

NORTH HERTFORDSHIRE DISTRICT COUNCIL



11 January 2023

Our Ref Council/19 January 2023
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To: The Chair and Members of North Hertfordshire District Council

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE COUNCIL

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERON
ROAD, LETCHWORTH**

on

THURSDAY, 19 JANUARY 2023

at

7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda

Part I

| Item | | Page |
|-------------|---|-------------|
| 1. | APOLOGIES FOR ABSENCE | |
| 2. | MINUTES - 22 SEPTEMBER, 8 NOVEMBER AND 19 DECEMBER 2022 To take as read and approve as a true record the public minutes of the meeting of the Council held on the 22 September, 8 November and 19 December 2022. | 5 - 26 |
| 3. | NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered. | |
| 4. | CHAIR'S ANNOUNCEMENTS <u>Climate Emergency</u> The Council has declared a climate emergency and is committed to achieving a target of zero carbon emissions by 2030 and helping local people and businesses to reduce their own carbon emissions. A Cabinet Panel on the Environment has been established to engage with local people on matters relating to the climate emergency and advise the council on how to achieve these climate change objectives. A Climate Change Implementation group of councillors and council officers meets regularly to produce plans and monitor progress. Actions taken or currently underway include switching to green energy, incentives for low emission taxis, expanding tree planting and working to cut food waste. In addition the council is a member of the Hertfordshire Climate Change and Sustainability Partnership, working with other councils across Hertfordshire to reduce the county's carbon emissions and climate impact. The Council's dedicated webpage on Climate Change includes details of the council's climate change strategy, the work of the Cabinet Panel on the Environment and a monthly briefing on progress. <u>Declarations of Interest</u> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members | |

declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.

5. PUBLIC PARTICIPATION

To receive petitions, comments and questions from the public.

6. QUESTIONS FROM MEMBERS

To consider any questions submitted by Members of the Council, in accordance with Standing Order 4.8.11 (b).

7. NOTICE OF MOTIONS

27 - 30

To consider any motions, due notice of which have been given in accordance with Standing Order 4.8.12, including:

A) Motion on Proportional Representation

B) Motion on Urgent unlock the potential of High Streets

8. ITEMS REFERRED FROM OTHER COMMITTEES

31 - 38

Any items referred from other committees will be circulated as soon as they are available.

9. COUNCIL TAX REDUCTION SCHEME 2023/2024

39 - 168

REPORT OF THE SERVICE DIRECTOR – CUSTOMERS

To seek Councils approval to adopt a new Council Tax Reduction Scheme for 2023/2024

10. REVIEW OF MEMBERS' ALLOWANCES SCHEME

169 -

REPORT OF THE DEMOCRATIC SERVICES MANAGER

190

To agree the Member's Allowances Scheme 2023/2024 having taken into account the recommendations of the Independent Remuneration Panel.

11. ELECTORAL SERVICES - SCALE OF FEES 2023/2024

191 -

REPORT OF THE SERVICE DIRECTOR – RESOURCES

204

To agree the scale of fees for electoral events held during 2023/2024.

12. CONSTITUTIONAL AMENDMENT REPORT

205 -

REPORT OF THE SERVICE DIRECTOR – LEGAL & COMMUNITY AND THE MONITORING OFFICER

216

Further to the report in September this report, and its resolution on 4.8.23 (a), this covers follow up wording and other proposed changes regarding Member call-ins and registering to speak; and some Service Directors' responsibilities under section 14 that have changed.

13. PENSION POOLING WITH ORPHANED BODIES

217 -

REPORT OF THE SERVICE DIRECTOR – RESOURCES

224

To consider whether the Council pools with three Orphaned Employers.

- 14. CHURCHGATE UPDATE - PART 1** 225 -
REPORT OF THE SERVICE DIRECTOR – ENTERPRISE 242
- To provide Members with an update on Churchgate since the Council purchased the Leasehold.
- 15. EXCLUSION OF PRESS AND PUBLIC**
- To consider passing the following resolution:
- That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the said Act (as amended).
- 16. CHURCHGATE UPDATE - PART 2** 243 -
REPORT OF THE SERVICE DIRECTOR – ENTERPRISE 248
- To provide Members with an update on the operational aspects of the Churchgate since the Council purchased the Leasehold.
- 17. PART 2 MINUTES - 22 SEPTEMBER 2022** 249 -
To take as read and approve as a true record the Part 2 minutes of the meeting of the Council held on the 22 September 2022. 250

Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held in the Council Chamber, District Council Offices, Gernon Road,
Letchworth, SG6 3JF
on Thursday, 22nd September, 2022 at 7.30 pm

PRESENT: Councillors: Councillor Daniel Allen (Chair), Ian Albert, David Barnard, Clare Billing, Judi Billing, Simon Bloxham, Ruth Brown, Sam Collins, Adam Compton, Juan Cowell, George Davies, Elizabeth Dennis-Harburg, James Denselow, Faye Frost, Jean Green, Chris Hinchliff, Keith Hoskins, Tony Hunter, Steve Jarvis, David Levett, Chris Lucas, Ian Mantle, Nigel Mason, Ralph Muncer, Michael Muir, Sean Nolan, Tom Plater, Carol Stanier, Claire Strong, Mandi Tandi, Kay Tart, Richard Thake, Tamsin Thomas, Tom Tyson, Phil Weeder, Michael Weeks, Alistair Willoughby and Val Bryant

IN ATTENDANCE: Anthony Roche (Managing Director) Jeanette Thompson (Service Director – Legal & Community) Ian Couper (Service Director – Resources) Melanie Stimpson (Democratic Services Manager) William Edwards (Committee, Member & Scrutiny Manager) Abigail Hamilton (Committee, Member & Scrutiny Officer) Louis Mutter (Committee, Member and Scrutiny Officer)

ALSO PRESENT: At the commencement of the meeting approximately 0 members of the public, including registered speakers.

DEATH OF QUEEN ELIZABETH II

Audio Recording – 0:00

Prior to the commencement of formal business the Chair paid tribute following the death of Her Majesty the Queen and held a minute's silence in her honour.

At 7:32pm Councillor Nigel Mason entered the Council Chamber.

138 APOLOGIES FOR ABSENCE

Audio recording – 3:55

Apologies for absence were received from Councillors Sam North, Sean Prendergast, Morgan Derbyshire, Adem Ruggiero-Cakir, Amy Allen, Gerald Morris, Terry Tyler, Terry Hone, Ian Moody, Raj Bhakar and Lisa Nash.

139 MINUTES - 14 JULY 2022

Audio Recording – 4:45

Councillor Daniel Allen as Chair proposed and Councillor Elizabeth Dennis-Harburg seconded and following a vote it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 14 July 2022 be approved as a true record of the proceedings and be signed by the Chair.

140 NOTIFICATION OF OTHER BUSINESS

Audio recording – 6:45

There was no other business notified.

141 CHAIR'S ANNOUNCEMENTS

Audio recording – 6:50

- (1) Members were reminded that this Council had declared a Climate Emergency. This was a serious decision and meant that, as this was an emergency, all of us, officers and Members had that in mind as we carried out our various roles and tasks for the benefit of our District.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item on question.
- (3) The Chair reminded Members that the normal rules of debate and times to speak applied.
- (4) The Chair bade farewell to the Committee, Member and Scrutiny Manager, William Edwards, who is leaving North Herts Council in October. The Chair thanked him for all of his hard work over the past 2 years.
- (5) The Chair made a statement regarding the death of former Councillor Nigel Agar and gave his best wishes to Councillor Agar's family; he then held a minute's silence in his memory.
- (6) The Chair informed the meeting that he planned to have a comfort break at a suitable time around 8:30.

142 PUBLIC PARTICIPATION

Audio recording – 11:58

There was no public participation at this meeting.

143 QUESTIONS FROM MEMBERS

Audio recording – 12:01

There were none.

144 NOTICE OF MOTIONS

Audio recording – 12:06

There was none.

145 ITEMS REFERRED FROM OTHER COMMITTEES

Audio Recording - 12:08

8A. REFERRAL FROM SOUTHERN RURAL AREA COMMITTEE: 30 JUNE 2022- CLOSURE OF KIMPTON SURGERY

The Chair of the Southern Rural Area Committee, Councillor George Davies commented that this was an item brought up during the Ward Matters section so he felt Councillor Ralph Muncer would be the best person to present this referral.

Councillor Ralph Muncer presented the referral from the Southern Rural Area Committee and highlighted the following points:

- The issue of the closure of Kimpton Surgery was discussed three months ago at the Area Committee;
- Councillor Muncer thanked Members of Southern Rural for their interest on this topic to residents in Kimpton;
- Kimpton Surgery has since closed its doors on the 31st August and that residents are still able to access NHS services in Harpenden, Wheathampstead, Whitwell and Welwyn;
- Councillor Muncer is working alongside County Councillor Richard Thake to push for enhanced public transport provision in Kimpton.

The following Members took part in the debate:

- Councillor Richard Thake
- Councillor Elizabeth Dennis-Harburg
- Councillor Sam Collins
- Councillor Tony Hunter
- Councillor Judi Billing

Councillor Val Bryant commented that she was the representative of North Herts Council on the Hertfordshire Health Scrutiny Committee and that she had been approached for items to be included in future meetings. Councillor Bryant offered to pass on the issue of the closure of rural GPs the next time she was asked for meeting items.

Councillor Val Bryant proposed and Councillor Judi Billing seconded and, following a vote it was:

RESOLVED: That Councillor Val Bryant, as representative of North Herts Council on the Hertfordshire Health Scrutiny Board, would take the issue of the closure of rural GP surgeries and raise it as an item to be discussed at the next Health Scrutiny Committee Meeting.

8B. REFERRAL FROM CABINET: 13 SEPTEMBER 2022 – MEDIUM TERM FINANCIAL STRATEGY

Was considered as Agenda Item 9

8C. REFERRAL FROM CABINET: 13 SEPTEMBER 2022 – SOFT PLAY INVESTMENT AT NORTH HERTS LEISURE CENTRE

Councillor Elizabeth Dennis-Harburg recommended that, as Councillor Steve Jarvis was the Executive Member for Environment and Leisure, he should be presenting this referral.

Councillor Steve Jarvis presented the referral from Cabinet and highlighted the following key points:

- The current report proposes to replace 2 of the 4 squash courts and some changing rooms with a soft play area; providing a facility that will provide a benefit to parents and children; allowing parents to use other facilities;
- There is a satisfactory rate of return as a part of the leisure centre that is currently being use very little is now beneficial to more people;
- As a result there needs to be two changes to the capital programme; making an addition of £150k, and moving capital allocation towards the refurbishment of the dry-side changing rooms and reallocate it to the soft play project.

Councillor Steve Jarvis proposed and Councillor Phil Weeder seconded.

The following Members took part in the debate:

- Councillor Faye Frost
- Councillor Adam Compton
- Councillor Steve Jarvis
- Councillor Tony Hunter
- Councillor Claire Strong

Following a vote it was:

RESOLVED:

- (1) That Council make the addition of £150k to the Capital programme in 2022/23.
- (2) That Council move the existing capital allocation of £100k in 2023/24 for refurbishment of the dry-side changing rooms to 2022/23 and reallocate it to the soft play project.

REASONS FOR DECISIONS:

- (1) Introducing a soft play facility at North Herts Leisure Centre will enhance the range of leisure facilities on offer and provide a dedicated play space for families with toddlers and young children within the local area.
- (2) The new facility will generate additional revenue for the site, aiding the financial recovery of leisure post covid and providing an attractive additional facility for bidders when the new leisure contract is procured in 2024.

146 MEDIUM TERM FINANCIAL STRATEGY

Audio Recording - 33:25

Councillor Ian Albert, Executive Member for Finance & IT presented the report and referral 8(b) from Cabinet entitled Medium Term Financial Strategy and highlighted the following key points:

- Appendix A sets out the impacts of COVID and the calculations of when the budget will return to pre Covid-19 levels; setting aside an amount in 23/24 to continue that recovery;
- Short stay car-park & leisure income is coming back to pre-covid levels but long-stay and season tickets are not;
- Parking and garden waste charges are forecasted to increase by 2% per year.

Councillor Ian Albert proposed and Councillor Elizabeth Dennis-Harburg seconded.

At 8:07pm Councillor Carol Stanier entered the Council Chamber.

The following Members took part in the debate:

- Councillor Richard Thake
- Councillor Tony Hunter
- Councillor David Levett
- Councillor Ruth Brown
- Councillor Adam Compton
- Councillor Elizabeth Dennis-Harburg
- Councillor Alistair Willoughby
- Councillor Claire Strong
- Councillor Steve Jarvis
- Councillor Keith Hoskins
- Councillor Nigel Mason
- Councillor Ralph Muncer
- Councillor Tom Plater
- Councillor Judi Billing
- Councillor Sam Collins
- Councillor Ian Albert

Following the vote it was:

RESOLVED: That Full Council adopts the Medium Term Financial Strategy 2023-28 as attached at Appendix A

REASON FOR DECISION: Adoption of an MTFS and communication of its contents will assist in the process of forward planning and the use of Council resources and in budget setting for 2023/2024 to 2027/2028, culminating in the setting of the Council Tax precept for 2023/24 in February 2023. This will (alongside the Council Plan) support the Council in setting a budget that is affordable and aligned to Council priorities.

147 ANNUAL REPORT OF THE OVERVIEW & SCRUTINY COMMITTEE 2021/22

Audio Recording - 1:26:30

The Chair of the Overview & Scrutiny Committee, Councillor David Levett presented the report entitled Annual Report of the Overview & Scrutiny Committee 2021/22 and provided the following updates:

- Para 5.3 should extend its thanks to Councillor Ian Albert for attending a number of O&S meetings;
- Para 9.2 since the report was written the scope has been set for the communications task & finish group and set provisional dates;
- The waste contracts are being discussed at an extraordinary meeting of the O&S committee on the 28th of September;

Councillor David Levett proposed and Councillor Val Bryant seconded and, following a vote it was:

RESOLVED: That the Annual Report of the Overview & Scrutiny Committee 2021/2022 as attached as Appendix A be noted.

REASON FOR DECISION: To enable Council to consider the report of the Chair of the Overview & Scrutiny Committee regarding the work of that Committee in the 2020/2021 Civic Year.

148 ANNUAL REPORT FOR THE STANDARDS COMMITTEE

Audio Recording - 1:29:05

The Chair of the Standards Committee, Councillor Judi Billing presented the report entitled Annual Report for the Standards Committee.

Councillor Judi Billing thanked Jeanette and the legal team for their hard work this year.

Councillor Judi Billing proposed and Councillor Ruth Brown seconded and, following a vote it was:

RESOLVED: That Council receives and notes the Annual Report

REASON FOR DECISION: In line with recommended good governance practice to report the work of Standards Committee to the full Membership, to promote and maintain high standards of conduct and to demonstrate a strong commitment to ethical values.

149 **CONSTITUTIONAL AMENDMENT / PANEL APPROVAL & APPOINTMENT REPORT - PART 1**

Audio Recording - 1:31:58

The Monitoring Officer presented the report entitled Constitutional Amendment, Panel Approval & Appointment Report and highlighted the following points of clarification:

- In appendix A any references to 'Commercial' should be 'Enterprise';
- Any reference to the Procedure Rule should be 4.8.23(a)

Councillor Elizabeth Dennis-Harburg proposed and Councillor Alistair Willoughby seconded and, following a vote it was:

RESOLVED: That Full Council:

(1) Approves the amendments detailed in Appendix A, and the Transport Panel's Terms of Reference Appendix B.

(2) Approves the Member appointments (and Co-Chairs to the extent necessary) to the Transport Panel, as detailed in 8.3-8.4

(3) Having taken the part 2 report and Mr Peter Oldham KC's advice into account, instructs the Service Director – Legal & Community to draft an amendment to the Constitution, in consultation with Group Leaders, regarding the removal of Council Procedure 4.8.23 (a) with the exception of Regulatory and Disciplinary Committees as well as certain statutory matters of Full Council, and present that wording to the next Full Council meeting on 10 November 2022.

REASON FOR DECISION: To reflect good decision making practice, reflect changes to Service Director's responsibilities and the review of the Panel arrangements to keep them up to date.

150 **EXCLUSION OF PRESS AND PUBLIC**

Audio Recording - 1:34:40

Councillor Daniel Allen proposed and Councillor Elizabeth Dennis-Harburg seconded and following the vote it was:

RESOLVED: That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A of the Section 200A(4) of the said Act (as amended).

151 CONSTITUTIONAL AMENDMENT / PANEL APPROVAL & APPOINTMENT REPORT - PART 2

Details of this item are restricted due to the disclosure of exempt information as defined in Paragraph 5 Part 1 of Schedule 12 of Section 200A of the Local Government Act 1972.

The meeting closed at 9.51 pm

Chair

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held in the Council Chamber, District Council Offices, Gernon Road,
Letchworth
on Tuesday, 8th November, 2022 at 7.30 pm

PRESENT: Councillors: Councillor Sam North (Chair), Councillor Daniel Allen (Vice-Chair), Ian Albert, Amy Allen, David Barnard, Clare Billing, Judi Billing, Simon Bloxham, Ruth Brown, Sam Collins, Adam Compton, George Davies, Elizabeth Dennis-Harburg, James Denselow, Morgan Derbyshire, Jean Green, Chris Hinchliff, Terry Hone, Keith Hoskins, Steve Jarvis, David Levett, Chris Lucas, Ian Mantle, Ian Moody, Gerald Morris, Ralph Muncer, Michael Muir, Lisa Nash, Sean Nolan, Tom Plater, Sean Prendergast, Adem Ruggiero-Cakir, Carol Stanier, Claire Strong, Mandi Tandi, Richard Thake, Tamsin Thomas, Tom Tyson, Phil Weeder, Alistair Willoughby and Val Bryant

IN ATTENDANCE: Anthony Roche (Managing Director), Ian Fullstone (Service Director - Regulatory), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), Jeanette Thompson (Service Director - Legal and Community), Ian Couper (Service Director - Resources), Melanie Stimpson (Democratic Services Manager), James Lovegrove (Committee, Member and Scrutiny Manager), Louis Mutter (Committee, Member and Scrutiny Officer), Nigel Smith (Strategic Planning Manager), Louise Symes (Strategic Infrastructure and Projects Manager), Deborah Coates (Principle Strategic Planning Officer) and Abigail Hamilton (Committee, Member and Scrutiny Officer)

ALSO PRESENT: At the commencement of the meeting approximately 25 members of the public, including registered speakers and press. Suzanne Ornsby K.C. was also in attendance.

153 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 39 seconds

Apologies for absence were received from Councillors Kay Tart, Terry Tyler, Tony Hunter, Raj Bhakar, Nigel Mason and Faye Frost.

Councillors Juan Cowell and Michael Weeks were absent.

154 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 28 seconds

There was no other business notified.

155 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 36 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded.

- (2) Members were reminded that this Council had declared a Climate Emergency. This was a serious decision and meant that, as this was an emergency, all of us, officers and Members had that in mind as we carried out our various roles and tasks for the benefit of our District.

(At this point of the meeting Councillor Sam Collins entered the Chamber at 19.34)

- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

The Monitoring Officer provided an overview of advice given and dispensations provided. There was general dispensation given to all District Councillors regarding the Council's own interests in certain sites, County Councillors and, for example, to Councillors who sat on outside bodies, such as the Letchworth Garden City Heritage Foundation (LGCHF), and the following Members advised they had been granted dispensation for this item:

- Councillor Judi Billing – County Councillor
- Councillor Jean Green – property interest
- Councillor Adem Ruggiero-Cakir – partner works for the Council, however had not been involved in the Plan process or estates
- Councillor Ian Mantle – LGCHF
- Councillor Terry Hone – County Councillor and LGCHF Board Member
- Councillor David Barnard – County Councillor and family affected by the east of Luton site, but stated he would not vote for or against
- Councillor Michael Muir – County Councillor
- Councillor Richard Thake – County Councillor
- Councillor Chris Hinchliff – Employed by national charity CPRE, but not involved with CPRE Hertfordshire.

- (4) The Chair clarified the rules of debate for Members.
- (5) The Chair advised of the procedure in the event of a disturbance during the meeting.
- (6) The Chair advised that a comfort break would be taken following the Public Participation item, as well as later in the meeting if proceedings continued at length.
- (7) The Chair advised Members that the Boundary Review draft recommendations had been received and that all Members had been invited to submit their comments on this by 21 November 2022.

(At this point of the meeting Councillor Phil Weeder entered the Chamber at 19.40)

156 PUBLIC PARTICIPATION

Audio recording – 14 minutes 29 seconds

The Chair clarified the procedure for public participants and ensured that all registered speakers were in attendance.

The Chair invited Mr Kevin Hinton to provide Council with a verbal presentation. Mr Hinton thanked the Chair for the opportunity and raised the following points:

- Representing Norton Action Group, with over 800 supporters across the County.

- Many of the concerns are safety, amenities and the preservation of Croft Lane which is within the conservation area of Letchworth. Many of the houses on Croft Lane date to the founding of the Garden City.
- Provision of housing is not an issue, but the accuracy and judgement regarding LG10 is an issue and fails to acknowledge the special and historic position of the Garden City.
- The development is not deemed to increase traffic and movements, but this cannot be true.
- The report states that local drivers are aware of the danger, but there is an increasing number of non-local drivers.
- Norton Action Group had consulted with a KC on this and had been advised that there was substance to their views.

There were no points of clarification from Members and the Chair thanked Mr Hinton for his presentation.

The Chair invited Ms Nikki Hamilton to provide Council with a verbal presentation. Ms Hamilton thanked the Chair for the opportunity and raised the following points:

- This policy was going against the government policy of building on brownfield sites first.
- This would see a significant increase of building on the greenbelt, which is a vital space to support the physical and mental wellbeing of residents.
- This goes against the NHDC policy to promote health communities.
- Greenbelt land is meant to be consistent and accessible, but the developments would force people to commute to reach outdoor spaces.
- Some of the sites identified would require significant work before they could provide housing and there were already pressures on the services in towns and villages.
- A new Garden City would have alleviated this issue and many residents who supported this were never able to give their preferred view.
- The developments proposed would decimate local wildlife and would be contrary to the Climate Emergency declared by the Council.
- In certain areas, the proposals would be of a huge cost to NHDC, and at the current size and location it would contravene the law and legal action could be taken.
- NHDC can work with local communities to find answers and compromises.
- If proposed developments go ahead in Letchworth, Stotfold and Arlesey there would be one field separating the three communities.

There were no points of clarification from Members and the Chair thanked Ms Hamilton for her presentation.

The Chair invited Mr Wilfred Aspinall to provide Council with a verbal presentation. Mr Aspinall thanked the Chair for the opportunity and raised the following points:

- Needed to adopt a climate of growth, to encourage small, custom and self-builds, which would encourage more home ownership.
- The Plan did not address the growth in population or propose schemes to make the area more prosperous.
- A review would be required to begin in 2023 and completed within 30 months and there would need to be serious consultation with residents.
- There was potential to extend the plan to 2041 in line with neighbouring authorities.
- Some people do not want housing, but housing builds prosperity and this then brings further tax returns to the Council and additionally retailers get money spent by new residents.

There were no points of clarification from Members and the Chair thanked Mr Aspinall for his presentation.

The Chair invited Ms Cheryl Peers to provide Council with a verbal presentation. Ms Peers thanked the Chair for the opportunity and raised the following points:

- Spoke on behalf of Save the World's First Garden City group based in Letchworth.
- Site NS1, together with the adjoining development in Stevenage Borough, proposed 1700 homes, which would impact on Graveley and cause major traffic issues.
- With the reduction in housing figures in LG1 from 900 to 600 it would be possible to provide greenbelt land adjacent to the affected villages. This would prevent the urban sprawl concerns and would be in accordance with the Garden City principles.
- It may be that this space is filled in in future Local Plans, but it would provide at least another 9 years of greenspace for residents.

There were no points of clarification from Members and the Chair thanked Ms Peers for her presentation.

The Chair invited Mr Roy Parker to provide Council with a verbal presentation. Mr Parker thanked the Chair for the opportunity and raised the following points:

- Against the East of Luton development included within the North Herts Local Plan under the duty to co-operate with Luton Borough Council, which is now unnecessary.
- Luton adopted their Local Plan in 2017, based on figures from March 2016, which identified a housing need of 17,800 and capacity for only 8,500 within the borough.
- The unmet need of 9,300 was allocated to Central Beds and North Herts.
- The Inspector of the Luton plan required a full review of the Local Plan to be commenced before the end of 2019 and completed by mid-2021 for public examination, but this had not happened.
- At 28 February 2022 the housing need in Luton had reduced to 16,700 and they had identified house building capacity to 15,038. There had been a further 581 dwellings granted permission to date in 2022 and this has further reduced the unmet housing need in Luton.
- A review of the plan is legally required every 5 years and the 5 year deadline for the Luton Local Plan was 7 November 2022.
- Conditional approval should be applied to the East of Luton development until Luton has completed the required review.
- The review should be subject to public consultation and should be referred to the Secretary of State if opposed.

Councillors Michael Muir and Sam Collins made points following the presentation but were advised that this was not the appropriate place to raise these points and they could be made later in the meeting. The Chair thanked Mr Parker for his presentation.

The Chair invited Ms Hayley Ward to provide Council with a verbal presentation. Ms Ward thanked the Chair for the opportunity and raised the following points:

- Spoke on behalf of Save our Greenbelt to protect the greenbelt for residents and future generations.
- Despite the ability to remove all sites from Villages for Growth from the plan without affecting the requirements, they are still included and these should be removed from the plan as they are unsustainable.
- The greenbelt surrounding these villages was designated to prevent coalescence with nearby towns.
- The proposals to remove the greenbelt, given the Climate Emergency declared by the Council, account to environmental vandalism and climate change will be exacerbated by concreting over green spaces.
- Green spaces were important for physical and mental health of residents, as demonstrated through the pandemic.

- There were many instances of flooding around the district recently and this will only get worse with additional housing.
- Infrastructure should be built first, not following the completion of housing.
- Traffic congestion was already unsustainable and residents changing habits would be required to address this.
- The impact of increased traffic will worsen air quality and increase illnesses. The Wymondley Parish Neighbourhood Planning Committee undertook air quality monitoring and found air pollutants to be in excess of limits set by the World Health Organisation.
- The Neighbourhood Plan adopted by NHDC had not been considered fully in the Local Plan.

There were no points of clarification from Members and the Chair thanked Ms Ward for her presentation.

The Chair invited Mr Paul Harding to provide Council with a verbal presentation. Mr Harding thanked the Chair for the opportunity and raised the following points:

- The Wymondley Parish sits at the centre of Stevenage, Hitchin and Letchworth and the greenbelt separating these towns and the villages surrounding has been important to North Herts.
- Greenbelt was established to prevent urban sprawl and stop mass developments and it had done so successfully for 70 years.
- There had to be exceptional circumstances to build on greenbelt land and the proposals here do not necessarily meet these.
- Once greenbelt land is removed, it will be difficult to recover and risks the merging of villages with surrounding towns.
- The greenbelt land was vital to residents physical and mental wellbeing.
- In the Wymondley Neighbourhood Plan 92% of respondents wanted the greenbelt protecting as it was.
- The delay in the adoption of the Local Plan would not have happened were the plan not flawed.
- Should Members be minded to adopt the plan, they should do so with the omission of the growth villages proposal.

There were no points of clarification from Members and the Chair thanked Mr Harding for his presentation.

The Chair invited Ms Carolyn Cottier to provide Council with a verbal presentation. Ms Cottier thanked the Chair for the opportunity and raised the following points:

- The proposals within the Local Plan for the East of Luton site mean North Herts will be more involved in the Luton airport expansion process.
- North Herts Council had previously refused a ring road in 2017, but this had been indirectly added by the Inspector by making North Herts Council a co-commissioning authority for the A505 corridor.
- There was an approved commercial estate, Green Horizons Park, which was not part of the airport development and was phase one of the expansion plans.
- The commitment of North Herts to support unmet housing need of Luton Borough Council is not necessary.

There were no points of clarification from Members and the Chair thanked Ms Cottier for her presentation.

The Chair invited Mr Phil Davis to provide Council with a verbal presentation. Mr Davis thanked the Chair for the opportunity and raised the following points:

- Spoke on behalf of Save Hitchin Green Belt which had launched a petition to save greenbelt sites west of Hitchin, which had attracted 5,500 supporters.
- Dudley Council had removed greenbelt sites from their Local Plan and continue to do so, due to the public response on the protection of greenbelt being too much to ignore.
- These sites have been described as not contributing significantly to the greenbelt and therefore should be removed, but this is not true and the sites do have qualities.
- The sites selected should have the least possible impact on wildlife, biodiversity and the wellbeing of residents.
- There is evidence of badgers, deer and foxes on these sites and there is significant birdlife.
- The meadows are untreated and have not had pesticides used, which makes them suitable for wildlife, but also absorb carbon.
- Hedgerows along these sites are used by bats for feeding.
- A Tree Protection Order had been placed on the smallest wood, but the building on the meadows would prevent wildlife movements.
- The developments are proposed to be on a ridge and therefore would be visible for miles.
- The sites would mean that more traffic would be created and this would be forced into town, further exacerbating already existing issues.

There were no points of clarification from Members and the Chair thanked Mr Davis for his presentation.

The Chair invited Mr David Dorman to provide Council with a verbal presentation. Mr Dorman thanked the Chair for the opportunity and raised the following points:

- Spoke against policy SP19 in the Local Plan, which regards the East of Luton plan, where 2100 homes are proposed with 1950 to meet the unmet need of Luton.
- They had challenged Luton Borough Council and the Planning Inspectorate to review the Luton Local Plan to ensure the exceptional circumstances still existed to build on the greenbelt.
- Central Beds was still the best fit to meet the unmet requirements of Luton and they were able to exceed the amount required, therefore there was no need for the East of Luton site.
- Luton has built around 11,000 dwellings with a further 2,300 planning approvals this year and therefore would be meeting its requirement.

There were no points of clarification from Members and the Chair thanked Mr Dorman for his presentation.

Following the conclusion of the Public Participation there was a short comfort break in proceedings until 21.05.

157 REPORT AND REFERRAL FROM CABINET ON NORTH HERTFORDSHIRE LOCAL PLAN 2011-2031

Audio recording – 94 minutes 35 seconds

The Chair invited the Executive Member for Planning and Transport, Councillor Ruth Brown, to present the report entitled 'North Hertfordshire Local Plan 2011-2031' and advised Members of the following:

- Thanked Members and Officers who had worked on the Plan and been involved in the process since 2011.
- All Members had attended sessions and drop-ins to ensure they understood the proposals before them in the Plan.
- Consultation had been ongoing and considerations had been taken and, with the inclusion of the Inspectors modifications, the Plan was sound.

- It was not ideal that the greenbelt land was being lost, but the Inspector retained this in the interest of sustainability.
- There was a proposed 4000 hectares of greenbelt to be made around the district within the Plan.
- Greenbelt status alone does not protect the land and this has been evidenced in recent decisions with the rejection of a previous application at the Planning Control Committee, which was successful on appeal.
- The Plan would give the Council more control over developments, especially regarding biodiversity and affordability.
- It was important that infrastructure was developed early around new housing developments.
- The Local Development Scheme proposed would allow for the Council to update certain aspects of the Local Plan, and a review was due to start by December 2023.
- The Council was required to have a Plan in place by December 2023 and it was better to have an adopted Plan than not.
- No change could be made to individual sites through amendments or conditions as this would be deemed a material change.
- Sites allocated would still require permission for development and would be brought to the Planning Control Committee for approval.

Councillor Brown proposed and Councillor Ian Mantle seconded and reserved his right to speak.

Following this, the Chair began the debate and the following Members took part and asked questions:

- Councillor Richard Thake
- Councillor David Barnard
- Councillor Chris Lucas
- Councillor Alistair Willoughby
- Councillor Gerald Morris
- Councillor Judi Billing
- Councillor Keith Hoskins
- Councillor Tom Plater
- Councillor George Davies
- Councillor Ian Mantle
- Councillor Michael Muir
- Councillor Sam Collins
- Councillor Chris Hinchliff
- Councillor Tom Tyson
- Councillor Elizabeth Dennis-Harburg
- Councillor Sean Nolan
- Councillor Ralph Muncer
- Councillor Ian Albert
- Councillor Lisa Nash
- Councillor Claire Strong
- Councillor Adam Compton
- Councillor James Denselow
- Councillor David Levett
- Councillor Steve Jarvis
- Councillor Sean Prendergast

During the debate at 22.15 there was a short adjournment to allow for a comfort break and the meeting recommenced at 22.23.

Points raised in the debate included:

- The unmet housing need of Luton Borough Council had been met and there were still developments ongoing, with further land available in Central Beds.
- There were parts of the Plan that were not desired, but there were limited choices available and it was important to have protection against developers.
- The Plan would increase the Council's ability to secure affordable homes within developments.
- Much of the Plan required building on greenbelt land, and while further greenbelt land was proposed the damage will have already been done.
- The Inspector had reduced housing requirements but all allocated land is still included within the Plan for development.
- There was a desire to provide housing for residents.
- Sites HT5 and HT6 felt shoehorned into inappropriate areas, but this could be addressed during the review stage.
- Emphasis had been placed on Local Authorities to adopt a Local Plan from Central Government.
- The Plan gives a level of control, with applications having to be presented to the Planning Control Committee, who would be able to refuse developments on the grounds available to the Committee.
- Housing was already an issue in the district and many residents are unable to afford housing without support.
- The Plan allows for more affordable and social housing within developments.
- Unsuitable sites could be identified on a cross-party basis during the reviews.
- Local politicians had consistently underdelivered on housing and over the last 25 years house prices have risen by 6 times and this is not affordable for young people.
- Lack of housing has further impacts on communities, employers and families.
- Environmental policies included would allow the Council to take a more proactive role in protecting land and wildlife.
- New developments should be connected to existing developments, not gated communities dotted around the countryside.
- There were policies included to support self-builders.
- Despite the reduction in overall numbers, there was not a reduction to the 3200 dwellings proposed in Baldock.
- Not against housing development in North Herts, but important that it is in the right place.
- The policies were already out of date in some cases and no clear answer on what the review entails or what will be considered.
- A new settlement is required in this area of the country.
- The adoption of a Local Plan is a requirement of government.
- There were 28 social homes built in the last 5 years of the previous administration and this Plan would help to ensure those numbers increase.
- Many sites in the Local Plan were already subject to applications and the adoption of the Plan would allow for strategic master planning.
- Without the Plan, there would be a free-for-all from developers.
- There was a binary choice this evening, with no chance to amend or condition the proposals.
- Some countryside had been included for development but it was designed to minimise urban sprawl and maintaining existing communities. There would overall be a four times increase in greenbelt countryside.
- Any new settlement would be a long term project and would not address immediate housing needs.
- There was destruction included in the Plan and it seemed the mitigations were an afterthought.
- There needs to be infrastructure in place to support the new residents, as well as those already existing.
- It was important to look at the broader picture and the Plan as a whole, rather than specific sites.

- Some sites should not be now included in the Plan, but adoption would allow for the protections to begin and a chance to review and update aspects of the Plan.
- Members had a duty to listen to residents and proposals should improve the environment and have the support of residents.
- Land for sale does not mean that it is suitable for housing and it was irresponsible to erode open spaces, which will impact on wildlife, ecology and flooding.
- Laying concrete in areas at risk of flooding is not suitable and the Plan did not address transport or traffic issues.
- There were no long term economic benefits to the Plan.
- The new Plan was needed to meet the housing land supply.
- The Council had a legal duty to consider the unmet need of Luton and the East of Luton site was the only viable option to do so.
- Members want the review of the Plan to start as soon as possible so it can be updated and edited appropriately.
- The Plan does propose encroachment onto the greenbelt, but this was preferable to the possibility of hostile developers.
- The greenbelt cannot be protected without an adopted Plan.
- As needs demand, the Plan can change and reviews will be ongoing.
- It was not just about sites identified, but about the policies included within it to ensure that there are benefits to the Plan.
- It was not a debate on whether something better could have been produced, but understanding the value of the Plan with the national planning constraints.
- The Plan would allow for better affordability of housing in the district.

Many Members also took the opportunity to thank the Officers and Members, current and former, who had put a great deal of effort into producing the Local Plan over the last 11 years.

In response to questions the Strategic Planning Manager advised:

- The policy within the Plan commits to a review and this would be conducted by working through policy by policy to ensure these remain relevant and revise those policies where this is not the case.
- There were three possible outcomes from a review of policies, that they were still relevant and suitable, that certain parts need updating or that the entire Plan will need re-evaluating.
- There were two 'reviews' which would take place. The first would be the review of policies and their relevance, and this would be conducted by Officers with changes approved by Members. If the Plan requires a review then this would depend on the situation at the time.
- Policies would be reviewed if there were no longer in line with national planning policies.
- This was a binary choice, and it would not be possible to add conditions onto the recommendations, as had been suggested through some public presentations and questions from Members.
- There was a small team working on Statutory Planning Documents and Town Centre strategies and only so much could be done. Letchworth would be first Town Centre Strategy to be looked at, were the Local Plan to be approved.
- Whether sites could be removed was unknown at this stage and would need to be reviewed in line with other policy considerations.

In response to points raised in the debate, Councillor Ruth Brown concluded:

- Thanked Members and members of the public who had spoken at the meeting and shared some of the concerns raised.
- It was important to be pragmatic and it was more than just building homes, the policies and strategies included were vital and would be lost without adoption.
- It would allow more control over affordable housing, the housing mix of developments and protection of the greenbelt.

- There was no further opportunity to remove sites and a decision must be taken.
- A refusal would lead to hostile applications all over the district, while an adopted Plan would provide a framework to drive up standards.
- A review would be a worthwhile activity to ensure it remained up to date.

Having been proposed by Councillor Brown and seconded by Councillor Mantle, the Chair moved to a vote and it was:

RESOLVED:

- (1) That the outcomes of the examination set out in the Inspector's Report (IR), attached as Appendix 1, along with his recommended Main Modifications to the Plan, attached as Appendix 2, were noted.
- (2) That the final version of the North Hertfordshire Local Plan 2011-2031 ('the Local Plan'), attached at Appendix 3, incorporating both the Inspector's Main Modifications and the proposed Additional Modifications, attached at Appendix 4, was adopted as part of the statutory Development Plan for the District.
- (3) That the Policies Map, illustrated by Appendices 5a to 5g, was adopted in order to give geographical effect to the policies of the Local Plan.
- (4) That the updated Local Development Scheme, attached at Appendix 6, was approved.
- (5) That delegated authority was granted to the Service Director – Regulatory in consultation with the Executive Member for Planning and Transport to make any minor non-material corrections (including but not limited to cosmetic additions or presentational alterations) to the adopted Local Plan or the adopted Policies Map as considered necessary for their publication and publicity in accordance with the relevant regulations.

REASON FOR DECISION: To provide the District with an up-to-date Local Plan in accordance with the requirements of national legislation and policy.

The meeting closed at 10.57 pm

Chair

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held in the Council Chamber, District Council Offices, Gernon Road,
Letchworth
on Monday, 19th December, 2022 at 7.30 pm

PRESENT: Councillors: Councillor Daniel Allen (Chair), Elizabeth Dennis-Harburg, Ian Albert, Simon Bloxham, Ruth Brown, George Davies, Elizabeth Dennis-Harburg, James Denselow, Morgan Derbyshire, Chris Hinchliff, Terry Hone, Keith Hoskins, Tony Hunter, Steve Jarvis, David Levett, Chris Lucas, Nigel Mason, Ian Moody, Ralph Muncer, Michael Muir, Lisa Nash, Sean Nolan, Tom Plater, Sean Prendergast, Claire Strong, Mandi Tandi, Richard Thake, Tamsin Thomas, Tom Tyson, Phil Weeder, Alistair Willoughby, Val Bryant and Terry Tyler

IN ATTENDANCE: Ian Fullstone (Service Director - Regulatory), Isabelle Alajooz (Legal Commercial Team Manager and Deputy Monitoring Officer), Melanie Stimpson (Democratic Services Manager), James Lovegrove (Committee, Member and Scrutiny Manager), Richard Beesley (Consultant) and Louis Mutter (Committee, Member and Scrutiny Officer)

ALSO PRESENT: There were no members of the public present for the duration of the meeting.

