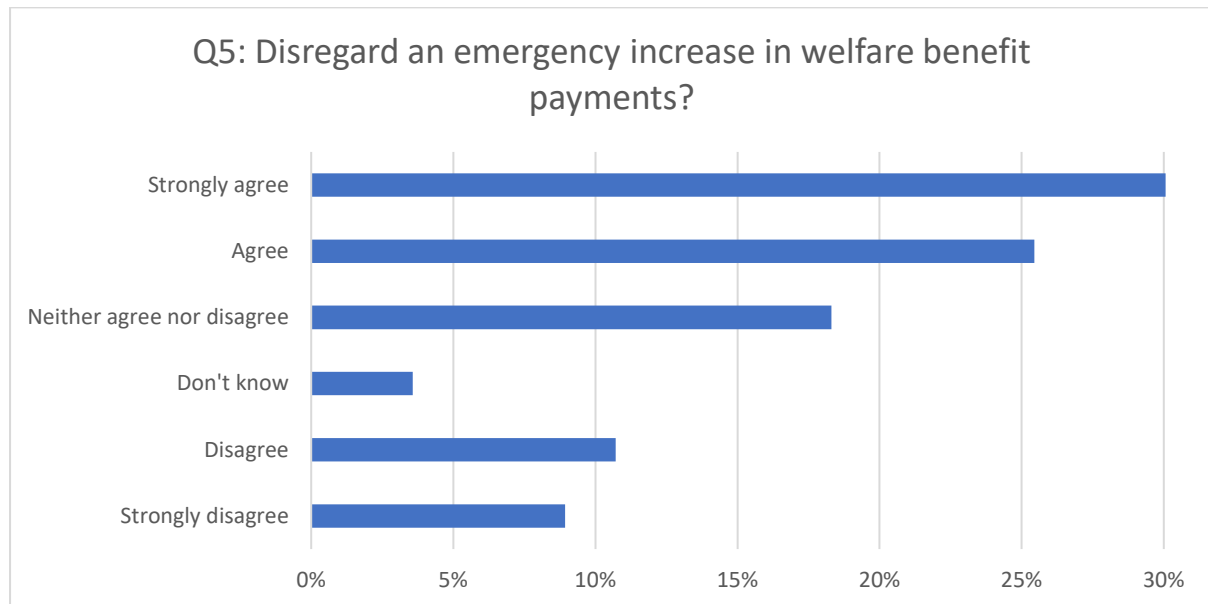
Of these, 103 participants (45%) indicated that they agreed with Option 4 – to disregard local welfare payments as income as proposed by the Isle of Wight Council. 63 participants (27%) stated that they did not agree with Option 4 and 62 participants (27%) were unsure whether they agree or disagree.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

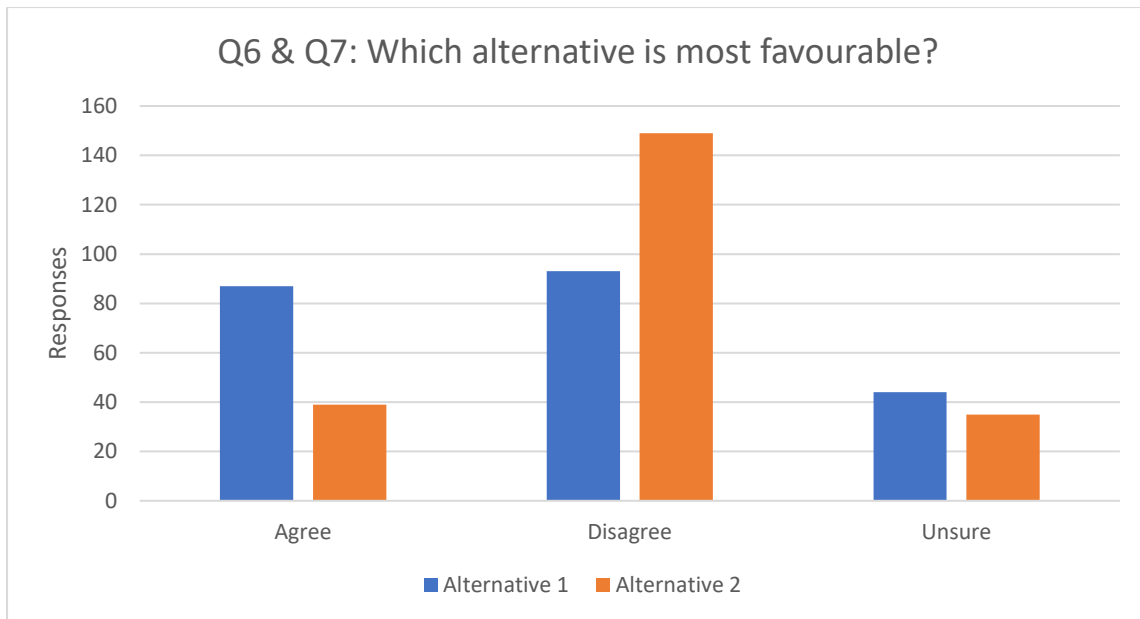
The graph below illustrates the preference of the two Alternatives to the participants by asking whether they agreed or disagreed with each proposed Alternative.

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.



