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Monitoring Officer
Christopher Potter

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Agenda

Name of meeting	FULL COUNCIL
Date	WEDNESDAY 19 JANUARY 2022
Time	6.00 PM
Venue	MEDINA SPORTS HALL, FAIRLEE ROAD, 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 7 - 14)

To confirm as a true record the Minutes of the meeting held on 17 November 2021.

2. **Declarations of Interest**

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

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

Questions may be asked without notice but to guarantee a full reply at the meeting, a question must be put including the name and address of the questioner by delivery in writing or by electronic mail to Democratic Services at democratic.services@iow.gov.uk, 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, 14 January 2022.



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

4. **Chairman's Official Announcements**

To receive the Chairman's official announcements.

5. **Leaders Update Report (20 minutes)** (Pages 15 - 18)

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

(a) Pay Policy (Pages 19 - 76)

(b) Local Council Tax Support Scheme (Pages 77 - 222)

7. **Report of the Deputy Leader and Cabinet Member for Community Protection, Digital Transformation, Housing provision and Housing Needs**

(a) Gambling Act Policy (Pages 223 - 252)

8. **Reports of the Monitoring Officer**

(a) Report of the Independent Remuneration Panel on the members allowance scheme and Approval of the Scheme (Pages 253 - 292)

(b) Nominations and Appointments to Committees and other bodies and alternative arrangements for appointments (Pages 293 - 300)

(c) Local Pension Board Appointments (Pages 301 - 304)

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

(a) By Councillor Paul Brading

Full Council notes that:

1. The Cabinet decided on 15th July 2021 to reverse a previous in principle, and communicated decision, which had already approved the calendar for School Term Dates for the academic year 2022-23, with new dates which included a reversion to a one-week October half-term.
2. This decision was taken following conversations with some headteachers, but not with any parents or students or directly with any other school staff.

Full Council recognises that:

3. Whilst there are different views as to the merits of this change, the two week October half term was brought in following an extensive consultation. Whilst it still remains possible to now reverse the July decision for the 2022-23 academic year, as schools and families will already have started to plan based on this calendar of School Term Dates, it would be more prudent to leave it as is for this year.

4. It is, however, regrettable that there was not wider consultation, to include parents and students ahead of this decision – particularly the scrapping of the two-week October half-term.
5. Many families will have recently enjoyed the many benefits offered by the two-week October half-term, which they will now not be able to do next year.
6. There is merit in looking again at the structure of School Term Dates for subsequent academic years (2023-24 onwards), and an opportunity should be provided for parents, students and other school staff (as well as headteachers) to offer their views directly to the Council, ahead of a decision.

Full Council therefore requests that:

7. The relevant Cabinet Member will bring a paper to Cabinet early in 2022 setting out how the Council intends to undertake a meaningful consultation with relevant stakeholders on future School Term Dates (2023-24 onwards).
8. Any such consultation should ensure that stakeholders are given a genuine choice between different options, including one which includes a reversion to a two-week October half term. Views should be sought as to the pros and cons of the different options, looking at both education and other reasons such as wellbeing and quality of life.
9. The feedback received from this consultation is taken into account ahead of any Cabinet decision to approve a calendar for School Term Dates for the academic year 2023-24

(b) By Councillor Chris Quirk

That Full Council requests that Cabinet carry out a full consultation with tourism related businesses and residents in the whole Bay area concerning the future of Dinosaur Isle Museum and the surrounding area before making any final decisions on future development of the Museum and the larger associated site.

(c) By Councillor Daryll Pitcher

The letting off of fireworks is an issue that can prove divisive. On one side there are a great many people, particularly children, who enjoy firework displays. The Isle of Wight itself is the home to one such internationally known display held at the end of Cowes Week. On the other side unregulated “back garden” displays cause much distress to homeowners and in particular their pets plus other livestock and animals in the vicinity.

It would not be the aim of this Motion to ban outright back garden displays. Instead by making the letting off of fireworks a Licensable Activity it would be possible to ensure that adequate warning be given to local people before the event, allowing people to mitigate the effects and for potential concerns to be raised. Such licensing would ensure that adequate publicity is circulated and that other authorities such as the Fire Brigade are alerted. The added scrutiny of a system of licensing would also act to enhance

safety awareness.

None of this is currently possible however as the UK Government currently controls all these rules from the centre. With this in mind:

This Council notes:

1. The distress and suffering caused to animals and their owners by the act of random and unexpected letting off of fireworks.
2. That organized firework displays are often safer than ad-hoc events.
3. That many people enjoy watching fireworks.
4. That a sensible balanced local approach to this issue would allow both the enjoyment of fireworks by watchers and the security of knowing when displays would happen for local residents and pet and other animal owners.
5. That currently the Isle of Wight Council licenses the sale of fireworks but does not have the power to control their use.
6. That the UK Government frequently speak about decentralizing powers to local communities.

This Council requests the UK Government:

1. Makes the letting off of fireworks a Licensable Activity overseen by Local Authorities.
 - a. Ensures a national umbrella of regulation setting basic limits and ensuring the continued permittance of organized firework displays.
 - b. Allows Local Authorities the freedom to vary all other constraints.

10. **Member Question Time (30 minutes)**

To receive a reply to a question asked during Members' Question Time, a question must be submitted in writing or by electronic mail to Democratic Services no later than 5pm on Thursday, 13 January 2022. A question may be asked at the meeting without prior notice but in these circumstances there is no guarantee that a full reply will be given at the meeting.

CHRISTOPHER POTTER
Monitoring Officer
Tuesday, 11 January 2022

Interests

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

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

If you require more guidance on the Code of Conduct or are unsure whether you need to record an interest on the written register you should take advice from the Monitoring Officer – Christopher Potter on (01983) 821000, email christopher.potter@iow.gov.uk, 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 17 NOVEMBER 2021 COMMENCING AT 6.00 PM
Venue	COUNCIL CHAMBER, COUNTY HALL, ISLE OF WIGHT
Present	Cllrs G Brodie (Chairman), C Critchison (Vice-Chairman), D Adams, D Andre, J Bacon, M Beston, P Brading, V Churchman, I Dore, R Downer, W Drew, S Ellis, P Fuller, A Garratt, S Hastings, S Hendry, C Jarman, J Jones-Evans, P Jordan, J Lever, M Lilley, K Love, K Lucioni, J Medland, C Mosdell, J Nicholson, M Oliver, T Outlaw, L Peacey-Wilcox, D Pitcher, M Price, R Quigley, C Quirk, R Redrup, J Robertson, P Spink, I Stephens and I Ward
Apologies	Cllr G Peace

33. **Minutes**

RESOLVED:

THAT the minutes of the meeting held on 15 September 2021 be confirmed.

34. **Declarations of Interest**

No declarations were received at this stage.

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

Mr Christopher Wakeley of Newport submitted a written question regarding carbon emissions, and whether the Council was prepared to introduce an interim carbon reduction target for the Island by 2030. The Cabinet Member for Environment, Heritage and Waste Management provided a written response (PQ 44/21).

Mr Steven Parks of Shanklin asked an oral question relating to the plans for the redevelopment of Sandown and the Bay area, particularly with regards to transport, travel and access. The Cabinet Member for Environment, Heritage and Waste Management advised that previous proposals had not been rejected but were being reconsidered to ensure the future of the area was viable. A supplementary question was asked regarding how these plans were being moved forward. The Cabinet Member advised that viable plans would be put forward as soon as possible.

Mr Michael Smith of Newport asked an oral question relating to Island Roads and whether the Council could ensure they notify local residents of last-minute works. The Cabinet Member for Highways PFI, Transport and Infrastructure advised that a written response would be provided.

36. Chairman's Official Announcements

The Chairman's report had been circulated to all councillors prior to the meeting. Attention was drawn to the recent murder of Sir David Amess MP which highlighted the risks to all democratically-elected representatives. It was advised that information from the Monitoring Officer related to this matter would be circulated to all councillors in due course.

RESOLVED:

THAT the Chairman's official announcements be noted.

37. Leaders Update Report (20 minutes)

The Leader presented the report which highlighted key activities since the last meeting. Reference was made to a number of recent Remembrance Day events and attention was drawn to the upcoming Stand with Midwives Campaign.

A question was asked in relation to the steps being taken to ensure the Leader has capacity to circulate key documents such as the response from the Minister of State for Housing regarding issues around the number of homes that the government requires in the new Island Planning Strategy.

Concerns were raised in relation to the communications on the roll-out of the booster vaccination programme and it was confirmed that this matter was being raised through the Policy and Scrutiny Committee for Health and Social Care.

Comments were made in relation to various areas including support for carers, the approach to addressing the climate emergency, the Green Meadows care facility, and the development of the Island Plan. Discussion took place regarding the £5.8m funding secured for the regeneration of East Cowes and the Director of Regeneration and his team were thanked for developing the business case.

RESOLVED:

THAT the Leaders update be noted.

38. Report of the Leader

38a Isle of Wight Council Corporate Plan

The Leader presented the report which set out the vision and aspirations of the Council's administration in its revised corporate plan. Cllr Andrew Garratt presented an amendment, as set out in Appendix 2 to the report, which was duly seconded and accepted.

Following debate, a vote was taken and it was:

RESOLVED:

THAT the Corporate Plan as set out in Appendix 1 incorporating the revisions tabled in Appendix 2 be approved and adopted.

38b Report on the use of Special Urgency Provisions

The Monitoring Officer presented the report which informed the Council of the details of each executive decision taken where the making of the decision was agreed as urgent, in accordance with Regulation 11 of the Local Authorities Executive Arrangements (Meetings and Access to Information) (England) Regulations 2012.

A vote was taken and it was:

RESOLVED:

THAT the statutory report on the use of Special Urgency Provisions be received and noted.

39. Reports of the Monitoring Officer

39a Report on Pension Board Appointments

The Monitoring Officer presented the report which sought approval of the revised terms of reference for the Local Pension Board, and for appointments to be formally made to it. The chairman sought clarification from the Monitoring Officer regarding whether councillors should declare an interest in this item (as members of the local government pension scheme). It was confirmed that this was not required given the nature of the report and as there was an obligation on councillors to establish the Board.

A vote was taken and it was:

RESOLVED:

- i) THAT the revised terms of reference of the Local Pension Board, as set out in Appendix 1 to the report, be approved.
- ii) THAT the appointments to the Local Pension Board, as set out in Appendix 2 of the report, be approved.

39b Nominations and Appointment to Committees

The Monitoring Officer presented the report which was required to give effect to the wishes of the Leader of the Alliance Group as to the nominations for appointments to the Planning Committee. Cllr Karen Lucioni was nominated by the Alliance Group to fill the vacant vice-chairman seat on the Policy and Scrutiny Committee for Children's Services, Education and Skills. No further nominations were received.

A vote was taken and it was:

RESOLVED:

- i) THAT Cllr Karen Lucioni be appointed to the Planning Committee.
- ii) THAT Cllrs Rodney Downer and Debbie Andre of the Alliance Group be appointed to the Planning Committee as substitute members.

- iii) THAT Cllr Karen Lucioni be appointed as vice-chairman to the Policy and Scrutiny Committee for Children’s Services, Education and Skills.

The meeting was adjourned for a five-minute comfort break, during which the Leader left the meeting unwell. The Deputy Leader took her place.

40. Motions Submitted under Part 4A, Procedure Rule 9 of the Council's Constitution

40a By Councillor Spink

Cllr Peter Spink moved the following amended motion which was duly seconded:

Council notes:

1. Because it does not have an up to date five-year land supply and has failed to meet Government housing “targets”, planning decisions are subject to paragraph 11.d) i. and ii. of the National Planning Policy Framework, often referred to as the ‘tilted balance’. The application of the tilted balance limits the circumstances in which the Council is able to refuse planning applications.
2. The continued application of the tilted balance is likely to result in the loss of precious greenfield sites on the Isle of Wight. The protection of greenfield was raised as a major concern by Island residents in the consultation period of the previous draft planning strategy and is important to tourism and to our status as a biosphere.
3. The Government has recently indicated a change in the direction of national planning policy. The precise detail has yet to be clarified but is likely to include greater protection of greenfield, with brownfield being the preferred choice for the majority of development.

I ask, therefore, if Council will Support the following motion:

The Leader of the Isle of Wight Council shall write to the Prime Minister and to the Secretary of State for Levelling Up, Housing and Communities, requesting the suspension of the application of the ‘titled balance’ (Paragraph 11.d) i. and ii. National Planning Policy Framework) to planning decisions made by the Isle of Wight Planning Authority.

Cllr Paul Fuller moved the following amendment (including an addition by the Chairman) to the motion which was duly seconded:

Council notes:

1. Because it does not have an up to date five year land supply and has failed to meet Government housing “targets”, planning decisions are subject to paragraph 11.d) i. and ii. of the National Planning Policy Framework, often referred to as the ‘tilted balance’. The application of the tilted balance limits the circumstances in which the Council is able to refuse planning applications.
2. The continued application of the tilted balance is likely to result in the loss of precious greenfield sites on the Isle of Wight. The protection of greenfield was raised as a major concern by Island residents in the

consultation period of the previous draft planning strategy and is important to tourism and to our status as a biosphere.

3. The Government has recently indicated a change in the direction of national planning policy. The precise detail has yet to be clarified but is likely to include greater protection of greenfield, with brownfield being the preferred choice for the majority of development.

Council notes that in light of this, the Leader of the Isle of Wight Council has agreed to write to the Prime Minister and to the Secretary of State for Levelling Up, Housing and Communities, requesting the suspension of the application of the 'titled balance' (Paragraph 11.d) i. and ii. National Planning Policy Framework) to planning decisions made by the Isle of Wight Planning Authority.

Further, Council notes that the Leader will write to other Local Authorities in a similar general position to the Isle of Wight Council if a negative reply has been received, asking those Authorities to sign a joint letter to request that the application of the 'tilted balance' be suspended indefinitely so as to protect greenfield sites and make brownfield sites the preferred choice for the majority of development.

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

For: (27)

Cllrs David Adams, Debbie Andre, Rodney Downer, Paul Fuller, Chris Jarman, Michael Lilley, Karen Lucioni, John Medland, Darryl Pitcher, Michael Beston, Paul Brading, Vanessa Churchman, Warren Drew, Suzie Ellis, Steve Hastings, Steven Hendry, Clare Mosdell, John Nicholson, Martin Oliver, Tig Outlaw, Matthew Price, Chris Quirk, Ray Redrup, Joe Robertson, Peter Spink, Ian Ward, Clare Critchison

Against: (4)

Cllrs Karl Love, Ian Stephens, Richard Quigley, Geoff Brodie

Abstained: (6)

Cllrs Jonathan Bacon, Ian Dore, Julie Jones-Evans, Phil Jordan, Joe Lever, Andrew Garratt

RESOLVED:

THAT Council notes:

1. Because it does not have an up to date five year land supply and has failed to meet Government housing "targets", planning decisions are subject to paragraph 11.d) i. and ii. of the National Planning Policy Framework, often referred to as the 'tilted balance'. The application of the tilted balance limits the circumstances in which the Council is able to refuse planning applications.
2. The continued application of the tilted balance is likely to result in the loss of precious greenfield sites on the Isle of Wight. The protection of greenfield was raised as a major concern by Island residents in the consultation period of the previous draft planning strategy and is important to tourism and to our status as a biosphere.
3. The Government has recently indicated a change in the direction of national planning policy. The precise detail has yet to be clarified but is likely to

include greater protection of greenfield, with brownfield being the preferred choice for the majority of development.

Council notes that in light of this, the Leader of the Isle of Wight Council has agreed to write to the Prime Minister and to the Secretary of State for Levelling Up, Housing and Communities, requesting the suspension of the application of the 'titled balance' (Paragraph 11.d) i. and ii. National Planning Policy Framework) to planning decisions made by the Isle of Wight Planning Authority.

Further, Council notes that the Leader will write to other Local Authorities in a similar general position to the Isle of Wight Council if a negative reply has been received, asking those Authorities to sign a joint letter to request that the application of the 'tilted balance' be suspended indefinitely so as to protect greenfield sites and make brownfield sites the preferred choice for the majority of development.

40b By Councillor Brading

Due to time constraints this item was not considered and was deferred to the next meeting.

40c By Councillor Pitcher

Due to time constraints this item was not considered and was deferred to the next meeting.

40d By Councillor Quirk

Due to time constraints this item was not considered and was deferred to the next meeting.

41. Members Question Time (30 minutes)

Cllr Peter Spink submitted a written question in relation to motorcycle racing on the Island (particularly in the West Wight) and whether this was consistent with the Council's Climate Policy, the Islands designation as a UNESCO Biosphere, and eco-tourism. The Leader provided a written response. (MQ 15/21)

Cllr Ian Ward asked an oral question in relation to the regeneration plans for Sandown and the Bay area. The Deputy Leader provided assurance that the council were open to working on this matter in a cohesive way with local councillors.

Cllr Richard Quigley asked an oral question in relation to the development of affordable housing and responsible landlords. The Deputy Leader confirmed that the areas highlighted would be considered. The Chairman asked that he provide a written reply, with a copy to all councillors.

Cllr Michael Lilley asked an oral question in relation to the progress with the use of the Additional Restrictions Grant. The Cabinet Member for Regeneration, Business Development and Tourism outlined the various business support activities underway for the use of these funds.

Cllr Joe Lever asked an oral question in relation to carbon targets and community engagement. The Cabinet Member for Environment, Heritage and Waste

Management advised that a report on the matter was being developed for consideration in February 2022 and confirmed that a written response would be provided.

Cllr Clare Mosdell asked an oral question in relation to the inclusion of local ward members when visiting sites in the community. The Deputy Leader confirmed that ward members would be notified where possible.

Cllr Steve Hastings asked an oral question in relation to the progress with the Waste Plant. The Cabinet Member for Environment, Heritage and Waste Management advised that the project had been delayed and it was confirmed that a full written response would be provided.

Cllr Karl Love asked an oral question in relation to highways disruptions caused by Wightfibre. The Cabinet Member for Highways PFI, Transport and Infrastructure confirmed that the highways network was managed by Island Roads, who work in conjunction with utility companies to plan works.

Cllr John Nicholson asked that the Council acknowledges the south coast of the Island as having ties to the Spanish armada. The Deputy Leader confirmed that the comments had been taken on board.

Cllr Joe Robertson asked an oral question in relation to the lack of email correspondence from the Leader regarding the Ryde Interchange project. The Deputy Leader advised that it was not appropriate to comment on the Leader's workload.

CHAIRMAN

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Committee: **FULL COUNCIL**

Date: **19 JANUARY 2022**

Title: **LEADER'S UPDATE**

Report of: **LEADER OF THE COUNCIL**

1. Here's to our good health and prosperity in 2022! Let's hope it is kinder to us all. I hope that you all had an enjoyable festive break and managed to spend quality time with family, over what I know can be a busy period.
2. Congratulations to Ian Lloyd, Strategic Manager for Partnerships and Support Services in Adult Social Care on his award of the British Empire Medal (BEM) for his work with the council's covid-19 helpline and 26-strong community hub response throughout the covid-19 pandemic. This is well deserved recognition for all of Ian's hard work, and I know he considers it to be recognition for the work of everyone involved (and so do I!) with the programme, which he values most highly. Well done Ian and the entire 26 hubs and their volunteers.
3. I hope Council will join with me in recognising and thanking all of our staff for the job they continue to do in response to the pandemic. Balancing the delivery of our much needed and essential services with the need to react to the ever changing demands of the virus is not an easy task but is one which they continue to respond to in a professional and diligent manner and I know they will do so for as long as is necessary. I am really conscious of the pressures across the social care sector and also in schools and have to acknowledge the work being done in these settings to keep people safe and our children educated
4. The emergence of the omicron variant of covid-19 has brought significant new challenges to our community and the continued delivery of our services. With an increase in cases we have supported access to testing and ensured those that needed contact tracing and support are contacted in a very timely way. Covid Support Officers are supporting business and have been active in promoting the use of lateral flow testing in the past few weeks. They made some important deliveries of test kits to local pharmacies in the days before Christmas, following a failure in the national supply chain. Our communications work has promoted personal responsibility and the good behaviours necessary to keep ourselves and each other safe from the virus.
5. As I write, the Island's seven day rate of cases per 100,000 population is amongst the lowest in the UK but is increasing rapidly, and we know from previous waves of the pandemic, that our case rates tend to lag the mainland by about two weeks. So,

our need to be ever vigilant for our wellbeing and that of friends and family remains.

6. Our Adult Social Care and Housing Needs services are under significant pressure both within the council and across the independent and voluntary sectors. Staff shortages linked to levels of vacancies, annual leave and sickness challenge not only our internal services but our care home, home care and housing partners on a regular basis. We continue to be very grateful to our local care and support providers, their staff, health colleagues and the Island's many informal and family carers for their dedication, commitment, and hard work through the pandemic – what they do to support our most vulnerable residents really matters. We remain committed to supporting them and to working with them to ensure that people are safe and well cared for.
7. The NHS roll out of booster vaccines before Christmas looks to be an important response to the variant especially in preventing people becoming seriously ill as a result. I understand that some 84% of eligible Island residents have now received their booster which is good, but I hope that more people will be encouraged to get a booster and indeed get a vaccine shot if they have not already had one. Councillors will be aware that this is a particularly testing time of year for St Mary's Hospital (and indeed all hospitals) so anything we can do to prevent ourselves from having to go to hospital keeps beds free for those that really need them.
8. All the updated advice and guidance on COVID can be found at: www.keeptheislandsafe.org
9. The government published the details of its [Omicron Hospitality and Leisure Grant](#) (OHLG) scheme (for leisure and accommodation businesses) on 30 December and council staff have been working to introduce systems for applications to be received as quickly as possible, details will be available on the council's website no later than the week commencing 17 January 2022. This is a mandatory grant to businesses in qualifying premises set out in the guidance based on rateable value. As such no "decision" has to be taken to make a payment only that businesses complete an application form and submit the required information. The final date for receipt of an application is 28 February 2022. I am sure that few businesses will need any encouragement to apply but would encourage them to all do so.
10. The government has also announced an extension to its Additional Restrictions Grant (ARG) fund to support businesses that cannot access the OHLG grant funding. As with the existing ARG it is for the council to determine eligibility for this funding but it cannot be used for wider business support activities and must go to individual businesses. Funding will be allocated in one off grants and, at the time of writing, the council is still to receive confirmation of the amount of funding it will have to distribute but it is expected to be in the region of £200,000. The amount of individual grant is at the council's discretion. The council expects to be able to receive applications for this grant from 24 January with a closing date of 28 February 2022, to ensure the final allocation of these limited funds is achieved as quickly as possible.
11. Council may also be interested to know that it has also been possible, using Contain Outbreak Management Funding (COMF) for the Regulatory Services team to support businesses required to put in place a covid certification scheme for their patrons. This support is also open to certain businesses /events who wish to put in a voluntary

scheme. Any enquiries should be directed to covidregs@iow.gov.uk .

12. Funding of £160,000 has also been secured by Children's Services through the Regional Covid Recovery fund for additional family support workers in Family Centres and is being specifically used to support families impacted by the pandemic. Recognition of the success of the Isle of Wight Family Hub model has come in the secondment of one of the council's service managers to be a regional co-ordinator supporting local authorities across the South east in developing their Family Hubs.
13. The latest [consultation](#) on the budget for 2022/23 closes on the 21 January and will be important in finalising the proposals that will be coming to Cabinet and then Full Council in February. Our initial appraisal of the government's provisional local government finance settlement is that the council will be no worse/better off than planned. The additional money the government is providing local government overall, will only just about be sufficient to match the additional expected costs we have to face in the coming year. The settlement is also only for one year again and not multi years as had been expected. This is thought necessary to allow the government time to look again at its 'fair funding' review of local government.
14. Conversations are still ongoing with government officials about the need for a specific 'Island deal' in the final funding settlement (due at the beginning of February) and work has been presented at the government's request to:
 - a. Review the evidence for the additional costs facing the Isle of Wight due to physical separation from the mainland
 - b. Identify how these costs could be reflected in the local government funding system
15. I mentioned the government's proposals for County Deals as a method for devolving powers and responsibility from central to local government in my previous report. I can confirm that the promised levelling up bill is still to be published by the government although indications are that it may be come out in January. We continue to liaise with other local authorities across the region to understand their thoughts in any levelling up proposals; but for now the focus of the Alliance Administration is in making the best of what is in our control for the benefit of the Island.
16. I submitted the application for Newport and Carisbrooke to be awarded city status last month as part of the Queen's Platinum Jubilee year celebrations. The case made for Newport and Carisbrooke as the Island's capital which highlighted its important economic and civic role, its heritage and royal connections, was extremely good. The plans for regeneration of Newport harbour will gain a significant boost should the bid be successful, and the wider confidence and profile a successful bid will bring to the Island should not be underestimated.
17. I am sure that the Adult and Community Learning Service's recent initiative, working with partners, to support 10 places on an HGV driver theory course reflects the quality of its work to the Matrix Standard. This project includes employability support, facilitating the required medical and achievement of the theory test. This course enables progression to the practical test to gain the full Driver Certificate of Professional Competence and may lead to apprenticeship opportunities or a Skills Bootcamp with Qube Learning (up to 16 weeks training leading to a job interview).

The 10 places have been recruited through Job Centre Plus and the scheme is now oversubscribed.

18. Council staff continue to monitor the national situation in respect of Avian Bird Flu and following recent confirmed cases on the mainland advice has been provided to domestic and commercial bird keepers through the media and in correspondence.
19. Since May of last year the Alliance Administration has built foundations from which the council can continue to build in the year ahead. The path will not be easy, as we continue to deal with the challenges of covid-19 and the scarcity of resources, but we have the people across the council (and Island!) to make the difference we all so much want to see for us all, on our precious Island.

COUNCILLOR LORA PEACEY WILCOX

Leader of the Council and Cabinet Member for Strategic Partnerships

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Full Council Report

Date	19 JANUARY 2022
Title	PAY POLICY
Report of	CABINET MEMBER FOR STRATEGIC FINANCE, CORPORATE RESOURCES AND TRANSFORMATIONAL CHANGE

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 2022 to 31 March 2023.
2. Full Council is therefore being asked to approve the updated pay policy for the period 2022/23, prior to its publication. The amendments since the last pay policy are as follows:
 - a) 5.4: Explanation that the pay award for 2021-2022 has not yet been agreed nationally so the pay within the pay policy reflects the application of a pay award of 1 April 2020-1 April 2021.
 - b) 5.12: There is an amendment to reflect the changes in charges for car parking at work for staff and councillors.
 - c) 5.17: Amendments to employee contribution bands to the Local Government Pension Scheme.
 - d) 9.4 - 9.5.6: 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.
 - e) Exit cap information in the previous pay policy has been removed in 11.2 as the previous legislation has been revoked.

- f) 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.
- g) References to the fire service have been removed as the service is no longer employed by the council.

RECOMMENDATION

That Full Council approve the updated pay policy as drafted for the period 1 April 2022 – 31 March 2023.
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BACKGROUND

- 3. The Localism Act 2011 at Chapter 20, part 1 and Chapter 8, 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 2021 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.

STRATEGIC CONTEXT

- 4. 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.

CONSULTATION

- 5. The draft report this year has no substantial changes, but proposed amendments will be made available for consideration by 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.

FINANCIAL / BUDGET IMPLICATIONS

- 6. There are no direct budgetary implications arising from this report, although it is necessary to highlight that the pay policy will serve to ensure that any proposed changes to staffing are made within agreed budgetary parameters and available resources. Benchmarking is a crucial element of ongoing

monitoring and review to both demonstrate cost effectiveness against other like-for-like employers as well as to maintain competitiveness within the employment market to avoid recruitment and retention difficulties in key posts.

IMPACT ON YOUNG PEOPLE AND FUTURE GENERATIONS

7. 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.

