

Public Document Pack

Kirklees Council



Council Chamber - Town Hall, Huddersfield

Tuesday 5 December 2023

Dear Member

The Council will meet on Wednesday 13 December 2023 at 5.30 pm in the Council Chamber - Town Hall, Huddersfield.

This meeting will be webcast live and will be available to view via the Council's website.

The following matters will be debated:

Pages

1: Announcements by the Mayor and Chief Executive

To receive any announcements from the Mayor and Chief Executive.

2: Apologies for absence

Group Business Managers to submit any apologies for absence.

3: Minutes of Previous Meeting

1 - 10

To approve the Minutes of the Meeting of the Council Meeting held on 15 November 2023.

4: Declaration of Interests

Members will be asked to advise if there are any items on the Agenda in which they have a disclosable pecuniary interest, or any other interests, which may prevent them from participating in the discussion or vote on any of the items.

5: Petitions (From Members of the Council)

To receive any Petitions from Members of the Council in accordance with Council Procedure Rule 9.

6: Deputations & Petitions (From Members of the Public)

Council will receive any petitions and/or deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting (by Thursday 7 December) and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

7: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

8: Council Petition Debate

In accordance with Council Procedure Rule 9a, Council will discuss the subject matter of a previously submitted petition which opposes the potential closure of Claremont House Care Home.

9: Elected Member Attendance at Meetings

13 - 16

To consider the report.

Contact: Julie Muscroft, Service Director – Legal, Governance and Commissioning

10: Kirklees Council Tax Reduction Scheme Review 2024/2025 (Reference from Cabinet)

17 - 282

To consider the report.

Contact: Julian Hobson, Welfare and Exchequer Services

11: Written Questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons

To receive written questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons in accordance with Council Procedure Rule 12.

A schedule of written questions will be tabled at the meeting.

12: Minutes of Cabinet and Cabinet Committee - Local Issues

283 -
300

To receive the Minutes of (i) Cabinet held on 26 September and 17 October 2023 and (ii) Cabinet Committee – Local Issues held on 20 October 2023.

13: Holding the Executive to Account

- (a) To receive a portfolio update from the Leader of the Council.
 - (b) To receive oral questions/comments to Cabinet Members on their portfolios and relevant Cabinet Minutes;
 - The Leader of the Council (Councillor Scott)
 - The Deputy Leader of the Council/Corporate Portfolio (Councillor P Davies)
 - Children's Services Portfolio (Councillor Kendrick)
 - Communities Portfolio (Councillor Pervaiz)
 - Culture and Greener Kirklees Portfolio (Councillor Hussain)
 - Finance and Regeneration Portfolio (Councillor Turner)
 - Health and Social Care Portfolio (Councillor Ramsay)
 - Housing and Highways Portfolio (Councillor Crook)
 - Learning and Aspiration and Portfolio (Councillor Reynolds)
-

14: Minutes of Other Committees

301 -
342

- (a) Corporate Parenting Board
 - (b) Overview and Scrutiny Management Committee
 - (c) Strategic Planning Committee
-

15: Oral Questions to Committee/Sub Committee/Panel Chairs and Nominated Spokespersons of Joint Committees/External Bodies

To receive oral questions in accordance with Council Procedure Rule 13(4):

- Appeals Panel (Councillor H Zaman)
- Corporate Governance and Audit Committee (Councillor Homewood)
- Corporate Parenting Board (Councillor Kendrick)
- Health and Wellbeing Board (Councillor Ramsay)
- Licensing and Safety Committee - including Licensing and Regulatory Panel (Councillor A U Pinnock)
- Overview and Scrutiny Management Committee (Councillor Smaje)
- Personnel Committee (Councillor Scott)
- Planning Sub Committee - Heavy Woollen Area (Councillor E Firth)

- Planning Sub Committee - Huddersfield Area (Councillor Ullah)
 - Scrutiny Panel – Childrens (Councillor Cooper)
 - Scrutiny Panel – Environment and Climate Change (Councillor J D Lawson)
 - Scrutiny Panel – Growth and Regeneration (Councillor Pandor)
 - Scrutiny Panel – Health and Adult Social Care (Councillor Armer)
 - Standards Committee (Councillor McCarthy)
 - Strategic Planning Committee (Councillor S Hall)
 - Kirklees Active Leisure (Councillor Sokhal)
 - West Yorkshire Combined Authority (Councillor Scott)
 - West Yorkshire Combined Authority Transport Committee (Councillor Anwar)
 - West Yorkshire Fire and Rescue Authority (Councillor O'Donovan)
 - West Yorkshire Joint Services Committee (to be confirmed)
 - West Yorkshire Police and Crime Panel (Councillor Lowe)
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16: Motion submitted in accordance with Council Procedure Rule 14 as to School Uniform Costs

To consider the following Motion in the names of Councillor Munro and Councillor Marchington;

“This Council notes that:

- 1) School uniform can be a significant expense for many families and the cost-of-living crisis means that buying school uniforms is an even bigger concern than usual for many parents;
- 2) Recent research by the Children’s Society found that parents spent on average £287 a year on primary school uniforms and £422 a year on secondary uniforms, with branded items costing more. The Children’s Society also found that pupils are expected to have an average of 3 branded items of uniform, while almost a third of secondary school pupils are required to own up to branded items;
- 3) The cost of uniforms can be unnecessarily pushed up by practices such as sourcing a uniform from a single specialist provider;
- 4) The Government has published new statutory guidance aimed at making school uniforms more affordable after a legal requirement to do so passed into law in 2021. In contrast to the previous school uniform guidance, which was non-statutory, the Education (Guidance about Costs of School

Uniforms) Act, which was introduced in the House of Commons in February 2020, and completed its stages in 2021, became law with cross-party support and requires the Government to publish legally binding guidance requiring school authorities to consider costs when setting school uniform policies. Schools and their governing boards must have regard to the statutory guidance when developing and implementing their school and trust uniform policies. The main points of the statutory guidance are:

- a) Schools need to ensure that their uniform is affordable.
- b) In considering costs, schools will need to think about the total costs of school uniforms.
- c) Schools should keep the use of branded items to a minimum.
- d) Schools should ensure that their uniform supplier arrangements give the highest priority to cost and value for money (including the quality and durability of the garment).
- e) Schools should ensure that second-hand uniforms are available for parents to acquire. Information on second-hand uniforms should be clear for parents of current and prospective pupils and published on the school's website.

This Council believes that:

- 1) The statutory guidance set out by the Government is having a limited impact – branded items are still rife and a survey by The Children's Society shows that uniform costs are rising. The statutory guidance is not clear enough and has been interpreted differently by schools. Many schools are failing to adhere to it;
- 2) Spending on school uniform is a lottery. Some schools require parents to spend money on expensive uniform from specialist shops, while other schools will allow parents to buy from the high street, often at a significantly reduced price, and a small minority of schools do not require pupils to wear a uniform at all;
- 3) The cost of highly branded school uniform policies is unacceptable. The country is experiencing a cost-of-living crisis. Families are facing a huge squeeze on their income and expensive school uniform policies are forcing families to spend a lot of extra money they simply do not have;
- 4) Schools are under huge range of pressures and are often lack resources to help and support parents, while many local authorities no longer provide the school uniform grant, which

supports disadvantaged families to help deal with the costs. The Kirklees grant was phased out in 2010 and Kirklees Council is no longer offering school uniform grants. While some schools offer support to families with the cost of buying their uniforms, this taxpayer-funded support would go much further if the uniform requirements were less expensive. Reducing the cost of uniform policies would help to ensure such funds could be spent on things that enhance education, such as school trips;

- 5) The Children's Society should be supported in its recommendations to make school uniforms more affordable. This includes:
- (i) The Government reissuing school uniform guidance to all schools to remind them of their responsibilities in relation to the affordability and availability of school uniforms.
 - (ii) The Government to make the school uniform guidance a requirement, so that schools have a legally binding commitment to comply with it.
 - (iii) The Government should also explore capping the cost of school uniforms, which would help to ensure that parents are not paying unreasonable costs.

This Council, therefore, resolves to:

- 1) Write to the Secretary of State for Education to call on the Government to review and update its statutory guidance, to ensure that the guidance is clear and unambiguous. As a minimum, the guidance should be amended to:
 - Include a limit on the number of branded items in a state school uniform, with an appropriate number of items specified for primary and secondary schools.
 - Prohibit schools from requiring branded items where more than 1 item would need to be purchased, such as shirts, non-PE polo shirts, skirts or trousers.
 - Prevent schools from requiring branded items that are substantially more expensive than the unbranded equivalent or similar items at other local schools.
 - Prevent schools from requiring multiple items of the same type of footwear, such as indoor and outdoor shoes and indoor and outdoor trainers for PE.

If a school does not comply with the updated statutory guidance in time for the 2024/25 academic year, parents should be able to complain directly to the Department for Education, who should be able to enforce compliance with the guidance.

In addition, Ofsted, should be tasked with policing school's compliance with the school uniform rules as part of their inspections;

- 2) Work collaboratively with schools across the Kirklees district to:
 - Ensure schools understand the importance of cost-effective uniform policies.
 - Ensure schools have fair and effective uniform policies.
 - Ensure schools are complying with the Government's statutory guidance.
 - Ensure schools do not punish their students for uniform breaches outside their control.
 - Ensure schools are able to provide appropriate support to families struggling with the cost of school uniform.
 - 3) The Council should regularly monitor the costs of uniform across the district and support schools to make changes, where necessary, such as complying with the requirement to signpost parents to second-hand uniforms.”
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17: Motion submitted in accordance with Council Procedure Rule 14 as to Water Quality and Sewage Discharge

To consider the following Motion in the names of Councillor Marchington and Councillor P A Davies;

“This Council notes that:

- 1) Most of the UK has a combined sewerage system, meaning that both rainwater and waste water (from toilets, bathrooms and kitchens) are carried in the same pipes to a sewage treatment works. However, during heavy rainfall, the capacity of these pipes can be exceeded, which has the potential to back up and flood people's homes, roads and open spaces, unless it is allowed to spill elsewhere. As a result, the system is designed to overflow occasionally and discharge excess wastewater into our rivers and seas. However, data shows that the use of overflows is not occasional, as it should be;
- 2) Sewage and wastewater discharge is a significant factor in water quality and has an adverse impact on the health of river ecosystems;
- 3) According to the Wildlife Trusts, only 16% of waters in England are currently in good ecological health and none meet chemical standards. This means that, overall, there are no rivers, lakes, estuaries or seas in England that are

currently in a healthy condition;

- 4) This is a local issue as well. Last year, the amount of time sewage was allowed to spill into Yorkshire's waterways was 232,054 hours, with 54,273 monitored spill events. According to the Environment Agency, parts of Yorkshire have some of the highest number of serious water pollution incidents in England and Kirklees has ranked amongst the highest in recent years. Data from 2021 has revealed that 5 of the top 20 most polluted rivers are in Yorkshire, with the River Calder the second most sewage-polluted waterway in the country, with sewage flowing into the river and tributaries for 27,901 hours;
- 5) The national Liberal Democrat party has published a plan to help tackle the sewage scandal. This includes:
 - A 'Sewage Tax' of 16% on water companies to create an emergency fund for cleaning up rivers. The party believe that a significant proportion of the profits that water companies make should be reinvested to protect Britain's streams and rivers, as it should be the water companies and not consumers who should pay to clean up the mess.
 - Local environmental groups to be added onto water company boards to help support the water companies in their duties to protect and enhance the environment.
 - Water companies should adopt a 'public benefit company' model, so that economic and environmental policy objectives are also considered when running the company, rather than just a return for shareholders.
 - Ofwat, the water regulator, should be abolished and replaced with a tough new independent regulator with real powers, to protect our rivers and beaches from sewage dumps. The new regulator would have the power to hand out unlimited fines and, if necessary, to prosecute companies who fail to meet their legal duties.
 - Rivers in Britain should be given a new 'blue flag status' to protect waterways from sewage dumping. The designations would work in a similar way to the international scheme that exists for beaches and marinas and requires a series of environmental standards to be met.

This Council believes that:

- 1) Healthy waterways are the foundation for all life, but our rivers and lakes have become poisoned, which has had a hugely negative impact on aquatic wildlife and habitats;
- 2) The Government needs to set out more ambitious targets to

repair the damage inflicted on our rivers and watercourses;

- 3) The council has a number of legal responsibilities in relation to protecting its rivers and watercourses as well as in relation to public health;
- 4) Local authorities, including Kirklees Council, should also have powers to fine water utility companies for preventable sewage dumping. The Council should use its voice to put pressure on water companies and the Government to make improvements and fulfil their obligations to Kirklees residents, and resident elsewhere across the country;
- 5) Many Kirklees residents are concerned about water quality and the impact of regular wastewater discharge and untreated sewage into our rivers, and the impact that this has on human health and wildlife. Now, more than ever, water quality is at the forefront of public consciousness, as releasing sewage into rivers is no longer an emergency-only situation occurring as a result of severe rainfall, but a regular occurrence. This is at a time when water companies are reportedly pushing to be allowed to increase water bills in England by up to 40% by 2030 to pay for the sewage crisis, essentially offloading the cost of cleaning up sewage spills on to British households.

This Council, therefore, resolves to:

1. Work collaboratively with the Canal & River Trust, Yorkshire Water and the Government, to improve water quality and the health of our rivers, lakes and watercourses across our district. The plan outlined by the national Liberal Democrat party should be adopted to help protect our waterways from sewage dumping;
2. Write to the Secretary of State for Environment, Food and Rural Affairs calling for an urgent ban on sewage discharge in our rivers, lakes and watercourses. Furthermore, to request that the Government is more ambitious in its overall target to improve water quality. It should be in line with the Wildlife Trusts' target for at least 75% of rivers, streams and other freshwater bodies to reach an overall 'clean waters' status by 2042;
3. Write to Yorkshire Water to request that:
 - (1) They stop the routine discharge of sewage in our district's rivers, lakes and watercourses and invest in appropriate infrastructure to reduce the frequency of the discharges;
 - (2) They provide the Council with an action plan outlining the steps they are taking to mitigate such instances of sewage

discharge; and

(3) They review the plan on a 6 monthly basis to consider how they are complying with their legal obligations on this issue.”

18: Motion submitted in accordance with Council Procedure Rule 14 as to NHS Dental Contract Reform

To consider the following Motion in the names of Councillors P A Davies and A Smith;

“This Council notes that:

- 1) NHS dentistry operates similarly to GP practices in that most dentists are not employed directly by the NHS but operate as independent contractors. In practice, this means that dentists purchase and equip the surgery, hire staff and pay all the running costs (such as wages, materials and insurance) in order to provide an NHS dental service;
- 2) Dentists enter into agreements with NHS England which commits them to perform a set number of ‘units’ of treatment every year. The contract gives NHS dental practices targets to hit, and this is known as units of dental activity (UDA). If dental practices do not hit their targets, they risk losing a significant part of their NHS funding;
- 3) Dentists are paid by the NHS according to the number of UDAs they provide. UDAs are a measure of the amount of work done during dental treatment. More complex dental treatments count for more UDAs than simpler ones. For example, an examination is 1 UDA, fillings are 3 UDAs and dentures are 12 UDAs, but the UDA bears no relation to the amount of work or true cost of the treatment. This means that NHS dentists have to subsidise more complex work. In addition, dentists have inherited different UDA tariffs, so different dentists get paid different rates for the same treatment.
- 4) There is a shortage of dentists in England. According to NHS figures, the number of dentists providing NHS care in England fell from 23,733 at the end of 2020 to 21,544 at the end of January this year. This means that the NHS now has the smallest number of dentists it has had for over a decade. It is also a local problem, with Kirklees losing 11% of its dentists, meaning that it is among the 25 most affected areas nationally.

This Council believes that:

- 1) Access to NHS dental care and treatment has become enormously limited and this is a huge issue. Many people across Kirklees and England have been forced to go private and are battling to get treatment as practices stop seeing NHS patients. Many people travel miles outside their areas to access NHS treatment and some have even travelled overseas for treatment. Sadly, there has been a rise in do-it-yourself dentistry, which is enormously risky and can be harmful to dental health;
- 2) Dental care is an essential part of health care and should be available to all, yet oral health inequality is widening across Kirklees and across the country. A shortage of NHS appointments and treatment is particularly affecting those on low incomes the hardest, as well as patients with high levels of need, including those who are vulnerable. A lack of access to NHS dental care has real implications; it is deepening health inequalities and resulting in a rise of health issues, such as tooth decay, gum disease and oral cancer;
- 3) Dental surgeries have been forced to scale back their services. In part this is due to recruitment and retention issues, as well as NHS dental care services being underfunded and overstretched. There are staffing shortages which has been exacerbated by Brexit and Covid-19. Many dentists are unhappy with the NHS dental contract, according to the British Dental Association, and this may also a significant factor;
- 4) The current NHS dental contract is unworkable and is not fit-for-purpose. The dental contract, introduced in 2006, has attracted criticism from a range of bodies, including the British Dental Association and patient groups. It effectively remunerates dentists solely on their activity, meaning that dental surgeries are incentivised not to deal with the most serious cases. It wrongly puts the focus on meeting targets rather than delivering good patient care. Over the last year, there have been some changes made to the NHS dental contract, but as the British Dental Association note, these minor changes do not go far enough in helping to tackle the current crisis;
- 5) In some cases, dentists are losing money to see patients, particularly those with high needs. Many newly qualified dentists are simply unable to cover the costs of providing NHS treatment. Many dentists are feeling pressure to go private in order to cover wages and equipment costs and to survive as a business; many are leaving the profession entirely. Under the current model, it is difficult for dentists to provide a standard level of care to all patients, given the time constraints and

need to meet UDA targets;

- 6) There has been a worrying shift towards the privatisation of NHS dentistry. The current system is failing patients and dental teams and contributing significantly to access problems in Kirklees and across the country. The dental contract needs to be replaced with a more modern system which puts prevention at its heart and better reflects dentistry in the 21st century;
- 7) While a commitment to reform the current NHS dental contract has been an established goal of successive governments, progress has been slow and has not been substantive. The current government and NHS England must intervene and speed up dental contract reform. Urgent and fundamental reform is required to ensure that people can access the dental care they are entitled to. In addition, the government needs to provide sustained funding to tackle the underlying problems of dental access and affordability. These problems lead to increased risk of diabetes, cardiovascular disease and Alzheimer's disease;
- 8) It is shocking that there is a massive surge in children and teenagers needing teeth removed at hospital emergency departments due to decay due to a lack of dental healthcare access. Government data shows that 42,180 operations for tooth extraction took place in NHS hospitals in England in 2021/22 for those aged under 20. Tooth decay is the most common reason for children aged 6-10 to be admitted to hospital. We are failing our children. It is essential that we push the prevention of gingivitis before it progresses to periodontitis due to the high cost to the NHS of treating health related conditions, such as those outlined in the previous paragraph.

This Council, therefore, resolves that:

The Leader of the Council writes to the Parliamentary Under-Secretary of State for Primary Care and Public health to demand an urgent independent review of the NHS dental contract.”

By Order of the Council



Steve Mawson
Chief Executive

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Contact Officer: Andrea Woodside

COUNCIL

KIRKLEES COUNCIL

**At the Meeting of the Council of the Borough of Kirklees held at
Main Hall - Town Hall, Huddersfield on Wednesday 15 November 2023**

PRESENT

The Mayor (Councillor Cahal Burke) in the Chair

COUNCILLORS

Councillor Beverley Addy	Councillor Masood Ahmed
Councillor Itrat Ali	Councillor Karen Allison
Councillor Ammar Anwar	Councillor Zarina Amin
Councillor Bill Armer	Councillor Timothy Bamford
Councillor Donna Bellamy	Councillor Aafaq Butt
Councillor Andrew Cooper	Councillor Moses Crook
Councillor Nosheen Dad	Councillor Paola Antonia Davies
Councillor Eric Firth	Councillor Charles Greaves
Councillor Adam Gregg	Councillor Steve Hall
Councillor Tyler Hawkins	Councillor Lisa Holmes
Councillor James Homewood	Councillor Yusra Hussain
Councillor Manisha Roma Kaushik	Councillor Viv Kendrick
Councillor Musarrat Khan	Councillor Jo Lawson
Councillor John Lawson	Councillor Vivien Lees-Hamilton
Councillor Susan Lee-Richards	Councillor Gwen Lowe
Councillor Andrew Marchington	Councillor Harry McCarthy
Councillor Tony McGrath	Councillor Bernard McGuin
Councillor Hannah McKerchar	Councillor Matthew McLoughlin
Councillor Paul Moore	Councillor Alison Munro
Councillor Darren O'Donovan	Councillor Shabir Pandor
Councillor Carole Pattison	Councillor Amanda Pinnock
Councillor Andrew Pinnock	Councillor Kath Pinnock
Councillor Jackie Ramsay	Councillor Elizabeth Reynolds
Councillor Imran Safdar	Councillor Cathy Scott
Councillor Will Simpson	Councillor Anthony Smith
Councillor Elizabeth Smaje	Councillor Richard Smith
Councillor Melanie Stephen	Councillor Mohan Sokhal
Councillor John Taylor	Councillor Mark Thompson
Councillor Graham Turner	Councillor Sheikh Ullah
Councillor Adam Zaman	Councillor Habiban Zaman

56

Announcements by the Mayor and Chief Executive

The Mayor conveyed congratulations to Omaid Badar for achieving recognition as national Social Worker of the Year at the Social Worker of the Year Awards, and to

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Vicky Doolan who was shortlisted for the award. Congratulations were also conveyed to Christopher Smith Whicker who was shortlisted for Practice Educator of the Year.

The Mayor advised Council that, following a recent Ofsted inspection, the University of Huddersfield's Apprenticeship division had been judged as 'outstanding'. The Mayor congratulated the University upon this outcome, which was the highest grade that the University could have been awarded.

57 **Apologies for absence**

Apologies for absence were received on behalf of Councillors Bolt, P Davies, D Firth, D Hall, Dockrat, Mather, Sheard and Pervaiz.

58 **Minutes of Previous Meeting**

RESOLVED - That the Minutes of the Meeting held on 18 October 2023 be approved as a correct record.

59 **Declaration of Interests**

No interests were declared.

60 **Petitions (From Members of the Council)**

Council received the following petitions;

- (i) Councillor A Pinnock - Cleckheaton Town Hall End to neglect and delay to repairs
- (ii) Councillor Kendrick - Stop the Closure of Claremont House

The Mayor advised that, in accordance with Council Procedure Rule 9(3), the subject matter of the petitions be referred to the relevant Service Directors.

61 **Deputations & Petitions (From Members of the Public)**

In accordance with Council Procedure Rule Council 10, Council received the following deputations;

- (i) Sara Blagbough (regarding the potential closure of Castle Grange Care Home)

A response was provided by the Cabinet Member for Health and Social Care (Councillor Ramsay)

- (ii) Philip Gott (regarding the future of Batley Owls)

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Turner)

- (iii) Tim Gilligan (regarding the Council's cuts to services)

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Turner)

(iv) Surraya Patel (regarding sports provision in Dewsbury)

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Turner)

62 Public Question Time

Council received the following Public Questions in accordance with Council Procedure Rule 11;

(i) Question from Carl Mason

“Kirklees Council's social value policy states it will require all applicants for grants of £50,000 or more to provide a statement of social value benefits and how these will be realised, for consideration as part of the investment decision process.

As KAL have been offered £2.555M for 2024/25 will the Council confirm it has received this statement showing that KAL achieves social value for taxpayers' money granted to them for running leisure centres in Kirklees?”

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Turner).

(ii) Question from Carl Mason

“As advised in the Kirklees Active Leisure financial statements of 31 March 2022 KAL and Kirklees Council jointly developed a Partnership Framework, which was agreed by the Council's Cabinet in July 2021 and subsequently agreed by the KAL board at a special KAL Board meeting held on the 5th August 2021, as this is a partnership can you confirm the current leisure centre pricing model is a jointly agreed model?”

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Turner).

(iii) Question from David Longstaff

“My home in Fenay Bridge backs onto Fenay Beck.

What are the Council plans to reduce the risk of flooding of the beck from development of houses on HS9 in the Local Plan?”

A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Turner).

(iv) Question from David Longstaff

“Land at HS9 in Fenay Bridge was I understand originally earmarked for Extra Care Housing. Why has this changed?”

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A response was provided by the Cabinet Member for Finance and Regeneration (Councillor Turner).

(v) Question from Lesley Warner

"Whilst we appreciate the constraints placed on the Council at the present time we don't feel that enough consideration has been given to creative ways of both saving monies and raising monies...what grants have been applied for, Sport England? Grants for new technologies? What businesses have been approached for sponsorships? Have loans been applied for to sustain all present facilities in the short term?"

The Cabinet Member for Finance and Regeneration (Councillor Turner) advised that a written response would be provided.

(vi) Question from Lesley Warner

"The short term budget crisis is going to create long term health issues. We all know that when these centres are shut, they won't reopen. Can we plead that you all do everything that is possible to avoid these proposed damaging closures?"

Due to time constraints, the Mayor advised that a written response would be provided.

63 **Key Discussion - Elected Mayor (West Yorkshire Combined Authority)**

The Elected Mayor of West Yorkshire was in attendance for the key discussion and provided an overview of her priorities, prior to a question and answer session.

64 **Motion submitted in accordance with Council Procedure Rule 14 as to Small Business Saturday**

It was moved by Councillor Munro, and seconded by Councillor A Smith that;

"This Council notes that:

- 1) Small Business Saturday is an annual event which was created to encourage consumers to 'shop local', in person and online, and to support small, independent businesses in their communities;
- 2) Small Business Saturday 2023 is coming up on Saturday 2nd December. Small Business Saturday has grown into a significant event – with £1.1 billion spent at small businesses during the 2020 event alone;
- 3) This is an excellent opportunity to promote small businesses in Kirklees and to celebrate the contribution smaller businesses make to our district.

This Council believes that:

- 1) Small businesses are the heart and soul of our local high streets. They help give our villages and towns in Kirklees their unique character and employ thousands of

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local people. It is only by supporting our local independent businesses that we can also help our local high streets thrive;

2) Now, more than ever, we need to be supporting our small businesses and local shops, who are currently experiencing enormous challenges, including economic, political and social uncertainty, the cost-of-living crisis and impact on consumer spending, the rising cost of bills and a reduction in profit margins due to inflation. A side effect of rising inflation is higher interest rates, which has an impact on borrowing and enabling businesses to access finance, including business loans. According to recent reports, UK high street businesses could face a quadrupling of their tax bills next year and close to a £2 billion increase in business rate payments;

3) Local businesses are vital to local economies – they are significant creators of jobs and are more likely to hire people who live locally. The money spent at a local business is more likely to stay in the community. They are the backbone of our communities, bringing people together and building local character. However, many small businesses will close unless we support them better.

This Council resolves to:

1) Instruct the Chief Executive and Heads of Service to ensure that the Council participates in Small Business Saturday on Saturday 2nd December 2023;

2) Request that officers work closely with local business organisations and smaller enterprises across Kirklees to make them aware of Small Business Saturday and encourage them to sign up;

3) Ensure that Small Business Saturday is promoted prominently on the Council's website, social media channels and other external communications;

4) Develop a year-round communications plan to continue promoting local small businesses and encouraging residents in Kirklees to shop local all year round;

5) Investigate further ways to increase shopper numbers around Small Business Saturday and in the lead up to Christmas – such as free car parking in the town centre on busy shopping days – and establish a regular programme of measures to support small businesses.”

Whereupon, it was moved by Councillor Turner, and seconded by Councillor Scott, by way of amendment, that;

This Council notes that:

- 1) Small Business Saturday is an annual event which was created to encourage consumers to 'shop local', in person and online, and to support small, independent businesses in their communities;
- 2) Small Business Saturday 2023 is coming up on Saturday 2nd December. Small Business Saturday has grown into a significant event – with £1.1 billion

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spent at small businesses during the 2020 event alone;

- 3) This is an excellent opportunity to promote small businesses in Kirklees and to celebrate the contribution smaller businesses make to our district.

This Council believes that:

- 1) Small businesses are the heart and soul of our local high streets. They help give our villages and towns in Kirklees their unique character and employ thousands of local people. It is only by supporting our local independent businesses that we can also help our local high streets thrive;

- 2) Now, more than ever, we need to be supporting our small businesses and local shops, who are currently experiencing enormous challenges, including economic, political and social uncertainty, the cost-of-living crisis and impact on consumer spending, the rising cost of bills and a reduction in profit margins due to inflation. A side effect of rising inflation is higher interest rates, which has an impact on borrowing and enabling businesses to access finance, including business loans. According to recent reports, UK high street businesses could face a quadrupling of their tax bills next year and close to a £2 billion increase in business rate payments;

- 3) Local businesses are vital to local economies – they are significant creators of jobs and are more likely to hire people who live locally. The money spent at a local business is more likely to stay in the community. They are the backbone of our communities, bringing people together and building local character. However, many small businesses will close unless we support them better.

This Council resolves to:

- 1) Call upon the Government to replace the outdated business rates system with a modern system of fair business taxes, that recognises the challenges and difficulties for new and start-up businesses.
- 2) Request that Officers work closely with local business organisations and smaller enterprises across Kirklees to make them aware of Small Business Saturday and encourage them to sign up.
- 3) Ensure that Small Business Saturday is promoted prominently on the Council's website, social media channels and other external communications.
- 4) Develop a year-round communications plan to continue promoting local small businesses and encouraging residents in Kirklees to shop local all year round.
- 5) Request that the Government takes action to ensure the scourge of late payments which can decimate small business cash flow and should be tackled with meaningful legislation.

Council - 15 November 2023

- 6) Request that appropriate measures should also be introduced to ensure small business can access public contacts in a simpler way, to ensure the playing field is level with large companies whose resources allow them an unfair advantage.
- 7) Notes that Officers and Portfolio Holders are looking at ways to encourage shoppers into town in the run up to Christmas by looking at what options are available.

The amendment, upon being accepted by the proposer of the Motion, was put to the vote and it was;

RESOLVED -

This Council notes that:

- 1) Small Business Saturday is an annual event which was created to encourage consumers to 'shop local', in person and online, and to support small, independent businesses in their communities;
- 2) Small Business Saturday 2023 is coming up on Saturday 2nd December. Small Business Saturday has grown into a significant event – with £1.1 billion spent at small businesses during the 2020 event alone;
- 3) This is an excellent opportunity to promote small businesses in Kirklees and to celebrate the contribution smaller businesses make to our district.

This Council believes that:

- 1) Small businesses are the heart and soul of our local high streets. They help give our villages and towns in Kirklees their unique character and employ thousands of local people. It is only by supporting our local independent businesses that we can also help our local high streets thrive;
- 2) Now, more than ever, we need to be supporting our small businesses and local shops, who are currently experiencing enormous challenges, including economic, political and social uncertainty, the cost-of-living crisis and impact on consumer spending, the rising cost of bills and a reduction in profit margins due to inflation. A side effect of rising inflation is higher interest rates, which has an impact on borrowing and enabling businesses to access finance, including business loans. According to recent reports, UK high street businesses could face a quadrupling of their tax bills next year and close to a £2 billion increase in business rate payments;
- 3) Local businesses are vital to local economies – they are significant creators of jobs and are more likely to hire people who live locally. The money spent at a local business is more likely to stay in the community. They are the backbone of our communities, bringing people together and building local character. However, many small businesses will close unless we support them better.

Council - 15 November 2023

This Council resolves to:

- 1) Call upon the Government to replace the outdated business rates system with a modern system of fair business taxes, that recognises the challenges and difficulties for new and start-up businesses.
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- 3) Ensure that Small Business Saturday is promoted prominently on the Council's website, social media channels and other external communications.
- 4) Develop a year-round communications plan to continue promoting local small businesses and encouraging residents in Kirklees to shop local all year round.
- 5) Request that the Government takes action to ensure the scourge of late payments which can decimate small business cash flow and should be tackled with meaningful legislation.
- 6) Request that appropriate measures should also be introduced to ensure small business can access public contacts in a simpler way, to ensure the playing field is level with large companies whose resources allow them an unfair advantage.
- 7) Notes that Officers and Portfolio Holders are looking at ways to encourage shoppers into town in the run up to Christmas by looking at what options are available.

65 **West Yorkshire Combined Authority - Minutes**

The Minutes of the Meeting of West Yorkshire Combined Authority held on 7 September and 29 September 2023 were received and noted.

66 **Kirklees Local Plan Review and Update (Reference from Cabinet)**

It was moved by Councillor Turner, seconded by Councillor Scott and

RESOLVED

- 1) That Council approves the commencement of a full update of the Kirklees Local Plan in accordance with the statutory process as set out in the Town and Country Planning Regulations 2012.
- 2) That Council approves the funding of the update of the Kirklees Local Plan, estimated at £2m over a five year period, including utilising funding from the Leeds City Region Business Pool and other funding sources.

67 Appointment of Chair - Growth and Regeneration Scrutiny Panel

It was moved by Councillor Sokhal and seconded by Councillor Simpson that Councillor Pandor be appointed as Chair of the Growth and Regeneration Scrutiny Panel for the remainder of the municipal year.

Whereupon, it was moved by Councillor Taylor and seconded by Councillor McGrath that Councillor D Hall be appointed as Chair of the Growth and Regeneration Scrutiny Panel for the remainder of the municipal year.

Upon being put to the vote, it was

RESOLVED – That Councillor Pandor be appointed as Chair of the Growth and Regeneration Scrutiny Panel for the remainder of the municipal year.

68 Written Questions to the Leader, Cabinet Members, Chairs of Committees and Nominated Spokespersons

Council received the following written questions in accordance with Council Procedure Rule 12;

Question from Councillor Greaves to the Cabinet Member for Finance and Regeneration (Councillor Turner)

“For the last 3 years Independent Councillors have been engaging with officers and cabinet to secure the release of s106 funds to the Meltham schools. In doing so we have discovered that this Council is currently sat on £1.6M of funding for schools in the valleys that has come from housing developments – some of this money has been held for many years – and there is more money to come in the future. This money is ringfenced for the schools named in the legal agreement – it is not part of the Council budget and it can’t be used for any other purpose than to fund the schools for which it was claimed.

The Council can either work with the schools to develop suitable uses for the money, continue to sit on the money and ignore the needs of our schools, or return the money to the developers.

As Cllr Turner said at the last meeting - "We're not wanting much, we just want our fair share."

When pushed this Council has said it is unable to release the money except to create additional school places. Whilst this is an incorrect understanding of the law and the individual legal agreements, at the October meeting Cllr Turner restated this incorrect understanding, but then went on to comment that in respect of the 3 Meltham schools:

“We are working on a plan to passport the 106 money, this is complex because of the legal binding agreement and is ongoing.”

What exactly does this mean – because it sounds like someone accepting that they are wrong but refusing to acknowledge it?”

A response was provided by the Cabinet Member.

Question from Councillor Greaves to the Cabinet Member for Finance and Regeneration (Councillor Turner)

“Why has the Council failed to collect £150k in s106 park/play money from developments in Meltham? What actions did it put into effect when the money wasn’t paid when it was due and what is it doing to collect the money now? Has it issued statutory demands for payment, and what further powers does it have to secure the funding?”

A response was provided by the Cabinet Member.

Question from Councillor Cooper to the Cabinet Member for Culture and Greener Kirklees (Councillor Hussain)

“Are the recent increases in Kirklees Council allotment fees legal?”

A response was provided by the Cabinet Member.

The remaining questions were dealt with in accordance with Council Procedure Rule 12(8) due to the termination of the meeting in accordance with Council Procedure Rule 16(2).

- 69 **Motion submitted in accordance with Council Procedure Rule 14 as to the Ending of the Practice of using Council Street Furniture for the Displaying of Election Posters**
Item not considered.

(Meeting terminated in accordance with Council Procedure Rule 16(2).)

- 70 **Motion submitted in accordance with Council Procedure Rule 14 as to School Uniform Costs**
Item not considered.

(Meeting terminated in accordance with Council Procedure Rule 16(2).)

- 71 **Motion submitted in accordance with Council Procedure Rule 14 as to NHS Dental Contract Reform**
Item not considered.

(Meeting terminated in accordance with Council Procedure Rule 16(2).)

- 72 **Motion submitted in accordance with Council Procedure Rule 14 as to Water Quality and Sewage Discharge**
Item not considered.

(Meeting terminated in accordance with Council Procedure Rule 16(2).)

KIRKLEES COUNCIL				
COUNCIL/CABINET/COMMITTEE MEETINGS ETC				
DECLARATION OF INTERESTS				
Council				
Name of Councillor				
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest	

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



Name of meeting: Council

Date: 13 December 2023

Title of report: Elected Member Attendance at Meetings

Purpose of report: To seek agreement from Council that the requirement for Cllr Donald Firth to attend a relevant number of qualifying Council meetings be relaxed until the end of the current municipal year.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer Henshall: n/a
Is it also signed off by the Service Director for Finance?	Isabel Brittain: n/a
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft: 5.12.23
Cabinet member portfolio	Cllr Cathy Scott

Electoral wards affected: All

Ward councillors consulted: Not applicable

Public or private: Public

Has GDPR been considered? Yes

1. Summary

- 1.1** This report seeks agreement by members that for the period until the remainder of the 2023/2024 municipal year the provisions of section 85(1) Local Government Act 1972 shall not apply in respect of Cllr Donald Firth.

2. Information required to take a decision

- 2.1** Section 85 (1) of the Local Government Act 1972 makes provision in relation to Elected Member attendance at meetings. It provides that if a Member fails to attend a qualifying meeting for a period of 6 consecutive months from the date of their last attendance, they shall cease to be a Member of the authority unless, before the expiry of that period the authority has approved such non-attendance.
- 2.2** At Council Procedure Rule 25 - Failure to Attend Meetings it provides as follows:
- (1) In accordance with the Local Government Act 1972, if a Councillor attends no meetings of the Authority for six months the Chief Executive will tell the Council (unless the Member has been granted leave of absence by the Council). The Council will consider whether the absence was caused by some reason approved by them. If they are not satisfied about the cause of the failure, the Member will cease to be a Member of the Council.
- (2) For the purpose of this Rule a meeting of the Authority shall include:
- the Council, Cabinet or any Committee, Sub-Committee or Panel; or
 - any Joint Committee or Joint Board which has Council functions delegated to it;
 - any other body at which the Member represents the Council.
- 2.3** Council is asked to agree that the absence of Councillor Donald Firth from meetings of the authority which would ordinarily lead to his disqualification as a Councillor shall be authorised to 22 May 2024.

3. Implications for the Council

3.1 Working with People

Not applicable.

3.2 Working with Partners

Not applicable.

3.3 Place Based Working

Not applicable.

3.4 Climate Change and Air Quality

Not applicable.

3.5 Improving outcomes for children

Not applicable.

3.6 Financial Implications for the People Living or Working in Kirklees

Not applicable.

3.7 Other (eg Legal/Financial or Human Resources)

Not applicable.

4. Consultees and their opinions

Not applicable

5. Next steps and timelines

5.1 Cllr Firth will not face disqualification for any failure to attend sufficient council meetings until 22 May 2024.

6. Officer recommendations and reasons

6.1 Members are asked to agree that the absence of Councillor Firth from qualifying meetings of the authority which would ordinarily lead to his disqualification as a Councillor shall be authorised to 22 May 2024.

7. Cabinet Portfolio Holder's recommendations

Not applicable

8. Contact officer

Julie Muscroft – Service Director – Legal, Governance & Commissioning
Telephone: 01484 221000
Email: julie.muscroft@kirklees.gov.uk

9. Background Papers and History of Decisions

Not applicable.

10. Service Director responsible

Julie Muscroft – Service Director – Legal, Governance & Commissioning

Name of meeting: Council (Reference from Cabinet)

Date: 13 December 2023

Title of report: Kirklees Council Tax Reduction Scheme Review 2024/2025

Purpose of report: To seek a review of the Kirklees Council Tax Reduction Scheme – that decision to be cognisant of the consultation that took place during the summer.

Key Decision - Is it likely to result in spending or saving £500k or more, or to have a significant effect on two or more electoral wards?	Yes If yes give the reason why – Saving in excess of £500k and affects all wards
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u> ?	Yes Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall 30.11.23
Is it also signed off by the Service Director for Finance?	Isabel Brittain 30.11.23
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft 30.11.23
Cabinet member portfolio	Cllr Graham Turner and Cllr Paul Davies

Electoral wards affected: All Ward councillors consulted: None

Public or private: Public

Has GDPR been considered? Yes

1. Summary

- 1.1 Section 13A(2) of the Local Government Finance Act 1992 requires that each billing authority in England must make a local Council Tax Reduction Scheme that specifies the reduction in Council Tax available to people/classes of persons in financial need.

This report seeks a decision of full Council to revise the existing scheme to be introduced from 1 April 2024 and to be cognisant of the results of the consultation that commenced on 16th August and ended on the 11th October 2023 the result of which appear at Appendix 4.

The scheme currently in operation was decided at Council on 13th December 2017 and took effect 01st April 2018.

2. Information required to take a decision

- 2.1 The authority has operated a Council Tax Reduction Scheme since April 2013. The scheme must provide prescribed reductions for those of state pension age. There is no such prescription in relation to those of working age.

The matters to be included in a scheme are set out in Schedule 1A of the Local Government Finance Act 1992 (Appendix 2).

- 2.2 Before making a scheme, the authority must (in the following order) ;

- (a) Consult any major precepting authority which has power to issue a precept to it (the Police and Fire Authorities),
- (b) Publish a draft scheme in such manner as it thinks fit, and
- (c) Consult such other persons as it considers are likely to have an interest in the operation of the scheme (Kirklees residents)

- 2.3 If the authority then decides that it will revise the scheme it must do so no later than the 11th March 2024 if that scheme is to have effect from 1st April 2024. It is worth noting that for practical purposes a decision would ideally be made much earlier than the 11th March 2024 in order to inform the budget requirement and decisions in relation to that budget. It is recommended that a decision is made no later than the end of December 2023.

- 2.4 Regional context

Authority	Band A	%age	Couple	Single Person	Protections ?
Kirklees Current	£1,397.04	20	£279.41	£209.56	13.5k household Protections in place
Kirklees New 25%	£1,397.04	25	£349.26	£261.95	No protections in place
Kirklees New 15%	£1,397.04	15	£209.56	£157.17	No protections in place
Leeds	£1,305.59	25	£326.40	£244.80	No protections for new claims, 13k household existing protections still in place.
Wakefield	£1,298.66	30	£389.60	£292.20	No protections in place
Calderdale	£1,380.80	19	£262.35	£196.76	No protections in place
Bradford	£1,289.62	30	£386.89	£290.16	No protections in place

Leeds is the only other authority in West Yorkshire that have protections in place similar to Kirklees, those will cease to apply as households migrate to Universal Credit. Current volumes are lower than in Kirklees notwithstanding that the overall claimant population is 63,000 households in Leeds compared to Kirklees's 35,000 households.

Calderdale is the only authority that operates a scheme that is currently more generous than the current Kirklees scheme, however it applies to all residents with no protections in place.

Wakefield and Bradford schemes are both less generous than the proposed 25% Kirklees scheme, neither offer any protections.