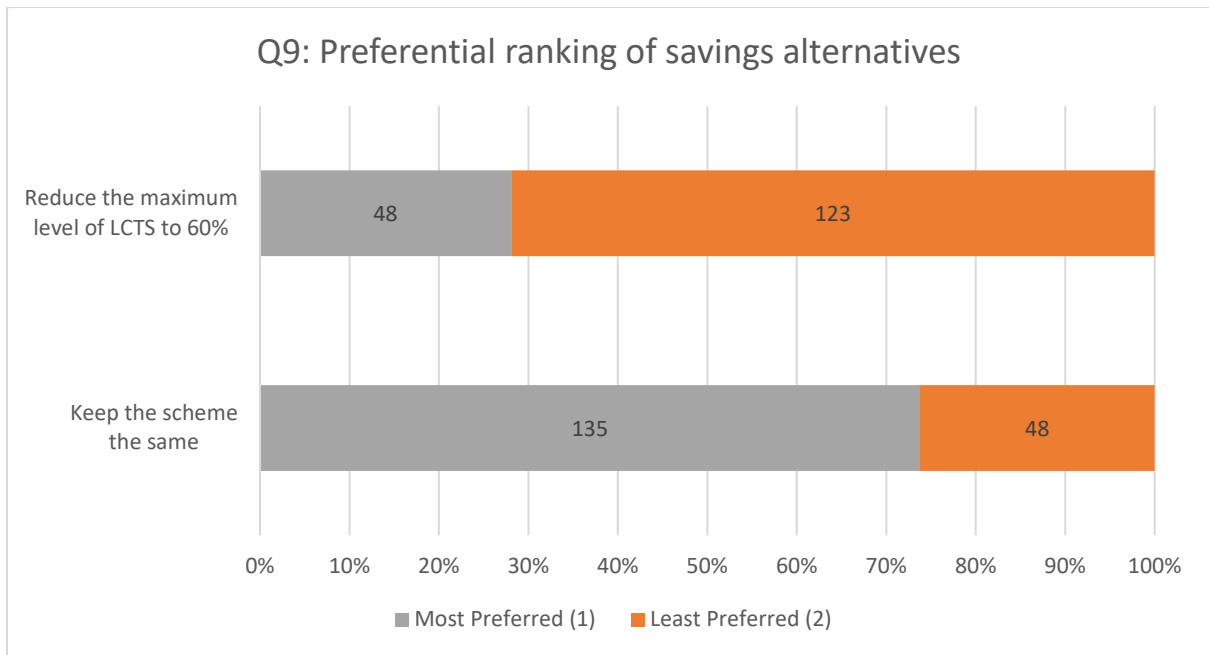
Question 8 [Alternative 1 and 2]: If the council was to choose these alternative options to make savings, what would be your order of preference?

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)	135	48
Least Preferred (2)	48	123

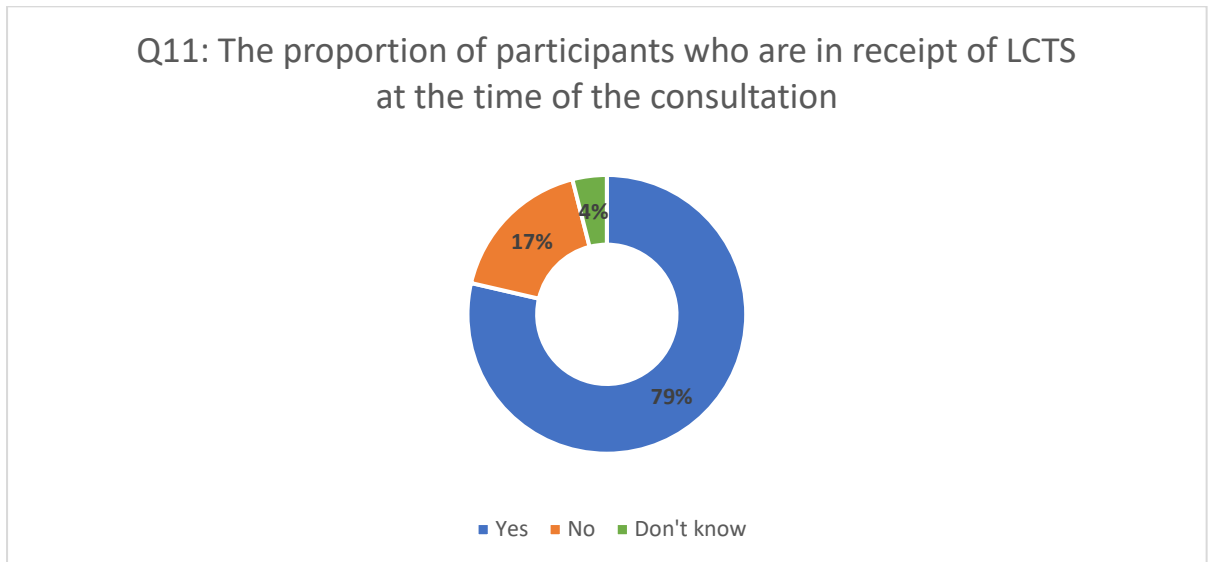
The graph below visually displays the favourability of these different Alternatives, as stacked out of 100% totals to visualise relative preference against other options.



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.