158 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 43 seconds

Apologies for absence were received from Councillors Amy Allen, Kay Tart, Carol Stanier, Sam North, Ian Mantle, Jean Green, Gerald Morris, Juan Cowell, Adam Compton, Raj Bhakar, Sam Collins, David Barnard, Clare Billing and Adem Ruggiero-Cakir.

159 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3 minutes 18 seconds

There was no other business notified.

160 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 minutes 26 seconds

- (1) The Chair paid tribute to former Councillor Judi Billing MBE who passed away on Thursday 24 November 2022. He remarked that Judi served as a district councillor for the Hitchin Bearton ward for over 40 years, as well as having served as County Councillor for Hitchin North since 2013. She served on Cabinet at North Herts Council as the Executive Member for Community Engagement, was Chair of the Standards Committee and co-Chair of the Cabinet Panel on Community and Enterprise. The Chair noted that outside of the Council Judi had worked across party lines with the Local Government Association and was awarded an MBE in 2015 for her services to local government.

Councillor Elizabeth Dennis-Harburg, Leader of the Council and the Labour group at North Herts, paid tribute to former Councillor Billing, and highlighted that Judi was a powerhouse of Local Government, who was committed to supporting communities. She noted that Judi was a phenomenal woman who had acted as her harshest critic but also her biggest support since her election. For many Members, Judi had acted as a grounding influence and made young, ambitious Members realise that being a District Councillor was a worthy role and was not just a springboard onto bigger things. Judi knew the how vital it was to sometimes just serve your community. Judi had been a passionate and caring individual and North Herts, as well as the entire Local Government family, had lost a giant following her passing.

The following Members also paid tribute to former Councillor Judi Billing MBE:

- Councillor Ian Albert
- Councillor Keith Hoskins
- Councillor Ruth Brown
- Councillor Claire Strong
- Councillor Richard Thake
- Councillor Thomas Plater
- Councillor Michael Muir
- Councillor Steve Jarvis
- Councillor David Levett
- Councillor Nigel Mason
- Councillor Daniel Allen

A minute of commemoration was held in memory of former Councillor Judi Billing MBE.

- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded.
- (3) Members were reminded that this Council had declared a Climate Emergency. This was a serious decision and meant that, as this was an emergency, all of us, officers and Members had that in mind as we carried out our various roles and tasks for the benefit of our District.
- (4) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (5) The Chair clarified the rules of debate for Members.
- (6) The Chair advised that a comfort break would be taken at a suitable time in the meeting, should proceedings continue at length.

161 PUBLIC PARTICIPATION

Audio recording – 34 minutes 05 seconds

There were no petitions or public requests to speak at this meeting.

162 ELECTORAL REVIEW – RESPONSE TO LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND ON PROPOSED WARDING ARRANGEMENTS

Audio recording – 34 minutes 18 seconds

The Democratic Services Manager presented the report entitled 'Electoral Review – Response to Local Government Boundary Commission for England on Proposed Warding Arrangements' and advised of the following:

- This was the second part of the ongoing consultation being undertaken by the Local Government Boundary Commission for England (LGBCE) and followed the conclusion of the information gathering exercise which concluded in August 2022 and the findings published on 1 November 2022.
- As a statutory consultee on the process, the Council had been invited to make a submission to the consultation on the proposed pattern of wards for the district. Individuals and community groups could make separate submissions.
- If the Council failed to approve a submission, then the LGBCE would base their final decision on other submissions received.
- The recommendation at this meeting was to approve the submission at Appendix A, which had been agreed following comments made by Councillors and discussion amongst Group Leaders at the Boundary Review Project Board.
- The deadline for submission was 9 January 2023.

Councillor Elizabeth Dennis-Harburg proposed and Councillor Ruth Brown seconded the proposals. Following this, the Chair opened up the debate to Members.

Councillor Morgan Derbyshire proposed an amendment to the wording of Point 7 in the appendix, to suggest that it highlight 'the Council strongly objects' to proposals regarding Baldock and surrounding areas, rather than has 'significant concerns'. This was seconded by Councillor Claire Strong.

Councillor Dennis-Harburg and Councillor Brown agreed to incorporate the amendment into the original motion.

Councillor Terry Tyler raised concerns regarding the proposals for the current Chesfield ward. He noted that Great Ashby already had an identity crisis and these proposals would destroy and confuse the community, who will not be represented by the same people. It would make more sense to include GA1 and GA2 in Great Ashby Parish Council, as creating a community was more important than making numbers work.

Councillor Michael Muir noted his concerns regarding the Baldock warding proposals. He advised that he agreed with the proposed names, but disagreed with proposals to make the proposed new housing to the north of Baldock part of a wider Gravely and Ashwell rural ward. These 3000 new houses would become part of the town of Baldock, just as the Clothall Common development in the current Baldock East ward had previously. He would prefer to see these houses included within the Baldock East ward, with an additional Councillor, and would make a separate submission to the consultation.

Councillor Richard Thake commented that although he did not agree with all the proposals, following discussions with residents on the issue it had become apparent that most were in favour of the process. However, many had raised issues with the proposed 'Mimram' name of the ward and requested this be changed. He proposed that this be changed to 'Codicote and Kimpton' ward and this was seconded by Councillor Ralph Muncer.

Councillor Dennis-Harburg and Councillor Brown agreed to incorporate the amendment into the original motion.

Councillor Steve Jarvis noted that he agreed with comments made by Councillor Muir with regard to the new houses in Baldock and suggested that these residents would not consider themselves part of Bygrave and it would be inappropriate to do so. There would be issues with the villages becoming part of a larger ward and the focus would be on the highest populated

area in the new Baldock housing. Overall he agreed with the proposal, but suggested this ward was reviewed again.

Councillor Alistair Willoughby agreed with other comments regarding the Baldock proposals and noted that there was consensus that the new houses would be part of Baldock. Therefore these new residents would be part of the town and could not have their needs met by being part of a wider rural ward.

Councillor Tom Tyson noted the aim of the review was to create a good pattern of wards that should reflect community evidence and links, but the proposals to combine new housing in Baldock with the rural surrounding areas did not meet these requirements and there would be an obvious conflict between town and rural residents.

Councillor Claire Strong noted that following consultation with Parish Councils they had advised that they were not content with the proposed names of some of the Southern Rural wards. She noted that concerns had been raised about the name 'Offley and Pirton', as this omitted Lilley, and that the proposed 'Langley, Preston and Walden' ward name was inappropriate as there was no village called Walden. Councillor Strong proposed that the wording be amended to highlight that the Council objected to the ward names of 'Offley and Pirton' and 'Langley, Preston and Walden' and recommend that these instead be named 'Offa' and 'Hitchwood' respectively.

Councillor Dennis-Harburg and Councillor Brown agreed to incorporate these amendments into the original motion.

Councillor George Davies echoed comments made by Councillor Terry Tyler and noted that the exclusion of the development sites from Great Ashby was not satisfactory. He highlighted the section in the report which confirmed that this review could only affect district boundaries and could not impact parish boundaries. Therefore it was important that a Community Governance Review was carried out to amend the boundaries of the parish and this could be completed in the future following these changes proposed.

Having been proposed by Councillor Dennis-Harburg and seconded by Councillor Brown, with proposed amendments from the debate incorporated, the Chair moved to a vote and it was:

RESOLVED: That the Council approved the response to the LGBCE consultation, attached as Appendix A for submission to the LGBCE, subject to the following amendments:

- Point 4.e to remove suggested ward name 'Mimram' and retain the suggested ward name by the Commission of 'Codicote and Kimpton'.
- Point 4.f to include objection of the proposed ward name 'Langley, Preston and Walden' and that the ward name should instead be referred to as 'Hitchwood' (being the former name for this area and a more accurate reflection of the different communities in the proposed ward).
- Point 4.h to include objection of the proposed ward name 'Offley and Pirton' and the ward name should instead be referred to as 'Offa'.
- Point 7 to include that the Council 'strongly objects' to the proposals regarding Baldock and specifically the proposed Ashwell and Weston ward, rather than it 'has significant concerns'.

The meeting closed at 8.25 pm

Chair

**COUNCIL
19 JANUARY 2022**

PUBLIC DOCUMENT

TITLE OF REPORT: NOTICE OF MOTIONS UNDER STANDING ORDER 4.8.12

The following motions has been submitted, due notice of which has been given in accordance with Standing Order 4.8.12.

A. Motion on Proportional Representation

To be moved by Councillor Chris Lucas and seconded by Councillor Ruth Brown:

“Council notes that:

- 1. The electoral system used for local elections in England and Wales, First Past the Post (FPTP), is not a fair system, because it means that votes do not have equal weight and many votes are wasted.*
- 2. The alternative to FPTP is a system of Proportional Representation (PR), where votes cast for parties translates more or less directly into seats won. There are many variants of PR. The Single Transferable Vote System (STV) variant of PR is already in use for local elections in Scotland and Northern Ireland. With this system, voters rank candidates in order of preference and those who receive the most backing (including second and subsequent choices) are elected to serve in multi-member wards.*
- 3. The introduction of PR for local elections in Scotland has led to an increase in turn-out, which was 44.8% at the last elections held in 2022. The average turnout in the May 2022 local elections in England was 33.6% which was broadly consistent with previous comparable elections^[1]. Whilst the turnout in the May 2022 local elections in North Hertfordshire District Council was slightly higher than the national average (39%)^[2] this still falls short of the successes in Scotland and elsewhere.*
- 4. When the Electoral Commission surveyed eligible voters who did not vote in the May 2022 local election, 9% cited the reason for not voting as “there is in point in voting because... my vote doesn’t count”^[3]. This suggests that the improved representation offered by PR encourages greater engagement in local democracy.*

Council believes that there should be a move to the use of a system of proportional representation for local elections as soon as is practicably possible as this would boost turn-out and elect a council which is more representative of the range of political views of North Hertfordshire District Council’s residents.

Council resolves to:

- 1. Call upon the UK Government to commit to changing electoral law to permit such a move and to introduce such a system of voting in any reforms to local government presented to Parliament.*
- 2. Instruct the Managing Director to write to North Hertfordshire District Council's three MPs to ask them to call for a change to electoral law to permit such a system and promote the matter for debate in Parliament.”*

References:

[1] <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/past-elections-and-referendums/england-local-council-elections/report-may-2022-local-elections-england>

[2] <https://democracy.north-herts.gov.uk/mgElectionResults.aspx?ID=500000004&RPID=502471994>

[3] <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/past-elections-and-referendums/england-local-council-elections/report-may-2022-local-elections-england>

B. Motion on Urgent unlocking the potential of local high streets

To be moved by Councillor Tom Plater and seconded by Councillor Keith Hoskins:

“This Council believes that healthy high streets are essential for employment, shopping and leisure but many shops and businesses were struggling even before the Covid pandemic: high street retail employment fell in more than three-quarters of local authorities between 2015 and 2018 according to the Office of National Statistics and more than half of all UK consumers were shopping online before the pandemic. This Council notes retail is among the sectors most affected by the coronavirus pandemic; the almost complete shutdown of non-essential shops between March and June 2020 and subsequent local and national lockdowns and ongoing restrictions has hit businesses hard, and the need for social distancing has changed the way many businesses operate reducing footfall.

The pandemic has accelerated what in many cases has been a longer trend of lower footfall and changing shopping habits: as the Portas Review a decade ago acknowledged, the form and function of many high streets needs to adapt if they are to survive.

This Council welcomes the willingness of Government to acknowledge the problems and come forward with initiatives in response to these challenges such as the furlough scheme, the Covid support business loans, and the High Street Taskforce. However, as the Treasury Select Committee stated in 2019, the current system of Business Rates places an unfair burden on “bricks and mortar” businesses compared to online retailers, and the Business Rate system needs radical overhaul.

The announcements in the Budget, though welcome, fall short of what is required: small changes to revaluation cycles and temporary discounts simply tinker around the edges, and will not deliver the support that local high streets need and deserve.

This Council resolves to

- *Write to the Government to urge it to scrap business rates and replace them with a system which is fit for purpose and which levels the playing field between bricks and mortar businesses and online retail giants.*
- *Campaign to devolve funds like the Towns Fund, Levelling Up Fund, UK Shared Prosperity Fund and other national funding pots, to give local communities, councils and regions the ultimate say in how it is spent in their area.*
- *Continue to take local action to revive our high streets, including:*

- *Make any data held by the council on ownership of high street properties public and in an accessible format, so that community groups seeking to buy empty shops through a community share offer have the information they need to do so.*
- *Proactively contact landlords of vacant premises (and work with Chambers of Commerce, Landlord Associations and BID managers) to explore 'meanwhile use' options and/or encourage alternative rental models (e.g. turnover rather than market rent) to enable new co-operatives, SMEs, social enterprises and 'community owned' businesses to open their doors on the high street.*

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/articles/highstreetsingreatbritain/march2020#:~:text=High%20street%20retail%20employment%20fell,29%25%20in%20Great%20Britain%20overall.> 2 <https://www.retail-insight-network.com/features/uk-online-shopping-growth/> 3

https://publications.parliament.uk/pa/cm201919/cmselect/cmtreasy/222/22203.htm#_idTextAnchor000

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8A REFERRAL FROM FINANCE, AUDIT AND RISK COMMITTEE: 07 DECEMBER 2022 – ANNUAL REVIEW OF THE CONTRACT PROCUREMENT RULES

RECOMMENDED TO COUNCIL: That Council considers the proposed changes and recommends their adoption to Full Council.

REASON FOR DECISION: The Contract Procurement Rules (CPR's) are part of the Constitution (under Section 20) and must be regularly reviewed and updated as part of the Council's governance and procurement review processes, contributing to the Council's system of effective internal control.

Audio Recording: 57 minutes 40 seconds

The Service Director – Resources presented the report entitled Annual Review of the Contract Procurement Rules and highlighted the following points:

- The review is fairly minor as the Council is expecting a Procurement Bill next year with potentially fundamental changes;
- The changes are detailed in section 8 of the report;
- The first change is that Procurement has moved back in to Resources;
- The other changes were made to tidy up the rules weren't as clear as they could be;
- Now that the Council has a full-time Procurement Officer the focus is on documents that sit behind the Procurement rules, to support Officers carrying out procurements.

Councillor Terry Tyler proposed and Councillor Phil Weeder seconded and, following a vote it was:

RECOMMENDED TO COUNCIL: That Council considers the proposed changes and recommends their adoption to Full Council.

REASON FOR DECISION: The Contract Procurement Rules (CPR's) are part of the Constitution (under Section 20) and must be regularly reviewed and updated as part of the Council's governance and procurement review processes, contributing to the Council's system of effective internal control.

NB: The report considered by Finance, Audit and Risk Committee at the meeting held on 7 December 2022 can be viewed here: [Agenda for Finance, Audit and Risk Committee on Wednesday, 7th December, 2022, 7.30 pm | North Herts Council \(north-herts.gov.uk\)](#)

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8B REFERRAL FROM CABINET: 13 DECEMBER 2022 – SECOND QUARTER INVESTMENT STRATEGY (CAPITAL AND TREASURY) REVIEW 2022/23

RESOLVED: That Cabinet:

- (1) Noted the forecast expenditure of £9.815M in 2022/23 on the capital programme, paragraph 8.3 refers.
- (2) Approved the adjustments to the capital programme for 2022/23 onwards, as a result of the revised timetable of schemes detailed in table 2 and 3, increasing the estimated spend in 2023/24 by £0.861M and £2.0M in 2024/25.
- (3) Noted the position of the availability of capital resources, as detailed in table 4 paragraph 8.6 and the requirement to keep the capital programme under review for affordability.

REFERRAL TO COUNCIL: That Cabinet recommended to Council that it notes the position of Treasury Management activity as at the end of September 2022.

REASONS FOR DECISIONS:

- (1) Cabinet is required to approve adjustments to the capital programme and ensure the capital programme is fully funded.
- (2) To ensure the Council's continued compliance with CIPFA's code of practice on Treasury Management and the Local Government Act 2003 and that the Council manages its exposure to interest and capital risk.

Audio recording – 61 minutes 23 seconds

The Executive Member for Finance and IT presented the report entitled 'Second Quarter Investment Strategy (Capital and Treasury) Review 2022/23' and advised of the following:

- This was the mid-year report, which included a referral onto Council in January.
- Table 2 in the report detailed the capital schemes to be moved to the next financial year and Table 3 highlighted the emerging picture on building works regarding inflation.
- The delay on some capital schemes to next year and increases in interest rates meant that the Council was earning extra returns on its surplus cash.

The Chair of Finance, Audit and Risk Committee presented the referral on this item and noted that the Committee had approved the recommendations in the report, including the referral onto Council.

Councillor Ian Albert proposed and Councillor Elizabeth Dennis-Harburg seconded and, following a vote, it was:

RESOLVED: That Cabinet:

- (1) Noted the forecast expenditure of £9.815M in 2022/23 on the capital programme, paragraph 8.3 refers.

- (2) Approved the adjustments to the capital programme for 2022/23 onwards, as a result of the revised timetable of schemes detailed in table 2 and 3, increasing the estimated spend in 2023/24 by £0.861M and £2.0M in 2024/25.
- (3) Noted the position of the availability of capital resources, as detailed in table 4 paragraph 8.6 and the requirement to keep the capital programme under review for affordability.

REFERRAL TO COUNCIL: That Cabinet recommended to Council that it notes the position of Treasury Management activity as at the end of September 2022.

REASONS FOR DECISIONS:

- (1) Cabinet is required to approve adjustments to the capital programme and ensure the capital programme is fully funded.
- (2) To ensure the Council's continued compliance with CIPFA's code of practice on Treasury Management and the Local Government Act 2003 and that the Council manages its exposure to interest and capital risk.

NB: The report considered by Cabinet at the meeting held on 13 December 2022 can be viewed at here: [Agenda for Cabinet on Tuesday, 13th December, 2022, 7.30 pm | North Herts Council \(north-herts.gov.uk\)](https://www.north-herts.gov.uk/agenda/cabinet/2022/13th-december-2022-7-30-pm)

8C REFERRAL FROM CABINET: 13 DECEMBER 2022 – COUNCIL TAX REDUCTION SCHEME 2023/2024

RESOLVED: That Cabinet

- (1) Noted that a full review of the Council Tax Reduction Scheme had taken place and that consultation with the public and Major Precepting Authorities had taken place.
- (2) Noted the aim of the review had been to introduce a new scheme that will:
 - a. enable us to increase the overall level of support for the lowest income households;
 - b. reduce the administrative burden placed on the Council following the introduction of Universal Credit and;
 - c. make the scheme easier for our customers to understand and calculate entitlement.
- (3) Noted that the new scheme may increase the costs from those of the current scheme, any increase will be split between the Council and its Major Precepting Authorities. The Council's share is expected to be around 12.5%.

REFERRED TO COUNCIL: That Cabinet

- (1) Recommended to Council that a new banded scheme for working age applicants is adopted from 01 April 2023.
- (2) Recommended to Council the use of the Council Tax Hardship Grant to fund a discretionary scheme to provide additional transitional support where appropriate and that decisions regarding Discretionary support are delegated to the Service Director Customers in consultation with the Executive Member for Finance and IT.

REASON FOR DECISIONS: To ensure that the Council has a fit for purpose Council Tax Reduction Scheme that:

- Provides the greatest support to the lowest income households;
- Reduces the administrative burden that has been placed on the Council since the introduction of Universal Credit (UC);
- Is simple to understand, meaning that customers will be able to calculate entitlement and assess the impact of potential changes in circumstances.

Audio recording – 8 minutes 57 seconds

The Executive Member for Finance and IT presented the report entitled 'Council Tax Reduction Scheme 2023/2024' and advised of the following:

- Thanked the relevant Officers at the Council who had put work into this scheme.
- It proposed to increase the entitlement to over 1500 people, particularly those in the most vulnerable groups.
- There had been comments and input provided by Citizens Advice and residents during consultation.
- The important aspect would be managing the transition to the new scheme.
- Would continue to look at the discretionary support scheme for individual residents on a case by case basis.

David Airey, a consultant from ACS, advised that:

- ACS provided support to local authorities and the main areas of this was Council Tax reduction.
- Council Tax reduction was introduced in 2013 and all schemes run by local authorities needed to be updated due to the rollout of Universal Credit.
- This proposal would simplify the working age scheme and offer further support to residents.
- By 2023/24 it was expected that the majority of local authorities would be transferred across to a similar working age scheme.
- The pension age scheme is prescribed by the government and therefore cannot be changed.

The Chair of Finance, Audit and Risk Committee, Councillor Terry Tyler, presented the referral on this item and noted that there was some debate at the meeting, specifically with some concerns being raised about the transition. However, overall the Committee was content with the proposal and supportive of the scheme and approved the recommendations.

In response to a question from Councillor Ruth Brown, the Revenues Manager advised that this scheme would have a bearing on Parish Councils, but this would only be a small amount. Councillor Ian Albert noted that £38k had been allocated to support Parish Councils in the budget.

Councillor Ian Albert proposed and Councillor Elizabeth Dennis-Harburg seconded and, following a vote, it was:

RESOLVED: That Cabinet

- (1) Noted that a full review of the Council Tax Reduction Scheme had taken place and that consultation with the public and Major Precepting Authorities had taken place.
- (2) Noted the aim of the review had been to introduce a new scheme that will:
 - a. enable us to increase the overall level of support for the lowest income households;
 - b. reduce the administrative burden placed on the Council following the introduction of Universal Credit and;
 - c. make the scheme easier for our customers to understand and calculate entitlement.
- (3) Noted that the new scheme may increase the costs from those of the current scheme, any increase will be split between the Council and its Major Precepting Authorities. The Council's share is expected to be around 12.5%.

REFERRED TO COUNCIL: That Cabinet

- (1) Recommended to Council that a new banded scheme for working age applicants is adopted from 01 April 2023.
- (2) Recommended to Council the use of the Council Tax Hardship Grant to fund a discretionary scheme to provide additional transitional support where appropriate and that decisions regarding Discretionary support are delegated to the Service Director Customers in consultation with the Executive Member for Finance and IT.

REASON FOR DECISIONS: To ensure that the Council has a fit for purpose Council Tax Reduction Scheme that:

- Provides the greatest support to the lowest income households;
- Reduces the administrative burden that has been placed on the Council since the introduction of Universal Credit (UC);
- Is simple to understand, meaning that customers will be able to calculate entitlement and assess the impact of potential changes in circumstances.

NB: The report considered by Cabinet at the meeting held on 13 December 2022 can be viewed here: [Agenda for Cabinet on Tuesday, 13th December, 2022, 7.30 pm | North Herts Council \(north-herts.gov.uk\)](https://www.north-herts.gov.uk/agenda/cabinet/2022/13th-december-2022-730pm)

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**COUNCIL
19 JANUARY 2023**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: COUNCIL TAX REDUCTION SCHEME 2023/2024

REPORT OF: SERVICE DIRECTOR CUSTOMERS

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR FINANCE AND IT

COUNCIL PRIORITY: PEOPLE FIRST

1. EXECUTIVE SUMMARY

- 1.1 Each year the Council is required to review its Council Tax Reduction Scheme in accordance with the requirements of schedule 1A of the Local Government Finance Act 1992 and to either maintain the scheme or replace it.
- 1.2 The Council had committed to a full review of its Council Tax Reduction Scheme to meet the objectives as set out in 2.2. The review is one of the Councils key projects for 2022/23 included in the Council Delivery Plan.

2. RECOMMENDATIONS

- 2.1 That Council note that a full review of the Council Tax Reduction Scheme has taken place and that consultation with the public and Major Precepting Authorities has taken place.
- 2.2 That Council note the aim of the review has been to introduce a new scheme that will:
- enable us to increase the overall level of support for the lowest income households
 - reduce the administrative burden placed on the Council following the introduction of Universal Credit and
 - make the scheme easier for our customers to understand and calculate entitlement.
- 2.3 That Council approve the adoption of a new banded scheme for working age applicants from 01 April 2023.
- 2.4 That Council approve the use of the Council Tax Hardship Grant to fund a discretionary scheme to provide additional transitional support where appropriate and that decisions regarding Discretionary support are delegated to the Service Director Customers in consultation with the Executive Member for Finance and IT.
- 2.5 That Council note that the new scheme may increase the costs from those of the current scheme, any increase will be split between the Council and its Major Precepting Authorities. The Council's share is expected to be around 12.5%.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure that the Council has a fit for purpose Council Tax Reduction Scheme that:
- Provides the greatest support to the lowest income households
 - Reduces the administrative burden that has been placed on the Council since the introduction of Universal Credit (UC)
 - Is simple to understand, meaning that customers will be able to calculate entitlement and assess the impact of potential changes in circumstances.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. Consideration has been given to a range of alternatives, listed below:
- a) Retain the current scheme as-is with no change in levels of support
 - b) Retain the current scheme with increased levels of financial support
 - c) To introduce 'fixed periods' or 'tolerances' to the current scheme
 - d) To implement a simplified discount-based scheme for UC claimants only
 - e) To implement a simplified discount-based scheme for all working age claimants

Options (a) to (d) have been discounted as they would not address all the issues with the current scheme. Option (e) addresses all the issues and is the option that has been progressed for further data modelling.




- 4.2 If the proposed scheme is not adopted then the scheme for 2023/24 will remain the same as the scheme for 2022/23.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive Member and Deputy Executive Member for Finance and IT have been consulted throughout the review and are in support of the proposed changes to the scheme.
- 5.2 The Shadow Executive Member for Finance and IT has been consulted on this proposal.
- 5.3 A full consultation has been undertaken in line with the statutory requirement with:
- The County Council (including Fire & Rescue)
 - The Hertfordshire Police and Crime Commissioner (PCC)
 - The Public
- 5.4 The public consultation ran for six weeks and closed on the 30 October 2022. The consultation was regularly promoted via our website, social media channels and in the local press and Council email bulletins. Details of the consultation were included on all emails sent from customer services and we also notified partners such as Citizens Advice, settle and other registered housing providers. Parish Clerks were also notified of the consultation.
- 5.5 No comments were received from the County Council or PCC.

- 5.6 North Herts Citizens Advice were consulted on the proposal and expressed support for the proposed scheme specifically noting that; *'the CTR scheme should benefit more of those who really need it. It seems like a fairer system and its very client focused'*.
- 5.7 The public consultation received 481 responses, 100% of respondents stated they live in North Herts. Just under 74% of respondents are not in receipt of CTR support and the majority of respondents (69%) were aged 55 and above with 40% being above 65. 68% of those who answered the question below agreed with introducing an income based banded scheme.

A summary of the full consultation results is attached at Appendix B.

| 2. Do you agree with introducing an income-based banded discount scheme? | | | | |
|--|------------|---|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 67.78% | 223 |
| 2 | No |  | 18.54% | 61 |
| 3 | Don't Know |  | 13.68% | 45 |
| | | | answered | 329 |
| | | | skipped | 152 |

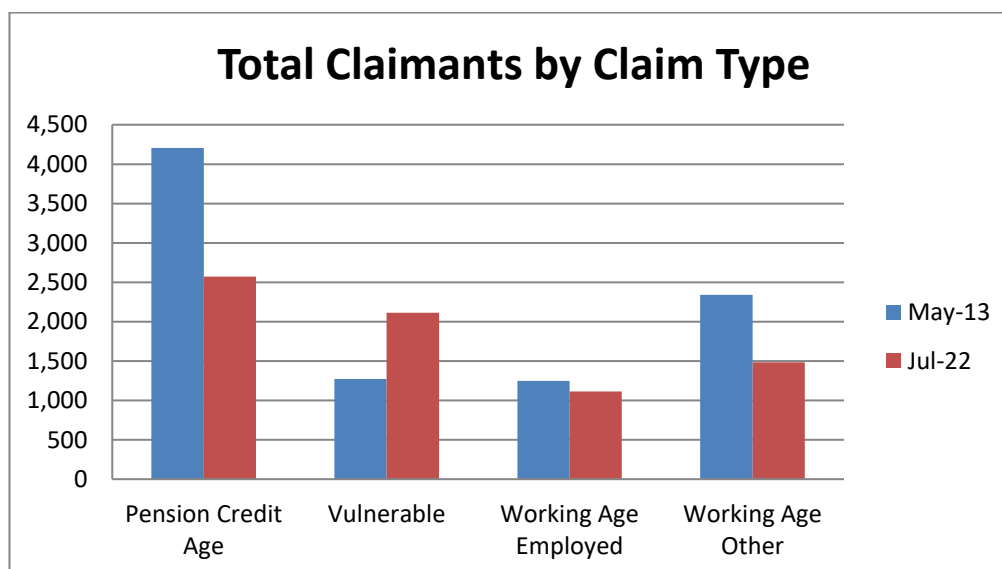
6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 29 July 2022.

7. BACKGROUND

- 7.1 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 the introduction, the Government;
- placed the duty to create a local scheme for **working age** applicants with billing authorities.
 - reduced initial funding by the equivalent of ten per cent from the levels paid through benefit subsidy to authorities under the previous Council Tax Benefit scheme; and
 - prescribed that anyone of **pension age** would be dealt with under regulations set by Central Government and not the authorities' local scheme.
- 7.2 Since that time, funding for the Council Tax Reduction Scheme has been amalgamated into other Central Government grants paid to Local Authorities (where in receipt of Revenue Support Grant) and also within the Business Rates Retention regime. It is now generally accepted that it is not possible to identify the amount of funding actually provided from Central Government sources.

- 7.3 The current Council Tax Reduction Scheme administered by the Council is divided into two schemes, with pension age applicants receiving support under the rules prescribed by Central Government, and the scheme for working age applicants being determined solely by the local authority.
- 7.4 Pensioners, subject to their income, can receive up to 100 per cent support towards their Council Tax. The Council has no power to change the level of support provided to pensioners and therefore any changes to the level of Council Tax Reduction can only be made to the working age scheme.
- 7.5 When Council Tax Reduction was introduced in 2013, for working age applicants, the Council broadly adopted the previous means tested Council Tax Benefit scheme as the basis of awarding support. Due to the reduction in funding from Central Government, the Council also required all working age applicants, even those on the lowest income, to pay an amount towards their Council Tax. This was achieved by applying a standard deduction from any award granted (with certain protected groups where the household would be considered disabled). The standard deduction is currently up to 25%.
- 7.6 Since its introduction, the working age scheme has only been amended slightly, primarily to adjust the standard deduction, to introduce a tolerance and to align it with Housing Benefit and Universal Credit where possible.
- 7.7 CTR claimants are split into four categories as follows:
- Pensioners - meaning they have reached Pension Credit age
 - Vulnerable - meaning that a member of the household is in receipt of a disability benefit such as Personal Independence Payment (PIP) or Disability Living Allowance (DLA)
 - Working age employed - of working age and in employment
 - Working age other - of working age and not in employment.
- 7.8 The chart below shows how the claimant numbers are made up and shows that since 2013 the numbers of claimants in each group have declined, except the vulnerable group which has increased as additional medical conditions have been included.



8. RELEVANT CONSIDERATIONS

8.1 There are several issues with the current scheme that need addressing if the system is to continue to provide effective support to low-income taxpayers and if the Council is to be able to provide the service in an efficient manner. The main issues are as follows:

- the need to assist low-income households and assist in the collection of Council Tax.
- the introduction of Universal Credit for working age applicants; and
- the need for a simplification of the scheme.

These issues are examined in more detail throughout this section of the report.

8.2 The need to assist low-income households and assist in the collection of Council Tax

8.2.1 Since 2013 and the introduction of Council Tax Reduction, the majority of authorities, including the Council have required all working age applicants to pay a minimum payment. Under the previous scheme (Council Tax Benefit) almost 75% of working age applicants would not have been required to pay any Council Tax and would have received full (100%) support.

8.2.2 As with many authorities, there is a strong view that there should be an increase in the level of support to those households on the lowest of incomes. This view has gained momentum over the past few years but has been reinforced since the COVID-19 crisis which had a major impact on household incomes generally and more recently with the cost-of-living crisis.

8.2.3 Whilst the principle of all working age households paying 'something' was initially thought to be an approach that would be central to the design of Council Tax Reduction, the reality is that, since its introduction, low-income taxpayers, the poorest households, have been unable to pay the balance leading to additional costs, court and enforcement action which compounds the debt and in some cases the amounts demanded have been written off as uncollectable.

8.2.4 The costs of administration of these cases by the Council has increased significantly over the years. These costs are borne solely by the Council. With the difficulties experienced, the relatively low level of payment and the high administration costs incurred, it no longer makes the amounts economically viable to collect. Notwithstanding the negative effects to those poorest households. The proposed scheme (set out in 8.5) would address these issues by an increase in entitlement of up to 100% for those on the lowest income.

8.3 Council Tax Reduction and the roll out of Universal Credit

8.3.1 The introduction of Universal Credit within the district 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 Councils have experienced the following:

- the reluctance of Universal Credit claimants to make a prompt claim for Council Tax Reduction leading to a loss in entitlement.

- a high number of changes to UC cases received from the Department for Work and Pensions (DWP) requiring a change to Council Tax Reduction entitlement. On average 40% of UC 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.
- increased costs of administration through multiple changes with significant additional staff and staff time being needed. It is estimated that on average the Council receives around 39,000 notifications per year of change from the DWP for claimants on UC, that is a significant administrative burden that is likely to increase.

8.3.2 The number of Universal Credit claimants at present who are within the Council Tax Reduction Scheme is approximately 2884 which represents 60% of the working age caseload. The number of UC claimants will increase year on year and the majority of work within the working age cohort will revolve around these cases.

8.3.3 It is clear that the existing means tested Council Tax Reduction Scheme, which is too reactive to change, will not be viable in the longer term as UC continues to be rolled out fully within the area and with the massive increase in UC claimants due to the COVID-19 crisis. The move to a more efficient scheme from 2023 is now imperative.

8.4 The need for a simplified approach to the Council Tax Reduction Scheme

8.4.1 Notwithstanding the introduction of UC, the existing scheme is based on an old-fashioned means tested benefit scheme, which now has major defects namely:

- it is complex for customers to understand and is based on a complex calculation of entitlement.
- customers are not easily able to calculate their entitlement
- the administration for staff is complex, with staff having to request significant amounts of information from applicants.
- staff have to undergo significant training to be proficient in processing claims.
- the timescales for processing applications are lengthy, mainly due to the complexity and evidence required to support the applications.
- the administration of the scheme is costly when compared to other discounts for Council Tax.

8.4.2 Clearly there is now a need to simplify the scheme, not only to mitigate the effects of UC, but also make it easier for customers to make a claim and to significantly reduce the costs of administration. Our Customer Service Strategy commits to making it easier for customers to access our services and a simplified scheme would support that objective.

8.5 The proposed approach for the 2023/24 Council Tax Reduction Scheme

8.5.1 With the simplicity of the proposed new scheme and by taking a more Council Tax discount approach, it will address the problems associated with the increased administration of the current scheme as follows:

- **The scheme will require a simplified claiming process.** All applicants will see a significant reduction in the claiming process and, where possible, Council Tax Reduction will be awarded automatically. In line with our People First priority the scheme will be easier for our customers to understand and available for them to access and calculate their entitlement at any time.
- For Universal Credit applicants any UC data received from the DWP will be treated as a claim for Council Tax Reduction. Where information is received from DWP, the entitlement to Council Tax Reduction will be processed automatically without the need to request further information from the customer. These changes will have the following distinct advantages namely:
 - **Speed of processing** – all claims will be able to be calculated promptly and largely automatically without the need to request further information which inevitably leads to delays.
 - **Maximising entitlement to every applicant.** As there will no requirement for Universal Credit applicants to apply separately for Council Tax Reduction, and for all other applicants, the claiming process will be simplified significantly. Entitlement to Council Tax Reduction will be maximised with a reduced risk of loss of discount or the need for backdating.
 - **Maintenance of collection rates** – the new scheme will avoid constant changes in discount, the need for multiple changes in instalments and therefore assist in maintaining the high collection rates currently achieved. The increased level of discount will assist all those applicants on the lowest levels of income, again improving the overall collection rate.

8.5.2 In view of the issues now experienced with the current scheme, it is proposed that an alternative approach be taken from 2023/24. The approach has been to fundamentally redesign the scheme to address all the issues mentioned and in particular;

- (a) the level of support available to the lowest income households;
- (b) the problems with the introduction of full-service Universal Credit; and
- (c) the significant increase in administration costs due to the high level of changes received in respect of Universal Credit.

8.5.3 Work has been ongoing since early this year on modelling and developing a new scheme which is now complete. Consultation with the public and our Major Preceptors has been carried out. A summary of the full results of the consultation are included at Appendix B.

8.5.4 The proposed new scheme has a number of features as follows:

- more support shall be given to those households on the lowest of incomes than in the current scheme.
- the changes can **only be made to the working age schemes** as the current schemes for pensioners is prescribed by Central Government.
- the current means tested calculations will be replaced by a simple income grid model that will be accessible on our website, the income bands are based on a weekly net income amount as shown below.

| Band | Discount | Single Person | Single Person with one child | Single Person with two children | Single Person with three or more children | Couple with no children | Couple with one child | Couple with two children | Couple with three or more children |
|------|----------|--------------------|------------------------------|---------------------------------|---|-------------------------|-----------------------|--------------------------|------------------------------------|
| 1 | 100% | £0 to £100.00 | £0 to £165.00 | £0 to £220.00 | £0 to £330.00 | £0 to £140.00 | £0 to £205.00 | £0 to £260.00 | £0 to £340.00 |
| 2 | 75% | £100.01 to £180.00 | £165.01 to £245.00 | £220.01 to £300.00 | £330.01 to £385.00 | £140.01 to £220.00 | £205.01 to £285.00 | £260.01 to £340.00 | £340.01 to £395.00 |
| 3 | 45% | £180.01 to £240.00 | £245.01 to £305.00 | £300.01 to £360.00 | £385.01 to £445.00 | £220.01 to £280.00 | £285.01 to £345.00 | £340.01 to £400.00 | £395.01 to £455.00 |
| 4 | 25% | £240.01 to £300.00 | £305.01 to £365.00 | £360.01 to £420.00 | £445.01 to £505.00 | £280.01 to £340.00 | £345.01 to £405.00 | £400.01 to £460.00 | £455.01 to £515.00 |
| 5 | 0% | Over £300.01 | Over £365.01 | Over £420.01 | Over £505.01 | Over £340.01 | Over £405.01 | Over £460.01 | Over £515.01 |

8.5.5 It is proposed that the highest level of discount will be at 100% of the Council tax liability (Band 1) meaning, someone with 100% discount will not be expected to make a contribution towards their Council Tax bill. 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) will receive this maximum discount.

8.5.6 All other discount levels are based on the applicant's and partner's (where they have one) net income.

8.5.7 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. There will be no charges made where an applicant has non-dependants living with them. This is a significant change and means that the administration of the scheme will be more straightforward whilst also protecting low-income families where adult sons and daughters for example remain at home.

8.5.8 To encourage work, a standard £50 per week disregard will be provided against all earnings. This will take the place of the current standard disregards and additional earnings disregards. Where a family also receives a childcare disregard (for childcare costs not paid for by Central Government schemes), the income levels in the 'grid scheme' are set at a higher rate. Further disregards are listed below:

- disability benefits such as Disability Living Allowance and Personal Independence Payment will continue to be disregarded.
- where any applicant, their partner or dependent child(ren) are in receipt of a disability benefits such as PIP or DLA, a further disregard of £50 per week will be given, thereby supporting those with disabilities.