CLIMATE, ENVIRONMENT & UNESCO BIOSPHERE IMPACT

8. Showing regard to the Biosphere is wider than environmental outcomes and embeds the 17 UN sustainable development principles into the IW Biosphere and its development, linking social, cultural and environmental regard in sustainable development.
The UNESCO Biosphere objectives now shared by the Isle of Wight are to:
 - Identify, understand, protect and invest in the Island's natural and cultural assets.
 - Actively use this 'foundation capital' to shape a better, healthier, more resilient and more sustainable Island life.
 - Encourage and support the broadest possible participation in this work by freely sharing accessible information, news, ideas and opportunities, allowing anyone and everyone to join in.
9. 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.
10. 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.

LEGAL IMPLICATIONS

11. 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) before it comes into force and this must be completed by 31 March immediately preceding the financial year to which it relates. This must be followed by publication on the authority's website.

EQUALITY AND DIVERSITY

12. 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.
13. 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.

OPTIONS

Option 1: To adopt the pay policy as drafted

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

RISK MANAGEMENT

14. 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.
15. 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 now a statutory requirement for the publication of a pay policy statement and a failure to do so within the required timescale could lead to potential prosecution and the resulting potential costs. 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.
16. This pay policy has no substantial changes to the pay policy since the last one was approved in January 2021 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

17. 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.
18. 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 2021 is subject to national negotiation with provision having been determined as part of the budget setting process. It is therefore affordable and there are no risks associated with the option. As stated above, the 2021 pay award has not yet been 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 workforce.

APPENDICES ATTACHED

Appendix 1- Draft 2022 Pay policy

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CLAIRE SHAND
Director of Corporate Services

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

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Isle of Wight Council

Isle of Wight Council

DRAFT PAY POLICY

March 2022

Document Information

Title:	Pay Policy
Status:	Draft
Current Version:	10
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Consultation:	Full Council
Approved by:	Full Council
Approval Date:	January 2021
Review Frequency:	Annual
Next Review:	January 2022

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.

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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 2021 to 31 March 2022. 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;
 - undertake an equal pay review in line with the Equality and Human Rights Commission statutory code of practice every three years;
 - 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 £23,080 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 £18,198 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. .
- 4.5. 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 1,635 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. The pay award detailed in this policy is that agreed nationally up to 31 March 2021 and equated to a 2.75% pay increase. **There is currently no agreement nationally regarding the pay for 2021-2022 and the unions are balloting for industrial action. The outcome of this will not be known before this pay policy is signed off 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, Assistant Director Adult Social Care Operations, 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; Vehicle type	First 10,000 business miles in the tax year
Cars & vans	45p
Motorcycles	24p

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

Since 1 July 2017, all employees operating under the NJC/JNC for Local Government Services are entitled to 31 days or 229 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 31 days annual leave per annum (pro-rata if part-time). In 2022 staff are entitled to an additional public holiday on 3 June for the Queen's Jubilee.

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.

2021/22 table of employee contribution bands are shown below:

Pay band	yearly pay :	contribution rate of:	
		Main section	50/50 section
1	Up to £14,600	5.50%	2.75%
2	£14,601 to £22,900	5.80%	2.90%
3	£22,901 to £37,200	6.50%	3.25%

Pay band	yearly pay :	contribution rate of:	
		Main section	50/50 section
4	£37,201 to £47,100	6.80%	3.40%
5	£47,101 to £65,900	8.50%	4.25%
6	£65,901 to £93,400	9.90%	4.95%
7	£93,401 to £110,000	10.50%	5.25%
8	£110,001 to £165,000	11.40%	5.70%
9	£165,001 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 European elections 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.**

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.

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 (£33,790). 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.

Element	Enhancement to pay	Description
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).

Element	Enhancement to pay	Description
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	<p>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.</p> <p>Plain time rates only apply to shifts whose start and finish times fall within designated core hours for the service.</p>	<p>Shifts are defined as regular patterns of work carried out at different times either on a daily or weekly basis.</p> <p>All hours of a particular shift where the start / finishing times commences / end beyond core hours for the service.</p> <p>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.</p>
Weekend Work	Plain time rates	This rate applies to all hours worked within the service's designated core hours.
Standby Allowance	<p>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).</p> <p>Only payable where the standby is additional to contractual hours per week.</p>	<p>A standby session is 24 hours 00:00 hours to 23:59 hours or part thereof but must exceed four hours duration.</p> <p>Where the needs of the service demand, all posts eligible will participate on standby.</p>
Call-Out	Plain Time Rate	<p>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.</p> <p>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.</p>

Element	Enhancement to pay	Description
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 £40 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?Committeeld=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. 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 2021:

- the highest salary is £135,998 and the lowest salary is £18,198
- the median salary is £23,080
- the mean salary is £27,559

Which represents:

- a ratio of 1: 7.47 between the lowest and highest salary;
- a ratio of 1: 5.89 between the median and the highest salary;
- a ratio of 1: 4.93 between the mean 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

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

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	

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	

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

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

March 2020		
Quartile	Female	Male
Lower quartile	66%	34%
Lower middle quartile	77%	23%
Upper Middle quartile	56%	44%
Top quartile	51%	49%

These figures are based on those who were employed on the 31st of March 2020. The pay period used for the calculation of pay was the month of March 2020 as employees are paid monthly. The bonus period covers the period 1st of April 2019 to the 31st of March 2020.

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

ISLE OF WIGHT COUNCIL LOCAL PAY FRAMEWORK - APRIL 2020-31 March 2021
AWARD

Grade	A	B	C	D	E
Grade 1	18198		18380		18562
Grade 2	18562		18685		18808
Grade 3	18933		19058		19184
Grade 4	19184		19505		19698
Grade 5	20092		20293		20493
Grade 6	20493	20697	20903	21322	21748
Grade 7	22183	22627	23080	23309	23541
Grade 8	24319	24972	25644	26335	27041
Grade 9	27741	28391	29143	29896	30649
Grade 10	31094	31768	32442	33117	33790
Grade 11	37050	37739	38429	39118	39809
Grade 12	39810	40379	40950	41520	42089
Grade 13	42184	43039	43895	44748	45603
Grade 14	50153	51122	52094	53065	54035
Grade 15	57953	59115	60277	61438	62600
Grade 16	67425	68778	70141	71503	72865
Grade 17	83264	84869	86473	88079	89684
Grade 18	90815	92552	94289	96026	97763
Grade 19	98364	100235	102107	103979	105850
Grade 20	105914	107919	109922	111927	113931

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.

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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	
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.
Ensure the development and implementation of policy, systems, processes, performance criteria governance	Policy options for future council plans are developed.
	Policies and controls ensure that the area of responsibility is compliant with all relevant legislation, codes, regulations, guidelines, standards and best practice.

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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

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.

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	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.

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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

<p>the Council is able to meet the challenges it faces. Accountable for the professional standards within the services for which responsible.</p> <p>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

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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.

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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.
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.	Service quality, efficiency, value for money, commercial viability and continuity are maximised.
	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.
Undertake the formal responsibilities required for assigned regulated designations on behalf of the Council.	Innovative approaches and responses to corporate culture, values, strategy, policy, plans and targets are developed, communicated and delivered.
	Act as the Councils Head of Paid Service as prescribed by legislation.
	All statutory functions as outlined in the relevant legislation are met.
Establish and direct the management approach to	Constraints and opportunities posed by regulatory changes are identified and incorporated into strategic decision making.
	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.
Ensure a comprehensive risk management programme for the Council is developed and implemented.	Members of the Council are advised on appropriate responses to local, national and where required, international matters.
	Strategic advice, critical challenge and moderation are provided in relation major issues / policy options.
Ensure organisational safeguarding strategies reflect statutory requirements and best practice. Ensure these are understood and implemented throughout the Council.	Corporate risk management processes and crisis management plans are developed and implemented.
	Operational, financial, regulatory and political risk are identified and managed in accordance with Local Government and national working practices.
Ensure organisational safeguarding strategies reflect statutory requirements and best practice. Ensure these are understood and implemented throughout the Council.	There is a proactive and positive Safeguarding Culture.
	The organisation meets its statutory Safeguarding requirements.
	Strategic risks are effectively managed.
Business Improvement	
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>	<p>Directors and Strategic Managers are supported and mentored in the delivery of their responsibilities.</p>
	<p>Realistic self assessments of development needs are made by Directors, Strategic Managers and Heads of Service.</p>
	<p>Skills and knowledge throughout the Council and where appropriate partner organisations are developed to meet strategic goals.</p>
	<p>Knowledge sharing is established and embedded throughout the Council and partner organisations.</p>
	<p>Professional competence and integrity is ensured.</p>
	<p>The workplace is actively championed as a learning environment.</p>
<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>	<p>Good working relationships with associated and affected interest groups / key stakeholders are established, promoted, fostered and sustained.</p>
	<p>The roles of all stakeholders are clear and promote effective delivery of Council aims.</p>
	<p>Council policies and interests are upheld and promoted within the Council and in all external relationships.</p>
	<p>External decisions and policy which affect the Isle of Wight and its residents are influenced to achieve positive outcomes.</p>
	<p>A positive image and profile of the County is consistently presented to media, visitors and all stakeholders.</p>
	<p>The Council is represented externally as agreed with the Council's Executive.</p>
	<p>Communication within and by the Council is effective and efficient.</p>
<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>	<p>Opportunities to develop partnerships are identified, promoted and pursued.</p>
	<p>Delivery of Council strategy is achieved / supported through partnerships.</p>
	<p>Accountabilities between the Council and partner organisations are clearly established and defined.</p>
	<p>Members are supported in building and sustaining partnerships.</p>

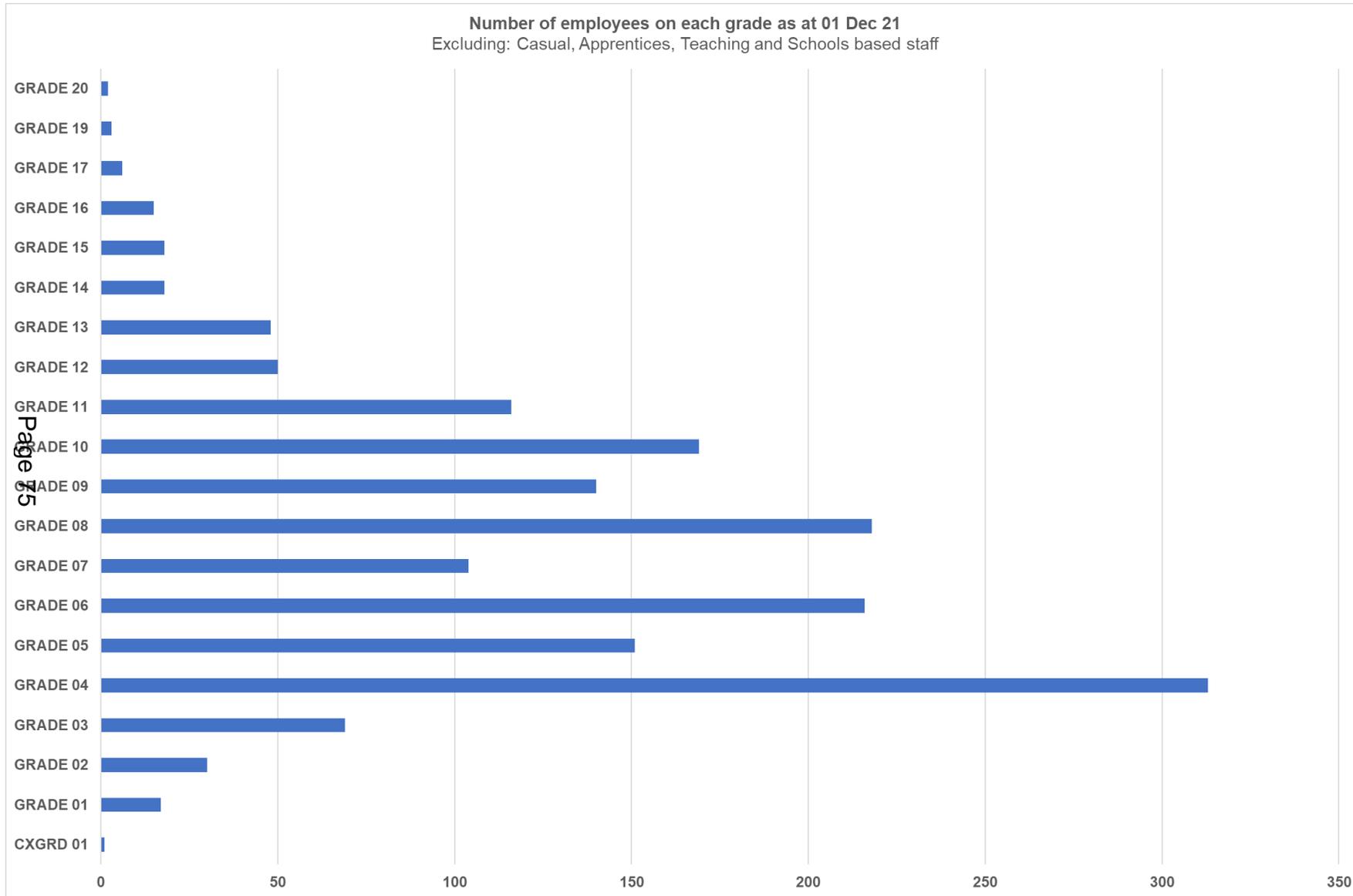
Ensure support is provided in response to a corporate emergency.	Support is provided to meet the identified need. Requests made for support are reasonable with regard to both the job and the job holder's circumstances.
Managing Resources	
Provide leadership, motivation and direction for the Corporate 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.

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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 at December 2021)



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Full Council Report

Date	19 JANUARY 2022
Title	COUNCIL TAX REDUCTION SCHEME 2022/23
Report of	CABINET MEMBER FOR STRATEGIC FINANCE, CORPORATE RESOURCES AND TRANSFORMATIONAL CHANGE

EXECUTIVE SUMMARY

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

BACKGROUND

5. CTS was introduced by central government in April 2013 as a replacement for the Council Tax Benefit scheme (CTB) administered by local authorities on behalf of the Department for Work and Pensions (DWP). As part of its introduction, the government in transferring the responsibility to individual councils set requirements namely:
 - the duty to create a local scheme for **Working Age** applicants with billing authorities.
 - An initial reduction in funding equivalent to ten per cent from the levels paid through benefit subsidy to authorities under the previous Council Tax Benefit scheme; and
 - persons of **pension age**, although allowed to apply for CTS, would be dealt with under regulations prescribed by central government and not

the authorities' local scheme.

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

For 2013/14 the council agreed the following:

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

For 2014 to 2016 the council agreed the following:

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

For 2016 to 2017 the council agreed the following:

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

For 2017 to 2018 the council agreed the following:

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

For 2018 to 2019 the council agreed the following:

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

For 2019 to 2020

- No changes

For 2020 to 2021 the council agreed the following:

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

For 2021 to 2022

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

STRATEGIC CONTEXT

10. Each year the council is required to review its local CTS in accordance with the requirements of Schedule 1A of the Local Government Finance Act 1992 and to either maintain the scheme or replace it.

11. The LCTS scheme needs to be considered in the context of the council's overall budget strategy and the financial impact on the ability to deliver services. The proposals within this report remain aligned to the corporate plan priorities that seek to ensure the following:
- Prioritising dealing with health inequalities and the poverty highlighted during the pandemic
 - Place the health and wellbeing of residents at the centre of all we do
 - Ensuring that we listen to people
 - Keeping the council solvent and take all the measures we can to improve its financial position

CONSULTATION

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

FINANCIAL / BUDGET IMPLICATIONS

15. The amount of LCTS being provided has reduced significantly since its introduction in 2013.
16. The total expenditure at 31 March 2021 was £10.4 million and at 30 July 2021 the expenditure was at £10.5 million, of which the council's share is £8.5 million, net of the share of cost attributable to the Police and Crime Commissioner, Town and Parish Councils and Hampshire and Isle of Wight Fire Authority. Since 2013 there has been a reduction in expenditure of £3.3 million which has already been reflected in previous years budgets. This is due to both a reduction in caseload and the changes to the working age scheme since 2013.
17. The assumed SFA funding towards the CTS scheme during 2020/21 was £5.57 million. A one-year spending review was held in November 2020 and the 2020-21 figures have been rolled over into 2021-22 which means that the 2021-22 CTS scheme funding will remain at a similar level as 2020-21 at £5.57 million. This means that there is a currently an indicative funding gap of £3.23 million.
18. A breakdown of the current LCTS expenditure is shown below as well as a comparison on caseload and spend since 2013.

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

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

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

Council tax in year collection summary

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

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

21. The amount of council tax still to be collected and undergoing recovery action from LCTS applicants amount £1.7 million since commencement of the LCTS scheme. On the 1 April 2013, the service had 487 active requests to make deductions from benefit payments to repay council tax indebtedness (attachments) with the Department for Works and Pensions (DWP) and 1877 further attachments which are awaiting previous attachments to be cleared, with some residents having more than one attachment, with the debt to collect increasing year on year.
22. During the pandemic there has been a fluctuating need for support from LCTS and the number of cases and spend has therefore increased as some residents were affected and remain affected financially.

23. Last year, to provide some financial support during the pandemic, central government provided initiatives to support people nationally, however, many of these are no longer available in 2021. In addition, a pause was made on recovery actions being taken during the pandemic in 2020, which have now resumed.
24. All these factors may affect residents as they try to recover from the effects of the past eighteen months.

LEGAL IMPLICATIONS

25. The council will need to set a lawful and balanced budget and council tax level for 2022/23 at the Full Council meeting on 23 February 2022.
26. 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.
27. In finally deciding what form the local CTS should take, the council will need to take into account what mitigating actions can be taken to reduce any potential impact, the wider budget position, and the potential impact on council taxpayers and users of services.
28. 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.
29. LCTS schemes are dealt with under 13A of the Local Government and Finance Act 1992 and was added by section 10 of the Local Government and Finance Act 2012 so that, in respect of dwellings in England, a person's liability to pay council tax is reduced in accordance with the billing authority's LCTS. Liability may be reduced "to such an extent as the billing authority thinks fit". Billing authorities can apply a reduction in particular cases or by determining a class of case. Liability for council tax can be reduced to nil.
30. 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

31. 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.

32. An LCTS exceptional hardship fund was introduced during 2016/17 to recognise the potential impacts to some low-income households that might be faced with genuine hardship as a result of the LCTS 2016/17 scheme changes agreed by Full Council on 20 January 2016. This provision has been reviewed each year by Full Council with the last agreement to continue the scheme agreed on 20 January 2021 and continues to provide support for those in genuine hardship.
33. Discretionary assistance can be applied for to assist a claimant with any shortfall between their CTS and council tax liability in accordance with the policy's intentions. This requires individual applications and takes into account individual circumstances including the claimant's income and essential outgoings.
34. This provision will continue to provide mitigating actions to those deemed to be in genuine hardship and requiring additional support above the LCTS scheme provision.

OPTIONS

35. **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 reduced to 60 per cent (from the current maximum level of 65 per cent which was reduced from the 1 April 2021). This option would create £368,000 savings, however, there is no option to introduce this for 2022/23 as there is no time now to carry out a consultation within the timeframes available to us, but this is an option for consideration the following year depending on the budget.
36. **Option 2** – To maintain the current LCTS scheme but allowing for any minor adjustments to applicable amounts

RISK MANAGEMENT

37. Option 1 would generate £368,000 savings but it is considered to have financial risks for the council due to the uncertainty of future growth in cases for LCTS eligibility and the potential impact on council tax collection rates, with the additional pressures that the COVID-19 pandemic situation has brought by way of increase in caseload and spend. The projected level of support with estimated collection rates will be included within the council tax base calculations in determining the total of council tax income for 2022/23.
38. The total council tax collection as of July 2021 has also increased from this time last year due to the rise in the council tax base, however, on a percentage recovery compared to this time last year, collection is down by 0.4 per cent, due to the COVID 19 pandemic situation, and the ability to progress debt recovery. The amount of council tax collectable continues to increase each year due to percentage increases and therefore a like for like comparison with previous years does not represent the true position. However, for 1 August 2020 the level of council tax collected was £40,417,598 million compared to 1 August 2021 being £43,718,748 million.

39. An assumption is made that overall ultimate collection levels will remain broadly the same of the additional council tax to be collected from working age claimants impacted. This is uncertain but considered prudent.
40. The retrospective debt for LCTS cases going back to 2013 now equates to £1.7 million with collection continuing for prior years. From analysis the highest amount of debt outstanding is from those on a passported benefit (someone on income support, jobseekers' allowance and employment and support allowance) of which 659 claims have a liability order awaiting payment for debt outstanding on council tax accounts. With the entire LCTS caseload having a total of 3,187 liability orders. Therefore, further reductions in support may create additional debt to ultimately collect or write off.
41. Option 1 If full council were to decide to decrease the level of support for the year 2022/23 this would have a negative effect on claimants because they have already experienced a reduction of 5 per cent in 2021/22. The effects of the pandemic and the level of debt which is accumulating from the non-payment of council tax would put additional pressures on vulnerable residents. There is also insufficient time to conduct the required public consultation on this option but can be further considered for the 2023/24 financial year once there is better understanding of the longer-term impact of the pandemic. Option 1 therefore is not recommended.
42. Option 2 being put forward as recommended for adoption to LCTS for 2022/23 is to make no changes to the scheme, apart from annual minor adjustments to annual allowable amounts which are used to offset the calculation. Making no changes would provide some stability for low-income claimants during the pandemic recovery.
43. The option being put forward as recommended for adoption is option 2.
44. Any risk in collection rates is currently being minimised and mitigated in part by the exceptional hardship fund which is available to assist any claimants suffering from severe hardship and is available for LCTS customers to apply for help and support in assisting to pay shortfalls in their council tax liability.

EVALUATION

45. 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.
46. Considering the results from the review of the LCTS scheme, it is clear that any further reductions in support as identified by Option 1 are not likely to produce significant savings and it is likely that there would be a further reduction in council tax collection levels.
47. As described in this report the level of support was reduced with effect from the 1 April 2021, and further reductions in LCTS support during this vulnerable period to those in need of help and support would only cause financial hardship to individuals.

RECOMMENDATION

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

APPENDICES ATTACHED

Appendix 1: draft Local Council Tax Support scheme policy 2022/2023 based on recommended option

Appendix 2: Equality impact assessment council tax support scheme

Appendix 3: Exceptional Hardship Fund revised draft policy

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CHRIS WARD
Director of Finance and S151
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Cabinet Member for Strategic Finance, Corporate
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Isle of Wight Council
Local Council Tax Support Scheme
S13A and Schedule 1a of the Local Government Finance Act 1992

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1.0 Introduction to the Council Tax Reduction Scheme

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

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

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

The three prescribed classes are as follows;

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

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

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

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

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

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

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

Class C: alternative maximum Council Tax Reduction

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

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

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

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

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

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

Disregard of certain incomes

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

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

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

Class D

To obtain reduction the individual (or partner) must:

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

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

Council Tax Reduction Scheme

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

Sections 2- 8
Definitions and interpretation

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

2.1 In this scheme–

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

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

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

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

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

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

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

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

‘applicable amount’ means the amount **but for the operation of this scheme**, determined in accordance with the 2019/20 scheme;

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

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

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

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

‘attendance allowance’ means–

(a) an attendance allowance under Part 3 of the Act;

(b) an increase of disablement pension under section 104 or 105 of the Act;

(c) a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to the Act;

(d) an increase of an allowance which is payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to the Act;

(e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or

(f) any payment based on need for attendance which is paid as part of a war disablement pension;

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

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

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

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

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

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

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

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

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

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

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

‘claim’ means a claim for council tax reduction;

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

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

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

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

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

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

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

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

‘couple’ means;

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

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

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

‘designated authority’ means any of the following;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

‘independent hospital’–

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(bb) homeless or otherwise living an unsettled way of life; and ‘local authority’ means a local authority in England within the meaning of the Local Government Act 1972;

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

‘occupational pension scheme’ has the same meaning as in section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;

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

‘partner’ in relation to a person, means

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

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

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

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

‘payment’ includes part of a payment;

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

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

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

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

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

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

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

‘personal pension scheme’ means—

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

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

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

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

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

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

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

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

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

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

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

'qualifying contributory benefit' means;

(a) severe disablement allowance;

(b) incapacity benefit;

(c) contributory employment and support allowance;

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

'qualifying income-related benefit' means

(a) income support;

(b) income-based jobseeker's allowance;

(c) income-related employment and support allowance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) an employment zone programme;

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

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

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

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

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

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

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

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

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

'student' has the meaning prescribed in section 43;

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

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

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

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

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

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

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

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

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

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

'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—
- (a) article 3 (grant of leave to EEA and Swiss nationals) of the Immigration (European Economic Area Nationals) (EU Exit) Order 2019 made under section 3A of that Act;
 - (b) Appendix EU to the immigration rules made under section 3(2) of that Act; or
 - (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act.
- 7.5 A person falls within this paragraph if the person is—
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in sub-paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
 - (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
 - (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 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, or
 - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005.
 - (f) a person who has humanitarian protection granted under those rules;
 - (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
 - (h) in receipt of income support or on an income-related employment and support allowance; or
 - (ha) in receipt of an income-based jobseeker’s allowance and has a right to reside other than a right to reside falling within paragraph (4)

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

- 7.6 A person falls within this paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.
- 7.7 A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.
- 7.8 In this regulation—
 "claim for asylum" has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
 "Crown servant" means a person holding an office or employment under the Crown;
 "EEA Regulations" means the Immigration (European Economic Area) Regulations 2006; and the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014; and
 "Her Majesty's forces" has the same meaning as in the Armed Forces Act 2006.

Persons subject to immigration control

- 7.9 Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- 7.10 A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph 7.9
- 7.11 "Person subject to immigration control" has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

7A.0 Transitional provision

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

8.0 Temporary Absence (period of absence)

- 8.1 A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.
- 8.2 In sub-paragraph (1), a "period of temporary absence" means:
- (a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as:
 - (i) the person resides in that accommodation in Great Britain;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
 - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,
 where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit

his needs;

(b) a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as:

- (i) the person intends to return to the dwelling;
- (ii) the part of the dwelling in which he usually resided is not let or sub-let;
- (iii) that period is unlikely to exceed 13 weeks; and

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

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

(d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as:

- (i) the person intends to return to the dwelling;
- (ii) the part of the dwelling in which he usually resides is not let or sub-let; and
- (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks.

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

8.2B Where:

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

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

8.2D Where:

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

8.2E This sub-paragraph applies where:

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

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

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

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

8.3 This sub-paragraph applies to a person who—

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

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

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

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

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

(d) is following, a training course;

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

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

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

(h) is a student;

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

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

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

(a) detained in custody on remand pending trial;

(b) detained pending sentence upon conviction; or

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

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

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

8.3B This sub-paragraph applies where:

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

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

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

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

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

- 8.3D This sub-paragraph applies where—
- (a) a person is temporarily absent from Great Britain;
 - (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of sub-paragraph (3);
 - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- 8.3E Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as:
- (a) the person intends to return to the dwelling;
 - (b) the part of the dwelling in which he usually resided is not let or sub-let;
 - (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.
- 8.3F This sub-paragraph applies where:
- (a) a person is temporarily absent from Great Britain;
 - (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of sub-paragraph (3);
 - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- 8.3G Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as:
- (a) the person intends to return to the dwelling;
 - (b) the part of the dwelling in which he usually resided is not let or sub-let;
 - (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.”;
- 8.4 This sub-paragraph applies to a person who is—
- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995 or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986); and
 - (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989.
- 8.5 Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release—
- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
 - (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;
 - (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.
- 8.6 In this paragraph—

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

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

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

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

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

“medically approved” means certified by a medical practitioner;

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

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

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

“residential accommodation” means accommodation which is provided in:

(a) a care home;

(b) an independent hospital;

(c) an Abbeyfield Home; or

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

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

9.0 Membership of a family

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

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

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

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

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

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

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

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

- 10.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph 9.1 as normally living with;
- a. the person who is receiving child benefit in respect of him; or
 - b. if there is no such person;
 - i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or
 - ii. in any other case the person who has the primary responsibility for him.