<u>1.</u>	Support all people that need the help. The ones who work and supply the money.
<u>2.</u>	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.
<u>3.</u>	The council should go further, restoring support to 75%, and then more when resources allow.
<u>4.</u>	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.
<u>5.</u>	Should not be charged council tax if disabled and on pip
<u>6.</u>	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.
<u>7.</u>	I feel those on low incomes should be getting more help towards there council tax minimum wage is hard at the best of times
<u>8.</u>	increase base to support 75% this covers all on low to no income who need help
<u>9.</u>	People on benefits need more support as the cost of living is rising dramatically
<u>10.</u>	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
<u>11.</u>	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.
<u>12.</u>	I'm not sure
<u>13.</u>	Max rebate should be increased to 70% as the Independents PROMISED last year.

<u>14.</u>	return the lcts scheme to 100% reduction for claimants in receipt of pip / ESA benefits, who are not physically or mentally able to work.
<u>15.</u>	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.
<u>16.</u>	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
<u>17.</u>	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.
<u>18.</u>	People who are disabled, on benefits, should receive 100% discount. We should be top of the list for assistance.
<u>19.</u>	How about councillors taking a pay cut!!!! Stop buying mainland properties and stop building!!
<u>20.</u>	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.
<u>21.</u>	Increase support as household finances are being stretched further in current financial crisis, this has biggest effect on those with least income.
<u>22.</u>	Just increase it!
<u>23.</u>	no alternative options as the council work for the people and not to make money off the people
<u>24.</u>	Check thoroughly who is the most needy. Family's should be prioritised. Single people can work more hrs if necessary.
<u>25.</u>	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
<u>26.</u>	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
<u>27.</u>	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.

<u>1</u>	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.
<u>2</u>	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
<u>3</u>	I think couples with children with a child with a disability should be able to claim lcts regardless of couples earnings
<u>4</u>	Everybody is having a tough time at the moment - we can't afford higher council tax.
<u>5</u>	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?
<u>6</u>	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.
<u>7</u>	Disabled should not be charged
<u>8</u>	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.
<u>9</u>	Those people on special diets needing more help due to disabilities have more out lays
<u>10</u>	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
<u>11</u>	Consideration to pensioners who don't get Pension Credit.
<u>12</u>	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.
<u>13</u>	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.
<u>14</u>	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.
<u>15</u>	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.
<u>16</u>	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.
<u>17</u>	Revert passported benefits to include those in receipt of contribution-based ESA, where Support Group and PIP or other disability benefit
<u>18</u>	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.
<u>19</u>	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.
<u>20</u>	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!
<u>21</u>	Council tax support for those on the lowest income should be 100% like other places in the UK.
<u>22</u>	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.
<u>23</u>	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
<u>24</u>	Councillors taking a 7% pay cut and actually do a job!

<u>25</u>	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?
<u>26</u>	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.
<u>27</u>	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.
<u>28</u>	I find it abhorrent that I receive benefits & disability (which the gov gives as the minimum to live on & I still pay council tax?!
<u>29</u>	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.
<u>30</u>	Scrap LCTS. Why should other taxpayers subsidise them? We wouldn't subsidise their supermarket food bill. If necessary, their state benefits should be increased.
<u>31</u>	Too many people in receipt of help that have falsified their claims. Make sure that the claims are legit.
<u>32</u>	Don't forget the disabled, who every year end up paying more from less overall money!
<u>33</u>	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
<u>34</u>	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
<u>35</u>	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.
<u>36</u>	Sorry, can't get my head round this, but I appreciate all the good work you do.
<u>37</u>	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 th 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 27th 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

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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 opcc@hampshire-police.uk

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

Table of Contents

The Council Tax Reduction Scheme 2023/24	3
The Aims, Objectives and Expected Outcomes:	3
Changes made from 1 April 2013 (from the original Council Tax Benefit scheme).....	3
Changes made from 1 April 2014.	4
Changes made from 1 April 2016	4
Changes made from 1 April 2017	4
Changes made from 1 April 2018	5
Changes made from 1 st April 2019	5
Changes made from 1 st April 2020	5
Exceptional Hardship Fund	7
Changes made from 2021/22	8
Changes made from 2022/23	8
Proposed changes for 2023/24	9
Scope of the Equality Impact Assessment	10
Consultation	10
Action and Improvement Plan.....	10
Recommendations.....	10
Appendix 1.....	11
Consultation Responses - Public.....	11
Appendix 2.....	19
Consultation response by the Police & Crime Commissioner & the Fire and Rescue Service.....	19
Appendix 3.....	22
Consultation response from local preceptors	22
Appendix 4.....	25
Action and Improvement Plan.....	25
To make changes to the Council Tax Reduction scheme for the financial year 2023/24	26
Appendix 5.....	27
Recommendations.....	27

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 1st April 2019

16. Minor changes were made to the scheme with effect from 1st 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 1st 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%	in receipt of a disability benefit					
2	70%	in receipt of a passported benefit					
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 1st 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	Option 1 70%	in receipt of a passported benefit				

2	Option 1 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 +

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.