- Carer's Allowance and the Support Component of Employment and Support Allowance will be disregarded.
- Child benefit and Child Maintenance will be disregarded.
- an amount in respect of the housing element, within Universal credit will be disregarded.
- the total disregard on war pensions and war disablement pensions will continue.
- extended payments will be removed; and the capital limit of £16,000 with no tariff (or assumed income) being applied

8.6 How the new scheme will address the issues with the current scheme

8.6.1 With the simplicity of the proposed new scheme and by taking a more 'Council Tax discount approach', it will address the problems associated with the increased administration caused by issues with the current scheme and Universal Credit:

8.6.2 The income bands of the proposed scheme are sufficiently wide to avoid constant changes in discount. The current Council Tax Reduction Scheme is very reactive and will alter even if the overall change to the person's liability is small. This is leading to constant changes in Council Tax liability, the need to recalculate monthly instalments and the requirement to issue a large number of Council Tax demands. The effect of this is that Council Tax collection is reduced. The new scheme, with its simplified income banding approach will have the following advantages.

- Only significant changes in income will affect the level of discount awarded
- Council Taxpayers who receive Council Tax Reduction will not receive multiple Council Tax demands and adjustments to their instalments; and
- The new scheme is designed to reflect a more modern approach, where any discount changes will be effective from the day of the change rather than the Monday of the following week.

8.7 Analysis of the Impact of changes.

8.7.1 Analysis of the impact, based on comparing the current caseload entitlement with the proposed entitlement, shows that 81% of working age claimants will receive no change or an increase (this figure does not include pensioners who are unaffected by the proposal), 6.8 % will receive a decrease in entitlement and 11 % will no longer be entitled to council tax reduction.

8.7.2 The majority of changes in entitlement that will see a reduction will be because of one of the following reasons, which are explained in more detail:

- Changes to the vulnerable element of the scheme
- Removal of the Better Buy and 2AR element of the scheme

8.7.3 Changes to the vulnerable element of the scheme

Under the current scheme if anyone in the household is in receipt of a disability benefit such as personal independence payment (PIP) or disability living allowance (DLA) then they are 'passported' into the vulnerable category and automatically entitled to 100% reduction, regardless of household income. Under the proposed scheme there will no longer be an automatic 100% reduction applied and the percentage reduction will be based on the income band that the household is in, once the relevant disregards have been applied.

It is important to note that the income assessed for the purposes of CTR will have already disregarded disability benefits (such as PIP and DLA) and an additional £50 disability disregard will be applied, a further £50 disregard will also be applied if the claimant is working. There are some examples calculations shown in Appendix A

8.7.4 Removal of the Better Buy and 2AR element of the scheme

Under the current scheme Second Adult rebate (2AR) replaces the single persons discount of the liable person if they have a second adult move into their home who is on a low income. Unlike any other UK state benefit, 2AR is not based on the income and capital of the applicant or partner but that of another adult.

Where an applicant is not entitled to CTR but resides with a second adult, another calculation assesses entitlement to 2AR by ignoring the financial circumstances of the claimant and taking those of the second adult into account. The discount applied depends on the income of the second adult and could be 7.5%, 15% or 25%. This can also result in entitlement to 2AR being awarded even where the applicant has more than £16000 assessed capital.

Where an applicant has entitlement to both main CTR and 2AR, the amount of CTR to which they are entitled is the higher of the two, this is commonly known as a 'better buy' calculation.

8.7.5 Increase in entitlement

The majority of changes in entitlement that will see an increase in entitlement will be because currently all working age other and working age employed claimants are required to pay 25% of their council tax regardless of their income. As an example, under the current scheme a claimant whose only income is Universal Credit at £77 per week is required to pay 25% of their council tax. In many cases it is not affordable and will not be paid, leading to debt and potentially further costs added for recovery action. Some further examples of these calculations are included in Appendix A.

- 8.7.6 The changes in the proposed scheme make the scheme much fairer by assessing all working age claimants on their assessable income once any relevant disregards have been excluded.

8.8 Transition to the new scheme and the Exceptional Hardship Scheme

- 8.8.1 The Council must be mindful that any change in scheme or a transition to a new scheme may result in a change to the entitlement of some applicants.

- 8.8.2 Inevitably, with any change in scheme, there will be some who will not benefit from the changes and will see a reduction in entitlement or entitlement end altogether, whilst we have tried to minimise this, any changes in entitlement will be based on income levels.

- 8.8.3 The proposed scheme has been designed to support the most financially vulnerable. It is proposed that the new scheme will contain additional discretionary provisions to support individuals who experience exceptional hardship. Where any applicant is likely to experience exceptional hardship, they will be encouraged to apply for a CTR hardship award for a specified period of time. The Council will consider all applications for exceptional hardship on an individual basis, taking into account available income and essential outgoings. Where appropriate, further support will be given to the applicant.
- 8.8.4 This approach will enable individual applicants to be dealt with in a fair and equitable manner. The CTR Hardship Scheme will form part of the Council Tax Reduction Scheme and fall to be borne by the Council.

9. LEGAL IMPLICATIONS

- 9.1 The Council is required to maintain and annually review its Council Tax Reduction Scheme in accordance with Section 13A and Schedule 1A of the Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).
- 9.2 Schedule 1A to the Local Government Finance Act 1992 requires the Council to make any revision to its scheme or any replace scheme no later than 11 March in the financial year preceding that for which the revision or replacement scheme is to have effect.
- 9.3 Full Council's terms of reference include at 4.4.1 (z) "approving the Council Tax Reduction Scheme". Cabinet's terms of reference include at 5.6.44 recommending to Full Council "The Council Tax Reduction Scheme".
- 9.4 Section 3(1) of Schedule 4 of the Local Government Finance Act 2012, which inserts Schedule 1A to the Local Government Finance Act 1992 requires the Council to consult on any changes to its scheme as follows:
- Consult any Major Precepting Authority which has power to issue a precept to it,
 - Publish a draft scheme in such manner as it thinks fit, and
 - Consult such other persons as it considers are likely to have an interest in the operation of the scheme.

10. FINANCIAL IMPLICATIONS

- 10.1 The current Council Tax Reduction Scheme costs approximately £7.77m which is borne by the Council's Collection Fund. Costs are shared between the Council and the Major Precepting Authorities in the following proportions for (2023/23):
- County Council (including Fire and Rescue Service) (76.4%)
 - Police and Crime Commissioner (11.1%)
 - District Council (12.5%)

These proportions are based on the overall share of Council Tax income and will change over time in line with decisions made by each Authority on levels of Council Tax increase. Recently, these have mainly been affected by the levels of increase (without a local referendum) that have been allowed by Government.

The costs of Council Tax Reduction are not funded by the Precepting Authorities directly. Instead, the estimated level of eligibility is converted into a number of band D equivalent properties. That then reduces the overall tax base (i.e., the number of priorities expected to pay Council Tax), and therefore the amount of income that each Precepting Authority

should expect to receive. Differences between what was expected, and the amount actually collected are managed through a Collection Fund. The precepting Authorities will share any surpluses or shortfalls in the following year.

- 10.2 The approach and shape of the scheme is changing, and the overall approach will be to provide additional support to those households on the very lowest incomes. Based on current modelling, were the new scheme to be in place at the current time, the costs would be £7.89m the increase in cost that would be apportioned to North Herts is approximately £15,000.
- 10.3 The projected cost increase is the maximum expected. Modelling adjustments are continuing to be made to see if the increase can be reduced without having a significant adverse impact.
- 10.4 Whilst the expected costs of the scheme for 2023/24 will be slightly higher, the overall level of Council Tax Reduction as a proportion of the Council Tax Base has reduced year on year since 2013 as shown below at 10.6 and 10.7. The only exception was in the COVID-19 period (2020/21 and 2021/22) but the trend has started to show that the costs are falling again and the number of claimants reducing. Of course, since Covid we now face the cost-of-living crisis. We don't expect the cost-of-living crisis to automatically increase the numbers of claimants, unless it leads to job losses in which case we will see an increase in claimants, as would be the case under the present scheme.
- 10.5 Whilst the overall Council Tax liability has increased year on year the value of Council Tax Reduction claims as a percentage of overall liability had continued to decrease prior to the pandemic.

10.6 Council Tax Reduction as a Percentage of Gross Council Tax Liability

| Financial Year | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 |
|----------------------|------------|------------|------------|------------|------------|-------------|-------------|-------------|-------------|
| Gross CT Liability £ | 83,774,520 | 84,591,594 | 86,434,938 | 89,845,133 | 94,684,222 | 100,685,225 | 105,302,251 | 110,123,753 | 115,611,353 |
| CTR £ | 6,998,498 | 6,902,064 | 6,693,360 | 6,761,037 | 6,770,869 | 6,863,664 | 6,771,613 | 7,208,969 | 8,218,400 |
| % | 8.35% | 8.16% | 7.74% | 7.53% | 7.15% | 6.82% | 6.43% | 6.55% | 7.11% |

10.7 Council Tax Reduction - Caseload Reductions

| Financial Year Commencing | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|---------------------------|------|------|------|------|------|------|------|------|------|------|
| Working Age | 4797 | 4718 | 4537 | 4327 | 4187 | 4058 | 3980 | 4355 | 5151 | 4823 |
| Pension Age | 4214 | 4065 | 3831 | 3608 | 3404 | 3120 | 2981 | 2874 | 2746 | 2636 |
| Total | 9011 | 8783 | 8368 | 7935 | 7591 | 7178 | 6961 | 7229 | 7897 | 7459 |

11. RISK IMPLICATIONS

- 11.1. In transitioning from the old to the new scheme, there is a risk that there could be some initial confusion amongst applicants. If not managed well, this could lead to customers

not receiving discounts that may be due to them. By simplifying the current scheme and ensuring that we publicise the new scheme effectively, it will become easier for customers to make a claim and administrative costs will also be reduced.

- 11.2. There be some who will not benefit from the changes and will see a reduction in entitlement or entitlement end altogether and there is a risk that they may experience financial hardship. By introducing new discretionary provisions to the scheme, the Council will be able to encourage applicants to apply for an exceptional hardship award, and where appropriate, support will be given.
- 11.3 There is a risk that the new scheme will increase costs to the Council, work that has been undertaken to assess the potential impact of this so that it can be incorporated into the decision on whether to adopt the new scheme.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 It should be noted that this scheme only applies to and impacts a specific age group: working-age claimants. Changes suggested within this report aim to improve accessibility to the scheme for all claimants through a simplified process; and improve the support available to those that are on the lowest incomes. As noted at 8.7.2, there will be some who will inevitably not benefit from the changes and will see a reduction in entitlement or entitlement end altogether. Efforts have been made to minimise negative impacts.
- 12.3 By conducting extensive consultation, the Council has sought to collect information from those who may be potentially affected by these proposals.
- 12.4 An equalities impact assessment has been completed and is attached at Appendix C.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1 There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no direct Human Resources implications in this report, however the changes proposed would make the Council Tax Reduction Scheme significantly easier to administer and therefore this would reduce the additional burden that has been placed on the service because of Universal Credit.

16. APPENDICES

- 16.1 Appendix A – Impact of changes

- 16.2 Appendix B – Consultation feedback.
- 16.3 Appendix C – Equalities Impact Assessment
- 16.4 Appendix D – Draft CTR Policy

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 None

Council Tax Reduction Scheme 2023/2024 - APPENDIX A

The table below shows how the proposed scheme will impact those in receipt of council tax reduction. Based on current claimants, under the new proposal 40.3% would receive an increase in entitlement, further detail on those impacted is shown further on.

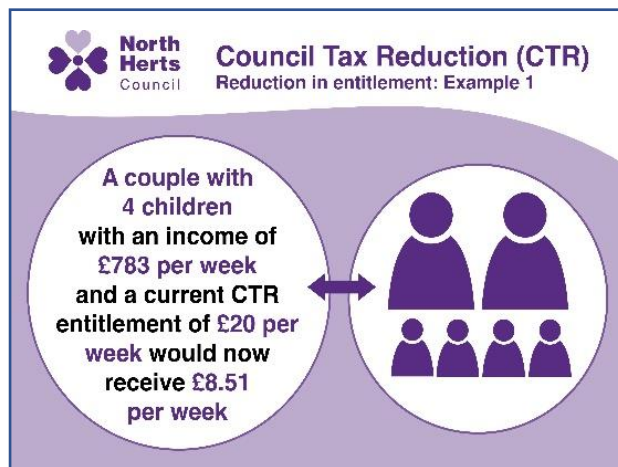
| | Number (excluding pensioners) | percentage |
|--------------------------|-------------------------------|------------|
| No change in entitlement | 1619 | 41% |
| Increase in entitlement | 1565 | 40.3% |
| Reduction in entitlement | 267 | 6.8% |
| No longer entitled | 427 | 11% |

The table below shows where the increases occur, which are mostly in the lower income brackets.

| Increases | | | |
|--------------------------------|-----|-------------------------|----|
| Weekly Income Bands | | | |
| Single person with no children | | Couple with no children | |
| £0-£100 | 372 | £0-£140 | 27 |
| £100.01-£180 | 53 | £140.01-£220 | 14 |
| £180.01-£240 | 3 | £220.01-£280 | 1 |
| £240.01-£300 | 0 | £280.01-£340 | 0 |
| over £301.01 | 0 | over £340.01 | 0 |
| | | | |
| Single person with 1 child | | Couple with 1 child | |
| £0-£165 | 237 | £0-£205 | 24 |
| £165.01-£245 | 36 | £205.01-£285 | 4 |
| £245.01-£305 | 4 | £285.01-£345 | 0 |
| £305.01-£365 | 1 | £345.01-£405 | 0 |
| over £365.01 | 0 | over £405.01 | 0 |
| | | | |
| Single person with 2 children | | Couple with 2 children | |
| £0-£220 | 193 | £0-£260 | 41 |
| £220.01-£300 | 131 | £260.01-£340 | 15 |
| £300.01-£360 | 38 | £340.01-£400 | 2 |
| £360.01-£420 | 2 | £400.01-£460 | 2 |
| over £420.01 | | over £460.01 | 0 |
| | | | |
| Single person with 3 children | | Couple with 3 children | |
| £0-£330 | 153 | £0-£340 | 40 |
| £330.01-£385 | 4 | £340.01-£395 | 11 |
| £385.01-£445 | 0 | £395.01-£455 | 2 |
| £445.01-£505 | 0 | £455.01-£515 | 1 |
| over £505.01 | 0 | over £515.01 | |

Examples of calculations are shown below:

Example 1 – reduction in entitlement



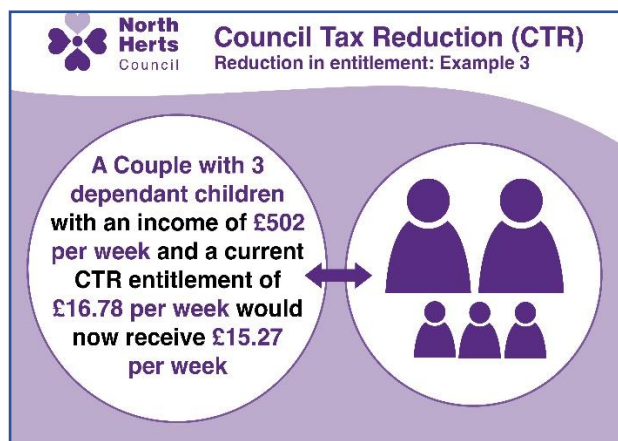
| | | |
|---|------------------|--|
| Child benefit x 4 | £65.15 per week | Total weekly income £783.26 |
| Universal Credit | £531.56 per week | |
| Carers Allowance | £69.70 | |
| DLA for child | £116.85 | |
| Less disregarded income of £251.70 Less disabled disregard of £50 | | Assessable Income £481.56 |
| Assessable income of £481.56 = Band 4 – 25% reduction Council tax liability is £34.05 per week Award of 25% = £8.51 reduction | | |

Example 2 - reduction in entitlement



| | | |
|---|---------|--|
| Wages per week | £273.50 | Total weekly income £426.25 |
| Universal Credit per week | £152.75 | |
| Less earnings disregard of £50 | | Assessable Income £376.25 |
| Assessable income of £376.25 = Band 5 – 0% reduction Council tax liability is £34.05 per week Award of £0 | | |

Example 3 - reduction in entitlement



| | | |
|--|---------|--|
| Wages | £234.99 | Total weekly income £502.38 |
| Child Tax Credit per week | £179.84 | |
| Working Tax Credit per week | £36.85 | |
| Child Benefit x 3 | £50.70 | |
| Less earnings disregard of £50 Less child benefit disregard | | Assessable Income £401.68 |
| Assessable income of £401.68 = Band 3 – 45% reduction Council tax liability is £33.95 per week Award of 45% = £15.27 reduction | | |

The table below shows the income bands where the reductions occur.

| Reductions | | | |
|--------------------------------|----|-------------------------|----|
| Weekly Income Bands | | | |
| Single person with no children | | Couple with no children | |
| £0-£100 | 0 | £0-£140 | 0 |
| £100.01-£180 | 9 | £140.01-£220 | 26 |
| £180.01-£240 | 0 | £220.01-£280 | 8 |
| £240.01-£300 | 0 | £280.01-£340 | 2 |
| over £301.01 | 0 | over £340.01 | 0 |
| | | | |
| Single person with 1 child | | Couple with 1 child | |
| £0-£165 | 0 | £0-£205 | 0 |
| £165.01-£245 | 18 | £205.01-£285 | 23 |
| £245.01-£305 | 1 | £285.01-£345 | 6 |
| £305.01-£365 | 1 | £345.01-£405 | 4 |
| over £365.01 | 0 | over £405.01 | 0 |
| | | | |
| Single person with 2 children | | Couple with 2 children | |
| £0-£220 | 0 | £0-£260 | 0 |
| £220.01-£300 | 20 | £260.01-£340 | 24 |
| £300.01-£360 | 29 | £340.01-£400 | 11 |
| £360.01-£420 | 5 | £400.01-£460 | 0 |
| over £420.01 | 0 | over £460.01 | 0 |
| | | | |
| Single person with 3 children | | Couple with 3 children | |
| £0-£330 | 6 | £0-£340 | 0 |
| £330.01-£385 | 30 | £340.01-£395 | 14 |
| £385.01-£445 | 8 | £395.01-£455 | 7 |
| £445.01-£505 | 9 | £455.01-£515 | 6 |
| over £505.01 | 0 | over £515.01 | 0 |

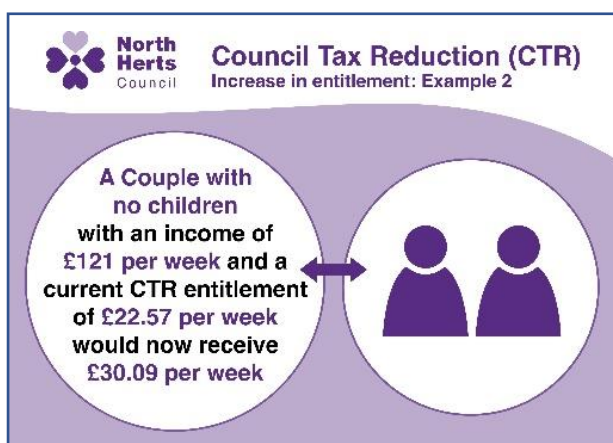
Examples of calculations are shown below:

Example 4 – Increase in entitlement



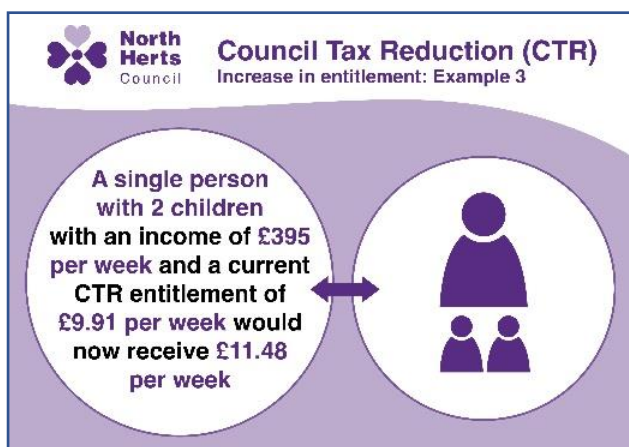
| | |
|--|--|
| Wages £136.45 | Total weekly income £136.45 |
| Less earnings disregard of £50 | Assessable Income £86.45 |
| Assessable income of £86.45 = Band 1– 100% reduction Council tax liability is £38.30 per week Award of 100% = £38.30 reduction | |

Example 5 – Increase in entitlement



| | |
|---|--|
| Universal Credit £121.32 | Total weekly income £121.32 |
| Assessable income of £121.32 = Band 1– 100% reduction Council tax liability is £30.09 per week Award of 100% = £30.09 reduction | |

Example 6 – Increase in entitlement



| | | | |
|---|-----------------------------|-----------------------------|--|
| Wages £180.32 | Universal Credit £178.82 | Child Benefit x 2 £36.25 | Total weekly income £395.39 |
| Less earnings disregard of £50 Less disregarded income of £36.25 | | | Assessable Income £309.14 |
| Assessable income of £309.14 = Band 3– 45% reduction Council tax liability is £25.53 per week (after SPD) Award of 45% = £11.48 reduction | | | |

North Herts Council - Council Tax Reduction Scheme 2023/24 Consultation

1. Background information

| 1. I have read the background information. | | | | |
|--|-----|------------------------|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes | <div><div></div></div> | 94.39% | 454 |
| 2 | No | <div><div></div></div> | 5.61% | 27 |
| | | | answered | 481 |
| | | | skipped | 0 |

2. Part 1 – The introduction of an Income Grid scheme to replace the current scheme for all applicants of working age

| 2. Do you agree with introducing an income-based banded discount scheme? | | | | |
|--|------------|------------------------|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes | <div><div></div></div> | 67.78% | 223 |
| 2 | No | <div><div></div></div> | 18.54% | 61 |
| 3 | Don't Know | <div><div></div></div> | 13.68% | 45 |
| | | | answered | 329 |
| | | | skipped | 152 |

| 3. If you disagree with introducing an income-banded scheme please explain why and what alternative would you propose? | | | | |
|--|--|--|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Results of open-Ended Question | | 100.00% | 73 |
| 17 | Answer relates to Pensions/Single Persons Allowance. | | | |
| 11 | Leave current system as it is. | | | |
| 10 | Concern over already high Council Tax charges and want the Council Tax reduced, smaller homes to pay less | | | |
| 2 | Banded scheme is unfair, all benefits except for state pensions should be means tested. | | | |
| 13 | Those in receipt of benefit already receive the greatest deductions, this could de-incentivise these households not to work. | | | |

3. If you disagree with introducing an income-banded scheme please explain why and what alternative would you propose?

| | | | |
|----------|---|-----------------|-----------|
| 5 | All residents should make some contribution to services provided. | | |
| 1 | Child maintenance should be included in income calculation. | | |
| 8 | No comment – unable to understand table of income/discount. Need a clearer explanation. | | |
| 3 | Concerns over the income brackets and cost of implementing the scheme | | |
| 1 | Remove the discount at Band 3. | | |
| 2 | Concern over fluctuation wages and zero-hour contracts | | |
| | | answered | 73 |
| | | skipped | 408 |

3. Part 2 - To limit the number of dependent children within the calculation for Council Tax Reduction to a maximum of three for all applicants

4. Do you agree with this change to the scheme?

| Answer Choices | | | Response Percent | Response Total |
|----------------|------------|------------------------|------------------|----------------|
| 1 | Yes | <div><div></div></div> | 74.28% | 231 |
| 2 | No | <div><div></div></div> | 15.76% | 49 |
| 3 | Don't Know | <div><div></div></div> | 9.97% | 31 |
| | | | answered | 311 |
| | | | skipped | 170 |

5. If you disagree please explain why and what alternative would you propose?

| Answer Choices | | Response Percent | Response Total |
|----------------|---|------------------|----------------|
| 1 | Results of Open-Ended Question | 100.00% | 47 |
| 10 | Large Families disproportionately penalised, children shouldn't be included | | |
| 3 | Keep current system. | | |
| 18 | Limit on the number of children used in the assessment | | |
| 1 | Equal low contribution for all. | | |
| 1 | Higher discount for non-working families | | |
| 1 | Couples are not assisted | | |
| 3 | System is too complex | | |
| 5 | Comments not relevant to the proposed scheme | | |
| 1 | Sliding scale with no 100% deduction | | |
| | | | |

5. If you disagree please explain why and what alternative would you propose?

| | | | |
|---|--|----------|-----|
| 3 | Could de-incentivise working families. | | |
| 1 | Reduction should be means tested | | |
| | | answered | 47 |
| | | skipped | 434 |

4. Part 3 – Removing the requirement for any non-dependant deductions

6. Do you agree with this change to the scheme?




| Answer Choices | | | Response Percent | Response Total |
|----------------|------------|------------------------|------------------|----------------|
| 1 | Yes | <div><div></div></div> | 61.02% | 180 |
| 2 | No | <div><div></div></div> | 20.00% | 59 |
| 3 | Don't Know | <div><div></div></div> | 18.98% | 56 |
| | | | answered | 295 |
| | | | skipped | 186 |

7. If you disagree please explain why and what alternative would you propose?

| Answer Choices | | Response Percent | Response Total |
|----------------|--|------------------|----------------|
| 1 | Open-Ended Question | 100.00% | 57 |
| 17 | Discounts should be based on total household income everyone should contribute | | |
| 5 | Council Tax should be based as with income tax, individually. | | |
| 12 | Keep the current system. | | |
| 2 | Potential to encourage household overcrowding. | | |
| 9 | The new scheme has the potential to be open to misuse. | | |
| 1 | Deductions should be based on how much individuals contribute. | | |
| 6 | Non-Dependants should not pay towards Council Tax when they are unable to afford to move out and buy/rent their own house/flat. Parents should not be penalised for supporting young adults. | | |
| 4 | New scheme should be rejected if it increases costs. | | |
| 1 | Proposal favours administrative convenience over control of public funds. | | |
| | | | |
| | | answered | 57 |
| | | skipped | 424 |

5. Part 4 – Disregarding the housing element of Universal Credit

8. Do you agree with this change to the scheme?


| Answer Choices | | | Response Percent | Response Total |
|----------------|------------|---|------------------|----------------|
| 1 | Yes |  | 74.22% | 213 |
| 2 | No |  | 13.59% | 39 |
| 3 | Don't Know |  | 12.20% | 35 |
| | | | answered | 287 |
| | | | skipped | 194 |



9. If you disagree please explain why and what alternative would you propose?

| Answer Choices | | | Response Percent | Response Total |
|----------------|--|--|------------------|----------------|
| 1 | Open-Ended Question | | 100.00% | 37 |
| 18 | All income should be included. Universal Credit should count as income. All benefits should be included when it comes to council tax calculations. | | | |
| 2 | Reject if the costs of the scheme will increase. | | | |
| 4 | An income-based system is expensive and time consuming to run and intrusive when assessing households. Open to fraud also by those who may wish to exploit the system. | | | |
| 1 | This disadvantages people on low incomes who are not in receipt of benefits. | | | |
| 1 | The housing benefit proportion of Universal Credit is disproportionately rent, rents are very high | | | |
| 2 | People change jobs often so how would it remain up to date? Administration costs would escalate for the council to keep a track of incomes. Unenforceable long term and expensive to maintain. | | | |
| 1 | Question, proposal not clear – no comment. | | | |
| 6 | Leave system as it is. | | | |
| 2 | Hard work and success are penalised – this will not encourage low-income benefit households to return to work. | | | |
| | | | answered | 37 |
| | | | skipped | 444 |

6. Part 5 – Removing the current earnings disregards and replacing them with a standard £50 per week disregard for all working applicants




10. Do you agree with this change to the scheme?

| Answer Choices | | | Response Percent | Response Total |
|----------------|-----|---|------------------|----------------|
| 1 | Yes |  | 72.46% | 200 |

| 10. Do you agree with this change to the scheme? | | | | |
|--|------------|---|----------|-----|
| 2 | No |  | 10.51% | 29 |
| 3 | Don't Know |  | 17.03% | 47 |
| | | | answered | 276 |
| | | | skipped | 205 |

| 11. If you disagree please explain why and what alternative would you propose? | | | | |
|--|---|--|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Open-Ended Question | | 100.00% | 33 |
| 4 | Disproportionately unfair to large families with higher Child Care Costs. | | | |
| 3 | The scheme should be as generous as possible and help those most in need. Its an excellent idea! | | | |
| 4 | All income should be taken into account. | | | |
| 9 | It is important to help those that need help without encouraging welfare dependency. Incentivise getting people back to work. £50 per week is too high and acts as a disincentive to work. Should not be subsidising low paying employers | | | |
| 2 | Question is not clear – no comment. | | | |
| 3 | Concerns for low paid households who do not receive benefits | | | |
| 4 | Keep current system. | | | |
| 2 | System could be open to be misuse and be abused. | | | |
| 2 | Query over the cost of the scheme | | | |
| | | | answered | 33 |
| | | | skipped | 448 |

7. Part 6 – Removing the Extended Payment provision




| 12. Do you agree with this change to the scheme? | | | | |
|--|------------|---|------------------|----------------|
| Answer Choices | | | Response Percent | Response Total |
| 1 | Yes |  | 69.40% | 186 |
| 2 | No |  | 13.81% | 37 |
| 3 | Don't know |  | 16.79% | 45 |
| | | | answered | 268 |
| | | | skipped | 213 |

13. If you disagree, please explain why and what alternative would you propose?

| Answer Choices | | Response Percent | Response Total |
|----------------|---|------------------|----------------|
| 1 | Open-Ended Question | 100.00% | 32 |
| 23 | Need to encourage people into work and the extended payment is a buffer before they get their first month's wages | | |
| 3 | Leave the system as it is. | | |
| 1 | Collection of council tax should also be phased. | | |
| 1 | Focus more direct help to genuine hardship cases. | | |
| 2 | Some households will take advantage of the scheme when they are not actually a low-income household and abuse the system. | | |
| 1 | Lack of education and government is responsible for all council problems. | | |
| 1 | Comment not relevant to the proposed scheme | | |
| | | answered | 32 |
| | | skipped | 449 |

8. Part 7 – Any new claim or change in circumstances which changes Council Tax Reduction entitlement will be made from the date on which the change occurs, (rather than on a weekly basis as at present)

14. Do you agree with this change to the scheme?

| Answer Choices | | Response Percent | Response Total |
|----------------|--|------------------|----------------|
| 1 | Yes  | 90.00% | 234 |
| 2 | No  | 3.08% | 8 |
| 3 | Don't Know  | 6.92% | 18 |
| | | answered | 260 |
| | | skipped | 221 |

15. If you disagree, please explain why and what alternative would you propose?




| Answer Choices | | Response Percent | Response Total |
|----------------|--|------------------|----------------|
| 1 | Open-Ended Question | 100.00% | 7 |
| 4 | Concerns that this is more difficult to maintain and more of an administrative burden. | | |
| 1 | Some households will take advantage of the scheme when they are not actually a low-income household. | | |
| 1 | Comment not relevant to the proposed scheme | | |

15. If you disagree, please explain why and what alternative would you propose?

| | | | |
|---|------------------------|----------|-----|
| 1 | Leave system as it is. | | |
| | | answered | 7 |
| | | skipped | 474 |

9. Part 8 – Protecting disabled persons by disregarding Personal Independence Payments or Disability Living Allowance and providing a further disregard of £50 per week where the applicant, partner or dependant is in receipt of the disability benefit.

16. Do you agree with this change to the scheme?




| Answer Choices | | | Response Percent | Response Total |
|----------------|------------|--|------------------|----------------|
| 1 | Yes |  | 87.55% | 225 |
| 2 | No |  | 5.84% | 15 |
| 3 | Don't Know |  | 6.61% | 17 |
| | | | answered | 257 |
| | | | skipped | 224 |

17. If you disagree please explain why and what alternative would you propose?

| Answer Choices | | | Response Percent | Response Total |
|----------------|---|--|------------------|----------------|
| 1 | Open-Ended Question | | 100.00% | 14 |
| 1 | Concerns on the level of support given. | | | |
| 4 | Having a disability doesn't automatically mean that the disabled person is less well-off/more in need of financial support than a lot of other people on low incomes for various reasons. Depends on the nature/impact of the disability. | | | |
| 6 | All benefits should be added into the calculation | | | |
| 1 | Concerns over fraud and abuse of the scheme | | | |
| 1 | Concerns about the cost to the taxpayer. | | | |
| 1 | Happy that PIP and DLA are disregarded but does not feel an additional disregard is required | | | |
| | | | answered | 14 |
| | | | skipped | 467 |

10. Part 9 – Disregarding Carer's Allowance and the Support Component of the Employment and Support Allowance

18. Do you agree with this change to the scheme?




| Answer Choices | | | Response Percent | Response Total |
|----------------|------------|--|------------------|----------------|
| 1 | Yes |  | 83.27% | 214 |
| 2 | No |  | 8.17% | 21 |
| 3 | Don't Know |  | 8.56% | 22 |
| | | | answered | 257 |
| | | | skipped | 224 |

19. If you disagree please explain why and what alternative would you propose?

| Answer Choices | | | Response Percent | Response Total |
|----------------|--|--|------------------|----------------|
| 1 | Open-Ended Question | | 100.00% | 19 |
| 2 | Don't know enough to hold an opinion. No Comment. | | | |
| 6 | All benefits should be added into the calculation. | | | |
| 5 | Disagree with anything that is going to increase the overall cost of the scheme because it is unfair and discriminatory practice. Keep the system simple | | | |
| 1 | Concerns of fraud and system abuse | | | |
| 1 | Income and family expenses are not always the same. | | | |
| 3 | Leave system as it is. | | | |
| 1 | Carers must be included in all decisions made. | | | |
| | | | answered | 19 |
| | | | skipped | 462 |

11. Part 10 – Continuing to protect War Pensioners by disregarding War Pensions or War Disablement pensions in full and by enabling up to 100% support to be granted in some cases

20. Do you agree with this proposal?

| Answer Choices | | | Response Percent | Response Total |
|----------------|------------|--|------------------|----------------|
| 1 | Yes |  | 86.33% | 221 |
| 2 | No |  | 4.69% | 12 |
| 3 | Don't know |  | 8.98% | 23 |
| | | | answered | 256 |
| | | | skipped | 225 |

21. If you disagree please explain why and what alternative would you propose?

| Answer Choices | | Response Percent | Response Total |
|----------------|---|------------------|----------------|
| 1 | Open-Ended Question | 100.00% | 12 |
| 1 | Don't know enough to hold an opinion. No comment. | | |
| 3 | Only age-related income should be disregarded not just war pensions | | |
| 5 | Keep the system simple | | |
| 1 | Concern of abuse and fraud of the system | | |
| 2 | Answer relates to Pensions/Single Persons Allowance | | |
| | | answered | 12 |
| | | skipped | 469 |

12. Alternatives to changing the Council Tax Reduction Scheme

22. Please use this space to make any other comments on the proposed scheme.

| Answer Choices | | Response Percent | Response Total |
|----------------|--|------------------|----------------|
| 1 | Open-Ended Question | 100.00% | 69 |
| 8 | Agree with the new CTR scheme proposal as it make sense to help those on the lowest income. | | |
| 20 | In favour of the scheme as aware that is helps the lowest income households and supports carers and those with disabilities. | | |
| 4 | Against new CTR scheme proposal. Leave as is | | |
| 13 | Feeling that it is a disincentive to work and unfair to families that are working but not on benefits. | | |
| 7 | Answer relates to Pensions/Single Persons Allowance | | |
| 4 | Comment not relevant to proposal. | | |
| 4 | Request for examples and different scenarios to enable people to visualise the changes | | |
| 7 | Streamline administration to provide a cost reduction. Letters/statements for Council Tax to be clearer. | | |
| 1 | The whole of UC payment should be disregarded in calculating Council Tax Reduction. | | |
| 1 | ALL benefits whether financial or in kind should be given a monetary value and based on the total household income then any discount should be assessed. | | |
| | | answered | 69 |
| | | skipped | 412 |

23. Please use the space below if you would like the Council to consider any other options (please state).



| Answer Choices | | Response Percent | Response Total |
|----------------|--|------------------|----------------|
| 1 | Open-Ended Question | 100.00% | 30 |
| 6 | No comment or comment not relevant to proposal | | |
| 7 | Answer relates to pensions/single person's allowance. | | |
| 1 | Tax people individually as is the case with income tax. | | |
| 1 | No 0% band. Any income received by the individual (including benefits, etc) should be calculated into the grid. | | |
| 1 | A band reduction tax should be considered because people that live in houses from band A to D are not rich people and have different problems and should be supported. | | |
| 1 | It would make sense to follow on the lines of universal credit when it comes to the self-employed income fluctuations. | | |
| 1 | Remove smaller homes from council tax bands and introduce smaller essential services levy based on adults in house. Then reduce banding on other homes (so most in band A would have been removed - allowing band B to become a new band A) Council tax would then be payable as an essential services levy plus banding charge. Simpler to administer and fairer to all. | | |
| 1 | Total means testing, including access to personal bank and savings accounts, and HMRC records to confirm whether the claimant is receiving additional income from personal pensions, and whether they have in fact declared them. It is too easy to abuse systems. | | |
| 1 | Increase council tax by a sliding scale of higher percentages for the higher bands, lower percentages for lower bands. | | |
| 3 | Options/comments regarding care/disability. More support for those on disability. I think you should take into consideration some people use care component in DLA or PIP to contribute towards their care. Care costs for people in the community are extortionate! People with Alzheimer's Disease are facing enormous care bills. Something equitable needs to be organised - and this has been ignored in your survey - and these are genuine hardship cases. The people that have skimmed and scraped to save and buy their own property are hammered if they or a relative are diagnosed with Alzheimer's Disease. There is iniquitous inequality here! | | |
| 7 | Other options/comments. Consider all people not just people claiming benefits. Any households with extremely high mortgage payments should be eligible if their income is barely able to cover getting work, food, bills and mortgage. All proven by providing evidence of bank statements etc Monitor more carefully those abusing the benefit payments system. If a family is affected by the benefit cap, then they should get a 100% discount. Foster carer shouldn't pay council tax for their homes especially if they are council owned. The council should look to reduce the waste in current council expenditure and reduce council tax accordingly. The earnings disregard element still seems overly complicated. Why bother with disregards? Why not just increase the grid amounts accordingly, or have a two-tier grid, where the second-tier amounts include the current disregard situations. | | |
| | | answered | 30 |
| | | skipped | 451 |

24. If you have any further comments or questions to make regarding the Council Tax Reduction Scheme that you haven't had opportunity to raise elsewhere, please use the space below.

| Answer Choices | | Response Percent | Response Total |
|----------------|---|------------------|----------------|
| 1 | Open-Ended Question | 100.00% | 27 |
| 4 | No comment. | | |
| 6 | Answer relates to pensions/single person's allowance. | | |
| 8 | Comments mentioned on previous question/comment not relevant to proposal. | | |
| 9 | <p>Other comments/considerations raised.</p> <p>Any reductions that could help those on a low income and those who receive Benefits, including PIP, would be greatly appreciated.</p> <p>Unless I have misunderstood the content, the reductions provided to those in need are financed by the remaining Council Taxpayers at District or County level. To ensure fairness the cost should be financed from Central Government funds.</p> <p>Consideration should be taken if a person is privately renting or council/housing association as rent charges differ greatly.</p> <p>As a recipient of CTR I strongly welcome a change to the existing calculations, however I am not in favour of making anyone worse off while we are in the midst of high inflation and stagnant wages. I'd urge you to commit to a scheme where those currently in receipt will all be better off or at the same rate of discount as they are currently, funded by the money saved through lower administrative costs.</p> <p>I would be interested to know whether these changes would result in the Council's overall income going up or down. In general, cuts in local government tax receipts result in cuts in local public facilities and services.</p> <p>How will this work for a self-employed individual, with their own Company, who does not earn a fixed hourly rate, or work a fixed number of hours, but has a fluctuating income week to week or month to month?</p> <p>Why isn't the system based upon disposable income after housing costs etc. You could well have a couple in mid or later years with an income of £300 per week, but no mortgage or rental costs, who have a high disposable income. On the other hand you could have a couple on £300 per week with high mortgage or rent costs with a very low disposable income. Doesn't make sense for both to receive the same financial benefits.</p> <p>I do not think that young couples / people / families who are clawing together modest savings to try and purchase a home etc should be penalised, within reason, perhaps there could be a threshold of savings allowed. Trying to provide a little security for a future where you're invested in your community / country shouldn't be punished by crippling household expenses. I think it will be quite complex, but a case-by-case review system might be beneficial.</p> <p>It is not entirely clear if this will affect other discount schemes or increase council tax for paying members to pay for the scheme or be taken from reduced cost efficiencies.</p> | | |
| | | answered | 27 |
| | | skipped | 454 |