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

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

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

- 11.2 A child or young person shall not be treated as a member of the applicant's household where he is;
- a. placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
 - b. placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
 - c. placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.
- 11.3 Subject to paragraph 11.4, paragraph 11.1 shall not apply to a child or young person who is not living with the applicant and he—
- a. is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
 - b. has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
 - c. has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009; or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes).
- 11.4 The authority shall treat a child or young person to whom paragraph 11.3 a) applies as being a member of the applicant's household in any reduction week where;
- a. that child or young person lives with the applicant for part or all of that reduction week; and
 - b. the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.
- 11.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012 as amended.

12.0 – 14.0 Not Used

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

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

is to be calculated in accordance with the following provisions.

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

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

15A.1 In determining the income of an applicant

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

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

15A.2 The authority may adjust the amount referred to in sub-paragraph (1) to take account of

- (a) income consisting of the award of universal credit, determined in accordance with subparagraph (3);
- (b) any sum to be disregarded under paragraphs of Schedule 3 to this scheme (sums to be disregarded in the calculation of earnings);
- (c) any sum to be disregarded under paragraphs of Schedule 4 to this scheme (sums to be disregarded in the calculation of income other than earnings);
- (d) section 16 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case; and
- (e) an amount determined as representing the housing costs element of any universal credit award.

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

15A.4 Sections 16 (income and capital of non-dependant to be treated as applicant's) and 52 and 53 (disregards from income) apply (so far as relevant) for the purpose of determining any adjustments, which fall to be made to the figure for income under sub-paragraph (2)

15A.5 In determining the capital of an applicant;

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

an award of universal credit, the authority may use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award

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

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

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

17.0 Calculation of income on a weekly basis

17.1 For the purposes of this scheme and in line with regulation 34 of the Housing Benefit Regulations 2006 (disregard to changes in tax, contributions etc.), the income of an applicant

shall be calculated on a weekly basis;

- a. by estimating the amount which is likely to be his average weekly income in accordance with this Section and in line with Sections 2, 3, 4 and 5 of Part 6 of the Housing Benefit Regulations 2006;
- b. by adding to that amount, the weekly income calculated in line with regulation 52 of the Housing Benefit Regulations 2006 (calculation to tariff income from capital); and
- c. by then deducting any relevant child care charges to which section 18 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in paragraph 17.2 are met, from those earnings plus whichever credit specified in sub- paragraph (b) of that paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in paragraph (3) applies in his case.

17.2 The conditions of this paragraph are that;

- a. the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (3) otherwise applies in his case; and
- b. that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.

17.3 The maximum deduction to which paragraph 17.1 c) above refers shall be;

- a. where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week.
- b. where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300.00 per week.

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

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

18.0 Treatment of childcare charges

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

- a. is a lone parent and is engaged in remunerative work;
- b. is a member of a couple both of whom are engaged in remunerative work; or
- c. is a member of a couple where one member is engaged in remunerative work and the other;
 - i. is incapacitated;
 - ii. is an in-patient in hospital; or
 - iii. is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).

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

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

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

- a. the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
 - b. the first day of the period in respect of which earnings are credited, as the case may be.
- 18.4 In a case to which paragraph 18.2 d) or e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- 18.5 Relevant childcare charges are those charges for care to which paragraphs 18.6 and 18.7 apply, and shall be calculated on a weekly basis in accordance with paragraph 18.10.
- 18.6 The charges are paid by the applicant for care, which is provided
- a. in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
 - b. in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- 18.7 The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 18.8 and are not paid—
- a. in respect of the child's compulsory education;
 - b. by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with section 10 (circumstances in which a person is treated as responsible or not responsible for another); or
 - c. in respect of care provided by a relative of the child wholly or mainly in the child's home.
- 18.8 The care to which paragraph 18.7 refers may be provided;
- a. out of school hours, by a school on school premises or by a local authority;
 - i. for children who are not disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
 - ii. for children who are disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
 - b. by a child care provider approved in accordance with by the Tax Credit (New Category of Child Care Provider) Regulations 1999;
 - c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
 - d. by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; or
 - e. by;
 - i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010; or
 - ii. local authorities registered under section 83(1) of that Act, where the care provided is child minding or daycare within the meaning of that Act; or
 - f. by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 or
 - g. by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
 - h. by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or

- i. by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
- j. by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
- k. by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
- l. by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
- m. by a person who is not a relative of the child wholly or mainly in the child's home.

18.9 In paragraphs 18.6 and 18.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.

18.10 Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.

18.11 For the purposes of paragraph 18.1 c) the other member of a couple is incapacitated where

- a. **but for the operation of this scheme**, the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work
- b. **but for the operation of this scheme**, the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;
- c. **but for the operation of this scheme**, the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or Employment and Support Regulations 2013;
- d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- e. the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 or Employment and Support Regulations 2013 for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- f. there is payable in respect of him one or more of the following pensions or allowances—
 - i. long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the Act;
 - ii. attendance allowance under section 64 of the Act;
 - iii. severe disablement allowance under section 68 of the Act;
 - iv. disability living allowance under section 71 of the Act;

- v. personal independence payment under the Welfare Reform Act 2012;
 - vi. an AFIP;
 - vii. increase of disablement pension under section 104 of the Act;
 - viii. a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (vii) above;
 - ix. main phase employment and support allowance;
- g. a pension or allowance to which head (ii), (iv), (vi) or (viii) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this section shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of social security (Hospital In-Patients) Regulations 2005.
- h. an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- i. paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
- j. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.
- k. 18.12 For the purposes of paragraph 18.11 once paragraph 18.11d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.
- 18.12 For the purposes of paragraph 18.11 once paragraph 18.11d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.
- 18.12A For the purposes of paragraph 18.11, once paragraph 18.11e) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.
- 18.13 For the purposes of paragraphs 18.6 and 18.8 a), a person is disabled if he is a person—
- a. in respect of whom disability living allowance, personal independence payment or the support component of the Employment and Support Allowance is payable, or has ceased to be payable solely because he is a patient;
 - b. who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
 - c. who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

18.14 For the purposes of paragraph 18.1 a person on maternity leave, paternity leave or adoption leave shall be treated as if she is engaged in remunerative work for the period specified in paragraph 18.15 ('the relevant period') provided that—

- a. in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;
- b. the applicant is incurring relevant child care charges within the meaning of paragraph 18.5; and
- c. she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.

18.15 For the purposes of paragraph 18.14 the relevant period shall begin on the day on which the person's maternity, paternity leave or adoption leave commences and shall end on—

- a. the date that leave ends;
- b. if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
- c. if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credits ends.

whichever shall occur first.

18.16 In paragraphs 18.14 and 18.15

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

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

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

an award of universal credit

19.0 Average weekly earnings of employed earners

19.1 Where an applicant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment—

- a. over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
 - i. 5 weeks, if he is paid weekly; or
 - ii. 2 months, if he is paid monthly; or
- b. whether or not sub-paragraph 19.1a i) or ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

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

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

that estimate.

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

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

20.0 Average weekly earnings of self-employed earners

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

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

21.0 Average weekly income other than earnings

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

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

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

22.0 Calculation of average weekly income from tax credits

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

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

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

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

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

23.0 Calculation of weekly income

23.1 For the purposes of sections 19 (average weekly earnings of employed earners), 21 (average

weekly income other than earnings) and 22 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made;

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

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

24.0 Disregard of changes in tax, contributions etc.

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

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

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

25.0 Earnings of employed earners

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

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
 - (i) travelling expenses incurred by the applicant between his home and his place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- g. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- h. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension

- i. on medical or maternity grounds, complaints to employment tribunals);
- i. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- j. any statutory sick pay, statutory maternity pay, statutory paternity pay, or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- k. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;
- l. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as 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
 - 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

⁴ Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

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

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

26.6 Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 19 (average weekly earnings of employment earners), his net earnings shall be calculated by taking into account those earnings over the assessment period, less—

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

27.0 Earnings of self-employed earners

27.1 Subject to paragraph 27.2, 'earnings', in the case of employment as a self-employed earner, means the gross income of the employment plus any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.

27.2 'Earnings' shall not include any payment to which paragraph 27 or 28 of Schedule 4 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant's care) nor shall it include any sports award.

27.3 This paragraph applies to—

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

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

- (a) the amount of the reduction under this scheme which would be payable had the payment not been made, plus

- (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 3 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case.

28.0 Calculation of net profit of self-employed earners

- 28.1 For the purposes of section 20 (average weekly earnings of self-employed earners) the earnings of an applicant to be taken into account shall be
- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
 - b. in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—
 - i. an amount in respect of income tax and of national insurance contributions payable under the Act calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - ii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.
- 28.2 There shall be disregarded from an applicant's net profit, any sum, where applicable, specified in paragraph 1 to 14 of Schedule 3.
- 28.3 For the purposes of paragraph 28.1 a) the net profit of the employment must, except where paragraph 28.9 applies, be calculated by taking into account the earnings for the employment over the assessment period less
- a. subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
 - b. an amount in respect of;
 - (i) income tax, and
 - (ii) national insurance contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - c. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.
- 28.4 For the purposes of paragraph 28.1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, subject to paragraphs 28.5 to 28.8, any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- 28.5 Subject to paragraph 28.6 no deduction shall be made under paragraph 28.3 a) or 28.4, in respect of—
- a. any capital expenditure;
 - b. the depreciation of any capital asset;
 - c. any sum employed or intended to be employed in the setting up or expansion of the employment;
 - d. any loss incurred before the beginning of the assessment period;
 - e. the repayment of capital on any loan taken out for the purposes of the employment;
 - f. any expenses incurred in providing business entertainment, and
 - g. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.
- 28.6 A deduction shall be made under paragraph 28.3 a) or 28.4 in respect of the repayment of capital on any loan used for—
- a. the replacement in the course of business of equipment or machinery; and
 - b. the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.

28.7 The authority shall refuse to make deduction in respect of any expenses under paragraph 28.3 a. or 28.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.

28.8 For the avoidance of doubt–

- a. deduction shall not be made under paragraph 28.3 a) or 28.4 in respect of any sum unless it has been expended for the purposes of the business;
- b. a deduction shall be made thereunder in respect of–
 - i. the excess of any value added tax paid over value added tax received in the assessment period;
 - ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - iii. any payment of interest on a loan taken out for the purposes of the employment

28.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of

- a. income tax; and
- b. national insurance contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
- c. one-half of the amount calculated in accordance with paragraph 28.1 in respect of any qualifying contribution

28.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.

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

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

28.12 In this section, ‘qualifying premium’ means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.

29.0 Deduction of tax and contributions of self-employed earners

29.1 The amount to be deducted in respect of income tax under section 28.1b) i), 28.3 b) i) or 28.9 a) i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

29.2 The amount to be deducted in respect of national insurance contributions under paragraphs 28.1 1 b)(i); 28.3 b) ii) or 28.9 a shall be the total of–

- a. the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Act at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of the Act (small profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and
- b. the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata.

29.3 In this section 'chargeable income' means–

- a. except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under paragraph 28.3(a) or, as the case may be, 28.4 of section 28;
- b. in the case of employment as a child minder, one-third of the earnings of that employment.

29A.0 Minimum Income Floor

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

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

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

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

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

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

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

30.0 Calculation of income other than earnings

30.1 For the purposes of section 21 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account shall, subject to paragraphs 30.2 to 30.4, be his gross income and any capital treated as income under section 31 (capital treated as income).

30.2 There is to be disregarded from the calculation of an applicant's gross income under paragraph 30.1, any sum, where applicable, specified in Schedule 4.

30.3 Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under paragraph 30.1 shall be the gross amount payable.

30.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008, the amount of that benefit to be taken into account is the amount as if it had not been reduced.

30.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under paragraph 30.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

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

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

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

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

D

Where

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

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

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

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

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

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

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

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

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

i. the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or

ii. the last day of the last quarter for which an instalment of the relevant payment was payable to that person.

whichever of these dates is earlier

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

a. 1st January and ending on 31st March;

b. 1st April and ending on 30th June;

c. 1st July and ending on 31st August; or

d. 1st September and ending on 31st December;

‘relevant payment’ means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 46.7 or both.

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

a. any payment to which paragraph 25.2 (payments not earnings) applies; or

b. in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

31.0 Capital treated as income

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

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

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

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

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

32.0 Notional income

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

32.2 Except in the case of–

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

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

32.3 – 32.5 Not used

32.6 Any payment of income, other than a payment of income specified in paragraph 32.7 made–

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

32.7 Paragraph 32.6 shall not apply in respect of a payment of income made–

- a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
- b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);

- c. pursuant to section 2 of the 1973 Act in respect of a person's participation—
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- d. in respect of a person's participation in the Work for Your Benefit Pilot Scheme
- e. in respect of a previous participation in the Mandatory Work Activity Scheme;
- f. in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
- g. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

32.8 Where an applicant is in receipt of any benefit (other than council tax reduction) under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority shall select to apply in its area, to the date on which the altered rate is to take effect.

32.9 Subject to paragraph 32.10, where—

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

32.10 Paragraph 32.9 shall not apply—

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

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

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

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

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

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

33.0 Capital limit

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

34.0 Calculation of capital

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

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

35.0 Disregard of capital of child and young person

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

36.0 Income treated as capital

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

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

- 36.3 Any holiday pay which is not earnings under section 25(1)(d) (earnings of employed earners) shall be treated as capital.
- 36.4 Except any income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28, 47 or 48 of Schedule 5, any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the applicant's account.
- 36.5 In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer shall be treated as capital.
- 36.6 Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, shall be treated as capital.
- 36.7 There shall be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.
- 36.8 Any arrears of subsistence allowance which are paid to an applicant as a lump sum shall be treated as capital.
- 36.9 Any arrears of working tax credit or child tax credit shall be treated as capital.

37.0 Calculation of capital in the United Kingdom

- 37.1 Capital which an applicant possesses in the United Kingdom shall be calculated at its current market or surrender value less—
- a. where there would be expenses attributable to the sale, 10 per cent.; and
 - b. the amount of any encumbrance secured on it;

38.0 Calculation of capital outside the United Kingdom

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

39.0 Notional capital

- 39.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax reduction or increasing the amount of that support except to the extent that that capital is reduced in accordance with section 40 (diminishing notional capital rule).
- 39.2 Except in the case of
- (a) a discretionary trust; or
 - (b) a trust derived from a payment made in consequence of a personal injury; or
 - (c) any loan which would be obtained only if secured against capital disregarded under Schedule 5; or
 - (d) a personal pension scheme, occupational pension scheme or a payment made by the Board

- of the Pension Protection Fund; or
 - (e) any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a); or
 - (f) any sum to which paragraph 48(a) of Schedule 5 refers; or
 - (g) child tax credit; or
 - (h) working tax credit,
- any capital which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

- 39.3 Any payment of capital, other than a payment of capital specified in paragraph (39.4), made
- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
 - (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
 - (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

- 39.4 Paragraph 39.3 shall not apply in respect of a payment of capital made:
- a. under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
 - b. pursuant to section 2 of the 1973 Act in respect of a person's participation:
 - i. in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - ii. in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - iii. in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - iv. in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - v. in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - c. in respect of a person's participation in the Mandatory Work Activity Scheme;
 - d. Enterprise Scheme;
 - e. in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme;
 - f. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - i. a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - ii. the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - iii. the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

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

owner or partner and in such a case

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

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

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

40.0 Diminishing notional capital rule

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

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

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

- a. he is in receipt of council tax reduction; and
- b. but for paragraph 39.1, he would have received an additional amount of council tax reduction in that week.

40.3 In a case to which paragraph 40.2 applies, the amount of the reduction for the purposes of paragraph 40.1(a) shall be equal to the aggregate of

- a. the additional amount to which sub-paragraph 40.2 (b) refers;
- b. where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
- c. where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 51(1) of the Income Support Regulations (notional capital);
- d. where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital) and
- e. where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of reduction week to which paragraph 40.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

40.4 Subject to paragraph 40.5, for the purposes of paragraph 40.1(b) the condition is that the applicant would have been entitled to council tax reduction in the relevant week but for paragraph 39.1, and in such a case the amount of the reduction shall be equal to the aggregate

of

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

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

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

40.6 The conditions are that

- a. a further claim is made 26 or more weeks after
 - (i) the date on which the applicant made a claim for council tax reduction in respect of which he was first treated as possessing the capital in question under paragraph 39.1;

- (ii) in a case where there has been at least one re-determination in accordance with paragraph 40.5, the date on which he last made a claim for council tax reduction which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to council tax reduction, whichever last occurred; and
- b. the applicant would have been entitled to council tax reduction but for paragraph 39.1.

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

40.8 For the purposes of this section

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

41.0 Capital jointly held

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

42.0 Not used

43.0 Student related definitions

43.1 In this scheme the following definitions apply;
 'academic year' means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the

course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;

'access funds' means;

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

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

'contribution' means;

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

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

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

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

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

- a. is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;;
- b. is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
 - (i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student's learning agreement signed on behalf of the establishment which is funded by either

of those persons for the delivery of that course; or
(ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or

- c. is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
- (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

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

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

‘grant income’ means

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

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

‘last day of the course’ means;

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

‘period of study’ means—

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

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

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

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

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

‘standard maintenance grant’ means–

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

‘student’ means a person, other than a person in receipt of a training allowance, who is attending or undertaking–

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

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

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

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

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

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

44.0 Treatment of students

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

45.0 Students who are excluded from entitlement to council tax reduction

45.1 Students (except those specified in paragraph 45.3) are not able to claim Council tax reduction

under Classes D of the Council's reduction scheme.

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

45.3 Paragraph 45.2 shall not apply to a student

(a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;

(b) who is a lone parent;

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

(d) **but for the operation of this scheme**, whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;

(e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;

(f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.

(g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;

(h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989, or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;

(i) who is;

i) aged under 21 and whose course of study is not a course of higher education

ii) aged 21 and attained that age during a course of study which is not a course of higher education – this condition needs adding

iii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person)

(j) in respect of whom

i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;

(ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;

(iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;

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

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

on account of his disability by reason of deafness.

- 45.3A Paragraph 45.3(i)(ii) only applies to a claimant until the end of the course during which the claimant attained the age of 21
- 45.4 For the purposes of paragraph 45.3, once paragraph 45.3(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.
- 45.5 In paragraph 45.3(h) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- 45.6 A full-time student to whom sub-paragraph (i) of paragraph 45.3 applies, shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.
- 45.7 Paragraph 45.2 shall not apply to a full-time student for the period specified in paragraph 45.8 if;
- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
 - (i) engaged in caring for another person; or
 - (ii) ill;
 - (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
 - (c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph 45.8.
- 45.8 The period specified for the purposes of paragraph 45.7 is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;
- (a) the day on which he resumes attending or undertaking the course; or
 - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- which shall first occur.

46.0 Calculation of grant income

- 46.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs 46.2 and 46.3, be the whole of his grant income.
- 46.2 There shall be excluded from a student's grant income any payment;
- (a) intended to meet tuition fees or examination fees;
 - (b) in respect of the student's disability;
 - (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
 - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
 - (e) on account of any other person but only if that person is residing outside of the United Kingdom;
 - (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
 - (h) intended for the child care costs of a child dependant.
 - (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.
- 46.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.

The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).

46.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.

46.5 Subject to paragraphs 46.6 and 46.7, a student's grant income shall be apportioned;

- (a) subject to paragraph 46.8, in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
- (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.

46.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.

46.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither paragraph 46.6 nor section 50 (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

46.8 In the case if a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

47.0 Calculation of covenant income where a contribution is assessed

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

47.2 The weekly amount of the student's covenant shall be determined—

- (a) by dividing the amount of income which falls to be taken into account under paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
- (b) by disregarding from the resulting amount, £5.

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

(Mandatory Awards) Regulations 2003 (travel expenditure).

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

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

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

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

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

49.0 Student Covenant Income and Grant income – non disregard

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

50.0 Other amounts to be disregarded

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

51.0 Treatment of student loans

51.1 A student loan shall be treated as income.

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

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;
 - (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes with last day of the course,

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

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

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

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

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

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

51.5 There shall be deducted from the amount of income taken into account under paragraph 51.4

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.

The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).

51A.0 Treatment of fee loans

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

52.0 Treatment of payments from access funds

52.1 This paragraph applies to payments from access funds that are not payments to which paragraph 55.2 or 55.3 (income treated as capital) applies.

52.2 A payment from access funds, other than a payment to which paragraph 52.3 applies, shall be disregarded as income.

52.3 Subject to paragraph 52.4 of this section and paragraph 35 of Schedule 4,

- a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and
- b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.

52.4 Where a payment from access funds is made—

- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
- (b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment shall be disregarded as income.

53.0 Disregard of contribution

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

54.0 Further disregard of student's income

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

55.0 Income treated as capital

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

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

55.3 An amount paid from access fund as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an

item other than any council tax or water charges for which that applicant or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.

56.0 Disregard of changes occurring during summer vacation

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

57.0 Maximum council tax reduction

57.1 Subject to paragraphs 57.2 to 57.4, the amount of a person's maximum council tax support in respect of a day for which he is liable to pay council tax, shall be 100 per cent, of the amount A divided by B where;

A is the **lower** of either;

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

B is the number of days in that financial year,

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

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

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

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

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

58.0 Non-dependant 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.

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

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

- council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouses and civil partners); and
- c. the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.
- 58.6 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—
- a. blind or treated as blind by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
 - b. receiving in respect of himself:
 - attendance allowance, or would be receiving that allowance but for:
 - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - ii. an abatement as a result of hospitalisation; or
 - the care component of the disability living allowance, or would be receiving that component but for:
 - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - ii. an abatement as a result of hospitalisation; or
 - c. the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - d. an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution; or
 - e. the support component of the Employment and Support Allowance
- 58.7 No deduction shall be made in respect of a non-dependant if:
- a. although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
 - b. he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
 - c. he is a full-time student within the meaning of section 44.0 (Students); or
 - d. he is not residing with the applicant because he has been a patient for a period of excess of 52 weeks, and for these purposes;
 - e. 'patient' has the meaning given within this scheme, and
 - f. where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods;
 - g. he is not residing with the claimant because he is a member of the armed forces away on operations
- 58.8 Not used
- 58.9 In the application of paragraph 58.2 there shall be disregarded from his weekly gross income:
- a. any attendance allowance, disability living allowance, personal independence payment or the support component of the Employment and Support Allowance or an AFIP received by him;
 - b. any payment made under or by the Trusts, the Fund, the Eileen Trust , MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which had his income fallen to be calculated under section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
 - c. any payment which had his income fallen to be calculated under section 30 would have

been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

59.0 Not used

60.0 Extended reductions

60.1 An applicant who is entitled to council tax reduction (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction where;

- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more; and
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

60.2 For the purpose of paragraph 60.1(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

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

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

- (a) the applicant ceased to be entitled to council tax reduction because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in paragraph 60.1(b).

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

60A.0 Duration of extended reduction period

60A.1 Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

60A.2 For the purpose of paragraph (60A.1), an applicant or an applicant's partner ceases to be

entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

60A.3 The extended reduction period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax, if that occurs first.

60B.0 Amount of extended reduction

60B.1 For any week during the extended reduction period the amount of the extended reduction payable to an applicant shall be the higher of–

- (a) the amount of council tax reduction to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant’s partner ceased to be entitled to a qualifying income- related benefit;
- (b) the amount of council tax reduction to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if section 60 (extended reductions) did not apply to the applicant; or
- (c) the amount of council tax reduction to which the applicant’s partner would be entitled under the general conditions of entitlement, if section 60 did not apply to the applicant.

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

60B.3 Where an applicant is in receipt of an extended reduction under this section and the applicant’s partner makes a claim for council tax reduction, no amount of council tax reduction shall be payable by the appropriate authority during the extended reduction period.

60C Extended reductions – movers

60C.1 This section applies;

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

60C.2 The amount of the extended reduction payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax reduction which was payable to the mover for the last reduction week before the mover, or the mover’s partner, ceased to be entitled to a qualifying income-related benefit.

60C.3 Where a mover’s liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction may take the form of a payment from the appropriate authority to;

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

60C.4 Where–

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

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

60D.1 Where an applicant’s council tax reduction award would have ended when the applicant ceased

to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 60.1(b), that award will not cease until the end of the extended reduction period.

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

61.0 Extended reductions (qualifying contributory benefits)

61.1 An applicant who is entitled to council tax reduction (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction (qualifying contributory benefits) where;

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner;
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

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

- (a) the applicant ceased to be entitled to council tax reduction because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in paragraph 61.1(b).

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

61A.1 Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

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

61A.3 The extended reduction period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended reduction (qualifying contributory benefits) is payable has no liability for council tax, if that occurs first.

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

61B.1 For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant shall be the higher of;

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

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

61B.3 Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this section and the applicant's partner makes a claim for council tax reduction, no amount of council tax reduction shall be payable by the appropriate authority during the extended reduction period.

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

61C.1 This section applies;

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

61C.2 The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax reduction which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

61C.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from the appropriate authority to–

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

61C.4 Where

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

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

61D.1 Where an applicant's council tax reduction award would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 61.1 (b), that award will not cease until the end of the extended reduction period.

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

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

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.

⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

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

68.0 Making an 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 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).

⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

68.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.

68.7 The authority must;

- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a) of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012;
- (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

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

⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

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

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

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

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

(1) Where an applicant;

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

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

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

(2) That date is the latest of;

- a. the first day from which the applicant had continuous good cause;
- b. the day 1 month before the date the application was made;
- c. the day 1 month before the date when the applicant requested that the application should include a past period.

69A.0 Date on which an application is made

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

(a) in a case where;

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

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

(b) in a case where

- (i) an applicant or his partner is a person in receipt of a guarantee credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling he occupies as his home, and
- (iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(c) in a case where;

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

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

(d) in a case where;

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

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

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

the date on which the change takes place;

(e) in a case where;

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

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

the date of the death or separation;

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

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

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

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

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

have been entitled to that allowance.

69A.3 Where there is a defect in an application by telephone;

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

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

69A.4 The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.

69A.5 The conditions are that—

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

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

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

(ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,
in either case, within such longer period as the authority may consider reasonable; or
(c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

69A.6 Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.

69A.7 Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under the authority's scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under its scheme for a period beginning not later than;

(a) in the case of an application made by;
(i) a pensioner, or
(ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit,
the seventeenth reduction week following the date on which the application is made, or

(b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,
the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

70.0 Submission of evidence electronically

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

71.0 Use of telephone provided evidence

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

72.0 Information and 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;

⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

- 72.3 Sub-paragraph (2) does not apply;
(a) in the case of a child or young person in respect of whom an application for a reduction is made;
(b) to a person who;
(i) is a person treated as not being in Great Britain for the purposes of this scheme;
(ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
(iii) has not previously been allocated a national insurance number.
- 72.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority's scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.
- 72.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.
- 72.6 Where the authority makes a request under sub-paragraph (4), it must;
(a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 of Schedule 8 the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
(b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which must be notified.
- 72.7 This sub-paragraph applies to any of the following payments;
(a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation the London Emergencies Trust, the We Love Manchester Emergency Fund, or the London Bombings Relief Charitable Fund;
(b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);
(c) a payment which is disregarded under paragraph 58.9.
- 72.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;
(a) the name and address of the pension fund holder;
(b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.
- 73.0 Amendment and withdrawal of 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.

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

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

¹¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

74.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.

74.6 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within 21 days of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the authority may use a date later than the actual change of circumstances. In accordance with the Council Tax Reduction Schemes (Prescribed Requirements)(England) Regulations 2012, as amended, penalties of £70 may be imposed by the authority where changes are notified outside of that timescale.

75.0 Decisions by the 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 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

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

¹³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

requesting it within 14 days or as soon as reasonably practicable thereafter.