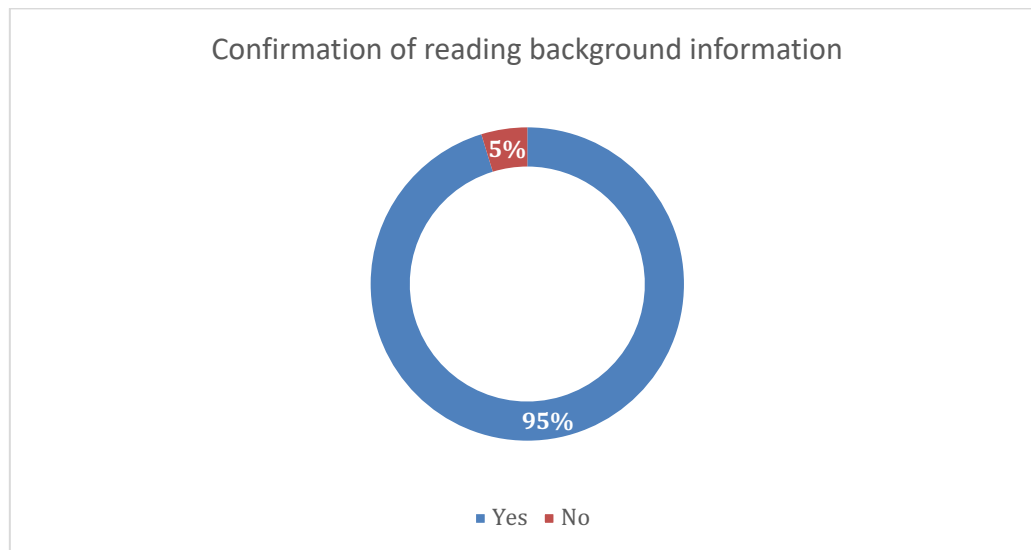
Appendix 1
Consultation Responses - Public

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.

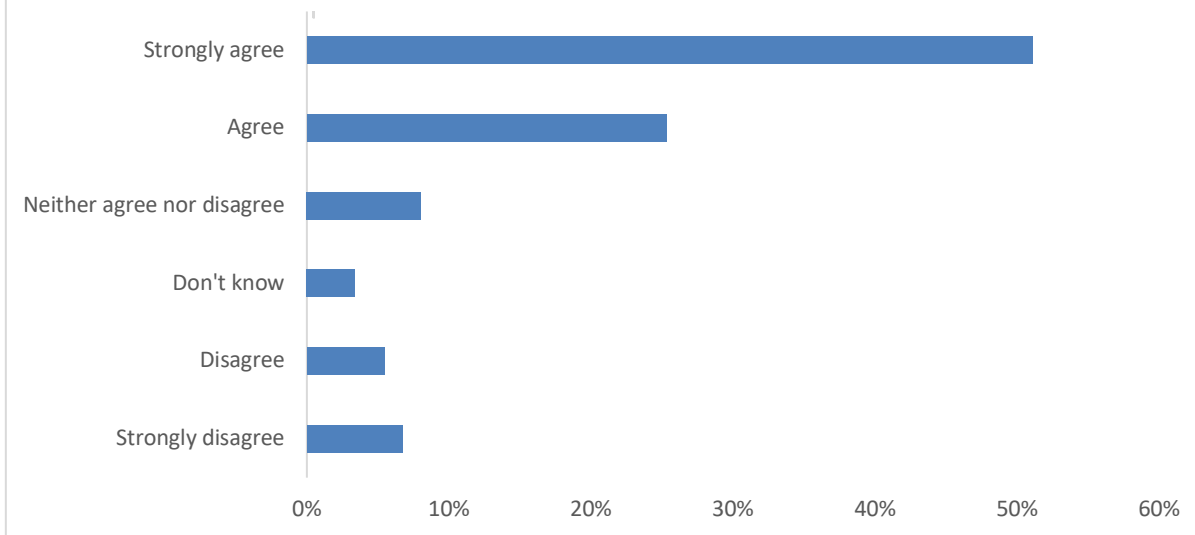


Question 1 [Option 1]: Do you agree with increasing the maximum level of support?

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?

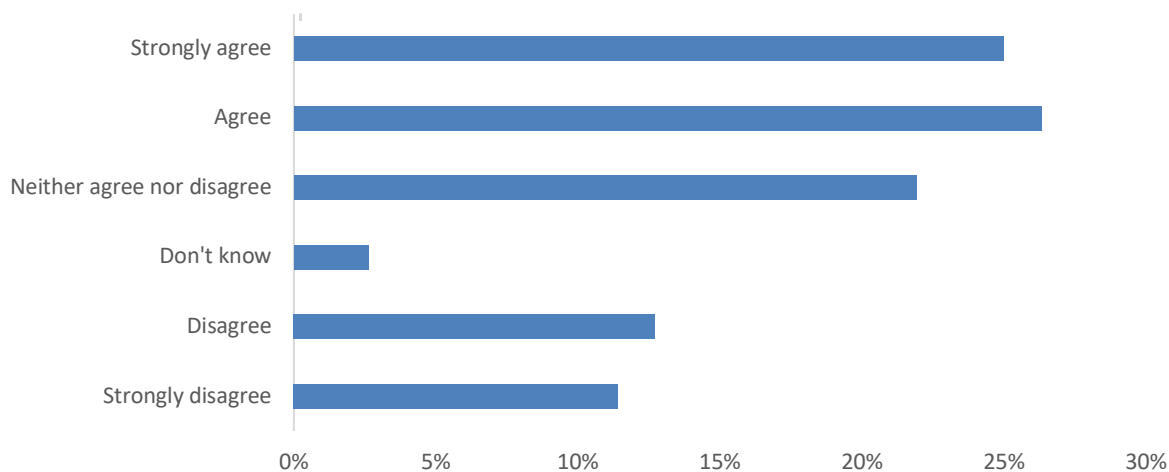


Question 2 [Option 2]: Do you agree with increasing the current earnings disregard level?