Overall the current Kirklees Scheme is the most generous in West Yorkshire to the majority of it's residents.

2.5 It is also worth noting that what ever the outcome the provisions set out in 2.5.1 to 2.5.5 below will apply regardless of the outcome of any decision to review the scheme:

2.5.1 There are provisions within Section 13A(1)(c) of the Local Government Finance Act 1992 that allow discretion to reduce or further reduce the Council Tax charge in cases of hardship and the authority does have a policy in place to assist in appropriate cases. At the time of writing that policy was subject to a review and decision by Cabinet to be taken on the 12th December 2023, the recommended version is attached at Appendix 3. The Discretionary Scheme does not require a decision by council as is the case with the main Council Tax Reduction Scheme as set out in s13A(2) of the act.

2.5.2 The council will continue to provide hardship support through the Local Welfare Provision Scheme.

2.5.3 It is important to note that irrespective of the option chosen the scheme will still award disability premiums in the financial assessment so the scheme recognises disability in the needs of the household, it will also continue to disregard disability benefits provided in recognition of care and mobility needs such as Personal Independence Payment.

2.5.4 It is important to note that irrespective of the option chosen lone parents in work will continue to receive an enhanced earnings disregard in the means test that two parent families and individuals without children, do not receive.

2.5.5 It is important to note that irrespective of the option chosen War Pensioners will still have their War Pension disregarded as part of the means test.

2.6 The following Options were considered as part of the consultation (see also Appendix 1 for the impact upon households)

(i) Make no major changes

In addition to the prescribed scheme for pensioners the current scheme provides a reduction largely based upon the Council Tax Benefit regulations that were in force prior to 2013 as part of the wider Social Security System.

Most working age recipients do not receive a 100% reduction. Unless they fall into one of the locally defined protected groups below, they will pay at least 20% of their total liability depending upon their actual income. All assessments under the local working age scheme are means tested.

If any of the following apply the individual could receive up to 100% of their Council Tax liability by way of a reduction:

- A single parent with children under 5
- Receives the severe or enhanced disability premium
- Receives a war pension or war widows pension

The current cost of this Council Tax Reduction scheme is £35.51m in 2023/24 with the spend broken down into the following areas.

Scheme	Number	Current 20% scheme
Pensioner	11207	£12,415,119.99
Single parent with children under 5	1786	£1,747,807.90
Receives and appropriate disability premium or war pension	11839	£13,694,236.13
Work age employed	1292	£1,025,721.80
Work age other	8530	£6,630,960.03
Totals	34654	£35,513,845.85

ii. Reduce protection for all working age households (a 25% scheme)

Remove all protection and increase the charge for all working age households to at least 25% of liability. Whilst retaining all of the other features of the current Scheme. This option would standardise approach.

Scheme	Number	25%
Pensioner	11207	£12,415,119.99
Single parent with children under 5	1786	£1,310,855.93
Receives and appropriate disability premium or war pension	11839	£10,270,677.10
Work age employed	1292	£961,614.18
Work age other	8530	£6,216,525.03
Totals	34654	£31,174,792.23

This revised Scheme would cost £31.17m compared to the existing scheme cost of £35.51m, a reduction in cost of approximately £4.33m.

In terms of cost to those that currently have nothing to pay, a single person in a Band A Property would now have £5.02 to pay per week, a couple in a band A property would pay £6.70 per week.

iii. Remove the protection and have a standard 15% Council Tax Reduction working age scheme.

Remove all protection and introduce a standard charge for all working age households of at least 15% of liability. Whilst retaining all of the other features of the current Scheme. This option would standardise approach and would reduce the contribution required from those that are not currently protected.

Scheme	Number	15%
Pensioner	11207	£12,415,119.99
Single parent with children under 5	1786	£1,485,636.72
Receives and appropriate disability premium or war pension	11839	£11,640,100.71
Work age employed	1292	£1,089,829.41
Work age other	8530	£7,045,395.04
Totals	34654	£33,676,081.87

This revised Scheme would cost £33.63m compared to the existing scheme cost of £35.51m, a reduction in cost of approximately £1.8m.

In terms of cost, a single person in a Band A Property would have £3.01 to pay per week, a couple in a band A property would pay £4.02 per week.

iv. Administrative scheme redesign/simplification

In 2017 the Council introduced some simplification around the treatment of changes in CTR awards due to changes in Universal Credit awards. That change hasn't resulted in the anticipated simplification. This option would allow the development of a number of potential changes to the scheme to ease the administrative burden and therefore the administrative cost of delivery. Universal Credit responds to real time changes in earnings meaning that relatively small changes in income result in a notification to the Local Authority to action (if it chooses) for Council Tax Reduction purposes.

The Authority receives around 2500 notifications from the Department of Work and Pensions each week, of those 2000 usually require action and Kirklees ordinarily automates 40% of that number meaning that officers need to action (in this case) 1200 notifications each week. If the scheme were modified to mean that notifications were only actioned every 6 months (where they don't already automate because the change is deemed insignificant under the 2017 changes) then this redesign would permit further automation at that 6 month interval.

This feature of simplification would mean that we need to take account of fewer changes in the Universal Credit award which would mean fewer changes in Council Tax Reduction entitlement and therefore more certainty.

vi. Transitional protection

No scheme of transitional protection where support is revised or removed is proposed under paragraph 5(4) of schedule 1A to the Local Government Finance Act 1992, in relation to any of the options.

2.7 The results of the consultation

The consultation findings for each of the proposals are set out in appendix 4 – the consultations findings are not binding but they form part of the decision making process, it is for members to review those findings in the making of their decision. The officer recommendations set out in section 6 take account of those responses.

The consultation ran for the period 16th August 2023 to 11th October 2023. The consultation included a media campaign that brought the consultation to the attention of the public generally and partners. 2500 residents were invited by way of letter to respond to the consultation, 1250 of those were in receipt of a reduction 1250 were not in receipt of a reduction, within each cohort households were randomly selected.

During the period of the consultation, the website hosting the questions received 2965 visits - 717 people submitted a response to the consultation.

The consultation results clearly show that those responding were in favour of both changing the scheme and not retaining the scheme as it stands, and that option 2 was the option that those responding in that way were in favour of most.

2.8 Discretionary Reductions

Section 13A(1)(c) of the Local Government Finance Act 1992 permits an authority to reduce the Council Tax a person has to pay by any amount regardless of whether they also receive a reduction under the authority's main scheme. The report to Cabinet on the 12th December 2023 seeks to delete paragraph 4(c) in the Discretionary Scheme (appendix 3) so that in any circumstances where a person does not also receive a reduction under the main scheme they may be considered for a reduction under the discretionary scheme where it is deemed appropriate to do so.

In addition that report seeks to amend the discretionary reduction policy to recognise that responsibility in relation to Care Leavers is to age 25.

That decision is not a decision that needs to be made by Council unlike the making of the Scheme under s13A(2) of the Act.

3. Implications for the Council

3.1 Working with People

This report seeks to implement a change to the Council Tax Reduction Scheme following a public consultation on the options set out in the report and appendices, the views of participants will be taken into account by the Council in the making of it's decision.

3.2 Working with Partners

As part of the consultation the views of the Police and Fire authorities, were sought and whilst noted they have not responded to the consultation. Other Partners were not excluded from submitting a response to the consultation.

3.3 Place Based Working

N/A

3.4 Climate Change and Air Quality

N/A

3.5 Improving outcomes for children

At the moment children that live in a household where they have no siblings under 5 and the household qualify for a Council Tax Reduction, live in a household where there is an expectation that they make a contribution to their Council Tax, this report seeks to address that inequality by introducing parity. Reducing costs of CTR mean that other services will not have to be reduced including those available to children, directly or indirectly.

It is well known that very often children are the first to suffer the effects of low incomes and poverty. Means testing support for Council Tax allows us to target resources at those families in greatest need, with the potential to improve outcomes against the outcomes that might otherwise be expected. It is worth noting that there are provisions within Section 13A(1)(c) of Local Government Finance Act that allow discretion to further reduce the Council Tax charge in cases of hardship, the authority does have a policy in place to assist in appropriate cases.

3.6 Other (e.g. Legal/Financial or Human Resources)

Financial

The financial implications of the proposed changes to the Scheme are as set out in the report.

The ongoing financial challenge means that the Council must consider all areas of expenditure as part of its plan to deliver a balanced budget in 2024/25. The options explored here can reduce the cost of the Scheme to the Council. If this reduction in cost is not implemented, then the only options available would be to reduce the net cost of services elsewhere or to consider triggering a referendum as a result of a Council Tax Rise with no guarantee that such a rise would be agreed.

The cost of an unchanged Scheme would be around £35,513,845 annually where the proposed scheme would cost £31,174,792, a saving in cost terms of £4,339,053. It is to be noted that it might not be possible to collect the whole of that sum in the fullness of time. Current collection is 98.5% in the fullness of time due to a level of non payment, with an in year collection rate of 95.8% due to late payment.

Legal

The legal implications that are not set out here are set out in section 2 above.

It is worth reiterating that the requirement to revise or replace a local council tax Reduction Scheme by the 11th March in the year before it is to take effect, is set out in Schedule 1A to the Local Government Finance Act 1992, and that requirement applies to the revision of a scheme as it does to the making of a scheme. Any scheme adopted

by the council must comply with Council Tax Reduction Scheme (Prescribed Requirements)(England) Regulations 2012 which set out detailed matters to be contained in a Council Tax Reduction Scheme .

The requirement to consult when proposing a revised Council Tax Reduction Scheme and the expectations in relation to those consultations are also set out in Schedule 1A to the 1992 Act. A decision made to “make” or “revise” a scheme can only be challenged by judicial review in accordance with Section 66 of the Local Government Finance Act 1992.

There have been a number of challenges described below, where schemes have been successfully challenged and therefore it is important that we have regard to that in the consultation and decision making process. A judicial review of a decision by Sandwell Council (*Winder v Sandwell* [2014] EWHC 2617 (Admin)) to impose a “residence condition” meaning that those without a history of residence could not secure an entitlement, was deemed ultra vires and thus unlawful, because it was based on criteria other than “financial need”.

A judicial review of a decision by Hackney Council (*R (on the application of Moseley) (in substitution of Stirling (Deceased)) (AP) (Appellant) v London Borough of Haringey (Respondent)* [2014] UKSC 56) was found to be unlawful because the consultation did not include any options to reduce services or increase council tax, as alternatives.

In the *Moseley* case, the Supreme court endorsed the *Sedley* principles accepted in *Rv BrentLBC, ex parte Gunning* namely that;

- Consultation must be when the proposals are at a formative stage;
- the council must give sufficient reasons and enable consultees to give intelligent consideration and respond;
- adequate time must be given for consideration and responses to the consultation; and
- responses must be conscientiously taken into account by the decision maker.

In order to make a reasonable decision and avoid the risk of a potential successful challenge we must be in a position to demonstrate that a consultation has met those principles. The Council has carried out an 8 week consultation.

Before making a decision, Members must have regard to the Integrated Impact assessment (see link in section 9) in relation to the proposed option(s). This has been updated to take account of the consultation responses.. Section 149 of the Equality Act 2010 places a duty on the council in carrying out its functions to have due regard to the need; (a) eliminate discrimination; harassment; victimisation, and any other conduct that is prohibited by or under the Act ; and (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it ; (c) foster good relations between persons who share a protected characteristic and persons who do not share it . Section 149(7) of the 2010 Act set out the protected characteristics which are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The impact assessment demonstrates that the revised scheme continues to recognise protected characteristics notwithstanding the degree of recognition is changed by this proposal.

A decision by a billing authority to revise the Council Tax Reduction Scheme is a matter for Full Council (Section 67 of the 1992 Act.)

The Council must comply with its duty of Best Value under section 3 of the Local Government Act 1999 to make continuous improvements in the way its functions are exercised having regard to a combination of economy, efficiency and effectiveness.

The Council must act Wednesbury reasonably so that its decision is rational having regard to relevant considerations and ignoring irrelevant matters in the light of the proposal; statutory context; responses from the consultation and resource implications and the IIA.

Human Resources

Potential administrative efficiency will have an impact upon the number of officers required to administer the scheme. Similarly there will be an increased demand for administration in Council Tax recovery activity.

3.7 Financial impact on people living and working in Kirklees

Only those entitled to a council tax reduction would be directly affected by these proposals however all residents will be impacted were council tax to rise as an alternative, or services generally reduced as a result of reduced spending elsewhere.

4 Consultees and their opinions

The results of the consultation are set out in Appendix 4

5 Next steps and timeline.

Cabinet oversight and consideration of recommendations 12/12/23

Council report for decision 13/12/23

6 Officer recommendations and reasons

That Council take account of the recommendations to Cabinet on 12th December 2023 and agree:

6.1 That the existing Council Tax Reduction scheme should be reviewed and that option 2 to reduce protection for all and implement a 25% scheme should be adopted in accordance with the scheme as set out in Appendix 5 of this report and that it take effect from 1 April 2024. That option is the option favoured most by those that responded to the consultation, it makes the necessary savings in expenditure which itself means that there is no requirement to make equivalent savings elsewhere in service provision.

6.2 That the administrative easement set out in option 4 be adopted and developed to ensure smooth administration.

6.3 and in doing so carefully consider and note the findings of the statutory consultation exercise at Appendix 4 with regard to the proposed revised Scheme.

6.4 and in doing so also carefully consider and note the results of the Integrated Impact Assessment at (see link in section 9).

7. Portfolio Holder Comments:

The current financial position means that the council must consider all of the options it might have to deliver a balanced budget in 24/25. The recommendation here is to implement a change to the scheme that will help achieve that aim, any decision to change the scheme will be made by Council following this recommendation.

8. Contact officer

Julian Hobson – Acting Head of Service - Welfare and Exchequer Services

9. Background Papers and History of Decisions

Previous decision to review the scheme

[ITEM 10 Item 7 - 2017-12-8 Review of the Council Tax Reduction Scheme.pdf \(kirklees.gov.uk\)](#)

Integrated Impact Assessment

[Integrated Impact Assessments - IntegratedImpactAssessment \(kirklees.gov.uk\)](#)

Appendix 1 Scenarios considering options

Appendix 2 Schedule 1A Local Government Finance Act 1992

Appendix 3 Discretionary Council Tax Reduction Scheme policy

Appendix 4 Council Tax Reduction Consultation Results

Appendix 5 The Revised Scheme

10. Service Director responsible

Isabel Brittain – Service Director – Finance

Examples of how the scheme might operate under each option.

Scenario 1

Mel and Don are married with one child, Mitchell aged 13 years old. Mel has never worked and Don has been out of work for 2 years. They live in a Band B property. Mel and Don are not in a protected group.

Their total weekly income is **£230.26** from Universal Credit and Child Benefit

The maximum weekly council tax liability is £26.79 for anyone not entitled to a reduction.

After the current council tax reduction is applied, their council tax liability is **£6.25** per week.

If the scheme changes so that the maximum support is limited to 25% of liability then they would pay **£7.81**, an increase of **£1.56** per week.

If the scheme changes so that the maximum support is limited to 15% of liability then they would pay **£4.69**, a decrease of **£1.56** per week.

Scenario 2

Amanda and Mark are married with a daughter, Rebecca, who is 14 years old. Mark is disabled and receives the enhanced rate personal independence payment for both daily living and mobility. Neither Mark nor Amanda work.

Their total weekly income is **£230.26** from Universal Credit and Child Benefit, and **£172.75** personal independence payment.

The maximum weekly council tax liability is £26.79 for anyone not entitled to a reduction.

After the current council tax reduction is applied, their council tax liability is **£0.00** per week.

If the scheme changes so that the maximum support is limited to 25% of liability then they would pay **£7.81**, an increase of **£7.81** per week.

If the scheme changes so that the maximum support is limited to 15% of liability then they would pay **£4.69**, an increase of **£4.69** per week.

The protection that Amanda and Mark receive under the current scheme recognises Mark's disability, the current scheme treats Amanda and Mark differently and more generously than Mel and Don in scenario 1 because Mark has a disability. None of the schemes take into account Mark's disability income, in the means test.

Scenario 3

Jon is a single parent with twin daughters Medeline and Gabby aged 3 years old. They live in a Band A property.

He is currently looking for work.

His household income, comprises Universal Credit and Child Benefit and is **£249.41** per week.

The maximum weekly council tax liability is £20.09; however Jon is in a protected group so he pays **£0** under the existing scheme.

If the scheme changes so that the maximum support is limited to 25% of liability then they would pay **£5.02**, an increase of **£5.02** per week.

If the scheme changes so that the maximum support is limited to 15% of liability then they would pay **£3.01**, an increase of **£3.01** per week.

Scenario 4

Becky is a single parent with twin sons Tom and Josh aged 7 years old. They live in a Band A property. Becky is not in a protected group.

She is currently looking for work.

Her household income, comprises Universal Credit and Child Benefit and is **£259.89** per week.

The maximum weekly council tax liability is £20.09;

After the current council tax reduction is applied Becky pays **£4.02** under the existing scheme.

If the scheme changes so that the maximum support is limited to 25% of liability then they would pay **£5.02**, an increase of **£1.00** per week.

If the scheme changes so that the maximum support is limited to 15% of liability then they would pay **£3.01**, a decrease of **£1.01** per week.

Becky and Jons circumstances are very similar, children born after 6th April 2017 are treated less generously in Universal Credit which is why their weekly incomes are different. Becky isn't protected under the current Kirklees scheme only because her children are over 5 years old. Both of the proposed changes would treat them both the same but the impact will be different.

Scenario 5

Heidi is 22 years old, single and lives alone in a ground floor flat in band A.

She has a disability and limited capability for work and receives **£157.42** Universal Credit and **£172.75** Personal Independence Payment.

The maximum weekly council tax liability is £20.09, and as Heidi is in a protected group her weekly liability after reduction is **£0**.

If the scheme changes so that the maximum support is limited to 25% of liability then they would pay **£5.02**, an increase of **£5.02** per week.

If the scheme changes so that the maximum support is limited to 15% of liability then they would pay **£3.01**, an increase of **£3.01** per week.

Scenario 6

Brian is 22 years old, single and lives alone in a ground floor flat in band A.

He receives **£67.41** Universal Credit.

The maximum weekly council tax liability is £20.09, Brian is not in a protected group and his weekly liability after reduction is **£4.02**.

If the scheme changes so that the maximum support is limited to 25% of liability then they would pay **£5.02**, an increase of **£1.00** per week.

If the scheme changes so that the maximum support is limited to 15% of liability then they would pay **£3.01**, a decrease of **£1.01** per week.

Heidi and Brian are the same age but their incomes, circumstances and challenges are very different.

N.B it is worth noting that notwithstanding any change to the maximum award, the Council Tax Reduction scheme will continue to:

- incentivise work by operating an earned income disregard,
- disregard certain child care costs.
- support those with disability through the disregard of disability benefits.
- disregard child benefit and child care costs in the assessment of income.
- disregard war pensions as income.

SCHEDULE 1A COUNCIL TAX REDUCTION SCHEMES: ENGLAND

Interpretation

1

In this Schedule—

- (a) “scheme” means council tax reduction scheme under section 13A(2), and
- (b) in relation to a scheme, “the authority” means the billing authority which made the scheme or is under a duty to make it.

Matters to be included in schemes

2

- (1) A scheme must state the classes of person who are to be entitled to a reduction under the scheme.
- (2) The classes may be determined by reference to, in particular—
 - (a) the income of any person liable to pay council tax to the authority in respect of a dwelling;
 - (b) the capital of any such person;
 - (c) the income and capital of any other person who is a resident of the dwelling;
 - (d) the number of dependants of any person within paragraph (a) or (c);
 - (e) whether the person has made an application for the reduction.
- (3) A scheme must set out the reduction to which persons in each class are to be entitled; and different reductions may be set out for different classes.
- (4) A reduction may be—
 - (a) a discount calculated as a percentage of the amount which would be payable apart from the scheme,
 - (b) a discount of an amount set out in the scheme or to be calculated in accordance with the scheme,
 - (c) expressed as an amount of council tax to be paid (lower than the amount which would be payable apart from the scheme) which is set out in the scheme or is to be calculated in accordance with it, or
 - (d) the whole amount of council tax (so that the amount payable is nil).
- (5) A scheme must state the procedure by which a person may apply for a reduction under the scheme.
- (6) A scheme must state the procedure by which a person can make an appeal under section 16 against any decision of the authority which affects—
 - (a) the person's entitlement to a reduction under the scheme, or
 - (b) the amount of any reduction to which the person is entitled.
- (7) A scheme must state the procedure by which a person can apply to the authority for a reduction under section 13A(1)(c).
- (8) The Secretary of State may by regulations prescribe other requirements for schemes.
- (9) Regulations under sub-paragraph (8) may in particular—
 - (a) require other matters to be included in a scheme;
 - (b) prescribe classes of person which must or must not be included in a scheme;
 - (c) prescribe reductions, including minimum or maximum reductions, which must be applicable to persons in prescribed classes;
 - (d) prescribe requirements which must be met by the procedure mentioned in sub-paragraph (5).
- (10) Regulations under sub-paragraph (8) may in particular set out provision to be included in a scheme that is equivalent to—

- (a) provision made by a relevant enactment, or
 - (b) provision that is capable of being made under a relevant enactment, with such modifications as the Secretary of State thinks fit.
- (11) Subject to compliance with regulations under sub-paragraph (8), a scheme may make provision that is equivalent to—
- (a) provision made by a relevant enactment, or
 - (b) provision that is capable of being made under a relevant enactment, with such modifications as the authority thinks fit.
- (12) For the purposes of sub-paragraphs (10) and (11), each of the following enactments as it had effect on the day on which the Local Government Finance Act 2012 was passed is a “relevant enactment”—
- (a) sections 131 to 133 of the Social Security Contributions and Benefits Act 1992 (council tax bene-fit);
 - (b) sections 134 to 137 of that Act (general provisions about income-related benefits) so far as ap-plying in relation to council tax benefit;
 - (c) section 1 of the Social Security Administration Act 1992 (entitlement to benefit dependent on claim) so far as applying in relation to council tax benefit;
 - (d) section 6 of that Act (regulations about council tax benefit administration);
 - (e) sections 32 to 34 of the Welfare Reform Act 2007 (benefit for persons taking up employment) so far as applying in relation to council tax benefit.

Preparation of a scheme

- 3
- (1) Before making a scheme, the authority must (in the following order)—
 - (a) consult any major precepting authority which has power to issue a precept to it,
 - (b) publish a draft scheme in such manner as it thinks fit, and
 - (c) consult such other persons as it considers are likely to have an interest in the operation of the scheme.
 - (2) The fact that this paragraph was not in force when any step described in sub-paragraph (1) was taken is to be disregarded in determining whether there has been compliance with that sub-paragraph.
 - (3) Having made a scheme, the authority must publish it in such manner as the authority thinks fit.
 - (4) The Secretary of State may make regulations about the procedure for preparing a scheme.
 - (5) Regulations under sub-paragraph (4) may in particular—
 - (a) require the authority to produce documents of a particular description in connection with the preparation of a scheme;
 - (b) include requirements as to the form and content of documents produced in connection with the preparation of a scheme;
 - (c) include requirements (in addition to sub-paragraphs (1)(b) and (3)) about the manner in which such documents must be published;
 - (d) require the authority to make copies of such documents available for inspection by members of the public, or to supply copies of such documents to them;
 - (e) include provision about the making of reasonable charges for the supply of copies of such doc-uments to members of the public.

Default scheme

- 4
- (1) The Secretary of State must by regulations prescribe a scheme (“the default scheme”) for the purposes of this paragraph.
 - (2) The first financial year to which the default scheme relates must be the year beginning with 1 April 2013 (or such other year as is specified in section 10(4) of the Local Government Finance Act 2012).
 - (3) The default scheme must comply with the requirements of—

- (a) paragraph 2(1) to (7), and
- (b) any regulations under paragraph 2(8).
- (4) The default scheme may in particular make provision that is equivalent to—
 - (a) provision made by a relevant enactment, or
 - (b) provision that is capable of being made under a relevant enactment,
 with such modifications as the Secretary of State thinks fit.
- (5) For the purposes of sub-paragraph (4), each of the following enactments as it had effect on the day on which the Local Government Finance Act 2012 was passed is a “relevant enactment”—
 - (a) sections 131 to 133 of the Social Security Contributions and Benefits Act 1992 (council tax benefit);
 - (b) sections 134 to 137 of that Act (general provisions about income-related benefits) so far as applying in relation to council tax benefit;
 - (c) section 1 of the Social Security Administration Act 1992 (entitlement to benefit dependent on claim) so far as applying in relation to council tax benefit;
 - (d) section 6 of that Act (regulations about council tax benefit administration);
 - (e) sections 32 to 34 of the Welfare Reform Act 2007 (benefit for persons taking up employment) so far as applying in relation to council tax benefit.
- (6) The default scheme is to take effect, in respect of dwellings situated in the area of a billing authority, if the authority fails to make a scheme on or before 31 January 2013 (or such other date as is specified in section 10(4) of the Local Government Finance Act 2012).
- (7) If the default scheme takes effect in the area of a billing authority, this Part applies to the default scheme as if it had been made by the authority.

Revisions to and replacement of scheme

- 5
- (1) For each financial year, each billing authority must consider whether to revise its scheme or to re-place it with another scheme.
 - (2) The authority must make any revision to its scheme, or any replacement scheme, no later than 11 March in the financial year preceding that for which the revision or replacement scheme is to have effect.
 - (3) The Secretary of State may by order amend sub-paragraph (2) by substituting a different date.
 - (4) If any revision to a scheme, or any replacement scheme, has the effect of reducing or removing a reduction to which any class of persons is entitled, the revision or replacement must include such transitional provision relating to that reduction or removal as the authority thinks fit.
 - (5) Paragraph 3 applies to an authority when revising a scheme as it applies to an authority when making a scheme.
 - (6) References in this Part to a scheme include a replacement scheme.

Arrangements to deal with shortfall in council tax receipts

- 6
- (1) In this paragraph “scheme authority” means, in relation to a scheme and a year—
 - (a) the billing authority which made the scheme, and
 - (b) any major precepting authority with power to issue a precept to that billing authority in relation to that year.
 - (2) Two or more scheme authorities may make arrangements which are to have effect if, as a result of the operation of the scheme—
 - (a) there is a deficit in the billing authority's collection fund for that year, or
 - (b) the billing authority estimates that there will be such a deficit.
 - (3) Arrangements under this paragraph may include—
 - (a) the making of payments by one scheme authority to another scheme authority;

(b) the variation of any payment or instalment of a payment which is required to be made under regulations under section 99 of the 1988 Act (regulations about funds) that make provision in relation to council tax.

Provision of information to the Secretary of State

7

(1) The Secretary of State may serve on a billing authority in England a notice requiring it to supply to the Secretary of State such information as is specified in the notice and required by the Secretary of State for the purpose of exercising, or of deciding whether to exercise, any function relating to schemes.

(2) The authority must supply the information required if it is in its possession or control, and must do so in such form and manner and at such time as the Secretary of State specifies in the notice.

(3) If an authority fails to comply with sub-paragraph (2), the Secretary of State may exercise the function on the basis of such assumptions and estimates as the Secretary of State thinks fit.

(4) In exercising, or deciding whether to exercise, any function relating to schemes, the Secretary of State may also take into account any other available information, whatever its source and whether or not obtained under a provision contained in or made under this or any other Act.

Guidance

8

In exercising any function relating to schemes, a billing authority must have regard to any guidance issued by the Secretary of State.

Transitional provision

9

(1) The Secretary of State may by regulations make such transitional provision regarding the commencement of schemes as the Secretary of State thinks fit.

(2) Such provision may include, in particular, provision for and in connection with treating a person who is or was in receipt of council tax benefit, or who makes or has made a claim for that benefit, as having made an application for a reduction under a scheme.]



**Welfare
and Exchequer Service**

Discretionary Council Tax Reduction Policy

Created: 13 June 2014
Author: Julian Hobson
Updated: 29th July 2014
Author: Julian Hobson

Discretionary Council Tax Reduction Policy

1. Introduction

The Local Government Finance Act 1992 provides for reductions in council tax by billing authorities.

The provisions in s13A of the act allow for two types of reduction.

The first type of reduction, is a reduction required under s13A(1)(a) by virtue of the billing authority's "Council Tax Reduction Scheme", this policy does not apply to that scheme.

The second type of reduction (a reduction to which this policy applies) is a reduction that may be awarded under s13A(1)(c). A reduction under this policy may be awarded in addition to any reduction under the "Council Tax Reduction Scheme" or in the absence of a reduction under that scheme.

S13A(6) allows for a council tax charge to be reduced to nil.

S13A(7) allows the billing authority to exercise its power under 13A(1)(c) in relation to individual cases (the basis for such decisions are set out in this policy).

S13A(7) also allows authorities to define classes of case and the extent to which council tax might be reduced for those classes. The authority has not defined any classes of case for which a reduction would be appropriate.

Any payment under this scheme will be accounted for in the Collection Fund

2. Wednesbury Reasonableness

When a local authority uses its discretion, it must have made its decision in a rational way. Therefore any decision we make with regard to a reduction must follow the principles of "Wednesbury Reasonableness" taking account of relevant considerations and disregarding irrelevant details.

3. Claims for a Discretionary Council Tax Reduction

3.1 Claims must be made in accordance with Paragraph 9 Schedule 7 Part 3 of the "Council Tax Reduction scheme"

3.2 An application may be made:

1. In writing
2. Electronically (by email)
3. By Telephone

Any application, however made, may be subject to evidence requirements that include the provision of original documents.

3.4 a reduction may be awarded in respect of a past period (backdating) see *section 5*

4. Qualifying Criteria

This assessment is designed to identify and help customers in severe hardship and or who would encounter hardship without additional financial support.

In determining hardship account should be taken of the customer's current situation and the likelihood of their financial position improving.

Part of the assessment will take the form of a means test to establish the degree to which support is required.

In the interests of Wednesbury Reasonableness the following is a list of issues which should be seen as a guide by the decision maker to the type of issues they should consider when reaching their decision.

Overview

- a) DCTR is targeted assistance to households with multiple and serious financial difficulties
- b) Any decision will be considered alongside the authority's Local Welfare Provision policy, and payment in kind for food etc can be considered in order to free up disposable income to meet the council tax liability.
- c) *Any person that is excluded from the authority's main CTR scheme by virtue of their status or available capital, will also be excluded from any reduction under this policy. (words in italics to be deleted if Cabinet decides to delete them on 12th December 2023)*

Initial considerations

- d) Is there any evidence that the customer has made any payments or engaged with officers seeking payment? What evidence is there?
- e) Is the customer entitled to any other discount, exemption or reduction?
- f) Is there any evidence that the debt was accrued during a period when the customer was in a better financial position?
- g) Is any of the debt attributable to recovery costs? See also h) and (q) below;
- h) In many cases a liability order will have been granted and this should remain live even if costs are removed.

Take into account

- i) Is any of the disregarded income to meet specific needs? Are those needs identified in the expenditure side of the equation and should they too be disregarded?
- j) DLA for mobility should not be taken into account as income in the assessment, if there is such a disregard, any expenses attributable to additional mobility needs should also be disregarded.
- k) Are there any non-dependants or other residents that are jointly and severally liable in the household who could provide (extra) help with the Council Tax?
- l) Does the customer or partner have any capital (including disregarded capital), if so, how much?
- m) Does the customer or partner have any disregarded income? If so, how much?

Other

- n) Is the shortfall in income caused by under occupation and is re-location the solution.
- o) Has the customer engaged with the CAB and other advice partners for financial and debt advice?
- p) What is the current level of indebtedness?
- q) Is recovery action already at an advanced level? (Contact recovery section)
- r) Is the CT debt rising year on year?

- s) What offer of payment or current re-payment arrangements exists?
- Deduction from DWP benefits after liability order?
 - A voluntary deduction from DWP benefits should be considered.
 - Ongoing Payment arrangement?
 - Financial and debt advice?
 - Basic banking advice and set up?
 - Skills based job advice and training?

The above is not an exhaustive list but is meant as a guide for decision makers

4.1 Third Party Payments

No Council Tax liability (except that of a care leaver) will be reduced under this scheme so as to make the total amount payable daily, less than that which might be recovered through the Department for work And Pensions - Third Party Payments scheme regulated by Social Security (Claims & Payment) Regulations 1987, Regulation 35(1) and Schedule 9 and The Council Tax (Deductions from Income Support) Regulations 1993.

4.2 Care Leavers

We recognise the unique position of care experienced young people and their relationship with the local authority as their corporate parent. As part of our efforts to promote opportunity and support our care leavers we have put in place a system to ensure that care leavers liability for council tax can be reduced to nil.

Ensuring that Individual Care Leavers receives such a reduction will require the local authorities care leaving services to support and refer care leavers irrespective of whether they qualify for a partial reduction under the main Council Tax Reduction Scheme in accordance with section 13A(1)(a) of the act.

For the purposes of this policy “care leavers” means—

(a) eligible children within the meaning given by paragraph 19B of Schedule 2 to the Children Act 1989;

(b) relevant children within the meaning given by section 23A(2) of that Act;

(c) persons aged under 25 who are former relevant children within the meaning given by section 23C(1) of that Act;

(d) persons qualifying for advice and assistance within the meaning given by section 24 of that Act;

- 4.3 There may be additional factors that need to be considered in individual cases. If so, the decision maker should obtain full details from the customer. They will then have to decide whether or not to make a discretionary payment. The decision maker must be satisfied that the customer or family member will suffer if a DCTR is not made. It is not enough to decide that a risk of suffering exists.

5. Limits on Payments

- 5.1 As DCTRs relate to a distinct Council Tax Liability and are based upon the circumstances pertaining at the time of the application and before, no award will

be made beyond the end of the financial year in which the award is made unless the application is made after 1st February in any given year.

5.2 Any award, regardless of when it is made will be for a period of no more than 12 months. In most cases the award will be for a period of 6 months or less and will be reviewed at the end of the award period.

5.3 If a customer makes a claim for a past period (backdating) and has continuous good cause for their failure to make a claim earlier, their claim in respect of that period shall be treated as made on -

(a) the first day from which they had continuous good cause; or
the day 6 months before the date of the claim for backdating if the customer is of working age, 3 months for customers of pension age, whichever fell later

5.4 A DCTR will only ever be made so as to reduce a Council Tax Liability. There are no circumstances in which any sum of money would become payable to the Liable Party. Any refund of Council tax will be NET of any DCTR council tax award.

6. Appeals

6.1 Appeals against any decision in relation to this Policy are to be made and decided in accordance with s16 of the Local Government Finance Act 1992. (as amended)

7. Overpayment

7.1 If the authority were to establish that an award of DCTR was erroneous because the liable party had knowingly provided false or inaccurate information, the reduction will be removed and the original liability will be reinstated, and a penalty may be applied in accordance with The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

8. Notification

8.1 We will write to the customer to tell them whether their DCTR claim was successful. The letter must include:

- the date the award runs from and to
- the amount of the award
- reasons why the claim was successful or unsuccessful

Council Tax Reduction Consultation Results

Consultation and Engagement Team, Data and Insight Service,
Kirklees Council

Date: **12 October 2023**

Total number of responses: **717**

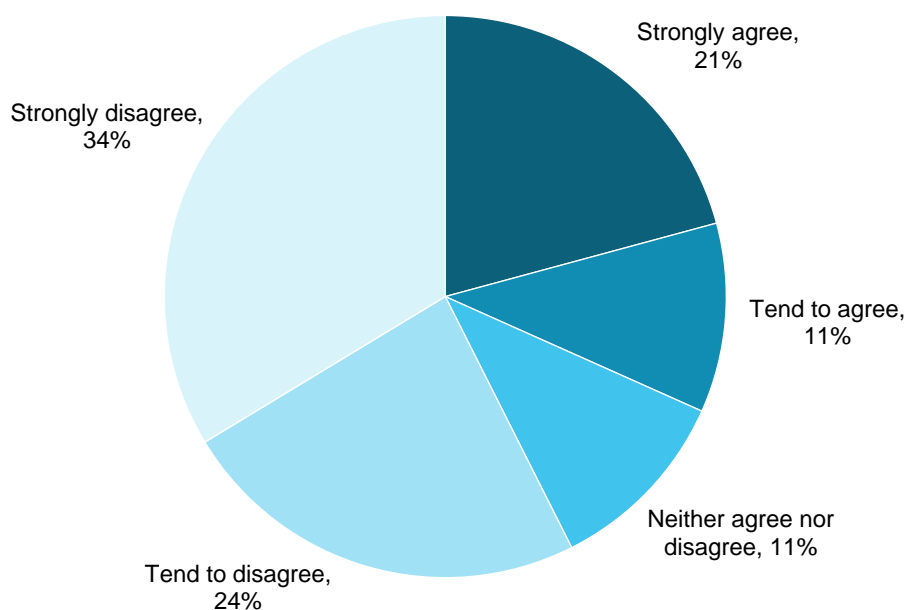
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Option 1: Keep the Council Tax Reduction Scheme as it is – no change

Please tell us how far you agree or disagree with keeping the current scheme as it is

Option 1 – overall responses

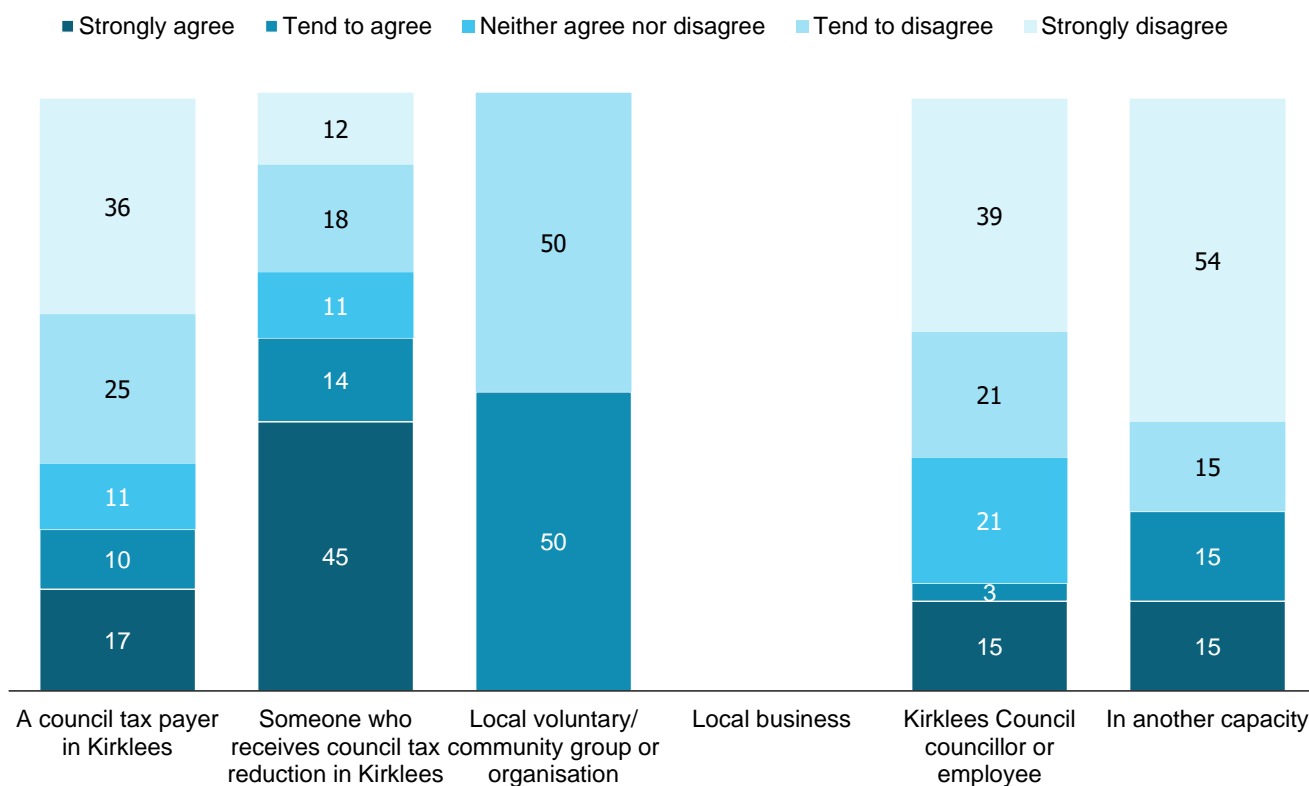


Overall responses

- Strongly agree: 21%
- Tend to agree: 11 %
- Neither agree nor disagree: 11%
- Tend to disagree: 24%
- Strongly disagree: 34%

Reponses by type of respondent

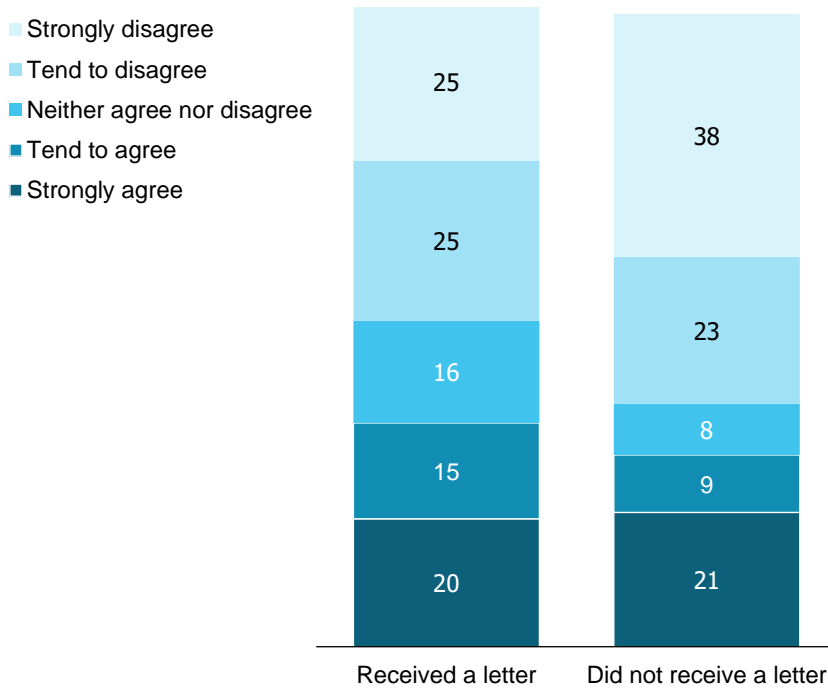
By type of respondent, %



Type of respondent	Strongly agree, %	Tend to agree, %	Neither agree nor disagree, %	Tend to disagree, %	Strongly disagree, %
As, or on behalf of, a council tax payer in Kirklees	17%	10%	11%	25%	36%
As, or on behalf of, someone who receives council tax reduction in Kirklees	45%	14%	11%	18%	12%
On behalf of a local voluntary/community group or organisation	0%	50%	0%	50%	0
On behalf of a local business	0	0	0	0	0
As a Kirklees council councillor or employee	15%	3%	21%	21%	39%
In another capacity	15%	15%	0%	15%	54%

Reponses by whether or not received a letter

Whether or not received a letter, %



Responses from those who received a letter

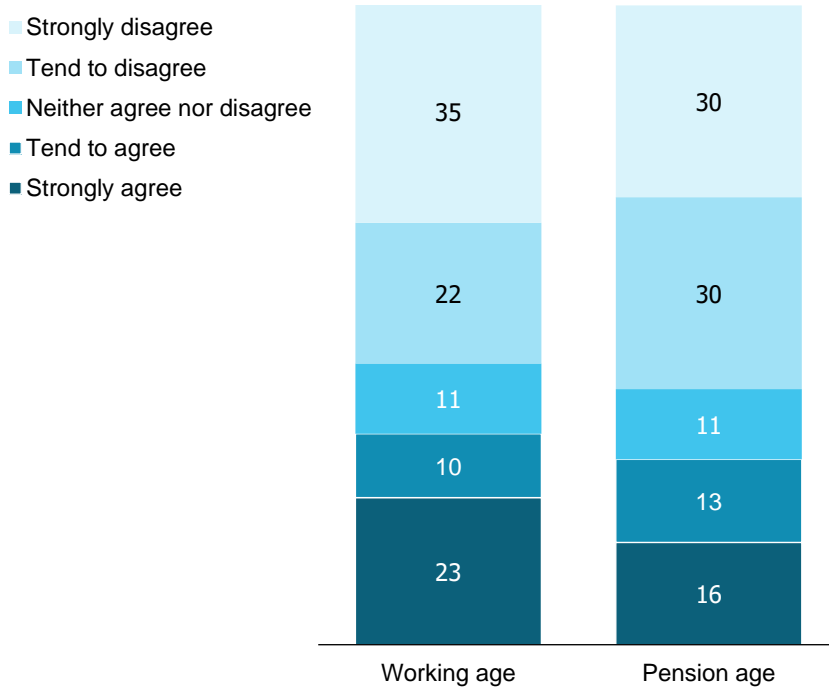
- Strongly agree: 20%
- Tend to agree: 15%
- Neither agree nor disagree: 16%
- Tend to disagree: 25%
- Strongly disagree: 25%

Responses from those who did not receive a letter

- Strongly agree: 21%
- Tend to agree: 9%
- Neither agree nor disagree: 8%
- Tend to disagree: 23%
- Strongly disagree: 38%

Reponses by age group

Working or pension age, %



Responses from those who are of working age

- Strongly agree: 23%
- Tend to agree: 10%
- Neither agree nor disagree: 11%
- Tend to disagree: 22%
- Strongly disagree: 35%

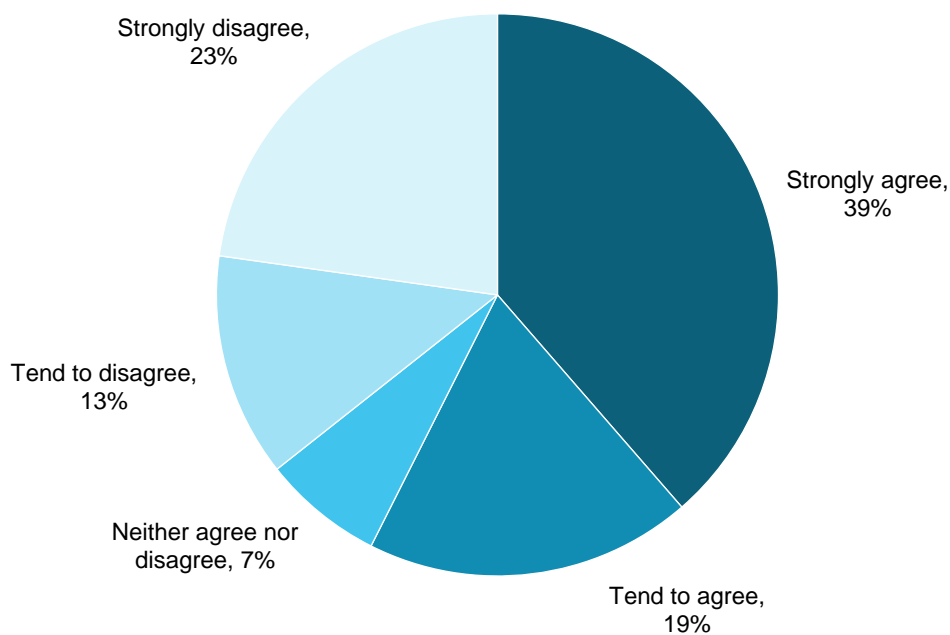
Responses from those who are of pension age

- Strongly agree: 16%
- Tend to agree: 13%
- Neither agree nor disagree: 11%
- Tend to disagree: 30%
- Strongly disagree: 30%

Option 2: Introduce a 25% standard charge for all working age households.