13. About You

25. Are you completing this form on behalf of an organisation or group?


| Answer Choices | | | Response Percent | Response Total |
|----------------|-----|--|------------------|----------------|
| 1 | Yes |  | 1.20% | 3 |
| 2 | No |  | 98.80% | 246 |
| | | | answered | 249 |
| | | | skipped | 232 |

If yes, please tell us the name of the organisation/group and add any other comments you wish to make.



| Answer Choices | | | Response Percent | Response Total |
|----------------|---------------------|------|------------------|----------------|
| 1 | Open-Ended Question | | 100.00% | 1 |
| | 1 | None | | |
| | | | answered | 1 |
| | | | skipped | 480 |

14. Questions for Individuals



26. Do you live in the North Herts Council area?

| Answer Choices | | | Response Percent | Response Total |
|----------------|-----|--|------------------|----------------|
| 1 | Yes |  | 100.00% | 247 |
| 2 | No | | 0.00% | 0 |
| | | | answered | 247 |
| | | | skipped | 234 |



27. Are you currently receiving Council Tax Reduction?

| Answer Choices | | | Response Percent | Response Total |
|----------------|-----|---|------------------|----------------|
| 1 | Yes |  | 26.03% | 63 |
| 2 | No |  | 73.97% | 179 |
| | | | answered | 242 |
| | | | skipped | 239 |



28. Are you or your partner in work or self-employed?

| Answer Choices | | | Response Percent | Response Total |
|----------------|-----|---|------------------|----------------|
| 1 | Yes |  | 47.52% | 115 |
| 2 | No |  | 52.48% | 127 |
| | | | answered | 242 |
| | | | skipped | 239 |




29. Are you liable to pay Council Tax?

| Answer Choices | | | Response Percent | Response Total |
|----------------|-----|--|------------------|----------------|
| 1 | Yes |  | 98.37% | 241 |
| 2 | No |  | 1.63% | 4 |
| | | | answered | 245 |
| | | | skipped | 236 |










30. Are you currently serving in the Armed Forces?

| Answer Choices | | | Response Percent | Response Total |
|----------------|-----|--|------------------|----------------|
| 1 | Yes |  | 0.41% | 1 |
| 2 | No |  | 99.59% | 245 |
| | | | answered | 246 |
| | | | skipped | 235 |





31. What is your gender?

| Answer Choices | | | Response Percent | Response Total |
|----------------|-------------------|---|------------------|----------------|
| 1 | Male |  | 45.12% | 111 |
| 2 | Female |  | 50.41% | 124 |
| 3 | Non-Binary | | 0.00% | 0 |
| 4 | Prefer not to say |  | 4.47% | 11 |
| | | | answered | 246 |
| | | | skipped | 235 |




32. What is your age?

| Answer Choices | | | Response Percent | Response Total |
|----------------|-------------------|---|------------------|----------------|
| 1 | 18-24 |  | 0.41% | 1 |
| 2 | 25-34 |  | 4.08% | 10 |
| 3 | 35-44 |  | 8.57% | 21 |
| 4 | 45-54 |  | 14.29% | 35 |
| 5 | 55-64 |  | 28.16% | 69 |
| 6 | 65-74 |  | 27.76% | 68 |
| 7 | 75-84 |  | 10.20% | 25 |
| 8 | 85+ |  | 2.45% | 6 |
| 9 | Prefer not to say |  | 4.08% | 10 |
| | | | answered | 245 |
| | | | skipped | 236 |

33. Disability: Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

| Answer Choices | | | Response Percent | Response Total |
|----------------|-------------------|---|------------------|----------------|
| 1 | Yes |  | 19.11% | 47 |
| 2 | No |  | 72.76% | 179 |
| 3 | Don't know |  | 1.63% | 4 |
| 4 | Prefer not to say |  | 6.50% | 16 |
| | | | answered | 246 |
| | | | skipped | 235 |

34. Ethnic Origin: What is your ethnic group?

| Answer Choices | | | Response Percent | Response Total |
|----------------|--------------------------------|--|------------------|----------------|
| 1 | White British |  | 83.20% | 203 |
| 2 | White Irish |  | 1.64% | 4 |
| 3 | White Gypsy or Irish Traveller | | 0.00% | 0 |
| 4 | Any other White background |  | 5.33% | 13 |

34. Ethnic Origin: What is your ethnic group?

| | | | | |
|----|--|--|----------|-----|
| 5 | Mixed/Multiple ethnic groups - White & Black African | | 0.00% | 0 |
| 6 | Mixed/Multiple ethnic groups - White & Black Caribbean | | 0.41% | 1 |
| 7 | Mixed/Multiple ethnic groups - White & Asian | | 0.00% | 0 |
| 8 | Any other multi mixed background | | 0.00% | 0 |
| 9 | Asian or Asian British Pakistani | | 0.00% | 0 |
| 10 | Asian or Asian British Indian | | 0.00% | 0 |
| 11 | Asian or Asian British Bangladeshi | | 0.00% | 0 |
| 12 | Asian or Asian British Chinese | | 0.00% | 0 |
| 13 | Any other Asian background | | 0.00% | 0 |
| 14 | Black African | | 0.00% | 0 |
| 15 | British Caribbean | | 0.00% | 0 |
| 16 | Black British | | 0.00% | 0 |
| 17 | Any other Black background | | 0.00% | 0 |
| 18 | Prefer not to say | | 9.84% | 24 |
| | | | answered | 244 |
| | | | skipped | 237 |

35. Other ethnic group?

| Answer Choices | | | Response Percent | Response Total |
|----------------|---------------------|---------------|------------------|----------------|
| 1 | Open-Ended Question | | 100.00% | 4 |
| | 1 | White ENGLISH | | |
| | 2 | None | | |
| | 3 | English | | |
| | 4 | No | | |
| | | | answered | 4 |
| | | | skipped | 477 |

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Equality Guidance – Equalities Act 2010

BACKGROUND INFORMATION

What is the legal requirement?

The Equality Act 2010 was implemented on October 1st 2010. The Act creates a new Public Sector Equality Duty. This means there is a General duty that local authorities must meet and specific duties which are designed to help meet them.

NHDC, as a public authority must, in the exercise of its functions, give **due regard** to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic(*these are identified in the 'specific duty' paragraph below*) and those who do not (this can mean removing or minimising disadvantage; meeting people's needs; taking account of disabilities; encouraging participation in public life).
3. Foster good relations between those people who share a protected characteristic and those who do not (such as tackling prejudice and promoting understanding).

To show **due regard** for advancing equalities involves:

Removing or minimising disadvantages suffered by people due to their protected characteristics.

Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.

Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Specific Duty:

The Specific Duty which underpins the General Duty includes assessing local authority activities in the exercise of their functions, such as proposals, policies and procedures, for impact on people in relation to the protected characteristics listed below.

The new Specific Duty covers the following eight protected characteristics:

| | |
|-------------------------|--------------------|
| Age | Race |
| Disability | Religion or belief |
| Gender reassignment | Sex |
| Pregnancy and Maternity | Sexual orientation |

(The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnerships in relation to employment issues only),

A public authority that is covered by the specific duties is required to publish sufficient information to demonstrate its compliance with the general equality duty across its functions. This must be done by **31st July 2012** and at least annually after that, from the first date of publication.

This information must include:

Information on the effect that its policies and practices have had on people who share a relevant protected characteristic

What is Equality Analysis?

Equality analysis is a way of considering the effect of an organisation's services on different groups that are protected from discrimination by the Equality Act. By doing this analysis, NHDC need to consider if there are any unintended consequences for some groups and to consider if the policy/decision will be fully effective for all target groups.

By law, NHDC must conduct equality analysis which:

- Contains sufficient information to enable a public authority to show it has given due regard to the equality duty in its decision making.
- Identifies methods for mitigating or avoiding adverse impact (either disproportionate disadvantage and unlawful discrimination).

Failure to meet the duties may result in authorities being exposed to legal challenges.

Step by Step guide to undertaking Equality Analysis

These principles apply to existing as well as new and proposed policies.

In order to be most effective, equality analysis should start prior to policy development or at the early stages of a policy review, considering its possible effects well in advance of implementation.

Outlined below is a suggested staged approach;

Identifying who is responsible for the equality analysis

Establishing relevance to equality

Scoping your equality analysis

Analysing your equality information

Monitoring and review

Decision-making and publication

1.0 Identifying who is responsible for the equality analysis

The person identified to undertake the equality analysis should be the person with whom responsibility for evidencing need to change a policy or service decision rests, in this respect it is advisable that analysis should only be taken by council officers in their relevant policy/service areas. This will ensure that proper ownership of the analysis is maintained, that there is sufficient knowledge of the service itself, and any results of the analysis inform future service development and improvement

2.0 Establishing relevance to equality

The Equality Act 2010 guidance states that all policies must be analysed for their impact on equality, whether these are current and proposed policies or whether they are informal customs or practices. NHDC are responsible for making a wide range of decisions, including decisions about overarching policies and setting budgets, to day-to-day decisions, which affect specific individuals or specific groups. NHDC propose that the following areas are targeted for Equality Analysis:

- Key decisions - i.e. those over £50,000.00 value or which have a considerable potential impact on the community and across the 'protected characteristics'. (NB. Contractual arrangements, such as contracts for energy, will be exempt from review as whilst they are of sufficient monetary value, the 'equality' impact on the community is nil).
- Major budget implications - i.e. efficiencies and investments such as those proposed within the corporate business planning process
- Major service provision revision - i.e. restructure proposals, changes to working practices and especially those with greatest impact on external customers.

Relevant policies which may be subject to review may include:

grant-making programmes
budgetary decisions
changes to service delivery (including withdrawal or reduction of services)
and **recruitment or pay policies**

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary. There will be some policies which are not specifically relevant to equality e.g. a policy on when to check the temperature of fridges in a hospital. Some policies may be more difficult to judge and certainly, at the outset, advice should be sought from the corporate Policy team.

This is particularly important, as if you decide that a policy is not relevant to equality, you will need to document this decision along with the reasons and the information that you used to reach this conclusion. *This evidence is subject to review by the Equality and Human Rights Commission and could be used as evidence in any challenge regarding decisions this Council has made*

A simple statement of 'no relevance to equality' without any supporting information is not sufficient, nor is a statement that no information is available.

The following questions may help in deciding whether a policy is relevant to equality (this is not an exhaustive list but intended to provide a steer when making decisions, particularly in the early stages of implementation):

Does the policy affect service users, employees or the wider community, and therefore potentially have a significant effect in terms of equality? Remember that relevance of a policy will depend not only on the number of those affected but also by the significance of the effect on them.

Is it a major policy change, significantly affecting how functions are delivered in terms of equality?

Will it have a significant effect on how other organisations operate in terms of equality? (for example, a government strategy, an inspection or a grant).

Does the policy relate to functions that previous engagement has identified as being important to particular 'protected' groups?

Does or could the policy affect different protected groups differently?

Does it relate to an area with known inequalities (for example, access to public transport for disabled people)?

3.0 Conducting your equality analysis

3.1 How do the aims of the policy relate to equality?

To do this you will need to have a clear understanding of the policy/decision that is being developed or reviewed. Consider:

What is the purpose of the policy/decision?
In what context will it operate?
Who is it intended to benefit?
What results are intended?

At this early stage you can consider the potential effects, both negative and positive, on protected groups.

3.2 What aspects are relevant to equality?

Consider which aspects of the policy are most relevant to equality. This will help you to focus your attention on the most important areas.

3.3 What equality information is available?

It is important that you have appropriate and reliable information about the different protected groups that the policy is likely to affect. Of course, this will vary according to the nature of the policy being analysed but information gathered from service users should tell you who is using your services, what their experiences are and what their outcomes are.

The following information may also be useful:

- Comparisons with similar policies in other departments or other authorities
- Analysis of enquiries, comments or complaints from the public
- Recommendations from inspections or internal audits
- Information about the local community, including Census and general demographics to establish the numbers of protected groups in your area.
- Results of engagement activities or surveys
- Information from protected groups and other agencies, such as equality organisations and voluntary or community organisations providing services to the public to help you understand the needs or experiences of different groups.

3.4 What are the information gaps?

If you do not have equality information about a particular policy or about some protected groups, consider whether you need to fill these information gaps by surveys or other engagement or stakeholder meetings. This may include, in the longer term, questions included in the District Wide or Citizens Panel surveys, for example, or by making use of community events to test agreement with a policy decision.

3.5 Which groups could usefully be engaged?

Depending on the policy that is being analysed, consider engaging with employees, service users and/or equality organisations. Recent engagement activities that have been undertaken for related policies or strategies may prove useful as a starting place. See the EHRC guide on *Engagement and the equality duty* for further guidance.

4.0 Analysing your equality information

Local authorities should ask one simple question when delivering services to the public:

What will happen, or not happen, if we do things a certain way?

Remember that equality analysis is not simply about identifying and removing negative effects or discrimination – it is also an opportunity to identify ways to advance equality of opportunity and to foster good relations.

4.1 Using your information to understand the effect on equality

Once you have gathered all the relevant equality information together, you will be able to make a judgement about what the likely effect of the policy will be on equality.

Be wary of general conclusions – it is not acceptable to simply conclude that a policy will universally benefit all service users, and therefore the protected groups will automatically benefit, without having evidence to support that in any conclusion.

Understanding the effect on equality will be easier for existing policies. For new policies, you will need to evaluate the proposal against all the information assembled and make a reasonable and informed judgement about whether the policy is likely to have positive or negative consequences for particular groups.

The following questions and answers provide a check to determine whether you consider that your analysis is robust enough to rely on:

• Is the purpose of the policy change/new policy clearly set out?

Robust analysis will set out the reasons for the change; how this change can impact on equality groups, as well as whom it is intended to benefit; and the intended outcome. You should also consider how policies might relate to one another. This is because a series of changes to different or interrelated policies or services could have a severe and consolidated impact on particular equality groups.

Has the analysis considered the available evidence?

The assessment should use the most up-to-date and reliable information about the different groups the proposal is likely to affect. A lack of data is not a sufficient reason to conclude that there is no impact.

• Have those likely to be affected by the policy been consulted and involved?

Involvement and consultation are crucial to the equality analysis process and this will certainly be the case for larger policy discussions/decisions, such as that relating to housing provision, town centre enhancements etc, when it would be more than justified to seek the views of those most directly affected, i.e. disabled people.

• Have potential positive and negative impacts been identified?

It is not enough to state simply that a policy will affect everyone equally – it is rare that it would! There should be consideration of available evidence to see if particular equality groups are more likely to be affected than others are. Equal treatment does not always produce equal outcomes; sometimes authorities will have to take specific steps for particular groups to address an existing disadvantage or to meet differing needs.

• What course of action does the analysis suggest I take? Is it justifiable?

Your analysis should clearly identify the potential equality impacts, the decisions that you have arrived at and the reasons for this decision. All must be documented and retained for subsequent review.

The following questions may be useful to understand the effect of the policy on service users:

- Could the policy outcomes differ between protected groups?
- What are the key findings of your engagement?
- Is there different take-up of services by different groups?
- Could the policy affect different groups disproportionately?
- If there is a greater effect on one group and is that consistent with the policy aims?
- Has the policy delivered practical benefits for protected groups?
- Does the policy miss opportunities to advance equality and foster good relations, including, for example, participation in public life?
- Could the policy disadvantage people from a particular group?
- Could any part of the policy discriminate unlawfully?
- Are there other policies that need to change to support the effectiveness of the policy under consideration?

The findings of your analysis

Having reviewed potential users, and what you know of our local population etc, there are four main steps that you can take with regard to any proposal you are making:

No major change – The analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination or adverse impact.

Adjust the policy – This involves taking steps to remove barriers or to better promote equality. It can mean introducing measures to mitigate the potential effect.

Continue the policy – This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate.

Stop and remove the policy – If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy altogether. If a policy shows unlawful discrimination it *must* be removed or changed.

Documenting your analysis

Documenting your analysis is important to ensure that the general and specific duties are being met

You may want to document some or all of the following areas. There is no legal requirement to put this information into one document, but for ease of reference and in order to establish a corporate standard, we request that it is put into a standard format to improve communication and transparency. That information, collected on the template attached at the end of this report must contain the following;

The person responsible for the policy

The aims of the policy

The key people that are involved, for example decision-makers, staff implementing it

Relevance of the policy to the different arms of the duty and the different protected groups

What equality information is available, including any evidence from your engagement?

What information gaps exist?

What engagement has been done regarding this policy, and the results of this?

What the actual or likely effect of the policy is, regarding the aims of the general equality duty and the protected groups?

What steps you will take in response to the findings of your analysis?

How you will review the actual effect of the policy after implementation?

The timescale for implementation

Sign off of the equality analysis - by a responsible officer for the service and the Head of Policy, Partnerships and Community Development

As part of the internal governance arrangements, completed equality analysis will be quality checked by the Corporate Diversity Group. Part of the remit of this group is to monitor progress on the equality duty, including equality analysis.

A template has been provided to ensure that uniform information is collected at Annex A.

5. Monitoring and review

Equality analysis is an ongoing process that does not end once a policy has been agreed or implemented. Service provision need to change in line with the needs of the service users - demographics can change, leading to different needs, alternative provision can become available or new options to reduce an adverse effect could become apparent. This does not mean repeating the equality analysis, but using the experience gained through implementation to check the findings and to make any necessary adjustments.

Consider:

How you will measure the effects of the policy?

When the policy will be reviewed and what could trigger an early revision?

Who will be responsible for monitoring and review?

What type of information is needed for monitoring and how often it will be analysed?

How to engage stakeholders in implementation, monitoring and review?

6. Decision-making and publication

In order to have due regard to the equality aims in the general equality duty, your decision-making should be based on a clear understanding of the effects on equality. This means that the person who ultimately decides on the policy has to be fully aware of the findings and have due regard of them in making decisions.

Publication

Under the specific duties, equality information published by listed bodies must include evidence of analysis undertaken to establish whether their policies and practices would further or have furthered, the aims of the general equality duty. It is recommended that the Council should publish information on equality analysis alongside the policy or decision that it refers to; arrangements have been made to ensure that reference to equality analysis appears in all formal committee reports on the corporate template and that EIAs are filed alongside those reports to evidence equality compliance.

Glossary

What are the Protected Characteristics?

Age: A person of a particular age (e.g. 32 year old) or a range of ages (e.g. 18 - 30 year olds). NB age is not currently protected under goods and services (this is unlikely until 2012). When considering disadvantage, take into account impacts on children and young people as well as adults, and cross-cutting impacts such as parents and carers (of younger, disabled and older people).

Disability: A person has a disability if s/he has, or has had, a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Carers are covered by association.

Gender reassignment: A person who is proposing to undergo, is undergoing or has undergone gender reassignment (the process of changing physiological or other attributes of sex, therefore changing from male to female, or female to male).

Pregnancy and maternity: Maternity refers to the period of 26 weeks after the birth (including still births), which reflects the period of a woman's Ordinary Maternity Leave entitlement in the employment context. In employment, it also covers (where eligible) the period up to the end of her Additional Maternity Leave.

Race: A person's colour, nationality, ethnic or national origin.

Religion and belief: Religious and philosophical beliefs including lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex: A man or a woman.

Sexual orientation: A person's sexual orientation towards the same sex (lesbian or gay), the opposite sex (heterosexual) or to both sexes (bisexual). NB does not currently apply to the General Duty.

Marriage and civil partnership: Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

Equality Analysis Template

| | | | | |
|---|--|----------------------------|--------------------------|--|
| 1. Name of activity: | Council Tax Reduction Scheme | | | |
| 2. Main purpose of activity: | To provide a discount on council tax to those on a low income | | | |
| 3. List the information, data or evidence used in this assessment: | Council tax reduction claimant data | | | |
| 4. Assessment | | | | |
| Characteristics | Neutral (x) | Negative (x) | Positive (x) | Describe the person you are assessing the impact on, including identifying: community member or employee, details of the characteristic if relevant, e.g. mobility problems/particular religion and why and how they might be negatively or positively affected. Negative: What are the risks? Positive: What are the benefits? |
| Community considerations (i.e. applying across communities or associated with rural living or Human Rights) | x <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <div>Negative</div> <div></div> <div>Positive</div> <div></div> |
| A person living with a disability | <input type="checkbox"/> | x <input type="checkbox"/> | <input type="checkbox"/> | <div>Negative</div> <div>Currently any household where a member of the household is in receipt of personal Independence payment (PIP) or disability living allowance (DLA) will automatically receive 100% discount on their council tax bill, regardless of income. Under the proposed scheme the amount of discount awarded will depend on the assessable income, meaning a household that currently gets 100% discount may be required to make a contribution towards their council tax in future if their household income reaches certain thresholds However, it should be noted that when income is assessed, PIP and DLA benefits received by the applicant, their partner, or any dependents, will be excluded from the calculations. This is known as a 'disregard'. An extra disregard of £50 (weekly) will also apply to all households where the applicant/partner/dependents are in receipt of PIP/DLA. A standard £50 per week disregard will also be provided against all earnings. Carer's allowance will also be disregarded. Other disregards include Child Benefit, and an amount in respect of the housing element of Universal Credit. The combination of these disregards will provide a level of protection for those losing the automatic 100% discount. The aim is to ensure that applicants impacted by disability are not penalised for income designed to</div> |

| | | | | |
|---|----------------------------|--------------------------|--------------------------|--|
| | | | | <p>help them cope with costs incurred in association with this disability, and therefore that this income can continue to be used to support their living with disability. In addition, a limited time Exceptional Hardship Scheme will run to assist those who are struggling to pay and those who have had their entitlement reduced. This scheme will take into account income against essential outgoings (for example, costs associated with living with a disability).</p> <p>Positive</p> <p>The positive impact is on all CTR applicants by making the scheme fairer and based on the household income. The current scheme makes an assumption that someone in receipt of disability benefits (for themselves or a household member) needs financial assistance with their council tax which of course may not be the case.</p> |
| A person of a particular race | x <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>Negative</p> <p></p> <p>Positive</p> <p></p> |
| A person of a gay, lesbian or bisexual sexual orientation | x <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>Negative</p> <p></p> <p>Positive</p> <p></p> |
| A person of a particular sex, male or female, including issues around pregnancy and maternity | x <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>Negative</p> <p></p> <p>Positive</p> <p></p> |
| A person of a particular religion or belief | x <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>Negative</p> <p></p> <p>Positive</p> <p></p> |
| A person of a particular age | x <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>Negative</p> <p></p> <p>Positive</p> <p>There is no change as far as pensioners are concerned as they are subject to a prescribed scheme that means they are unaffected by the proposed changes to the working age scheme.</p> |
| Transgender | x <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>Negative</p> <p></p> <p>Positive</p> |

| 5 Results | | | | |
|--|----------------------------|--------------------------|---|--|
| | Yes | No | | |
| Were positive impacts identified? | x <input type="checkbox"/> | <input type="checkbox"/> | Positive impact – the new system will help those on the lowest-incomes, many of whom already struggle to pay their council tax bill, and who may struggle more during the cost of living crisis. Pensioners remain unaffected by the proposed changes. | |
| Are some people benefiting more than others? If so explain who and why. | X <input type="checkbox"/> | <input type="checkbox"/> | <p>Those on lower incomes stand to benefit the most from this scheme. Many on lower incomes under the current scheme are unable to pay, which may lead to wider issues of debt, and stress or mental health crises. The proposals look to simplify the scheme and ensure those on the lowest incomes receive support, particularly in the context of the current cost-of-living crisis. Providing this support may in the long-run help to prevent further strain on other services provided by the local authority and community groups.</p> <p>It should be noted that the proposals do not impact the Single Persons Discount of 25%, as this is set nationally and only affects a person's liability for council tax, rather than the rate of reduction they are due under the Council Tax Reduction Scheme.</p> | |
| Were negative impacts identified (what actions were taken) | X <input type="checkbox"/> | <input type="checkbox"/> | <p>Those who are in receipt of Disability benefits, or who live with a partner or dependant in receipt of these benefits (PIP and DLA), will no longer be automatically entitled to council tax reduction, as the system will be based on income. However, it should be noted that when income is assessed, PIP and DLA benefits received by the applicant, their partner, or any dependents, will be excluded from the calculations. This is known as a 'disregard'. An extra disregard of £50 (weekly) will also apply to all households where the applicant/partner/dependents are in receipt of PIP/DLA. A standard £50 per week disregard will also be provided against all earnings. Carer's allowance will also be disregarded. Other disregards include Child Benefit, and an amount in respect of the housing element of Universal Credit. The combination of these disregards will provide a level of protection for those losing the automatic 100% discount. The aim is to ensure that applicants impacted by disability are not penalised for income designed to help them cope with costs incurred in association with this disability, and therefore that this income can continue to be used to support their living with disability. In addition, a limited time Exceptional Hardship Scheme will run to assist those who are struggling to pay and those who have had their entitlement reduced. This scheme will take into account</p> | |

| | | | |
|---|--------------------------------|--|--|
| | | | income against essential outgoings (for example, costs associated with living with a disability), in order to further support people in these circumstances. |
| 6. Consultation, decisions and actions | | | |
| If High or very high range results were identified who was consulted and what recommendations were given? | | | |
| <p>Consultation has taken place with the public and partners regarding the proposed changes – 67.78% of respondents were in favour of the proposed changes.</p> <p>Consultation has taken place with Executive member for Finance and IT and with PLB.</p> <p>The proposal will go to Cabinet in December for onward recommendation to Council in January for implementation in April 2023.</p> | | | |
| Describe the decision on this activity | | | |
| <p>We will have a discretionary scheme to provide some temporary assistance to anyone who will suffer hardship if their entitlement reduces under the proposed scheme (when implemented)</p> <p>We will write to those who will see the biggest reduction and advise them that they can apply for discretionary support.</p> | | | |
| List all actions identified to address/mitigate negative impact or promote positively | | | |
| Action | Responsible person | Completion due date | |
| <p>Providing various 'disregards' (DLA/PIP; Carers allowance) etc to support those in the Vulnerable Category.</p> <p>Discretionary Exceptional Hardship Scheme to support those who will see the largest reductions. The council will write to these people to advise them that they can apply for this support.</p> | Anne Banner – Benefits Manager | With effect once the new scheme commences. | |
| When, how and by whom will these actions be monitored? | | | |
| Anne Banner and Jo Dufficy – monitoring throughout the year to assess the need for adjustments, and broader scheme review in September 2023. | | | |
| 7. Signatures | | | |
| Assessor | | | |
| Name: Anne Banner | Signature** Anne Banner | | |
| Validated by | | | |
| Name: Jo Dufficy | Signature** Jo Dufficy | | |
| Forward to the Corporate Policy Team | | | |
| Signature** Georgina Chapman | | | |
| Assessment date: November 2022 | Review date: November 2023 | | |

**** Please type your name to allow forms to be sent electronically.**

A copy of this form should be forwarded to the corporate policy team and duplicate filed on the council's report system alongside any report proposing a decision on policy or service change.

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**North Herts District Council
Council Tax Reduction Scheme
S13A and Schedule 1a of the
Local Government Finance Act 1992**

| | | |
|------|---|----|
| 1.0 | Introduction to the Council Tax Reduction Scheme..... | 4 |
| 2.0 | Interpretation – an explanation of the terms used within this policy..... | 9 |
| 3.0 | Requirement to provide a National Insurance Number..... | 15 |
| 4.0 | Persons who have attained the qualifying age for state pension credit..... | 15 |
| 5.0 | Persons treated as not being in Great Britain and Persons Subject to Immigration Control..... | 16 |
| 6.0 | Transitional provision..... | 18 |
| 7.0 | Temporary Absence (period of absence)..... | 18 |
| 8.0 | Membership of a family..... | 20 |
| 9.0 | Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person..... | 21 |
| 10.0 | Circumstances in which a child or young person is to be treated as being or not being a member of the household..... | 21 |
| 11.0 | Calculation of income and capital of members of applicant's family and of a polygamous marriage..... | 22 |
| 12.0 | Calculation of income and capital: persons who have an award of universal credit..... | 22 |
| 13.0 | Calculation of income on a weekly basis..... | 23 |
| 14.0 | Average weekly earnings of employed earners..... | 23 |
| 15.0 | Average weekly earnings of self-employed earners..... | 23 |
| 16.0 | Average weekly income other than earnings..... | 23 |
| 17.0 | Calculation of average weekly income from tax credits..... | 23 |
| 18.0 | Calculation of weekly income..... | 23 |
| 19.0 | Earnings of employed earners..... | 24 |
| 20.0 | Calculation of net earnings of employed earners..... | 24 |
| 21.0 | Earnings of self-employed earners..... | 25 |
| 22.0 | Calculation of net profit of self-employed earners..... | 25 |
| 23.0 | Deduction of tax and contributions of self-employed earners..... | 27 |
| 24.0 | Calculation of income other than earnings..... | 28 |
| 25.0 | Capital treated as income and Notional Income..... | 29 |
| 26.0 | Capital limit..... | 31 |
| 27.0 | Calculation of capital..... | 31 |
| 28.0 | Disregard of capital of child and young person..... | 32 |
| 29.0 | Income treated as capital..... | 32 |
| 30.0 | Calculation of capital in the United Kingdom..... | 32 |
| 31.0 | Calculation of capital outside the United Kingdom..... | 32 |
| 32.0 | Notional capital..... | 32 |
| 33.0 | Diminishing notional capital rule..... | 34 |
| 34.0 | Capital jointly held..... | 34 |
| 35.0 | Students - Student related definitions..... | 34 |
| 36.0 | Students who are excluded from entitlement to council tax reduction..... | 37 |
| 37.0 | Students - Calculation of grant income..... | 38 |
| 38.0 | Students- Calculation of covenant income where a contribution is assessed..... | 39 |
| 39.0 | Students - Covenant income where no grant income or no contribution is assessed..... | 40 |
| 40.0 | Students - Covenant Income and Grant income – non-disregard..... | 40 |
| 41.0 | Treatment of student loans..... | 40 |
| 42.0 | Students - Treatment of fee loans..... | 42 |
| 43.0 | Students - Treatment of payments from access funds..... | 42 |
| 44.0 | Students - Disregard of contribution..... | 42 |
| 45.0 | Further disregard of student's income..... | 42 |
| 46.0 | Students - Income treated as capital..... | 42 |
| 47.0 | Students - Disregard of changes occurring during summer vacation..... | 42 |
| 48.0 | Maximum Council Tax Reduction..... | 43 |
| 49.0 | Date on which entitlement is to begin..... | 43 |
| 50.0 | Date on which change of circumstances is to take effect..... | 43 |
| 52.0 | Procedure by which a person may apply for a reduction under the authority's scheme..... | 45 |
| 53.0 | Date on which an application is made..... | 46 |
| 54.0 | Submission of evidence electronically..... | 48 |
| 55.0 | Use of telephone provided evidence..... | 48 |

| | | |
|------|--|----|
| 56.0 | Information and evidence..... | 48 |
| 57.0 | Amendment and withdrawal of application | 49 |
| 58.0 | Duty to notify changes of circumstances..... | 49 |
| 59.0 | Decisions by the authority..... | 50 |
| 60.0 | Notification of decision | 50 |
| 61.0 | Time and manner of granting council tax reduction | 52 |
| 62.0 | Persons to whom reduction is to be paid | 52 |
| 63.0 | Shortfall in reduction..... | 53 |
| 64.0 | Payment on the death of the person entitled..... | 53 |
| 65.0 | Offsetting | 53 |
| 66.0 | Payment where there is joint and several liability | 53 |
| 67.0 | Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC) | 53 |
| 68.0 | Collection of information | 54 |
| 69.0 | Recording and holding information | 54 |
| 70.0 | Forwarding of information | 54 |
| 71.0 | Persons affected by Decisions..... | 54 |
| 72.0 | Terminations | 55 |
| 73.0 | Procedure by which a person may make an appeal against certain decisions of the authority | 55 |
| 74.0 | Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act | 55 |
| 75.0 | Exceptional Hardship Scheme..... | 56 |
| 76.0 | Interpretation for the use of electronic communication | 56 |
| 77.0 | Conditions for the use of electronic communication..... | 56 |
| 78.0 | Use of intermediaries..... | 56 |
| 79.0 | Effect of delivering information by means of electronic communication..... | 57 |
| 80.0 | Proof of identity of sender or recipient of information | 57 |
| 81.0 | Proof of delivery of information..... | 57 |
| 82.0 | Proof of content of information..... | 57 |
| 83.0 | Counter Fraud and compliance..... | 57 |
| | Schedule 1 | 59 |
| | Calculation of the amount of Council Tax Reduction in accordance with the Discount Scheme. | 59 |
| | Schedule 2 | 61 |
| | Sums to be disregarded in the calculation of income other than earnings..... | 61 |
| | Schedule 3 | 72 |
| | Capital to be disregarded | 72 |

1.0 Introduction to the Council Tax Reduction Scheme

- 1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period from 1st April 2023.
- 1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2023 for a period of one financial year.
- 1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:
- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
 - Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
 - Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
 - Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
 - Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014;
 - 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 (England) (Amendment) Regulations 2017;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022;
 - The Council Tax (Demand Notices and Reduction Schemes) (England) (Amendment) Regulations 2022;
 - The Council Tax (Demand Notices and Reduction Schemes) (England) (Amendment) Regulations 2023; and
 - Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

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

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

The three prescribed classes are as follows;

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

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

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

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

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

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- (c) who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- (d) whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 9 and Schedule 2 to the Local Government Finance Act 1992;
- (e) in respect of whom amount A exceeds amount B where;
 - (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant's case; and
 - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount;
- (f) not have capital savings above £16,000; and
- (g) 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 an income band scheme means test, which compares income against a range of discounts available. 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. The scheme has 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 £16,000;
- (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 reduction to be given for working age applicants for the financial year 2023/24

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

2.1 In this policy–

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

‘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

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

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

‘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;

‘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).

‘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;

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

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

‘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;

‘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;

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

‘couple’ means;

(a) two people who are married to, or civil partners of, each other and are members of the same household; or

(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;

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

‘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 2000 Act;

‘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;

‘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 14(1)(b) or article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(b);

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

‘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 same meaning as they have in the Jobseekers Act by virtue of section 1(4) of that Act;

‘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 in section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;

‘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;

‘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;

‘member of the work-related activity group’ means a claimant who has or is treated as having limited capability for work;

‘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;

‘net earnings’ means such earnings as are calculated in accordance with this scheme;

‘net profit’ means such profit as is calculated in accordance with this scheme;

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

'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;

'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' means—

- (a) where an applicant is a member of a couple, the other member of that couple; or
- (b) where an applicant is polygamously married to two or more members of his household, any such member to whom he is married;

'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;

'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 20 or 21 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 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;

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

‘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.

‘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;

‘reduction week’ means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;

‘the Tax Credits Act’ means the Tax Credits Act 2002;

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

‘training allowance’ means an allowance (whether by way of periodical grants or otherwise) payable–

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

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

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

‘Universal Credit’ means any payment of Universal Credit payable under the Welfare Reform Act 2012, the Universal Credit Regulations 2013, The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013, Universal Credit (Miscellaneous Amendments) Regulations 2013 and the Universal Credit (Transitional Provisions) Regulations 2014;

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

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

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

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

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

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

‘water charges’ means;

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

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

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

‘Welfare Reform Act’ means the Welfare Reform Act 2007;

‘Working Tax Credit Regulations’ means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended.

- 2.2 In this policy, 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.
- 2.3 For the purpose of this policy, 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

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).

- 2.4 For the purposes of this policy, 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 policy, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- 2.6 In this policy, 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 Requirement to provide a National Insurance Number

- 3.1 No person shall be entitled to reduction unless the criteria below in 3.2 is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming reduction.
- 3.2 This subsection is satisfied in relation to a person if–
- (a) the claim for reduction is accompanied by;
 - i. a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - ii. information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
 - (b) the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated and the application for reduction is accompanied by evidence of the application and information to enable it to be allocated.
- 3.3 Paragraph 3.2 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;
 - iii. is a person from abroad for the purposes of this scheme; and
 - iv. has not previously been allocated a national insurance number.

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

- 4.1 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.

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

Persons treated as not being in Great Britain

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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).
- 5.4A 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) (Removed by the Council Tax Reductions Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021
 - (b) Appendix EU to the immigration rules made under section 3(2) of that Act;
 - (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or
 - (d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.
- 5.4B Paragraph (4A)(b) does not apply to a person who—
- (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
- would have a right to reside under the EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b)
- 5.5 A person falls within this paragraph if the person is—
- (za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of—
 - (i) the Afghan Relocations and Assistance Policy; or
 - (ii) the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);

- (zb) a person in Great Britain not coming within sub-paragraph (za) or (e)(iv) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021
- (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);
- (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;
- (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
- (cb) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;
- (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971
- (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 1971¹ 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;
 - (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005; or
 - (iv) granted under the Afghan Citizens Resettlement Scheme.
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance; or
- (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).

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

5.7 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.

5.8 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;

¹ As amended by the Immigration Act 2014 and the Immigration Act 2014 (Commencement No. 2) Order 2014

“EEA Regulations” means the Immigration (European Economic Area) Regulations 2006; and the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020

“EEA national” has the meaning given in regulation 2(1) of the EEA Regulations;

“family member” has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and (5)(ca);

“relevant person of Northern Ireland” has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971; and

“Her Majesty’s forces” has the same meaning as in the Armed Forces Act 2006.

Persons subject to immigration control

5.9 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.

5.10 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 5.9

5.11 “Person subject to immigration control” has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

6.0 Transitional provision

6.1 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.

6.2 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.

6.3 In this section “the Act” means the Local Government Finance Act 1992.

7.0 Temporary Absence (period of absence)

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

7.2 A person shall not, in relation to any day, which falls within a period of temporary absence from that dwelling, be a prescribed person under paragraph 7.1.

7.3 In paragraph 7.2, a ‘period of temporary absence’ means—

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

dwelling of more than 52 weeks,
where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;

- (b) a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as;
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period is unlikely to exceed 13 weeks; and
- (c) a period of absence not exceeding 52 weeks, beginning with the first whole day of absence, where and for so long as
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let;
 - iii. the person is a person to whom paragraph 7.4 applies; and
 - iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

7.4 This paragraph applies to a person who is;

- (a) detained in custody on remand pending trial or required, as a condition of bail, to reside;
 - i. in a dwelling, other than the dwelling referred to in paragraph 7.1, or
 - ii. in premises approved under section 13 of the Offender Management Act 2007 as amended by the Offender Rehabilitation Act 2014, or, detained in custody pending sentence upon conviction;
- (b) resident in a hospital or similar institution as a patient;
- (c) undergoing, or his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) following, in the United Kingdom or elsewhere, a training course;
- (e) undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
- (f) undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;
- (g) in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
- (h) a student;
- (i) receiving care provided in residential accommodation other than a person to whom paragraph 7.3a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

7.5 This paragraph applies to a person who is:

- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 (as amended by the Mental Health (Discrimination) Act 2013); and
- (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952.