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

76.8 This sub-paragraph applies to—

- (a) the applicant;
- (b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;
 - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
 - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000⁽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 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

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

under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter

- (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

77.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

78.0 Persons to whom support is to be 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.

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

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

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

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

as properly awarded or paid on account of them.

82 .0 Payment where there is joint and several 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.

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

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

- (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 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.

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

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

102.0 Conditions for the use of electronic communication

- 102.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.
- 102.2 A person other than the authority may use an electronic communication in connection with the matters referred to in paragraph (1) if the conditions specified in paragraphs (3) to (6) are satisfied.
- 102.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.
- 102.4 The second condition is that the person uses an approved method of;
- (a) authenticating the identity of the sender of the communication;
 - (b) electronic communication;
 - (c) authenticating any application or notice delivered by means of an electronic communication; and
 - (d) subject to sub-paragraph (7), submitting to the authority any information.
- 102.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.
- 102.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.
- 102.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.
- 102.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

103.0 Use of intermediaries

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

104.0 Effect of delivering information by means of electronic communication

- 104.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed;
- (a) by this section; and
 - (b) by or under an enactment,
- are satisfied.
- 104.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).
- 104.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is

delivered.

105.0 Proof of identity of sender or recipient of information

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

106.0 Proof of delivery of information

- 106.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;
- (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
 - (b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.
- 106.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.
- 106.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

106A.0 Proof of content of information

- 106A.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

107.0 Counter Fraud and compliance

- 107.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to;
- a. Prevent and detect fraudulent claims and actions in respect of Council tax reduction;
 - b. Carry out investigations fairly, professionally and in accordance with the law; and
 - c. Ensure that sanctions are applied in appropriate cases
- 107.2 The authority believes that it is important to minimise the opportunity for fraud and;
- a. will implement rigorous procedures for the verification of claims for council tax reduction;
 - b. will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
 - c. will actively tackle fraud where it occurs in accordance with this scheme;
 - d. will co-operate with the Department for Work and Pensions (DWP), Her Majesty's Revenues and Customs and take part in joint working including prosecutions; and
 - e. will in all cases seek to recover all outstanding council tax.

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

Schedule 1

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

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

		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%	in receipt of a passported benefit				
2	65%	£0.00 - £255.00	£0.00 - £120.00	£0.00 - £215.00	£0.00 - £145.00	£0.00 - £75.00
3	55%	£255.01 - £305.00	£120.01 - £170.00	£215.01 - £265.00	£145.01 - £195.00	£75.01 - £125.00
4	35%	£305.01 - £355.00	£170.01 - £220.00	£265.01 - £315.00	£195.01 - £245.00	£125.01 - £175.00
5	15%	£355.01 - £405.00	£220.01 - £270.00	£315.01 - £365.00	£245.01 - £295.00	£175.01 - £225.00
6	0%	£405.01 +	£270.01 +	£365.01 +	£295.01 +	£225.01 +

- 2 The amount of discount to be granted is to be based on the following factors:
- The maximum Council Tax Reduction as defined within this scheme;
 - The Council Tax family as defined within this scheme
 - The income of the applicant as defined within this scheme;
 - The capital of the applicant as defined within this scheme;
 - Passported Benefit means where the applicant or partner is in receipt of Income Support, Jobseekers Allowance – income based, Employment and Support Allowance – Income Related;
- 3 For the sake of clarity all incomes shown within the table above are weekly in accordance with the scheme requirements and definitions.
- 4 Discount bands vary depending on both weekly income and the household (family as defined within this scheme). For the sake of clarity, it should be noted that in any application for reduction is limited to a maximum of two dependant children or young persons.
- 5 Any applicant who capital is greater than £6,000 shall not be entitled to any Council Tax Reductions whatsoever.
6. The authority may increase the level of incomes within the grid specified in paragraph 1 on an annual basis by the appropriate level of inflation measured by the Consumer Price Index (CPI) at 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.
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.	<p>(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.</p> <p>(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.</p>
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	<p>(1) Any payment which is</p> <p style="padding-left: 40px;">(a) made under any of the Dispensing Instruments to a widow, widower or</p> <p style="padding-left: 40px;">(b) surviving civil partner of a person;</p> <p style="padding-left: 80px;">(i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and</p> <p style="padding-left: 80px;">(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.</p> <p>(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).</p>
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.	<p>(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–</p> <p style="padding-left: 40px;">(a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial</p>

activity;

(b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity, in respect of which such assistance is or was received.

(2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account

- 59.** (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
- 60.** Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
- 61.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
- 62.** Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
- 63.** (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
- 64.** Not used
- 65.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
- 66.** Any payment of child benefit.
- 67.** Any Bereavement Support payments made under the Bereavement Support Payment Regulations 2017.
- 68.** Any payments disregarded for Housing Benefits under the Social Security (Emergency Funds) Amendment) Regulations 2017;
- 69.** Carers Allowance
- 70.** Any support Component with an award of Employment and Support Allowance.
- 71.** Where any applicant, partner or dependant is in receipt of Disability Living Allowance, Personal Independence Payment, disability element of working tax credit, Armed Forces Independence Payment or the Support Component of Employment and Support Allowance, a disregard of £50 per week will be deducted from the total net income.

Schedule 5
Capital to be 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) Amendment) Regulations 2017

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

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The Council Tax Reduction Scheme for 2022/23

The Aims, Objectives and Expected Outcomes:

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

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

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

Changes made from 1 April 2014.

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

Changes made from 1 April 2016

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

Changes made from 1 April 2017

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

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

Changes made from 1 April 2018

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

Changes made from 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 current (2020/21) scheme are as follows:

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

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

Exceptional Hardship Fund

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

Changes made from 2021/22

24. From 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 are as follows:
- (i) Increasing the minimum payment required from working age applicants with changes to the discount levels available;
 - (ii) Removing the automatic maximum discount for persons with a disability;
 - (iii) Disregarding the housing element for all applicants in receipt of Universal Credit; and
26. This scheme from 2021 reduces the maximum level of discount to 65% with corresponding reductions in the lower discount bands as follows:

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

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

Proposed Scheme for 2022/23

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

HOUSEHOLD

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

Scope of the Equality Impact Assessment

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

Consultation

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

Action and Improvement Plan

An action and improvement plan is included within Appendix 1.

Recommendations

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

Appendix 1
Action and Improvement Plan

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

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

**Appendix 2
Recommendations**

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

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

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

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1.0 Background

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

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

2.0 Exceptional Hardship Fund and Equalities

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

3.0 Purpose of this policy

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

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

4.0 The Exceptional Hardship Fund Process

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

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

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

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

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

4.3 It cannot be awarded for the following circumstances:

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

5.0 Awarding an Exceptional Hardship Fund Payment

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

5.2 When making this decision the Council will consider:

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

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

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

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

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

6.0 Publicity

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

7.0 Claiming an Exceptional Hardship Fund payment

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

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

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

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

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

8.0 Changes in circumstances

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

9.0 Duties of the applicant and the applicant's household

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

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

10.0 The award and duration of an Exceptional Hardship Payment

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

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

11.0 Award of the Exceptional Hardship Fund payment

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

12.0 Overpaid Exceptional Hardship Fund Payments

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

13.0 Notification of an award

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

14.0 Appeals

- 14.1 Exceptional Hardship Fund payments are subject to the statutory appeal process as they are made as part of the Council's Council Tax Reduction scheme under Section 13A 1A of the Local Government Finance Act 1992.
- 14.2 If the applicant is not satisfied with the decision in respect of an application for an Exceptional Hardship Fund payment, a decision to reduce the amount of Exceptional Hardship Fund payment, a decision not to backdate an Exceptional Hardship Fund payment or a decision that there has been an overpayment of an Exceptional Hardship Fund payment, the Council will look at the decision again.
- 14.3 An officer, other than the original decision maker, will consider the appeal by reviewing the original application and any other additional information and/or representation made, and will make a decision within 14 days of referral or as soon as practicable.
- 14.4 The outcome of the appeal will be set out in writing, detailing the reasons for the decision or upholding the original decision.

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

15.0 Fraud

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

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

15.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

16.0 Complaints

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

17.0 Policy Review

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



Purpose: For Decision

Full Council Report

Date **19 JANUARY 2022**

Title **ADOPTION OF THE REVISED POLICY STATEMENT OF PRINCIPLES UNDER SECTION 349 OF THE GAMBLING ACT 2005**

Report of **CABINET MEMBER FOR COMMUNITY PROTECTION, DIGITAL TRANSFORMATION, HOUSING PROVISION AND HOUSING NEEDS**

EXECUTIVE SUMMARY

1. This report recommends the adoption of the authority's draft revised Gambling Policy Statement of Licensing Principles (Appendix 1).
2. If adopted, the policy will remain in place for a period of three years from 31 January 2022.

RECOMMENDATION

- | |
|---|
| <ol style="list-style-type: none">3. That the Council adopt the draft revised Policy Statement of Licensing Principles 2022 – 2025, to come into effect from 31 January 2022 at Appendix 1. |
|---|

BACKGROUND

4. Under Section 349 of the Gambling Act 2005, a licensing authority is required every three years to determine its policy with respect to the exercise of its licensing functions, and to publish a statement of the principles it proposes to apply.
5. Before determining its policy for a three-year period, the licensing authority must consult various persons and public bodies as stated in the Act.
6. The previous policy ran from January 2019 to January 2022.

STRATEGIC CONTEXT

7. Gambling activities, either by way of a betting shop or arcade provides an opportunity for those willing to participate in these activities across the Island with several premises being licensed.

8. They provide jobs to the community and therefore has a benefit to the island economy.
9. The Gambling Policy relates to several corporate priorities of the Isle of Wight council Corporate plan 2021-2025, but specifically 'Deliver the Statutory Regulatory Functions to Keep the Island Businesses, Residents, and Visitors safe from Harm'.
10. In addition, the following Core Values also apply:
 - Being community focused – wherever possible putting the needs of our residents first.
 - Working together – engaging with partners to make the most of integrated working
 - Being effective and efficient – being the best we can in how we organise and deliver our services
 - Being fair and transparent – making decisions based on data and evidence and in an open and accountable way

CONSULTATION

11. A consultation commenced on 10 November 2021 and ended on 8 December 2021.
12. As a part of the consultation an advert was placed in the County Press, or the Licensing Department's web site and all existing licence holders were contacted directly.
13. In addition, on Monday 22 November 2021 a briefing session was held with the Licensing Committee where staff presented the revised policy to obtain the views of the committee members.

FINANCIAL / BUDGET IMPLICATIONS

14. The Council's expenditure on Gambling licensing related matters is balanced from income generated from fees. The fees are set by the council in accordance with the maximum levels permitted by the legislation and represent the full costs of administering and the regulation of matters relating to street trading.

IMPACT ON YOUNG PEOPLE AND FUTURE GENERATIONS

15. The Gambling Act 2005 set very strict age restrictions on gambling activities and the paying of gaming machines. These are legal requirements and if not followed may lead to formal legal action being taken.

CLIMATE, ENVIRONMENT & UNESCO BIOSPHERE IMPACT

16. There isn't anything in the Policy which covers the Climate Change Agenda.

LEGAL IMPLICATIONS

17. The licensing authority is required to adopt a statement of licensing policy by virtue of Section 349 of the Gambling Act 2005. This policy is required by the same Act to be reviewed every three years. The policy must have regard to any statutory guidance issued by the Gambling Commission.

18. Regulations 4 to 6 of the Gambling Act 2005 (Licensing Authority Policy Statement) (England & Wales) Regulations 2006 set out the requirements for the content of the Statement of Licensing Principles and the procedure to be followed in preparing and publishing the policy.

EQUALITY AND DIVERSITY

19. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
20. The EIA completed for this policy indicates that there is no adverse impact on any of the protected characteristics.

SECTION 17 CRIME AND DISORDER ACT 1998

21. The consultation process and the ongoing administration process requires an input from the Police regarding crime and disorder. Staff therefore feel that the Council's requirements under the Crime and Disorder Act 1998 is covered.

OPTIONS

22. Option 1: That the Council adopts the draft revised Policy Statement of Licensing Principles 2022 – 2025, to come into effect from 31 January 2012 at Appendix 1.
- 23.
24. Option 2: That the Council amends and then adopts the draft revised Policy Statement of Licensing Principles 2022 – 2025, to come into effect from 31 January 2022 at Appendix 1.
25. Option 3: That the Council does not approve the policy at Appendix 1 and refer back to staff for further action.

RISK MANAGEMENT

26. The Policy sets out how the Isle of Wight Council will regulate the Gambling Licensing regime, including application, determination, renewal, enforcement, and appeals. The policy also offers guidance and information for both applicant and decision makers on the areas of consideration to promote a consistent approach.
27. Staff are satisfied that the policy is fit for purpose and therefore presents no risk if it is approved.
28. If the Policy isn't approved and adopted the Council would continue to operate on the old out of date policy until such time a new policy is adopted and approved.

EVALUATION

29. One comment was received from an existing license holder received, their comments are attached at Appendix 2.
30. Staff have considered these comments along with those discussed with the licensing committee and have amended the initial draft policy where officers feel it was appropriate so that it has considered the thoughts of the trade, public to ensure that a balanced, safe and legislatively compliant Gambling Licensing regime is maintained.

APPENDICES ATTACHED

31. Appendix 1 - Proposed Policy Statement of Licensing Principles 2021-2026.
32. Appendix 2 - Comments received through public consultation.

BACKGROUND PAPERS

33. [Policy Statement of Gambling Principles 2019 to 2022](#)

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*Colin Rowland
Director of Neighbourhoods*

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Deputy Leader and Cabinet Member for
Community Protection, Digital Transformation,
Housing Provision and Housing Needs*

Isle of Wight Council

GAMBLING ACT 2005 POLICY STATEMENT 2022 – 2025

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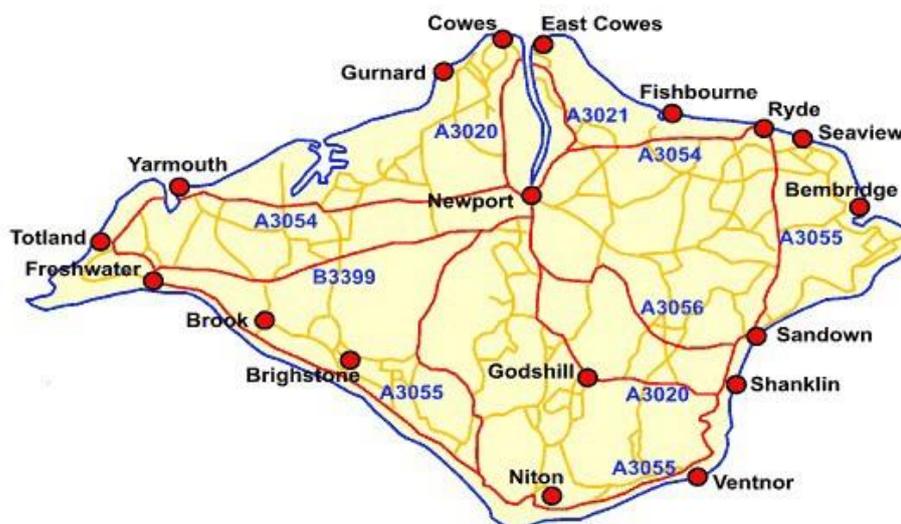
1. Definitions

The following definitions will provide clarification for the purposes of this policy.

- 1.1 **The Act**
This means the Gambling Act 2005.
- 1.2 **The Policy**
This refers to the Isle of Wight Council’s Gambling Act 2005 Policy Statement.
- 1.3 **The Council or Licensing Authority**
This means the Isle of Wight Council.
- 1.4 **The Guidance**
Means the Guidance issued by the Gambling Commission under section 25 of the Gambling Act 2005.

2. Introduction

- 2.1 This policy will become effective on XXX.
- 2.2 Section 349 of the Gambling Act 2005 (“the Act”) requires licensing authorities to prepare and publish a statement setting out the principles it will apply in regulating gambling activities locally and, considering the local risks, clarify the authority’s expectations of gambling operators.
- 2.3 The Isle of Wight Council are the licensing authority that cover the whole of the Isle of Wight (as shown below). The island is 23 miles from east to west and 13 miles from north to south and is 147 square miles in area. The major towns are Newport, Cowes and East Cowes, Ryde, Sandown, Shanklin and Ventnor, with Newport being the capital and centrally situated. The remaining areas are rural comprising of a number of small villages. The ONS mid-2020 population estimates indicate that there are 142,296 people living on the Isle of Wight.



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- 2.4 This policy is relevant to the following authorisations and functions which the Isle of Wight Council are responsible for administering under the Act:
- a) Premises Licences and Provisional Statements (Betting Shops, Bingo, Adult Gaming Centres, Family Entertainment Centres, Casinos)
 - b) Unlicensed Family Entertainment Centre Permits
 - c) Licensed Premises Gaming Machine Permits to allow alcohol licensed premises to provide more than two machines
 - d) Notifications from alcohol licensed premises for the provision of two or less gaming machines
 - e) Club Gaming Permits and Club Machine Permits
 - f) Prize Gaming Permits
 - g) Small Society Lottery registrations
 - h) Occasional Use Notices for track betting
 - i) Temporary Use Notices
 - j) Maintaining registers of the licences and permits that are issued
 - k) Providing information to the Gambling Commission regarding details of licences, permits and other permissions issued (see the section on Exchange of Information)
 - l) Inspection of licensed premises and enforcement action
- 2.5 The licensing authority has delegated their powers and responsibilities under the Act as detailed at Appendix 1 – Schedule of Delegations.
- 2.6 The licensing of remote gambling and the issuing of other authorisations such as Operator Licences is the responsibility of the Gambling Commission and therefore will not be covered in this policy.
- 2.7 In producing this policy statement, the licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission under the Act, any responses from those consulted on the policy statement as well as the Regulators' Code.
- 2.8 Any departure from this policy must be justified in writing and approved by a member of the Regulatory Services' Management Team.

Local Area Profile

- 2.9 The Guidance suggests that licensing authorities create a Local Area Profile to assess the risks in their region and use this to inform their policy and work with operators to reduce any potential negative impact from gambling activities in the area.
- 2.10 Gambling has not been highlighted as an area of particular concern by the Community Safety Partnership on the island at this time. There is little data available to indicate that gambling is contributing to problems on the island.
- 2.11 The licensing authority will endeavour to develop a local area profile which will also assist operators in carrying out their risk assessments as required by conditions of their licences (see section 6).
- 2.12 Various locality profiles which include data regarding demographics, health and deprivation are available via the Joint Strategic Needs Assessment webpages on the Council's website at www.iwight.com.

3. Consultation, Publication and Review of this Policy

- 3.1 The Act requires that the policy be reviewed every three years and specifies who must be consulted as part of such review. Any legislative updates may be made automatically without consultation.
- 3.2 The licensing authority will consult the statutory consultees and any other persons as may be appropriate for any subsequent revision of the policy. A list of consultees is at Appendix 2.
- 3.3 Appropriate weight will be given to the views of all consultees. In determining how much weight to give a particular representation, the factors that may be taken into account by the licensing authority include:
- a) Who is making the representation (including their expertise or interest)
 - b) The relevance to the Licensing Objectives
 - c) The number of people who have expressed the same or similar views, and
 - d) How far the representations relate to matters that the licensing authority should include in its statement of principles.
- 3.4 Further consultation may be required if changes are made to the policy; any further consultation will only relate to the amendments made.
- 3.5 The licensing authority will always give reasons for the decisions it has made following consultation and the current statement of policy will be published on the Isle of Wight Council website (www.iwight.com) and is available by contacting the Licensing Department.
- 3.6 The licensing authority recognises its responsibility under equality legislation and the impact of proposed changes are assessed upon review of this policy.

4. Integration of Strategies and other legislation

- 4.1 The Licensing authority will seek to avoid duplication with other statutory or regulatory systems where possible.
- 4.2 Licensing applications will be viewed independently of planning applications; whilst the licensing authority may permit gambling activities, the responsibility lies with the applicant to ensure that any other necessary consents are obtained.
- 4.3 If other legislation does not cover unique situations that may arise, then additional controls such as conditions, may be imposed to secure the licensing objectives.
- 4.4 The licensing authority may have regard to other strategies and policies where relevant in exercising its functions under the Act.

5. General Principles and the Licensing Objectives

- 5.1 Each application will be considered and determined on its individual merits.
- 5.2 Nothing in this policy prevents the right of any person making an application or making representations regarding an application or applying to review a licence as each is considered on its individual merits and against the requirements of the Act.

-
- 5.3 Whilst the Guidance encourages licensing authorities to aim to permit gambling activities, the licensing authority will balance the legitimate business desires of applicants against what is ultimately in the public interest in the relevant area.
- 5.4 In some instances, the licensing authority does not have to have regard to the licensing objectives; however, this licensing authority will refer to the licensing objectives when making decisions as they underpin the intention of the overall legislation. When dealing with all gambling licensing matters the licensing authority will promote and have regard to the three licensing objectives set out in the Act.
- 5.5 The Gambling Commission take a lead role in achieving these objectives, primarily through the issuing of Operator and Personal Licences as well as the Licence Conditions and Codes of Practice (LCCP) which all businesses providing gambling activities must comply with. These requirements ensure that rules are transparent and players know what to expect in gambling activities.
- 5.6 The role of licensing authorities is to consider whether the objectives could be or are being compromised by the provision of gambling activities at specific premises in the area covered by the authority. The licensing authority will also assess whether operators are compliant with the Licence Conditions and Codes of Practice and notify the Gambling Commission of non-compliance.
- 5.7 The following will be areas of consideration when determining all applications under the Act.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

- 5.8 The level of crime and disorder in a location along with any control measures in place may be taken into account when determining applications as well as whether reviews of premises licences should be instigated.
- 5.9 It should be noted that there are differences between disorder, antisocial behaviour and nuisance. To make the distinction, when incidents of this nature occur, the licensing authority will consider factors such as whether police assistance was required and/or how threatening behaviour was to those who could see or hear it. Separate legislation is in place to address issues of antisocial behaviour and nuisance.

Ensuring gambling is conducted in a fair and open way

- 5.10 The role of the licensing authority regarding this objective is to assess whether operators have suitable measures in place at the premises to conduct gambling activities in a fair and open way and are cooperative and transparent with authorities.
- 5.11 With regard to tracks, the role of the licensing authority may be more significant as Operator Licences from the Gambling Commission are not always necessary. In such instances, the licensing authority will need to be satisfied that the procedures implemented by the operator are adequate to uphold this objective.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 5.12 The Gambling Commission does not seek to define “vulnerable persons”, but guidance does state:
“this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced

decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs”.

- 5.13 Under the Act, children are prevented from having access to certain premises, or some gambling facilities within premises, as part of achieving this objective. Whilst the Guidance states that it is not intended to prohibit vulnerable groups in the same manner as children and young persons, with regard to vulnerable people, the licensing authority will consider whether or not any measures have been taken to protect such a group. Any such considerations will be balanced against the licensing authority’s aim to permit the use of premises for gambling and each application will be treated on its own merit.
- 5.14 This Licensing Objective intends to prevent children and young persons from taking part in, or being in close proximity to, gambling. Restrictions are therefore necessary when advertising gambling products that are aimed at children or are advertised in such a way that makes them attractive to children.

Expectations of Gambling Operators

- 5.15 Although a risk assessment is not always required, the licensing authority would expect all operators to consider the risks their gambling activities pose and the control measures that are proportionate and suitable to implement at their premises.
- 5.16 The licensing authority would urge all licence holders and new applicants to review and adopt all policies and protocols recommended by the Gambling Commission and/or any other professional trade association.
- 5.17 The following may also be areas of consideration along with the licensing objectives when determining any applications under the Act.

Local Area

- a) Local demographics as this may influence the levels interest in gambling and also increase the risk of children or vulnerable persons in the vicinity
- b) Crime rates for the area
- c) Unemployment rates for the area and/or is it an area of deprivation
- d) Antisocial behaviour in the area such as drug dealing, street drinking, graffiti or vandalism
- e) General footfall of the area
- f) Surrounding businesses such as post offices, banks and cashpoints as money is often obtained from these.
- g) The proximity of any alcohol licensed premises or other relevant night time economy contributing factors that need to be considered
- h) The proximity of other premises that may be relevant such as hostels, pawn brokers and job centres
- i) Whether the area is residential or a significant number of residents are nearby and how this may impact on the objectives
- j) Nearby premises or attractions that may appeal to children or they may regularly attend e.g., youth clubs, parks, beaches, playgrounds, cinemas, bowling alleys, schools, bus stations/stops, shopping centres
- k) Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor’s surgeries, council housing offices, addiction clinics or help centres, places
- l) Areas nearby where alcohol or drug dependent people or children may congregate or where antisocial behaviour regularly occurs

General

- a) Gambling activities provided and who they may attract
- b) Policies and procedures in place in conducting gambling activities
- c) Information held and/or shared from other businesses regarding incidences of underage gambling and self-exclusions
- d) Arrangements in place for sharing information between businesses and the local authority or other relevant stakeholders

Security and Safety

- a) Opening and operating hours
- b) Supervision of entrances/exits and gambling areas
- c) CCTV provision
- d) Appropriate levels of staffing
- e) Door supervisors (in some instances they may not be required to be licensed by the Security Industry Authority (SIA) but this would be always be advisable) –
 - i number of supervisors
 - ii days/hours and location of deployment
- f) Display of relevant notices/signage
- g) Seasonal changes that could impact on the risks, e.g., during school holidays when children may be more likely to access the premises during the day when they would not usually
- h) Operator carries out regular DBS checks for staff and any door supervisors

Layout, lighting and fittings in the premises of the premises

- a) Does the layout enable staff to monitor activities effectively?
- b) Does the positioning of fittings enhance the security at the premises, e.g., the position of CCTV, serving counters, location of gaming machines, cash machines etc.
- c) Physical separation of premises and/or specific areas to prevent unauthorised access or prevent children being harmed or exploited by gambling
- d) Does the lighting enable transparency in gambling activities and clear monitoring by staff?
- e) Is the number of Self-Service Betting Terminals appropriate for the size of the premises?

Staff training

- a) Awareness of gambling law and the restrictions relevant to the activities at the premises
- b) Policies and procedures specific to the premises
- c) Identifying children and vulnerable people including proof of age schemes and age verification procedures
- d) Identifying when customers may be showing signs of excessive gambling
- e) Awareness of safeguarding against Child Sexual Exploitation (CSE)
- f) Equipping staff to deal with difficult situations and useful strategies to intervene when necessary

Social Responsibility

- a) Local demographics and particularly how this may increase the risk of children or vulnerable persons being harmed
- b) Awareness of key seasons and times that may affect gambling trends – e.g., pay day
- c) Measures in place to prevent children having access to certain premises or areas or machines they are not permitted to use
- d) Promotional/advertising material is not attractive to children
- e) Notices and leaflets including regarding support available for problem gambling
- f) Self-exclusion scheme

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- g) Participation in 'Betwatch' or similar local scheme where relevant
- 5.18 The licensing authority recognises that the responsibility for an individual's gambling is their own. The responsibility to exercise a duty of care is that of the Site Operator.
- 5.19 The licensing authority recommends that gambling operators implement the following in respect of their premises and its management:
- Code of Social Responsibility
 - Self-Exclusion Policy
 - Policy relating to age and entry
- 5.20 Resources are available via the British Amusement Catering Trade Association (BACTA) as well as Safer Gambling Standard managed by GamCare.
- 5.21 Contacting the Licensing Department prior to submitting any application to the licensing authority is highly recommended.