Please tell us how far you agree or disagree with the introduction of a 25% standard charge for all working age households

Option 2 – overall responses

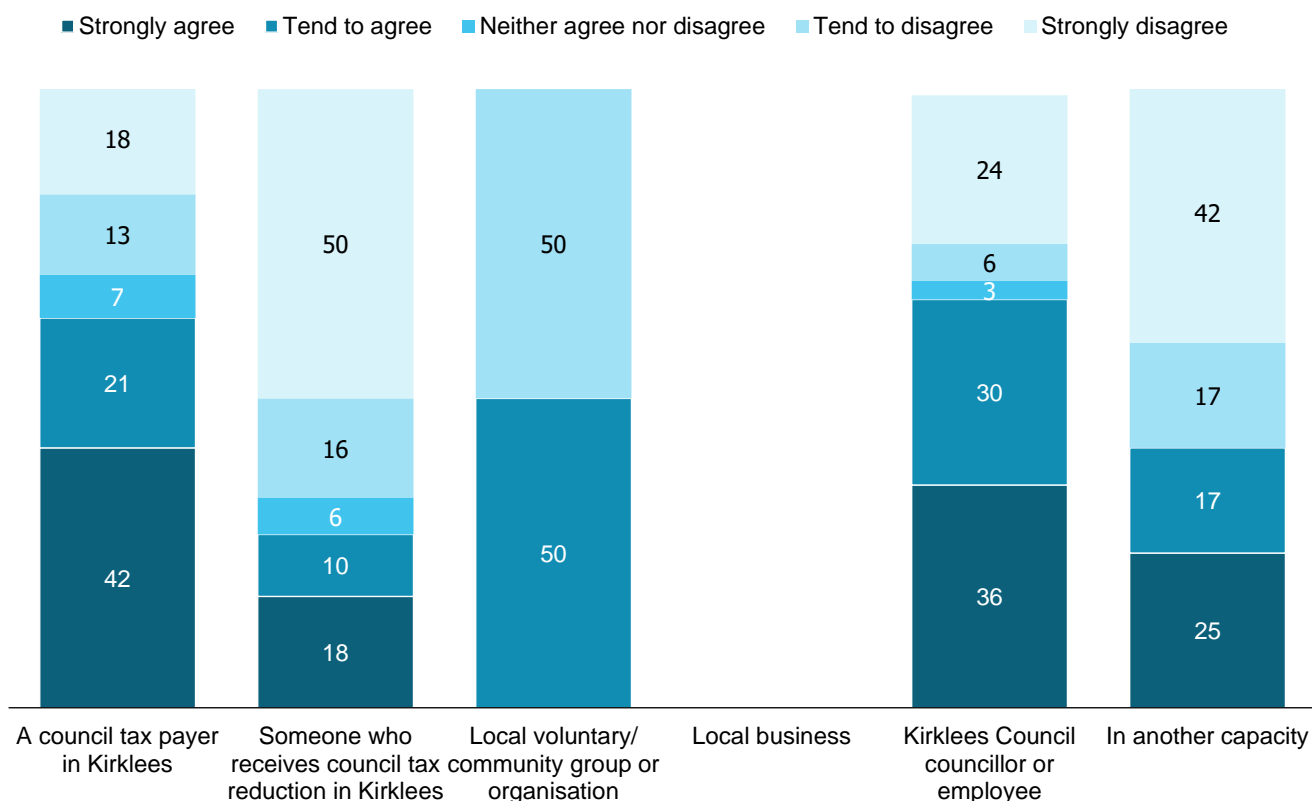


Overall responses

- Strongly agree: 39%
- Tend to agree: 19%
- Neither agree nor disagree: 7%
- Tend to disagree: 13%
- Strongly disagree: 23%

Responses by type of respondent

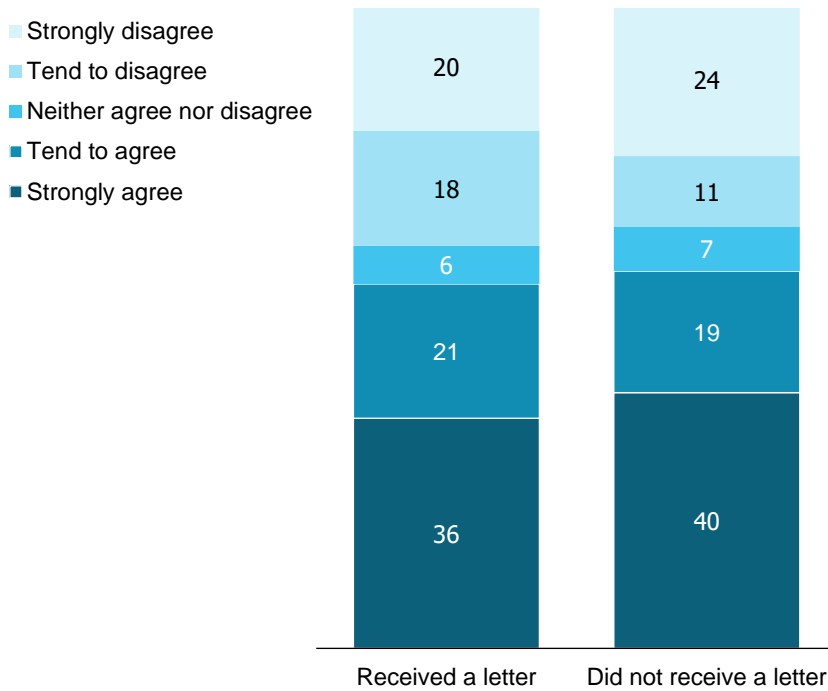
By type of respondent, %



Type of respondent	Strongly agree, %	Tend to agree, %	Neither agree nor disagree, %	Tend to disagree, %	Strongly disagree, %
As, or on behalf of, a council tax payer in Kirklees	42	21	7	13	18
As, or on behalf of, someone who receives council tax reduction in Kirklees	18	10	6	16	50
On behalf of a local voluntary/community group or organisation	0	50	0	50	0
On behalf of a local business	0	0	0	0	0
As a Kirklees council councillor or employee	36	30	3	6	24
In another capacity	25	17	0	17	42

Reponses by whether or not received a letter

Whether or not received a letter, %



Responses from those who received a letter

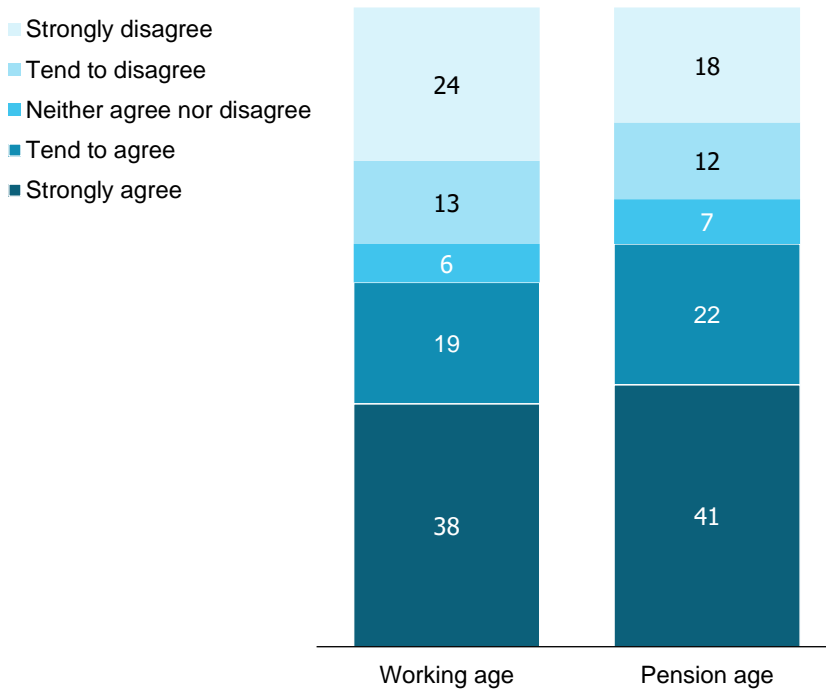
- Strongly agree: 36%
- Tend to agree: 21%
- Neither agree nor disagree: 6%
- Tend to disagree: 18%
- Strongly disagree: 20%

Responses from those who did not receive a letter

- Strongly agree: 40%
- Tend to agree: 19%
- Neither agree nor disagree: 7%
- Tend to disagree: 11%
- Strongly disagree: 24%

Reponses by age group

Working or pension age, %



Responses from those who are of working age

- Strongly agree: 38%
- Tend to agree: 19%
- Neither agree nor disagree: 6%
- Tend to disagree: 13%
- Strongly disagree: 24%

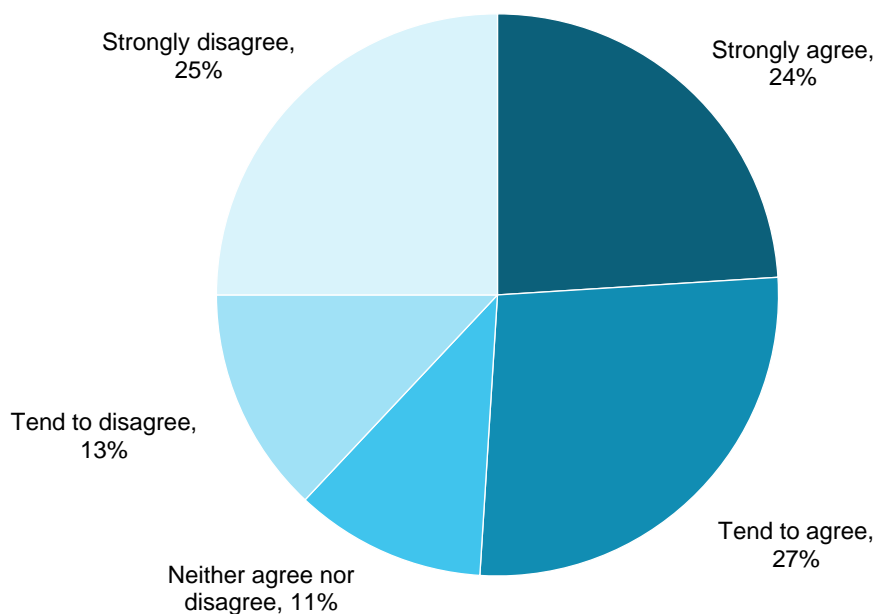
Responses from those who are of pension age

- Strongly agree: 41%
- Tend to agree: 22%
- Neither agree nor disagree: 7%
- Tend to disagree: 12%
- Strongly disagree: 18%

Option 3: Introduce a 15% standard charge for all working age households.

Please tell us how far you agree or disagree with the introduction of a 15% standard charge for all working age households

Option 3 – overall responses

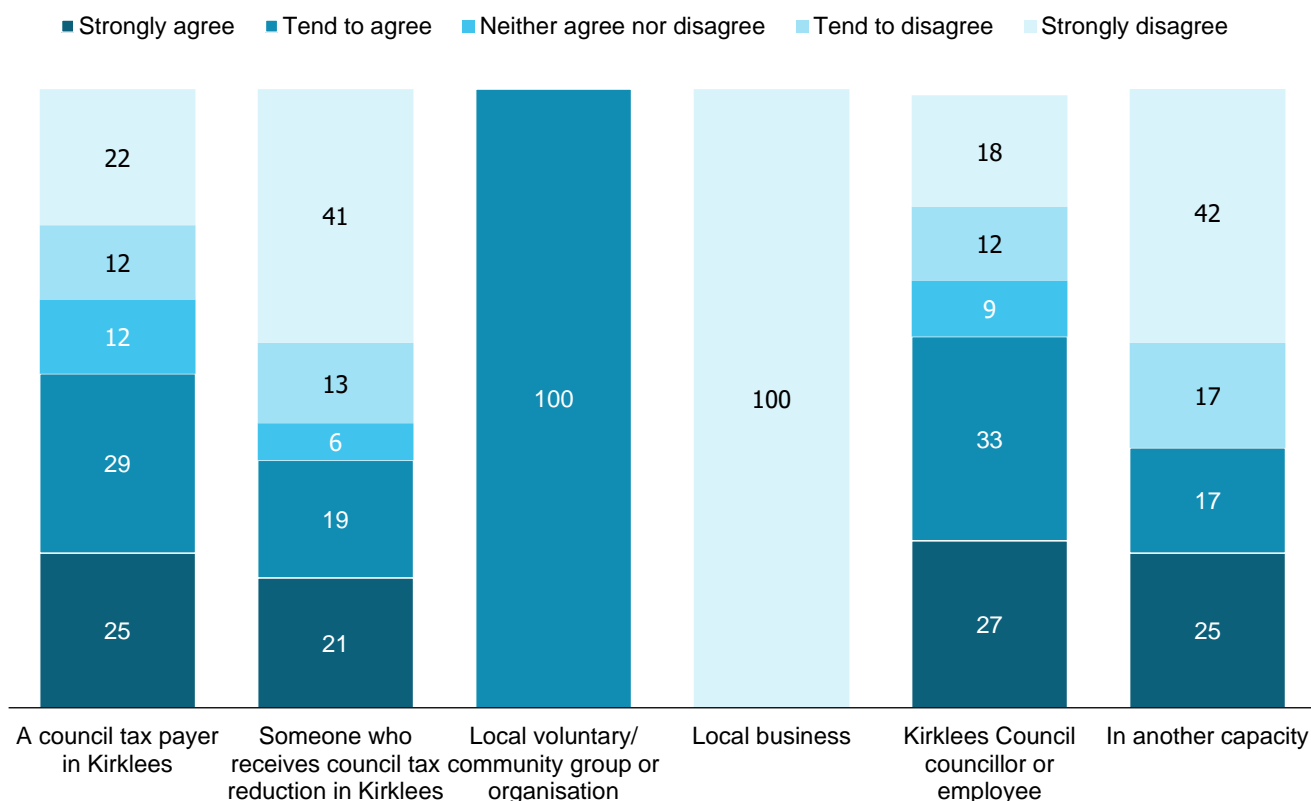


Overall responses

- Strongly agree: 24%
- Tend to agree: 27%
- Neither agree nor disagree: 11%
- Tend to disagree: 13%
- Strongly disagree: 25%

Responses by type of respondent

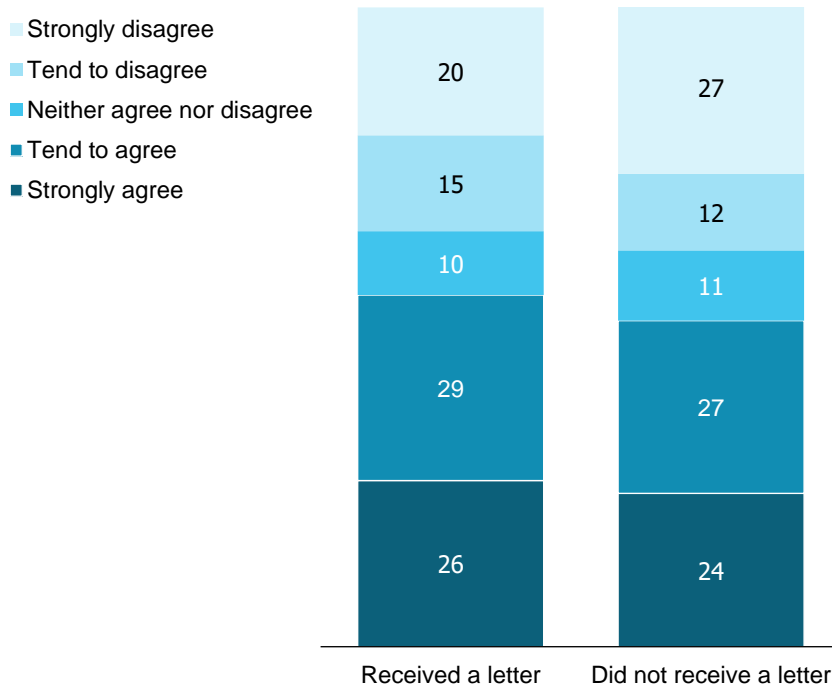
By type of respondent, %



Type of respondent	Strongly agree, %	Tend to agree, %	Neither agree nor disagree, %	Tend to disagree, %	Strongly disagree, %
As, or on behalf of, a council tax payer in Kirklees	25	29	12	12	22
As, or on behalf of, someone who receives council tax reduction in Kirklees	21	19	6	13	41
On behalf of a local voluntary/community group or organisation	0	100	0	0	0
On behalf of a local business	0	0	0	0	100
As a Kirklees council councillor or employee	27	33	9	12	18
In another capacity	25	17	0	17	42

Reponses by whether or not received a letter

Whether or not received a letter, %



Responses from those who received a letter

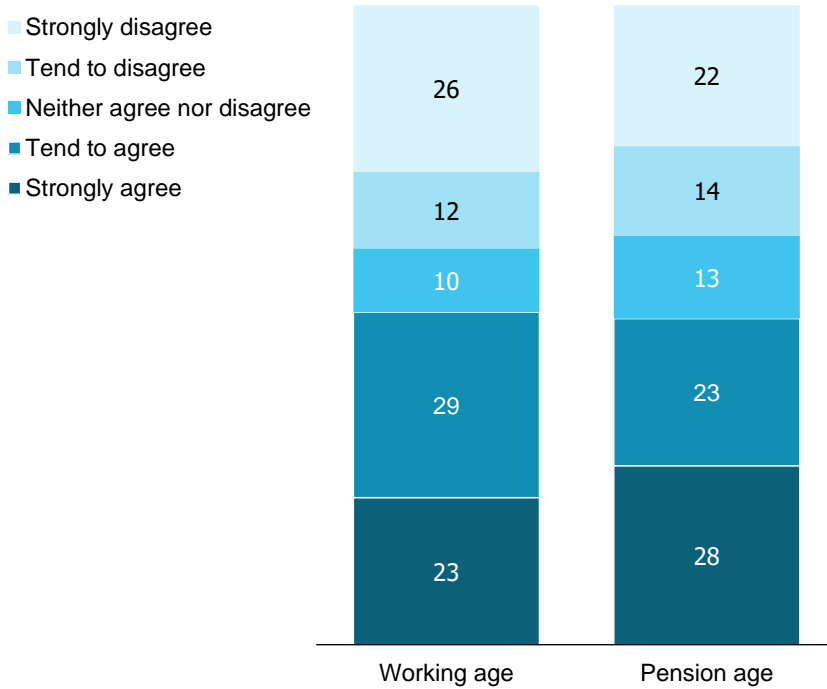
- Strongly agree: 26%
- Tend to agree: 29%
- Neither agree nor disagree: 10%
- Tend to disagree: 15%
- Strongly disagree: 20%

Responses from those who did not receive a letter

- Strongly agree: 24%
- Tend to agree: 27%
- Neither agree nor disagree: 11%
- Tend to disagree: 12%
- Strongly disagree: 27%

Reponses by age group

Working or pension age, %



Responses from those who are of working age

- Strongly agree: 23%
- Tend to agree: 29%
- Neither agree nor disagree: 10%
- Tend to disagree: 12%
- Strongly disagree: 26%

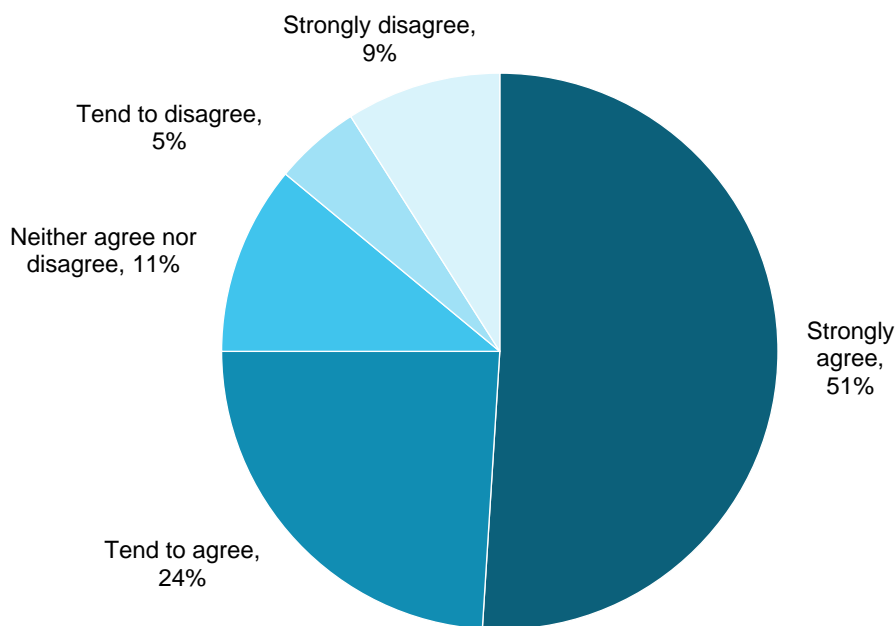
Responses from those who are of pension age

- Strongly agree: 28%
- Tend to agree: 23%
- Neither agree nor disagree: 13%
- Tend to disagree: 14%
- Strongly disagree: 22%

Option 4: Reducing the administration of the scheme

Please tell us how far you agree or disagree with reducing administration of the scheme

Option 3 – overall responses

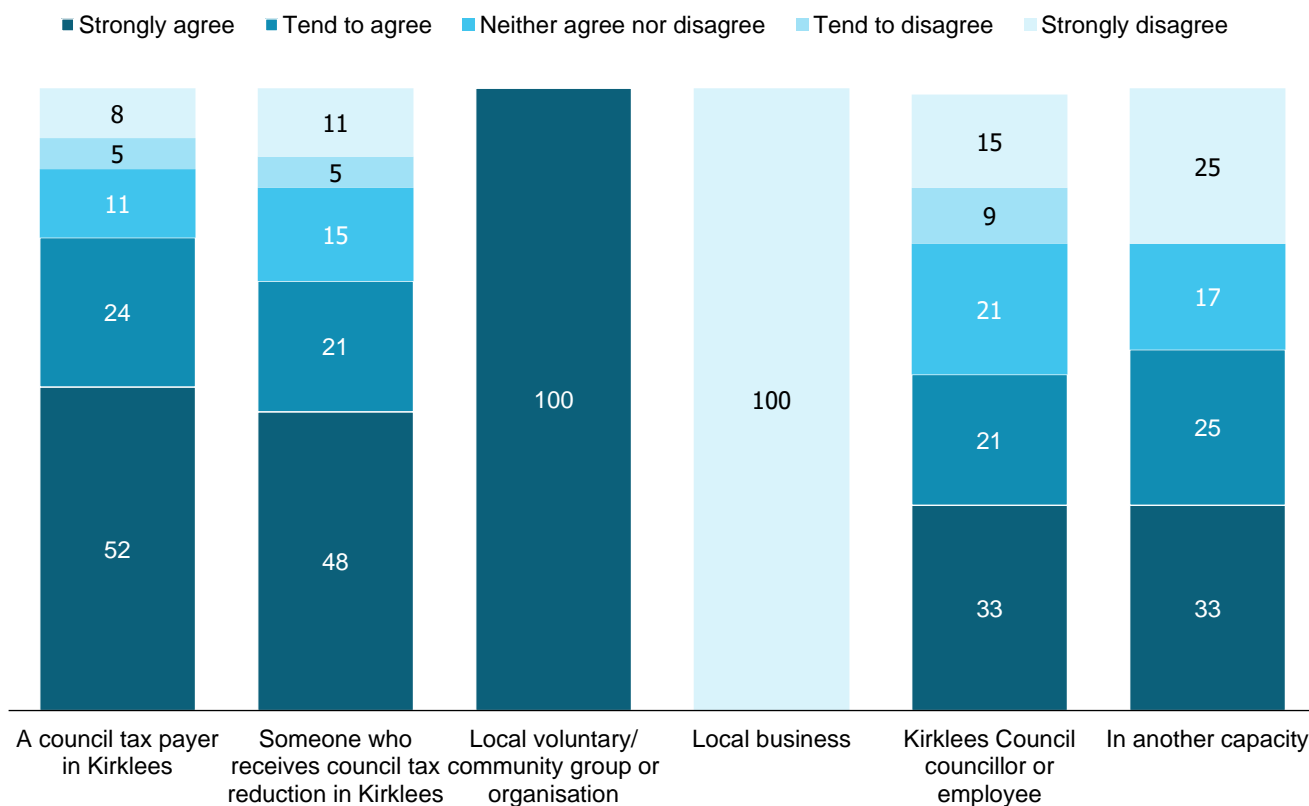


Overall responses

- Strongly agree: 51%
- Tend to agree: 24%
- Neither agree nor disagree: 11%
- Tend to disagree: 5%
- Strongly disagree: 9%

Responses by type of respondent

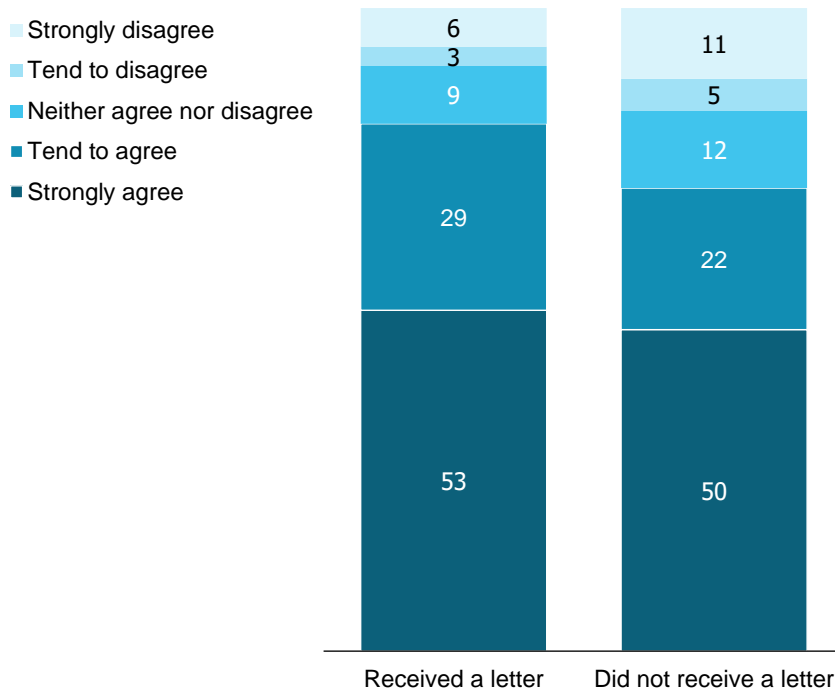
By type of respondent, %



Type of respondent	Strongly agree, %	Tend to agree, %	Neither agree nor disagree, %	Tend to disagree, %	Strongly disagree, %
As, or on behalf of, a council tax payer in Kirklees	52	24	11	5	8
As, or on behalf of, someone who receives council tax reduction in Kirklees	48	21	15	5	11
On behalf of a local voluntary/community group or organisation	100	0	0	0	0
On behalf of a local business	0	0	0	0	100
As a Kirklees council councillor or employee	33	21	21	9	15
In another capacity	33	25	17	0	25

Reponses by whether or not received a letter

Whether or not received a letter, %



Responses from those who received a letter

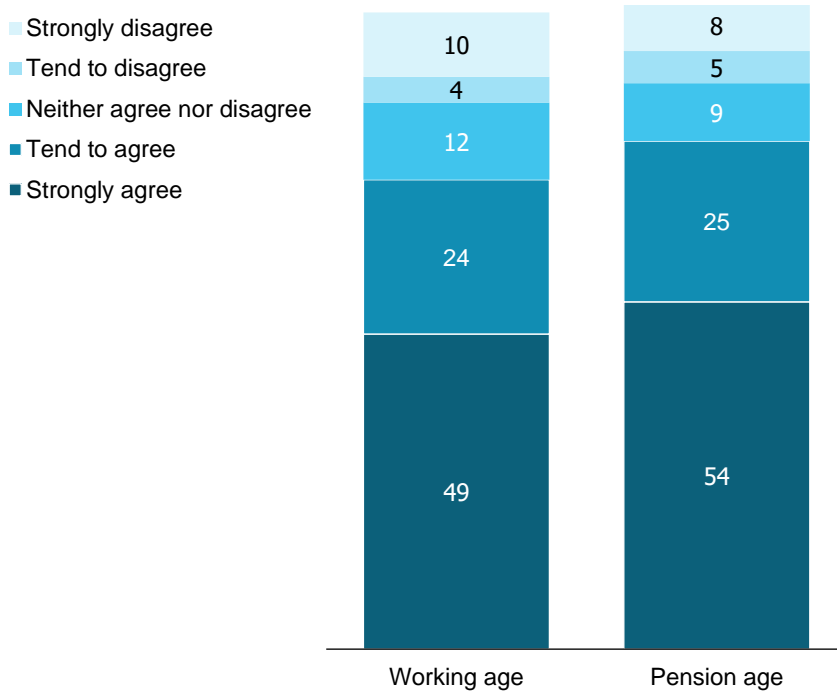
- Strongly agree: 53%
- Tend to agree: 29%
- Neither agree nor disagree: 9%
- Tend to disagree: 3%
- Strongly disagree: 6%

Responses from those who did not receive a letter

- Strongly agree: 50%
- Tend to agree: 22%
- Neither agree nor disagree: 12%
- Tend to disagree: 5%
- Strongly disagree: 11%

Reponses by age group

Working or pension age, %



Responses from those who are of working age

- Strongly agree: 49%
- Tend to agree: 24%
- Neither agree nor disagree: 12%
- Tend to disagree: 4%
- Strongly disagree: 10%

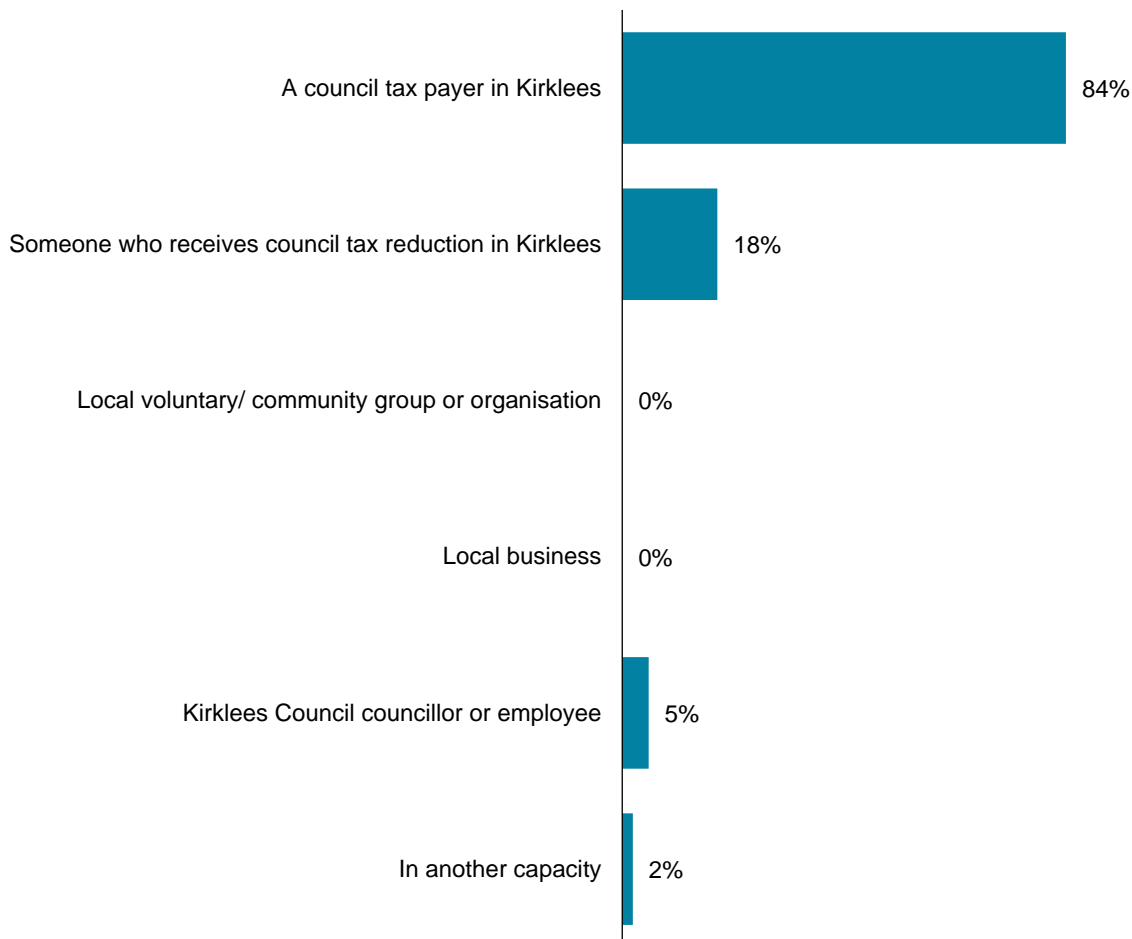
Responses from those who are of pension age

- Strongly agree: 54%
- Tend to agree: 25%
- Neither agree nor disagree: 9%
- Tend to disagree: 5%
- Strongly disagree: 8%

About you: Summary all responses

Summary of respondents

Respondents completeing the questionnaire as, or on behalf of:

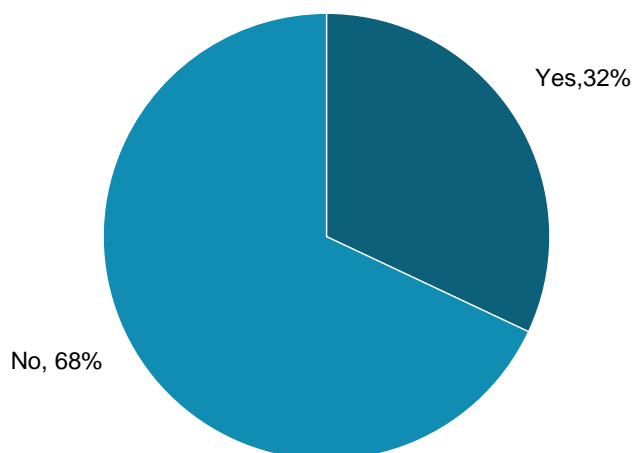


Respondent type

- As, or on behalf of, a council tax payer in Kirklees: 84%
- As, or on behalf of, someone who receives council tax reduction in Kirklees: 18%
- On behalf of a local voluntary/community group or organisation: 0%
- On behalf of a local business: 0%
- As a Kirklees council councillor or employee: 5%
- In another capacity: 2%

Did you receive a letter inviting you to take part in this consultation?

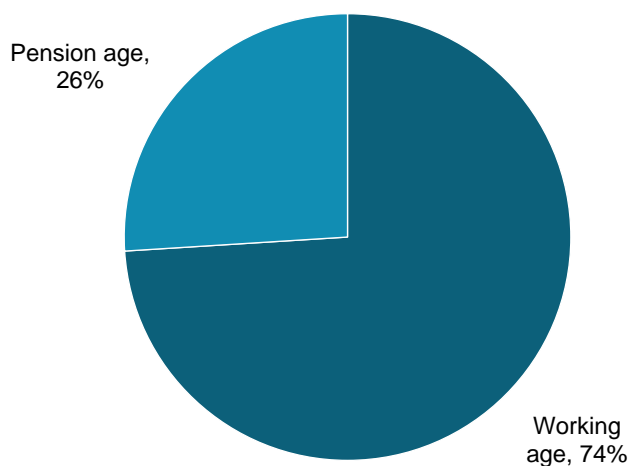
Received a letter



- Yes: 32%
- No: 68%

Percentage of respondents of pension age or working age

Age group



- Working age: 74%
- Pension age: 26%

Additional comments

These verbatim comments have been extracted directly from the online consultation. To comply with General Data Protection Act, respondents' personal details have been removed from the following comments.

- Unfortunately if the Council is over-spending everyone will need to contribute - I think everyone needs to pay something, however, small an amount for the local services that they use. I think also that Council Tax needs to be increased, with higher percentage increases for the higher Council Tax bands.
- This helps people to eat. Thanks for trying to prevent hunger in Huddersfield.
- It would be an idea to reduce the capital limit. Why would you make someone of working age, with higher expenses, pay more when a pensioner can have almost £8k sat in the bank, but is not affected.
- People are already struggling financially and relying on foodbanks to feed their children and unable to pay utilities bills and facing homelessness due to increased rents and mortgages. Increasing the amount of council tax people have to pay will increase people suffering and even more people living in poverty.
- Kirklees problems have been a long time coming, must be the worst council in the country. I am proud to be a Yorkshire man but not a Kirklees resident, this council has wasted money on bus gates and town centre cycle lanes and uni students and their biggest achievement is reducing footfall in the town centre with their anti-car policies.
- Everyone should pay something, it's unfair the rest of us pay more to cover those who pay nothing. Council should also take more action to recover non-payment instead of writing off.
- I don't think you should ask people who get 100% help to start paying unless you know for sure they have a means of paying.
- The limited Scenarios you offer as examples, miss out a lot of people living in higher band properties and/or living alone without disabilities, but on low income. Higher increases in Council Tax can disproportionately affect those paying higher bands.
- Don't think you should implement that every household should pay a 25% or 15% of there council tax, there are people struggling to pay the bills and put food on the table so for them implementing either of these options could be impossible, there council tax should be based on the income they receive not disregarding the fact and billing them anyway, you should not add to their pressure, the only option is sort out you're admin and stop these on Kirklees Council claiming all sorts on expenses and getting high pay rises.
- A lot of people who are getting CTR are getting more than myself who works while they don't work and get more than myself. Due to the amount they are getting they have no intention of working and it isn't fair. They even think they should not pay any CT at all.
- Households that receive 100% discount on the council their CT bills are often the most vulnerable and deprived people in society. Making them pay anything will provide yet another huge burden on their household budget. Think again about how much is paid to the highest earners in Kirklees and consider reducing their salary by 10%, this will generate a lot of money. Consider also how many middle and higher management there are given the lack of shop level staff and difficulty in recruiting.
- Vulnerable groups are already unfairly being hit by the cost-of-living agenda. This is supposed to be a Labour run administration that protects the vulnerable in society. Just because another authority charges more Kirklees don't have to join in in the race to the bottom.
- The option I would most prefer is to make sure protected groups still get their 100% allowance, but the minimum raised for those outside of the protected groups.