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?

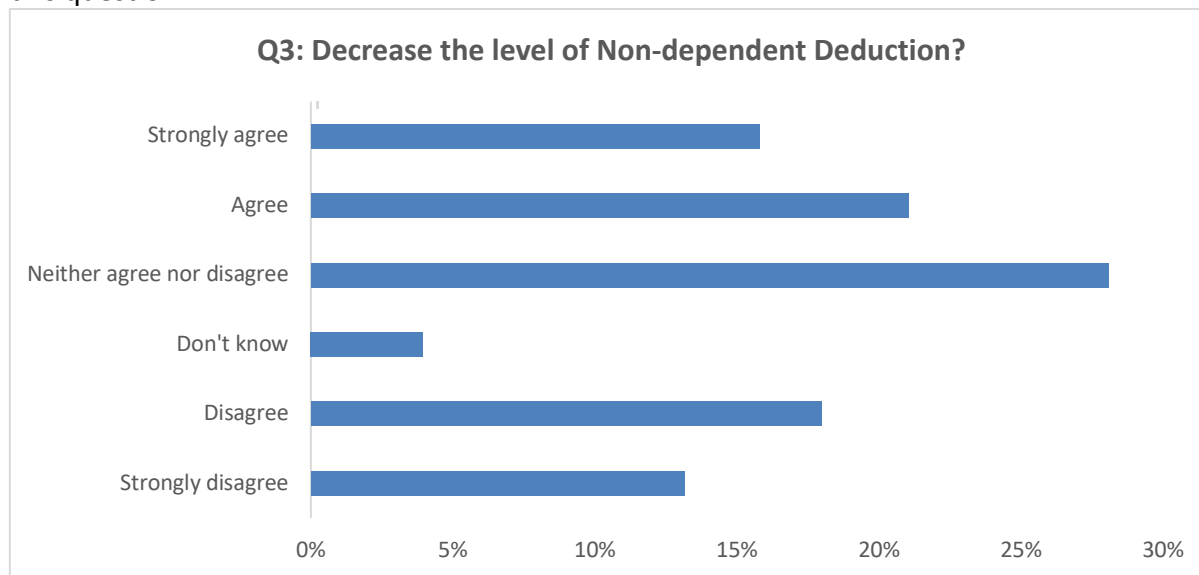


Question 3 [Option 3]: Do you agree with decreasing the level of Non-Dependant Deduction?

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.

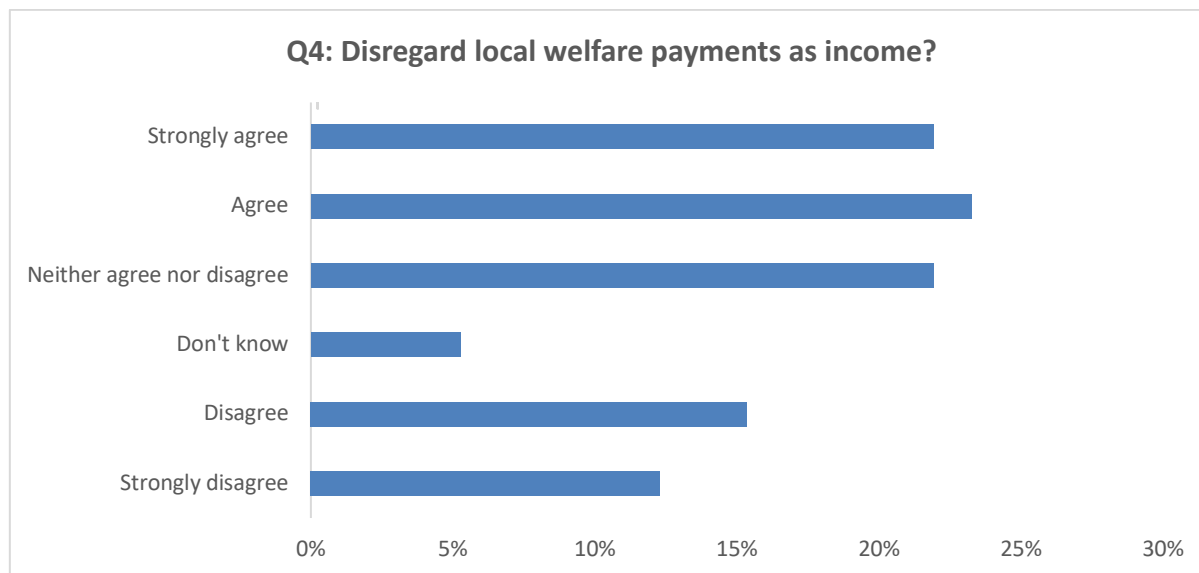
71 participants (31%) stated that they did not agree with Option 3 and 73 participants (32%) responded that they were unsure whether they agree or disagree. A further 46 participants chose not to answer this question.



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

There was total of 228 responses to this question.