7.6 Where paragraph 7.5 applies to a person, then, for any day when he is on temporary release—

- (a) if such temporary release was immediately preceded by a period of temporary absence under paragraph 7.3 b) or c), he shall be treated, for the purposes of paragraph 7.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;
- (b) for the purposes of paragraph 7.4 a), he shall be treated as if he remains in detention;
- (c) If he does not fall within sub-paragraph a), he is not considered to be a person who is liable to pay Council Tax in respect of a dwelling of which he is resident

7.7 In this section;

- 'medically approved' means certified by a medical practitioner;
- 'patient' means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution; 'residential accommodation' means accommodation which is provided;
 - (a) in a care home;
 - (b) in an independent hospital;
 - (c) in an Abbeyfield Home; or
 - (d) in an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
- 'training course' means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

8.0 Membership of a family

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

For the purposes of the scheme a child is further defined as a 'child or young person'

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

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

- 8.2 Paragraph 8.1 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
- 8.3 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

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

- 9.1 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.
- 9.2 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.
- 9.3 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.

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

- 10.1 Subject to paragraphs 10.2 and 10.3, the applicant and any partner and, where the applicant or his partner is treated as responsible 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.
- 10.2 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 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.
- 10.3 Subject to paragraph (4), paragraph (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).
- 10.4 The authority shall treat a child or young person to whom paragraph (3a) 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.
- 10.5 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.

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

- 11.1 The income and capital of an applicant's partner within this scheme and for the purposes of claiming council tax reduction is to be treated as income and capital of the applicant and shall be calculated or estimated 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 his partner.
- 11.2 Where an applicant or the partner of is married polygamously to two or more members of his household—
- (a) the applicant shall be treated as possessing capital and income belonging to each such member; and
 - (b) the income and capital of that member shall be calculated in accordance with the following provisions of this scheme in like manner as for the applicant.
- 11.3 The income and capital of a child or young person shall not be treated as the income and capital of the applicant.

12.0 Calculation of income and capital: persons who have an award of universal credit

- 12.1 Any universal credit data or notification received by the authority may be used as a claim for reduction or in the assessment of council tax reduction including data received from the Secretary of State where the applicant no longer qualifies for a universal credit award
- 12.2 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 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. The authority may use any other assessment based on the information provided by the Secretary of State.
- 12.3 The authority may adjust the amount referred to in sub-paragraph (2) to take account of
- (a) income consisting of the award of universal credit;
 - (b) any sum to be disregarded in the calculation of earnings;
 - (c) any sum to be disregarded in the calculation of income other than earnings; and
 - (d) any sum which may be disregarded as housing costs;
- 12.4 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.
- 12.5 In determining the capital of an applicant;
- (a) who has, or
 - (b) who (jointly with his partner) has,
- an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award

13.0 Calculation of income on a weekly basis

- 13.1 For the purposes of this scheme the income of an applicant shall be calculated on a weekly basis by estimating the amount which is likely to be his average weekly income.

14.0 Average weekly earnings of employed earners

- 14.1 Where an applicant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by the authority by reference to his actual earnings over a period determined by the authority as reasonable.
- 14.2 Where the applicant is recently employed and cannot furnish the appropriate evidence, the authority may 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.
- 14.3 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.

15.0 Average weekly earnings of self-employed earners

- 15.1 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.

16.0 Average weekly income other than earnings

- 16.1 An applicant's income which does not consist of earnings shall be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately.

17.0 Calculation of average weekly income from tax credits

- 17.1 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 (2)
- 17.2 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.
- 17.3 For the purposes of this section 'tax credit' means child tax credit or working tax credit.

18.0 Calculation of weekly income

- 18.1 For the purposes of this scheme 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 quotient by 7.

18.2 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 quotient by 7.

19.0 Earnings of employed earners

19.1 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–
- (g) (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;
- (h) 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);
- (i) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- (j) any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- (k) 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;
- (l) 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;
- (m) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended.

19.2 Earnings shall not include–

- (a) 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

20.0 Calculation of net earnings of employed earners

20.1 For the purposes of this scheme, the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall be his net earnings.

20.2 There shall be disregarded from an applicant's (or their partner's) net earnings, £50 per week.

This shall apply irrespective of the applicant's household and only one disregard shall be applied per claim.

- 20.3 Net earnings shall 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 National Insurance contributions
 - (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
- 20.4 In this section 'qualifying contribution' means any sum which is payable periodically as a contribution towards a personal pension scheme.
- 20.5 The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying contribution shall be determined—
- (a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
 - (b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- 20.6 Where the earnings of an applicant are estimated an appropriate estimate of net earnings shall be determined in line with paragraph (3) above.

21.0 Earnings of self-employed earners

- 21.1 'Earnings', in the case of employment as a self-employed earner, means the gross income of the employment
- 21.2 'Earnings' shall not include any payment 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.
- 21.3 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 trademark; 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 trademark, or an original contributor to the book of work concerned.

22.0 Calculation of net profit of self-employed earners

- 22.1 For the purposes of this scheme 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 this scheme; and
 - ii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.
- 22.2 There shall be disregarded from an applicant's (or their partner's) net earnings of £50 per week. This shall apply irrespective of the applicant's household and only one disregard shall be applied per claim.
- 22.3 The net profit of the employment must be calculated by taking into account the earnings for the employment over the assessment period less
 - (a) 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 calculated in accordance with section 22; and
 - iii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.
- 22.4 For the purposes of paragraph (1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- 22.5 No deduction shall be made under paragraph (3 a) or (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.
- 22.6 A deduction shall be made under paragraph (3 a) or (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.
- 22.7 The authority shall refuse to make deduction in respect of any expenses where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 22.8 For the avoidance of doubt–
 - (a) deduction shall not be made 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
- 22.9 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 calculated in accordance with section 22 (and
- (c) one-half of the amount any qualifying pension contribution in accordance with (11).

22.10 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.

22.11 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.

22.12 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.

23.0 Deduction of tax and contributions of self-employed earners

23.1 The amount to be deducted in respect of income tax under section 28 shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

23.2 The amount to be deducted in respect of national insurance contributions under section shall be the total of—

- (a) the amount of Class 2 National Insurance contributions payable 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.

23.3 In this section 'chargeable income' means—

- (a) the earnings derived from the employment less any expenses deducted under section 22;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

24.0 Calculation of income other than earnings

- 24.1 For the purposes of this scheme, the income of an applicant which does not consist of earnings to be taken into account shall be his gross income and any capital treated as income under section 25.
- 24.2 There shall be disregarded from the calculation of an applicant's gross income any sum, where applicable, specified in Schedule 2.
- 24.3 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 shall be the gross amount payable.
- 24.4 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, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- 24.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act 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 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- 24.6 'Tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.
- 24.7 Paragraphs (7),(8), (9) and (10) apply to any applicant who is a student. Paragraph (8) and (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.
- 24.8 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 (1) in respect of a person to whom paragraph (7) applies, shall be calculated by applying the formula–
$$\frac{A - (B \times C)}{D}$$

Where
A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course;
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 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.
- 24.9 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 (1) in respect of a person to whom paragraph (8) applies, shall be calculated by applying the formula in paragraph (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.

24.10 In this section– ‘academic year’ and ‘student loan’ shall have the same meanings as for the purposes of this scheme, ‘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 those date 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.

25.0 Capital treated as income and Notional Income

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

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

25.3 Any Career Development Loan paid pursuant to section 2 of the 1973 Act shall be treated as income

25.4 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.

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

25.7 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) rehabilitation allowance made under section 2 of the 1973 Act;
- (e) child tax credit; or
- (f) working tax credit,

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.

25.8 Any payment of income 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.

25.9 This section 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 previous participation in the Mandatory Work Activity Scheme;
- (e) 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.

25.10 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 1st April in that year.

25.11 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.

25.12 Paragraph (11) 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.

25.13 'Work placement' means practical work experience which is not undertaken in expectation of payment.

25.14 Where an applicant is treated as possessing any income under this section, 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.

25.15 Where an applicant is treated as possessing any earnings under this section his net earnings shall be calculated by taking into account those earnings which he is treated as possessing, less;

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

26.0 Capital limit

26.1 For the purposes of this scheme, the prescribed amount is £16,000 and no reduction shall be granted when the applicant has an amount greater than this level.

27.0 Calculation of capital

27.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to paragraph (2), be the whole of his capital calculated in accordance with this scheme and any income treated as capital under this scheme

27.2 There shall be disregarded from the calculation of an applicant's capital under paragraph (1), any capital, where applicable, specified in Schedule 3.

28.0 Disregard of capital of child and young person

- 28.1 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.

29.0 Income treated as capital

- 29.1 Any bounty derived from employment and paid at intervals of at least one year shall be treated as capital.
- 29.2 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.
- 29.3 Any holiday pay which is not earnings shall be treated as capital.
- 29.4 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.
- 29.5 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.
- 29.6 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.
- 29.7 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.
- 29.8 Any arrears of subsistence allowance which are paid to an applicant as a lump sum shall be treated as capital.
- 29.9 Any arrears of working tax credit or child tax credit shall be treated as capital.

30.0 Calculation of capital in the United Kingdom

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

31.0 Calculation of capital outside the United Kingdom

- 31.1 Capital which an applicant possesses in a country outside the United Kingdom shall be calculated
- 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.
 - 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.

32.0 Notional capital

- 32.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax reduction or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with section 33.
- 32.2 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 3; 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 Schedule 3 refers; or
 - (f) child tax credit; or
 - (g) 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.
- 32.3 Any payment of capital, other than a payment of capital specified in paragraph (4), made
- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
 - (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in subparagraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
 - (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.
- 32.4 Paragraph 32.3 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—
 - vi. 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;

- vii. the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
- viii. 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.

32.5 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 be disregarded; and
- (b) he shall 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.

32.6 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 (5) shall be disregarded.

32.7 Where an applicant is treated as possessing capital under any of paragraphs (1) and (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.

33.0 Diminishing notional capital rule

33.1 Where an applicant is treated as possessing notional capital the amount which he is treated as possessing shall be reduced by the amount calculated by the authority as the weekly amount of council tax reduction lost due to the inclusion of the notional capital within the calculation.

33.1 The authority shall determine the frequency by which the notional capital is reduced.

34.0 Capital jointly held

34.1 Where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated 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

35.0 Students - Student related definitions

35.1 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 holders 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 education authority as defined in section 12 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973 an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body of the Channel Island, 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’ means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary;

‘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

- 35.2 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.

- 35.3 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.

36.0 Students who are excluded from entitlement to council tax reduction

- 36.1 Students except those define in paragraph (3) are not able to claim Council tax reduction under Classes D of the authority’s reduction scheme.
- 36.2 To be eligible for reduction, the student must be liable for Council Tax under Section 6 of the Local Government Finance Act 1992 and they must not be deemed to be a full-time student or a person from abroad within the meaning of section 7 of this scheme (persons from aboard).
- 36.3 Paragraph 36.2 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) who is in receipt of a Personal Independence Payment;
 - (d) 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;
 - (e) (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,
 - (f) who is;
 - (i) aged under 21 and whose course of study is not a course of higher education, or
 - (ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);
 - (g) 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.

- 36.4 For the purposes of paragraph (3(f)(i)) the student must have begun, or been enrolled or accepted onto the course before attaining the age of 19
- 36.5 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.
- 36.6 An intercalating student may be eligible for a reduction if the following circumstances are met:
- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
 - (i) engaged in caring for another person; or
 - (ii) ill;
 - (b) he has subsequently ceased to be engaged in engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
 - (c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph (7).
- 36.7 The period specified for the purposes of paragraph (6) 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.

37.0 Students - Calculation of grant income

- 37.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs (2) and (3), be the whole of his grant income.
- 37.2 There shall be excluded from a student's grant income any payment;
- (a) intended to meet tuition fees or examination fees;
 - (b) in respect of the student's disability;
 - (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
 - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;

- (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;
 - (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
 - (h) intended for the childcare costs of a child dependant.
 - (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.
- 37.3 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.
- 37.4 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.
- 37.5 Subject to paragraphs (6) and (7), a student's grant income shall be apportioned;
- (a) subject to paragraph (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.
- 37.6 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.
- 37.7 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 shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.
- 37.8 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.
- 38.0 Students- Calculation of covenant income where a contribution is assessed**
- 38.1 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 (3), the amount of the contribution.
- 38.2 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

- (1) by 52 or 53, whichever is reasonable in the circumstances; and
- (b) by disregarding from the resulting amount, £5.

39.0 Students - Covenant income where no grant income or no contribution is assessed

- 39.1 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 the 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 in the 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.
- 39.2 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 (1).

40.0 Students - Covenant Income and Grant income – non-disregard

- 40.1 No part of a student's covenant income or grant income shall be disregarded under this scheme

41.0 Treatment of student loans

- 41.1 A student loan shall be treated as income.
- 41.2 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 the course;

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

41.3 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.

41.4 Where a student is treated as possessing a student loan under paragraph (3), the amount of the student loan to be taken into account as income shall be, subject to paragraph (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.

41.5 There shall be deducted from the amount of income taken into account under paragraph (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.

42.0 Students - Treatment of fee loans

- 42.1 A 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.

43.0 Students - Treatment of payments from access funds

- 43.1 A payment from access funds, other than a payment to which paragraph 43.2 applies, shall be disregarded as income.
- 43.2 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.
- 43.3 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.

44.0 Students - Disregard of contribution

- 44.1 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.

45.0 Further disregard of student's income

- 45.1 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.

46.0 Students - Income treated as capital

- 46.1 Any amount by way of a refund of tax deducted from a student's covenant income shall be treated as capital.
- 46.2 Any amount paid from access funds as a single lump sum shall be treated as capital.
- 46.3 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.

47.0 Students - Disregard of changes occurring during summer vacation

- 47.1 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.

48.0 Maximum Council Tax Reduction

- 48.1 Subject to paragraphs (2) to (4), the amount of a person's maximum Council Tax Reduction in respect of a day for which he is liable to pay council tax, shall be 100 per cent, of the amount A divided by B where;
- (a) A is the 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; and
 - (b) B is the number of days in that financial year,

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

- 48.2 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.
- 48.3 Subject to paragraph (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 who is excluded from entitlement to Council Tax Reduction applies, in determining the maximum Council Tax Reduction in his case in accordance with paragraph (1), the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.
- 48.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph (3) shall not apply in his case

49.0 Date on which entitlement is to begin

- 49.1 Subject to paragraph (2), any person to whom or in respect of whom a claim for council tax reduction is made and who is otherwise entitled to that reduction shall be so entitled from the date on which that claim is made or is treated as made.
- 49.2 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 the date of claim

50.0 Date on which change of circumstances is to take effect

- 50.1 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 date on which the change actually occurs.
- 50.2 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.
- 50.3 Where the change of circumstances is that income, or an increase in the amount of income, 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.

51.0 Making an application

- 51.1 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.
- 51.2 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.
- 51.3 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.
- 51.4 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).
- 51.5 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).
- 51.6 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.
- 51.7 The authority must;
- (a) inform any person making an application of the duty imposed on them
 - (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.

52.0 Procedure by which a person may apply for a reduction under the authority's scheme²

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

52.2. An application may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- (d) a notification of Universal Credit or any legacy benefit from DWP, may be treated by the authority as a claim for reduction.

52.3 An application which is made in writing must be made to the designated office on a properly completed form. The form must be provided free of charge by the authority for the purpose.

52.4 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.

52.5 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.

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

52.7 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.

52.8 If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect. An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

52.9 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.

52.10 Where an applicant ('C') makes a claim which includes (or which C subsequently requests should include) a period before the claim is made, the authority may, at its discretion, treat the claim as made on an earlier date up to the first date of the financial year in which the request is received by the authority or up to 6 months from the date the claim is received, whichever is the earlier.

² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

53.0 Date on which an application is made³

53.1 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.

53.2 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

³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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.

- 53.3 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.
- 53.4 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.
- 53.5 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.
- 53.6 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.
- 53.7 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.

- 53.8 In this paragraph “appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims of income support, a job seekers allowance or an employment and support allowance.

54.0 Submission of evidence electronically

- 54.1 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

55.0 Use of telephone provided evidence

- 55.1 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

56.0 Information and evidence⁴

- 56.1 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.

- 56.2 This sub-paragraph is satisfied in relation to a person if—
- (a) the application is accompanied by;
 - (i) a statement of the person’s national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
 - (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;
 - (i) evidence of the application for a national insurance number to be so allocated; and
 - (ii) the information or evidence enabling it to be so allocated.

- 56.3 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.

- 56.4 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.

- 56.5 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.

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

⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

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

- 56.8 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.

57.0 Amendment and withdrawal of application⁵

- 57.1 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.
- 57.2 Where the application was made by telephone the amendment may also be made by telephone.
- 57.3 Any application amended is to be treated as if it had been amended in the first instance.
- 57.4 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.
- 57.5 Where the application was made by telephone, the withdrawal may also be made by telephone.
- 57.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
- 57.7 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.

58.0 Duty to notify changes of circumstances⁶

- 58.1 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.

⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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

- 58.2 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.
- 58.3 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.
- 58.4 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.
- 58.5 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.
- 58.6 The duty imposed on a person by sub-paragraph (1) includes in the case of a person falling within alternative maximum council tax reduction, giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs.
- 58.7 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the authority may use a date later than the actual change of circumstances

59.0 Decisions by the authority⁷

- 59.1 The authority must make a decision on an application under its scheme within 14 days or as soon as reasonably practicable thereafter.

60.0 Notification of decision⁸

- 60.1 The authority must notify in writing any person affected by a decision made by it under its

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

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

- 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.
- 60.2 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(1);
 - (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.
- 60.3 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.
- 60.4 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.
- 60.5 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.
- 60.6 The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.
- 60.7 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).
- 60.8 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.

61.0 Time and manner of granting council tax reduction⁹

- 61.1 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.
- 61.2 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).
- 61.3 In a case to which paragraph (1)(b) refers;
- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
 - (i) must be paid to that person if he so requires; or
 - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
 - (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
 - (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.
- 61.4 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).

62.0 Persons to whom reduction is to be paid¹⁰

- 62.1 Subject to paragraph (2), any payment of the amount of a reduction must be made to that person.
- 62.2 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.

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

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

63.0 Shortfall in reduction¹¹

63.1 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.

64.0 Payment on the death of the person entitled¹²

64.1 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.

65.0 Offsetting

65.1 Where a person has been allowed or paid a sum of council tax reduction under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

66.0 Payment where there is joint and several liability¹³

66.1 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.

66.2 Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

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

67.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)

67.1 The authority will use information provided by the DWP and HMRC for the purposes of Council

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

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

¹³ Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

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

- 67.2 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 requirements¹⁴..

68.0 Collection of information

- 68.1 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
- 68.2 The authority may verify relevant information supplied to or obtained.

69.0 Recording and holding information

- 69.1 The authority may
- (a) may make a record of such information; and
 - (b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering council tax reduction.

70.0 Forwarding of information

- 70.1 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.

71.0 Persons affected by Decisions

- 71.1 A person is to be treated as a person affected by a relevant decision of the authority where that person is;
- (a) an applicant;
 - (b) in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
 - (i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or reduction on his behalf,
 - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit or reduction appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
 - (c) a person appointed by the authority under this scheme;

¹⁴ Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

72.0 Terminations

- 72.1 The authority may terminate reduction in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;
- (a) the conditions for entitlement to Council tax reduction are or were fulfilled; or
 - (b) a decision as to an award of such a reduction should be revised or superseded.
- 72.2 The authority may terminate, in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;
- (a) the conditions for entitlement to Council tax reduction are or were fulfilled; or
 - (b) a decision as to an award of such a reduction should be revised or superseded.
- Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax

73.0 Procedure by which a person may make an appeal against certain decisions of the authority¹⁵

- 73.1 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.
- 73.2 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.
- 73.3 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 Act¹⁶.

74.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act¹⁷

- 74.1 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.
- 74.2 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).

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

¹⁶ As amended by the Tribunal Procedure (Amendment No 3) Rules 2014

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

75.0 Exceptional Hardship Scheme

75.1 The authority may provide additional help to an applicant who is entitled to reduction under its Exceptional Hardship Scheme.

75.2 Such payments shall be deemed to be made under S13A (1)(a) of the 1992 Act.

76.0 Interpretation for the use of electronic communication

76.1 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.

77.0 Conditions for the use of electronic communication

77.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.

77.2 A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

77.3 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.

77.4 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.

77.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.

77.6 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.

77.7 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.

77.8 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.

78.0 Use of intermediaries

78.1 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.

79.0 Effect of delivering information by means of electronic communication

- 79.1 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.
- 79.2 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).
- 79.3 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.

80.0 Proof of identity of sender or recipient of information

- 80.1 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.

81.0 Proof of delivery of information

- 81.1 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.
- 81.2 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.
- 81.3 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.

82.0 Proof of content of information

- 82.1 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.

83.0 Counter Fraud and compliance

- 83.1 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

- 83.2 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.

- 83.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph (1) and (2) can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

Schedule 1

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

- 1 The authority's Council Tax Reduction scheme from 2023/24 shall be calculated on the basis of the following Banded Discount Scheme:

| Band | Discount | Single Person | Single Person with one child/young person | Single Person with two children/young persons | Single Person with three or more children/young persons | Couple with no children | Couple with one child/young person | Couple with two children/young persons | Couple with three or more children/young persons |
|------|----------|--------------------|---|---|---|-------------------------|------------------------------------|--|--|
| 1* | 100% | £0 to £100.00 | £0 to £165.00 | £0 to £275.00 | £0 to £330.00 | £0 to £140.00 | £0 to £205.00 | £0 to £260.00 | £0 to £340.00 |
| 2 | 75% | £100.01 to £180.00 | £165.01 to £245.00 | £275.01 to £355.00 | £330.01 to £385.00 | £140.01 to £220.00 | £205.01 to £285.00 | £260.01 to £340.00 | £340.01 to £395.00 |
| 3 | 45% | £180.01 to £240.00 | £245.01 to £305.00 | £355.01 to £415.00 | £385.01 to £445.00 | £220.01 to £280.00 | £285.01 to £345.00 | £340.01 to £400.00 | £395.01 to £455.00 |
| 4 | 25% | £240.01 to £300.00 | £305.01 to £365.00 | £415.01 to £475.00 | £445.01 to £505.00 | £280.01 to £340.00 | £345.01 to £405.00 | £400.01 to £460.00 | £455.01 to £515.00 |
| 6 | 0% | Over £300.01 | Over £365.01 | Over £475.01 | Over £505.01 | Over £340.01 | Over £405.01 | Over £460.01 | Over £515.01 |

- 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 and partner as defined within this scheme;
 - The capital of the applicant and partner as defined within this scheme.
- 4 For the sake of clarity all incomes shown within the table above are weekly in accordance with the scheme requirements and definitions.
- 5 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 three dependant children or young persons.
- 6 Any applicant who capital is greater than £16,000 shall not be entitled to any Council Tax Reductions whatsoever.
7. The authority **may** increase the level of incomes within the grid specified in paragraph 1 on an annual basis by an appropriate level of inflation decided by the Council.
8. *Where an applicant or partner is in receipt of Income Support, Income Related Employment and Support Allowance or Income Based Jobseeker's Allowance, discount will be awarded at Band 1 level.

Schedule 2

Sums to be disregarded in the calculation of income other than earnings

1. Any amount paid by way of tax on income.
2. 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.
3. 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.
3. 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).
4. Any payment in respect of expenses arising out of the applicant's participation in a service user group.
5. 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.
6. 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.
7. 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.
8. 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.
9. Any disability living allowance or personal independence payment or AFIP
10. Any concessionary payment made to compensate for the non-payment of;
 - (a) income support;
 - (b) an income-based jobseeker's allowance.
 - (c) an income-related employment and support allowance.
11. 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.
12. Any attendance allowance.
13. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
14. (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)I 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

(69) 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
 - I directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)I 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).
- 15. 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.
- 16 (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)I 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.
- 17 (1) Subject to sub-paragraph (2), any of the following payments;
 - (a) a charitable payment;
 - (b) a voluntary payment;
 - I 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
 - (70) 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.

- 18. 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.

- 19. £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.

- 20. (1) Any income derived from capital to which the applicant is or is treated as beneficially entitled.

- 21. 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.

- 22. (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 defined within this scheme.
- (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.
- 23. Any payment made to the applicant by a child or young person or a non- dependant.
- 24. Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person 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.
- 25. (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.
- 26. (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.
- 27. 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.
- 28. (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) 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);

- (a) 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.
29. 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
- (71) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
30. 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) 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
31. 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).
32. (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
- continues to live with the applicant.
33. (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).

- 34. Any payment of income which is to be treated as capital.
- 35. 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
- 36. Any payment under Part 10 of the Act (Christmas bonus for pensioners).
- 37. 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.
- 38. (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.

39. Any Housing Benefit or where the applicant is entitled to an award of Universal Credit which includes a housing element, an amount of Universal Credit equal to the housing element used in that award, up to a maximum of the Universal Credit award.
40. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
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. 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).
43. (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);
I 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).
44. 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).

45. 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.
46. (1) Where an applicant's family includes at least one child or young person, £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).
47. (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.
48. 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.
49. Any guardian's allowance.
50. (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
51. 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.
52. 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.
53. (1) Any payment which is

- (a) made under any of the Dispensing Instruments to a widow, widower or
- (b) surviving civil partner of a person;
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

- 54. Any council tax reduction or council tax benefit to which the applicant is entitled.
- 55. 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).
- 56. (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—
 - (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
 - (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity, in respect of which such assistance is or was received.
 (2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account
- 57. (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.
- 58. 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.
- 59. 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.
- 60. 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.
- 61. (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.
- 62. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)

63. Any payment of child benefit.
64. Any Windrush compensation payment.
65. Any payment made under the We Love Manchester Emergency Fund.
66. Any payment made under the London Emergency Trust.
67. Carers Allowance.
68. The support component of Employment and Support Allowance.
69. An amount the authority determines relates to the housing element of Universal Credit.
70. Any payment deemed to be made by the authority under a local welfare provision.
71. Any increase in national welfare benefits made in relation to a crisis by Government which would result in a reduction in support.
72. Where, the applicant, their partner or dependant is entitled to Personal Independence Payment or Disability Living Allowance a further disregard of £50 shall be made from their income.
73. Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:
 - (a) an applicant's entitlement to a reduction under the scheme; or
 - (b) the amount of any reduction to which the applicant is entitled."The Energy Rebate Scheme 2022" means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022
74. Any local welfare provisions under any scheme operated or administered by the authority.
75. Any payment made under the Government's Infected Blood Support Scheme provisions.

Schedule 3
Capital to be disregarded

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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 provided that it is no more than £16,000.
8. 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.
9. 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.
10. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 (2) The assets of any business owned in whole or in part by the applicant where—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax reduction is

made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

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

11. (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) an income-related benefit;
 - (b) an income-based jobseeker's allowance;
 - (c) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (d) working tax credit and child tax credit
 - (e) an income-related employment and reduction allowance

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

12. 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.

12. 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.

13. Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax reduction or to increase the amount of that reduction.

14. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

15. 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.

16. (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).

- 17. The value of the right to receive any income under a life interest or from a life rent.
- 18. The surrender value of any policy of life insurance.
- 19. Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
- 20. 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).
- 21. (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.
- 22. Any social fund payment.
- 23. 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.
- 24. Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
- 25. 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.
- 27. 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.
- 28. 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 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 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 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) 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.

28. (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.
29. 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.
30. 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.
31. 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.
32. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
33. The value of the right to receive an occupational or personal pension.
34. The value of any funds held under a personal pension scheme
35. 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.
36. 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).
37. 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.
38. 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.
39. 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.
40. Any arrears of supplementary pension which is disregarded under this scheme but only for a period of 52 weeks from the date of receipt of the arrears.
 41. (1) Any payment or repayment made—
 - (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),
 but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.
 42. 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.
 43. Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
 44. 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.
 45. 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.
 46. 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.
 47. (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.
 48. (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.

49. 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.
50. Any payment to the applicant as holder of the Victoria Cross or George Cross.
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).
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 Windrush compensation payment.
- 65. Any payment made under the We Love Manchester Emergency Fund.
- 66. Any payment made under the London Emergency Trust.

67. Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:
(a) an applicant's entitlement to a reduction under the scheme; or
(b) the amount of any reduction to which the applicant is entitled.
"The Energy Rebate Scheme 2022" means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022.
68. Any local welfare provisions under any scheme operated or administered by the authority.
69. Any payment made under the Government's Infected Blood Support Scheme provisions.

DRAFT

**COUNCIL
19 JANUARY 2023**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: REVIEW OF MEMBERS' ALLOWANCES SCHEME

REPORT OF: DEMOCRATIC SERVICES MANAGER

EXECUTIVE MEMBER: Allowances - Non-Executive function.
(Democratic Services: COMMUNITY ENGAGEMENT)

COUNCIL PRIORITY: PEOPLE FIRST; SUSTAINABILITY AND A BRIGHTER FUTURE TOGETHER

1. EXECUTIVE SUMMARY

- 1.1 To agree the Member's Allowances Scheme 2023/2024 having taken into account the recommendations of the Independent Remuneration Panel ('IRP').

2. RECOMMENDATIONS

That the Council:

- 2.1. Considers the report and recommendations of the IRP, as attached as Appendix A of the submitted report.
- 2.2. Agrees the Members' Allowances Scheme for 2023/2024 as set out in Appendix B¹ of the submitted report.
- 2.3. Agrees the increase to the Independent Person and Reserve Independent Persons allowances as detailed in 4.9 of Appendix A and 8.11 of this report.
- 2.4. Agrees the allowance to the Independent Non-Voting Member on the Finance, Audit and Risk Committee as detailed in 4.7 of Appendix A and 8.12 of this report.
- 2.5. Express it's appreciation to the IRP for their work over the last 4 years.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure that the Council meets its statutory requirements of an annual review and adoption of the scheme.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. None, as the Council is required to undertake an annual review prior to the beginning of the financial year and approve a Scheme of basic and other prescribed allowances for

¹ Amended as per the tracked changes.

Members. In making or amending a Scheme the Council shall have regard to the recommendations made by the Panel. The Council can amend the Scheme as per the IRP recommendations either partly or wholly or to retain the current Scheme.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The Panel invited the Leader of the Council and Group Leaders to respond to a series of questions. The questions and a summary of the responses made are detailed as an Annex to this report.
- 5.2. The Group Leaders were invited to discuss the responses further with the IRP at a meeting on 20 October 2022.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. The Council is required under the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) to agree on an annual basis a Scheme of Allowances payable to Members' for the following financial year. Under the Regulations, when making or amending a Scheme, the Council 'shall have regard to the recommendations' of an IRP (Regulation 19). The Regulations state that before the beginning of each year the authority shall make a Scheme for the allowances for that year. The Members Allowance Scheme is comprehensive and includes Basic Allowances ('BA'), Special Responsibility Allowances ('SRA') (for posts which carry specific responsibilities) and other allowances and expenses that may be claimed.
- 7.2. A Scheme may make provision for an annual adjustment of allowances by reference to an indexation which can be used for up to four years before another review of allowances is required.
- 7.3. The Scheme was last approved by Council in January 2022. The current IRP was appointed as notified by delegated decision on 5 February 2019, for a 4-year term. The following people form the IRP:

Dr Hazel Bentall
Christopher Clark
Stephen Vinall
- 7.4 Any future reviews of the Members' Allowances Scheme will be by an IRP with a new membership.

8. RELEVANT CONSIDERATIONS

IRP considerations:

- 8.1 The IRP acknowledged that Members were very aware of the costs of the Scheme. Previously the IRP recommended that any increase in allowances for Members should not exceed that negotiated by the National Joint Council (NJC) for Local Government Services for Council Officers' pay or the annual rate of CPIH for the 12 months as measured by the rate published in October (whichever is the lowest). [As the headline CPI rate was actually CPIH (including owner occupiers housing costs), this was the preferred rate]. The pay award for 2022 was unusual as a flat rate had been agreed of

£1,925 on each scale point per annum. Therefore, the IRP have recommended an increase to the Basic Allowance of 6% (being the nearest whole percentage between the mean and median salary increase for the current year). Resulting in a basic allowance for 2023/2024 of £5,406.

- 8.2 The 6% increase had also been applied to the Independent Non-Voting Member on the Finance, Audit and Risk Committee, Independent Person and Reserve Independent Persons of the Standards Committee as well as to the Chair and Vice Chair of Council.
- 8.3 The Panel noted that when their recommendations for the financial year 2022/2023 were considered Council decided to retain the previous (2021/2022) allowance scheme (subject to the increase to the Independent Person and Reserve Independent Persons allowances at 1.75% and also an allowance for the Independent Non-Voting Member on the Finance, Audit and Risk Committee). Consequentially there has not been any increase to the Members Basic Allowance for the past two financial years.
- 8.4 The IRP considered that it is preferable for small annual incremental increases rather than irregular large increases.
- 8.5 The IRP Panel noted the Council's preference to pay multiple SRAs and had accepted this continue for 2021/2022. However, considered it should be reviewed in detail for the 2022 /2023 financial year. The Panel also noted the Shared Internal Audit Service report '*North Herts District Council Members' Allowances Benchmarking 2019/2020*' giving local comparators and confirming that council comparators do not pay more than one SRA. The IRP recommends that in addition to the Basic Allowance Councillors are paid only one Special Responsibility Allowance, as per 3.4 of the Panel's report.
- 8.6 That SRAs should continue to be expressed as a multiplier of the BA for clarity and ease of calculation.
- 8.7 For each year, an SRA in the amounts indicated below, shall be paid to those Councillors who hold the following special responsibilities (the amount provided are based on the 6% increase to the Basic Allowance):

| Role | BA multiplier | Amount (£) (rounded to nearest pound) |
|---|---------------|---|
| Leader of the Council | BA x 2.8 | 15,137 |
| Deputy Leader of the Council | BA x 0.5 | 2,703 |
| Cabinet Executive Members (x7) | BA x 1.2 | 6,487 |
| Chair - Area Committees (x 5) | BA x 0.2 | 1,081 |
| Chair - Finance, Audit and Risk Committee | BA x 0.7 | 3,784 |
| Chair - Overview and Scrutiny Committee | BA x 0.7 | 3,784 |
| Chair - Planning Control Committee | BA x 1.2 | 6,487 |
| Chair - Licensing and Appeals Committee | BA x 0.3 | 1,622 |
| Leader of each Opposition Group | BA x 0.5 | 2,703* (*Subject to a minimum of 3 members) |

- 8.8 There was some discussion regarding the appropriate level of allowance for the Chairs of the Area Committees. The IRP had reflected on the information provided in the

meeting with the Group Leaders and it was agreed that the current SRA for that role should remain unchanged.

- 8.9 **Childcare and Dependent Carers' Allowance:** This was previously increased in line with the London Weighted Real Living Wage to reflect the actual cost of childcare, to encourage diversity in the composition of the Council and to be more reflective of the actual costs for using a suitably qualified and competent carer.

It is recommended that this continues to be increased in line with the London Weighted Real Living Wage 2020/2021 to £11.95.

All other aspects in relation to this part of the Scheme remain unchanged.

- 8.10 **Chair and Vice Chair Allowances:** The allowances for the Chair and Vice Chair of Council are covered by Sections 3(5) and 5(4) of the Local Government Act 1972 and are not a matter which the IRP are obliged to make recommendations on. Historically, the Chair and Vice Chair of Council have received an allowance which is expected to recompense for the additional costs associated with these roles. It is not clear how the allowance for the Chair and the Vice Chair was previously agreed. However, for transparency the allowances were incorporated in the 2020/21 Scheme as a recommendation by the IRP.

The IRP recommends that the allowances are increased in line with the same inflation as the Basic Allowance – 6%:

| | |
|-----------------------|--------|
| Chair of Council | £5,830 |
| Vice Chair of Council | £1,124 |

[The current allowance is £5,500 and £1,060 respectively.]

- 8.11 **Independent Person (IP) and Reserve Independent Person:** The allowance of the Independent Person (IP) and the Reserve Independent Persons of the Standards Committee was not within the remit of the Local Authorities (Members' Allowances) (England) Regulations 2003. The IRP agreed to consider and incorporate these roles into the 2021/2022 Members' Allowances Scheme (as the allowance for these roles had previously not been assessed for several years and the role had also expanded to include potentially sitting on a Panel to consider complaints against statutory officers).

The IRP recommends that the allowances are increased in line with the same inflation as Basic Allowance – 6%:

| | |
|----------------------------|---------------------|
| Independent Person | £2,697 |
| Reserve Independent Person | £648 per Reserve IP |

[The current allowance is £2,544 and £611 respectively.]

- 8.12 **Independent Non-Voting Member on the Finance, Audit and Risk Committee**

The Chartered Institute of Public Finance and Accountancy (CIPFA) set the standards that local authorities should follow in relation to finance, accountancy, and related matters. CIPFA have issued guidance that it is best practice to have an independent (non-political) person on the audit committee. Council at its meeting on 11 November 2021 approved the appointment of this role as of the 2022/2023 civic year. Last year the IRP agreed to consider and recommend an allowance for the role.

The IRP recommends that the allowance is increased in line with the same inflation as Basic Allowance – 6% - £1,060. [The current allowance is £1,000.]

- 8.13 **Frequency of Reviews and future considerations:** The IRP were informed that the Council would prefer a Scheme that made provision for an annual adjustment by reference to an index. However, the IRP considered that an annual review was required given the current economic climate, and potential changes to Council structure, operating procedures and meeting arrangements. Therefore, the IRP recommendations only apply to the 2023/2024 financial year.
- 8.14 **Travel and Subsistence Allowances:** No changes were proposed to these allowances and the IRP agreed that these should be linked directly to the payment of staff claims (at the rate set and from time to time amended by the HMRC).
- 8.15 Other considerations:

Sickness Absence: The IRP were requested to consider an allowance for the Deputy Executive Member who 'acted up' in the event of sickness absence by an Executive Member. The IRP noted that the vast majority of Councils do not provide any sickness absence benefits and after some discussion regarding possible qualifying period and duration / rate of any potential payments the IRP concluded that it would not be appropriate to introduce a sickness absence scheme.

9. LEGAL IMPLICATIONS

- 9.1. The Local Government and Housing Act 1989, Local Government Act 2000 and the Local Authorities (Members' Allowances) (England) Regulations 2003/1021 (as amended) make provisions regarding the setting of Members Allowances.
- 9.2. Regulation 10(1)-(2) provides that before the beginning of each year, an authority shall make the Scheme required for payment of basic and other allowances.
- 9.3. Regulation 19 requires that before an authority makes or amends a scheme it must have regard to the recommendations made in relation to it by the IRP.
- 9.4. The function of making any Scheme authorised or required by regulations under section 18 (Schemes for basic, attendance and special responsibility allowances for local authority members) of the Local Government and Housing Act 1989, or of amending, revoking or replacing any such Scheme, is a Full Council responsibility, by virtue of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853. This is therefore detailed as a function and reserved to Full Council under section 4.4.1(i) of the Council's Constitution *'considering recommendations from the Independent Remuneration Panel and adopting an allowances scheme or assessing, revoking or replacing the whole or part of any such scheme'*.
- 9.5. The adopted Scheme must be published in at least one or more newspapers circulating in the district area under Regulation 16.