- Reductions in support with council tax need to be in increments, otherwise it will be a shock to person's budget especially in this current economic environment. I do not think you can justify the increase in council tax at all. You will be driving the working population with sufficient income out of this place, it is already turning into wild Wild West. All you will left with are people on benefits, criminals and those who need to be supported. Who will be financing it then? People with decent income will move to other places as Huddersfield is becoming uncomfortable to live in. Slightly higher council tax charged by other councils are becoming more and more attractive for the group of people still living here and paying their taxes. Do not overcharge as you will be left with those who need to be supported and those that were subsidising your gaps in budget will be gone.
- Crack down on littering and fly tipping with additional cctv in known hot spots.
- The council tax is increasing at very high levels every year I believe everyone has to contribute at least 25%.
- Anything which reduces the cost of administration can only be a good thing as long as we ensure that this does not cause unnecessary stress on the public. It must be done properly and properly thought out.
- Will the cost of recovery increase? If people on low income are already struggling with the cost of living, they are less likely to pay their council tax.
- Make things simpler and less complicated, less reps means quicker and more efficient processes and money saved.
- If a household has workers in it they should pay council tax, irrespective of whether or not they are single parents. The only exceptions should be retired, widowed and disabled people. I also think there are many people not working who could.
- Id like to see those recieving a disability premium remain fully exempt if possible. Disabled people and their carers are already more likely to live in poverty (almost half of those living in poverty are disabled or live with someone who is - Disability Rights) so any increase affects them massively as their ability to increase their income or decrease outgoings can be severely limited.
- I still think the council should overhaul the ctr scheme but should do it in a paced way over a longer period of time and bring it into line with other authorities.
- Make it more generous.
- Cut the wages and bonuses of senior staff within Kirklees they are overpaid.
- Less pensions for councillors would free up more money. State pension only and downsize.
- People of working age and have their own house should not be penalised because some people make other choices in life. Yes if people actually cannot work then council tax should be reduced. But why should I worn full time and pay all my bills when there are people out there that can't be bothered to work and get bills paid.
- I think this will disadvantage the least well off in society especially with the cost-of-living crisis. CTR to pay should be about 5% for non-working people, 10% minimum wage.
- Even a small change would result in further hardship on top of that currently suffering.
- Everyone should pay something. Protect those who cannot work but make those who won't work pay.
- Would this not lead to wrong charges if you do not have the correct information and therefore add more administration costs sorting these out. I cannot believe that the Council has got itself into this financial mess. What have the CEO and the finance officer and the auditors been doing over the last months and years! I heard on the local TV news about Kirklees going bankrupt. How can this happen.
- Collect all outstanding council tax. Review all spending. Publish your accounts in full. Transparency with the people who actually fund everything.

- We are both below state pension age but both retired on small private pensions and pay all our council tax. People need to take responsibility for paying their dues.
- If people are of working age they need to be paying their way.
- One size does not fit all – so across the board changes, that apply to all households, would inevitably disadvantage some households more than others – whilst also creating the potential to trigger debt, in some instances.
- Could option four lead to people receiving support for longer than they would otherwise be entitled?
- Totally reasonable that working people should make a contribution.
- This is very difficult to understand. As an intelligent person who was an NHS manager I am not sure which part of the demographic you are aiming at. Survey needs to be more specific or you are going to get so many negative responses the answer will be a resounding NO as it is so unclear.
- As a 'pensioner' household who get no rebate we DO NOT agree to propping up people who pay nothing and take everything!!!
- I would support any change if it takes into account the person's ability to pay and if support can be given to those in genuine difficulty.
- I assume single occupants (who pay 75% of their council tax) and those with health issue-based discounts will continue to be protected? All that money being spent on vanity projects 'regenerating' the towns.... could that not have been better used? Council must have been VERY careless with our money to be overspent like this. Still on the bright side, our homeless folk will have a better view from the shop doorways they sleep rough in. And our junkies and yobos will have a nice grassy area to run amok in.
- I am the only occupant in my home. Why do I only get a 25% reduction off my Council Tax? All single occupied properties should receive a 50% reduction. If you think the current 25% reduction is fair then why doesn't a family of 4 living in a home pay 150%?
- These proposals are going to generate more issues, calls, complaints and require more resources to administer.
- You don't need me to remind you what poverty exists in people who were previously managing. I cannot see any moral leverage in making people pay out more money however small the amount may seem to you. I would strongly recommend the banding system be adjusted so that they fall in line with the larger houses 'executive' if you like especially of 4 or 5 houses and excessive amounts of bathrooms. Increase these costs and the savings allowance to more than 8,000 on a par with the £20,000 savings allowances that people are allowed to hold without it infringing on their receiving of certain benefits. This would favour the poorest in our society.
- Reduction of administration costs is desirable but from the information given I'm unsure of the implications for the residents involved or the council.
- I constantly fail to get financial support and just manage to pay bills, including the council tax. Any removal of the tax reduction will put me in debt. I suffer from ill health and retired at 62 on a very low income. Please consider that there is a group of people who do not necessarily fit into groups with benefits or financial security to cope with price hikes, cost of living.
- Keep the scheme as it is as people are going to be worse off with option 2 and 3.
- People who are protected, on the named benefits should not have to pay council tax. Even those who are not earning such as students living at home, should be 100% no council tax. The council tax system is too confusing, when speaking to staff they come up with different figures each time and can't explain calculations. Bills have different increasing figures on them! It's totally unfair & wrong for the council to make residents pay for their mishandling & overspending & wasteful use of taxpayers' money. Please find another way by looking at your own spending rather than penalising residents.
- As a pensioner household we have to pay full council tax. Every household should pay something. Everyone get their refuse collected, don't they?

- Can another option be to reduce the single occupancy discount?
- if you are on benefits you should pay at-least 40% and stop putting the working persons up all the time we are struggling too but we get no help there was never food banks when I was younger the younger generations want it all for nothing if your over 65 and have worked all your life you should not pay it.
- Whilst I'm fairly neutral about what should be done, I appreciate that you're stuck between a rock and a hard place. The people who should have the most impact on where your savings are to be made are the people receiving CTR, so hopefully you will be contacting these 'beneficiaries' directly to see what they can afford to pay. Me deciding or commenting on their ability to pay is somewhat unfair.
- I think there should be more support for individuals who work. There is not a lot of support or discounts for single parents who work.
- The current Government have stitched up local councils, making it appear falsely that the councils are overspending rather than Government's cut-back of funding to local Councils is to blame. A sinister & blatant situation has been cunningly devised which should be legislated away as a top priority by the next Government. Until then we either fight fire with fire & dam the consequences or sit tight & comply whilst the Country continues to go to hell in a hand-cart, & cope with us all being screwed & the poverty gap to continuing to widen.
- So this is a short survey but you haven't given us all the info on the options – how much will the council save implementing admin changes? Why isn't there an option to do those changes plus another option? How much will that save? Why have you only given the monetary value saved on the first option? Why does 34,500 people cost the council over a million pounds each per year? (last sentence in earlier explanation 34,500. people get a reduction which costs £35.5m a year? What are you doing with all the money you are getting from this bloated population of Kirklees with more people than ever working, paying more than ever for less services? What are you doing? Are you collecting properly from all the businesses that pop up and seem to be accepting cash then suddenly go out of business... see multiple shops / businesses on Batley high street and Bradford Road, that insist on cash and don't issue receipts, unless specifically asked. Why are standards dropping so low? More litter, less police, shabby shabby shabby it's time we had different party in charge, Labour have not done a good job for decades here, you've let the majority down and just like the last Labour government, have lost all the money and not done the job. Absolutely appalling.
- This is utterly disgusting. Council tax is already at record levels and the cost of living is destroying people, plus we're already living in one of the most deprived areas in the UK. It's a false economy to expect the poorest to pay because you'll stack up more administration costs trying to chase them for what they don't have. It will also lead to further deprivation meaning more pressure on social and NHS services, as well as a crime and ASB increase that our police service is not able to deal with. Leave it as it is and invest more for the poorest via Sure Start, youth clubs, enterprise schemes, and you'll put money in pockets that will mean your £4.33 million can be paid by more of those currently receiving support.
- Council tax reduction is targetted at the least wealthy. We know that these are disproportionately affected by inflation and so should be protected from increases. Increasing the amount of Council Tax paid by those currently in receipt of a reduction is likely to impact on children as families will have less to spend on food and heating. Additionally, increasing Council Tax payments will further reduce disposable income and so is likely to increase ill health, both physical and mental. The statement that Kirklees has the most generous scheme in West Yorkshire is something in which we should take pride and not be seen as supporting a reduction in the scheme. The scheme is predicated on the concept that some people cannot afford to pay for Council services. Nothing in the proposals presents evidence to the contrary. Hence to impose charges on people who it is known cannot pay is to condemn those affected to destitution. That is not what we expect of a caring council.
- There is a risk with options 2 and 3 of non-payment. Has the council modelled the non-payment against the increased cost to chase arrears, and prosecute non-payment/write off arrears.

- Reduce the salaries of the top council employees. How can people earn more than the Prime Minister? Reduce the number of council employees.
- There needs to be an option for the protected groups to stay protected and others to pay at least 25% if they don't meet the criteria.
- You usually find that those in the protected groups and those qualifying for discount have more disposable income than those working age in work. A fairer system would be for everyone to contribute and avoid annual increases that would affect affordability for working age residents.
- The scenario's shows were all in lower council tax banding so the difference in each I'd the examples was a minimal amount of money. This would obviously not be true in higher council tax bandings. People living in the higher bandings may have the same support needs but the changes would make a more significant difference to their payments.
- Good idea as long as this doesn't mean people who are no longer eligible to receive a rebate could fall through the net and continue to receive it, then ultimately build up a debt that would not be recovered.
- Please don't put people under further financial pressure in this cost-of-living crisis.
- Everyone should have to pay something.
- The consensus seems to be the Huddersfield Blueprint currently valued at costing the council 2.5 Million. Maybe look to cut costs there and not do all of the plan. As currently with the length of time it is taking for this blueprint to take off by the time it is completed. Residents will no longer have interest in the town centre. Thus making the whole reasoning of the plan pointless. Also please do not do what Sheffield council did. In a bid to save money they cut their council housing repairs department down to pretty much nothing so most of the housing stock was left in major disrepair and could not be rented out as it was very unsafe and because they slashed the repairs department they could not bring housing stock up to a liveable standard as they didn't have the staff needed to make repairs and lost so much money not being able to get rent costs from people living in council homes. I also recently read that part of the way the council plans to save money is to maybe make redundancies in the waste collection department. Surely this is counterproductive as if we have less people to do waste collections and peoples waste in not getting collected every week in regards to bins. This will result in more fly-tipping which in the long run will cost the council more money to resolve. In regard to council tax I believe the council should take a look at the policy that if someone misses paying council tax for one month they are then expected to pay for the remainder of the years costs. If someone cannot pay for the 1 month how can they be expected to pay the money for the full year? Maybe alter the policy so if a payment is missed a payment plan is then given as an option. I bring this up as people on benefits some do not get a lot of money so if they have to pay more council tax it may put them in a position where they miss payments.
- As a householder in the protected category, I would like the option to contribute an amount around 10% to 15% of my bill but am conscious that punitive DWP policies mean many of my peers in this category could go from able to contribute into debt at any time through sudden DWP cuts. I think changing the policy needs to bear this in mind, as I would be paying council tax from my PIP. Allowing people who can contribute to do so when they can would bring in revenue without the costs of recovering debt when those people become unable to for a time. The only time I have ever been in arrears for any housing costs has been when the DWP failed to update our Housing Benefit claim and we ended up accruing an overpayment that we weren't notified about for months, only to have to repay £500 to a deadline. I think reducing communication with the DWP will actually make it harder for low income people to manage their council tax accounts. I think it plays into the central government agenda of making the DWP more opaque and local authorities less able to keep the DWP accountable. I can see that move creating more problems for welfare rights advisors and agencies who are assisting clients with council tax arrears. I do think that a property re-banding audit and strong, united local authority campaigning against the bedroom tax would go a long way to making council tax more proportionate to the incomes of people, especially those in social housing. If this increase was directed at landlords (housing and commercial units) and second home BTL owners then you might regain housing stock and take money from people who can afford to

contribute more. An individual who makes a passive income should be paying an increase before a lie income working renting family should.

- Single occupancy reduction for pensioners should remain
- This government is a shower of c****s. I blame them, not Kirklees for not having enough money to support people.
- I'm unable to work due to lung cancer & this is one of the few benefits I receive, but it greatly helps.
- Being a pensioner who gets no payments other than state pension I think everyone should pay full council tax payments to help the council pay to cover all services which are needed.
- I really don't see why households who have any working members should not contribute. After all the bigger the family the more they take from the council. Also those who seek reductions on a religious basis should pay in full, just like the rest of us.
- Proposals 2-3 will impact most on the poorest in our community. They are already being hit the hardest by the 'cost-of-living' crisis. I couldn't condone making life more difficult for this sector of people & importantly children living in these circumstances. I wasn't even aware of this level of discount (I receive a 25% discount as a single occupant). However I googled 'Universal Credit' & was filled with empathy when I realised what small sums of money people are expected to live on. I have had a period of poverty in my life, when I was unable to work, so may have more understanding than some. The examples given may seem like small amounts to those earning a decent wage – but represent food on the table for those with a low income. Sadly, I don't have any great ideas – but can spot a poor one! I could try & make a case for charging the higher bandings more.....a tad spurious though: they are larger consumers, houses are farther apart or more remote, regarding refuse collection & provision of services. Just don't make life harder for those already in poverty.
- People are already struggling on benefits. Why give with one hand and take away with the other. they do not have a spare £300.00 It is the children who will be worse off. Clean up your own house first stop wasting money. become more efficient in the administration. Have less paperwork.
- I feel everyone should pay even if it's only £1 per week it still helps the council.
- Agree to a reduction in admin, but how much would this save? A gradual increase over time from 15% (or even 10% to start) to 25% minimum payment would give people time to adjust to altering their payments. But how much is implementing and administering a new system going to cost in the short and long term? Retraining staff and changing online or hard copy paperwork will take staff time and have costs. Is it worth it?
- In the current economic climate, I feel the 25% liability would lead to greater defaults & therefore increase the costs of collecting outstanding funds so negating, in part, the increase in income to the Council.
- Does this affect the 25% single person household discount.
- Keep the existing system that has worked for many years.
- There should be differentiation between the groups who are protected. Parents of young children do have an option in theory to increase working hours etc and therefore pay the increase that you propose. People receiving UC are the same. Those who receive enhanced rates of disability have no such ability to work to increase their household income and so any increase in council tax would simply result in them having less money with no way to improve their situation. Just making their lives poorer and more miserable. There might therefore be an increase in demand for other council services because such disabled people are unable to pay for some things that they currently pay for out of their income.
- People who work hard should not be picking up the bill for those who don't work and the disabled can work from home there is no excuses not to work and contribute to the council tax, everyone should be contributing. This country is falling apart because the government is too soft and childcare should be free to only those who work

- Someone in the protected group may have less/similar income to someone receiving pension, who can receive council tax reductions. Someone in the protected group is highly likely to be living on/just below national expected living income and cannot increase income due to their condition. Someone with severe disability is highly likely to have higher costs/expenditure because of their condition/s than a pensioner who receives the council tax reductions. Increasing council tax to a payment of 15% is higher than current inflation rate, notably for someone on a fixed income. Government payment to local councils considered the support for protected groups.
- I understand that there needs to be change, and even small measures can help with this.
- If you alter the scheme. Don't dilly dally getting in place. And keep the admin on standby to query any questions they may have. AND MAKE SURE EVERYONE IS SINGING OFF THE SAME SHEET.
- Personally I think there is far too much money given away to people who do not need it. I have come from a school background and the amount of families that got free school meal vouchers in covid who didn't need them was frustrating. Also, free school meal eligibility should be looked at. Again there are families getting Free school meals but then flying away on holiday?? The refund which was given to households for Council tax due to being in a certain bracket was wrong also. From personal experience, my brother got a refund on his. Has two holidays a year, his wife doesn't work and his child goes to uni. We didn't get the discount as we are in a higher council tax bracket. Both my husband and I work full time and can't afford a holiday due to the rising costs of everything. It's frustrating knowing that there are possibly going to be a number of redundancies within the council when costs could be cut by not giving so much money away to people who don't need it.
- I can afford to pay more Council Tax and would be happy for it to be increased significantly to support valuable local services without reducing support for those less able to pay.
- All working age residents should contribute towards council tax payments – nobody should get it 100% free as there is then no incentive to say get a job or do something different. A small council charge, even for the vulnerable, is not a big ask, and at the end of the day we are all consuming council services so should contribute.
- I do not feel the council tax scheme should change for the vulnerable who are in the protected group - high rate PIP due to disability. Our benefit may have increased, however our care fees have also increased so we are essentially left with no benefit from the increase!
- Council tax benefits gives someone who needs additional support services eg pet services via PDSA. Person with pension who qualifies for council tax scheme may receive more income including PIP than a single person in receipt of benefits. Person with severe disability may not qualify for social care support as they do not meet criteria - severe mental health long term life who has relationship with family friend does not qualify and has to use PIP to pay a befriender to accompany on trips as they cannot undertake journeys on transport alone and are unable to volunteer due to extremely low functional skills and memory recall. PIP would have to be used to pay council tax and therefore reduce life for the person.
- People on benefits regardless of which used to get a full council tax reduction as if I remember the government used to pay the council back for reductions and now the council have passed this to people on benefits. This will only seem to continue hindering people on benefits who already have a low income. Anyone else who works is sadly liable to or should be paying full council tax.
- No.
- I am single mum with two little kids. I get 25% reduction, but I have to pay 115 pound CT. This is horrible. The cost of living high, and no help from the council!!!
- Tell all councillors and MPS to start paying back some of their extortionate expenses they claimed in past...and start doing their job according to their code and oath of office, like Mr shabir pandor Gwen Lowe tracey brabin, (I never voted for a mayor off west yorkshire don't want a mayor off west yorkshire how much would that save kirklees taxpayers) and Kim leadbeater...and everyone at kirklees council at management level stop been corrupt...theres going to be a full investigation in shabir pandors running off kirklees council...that I can tell you full audit by local council abundsman

there's loads off people wanting labour gone from Kirklees council...check Batley matters page on social media,check dewsbury matters in social media oooohh and get money back for them stupid useless planters in Huddersfield...waste of tax payers money.

- You need to continue to protect the severely disabled. They have been hit the hardest by the cost-of-living crisis. You also need to promote take up of this scheme as people on Universal Credit do not think they have to make a separate claim for this.
- As a severely disabled person on Universal Credit I did not know I had to claim this until I saw a Citizens Advice debt worker. You did not backdate my claim. You need to not change the scheme and also do a take up campaign. There will be lots of people missing out on this.
- I receive 100% CTR due to disabilities and being in a protected group. While I would prefer that to continue, I recognise that central government continually cutting funding means Kirklees Council is struggling to fulfil its statutory obligations - never mind anything else. I would find it difficult to pay but I would rather do that than see Council services be decimated even further.
- ONCE AGAIN THE PEOPLE WHO CAN LEAST AFFORD ARE NOW BEING ASKED TO PAY FOR THE MISTAKES OF HIGHLY PAID FOOLS. IN ONE OF THE SENARIOS SOMEONE COULD BE ASKED TO PAY AN EXTRA 5 POUNDS PER WEEK, WHERE ARE STRUGGLING FAMILIES SUPPOSED TO FIND THIS EXTRA MONEY. ALSO WHO EVER THOUGHT THIS UP IS HAVING A GO AT DISABLED PEOPLE AS THEY WILL END UP PAYING THE MOST. GOD GIVE ME STRENGTH, YOU COULDNT MAKE THIS UP. YOUR ADMINISTRATION IS GETTING TO BE MORE LIKE THE TORIES IN WESTMINISTER.
- The single parent working households are seriously struggling already. We do not need a rise in council tax. It is a disgrace to even consider this.
- As someone who has been in receipt of council tax reduction in the past I would strongly favour keeping it in place as it is. Those on low income struggle enough as it is to put food on the table and the added struggle that the changes would impose would be unfair and cause alot of stress.
- More frequent notifications, e.g. of part-time income, help keep the reduction calculation accurate when the claimant's income fluctuates. This avoids under- and over-charging and helps people budget. Waiting months on end for the adjustments is unfair and stressful. But billing isn't very efficient as months are often skipped upon updating income and the remaining monthly payments usually increase regardless as they are spread over fewer months. Ideally, the DWP notifications should update CTR automatically, but as councils all differ this is evidently too much to ask. Benefit levels should be decent enough to enable everyone to make a contribution to the community. But 25% is even higher than Thatcher's 20% Poll Tax levy on the poor.
- The council needs to be made aware of UC entitlement as often as possible. Maybe the council could fo.more about fraud, how many people claim the single person in HH reduction but actually live with a partner? People on income related benefits receive too much help with council tax bills.
- I dont think the most vulnerable should have to loose support. If administration costs can be cut without any negative effects, then surely this should be the first option. If further cost cutting is needed, then the support on offer to the vulnerable groups should be maximised as much is available.
- SENDING OUT TOO MANY LETTERS TO THE PUBLIC IS COSTING FAR TOO MUCH AND OTHER SPENDING SHOULD BE LOOKED AT MORE SERIOUSLY, THINK MORE ABOUT SPENDING, AND WHAT THE COUNCIL ARE BUYING,MOTTO "DO WE REALY NEED IT AND WHAT BETTER TO SPEND MONEY ON FOR THE GOOD OF THE TOWN.
- You need to send out less bills, and make them easier to understand. Good job I can talk to folk in customer service in Dewsbury town centre, as I wouldn't have a clue what to do. If my son hadn't been around I would have even been able to answer this survey, why does everything have to be done on a computer. Folk like me need to talk to a human being.
- I am not sure but it should be for people who's living with UC THANKS.

- Councillors should further reduce their salaries and expenses to further reduce the council bill. A councillor should be offering their services in order to benefit the community and not for financial gain.
- I think everyone should have to pay something towards them services we get.
- it would be helpful in decision making and commenting if Kirklees council would say how the "savings" under options 2 and 3 would be used. For example would the total amount be spent on pothole repairs or maybe on the Town Centre regeneration. The state of Huddersfield town centre is deplorable to say the least and has little or no attraction to draw in residents let alone outside visitors. The town of Huddersfield is dying its time to take an inward look and ask what can we the council do about this sorry state of affairs instead of looking back for someone else to blame.
- The council is in a difficult position however the shortfall should never fall to the shoulders of those in our community that can least afford it. As a working individual who's very fortunate to have never needed assistance with council tax payments I must admit to having to read the options carefully to understand what they mean as I've thankfully never needed the support from either the council or the state. What I will acknowledge is that for some people even small amounts of even a few pounds will tip already stretched household budgets and may mean the difference between forgoing a meal. Things are that tight for some. In view of the above I would much prefer council tax should rise for people like myself, any administrative efficiencies explored and implemented if feasible and also where possible services should be protected.
- The reduction scheme is being used by people who experience high inequalities within the locality this might be due to their vulnerabilities or personal circumstances. I do not believe that increasing costs to particular groups of people within these situations is following the outcomes and objectives set by Kirklees council within their top tier strategies such as the economic and health and wellbeing strategy. Pushing notifications from UC to twice a year will shift the expectation upon local people to be responsible to keep Kirklees council informed of any changes to their circumstances which moves the responsibility from the council to people who may lead chaotic lives. This type of stress and responsibly may add additional challenges to people who need assistance and the "system" or voluntary sector within Kirklees will have to pick up the gap.
- Stop all this nanny state rubbish, the people on benefits receive money to live on, whilst I am communicating with you folks, may I suggest that you stop ALL translation services, why is this our responsibility?
- Surely, rather than fiddling about with the bottom rung of the ladder it would be more sensible to ask those on top of the platform to cough up more. I say ask, I actually mean charge. Apparently tiny increases for those on low incomes can have huge consequences. Of course, the well off will bleat about scroungers but there have been huge tax cuts for the better off in the last sixteen years they really shouldn't begrudge helping the needy. Some hope of that though.
- We live in an unequal society and attitudes and reasonable adjustments for people with disabilities is wanting, therefore as a local authority I feel it important to protect this group. Other group's circumstances may change. However I feel people should have the ability to appeal any changes in charges as often people are in difficult positions due to circumstances beyond their control.
- I pay enough council tax if your finances at Kirkless are overspent why is that my problem I live on my own all I see for well over a thousand pound a year is my bin emptied my mortgage has gone up car insurance 40 per cent increase food up to nearly double fuel up heating my house double now you want me to pay full council tax because you Carnot organise your finances it goes up five per cent every year that is enough ok wf13 4lx number 2.
- I think it important that all households contribute something via their Council tax bill. The increase per week is very minor per household but collectively a worthwhile sum for Kirklees. Given that Kirklees are in trouble financially changed and savings are needed.
- I am a little concerned that families may struggle even to pay 15% of their bill. The cost of living is already hitting families on very low incomes very hard.

- I hope the new scheme does no impact on people like myself who get a discount for single occupancy as I don't think single occupants should have to pay the same as couples and families. Also I am now a pensioner and I don't get any further discount as I'm still paying income tax and own my home. I am not well off by any means, as my work pension is relatively small, I have to watch every penny. The council tax system needs to be fair for all residents. I think there are too many people milking the benefit system. You as a council is responsible for how taxpayers money is spent, you need to make these savings. A lot of these so called lone parents with children under 5 have a partner hidden away in the background, who is themselves claiming benefits.
- People need all the help possible especially at the moment. People who currently receive this are in the most dyer need and having this added cost will tip people over the edge.
- Many people are struggling to put food on the table and making poorer people pay more would mean a bigger financial pressure on them. Many of them with young families. I would prefer to pay more council tax than be responsible for struggling families to go without food.
- Cannot say I really understand this but so many people are struggling at this time, it would be unfair to add to their burdens.
- Some people are already financially over the edge, we shouldn't push them any further.
- Would like to better understand how the risk of overpayments is dealt with and possible costs to the council of recovery.
- Why do pensioners loose out I am a pensioner the only reduction I get is I living on my own I don't see government paying towards my bill.
- KMC is hugely inefficient. Costs can be saved by streamlining and setting far more ambitious targets for staff, monitoring these and providing financial incentives for this, whilst reducing head count. Also it makes sense for every household to contribute to council services since every household uses these services.
- Reduce councillors salaries and fewer middle managers! Everyone should make at least some contribution. Not fair to have the same ppl constantly benefit from the system whilst hard workers who never claim anything have to subsidise everyone else!
- People should pay something towards the costs.
- Why should residents subsidise the work shy!
- be more like Calderdale! Why do many things appear better there 😞.
- Increase council tax for those that can afford to pay it. No age limit. If you've the resources then you should pay.
- Any of the standard charge introductions hurt those most in need according to your examples given - a single parent might not have an extra £5 or £3 spare per week, some people live pay check to pay check. Reduce costs at your end, stop trying to take money from the poor like some reverse robin hood.
- I suffer from PTSD, EUPD, severe anxiety and extreme social anxiety resulting in self harm and attempted suicide multiple... In turn i am unable to work so according to your options i would be liable to pay for council tax resulting in further stress on my already limited finances...!!
- I strongly agree.
- Given the state of roads and pavements and their surroundings in kirklees it is hard to see where any further savings can be made so it is difficult to see how the CTRS cannot be reduced given it accounts for 10% of expenditure. Perhaps the number of rarely used cycle lanes which are rapidly appearing could also be a significant area for savings as well.
- Do not raise what we have to pay. I cannot pay even with my reduction.

- I understand that times are hard. Punishing the poor isn't the right thing to do. The figures you are quoting don't sound like a lot, but to a low earning family it is like hundreds of pounds. Everything had gone up, Gas, Electricity, Food. Just the basics of life have become unaffordable. We are living in a time of unprecedented hardship. We can't afford to heat our homes or eat proper food. If you put another burden on the poor, who knows what the outcome will be. This truly is a bad time to be poor. I urge you to consider this when you make your decision. Please don't make the poor, poorer, and more vulnerable.
- A person on low income due to illness knows from experience having the help with the tax reduction is one more thing not to have to worry about. If you have a family struggling to make ends meet in the first place adding another bill to their lives isn't going to help.
- Need to also consider those people who are not in receipt of any benefits but still have to pay all the council tax. Ie those on the cusp of each scheme.
- Reduction of employee salary to a maximum of £50,000 per annum would greatly help council finances.
- These scenarios aren't easy to understand. As a single person living alone, not on any benefits & in full time employment I currently receive a 25% discount on my council tax bill. Anything that increases the amount I have to pay isn't acceptable.
- Just because other local authorities make severely disabled people who can't work pay something towards the Council Tax does not justify Kirklees doing the same. These people are some of the most vulnerable in society and have been some of the hardest hit by the cost-of-living crisis. What disposable income they do have has a far greater chance of being spent in the Kirklees economy than that of working people. So from point of view of the local economy it does not make sense to take hundreds of pounds a year off this group.
- The burden of paying Council Tax should be spread as everyone benefits, some a lot more than others.
- Even though I support 25% - I believe there should still be a protected group eg disability. Also income as well as capital assets should be included in the assessment to determine of should be protected.
- I feel the proposed changes are due first and foremost to the lack of financial support from Central Gov. to Local Authorities which has been going on for years. This is highlighted by the budget shortfall you quote Whilst ever local authorities are forced to do the "dirty work" of central gov. by imposing an increased burden on their citizens then nothing will change. Just another example of indirect taxation. I make this observation as not one of the proposed changes is a good one, more a question of the lesser of the evils, which is something of which no doubt you are acutely aware. We have all experienced a large increase in the cost of living, and certainly not wishing to make it any worse for people in need, then I can only give an opinion based on an attempt to try and be as fair as possible to all concerned. It is about time that local authorities pointed by whatever means that it is central Gov. policies that are to blame for local authorities having to put forward such unpalatable proposals that results in the the worst off having to suffer even more. Such measures are counter productive anyway as the more pressure people are under the more they become dependant on other agencies within the local or national government framework.
- I think it would be a step too far to remove it totally but do feel that everyone should pay something especially with the deficit.
- It is very confusing having a new bill sent each month.
- Impossible to comment as you don't explain how often claims are currently monitored... if this option does not create delays in people receiving support then I agree. However some people may need to communicate with staff in order for the scheme to be inclusive for those with reading, writing, processing difficulties. Plus those not digitally confident or competent.
- Council Tax as a whole is badly in need of revision through the whole country. Those with more money and larger properties or more than one should be paying a higher council tax. This would then

help cash strapped councils such as Kirklees and then protected groups such as listed above would not be targeted by such consultations as these!

- Should be kept same as any changes will cause a lot more anxiety for people, as they will pay out more or less it is bad enough with cost of living crisis going on. I think any changes should be made when things settle down.
- Everyone is struggling so much and you're talking about taking more money away from people who haven't got it. Barely making it threw week by week so this would be very damaging to families.
- Things are already difficult and people are being squeezed from all directions, this proposal will impact on those vulnerable people, it doesn't matter how you sugarcoat your options because the proposal will impact on the most vulnerable in our community.
- All able-bodied people should make some contribution.
- The whole scheme of the council tax needs a review, people have property based on values that see them in a large 4-5 bedroom house that is less than some people pay in 2-3 bedroom property. ? They should be reviewed when a house is changed ie extended or sold and the whole house should be revalued, taking into account the usable area internally, and a fee for any changes that have been or about to be done this fee would bring in a income to the council. also some properties are restricted in investing in energy conservation ie Solar, insulation, these are conservation area's or listed buildings that are unable to use these methods to make the home more cost and energy effective. They still have to pay full cost's without any assistance, this seems unfair as they are restricted or not allowed how or if it can be done, Even when building houses fee's should be charged for inspection during the building. This area could help in the area where means tested people living in homes could find a reduction. there are many more ways that the council could save in this area.
- I haven't enough knowledge to give an opinion on the first three options. Public & private employers need to work more efficiently. Our family firm has been streamlined dramatically recently using updated software. I am uncomfortable with those "just managing" having to pay significantly more & sadly would prefer a reduction in nonessential services.
- We should support those who are really in need but those of working age who don't want to work and would rather receive benefits should contribute to council tax. I don't think it's fair to make up the shortfall by increasing council tax as this would hit hard working people.
- I am all for EVERYONE paying some council tax my question would be where would this money be redistributed. Kirklees have a past habit of wasting money and not providing services, if this money would be invested building more council houses or on social care im all for it, if its to build a statue in huddersfield or to pay bonus to the powers that be then id rater it stay as it is.
- Why penalize the poor when the council want to spend one stupid schemes like the cycle scheme on Leeds Road Huddersfield fixing a problem that doesn't need to be solved yet further up the road near syngenta the road is full of potholes for the last two years at least and no repairs have been carried out. Just because you are on the edge of bankruptcy doesn't mean you should make the poorest of your community worse off.
- Whatever decision is finally made, it seems impossible to balance the books, without further funding from central Government. There doesn't appear to be a better part solution other than cutting expensive administration costs.
- Rather than sending letters out to selected people could this not have been emailed out instead, saving money.
- IT IS NOT FAIR TO PENALISE THOSE IN NEED FOR THE COUNCILS' BAD MANAGEMENT OF THEIR BUDJET. THE WAY FORWARD SHOULD BE FOR THE COUNCIL TO FIND SAVINGS WITHIN THEIR OWN ADMINISTRATION AND SERVICES.
- As someone who doesn't struggle to pay Council Tax, I find it impossible to make a judgement on any of the options without having some sense of the wider economic status of people affected. You

have given clear examples of how payments might increase under these changes, but not of the ability of those affected to pay any increase. I feel that I only have half the information that I need to assess which is the best option. Option 4 sounds like it might help both in terms of giving people certainty and reducing costs - but how much will it save and how are the savings achieved? (I wasn't aware that you issued more than one Council Tax notification a year anyway). I'd like to comment but just don't feel I have enough information on which to reach a judgement.

- All in the community should contribute towards it unless physically incapable. Having a disability or children should not mean an automatic 100% reduction in council tax. I have to pay so should everyone else.
- A single disable person is the most disadvantaged under the proposals. Reducing their income by £3 per week (£156) per year is not equal to families. These cases they will pay less. This proposal appears to discriminate against someone who is single, who may not have dependents but already have additional costs because of mental and learning disabilities.
- There are many, many, many other means by which your Council can reduce its costs without hitting those people who are most in need. Look at your Licensing Department that misses out collecting licence fees, look at your councillors' expenses – these are people who claim money WITHOUT producing anything in return - and the Council is going bust. look at people who send out emails claiming street light repairs have been completed when they patently have not. I would not normally take part in this survey but for you sending me a letter. Yet again a complete waste of postage costs when you could have emailed it. Say no more!!!!
- I believe that penalising the poorest in society is an atrocious thing to do and I really don't know how some people can sleep at night. Some families are so poor they can't afford to pay any council tax at all but are being pushed further into debt just so the rich can pay the bare minimum amount in tax that they can get away with. Just something for you to think about there.
- I think living is hard as it is atm and the last thing you should be considering is making people pay more. Maybe use some capital funds to support the shortfall as you keep spending money on things that are not necessary e.g. the spen gym and the new sign in Dewsbury. Waste of money completely and there is people that are worrying about putting the heating on and eating and you worry about putting signs up.
- Why is it always that when a government or council needs money because of their mishandling or mismanagement of it they always take from the very poorest in society, my husband has Parkinsons disease and is unable to work, the way we are treated by the government and local council is a disgrace and they should all hang their heads in shame.
- I personally do not think my response would make a difference. As I am only a number within the council's response. Increasing the council tax for all is not the answer. As that has always been the case and all it does is fill the pockets of the wealthiest. Then leaves the poor, only to remain poor. So not sure why even mention that. The council can choose to reduce its services should they feel better to do so. As not sure what has the council really done dor its working people, who like me have to work day and night only to know as well as tax there is a council tax fo pay as well.
- Everyone should contribute to council tax, everyone needs ALL these services provided therefore it should be a very fair system. BEING EXEMPT SHOULD NOT BE AN OPTION.
- Reduce council tax during high inflation time. Improve road works, so many pot holes my car gets damage by it. Shameful roads.
- So long as this does not mean job losses.
- The protected groups is where I have issue. If someone is so severely disabled, then the 100% should still remain. If other households whom have working age members, then believe they should not get the contribution, and they should be paying 70% of their bill.
- Some people rely on Benefits and don't do much to try and find work and claim benefits unnecessarily, costing more money to local authorities.

- Hi my work pay slip has been charged I want to know why my council tax not been Regus if can contact me on-xxx
- As some out there are receiving more in benefits than I do for working full time, I feel everyone should pay what they can. Do we have to be waist deep in uncollected refuse and without street lights before people accept that public services cost a great deal but have been taken for granted up until the financial crash.
- 1) You are supposed according to a national newspaper published last year over £60 million stashed away in offshore accounts what has happened to this? 2) what has happened to the millions in unpaid council tax that has accrued over the years, has this been written off? Having lived in many areas outside of Kirklees I have come to the conclusion that this one tops the list for being wasteful eg you create cycle lanes that no one uses, you dismiss re-cycling glass as a non starter, your roads are the worst in the country, that's just 3 examples. I am a pensioner paying over £1800 per year for what? My solution is SACK all of your so called managers and sack the councillors who are not taking their duties seriously, they would not have lasted a day in the private sector.
- Keep the single adult discount of 25%. We are already paying 75% on a single income.
- Remove parish extra tax. Stop putting illegal immigrants in hotels.
- Changes are definitely required with the current scheme (35.5 million across 13500 households) costing an average payment of £2600 per household. I find this figure as astonishing as it is unsustainable.
- I believe a combination of Option 2 and 4 should be adopted. Whatever approach to charges is taken the council should make reductions to admin costs in all circumstances. This should not be an either or scenario.
- With me Retired the help gave my Chance to recover for Booster injections 3rd one, I really couldn't walk 100 yards , The Scheme give me chance to Recover, My Doctor and Nurses very vey Helpful, 1989/1990 I was Site Manager who Build NHS Fox View HUB , Dewsbury Hospital, and Technology Center in Wakefield Both Projects we're £1 Million Pounds, I worked for Abbot of Sharlston Crofton Wakefield, I Never imagined my Health will take this Turn.
- I think we should look at council banding in all areas in Dewsbury as lots of new properties are being built and why in my area am I paying band C when few doors away is band B. Even for empty houses the coucil needs to look at reducing charges. I am asking for change in privately owned properties not just council houses.
- I have no skin in the game currently due to my savings. But, I don't like the way that some people are treated differently. E.g. income related ESA and Housing Benefit are both legacy benefits for working age people. There is no such equivalence of the disability premiums for working age people who have to now claim Universal Credit. I also don't like the discrepancy between Familes, Disabled People and Pensioners. Up until now, I didn't know that the Pensioners being exempt came under a Central Government Scheme. My Pensioner Neighbour was shocked to find out that as a Working Age Person, I am liable to pay for Council Tax. As far as she was concerned we're both vulnerable (her due to age, me due to disability), we both can't work - neither of us should be paying towards Council Tax. There are also lone parents with children under 5 who live in the building, which further makes her think I should be exempt too. I think disabled Working Age People who can't work due to Disability should be exempt too. We can't work and any money we get from the State is being asked to pay for more and more local services. Any income we get from the state is about a contribution towards disability associated costs - it shouldn't be viewed as income. Lastly, not that it's mentioned on here but I feel the savings should come from other areas too. E.g. there's plenty of Council Activities that will offer transport for people over 50 to get there but not disabled people. I am not happy about this as once again age seems to take precedence over disability. There is no mention of age plus disability. There is no mention of that there is specific funding for this that comes with age restriction. It literally reads like if you're elderly and struggling to make your way to the activity - we can offer Transport. Further to the above, I am aware that the change from non dependent deductions for Council Tax to the current scheme happened a few years ago. Could this not be

brought back or some equivalence? You say you want to support those on the lowest incomes. Yet, as a young, disabled person, I lose out everywhere. It should be about income in relation to expenditure. At the moment, I am having to use my savings to pay my Council Tax yet you could have a property with several working adults who would pay a lot less than me.

- The scheme should remain as it is. My care fees have increased in line with the increased benefits, leaving me with no extra money or income. I feel the government introduced an increase and everyone chasing and after the extra income, leaving me relying on food banks and asking for donations.
- There needs to be a clear definition of what constitutes a "minor notification". I would not want those who start to claim Universal Credit because of new adverse personal circumstances being disadvantaged by a late processing of a claim for CTRS because of the new twice yearly processing rule.
- Personally speaking. I need the council to retain the council tax as it is. I have a very restrictive budget, I don't fit the criteria for financial support for, so I would be in great difficulty.
- Everyone should contribute to the costs of everyday running of local amenities. If people want to use a swimming pool they should contribute to the running of it.
- The system currently penalises those who work. Please sort this out. It is extremely unfair.
- Too many people paid more than government ministers. Too many schemes and committees concerned with ideas that most people find frivolous. Reduce the council hierarchy by 50% - I doubt anyone would notice, and it would probably speed things up.
- Everyone should contribute even those who get benefits when they COULD work!
- Will those who do not pay face the same penalties as people who pay 100% of their council tax?
- How minor are the notifications its not clear enough to make a decision Everyone in Kirklees should contribute for the services they receive.
- I believe all those on PIP home only should be included in the discounted scheme as some like myself even though I don't get the mobility element of PIP, I am housebound due to osteoarthritis in my knee and hip and only able to get out with help and was unfairly assessed by DWP because of non face to face assessments during Covid. Luckily Kirklees gave me a blue badge. There is only 2 in our household and only 1 of us actually work, with no other benefits.
- I feel people should pay some contribution to council tax as we all benefit from our bins being emptied etc.
- People nowadays seem to think only in the short term and quite often only about their own situation. Talking about £1 a week rise is good, but it might be helpful to illustrate what that extra income will actually fund. Help people to see the wider picture and reduce the information vacuum that some exploit with political disinformation.
- Twice a year is not sufficient. Should be at least every quarter so maybe 3-4 times a year.
- disappointed just getting the option to fill in now as the email only arrived this weekend. with a timeframe beginning 16th August, very overdue and not alot of time for people to respond, What is going to happen to people who are working age but been diagnosed with a progressive ;long term illness such as young onset dementia, parkinsons, MS,MR. is the option of the SMI route still going to be a pathway for getting support with council tax reductions or is that been targeted as well for reducing awards. need more clarity and transparency. years of mis spending and bad decisions. people sitting in positions they have been in too long, getting paid far too much for what they actually do.. start at the top of the chain in local government, what do people do? what is their role? could savings be made their? is this happening already?
- I appreciate the council has a massive overspend in its budget, however the people in the protected groups do not necessarily have the money to make contributions towards council tax with an increase in people going to food banks, being evicted due to non-payment on rent, etc. I worry that

people will struggle to make the payments towards their council tax bill and end up with owing money, having bailiffs at their door, etc. I feel that the council may not make as much money as they think they will and have to spend a lot of money on debt collection agencies in order to collect the payments.