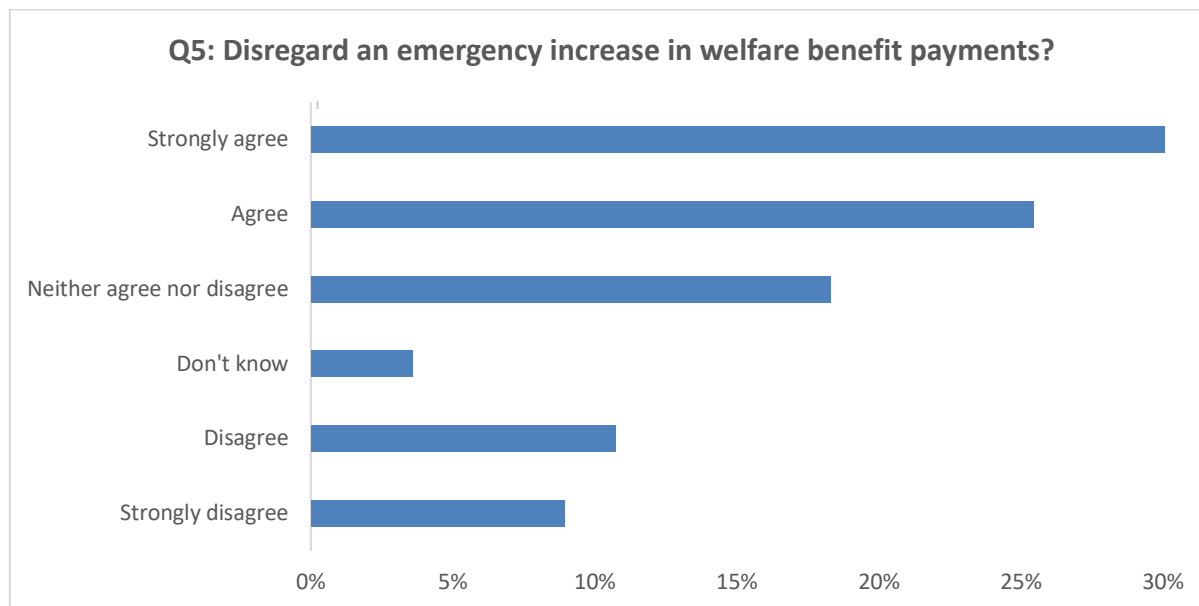
Of these, 103 participants (45%) indicated that they agreed with Option 4 – to disregard local welfare payments as income as proposed by the Isle of Wight Council. 63 participants (27%) stated that they did not agree with Option 4 and 62 participants (27%) were unsure whether they agree or disagree.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



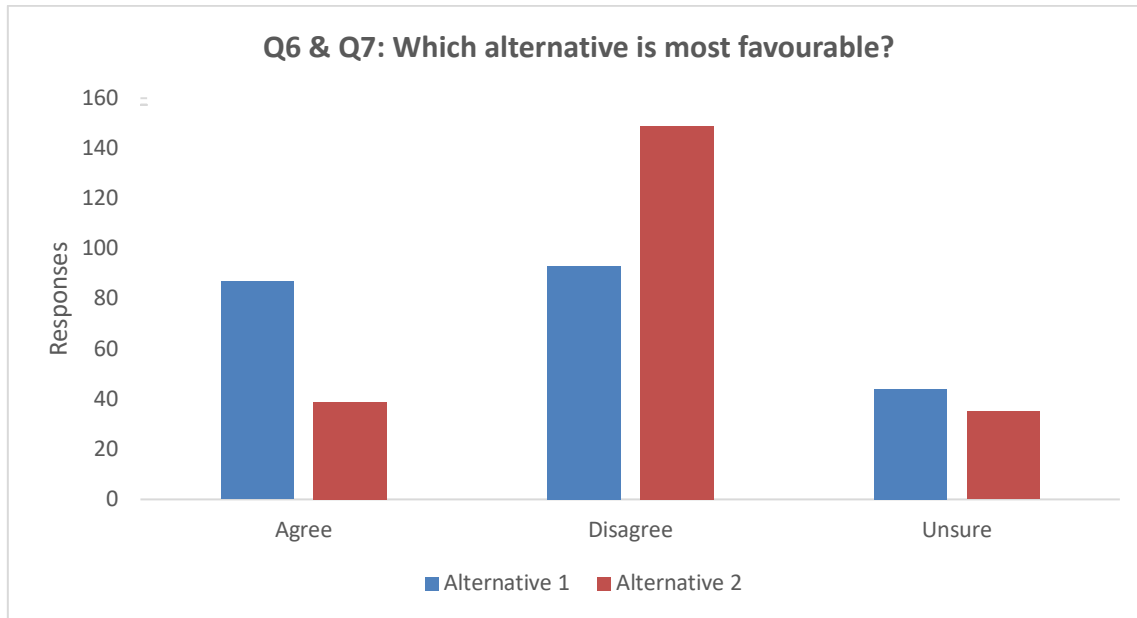
Question[s] 6 and 7 [Alternative 1 and 2]: Do you agree with Alternatives 1 and 2?

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?