6. Premises Licences

- 6.1 Gambling activities are authorised by several different kinds of Premises Licences which must be the primary gambling activity taking place at the relevant premises:
- a) Casino premises
 - b) Bingo premises
 - c) Betting premises, including tracks and premises used by betting intermediaries
 - d) Adult Gaming Centre (AGC) premises (for category B3, B4, C and D machines)
 - e) Family Entertainment Centre (FEC) premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).
- 6.2 Information regarding the category and number of machines permitted and any limits on stakes and prizes can be obtained from the Licensing Department or the Gambling Commission.
- 6.3 In relation to Casinos, there is no resolution not to issue a Casino Licence under Section 166 of the Act even though the licensing authority has the power to do so. Any application received will therefore be considered on its individual merits.

Applicants

- 6.4 Applicants must have the relevant Operator Licence from the Gambling Commission (except Tracks where the occupier is not the person offering gambling) and the right to occupy the relevant premises before they can submit an application for a Premises Licence. Applicants for Provisional Statements do not need to meet these requirements.
- 6.5 The regulations prescribe the application requirements and the process that must be followed once an application is submitted to the licensing authority.

Premises

- 6.6 Premises are defined in the Act as "any place". Premises Licences cannot be issued to vehicles but may be issued to a vessel.
- 6.7 In considering applications for part of a building where it has been divided into different premises the licensing authority should be satisfied that proposals are compatible with the regulations regarding Mandatory and Default which set out restrictions on access between

licensed premises. These provisions prevent customers from being able to enter the premises directly from other licensed premises (“direct access”) and are intended to ensure premises are clear, identifiable and people cannot simply ‘drift’ into gambling areas.

- 6.8 The Guidance gives a list of considerations which the licensing authority should be aware of regarding such scenarios:
- Do the premises have a separate registration for business rates?
 - Are the neighbouring premises owned by the same person or someone else?
 - Can each of the premises be accessed from the street or a public passageway?
 - Can the premises only be accessed from any other gambling premises?
- 6.9 Before granting such applications, the licensing authority will consider any current Guidance from the Gambling Commission, whether children can gain access to the premises, compatibility of the two establishments and the overall ability to comply with the requirements of the Act in such circumstances. The licensing authority will seek to avoid permitting an arrangement that otherwise would, or should, be prohibited under the Act.

Local Risk Assessments

- 6.10 In 2016, the social responsibility code within the Licence Conditions and Codes of Practice (LCCP), introduced a requirement for licence holders (except in some instances relating to Betting licences for Tracks) to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to implement policies, procedures, and control measures to mitigate those risks. This requirement is intended to encourage local authorities, the Commission and the industry to work in partnership to address local issues and provide an evidence based and transparent approach to reducing the risks associated with gambling.
- 6.11 This risk assessment should therefore be documented and carried out:
- when applying for a new Premises Licence
 - when applying for a variation to a Premises Licence
 - when changes occur at the premises or locally that could impact on the existing risk assessment
 - and it should be regularly reviewed
- 6.12 Operators will therefore need to submit their risk assessment with applications and ensure it is available to licensing authorities at other times as it may be requested during inspection or when investigating complaints.
- 6.13 The licensing authority will expect the local risk assessment to take into account this policy including the factors listed in the General Principles section.
- 6.14 The licensing authority would advise the operator to identify the key points about the local area, premises and any current procedures in place and consider how these could impact the licensing objectives – they will then be able to formulate control measures that could reduce the likelihood of such issues occurring and create an action plan to implement these measures.

Representations from Responsible Authorities and Interested Parties

- 6.15 Only ‘Responsible Authorities’ and ‘Interested Parties’ as defined in the Act may make representations regarding Premises Licence applications and may apply to review existing licences.

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- 6.16 The licensing authority has designated the Isle of Wight Council's Children's Services Department as the appropriate body it considers competent to advise on the protection of children from harm.
- 6.17 A full list of Responsible Authorities and their respective contact details is available on request from the Licensing Department and on the Council's website.
- 6.18 An 'interested party' is defined under the Act as a person who –
- Lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - Has business interests that might be affected by the authorised activities, or
 - Represents persons who satisfy paragraph (a) or (b).
- 6.19 In relation to point c (whether 'a person is representing those' in category a or b), the following are capable of representing interested parties:
- Isle of Wight Council Elected Councillors
 - Town and Parish Councils
 - Member of Parliament (MP)
 - Residents' and tenants' associations
 - Trade Associations
 - Trade Unions
 - Charities
 - Faith groups
 - Medical practices
- 6.20 No specific evidence of being asked to represent an interested person will be required if the councillor/town or parish council represents the ward likely to be affected.
- 6.21 In determining if a person lives or has business interests sufficiently close to the premises that are likely to be affected by proposed or authorised activities, the licensing authority will consider each case on its merits and take the following factors into account:
- The size of the premises
 - The nature of the activities taking place/proposed to take place at the premises
 - The distance of the premises from the location of the business interest or the person making the representation
 - The potential impact of the premises (such as the number of customers and routes likely to be taken by those visiting the establishment)
 - The circumstances of the person and the nature of their interest, which may be relevant to the distance from the premises
- 6.22 Representations will not be considered or the application may be determined without a hearing if they:
- relate to demand or competition or planning/building law as these matters cannot be taken into account when determining an application,
 - are considered to be frivolous or vexatious, or
 - will certainly not influence the authority's determination of the application
- 6.23 Before a decision is made the licensing authority will consider the following:
- Who is making the representation, and whether there is a history of making representations that are not relevant.
 - Whether the representation raises a relevant issue, or
 - Whether the representation raises issues specifically to do with the premises that are subject of the application.

- 6.24 The licensing authority strongly recommends that representations are submitted at the earliest opportunity prior to the end of the prescribed consultation period to allow the maximum time to negotiate an appropriate solution.

Determination of Premises Licence Applications

- 6.25 The Act requires that a hearing be held to determine an application for a Premises Licence where representations must be considered and/or if the authority propose to attach a condition or exclude a condition that would otherwise be attached to the licence. Separate regulations prescribe how this process is to be carried out.

In determining Premises Licence applications, as well as those outlined in the General Principles section, the following will apply:

- 6.26 Gambling is a legitimate regulated activity that is enjoyed by many people. Section 153 of the Act directs that licensing authorities shall aim to permit the use of premises for gambling in so far as it thinks it:
- In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Reasonably consistent with the licensing objectives
 - In accordance with the Council's Statement of Licensing Policy (particularly referring to the General Principles section)
- 6.27 Under section 210 of the Act the licensing authority shall not have regard to whether a proposal by the applicant is likely to be permitted in accordance with planning or building law.
- 6.28 In determining whether to grant a Premises Licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.
- 6.29 The Guidance states that licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences and that decisions cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area. The licensing authority will therefore not have regard to such matters in determining applications.

Conditions

- 6.30 Premises Licences are subject to Mandatory and Default conditions set by regulations and Operators must comply with the Codes of Practice.
- 6.31 If any additional conditions are imposed by the licensing authority, they will be tailored to the individual characteristics of the premises and the activities concerned. Additional conditions will only be attached in cases where specific risks or problems are associated with a particular locality or premises and the matters outlined in the General Principles section of this policy will be taken into account.
- 6.32 The licensing authority will not refuse an application for a premises licence where relevant objections can be dealt with by use of appropriate conditions.
- 6.33 Any conditions attached to premises licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility,
 - directly related to the premises and the type of licence applied for,
 - fairly and reasonably related to the scale and type of premises, and
 - reasonable in all other respects.

- 6.34 It is noted that the licensing authority cannot attach conditions to premises licences that:
- makes it impossible to comply with an Operating Licence condition
 - relate to gaming machine categories, numbers or method of operation
 - provide that membership of a club or body be required
 - relate to stakes, fees or winning of prizes

Reviews

- 6.35 The Act provides the ability for a responsible authority or interested party to apply for a review of a Premises Licence whereby it is reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that the conditions may be modified.
- 6.36 Following receipt of an application, it is for the licensing authority to decide whether the review is to be carried out. In accordance with section 198 of the Act, applications for reviews will be rejected if they:
- a) do not raise an issue relevant to –
 - i the code of practice or guidance issued by the Gambling Commission
 - ii this policy or
 - iii the licensing objectives
 - b) are considered frivolous or vexatious
 - c) will certainly not cause the authority to wish to alter/revoke/suspend the licence
 - d) are substantially the same representations previously raised
- 6.37 The council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.
- 6.38 The areas of consideration set out in the General Principles section of this policy will be relevant to determining applications for Review of a Premises Licence.

7. Notices

Temporary Use Notices (TUNs)

- 7.1 Temporary Use Notices (TUNs) allow gambling operators to use premises without licences for gambling facilities on up to 21 days in any 12 month period (such as in hotels, conference centres and sporting venues). Under regulations, TUNs can currently only be used to permit equal chance gaming and where the tournament is intended to produce an overall winner (e.g., poker). TUNs must be submitted to the licensing authority copied to the Gambling Commission, Police, HM Commissioners for Revenue and Customs (HMRC) at least three months and one day before activities are proposed to commence.
- 7.2 The Act refers to “set of premises” in respect of TUNs to prevent one large premises having separate parts authorised for activities in excess of the 21 day limit. It falls to the licensing authority to decide what constitutes a “set of premises”. It is the licensing authority who decides what meets this definition who will assess the ownership/occupation and control of the premises as well as any other relevant factors in determining whether proposed buildings or sites would fall under this definition. The licensing authority will consider objecting to a notice where it appears that its effect would be to permit regular gambling in a place that could be described as one set of premises.
- 7.3 The licensing authority has the ability to object to TUNs and will take into account the following factors when assessing whether an objection notice is required:
- a) the suitability of the premises for the proposed activities

- b) the location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises
 - c) the CCTV coverage within the premises
 - d) the ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period
 - e) whether the premises or the holder of the operating licence have given the licensing authority any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Commission, the relevant code of practice or this policy statement.
- 7.4 Where the statutory limit of 21 days is exceeded, the licensing authority is obliged to serve a counter notice preventing the activities from being authorised.
- 7.5 Where objections are received from the licensing authority or the agencies the TUN must be copied to, then a hearing will be held as outlined in regulations unless all parties agree this is not necessary.

Occasional Use Notices (OUNs) for Tracks

- 7.6 Betting can be permitted at tracks on up to 8 days in a calendar year using Occasional Use Notices (OUNs), rather than a full Premises Licence.
- 7.7 Due to the temporary and infrequent nature of activities, the licensing authority has little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. If notices are given for a single track proposing that betting will occur for more than 8 days in the year, the licensing authority has an obligation to issue a counter notice preventing activities being authorised to take place.
- 7.8 The licensing authority will need to consider the definition of a 'track'; It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. They also must be satisfied that the applicant is entitled to benefit from this provision under the Act as only a person who is responsible for the administration of events on the track, or an occupier of the track may submit such notices.

8. Permits

Alcohol Licensed Premises Gaming Machine Permit

- 8.1 Providing the licensing authority are notified, there is an automatic entitlement to make up to 2 Category C or D machines available at premises licensed to sell alcohol; if licence holders wish to provide more than 2 machines, they must obtain a permit.
- 8.2 Applications for a permit must be accompanied by:
 - a) A plan of the premises including indication of where machines will be located
 - b) Any other additional information as requested by the licensing authority
- 8.3 When determining an application, the licensing authority must have regard to the licensing objectives and the guidance issued by the Gambling Commission and may also take account of any other matters considered relevant to the application.
- 8.4 The licensing authority cannot attach additional conditions to the permit but may grant it for a different number or category of machines.

- 8.5 The licensing authority may consult with Police when deemed appropriate and will take the following into account when determining the permit application:
- That the applicant understands the specific risks at the proposed premises and has proportionate measures in place to mitigate these and ensure crime and disorder is prevented and children and vulnerable persons are protected from harm
 - That the applicant understands the requirements of the Codes of Practice and other relevant regulations and guidance
 - Whether the number of machines proposed is proportionate to the size of the premises
- 8.6 If the licensing authority intend to refuse an application, we will notify the applicant and include the reasons for this, and they will have a period of up to 28 days to submit oral and/or written representations for consideration prior to a final decision and a hearing will be held to determine the application unless agreed by all parties this is not necessary.

Club Gaming Permits and Club Machine Permits

- 8.7 Club Gaming and Club Machine Permits authorise the provision of equal chance gaming (such as bingo or poker and permits allow higher stakes), and a maximum of three gaming machines as prescribed in regulations. Both permits have effect for 10 years with an annual fee.
- 8.8 The licensing authority must be satisfied that applicants meet the definition of a club under the Act and that the majority of members are over 18 years old. Members' Clubs and Miners' Welfare Institutes may apply for either permit but Commercial Clubs (those that operate for profit) may apply for a Club Machine Permit only. Those that have a Club Premises Certificate issued under the Licensing Act 2003 may apply for a permit using the 'fast track' procedure.
- 8.9 Applications for a permit must be accompanied by:
- A plan of the premises including indication of where machines will be located
 - Any other additional information as requested by the licensing authority
- 8.10 The licensing authority may only refuse an application on the one or more of the following grounds:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied
 - the applicant's premises are used wholly or mainly by children and/or young people,
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
 - a permit held by the applicant has been cancelled in the previous ten years
 - an objection has been lodged by the Commission or the police
- 8.11 Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which the licensing authority can refuse a permit is reduced. The grounds on which an application may be refused are:
- that the club is established primarily for gaming
 - that in addition to the prescribed gaming, the applicant provides facilities for other gaming
 - that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

UFEC and Prize Gaming Permit Applications

Unlicensed Family Entertainment Centre (UFEC) Permit

- 8.12 Premises used wholly or mainly for making Category D gaming machines available may be authorised by a Permit rather than a Premises Licence (where Category C machines can also be provided).

Prize Gaming Permit

- 8.13 Prize gaming is where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming – usually prizes are determined by the operator before play commences (e.g., bingo that has a non-cash prize). Prize Gaming Permits are usually used to authorise these activities at premises that are not already licensed.

Applications

- 8.14 Applicants must be at least 18 years old and occupying or planning to occupy the relevant premises and their application must be accompanied by:
- A Basic Criminal Record Disclosure Certificate from the Disclosure and Barring Service (DBS) that is not more than 1 calendar month old for the applicant and any person(s) that will be assisting on a regular basis.
 - A plan of the premises including indication of where machines will be located.
 - Any other additional information as requested by the licensing authority.
- 8.15 In determining applications for permits the licensing authority need not (but may) have regard to the licensing objectives but must have regard to guidance issued by the Gambling Commission.
- 8.16 As prize gaming and Category D machines will particularly appeal to children and young persons, the licensing authority will give particular weight to child protection issues.
- 8.17 The licensing authority will consult with Police and when deemed appropriate, the Isle of Wight Council's Children's Services Department, and will take the following into account when determining the suitability of the applicant to hold the permit:
- Whether the applicant has any convictions for relevant offences listed under Schedule 7 of the Act and/or other offences related to the harm of children
 - That they understand the specific risks at the proposed premises and have proportionate measures in place to mitigate these and ensure crime and disorder is prevented and children and vulnerable persons are protected from harm
 - That they understand the limits on stakes and prizes that are set out in regulations and staff are trained in these also
 - In respect of Prize Gaming: that the gaming offered is within the law
- 8.18 The licensing authority can only grant or refuse a permit application; conditions cannot be attached that are additional to those that would automatically be included on the permit (which include participation and prize value limits for Prize Gaming Permits).
- 8.19 If the licensing authority intend to refuse an application, we will notify the applicant and include the reasons for this, and they will have a period of up to 28 days to submit oral and/or written representations for consideration prior to a final decision and a hearing will be held to determine the application unless agreed by all parties this is not necessary.

Travelling Fairs

- 8.20 Travelling fairs may provide an unlimited number of category D gaming machines and/or equal chance prize gaming without the need for a permit as long as the gambling amounts to no more than an ancillary amusement at the fair and machines are operated in compliance

with legal requirements. Land may only be used for such a fair on up to 27 days in a calendar year regardless of whether it is different travelling fairs occupying the land.

- 8.21 The licensing authority will determine whether Travelling Fairs meeting the definition under the Act and therefore benefit from this provision.

9. Lotteries

- 9.1 The Act provides several exemptions for lottery ('raffle') activities, such as 'incidental non-commercial lotteries', 'customer lotteries' and 'private lotteries' – these are not regulated providing they meet the requirements to qualify as exempt.
- 9.2 Lotteries conducted by a "non-commercial society" as defined by the Act where the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less must register as a Small Society Lottery. Lotteries that exceed these limits are regulated by the Gambling Commission.

Small Society Lottery Registrations

- 9.3 Applicants for lottery registrations must apply to the licensing authority in the area where society's principal office is located. Where the licensing authority believes that the society's principal office is situated in another area it will inform the society as soon as possible and where possible, inform the other licensing authority.
- 9.4 Participation in a lottery is a form of gambling, and as such the licensing authority is aware that the societies it registers are required to conduct their lotteries in a socially responsible manner and in accordance with the Act.
- 9.5 The licensing authority will ensure that an applicant is a society as defined in Section 19 of the Act, and may refuse an application for registration if in their opinion:
- The applicant is not a non-commercial society
 - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence or
 - Information provided in or with the application for registration is false or misleading.

10. Appeals

- 10.1 If an application is refused the applicant will be given written confirmation detailing the reasons for refusal, along with any right of appeal. Provisions to appeal against decisions made by the licensing authority are contained in the Act.

11. Enforcement

- 11.1 The licensing authority will seek to ensure compliance with the authorisations it has granted as well as the Act in general in accordance with the following principles.
- 11.2 The licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible and will have regard to the Human Rights Act 1998, guidance issued by the Gambling Commission along with any other relevant guidance.
- 11.3 All enforcement activities including inspection of premises and criminal proceedings instigated by the licensing authority under the powers contained in Section 346 of the Act will be carried out in accordance with the Neighbourhoods' Enforcement Policy.

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- 11.4 The licensing authority may establish protocols with the local Police and liaise with the Gambling Commission on enforcement issues.
 - 11.5 Inspections of licensed premises will be carried out as necessary based on the level of risk to the licensing objectives. In determining the level of risk, the licensing authority will take into account complaints regarding premises from the Gambling Commission, Responsible Authorities and Interested Parties.
 - 11.6 Enforcement matters regarding gaming machines or Personal Licences and Operating Licences will be dealt with by the Gambling Commission.

12. Exchange of Information

- 12.1 Regulations require that licensing authorities retain certain data and registers and provide information to the Gambling Commission as part of exercising their functions under the Act. Section 350 of the Act also enables the exchange of information between various parties in exercising their functions.
- 12.2 As well as fulfilling its duty to comply with a range of legislation which regulates the management of information (such as Data Protection, Freedom of Information), the licensing authority will have regard to guidance issued by the Gambling Commission to local authorities on this matter as well as any other relevant regulations issued by the Secretary of State under the powers provided in the Act.
- 12.3 The Isle of Wight Council is the data controller in relation to all personal information submitted to the licensing authority in exercising its functions under the Act. Information will be received and retained in accordance with Data Protection law and the Council's retention schedule and information can be accessed via contacting the Data Controller or submitting a request under the Freedom of Information Act (FOI). Further information is available on the Council's website at www.iwight.com.
- 12.4 Information will be shared with other council departments and external bodies such as those listed in Schedule 6 of the Act for the purposes of processing applications or notifications as well as the prevention of crime and disorder when appropriate. Such exchanges of information may not be prescriptive as they will be on a case-by-case basis; they would generally be in writing to provide an accurate record of the information exchange including to whom data was provided and when. The licensing authority may create protocols regarding information sharing as and when deemed necessary.
- 12.5 Interested Parties who have made representations will not generally be permitted to be anonymous unless there are legitimate reasons for this. Their full addresses would not usually be made public although the street name/area will be disclosed as part of determining that the person is an interested party and considering the representations they have made. There may also be occasions where it would be impossible for an individual's address to remain confidential due to the nature of the area and layout of premises.

13. Fees

- 13.1 Premises Licence fees are charged to facilitate cost recovery and are set in accordance with the maximum levels prescribed in the Gambling (Premises Licence) Fees (England and Wales) Regulations 2007. Fees for permits and other services are set by the Secretary of State.

- 13.2 The licensing authority will ensure that information regarding the fees to be charged in relation to the Act are made available to the public via the Council's website or directly from the Licensing Department.
- 13.3 In accordance with section 193 of the Gambling Act 2005, where a premises licence holder fails to pay an annual fee, the licence will automatically lapse. With regard to permits, the same principle applies; the licensing authority will exercise its powers under Schedule 13 paragraph 17 of the Gambling Act and cancel the permit. Each case will however be treated on its own merits and consideration may be given to mitigating circumstances.
- 13.4 Non-payment of annual licence and permit fees may be reported to the Gambling Commission who may wish to check their own records on the applicant accordingly.

Appendix 1 – Schedule of Delegations

Matter to be dealt with	Full Council	Sub Committee of Licensing Committee	Officers
Three-year licensing policy	✓		
Policy not to permit casinos	✓		
Fee Setting (when appropriate)	✓		
Application for premises licence		Where representations have been received and not withdrawn	Where no representations have been received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations have been received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations have been received/ representations have been withdrawn
Review of a premises licence		✓	

Application for club gaming / club machine permits			✓
Cancellation of club gaming / club machine permits			✓
Applications for other permits			✓
Cancellation of licensed premises gaming machine permits			✓

Appendix 2 – List of Policy Consultees

Local Government

Isle of Wight Member of Parliament
 Isle of Wight Council Elected Councillors
 Isle of Wight Parish and Town Councils

Responsible Authorities

Hampshire Constabulary
 Isle of Wight Council Childrens' Services
 HM Revenue and Customs
 Gambling Commission
 Isle of Wight Fire and Rescue Service
 Isle of Wight Council Environmental Health Department
 Isle of Wight Council Planning Department

Relevant Associations

Association of British Bookmakers
 British Beer and Pub Association
 British Casino Association
 British Holiday and Home Parks Association
 Casino Operators Association of UK
 Gamblers Anonymous (UK)
 GamCare
 Responsibility in Gambling Trust
 British Amusement & Catering Trade Association

All Gambling Act 2005 Licence and Permit holders on the Isle of Wight

Miscellaneous

Isle of Wight Council Public Health
 Isle of Wight Council Adult Social Care
 Isle of Wight Council Housing Services
 Isle of Wight Council Community Safety
 Isle of Wight Council Trading Standards
 Chamber of Commerce

Pubwatch
Business Associations

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Gambling Policy 22 Reponses

Comment	From	Officer Response
<p>I am writing to you about the consultation on the review of the Gambling Act Policy.</p> <p>I think that section 6.1(d) under premises licences should read Category C and B3, not category D, as we are allowed up to 4 of B3 machines (£500 jackpot) in an adult gaming centre (AGC).</p> <p>Sections 8.1 – 8.4: I disagree with allowing any more than 2 machines in a premise selling alcohol.</p> <p>Section 18.16: We operate the BACTA voluntary code of not allowing anyone under 18 from playing our Category D machines in the FEC.</p>	<p>Current Licence Holder</p>	<p>Correct, policy amended accordingly</p> <p>This is permitted by legislations, out of Licensing Authorities powers</p> <p>Paragraph added to encourage all licence holder to adopt any protocols etc from the Gambling Commission or other recognised bodies.</p>

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Purpose: For Decision

FULL COUNCIL

Date **19 JANUARY 2022**

Title **REPORT OF THE INDEPENDENT REMUNERATION PANEL ON THE MEMBERS' ALLOWANCE SCHEME AND APPROVAL OF THE SCHEME**

Report of **MONITORING OFFICER**

EXECUTIVE SUMMARY

1. The Independent Remuneration Panel (IRP) has undertaken a review of the Isle of Wight Council's Members' Allowance Scheme and its sixteenth report is presented for the Council to have regard to as required by law. Please see Appendix 1.
2. Council is being requested to consider the recommendations contained within the report of the IRP and to approve a members' allowance scheme to roll forwards on and from 1 April 2022 until 31 March 2026.

RECOMMENDATION

3. That the recommendations in the sixteenth report of the Independent Remuneration Panel be approved and that the Panel be thanked for its work in reviewing the Isle of Wight Council Members' Allowance Scheme.
4. That the Isle of Wight Council Members' Allowance Scheme as set out in Appendix 1 of the Independent Remuneration Panel's report be approved to take effect on and from 1 April 2022, with the basic allowance for 2022/2023 being the amount for 2021/2022 of £8, 231.38 (plus any indexation amount for 2021/2022) and plus any annual indexation amount for 2022/2023 under the terms of the Scheme.
5. That, before implementation of any adjustment to the 2022/2023 basic allowance amount and any adjustments for subsequent years up to and including 2025/2026, the Independent Remuneration Panel be consulted.

BACKGROUND

6. The current Scheme of Members' Allowances is entitled 'The Isle of Wight Council Members' Allowance Scheme'. It was adopted on 19 September 2018 following the council's acceptance of the statutory recommendations made in the IRP's fifteenth report made in 2018, and has rolled forwards subject to any annual adjustments required under the agreed indexation provision.
7. For clarity, neither this council report nor the IRP's sixteenth report is concerned with any annual adjustments for 2021/2022 yet to be agreed nationally and applied under the existing indexation provision. (This is because the scheme for 2021/2022 was agreed by the council on 24 February 2021 in reliance on the IRP's recommendations made in 2018. The latest IRP review cannot be retrospective). However, it is intended that the IRP will be notified of any such adjustment for the current Isle of Wight Council Members' Allowance Scheme of 2021/2022 in line with the IRP's specific request to be kept informed. (This will enable the IRP to decide whether or not it wishes to undertake a further review).
8. Indexation provisions, where relied upon, can only apply by law for a maximum of four years before the council is required to seek a further recommendation from the IRP (see regulation 10(5) of the Local Authorities (Members' Allowances) (England) Regulations 2003).
9. After the holding of ordinary elections in May 2021 and with the reduction in the number of councillors from 40 to 39, the IRP undertook a review of the Isle of Wight Council Members' Allowance Scheme and produced its sixteenth report dated December 2021 which is set out in full in Appendix 1.
10. The IRP has recommended that the existing indexation provision should continue in the future (i.e. for a maximum of four years up to and including 2025/2026) but that *'each year the Panel be consulted before the increase is applied to ensure that we are still content with the annual inflationary increase'*. No other changes have been recommended by the IRP except that the carers allowance provision ought to be drawn to the attention of members more.
11. The consultation recommendation by the IRP is so that the IRP may consider whether or not to undertake a further review of the members' allowance scheme in the light of any annual adjustment.
12. The council is required to have regard to the IRP's statutory recommendations, but it is for the council to agree the terms of the Isle of Wight Council's Members' Allowance Scheme. (The IRP acknowledges in its report that it is a matter for the council to decide).
13. Before the start of each scheme year (1 April), the council is required to make a scheme of members' allowances in respect of that scheme year (see regulation 10 (1) of the Local Authorities (Members' Allowances) (England) Regulations 2003 as amended).

14. Councillors are therefore being asked to carefully consider the IRP's latest report, and to agree a members' allowance scheme, having regard to the IRP's statutory recommendations.
15. The IRP's recommended members' allowance scheme is set out in Appendix 1 to their sixteenth report.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

16. The [Corporate Plan 2021 – 2025](#) identifies that 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. A fair and transparent members' allowances scheme will help to attract and retain the quality of councillors needed to help deliver all the corporate themes.

Responding to climate change and enhancing the biosphere

17. Greenhouse gas emissions result from business travel so it is important that consideration be given to mitigating such emissions through cessation or reduction in journeys.

Corporate Aims

18. The corporate aims in the latest [Corporate Plan 2021 - 2025](#) are furthered through having a members' allowance scheme which attracts and retains the quality of councillors needed to deliver such aims.

CONSULTATION

19. The IRP undertook consultation with all councillors by way of a questionnaire and a number of councillors were interviewed. Further details are set out in the IRP's report. The IRP will be consulted in future years on any further indexation linked changes to the approved scheme, as part of the necessary annual approval of the scheme by Full Council (see paragraph 13).