- Option 4 could end up with over payments costing the council more, or under payments which puts vulnerable people at risk. Wouldn't this option cost the council more if people cannot afford to pay and then having to get debt collectors involved. I think everyone should pay something towards their council tax bill, but that figure of what they can afford is in question. I think picking on the vulnerable because the chief exec was doing spend spend spend over the last few years is wrong, dropping some of the layers from the top would be a better start, you have more chiefs than indians who do the majority of the work, you have meetings about a meeting having a meeting! I am sure the vulnerable person would have such great thoughts every time they see those ugly planters in the town centre.
- The age to claim reduction in CT needs sorting out so it is all in one place, it is a nightmare to try and find the correct form for your circumstances.
- Please consider all the extra costs a single disabled person pays including having to contribute to care even though they may have no savings. Full council tax reduction helps pay for some disability needs that a person who isn't disabled doesn't need to have.
- What about a mixture of options 2 and 4.
- You should action a change noticed by the DWP immediately! It will end up costing more in the long run and make a mess of someone's benefits etc, costing even more tax payers money. It could also cause more confusion and headaches for the Council, the DWP and the benefit customer. It's a really bad idea. Claimants are told to notify changes straight away, so you surely have a responsibility to action those changes. Everyone concerned will end up in more of an administrative mess! Which will be harder to sort out the longer it's left!
- What may constitute a minor change to the local authority is not always the case for the person who had the change it can make a difference to keeping your head above water financially.
- People should not live in houses they can't afford. I think councils and benefits agencies are at least partly responsible for the cost of rentals going up and are putting housing benefit money in the pockets of greedy landlords.
- Option four should not be in isolation of the option to make protected groups pay at least 25% of their council tax. If you can make additional savings via also actioning option four then you should do so.
- People who receive these reductions tend to be people who are on benefits receiving things like one off cost of living payments to keep them afloat...working people are not entitled to the reduction or the one off payments and the majority have not had pay rises for years.
- Would it be possible to have every household of working age pay at least 25 percent except the protected ones eg people with a disability.
- It is about time that the layabouts began to pay council tax. If you pay nothing at all, and others are forced to pay, then you would vote for all of the idiot schemes that the council imposes on the rest of us. Make the buggers pay 25% MINIMUM.
- Making changes which affect the most vulnerable is not the way the council should be trying to save money. Using contractors who charge exorbitant amounts should be stopped immediately.
- Due to my medical condition this will have a great impact on my circumstances.
- The scenario examples are incorrect in that they say council tax reduction is restricted to 25% but that contradicts all the other information.
- By reducing admin more people will get in debt as they will have benefit changes u won't know about then have to recover everyone should pay council tax absolutely everyone.

- My son is disabled and in receipt of Universal credits. I am a single parent who has always worked. I work part time due to having to care for my son. I am on a low wage but it is just over the level so I can't claim Carers Allowance. Making my son pay towards his council tax when he is severely disabled and can't work will severely impact us. As well as these options Kirklees should consider increasing the cost to those in the top bands who have more capital/income!
- Raising council tax for everyone, to make up for Kirklees councils poor financial management is incredibly unfair and will put thousands of people in an even worse financial situation than they are likely already in. As a single working parent to two children under 5, one of which is disabled, I already struggle to make ends meet with a single person council tax reduction. If you then raise it to make up for the councils poor spending, how are we expected to afford this? Why should we make up for the council's mistakes - services are incredibly hard to get hold of and in my experience, not very reliable.
- Option 1- there isn't an appropriate box to tick for my view. Didn't I just read that the council are in huge debt? So then yes, I strongly agree that the costs need reducing. But not this way. Why would you even dream of making these people in these groups pay more? Option 2 and 3 are just downright shameful proposals. Scrapping the 'protected' groups ...they were once thought to need protection from the cost of this tax...I'd like to know what has changed with this? Please ask yourselves that question. Instead of trying to claw money back from the disabled/vulnerable people who aren't able to stand up to you, why not consider an option 5- making the richer households with the larger houses pay more? Or is this not even considered because you might fall into this category yourselves? Or possibly you're concerned that this group will complain more loudly and in larger numbers than the 'protected' ones and the lower income families? Option 4- you haven't stated how much money will be saved, so how can this be a fair consultation? This option is common sense. It begs the question, why is this not already being done??!
- Should never have been paying so much money out, burdening council tax payers, with NO mandate to do this. Totally unfair on folk just above qualifying limit.....and benefits those again who's lifestyle choice is to totally depend on the state.
- Working with debts/budgeting advice it's uncertain what you mean by minor? If these notifications will not affect entitlement then I would strongly agree, however if it means a claimant will lose out on benefits being increased or if it will cause overpayments increasing bills at a later stage would mean this could cause hardship and hinder budgeting.
- I don't think the scheme should be changed for single people with children under the age of 5 as they are already struggling with the Cost of Living & it's more difficult for them to find employment given child care issues. I do think that people in receipt of disability benefits should be contributing as they have a higher income than most albeit that some of that income is needed for their care/mobility needs. Reducing admin costs could work but only if a persons CTR can still be amended if they contact you themselves to advise of a change of circs. For example someone loosing their full-time job & claiming UC shouldn't be charge full c/tax for another 6 months after this has happened if they get in touch to advise of this change - the claim should be reassessed based of new circs.
- Unfortunately, as much as I would love to retain the whole reduction for protected groups, the scale of the savings requirements mean that the council should look at all council tax contributions, along with a review of the administrative functions.
- If people have a change in circumstances they should be entitled to accurate calculations & not have to wait 6 months. This could benefit both customers and Kirklees.
- I previously worked in benefits & the amount of fraud & error is ridiculous! You need to do more checks to weed the fraudulent claims out!
- Use the funding wisely in the local community for local people. Most are fed up with Kirklees housing and ultimately paying for illegal immigrants and failed asylum seekers when there are more pressing needs. Funding WYP to buy more STEALTH speed camera vans is a vote loser when in reality the biggest issue facing the the area is Gang, Drug, knife and gun crime. Stop and think what the majority want not the extreme minorities. Stop the transient votes counting from uni transients and

the block voting from certain sections of the demographic so the area gets a true picture of how we want to be governed by our local council.

- Working families only earning above £15k should receive reduction.
- I have council tax reduction and I'm struggling as each month it changes, yet I have the same income monthly - except one month in the year. I could not afford 25% or 15%, I think at the most due to living costs is that at the most it is raised by 5%. Then reassessed in a couple of years.
- I work for Bradford council Benefits and the ctr scheme is everyone of working age pays at least 30% capped at a band A property any difference between bands is fully payable by the charge payer, pensioners can claim up to 100% of any banding, with the current situation Kirklees is in they need to maximise council tax revenue.
- Agree all households if working or on benefits should pay, rather than getting 100% reduction, as they use services and facilities like any other resident.
- Current scheme works reduce admin costs streamline processing.
- This scheme works why change it.
- Savings can be made reduced admin.
- In both option 2 and 3 the most vulnerable of society will once again lose money. It might be only £5 per week or £3 per week but even that amount is a HUGE chunk of money to go to a council who thinks it's a good idea to put planters up in the middle of town, spending god knows how much on a piece of 'art' that no one likes and is going to be vandalised in no time!
- Why is council tax so expensive? Most of rest of Europe charge far less. Instance Spain charges approx £250 with separate bin collection charges around £140.
- But this should be done as an addition not as a separate choice.
- This is very difficult. Vulnerable families need a lot of support. Unless you are in the 'vulnerable' position it is not easy to judge how money is managed.
- There are many people who don't pay council tax, no responsibilities, but so many smoke or drink alcohol.
- I would look at the council tax bands and see how unfair the scheme is for some residents. Some residents need to have their bands upgraded and pay more, eg because the residents have stayed in their present house for many many years the bands have not increased when they made alterations to their property making it into a higher band. In this way the residents have to make a higher contribution because they have the finances to do it. Similar square footage should be the main consideration and easily applied and brought up to date!
- Given the financial deficit facing the Council, supporting Health and Social Care in the Community should be a priority. With the closure of so many retailers Huddersfield is fast becoming a depressing ghost town. The extravagant amount of money spent on musical sheep and vertical planters will not attract visitors to a town with no shops of note. As people opt to travel further afield to thriving towns like Leeds, Halifax and outlets like Meadow Hall, footfall will decline further with a corresponding drop in monies collected from car parking charges. The private sector should be encouraged to offer activities in the town centre, especially for the younger age groups. The private sector should be encouraged to offer activities in the town centre.
- This is by far the best option, reducing administration costs is the most sensible of the four choices. By insisting that people on low incomes pay more towards their council tax just isn't feasible at the moment, in the current economic climate.
- Please consider and take in to account that unemployed and Sick Communities they can't afford. Everything is expensive and income is low. People living in hardship life.

Foreword

This document sets out the Kirklees Council, Council Tax Reduction Scheme and it shall have effect 1st April 2024 following changes made to the previous version of the Scheme by way of resolution by the council, changes to the prescribed requirements regulations and the uprating of social security benefits.

The scheme set out in this document replaces Council Tax Benefit following its abolition by s33 of the Welfare Reform Act 2012.

This Scheme complies with the requirements of s13A and Schedule 1A of the Local Government Finance Act 1992

This Scheme does not and cannot make any changes to the scheme of discounts and exemptions available in Council Tax. The authority will continue to comply with its statutory duty to award discounts and exemptions in appropriate cases for example (but not limited to): where there is a single occupier; where the charge payer has a severe mental impairment; where a band reduction is appropriate because of disability.

The Policy

Pensioners

It is a legislative requirement that those of Pension Age continue to receive support by way of a Council Tax Reduction on the same terms as would have applied under the old Council Tax Benefit scheme. This scheme adopts the provisions as set out in the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012.

The legislation sets out the definition of pensioner for the purposes of the scheme. Those not defined as pensioners are by default defined as working age.

It is our understanding that any figures set out in this part of the scheme will be subject to an annual review by the government and that they will be set each year by order of the secretary of state.

The extent of provision for those of Pension Age is a matter for Central Government with one exception. Authorities are free to extend the provisions set out in Section 1 Schedule 5 Paragraph 1 to the extent that they disregard any of those War Pensions in full. Kirklees Council have always disregarded those war pensions in full under the old Council Tax Benefit scheme and will continue to do so under the Council tax Reduction scheme.

Working Age

All of the features set out in Section 2 of this scheme are features that are determined by Kirklees Council.

There is a legal requirement that Kirklees establish a Council Tax Reduction Scheme for those of working age. Some of the requirements set out in the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 apply to those of working age and feature in Section 1 of this scheme.

Any anomalies in legislation between the two schemes in relation to working age customers will be dealt with by reference to existing case law and common practice existing under the previous council tax benefit legislation. Any omission from this document in relation to the new reduction scheme (as amended) or items not specifically mentioned will not invalidate the scheme or the individual reduction awarded.

Broadly speaking the Kirklees Scheme mirrors the provisions and features of the old Council Tax Benefit scheme with some notable exceptions:

The scheme as it will apply from April 2024 is based upon a means test, taking into account the needs and income of the applicant in order to establish entitlement. That entitlement will be based upon each recipient first being required to pay 25% of their

weekly liability before that means test establishes whether any further contribution is required.

Alternative Maximum Reduction

The national scheme for those of Pension Age includes an Alternative Maximum Reduction (Previously known as Second Adult Rebate). There will be no such reduction in the Kirklees scheme for those of Working Age.

Annual Uprating

The figures set out in section 2 of this document are based upon those that apply to the Governments Housing Benefit scheme as uprated by the appropriate uprating orders. This is so that administration of both Council Tax Reductions and Housing Benefit can continue to sit side by side. The authority however reserves the right to establish its own rates using other methods on an annual basis, by resolution of the Council.

Working Age War Pensioners

Working age War Pensioners (those in the working age protected group set out above) will continue to have their War Pensions disregarded in full under this scheme.

General Provisions

The Council reserves the right to amend any part of the working age scheme in the current and/or future years to account for changes in legislation that affect the scheme, including but not limited to, the income and/or capital or other circumstances of an applicant used to calculate any part of the reduction scheme. Those amendments may by necessity apply during the relevant year, at the relevant date on which the change takes effect or occurs.

Kirklees Council – Council Tax Reduction Scheme

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Explanatory Note as to contents

This scheme incorporates the statutory requirements prescribed in the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012. Those Regulations are made by The Secretary of State in exercise of the powers conferred by section 113(2) of, and paragraph 2 of Schedule 1A to the Local Government Finance Act 1992, and appear in Section 1 of this document.

The remainder of this scheme sets out that part of the Council Tax Reduction scheme made by The Council in exercise of the powers conferred by section 13A(2), and paragraph 2 of Schedule 1A to of the Local government Finance Act 1992, and appear in Section 2 of this document.

For the avoidance of doubt and in the interests of ease of navigation the following summarises those parts of the scheme that apply to those of Pension Age and those of Working age.

Pension Age –

Section 1 – Part 1, Part 2 and Part 3 Schedule 1, Schedule 2, Schedule 3, Schedule 4, Schedule 5, Schedule 6, Schedule 7, Schedule 8

Working Age –

Section 1 – Part 1, Part 2 and Part 3 and Schedule 7, Schedule 8

Section 2 - All

Section 1

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 and come into force on 27th November 2012.

(2) These Regulations apply in relation to billing authorities in England.

(3) These Regulations apply in relation to council tax reduction schemes made by billing authorities for financial years beginning on or after 1st April 2013.

Interpretation

2.—(1) In these Regulations—

“the 1992 Act” means the Local Government Finance Act 1992;

“Abbeyfield Home” means an establishment run by the Abbeyfield Society including all bodies corporate or unincorporated 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;

“adult disability payment” has the meaning given in regulation 2 of the DAWAP Regulations;

“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;

“alternative maximum council tax reduction” means the amount determined in accordance with Part 4 of Schedule 1 and Schedule 3;

“applicable amount” means the amount calculated in accordance with paragraph 6 of Schedule 1 and Schedule 2;

“applicant” means a person who has made an application;

“application” means an application for a reduction under a scheme;

“approved blood scheme” means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;

“assessment period” means—

(a) in relation to the earnings of a self-employed earner, the period determined in accordance with paragraph 20 of Schedule 1 for the purpose of calculating the weekly earnings of the applicant; or

(b) in relation to any other income, the period determined in accordance with paragraph 17 of Schedule 1 for the purpose of calculating the weekly income of the applicant;

“attendance allowance” means—

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

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

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

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

“basic rate” has the meaning given by the Income Tax Act 2007;

“the benefit Acts” means the SSCBA, the Jobseekers Act 1995, the State Pension Credit Act 2002 and the Welfare Reform Act 2007;

“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;

“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(i) 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;

“child disability payment” has the meaning given by regulation 2 of the DACYP Regulations;

“child tax credit” means a child tax credit under section 8 of the Tax Credits Act 2002;

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

“concessionary payment” means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act 2002 are charged;

“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;

“council tax benefit” means council tax benefit under Part 7 of the SSCBA;

“couple” has the meaning given by regulation 4 of these Regulations;

“the DACYP Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021;

“the DAWAP Regulations” means the Disability Assistance for Working Age People (Scotland) Regulations 2022

“Default Scheme Regulations” means the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012;

“designated office” means the office of an authority designated by it for the receipt of applications—

(a) by notice upon or with a form supplied by it for the purpose of making an application;

(b) by reference upon or with such a form to some other document from it and sent by electronic means or otherwise on application and without charge; or

(c) by any combination of the provisions set out in paragraphs (a) and (b);

“disability living allowance” means a disability living allowance under section 71 of the SSCBA;

“earnings” has the meaning given by paragraph 18, 20 or 21 of Schedule 1 as the case may be;

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

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

“employed earner” is to be construed in accordance with section 2(1)(a) of the SSCBA 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;

“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament or the National Assembly for Wales;

“extended reduction” means a reduction under a scheme for which a person is eligible under Part 7 of Schedule 1 or paragraph 2 of Schedule 8;

“extended reduction period” means the period for which a person is in receipt of an extended reduction in accordance with paragraph 39 of Schedule 1;

“extended reduction (qualifying contributory benefits)” means a reduction under Schedule 1 by which a person is eligible pursuant to paragraph 38 or 41 of Schedule 1;

“family” has the meaning given by regulation 6 of these Regulations;

“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 the Secretary of State on 24th April 1992 or, in Scotland, on 10th April 1992;

“Grenfell Tower support payment” means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

- (a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June at Grenfell Tower and known as the Grenfell Tower Residents’ Discretionary Fund;
- (b) by the Royal Borough of Kensington and Chelsea; or
- (c) by a registered charity;

“guarantee credit” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002;

“a guaranteed income payment” means a payment made under article 15(1)(c) or 29(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;

“historical child abuse payment” means a payment made under—

- (a) Part 1 of the Historical Institutional Abuse (Northern Ireland) Act 2019(2);
- (b) Part 4 of the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021;

“housing benefit” means housing benefit under Part 7 of the SSCBA;

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

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

“independent hospital”—

(d) 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; (e) in Wales has the meaning given by section 2 of the Care Standards Act 2000; and (f) in Scotland means an independent health care service as defined by section 10F of the National Health Service (Scotland) Act 1978;

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

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

“the London Bombings 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;

“the London Emergencies Trust” means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017;

“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 or the applicant is a member of the work-related activity group;

“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;

“maximum council tax reduction amount” means the amount determined in accordance with paragraph 7 of Schedule 1.

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

“member of the work-related activity group” means a person who has or is treated as having limited capability for work under either—
(a) Part 5 of the Employment and Support Allowance Regulations 2008 other than by virtue of regulation 30 of those Regulations; or
(b) Part 4 of the Employment and Support Allowance Regulations 2013 other than by virtue of regulation 26 of those Regulations;

“mobility supplement” means a supplement to which paragraph 5(1)(a)(vii) of Schedule 4 refers;

“mover” means an applicant who changes the dwelling in which the applicant is resident, and in respect of which the applicant is liable to pay council tax, from a dwelling in the area of one authority to a dwelling in the area of a second authority;

“the National Emergencies Trust” means the registered charity of that name (number 1182809) established on 28th March 2019;

“net earnings” means such earnings as are calculated in accordance with paragraph 19 of Schedule 1;

“net profit” means such profit as is calculated in accordance with paragraph 29 of Schedule 1;

“new dwelling” means, for the purposes of the definition of “second authority” and paragraph 41 of Schedule 1, the dwelling to which an applicant has moved, or is about to move, in which the applicant will be resident;

“non-dependant” has the meaning given by regulation 9;

“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;

“parental bereavement leave” means leave under section 80EA of the Employment Rights Act 1996

“partner”, in relation to a person, means—
(a) where that person is a member of a couple, the other member of that couple; or
(b) where that person 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 ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act;

“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;

“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995;

“pensioner” has the meaning given by regulation 3(a);

“person on income support” means a person in receipt of income support;

“person treated as not being in Great Britain” has the meaning given by regulation 12;

“person who is not a pensioner” has the meaning given by regulation 3(b);

“personal independence payment” has the meaning given by Part 4 of the Welfare Reform Act 2012;

“personal pension scheme” means—

(a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993;

(b) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to 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 any marriage to which regulation 5 applies;

“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 income-related benefit” means—
(a) income support;
(b) income-based jobseeker’s allowance;
(c) income-related 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 person” means—
(a) a person in respect of whom a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment has been made or payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme, the National Emergencies Trust 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 week”, in relation to any particular day, means the week within which the day in question falls;

“remunerative work” has the meaning given by regulation 10;

“rent” means “eligible rent” to which regulation 12 of the Housing Benefit (Persons who have acquired the qualifying age for state pension credit) Regulations 2006 refer, less any deductions in respect of non-dependants which fall to be made under paragraph 8 of Schedule 1 (non-dependant deductions);

“savings credit” is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002;

“Scottish basic rate” means the rate of income tax of that name calculated in accordance with section 6A of the Income Tax Act 2007(2);

“Scottish taxpayer” has the same meaning as in Chapter 2 of Part 4A of the Scotland Act 1998(3);

“the Scottish Infected Blood Support Scheme” means the scheme of that name administered by the Common Services Agency (constituted under section 10 of the National Health Service (Scotland) Act 1978(1));

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

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

“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;

“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” means state pension credit under the State Pension Credit Act 2002;

“statutory parental bereavement pay” means a payment to which a person is entitled in accordance with section 171ZZ6 of the Social Security Contribution and Benefits Act 1992

“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;

“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 Chief Executive of Skills Funding or the 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, that department or approved by that 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, but 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 Employment and Training Act 1973, or is training as a teacher;

“the Trusts” (except where the context otherwise requires) means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No 2) Trust and

“Trustees” is to be construed accordingly;

“universal credit” has the meaning given by section 1 of the Welfare Reform Act 2012;

“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;

“the We Love Manchester Emergency Fund” means the registered charity of that name (number 1173260) established on 30th May 2017;

“the Windrush Compensation Scheme” means—

(a) the scheme of that name⁽⁴⁾ operated by the Secretary of State for the purpose of compensating individuals who have suffered loss in connection with being unable to demonstrate their lawful status in the United Kingdom; and

(b) the policy entitled “Windrush Scheme: Support in urgent and exceptional circumstances”⁽⁵⁾ which was operated by the Secretary of State for the purpose of compensating individuals who, for urgent and exceptional reasons, required support in advance of the scheme referred to in paragraph (a) of this definition becoming operational;”

““Windrush payment” means a payment made under the Windrush Compensation Scheme (Expenditure) Act 2020;

“working tax credit” means a working tax credit under section 10 of the Tax Credits Act 2002;

“young person” means a person who falls within the definition of qualifying young person in section 142 of the SSCBA.

(2) In these Regulations, where an amount is to be rounded to the nearest penny, a fraction of a penny must be disregarded if it is less than half a penny and must otherwise be treated as a whole penny.

(3) For the purpose of these Regulations, 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 because of a reduction in accordance with section 19 or 19A or regulations made under section 17A or 19B of the Jobseekers Act 1995 (circumstances in which a jobseeker’s allowance is not payable);

(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 section 19 or 19A or regulations made under section 17A or 19B of that Act; or (c) in respect of which an income-based 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).

(4) For the purposes of these Regulations, 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 2007 (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.

(5) For the purposes of these Regulations, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.

(6) In these Regulations, 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).

(7) In these Regulations, references to a person in class A, B or C (as the case may be) is a reference to class A, B or C described in paragraphs 2 to 4 of Schedule 1.

(8) References in these Regulations to an applicant participating as a service user are to—

(a) a person who is being consulted by or on behalf of—

(i) a body which has a statutory duty to provide services in the field of health, social care or social housing; or

(ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services,

in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services;

(aa) a person who is being consulted by or on behalf of—

(i) the Secretary of State in relation to any of the Secretary of State's functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or

(ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions,

in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or

(b) the carer of a person consulted as described in [sub-paragraph (a) or (aa) where the carer is not being consulted as described in that sub-paragraph.

Meaning of “pensioner” and “person who is not a pensioner”

3. In these Regulations a person is—

1.

(a) a “pensioner” if—

(i) he has attained the qualifying age for state pension credit; and

(ii) he is not and, if he has a partner, his partner is not—

(aa) a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance; or

(bb) a person with an award of universal credit; and

(b) a “person who is not a pensioner” 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—

(aa) a person on income support, on income-based jobseeker’s allowance or an income-related employment and support allowance; or

(bb) a person with an award of universal credit.

(2) For the purposes of sub-paragraphs (a)(ii)(bb) and (b)(ii)(bb) in paragraph (1) an award of universal credit is to be disregarded during the relevant period.

(3) In this regulation—

“assessment period” has the same meaning as in the Universal Credit Regulations 2013(1);

“relevant period” means the period beginning with the day on which P and each partner of P has attained the qualifying age for state pension credit and ending with the day on which the last assessment period for universal credit ends.

Meaning of “couple”

4.—(1) In these Regulations “couple” means—

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

(b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners

Polygamous marriages

5.—(1) This regulation applies to any case where—

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

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

(2) For the purposes of regulation 4 neither party to the marriage is to be taken to be a member of a couple.

Meaning of “family”

6.—(1) In these Regulations “family” means—

- (a) a couple;
- (b) a 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; or
- (c) a person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person.

(2) The references to a child or young person in sub-paragraph (1)(b) and (c) include a child or young person in respect of whom section 145A of the SSCBA applies for the purposes of entitlement to child benefit, but only for the period prescribed under section 145A(1).

(3) The references to a young person in paragraph (1)(b) and (c) do not include a young person who is—

- (a) on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance;
- (b) a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies; or
- (c) entitled to an award of universal credit.

Circumstances in which a person is to be treated as responsible or not responsible for another

7.—(1) A person is to be treated as responsible for a child or young person who is normally living with him, including a child or young person to whom regulation 6(2) applies.

(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 must be treated for the purposes of paragraph (1) as normally living with—

- (a) the person who is receiving child benefit in respect of that child or young person, 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.

(3) For the purposes of these Regulations a child or young person is 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 regulation is to be treated as not so responsible.

Households

8.—(1) Subject to paragraphs (2) and (3), an applicant and any partner and, where the applicant or his partner is treated (by virtue of regulation 7) as responsible for a child or young person, that child or young person and any child of that child or young person, are to be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

(2) A child or young person is not to 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 22C or 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or section 81(2) of the Social Services and Well-being (Wales) Act 2014 (ways in which looked after children are to be accommodated and maintained), or in Scotland boarded out or placed with the applicant or his partner under a relevant enactment; or

(b) placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or

(c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002, the Adoption Agencies (Scotland) Regulations 2009(c) or the Adoption (Northern Ireland) Order 1987.

(3) Subject to paragraph (4), paragraph (1) does not apply to a child or young person who is not living with the applicant and who—

(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.

(4) An authority must treat a child or young person to whom paragraph (3)(a) applies as being a member of the applicant's household in any reduction week where—

(a) that child or young person lives with the applicant for part or all of that reduction week; and

(b) the authority considers that it is reasonable to do so taking into account the nature and frequency of that child's or young person's visits.

(5) In this regulation "relevant enactment" means—

(a) the Army Act 1955;

(b) the Air Force Act 1955;

(c) the Naval Discipline Act 1957;

(d) the Matrimonial Proceedings (Children) Act 1958;

(e) the Social Work (Scotland) Act 1968;

(f) the Family Law Reform Act 1969;

(g) the Children and Young Persons Act 1969;

(h) the Matrimonial Causes Act 1973;

(i) the Children Act 1975;

(j) the Domestic Proceedings and Magistrates' Courts Act 1978;

- (k) the Adoption and Children (Scotland) Act 2007;
- (l) the Family Law Act 1986;
- (m) the Children Act 1989;
- (n) the Children (Scotland) Act 1995;
- (na) the Children's Hearings (Scotland) Act 2011; and
- (o) the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Non-dependants

9.—(1) In these Regulations, “non-dependant” means any person, except someone to whom paragraph (2) applies, who normally resides with an applicant or with whom an applicant normally resides.

(2) This paragraph applies to—

- (a) any member of the applicant's family;
- (b) if the applicant is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
- (c) a child or young person who is living with the applicant but who is not a member of his household by virtue of regulation 8 (households);
- (d) subject to paragraph (3), any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under section 6 or 7 of the 1992 Act (persons liable to pay council tax);
- (e) subject to paragraph (3), any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
- (f) a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

(3) Excepting persons to whom sub-paragraph (2)(a) to (c) and (f) refer, a person to whom any of the following paragraphs applies is a non-dependant—

- (a) a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either—
 - (i) that person is a close relative of his or his partner; or
 - (ii) the tenancy or other agreement between them is other than on a commercial basis;
- (b) a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of a scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
- (c) a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the change giving rise to the new liability was not made to take advantage of a scheme.

Remunerative work

10.—(1) Subject to the following provisions of this regulation, a person must be treated for the purposes of these Regulations as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.

(2) Subject to sub-paragraph (3), in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard must be had to the average of hours worked over—

- (a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
- (b) in any other case, the period of 5 weeks immediately prior to the date of application, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately.

(3) Where, for the purposes of paragraph (2)(a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work must be disregarded in establishing the average hours for which he is engaged in work.

(4) Where no recognisable cycle has been established in respect of a person's work, regard must be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.

(5) A person must be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.

(6) A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week must be treated as not being in remunerative work in that week.

(7) A person must not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave[, shared parental leave][, parental bereavement leave] or adoption leave, or is absent from work because he is ill.

(8) A person must not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which—

- (a) a sports award has been made, or is to be made, to him; and
- (b) no other payment is made or is expected to be made to him.

PART 2

Prescribed classes of persons

Pensioners

11.—(1) Subject to paragraph (2), the classes of pensioners described in paragraph 1 of Schedule 1 are classes of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must be included in an authority's scheme.

(2) Pensioners whose capital exceeds £16,000 are a class of person prescribed for the purposes of that paragraph and which must not be included in an authority's scheme.

(3) Capital for the purposes of paragraph (2) is to be calculated in accordance with Part 6 of Schedule 1.

Persons treated as not being in Great Britain

12. (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.

(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.

(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.

(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;

(ab) . . .

(b) regulation 16]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 . . .

(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) . . .

(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].]

(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

(b) 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) 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) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;

(zc) a person in Great Britain who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—

(i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;

- (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
- (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;
- (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 1971 . . .
- (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); . . .
- (i) . . .

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

(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.

(8) In this regulation—

“claim for asylum” has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;

“Crown servant” means a person holding an office or employment under the Crown;

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

“EEA Regulations” means the Immigration (European Economic Area) Regulations 2016 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; and

“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);

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

“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.

Persons subject to immigration control

13.—(1) 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.

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

PART 3

Matters that must be included in an authority's scheme

Provision for pensioners

14.—(1) A scheme must make provision in respect of pensioners.

(2) Schedules 1 to 6, which contain those matters that must be included in a scheme in respect of pensioners, have effect.

Provision for all applicants

15.—(1) A scheme must include the provisions set out in Schedules 7 and 8.

(2) The provisions mentioned in paragraph (1) must apply to all applicants (both persons who are pensioners and persons who are not pensioners) unless otherwise provided.

16 Provision for all applicants: energy rebate scheme 2022

(1) A scheme must include provision that 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.

(2) In this regulation—

“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.”

17 Provision for all applicants: Homes for Ukraine scheme

(1) A scheme must include provision that any payment made in connection with the Homes for Ukraine scheme 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.

(2) In this regulation—

“the Homes for Ukraine scheme” means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022.

SCHEDULE 1

Regulation 14(2)

Pensioners: matters that must be included in an authority's scheme

PART 1

Classes of persons entitled to a reduction under an authority's scheme

1.—(1) The classes of pensioners described in paragraphs 2 to 4 are entitled to a reduction under an authority's scheme.

(2) In those paragraphs, references to an applicant's income or capital include, in a case where that income or capital cannot accurately be determined, references to the applicant's estimated income or capital.

Class A: pensioners whose income is no greater than the applicable amount

2. 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 (periods of absence from a dwelling), 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 persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the 1992 Act as a class of person which must not be included in an authority's scheme;

(e) whose income (if any) for the relevant week does not exceed his applicable amount; and

(f) who has made an application.

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

3. 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, 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 as a class of person which must not be included in an authority's scheme;

(e) whose income for the relevant week is greater than his applicable amount;

(f) 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 "Resident" in relation to a dwelling is defined in section 6(5) of the 1992 Act.

(ii) amount B is $2\frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount; and

(g) who has made an application.

Class C: alternative maximum council tax reduction

4.—(1) 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, 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 as a class of person which must not be included in an authority's scheme;

(e) who has made an application; and

(f) in relation to whom the condition in sub-paragraph (2) is met.

(2) The condition referred to in sub-paragraph (1)(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 incomes, of one or more residents to whom this sub-paragraph applies.

(3) Sub-paragraph (2) 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.

Periods of absence from a dwelling

5.—(1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.

(2) In sub-paragraph (1), a “period of temporary absence” means—

(a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation in Great Britain 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) subject to sub-paragraph (2B), a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as—

(i) the person intends to return to the dwelling;

(ii) the part of the dwelling in which he usually resided is not let or sub-let; and

(iii) that period is unlikely to exceed 13 weeks;

(c) subject to sub-paragraph (2D), a period of absence within Great Britain not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as—

(i) the person intends to return to the dwelling;

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

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

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

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

(2B) Where—

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,

then any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

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

(2D) Where —

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,

then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

(2E) This sub-paragraph applies where—

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

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

- (a) the person's partner or a child or young person for whom the person or the person's partner is responsible;
- (b) the person's close relative;
- (c) the close relative of the person's partner; or
- (d) the close relative of a child or young person for whom the person or the person's partner is responsible,

then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in sub-paragraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).

(3) This sub-paragraph applies to a person who—

- (a) is a person to whom sub-paragraph (3A) applies;
- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following, a training course;
- (e) is undertaking medically approved care of a person;
- (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
- (g) is, receiving medically approved care provided in accommodation other than residential accommodation;
- (h) is a student;
- (i) is receiving care provided in residential accommodation and is not a person to whom subparagraph (2)(a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

(3A) This sub-paragraph applies to a person ("P") who is—

- (a) detained in custody on remand pending trial;

- (b)detained pending sentence upon conviction; or
- (c)as a condition of bail required to reside—
 - (i)in a dwelling, other than a dwelling P occupies as P's home; or
 - (ii)in premises approved under section 13 of the Offender Management Act 2007(4),and who is not also detained in custody following sentence upon conviction.

(3B) This sub-paragraph applies where—

- (a)a person is temporarily absent from Great Britain;
- (b)the person is a member of Her Majesty's forces posted overseas, a mariner or a continental shelf worker;
- (c)immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

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

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

(3D) This sub-paragraph applies where—

- (a)a person is temporarily absent from Great Britain;
- (b)the person is a person described in any of paragraphs (b), (c), (g) or (j) of sub-paragraph (3);
- (c)immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

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

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

(3F) This sub-paragraph applies where—

- (a)a person is temporarily absent from Great Britain;
- (b)the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of sub-paragraph (3);
- (c)immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(4) This sub-paragraph applies to a person who is—

(a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995(c) or in Northern Ireland under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986); and

(b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989.

(5) Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release—

(a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;

(b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;

(c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.

(6) In this paragraph—

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998(5);

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964(6) as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

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

- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“medically approved” means certified by a medical practitioner;

“member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006(7)), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces;

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

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

“residential accommodation” means accommodation which is provided in—

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

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

PART 2

Applicable amounts for the purposes of calculating eligibility for a reduction under an authority’s scheme and amount of reduction

Applicable amounts

6.—(1) The applicable amount for a pensioner for a week is the aggregate of such of the following amounts as apply in his case—

- (a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 2 to these Regulations;

(b) an amount determined in accordance with paragraph 2 of that Schedule in respect of up to two individuals who are either children or young persons and who are members of his family;

(c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of that Schedule (family premium);

(d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums).

(1A) For the purposes of sub-paragraph (1)(b) as it applies apart from sub-paragraph (1C), where the family includes more than two individuals who are either children or young persons and under paragraph 2 of that Schedule a different amount applies to different individuals, the two amounts to be included in the applicable amount shall be those that result in the greatest possible total amount.

(1B) Sub-paragraph (1C) applies where—

(a) (whether or not as part of a tax credit couple as defined in section 3(5A) of the Tax Credits Act 2002) the applicant has an award of child tax credit (whether or not any amount is payable by way of such credit) in respect of a child or young person who is a member of his family; and

(b) the total amount to be included in the applicable amount under sub-paragraph (1)(b) as substituted by sub-paragraph (1C) would be higher than the total amount that would be included under paragraph (1)(b) apart from sub-paragraph (1C).

(1C) Where this paragraph applies, for sub-paragraph (1)(b) substitute—

(b) an amount determined in accordance with paragraph 2 of that Schedule in respect of any child or young person who is a member of his family and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit;

(2) In Schedule 2—

“additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005(a).

PART 3

Maximum council tax reduction for the purposes of calculating eligibility for a reduction under an authority's scheme and amount of reduction

Maximum council tax reduction amount under an authority's scheme

7.—(1) Subject to sub-paragraphs (2) to (4), a person's maximum council tax reduction amount in respect of a day is 100 per cent of the amount A/B where—

(a) A is the amount set by the 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, less any deductions in respect of non-dependants which fall to be made under paragraph 8 (nondependent deductions).

(2) In calculating a person's maximum council tax reduction under the authority's scheme 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 (other than a reduction under that authority's scheme), is to be taken into account.

(3) Subject to sub-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 in determining the maximum council tax reduction in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

(4) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (3) does not apply in his case.

(5) The reference in sub-paragraph (3) to a person with whom an applicant is jointly and severally liable for council tax does not include a student to whom paragraph 75(1) of the Schedule to the Default Scheme Regulations applies.

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

Non-dependant deductions

8.—(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 7 are—

(a) in respect of a non-dependant aged 18 or over in remunerative work, £14.15 x 1/7;

(b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, £4.60 x 1/7.

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—

(a) less than £236.00, the deduction to be made under this paragraph is that specified in subparagraph (1)(b);

(b) not less than £236.00 but less than £410.00, the deduction to be made under this paragraph is £9.40;

(c) not less than £410.00 but less than £511.00, the deduction to be made under this paragraph is £11.80.

(3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day—

(a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;

(b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and

(c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

(6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—

(a) blind or treated as blind by virtue of sub-paragraphs (12) or (13) below; or

(b) receiving in respect of himself either—

(i) attendance allowance, or would be receiving that allowance but for—

(aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or

(bb) an abatement as a result of hospitalisation; or

(ii) the care component of the disability living allowance, or would be receiving that component, but for—

(aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
(bb) an abatement as a result of hospitalisation;

(iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);

(iiiia) the daily living component of adult disability payment; or

(iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

(7) No deduction is to be made in respect of a non-dependant if—

(a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or

(b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or

(c) he is a full-time student within the meaning of Part 11 of the Schedule to the Default Scheme Regulations (students); or

(d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes—

(i) “patient” has the meaning given in paragraph 5(6) of this Schedule, and

(ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.

(e) he is not residing with the applicant because he is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006 who is absent, while on operations, from the dwelling usually occupied as their home.

(8) No deduction is to be made in respect of a non-dependant—

(a) who is on income support, state pension credit, an income-based jobseeker’s allowance or an income-related employment and support allowance;

(b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers; or

(c) who is entitled to an award of Universal Credit where the award is calculated on the basis that the person does not have any earned income.

(9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependent's weekly gross income—

(a) any attendance allowance, disability living allowance[, child disability payment], personal independence payment, adult disability payment or AFIP received by him;

(b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation[, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund][, . . . the Windrush Compensation Scheme][, the National Emergencies Trust] or the Independent Living Fund (2006) which are paid as income in kind (see sub-paragraph (13)); and

(ba) any Grenfell Tower support payment which is paid as income in kind (see sub-paragraph (13));

(bb) any historical child abuse payment;

(bc) any Windrush payment;

(c) the payments set out in sub-paragraph (10).

(10) The payments mentioned in sub-paragraph (9) are—

(a) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation , the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund the national emergencies trust or the Independent Living Fund (2006);

(aa)any Grenfell Tower support payment;

(ab)any historical child abuse payment;

(ac)any Windrush payment;

(b) 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 paragraph (a) refers or from a Grenfell Tower support payment and which is made to or for the benefit of—

(i) 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;

- (ii) 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
- (iii) 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;

(c) 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 paragraph (a) refers or from a Grenfell Tower support payment and which is made to or for the benefit of—

- (i) the person who is suffering from haemophilia or who is a qualifying person;
- (ii) 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
- (iii) 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;

(d) 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 paragraph (a) refers or from a Grenfell Tower support payment, where—

- (i) 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
- (ii) the payment is made either—
 - (aa) to that person's parent or step-parent, or
 - (bb) 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;

(e) 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 paragraph (a) refers or from a Grenfell Tower support payment, where—

- (i) 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
- (ii) the payment is made either—
 - (aa) to that person's parent or step-parent, or

(bb) 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 stepparent, to his guardian, but only for a period of two years from the relevant date;

(f) in the case of a person to whom or for whose benefit a payment referred to in this sub-paragraph is made, any income which derives from—

(i) any payment of income or capital made under or deriving from any of the Trusts referred to in paragraph (a); or
(ii) a Grenfell Tower support payment;

(g) any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disability was caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy.

(11) An applicant, or as the case may be, his partner is blind or treated as blind for the purposes of sub-paragraph (6)(a) if the applicant or his partner is blind and in consequence registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.

(11A) for the purposes of sub-paragraph (8) “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.

(12) For the purposes of sub-paragraph (11), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind for a period of 28 weeks following the date on which he ceased to be so registered.

(13) The reference in sub-paragraph (9)(b) 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.

PART 4

Alternative maximum council tax reduction for the purposes of calculating eligibility for a reduction under an authority's scheme and amount of reduction

Alternative maximum council tax reduction under a scheme

9.—(1) Subject to sub-paragraphs (2) and (3), the alternative maximum council tax reduction in respect of a day where the conditions set out in paragraph 4 (alternative maximum council tax reduction) are fulfilled, is the amount determined in accordance with Schedule 3 (amount of alternative maximum council tax reduction).

(2) Subject to sub-paragraph (3), 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, in determining the alternative maximum council tax reduction in his case, the amount determined in accordance with Schedule 3 must be divided by the number of persons who are jointly and severally liable for that tax.

(3) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, solely by virtue of section 9 of the 1992 Act (liability of spouses and civil partners), sub-paragraph (2) does not apply in his case.

PART 5

Amount of reduction under an authority's scheme

Amount of reduction under a scheme: classes A to C

10.—(1) Where a person is entitled to a reduction under an authority's scheme in respect of a day, the amount of the reduction to which he is entitled is as follows.

(2) Where the person is within class A, that amount is the maximum council tax reduction amount in respect of the day in the applicant's case.

(3) Where the person is within class B, that amount is the amount found by deducting amount B from amount A, where "amount A" and "amount B" have the meanings given in paragraph 3 (income greater than applicable amount).

(4) Where the person is within class C, that amount is the amount which is the alternative maximum council tax reduction in respect of the day in the applicant's case.

(5) Sub-paragraph (6) applies where both—

- (a) sub-paragraph (2) or sub-paragraph (3), and
- (b) sub-paragraph (4),

apply to a person.

(6) The amount of the reduction to which he is entitled is whichever is the greater of—
(a) the amount of the reduction given by sub-paragraph (2) or sub-paragraph (3), as the case may be, and
(b) the amount of the reduction given by sub-paragraph (4).

PART 6

Income and capital for the purposes of calculating eligibility for a reduction under an authority's scheme and amount of reduction

CHAPTER 1

General

Calculation of income and capital: applicant's family and polygamous marriages

11.—(1) The income and capital of—

- (a) an applicant; and
- (b) any partner of that applicant,

is to be calculated in accordance with the provisions of this Part.

(2) The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of the applicant.

(3) Where an applicant or the partner of an applicant is married polygamously to two or more members of his household—

- (a) the applicant must be treated as possessing capital and income belonging to each such member; and
- (b) the income and capital of that member must be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

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

12.—(1) Sub-paragraph (2) applies where it appears to an authority that a non-dependant and an applicant have entered into arrangements in order to take advantage of the authority's scheme and the non-dependant has more income and capital than the applicant.

(2) Except where the applicant is on a guarantee credit the authority must treat the applicant as possessing income and capital belonging to that non-dependant and, in such a case, any income and capital which the applicant does possess must be disregarded.