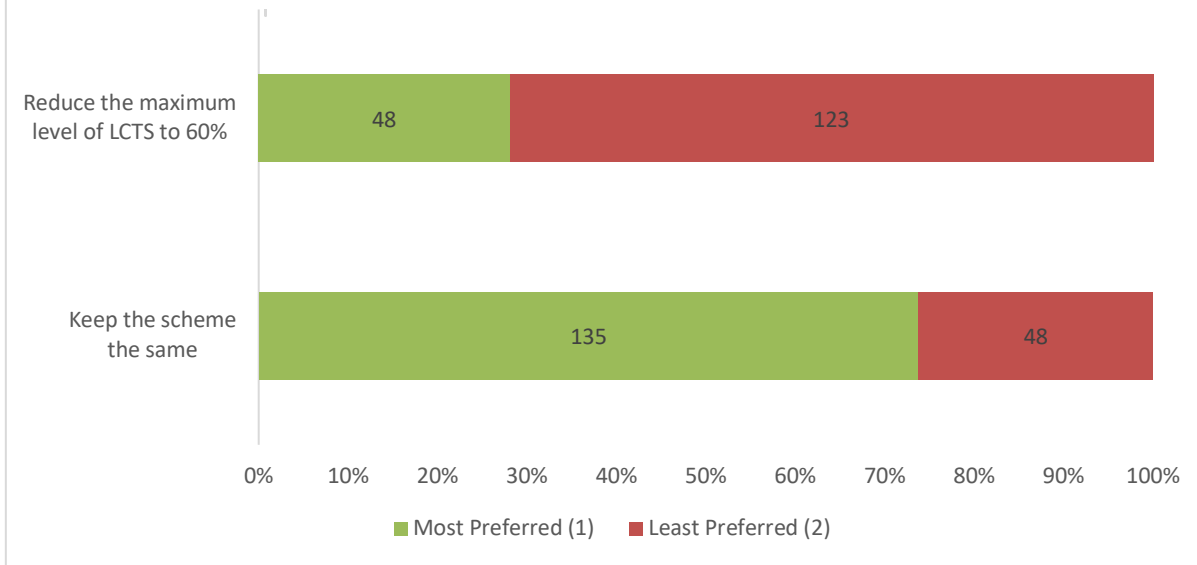
The table and graph below detail how the participants of the consultation ranked the Alternative options in order of preference from 1 and 2, where a score of 1 indicates the most preferred Alternative and 2 indicates the least preferred Alternative.

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)	135	48
Least Preferred (2)	48	123

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

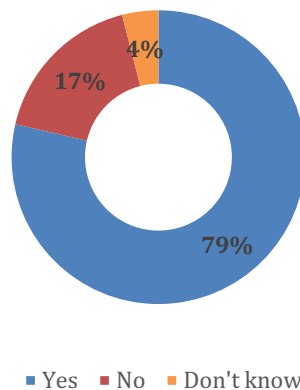


Question 11: Are you, or someone in your household, getting Local Council Tax Support at this time?

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
County Hall
High Street
Newport
Isle of Wight
PO30 1UD

By email: 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 th 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

1.0	Introduction to the Council Tax Reduction Scheme.....	6
2.0	Interpretation – an explanation of the terms used within this scheme.....	12
3.0	Definition of non-dependant	20
4.0	Requirement to provide a National Insurance Number.....	21
5.0	Persons who have attained the qualifying age for state pension credit.....	21
6.0	Not used.....	21
7.0	Persons treated as not being in Great Britain and Persons Subject to Immigration Control.....	21
	Persons subject to immigration control.....	23
7A.0	Transitional provision	23
8.0	Temporary Absence (period of absence)	24
9.0	Membership of a family	28
10.0	Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.	28
11.0	Circumstances in which a child or young person is to be treated as being or not being a member of the household.....	29
12.0 – 14.0	Not Used	29
15.0	Calculation of income and capital of members of applicant’s family and of a polygamous marriage.....	29
16.0	Circumstances in which capital and income of non-dependant is to be treated as applicant’s	30
17.0	Calculation of income on a weekly basis.....	31
18.0	Treatment of child care charges	31
19.0	Average weekly earnings of employed earners	35
20.0	Average weekly earnings of self-employed earners	36
21.0	Average weekly income other than earnings.....	36
22.0	Calculation of average weekly income from tax credits	36
23.0	Calculation of weekly income	37
24.0	Disregard of changes in tax, contributions etc.....	37
25.0	Earnings of employed earners	37
26.0	Calculation of net earnings of employed earners	38
27.0	Earnings of self-employed earners.....	39
28.0	Calculation of net profit of self-employed earners	40
29.0	Deduction of tax and contributions of self-employed earners	42
29A.0	Minimum Income Floor.....	42
30.0	Calculation of income other than earnings.....	43
31.0	Capital treated as income	45
32.0	Notional income.....	45
33.0	Capital limit	47
34.0	Calculation of capital.....	47
35.0	Disregard of capital of child and young person.....	48

36.0	Income treated as capital.....	48
37.0	Calculation of capital in the United Kingdom.....	48
38.0	Calculation of capital outside the United Kingdom.....	48
39.0	Notional capital	49
40.0	Diminishing notional capital rule	50
41.0	Capital jointly held	52
42.0	Not used.....	53
43.0	Student related definitions	53
44.0	Treatment of students	56
45.0	Students who are excluded from entitlement to council tax reduction	56
46.0	Calculation of grant income	57
47.0	Calculation of covenant income where a contribution is assessed	59
48.0	Covenant income where no grant income or no contribution is assessed	59
49.0	Student Covenant Income and Grant income – non disregard.....	59
50.0	Other amounts to be disregarded.....	59
51.0	Treatment of student loans	60
51A.0	Treatment of fee loans.....	61
52.0	Treatment of payments from access funds.....	61
53.0	Disregard of contribution.....	61
54.0	Further disregard of student’s income	62
55.0	Income treated as capital.....	62
56.0	Disregard of changes occurring during summer vacation.....	62
57.0	Maximum council tax reduction	62
58.0	Non-dependant deductions	63
59.0	Not used.....	64
60.0	Extended reductions	64
60A.0	Duration of extended reduction period	65
60B.0	Amount of extended reduction.....	65
60C	Extended reductions – movers	65
60D.0	Relationship between extended reduction and entitlement to council tax reduction under the general conditions of entitlement	66
61.0	Extended reductions (qualifying contributory benefits)	66
61A.0	Duration of extended reduction period (qualifying contributory benefits).....	67
61B.0	Amount of extended reduction (qualifying contributory benefits)	67
61C.0	Extended reductions (qualifying contributory benefits) – movers	67
61D.0	Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax reduction under the general conditions of entitlement	68
62.0 - 63.0	Not Used	68
64.0	Date on which entitlement is to begin.....	68