FINANCIAL / BUDGET IMPLICATIONS

20. The present total budget for members' allowances, which includes on Island travel, is £511,084. This would need to be adjusted should any indexation increase be notified for 2022/2023 and subsequent years. The increase (if any) is proposed by the IRP to be the same as the annual percentage increase for the majority of Isle of Wight Council employees to whom the NJC terms and conditions apply. Under the IRP's proposals, it will be applied from April in each year (following consultation with the IRP) unless a further review of the IRP determines otherwise.
21. The actual amounts paid to members are published on an annual basis.

LEGAL IMPLICATIONS

22. The Local Authorities (Members Allowances) (England) Regulations 2003 (as amended) govern the process of making payments of allowances to members of local authorities and related bodies.

23. The regulations require the council to have regard to the statutory recommendations made in the appended report. While the council is not bound by its recommendations, it would be required to give reasons for departing from the recommendations of the IRP. However, the council does not have to accept the recommendations. It is also of course open to particular members to decline to accept their full allowances to which they are entitled.
24. The regulations also require the council to make copies of the IRP's report available for public inspection, to provide copies on request and to publicise in the local paper the existence of the report of the IRP and any decisions that the Council makes once it has considered it.
25. Parliament requires decisions on the Members' Allowance Scheme to be made at Full Council and no delegation is permitted under regulation 2 (7) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended. Councillors are therefore acting under specific statutory authority.
26. Although councillors hold an 'office' they do not, in my view, carry on such office 'for profit or gain' but solely in the public interest for the purposes of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Allowances are not a salary but can be regarded as part re-imburement for losses incurred. However, as opinion from counsel is divided on this legal point up and down the country, it is perhaps prudent for a dispensation to participate and vote to be granted by the Monitoring Officer to each and every councillor under section 33 of the Localism Act 2011 in case councillors do have a disclosable pecuniary interest and accordingly the power in section 33 of that Act is triggered. A dispensation was sought and granted in September 2018 by the then Monitoring Officer when the current scheme was adopted by council and such practice is being continued. Under section 33 (4) of that Act the maximum period for which such a dispensation may last is four years, and so any dispensation to a particular councillor granted in January 2022 would expire in January 2026.
27. Guidance has been issued by the Secretary of State about independent remuneration panels and their duties. The current guidance can be found on HM Revenues and Customs (HMRC) website – <https://www.gov.uk/hmrc-internal-manuals/employment-income-manual/eim65960>

EQUALITY AND DIVERSITY

28. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
29. All councillors were given an opportunity to comment on the scheme and make their views known to the IRP. It took into account the need for the scheme to not exclude any individuals from becoming a councillor, balanced against the councillors' roles and public expectation, and the IRP believes the proposed scheme and recommendations in the report meet these.

OPTIONS

30. The options are:

- (i) to approve all of the IRP's recommendations;
- (ii) not to approve the recommendations;
- (iii) to approve the recommendations as amended by the Council.

RISK MANAGEMENT

31. The IRP's report sets out their conclusions and methodology as to how the IRP arrived at its recommendations.
32. There is a reputational risk of the councillors setting their own allowances, but this is the statutory process required by Parliament, and this risk is mitigated by the independence of the recommendations of the IRP.

EVALUATION

33. The IRP has considered a range of evidence and benchmarking data in reaching its conclusions and believes its recommendations are appropriate, justifiable, and equitable.

APPENDICES ATTACHED

34. Appendix 1 to this report sets out the sixteenth report of the IRP with its two appendices.

BACKGROUND PAPERS

35. None.

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CLAIRE SHAND
Director of Corporate Services

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

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**A Review of the Isle of Wight Council
Members' Allowances Scheme**

**Sixteenth Report of the Independent Remuneration
Panel**

December 2021

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FOREWORD

This is the sixteenth report of the Isle of Wight Independent Remuneration Panel (IRP) on the members' allowances scheme and makes recommendations for 2022/23.

We have reviewed benchmarking data, undertaken interviews with a number of members, sent out a questionnaire to all members and offered members the opportunity to speak to us.

Our recommendations are that the basic allowance should be increased by the inflationary measure previously agreed by the council as set out in paragraph of the existing scheme. This equates to..... and therefore will increase the basic members allowance to..... **AT THE TIME OF WRITING THE FIGURE IS NOT AVAILABLE.** Whilst we are not recommending any change to the annual inflationary increase we do recommend that each year the Panel be consulted before the increase is applied to ensure that we are still content with the annual inflationary increase.

Having considered all the material that has been made available to us, along with the views of members, we do not recommend any other change to the Members Allowances Scheme.

We are continuing with the system of expressing all special responsibility allowances as a ratio of the basic allowance to allow transparency and simplicity of budgeting, this approach seems to be supported by the majority of members who either responded to the questionnaire or who we met with.

We considered the current distribution of the block allowance for Island travel that has been in place for some years. We consider this to be a fair and not over bureaucratic scheme and therefore remain of the view that this should remain unchanged.

We also specifically focussed on the carers allowance provision (whereby those members who had dependents they needed to provide care for could claim any costs in arranging a carer whilst the member was away from home on council business). We consider this a vital part of the current scheme and therefore recommend its retention. However we do recommend that Members be made more aware of this provision as the majority of members did not seem to be aware of it.

The Council is of course free to agree to a reduction or increase in the level of allowances.

In developing this report, the Panel wishes to thank those members who provided their views and those who gave up their time to be interviewed by us. We also wish to gratefully acknowledge the administrative and technical support given to us by Marie Bartlett and her team in undertaking this work.

Chris Mathews
Chairman, Isle of Wight Independent Remuneration Panel
December 2021

EXECUTIVE SUMMARY

1. The basic allowance for 2022/23 should be increased by the inflationary measure (once agreed) for the majority of council staff. This will automatically increase the SRA's as these are based on multipliers of the basic allowance.
2. That such an inflationary measure be applied in subsequent years but that the Panel be consulted before such an increase is made in case the Panel wants to review this.
3. That there be no changes to the level of SRAs in relation to the basic allowance.
4. That the process for the distribution of the on island travel lump sum be left unchanged. This is currently based on the distribution of a lump sum divided between the members on the basis of a formula reflecting distance of County Hall from their homes and office they hold. The Panel will continue to keep this under review in further reports.
5. That the carers allowance be left unchanged but that the Council ensures that all members are aware of this allowance and how they can claim for it if necessary.
6. That all other allowances (for example those for co-opted members and child allowance) remain unchanged.

(A full copy of the proposed new Members Allowances Scheme is set out at Appendix 1).

INTRODUCTION AND BACKGROUND TO THE REVIEW

Introduction

7. This is the sixteenth report of the Independent Remuneration Panel that makes recommendations on the suggested allowances scheme for members.
8. In January 2021 the Council refreshed the membership of the Panel and our membership is now:

Mr Chris Mathews – Elected as Chairman of the Panel at its first meeting
Mrs Tracy Ringer
Mr Aaron Wright
Mrs Jeanette Howells (who resigned in August due to her work commitments significantly increasing)
9. Under the Local Authorities (Members' Allowances) (England) Regulations 2003 and subsequent amendments to these regulations (SI 1022 and SI 1692), all authorities have to establish an Independent Remuneration Panel to make recommendations to the Council on members' allowances. The Council needs to have regard to the recommendations of the panel but can substitute its own decisions. It is crucial to recognise this, as the existing members' allowances

scheme (as set out in the Council's constitution) has been developed over the last 18 years or so, with not all the recommendations of previous panels having been adopted.

10. We have been mindful of the contribution that the Allowances Scheme can make to create a diverse and balanced council and sought member's views as part of our deliberations.

Background

11. The last review undertaken by the panel was submitted to the Council on 19 September 2018, when the then Panel's recommendation were adopted. Since then the annual inflationary measure that the Panel recommended has been implemented on an annual basis.
12. In establishing the current Panel the Council made no specific requests for us to consider any particular aspect of the current allowances scheme. Additionally the governance structure of the Council has remained unaltered since the last administration, meaning that there were no specific SRA's that needed addressing.

Methodology

13. The panel began its review of the members' allowances scheme in July 2021. The panel reflected on points made in paragraph 12 above, but were also aware that the application of the inflationary measure without reference to the Panel in the past seemed to have caused some concern to some members.
14. A questionnaire was sent to all members, asking questions which included the level of the basic allowance, indexation, SRA's, any other comments and would they like to meet with us. The responses to the questionnaires can be seen at appendix 2.
15. The panel held interviews with the following members so as to fully understand the operation of the current governance structure and the relative levels of responsibility:

Cllr Chris Quirk
Cllr Karen Lucioni
Cllr Ian Ward
Cllr Richard Quigley
Cllr Suzie Ellis
Cllr John Nicholson
Cllr Debbie Andre
Cllr Lora Peacey-Wilcox

(One other councillor was scheduled to meet with us but cancelled). We are very grateful to all members who gave up their valuable time to come and talk with us.

15. The panel were aware that since the last report there have been two structural changes; the first being the reduction in the number of elected members by 1

to 39, and the second being the establishment of the combined Fire Authority with Hampshire. It is noted that the first in theory increases ever so slightly the responsibility for members (as on average each has slightly more constituents). Whereas the second slightly reduces the responsibility for members (as the Combined Fire Authority is now responsible for the Fire and Rescue Service). The Panel looked at this but considered that the sums involved (in terms of the impact on member allowances) in effect cancel each other out. So this is simply noted without it having any impact on the allowances scheme.

16. The panel also considered the benchmarking data for member's allowances across the region.

THE PANEL'S DELIBERATIONS AND ANALYSIS

17. The questionnaires received from members gave rise to the following key points:-

- a) 11 (out of 20 responses) thought that the basic allowance was "about right" this compared to 6 (out of 12 responses) to the last questionnaire who thought the allowance was too low. In essence it seems that the view of the level of basic allowance is about 50:50 between too low/about right with the balance this year being in favour of it being "about right".
- b) As in the last questionnaire the majority of responses agreed that there should be some form of indexation.
- c) With regard to the Dependant Carer's Allowance the significant view was to keep this, however only a few members indicated that they were aware of it.
- d) Again on the level of SRAs the situation is much the same as for the basic allowance – a small majority considering it "about right".
- e) A significant majority of the respondents did not see the level of allowances as a factor for members when considering whether to seek re-election.
- f) That the majority of the responses were aware of people who had declined to stand on the election – this is the opposite of the answer to this question in the previous questionnaire, this may well be due to the elections in 2021 when candidates were sought.
- g) The estimate by those who responded on the amount of time spent on their elected member role does indicate a modest increase upon the responses from the last questionnaire. Interestingly this was predicted by the responses to the 2018 questionnaire whereas for this year the majority of respondents were not expecting the amount of hours spent to increase.

18. In terms of the interviews the following particular points made were:

- a) That the basic allowance is exactly that "*an allowance*". So whilst assisting with any consequential loss of income it is not a wage, or even a living wage when taken in isolation.
- b) The allowance scheme is essential in trying to ensure people of all backgrounds can stand for election.
- c) Some members felt that the basic allowance could be higher to reduce the need for an alternative income – although they also accepted that this may not attract more candidates at election time or candidates with the right motive for standing for election.

- d) Most members considered the level of allowance was not a significant factor in standing for election. For one political party it was acknowledged that the level of allowance did not discourage a range of candidates from standing.
 - e) That there is a significant disparity on the number of hours that individual members spend on council work and for those members with a large workload the allowance was insufficient; there was some suggestion that the allowances scheme should include a method of additional payments for attendance at committee meetings, although it was accepted that different committees have different workloads.
 - f) There could have been more support for new members to help them understand their new role and thus become more efficient in a shorter space of time.
 - g) The SRA levels seem about right.
 - h) Those with jobs needed to juggle these with their role as an elected member.
 - i) It was reasonable to have an inflationary increase provided this is linked to officer increases.
 - j) An attraction of the role of Councillor is that if one has changed responsibilities within the council the additional responsibilities (or loss thereof) can be tailored to time available.
 - k) The current travel allowance arrangements are “about right” without adding any bureaucracy.
 - l) Carers allowance is essential and should remain but very few members were aware of it.
19. For clarity, the IRP cannot apply a different basic allowance to take into account the amount of meetings or time spent by members. The basic allowance has to be the same for each member. Only through the use of SRA’s can different payments be made. In the previous report we set out the details of the Regulations that govern members allowances, and to which the IRP must therefore apply. The relevant regulation is set out below:-

The Local Authorities (Members' Allowances) (England) Regulations 2003

Basic allowance

4.—(1) An authority shall—

(a) make a scheme in accordance with these Regulations which shall provide for the payment of an allowance in respect of each year to each member of an authority, and the amount of such an allowance shall be the same for each such member (“basic allowance”); and

(b) pay basic allowance and any other allowance permitted by these Regulations only in accordance with such a scheme.

(2) In relation to basic allowance, the scheme shall—

(a) specify the amount of entitlement by way of basic allowance in respect of any year to which it relates; and

(b) provide that where the term of office of a member begins or ends otherwise than at the beginning or end of a year, his entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office as member subsists bears to the number of days in that year.

20. The Panel has considered the benchmarking data comparing the basic allowance paid by unitary authorities in the South East (where this data was readily available from the authorities web site). Comparisons are always difficult as each authority is unique – but this is always a helpful exercise to see how the Isle of Wight Council basic allowance compares to similar authorities. The detail is set out below:

Local Authority	Basic Allowance for 2020/21
Brighton and Hove Council	£13,359.60
Milton Keynes Council	£10,924.00
Medway	£10,585.00
Bracknell Forest	£8,687.04
Isle of Wight	£8,232.00
RB of Windsor & Maidenhead	£8,260.00
West Berkshire	£7,909.00
Southampton	£13,057.00
Portsmouth	£11,483.00
Average	£10277.00

CONCLUSIONS AND RECOMMENDATIONS

21. No evidence was provided which illustrated to us that the current level of basic allowance needed adjusting (other than for inflation). Whilst there were some comments that this could be increased, these comments were in the minority and were far outweighed by the comments that the allowance was not a material consideration in the individuals we spoke to standing, that there was some evidence provided that the level of allowance did not actually put people off standing, that there was a need to recognise that the role of elected member was a vocation rather than a “job”.
22. The Panel also notes that the Isle of Wight Council basic allowance is the second lowest amongst those other unitary authorities in the South East. The Isle of Wight Council basic allowance is some 61% of the highest (Brighton and Hove) and is 80% of the average for all these authorities.
23. As a comparator we looked at the average weekly pay for full-time workers for the South-East compared to the Isle of Wight. For the South East this is £660.10 and for the Isle of Wight this is £568.60 – which is 86% of the South East average.
24. We also looked at the number of constituents per member for the 9 authorities

above and the average is 4202 constituents whilst the Isle of Wight is 3629 – or 86%.

25. The above three paragraphs (para 22 to 24) demonstrates that whilst using the 2 comparators demonstrates that the Isle of Wight basic allowance is a little below the percentage for the average wage and number of constituents per members –it does seem to be in the right “ball park” particularly as no other evidence was provided to suggest that there should be any non-inflationary increase to the basic allowance.
26. The overwhelming view was that the level of basic allowance should be increased by inflation on an annual basis and that the current arrangement should continue whereby this would be the same inflationary increase as that provided to the majority of staff. The Panel considers that this is an appropriate methodology, however, to ensure that this is seen as transparent before such an inflationary measure is applied, that the Panel should be consulted annually. This is to happen even when the Panel has no other issues to consider in respect of the allowance (ie in the absence of any changes to the governance structure or changes to other responsibilities that may require an adjustment of SRAs). **AT THE TIME OF WRITING THE INFLATIONARY FIGURE FOR STAFF IS STILL BEING NEGOTIATED AND THIS SHOULD BE APPLIED AS SOON AS IT IS AVAILABLE.**
27. The level of SRAs as currently applied seems to be about right, no evidence was suggested that these needed altering in any way. There has been no change to the Council’s governance structure since the Panel’s last report. Therefore no recommendation to change these is made.
28. We have, like previous Panels, looked again at the lump sum travel allowance for on Island travel that is currently paid on a formula based on the distance from County Hall of the member and the office they hold. Whilst this is not perfect it is far simpler, and more cost effective, than having a scheme based on mileage actually made. Not only would such a scheme be bureaucratically heavy it would also not discourage travel when other alternatives are available (as the current scheme does). Therefore this allowance should remain as it is.
29. The Carers Allowance is, once members were aware of it, seen as an essential part of contributing to the ability to attract a wider range of members from different backgrounds. However, it is disappointing to the Panel that few (if any) members seemed to be aware of this – and this point was made in our previous reports. It is therefore our recommendation that whilst this allowance should remain the Council should do a lot more to ensure that members are aware of it and how they can claim if they need to.
30. In all other respects the members allowances scheme should remain as it is.
31. **As a result of this review the Panel recommends:**
32. The basic allowance for 2022/23 be increased by the inflationary measure (once agreed) for the majority of council staff. This will automatically increase the SRA’s as these are based on multipliers of the basic allowance.

33. That such an inflationary measure be applied in subsequent years up to and including 2025/26 but that the Panel be consulted before such an increase is made in case the Panel wants to review this.
34. That there be no changes to the level of SRAs.
35. That the process for the distribution of the on island travel lump sum be left unchanged. This is currently based on the distribution of a lump sum divided between the members on the basis of a formula reflecting distance of county hall from their homes and office they hold. The Panel will continue to keep this under review in further reports.
36. That the Carers Allowance be left unchanged but that the Council ensures that all members are aware of this allowance and how they can claim for it if necessary.
37. That all other allowances (for example those for co-opted members and child allowance) remain unchanged.

(A full copy of the proposed new Members Allowances Scheme is set out at Appendix 1).

LIST OF APPENDICES

- Appendix 1: Proposed new Members Allowances Scheme for 2022/23
- Appendix 2: Summary of the responses from the questionnaires

APPENDIX 1

MEMBERS' ALLOWANCES SCHEME

This Member' Allowances Scheme has been established under the Local Authorities (Members' Allowances) (England) Regulations 2003 (and any amendments to those regulations).

1. This scheme may be cited as the Isle of Wight Council Members' Allowances Scheme.

2. In this scheme,

"councillor" means a member of the Isle of Wight Council who is a councillor;

"co-opted member" means a Co-opted or Independent Member of the Scrutiny Committee and Designated Independent Persons;

"year" means the 12 months ending with 31 March.

3. Basic Allowance

Subject to paragraph (6), for each year a basic allowance shall be paid to each councillor. The amount of the allowance will be reviewed in accordance with paragraph (8). For the year 2022/23 the allowance is £ **to be completed**.

4. Special Responsibility Allowances

(a) For each year a special responsibility allowance shall be paid to those councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 to this scheme.

(b) Subject to paragraph (6), the amount of each such allowance for 2022/23 shall be the amount specified against that special responsibility in that schedule. The allowances will be reviewed in accordance with paragraph (8).

5. Renunciation

A councillor or co-opted member may by notice in writing given to the Chief Financial Officer elect to forego any part of his entitlement to an allowance under this scheme.

6. Member Allowance Uplift

The Basic Allowance will be uplifted each year for a maximum period of four years in line with the annual percentage increase agreed for the majority of Isle of Wight Council employees to whom the NJC terms and conditions apply and this will be applied once the pay settlement rate is known and will apply from April in each year provided that the Panel has been consulted on this increase before it is

applied in case the Panel wishes to review it.

7. Part-year Entitlements

- (a) In the case of Basic Allowances, SRA's, or Dependent Carers' Allowances, payment will only be made for the period during which a person performs the duties for which these allowances are payable. This provision applies where a Member becomes, or ceases to be a Member, or becomes or ceases to hold a role to which a SRA is applicable.
- (b) Where, in the course of a year, this scheme is amended any change in an allowance will be effective from the date the scheme is approved by Full Council.

8. Payment of Allowances

- (a) Payments shall be made
 - (i) in respect of any allowances, subject to sub-paragraph (b), in instalments of one-twelfth of the amount specified in this scheme on the last working day of each month;
 - (ii) in respect of claims for travelling, for Council business off the Isle of Wight, on the last working day of each month in respect of claims received up to the day 14 days before that date. Claims shall be made on the prescribed forms obtainable from the corporate leadership support team. The maximum amounts reimbursable are set out in paragraph 12 below. The duties for which these claims are approved are all off Island activity connected with Council business. All such claims must be supported by evidence of expenditure for every item in the claim.
- (b) Where a payment of one-twelfth of the amount specified in this scheme in respect of any allowance would result in the councillor or co-opted member receiving more than the amount to which, by virtue of paragraph (6), he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

9. Review

The Independent Remuneration Panel will review the Scheme in mid or late 2022 unless there are changes to the governance structure that require review at an earlier date and following on from Local Authority elections or the Independent Remuneration Panel otherwise wishes to review earlier such as, for example, any adjustment in the level of the basic allowance in reliance of the indexation provision before implementation.

Motor Mileage Allowances and Subsistence Rates (for off Island business) are reviewed by the Secretary of State, normally on an annual basis.

10. Dependant Carer's Allowance

Where a councillor or co-opted member has either:

- a dependant child living with them under the age of 14, or

- cares for a dependant elderly or disabled person

The following are claimable:

For child care: the actual expenditure incurred up to a maximum of £6.19 per hour. This is the rate paid by the Local Government Association (LGA), which reviews its rates annually and therefore the amount quoted is subject to change.

For dependents who are elderly or disabled: the actual expenditure up to a maximum of £12.50 per hour, which is the rate paid by the Isle of Wight Council Adult Services Department under their Direct Payment Scheme. Adult Services review their rates annually and therefore the amount quoted is subject to change.

11. Travel and Subsistence Allowances – on the Island

Councillors are provided with an additional sum added to their basic and special responsibility allowance that is payable instead of any claims for travel or subsistence for on Island activity. No other payments can be made for on island travel or subsistence.

This “Expenses Sum” is calculated as follows:

Factor A – distance from Members home to County Hall – 3 bands: Band 1 – less than 3 miles, Band 2 – between 3 and 8 miles, and Band 3 – more than 8 miles.

Factor B – type of office held – 4 bands: Band 1 – frontline member (without an SRA); Band 2 – Leader of group with 10 or more members, Vice Chairman of the Council, Vice Chairman of Planning Committee, Vice Chairman of Scrutiny, Chairman of Appeals Committee; Licencing Chairman, Pension Fund Chairman, Band 3 – Chairman of Council, Chairman of Planning, Audit, Scrutiny Committee, Policy and Scrutiny Committees; Band 4 – Leader, Deputy Leader, Cabinet Member.

The two factors are added together to give a “Factor” for each member. All the factors are added together and this is then divided by £21,224. This is the “Amount Factor”. The “Factor” and “Amount Factor” are multiplied together to give the total “Expenses Sum”.

The amount paid to each councillor is fixed at the rate being paid as at, 5 May 2021 until the end of their term of office, only to be altered if the councillor changes address or responsibility so that they would be entitled to a different amount in accordance with the two factors set out above. The rate paid will be fixed again after each election for the life of the administration, unless it is altered following a recommendation of the Independent Remuneration Panel.

12. Accommodation and Expenses– Out of Authority

Whenever a councillor or co-opted member has to travel off the Island on Council Business this paragraph applies.

That wherever possible Members organise their travel and accommodation through the Council which pre books and makes payment. If it is not possible to pre book travel and accommodation then these costs will only be reimbursed against production of a proper receipt. The most efficient form of transport to be used in all circumstances, any changes from this have to be supported by a detailed justification. In addition to paying the cost of the most efficient form of public transport for off island travel the following mileage rates (where it is more efficient not to use public transport) will apply:

Motor Mileage Allowances (for OFF ISLAND TRAVEL ONLY)

(a) Motorcycles

Up to 150cc	8.5p per mile
151cc to 500cc	12.3p per mile
Over 500cc	16.5p per mile

(b) Motorcars

All vehicles	45p per mile
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13. Co-optees Allowances

That the following allowances be paid to co-optees on the following:

Designated Independent Persons	£301.00
Education Co-optees	£818.00

14. Members of the Independent Education Appeals Panels

Members of the Independent Education Appeals Panels are entitled to claim a mileage rate and subsistence (when attending any meetings of the appeals panels) at a rate equivalent to that payable to other members when they attend off island meetings.

15. Reporting to Public

Each Councillor is required to produce an annual report (no more than 300 words) covering what they have achieved, what they hope to achieve in the following year, and what they have been unable to achieve in the current year. This annual report is to be prepared for the annual Council each year and will not be required in the year of Council ordinary elections, when new and returning members all have the opportunity to set out their aspirations to the new Council.

16. Each member is entitled to an Isle of Wight Council IT equipment as determined by the Council. Members have access through the group room to telephones. Mobile phone costs are not met by the council.

SCHEDULE I

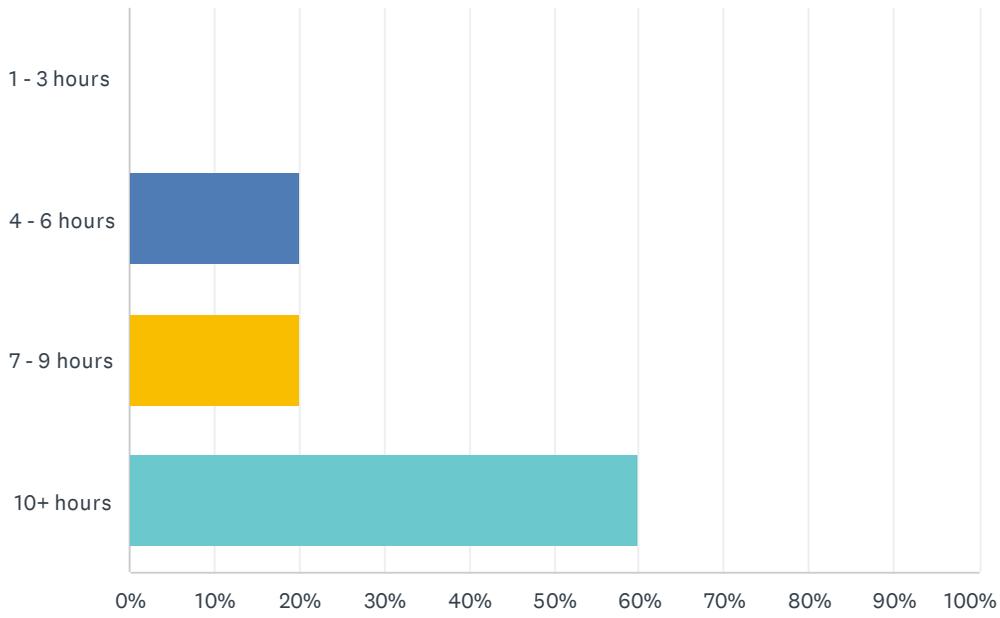
SPECIAL RESPONSIBILITY ALLOWANCES

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable, together with the amounts of those allowances for 2022/23 Only one special responsibility allowance will be paid to any member. These allowances are payable in addition to the basic allowance of **to be completed**.