(3) Where an applicant is treated as possessing income and capital belonging to a non-dependant under sub-paragraph (2) the income and capital of that non-dependant must be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the "applicant" is to be construed for the purposes of this Part as if it were a reference to that non-dependant.

CHAPTER 2

Income

Applicant in receipt of guarantee credit

13. In the case of an applicant who is in receipt, or whose partner is in receipt, of a guarantee credit, the whole of his capital and income must be disregarded.

Calculation of applicant's income in savings credit only cases

14.—(1) In determining the income and capital of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, subject to the following provisions of this paragraph, an authority must use the calculation or estimate of the applicant's or as the case may be, the applicant's partner's income and capital made by the Secretary of State for the purpose of determining the award of state pension credit.

(2) Where the calculation or estimate provided by the Secretary of State includes the amount taken into account in that determination in respect of net income, the authority may only adjust that amount so far as necessary to take into account—

- (a) the amount of any savings credit payable;
- (b) in respect of any dependent children of the applicant, child care charges taken into account under paragraph 24(1)(c) (calculation of income on a weekly basis);
- (c) the higher amount disregarded under this Schedule in respect of—
 - (i) lone parent's earnings; or
 - (ii) payments of maintenance, whether under a court order or not, which are made or due to be made by—
 - (aa) the applicant's former partner, or the applicant's partner's former partner; or
 - (bb) the parent of a child or young person where that child or young person is a member of the applicant's family except where that parent is the applicant or the applicant's partner;
- (d) any amount to be disregarded by virtue of paragraph 10(1) of Schedule 4 (sums disregarded from earnings);
- (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under regulation 8, to the extent that it is not taken into account in determining the net income of the person claiming state pension credit;
- (f) paragraph 12 (circumstances in which income of a non-dependant is to be treated as applicant's), if the authority determines that that provision applies in the applicant's case;
- (g) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act;
- (h) any amount to be disregarded by virtue of paragraph 6 of Schedule 4.

(3) Paragraphs 16 to 36 of this Schedule do not apply to the amount of the net income to be taken into account under sub-paragraph (1), but do apply (so far as relevant) for the purpose of determining any adjustments to that amount which the authority makes under sub-paragraph (2).

(4) If sub-paragraph (5) applies, the authority must calculate the applicant's capital in accordance with paragraphs 31 to 36 of this Schedule.

(5) This sub-paragraph applies if—

- (a) the Secretary of State notifies the authority that the applicant's capital has been determined as being £16,000 or less;
- (b) subsequent to that determination the applicant's capital rises to more than £16,000; and
- (c) the increase occurs whilst there is in force an assessed income period within the meaning of sections 6 and 9 of the State Pension Credit Act 2002.

Calculation of income and capital where state pension credit is not payable

15. Where neither paragraph 13 (applicant in receipt of guarantee credit) nor 14 (calculation of income in savings credit only cases) applies in the applicant's case, his income and capital is to be calculated or estimated in accordance with paragraphs 16 to 21, 24, 25, 27 to 29 and chapter 3 (capital) of this Part.

Meaning of "income"

16-(1) For the purposes of classes A to C, "income" means income of any of the following descriptions—

- (a) earnings;
- (b) working tax credit;
- (c) retirement pension income within the meaning of the State Pension Credit Act 2002;
- (d) income from annuity contracts (other than retirement pension income);
- (e) a war disablement pension or war widow's or widower's pension;
- (f) a foreign war disablement pension or war widow's or widower's pension;
- (g) a guaranteed income payment;
- (h) a payment made under article 29(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, in any case where article 31(2)(c) applies;
- (i) income from capital other than capital disregarded under Part 1 of Schedule 6 (capital disregards);
- (j) social security benefits, other than retirement pension income or any of the following benefits—
 - (zi) universal credit;
 - (i) disability living allowance;
 - (ii) personal independence payment;

- (iia) adult disability payment;
- (iii) an AFIP;
- (iv) attendance allowance payable under section 64 of the SSCBA;
- (v) an increase of disablement pension under section 104 or 105 of that Act;
- (vi) child benefit;
- (vii) any guardian's allowance payable under section 77 of the SSCBA;
- (viii) any increase for a dependant, other than the applicant's partner, payable in accordance with Part 4 of that Act;
- (ix) any—
 - (aa) social fund payment made under Part 8 of that Act, or
 - (bb) occasional assistance;
- (x) Christmas bonus payable under Part 10 of that Act;
- (xi) housing benefit;
- (xii) council tax benefit;
- [(xiii) bereavement support payment under section 30 of the Pensions Act 2014;]
- (xiv) statutory sick pay;
- (xv) statutory maternity pay;
- (xvi) . . . statutory paternity pay payable under Part 12ZA of the SSCBA;
- [(xvii) statutory shared parental pay under Part 12ZC of that Act;]
- [(xviii) statutory parental bereavement pay under Part 12ZD of that Act;]
- (xix) . . .
- (xx) . . . statutory adoption pay payable under Part 12ZB of that Act;
- (xxi) . . .
- [(xxii) carer's allowance supplement payable under section 81 of the Social Security (Scotland) Act 2018;]

[(xxi) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018;

(xxii) funeral expense assistance given in accordance with section 34 of that Act;]

[(xxiii) any Scottish child payment assistance given in accordance with section 79 of that Act;

(xxiv) any assistance given in accordance with the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019;

(xxv) short-term assistance given in accordance with regulations under section 36 of the Social Security (Scotland) Act 2018;

(xxvi) winter heating assistance given in accordance with regulations under section 30 of that Act;

(xxvii) any benefit similar to those mentioned in the preceding provisions of this paragraph payable under legislation having effect in Northern Ireland;]

(k) all foreign social security benefits which are similar to the social security benefits mentioned above;

(l) a payment made—

(i) under article 30 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006, in any case where article 30(1)(b) applies; or

(ii) under article 12(8) of that Order, in any case where sub-paragraph (b) of that article applies;

[(m) a pension paid by a government to victims of National Socialist persecution;]

(n) payments under a scheme made under the Pneumoconiosis etc (Workers' Compensation) Act 1979;

(o) payments made towards the maintenance of the applicant by his spouse, civil partner, former spouse or former civil partner or towards the maintenance of the applicant's partner by his spouse, civil partner, former spouse or former civil partner, including payments made—

(i) under a court order;

(ii) under an agreement for maintenance; or

(iii) voluntarily;

(p) payments due from any person in respect of board and lodging accommodation provided by the applicant;

(q) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;

(r) 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;

(s) any payment, other than a payment ordered by a court or made in settlement of a claim, made by or on behalf of a former employer of a person on account of the early retirement of that person on grounds of ill-health or disability;

(t) any sum payable by way of pension out of money provided under—

(i) the Civil List Act 1837,

(ii) the Civil List Act 1937,

(iii) the Civil List Act 1952,

(iv) the Civil List Act 1972, or

(v) the Civil List Act 1975;

(u) any income in lieu of that specified in paragraphs (a) to (r);

(v) any payment of rent made to an applicant who—

(i) owns the freehold or leasehold interest in any property or is a tenant of any property;

(ii) occupies part of the property; and

(iii) has an agreement with another person allowing that person to occupy that property on payment of rent;

(w) any payment made at regular intervals under an equity release scheme;

(x) PPF periodic payments within the meaning of section 17(1) of the State Pension Credit Act 2002.

(2) Where the payment of any social security benefit referred to in sub-paragraph (1)[, or retirement pension income to which section 16(1)(za) to (e) of the State Pension Credit Act 2002 applies,] is subject to any deduction (other than an adjustment specified in sub-paragraph (4)) the amount to be taken into account under sub-paragraph (1) is to be the amount before the deduction is made.

(3) Where an award of any working tax credit or child tax credit is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

(4) The adjustments specified in this paragraph are those made in accordance with—

(a) the Social Security (Overlapping Benefits) Regulations 1979;

(b) the Social Security (Hospital In-Patients) Regulations 1975;

(c) section 30DD or section 30E of the SSCBA (reductions in incapacity benefit in respect of pensions and councillor's allowances);

(d) section 3 of the Welfare Reform Act 2007 (deductions from contributory employment and support allowance in respect of pensions and councillor's allowances) and regulations made under it;

[(e) section 14 of the Pensions Act 2014 (pension sharing: reduction in sharer's section 4 pension);

(f) section 45B or 55B of the Social Security Contributions and Benefits Act 1992 (reduction in additional pension in Category A retirement pension and shared additional pension: pension sharing)].

(5) In sub-paragraph (1)—

(a) in paragraph (w) an “equity release scheme” means a loan—

(i) made between a person (“the lender”) and the applicant;

(ii) by means of which a sum of money is advanced by the lender to the applicant by way of payments at regular intervals; and

(iii) which is secured on a dwelling in which the applicant owns an estate or interest and which he occupies as his home; and

(b) in paragraph (J)(ix) “occasional assistance” means any payment or provision made by a local authority, the Welsh Ministers or the Scottish Ministers for the purposes of—

(i) meeting, or helping to meet an immediate short-term need—

(aa) arising out of an exceptional event or exceptional circumstances, [and]

(bb) that needs to be met to avoid a risk to the well-being of an individual; [or]

(ii) enabling qualifying individuals to establish or maintain a settled home, and “qualifying individuals” means individuals who have been, or without the assistance might otherwise be—

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

(bb) homeless or otherwise living an unsettled way of life.

(6) In sub-paragraph (5)(b) “local authority” means a local authority in England within the meaning of the Local Government Act 1972.

Calculation of weekly income

17.—(1) Except in a case within sub-paragraph (2) (3A) (4A) or (5), for the purposes of calculating the weekly income of an applicant, where the period in respect of which payment is made—

(a) does not exceed a week, the whole of that payment must be included in the applicant’s weekly income;

(b) exceeds a week, the amount to be included in the applicant’s weekly income is to 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 a case where that period is three months, by multiplying the amount of the payment by 4 and dividing the product by 52;

(iii) in a case where that period is a year, by dividing the amount of the payment by 52;

(iv) in any other case, by multiplying the amount of the payment by 7 and dividing the product by the number of days in the period in respect of which it is made.

(2) Sub-paragraph (3) applies where—

(a) the applicant’s regular pattern of work is such that he does not work the same hours every week; or

(b) the amount of the applicant’s income fluctuates and has changed more than once.

(3) The weekly amount of that applicant’s income is to be determined—

(a) if, in a case to which sub-paragraph (2)(a) applies, there is a recognised cycle of work, by reference to his average weekly income over the period of the complete cycle (including, where the cycle involves periods in which the applicant does no work, those periods but disregarding any other absences); or

(b) in any other case, on the basis of—

(i) the last two payments if those payments are one month or more apart;

(ii) the last four payments if the last two payments are less than one month apart; or

(iii) calculating or estimating such other payments as may, in the particular circumstances of the case, enable the applicant’s average weekly income to be determined more accurately.

(3A) Income calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—

(a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;

(b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or

(c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date the applicant's earnings from employment change so as to require recalculation under this paragraph, and the first day of each reduction week thereafter,

regardless of whether those earnings were actually received in that reduction week.

(4) For the purposes of sub-paragraph (3)(b) the last payments are the last payments before the date the application was made or treated as made.

(4A) An applicant's earnings from employment as an employed earner not calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—

(a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;

(b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or

(c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date of the change, and the beginning of each reduction week thereafter,

regardless of whether those earnings were actually received in that reduction week.

(5) If the applicant is entitled to receive a payment to which sub-paragraph (6) applies, the amount of that payment is to be treated as if made in respect of a period of a year.

(6) This sub-paragraph applies to—

(a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;

(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; and

(c) any payment which is made on an occasional basis.

(7) The period under which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.

(8) Where payments are made in a currency other than Sterling, the value of the payment is to be determined by taking the Sterling equivalent on the date the payment is made.

(9) The sums specified in Schedule 4 (sums disregarded from earnings) are to be disregarded in calculating—

- (a) an applicant's earnings; and
- (b) any amount to which sub-paragraph (6) applies where an applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book or work referred to in sub-paragraph (6)(b).

(10) For the purposes of sub-paragraph (9)(b), and for that purpose only, the amounts specified in sub-paragraph (6) are to be treated as though they were earnings.

(11) Income specified in Schedule 5 (amount disregarded in calculation of amounts other than earnings) is to be disregarded in the calculation of an applicant's income.

(12) Schedule 6 (capital disregards) has effect so that—

- (a) the capital specified in Part 1 is disregarded for the purpose of determining an applicant's income; and
- (b) the capital specified in Part 2 is disregarded for the purpose of determining an applicant's income under paragraph 37 (calculation of tariff income from capital).

(13) In the case of any income taken into account for the purpose of calculating a person's income any amount payable by way of tax is disregarded.

Earnings of employed earners

18.—(1) Subject to sub-paragraph (2), "earnings" in the case of employment as an employed earner, means 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;
- (d) any holiday pay;
- (e) any payment by way of a retainer;
- (f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
 - (i) travelling expenses incurred by the applicant between his home and place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;

- (g) 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;
- (h) statutory sick pay payable by the employer under the SSCBA;
- (i) statutory maternity pay payable by the employer under that Act;
- (j) ordinary statutory paternity pay payable under Part 12ZA of that Act;
- (ja) statutory shared parental pay under Part 12ZC of that Act;
- (jb) statutory parental bereavement pay under Part 12ZD of that Act;
- (k) additional statutory paternity pay payable under Part 12ZA of that Act;
- (l) statutory adoption pay payable under Part 12ZB of that Act;
- (m) any sums payable under a contract of service—
 - (i) for incapacity for work due to sickness or injury; or
 - (ii) by reason of pregnancy or confinement.

(2) Earnings does not include—

- (a) subject to sub-paragraph (3), any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
- (c) any occupational pension;
- (d) any lump sum payment made under the Iron and Steel Re-adaptation Benefits Scheme;
- (e) any payment of compensation made pursuant to an award by an employment tribunal established under the Employment Tribunals Act 1996 in respect of unfair dismissal or unlawful discrimination;
- (f) any payment in respect of expenses arising out of the applicant's participating as a service user .

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in subparagraph (1)(g).

Calculation of net earnings of employed earners

19.—(1) For the purposes of paragraph 24 (calculation of income on a weekly basis), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account must, subject to paragraph 17(5) and Schedule 4 (sums disregarded from earnings), be his net earnings.

(2) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (5) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

- (a) any amount deducted from those earnings by way of—
 - (i) income tax;
 - (ii) primary Class 1 contributions under the SSCBA;
- (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 sub-paragraph (4) in respect of any qualifying contribution payable by the applicant; and
- (d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay, statutory shared parental pay, statutory parental bereavement pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are

payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.

(3) In this regulation “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.

(4) The amount in respect of any qualifying contribution is to 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 paragraph the daily amount of the qualifying contribution is to 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.

(5) Where the earnings of an applicant are determined under paragraph 17(2)(b) (calculation of weekly income) his net earnings are to be calculated by taking into account those earnings over the assessment period, less—

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate, , or in the case of a Scottish taxpayer, the Scottish basic rate, of tax applicable to the assessment period less only the personal reliefs to which the applicant is entitled under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007 as are appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate or the Scottish basic rate of tax is to be applied and the amount of the personal reliefs deductible under this sub-paragraph is to be calculated on a pro rata basis;
- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

Calculation of earnings of self-employed earners

20.—(1) Where the earnings of an applicant consist of earnings from employment as a self employed earner, the weekly amount of his earnings must be determined by reference to his average weekly earnings from that employment—

- (a) over a period of one year; or
- (b) where the applicant has recently become engaged in that employment or there has been a change which is likely to affect the normal pattern of business, over such other period (“computation period”) as may, in the particular case, enable the weekly amount of his earnings to be determined more accurately.

(2) For the purposes of determining the weekly amount of earnings of an applicant to whom sub-paragraph (1)(b) applies, his earnings over the computation period are to be divided by the number equal to the number of days in that period and the product multiplied by 7.

(3) The period over which the weekly amount of an applicant's earnings is calculated in accordance with this paragraph will be his assessment period.

Earnings of self-employers earners

21.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner, means the gross income of the employment.

(2) “Earnings” in the case of employment as a self-employed earner does not include—

(a) where an applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation for which payment is made, those payments;

(b) any payment made by a local authority to an applicant—

(i) with whom a person is accommodated by virtue of arrangements made under sections 22C or 23(2)(a) of the Children Act 1989 or, as the case may be, section 26 or 26A of the Children (Scotland) Act 1995; or

(ii) with whom a local authority fosters a child under the Looked After Children (Scotland) Regulations 2009 or who is a kinship carer under those Regulations;

(c) any payment made by a voluntary organisation in accordance with section 59(1)(a) of the Children Act 1989;

(d) 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—

(i) a local authority but excluding payments of housing benefit made in respect of the person concerned;

(ii) a voluntary organisation;

(iii) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;

(iv) the National Health Service Commissioning Board or a clinical commissioning group established under section 14D of the National Health Service Act 2006;

(v) a Local Health Board established by an order made under section 11 of the National Health Service (Wales) Act 2006;

or

(vi) the persons concerned where the payment is for the provision of accommodation to meet that person's needs for care and support under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (respectively, duty and power to meet care and support needs of an adult)

(da) any payment or part of a payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care) to a person (“A”) which A passes on to the applicant where A—

(i) was formerly in the applicant's care;

(ii) is aged 16 or over; and

(iii) continues to live with the applicant;

- (db) any payments made to an applicant under section 73(1)(b) of the Children and Young People (Scotland) Act 2014 (kinship care assistance: further provisions)
- (e) any sports award.

Notional income

- 22.**—(1) An applicant is to be treated as possessing—
- (a) subject to sub-paragraph (2), the amount of any retirement pension income—
 - (i) for which no claim has been made; and
 - (ii) to which he might expect to be entitled if a claim for it were made;
 - (b) income from an occupational pension scheme which the applicant elected to defer.
- (2) Sub-paragraph (1)(a) does not apply to the following where entitlement has been deferred—
- (a) a Category A or Category B retirement pension payable under sections 43 to 55 of the SSCBA;
 - (b) a shared additional pension payable under section 55A of the SSCBA;
 - (c) graduated retirement benefit payable under sections 36 and 37 of the National Insurance Act 1965.
- (3) For the purposes of sub-paragraph (2), entitlement has been deferred—
- (a) in the case of a Category A or Category B pension, in the circumstances specified in section 55(3) of the SSCBA;
 - (b) in the case of a shared additional pension, in the circumstances specified in section 55C(3) of the SSCBA; and
 - (c) in the case of graduated retirement benefit, in the circumstances specified in section 36(4) and (4A) of the National Insurance Act 1965.
- (4) This sub-paragraph applies where a person who has attained the qualifying age for state pension credit—
- (a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;
 - (b) fails to purchase an annuity with the funds available in that scheme; and
 - (c) either—
 - (i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder, or
 - (ii) fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid, or
 - (iii) income withdrawal is not available to him under that scheme.
- (5) Where sub-paragraph (4) applies, the amount of any income foregone is to be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.
- (6) The amount of any income foregone in a case where sub-paragraph (4)(c)(i) or (ii) applies is to be the rate of the annuity which may have been purchased with the fund

and must be determined by the authority, taking account of information provided by the pension fund holder.

(7) The amount of any income foregone in a case where sub-paragraph (4)(c)(iii) applies is to be the income that the applicant could have received without purchasing an annuity had the funds held under the relevant scheme been held under a personal pension scheme or occupational pension scheme where income withdrawal was available and is to be determined in the manner specified in sub-paragraph (6).

(8) In sub-paragraph (4), “money purchase benefits” has the same meaning as in the Pensions Scheme Act 1993.

(9) Subject to sub-paragraphs (10) and (12), a person will be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under the authority’s scheme or increasing the amount of the reduction.

(10) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension or benefit where a person, having made an election in favour of that increase of pension or benefit under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005), changes that election in accordance with regulations made under Schedule 5 or 5A to that Act in favour of a lump sum.

(11) In sub-paragraph (10), “lump sum” means a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005.

(12) Sub-paragraph (9) does not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant’s participating as a service user .

(13) Where an applicant is in receipt of any benefit 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 must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects to apply, to the date on which the altered rate is to take effect.

(14) In the case of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where the authority treats the applicant as possessing any benefit at the altered rate in accordance with paragraph (13), the authority must—

- (a) determine the income and capital of that applicant in accordance with paragraph 14(1) (calculation of applicant’s income in savings credit only cases) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter; and
- (b) treat that applicant as possessing such income and capital at the altered rate by reference to the date selected by the relevant authority to apply in its area, for the purposes of establishing the period referred to in sub-paragraph (13).

(15) For the purposes of sub-paragraph (9), a person is not to be regarded as depriving himself of income where—

- (a) his rights to benefits under a registered pension scheme are extinguished and in consequence of this he receives a payment from that scheme, and
- (b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004.

(16) In sub-paragraph (15), “registered pension scheme” has the meaning given in section 150(2) of the Finance Act 2004.

Income paid to third parties

23.—(1) Any payment of income, other than a payment specified in sub-paragraph (2) or (3), to a third party in respect of an applicant is to be treated as possessed by the applicant.

(2) Sub-paragraph (1) does not apply in respect of a payment of income made 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—

- (a) 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;
- (b) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
- (c) the person referred to in paragraph (a) and his partner do not possess, or are not treated as possessing, any other income apart from that payment.

(3) Sub-paragraph (1) does not apply in respect of any payment of income other than earnings, or earnings derived from employment as an employed earner, arising out of the applicant’s participating as a service user .

Calculation of income on a weekly basis

24.—(1) Subject to paragraph 28 (disregard of changes in tax, etc), the income of an applicant is to be calculated on a weekly basis—

- (a) by estimating the amount which is likely to be his average weekly income in accordance with this Part;
- (b) by adding to that amount the weekly income calculated under paragraph 37 (calculation of tariff income from capital); and
- (c) deducting from the sum of paragraphs (a) and (b) any relevant child care charges to which paragraph 25 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in sub-paragraph (2) are met, from those earnings plus whichever credit specified in paragraph (b) of that subparagraph is appropriate, up to a maximum deduction in respect of the applicant’s family of whichever of the sums specified in sub-paragraph (3) applies in his case.

(2) The conditions of this paragraph are that—

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

- (3) The maximum deduction to which sub-paragraph (1)(c) refers is to be—
- (a) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;
 - (b) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300 per week.

Treatment of child care charges

25.—(1) This paragraph applies where an applicant is incurring relevant child care charges and—

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

(2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—

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

(3) This sub-paragraph applies to a person who was engaged in remunerative work immediately before—

- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
- (b) the first day of the period in respect of which earnings are credited, as the case may be.

(4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.

(5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply, and are to be calculated on a weekly basis in accordance with sub-paragraph (9).

(6) The charges are paid by the applicant for care which is provided—

(a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or

(b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.

(7) The charges are paid for care which is provided by one or more of the care providers listed in sub-paragraph (8) and are not paid—

(a) in respect of the child's compulsory education;

(b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with regulation 7 (circumstances in which a person is treated as responsible or not responsible for another); or

(c) in respect of care provided by a relative of the child wholly or mainly in the child's home.

(8) The care to which sub-paragraph (7) refers may be provided—

(a) out of school hours, by a school on school premises or by a local authority—

(i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or

(ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or

(b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999; or

(c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or

(d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010; or

(e) by—

(i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010; or

(ii) local authorities registered under section 83(1) of that Act, where the care provided is child minding or day care of children within the meaning of that Act; or

(f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002; or

(g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or

- (h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
- (i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
- (j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of “childcare” for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
- (k) by a foster parent or kinship carer under the Fostering Services (England) Regulations 2011, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009(i) in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
- (l) by a provider of personal care within the meaning of paragraph 1 of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and being a regulated activity prescribed by those Regulations or by a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016; or
- (m) by a person who is not a relative of the child wholly or mainly in the child’s home.

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

(10) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where—

- (a) he is aged not less than 80;
- (b) he is aged less than 80, and—
 - (i) an additional condition specified in paragraph 26 is treated as applying in his case; and
 - (ii) he satisfies that condition or would satisfy it but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
- (c) the other member of the couple would be a member of the support group or a member of the work-related activity group, but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013;
- (d) he is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA(c) (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;

(e) he is, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013 for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84

days must be treated as one continuous period;

(f) there is payable in respect of him one or more of the following pensions or allowances—

(i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the SSCBA;

(ii) attendance allowance under section 64 of the SSCBA;

(iii) severe disablement allowance under section 68 of the SSCBA;

(iv) disability living allowance;

(v) personal independence payment;

(vi) an AFIP;

(vii) increase of disablement pension under section 104 of the SSCBA;

(viii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v) or (vii) above;

(ix) main phase employment and support allowance;

(x) adult disability payment;

(g) a pension or allowance or payment to which sub-paragraph (v), (vii) or (viii) of paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;

(h) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for—

(i) a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA; or

(ii) an abatement as a consequence of hospitalisation;

(i) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);

(j) an AFIP would be payable to that person but for a suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

(k) paragraph (f), (g), (h) or (i) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or

(l) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health

Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

(11) For the purposes of sub-paragraph (10), once sub-paragraph (10)(d) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph is to, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

(12) For the purposes of sub-paragraph (10), once sub-paragraph (10)(e) applies to the person, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is to, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.

(13) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person—

(a) to whom an attendance allowance or care component of disability allowance is payable or would be payable but for—

(i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or

(ii) an abatement as a consequence of hospitalisation;

(aa) in respect of whom child disability payment is payable;

(b) to whom the daily living component of personal independence payment is payable or has ceased to be payable by virtue of a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);

(ba) in respect of whom adult disability payment is payable, or has ceased to be payable solely by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations;

(c) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(d) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

(14) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave[, shared parental leave][, parental bereavement leave] or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in [sub-paragraph (15)] ("the relevant period") provided that—

(a) in the week before the period of maternity leave, paternity leave[, shared parental leave][, parental bereavement leave] or adoption leave began he was in remunerative work;

(b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and

(c) he is entitled to either statutory maternity pay under section 164 of the SSCBA, . . . statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, . . . , statutory adoption pay by virtue of section 171ZL of that Act, maternity allowance under section 35 of that Act[, statutory shared parental pay by virtue of section 171ZU or 171ZV of that Act][, statutory parental bereavement pay by virtue of section 171ZZ6 of that Act] or qualifying support.

(15) For the purposes of sub-paragraph (14) the relevant period begins on the day on which the person's maternity, paternity leave[, shared parental leave][, parental bereavement leave] or adoption leave commences and ends on—

(a) the date that leave ends;

(b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay [[statutory shared parental pay, statutory parental bereavement pay] or statutory adoption pay ends], the date that entitlement ends; or

(c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay [[statutory shared parental pay, statutory parental bereavement pay] or statutory adoption pay ends], the date that entitlement to that award of the child care element of the working tax credit ends,

whichever shall occur first.

(16) In sub-paragraphs (14) and (15)—

(a) “qualifying support” means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987;and

(b) “child care element” of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).

(17) In sub-paragraphs (6), (8)(a) and (13)(d), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

Additional condition referred to in paragraph 25(10)(b)(i): disability

26.—(1) Subject to sub-paragraph (2), the additional condition referred to in paragraph 25(10)(b)(i) is that either—

(a) the applicant or, as the case may be, the other member of the couple—

(i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, personal independence payment, an AFIP, the disability element or the severe disability element of working

tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in the case of long-term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or

(ii) was in receipt of long-term incapacity benefit under Part 2 of the SSCBA when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and the applicant has since remained continuously entitled to council tax benefit (for the period prior to 1st April 2013) or a reduction under an authority's scheme (for the period on or after 1st April 2013) and, if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or

(iii) was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 25(10)(g) (treatment of child care charges); or

(iv) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 25(10)(g); or

(v) was in receipt of an AFIP but its payment has been suspended in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution; or

(vi) is provided by the Secretary of State or a clinical commissioning group with an invalid carriage or other vehicle under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 (provision of services by Scottish Ministers) or receives payments by way of grant from the Secretary of State under paragraph 10(3) of Schedule 1 to the Act of 2006 or, in Scotland, by Scottish Ministers under section 46 of the Act of 1978; or

(vii) is blind and in consequence registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(b) the applicant, or as the case may be, the other member of the couple—

(i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and

(ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than—

(aa) in the case of an applicant who is terminally ill within the meaning of section 30B(4)(c) of the SSCBA, 196 days;

(bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(vii), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods must be treated as one continuous period.

(4) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the SSCBA (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

(5) In the case of a person who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA) the reference to a period of 56 days in sub-paragraph (3) must be treated as a reference to a period of 104 weeks.

Calculation of average weekly income from tax credits

27.—(1) This paragraph applies where an applicant receives a tax credit.

(2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in sub-paragraph (3).

(3) Where the instalment in respect of which payment of a tax credit is made is—

(a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;

(b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;

(c) a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;

(d) a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

(4) For the purposes of this paragraph “tax credit” means child tax credit or working tax credit.

Disregard of changes in tax, contributions etc

28. In calculating the applicant's income an authority may disregard any legislative change—

- (a) in the basic or other rates of income tax;
- (aa) in the Scottish basic or other rates of income tax;
- (b) in the amount of any personal tax reliefs under Chapters 2, 3, and 3A of Part 3 of the Income Tax Act 2007;
- (c) in the rates of national insurance contributions payable under the SSCBA or in the lower earnings limit or upper earnings limit for Class 1 contributions under that Act, the lower or upper limits applicable to Class 4 contributions under that Act or the amount specified in section 11(4) of that Act (small profits threshold in relation to Class 2 contributions);
- (d) in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the SSCBA;
- (e) in the maximum rate of child tax credit or working tax credit,

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

Calculation of net profit of self-employed earners

29.—(1) For the purposes of paragraph 24 (calculation of income on a weekly basis) the earnings of an applicant to be taken into account are—

- (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, his share of the net profit derived from that employment, less—
 - (i) an amount in respect of income tax and of national insurance contributions payable under the SSCBA calculated in accordance with paragraph 30 (deduction of tax and contributions of self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium;

(2) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (8) applies, be calculated by taking into account the earnings of the employment over the assessment period less—

- (a) subject to sub-paragraphs (4) to (7), any expenses wholly and exclusively incurred in that period for the purposes of that employment;
- (b) an amount in respect of—
 - (i) income tax; and
 - (ii) national insurance contributions payable under the SSCBA, calculated in accordance with paragraph 30; and

(c) one-half of the amount calculated in accordance with sub-paragraph (10) in respect of any qualifying premium.

(3) For the purposes of sub-paragraph (1)(b) the net profit of the employment is to be calculated by taking into account the earnings of the employment over the assessment period less, subject to sub-paragraphs (4) to (7), any expenses wholly and exclusively incurred in that period for the purposes of the employment.

(4) Subject to sub-paragraph (5), no deduction is to be made under sub-paragraph (2)(a) or (3), 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; and
- (f) any expenses incurred in providing business entertainment.

(5) A deduction must be made under sub-paragraph (2)(a) or (3) in respect of the repayment of capital on any loan used for—

- (a) the replacement in the course of business of equipment or machinery; or
- (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.

(6) An authority must refuse to make a deduction in respect of any expenses under sub-paragraph (2)(a) or (3) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.

(7) For the avoidance of doubt—

- (a) a deduction must not be made under sub-paragraph (2)(a) or (3) in respect of any sum unless it has been expended for the purposes of the business;
- (b) a deduction must 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.

(8) Where an applicant is engaged in employment as a child minder the net profit of the employment is to be one-third of the earnings of that employment, less—

- (a) an amount in respect of—
 - (i) income tax; and
 - (ii) national insurance contributions payable under the SSCBA, calculated in accordance with paragraph 30; and
- (b) one-half of the amount calculated in accordance with sub-paragraph (10) in respect of any qualifying premium.

(9) 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 must not be offset against his earnings in any other of his employments.

(10) The amount in respect of any qualifying premium is to 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 paragraph the daily amount of the qualifying premium is to be determined—

- (a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing 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.

(11) In this paragraph, “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.

Calculation of deduction of tax and contributions of self-employed earners

30.—(1) The amount to be deducted in respect of income tax under paragraph 29(1)(b)(i), (2)(b)(i) or (8)(a)(i) (calculation of net profit of self-employed earners) is to be calculated—

- (a) on the basis of the amount of chargeable income; and
- (b) as if that income were assessable to income tax at the basic rate, or in the case of a Scottish taxpayer, the Scottish basic rate, of tax applicable to the assessment period less only the personal reliefs to which the applicant is entitled under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007 as are appropriate to his circumstances.

(2) But, if the assessment period is less than a year, the earnings to which the basic rate or the Scottish basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a pro rata basis.

(3) The amount to be deducted in respect of national insurance contributions under paragraph 29(1)(b)(i), (2)(b)(ii) or (8)(a)(ii) is the total of—

- (a) the amount of Class 2 contributions payable under section 11(2) or, as the case may be, 11(8) of the SSCBA 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 that 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 must be reduced pro rata; and
- (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the SSCBA (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 must be reduced pro rata.

(4) In this paragraph “chargeable income” means—

- (a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (3) of paragraph 29;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

CHAPTER 3 Capital

Calculation of capital

31.—(1) The capital of an applicant to be taken into account must, subject to subparagraph (2), be the whole of his capital calculated in accordance with this Part.

(2) There must be disregarded from the calculation of an applicant's capital under subparagraph (1), any capital, where applicable, specified in Schedule 6 (capital disregards).

(3) An applicant's capital is to be treated as including any payment made to him by way of arrears of—

- (a) child tax credit;
- (b) working tax credit;
- (c) state pension credit,

if the payment was made in respect of a period for the whole or part of which a reduction under an authority's scheme was allowed before those arrears were paid.

Calculation of capital in the United Kingdom

32. Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less—

- (a) where there would be expenses attributable to the sale, 10 per cent; and
- (b) the amount of any encumbrance secured on it.

Calculation of capital outside the United Kingdom

33. Capital which an applicant possesses in a country outside the United Kingdom is to be calculated—

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

Notional capital

34.—(1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to a reduction under an authority's scheme or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with paragraph 35 (diminishing notional capital rule).

(2) A person who disposes of capital for the purpose of—

- (a) reducing or paying a debt owed by the applicant; or
- (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the applicant's case,

is to be regarded as not depriving himself of it.

(3) 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 must, notwithstanding paragraph 31 (calculation of capital) be disregarded; and

(b) he must, subject to sub-paragraph (4), 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 Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.

(4) 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 sub-paragraph (3) is to be disregarded.

(5) Where an applicant is treated as possessing capital under sub-paragraph (1) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

Diminishing notional capital rule

35.—(1) Where an applicant is treated as possessing capital under paragraph 34(1) (notional capital), the amount which he is treated as possessing—

(a) in the case of a week that is subsequent to—

(i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or

(ii) a week which follows that relevant week and which satisfies those conditions, is to be reduced by an amount determined under sub-paragraph (3);

(b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—

(i) that week is a week subsequent to the relevant week; and

(ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied, is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week where the applicant satisfies the conditions that—

(a) he is in receipt of a reduction under an authority's scheme; and

(b) but for paragraph 34(1), he would have received a greater reduction under that scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is to be equal to the aggregate of—

(a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;

(b) where the applicant has also claimed state pension credit, the amount of any state pension credit or any additional amount of state pension credit to which he would have been entitled in respect of the reduction week to which sub-

paragraph (2) refers but for the application of regulation 21(1) of the State Pension Credit Regulations 2002(notional capital);

(c) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of housing benefit to which he would have been entitled in respect of the whole or part of that reduction week to which sub-paragraph (2) refers but for the application of regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (notional capital);

(d) where the applicant has also claimed a jobseeker's allowance, the amount of an incomebased jobseeker's allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and

(e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

(4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b), the condition is that the applicant would have been entitled to a reduction in council tax under the authority's scheme in the relevant week but for paragraph 34(1).

(5) In such a case the amount of reduction in the amount of the capital which he is treated as possessing for the purposes of sub-paragraph (1)(b) is equal to the aggregate of—

(a) the amount of the reduction in council tax to which the applicant would have been entitled in the relevant week but for paragraph 34(1);

(b) if the applicant would, but for regulation 21 of the State Pension Credit Regulations 2002, have been entitled to state pension credit in respect of the benefit week, within the meaning of regulation 1(2) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;

(c) if the applicant would, but for regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week, within the meaning of regulation 2 of those Regulations (interpretation), which includes the last day of the relevant week, the amount which is equal to—

(i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or

(ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,

(d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and

(e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the

meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.

(6) But if the amount mentioned in paragraph (a), (b), (c), (d), or (e) of sub-paragraph (5) (“the relevant amount”) is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—

- (a) dividing the relevant amount by the number equal to the number of days in that partweek, and
- (b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) must be re-determined under that subparagraph if the applicant makes a further application for a reduction in council tax under the authority’s scheme and the conditions in sub-paragraph (8) are satisfied, and in such a case—

- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words “relevant week” there were substituted the words “relevant subsequent week”; and
- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that—

- (a) a further application is made 26 or more weeks after—
 - (i) the date on which the applicant made an application in respect of which he was first treated as possessing the capital in question under paragraph 34(1) ;
 - (ii) in a case where there has been at least one re-determination in accordance with subparagraph (5), the date on which he last made an application which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to a reduction in council tax under the authority’s scheme, whichever last occurred; and
- (b) the applicant would have been entitled to a reduction under the authority’s scheme but for paragraph 34(1).

(9) The amount as re-determined pursuant to sub-paragraph (7) does not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.

(10) For the purposes of this paragraph—

“part-week”—

- (a) in relation to an amount mentioned in sub-paragraph (5)(a) means a period of less than a week for which a reduction in council tax under an authority’s scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b) means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e) means—
 - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker’s allowance is payable; and

(ii) any other period of less than a week for which it is payable;

“relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 34(1)—

(a) was first taken into account for the purpose of determining his entitlement to a reduction under an authority’s scheme; or

(b) was taken into account on a subsequent occasion for the purpose of determining or redetermining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction under that authority’s scheme,

and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition the later or latest such reduction week or, as the case may be, the later or latest such part-week of the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

Capital jointly held

36. Except where an applicant possesses capital which is disregarded under paragraph 34(4) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter 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.

Calculation of tariff income from capital

37. The capital of an applicant, calculated in accordance with this Part, is to be treated as if it were a weekly income of—

(a) £1 for each £500 in excess of £10,000 but not exceeding £16,000; and

(b) £1 for any excess which is not a complete £500.

PART 7
Extended reductions

Extended reductions (qualifying contributory benefits)

38.—(1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to a reduction under a scheme (by virtue of falling within any of classes A to C) is entitled to an extended reduction (qualifying contributory benefits) where—

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

(2) An applicant must be treated as entitled to a reduction under an authority's scheme by virtue of falling within any of classes A to C where—

- (a) the applicant ceased to be entitled to a reduction under the authority's scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits)

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

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

(3) The extended reduction period ends—

- (a) at the end of a period of four weeks; or

(b) on the date on which the applicant who is receiving the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits)

40.—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) the applicant is entitled to is the greater of—

(a) the amount of reduction under the authority's scheme to which the applicant was entitled by virtue of falling within any of classes A to C in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;

(b) the amount of reduction under the authority's scheme to which the applicant would be entitled by virtue of falling within any of classes A to C for any reduction week during the extended reduction period, if paragraph 38 (extended reductions (qualifying contributory benefits)) did not apply to the applicant; or

(c) the amount of reduction under the authority's scheme to which the applicant's partner would be entitled by virtue of falling within any of classes A to C, if paragraph 38 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under the authority's scheme, no reduction is to be awarded during the extended reduction period.

Extended reductions (qualifying contributory benefits): movers

41.—(1) This paragraph applies—

(a) to a mover; and

(b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefit) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is the amount of reduction under the authority's ("the first authority") scheme which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

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

(a) the second authority; or

(b) the mover directly.

Relationship between extended reduction (qualifying contributory benefits) and entitlement to a reduction by virtue of classes A to C

42.—(1) Where an applicant's reduction under an authority's scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 38(1)(b) (extended reductions: qualifying contributory benefits), that reduction does not cease to have effect until the end of the extended reduction period.

(2) Part 9 (period of entitlement and changes of circumstances) does not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 40(1)(a) or paragraph 41(2) (amount of extended reduction: movers).

Continuing reductions where state pension credit claimed

43.—(1) This paragraph applies where—

- (a) the applicant is entitled to a reduction under an authority's scheme;
- (b) sub-paragraph (2) is satisfied; and
- (c) either—

- (i) the applicant has attained the qualifying age for state pension credit; or
- (ii) the applicant's partner has actually claimed state pension credit.

(2) This sub-paragraph is only satisfied if the Secretary of State has certified to the authority that the applicant's partner has actually claimed state pension credit or that—

- (a) the applicant's award of—
 - (i) income support has terminated because the applicant has attained the qualifying age for state pension credit; or
 - (ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the applicant has attained the qualifying age for state pension credit ; and
- (b) the applicant has claimed or is treated as having claimed or is required to make a claim for state pension credit.

(3) Subject to sub-paragraph (4), in a case to which this paragraph applies, a person continues to be entitled to a reduction under an authority's scheme for the period of 4 weeks beginning on the day following the day on which the applicant's entitlement to income support or, as the case may be, income-based jobseeker's allowance or, income-related employment and support allowance, ceased, if and for so long as the applicant otherwise satisfies the conditions for entitlement to a reduction under the scheme.

(4) Where a reduction under that scheme is awarded for the period of 4 weeks in accordance with sub-paragraph (3), and the last day of that period falls on a day other than the last day of a reduction week, then a reduction under the scheme must continue to be awarded until the end of the reduction week in which the last day of that period falls.

(5) Throughout the period of 4 weeks specified in sub-paragraph (3) and any further period specified in sub-paragraph (4)—

- (a) the whole of the income and capital of the applicant is to be disregarded;
- (b) the maximum council tax reduction amount of the applicant is to be that which was applicable in his case immediately before that period commenced.

- (6) The appropriate maximum council tax reduction amount is to be calculated in accordance with paragraph 7(1) if, since the date it was last calculated—
- (a) the applicant's council tax liability has increased; or
 - (b) a change in the deduction under paragraph 8 (non-dependent deductions) falls to be made.

Extended reductions: movers into an authority's area

44. Where—

- (a) an application is made to an authority ("the current authority") for a reduction under its scheme, and
 - (b) the applicant, or the partner of the applicant, is in receipt of an extended reduction from—
 - (i) another billing authority in England; or
 - (ii) a billing authority in Wales,
- the current authority must reduce any reduction to which the applicant is entitled under its scheme by the amount of that extended reduction.

PART 8

When entitlement begins and change of circumstances

Date on which entitlement begins

45.—(1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for a reduction under an authority's scheme is made and who is otherwise entitled to that reduction is so entitled from the reduction week following the date on which that application is made or is treated as made.

(2) Where a person is otherwise entitled to a reduction under an authority's scheme 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 application is made or is treated as made, he shall be so entitled from that reduction week.

Date on which change of circumstances is to take effect

46.—(1) Except in cases where paragraph 28 (disregard of changes in tax, contributions, etc) applies and subject to the following provisions of this paragraph and paragraph 47 (change of circumstances when state pension credit in payment), a change of circumstances which affects entitlement to, or the amount of, a reduction under an authority's scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs.