65.0 - 66.0 Not Used.....	68
67.0 Date on which change of circumstances is to take effect.....	68
69.0 Procedure by which a person may apply for a reduction under the authority's scheme.....	70
70.0 Submission of evidence electronically.....	73
71.0 Use of telephone provided evidence.....	73
72.0 Information and evidence.....	74
73.0 Amendment and withdrawal of application.....	75
74.0 Duty to notify changes of circumstances.....	75
75.0 Decisions by the authority.....	76
76.0 Notification of decision.....	76
77.0 Time and manner of granting council tax reduction.....	77
78.0 Persons to whom support is to be paid.....	78
79.0 Shortfall in support / reduction.....	78
80.0 Payment on the death of the person entitled.....	79
81.0 Offsetting.....	79
82.0 Payment where there is joint and several liability.....	79
83.0 - 90.0 Not used.....	79
91.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC).....	79
92.0 Collection of information.....	80
93.0 Recording and holding information.....	80
94.0 Forwarding of information.....	80
95.0 Persons affected by Decisions.....	80
96.0 Revisions of Decisions.....	80
97.0 Written Statements.....	81
98.0 Terminations.....	81
99.0 Procedure by which a person may make an appeal against certain decisions of the authority.....	81
100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act.....	81
Electronic Communication.....	82
101.0 Interpretation.....	82
102.0 Conditions for the use of electronic communication.....	82
103.0 Use of intermediaries.....	82
104.0 Effect of delivering information by means of electronic communication.....	83
105.0 Proof of identity of sender or recipient of information.....	83
106.0 Proof of delivery of information.....	83
106A.0 Proof of content of information.....	83
107.0 Counter Fraud and compliance.....	84
Schedule 1.....	85
Calculation of the amount of Council Tax Reduction in accordance with the Discount Scheme.....	85

Schedule 2	
Not Used	87
Schedule 3	
Sums to be disregarded in the calculation of earnings	88
Schedule 4	
Sums to be disregarded in the calculation of income other than earnings.....	90
Schedule 5	
Capital to be disregarded	101

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 1st 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 1st 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;

'Up-rating 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 amended¹; 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

¹ 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 Number²

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.

² 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⁽¹⁾, 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 1971³ 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;

³ 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;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—(i) travelling expenses incurred by the applicant between his home and his place of employment;
- (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- g. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- h. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- i. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- j. any statutory sick pay, statutory maternity pay, statutory paternity pay, or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- k. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- l. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended⁴.

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

⁴ 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 deductions⁵

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;

⁵ 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 area⁶

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.

⁶ 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 application⁷**
- 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

⁷ 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 scheme⁸

- 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

⁸ 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 evidence⁹

- 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);

⁹ 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 application¹⁰

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 circumstances¹¹

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,

¹⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹¹ 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 authority¹²**
- 75.1 An authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and Part 1 of Schedule 7 of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 being satisfied, or as soon as reasonably practicable thereafter.
- .
- 76.0 Notification of decision¹³**
- 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

¹² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹³ 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⁽³⁾ who has power to apply or, as the case may be, receive benefit on the person's behalf; or
 - (iii) an attorney with a general power or a power to apply or, as the case may be, 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 reduction¹⁴

- 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

¹⁴ 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 paid¹⁵

- 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 / reduction¹⁶

- 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.

¹⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

80.0 Payment on the death of the person entitled¹⁷

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 liability¹⁸

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 requirements¹⁹.

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

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

¹⁹ 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 authority²⁰

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 Act²¹

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

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

²¹ 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:

HOUSEHOLD						
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	65% Option 1 70%	in receipt of a passported benefit				
2	65% Option 1 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 1st 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 earnings²²

²² 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 earnings²³

²³ 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 disregarded²⁴

²⁴ 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

1.0	Background	3
2.0	Exceptional Hardship Fund and Equalities	4
3.0	Purpose of this policy.....	5
4.0	The Exceptional Hardship Fund Process	5
5.0	Awarding an Exceptional Hardship Fund Payment	6
6.0	Publicity	7
7.0	Claiming an Exceptional Hardship Fund payment	7
8.0	Changes in circumstances	8
9.0	Duties of the applicant and the applicant’s household	8
10.0	The award and duration of an Exceptional Hardship Payment	8
11.0	Award of the Exceptional Hardship Fund payment	9
12.0	Overpaid Exceptional Hardship Fund Payments	9
13.0	Notification of an award	9
14.0	Appeals	9
15.0	Fraud	10
16.0	Complaints	10
17.0	Policy Review	10

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 1st 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.