10. FINANCIAL IMPLICATIONS

- 10.1 Should the proposed Members' Allowances Scheme be approved, based on the 6% increase, the additional budget required to fund the scheme would be £20,500 as detailed below:

| | Current Allowances 2022/23 | | | Proposed Allowances 2023/24 | | | |
|--|----------------------------|------------------|-----------------|-----------------------------|------------------|------------------|---------------|
| | No of roles | Annual Allowance | Total Allowance | No of roles | Annual Allowance | Total Allowances | Increase |
| Members Allowance | | £ | £ | | £ | £ | £ |
| Basic Allowance | 49 | 5,100 | 249,900 | 49 | 5,406 | 264,894 | 14,994 |
| Special Responsibility Allowances | | | | | | | |
| Leader | 1 | 14,280 | 14,280 | 1 | 15,137 | 15,137 | 857 |
| Deputy Leader | 1 | 2,550 | 2,550 | 1 | 2,703 | 2,703 | 153 |
| Cabinet Exec Members | 7 | 6,120 | 42,840 | 7 | 6,487 | 45,409 | 2,569 |
| Chair - Area Committees | 5 | 1,020 | 5,100 | 5 | 1,081 | 5,405 | 305 |
| Chair - Finance, Audit & Risk Committee | 1 | 3,570 | 3,570 | 1 | 3,784 | 3,784 | 214 |
| Chair - Overview & Scrutiny Committee | 1 | 3,570 | 3,570 | 1 | 3,784 | 3,784 | 214 |
| Chair - Planning & Control Committee | 1 | 6,120 | 6,120 | 1 | 6,487 | 6,487 | 367 |
| Chair - Licensing & Appeals Committee | 1 | 1,530 | 1,530 | 1 | 1,622 | 1,622 | 92 |
| Leader of the largest opposition group* | 1 | 2,550 | 2,550 | 1 | 2,703 | 2,595 | 153 |
| Total | | | 332,010 | | | 351,820 | 19,918 |
| Chair of Council | 1 | 5,500 | 5,500 | 1 | 5,830 | 5,830 | 330 |
| Vice Chair of Council | 1 | 1,060 | 1,060 | 1 | 1,124 | 1,124 | 64 |
| Total | | | 6,560 | | | 6,954 | 394 |
| Independents | | | | | | | |
| Independent Person | 1 | 2,544 | 2,544 | 1 | 2,697 | 2,697 | 153 |
| Reserve Independent Person | 2 | 611 | 1,222 | 2 | 648 | 1,296 | 74 |
| Finance Audit and Risk Committee – Non-Voting Member | 1 | 1,000 | 1,000 | 1 | 1,060 | 1,060 | 60 |
| Total | | | 4,766 | | | 5,053 | 287 |
| | | | | | | | |
| TOTAL | | | 343,336 | | | 363,827 | 20,599 |
| Budget | | | 343,400 | | | | |
| Additional Budget Required | | | | | | | 20,500 |

*Assumes one opposition group but could be more in the future (subject to a minimum of 3 Members in each group). Budget would be adjusted accordingly.

Excludes provision for Childcare and Dependent Carers' Allowances for which there is a separate budget of £500.

- 10.2 The financial implication to the budget regarding the Childcare and Dependent Carers' Allowance is difficult to calculate as there are variables that will affect this i.e. the number of new Members elected in May who will need to make use of the allowance, number of meetings scheduled and personal circumstances as to whether it is required, also whether there will be any further changes to legislation to enable meetings via a hybrid model for decision making.

10.3 There is a requirement to advertise the Scheme in one or more local papers. The cost to advertise the Scheme following the last review in both the Royston Crow and The Comet was £701.28.

10.4 The amounts in the Members' Allowances Scheme are currently cumulative – it is possible for Members to be entitled to more than one SRA in addition to the BA.

11. RISK IMPLICATIONS

11.1. None contained within this report.

12. EQUALITIES IMPLICATIONS

12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2. The inclusion of the dependent carers and childcare allowance continues to aid Councillors' to fulfil their responsibilities and provide recompense to them as noted at 8.9, which is important to avoid disadvantaging those with commitments.

13. SOCIAL VALUE IMPLICATIONS

13.1. As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied.

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1 Members allowances are paid by the payroll provider Liberata via the iTrent system and any changes need to be notified to the provider to ensure the correct rates are paid. Members are required to submit expenses via the self-service online portal. The Committee, Member and Scrutiny Team provide advice where needed and the Committee, Member and Scrutiny Manager reviews and approves the Councillors' allowance claims.

16. APPENDICES

16.1. Appendix A Report and Recommendations by the IRP on the Members' Allowances Scheme 2023/2024.

16.2. Appendix B Proposed Members' Allowances Scheme with tracked changes (2023/2024 with proposed Scheme highlighted)

17. CONTACT OFFICERS

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17. BACKGROUND PAPERS

17.1 [The Local Authorities \(Members' Allowances\) \(England\) Regulations 2003](#)

17.2 [Councillors' Allowance Council webpage](#)

17.3 [Delegated Decision – Appointment of IRP – 5 February 2019](#)

17.4 [Agenda for Council on Thursday, 11th November, 2021, 7.30 pm - North Hertfordshire District Council \(north-herts.gov.uk\) – Minute No. 63 Refers – Independent Member of Finance, Audit and Risk](#)

17.5 [Agenda for Council on Thursday 20 January 2022 - Minute No. 84 Refers – Review of Members' Allowances Scheme](#)

Questions emailed to Group Leaders on behalf of the IRP:

Members' Allowances

At the Council meeting in January 22, the Council resolved that the 2021/22 Members' Allowances Scheme continue unchanged for 2022/23. Members did however agree the increase to the Independent Person and Reserve Independent Persons allowances at 1.75% and also agreed the allowance to the Independent Member on the Finance, Audit and Risk Committee.

The reasons given by Members for their decisions were - given that the cost of living is increasing for the electorate, and that some have lost their employment, it was felt that an increase in the Members Allowance was not justifiable at the current time. Members also felt it would be preferable to await the outcome of the pay award so that a definitive metric for increase was used. It was noted that by not increasing Members' Allowance could be creating an issue in the future as a large increase to the Allowances would be less than ideal.

Given that the basic allowance for Members has not been increased for the last 2 years, the IRP would like to know Members views on whether they think an increase is acceptable for the 2023/24 Scheme. The reasons previously provided for not approving an increase to the basic allowance have not improved and the IRP are mindful that by not increasing the basic allowance may deter those from standing as a Councillor, particularly those who are on a low income.

Indexation - At the last review the indexation suggested was that the basic allowance should be increased by the lower of either:

- the annual rate of CPIH for the 12 months as measured by the rate published in October 2020 to 30 September 2021 (3.8%); or
- the NJC for Local Government Services for Council Officers' pay for 2021/2022

Since this meeting the pay award for April 2021 was agreed. An increase of 2.75% for Grade 1 only, 1.75% for Grades 2 - 12 and 1.5% for chief officers (Grades 13-16) was applied to the payroll in March salaries and backdated to 1st April 2021.

Regarding the pay award for 2022 - the National Employers have recently made a final pay offer of £1,925 to all staff, which the Unions are now considering. The flat rate is unusual as we would normally see a percentage rate increase.

It will be difficult for the IRP to recommend the same increase to basic allowance as that being negotiated for the 2022 pay award. Therefore, what do you suggest should be used as a formula for indexation?

Special Responsibility Allowance

The IRP notes that the Council has previously not accepted the IRP recommendation that Councillors are paid only one Special Responsibility Allowance. The Shared Internal Audit Service report '*North Herts District Council Members' Allowances Benchmarking 2019/2020*' provided local comparators and confirmed that council comparators do not pay more than one SRA. The Council's preference is to pay multiple SRAs.

The IRP considers that paying a single SRA will act as a deterrent to individual Councillors taking on too much responsibility and help to ensure the workload is spread across Members. The IRP is again minded to recommend that North Herts Council only award a single SRA in addition to the basic allowance.

What would you consider to be the rationale for the continuation of more than one SRA?

Sickness Payments to Deputy Executive Members

The IRP are aware that there has been a request for the IRP to consider an SRA to cover sickness payments to Deputy Executive Members.

There is the ability for the Leader to reorganise the Cabinet, such as in the event of long-term sickness, and the IRP would like to better understand why this would not be the preferred option? Also, if such a recommendation was agreed when should the allowance be payable?

Is there anything else you want to tell us?

Summary of responses to questions to Group Leaders by the IRP:

- Any increase should be in line with government and public sector salary increases.
- Given the unusual pay award in 2022 it would be advisable to use the 2021 indexation measure. Allowances should be increased this year to avoid the risk of a significant jump in future.
- There should only be one SRA payable to Members.
- Deputy Executive Members should receive an SRA as some perform significant additional duties assisting Cabinet members, in recognition of the work undertaken and diversion from their “day jobs”. Limiting members to only one SRA and reducing the Leader and Cabinet Member allowances could be utilised to ensure the work of deputies is recognised and they are fairly compensated for their losses incurred undertaking council work.
- No other employer would in effect sack an individual who was unwell and reduce their income at a time when compassion and security were needed. In a recent scenario the Deputy Executive Member was undertaking more work, but the Executive Member was still present.
- For some Members their allowance is the only earned income they have. Removing it will trigger a review of Universal Credit which takes time and the reduction in income would result in significant hardship.
- The Leader would struggle to remove an Executive Member of the other party who wasn't performing.
- A fair solution would be an allowance for Deputies Executive Members set at 50% of what the Executive Member receives, depending on budgets and where reallocations can be made. Failing this, a special reserve which can be used to pay an uplift to Deputies acting up could be created, funded by a reduction of Cabinet Member SRAs. The risk with this is that the fund may be drawn on before sufficient contributions are received to meet demand.
- It is known local government does not fairly remunerate members who hold key roles and devote proper time to their responsibilities. There is no pension scheme. Younger Councillors, in particular women, must continue to work in order to avoid prejudicing their retirement position, or ability to re-enter the workplace should an election go the wrong way.
- If we want a diverse and representative body of Councillors we need to do everything possible to compensate members for the economic sacrifices they make to serve their communities. The current allowances at North Herts do not do this. And budgets mean they will never do this. However, we can make the system feel fairer by ensuring those who give more of themselves are recognised. An agreed annual percentage increase to allowances will overcome the politics whenever this matter comes before Full Council.
- There should be a small increase to the allowances – not greater than the average percentage increase for staff and below the rate of inflation.
- Where there is a joint administration, the Deputy Leader does more work than a Deputy Leader in a majority ruling group. If the SRAs are to be reduced to one, then the Deputy Leader allowance needs to be more than an ordinary Cabinet Member.

- Area Committee Chairs should be paid to reflect the number of members on that Area Committee, rather than the same rate for all 5. Some Area Committees have more Members than the others.
- Deputy Exec Members should get an allowance.
- Should be some way to transfer the allowance during periods of ill health.
- Should compare level of responsibility for a Deputy Executive Member in comparison to the Area Committee Chairs. Deputy Executive Members do more than an Area Committee Chair.
- Vice Chairs and Deputy Executive Members do a lot of work but do not receive an SRA.
- The IRP should suggest recommendations based on consideration of the roles, changes and comparisons with similar authorities. Members must decide if changes to Members allowances are the priority when balancing budgets.
- An SRA is paid to recognise those additional responsibilities and if a Group Leader or Committee appoint to a role then the additional allowance should be paid irrespective of whether the member already receives another SRA. It is about getting the right skillset and member time into a role, and I would see the opposite with Members not taking on additional roles if they don't get recognition. It is for Group Leaders to appoint members to roles and spread the work, but you have to be minded that not all members if they are working can take on roles and have the time while other Members who may be retired or working more flexible hours can.
- The Constitution decision making is with the Executive Member not the Deputy. Group leaders need to manage and rearrange positions in the event of long-term sickness.

REPORT AND RECOMMENDATIONS

BY THE INDEPENDENT REMUNERATION PANEL (IRP)

ON THE

MEMBERS' ALLOWANCES SCHEME 2023 / 2024

Dr Hazel Bentall
Christopher Clark
Stephen Vinall

November 2022

1. Introduction

- 1.1 The report presents the recommendations of the Independent Remuneration Panel (IRP) to Council for its consideration and approval.
- 1.2 The current Panel was appointed under the delegated authority of the Service Director, Legal and Community as reported as a delegated decision on 5 February 2019. This is the third review of Members' Allowances that the Panel has undertaken for the Authority.
- 1.3 The following people form the IRP:

Dr Hazel Bentall
Christopher Clark
Stephen Vinall

- 1.4 Support was provided to the Panel by the Democratic Services Manager, PA to the Service Director – Legal and Community and Democratic Services Apprentice.
- 1.5 The Panel convened virtually on 13 September 2022 and 20 October 2022 plus communicated independently outside of the meetings.

2. Terms of Reference

- 2.1 The Panel must work within the legislative constraints of the Local Authorities (Members' Allowances) (England) Regulations 2003 and associated Government Guidance on regulation for Local Authority Allowances.
- 2.2 These Regulations/Guidance require the IRP to make recommendations on:
- The amount of Basic Allowance payable to Councillors;
 - The responsibilities and duties that lead to payment of a Special Responsibility Allowance (SRA) and the amounts of such allowances;
 - Backdating of allowances;
 - The amounts and duties for which travelling and subsistence allowances can be paid;
 - Allowances for Co-opted Members;
 - Whether the Scheme should include an allowance for the expenses of arranging care for children and dependents and, if so, the amount of allowance;
 - Whether annual adjustments should be made to allowance levels by means of an index and, if so, for how long such a measure should last, up to a maximum period of 4 years;
 - Whether the Basic Allowance and Special Responsibility Allowances (SRA) should be pensionable and which Members should be entitled to pensions (no longer applicable as Government announced that Councillors who are not existing members of the Local Government Pension Scheme on 1 April 2014 may not join the scheme after that date).

3. Review of Members' Allowances

- 3.1 Following their recruitment in 2019 the Panel were provided with a comprehensive information pack relating to the existing allowances scheme and general information on North Hertfordshire District Council (NHDC). This information pack also contained comparative data for the Members' Allowances Schemes of other Councils of a similar size and nature to NHDC locally.

Additional information was provided for subsequent reviews.

- 3.2 The IRP invited Group Leaders/Deputy Group Leaders to meet to discuss the Members' Allowances Scheme at its meeting in October 2022. Prior to this Group Leaders/Deputy Group Leaders were sent a number of questions, and the IRP were provided with emails / notes from:

- Cllr Claire Strong
- Cllr Elizabeth Dennis-Harburg
- Cllr Ruth Brown

At the meeting the Councillors presented their views on the levels of Members allowances and explained why the council had decided not to accept the IRP's recommendations for increases in previous years.

- 3.3 The IRP noted that the recommendations of the Panel for the financial year 2022/2023 were considered at the Council meeting held in January 2022 and that the Council decided to retain the existing allowance scheme largely unchanged. Members did however agree the increase to the Independent Person and Reserve Independent Persons allowances at 1.75% and also agreed the allowance to the Independent Member on the Finance, Audit and Risk Committee.

The current allowance scheme has effectively remained unchanged since 2021/2022.

The IRP considered that it is preferable for small annual incremental increases rather than irregular large increases. The IRP also considered the current and predicted inflation rates.

- 3.4 The IRP Panel previously noted the Council's preference to pay multiple Special Responsibility Allowances (SRAs) and accepted that this should continue for 2021/2022 but had considered it should be reviewed in detail for the 2022/2023 financial year.

Further research was provided by council officers into other Hertfordshire Councils and it was again noted that NHDC were unusual in permitting the payment of multiple Special Responsibility allowances.

The Panel also noted the Shared Internal Audit Service report '*North Herts District Council Members' Allowances Benchmarking 2019/2020*' giving local comparators and confirming that council comparators do not pay more than one SRA.

The IRP considered the issue again, heard the views of Councillors and having found no other local authorities who award multiple SRAs took into account the practice of other local authorities. The leaders did not, in the Panel's opinion, explain any exceptional reasons why NHDC should differ from other councils in regard to the payment of SRAs.

The IRP consider that paying a single SRA will act as a deterrent to individual Councillors taking on too much responsibility and help to ensure the workload is spread across Members. There was no compelling reason why NHDC should be different to other councils in this respect. The IRP therefore recommend that NHDC only award a single SRA in addition to the basic allowance.

The IRP agreed that any increase in allowances should not exceed the Local Government Officer pay award or CPIH (The Consumer Prices Index including owner occupiers' housing costs - CPIH), whichever is the lower.

As of 21 March 2017, the Consumer Prices Index including owner occupiers' housing costs (CPIH) became the principal inflation index and the most comprehensive measure of inflation as it includes owner occupiers' housing costs and Council Tax, which are excluded from the CPI.

The CPIH rate for the twelve month period from 1 October 2021 to 30 September 2022 was 8.8%.

<https://www.ons.gov.uk/economy/inflationandpriceindices>

It was noted that for 2022/2023 the Local Government Officer offer was based on a lump sum of £1925 equivalent to:

| | |
|--------------------------------|----------------|
| Average (mean) salary: £33,587 | 5.73% increase |
| Median salary: £28,030 | 6.87% increase |

The IRP decided that any increase to basic allowance should be based on current allowances and that there was no requirement to consider a further increase to take into account that allowances were not increased for two years

It was also noted that Members could decide to forgo all or part of the increase/allowance.

The IRP discussed the role of Area Committee Chairs and reflected on the information provided in the meeting with councillors. It was agreed that the current SRA should remain unchanged.

The IRP considered whether it was appropriate to pay an SRA to Deputy Executive members and noted that although this role would involve a degree of time and work the responsibility remained with the Executive member and therefore did not consider it appropriate to recommend extending the SRA to Deputy Executive members.

The issue of a sickness absence scheme for Members was considered. It was noted the vast majority of councils do not provide any sickness absence benefits. After some discussion regarding possible qualifying period and duration / rate of any potential payments the IRP concluded that it would not be appropriate to introduce a sickness absence scheme.

4. IRP Conclusions and Recommendations

- 4.1 The IRP has considered carefully a wide variety of relevant information, including last year's Panel report, contributions from Members and officers, and comparators with adjoining and similar councils.
- 4.2 It notes that North Hertfordshire District Council Members are very aware of the costs of the Scheme. In principle, the IRP considers that any increase in allowances for Members should not exceed that agreed by the National Joint Council (NJC) for Local Government Services for council officers' pay.
- 4.3 The IRP therefore recommend that the Basic Allowance is increased by 6% which is midway between the average and median salary increase for the current year. The basic allowance for 2023 / 2024 will therefore be £5406.
- 4.4 The Panel recommends that SRAs continue to be expressed as a multiplier of Basic Allowance (BA) for clarity and ease of calculation.
- 4.5 The IRP recommend that in addition to the Basic Allowance Councillors are paid only one Special Responsibility Allowance.
- 4.6 The Panel considered the appropriateness of the levels of Executive Member SRA and recommend they remain unchanged as detailed in the table below. For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the following special responsibilities:

| Role | BA multiplier |
|--|----------------------|
| Leader of the Council | BA x 2.8 |
| Deputy Leader of the Council | BA x 0.5 |
| Cabinet Executive Members (x7) | BA x 1.2 |
| Chair - Area Committees (x 5) | BA x 0.2 |
| Chair of Finance, Audit and Risk Committee | BA x 0.7 |
| Chair – Overview and Scrutiny Committee | BA x 0.7 |
| Chair - Planning Control Committee | BA x 1.2 |
| Chair of Licensing and Appeals Committee | BA x 0.3 |
| Leader of each Opposition Group (Subject to a minimum of 3 members) | BA x 0.5 |

- 4.7 Independent Non-Voting Member to the Finance, Audit and Risk Committee (INV FARC) - the IRP recommend the allowance of £1,000pa is increased by 6%. Travel expenses to be paid in line with the travel and subsistence allowance below.
- 4.8 **Childcare Allowance** – this was previously increased in line with the London Weighted Real Living Wage in order to reflect the cost of childcare, to encourage diversity

in the composition of the Council and to be more reflective of the actual costs for using a suitably qualified and competent carer.

It is recommended that this is increased in line with the London Weighted Real Living Wage to £11.95.

https://www.livingwage.org.uk/what-real-living-wage?qclid=EAlalQobChMIqPTgm8X08wIVAu3tCh0akwBFEEAAYAiAAEgKTy_D_BwE

Childcare and dependent carers allowance is recoverable at the amount actually paid up to the limit specified.

4.9 Independent Person and Reserve Independent Person

The IRP recommend this is increased at the same rate as Members allowances - 6%.

4.10 Chair and Vice Chair Allowance - For the 2023/2024 year the Panel recommends an increase of 6%.

4.11 Travel and Subsistence Allowances

The travel and subsistence allowance should be linked directly to the council officers scheme rates for the year 2023 /2024.

4.12 Frequency of Reviews

In the current economic climate and potential changes to Council structure, operating procedures and meeting arrangements, the IRP consider that an annual review is required and therefore the recommendations in this report only apply to the 2023/2024 financial year.

MEMBERS' ALLOWANCES SCHEME 202~~32~~/2~~4~~3

1. Definitions

In this scheme:

"Council" means North Hertfordshire District Council;

"Councillor" means a Member of the Council who is a Councillor;

"year" means the 12 months ended 31 March;

2. Commencement and Duration

This scheme shall have effect for the year commencing 1 April 202~~32~~ and for subsequent years, save that the Council may amend the scheme at any time subject to the provisions of paragraph 9 hereunder.

3. Basic Allowance

Subject to paragraph 9, a basic allowance of £5,406~~100~~ shall be paid to each Councillor (x49) for each year.

4. Special Responsibility Allowance

For each year a special responsibility allowance in the amounts indicated below shall be paid to those Councillors who hold the following special responsibilities:-

| | |
|---|-------------------------|
| Leader of the Council | £154,137 280 |
| Deputy Leader of the Council | £2,703 550 |
| Cabinet Executive Members (x7) | £6,487 120 |
| Chair - Area Committees (x 5) | £1,081 20 |
| Chair - Finance, Audit and Risk Committee | £3,784 570 |
| Chair – Overview and Scrutiny Committee | £3,784 570 |
| Chair - Planning Control Committee | £6,487 120 |
| Chair of Licensing and Appeals Committee | £1,622 530 |
| Leader of each Opposition Group | £2,703 550 * |

* Subject to a minimum of 3 Members.

Such allowances shall be subject to the requirements of Paragraph 9 hereunder.

Restricted to only one Special Responsibility Allowance (that of the higher value) where Councillors hold two or more posts that attract Special Responsibility Allowances

5. Chair and Vice Chair of Council Allowance

| | |
|-----------------------|-----------------------|
| Chair of Council | £5,830 500 |
| Vice Chair of Council | £1,124 060 |

6. Travelling and Subsistence Allowances

Travelling and subsistence allowances are payable at the recommended HMRC approved amounts of 45 pence per mile for cars for the first 10,000 miles and 25 pence per mile thereafter, whilst undertaking duties as listed in (a) – (i), replacing the following National Joint Council recommended rates for local government staff.

| | |
|-------------------|-------|
| <u>Cyclists</u> | 20.0p |
| <u>Motorcycle</u> | 24.0p |

Car Sharing

An additional allowance of 5p (HMRC approved amount) per passenger per mile be paid when a Member takes other Members whilst carrying out approved duties and in the following circumstances

- (a) the Chair and Vice-Chair of the Council when engaged on official Council business;
- (b) the Chair and Vice-Chair of any Committee or Sub-Committee for attending pre-agenda and briefing meetings and opening tenders;
- (c) Cabinet Portfolio Members for attending meetings with officers in connection with their official duties as Spokesperson;
- (d) attendance by Councillors at a meeting of the Council or any Committee or Sub Committee appointed thereby in accordance with the provisions of Section 102(1)(a) and (c) of the Local Government Act 1972 (including informal meetings of such bodies which have been arranged at the behest of the appropriate Chair and to which all Members therefore have been invited to attend), of which they are a Member, or has been specifically requested to attend by the Chair and such is recorded in the minutes of the meeting;
- (e) attendance by Councillors at a meeting of any Working Party or Panel to which they have been appointed by any of the bodies referred to in (d) above and comprising representatives of more than one political group;
- (f) attendance by Councillors at Seminars and other similar meetings arranged formally for the purpose of informing and/or training to which representatives of more than one political group have been invited;
- (g) attendance at meetings of external bodies to which the Councillor claiming is the Council's appointed representative;
- (h) attendance by Councillors at conferences, courses, seminars, etc;
- (i) attendance by Councillors at Town or Parish Council meetings within their ward to explain District Council business.

(No such allowance shall be payable in respect of attendance at any conference or meeting in relation to which the Councillor is entitled to a payment in the nature of an allowance under Section 175 of the Local Government Act 1972.

No such allowance shall be payable if such a payment would be contrary to a provision made by or under any enactment.)

Subsistence Allowances

The same as those used for the payment of staff claims for meals taken away from home, to be paid at the rate set and from time to time amended by the HMRC.

Amount that can be claimed per meal

| | |
|--------------|-------|
| Breakfast | 5.00 |
| Lunch | 10.00 |
| Tea | 5.00 |
| Evening meal | 10.00 |

Subject to a maximum that is based on time away from home or usual place of work

| | |
|-------------------|-------|
| 5 hours | 5.00 |
| 10 hours | 10.00 |
| 15 hours/ per day | 25.00 |

7. Renunciation

A Councillor may by notice in writing given to the Democratic Services Manager elect to forego any part of his/her entitlement to an allowance under this scheme.

8. Childcare and dependent Carers' Allowance

A care allowance will be paid to any Member who incurs expenditure on the care of young children and or dependent relatives in order to perform their duties as a Councillor, subject to:

- (a) the duty being one for which Travelling and Subsistence Allowance is payable under this Scheme of Members' Allowances; and
- (b) that each individual claim shall not exceed the actual sum paid or £1~~10.95~~⁹⁵5 (London Weighted Real Living Wage) per hour, which ever is the lesser.
- (c) Consideration being given to an additional allowance for specialist care for a dependent, where this is known to be more expensive.

9. Part-Year Entitlements

If during the course of the year the Council amends the amounts payable in respect of basic or special responsibility allowance, then the entitlement to such allowance shall be adjusted pro-rata to the proportion of the year that such allowance is payable.

Where a Councillor (a) is not a Councillor for the whole of the year; or (b) during the course of the year takes up or relinquishes a position in respect of which a special responsibility allowance is payable, then the entitlement to basic or special responsibility allowance shall be adjusted pro-rata to the proportion of the year during which they were a Councillor or held such position.

10. Claims

A claim for travelling and/or subsistence allowance under this Scheme shall:

APPENDIX B

- a) be made via the iTrent self-service online portal within three months of the end of the month in which the meeting/activity in respect of which the entitlement to the allowances arises (or by 30 April if incurred between January and end of March);
- b) include a statement on the online claim form confirming the Councillor claiming the allowance that they are not entitled to receive remuneration in respect of the matter to which the claim relates otherwise than under the Scheme;
- c) be accompanied by receipts itemising VAT as appropriate.

Claims submitted later than three months after the relevant date, and/or one month after 31 March shall be paid only in such exceptional circumstances following approval by the Service Director: Resources in accordance with the Financial Regulations.

11. **Payments**

Subject to the provisions of paragraph 9 payments of basic and special responsibility allowances shall be made in monthly instalments.

Payments in respect of travelling and subsistence allowance shall be made as soon as is practicable after submission of a claim.

12. **External Conferences, Seminars, etc.**

Travelling and subsistence Allowance at the same rate as that applying under the Members' Allowances Scheme are payable to those Members attending conferences, seminars, courses, etc., falling within the criteria specified in Section 175 of the Local Government Act, 1972 where such attendance has been previously approved by the Council.

13. **Independent Person and Reserve Independent Persons of Standards Committee**

| | |
|----------------------------|--|
| Independent Person | £2 697 ⁵⁴⁴ |
| Reserve Independent Person | £6 481 ¹ per Reserve |
| IP | |

14. **Independent Member on the Finance, Audit and Risk Committee**

£10~~6~~⁰⁰

**COUNCIL
19 JANUARY 2023**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: ELECTORAL SERVICES – SCALE OF FEES 2023/2024

REPORT OF: SERVICE DIRECTOR - RESOURCES

EXECUTIVE MEMBER: Scale of Fees - Non-Executive function.
(Electoral Services: Community Engagement)

COUNCIL PRIORITY: People first/ Sustainability/ A brighter future together

1. EXECUTIVE SUMMARY

1.1 To agree the Scale of Fees for electoral events held during 2023/2024.

2. RECOMMENDATIONS

2.1. That the Council be recommended to agree the Scale of Fees for 2023/2024 as set out in Appendix A.

3. REASONS FOR RECOMMENDATIONS

3.1. To enable the Council to remunerate the Returning Officer and the staff employed to carry out tasks during electoral events and to be open and transparent regarding other payments.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. For the scales of fees to remain at the 2022/23 rates or to increase and decrease some roles to reflect the indicative rates of pay by the Department for Levelling Up, Housing and Communities.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1. The Department for Levelling Up, Housing and Communities (DLUHC), is responsible for central government elections and recently launched a project to introduce indicative fees for all elections roles at polls which they fund.

5.2. DLUHC convened a Working Group with several Returning Officers and Electoral Service Managers across the country when setting their proposed fees. The outcomes of these meetings have been disseminated by the various regional lead officers, which have allowed Returning Officers and Electoral Service Managers to feed into this process.

- 5.3. In addition to the Association of Electoral Administrators Eastern Regional Group, the Electoral Services teams within Hertfordshire form a Hertfordshire County Group.
- 5.4. There being no county agreement as to the scale of fees for local elections, an informal consultation was undertaken with neighbouring local authorities prior to the agreement of the 2022/2023 Scale of Fees and has been repeated in recent months, separate to the work by DLUHC, as neighbouring authorities are considered to be competitors when recruiting staff. The suggestion of a county agreement has previously been mooted. However, as some authorities would need to lower or raise their fees as well as those authorities closer to London needing to pay more to compete with the London authorities (whereas North Herts Council doesn't need to pay the London inflation), there has been no appetite between the authorities to proceed with a county agreement.
- 5.5. Given that DLUHC have drafted indicative fees for elections rolls this now supersedes the notion of a county agreement.
- 5.6. Following the conclusion of the Canvass, the Canvassers have been surveyed as this was the first year the Authority has canvassed by a tablet.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. Each Local Authority is required to appoint one of its officers as Returning Officer (RO). The RO is appointed in an independent capacity by the Council to organise and run elections free from the political structure of the authority. Councils must provide their RO with the resources they need to run elections. This includes the cost of recruiting and paying staff to act as Presiding Officers and Poll Clerks, along with any other ancillary staff necessary for the success of a poll.
- 7.2. For national polls the government issues a Fees and Charges schedule which identifies for each authority a "maximum recoverable amount" along with a fee which may be claimed by the appointed RO for the rendering of their services. The RO will pay their appointed staff from the monies provided by government and will account for their expenditure by way of a return to the Election Claims Unit at the Cabinet Office.
- 7.3. As explained in paragraph 5.1, DLUHC, has recently launched a project to introduce indicative fees for all elections roles at polls which they fund. This will introduce set fees which should be paid to elections staff at UK Parliamentary elections, Police and Crime Commissioner elections and national referenda.
- 7.4. For all such national elections, the RO will be expected to adhere to the range proposed for each role by the DLUHC. To pay outside of this range will require special agreement from the Electoral Claims Unit or risk the Electoral Claims Unit refusing to reimburse the difference where roles exceed their expected amounts.
- 7.5. No such formal structure exists for local elections, which is why a local scale of election fees is required to cover staff costs associated with the administration of elections and other electoral events, e.g., County Council elections, District Council elections, Town and Parish elections, Neighbourhood Planning Referendums or Town/Parish Poll.

- 7.6. Although local elections are not formally subject to the same fees as national elections, in practice the scale of fees should be uniform across all election types as having separate fees for local and national elections would cause confusion and major issues with staffing elections which pay different amounts to those held in other years.
- 7.7. Furthermore, in previous years, certain election roles such as Presiding Officers and Poll Clerks have been allocated a set fee for the role. However, DLUHC proposes that all election roles should be set an hourly rate which can then be equated to the number of hours worked.
- 7.8. Canvasser fees, which are not part of the DLHUC review, have also been updated to reflect changes to the nature of the role since the reform of the annual canvass in 2020.
- 7.9. The new canvass process involves a data matching process which identifies where properties are most likely to have a change in household composition to report. In turn, this means that fewer properties require the full canvass process i.e., do not require a personal visit by one of our canvassers. This has meant that the properties allocated to canvassers are typically more geographically distanced than under the previous model.

8. RELEVANT CONSIDERATIONS

- 8.1 In previous years, the RO has appointed circa 300 temporary staff each year for scheduled local elections.
- 8.2 In May 2023, the RO will need to appoint at least this number – and potentially more than previous years – to account for the introduction of the Elections Act changes. At this election, polling station staff will be required to verify an elector's identity before issuing a ballot paper which will increase the volume and complexity of the workload on those running polling stations as well as additional responsibility.
- 8.4 From May 2024 the Authority moves to whole Council elections which will mean more staff are required to fill roles in polling stations, adding further staffing challenges.
- 8.3 The informal consultations and research has indicated that our existing fees are at the lower end when compared with the DLUHC recommendations and most neighbouring authorities in relation to polling station staff roles including Presiding Officers, Poll Clerks and Polling Station Inspectors.
- 8.4 By contrast, the DLUHC proposals suggest that in some areas, mainly around count related roles, our current fees are higher than they would expect, and the proposals within the Scale of Fees reflects changes to those areas.
- 8.5 As explained in paragraph 7.7, DLUHC suggests all roles should now have an hourly rate associated with them as opposed to a set fee and this has been reflected in the proposals within the Scale of Fees. DLUHC have also recommended that a night-time uplift rate of 1.5 the day rate is implemented for all roles required between the hours of 10pm and 8am as well as at weekends and bank holidays (note that this does not apply to polling station roles as per the DLUHC proposals i.e. Presiding Officers, Poll Clerks, Polling Station Inspectors).
- 8.6 In previous years there has tended to be a minimal percentage increase, or an increase aligned with the National Joint Council Local Government Services pay agreement with

regards to the Scale of Fees. Alternatively, where there is no comparable role from the research or it is believed that the fee is competitive, there has been no increase. The proposed Scale of Fees has been influenced by both the research from neighbouring authorities and the indicative fees by DLUHC.

- 8.7 With regards to canvasser fees, as explained in paragraph 7.9, the new canvass process has resulted in the properties allocated in canvass areas being spaced across a larger geographical area. It is therefore considered that a flat rate per property is no longer a fair wage because it does not account for the considerable increase in time taken for canvassers to travel between each of their allocated properties (pre the Canvass Reform, there would be several properties on the same street to canvass).
- 8.8 Following the conclusion of this year's Canvass, a post canvass survey was conducted of our canvassers, who have indicated that 86% of our existing canvassers would prefer to work for an hourly wage as opposed to the current per property fee. Several also indicated that they would not be inclined to undertake the role again due to the current poor levels of remuneration.
- 8.9 Canvasser fees are therefore proposed to move to an hourly rate to ensure that a fair wage is paid to employees.
- 8.10 Finally, fees for the Returning Officer themselves have remained unchanged in the last few years.
- 8.11 As with the other elections roles, the Elections Act will introduce an increased level of responsibility and burden on the Returning Officer when delivering elections.
- 8.12 The RO fees have therefore been updated to reflect this increased responsibility and an inflationary change since they were last set.
- 8.13 Furthermore, the proposals set the RO fees at a rate per ward / electoral area as opposed to by the total electorate as per the previous fees. This is to reflect the workload more accurately at election time and simplify the process for Returning Officer fees because the work involved for many RO functions (for example, receipt and processing of nominations, producing statutory notices, ballot papers, etc) are the same for each ward irrespective of the size of the electorate.

9. LEGAL IMPLICATIONS

- 9.1 The Democratic Services Manager has been appointed as RO as per section 14.6.13 of the Constitution.
- 9.2. Section 36 of The Representation of The People Act 1983 (RPA) provides that [at (4), (5), (5A)] all expenditure properly incurred by a Returning Officer in relation to the holding of a district, parish or community election be paid by that council, or parish or community council for which the election is held.
- 9.3. A RO is entitled to recover charges in respect of services rendered or expenses incurred for elections, as per section 29 RPA.
- 9.4 There is no specific delegation to set fees for elections. The RO has responsibility for elections, although setting their own fees is not recommended. An officer may under 14.6.2(e) of the Constitution *"...always refer a delegated decision to the Cabinet or*

Council or any of their respective Committees rather than make the decision"; section 14.5.1 further provides *"All those functions relating to elections"* falls to the Council as an effective default.

- 9.5 The canvass, along with other statutory functions, is the responsibility of the Electoral Registration Officer and is contained within Sections 52 – 54 of The Representation of The People Act 1983 (RPA).

10. FINANCIAL IMPLICATIONS

- 10.1. The fees for elections are considered in the budget setting process. In the case of Parish elections, each Parish is charged for its election.
- 10.2. To provide an indication of the financial impact of the proposals – each Polling Station requires a Presiding Officer (based on 19 hours taking into account the collection of equipment prior to the day of Poll, polling station duties and the transportation of the ballot box/es to the count location). There are 65 Polling Stations required in May 2023. On the basis that we do not share a Presiding Officer over two stations (which is only done out of necessity rather than preference) this will result in an additional £3,185 being identified within the budget for the provision of Presiding Officers.
- 10.3. The Electoral Commission recommends ratios when allocating electors and staff to Polling Stations which dictates that a Presiding Officer must be accompanied by either 1, 2 or 3 Poll Clerks. In May 2023, we will need to employ circa 150 Poll Clerks – this will result in an additional £6,000 being identified within the budget.
- 10.4. The Electoral Commission also recommends the appointment of Polling Station Inspectors who visit and inspect Polling Stations on behalf of the RO. There are usually ten recruited which would result in an additional £490 being required within the budget (not accounting for mileage).
- 10.5. The overall increase in cost of the above three polling station staff roles would therefore be circa £9,700.
- 10.6. However, by contrast, other fees have historically been set an excess amount and the proposals within the Scale of Fees bring these back into line with the government's recommendations.
- 10.7. For instance, the 2022/23 rate for Postal Vote Supervisors of £25 per hour will now be £17.50 per hour (this is the top end of the range proposed by DLUHC). For comparison, in the May 2022 elections Postal Vote Supervisors worked collectively for 228 hours which would mean a reduction of £1,710 in the spend on this role based on the new rate.
- 10.8. Similarly, Senior Count Supervisors and Count Supervisors previously attracted fees of £43.90 and £38.50 per hour respectively. The proposals bring these rates in line with Government recommendations of £26 and £17.50 per hour respectively. Combined, these would result in a reduction of £2,520 in staffing those roles.
- 10.9. The Count Assistants rate is also proposed to decrease from £18.80 to £13.50 (daytime rate – the night time rate proposed is 1.5x day rate). The role worked collectively for 409 hours in May 2022, meaning a reduction of £2,167 in a like for like comparison.