(2) Where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs is the day immediately following the last day of entitlement to that benefit.

(3) Subject to sub-paragraph (4), 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.

(4) Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 11A (discounts) of that Act, it takes effect from the day on which the change in amount has effect.

(5) Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

(6) Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

(7) If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with sub-paragraphs (1) to (6) they take effect from the day to which the appropriate sub-paragraph from (3) to (6) above refers, or, where more than one day is concerned, from the earlier day.

(8) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, 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 takes 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 the authority's scheme.

(9) Without prejudice to sub-paragraph (8), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of the authority's scheme.

(10) Sub-paragraph (11) applies if—

(a).....; and

(b) either—

(i) a non-dependant took up residence in the applicant's dwelling; or

(ii) there has been a change of circumstances in respect of a non-dependant so that the amount of the deduction which falls to be made under paragraph 8 (non-dependent deductions) increased.

(11) Where this sub-paragraph applies, the change of circumstances referred to in sub-paragraph (10)(b) takes effect from the effective date.

(12) In sub-paragraph (11), but subject to sub-paragraph (13), "the effective date" means—

(a) where more than one change of a kind referred to in sub-paragraph (10)(b) relating to the same non-dependant has occurred since—

(i) the date on which the applicant's entitlement to a reduction under the authority's scheme first began; or

(ii) the date which was the last effective date in respect of such a change, whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;

(b) where paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in sub-paragraph (10)(b) occurred.

(13) If in any particular case the date determined under sub-paragraph (12) is not the first day of a reduction week, the effective date in that case is the first day of the next reduction week to commence after the date determined under that sub-paragraph.

Change of circumstances where state pension credit in payment

47.—(1) Sub-paragraphs (2) and (3) apply where—

(a) an applicant is in receipt of state pension credit;

(b) the amount of state pension credit awarded to him is changed in consequence of a change in the applicant's circumstances or the correction of an official error; and

(c) the change in the amount of state pension credit payable to the applicant results in a change in the amount of a reduction he receives under an authority's scheme.

(2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the applicant results in—

- (a) an increase in the reduction he receives under that scheme, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the increased rate; or
- (b) a decrease in the reduction he receives under that scheme, the change takes effect from the first day of the reduction week next following the date on which—
 - (i) the authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or
 - (ii) state pension credit is increased,

whichever is the later.

(3) Where the change of circumstance (“the relevant change”) is that the applicant’s state pension credit has been reduced and in consequence the reduction the applicant receives under the authority’s scheme reduces—

- (a) in a case where the applicant’s state pension credit has been reduced because the applicant failed to notify the Secretary of State timeously of a change of circumstances, the relevant change takes effect from the first day of the reduction week from which state pension credit was reduced; or
- (b) in any other case the relevant change takes effect from the first day of the reduction week next following the date on which—
 - (i) the authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or
 - (ii) state pension credit is reduced,

whichever is the later.

(4) Where the change of circumstance is that state pension credit is reduced and in consequence of the change, the amount of a reduction the applicant receives under the authority’s scheme is increased, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the reduced rate.

(5) Where a change of circumstance occurs in that an award of state pension credit has been made to the applicant or his partner and this would result in a decrease in the amount of reduction he receives under the authority’s scheme, the change takes effect from the first day of the reduction week next following the date on which—

- (a) the authority receives notification from the Secretary of State of the award of state pension credit; or
- (b) entitlement to state pension credit begins,

whichever is the later.

(6) Where, in the case of an applicant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is—

- (a) a change of circumstances of a kind described in any of sub-paragraphs (2) to (5) which results from a relevant calculation or estimate; and
- (b) a change of circumstances which is a relevant determination,

each of which results in a change in the amount of reduction the applicant receives under the authority’s scheme, the change of circumstances referred to in paragraph (b) takes effect from the day specified in sub-paragraph (2), (3), (4) or (5) as the case may be, in relation to the change referred to in paragraph (a).

(7) Where a change of circumstance occurs in that a guarantee credit has been awarded to the applicant or his partner and this would result in an increase in the amount of a reduction the applicant receives under the authority's scheme, the change takes effect from the first day of the reduction week next following the date in respect of which the guarantee credit is first payable.

(8) Where a change of circumstances would, but for this sub-paragraph, take effect under the preceding provisions of this paragraph within the 4 week period specified in paragraph 43 (continuing reductions where state pension credit claimed), that change takes effect on the first day of the first reduction week to commence after the expiry of the 4 week period.

(9) In this paragraph—

“official error” means an error made by—

(a) an authority or a person—

(i) authorised to carry out any function of an authority relating to its scheme; or

(ii) providing services relating to its scheme directly or indirectly to the authority; or

(b) an officer of—

(i) the Department for Work and Pensions; or

(ii) the Commissioners of Inland Revenue,
acting as such,

but excludes any error caused wholly or partly by any person or body not specified in paragraph (a) or (b) of this definition and any error of law which is shown to have been an error only by virtue of a subsequent decision of the court;

“relevant calculation or estimate” means the calculation or estimate made by the Secretary of State of the applicant's or, as the case may be, the applicant's partner's income and capital for the purposes of the award of state pension credit;

“relevant determination” means a change in the determination by the authority of the applicant's income and capital using the relevant calculation or estimate, in accordance with paragraph 14(1) (calculation of applicant's income in savings credit only cases).

SCHEDULE 2

regulation 14(2)

Applicable amounts

PART 1 Personal allowances

Personal allowance

1. The amount specified in column (2) below in respect of each person or couple specified in column (1) is the amount specified for the purposes of paragraph 6(1)(a) of Schedule 1

<i>Column (1) Person, couple or polygamous marriage</i>	<i>Column (2) Amount</i>
1) Single applicant or lone parent who has attained pensionable age before 1 st April 2021	£217.00
(2) Couple where one or both members have attained pensionable age before 1 st April 2021	£324.70
(3) If the applicant is a member of a polygamous marriage and one or more members of the marriage have attained pensionable age before 1 st April 2021 —	
(a) for the applicant and the other party to the marriage;	(a) £324.70
(b) for each additional spouse who is a member of the same household as the applicant..	(b) £107.70
4) Single applicant or lone parent who has attained pensionable age on or after 1st April 2021	£201.05
(5) Couple where both members have attained pensionable age on or after 1st April 2021	£306.85
(6) If the applicant is a member of a polygamous marriage and all members of the marriage have attained pensionable age on or after 1st April 2021—	
(a) for the applicant and the other party to the marriage;	(a) £306.85
(b) for each additional spouse who is a member of the same household as the applicant .	(b) £105.80

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(a) And see also paragraph 6 of Schedule 1.

Child or young person amounts

2.—(1) The amounts specified in column (2) below in respect of each person specified in column (1) are the amounts, for the relevant period specified in column (1), specified for the purposes of paragraph 6(1)(b) of Schedule 1.

<i>Column (1) Child or young person</i>	<i>Column (2) Amount</i>
Person in respect of the period— (a) beginning on that person’s date of birth and ending on the day preceding the first Monday in September following that person’s sixteenth birthday;	(a) £77.78;
(b) beginning on the first Monday in September following that person’s sixteenth birthday and ending on the day preceding that person’s twentieth birthday.	(b) £77.78.

(2) In column (1) of the table “the first Monday in September” means the Monday which first occurs in the month of September in any year.

PART 2

Family premium

Family premium

3. The amount for the purposes of paragraph 6(1)(c) of Schedule 1 in respect of a family of which at least one member is a child or young person—

(a) is £18.53 in respect of a reduction week which begins in the period beginning with 1st April 2016 and ending with 30th April 2016;

(b) is nil in respect of a reduction week which begins after 1st May 2016.

PART 3

Premiums

4. The premiums specified in Part 4 are, for the purposes of paragraph 6(1)(d) of Schedule 1, applicable to an applicant who satisfies the condition specified in this Part in respect of that premium.

5. Subject to sub-paragraph (2), for the purposes of this Part, once a premium is applicable to an applicant under this Part, a person is to be treated as being in receipt of any benefit for—

(a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provision of those Regulations, he would be in receipt of that benefit; and

(b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973, or by Skills Development Scotland, Scottish Enterprise or Highland and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of—

(a) attendance allowance;

(b) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;

(c) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;

(d) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;

(e) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or

(f) an AFIP.”

Severe disability premium

6.—(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if—

(a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)—

(i) he is in receipt of—

(aa) attendance allowance;

(bb)the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;
(cc)the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
(dd)the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or
(ee)an AFIP; and

(ii) subject to sub-paragraph (6), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
(iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013 in respect of caring for him;

(b) in the case of an applicant who has a partner—

(i)the applicant is in receipt of—

(aa)attendance allowance;

(bb)the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;

(cc)the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;

(dd)the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or

(ee)an AFIP;

(ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance; and

(iii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance or has an award of universal credit that includes the carer element in respect of caring for only one of the couple or, if he is a member of a polygamous marriage, for one or more but not all the members of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance or has such an award of universal credit in respect of caring for either member of a couple or any of the members of the marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of sub-paragraph (4), that partner is to be treated for the purposes of sub-paragraph (2) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (3), a person is blind if he is registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.

(5) For the purposes of sub-paragraph (4), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of—

(a) a person receiving—

(i) attendance allowance;

(ii) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA;

(iii) the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;

(iv) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations; or

(v) an AFIP; or

(b) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and (5).

(7) For the purposes of sub-paragraph (2)(b) a person is to be treated—

(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so entitled and in receipt notwithstanding section 86 of that Act and regulations made thereunder;

(ba) as being in receipt of the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the DAWAP Regulations, if they would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt;

(c) as being in receipt of an AFIP, if he would, but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;

(d) as being entitled to and in receipt of a carer's allowance or having an award of universal credit which includes the carer element if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled or have such an award of universal credit and in receipt.

(8) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b)—

(a) no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid; and

(b) a reference to a person being in receipt of a carer's allowance or as having an award of universal credit which includes the carer element is to include reference to a person who would have been in receipt of that allowance or had such an award of universal credit but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit) .

Enhanced disability premium

7.—(1) The condition is that—

(a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act;

(aa) the care component of child disability payment is payable at the highest rate in accordance with regulation 11(5) of the DACYP Regulations;

(ab) the daily living component of adult disability payment is payable, or has ceased to be payable by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations, at the enhanced rate in accordance with regulation 5 of those Regulations;

(b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of payment in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate under section 78(2) of that Act, or

(c) an AFIP is payable,

in respect of a child or young person who is a member of the applicant's family.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

Disabled child premium

8. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

(a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or

(aa) is in receipt of child disability payment; or

(b) is blind within the meaning of paragraph 6(4) of this Schedule or treated as blind in accordance with paragraph 6(5); or

(c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

(d) is a young person who is in receipt of adult disability payment or who would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the DAWAP Regulations be so in receipt, provided that the young person continues to be a member of the family; or

(e) is a young person who is in receipt of an AFIP.

Carer premium

9.—(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance.

(2) Where a carer premium has been awarded but—

(a) the person in respect of whose care the carer's allowance has been awarded dies; or

(b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance, this paragraph shall be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) is—

(a) in a case within sub-paragraph (2)(a) the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the date occurred on a Sunday);

(b) in a case within sub-paragraph (2)(b), the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.

(4) For the purposes of this paragraph, a person is to be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which a payment is made in lieu of an award.

Persons in receipt of concessionary payments

10. For the purpose of determining whether a premium is applicable to a person under paragraphs 6 to 9 of this Schedule, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

Person in receipt of benefit

11. For the purposes of this Part, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and is to be so regarded only for any period in respect of which that benefit is paid.

PART 4

Amounts of premium specified in Part 3

<i>Provision</i>	<i>Amount</i>
— (1) Severe Disability Premium—	(1)
(a) where the applicant satisfies the condition in paragraph 6(2)(a);	(a) £76.40;
(b) where the applicant satisfies the condition in paragraph 6(2)(b)—	(b)
(i) in a case where there is someone in receipt of a carer's allowance or who has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013, or if he or any partner satisfies that condition only by virtue of paragraph 6(7);	(i) £76.40;

(ii) in a case where there is no-one in receipt of such an allowance or such an award of universal credit .	(ii) £152.80.
(2) Enhanced disability premium.	(2) £30.17 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.
(3) Disabled Child Premium.	(3) Disabled Child Premium. (3) £74.69 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium.	(4) £42.75 in respect of each person who satisfies the condition specified in paragraph 9.

SCHEDULE 3

regulation 14(2)

Amount of alternative maximum council tax reduction

1.—(1) Subject to paragraphs 2 and 3, the alternative maximum council tax reduction in respect of a day for the purpose of paragraph 9 of Schedule 1 is determined in accordance with the following Table and in this Table—

- (a) “second adult” means any person or persons residing with the applicant to whom paragraph 4(2) of Schedule 1 applies (class C); and
- (b) “person to whom paragraph 75(1) of Schedule 1 to the Default Scheme Regulations applies” includes any person to whom that paragraph would apply were they, and their partner if they had one, below the qualifying age for state pension credit.

(2) In this Schedule “council tax due in respect of that day” means the council tax payable under section 10 of the 1992 Act less—

- (a) any reductions made in consequence of any enactment in, or under, the 1992 Act (other than a reduction under an authority’s scheme); and
- (b) in a case to which sub-paragraph (c) in column (1) of the table below applies, the amount of any discount which may be appropriate to the dwelling under the 1992 Act.

(1) <i>Second adult</i>	(2) <i>Alternative maximum council tax reduction</i>
(a) Where the second adult or all second adults are in receipt of income support, an income related employment and support allowance or state pension credit or are persons on an income-based jobseeker’s allowance;	(a) 25 per cent of the council tax due in respect of that day;

<p>(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income based jobseeker's allowance—</p> <p>(i) is less than £244.00 per week;</p> <p>(ii) is not less than £244.00 per week but less than £317.00 per week;</p>	<p>(i) 15 per cent of the council tax due in respect of that day;</p> <p>(ii) 7.5 per cent of the council tax due in respect of that day;</p>
<p>(c) where the dwelling would be wholly occupied by one or more persons to whom paragraph 73(1) of Schedule 1 to the Default Scheme Regulations applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income based jobseeker's allowance.</p>	<p>(c) 100 per cent of the council tax due in respect of that day.</p>

2. In determining a second adult's gross income for the purposes of this Schedule, the following must be disregarded from that income —

- (a) any attendance allowance, or any disability living allowance or any personal independence payment under Part 4 of the Welfare Reform Act 2012 or an AFIP; and
- (b) any payment to which paragraph 8(9)(b) or (10) of Schedule 1 to these Regulations refers (and sub-paragraph (13) of paragraph 8 applies to this paragraph as it applies in relation to that paragraph).

3. Where there are two or more second adults residing with the applicant and any such second adult falls to be disregarded for the purposes of discount in accordance with Schedule 1 to the 1992 Act, his income is to be disregarded in determining the amount of any alternative maximum council tax reduction, unless that second adult is a member of a couple and his partner does not fall to be disregarded for the purposes of discount.

Sums disregarded from applicant's earnings

1. Where two or more of paragraphs 2 to 5 apply in any particular case the overall maximum sum which falls to be disregarded in that case under those paragraphs is restricted to—

- (a) £25 in the case of a lone parent;
- (b) £20 in any other case.

2. In a case where an applicant is a lone parent, £25 of earnings.

3.—(1) In a case of earnings from any employment or employments to which sub-paragraph (2) applies, £20.

(2) This paragraph applies to employment—

- (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
- (b) a part-time fire-fighter employed by the Scottish Fire and Rescue service established under section 1A of the Fire (Scotland) Act 2005);
- (c) as an auxiliary coastguard in respect of coast rescue activities;
- (d) in the manning or launching of a lifeboat if the employment is part-time;
- (e) as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001.

(3) If—

- (a) any of the earnings of the applicant or, if he has a partner, his partner, or both of them, are disregarded under sub-paragraph (1); and
- (b) either of them has, or both of them have, other earnings, so much of those other earnings as would not, in the aggregate with the earnings disregarded under that sub-paragraph, exceed £20.

4.—(1) If the applicant or, if he has a partner, his partner is a carer, or both are carers, £20 of any earnings received from his or their employment.

(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.

(3) In this paragraph the applicant or his partner is a carer if paragraph 9 of Part 3 of Schedule 2 (amount applicable for carers) is satisfied in respect of him.

5.—(1) £20 is disregarded if the applicant or, if he has a partner, his partner—

- (a) is in receipt of—
 - (i) long-term incapacity benefit under section 30A of the SSCBA;
 - (ii) severe disablement allowance under section 68 of that Act;
 - (iii) attendance allowance under sections 64 to 70 of that Act;
 - (iv) disability living allowance;
 - (v) personal independence payment;
 - (vi) an AFIP;
 - (vii) 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;
 - (viii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or

- (ix) main phase employment and support allowance; or
 - (b) is or are registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948(c) or, in Scotland, has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
 - (c) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work), and has been incapable, or has been treated as incapable, of work for a continuous period of not less than—
 - (i) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;
 - (ii) in any other case, 364 days; or
 - (d) has, or is treated as having, limited capacity for work within the meaning of section 1(4) of the Welfare Reform Act 2007 or limited capability for work-related activity within the meaning of section 2(5) of that Act and either—
 - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act 2007 has ended; or
 - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 or regulation 7 of the Employment and Support Allowance Regulations 2013 (circumstances where the condition that the assessment phase has ended before entitlement to the support component arising does not apply) applies.
- (2) Subject to sub-paragraph (3), £20 is disregarded if the applicant or, if he has a partner, his partner has, within a period of 8 weeks ending on the day in respect of which the applicant or his partner attains the qualifying age for state pension credit, had an award of housing benefit or council tax benefit or was in receipt of a reduction under an authority's scheme (including under another authority's scheme) and—
- (a) £20 was disregarded in respect of earnings taken into account in that award; and
 - (b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.
- (3) The disregard of £20 specified in sub-paragraph (2) applies so long as there is no break, other than a break which does not exceed 8 weeks, in a person's—
- (a) entitlement to housing benefit; or
 - (b) receipt of a reduction under an authority's (including under another authority's) scheme; or
 - (c) employment, following the first day in respect of which that benefit is awarded or the reduction given under that scheme.
- (4) £20 is the maximum amount which may be disregarded under this paragraph, notwithstanding that, where the applicant has a partner, both the applicant and his partner satisfy the requirements of this paragraph.

6.—(1) Where—

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 13 of Schedule 1 does not apply, the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 1 to 5 and 7 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 2, then paragraph 2 applies instead of this paragraph.

(3) Notwithstanding paragraph 11 of Schedule 1 (calculation of income and capital of members applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ("A") it shall not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there must also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance;
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) "Exempt work" means work of the kind described in—

- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008 or regulation 39(1(a),(b) or (c) of the Employment and Support Allowance Regulations 2013; or (as the case may be)
- (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision

referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

7. Any amount or the balance of any amount which would fall to be disregarded under paragraph 18 or 19 of Schedule 5 to these Regulations had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregarded thereunder.

8. Except where the applicant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule—

- (a) £5 must be disregarded if an applicant who has no partner has earnings;
- (b) £10 must be disregarded if an applicant who has a partner has earnings.

9. Any earnings, other than earnings referred to in paragraph 17(9)(b) of Schedule 1, derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to a reduction under an authority's scheme.

10.—(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total

of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under this Schedule must be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

(a) the applicant, or if he has a partner, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or

(b) the applicant—

(i) is, or any partner of his is, aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or

(ii) if he is a member of a couple—

(aa) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and

(bb) his family includes at least one child or young person; ; or

(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or

(iv) is, or if he has a partner, one of them is, engaged in remunerative work for on average not less than 16 hours per week and paragraph 5(1) above is satisfied in respect of that person.

(3) The following are the amounts referred to in sub-paragraph (1)—

(a) any amount disregarded under this Schedule;

(b) the amount of child care charges calculated as deductible under paragraph 24(1)(c) of Schedule 1 (calculation of income on a weekly basis); and

(c) £17.10.

(4) The provisions of regulation 10 (remunerative work) are to apply in determining whether or not a person works for on average not fewer than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that regulation was a reference to 30 hours.

11. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting to that payment into Sterling.

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

1. In addition to any sum which falls to be disregarded in accordance with paragraphs 2 to 6, £10 of any of the following, namely—
 - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 2 or 3);
 - (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 and, if the amount of that payment has been adjusted to less than £10 by a pension or payment falling within article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
 - (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) a pension paid by a government to victims of National Socialist persecution.
2. The whole of any amount included in a pension to which paragraph 1 relates in respect of—
 - (a) the applicant's need for constant attendance;
 - (b) the applicant's exceptionally severe disablement.
3. 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.
4. 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.
5. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
- 6.—(1) Any payment which is—

- (a) made under any of the Dispensing Instruments to a widow, widower or 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
- (b) 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).

7. £15 of any widowed parent’s allowance to which the applicant is entitled under section 39A of the SSCBA.

8. £15 of any widowed mother’s allowance to which the applicant is entitled under section 37 of the SSCBA.

9. 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 whom 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, 100 per cent. of such payments; or
- (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent. of the excess over £20.

10. If the applicant—

- (a) owns the freehold or leasehold interest in any property or is a tenant of any property; and
- (b) occupies a part of that property; and
- (c) has an agreement with another person allowing that person to occupy another part of that property on payment of rent and—
 - (i) the amount paid by that person is less than £20 per week, the whole of that amount; or
 - (ii) the amount paid is £20 or more per week, £20.

11. Where an applicant receives income under an annuity purchased with a loan, which satisfies the following conditions—

- (a) that the loan was made as part of a scheme under which not less than 90 per cent. of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;
- (b) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65 or, if it was higher at the time, pensionable age;

(c) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling;

(d) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid; and

(e) that the interest payable on the loan is paid by the person to whom the loan was made or by one of the annuitants, the amount, calculated on a weekly basis, equal to—

- (i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;
- (ii) in any other case, the interest which is payable on the loan without deduction of such a sum.

12.—(1) Any payment, other than a payment to which sub-paragraph (2) applies, made to the applicant by Trustees in exercise of a discretion exercisable by them.

(2) This sub-paragraph applies to payments made to the applicant by Trustees in exercise of a discretion exercisable by them for the purpose of—

- (a) obtaining food, ordinary clothing or footwear or household fuel;
- (b) the payment of rent, council tax or water charges for which that applicant or his partner is liable;
- (c) meeting housing costs of a kind specified in Schedule 2 to the State Pension Credit Regulations 2002.

(3) In a case to which sub-paragraph (2) applies, £20 or—

- (a) if the payment is less than £20, the whole payment;
- (b) if, in the applicant's case, £10 is disregarded in accordance with paragraph 1(a) to (g), £10 or the whole payment if it is less than £10; or
- (c) if, in the applicant's case, £15 is disregarded under paragraph 7 or paragraph 8 and—

- (i) he has no disregard under paragraph 1(a) to (g), £5 or the whole payment if it is less than £5;
- (ii) he has a disregard under paragraph 1(a) to (g), nil.

(4) For the purposes of this paragraph, "ordinary clothing or footwear" means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

13. Any increase in pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 paid in respect of a dependent other than the pensioner's partner.

14. Any payment ordered by a court to be made to the applicant or the applicant's partner in consequence of any accident, injury or disease suffered by the person or a child of the person to or in respect of whom the payments are made.

15. Periodic payments made to the applicant or the applicant's partner under an agreement entered into in settlement of a claim made by the applicant or, as the case may be, the applicant's partner for an injury suffered by him.

16. Any income which is payable outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

17. Any banking charges or commission payable in converting to Sterling payments of income made in a currency other than Sterling.

18. 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 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.

19.—(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 bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 18, an amount specified in subparagraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount is to be equal to—

(a) the weekly amount of the payments; or

(b) £67.20,

whichever is less.

(3) In this paragraph and paragraph 18 a reference to a "student loan" or a "grant" is a reference to a student loan or a grant within the meaning of Part 11 of the Schedule to the Default Scheme Regulations.

20.—(1) Where an applicant's family includes at least one child or young person, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by the applicant's spouse, civil partner, former spouse or former civil partner or the applicant's partner's spouse, civil partner, former spouse, or former civil partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.

- 21.** Except in a case which falls under paragraph 10 of Schedule 4, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.
- 22.** Where the total value of any capital specified in Part 2 (capital disregarded only for the purposes of determining deemed income) of Schedule 6 does not exceed £10,000, any income actually derived from such capital.
- 23.** Except in the case of income from capital specified in Part 2 of Schedule 6 (capital disregards), any actual income from capital.
- 24.** 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 1999as in force at that date, the whole of his income.
- 25.** Any victims' payment under the Victims' Payments Regulations 2020

SCHEDULE 6

regulation 14(2)

Capital Disregards

PART 1

Capital to be disregarded

1. 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.
2. 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.
3. 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.
4. Any premises occupied in whole or in part—
 - (a) by a person who is a relative of the applicant or his partner 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 does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. 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.
6. Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner or the dissolution of a 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.
7. Any premises where the applicant is taking reasonable steps to dispose of the whole of his interest in 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.

8. All personal possessions.

9. 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 those assets.

10. The assets of any business owned in whole or in part by the applicant if—

(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 reengaged, in that business,

for a period of 26 weeks from the date on which the application for a reduction under an authority's scheme is made or, if it is unreasonable to expect him to become engaged or reengaged 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.

11. The surrender value of any policy of life insurance.

12. The value of any funeral plan contract; and for this purpose, "funeral plan contract" means a contract under which—

(a) the applicant makes one or more payments to another person ("the provider");

(b) the provider undertakes to provide, or secure the provision of, a funeral in the United Kingdom for the applicant on his death; and

(c) the sole purpose of the plan is to provide or secure the provision of a funeral for the applicant on his death.

13. Where an ex-gratia payment has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment 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, an amount equal to that payment.

14.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or an applicant's partner who is—

(a) a diagnosed person;

(b) a diagnosed person's partner or was a diagnosed person's partner at the time of the diagnosed person's death; or

(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.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph is to 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.
- (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 an applicant's partner who is—
- (a) the diagnosed person;
 - (b) a diagnosed person's partner or was a diagnosed person's partner at the date of the diagnosed person's death; or
 - (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.
- (4) Where a payment such as referred to in sub-paragraph (3) is made to—
- (a) a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the payment is made and ends on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(c), that sub-paragraph is to apply for the period beginning on the date on which the payment is made and ending two years after that date.
- (5) In this paragraph, a reference to a person—
- (a) being the diagnosed person's partner;
 - (b) acting in place of the diagnosed person's parents, at the date of the diagnosed person's death includes 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 or an independent hospital.
- (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 Creutzfeldt-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 Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

"trust payment" means a payment under a relevant trust.

15. 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 civil partner or the applicant's partner's deceased spouse or 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.

16.—(1) Any payment made under or by—

(a) 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 the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme or the national emergencies trust the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or
(b) the Independent Living Fund (2006).

(1A) Any Grenfell Tower support payment.

(1B) Any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.

(1C) Any historical child abuse payment.

(1D) Any Windrush payment.

(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 or from a Grenfell Tower support payment , a historical child abuse payment or a Windrush payment and which is made to or for the benefit of that person’s partner or former partner—

(a) from whom he is not, or where that person has died was not, estranged or divorced, or

(b) 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.

(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 which derives from a payment made under or by any of the Trusts or from a Grenfell Tower support payment , a historical child abuse payment or a Windrush payment and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.

(4) Sub-paragraph (3) does not apply if—

(a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or

(b) 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.

(5) 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 or from a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment , 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 who is or had been a member of that person’s household; 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 or a student who has not completed his full-time education and has no parent or step-parent, to any person standing in the place of his parent, but only for a period from the date of the payment until the end of two years from that person's death.

(6) 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 or from a Grenfell Tower support payment, 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 who was or had been a member of his household; 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 or a student who had not completed his full-time education and had no parent or step-parent, to any person standing in place of his parent, but only for a period of two years from the relevant date.

(7). In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from—

(a) any payment of income or capital made under or deriving from any of the Trusts; or
(b) a Grenfell Tower support payment, a historical child abuse payment or a Windrush payment.

16A. Any payment made under, or by, a trust which is approved by the Secretary of State and which is established for the purpose of giving relief and assistance to a disabled person whose disabilities were caused by their mother having taken a preparation containing the drug known as Thalidomide during her pregnancy.

17.—(1) An amount equal to the amount of any payment made in consequence of any personal injury to the applicant or, if the applicant has a partner, to the partner.

(2) Where the whole or part of the payment is administered—

(a) by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998, or the Court of Protection, or on behalf of a person where the payment can only be disposed of by order or direction of any such court;

(b) in accordance with an order made under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or

(c) in accordance with the terms of a trust established for the benefit of the applicant or his partner, the whole of the amount so administered.

18. Any amount specified in paragraph 19, 20, 21 or 25 of this Schedule for a period of one year beginning with the date of receipt.

19. Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the applicant as his home and to his personal possessions.

20. So much of any amounts paid to the applicant or deposited in the applicant's name for the sole purpose of—

- (a) purchasing premises which the applicant intends to occupy as his home; or
- (b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the applicant as his home.

21.—(1) Subject to paragraph 22 any amount paid—

- (a) by way of arrears of benefit;
- (b) by way of compensation for the late payment of benefit;
- (c) in lieu of the payment of benefit;
- (d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply;
- (e) by a local authority out of funds provided under either section 93 of the Local Government Act 2000 under a scheme known as “Supporting People” or section 91 of the Housing (Scotland) Act 2001.
- (f) by way of occasional assistance including arrears and payments in lieu of occasional assistance (and in this paragraph “occasional assistance” has the same meaning as in paragraph 16 of schedule 1)
- (g) to rectify, or compensate for, an error made by an officer of the Department for Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the applicant’s entitlement to contributory employment and support allowance, being an amount to which paragraph 22(1A) does not apply.

(2) In sub-paragraph (1), “benefit” means—

- (a) attendance allowance under section 64 of the SSCBA;
- (b) disability living allowance;
- (c) personal independence payment
- (d) an AFIP;
- (e) income support;
- (f) income-based jobseeker’s allowance;
- (g) state pension credit;
- (h) housing benefit;
- (i) council tax benefit;
- (j) child tax credit;
- (k) an increase of a disablement pension under section 104 of the SSCBA (increase where constant attendance is needed), and any further increase of such a pension under section 105 of that Act (increase for exceptionally severe disablement);
- (l) any amount included on account of the applicant’s exceptionally severe disablement or need for constant attendance in a war disablement pension or a war widow’s or widower’s pension;
- (m) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (n) working tax credit;
- (o) income-related employment and support allowance;
- (p) social fund payments under Part 8 of the SSCBA
- (q) universal credit
- (r) maternity allowance under section 35 of the SSCBA(1) (state maternity allowance for employed or self-employed earner);
- (s) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018;

- (t) funeral expense assistance given in accordance with section 34 of that Act.
- (u) any Scottish child payment assistance given in accordance with section 79 of that Act(1);
- (v) any assistance given in accordance with the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019;
- (w) short-term assistance given in accordance with regulations under section 36 of the Social Security (Scotland) Act 2018; or
- (x) winter heating assistance given in accordance with regulations under section 30 of that Act.

(3) In sub-paragraph (1) "contributory employment and support allowance" means an allowance under Part 1 of the Welfare Reform Act 2007(2) as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012(3) that remove references to an income-related allowance.

22.—(1) Subject to sub-paragraph (3), any payment of £5,000 or more which has been made to rectify, or to compensate for, an official error or an error on a point of law relating to a relevant benefit and has been received by the applicant in full on or after the day on which he became entitled to a reduction under an authority's scheme.

(1A) Subject to paragraph (3), any payment of £5,000 or more received by the applicant in full on or after the day on which the applicant became entitled to a reduction under an authority's scheme which has been made to rectify, or compensate for, an error made by an officer of the Department for Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the applicant's entitlement to contributory employment and support allowance.

(1B) In sub-paragraph (1A) "contributory employment and support allowance" has the meaning in paragraph 21(3).

(2) Subject to sub-paragraph (3), the total amount of any payments disregarded under—

- (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987;
- (b) paragraph 12(2) of Schedule 8 to the Jobseeker's Allowance Regulations 1996;
- (c) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006;
- (d) paragraph 20A of Schedule 5 to the State Pension Credit Regulations 2002,
- (e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations 2008,
- (f) paragraph 18 of Schedule 10 to the Universal Credit Regulations 2013;
- (g) regulations 10A to 10C of the Universal Credit (Transitional Provisions) Regulations 2014

where the award in respect of which the payments last fell to be disregarded under those Regulations either terminated immediately before the relevant date or is still in existence at that date.

(3) Any disregard which applies under sub-paragraph (1), (1A) or (2) is to have effect until the award comes to an end.

(4) In this paragraph—

“the award”, except in sub-paragraph (2), means—

(a) the award of a reduction under an authority’s scheme during which the relevant sum or, where it is paid in more than one instalment, the first instalment of that sum is received; and

(b) where that award is followed by one or more further awards which, or each of which, begins immediately after the previous award ends, such further awards until the end of the last such award, provided that, for such further awards, the applicant—

(i) is the person who received the relevant sum;

(ii) is the partner of that person; or

(iii) was the partner of that person at the date of his death;

“official error” means—

(a) where the error relates to housing benefit or council tax benefit (in respect of any period before 1st April 2013), has the meaning given by regulation 1(2) of the Housing Benefit and the Council Tax Benefit (Decisions and Appeals) Regulations 2001; and

(b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;

“the relevant date” means the date on which an application for a reduction under the authority’s scheme was made;

“relevant benefit” means any benefit specified in paragraph 21(2); and

“the relevant sum” means the payment referred to in sub-paragraph (1) or the total amount referred to in sub-paragraph (2).

23. Where a capital asset is held in a currency other than Sterling, any banking charge or commission payable in converting that capital into Sterling.

24. The value of the right to receive income from an occupational pension scheme or a personal pension scheme.

25. Any arrears of supplementary pension which is disregarded under paragraph 4 of Schedule 5 (amounts to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 5 or 6 of that Schedule.

26. The dwelling occupied as the home; but only one dwelling may be disregarded under this paragraph.

27.—(1) Subject to sub-paragraph (2) where an applicant falls within class C (alternative maximum council tax reduction), the whole of his capital.

(2) Sub-paragraph (1) does not apply, where an applicant falls within class B (income greater than applicable amount) and class C.

28. Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit)

Regulations 2005, or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to—

- (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum; or
- (b) the amount of that lump sum, but only for so long as that person does not change that election in favour of an increase of pension or benefit.

29

Any payments made . . .—

(a) [by virtue of regulations made under] section 57 of the Health and Social Care Act 2001 (direct payments);

(b) . . .

(c) by virtue of regulations made under] sections 12A to 12C of the National Health Service Act 2006 (direct payments for health care);

(d) by virtue of regulations made under] Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (general social welfare); . . .

(e) by virtue of regulations made under] section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (direct payments); . . .

(f) under sections 31 to 33 of the Care Act 2014 (direct payments); or

(g) by virtue of regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments).

29ZA

Any payment made as a direct payment as defined in section 4(2) of the Social Care (Self-directed Support) (Scotland) Act 2013.

29A

A payment made under the Age-Related Payments Regulations 2013.

29B

Any payments to an applicant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments).

29C

(1) Any payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care).

(2) Any payment or part of a payment made by a local authority in accordance with that section to a person (“A”) which A passes on to the applicant where A—

(a) was formerly in the applicant's care;

(b) is aged 16 or over; and

(c) continues to live with the applicant.

29D

Any lump sum payment made in accordance with regulation 24 of the Victims' Payments Regulations 2020.

29E

Any sum paid by means of assistance in accordance with the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019.

29F

Any sum paid by means of winter heating assistance in accordance with regulations under section 30 of the Social Security (Scotland) Act 2018.

PART 2

Capital disregarded only for the purposes of determining deemed income

30. The value of the right to receive any income under a life interest or from a life rent.

31. 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.

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

33. Where property is held under a trust, other than—

(a) a charitable trust within the meaning of the Charities Act 1993; or

(b) a trust set up with any payment to which paragraph 16 of this Schedule applies,

and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant's partner, or both, that property.

All applicants: matters that must be included in an authority's scheme – procedural matters

PART 1

Applications

Procedure by which a person may apply for a reduction under an authority's scheme

1. Paragraphs 2 to 7 apply to an application made under an authority's scheme.
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 an authority has published a telephone number for the purpose of receiving such applications, by telephone.
- 3.—(1) An application which is made in writing must be made to the designated office on a properly completed form.
(2) The form must be provided free of charge by the authority for the purpose.
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.

(2) An application made on a form provided by an 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.
- 5.—(1) If an application made by electronic communication is defective an authority must provide the person making the application with an opportunity to correct the defect.
(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.
6. In a particular case an 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.

- 7.—(1) If an application made by telephone is defective an authority must provide the person making the application with an opportunity to correct the defect.
- (2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

PART 2

Appeals

Procedure by which a person may appeal against certain decisions of the authority

- 8.—(1) A person who is aggrieved by a decision of an 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 that authority stating the matter by which, and the grounds on which, he is aggrieved.
- (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.
- (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 a valuation tribunal under section 16 of the 1992 Act.

PART 3

Discretionary reductions

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

- 9.—(1) An application to an 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 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.
- (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).

PART 4

Electronic communication

Interpretation

10. 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.

Conditions for the use of electronic communication

11.—(1) An authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.

(2) A person other than that 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.

(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.

(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.

(5) The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes of this Part.

(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.

(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.

(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 Part.

Use of intermediaries

12. 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.

Effect of delivering information by means of electronic communication

13.—(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 Part; and

(b) by or under an enactment,

are satisfied.

- (2) An 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).
- (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.

Proof of identity of sender or recipient of information

14. 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.

Proof of delivery of information

15.—(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.

(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.

(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.

Proof of content of information

16. 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.

SCHEDULE 8

Regulation 15(1)

All applicants: matters that must be included in an authority's scheme –
other matters

PART 1

Extended reductions: persons who are not pensioners

1. Paragraph 2 applies only in relation to persons who are not pensioners.

Extended reductions: movers into an authority's area

2. Where—

(a) an application is made to an authority (“the current authority”) for a reduction under its scheme, and

(b) the applicant or the partner of the applicant, is in receipt of an extended reduction from—

(i) another billing authority in England; or

(ii) a billing authority in Wales,

the current authority must reduce any reduction to which the applicant is entitled under its scheme by the amount of that extended reduction.

PART 2

Further provision about applications and duty to notify a change of circumstances

3. Except for paragraph 6 (which applies to persons who are pensioners only), paragraphs 4 to 9 apply to persons who are pensioners and persons who are not pensioners.

Making an application

4.—(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.

(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.

(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, an 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.

(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).

(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).

(6) Anything required by an 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.

(7) The authority must—

- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a);
- (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.

Date on which an application is made

5.—(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 incomerelated 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 an 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 an 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.

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

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

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

have been entitled to that allowance.

(3) Where the defect referred to in paragraph 7 of Schedule 7 (applications 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.

(4) An authority must 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.

(5) The conditions are that—

(a) where paragraph 4(a) of Schedule 7 (incomplete form) applies, the authority receives at its designated office 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 paragraph 4(b) of Schedule 7 (application not on approved form or further information requested by authority) applies—

(i) the approved form sent to the applicant is received at the designated office 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 under paragraph 4 of that Schedule 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 designated office 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.

(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 an 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.

(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 an 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.

(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.

Back-dating of applications

6.—(1) This paragraph applies only to persons who are pensioners.

(2) Subject to sub-paragraph (3), the time for the making of an application under an authority's scheme is as regards any day on which, apart from satisfying the condition of making an application, the applicant is entitled to such a reduction, that day and the period of three months immediately following it.

(3) In any case where paragraph 5(1)(a) (date on which application made: state pension credit comprising guarantee credit) applies, sub-paragraph (2) does not entitle a person to apply for a reduction under an authority's scheme in respect of any day earlier than three months before the date on which the claim for state pension credit is made (or treated as made by virtue of any provision of the Social Security (Claims and Payments) Regulations 1987).

Information and evidence

7.—(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.

(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.

(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 these Regulations;

(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.

(4) Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under an 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.

(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.

(6) Where an authority makes a request under sub-paragraph (4), it must—

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

(7) This sub-paragraph applies to any of the following payments—

- (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation “, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Windrush Compensation Scheme or the national emergencies trust the London Bombings Relief Charitable Fund;

(aa) a Grenfell Tower support payment;

(b) a payment which is disregarded under paragraph 16 of Schedule 6 (payments made under certain trusts and certain other payments), other than a payment under the Independent Living Fund (2006);

(c) a payment which is disregarded under paragraph 8(10) of Schedule 1.

(8) Where an applicant or a person to whom a reduction under an 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.

Amendment and withdrawal of application

8.—(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.

(2) Where the application was made by telephone in accordance with Part 1 of Schedule 7, the amendment may also be made by telephone.

(3) Any application amended in accordance with sub-paragraph (1) or (2) is to be treated as if it had been amended in the first instance.

(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.

(5) Where the application was made by telephone in accordance with Part 1 of Schedule 7, the withdrawal may also be made by telephone.

(6) Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

(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.

Duty to notify changes of circumstances

9.—(1) Subject to sub-paragraphs (3), (9), 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 an authority's scheme) including at any time while the applicant is in receipt of such a reduction.

(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 or for the purposes of Part 1 of Schedule 7 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.

(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.

(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.

(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.

(6) The duty imposed on a person by sub-paragraph (1) includes in the case of a person falling within class C (pensioners: 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.

(7) A person who has been awarded a reduction under an authority's scheme who is also on state pension credit must report—

- (a) changes affecting the residence or income of any non-dependant normally residing with the applicant or with whom the applicant normally resides;
 - (b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks or where the absence is from Great Britain, which exceeds or is likely to exceed 4 weeks.
- (8) In addition to the changes required to be reported under sub-paragraph (7), a person whose state pension credit comprises only a savings credit must also report—
- (a) changes affecting a child living with him which may result in a change in the amount of reduction under the authority's scheme allowed in his case, but not changes in the age of the child;
 - (b) any change in the amount of the applicant's capital to be taken into account which does or may take the amount of his capital to more than £16,000 in the case of those of pension age and £8,000 in the case of those of Working Age;
 - (c) any change in the income or capital of—
 - (i) a non-dependant whose income and capital are treated as belonging to the applicant in accordance with paragraph 12 of Schedule 1 (circumstances in which income of a non-dependant is to be treated as applicant's); or
 - (ii) a person to whom paragraph 14(2)(e) of Schedule 1 refers (partner treated as member of the household under regulation 8),
 and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the applicant.
- (9) A person who is entitled to a reduction under an authority's scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (7) and (8).

PART 3

Decisions by an authority

10. This Part applies to persons who are pensioners and persons who are not pensioners.

Decision by authority

11. An authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and Part 1 of Schedule 7 being satisfied, or as soon as reasonably practicable thereafter.