Position	Multiplier of the basic	Special Responsibility Allowance
Leader	2.00	£15,708.00
Deputy Leader	1.25	£9,817.50
Cabinet Member	1	£7,854.00
Scrutiny Chair	1	£7,854.00
Scrutiny Vice Chair	0.2	£1,570.80
Adult Social Care and Health Policy and Scrutiny Committee Chair	0.6	£4,712.40
Children's Policy and Scrutiny Committee Chair	0.5	£3,927.00
Regeneration and Environment Policy and Scrutiny Committee Chair	0.5	£3,927.00
Audit Chair	0.4	£3,141.60
Planning Chair	0.8	£6,283.20
Planning Vice Chair	0.2	£1,570.80
Licensing Chair	0.3	£2,356.20
Pension Fund Chair	0.4	£3,141.60
Appeals Chair	0.2	£1,570.80
Chairman of Council	0.7	£5,497.80
Vice Chairman of Council	0.2	£1,570.80
Leaders of Groups of 5 or more	0.1	£785.40
Leaders of Groups of 10 or more	0.2	£1,570.80
Hampshire Police and Crime Panel Chair*	0.6	£4,712.40

Q1 Constituency work:

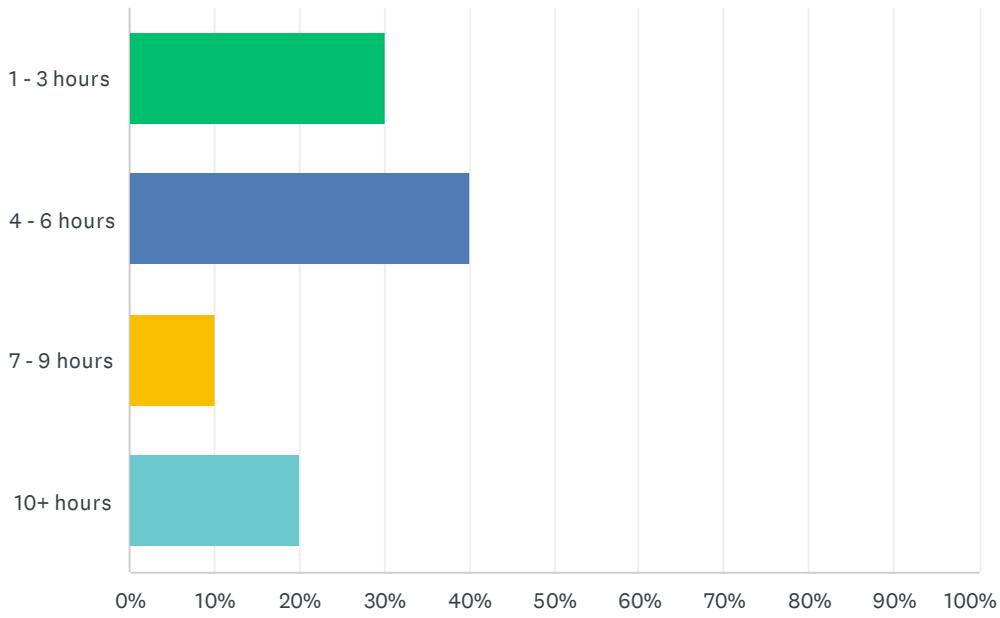
Answered: 20 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 - 3 hours	0.00%	0
4 - 6 hours	20.00%	4
7 - 9 hours	20.00%	4
10+ hours	60.00%	12
TOTAL		20

Q2 Formal IWC meetings (full council/cabinet/committees/panels/etc.):

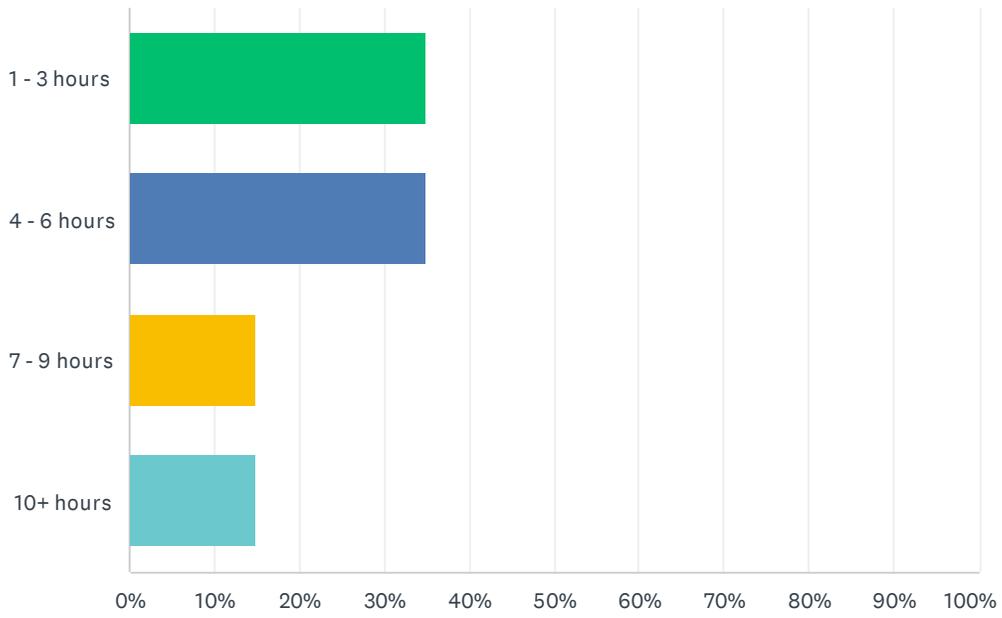
Answered: 20 Skipped: 0



ANSWER CHOICES	RESPONSES	
1 - 3 hours	30.00%	6
4 - 6 hours	40.00%	8
7 - 9 hours	10.00%	2
10+ hours	20.00%	4
TOTAL		20

Q3 Other IWC meetings:

Answered: 20 Skipped: 0



ANSWER CHOICES	RESPONSES
1 - 3 hours	35.00% 7
4 - 6 hours	35.00% 7
7 - 9 hours	15.00% 3
10+ hours	15.00% 3
TOTAL	20

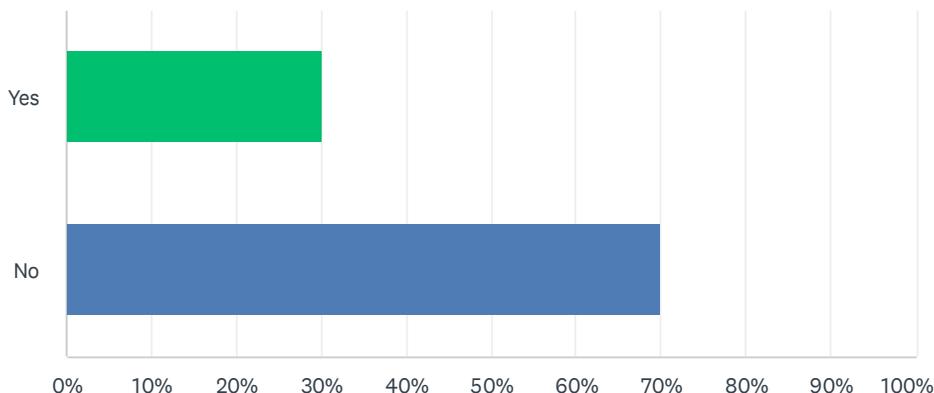
Q4 Indicate any other type of work relating to your role as an elected Councillor and the number of hours associated with these activities:

Answered: 16 Skipped: 4

#	RESPONSES	DATE
1	Community meetings and events to attend, training and learning opportunities. Attending (four!) Parish Councils and following up on their needs is very time consuming, as is supporting three Primary Schools.	9/24/2021 8:21 AM
2	representing IWC on other bodies such as IW Community Action, Local Pension Board. I am also a Town and Parish Councillor which interlinks with IWC role.	9/23/2021 11:41 AM
3	civic functions most weekends	9/22/2021 3:30 PM
4	Helping my residents.	9/22/2021 11:49 AM
5	10 hours a week on portfolio business	9/22/2021 10:14 AM
6	Cabinet Member for Adult Social Care and Public Health. - Run of my feet is the reality. 50+ hours per week is regular - Papers and other documents. A relentless number of emails and social media Comms work. Meetings of every type and staff meetings too.	9/21/2021 5:58 PM
7	Due to cuts and austerity,there are more people with genuine concerns.Ergo, heavier workload.	9/21/2021 4:31 PM
8	I work with the community, various groups and projects with residents	9/21/2021 3:22 PM
9	Vice Chair attending events 2 hrs per week Parish Council meetings 2 hrs per week	9/13/2021 2:18 PM
10	School visits - varies Attending roadshows - varies Radio/press interviews - varies	9/9/2021 9:00 PM
11	I am never off the clock. Outside of "formal" constituency work (which itself is closer to 20 hours than 10) I probably do another 15 to 20 hours of informal ad-hoc work. I cannot walk to the shop without someone stopping me to discuss something.	9/9/2021 3:47 PM
12	Reading documents - around 10 hours per week for those of us who do this!	9/9/2021 2:07 PM
13	I am a trustee of a local community charity that I founded as local councillor. I spend at least 5 hours per week on that	9/9/2021 11:51 AM
14	Engagement through stakeholder groups, engagement informally with other councillor colleagues.	9/9/2021 11:40 AM
15	I attend: 1. formal and informal town council meetings and follow up on actions arising from those meeting. 2. Meetings with local groups and work on follow up actions.	9/9/2021 10:52 AM
16	Town and Parish business 4-6hrs	9/9/2021 10:45 AM

Q5 Do you think any of the above [working time] is likely to change over the next year or so?

Answered: 20 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	30.00%	6
No	70.00%	14
TOTAL		20

#	IF YES, PLEASE ELABORATE WHY:	DATE
1	Time spent on ward work varies, during the flooding, for instance, I was spending 16 hours a day on residents issues - likewise meetings - some wieeks are quiet, some weeks they are back to back.	9/24/2021 8:21 AM
2	extra work and developing new policies	9/22/2021 10:14 AM
3	Many,variable problems and no easy fixes.	9/21/2021 4:31 PM
4	increase	9/10/2021 3:00 PM
5	The fragility of the current minority administration is likely to result in additional workload if the new administration does anything more than just signing off plans produced by the previous administratio.	9/9/2021 2:07 PM
6	The Island Planning Strategy draft has significant implications for my ward and consequently will take up more time digesting information, carrying out research, and engaging with Cabinet members and other IWC colleagues. Also, other council initiatives that have an impact on my ward are entering a delivery phase which could lead to more time being needed in engaging appropriately.	9/9/2021 11:40 AM
7	The pandemic has made residents to raise different additional issues that they would not normally raise or even consider.	9/9/2021 10:52 AM

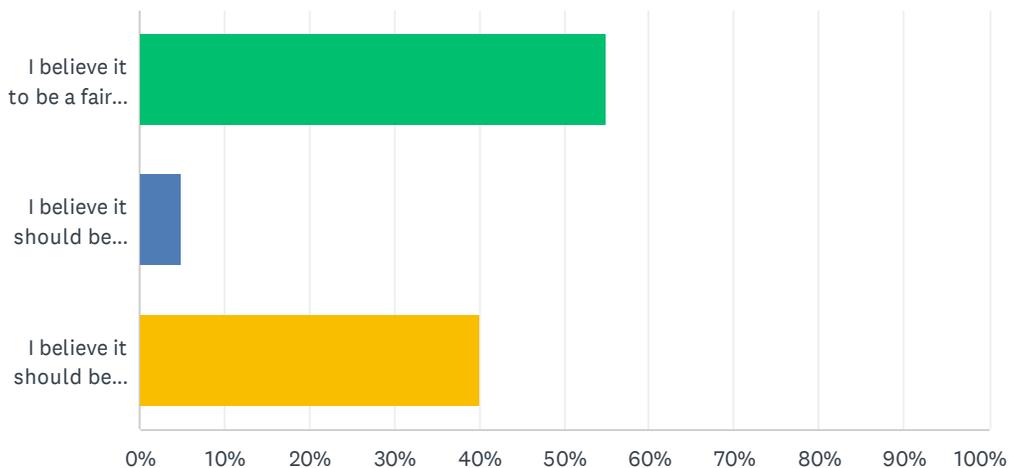
Q6 If you were returned in the 2021 election, it would also be helpful if you could set out whether, and if so how, the workload has changed over the last 2 years:

Answered: 12 Skipped: 8

#	RESPONSES	DATE
1	The workload is the same	9/23/2021 9:21 PM
2	Covid19, caused huge increase particularly virtual meetings. Due to crisis, resident issues heightened and more crisis situation management. This looks to get worse with energy crisis, homelessness, increased living costs. Planning applications have increased by 200% and as a Ward Councillor this takes a lot of time.	9/23/2021 11:41 AM
3	About the same but have got a new ward.	9/22/2021 11:49 AM
4	Significant workload increas taking on a cabinet responcebility for two major areas of work and overseeing still housing. This is more than a fulltime post and it has significant impacts on family life. I enjoy my role but it comes with great stress and time commitment.	9/21/2021 5:58 PM
5	Yes I'm dealing with a lot more issues	9/21/2021 3:22 PM
6	My role has changed from being a member of the opposition to being a Cabinet Member in the Administration. However, I feel that the advent of Teams/Zoom meetings which are now being held in addition to in person meetings have increased the workload, increased the hours of work and increased the pressure on Councillors mentally.	9/9/2021 9:00 PM
7	I cannot comment on the last 2 years however I was elected for the 13-17 term and can say the workload has quadrupled since then.	9/9/2021 3:47 PM
8	As part of the previous controlling group the administration had a strong team with skill sets across the whole range of Council decision making. To date the new administration has not demonstrated a similar capacity.	9/9/2021 2:07 PM
9	It remains at a high level in a ward with higher needs than any other. I represent the most deprived ward on the Island.	9/9/2021 11:51 AM
10	Increase, for the same reasons as I've set out in future anticipation of workload increase.	9/9/2021 11:40 AM
11	Residents are become more vocal and complaining about the perceived in action of the IW Council in dealing with derelict buildings.	9/9/2021 10:52 AM
12	more virtual meetings has brought more meetings	9/9/2021 10:45 AM

Q7 Would you consider the current basic allowance to be a fair representation of costs attributed to the roles and responsibility or believe a change in this figure is required:

Answered: 20 Skipped: 0

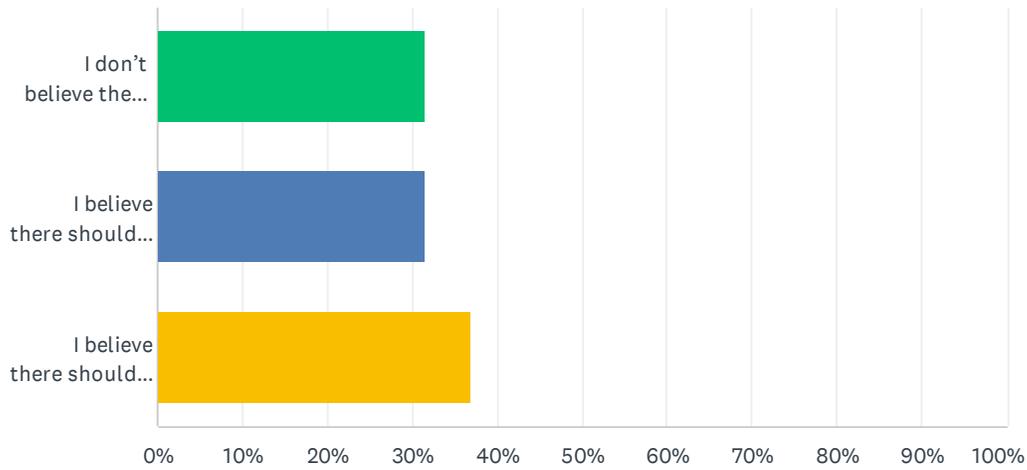


ANSWER CHOICES	RESPONSES
I believe it to be a fair representation at its current level	55.00% 11
I believe it should be decreased due to less commitment to travel and attend meetings/conferences with online platforms assistance with my comms, attendance etc instead	5.00% 1
I believe it should be increased because..	40.00% 8
TOTAL	20

#	I BELIEVE IT SHOULD BE INCREASED BECAUSE..	DATE
1	Some councillors still need to work to earn a living, and many would be councillors are put off standing as they could not afford to do so with an allowance of this level (which doesn't reflect minimum wage).	9/24/2021 8:26 AM
2	It prevents certain people from actually committing to the job, single parents for example, those on benefits rtc	9/22/2021 10:15 AM
3	The small amount of funding I receive from this post offsets my small business adjustments.	9/21/2021 6:03 PM
4	It simply does not accurately represent the hours required to address issues proficiently.	9/21/2021 4:32 PM
5	A difficult call. I say increase due to the time commitment. I am also aware that a lot of Unitary Authority councillors are paid much more than I. If I was in Scotland I would get twice as much. We need to incentivise younger councillors and that requires them being able to live off their allowances plus maybe one small job.	9/9/2021 3:50 PM
6	It does not even equate to minimum wage for a Concillor who takes the job seriously	9/9/2021 2:08 PM
7	the time spent.	9/9/2021 12:33 PM
8	It falls short of any appreciation of value of time spent and work outcomes	9/9/2021 10:46 AM

Q8 There is current provision for the allowance to be increased annually in line with that for the majority of Council employees – we would welcome your views on this:

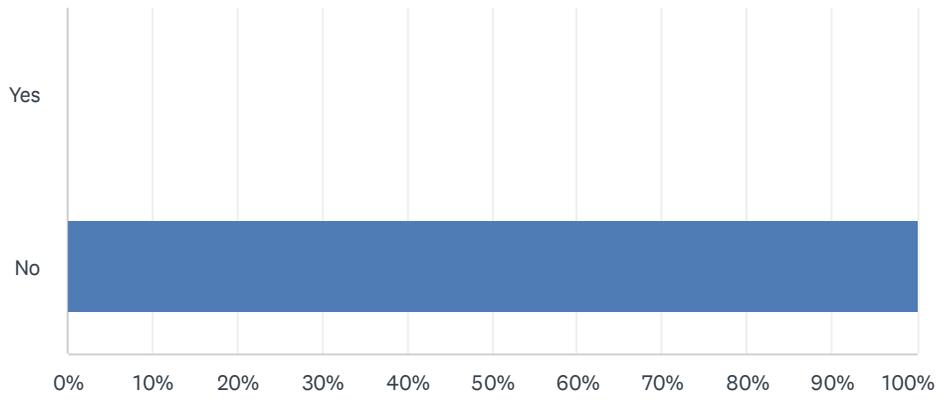
Answered: 19 Skipped: 1



ANSWER CHOICES	RESPONSES	
I don't believe the allowance should be increased annually	31.58%	6
I believe there should be an annual Index linked increase to the allowance	31.58%	6
I believe there should be a set percentage greater than that of an index linked increase possibly 3-5% as it is currently far too low and does not adequately reflect my role and responsibilities	36.84%	7
TOTAL		19

Q9 Have you ever claimed (or are you likely to) claim the allowance:

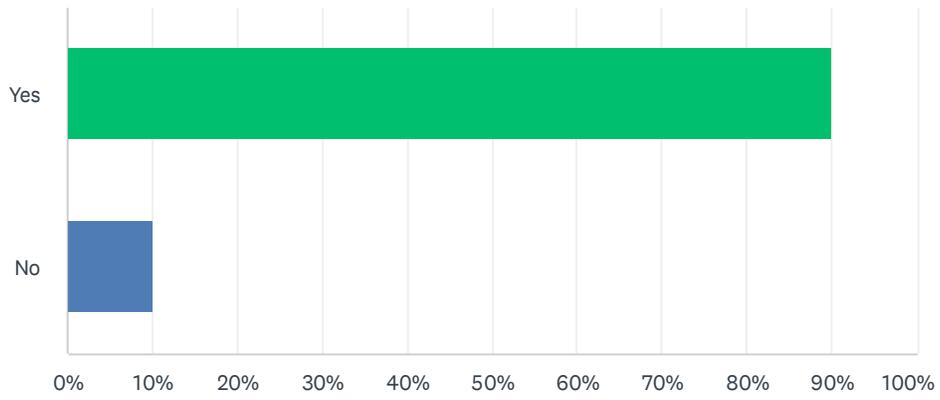
Answered: 20 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	100.00%	20
TOTAL		20

Q10 Do you think this should be retained:

Answered: 20 Skipped: 0

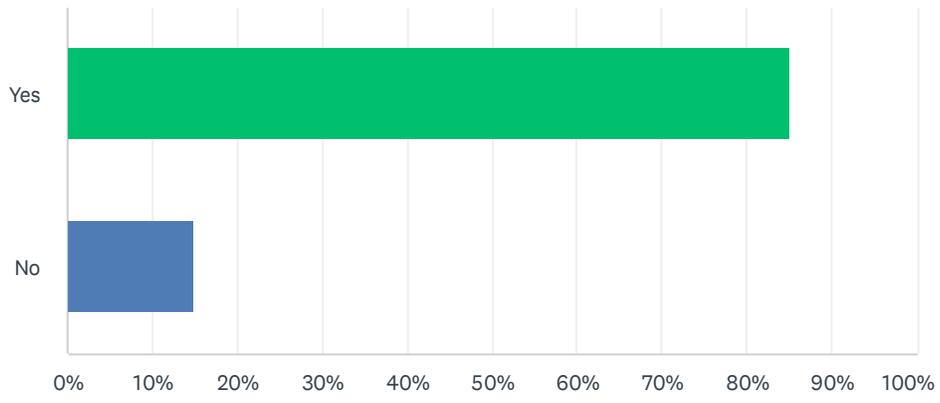


ANSWER CHOICES	RESPONSES
Yes	90.00% 18
No	10.00% 2
TOTAL	20

#	IF NO, WHY NOT:	DATE
1	I think every situation should be judged on its own merits. It's important to increase diversity and allow inclusion, but I don't think the support needed to carry out a Councillor's role should be tied in to the Councillor's allowance.	9/9/2021 9:04 PM
2	I may end up claiming this but have no current plans to.	9/9/2021 3:51 PM

Q11 Do you think the way it is calculated is fair:

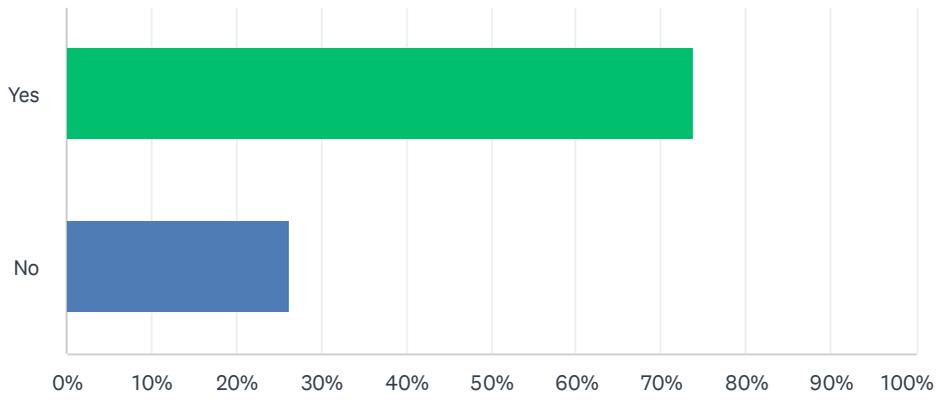
Answered: 20 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	85.00%	17
No	15.00%	3
TOTAL		20

Q12 Do you think a travel allowance for on-island travel should be paid:

Answered: 19 Skipped: 1

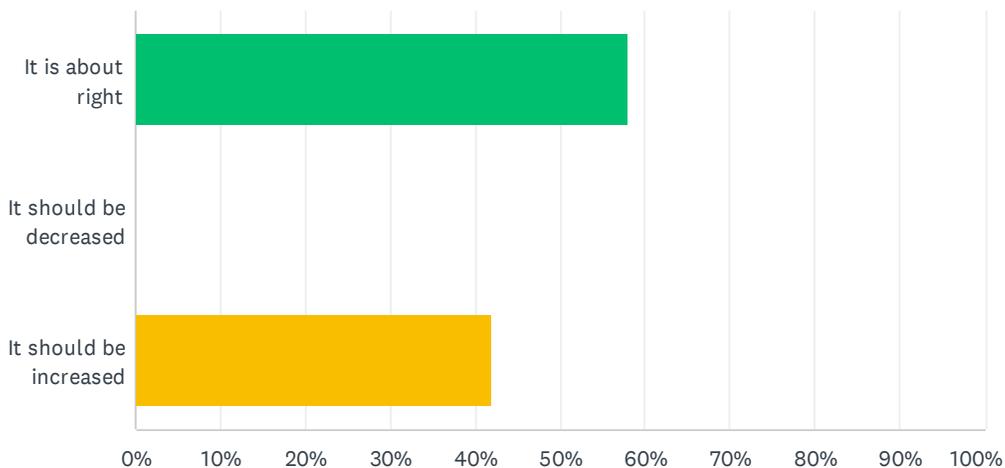


ANSWER CHOICES	RESPONSES	
Yes	73.68%	14
No	26.32%	5
TOTAL		19

#	IF NO, WHY NOT:	DATE
1	Should be paid for by the Cllr	9/23/2021 9:23 PM
2	don't incentivise travel	9/10/2021 3:02 PM
3	I think that the whole Councillor allowance should be reviewed in the way that it's paid. In my opinion, it should not be liable to tax, i.e. be considered as part of a personal allowance. It's an allowance, not a salary. If that was the case, it might encourage greater diversity.	9/9/2021 9:07 PM
4	The current system is simple and reasonably fair. Its not broken so why fix it.	9/9/2021 2:10 PM

Q13 Do you have any thoughts about the level of SRA’s paid to the current posts:

Answered: 19 Skipped: 1



ANSWER CHOICES	RESPONSES
It is about right	57.89% 11
It should be decreased	0.00% 0
It should be increased	42.11% 8
TOTAL	19

#	PLEASE EXPLAIN YOUR RESPONSE IF YOU ANSWERED THAT IT SHOULD BE INCREASED OR DECREASED:	DATE
1	I am not sure they are a fair representation of the amount of work done by the Leader and other Cllrs with special responsibility.	9/24/2021 8:28 AM
2	workload is not sufficiently paid for at a realistic level	9/22/2021 10:17 AM
3	I wok 50+ a week and it impacts on my family life significantly. the funding allows me to focus more of my time doing this important work.	9/21/2021 8:39 PM
4	Greater responsibility and accountability for Cabinet roles than in the past. SRAs should reflect the nature of the full time role.	9/9/2021 9:14 PM
5	The allowances should reflect the work involved being compensated at a rate that is at least equivalent to the National Living Wage, access to being a Councillor should not be limited to those of independent means	9/9/2021 2:14 PM
6	because of the huge amount of time required to perform these duties. Also seems to be lower than equivalent local authorities on the mainland.	9/9/2021 12:35 PM
7	It poorly reflects to value of work time and outcomes	9/9/2021 10:49 AM

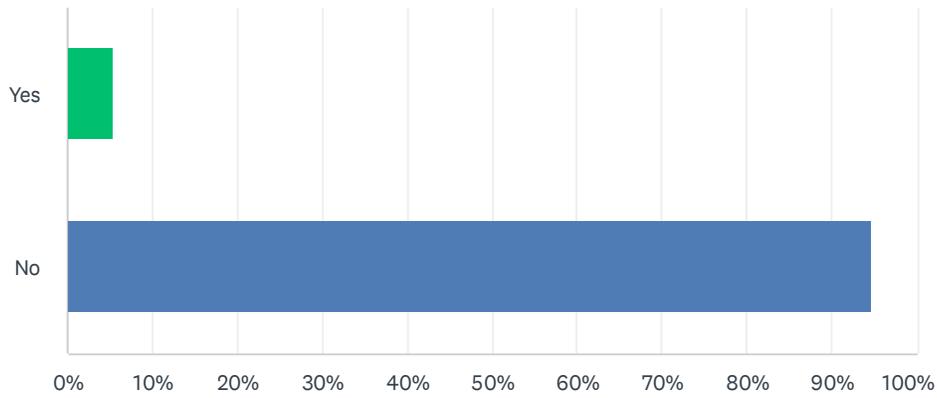
Q14 Do you think that there have been any changes in the responsibility of any roles that receive a Special Responsibility Allowance that we should take into account when considering our report:

Answered: 8 Skipped: 12

#	RESPONSES	DATE
1	I don't feel I have enough knowledge to comment on this as a new councillor.	9/24/2021 8:28 AM
2	I do think the work load has increased as a direct result of Covid19 and resulting crisis. The realities of the World changing since Covid I believe has increased workload on a number of levels.	9/23/2021 11:46 AM
3	No	9/22/2021 10:17 AM
4	I am the cabinet member for ASC and Public Health. This is a significant responsibility and very time demanding.	9/21/2021 8:39 PM
5	Cabinet roles, especially that of Leader, are full time roles and should be recognised as such. Hours of work have increased since the pandemic.	9/9/2021 9:14 PM
6	Not really.	9/9/2021 2:14 PM
7	No	9/9/2021 10:56 AM
8	This depends on teh individual Councillor an dteh outcomes they achieve through their direct and indirect input	9/9/2021 10:49 AM