- 10.10. Therefore, taken overall, whilst polling station staff are proposed to significantly increase by around £9,700 in a like for like comparison, Postal Vote and Count staff would see a reduction of around £6,400 based on the hours undertaken by those roles in May 2022, thereby making the overall increase to staffing costs much less.
- 10.11. There is one rate where it is not proposed to follow the indicative fees by DHLUC and that relates to the fee given to a Presiding Officer who is employed to cover two polling stations. As explained, this happens on an exception basis and it is not felt that £25 is 1) a big enough incentive to encourage a Presiding Officer to cover two stations; 2) fairly reflects the additional duties required of that Presiding Officer; and 3) is still an overall saving as only one Presiding Officer is being used, rather than two.
- 10.12. In terms of the costs of elections, these are generally met by the body or bodies whose representatives have been elected. For example, the UK Government pays for UK Parliamentary elections and North Herts Council pays for the cost of local elections to the District Council. Where elections are combined, for example, a local election and a Police Crime Commissioner Election, most of the costs are shared.
- 10.13. Given that the elections in May 2023 are local elections there will not be any opportunity to share the costs (other than in the event of potential County by-elections or contested parish elections).
- 10.14. Canvasser fees have also been updated to an hourly rate of £12.50 as per paragraphs 8.7-8.9.
- 10.15. At the 2022/2023 rate, a canvasser with a rural round could command a fee of £2 per property (where a response is obtained) or 75p (where a response is not obtained). It is expected that a canvasser would, on average, expect to achieve circa 6 properties per hour in a rural route when accounting for travel time in between. It is hoped that the introduction of tablets will help to increase the average number of properties canvassed per hour.
- 10.16. On average, canvassers this year obtained responses in 41% of visits undertaken. Therefore, a canvasser with a round of 100 properties would be paid £126.25 at the 2022/2023 rate.
- 10.17. By comparison, if paid the hourly rate of £12.50 being proposed (the same rate as a Poll Clerk and Postal Vote Assistant), they could expect a fee of £212.50.
- 10.18. However, how quickly an individual can canvass depends on a number of factors so it is not possible to quote an exact amount that will change as a result of these proposals. On the basis that 2860 properties were canvassed in 2022, and assuming the estimated speed of around 6 visits per hour, we would pay 477 hours of canvassing, equivalent to just under £6,000. This compares to a spend of just over £4,000 in 2022 and around £5,800 in 2021.
- 10.19. Finally, the proposal in relation to Returning Officer fees is to set them at £300 per contested ward/ electoral area. Over the last two elections (2021 and 2022) the total fees have been £4,848 and £4,953 respectively. The fee per ward has been £285 and £275 respectively. Applying a 6% uplift would therefore give a fee per ward of £300 when rounded to the nearest £10. A 6% uplift was chosen as it is in line with the Independent Remuneration Panel recommendations regarding Members' Allowances which were based on average Council staff pay increases. Given the significant changes to fees for

other election roles it could not be aligned to increases in those rates, and it was felt that basing the fees on inflation indices would give too great an increase. The changes to the proposed Returning Officer fees would result in an increase in cost. Based on the current electorates and wards up for election in May 2023 and the previous Scale of Fees, the Returning Officer would have expected to command a total fee of just over £4,300. By comparison, the proposals in the Scale of Fees would make this fee £4,800. Note that the increase from changing to a fee based on number of wards (rather than electors) gives a larger increase in 2023 due to the make-up of the wards up for election (i.e. a lower number of electors per ward on average).

- 10.20. It is also worth acknowledging that although these proposals would see the fees increase for 2023 and 2024, the cost of Returning Officer fees will be down overall across the full cycle because of the move to all out elections from 2024 which will mean that 2025, 2026 and 2027 will not have any scheduled district council elections. The total fee (if it remains at £300 per ward) would lead to a fee in 2024 of £11,400, compared with total fees across 2021-23 of just over £14,000.

11. RISK IMPLICATIONS

- 11.1. The Council needs to ensure it complies with statutory requirements. One element of this is to ensure that it has sufficient staff required to operate an election. Staffing of polling station roles, continues to present one of the biggest challenges in the running of elections. Whilst other factors such as the hours of work, working environment, contribute to this, feedback from staff each year suggests that low pay is a major factor as to why people are hesitant to work. If the Council does not pay a competitive rate, it will become increasingly difficult to staff elections on the basis of fees.
- 11.2. The impact of the Elections Act has also increased the complexity in the administration for polling station staff (Presiding Officers, Poll Clerks and Polling station Inspectors), who will now be expected to, amongst other reforms, verify the identity of every voter before a ballot paper is issued.
- 11.3. As explained in paragraph 8.4, the DLUHC proposals suggest that in some areas, which mainly effects the count related roles, our current fees are higher than they would expect, and the proposals within the Scale of Fees reflects changes to those areas. This therefore may result in it being more difficult to recruit to these roles (although note that it is more challenging to recruit polling station staff due to the significant number of staff required and unsocial hours), or some current staff opting not to continue with those roles. However, these fees have historically been set an excess amount and the proposals within the Scale of Fees bring these back into line with the government's recommendations. It is important for these fees to be introduced for the forthcoming elections in 2023, prior to the change to the Council's electoral cycle in 2024.
- 11.4. The Electoral Registration Officer has a statutory duty to maintain the Electoral Register, which includes conducting an annual canvass. The recruitment of efficient Canvassers is difficult and if they are not paid a competitive rate, it will become increasingly difficult conduct an annual canvass.
- 11.5. There is a risk that moving to an hourly fee will give the canvassers less motivation to do their role as quickly. But this must be balanced against setting a rate that is fair, ensures that we can get suitable staff and doesn't risk the average rate being paid dropping below the National Living Wage. As the role now requires more driving (due to the spread of

addresses), from a Health and Safety perspective, we do not want to encourage canvassers to drive too quickly.

12. EQUALITIES IMPLICATIONS

- 12.1. There are no equalities implications - in line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no human resource implications, other than those set out.
- 15.2 Staff are contacted as to their availability to work prior to any election and the changes to the fees, and the reasons, will be explained in this correspondence.

16. APPENDICES

- 16.1 Appendix A Electoral Services Scale of Fees 2023/2024.

17. CONTACT OFFICERS

- 17.1 Melanie Stimpson, Democratic Services Manager (and Returning Officer/Electoral Registration Officer)
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18. BACKGROUND PAPERS

18.1 DLUHC Elections Funding Working Group Proposals from 31 October - EXEMPT

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ELECTORAL SERVICES – SCALE OF FEES
1 APRIL 2023 – 31 MARCH 2024

| | | | | APPENDIX A |
|--|----------------|---|--|---|
| ELECTORAL SERVICES - SCALE OF FEES | 2022/23 | 2023/24 RATE (All Fees To Be Paid Hourly Rates) | 2023 TOTAL FEE (For Comparison Vs 2022/23 Set Fees Only) | NIGHT TIME RATE (PAYABLE AT 1.5 TIMES NORMAL RATE FOR MINIMUM 4 HOURS – WHERE APPLICABLE) |
| Duty | Fee (£) | Fee (£) | Fee (£) | Fee (£) |
| 1. Polling staff | | | | |
| Presiding Officer | 255.00 | 16.00 | 304.00 (19 HOURS) | N/A |
| Presiding Officer (covering two stations – additional payment) | 127.50 | 100.00 (flat fee) | 100.00 (flat fee) | N/A |
| For combined polls, additional payment of (P.O.'s) | 30.53 | To be removed | N/A | N/A |
| Poll Clerk | 160 | 12.50 | 200.00 (16 HOURS) | N/A |
| For combined polls, additional payment of (P.C.'s) | 20.35 | To be removed | N/A | N/A |
| Presiding Officer (Parish/Town Poll only) | 95.63 | 16.00 | | N/A |
| Poll Clerk (Parish/Town Poll only) | 60 | 12.50 | | N/A |

ELECTORAL SERVICES – SCALE OF FEES
1 APRIL 2023 – 31 MARCH 2024

| | | | | |
|---|------------------------|------------------------|--|-------|
| 2. Counting staff | | | | |
| Count Manager / Senior Count Supervisor per hour | 43.90 | 26.00 | | 39.00 |
| Count supervisor per hour (including ballot box receipt and Central Team) | 38.50 | 17.50 | | 26.25 |
| Counting Assistant per hour | 18.80 | 13.50 | | 20.25 |
| Count Media & Comms Manager | | 17.50 | | 26.25 |
| Control of Entry / Councillor Liaison / Reception Duty | 18.80 | 13.50 | | 18.75 |
| Elections Porter | 12.50 | 12.50 | | 18.75 |
| 3. Postal voting staff | | | | |
| Postal Vote Opening Manager | | 25.00 | | 37.50 |
| Postal Vote Supervisor – per hour | 25.00 | 17.50 | | 26.25 |
| Postal Votes Assistant - per hour | 12.50 | 12.50 | | 18.75 |
| Postal Vote Quality Control (set fee) | 227.90 | 15.00 | | 22.50 |
| Car Parking fees for Garden Square Multi Storey | As per parking charges | As per parking charges | | |
| 4. Polling Station Inspector staff | | | | |

ELECTORAL SERVICES – SCALE OF FEES
1 APRIL 2023 – 31 MARCH 2024

| | | | | |
|--|--------|--------|-------------------|-------|
| Polling Station Inspector (set fee) | 255.00 | 19.00 | 304.00 (16 HOURS) | N/A |
| 5. Clerical Assistance/Ballot Box Preparation | | | | |
| Administration per hour | 9.50 | 11.85 | | 18.75 |
| 6. Returning Officer's fees | | | | |
| (a) For each contested ward/parish: | | 300.00 | | N/A |
| (b) For each un-contested ward/parish | 33.30 | 35.00 | | N/A |
| 7. Training | | | | |
| Presiding Officer | 29.60 | 30.00 | | N/A |
| Poll Clerk | 29.60 | 30.00 | | N/A |
| Senior/Polling Station Inspector | 29.60 | 30.00 | | N/A |

ELECTORAL SERVICES – SCALE OF FEES
1 APRIL 2023 – 31 MARCH 2024

| | | | | |
|--|------|-------|--|------------|
| 8. Travel for Polling Station Inspectors/Canvassers (Returns) /Postal Vote Issue/Postal Vote Driver | | | | |
| Mileage payable at the recommended HMRC approved amount of 45 pence per mile for cars for the first 10,000 miles and 25 pence per mile thereafter. | | | | |
| 9. Canvasser – Canvass Forms and Invitation to Register Forms (RETURNS) | | | | |
| Per hour Canvassing | | 12.50 | | N/A |
| 10. Poll Card Delivery and Canvass Form Delivery | | | | |
| Poll Card Delivery (per card) | 0.20 | 0.20 | | |
| Canvass Form Delivery (per form) | 0.20 | 0.20 | | |

COUNCIL
19 JANUARY 2023

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: CONSTITUTIONAL AMENDMENT REPORT

REPORT OF: THE SERVICE DIRECTOR LEGAL AND COMMUNITY & MONITORING OFFICER

EXECUTIVE MEMBER: THE LEADER OF THE COUNCIL: COUNCILLOR ELIZABETH DENNIS-HARBURG

COUNCIL PRIORITY: A brighter future together

1. EXECUTIVE SUMMARY

- 1.1 Further to the report in September this report, and its resolution on 4.8.23 (a), this covers follow up wording and other proposed changes regarding Member call-ins and registering to speak; and some Service Directors' responsibilities under section 14 that have changed.

2. RECOMMENDATIONS

- 2.1 That Full Council approves the amendments detailed in Appendix A (summarised at paragraph 8 below).
- 2.2 *Notes that guidance to Chairs in relation to 4.8.23(a) is attached at Appendix B. This may be amended as required by the Service Director: Legal & Community.*

3. REASONS FOR RECOMMENDATIONS

- 3.1 To reflect good decision making practice and keep the Constitution up to date.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Group Leaders were consulted regarding the proposed changes to Section 4.8.23(a) and 4.8.24 in October 2022 and no objections to the proposed wording identified, albeit that the Leader stated that she would like guidance be issued for Chairs to manage the process.
- 5.2 The rest of the proposed amendments are either request-based (as identified) or follow on from other remit and responsibilities changes, and therefore are required to reflect up to date operational practice.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision, it is a Full Council decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 At the meeting of Full Council on 22 September 2022, the following resolution was passed:

(3) Having taken the part 2 report and Mr Peter Oldham KC's advice into account, instructs the Service Director – Legal & Community to draft an amendment to the Constitution, in consultation with Group Leaders, regarding the removal of Council Procedure 4.8.23 (a) with the exception of Regulatory and Disciplinary Committees as well as certain statutory matters of Full Council, and present that wording to the next Full Council meeting on 10 November 2022.

- 7.2 The meeting on 10 November was cancelled by the Chair of Council, due to the above being the only business on the agenda. This is therefore being brought back to Full Council for consideration and approval now, together with other matters identified/ having changed since that date (the main ones being identified below and in detail in Appendix A).

8. RELEVANT CONSIDERATIONS

The main proposed changes are detailed below.

Council Procedure Rule/ Standing Order 4.8.23 (a)

- 8.1. Following the resolution of 22 September, the pertinent issue to address is the application of the rule to different decisions as well as to the individual Committees themselves. As resolved the rule will still apply to Regulatory and Disciplinary Committees as well as certain decisions of Full Council.

- 8.2. Procedure Rule 4.8.23(a) provides as follows:

4.8.23 Decision Making

(a) In order to vote on an agenda item at any meeting of the Council or a Committee or Sub-Committee, a Member must be present for the entirety of the debate and consideration of that item.

- 8.3. The proposed amendment (identified in Appendix A) is under 4.8.24 (b) and (e).

- 8.4. *Note, however, that there is one other proposal relating to 4.8.24, see below.*

Council Procedure Rule/ Standing Order 4.8.15 Previous decision/ 4.8.24 - 6 month rule as it applies to Sub-Committees

- 8.5. This procedure rule currently applies to Regulatory Sub-Committees, with a Membership of 3, arranged on a 'as required basis', these do not have a Chair, until these are appointed at a required meeting. They may need to revisit certain decisions during proceedings, and currently because of this 6 month/ numbers required to apply to revisit rule/ and its application by virtue of 4.8.24, a Sub-Committee cannot effectively do so. It therefore makes practical sense to disapply this rule, other than to any final disciplinary decision of such a Sub-Committee.

District Councillors having to register to speak when they have called in a Planning decision to Committee – Section 8 (c)(iii)& Appendix 2 to Section 8

- 8.6. Councillors who call in planning applications under the Planning Control Committee's terms of reference, should attend the Committee when this is determined. Currently they

are also required (or their replacement) to register to speak as per Appendix 2 to Section 8, paragraphs 1.2, 1.5 and 1.7 and 2.1. There is also a potential anomaly where any Member can call in, however, the Appendix does not necessarily give a non-ward Member the right to speak. That has been clarified.

- 8.7. A request has been made to remove this requirement and whilst a proposed amendment is put forward to Appendix 2 to Section 8 to reflect this, Councillors should still be mindful of the fact that they only have 5 minutes as part of the group of Members (for or opposing it - unless the Chair extends this for a Major application) and Committee Services may not be aware who has called in the item. Its removal could potentially cause confusion and issues for those preparing to represent their residents/ and on the night (which should be avoided). It is, however, a matter for Members to decide whether to remove this requirement or not.

Section 14

- 8.8. Following senior management changes (and at the request of the relevant Service Director and agreement of the Managing Director) it was agreed that the Service Director: Regulatory would cease to be the designated deputy with effect from 1 January 2023. The Managing Director as Head of Paid Service has decided that due to workloads, this role/ cover will be shared between Senior Directors.
- 8.9. There are also some further minor changes as identified, with regards to Community Halls/ buildings and the Local Strategic Partnership (which is no longer in existence).

9. LEGAL IMPLICATIONS

- 9.1. Full Council's terms of reference include "approving or adopting the Policy Framework". The Policy Framework includes the Constitution.
- 9.2. Section 37 Local Government Act 2000 requires the Council to have in place a Constitution and to keep that under review. The Local Government Act 2000 section 9P sets out the requirements of a local authority's Constitution, including the requirements to prepare it and keep it up to date and the requirement to make it available for public inspection.

10. FINANCIAL IMPLICATIONS

- 10.1 There is a small annual saving from the proposed changes to the Deputy Managing Director's role, equating to 10% of the Service Director salary (approximately £10k including on-costs). This will be incorporated in the revenue budget estimates for 2023/24 onwards to be presented to Full Council for approval in February.
- 10.2 There are no other financial implications arising from this report.

11. RISK IMPLICATIONS

- 11.1. Ensuring the Council has appropriate governance arrangements in place is an important risk mitigation measure. The Council's Constitution is a fundamental part of those governance arrangements.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Otherwise, no specific equality issues identified as a result of this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” requirements do not apply to this decision as this is not a procurement exercise or contract.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 Human Resources has provided advice regarding the Deputy Managing Director and relevant staff have been consulted. Job Descriptions have been updated to reflect the MD deputising arrangements and issued to relevant individuals.

15. ENVIRONMENTAL IMPLICATIONS

- 15.1 None from the amendments proposed.

16. APPENDICES

- 16.1 Appendix A – schedule of proposed changes.
16.2 Appendix B – Guidance to Chairs CPR 4.8.23(a).

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 17.1 Constitution see web-page <https://www.north-herts.gov.uk/council-constitution>

Proposed Constitutional Changes

Appendix A

| Area/ issue and who raised | Current Constitution Reference | Proposed Changes/ Reason |
|--|---|---|
| <p>General throughout</p> <p>Reference to restrictions on participating in meetings applies to Disclosable Pecuniary Interests and non-Registrable Interests (such as family/ friends related ones), so this to be included throughout the Constitution as applicable.</p> <p>Some Member confusion evident during the preparation for the Local Plan Decision, advice provided, however, should be clearer in the Constitution.</p> <p>4.8.20(e); Section 8 Appendix 2, paragraph 1.3; Section 8 Appendix 3, paragraphs 1, 2,3, 6.</p> <p>Monitoring Officer raised.</p> | | <p><i>Currently only clear in the Code of Conduct, but should also refer to this in other parts of the Constitution to marry up with the Code requirements.</i></p> |
| <p>Section 4</p> <p>4.8.1 ((a) (ix) Area Committee Chairs and Vice Chairs Default appointment to the Council in the event that no Chair is appointed in May and failure to appoint at the first Area Committee at the next available meeting following.</p> <p>Monitoring Officer raised.</p> | <p><i>(ix) appoint the Chair and Vice-Chair of Committees, with the exception of the Area Committees, subject to any requirements of this Constitution concerning who may be appointed to such positions;</i></p> | <p><i>(ix) appoint the Chair and Vice-Chair of Committees, with the exception of the Area Committees, subject to any requirements of this Constitution concerning who may be appointed to such positions. In the event that a Chair and Vice Chair cannot be appointed at the first meeting of an Area Committee or at the next available meeting, such appointment shall be made at the subsequent ordinary Council meeting.</i></p> <p><u>Reason</u> <i>To cover off situations where no Chair or Vice has been appointed for the civic year and avoids uncertainty.</i></p> |

Proposed Constitutional Changes

Appendix A

| Area/ issue and who raised | Current Constitution Reference | Proposed Changes/ Reason |
|--|---|--|
| <p>4.8.15 Previous decision/ 4.8.24 - 6 month rule as it applies to Sub-Committees</p> <p>Applies to Sub-Committees by virtue of 4.8.24</p> <p>Also some adjustments to reflect Sub-Committee application (subs; <i>quorum rule for Council should not apply for Committees/ Subs at CPR 4.8.8</i> – is based on statutory minimum and or Committee/ Sub size)</p> <p>Monitoring Officer raised.</p> | <p>4.8.15 Previous Decisions and Motions</p> <p>(a) Motion to Rescind a Previous Decision</p> <p>A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least twelve members.</p> <p>(b) Motion Similar to One Previously Rejected</p> <p>A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least twelve members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.</p> <p>(c) There shall be an exception to 4.8.15 (a) and (b) for motions moved as part of a Budget proposal at the Full Council meeting at which the annual budget is set. Such a motion must be made in accordance with the procedures set out in 4.8.14.</p> <p>4.8.24</p> <p>(c) The following Standing Orders apply to Committees and Sub-Committees (excluding the Employment Panel): 4.8.4 - 4.8.11(a),(c)-(i); 4.8.13(b)-(d),(f)-(l), (n)-(p); 4.8.14(a),(b),(d),(e),(g)-(i), (k), (m); 4.8.15 - 4.8.17; 4.8.19 - 4.8.22 (but not 4.8.20(a)); and 4.8.23.</p> | <p>4.8.24</p> <p>(c) <i>The following Standing Orders apply to Committees and Sub-Committees (excluding the Employment Panel): 4.8.4 - 4.8.7; 4.8.9 - 4.8.11(a),(c)-(i); 4.8.13(b)-(d),(f)-(l), (n)-(p); 4.8.14(a)-(e),(g)-(i), (k)-(n); 4.8.16 - 4.8.17; 4.8.19 - 4.8.22 and 4.8.23. 4.8.15 applies to Committees and only applies to Sub-Committees when making a final disciplinary decision.</i></p> <p><u>Reason</u></p> <p><i>During certain Sub-Committee proceedings, decisions may need to be revisited – and rule 4.8.15 does not make allowances for that. Following this amendment, the default position would be any statutory or other adopted procedural rules would be followed.</i></p> |

Proposed Constitutional Changes

Appendix A

| Area/ issue and who raised | Current Constitution Reference | Proposed Changes/ Reason |
|--|--|---|
| <p>4.8.23(a)</p> <p>Resolution of Full Council 22 September 2022</p> <p>That Full Council having taken the part 2 report and Mr Peter Oldham KC's advice into account, instructs the Service Director Legal and Community to draft an amendment to the Constitution, in consultation with Group Leaders, regarding the removal of Council Procedure Rule 4.8.23 (a) with the exception of Regulatory and Disciplinary Committees as well as certain statutory matters of Full Council, and present that wording to the next Full Council meeting on 10th November.</p> | <p>4.8.23 Decision Making</p> <p>(a) In order to vote on an agenda item at any meeting of the Council or a Committee or Sub-Committee, a Member must be present for the entirety of the debate and consideration of that item.</p> | <p><i>Proposed changes in relation to this issue in red below (NB further change proposed to 4.8.24(c) <u>see above table box</u>)</i></p> <p><i>4.8.24 Application to Committees and Sub-Committees</i></p> <p><i>(a) All of these Standing Orders apply to meetings of Full Council, save 4.8.23(a) which only applies to Full Council when making Strategic Planning / Developmental or Statutory Officer Employment decisions.</i></p> <p><i>(b) The following Standing Orders apply to Cabinet: 4.8.6; 4.8.9 - 4.8.11(a),(e)-(h); 4.8.13(b)-(d), (f)-(l),(n)-(p); 4.8.14(a)-(d),(g),(k),(m); 4.8.15 - 4.8.17; 4.8.19 - 4.8.21 (but not 4.8.20(a)); and 4.8.23(b).</i></p> <p><i>(e) The following Standing Order 4.8.23(a) only applies to the following Committees: Council Tax Setting Committee; Employment Committee; Employment Appeals Committee; Licensing and Regulation; Planning Control Committee; any Licensing Sub or Standards Sub Committees.</i></p> <p><i>[Below is renumbered]</i></p> <p><i>(f) The following Standing Orders apply to the Employment Panel: 4.8.2(a), 4.8.5(a)(d), 4.8.6 (note the Panel must be appointed 20</i></p> |

Proposed Constitutional Changes

Appendix A

| Area/ issue and who raised | Current Constitution Reference | Proposed Changes/ Reason |
|--|---|--|
| | | <p>days before the meeting under 12.8.12), 4.8.13(a)(b)(c)(l)(m)(n), 4.8.19 and 4.8.23.</p> <p>(g) Standing Order 4.8.9(d) shall not apply to Planning Control Committee or Area Committees. See applicable rule under Appendix 1 to section 8.</p> <p><u>Reason</u> Follow up proposal to resolution of Council on 22 September 2022.</p> |
| Section 8 | | |
| <p>Section 8, Appendix 2 to Section 8, 1.2, 1.5, 1.7, 2.1</p> <p>Cllr Dennis-Harburg & Cllr Ruth Brown raised.</p> <p>Note that currently the Ward Member at the request of the Parish or Town Council can call in subject to 8.4.5©(ii) requirements being met.</p> <p>In addition there is an anomaly between the Terms of reference and the Appendix 2 that any Member can call in an application (not just ward Members) under 8.4.5(c)(iii) and they are required to speak to an item.</p> <p>Therefore the first to call in an application should be able to speak, provided this complies with 8.4.5(c)(iii), whether ward or</p> | <p>1.5 There will be a maximum of two “groups” of Member speakers (i.e. those supporting and those objecting) for each application. The time slot allocated to each “group” of speakers should not exceed 5 minutes except where the applications are Major Applications (see footnote below) where the time for each “group” will not exceed 10 minutes. In cases where Major Applications are of significant public interest the Chair can, in advance of the meeting, extend the maximum 10 minute period. Where this discretion is to be exercised the Democratic Services Manager will be informed. If more than one Member registers their wish to speak either for or against the application, they should be advised by the Democratic Services Manager to contact the first Member who has registered in an endeavour to agree how to make best use of</p> | <p><i>Relevant parts new in red</i></p> <p>1.2 The right of Non-Planning Control Committee Members to address the Committee should be in the following circumstances:</p> <p>1.2.1 the first Member who has called in the application (where this complies with 8.4.5(c)(iii);</p> <p>Subsequent renumbered.</p> <p><i>from paragraph 1.5 with possible amendment in red</i></p> <p>“...If more than one Member registers their wish to speak either for or against the application, they should be advised by the Democratic Services Manager to contact the first Member who has registered in an</p> |

Proposed Constitutional Changes

Appendix A

| Area/ issue and who raised | Current Constitution Reference | Proposed Changes/ Reason |
|---|--|---|
| <p>not. The rest subject to the Rules in Appendix 2 Section 8 and would have to register.</p> | <p>their total time. This time limit should be strictly adhered to in order to ensure that the business of the Committee can be transacted as expeditiously as is reasonably possible. It is suggested that the Committee, Member & Scrutiny Services Officer has the responsibility for time-keeping rather than the Chair.</p> <p>1.7 Members should only be allowed to address the Planning Control Committee if they have previously registered with the Council's Democratic Services Manager by 12 noon on the day of the meeting, but not before the agenda of the meeting has been made public (normally five working days prior to the meeting). They may speak at subsequent meetings, in the case of a decision being deferred.</p> <p>2.1 Those Members who have registered to speak should arrive at least 10 minutes before the meeting in order to make contact with the Committee, Member & Scrutiny Services Officer.</p> | <p><i>endeavour to agree how to make best use of their total time. Note that the first Member / or their replacement who has called in an application will be entitled to speak without registering to do so and will have the first right to speak. This....</i></p> <p><i>Paragraph 1.7 with possible amendment in red</i></p> <p>1.7 With the exception of the first Member calling in the application, any other Members should only be allowed to address the Planning Control Committee if they have previously registered with the Council's Democratic Services Manager by 12 noon on the day of the meeting, but not before the agenda of the meeting has been made public (normally five working days prior to the meeting). They may all potentially speak at subsequent meetings, in the case of a decision being deferred.</p> <p><i>Paragraph 2.1 with possible amendment in red</i></p> <p>2.1 The first Member or their replacement who has called in an application and those Members who have registered to speak should arrive at least 10 minutes before the meeting in order to make contact with the Committee, Member & Scrutiny Services Officer.</p> |

Proposed Constitutional Changes

Appendix A

| Area/ issue and who raised | Current Constitution Reference | Proposed Changes/ Reason |
|---|---|---|
| Section 14 | | |
| 14.6.8(b)(iii) Community services including public halls, community centres and rural community buildings. Policy & Community Manager raised. | | <i>Remove, but leave wording "Community Services".</i> <u>Reason</u> <i>These building are now largely in the hands of external organisations and to the extent not, this falls to the Enterprise directorate.</i> |
| 14.6.8(b)(vii) Policy & Community Manager raised. | Council's Local Strategic Partnership including operational management and support for external partnership arrangements. | <i>Remove.</i> <u>Reason</u> <i>Cabinet approved its decommissioning on 21 September 2021.</i> |
| 14.6.10 – Service Director: Regulatory Deputy Managing Director Managing Director raised. | (viii) In the absence of the Managing Director to exercise the functions, powers or duties of the Managing Director | <i>Delete from the constitution and this will be dealt with under the relevant Services Directors Job Descriptions.</i> <u>Reason</u> <i>Agreed that Service Director: Regulatory would cease to be the designated deputy with effect from 1 January 2023. Due to workloads, Managing Director cover is to be shared between Service Directors.</i> |

Guidance to Chairs CPR 4.8.23(a)

For Council Tax Setting Committee; Employment Committee; Employment Appeals Committee; Licensing and Regulation; Planning Control Committee; any Licensing Sub or Standards Sub Committees.

Voting on an Agenda Item

For the purposes of clarification - in order to vote on an agenda item at this meeting a Member must be present for the entirety of the debate and consideration of that item. If a Member leaves the room at any point of the item they will not be able to vote.

For Full Council when making Strategic Planning / Developmental or Statutory Officer Employment decisions

Voting on an Agenda Item

Tonight we have an item/s on the agenda which refer to a Strategic Planning / Developmental or Statutory Officer Employment matter. For the purposes of clarification - in order to vote on that/those agenda item/s a Member must be present for the entirety of the debate and consideration of that item/s. If a Member leaves the room at any point of the item/s they will not be able to vote. This applies to agenda item(s) X at this meeting.

For all other business on the agenda a Member may leave the room, although please be mindful of the business on the agenda and wherever possible leave at an appropriate point in the proceedings.

For Full Council when NOT making Strategic Planning / Developmental or Statutory Officer Employment decisions, Area Committees, Cabinet, Cabinet Panels, CCTV Partnership Join Executive, Finance, Audit and Risk Committee, Highways Liaison, Joint Staff Consultative Committee, Overview and Scrutiny Committee, Standards Committee

Voting on an Agenda Item

For the purposes of clarification – 4.8.23(a) of the Constitution does not apply to this meeting. Therefore a Member may leave the room during the debate and consideration of that item and be able to vote. However, please be mindful of the business on the agenda and wherever possible leave at an appropriate point in the proceedings.

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COUNCIL
19 JANUARY 2023

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: PENSION POOLING WITH ‘ORPHANED EMPLOYERS’

REPORT OF: SERVICE DIRECTOR: RESOURCES

EXECUTIVE MEMBER: Non-executive

COUNCIL PRIORITY: SUSTAINABILITY

1. EXECUTIVE SUMMARY

North Hertfordshire District Council is a Scheduled Body within the Hertfordshire Local Government Scheme (LGPS). We are required to offer LGPS membership to our employees.

In the past, when we have contracted out services, the LGPS membership of the employees that transferred was retained. The employing organisations became Admitted Bodies to the LGPS. The employers and employees continued to make contributions to the LGPS, whilst those employees were still employed. Over time those employees will leave employment (e.g., due to retirement) and when there are no active members left the organisation becomes known as an Orphaned Employer.

Parish and Town Councils can be Designated Bodies. They are not required to offer the LGPS to their employees, but they can if they wish to. Letchworth Garden City Town Council (LGCTC) became a designated body when they were formed. They were then abolished by the District Council in 2013, following a governance review. LGCTC then became an Orphaned Employer.

Orphaned Employers can (and in some cases, should) be pooled with their relevant Admitted Body. This report recommends that the Council pools with three Orphaned Employers.

2. RECOMMENDATIONS

- 2.1. That Council approve that North Hertfordshire District Council (as the relevant Admitted Body) be pooled with the following Orphaned Employers: Letchworth Garden City Town Council, Veolia ES Services team and Hitchin Markets.

3. REASONS FOR RECOMMENDATIONS

- 3.1. All of the Orphaned Employers (based on the 2019 valuation) have over 100% funding, which is better than the Council's funding position. Therefore, it is probably in the Council's best interest to be pooled with them.

- 3.2. In the case of Letchworth Garden City Town Council, Hertfordshire County Council (HCC) (as the Hertfordshire LGPS administrator) have legal advice that we are required to be pooled with LGCTC.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. We could choose not to pool with Veolia ES Services team and Hitchin Markets Limited, as HCC are not requiring us to pool with them. This is rejected as there should be a benefit to pooling with these Orphaned Employers.
- 4.2. HCC have sought legal advice and have stated that this requires us to be pooled with LGCTC. This was initially being treated as a cessation valuation, which would have required us to pay a one-off bill of almost £400k. Following negotiation this will now be treated as an ongoing pooling. As in 4.1, the pooling should be a net benefit. The only alternative would be to seek contrary legal advice. HCC have said that they are not able to share the legal advice that they have received.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The requests for pooling with Orphaned Employers was initiated by HCC. There have been discussions at the regular Hertfordshire Chief Finance Officers meetings as to whether there should be a consistent county-wide approach. In principle it was agreed that this should be the approach, as any Orphaned Employers that were not taken on by a Scheduled Body would become a shared burden if there was a shortfall in their funding. It was therefore appreciated that Councils shouldn't cherry-pick which Orphaned Employers that they took on. However in practice it was determined that there would be no way to enforce a consistent approach.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 North Hertfordshire District Council is a Scheduled Body within the Hertfordshire Local Government Scheme (LGPS). We are required to offer LGPS membership to our employees.
- 7.2 In the past, when we have contracted out services, the LGPS membership of the employees that transferred was retained. The employing organisations became Admitted Bodies to the LGPS. The employers and employees continued to make contributions to the LGPS, whilst those employees were still employed. Over time those employees will leave employment (e.g., due to retirement) and when there are no active members left the organisation becomes known as an Orphaned Employer. This also happens where the contract moves to a new provider. The employees that are still members of the LGPS will move to the provider under TUPE. The employees that have left during the contract period, will not transfer. That leaves the old contractor as an Orphaned Employer. The contract would have included provisions relating to any pension deficit in that eventuality.
- 7.3 Parish and Town Councils can be Designated Bodies. They are not required to offer the LGPS to their employees, but they can if they wish to. They usually become Orphaned

Employers if they decide to stop offering LGPS to their staff, and then get to the point where all the employees that had LGPS rights have left the organisation (e.g. through retirement).

- 7.4 Community Admission Bodies can also seek to join the LGPS. These bodies are “not for profit” organisation that normally have a community of interest with local government employers.
- 7.5 Every active employer (i.e. has employees who are accruing LGPS pension rights) has a triennial valuation to determine the contribution rate that they need to pay in to the pension scheme. This contribution rate is set to ensure that their element of the scheme is at least 100% funded (i.e. the forecast returns on pension assets matches the forecast retirement payments that will need to be made). For most employers the period over which they need to be fully funded is quite short, so they will generally stay very close to being 100% funded. For Scheduled Bodies there is a much longer period over which they can catch-up to being 100% funded. These estimates are carried out by a pension actuary as they are modelled on lots of different assumptions and scenarios. Orphaned employers also have a triennial valuation, but this is for information only.
- 7.6 If an employer chooses to leave the LGPS whilst they still have active employees (i.e. still accruing pension rights, then that triggers a cessation valuation. Note that this can only be achieved by buying-out the employees, e.g. offering an equivalent pension benefit, a lump-sum payment or a combination. A cessation valuation is the amount that that employer would need to pay and can be punitive. Rather than assuming that the employer’s assets will be kept in a broad range of investments (which over the medium to long-term will provide a good level of investment return), it assumes that all those investments will be moved to Government Bonds (with a safer, but much lower level of return). This therefore results in a much bigger gap between the forecast funding returns and forecast costs.
- 7.7 LGCTC was formed in 2005. It chose to be a designated body and offered its staff access to the LGPS. Some of those staff also chose to transfer in existing pension pots. Following a governance review, LGCTC was dissolved in March 2013. This was a decision made by Full Council. The Council were aware of a need to cover an outstanding pension strain cost, and it was understood that there would be a net surplus that would cover the pension fund balance. Some time later, we were notified by HCC that there was an overall pension deficit of £393k which we were liable to pay. At some point, HCC obtained external legal advice to confirm that we were liable to pick up that shortfall. HCC have been asked to share that advice but say that they are unable to do so. As well as the cost involved, we were concerned that we were not fully aware of the deficit when making the decision in 2013, as that value of deficit would have been a more major consideration in making that decision. During follow-up discussions in 2017 it was determined that the £393k cost was on a cessation valuation basis, and that we could take on the pension position on an ongoing basis. This is probably therefore the same basis on which the original cessation decision was taken. Progress on resolving this has been very slow as it is not a significant priority for either us or HCC, and has also been affected by HCC staff changes. In summary, the HCC view is that LGCTC are an orphaned employer that we are required to take on.
- 7.8 More recently, HCC have also looked at other orphaned employers that could be pooled with a Scheduled Body. For North Herts Council, the initial list added Veolia ES Services

team and Hitchin Markets. A later list added North Hertfordshire Hospice Care Association and Codicote Parish Council.

8. RELEVANT CONSIDERATIONS

- 8.1. If the Council was to pool with an orphaned employer then the immediate impact is that the assets and liabilities of that orphaned employer would be combined with those of the Council. From that point forward it would not be possible to re-split the assets and liabilities, so you would not be able to go back later and see if the Council had gained or lost out of the arrangement.
- 8.2. Each of the orphaned employers is far smaller (in terms of numbers of LGPS members, value of assets and value of liabilities) than the Council, so any impact on the Council would be minimal. But if an orphaned employer is in surplus then (at that point in time) it will improve the Council's funding position. That could have a small impact on the timing of when the Council moves in to being 100% funded, and in theory could have an impact on the Council's contribution rate (i.e. how much it is required to pay in to the pension fund each year).
- 8.3. For an Admitted Body, the LGPS regulations (2013) place a requirement on the Scheduled Body that contracted out the service (to the Admitted Body) to make up any shortfall in the assessed levels of pension contributions required, including at the point where the Admitted Body leaves the fund. In the case of an orphaned employer, they have effectively left the fund when they no longer have any active employees who are in the LGPS. Whilst not as clear in the regulations, the presumption is therefore that the Admitted Body should remain the responsibility of the relevant Scheduled Body, even after they have left the fund. The Council could choose to argue against this.
- 8.4. Hitchin Markets and Veolia ES Services team were both Admitted Bodies as a result of contracts let by the Council.
- 8.5. For a Designated Body, the Local Government (Parishes and Parish Councils) Regulations determine that the assets and liabilities of that body will transfer to the principal Council if that Designated Body ceases to exist. In 2013, the decision by the Council meant that the assets and liabilities of LGCTC were taken on (as referenced in 7.7). Codicote Parish Council still exist so there is not a need for the Council to take them on as an orphaned employer.
- 8.6. North Hertfordshire Hospice Care Association (now known as Garden House Hospice Care) were a Community Admission Body. Whilst they are located within North Hertfordshire, there are no contractual ties with the Council in relation to pensions. Indeed the type of services that they offered could equally be aligned with HCC functions. For these reasons, it is not proposed that the Council seeks to pool with North Hertfordshire Hospice Care Association.
- 8.7. For the three employers where pooling is being considered, there are two elements to the decision. (1) are we required to pool, and (2) if there is not a definite requirement, it is in our interests to pool. The answer to (2) would primarily depend on the funding position for that employer. The 2019 triennial valuation is the latest available information, and is shown in table 1 below:

| Employer | Active members | Deferred members | Pensioner members | Ongoing liabilities (£000) | Assets (£000) | Surplus (£000) | Funding Level |
|--|----------------|------------------|-------------------|----------------------------|---------------|----------------|---------------|
| Veolia ES Services team (UK) Limited (238) | - | 9 | 5 | 954 | 1,744 | 791 | 183% |
| Letchworth Garden City Council (273) | - | 2 | 3 | 626 | 710 | 84 | 113% |
| Hitchin Markets (288) | - | 2 | - | 87 | 103 | 16 | 118% |

Table 1

- 8.8. For each of the three employers, they were in a surplus position. As at the 2019 valuation, if the Council had been pooled with all 3 employers, then the Council's funding level would have improved from 92.5% to 93.3% (net liabilities would have reduced from £10.22m to £9.33m). It is appreciated that this is relatively old information, but it is based on taking a long-term future look. We could choose to get the actuary to do an updated valuation, but that would need to be paid for. Indications of the Council's valuation position (in advance of the 2022 full valuation results) are that it is an improved position compared to 2019. This is based on actual and forecast investment returns, so should be similar for other employers too. As this valuation takes a long-term outlook and looks at lots of different scenarios, we have been told that the economic instability in the Autumn will not affect this overall outlook.
- 8.9. As referenced in the legal implications section, there seems to be a clear obligation for the Council to be pooled with LGCTC. Any obligations to pool with Veolia and Hitchin Markets are less clear, but there are clear links with the Council. From a financial perspective there is a benefit to pooling with all three.

9. LEGAL IMPLICATIONS

Admitted bodies- i.e., organisations delivering services on behalf of a Scheduled Body

- 9.1 The Local Government Pension Scheme Regulations 2013 provide for a link between a Scheme employer and a body "that is providing or will provide a service or assets in connection" with that Scheme employer. Regulation 64 (3) (a) advises: "

"Where for any reason it is not possible to obtain all or part of the exit payment due from the exiting employer, or from an insurer, or any person providing an indemnity, bond or guarantee on behalf of the exiting employer, the administering authority must obtain a further revision of any rates and adjustments certificate for the fund showing- (a) in the case where a body is an admission body falling within paragraph 1(d) of Part 3 of Schedule 2 to these Regulations (Scheme employers: bodies providing services as a result of transfer of a service), the revised contribution due from the body which is the related employer in relation to that admission body;

- 9.2 This regulation broadly details that where there is a need for further funding requirement for this admission body it is sought from the attached Scheme employer – not shared amongst all employers in the Fund. Whilst not completely clear, it could then be

reasonable to conclude that this funding 'attachment' will continue throughout the membership of this body, even post cessation event and for the actuary to pool the funding position for these bodies (e.g. when carrying out a triennial valuation).

Designated bodies and Community Admission Bodies i.e. Parish and Town Councils, and "not for profit" organisation that have a community of interest with local government employers

- 9.3 There is no direct agreement between these employers and the Scheduled Body. Therefore, when they cease to have any active members, there is no obligation on any Scheduled Body to make good on any deficits, or to be pooled with that body on an ongoing basis. The exception to this is where the Scheduled Body decides to dissolve a designated body.

Letchworth Garden City Town Council (LGCTC)

- 9.4 In 2012, LGCTC made a request to North Hertfordshire District Council for a community governance review to be carried out under section 82 of the Local Government and Public Involvement in Health Act 2007. This request was agreed and the outcome of the review was a recommendation that LGCTC be dissolved. The making of the North Hertfordshire District Council (Re-organisation of Community Governance) Order 2013 under ss86 and 240(10) of the 2007 Act therefore resulted in the abolition of the parish of Letchworth Garden City and dissolving the LGCTC, with effect from 31 March 2013.
- 9.5 Under the Local Government (Parishes and Parish Councils) Regulations, North Herts Council is the transferee authority of LGCTC as it is the principal council in which the transferred area is situated. Consequently, all property, rights and liabilities of LGCTC transferred to North Herts Council on 31 March 2013. As a result, the exit payment liability for LGCTC upon cessation is a liability which has now been transferred to North Herts Council.

Decision making process

- 9.6 The Local Government Pension Scheme Regulations 2013 are made under sections 7 and 12, and Schedule 3 of the Superannuation Act 1972. Under the Local Government Functions and Responsibilities Regulations 2000 (as amended) [2853], this Act (and specifically the sections and functions referred to under the LGPS Regulations) are "Functions not to be the Responsibility of an authority's Executive" as per Regulation 2(1) and Schedule 1. Therefore under the Local Government Act 1972 such functions would have had to be bestowed upon a body/ or person as per s101. There is no such delegation to a non-Executive Committee or Officer in the Council's constitution, so the decision has to be made by Full Council under the Regulations 2000/2853.

10. FINANCIAL IMPLICATIONS

- 10.1 As detailed in Table 1 and paragraph 8.8, there seems to be a financial benefit to the Council from pooling with these orphaned employers. As detailed in 11.1, the decision has some risk.

11. RISK IMPLICATIONS

11.1. The decision is being made based on 2019 valuation data. However, pension valuations are also based on looking a long way in to the future, so would tend not to change much over 3 years. The valuation estimates are based on making assumptions across a wide range of factors, and also considering the impact of variations in those factors.

11.2. Each of the orphaned employers is much smaller (in terms of LGPS assets and liabilities) than the Council, so the actual impact of the decision is fairly minimal.

12. EQUALITIES IMPLICATIONS

12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2. There are no equalities implications arising from this report.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1 There are no HR implications arising from this report.

16. APPENDICES

16.1 None.

17. CONTACT OFFICERS

17.1 Ian Couper, Service Director: Resources, ian.couper@north-herts.gov.uk, Ext: 4243

17.2 Jeanette Thompson, Service Director: Legal & Community; jeanette.thompson@north-herts.gov.uk

17.3 Reuben Ayavoo, Policy and Communities Manager, reuben.ayavoo@north-herts.gov.uk

17.4 Jo Keshishian, HR Operations Manager, jo.keshishian@north-herts.gov.uk

18. BACKGROUND PAPERS

18.1 Council Meeting 31st January 2013 Minute 90 <https://democracy.north-herts.gov.uk/CeListDocuments.aspx?CommitteeId=136&MeetingId=483&DF=31%2f01%2f2013&Ver=2>

Council Meeting 22nd November 2012, Minute 57 [Meeting of Council on Thursday, 22nd November, 2012, 7.30 pm | North Herts Council \(north-herts.gov.uk\)](https://democracy.north-herts.gov.uk/CeListDocuments.aspx?CommitteeId=136&MeetingId=483&DF=22%2f11%2f2012&Ver=2)

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| COUNCIL 19 JANUARY 2023 |
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|---------------|
| Part 1 |
|---------------|

TITLE OF REPORT: Churchgate update

REPORT OF: Service Director - Enterprise

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR ENTERPRISE AND THE ARTS

COUNCIL PRIORITY: SUSTAINABILTY AND A BRIGHTER FUTURE TOGETHER

1. EXECUTIVE SUMMARY

- 1.1. To provide Members with an update on Churchgate since the Council purchased the Leasehold.

2. RECOMMENDATIONS

- 2.1. For Members to note the report

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure Members are kept updated on the progression of Churchgate.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 As this is an update on a project, no other alternatives have been provided.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Project Board, which includes the Leader and Deputy Leader, the Executive Member for Enterprise and Arts and the Executive Member for Finance and IT have all been kept up to date on this project. The Leader of the Opposition has also received regular briefings. Political Leadership Board have also been kept informed on key elements.

- 5.2 The Project Manager will provide Churchgate specific updates within the Members Information Service (MIS) throughout the project, when relevant milestones have been or are to be achieved.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan, as this is a Full Council decision.

7. BACKGROUND

- 7.1. Set out below is one of the recommendations that was approved at Full Council on 23 March 2022: -

To note that if this acquisition is approved and completes, that a further report will be brought to Full Council to set out in detail the short-, medium- and long-term approach for the asset and how the project will be managed.

- 7.2. The Council successfully purchased the Churchgate Shopping Centre Leasehold on 1 August 2022. Therefore, this report is to ensure Members are kept up to date on the progress of this asset.

8. RELEVANT CONSIDERATIONS

- 8.1 There are two elements to this Part 1 report, 1) *the project* which will investigate the potential to undertake a regeneration of Churchgate and the surrounding areas and 2) *the operational* management of the asset prior to a regeneration taking place.

- 8.2 There is also a Part 2 report available that focuses on the operational management of the asset.

8.3 Project

- 8.3.1 This is a Council led project, whereby we have adopted the 'NHC Project Management Framework' which is based on 'PRINCE 2' (Project Management tool). This framework ensures that the Council follows a clear process when setting up, managing, delivering and completing a project.

- 8.3.2 The following table sets out the process that the Council has followed so far to complete the first three steps of the project management process.

| Step 1 – Project Trigger | Date | Approval Obtained by: |
|---|----------|-----------------------|
| Project Mandate approved | 26/09/22 | Leadership Team |
| Project Categorisation completed | 26/09/22 | Leadership Team |
| Data Protection Impact Assessment form completed (it was agreed that this was not required at this stage, but would be reviewed as the project developed) | N/A | N/A |
| Step 2 – Project Start Up | Date | |
| Project Manager and Project Executive appointed | 7/11/22 | Project Board |
| Project Board and Project Assurance roles appointed and clear terms of reference established | 7/11/22 | Project Board |
| Quality expectations established and documented in the Project Product Description | 7/11/22 | Project Board |
| Draft Business Case produced | 7/11/22 | Project Board |
| Project Brief produced – updated Project Mandate, draft Business Case and details of project approach | 7/11/22 | Project Board |
| Relevant Lessons Learned from previous projects captured and Lessons Log produced | 7/11/22 | Project Board |
| Project Plan produced for 'Step 3 – Project Initiation' only | 7/11/22 | Project Board |
| Decision Point | Date | |

| | | |
|---|-------------|---------------|
| Project Initiation authorised by the Project Board and the Project Manager's responsibilities and accountabilities confirmed | 7/11/22 | Project Board |
| Step 3 – Project Initiation | Date | |
| Full Project Plan produced, including Communication and Quality activities, with key stages identified | 10/1/23 | Project Board |
| Draft Business Case refined | 10/1/23 | Project Board |
| Any organisation conflicts in Council roles and duties identified and the method of managing these determined | 10/1/23 | Project Board |
| Issues Log produced | 10/1/23 | Project Board |
| Project Risks identified / analysed, Project Risk Log produced, and summary risk entry entered on Pentana (Pentana entry required for large and medium projects only) | 10/1/23 | Project Board |
| Benefits Review Plan produced on Pentana | 10/1/23 | Project Board |
| Project Initiation Documentation assembled - Benefits Review Plan, updated Project Brief (updated Project Mandate, refined Business Case and details of project approach), Project Plan, Project Product Description and Project Risk Log | 10/1/23 | Project Board |

8.3.3 The Council is in the process of setting up a dedicated 'Project Churchgate' web page within the North Herts Council internet site. This will provide all of the key documents and minutes of each Project Board that takes place. Some of the information within these documents will be confidential, and therefore elements will be redacted.

8.3.4 Appendix A provides the current Draft Project Plan, this provides an overview of the key tasks that will be undertaken in the short, medium, and long-term. This document will be updated as the project progresses, and more certainty is known. The following table demonstrates the key tasks that will be undertaken in the next six months (subject to change and approval).

| | | | |
|-----------------|--|--|--|
| 19 January 2023 | Report to Full Council Report to set out short, medium, and long-term approach of the asset and how the project will be managed. This will include a draft project plan and draft Communications plan. | Project Executive Project Manager | Steve Crowley Chloe Gray |
| January 2023 | Economic recovery work Consider outcome of town centre recovery work being undertaken by People for Places and how it could inform proposals. Ensure that these strategies are aligned with Project Churchgate and the newly adopted Local Plan. | Consultants (People for Places) Project Team Newly appointed Planning Officer Andrew Figgis | Louise Symes Chloe Gray |
| February 2023 | Consultation – Phase 1 Close Phase 1 survey (on 5 February) and analyse data (with help from ZenCity) Start to build digital hub on Engage platform using information regarding the journey so far. This will provide a platform for results to be shared, comments, interactions and allows us to upload live data (or responses back to questions etc). | Steve Crowley Engage (owners of the ZenCity platform) Project Team | Chloe Gray Christine Crofts Sarah Jenkinson Steve Crowley |

| | | | |
|----------------------------------|--|--|---|
| End of February-early March 2023 | Open in-person Hub in Unit 10, Churchgate. This will provide a base for relevant officers to work from and create a presence within the premises. Members of the community and businesses will be encouraged to come in and talk to officers to find out more about the project. Councillors are also welcomed to work from/ be present at the Hub once we have agreed set times and dates. | Project Manager Project Executive Brown & Lee Members | Chloe Gray Steve Crowley Graham Stilwell |
| Early March 2023 | Sharing the results Release top level information to the community (via various comms channels defined in the Comms Plan) regarding key themes identified from the survey. We will create vision boards to display in the Hub to show the key themes and how these <i>may</i> look. The themes will allow the Council to define a clear vision for the project. Once the Council are clear on this, we can continue to tailor our messaging and other communications accordingly. These themes will also enable us to narrow down our specification for any potential partners (examples of this include housing associations, retail operators, entertainment operators etc). | Engage (owners of the ZenCity platform) Project Team | Christine Crofts Sarah Jenkinson Chloe Gray |
| March-April 2023 | Preparing to appoint a consultant/s Write the specification for the appointment of a consultant that will assist the Council in the development and project support of Churchgate. This role will be independent of any potential developer and be appointed directly by the Council to assist of the writing of any tender specifications/ documentation according to the consultations and briefs given by the Council. This role will act on the Council's behalf when engaging with subcontractors etc in the future. The independency of this role ensures that the Council are getting value for money, working with the 'best possible' contractors and ensures that the project is controlled. | Project Team Project Board Seek external advice to support the Council Procurement Team | Steve Crowley Chloe Gray Anthony Roche |
| April 2023 | Digital Hub goes live | Communications Engage (owners of the ZenCity platform) Project Team | Chloe Gray Christine Crofts Sarah Jenkinson |
| May-June 2023 | Appointment of the consultant/s Upon writing the specification for the above role, the team will look to appoint this role via the Council's Procurement Process. The current aim is to appoint by June 2023 depending on the preparation process. | Project Team Project Board Procurement Team | Chloe Gray Steve Crowley Anthony Roche Rizwan Sarwar |

| | | | |
|------------------|---|-------------------------------|-----------------------------|
| June-August 2023 | Consultation – Phase 2 This is yet to be determined and will take steer from the Phase 1 outcome/s. However ultimately this will seek to clarify what the public would like to see (based on Phase 1 responses) and looking to see how this can be made possible alongside the vision of the Council. | Project Team Project Board | Steve Crowley Chloe Gray |
|------------------|---|-------------------------------|-----------------------------|

- 8.3.5 As part of the budget setting process the Council has proposed that surpluses from this asset are used to appoint the necessary professionals. This will ensure the Council is able to appoint appropriate professionals to assist with the planning, developing and delivery of this project.
- 8.3.6 The draft Communications Plan is provided in Appendix B and focuses on the first year (approximately) of the project from October 2022 to December 2023. So far, we have completed the following stages of the plan:
- 8.3.7 Consultation – Phase one
Launched across all channels (digital and in-person) on the 5 December 2022 via a quick 2-minute survey and runs until the 5 February 2023. Taking advice from the Stevenage Council Regeneration team, the initial consultation survey is broad, to provide us with initial high-level ideas by age group of the type of offering they'd like to see in the Churchgate shopping area in the future. As at Friday 6 January 2023, we have received 1,277 survey responses.
- 8.3.8 In-person Communications Hub - We are opening Unit 10 within Churchgate (previously known as The Bronzing Shop, but now vacant) to operate as an in-person hub for Project Churchgate. The hub will provide the community with an opportunity to speak to project team members, Councillors and eventually developers/ partners. Here they will be able to get a live update of the project and view existing and potential proposals as the project progresses. Members of the Project Team will be based at the Hub during the week and available for drop-in sessions. The Project Manager is currently obtaining quotes for basic decoration of the facility to make the premises presentable.
- 8.3.9 Digital Communications Hub - A key part of our Phase Two consultation will be our Churchgate digital hub which we'll be developing throughout February with our digital engagement supplier Zencity. The current aim is to go live with the Digital Hub in April.
- 8.3.10 The online hub will have everything about Churchgate in one place, including live consultations, maps (where our community can drag and drop ideas and most importantly, see the cost), timelines, and an ideas board option – where people can post ideas and others comment on (similar to a digital post-it note).
- 8.3.11 Respondents have had the option to sign up for our digital hub at the end of the Phase one consultation survey and we've had 180 sign ups so far.

8.4 Operation

8.4.1 The Council appointed Brown & Lee Chartered Surveyors (in accordance with the Council's Contract Procurement Rules) to manage Churchgate for a period of 2 years following acquisition of the leasehold. Their role is to provide facilities and estate management services required by the Council to help ensure Churchgate's efficient operation. Such services include:

- Lettings, marketing, agency and negotiations management;
- Collection of rent and commercialisation income;
- Managing tenant & occupier performance of their occupancy obligations;
- Service charge budgeting and reporting;
- Safeguarding and accounting for tenant rent deposits;
- Organising statutory compliance, such as health and safety;
- Ensuring all insurances are in place, such as buildings insurance;
- Organising planned preventative maintenance and repairs; and
- Coordinating provision of soft facilities management, such as cleaning.

8.4.2 Officers regularly meet with Brown & Lee to discuss operational goals and strategy, occupancy issues and to clarify progress on instructions for managing the property. Two key areas of focus at present are:

- (i) Addressing urgent tasks detailed in the Technical Due Diligence Report by BNP Paribas Real Estate, the consultant that advised the Council on the acquisition. These tasks chiefly comprise building repairs, building fabric replacements, inspections, and investigations.
- (ii) Fulfilling buildings insurance stipulations.

8.4.3 Further information on (i) and (ii) is provided in Appendix C.

8.4.4 Regarding (i) – urgent tasks, Brown & Lee is currently liaising with its building consultancy team to identify apportionment of responsibility between landlord and tenant. Brown & Lee will then arrange quotes and schedule the works. Brown & Lee advises they expect this work to commence in February or March 2023. The Council's Estates team will continue to closely monitor progress on addressing the urgent tasks.

8.4.5 In terms of (ii) – buildings insurance stipulations, Brown & Lee has corresponded with Churchgate's tenants and occupiers following acquisition to remind them of their occupational responsibilities in relation to buildings insurance, and to encourage action where required. The overriding priorities are to uphold health & safety standards and maintain adequate buildings insurance for Churchgate to ensure its full and efficient operation.

8.4.6 When the Council purchased Churchgate Shopping Centre there were several tenants that were behind with their rent and service charge payments. Since the Council acquired the leasehold, officers continue working with Brown & Lee to manage this position to improve upon the debt levels. This is covered in more detail in the Part 2 report.

9. LEGAL IMPLICATIONS

- 9.1. Under Section 120 of the Local Government Act 1972, the Council has the power to acquire any land by agreement for the purposes of its functions or for the benefit, improvement or development of the district of North Hertfordshire. The legislation provides that it does not matter if the land is not immediately required for the intended purpose, and it may be used for another purpose in the interim.
- 9.2. In addition, Section 2 of the Local Government Act 2000 provides that the Council can do anything (subject to the restrictions contained in Section 3) which is likely to promote the economic, social and environmental wellbeing of its area unless explicitly prohibited elsewhere in legislation. Again, for reasons identified in this report, the acquisition and operation of this key site would satisfy the requirements of promoting the economic and social wellbeing of the area and meet the Council's priorities.
- 9.3. As owner and landlord of Churchgate, the Council must adhere to its obligations under the Occupier Liability Acts.

10. FINANCIAL IMPLICATIONS

- 10.1 As covered in the body of the report.

11. RISK IMPLICATIONS

- 11.1 Failure to conduct a successful consultation process could result in a disengaged community and tenants – which ultimately will have a negative impact on the entire regeneration project. The team aim to mitigate this risk by ensuring that the Council consultation process is adhered to and is regularly updated in line with Councillor and community steer. The team will ensure that all involved parties are consulted regarding each step of the regeneration project.
- 11.2 The risks associated with the project are being identified, recorded, and monitored as part of the wider project governance. The team are constantly thinking of the potential threats to success and taking proportionate steps to manage these where appropriate – such as logging the risk/s on our corporate system, Pentana.
- 11.3 Proactive estate and facilities management of Churchgate is imperative to safeguard the Council's capital outlay in acquiring the leasehold. Failure to manage performance of tenants' and occupiers' obligations could adversely impact on sustainability & resilience of income, increase void periods, and prolong associated holding costs. Similarly, failure to ensure the building complies with relevant legislation, such as health & safety and energy efficiency regulations, may impinge on smooth operation of the building, tenant retention and Churchgate's ability to maintain footfall. The Council's regular meetings and correspondence with Brown & Lee, whereby management strategy and issues are discussed in depth, help to address these risks.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. There are no direct equality implications arising from this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report but would apply to any relevant procurement and or contract.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report, although there is likely to be some in relation to the regeneration.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 No direct Human Resource implication have been identified.

16. APPENDICES

- 16.1 Appendix A – Churchgate Draft Project Plan
16.2 Appendix B – 2023 Churchgate Communications Plan
16.3 Appendix C - Outline of Urgent Tasks and Buildings Insurance Stipulations.

17. CONTACT OFFICERS

- 17.1 Steve Crowley, Service Director – Enterprise, (steve.crowley@north-herts.gov.uk /ext 4211)
17.2 Chloe Gray, Enterprise Manager, (chloe.gray@north-herts.gov.uk / ext 4223)
17.3 Christopher Robson, Senior Estates Surveyor christopher.robson@north-herts.gov.uk ext 4252
17.4 Christine Crofts, Communications Manager, (Christine.crofts@north-herts.gov.uk /ext 4544)
17.5 Antonio Ciampa, Accountancy Manager, (Antonio.Ciampa@north-herts.gov.uk /ext 4566)
17.6 Isabelle Alajooz, Legal Commercial Team Manager (Isabelle.Alajooz@north-herts.gov.uk)

18. BACKGROUND PAPERS

- 18.1 None.

Draft Churchgate Project Plan

| Timeframe | Task | Resources | Key officer | Current Progress |
|-------------------------------|---|---------------------|-----------------------------|------------------|
| August 2022 | Acquire leasehold | External consultant | Steve Crowley Chloe Gray | |
| 20 September 2022 | Pre Project-Board Meeting to brief potential Project Board Members on the process, approach and roles of Project Board. | Internally | Steve Crowley | |
| 26 September 2022 | Step 1 - Project Trigger, Leadership Approval on the following: - <ul style="list-style-type: none"> ➤ Project Mandate ➤ Project Categorisation | Internally | Steve Crowley | |
| October 2022 | <p>Set up Project Board for approval at first Project Board meeting Consider the resource required to project manage the project and how best to deliver that.</p> <p>Board to be: - (PRINCE 2 principles) Chair of Project Board – Cllr Keith Hoskins Project Executive – Steve Crowley Senior User – Cllrs Keith Hoskins and Ian Albert Senior Supplier – Anthony Roche, Ian Couper and Isabelle Alajooz Project Assurance – Ian Couper Elizabeth Dennis-Harburg and Ruth Brown (specific roles to be agreed at first Project Board) Project Manager – Chloe Gray</p> <p>There may be the need to add additional members through the project, therefore, the membership of the Project Board will be flexible to allow this.</p> | Internally | Steve Crowley | |
| 7 th November 2022 | <p>Project Board, Step 2 - Project Start Up</p> <ul style="list-style-type: none"> ➤ Project Manager and Project Executive appointed ➤ Project Board and Project Assurance roles appointed, and clear terms of reference established ➤ Quality expectations established and documented in the Project Product Description ➤ Draft Business Case produced ➤ Project Brief produced – updated Project Mandate, draft Business Case and details of project approach ➤ Relevant Lessons Learned from previous projects captured and Lessons Log produced ➤ Project Plan produced for 'Step 3 - Project Initiation' only | Internally | Project Board | |

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|-----------------------------------|--|---|---|-------------------------------------|
| | Decision Point - Project Initiation authorised by the Project Board and the Project Manager's responsibilities and accountabilities confirmed | | | |
| November/ December 2022 | Consider site area and scope for regeneration (to be approved by Project Board at January 2023 meeting) | Project Board | Project Board | |
| September 2022 – February 2023 | Identify budget for consultant support costs (Budget approval process, for approval in February Full Council) | Project Board Project Team External consultant | Steve Crowley Chloe Gray | |
| November/ December 2022 | Produce Project Plan, to include Communications Plan/Strategy (to be approved by Project Board in December 2022) | Project Executive Project Team | Steve Crowley Chloe Gray Christine Crofts | |
| January 2023 | Project Board, Step 3 - Project Initiation <ul style="list-style-type: none"> ➤ Full Project Plan produced, including Communication and Quality activities, with key stages identified ➤ Draft Business Case refined ➤ Any organisation conflicts in Council roles and duties identified and the method of managing these determined ➤ Issues Log produced ➤ Project Risks identified / analysed, Project Risk Log produced and summary risk entry entered on Pentana Performance (Pentana Performance entry required for large and medium projects only) ➤ Benefits Review Plan produced on Pentana Performance ➤ Project Initiation Documentation assembled - Benefits Review Plan, updated Project Brief (updated Project Mandate, refined Business Case and details of project approach), Project Plan, Project Product Description and Project Risk Log <p>Decision Point - Project authorised by the Project Board, including approval of Project Tolerances and Change Control responsibilities</p> | Project Manager | Chloe Gray | |
| 19 January 2023 | Report to Full Council Report to set out short, medium, and long-term approach of the asset and how the project will be managed. This will include a draft project plan and draft Communications plan. | Project Executive Project Manager | Steve Crowley Chloe Gray | Report complete – awaiting meeting. |
| January 2023 | Economic recovery work Consider outcome of town centre recovery work being undertaken by People for Places and how it could inform proposals. Ensure that these | Consultants (People for Places) Project Team Newly appointed | Louise Symes Chloe Gray | |

| | | | | |
|----------------------------------|--|--|--|--|
| | strategies are aligned with Project Churchgate and the newly adopted Local Plan. | Planning Officer Andrew Figgis | | |
| February 2023 | Consultation – Phase 1 Close Phase 1 survey (on 5 February) and analyse data (with help from ZenCity) Start to build digital hub on Engage platform using information regarding the journey so far. This will provide a platform for results to be shared, comments, interactions and allows us to upload live data (or responses back to questions etc). | Engage (owners of the ZenCity platform) Project Team | Chloe Gray Christine Crofts Sarah Jenkinson Steve Crowley | |
| End of February-early March 2023 | Open in-person Hub in Unit 10, Churchgate. This will provide a base for relevant officers to work from and create a presence within the premises. Members of the community and businesses will be encouraged to come in and talk to officers to find out more about the project. Members are also welcomed to work from/ be present at the Hub once we have agreed set times and dates. | Project Manager Project Executive Brown & Lee Members | Chloe Gray Steve Crowley Graham Stilwell | |
| Early March 2023 | Sharing the results Release top level information to the community (via various comms channels defined in the Comms Plan) regarding key themes identified from the survey. We will create vision boards to display in the Hub to show the key themes and how these <i>may</i> look. The themes will allow the Council to define a clear vision for the project. Once the Council are clear on this, we can continue to tailor our messaging and other communications accordingly. These themes will also enable us to narrow down our specification for any potential partners (examples of this include housing associations, retail operators, entertainment operators etc). | Communications Engage (owners of the ZenCity platform) Project Team | Christine Crofts Sarah Jenkinson Chloe Gray | |
| March-April 2023 | Preparing to appoint a consultant/s Write the specification for the appointment of a consultant that will assist the Council in the development and project support of Churchgate. This role will be independent of any potential developer and be appointed directly by the Council to assist of the writing of any tender specifications/ documentation according to the consultations and briefs given by the Council. This role will act on the Council's behalf when engaging with subcontractors etc in the future. The independency of this | Project Team Project Board Seek external advice to support the Council Procurement Team | Chloe Gray Steve Crowley Anthony Roche | |

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|--|---|--|---|--|
| | role ensures that the Council are getting value for money, working with the 'best possible' contractors and ensures that the project is controlled. | | | |
| April 2023 | Digital Hub goes live | Communications Engage (owners of the ZenCity platform) Project Team | Chloe Gray Christine Crofts Sarah Jenkinson | |
| May-June 2023 | Appointment of the consultant/s Upon writing the specification for the above role, the team will look to appoint this role via the Council's Procurement Process. The current aim is to appoint by June 2023 depending on the preparation process. | Project Team Project Board Procurement Team | Chloe Gray Steve Crowley Anthony Roche Rizwan Sarwar | |
| June-August 2023 | Consultation – Phase 2 This is yet to be determined and will take steer from the Phase 1 outcome/s. However ultimately this will seek to clarify what the public would like to see (based on Phase 1 responses) and looking to see how this can be made possible alongside the vision of the Council. | Project Team Project Board | Steve Crowley Chloe Gray | |
| August 2023 | Consultation – Phase 2 Prepare the Consultation. | Communications Project Manager Project Team | Christine Crofts Sarah Jenkinson Chloe Gray | |
| August 2023 onwards – Dates will be set following the appointment of a consultant. | Deliver Consultation – Phase 2 | Communications Engage (owners of the ZenCity platform) Project Team | Chloe Gray Christine Crofts Sarah Jenkinson | |
| | Act upon results of the Consultation | | | |
| | Continue to work on Hitchin Town Centre Strategy | Economic Development Project Team | Louise Symes Andrew Figgis Chloe Gray | |
| | Host a series of workshops and presentations This will enable the public to have sight (in the Hub) of the key themes we are including in our tender specification. This will outline our expectations from the tendering process and detail our vision. | Project Board Consultant (Master Planner/ Developer) Project Team | Steve Crowley Chloe Gray | |

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|--|--|--|---|--|
| | We will also want to host a series of workshops with current/ surrounding tenants once we are clearer on the plan. | | | |
| | Explore opportunity for external funding options to either support the viability of the scheme, or to enhance the scheme. | Project Board Finance Team | Chloe Gray Steve Crowley Ian Couper Antonio Ciampa | |
| | Tender Kick Off | Project Board Project Team Procurement Legal Finance | Chloe Gray Steve Crowley Anthony Roche Rizwan Sarwar Ian Couper Jeanette Thompson | |
| | Appoint a developer/ joint partner | Project Board Project Team Procurement Legal Finance | | |
| | Agree project plan and timescales | Project Team Developer | | |
| | Pre application planning advice to be sought once a potential viable solution is agreed. | Planning Developer Project Team | | |
| | Develop and submit a planning application | Planning Developer Project Team | | |
| | Consider long-term stewardship of regenerated site and council's revenue/capital needs eg whether to retain or sell off elements of the development, this will help to determine overall financial viability. | Project Board | | |
| | Regeneration completed | | | |
| | Following practical completion, ongoing management of retained elements most likely through an agent. | Management agent Estates Project Board Project Team | | |

Green – Complete
Amber – In progress

Grey – Not started
Red – Behind schedule

| | | OWNER | OCTOBER | NOVEMBER | DECEMBER | JANUARY | FEBRUARY | MARCH | APRIL | MAY | JUNE | JULY | AUGUST | SEPTEMBER | OCTOBER | NOVEMBER | DECEMBER | JAN 2024 & ONWARDS | |
|--|--|--|---|---|---|--|--|---|--|--|---|--|------------------------------------|---|--|--|--|--------------------|--|
| Key calendar dates (Global/National) | RETAIL & GENERAL | | | | Festive season (Sat 24th = Super Saturday; Mon 26th = Boxing Day Sales) | New Year Sales / Veganuary / 16th = Blue &/or Brew Monday / w/c 28th = National Storytelling week | w/c 6th Feb = National Apprenticeship week; 14th = Valentines; 17th = Random Acts of Kindness Day ; 21st Pancake Day | 8th = International Women's Day; 19th = Mother's Day | Fri 6th = Good Friday; Sun 9th = Easter Sunday | Share a story month; 2nd & 30th = May Bank Holidays; 8th = Bank Holiday for King Charles' coronation | w/c 1st = Volunteers Week; 2- 5 = Big Jubilee lunch; 19th = Father's Day | Summer Sales? 29th Aug = Bank Holiday Monday | | | 31st =Halloween | 25th = Black Friday; 28th = Cyber Monday | Festive Season | | |
| | SCHOOL HOLIDAYS | | | | | | w/c 13th = Half term | | w/c 3rd and 10th = Easter | w/c 29th = Half term | | w/c 24th = Summer hols | Summer hols | Back to school | w/c 23rd = Half term | | w/c 18th = Christmas hols | | |
| | HITCHIN (Tom Hardy to provide) | | | | | | | | | | | | | | | | | | |
| Key district dates | | Town Talks/committies/events | Enterprise and Cllrs (Comms to supply any materials needed) | | 17th - Snowman installed in Churchgate | 8th: Hitchin Town Talk & Committee 20th: Southern Rural Committee | 09: Cabinet Panel on Community and Enterprise 15 - VAWG event at HTH | 20: Community Panel on Community & Enterprise | 02 March: Southern Rural Committee 13: Baldock & District Committee 15 Letchworth Committee 23: Royston & District Committee 28: Hitchin Town Talk & Hitchin Committee | | | | | | | | | | |
| Internal meeting dates | | AMANDA/CHLOE TO POPULATE | | | | | | | | | | | | | | | | | |
| Current Churchgate - keeping current tenants engaged | | Enterprise to supply content & Comms to push out | Did you know? Piece around the history include the mural? | Meet the tenants | Churchgate Christmas stars | New Year sales - great bargains to be had | Charity event - link to Random acts of Kindness? / Churchgate Pancake Race ? | Find something for Mum this Mother's Day in Churchgate | Easter Egg hunt around Churchgate? | Tenants/shoppers sharing their stories of Churchgate? | Volunteers doing great work in Churchgate / could we orgnaise a Churchgate Jubilee lunch? | | | | | | | | |
| CONSULTATION | Stage 1 = Broad, high-level 'have your say' | Digital | Comms & Enterprise | Draft, build & test survey | | Survey live - push across social, website and e-newsletters. Boosted Ads on Fbk & Insta. Pull-up banners (with QR codes) placed in cafes of Museum and Leisure Centres | Continue to push survey across social, website and e-newsletters. Increase targetting of younger responders if not getting surveys from them | Analyse Stage 1 results | Share results of stage one consultation | | | | | | | | | | |
| | | In person | Enterprise /Cllrs /Community Engagement | | | Promote at all district meetings and distribute flyers/posters across the district | Officers/Councillors to be based in hub (need an incentive to draw people in?) | | | | | | | | | | | | |
| | Stage 2 = More detailed 'continue the conversation' (results of this will be used to inform decisions) | Digital | Comms & Enterprise | | | | Develop the Churchgate Engage (digital) hub | Create moodboards/ display survey results for in-person hub | Digital Hub live | Stage 2 consultation begins | Analyse survey findings | | | | | | | | |
| | | In person | Enterprise /Cllrs /Community Engagement | | | | Appoint consultant/s to help with Stage One (and beyond) analysis and future consultations | Open In Person Hub by end Feb, officers and cllrs to be based there | Moodboards of key themes available in the hub for peoples feedback | | | | | | | | | | |
| | Stage 3 = Sharing the vision | Digital | Comms & Enterprise | | | | | | | | | | | | | | Engage hub go live with new ideas/ concepts as a result of the latest consultation | | |
| | | In person | Enterprise /Cllrs /Community Engagement | | | | | | | | | | | | | | | | |
| PR (incl stunt ideas) | | | | | Launch consultation PR issued | Invite The Comet and BBC 3CR to film at the Hub once it has opened | Churchgate Pancake race? | Reach out to DIY TV programmes - interested in re-decorating the hub for the final vision work later this year? | Issue PR to promote Stage 2 Consultation (and Stage 1 results ie you told us & we listened) | Prompt DIY programmes again - any interest? | Contact The Museum of Architecture re participation in this year's Gingerbread City https://www.thegingerbread-city.com/ | | | Issue PR to annouce findings from Stage 2 Consultation & how to get involved in the final stage | | Build Churchgate vision in Gingerbread ready for the The Museum of Architecture's Gingerbread City in Dec? | Gingerbread City PR (something different!) | | |
| LOCAL MAGAZINES | Hertfordshire Life | | | | Consultation PR issued | 4 Jan - deadline Feb edition | 01 Feb - deadline March edition | 08 March - deadline April edition | 03 April deadline May edition | 02 May deadline June edition | 07 June -deadline July edition | 05 July copy deadline August edition | 02 August copy deadline Sept Issue | 06 Sept copy deadline Oct edition | 04 Oct - copy deadline Nov edition | 01 Nov copy deadline Dec edition | 06 Dec copy deadline Jan edition | | |
| | On your doorstep | | | | Consultation PR issued | 16 Jan - deadline Feb edition | 16 Feb - deadline - March edition | 16 March - deadline April edition | 16 April - deadline May edition | 16 May - deadline May edition | 16 June - deadline July edition | 16 July - deadline August edition | 16 August - deadline Sept edition | 16 Sept - deadline Oct edition | 16 Oct - deadlie Nov edition | 16 Nov - deadline Dec edition | 16 Dec - deadline Nov edition | | |
| | Inside Hitchin | | | | Consultation PR issued | | | | | | | | | | | | | | |
| | H Town | | | | | | | 24 March - deadline April Coronation edition | | | | 23 July deadline - Hitchin FoodFest edition | | | 20 Oct - deadline Christmas Events edition | | | | |
| SOCIAL MEDIA | Current tenants & outlets | | | | Churchgate Christmas stars | New Year sales - great bargains to be had | Charity event - link to Random acts of Kindness? / Churchgate Pancake Race ? | Find something for Mum this Mother's Day in Churchgate | Easter Egg hunt around Churchgate? | Tenants/shoppers sharing their stories of Churchgate? | Volunteers doing great work in Churchgate / could we orgnaise a Churchgate Jubilee lunch? | | | | | | | | |
| | New/regeneration | | | | Promote Stage One Consultation | Promote opening of the Hub | | Share findings from Stage One and branding ideas | | | Promote Stage 2 Consultation | | | | | | | | |
| Key messages | | | | Draft Stage 1 consultation key messages | Stage 1 consultation messages go live | | | | | Draft Stage 2 consultation key messages | Stage 2 consultation messages go live | | | | | | | | |

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Churchgate Shopping Centre

Reference should be made to the Technical Due Diligence Report by BNP Paribas Real Estate, dated April 2022. This Report highlighted several high risk observations, e.g. health & safety risks, requiring urgent action. Key observations, recommendations and building insurer stipulations are summarised in the following table.

(A) **URGENT TASKS:**

- (1)**
The boiler room to the 2nd floor office has been locked off due to the presence of asbestos. Recommend the asbestos is removed by an approved contractor under the appropriate regulations and control conditions.
- (2)**
Undertake asbestos survey, including test of spandrel panels, to update the asbestos register.
- (3)**
The fire compartmentation is breached in some areas where fire doors are damaged and walls have openings around services pipework. Recommend a firestopping survey in the immediate term is undertaken by a specialist and an allowance made for repair works including overhaul and replacement of some fire doors. Firestopping survey to identify any breaches to fire compartmentation including damage to fire doors. This to include all main shopping centre units, office block and 'the block'. Allowance for firestopping works following firestopping survey.
- (4)**
Replace damaged fire exit door sets with new.
- (5)**
A number of immediate health and safety works are needed to avoid potential injury to the public. These include replacement of broken windows, removal of a dislodged water tank lid on the roof and repair of loose, spalled concrete to high level lintels and sections of the concrete frame.
- (6)**
Replace broken glazing, damaged spandrel panel, clear debris from roofs and make good spalling concrete.
- (7)**
Undertake close-up visual inspection of the external suspended beam above the roof of the Iceland unit where spalled at mid-level.
- (8)**
Undertake investigation of the Iceland service yard wall where cracked and moving away from the main building elevation. Recommend the wall is tied back/anchored to prevent possibility of collapse following review by a structural engineer.
- (9)**
Allowance for further investigations by a structural engineer as detailed in the report.
- (10)**
Undertake a planned maintenance programme including detailed roofs and rainwater goods survey in preparation of a repair scheme to limit or remove current leaks and maintain the buildings in a safe condition prior to redevelopment.
- (11)**
Repair defective rainwater goods and clear blocked pipework leaving all free-flowing.

(12)

Undertake investigation of the timber frame to No.12 Market Place (Nationwide Building Society) by a structural engineer and timber specialist. Investigation to include:

- **Right flank wall which rotates outwards and where render is variously cracked.**
- **Roof structure.**
- **Lath and plaster walls and ceilings.**

(13)

Repair leaking box gutter to No.12 Market Place (Nationwide) and complete further investigations of timber framework. Water penetration into the unit has caused timber rot to the framing of the building and immediate repairs are needed to mitigate the risk of an enforcement notice being issued. *NB: Grade II* Listed.*

(B)

BUILDINGS INSURANCE STIPULATIONS:

North Herts Council's building insurer has stipulated:

(1)

Fixed wiring test should be completed as soon as possible and identified rectifications implemented.

(2)

Where a tenant has a cooking facility, any kitchen ventilation systems are cleaned in line with the legal requirement.

(3)

Where a tenant undertakes regular deep fat frying, tenant should be encouraged to have a fire suppression system.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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