Q15 Did the level of allowances impact on your decision to stand in the elections earlier this year:

Answered: 19 Skipped: 1

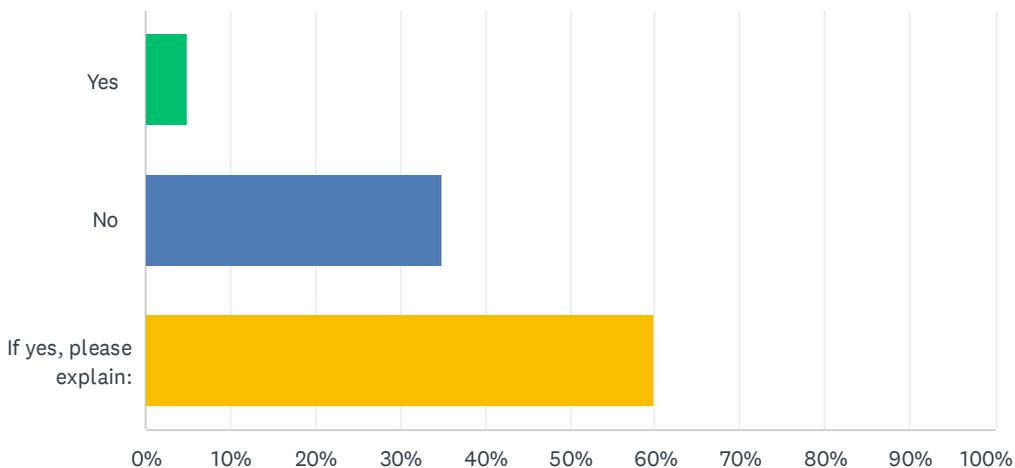


ANSWER CHOICES	RESPONSES	
Yes	5.26%	1
No	94.74%	18
TOTAL		19

#	IF YES, HOW?	DATE
1	I had to think very carefully about how it would effect our household income should I be elected.	9/24/2021 8:30 AM

Q16 Are you aware of anyone who either declined to stand, or even stood down, as a member because of the level of the allowances:

Answered: 20 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	5.00%	1
No	35.00%	7
If yes, please explain:	60.00%	12
TOTAL		20

#	IF YES, PLEASE EXPLAIN:	DATE
1	I have only had conversation with people who have said they could not afford to carry out the role. Likewise I have spoken to others who think Councillor's should not receive any allowance!	9/24/2021 8:30 AM
2	Possible candidates that work or need to work for income as the time involved just means the loss of income is out of balance with the allowance.	9/23/2021 11:48 AM
3	I know of two councillors that did not stand again because the remuneration was insufficient to support their family.	9/22/2021 10:18 AM
4	People have to be able to support their families and to be a councillor it is a significant time commitment to do the role well. people cannot always give there time freely and bring their talents to the role.	9/21/2021 8:45 PM
5	Can't change their work	9/21/2021 8:14 PM
6	They felt that the workload vs remuneration was way to little.	9/21/2021 4:33 PM
7	those that can't afford to give up work or continue to work and have enough time to be a Cllr	9/10/2021 3:03 PM
8	Potential candidates were deterred from standing as the allowance wouldn't compensate for lost earnings.	9/9/2021 9:15 PM
9	I am aware of canidates not standing due to the impact on their work and the low remuneration they would get from being elected.	9/9/2021 3:53 PM
10	If the levels were higher I think more people could afford to be cllrs and it would increase competition and standards which is a good think for Islanders.	9/9/2021 12:36 PM
11	One of our colleagues who runs public facing businesses declined to stand because it was have a negative affect on his business	9/9/2021 10:58 AM
12	They could not afford teh time and consequent drop in wages	9/9/2021 10:50 AM

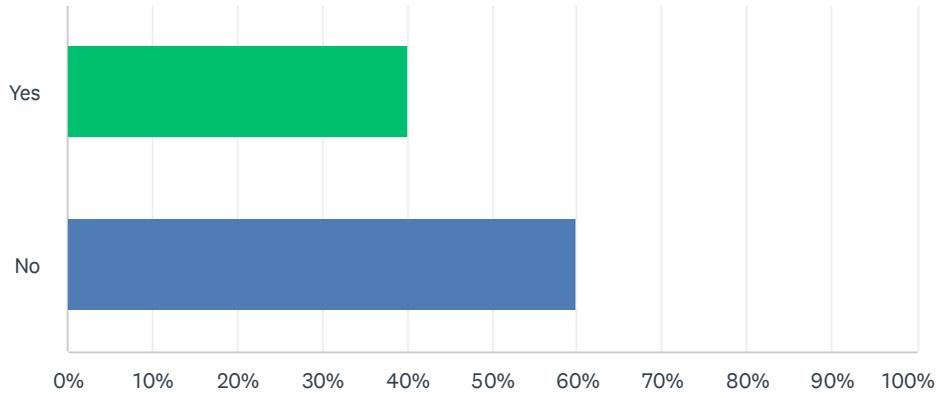
Q17 Please let us know if there is anything else you wish to add in relation to members allowances or anything you would wish us to take into account as part of the review:

Answered: 7 Skipped: 13

#	RESPONSES	DATE
1	I have not answered the question on annual increases as I think it should not be automatic, but should be reviewed annually.	9/24/2021 8:32 AM
2	I have indicated I am personally OK with current allowance but wish to raise that as a retiree I can live with it but for many cannot not and I believe many who are more representative of the community are put off. The current allowances do make it impossible for many to stand. Plus being a councillor post Covid19 is very different and more stressful and pressurised than before.	9/23/2021 11:51 AM
3	The current allowance does not allow talented people to join the council until later in life and it discriminates against their inclusion.	9/21/2021 8:50 PM
4	Younger people don't stand because it's hard to work Others are worried about the abuse	9/21/2021 8:15 PM
5	It is clear that there are wide disparities in the attention and effort that different Councillors pay to Council and Ward activities. Those that work on several Committees, prepare by reading the papers and doing further background research and attend most or all meetings receive the same allowances as those that make little effort; the same applies in terms of Ward activity. It seems to me that the allowance level is set to reflect the hours put in by the latter group not the former.	9/9/2021 2:24 PM
6	An increase would allow more people who could not otherwise afford to give the time to being a cllr to do so. It would encourage working age people and not generally those who are retired. The current level seems low compared to the mainland.	9/9/2021 12:37 PM
7	I understand that allowances given to our members a lower than other Unitary Councils.	9/9/2021 11:00 AM

Q18 We will be inviting some members to speak to us about the allowances scheme – would you like to be one of them?

Answered: 20 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	40.00%	8
No	60.00%	12
TOTAL		20

ISLE OF WIGHT COUNCIL DECISION RECORD

DELEGATED DECISION BY OFFICER – PUBLIC RECORD

(Part 3 of The Openness of Local Government Bodies Regulations 2014)

DISPENSATION GRANTED - SECTION 33 (2) OF THE LOCALISM ACT 2011

MEMBERS' ALLOWANCE SCHEME AND ASSOCIATED MATTERS

Date of Decision: 12 January 2022

Record of Decision:

That, under section 33 (2) of the Localism Act 2011 and under all other enabling powers, full dispensation is granted for a period of four years from 12 January 2022 (inclusive) to each and every councillor of the Isle of Wight Council to remain in the meeting room and to speak and to vote on any report (including recommendations) of the Independent Remuneration Panel relating to any members' allowance scheme proposed for the Isle of Wight Council, and to remain in the meeting room and to speak and to vote on whether or not to make and approve (with or without any amendments) any members' allowance scheme (including payments and allowances), notwithstanding the existence of any disclosable pecuniary interest(s). For the avoidance of any doubt, this dispensation is intended to be wide and covers any item of business relating to a members' allowance scheme and includes remaining, speaking and voting on any indexation provision linked to local authority staff pay, at national level or otherwise.

Reasons for Decision:

- That without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business (section 33(2)(a) of the Localism Act 2011).
- That without the dispensation the representation of the different political groups on the body transacting any particular business would be so upset so as to alter the likely outcome of any vote relating to the business (section 33(2)(b) of the Localism Act 2011).
- That the dispensation is in the interests of persons living in the authority's area (section 33(2)(c) of the Localism Act 2011).

As the delegated officer for granting dispensations under section 33(2) of the Localism Act 2011 (see page 98 of the Council's Constitution), I am of the opinion that it is prudent to exercise my powers for the above reasons even though it is arguable that councillors may not have disclosable pecuniary interests on the basis that they do not hold public office for profit or gain but to act solely in the public interest, and that regulation 10 (1) of the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) places a statutory duty on the Isle of Wight Council to make a members' allowance scheme, and that under regulation 2(7) of the Local Authorities (Functions and Responsibilities) (England) Regulations

2000 (as amended) this statutory obligation cannot be delegated and so the decision is required by law in any event to be made by councillors at full council.

Details of alternative options, if any, considered and rejected: None as councillors are required by law to make a members' allowance scheme and to have regard to any report from the Independent Remuneration Panel. Councillors have no power to delegate such decisions under section 101 of the Local Government Act 1972 as that power has been excluded by law. Councillors are acting under statutory authority and duty.

Name and post of decision-maker: Christopher Potter, Monitoring Officer

Signed: **C.Potter**



Purpose: For Decision

FULL COUNCIL

Date **19 JANUARY 2022**

Title **NOMINATIONS AND APPOINTMENTS TO COMMITTEES AND OTHER BODIES AND ALTERNATIVE ARRANGEMENTS FOR APPOINTMENTS**

Report of **MONITORING OFFICER**

EXECUTIVE SUMMARY

1. The purpose of this report is to receive nominations for the vacancy for a Conservative Group member on the Corporate Scrutiny Committee, for nominations for the vacancy for Chairman of the Corporate Scrutiny Committee and to make appointments to such positions.
2. It is also to receive nominations for vacancies on the Standing Advisory Council for Religious Education (SACRE) and to make appointments to such vacancies.
3. Finally, although no other nominations have been put forward and no other alternative arrangements for appointments in terms of changing political proportionality have been submitted (at the time of writing this report – 10 January 2022), this report gives an opportunity for changes to be made. Such changes should be notified to the Monitoring Officer as soon as possible.

RECOMMENDATIONS

- | |
|---|
| <ol style="list-style-type: none">4. That Councillor Joe Robertson be appointed to the Corporate Scrutiny Committee to replace Cllr Stephen Hastings.5. Either:<ol style="list-style-type: none">(a) Appoint Councillor Joe Robertson as Chair of the Corporate Scrutiny Committee as a member of the opposition groupor:<ol style="list-style-type: none">(b) To receive and consider all nominations for the position of Chair of the Corporate Scrutiny Committee from any other non-executive member who is a member of the committee or appointed to serve on it. |
|---|

6. That those named in Appendix 1 to this report be appointed to the Standing Advisory Council for Religious Education (SACRE).
7. That appointment(s) be made in the event that any other nominations are received from any political group to make changes to the relevant political group's seat allocation(s).

BACKGROUND

8. Following the change in the Conservative Group leadership last month due to the resignation of Cllr Stephen Hastings as group leader, nominations have been received for Cllr Joe Robertson, the new leader of the Conservative Group, to serve on the Corporate Scrutiny Committee in the place of Cllr Stephen Hastings.
9. Councillors will recall that at the Annual Meeting in May 2021 it was agreed that the Chairmanship of the Corporate Scrutiny Committee should be filled by a member of the main opposition group, Councillor Stephen Hastings.
10. It is for Full Council to confirm that it will continue with this approach and agree that Cllr Joe Robertson be appointed to serve as the Chairman of the Corporate Scrutiny Committee, but it is still able, should it wish, to seek nominations from any other non-executive member wishing to take up the role.
11. Since council last considered the matter, there have been a number of proposed changes in individual members serving on the Standing Advisory Council for Religious Education which the council have been notified of, and to which vacancies the council needs to make appointments.
12. Every local education authority is required by law to have a SACRE and the membership of this body is required by law to be made up of four groups in order to bring a wide range of interests and talents to its work and to reflect local communities:

Group A: faiths and beliefs representative of the local communities, including Christian denominations other than the Church of England.

Group B: representatives of the Church of England.

Group C: representatives of the teaching profession.

Group D: representatives from the Local Education Authority (LEA), including councillors and religious education advisers.
13. Councillors are therefore recommended to make appointments listed in Appendix 1 (outgoing members are shown with a line striking through their name).
14. At the time of writing this report (3 January 2022) there are no other changes which have been brought to my attention, but should any changes be proposed they should be notified to me as the Monitoring Officer as soon as possible.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

15. The [Corporate Plan 2021 – 2025](#) sets out the key areas of activity that will be the council's main areas of focus for the lifetime of this plan which will need to be central to everything the council does. Making the appointments facilitates the delivery of the corporate plan

Corporate Aims

16. As above.

CONSULTATION

17. Both group leaders and all non-aligned councillors have been consulted.

FINANCIAL / BUDGET IMPLICATIONS

18. No new financial/budget impacts are anticipated except minor alterations in any SRA payable, which is included within existing budgets.

LEGAL IMPLICATIONS

19. Appointments to committees and other bodies are a matter for the full council in the absence of any specific legislation permitting delegation of such authority.
20. The council is obliged to appoint to committee seats allocated to established political groups in accordance with the particular wishes of the respective political group (unless alternative arrangements for appointments have been put in place without dissent under section 17(1) of the Local Government and Housing Act 1989 and regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990).
21. With regard to SACRE, the council is responsible for making appointments but again does not have free rein but must appoint within the constraints of membership set by law.

EQUALITY AND DIVERSITY

22. 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.
23. The recommendations in this report comply with these statutory obligations.

SECTION 17 CRIME AND DISORDER ACT 1998

24. Section 17 of the Crime and Disorder Act 1998 (as amended by Police and Justice Act 2006) provides that: ‘...it shall be the duty of each authority ... to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent, crime, disorder, antisocial behaviour adversely affecting the environment, and substance misuse in its area’.
25. Section 17 applies to all duties, activities and decision making. Ignorance or failure to respond to the requirements of section 17 leaves the Council open to legal challenge.
26. The recommendation in relation to the appointments to the Corporate Scrutiny Committee facilitates this statutory duty because the Corporate Scrutiny Committee acts as the council’s statutory ‘crime and disorder committee’ required under section 19(1) of the Police and Justice Act 2006, and this is reflected in the terms of reference of the Corporate Scrutiny Committee.
27. There are no other direct implications arising from the other recommendations.

OPTIONS

28. To appoint Cllr Joe Robertson as Chair of the Corporate Scrutiny Committee as a member of the opposition group
29. To receive and consider all nominations for the position of Chair of the Corporate Scrutiny Committee from any other non-executive member who is a member of the committee or appointed to serve on it.
30. Nominations to SACRE have been received. The council has a duty to appoint and unless there is good reason not to appoint those nominated, council should appoint.

RISK MANAGEMENT

31. 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 such legal action.

EVALUATION

32. Council has no option and must respect the duly expressed wishes of the respective political group and to appoint those nominated to their allocated seats.
33. An effective governance system is essential to enable business to be transacted openly and in a timely manner. The appointment of elected members to its committees and members to SACRE seeks to do this.

APPENDICES ATTACHED

34. Appendix 1 sets out the proposed appointments to SACRE.

BACKGROUND PAPERS

35. None.

Contact Point: Christopher Potter, ☎ 821000 e-mail Christopher.potter@iow.gov.uk

CLAIRE SHAND
Director of Corporate Services

CLLR LORA PEACEY-WILCOX
Leader of the Council

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APPENDIX 1APPOINTMENTS TO THE STANDING ADVISORY COUNCIL FOR RELIGIOUS EDUCATION (SACRE)

<p>Standing Advisory Council for Religious Education (SACRE)*****</p>	<p>2 Councillors + appointment of all other members of SACRE</p> <p>Group A: faiths and belief representatives of the local communities, including Christian denominations other than the Church of England</p> <p>Group B: representatives of the Church of England</p> <p>Group C: representatives of the teaching profession</p> <p>Group D: representatives from the LEA, including councillors and RE advisors.</p>	<p>1. Cllr D Andre</p> <p>2. Cllr C Critchison</p> <p><u>Group A:</u> Members representing the “Free Churches” Mrs Sue Cox (Baptist) Mr Ben Britton</p> <p>Rev. Mike Hackleton (Methodist)</p> <p>Members representing the Roman Catholic Church Sister Stella Kelly Mrs Alison Burt</p> <p>Members representing non-Christian faiths Dr. Lionel Alexander (Jewish faith) Mrs Anne Sechiari (Buddhist) Mr Praful Thaker (Hindu) Mr Simon Bligh (Humanist) Mrs Norma Corney (Baha’i) Mr Nick Wilde (Quaker)</p> <p><u>Group B:</u> Representing the Church of England Rt Reverend Peter Leonard Mrs Beryl Miller Mrs Liane Chalmers Mr Harry Kirby</p> <p><u>Group C:</u> Representing the teachers of the Isle of Wight Secondary Miss Beth Feltham Sandown Bay Academy Headteacher Mrs Nicki Mobley St Blasius Academy</p> <p><u>Group D:</u> Representing the Local Authority. See above for two elected members. Mr Alex Augustus Principal St Francis Academy</p>
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Existing and Proposed Appointments of councillors to council committees
(January 2022)

Appeals Committee (10)

[Alliance Group: (4); Conservative Group: (5); Ungrouped: (1)].

	<u>Members</u>	<u>Named Group/Ungrouped Substitutes</u>
Alliance Group	Cllr Jonathan Bacon Cllr Ian Dore (Chairman) Cllr Rodney Downer Cllr Karl Love	Cllr David Adams Cllr Claire Critchison Cllr Joe Lever Cllr Michael Lilley Cllr Karen Lucioni Cllr John Medland Cllr Debbie Andre Cllr Paul Fuller 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
Ungrouped	Cllr Geoff Brodie (Vice Chair)	None

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 (Vice Chair) Cllr Lora Peacey-Wilcox (Chairman) [Holds position due to post of Executive Leader]	Cllr Julie Jones-Evans Cllr Ian Stephens Cllr Paul Fuller Cllr Chris Jarman Cllr Phil Jordan Cllr Karl Love Cllr David Adams Cllr Claire Critchison Cllr Ian Dore Cllr Rodney Downer Cllr Joe Lever

		Cllr Michael Lilley Cllr Karen Lucioni Cllr John Medland
Conservative Group	Cllr Paul Brading Cllr Steve Hastings Cllr Gary Peace	Cllr Warren Drew Cllr Suzie Ellis 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**); Ungrouped: (**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 Jonathan Bacon Cllr Michael Lilley (Vice Chair) Cllr Ian Stephens	Cllr Paul Fuller Cllr David Adams Cllr Claire Critchison Cllr Ian Dore Cllr Rodney Downer Cllr Joe Lever Cllr Karen Lucioni 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
Ungrouped	Cllr Andrew Garratt (Chairman)	None

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 Rodney Downer Cllr Michael Lilley Cllr Karen Lucioni Cllr John Medland	Cllr David Adams Cllr Claire Critchison Cllr Ian Dore Cllr Joe Lever
Conservative Group	Cllr Warren Drew Cllr Joe Robertson Cllr Chris Quirk (Vice Chair) Cllr Peter Spink	Cllr Michael Beston Cllr Vanessa Churchman Cllr Suzie Ellis Cllr Gary Peace
Ungrouped	Cllr Richard Quigley	None

***The Chairman to be agreed at Full Council 19 January 2022**

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 Chris Jarman** Cllr Julie Jones-Evans***(Vice Chair) Cllr Phil Jordan* (Chairman) [As Cabinet Member for Infrastructure and Transport]	Cllr Jonathan Bacon Cllr John Medland
Conservative Group	Cllr Gary Peace 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 Infrastructure and Transport, ** the Cabinet Member for Resources, and ***the Cabinet Member for Environment and Heritage.

Investigating & Disciplinary Committee (5)

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

	<u>Members</u>	<u>Named Group/Ungrouped Substitutes</u>
Alliance Group	Cllr Chris Jarman (Chairman) Cllr Debbie Andre (Vice Chair)	Cllr Jonathan Bacon Cllr Lora Peacey Wilcox Cllr Ian Stephens Cllr Paul Fuller Cllr Julie Jones-Evans Cllr Phil Jordan Cllr Karl Love Cllr David Adams Claire Critchison Cllr Ian Dore Cllr Rodney Downer Cllr Joe Lever Cllr Michael Lilley Cllr Karen Lucioni Cllr John Medland
Conservative Group	Cllr Warren Drew 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 (Vice Chair) Cllr Chris Jarman Cllr Julie Jones-Evans
Conservative Group	Cllr Michael Beston Cllr Steve Hastings Cllr Clare Mosdell Cllr Gary Peace Cllr Peter Spink
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 (Vice Chair) Cllr Chris Jarman (Chairman)	Cllr David Adams Cllr Ian Dore Cllr Rodney Downer Cllr Joe Lever Cllr Michael Lilley Cllr Karen Lucioni Cllr John Medland
Conservative Group	Cllr Paul Brading Cllr Vanessa Churchman Cllr Martin Oliver	Cllr Warren Drew Cllr Suzie Ellis Cllr Stephen Hendry
Ungrouped	Cllr Richard Quigley	None

Planning Committee (12)

[Alliance Group:(5); Conservative Group: (6); Ungrouped:(1)].

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

*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 & Scrutiny Committee for Children Services, Education & 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 Karen Lucioni (Vice Chair)	Claire Critchison Cllr Ian Dore Cllr Joe Lever Cllr Michael Lilley Cllr John Medland
Conservative Group	Cllr Suzie Ellis Cllr Stephen Hendry Cllr Tig Outlaw	Cllr Paul Brading Cllr Warren Drew Cllr Steve Hastings Cllr Martin Oliver
Ungrouped	Cllr Richard Quigley (Chairman)	None

Policy & Scrutiny Committee for Health & Social Care (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 Rodney Downer Cllr Michael Lilley (Vice Chair) Cllr Karen Lucioni	Cllr David Adams 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
Ungrouped	Cllr Andrew Garratt	None

Policy & Scrutiny Committee for Neighbourhoods & Regeneration (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 Joe Lever Cllr Karen Lucioni (Chairman) Cllr John Medland (Vice Chair)	Cllr David Adams Cllr Claire Critchison Cllr Ian Dore Cllr Rodney Downer Cllr Michael Lilley
Conservative Group	Cllr Michael Beston Cllr Chris Quirk Cllr Ian Ward	Cllr Warren Drew Cllr Suzie Ellis Cllr Steve Hastings Cllr Tig Outlaw
Ungrouped	Cllr Andrew Garratt	None

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Purpose: For Decision

FULL COUNCIL

Date **19 JANUARY 2022**

Title **LOCAL PENSION BOARD APPOINTMENTS**

Report of **MONITORING OFFICER**

EXECUTIVE SUMMARY

1. The purpose of this report is to update councillors on the Local Pension Board which currently remains inquorate as a result of vacancies in its membership occurring.
2. Council is being requested to make one further direct appointment (an employer representative).
3. In order to expedite appointments to other vacancies on the Local Pension Board, Council is also being recommended to grant delegated authority to the Director of Finance to appoint to the Local Pension Board, and to determine any ancillary matters relating to such appointments.
4. Prior consultation with the Chairman of the Pension Fund Committee will be undertaken by the Director of Finance.

RECOMMENDATION

- | |
|--|
| <ol style="list-style-type: none">5. That Mr. Ashley Curzon be appointed to the Local Pension Board as an employer representative.6. That the Director of Finance, in consultation with the Chairman of the Pension Fund Committee, be granted delegated authority to make appointments to the Local Pension Board, and to determine any ancillary matters relating to such appointments. |
|--|

BACKGROUND

7. On 17 November 2021 a report was presented to council informing councillors of the recruitment exercise to appoint to vacancies on the Local Pension Board.
8. The process for selecting employer representatives and scheme member representatives is set out in the terms of reference of the Local Pension Board.

9. Council made two appointments on that occasion, namely one employer representative (Cllr Michael Lilley) and one scheme representative (Mr Trevor Ould).
10. The minimum membership of the Local Pension Board is two employer representatives and two scheme member representatives, totalling four. It is constituted with an equal number of employer representatives and scheme member representatives. There is also an independent non-voting chair of the Board.
11. The only nomination received for the remaining employer representative has been from the Corporate Management Team for Mr Ashley Curzon, Assistant Director of Regeneration - Economic Development, Planning & Assets, to be appointed to the minimum remaining position of employer representative, and councillors are being requested to duly appoint this candidate.
12. To achieve the minimum membership there would then be only one remaining vacancy for one scheme member representative (apart from the independent chair). This particular process has not yet been finalised.
13. To ensure future resilience the intention is to seek to extend membership beyond the bare minimum to three employer representatives and three scheme member representatives and to again ask for nominations from external employers to the Fund for an additional employer representative, and if this is done, there will be a resulting need for an additional scheme member representative to ensure that there remains an equal number of employer representatives and scheme member representatives.
14. As there are separate statutory regulations which specifically permit the council to delegate its powers (including powers of appointment), and to avoid further delay in making formal appointments, it is recommended that delegated authority be granted to the Director of Finance in consultation with the Chairman of the Pension Fund Committee. Should such delegated authority not be granted, then the next scheduled council meeting is the budget meeting on 23 February 2022.

CORPORATE PRIORITIES AND STRATEGIC CONTEXT

15. The recommendations in this report does not directly impact upon the [Corporate Plan 2021 – 2025](#).

Corporate Aims

16. The latest [Corporate Plan 2021 - 2025](#) with its clear vision to work together openly and with our communities to support and sustain our economy, environment and people is furthered through making arrangements to establish and maintain a quorate Local Pension Board.

CONSULTATION

17. The Chairman of the Pension Fund Committee has been consulted.

FINANCIAL / BUDGET IMPLICATIONS

18. The costs of the Local Pension Board will be funded directly from the Pension Fund, and will have no direct impact on the council's budget at all

LEGAL IMPLICATIONS

19. In this context, the council (as the administering authority) does have statutory power to delegate its functions under the Local Government Pension Scheme Regulations 2013 as amended (including its powers of appointment) to a council officer under regulation 105 (2) of those regulations, and section 101 of the Local Government Act 1972.

EQUALITY AND DIVERSITY

20. 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.
21. The recommendations in this report are in line these obligations.

OPTIONS

22. Option 1: To appoint Mr Ashley Curzon as an employer representative on the Local Pension Board.
23. Option 2: Not to appoint but seek other candidates.
24. Option 3: To grant delegated authority, in consultation with the Chairman of the Pension Fund Committee, to the Director of Finance to make appointments to the Local Pension Board, and to determine any ancillary matters relating to such appointments.
25. Option 4: Not to grant delegated authority but to reserve the matter for Full Council.

RISK MANAGEMENT

26. The council as the administering authority self-reported itself in 2021 to the Pension Regulator who at that time considered that no action on its part was warranted. Clearly the council must take prompt action to fill the vacancies on the Local Pension Board that have arisen.
27. Options 1 and 3 are being recommended in order to reduce the risk to the reputation of the administering authority from further (unanticipated) delays in re-establishing a quorate local pension board. Option 2 is not being recommended as the candidate is suitable for appointment and non-appointment would result in additional delay. Option 4 is not being put forward because it too would mean appointments not being made until towards the end of February and the scheduled meeting of the Local Pension Board in early February would need to be cancelled due to the Local Pension Board remaining inquorate.

EVALUATION

28. Options 1 and 3 will deliver a quorate local pension board earlier than the other options.

BACKGROUND PAPERS

29. None

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CLAIRE SHAND
Director of Corporate Services

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