Notification of decision

12.—(1) An authority must notify in writing any person affected by a decision made by it under its scheme—

- (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
 - (b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.
- (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.
- (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.
- (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.
- (5) A person affected to whom an 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.
- (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.
- (7) For the purposes of this paragraph a person is to be treated as a person affected by a decision of an 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).
- (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 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 an authority under paragraph 4(3) (persons appointed to act for a person unable to act).

PART 4

Circumstances in which a payment may be made

13. This part applies to persons who are pensioners and persons who are not pensioners.

Payment where there is joint and several liability

14.—(1) Where—

- (a) a person is entitled to a reduction under an 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 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.

(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.

(3) Where a person other than a person who is entitled to a reduction under an authority's scheme made the application and that first person is a person acting pursuant to an appointment under paragraph 4(3) or is treated as having been so appointed by virtue of paragraph 4(4), the amount of the reduction may be paid to that person.

Section 2

(Schedule 1A 2(1) Local Government Finance Act 1992)

Interpretation

In addition to the statutory interpretation set out in Section 1 regulation 2 which is adopted for the purposes of this scheme, in this Section of the scheme any statutory interpretation that appears in Regulation 2 of The Housing Benefit Regulations 2006 (SI 2006/213 as revised) that does not otherwise appear in that statutory interpretation is adopted for the purposes of this scheme.

Schedule 9

PART 1

Classes of persons entitled to a reduction under this scheme

1. The classes of persons who are not pensioners described in paragraphs 3 and 4 are entitled to a reduction under this section of the scheme.
2. In those paragraphs, references to the applicant's income or capital include, in a case where that income or capital cannot accurately be determined, references to the applicant's estimated income or capital.

Class D: persons who are not pensioners whose income does not exceed the applicable amount

3. On any day class D consists of any person who is not a pensioner and doesn't also fall into Classes E -
 - (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 12 (periods of absence from a dwelling), 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 not entitled to a reduction under this scheme (Paragraphs 12 and 13 of Section 1 - Part 2) ;
 - (e) whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with part 3 of this Schedule ;
 - (f) whose capital on that day does not exceed £8,000, and
 - (g) who has made an application for a reduction under this scheme.

Class E: persons who are not pensioners whose income is greater than the applicable amount

4. On any day class E consists of any person who is not a pensioner and doesn't also fall into classes D —

(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 12 (periods of absence from a dwelling), 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 not entitled to a reduction under this scheme (Paragraphs 12 and 13 of Section 1 - Part 2);

(e) whose income for the relevant week is greater than his applicable amount calculated in accordance with part 3 of this Schedule;

(f) in respect of whom amount A exceeds amount B where—

(i) amount A is the maximum council tax reduction in his case (see paragraph 11); and

(ii) amount B is $2\frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount;

(g) whose capital on that day does not exceed £8,000, and

(h) who has made an application for a reduction under this scheme.

Alternative maximum council tax reduction – persons who are not pensioners

5. Persons that are not pensioners are not entitled to any reduction under the scheme set out for pensioners in Section 1 Part 5. Consequently this scheme does not include a class for those persons.

Periods of absence from a dwelling

6. For the purposes of this part of the scheme, the scheme adopts the statutory scheme as it applies to Pensioners set out in Section 1, Schedule 1, Part 1, paragraph 5.

PART 2

Classes of person excluded from this scheme

Classes of person excluded from this scheme

7.—(1) In addition to those classes set out in Section 1, Part 2, Paragraphs 12, and 13, the classes of person set out in sub-paragraph 2 are also excluded from this scheme.

(2) The class of person described in this paragraph consists of any student to whom paragraph 49(1) applies.

(3) In this paragraph “student” has the meaning given by paragraph 47(1) of this scheme.

PART 3

Applicable amounts for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

Applicable amounts

8.—shall have subject to paragraph 10 below the meaning as set out in Regulation 22 of The Housing Benefit Regulations 2006 (SI 2006/213 as revised) and as appropriate Schedule 3 of those regulations as it appears in relation to each financial year.

Polygamous marriages

9. – shall have subject to paragraph 10 below the meaning as set out in Regulation 23 of The Housing Benefit Regulations 2006 (SI 2006/213 as revised) and as appropriate Schedule 3 of those regulations as it appears in relation to each financial year.

Applicable amount: persons who have an award of universal credit

10.—(1) In determining the applicable amount for a week of an applicant—

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

an award of universal credit, the authority will use the calculation or estimate of the maximum amount of the applicant, or the applicant’s partner, or the applicant and his

partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (3).

(2) In determining the applicable amount for a week of an applicant who is a member of a polygamous marriage, the fact that two people are husband and wife is to be disregarded if—

(a) one of them is a party to an earlier marriage that still subsists; and

(b) the other party to that earlier marriage is living in the same household.

(3) The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.

(4) In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012.

PART 4

Maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

Maximum council tax reduction under this scheme

11.—(1) Subject to sub-paragraphs (2) to (4), the amount of a person’s maximum council tax reduction in respect of a day is 75 per cent of the amount A/B where—

(a) A is the amount set by the 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,

less any deductions in respect of non-dependants which fall to be made under paragraph 18 (non-dependant deductions).

(2) In calculating a person’s maximum council tax reduction under this scheme 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 (other than a reduction under this scheme), is to be taken into account.

(3) Subject to sub-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, in determining the maximum council tax reduction in his case in accordance

with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

(4) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (3) does not apply in his case.

(5) The reference in sub-paragraph (3) to a person with whom an applicant is jointly and severally liable for council tax does not include a student to whom paragraph 49(2) applies.

(6) In this paragraph “relevant financial year” means, in relation to any particular day, the financial year within which the day in question falls.

Non-dependant deductions

12. – has the same meaning as set out in Section 1, Schedule 1, Part 3 as set out in this Scheme and set out in the prescribed requirements regulations (as revised).

PART 5

Amount of reduction under this scheme

Amount of reduction under this scheme: Classes D to E

13.—(1) Where a person is entitled to a reduction under this scheme in respect of a day, the amount of the reduction to which he is entitled is as follows.

(2) Where the person is within class D, that amount is the amount which is the maximum council tax reduction (see paragraph 11.) in respect of the day in the applicant’s case.

(3) Where the person is within class E, that amount is the amount found by deducting amount B from amount A, where “amount A” and “amount B” have the meanings given in paragraph 4 (Class E. Persons who are not pensioners whose income is greater than the applicable amount).

PART 6

Income and capital for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

CHAPTER 1

General

Calculation of income and capital: applicant's family and polygamous marriages

14.— Shall be determined in accordance with Regulation 25 of the Housing Benefit Regulations 2006 (as amended).

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

15.— Shall be determined in accordance with Regulation 26 of the Housing Benefit Regulations 2006 (as amended).

CHAPTER 2

Income and capital where there is an award of universal credit

Calculation of income and capital: persons who are not pensioners who have an award of universal credit

16. (1) In determining the income of an applicant

(a) who has, or

(b) who (jointly with his partner) has,

an award of universal credit the authority must, subject to the following provisions of this paragraph, use the calculation or estimate of the amount 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.

(2) The authority must adjust the amount of the income referred to in sub-paragraph (1) by multiplying the amount by 12 and dividing the product by 52.

(3) The authority may only adjust the amount of the income as adjusted in accordance with sub-paragraph (2) so far as necessary to take into account

(a) the amount of the award of universal credit, determined in accordance with sub-paragraph (4);

(b) paragraph 21 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;

(c) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).

(4) The amount for the award of universal credit to be taken into account for the purposes of sub-paragraph (3)(a) is to be determined by multiplying the amount of the award of universal credit by 12 and dividing the product by 52.

(5) Paragraph 21 (income and capital of non-dependant to be treated as applicant's) applies for the purpose of determining any adjustments which fall to be made to the figure for income under sub-paragraph (3).

(6) 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 the award of universal credit.

Paragraphs 17 to 22 inclusive are not in use

CHAPTER 3

Income

Average weekly earnings of employed earners

23.—(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as an employed earner his average weekly earnings must be estimated by reference to his earnings from that employment—

(a) over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of—

(i) 5 weeks, if he is paid weekly; or

(ii) 2 months, if he is paid monthly; or

(b) whether or not paragraph (a)(i) or (ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

(2) Where the applicant has been in his employment for less than the period specified in sub-paragraph (1)(a)(i) or (ii)—

(a) if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings must be estimated by reference to those earnings;

(b) in any other case, the authority must estimate the applicant's average weekly earnings.

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

(4) For the purposes of this paragraph the applicant's earnings are to be calculated in accordance with paragraphs 27 and 28.

Average weekly earnings of self-employed earners:

24.—(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as a self-employed earner his average weekly earnings must be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period must not in any case exceed a year.

(2) For the purposes of this paragraph the applicant's earnings must be calculated in accordance with paragraphs 29, 37 and 38 of this part.

Average weekly income other than earnings:

25.—(1) The income of an applicant who is not a pensioner which does not consist of earnings must, except where sub-paragraph (2) applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period must not in any case exceed 52 weeks; and nothing in this paragraph authorises an authority to disregard any such income other than that specified in Schedule 12.

(2) The period over which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.

(3) For the purposes of this paragraph income other than earnings is to be calculated in accordance with paragraph 30 of this part.

Calculation of weekly income

26.—(1) For the purposes of paragraphs 23 (average weekly earnings of employed earners), 25 (average weekly income other than earnings) and 35 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made—

(a) does not exceed a week, the weekly amount is to be the amount of that payment;

(b) exceeds a week, the weekly amount is to be determined—

(i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;

(ii) in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the product by 7.

(2) For the purposes of paragraph 24 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant is to be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

Earnings of employed earners:

27.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner of a person who is not a pensioner, any remuneration or profit derived from that employment and includes—

(a) any bonus or commission;

(b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;

(c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;

(d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;

(e) any payment by way of a retainer;

(f) any payment made by the applicant’s employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant’s employer in respect of—

(i) travelling expenses incurred by the applicant between his home and place of employment;

(ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;

(g) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);

(h) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);

(i) any such sum as is referred to in section 112 of the SSCBA (certain sums to be earnings for social security purposes);

(j) any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;

(k) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;

(l) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.

(2) Earnings does not include—

(a) subject to sub-paragraph (3), any payment in kind;

(b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;

(c) any occupational pension;

(d) any payment in respect of expenses arising out of the applicant's participating as a service user .

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub- paragraph (1)(l).

Calculation of net earnings of employed earners:

28.—(1) For the purposes of paragraph 23 (average weekly earnings of employed earners), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account must, subject to sub-paragraph (2), be his net earnings.

(2) There is to be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 11.

(3) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (6) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—

(a) any amount deducted from those earnings by way of—

(i) income tax;

(ii) primary Class 1 contributions under the SSCBA;

(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 sub-paragraph (5) in respect of any qualifying contribution payable by the applicant; and

(d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.

(4) In this paragraph “qualifying contribution” means any sum which is payable periodically as a contribution towards a personal pension scheme.

(5) The amount in respect of any qualifying contribution is to 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 paragraph the daily amount of the qualifying contribution is to 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.

(6) Where the earnings of an applicant are estimated under paragraph 23(2)(b) (average weekly earnings of employed earners), his net earnings is to be calculated by taking into account those earnings over the assessment period, less—

(a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate 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 of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;

(b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and

(c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

Earnings of self-employed earners

29.—(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner of a person who is not a pensioner, means the gross income of the employment.

(2) “Earnings” does not include any payment to which paragraph 31 or 32 of Schedule 12 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant’s care) nor does it include any sports award.

(3) This paragraph applies to—

(a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or

(b) any payment in respect of any—

(i) book registered under the Public Lending Right Scheme 1982; or

(ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.

(4) Where the applicant's earnings consist of any items to which sub-paragraph (3) applies, those earnings must be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by—

(a) the amount of reduction under this scheme to which the applicant would have been entitled had the payment not been made, plus

(b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 11 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case.

Calculation of income other than earnings:

30.—(1) For the purposes of paragraph 25 (average weekly income other than earnings), the income of an applicant who is not a pensioner which does not consist of earnings to be taken into account must, subject to sub-paragraphs (2) to (8), be his gross income and any capital treated as income under paragraph 31 (capital treated as income).

(2) There is to be disregarded from the calculation of an applicant's gross income under sub-paragraph (1), any sum, where applicable, specified in Schedule 12.

(3) Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under sub-paragraph (1) must be the gross amount payable.

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

(5) Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

(6) In sub-paragraph (5), "tax year" means a period beginning with 6th April in one year and ending with 5th April in the next.

(7) Sub-paragraphs (8) and (9) apply where—

(a) a relevant payment has been made to a person in an academic year; and

(b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

(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 sub-paragraph (1) in respect of a person to whom sub-paragraph (8) applies, is to be calculated by applying the formula—

$$(A - (B \times C)) / D$$

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, less any deduction under paragraph 55(5);

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

C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 55(2) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to a reduction under this scheme 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.

(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 sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula in sub-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, less any deduction under paragraph 55(5).

(10) In this paragraph—

“academic year” and “student loan” have the same meanings as in Part 7;

“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 dates is earlier;

“quarter” in relation to an assessment period means a period in that year beginning on—

(c) 1st January and ending on 31st March;

(d) 1st April and ending on 30th June;

(e) 1st July and ending on 31st August; or

(f) 1st September and ending on 31st December;

“relevant payment” means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 50(7) or both.

(11) For the avoidance of doubt there must be included as income to be taken into account under paragraph (1)—

(a) any payment to which paragraph 27(2) (payments not earnings) applies; or

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

Capital treated as income

31.—(1) Any capital payable by instalments which are outstanding at the date on which the claim is made or treated as made, or, at the date of any subsequent revision or supersession, must, if the aggregate of the instalments outstanding and the amount of the applicant’s capital otherwise calculated in accordance with Chapter 3 of this Part exceeds £8,000, be treated as income.

(2) Any payment received under an annuity is to be treated as income.

(3) Any earnings to the extent that they are not a payment of income is to be treated as income.

(4) Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 is to be treated as income.

(5) Where an agreement or court order provides that payments must 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 by virtue of this Part), is to be treated as income.

Notional income:

32.—(1) An applicant who is not a pensioner is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of the reduction.

(2) Except in the case of—

(a) a discretionary trust;

(b) a trust derived from a payment made in consequence of a personal injury;

(c) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;

(d) any sum to which paragraph 50(2)(a) of Schedule 13 (capital to be disregarded) applies which is administered in the way referred to in paragraph 50(1)(a);

(e) any sum to which paragraph 51(a) of Schedule 13 refers;

(f) rehabilitation allowance made under section 2 of the Employment and Training Act 1973;

(g) child tax credit;

(h) working tax credit, or

(i) any sum to which sub-paragraph (11) applies, any income which would become available to the applicant upon application being made, but which has not been acquired by him, is to 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.

(3) Any payment of income, other than a payment of income specified in sub-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) must, 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) must, where it is not a payment referred to in 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) must 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.

(4) Sub-paragraph (3) does not apply in respect of a payment of income made—

(a) under or by 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 Employment and Training Act 1973 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 1996;

(ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

(iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;

(iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or

(v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;

(d) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;

(e) in respect of a person's participation in the Mandatory Work Activity Scheme;

(f) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;

(g) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—

(i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;

(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and

(iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

(5) Where an applicant is in receipt of any benefit 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 must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects, to the date on which the altered rate is to take effect.

(6) Subject to sub-paragraph (7), where—

(a) an 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 must 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.

(7) Sub-paragraph (6) does 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 1996, 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.

(8) In sub-paragraph (7)(c) "work placement" means practical work experience which is not undertaken in expectation of payment.

(9) Where an applicant is treated as possessing any income under any of sub-paragraphs (1) to (8), the foregoing provisions of this Part apply for the purposes of calculating the amount of that income as if a payment had actually been made and as if it were actual income which he does possess.

(10) Where an applicant is treated as possessing any earnings under sub-paragraph (6) the foregoing provisions of this Part apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph 28(3) (calculation of net earnings of employed earners) do not apply and his net earnings are to 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 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 of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;

(b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and

(c) one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

(11) Sub-paragraphs (1), (2), (3) and (6) do not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participating as a service user.

Calculation of income on a weekly basis

33.—(1) Subject to paragraph 36 (disregard of changes in tax, etc), the income of an applicant is to be calculated on a weekly basis—

(a) by estimating the amount which is likely to be his average weekly income in accordance with this Part;

(b) by adding to that amount the weekly income calculated under paragraph 46; and

(c) deducting from the sum of paragraphs (a) and (b) any relevant child care charges to which paragraph 34 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in sub-paragraph (2) are met, from those earnings plus whichever credit specified in paragraph (b) of that sub-paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in sub-paragraph (3) applies in his case.

(2) The conditions of this paragraph are that—

(a) the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (3) otherwise applies in his case; and

(b) that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.

(3) The maximum deduction to which paragraph (1)(c) above refers is to be—

(a) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;

(b) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300 per week.

(4) For the purposes of paragraph (1) “income” includes capital treated as income under paragraph 31 (capital treated as income) and income which the applicant is treated as possessing under paragraph 32 (notional income).

Treatment of child care charges

34.—(1) This paragraph applies where an applicant is incurring relevant child care charges and—

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

(2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—

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

(3) This sub-paragraph applies to a person who was engaged in remunerative work immediately before—

- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or

(b) the first day of the period in respect of which earnings are credited, as the case may be.

(4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.

(5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply, and is to be calculated on a weekly basis in accordance with sub-paragraph (10).

(6) The charges are paid by the applicant for care which is provided—

(a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or

(b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.

(7) The charges are paid for care which is provided by one or more of the care providers listed in sub-paragraph (8) and are not paid—

(a) in respect of the child's compulsory education;

(b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with Section 1 paragraph 7 (circumstances in which a person is treated as responsible or not responsible for another); or

(c) in respect of care provided by a relative of the child wholly or mainly in the child's home.

(8) The care to which sub-paragraph (7) refers may be provided—

(a) out of school hours, by a school on school premises or by a local authority—

(i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or

(ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or

(b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999; or

(c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or

(d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010; or

(e) by—

(i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010; or

(ii) local authorities registered under section 83(1) of that Act, where the care provided is child minding or day care of children within the meaning of that Act; or

(f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002; or

(g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or

(h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or

(i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or

(j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of “childcare” for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or

(k) by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or

(l) by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002; or

(m) by a person who is not a relative of the child wholly or mainly in the child’s home.

(9) In sub-paragraphs (6) and (8)(a), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

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

(11) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where—

(a) the applicant is not a pensioner, the applicant’s applicable amount includes a disability premium on account of the other member’s incapacity or the support component or the work-related activity component on account of his having limited capability for work;

(b) the applicant is not a pensioner, the applicant’s applicable amount would include a disability premium on account of the other member’s incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;

(c) the applicant’s applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013;

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

(e) the applicant has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013 for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;

(f) there is payable in respect of him one or more of the following pensions or allowances—

(i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the SSCBA;

(ii) attendance allowance under section 64 of the SSCBA;

- (iii) severe disablement allowance under section 68 of the SSCBA;
- (iv) disability living allowance under section 71 of the SSCBA;
- (v) personal independence payment under Part 4 of the Welfare Reform Act 2012;
- (vi) increase of disablement pension under section 104 of the SSCBA;
- (vii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v) or (vi) above;
- (viii) main phase employment and support allowance;

(g) a pension or allowance to which sub-paragraph (ii), (iv), (v), (vi) or (vii) of paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;

(h) paragraph (f) or (g) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or

(i) he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

(12) For the purposes of sub-paragraph (11), once sub-paragraph (11)(d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

(13) For the purposes of sub-paragraph (11), once sub-paragraph (11)(e) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.

(14) For the purposes of paragraphs (6) and (8)(a), a person is disabled if he is a person—

(a) in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;

(b) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(c) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

(15) For the purposes of sub-paragraph (1) a woman on maternity leave, paternity leave or adoption leave is to be treated as if she is engaged in remunerative work for the period specified in sub-paragraph (16) ("the relevant period") provided that—

(a) in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;

(b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and

(c) she is entitled to either statutory maternity pay under section 164 of the SSCBA, statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, statutory adoption pay by of section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.

(16) For the purposes of sub-paragraph (15) the relevant period begins on the day on which the person's maternity, paternity leave or adoption leave commences and ends on—

(a) the date that leave ends;

(b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support (if relevant), statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or

(c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends, whichever occurs first.

(17) In sub-paragraphs (15) and (16)—

(a) “qualifying support” means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987; and

(b) “child care element” of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).

Calculation of average weekly income from tax credits

35.—(1) This paragraph applies where an applicant receives a tax credit.

(2) Where this paragraph applies, the period over which a tax credit is to be taken into account must be the period set out in sub-paragraph (3).

(3) Where the instalment in respect of which payment of a tax credit is made is—

(a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;

(b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;

(c) a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;

(d) a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

(4) For the purposes of this paragraph “tax credit” means child tax credit or working tax credit.

Disregard of changes in tax, contributions etc

36. In calculating the applicant’s income the authority may disregard any legislative change—

(a) in the basic or other rates of income tax;

(b) in the amount of any personal tax relief;

(c) in the rates of national insurance contributions payable under the SSCBA or in the lower earnings limit or upper earnings limit for Class 1 contributions under

that Act, the lower or upper limits applicable to Class 4 contributions under that Act or the amount specified in section 11(4) of that Act (small earnings exception in relation to Class 2 contributions);

(d) in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the SSCBA;

(e) in the maximum rate of child tax credit or working tax credit, for a period not exceeding 30 reduction weeks beginning with the benefit week immediately following the date from which the change is effective.

Calculation of net profit of self-employed earners

37.—(1) For the purposes of paragraph 24 (average weekly earnings of self-employed earners) the earnings of an applicant to be taken into account shall be—

(a) in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;

(b) in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—

(i) an amount in respect of income tax and of national insurance contributions payable under the Act calculated in accordance with paragraph 38 (deduction of tax and contributions for self-employed earners); and

(ii) one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.

(2) There shall be disregarded from a claimant's net profit, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 11.

(3) For the purposes of paragraph (1)(a) the net profit of the employment shall, except where paragraph (9) applies, be calculated by taking into account the earnings of the employment over the assessment period less—

(a) subject to paragraphs (5) to (7), any expenses wholly and exclusively incurred in that period for the purposes of that employment;

(b) an amount in respect of—

(i) income tax; and

(ii) national insurance contributions payable under the Act,

calculated in accordance with paragraph 38 (deduction of tax and contributions for self-employed earners); and

(c) one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.

(4) For the purposes of paragraph (1)(b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, subject to paragraphs (5) to (7), any expenses wholly and exclusively incurred in that period for the purposes of the employment.

(5) Subject to paragraph (6), 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.

(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.

(7) The authority shall refuse to make a deduction in respect of any expenses under paragraph (3)(a) or (4) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.

(8) For the avoidance of doubt—

(a) a deduction shall not be made under paragraph (3)(a) or (4) in respect of any sum unless it has been expended for the purposes of the business;

(b) a deduction shall be made thereunder in respect of—

(i) the excess of any value added tax paid over value added tax received in the assessment period;

(ii) any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;

(iii) any payment of interest on a loan taken out for the purposes of the employment.

(9) Where a claimant 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—

(a) an amount in respect of—

(i) income tax; and

(ii) national insurance contributions payable under the SSCBA,

calculated in accordance with paragraph 38 (deduction of tax and contributions for self-employed earners); and

(b) one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.

(10) For the avoidance of doubt where a claimant 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.

(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 paragraph 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 dividing 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.

(12) In this paragraph, “qualifying premium” means any premium which is payable periodically in respect of a retirement annuity contract or a personal pension scheme and is so payable on or after the date of claim.

Calculation of deduction of tax and contributions of self-employed earners

38.—(1) The amount to be deducted in respect of income tax under paragraph 37(1)(b)(i), (1)(c)(i), (3)(b)(i) or (9) (a)(i) (calculation of net profit of self-employed earners) must be calculated—

(a) on the basis of the amount of chargeable income, and

(b) 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.

(2) But, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a pro rata basis.

(3) The amount to be deducted in respect of national insurance contributions under paragraph 37 (1)(b)(i),(1)(c)(i) (3)(b)(ii) or (9)(a)(ii) is the total of—

(a) the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the SSCBA 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 that Act (small earnings exception) 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 must be reduced pro rata; and

(b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the SSCBA (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 must be reduced pro rata.

(4) In this paragraph "chargeable income" means—

(a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (5) of paragraph 37;

(b) in the case of employment as a child minder, one-third of the earnings of that employment.

CHAPTER 5

Capital

Calculation of capital

39.—(1) The capital of an applicant(a) to be taken into account must be, subject to sub-paragraph (2), the whole of his capital calculated in accordance with this Part and any income treated as capital under paragraph 40 (income treated as capital).

(2) There must be disregarded from the calculation of an applicant's capital under sub-paragraph (1), any capital, where applicable, specified in Schedule 13.

(3) The capital of a child or young person who is a member of the family of an applicant must not be treated as capital of the applicant.

Income treated as capital

40.— (1) Any bounty derived from employment to which paragraph 9 of Schedule 11 applies and paid at intervals of at least one year is to be treated as capital.

(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 is to be treated as capital.

(3) Any holiday pay which is not earnings under paragraph 27(1)(d) (earnings of employed earners) is to be treated as capital.

(4) Except any income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17, 30 to 33, 50 or 51 of Schedule 13, any income derived from capital is to be treated as capital but only from the date it is normally due to be credited to the applicant's account.

(5) In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer is to be treated as capital.

(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, is to be treated as capital.

(7) There is to 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.

(8) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.

(9) Any arrears of working tax credit or child tax credit must be treated as capital.

Calculation of capital in the United Kingdom

41. Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less—

(a) where there would be expenses attributable to the sale, 10 per cent; and

(b) the amount of any encumbrance secured on it.

Calculation of capital outside the United Kingdom

42. Capital which an applicant possesses in a country outside the United Kingdom will be calculated—

(a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;

(b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer, less, where there would be expenses attributable to sale, 10 per cent and the amount of any encumbrances secured on it.

Notional capital

43.—(1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with paragraph 44 (diminishing notional capital rule).

(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 13; or

(d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or

(e) any sum to which paragraph 50(2)(a) of Schedule 13 (capital to be disregarded) applies which is administered in the way referred to in paragraph 50(1)(a); or

(f) any sum to which paragraph 51(a) of Schedule 13 refers; or

(g) child tax credit; or

(h) working tax credit,

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

(3) Any payment of capital, other than a payment of capital specified in sub-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) must, 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) must, 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 the family) must 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.

(4) Paragraph (3) does 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 Employment and Training Act 1973 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 1996;

(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 Work for Your Benefit Pilot Scheme;

(d) in respect of a person's participation in the Mandatory Work Activity Scheme;

(e) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;

(f) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—

(i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;

(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and

(iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

(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 must, notwithstanding paragraph 39 (calculation of capital) be disregarded; and

(b) he must, subject to sub-paragraph (8), 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 Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.

(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 sub-paragraph (7) is to be disregarded.

(7) Where an applicant is treated as possessing capital under any of sub-paragraphs (1), (4) or (5) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

Diminishing notional capital rule

44.—(1) Where an applicant is treated as possessing capital under paragraph 43(1) (notional capital), the amount which he is treated as possessing—

(a) in the case of a week that is subsequent to—

(i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or

(ii) a week which follows that relevant week and which satisfies those conditions,

is to be reduced by an amount determined under sub-paragraph (3) or (4);

(b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—

(i) that week is a week subsequent to the relevant week; and

(ii) that relevant week is a week in which the condition in sub-paragraph (5) or (8) is satisfied,

is to be reduced by the amount determined under sub-paragraph (6) or (9).

(2) This sub-paragraph applies to a reduction week (or, in the case of persons who are not pensioners, part-week) where the applicant satisfies the conditions that—

(a) he is in receipt of a reduction in council tax under this scheme; and

(b) but for paragraph 43(1), he would have received a greater reduction in council tax under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of—

(a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;

(b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 49(1) of the Housing Benefit Regulations (notional capital);

(c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (notional capital);

(d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and

(e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

(4) Subject to sub-paragraph (7), for the purposes of paragraph (1)(b) the condition is that the applicant would have been entitled to a reduction in council tax in the relevant week but for paragraph 43(1).

(5) In such a case the amount of the reduction in the amount of capital he is treated as possessing must be equal to the aggregate of—

(a) the amount of council tax benefit to which the applicant would have been entitled in the relevant week but for paragraph 43(1);

(b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—

(i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or

(ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;

(c) if the applicant would, but for regulation 51(1) of the Income Support (General) Regulations 1987, have been entitled to income support in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;

(d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and

(e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.

(6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—

(a) dividing the relevant amount by the number equal to the number of days in that part-week, and

(b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further claim for a reduction in council tax and the conditions in sub-paragraph (8) are satisfied, and in such a case—

(a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and

(b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that—

(a) a further claim is made 26 or more weeks after—

(i) the date on which the applicant made a claim for a reduction in council tax in respect of which he was first treated as possessing the capital in question under paragraph 43(1);

(ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (7), the date on which he last made a claim for a reduction in council tax which resulted in the weekly amount being re-determined, or

(iii) the date on which he last ceased to be entitled to a reduction in council tax, whichever last occurred; and

(b) the applicant would have been entitled to a reduction in council tax under this scheme but for paragraph 43(1).

(9) The amount as re-determined pursuant to sub-paragraph (6) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.

(10) For the purposes of this paragraph—

“part-week”—

(a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction in council tax under this scheme is allowed;

(b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;

(c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e) or, means—

(i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker’s allowance is payable; and

(ii) any other period of less than a week for which it is payable;

“relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 43(1)—

(d) was first taken into account for the purpose of determining his entitlement to a reduction in council tax; or

(e) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction in council tax on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction in council tax; and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

Capital jointly held

45. Except where an applicant possesses capital which is disregarded under paragraph 43(5) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must 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 Chapter 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.

Calculation of tariff income from capital

46.—(1) Where the capital of an applicant calculated in accordance with this Part exceeds £6,000, it must be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £6,000 but not exceeding £8,000.

(2) Notwithstanding sub-paragraph (1) where any part of the excess is not a complete £250 that part must be treated as equivalent to a weekly tariff income of £1.

(3) For the purposes of sub-paragraph (1), capital includes any income treated as capital under paragraph 40 (income treated as capital).

PART 7

Students

CHAPTER 1

General

Interpretation

47.—(1) In this Part—

“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 is to 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 sections 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 Young People’s Learning Agency for England under sections 61 and 62 of the Apprenticeships, Skills, Children and Learning Act 2009 or the Chief Executive of Skills Funding under sections 100 and 101 of that Act; 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 considers that it is reasonable for the following persons to contribute towards the holder's expenses—

(i) the holder of the allowance or bursary;

(ii) the holder's parents;

(iii) the holder's parent's spouse, civil partner or a person ordinarily living with the holder's parent as if he or she were the spouse or civil partner of that parent; or

(iv) the holder's spouse or civil partner;

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

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

“education authority” means a government department, a local authority as defined in section 579 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, 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 Islands, Isle of Man or any other country outside Great Britain;

“full-time course of study” means a full-time course of study which—

(a) is not funded in whole or in part by the Young People's Learning Agency for England, 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 Young People's Learning Agency for England, 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 Young People’s Learning Agency for England 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 bodies for the delivery of that course; or

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

(c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—

(i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or

(ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

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

“grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds or any payment to which paragraph 55 of Schedule 13 applies;

“grant income” means—

(a) any income by way of a grant;

(b) any contribution whether or not it is paid;

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

“last day of the course” means—

(a) in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;

(b) in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

“period of study” means—

(a) in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;

(b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, that 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 1996;

“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 includes, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Students’ Allowances (Scotland) Regulations 2007.

(2) For the purposes of the definition of “full-time student” in sub-paragraph (1), a person must 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) subject to sub-paragraph (3), 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.

(3) For the purposes of sub-paragraph (a) of sub-paragraph (2), the period referred to in that sub-paragraph includes—

(a) where a person has failed examinations or has failed successfully to 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.

(4) In sub-paragraph (2), “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.

Treatment of students

48. This scheme has effect in relation to students subject to paragraph 13 (Classes of person excluded from this scheme) and the following provisions of this Part.

Students who are excluded from entitlement to a council tax reduction under this scheme

49.—(1) Subject to sub-paragraphs (2) and (6), for the purposes of paragraph 13 (Classes of person excluded from this scheme), this paragraph applies to full-time students and students who are persons treated as not being in Great Britain.

(2) Sub-paragraph (1) does 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) whose applicable amount would, but for this regulation, include the disability premium or severe disability premium;

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

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

(f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period

of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;

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

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

(i) who is—

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

(ii) a qualifying young person or child within the meaning of section 142 of the SSCBA (child and qualifying young person);

(j) in respect of whom—

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

(ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of 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.

(3) For the purposes of sub-paragraph (2)(i)(i) the student must have begun, or been enrolled or accepted onto, the course before attaining the age of 19.

(4) For the purposes of sub-paragraph (2), once sub-paragraph (2)(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph must, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.

(5) In sub-paragraph (2)(i) 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.

(6) A full-time student to whom paragraph (i) of sub-paragraph (2) applies must be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

(7) Sub-paragraph (1) does not apply to a full-time student for the period specified in sub-paragraph (8) if—

(a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is—

(i) engaged in caring for another person; or

(ii) ill;

(b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and

(c) he is not eligible for a grant or a student loan in respect of the period specified in sub-paragraph (8).

(8) The period specified for the purposes of sub-paragraph (7) is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before—

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

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

CHAPTER 2

Income

Calculation of grant income

50.—(1) The amount of a student's grant income to be taken into account must, subject to sub-paragraphs (2) and (3), be the whole of his grant income.

(2) There must 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 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 child care costs of a child dependant;

(i) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.

(3) Where a student does not have a student loan and is not treated as possessing such a loan, there must 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.

(4) There must 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.

(5) Subject to sub-paragraphs (6) and (7), a student's grant income must be apportioned—

(a) subject to sub-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.

(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 2003 must be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.

(7) In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither sub-paragraph (6) nor paragraph 54(2) (other amounts to be disregarded) applies, must be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

(8) In the case of a student on a sandwich course, any periods of experience within the period of study must be excluded and the student's grant income must 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.

Calculation of covenant income where a contribution is assessed

51.—(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 must be the whole amount of the covenant income less, subject to sub-paragraph (3), the amount of the contribution.

(2) The weekly amount of the student's covenant must be determined—

(a) by dividing the amount of income which falls to be taken into account under sub-paragraph (1) by 52 or 53, whichever is reasonable in the circumstances; and

(b) by disregarding £5 from the resulting amount.

(3) For the purposes of sub-paragraph (1), the contribution must be treated as increased by the amount (if any) by which the amount excluded under paragraph 50(2)(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

Covenant income where no grant income or no contribution is assessed

52.—(1) Where a student is not in receipt of income by way of a grant the amount of his covenant income must be calculated as follows—

(a) any sums intended for any expenditure specified in paragraph 50(2)(a) to (e) (calculation of grant income) necessary as a result of his attendance on the course must be disregarded;

(b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, must be apportioned equally between the weeks of the period of study;

(c) there must be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 50(2)(f) and (3) (calculation of grant income) had the student been in receipt of the standard maintenance grant; and

(d) the balance, if any, must be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 must be disregarded.

(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 must be calculated in accordance with sub-paragraphs (a) to (d) of sub-paragraph (1), except that—

(a) the value of the standard maintenance grant must be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 50(2)(a) to (e); and

(b) the amount to be disregarded under sub-paragraph (1)(c) must be abated by an amount equal to the amount of any sums disregarded under paragraph 50(2)(f) and (g) and (3).

Relationship with amounts to be disregarded under Schedule 12

53. No part of a student's covenant income or grant income shall be disregarded under paragraph 19 of Schedule 12.

Other amounts to be disregarded

54.—(1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 55 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 50(2) (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded.

(2) But sub-paragraph (1) applies only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraph 50(2) or (3), 51(3), 52(1)(a) or (c) or 55(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

Treatment of student loans

55.—(1) A student loan is to be treated as income.

(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 is to be apportioned equally between the weeks in the period beginning with—

(i) except in a case where sub-paragraph (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, the 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 is to be apportioned equally between the weeks in the period—

(i) beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year, and

(ii) 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 authority, the longest of any vacation is taken and for the purposes of this 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 is to be apportioned equally between the weeks in the period beginning with—

(i) except in a case where sub-paragraph (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 coincides 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 is to be apportioned equally between the weeks in the period beginning with the earlier of—

(i) the first day of the first reduction week in September; or

(ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of June, and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

(3) A student is to 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.

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

(5) There must be deducted from the amount of income taken into account under sub-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.

Treatment of payments from access funds

56.—(1) This paragraph applies to payments from access funds that are not payments to which paragraph 59(2) or (3) (income treated as capital) applies.

(2) A payment from access funds, other than a payment to which sub-paragraph (3) applies, must be disregarded as income.

(3) Subject to sub-paragraph (4) of this paragraph and paragraph 40 of Schedule 12—

(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,

must be disregarded as income to the extent of £20 per week.

(4) Where a payment from access funds is made—

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

(b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment must be disregarded as income.

Disregard of contribution

57. 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 must be disregarded for the purposes of assessing that other partner's income.

Further disregard of student's income

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

Income treated as capital

59.—(1) Any amount by way of a refund of tax deducted from a student's covenant income must be treated as capital.

(2) An amount paid from access funds as a single lump sum must be treated as capital.

(3) An amount paid from access funds 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, must be disregarded as capital but only for a period of 52 weeks from the date of the payment.

Disregard of changes occurring during summer vacation

60. In calculating a student's income the authority must 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.

PART 8

Extended reductions

Extended reductions

61.—(1) An applicant who is entitled to a reduction under this scheme (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction where—

(a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;

(b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—

(i) commenced employment as an employed or self-employed earner;

(ii) increased their earnings from such employment; or

(iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more; and

(c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

(2) For the purpose of sub-paragraph (1)(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

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

(4) An applicant must be treated as entitled to a reduction under this scheme by virtue of the general conditions of entitlement where—

(a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;

(b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and

(c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

(5) This paragraph does not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987 (remunerative work: housing costs) applied to that applicant.

Duration of extended reduction period

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

(2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended reduction period ends—

(a) at the end of a period of four weeks; or

(b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax, if that occurs first.

Amount of extended reduction

63.—(1) For any week during the extended reduction period the amount of the extended reduction to which an applicant is entitled is to be the higher of—

(a) the amount of the reduction under this scheme to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;

(b) the amount of reduction under this scheme to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if paragraph 61 (extended reductions) did not apply to the applicant; or

(c) the amount of reduction under this scheme to which the applicant's partner would be entitled under the general conditions of entitlement, if paragraph 61 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction under this paragraph and the applicant's partner makes a claim for a reduction under this scheme, no amount of reduction under this scheme is to be awarded by the authority during the extended reduction period.

Extended reductions—movers

64.—(1) This paragraph applies—
(a) to a mover; and

(b) from the Monday following the day of the move.

(2) The amount of the extended reduction awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme to which the mover was eligible for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a billing authority other than this one, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—

(a) the second authority; or

(b) the mover directly.

(4) In this paragraph—

“the new dwelling” means the dwelling to which an applicant has moved, or is about to move, in which the applicant is or will be resident;

“the second authority” means the authority to which a mover is liable to make payments for the new dwelling.

Relationship between extended reduction and entitlement to reduction under the general conditions of entitlement

65.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 61(1)(b), that entitlement does not cease until the end of the extended reduction period.

(2) Paragraphs 72 and Paragraph 4 of Schedule 8 do not apply to any extended reduction payable in accordance with paragraph 61(1)(a) or 64(2).

Extended reductions (qualifying contributory benefits)

66.—(1) An applicant who is entitled to a reduction under this scheme (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction (qualifying contributory benefits) where—

(a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;

(b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—

(i) commenced employment as an employed or self-employed earner;

(ii) increased their earnings from such employment; or

(iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;

(c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and

(d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of the general conditions of entitlement where—

(a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;

(b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and

(c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits)

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

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

(3) The extended reduction period ends—

(a) at the end of a period of four weeks; or

(b) on the date on which the applicant entitled to the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits)

68.—(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant is to be the greater of—

(a) the amount of reduction under this scheme to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;

(b) the amount of reduction under this scheme to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if paragraph 66 (extended reductions qualifying contributory benefits) did not apply to the applicant; or

(c) the amount of reduction under this scheme to which the applicant's partner would be entitled under the general conditions of entitlement, if paragraph 66 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction shall be allowed by the appropriate authority during the extended reduction period.

Extended reductions (qualifying contributory benefits) - movers

69.—(1) This paragraph applies—

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

(2) The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was awarded to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to another authority, the extended reduction (qualifying contributory benefits) may take the form of a reduction from this authority to—

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

Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction under the general conditions of entitlement

70.—(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 66(1)(b), that reduction does not cease until the end of the extended reduction period.

(2) Paragraph 72 of this Schedule and Paragraph 4 of Schedule 8 do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 63(1)(a) or 64(2) (amount of extended reduction—movers).

Extended reductions: movers into the authority's area

71. Where—

- (a) an application is made to a billing authority ("the current authority") for a reduction under this scheme, and
- (b) the applicant, or the partner of the applicant, is in receipt of an extended reduction from—
 - (i) another billing authority in England;
 - (ii) a billing authority in Wales;
 - (iii) a local authority in Scotland, or

(iv) a local authority in Northern Ireland,

the current billing authority must reduce any reduction to which the applicant is entitled under this scheme by the amount of that extended reduction.

PART 9

Period of entitlement and change of circumstances

Date on which entitlement begins

72.—(1) Subject to sub-paragraph (2), any person to whom or in respect of whom an application for a reduction under this scheme is made and who is otherwise entitled to that reduction shall be so entitled from the reduction week following the date on which that application is made or is treated as made under paragraph 77 or 78.

(2) Where a person is otherwise entitled to a reduction under this scheme 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 application is made or is treated as made, he shall be so entitled from that reduction week.

Date on which a change of circumstances is to take effect

73. (1) Except in cases where paragraph 36 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph, a change of circumstances which affects entitlement to, or the amount of, a reduction under this scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs.

(2) Where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs is the day immediately following the last day of entitlement to that benefit.

(3) Subject to sub-paragraph (4), 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.

(4) Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under section 11 or 11A of that Act (discounts), it takes effect from the day on which the change in amount has effect.

(5) Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

(6) Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

(7) If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with sub-paragraphs (1) to (6) they take effect from the day to which the appropriate sub-paragraph from (3) to (6) above refers, or, where more than one day is concerned, from the earlier day.

(8) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, 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 takes 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.

(9) Without prejudice to sub-paragraph (8), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

Duty to notify changes of circumstances

74. The duty to notify a change of circumstances is as set out in Paragraph 9 of Schedule 8.

PART 10

Applications

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

75. The procedure by which a person may apply for a reduction under the authority's scheme is as set out in paragraphs 2 to 7 of schedule 7.

Who may make an application

76. Who may make an application is as set out in Paragraph 4 of Schedule 8.

Date on which an application is made

77.—(1) Subject to sub-paragraph (7), the date on which an application is made is—

(a) 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 for a reduction under this scheme 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;

(b) 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 to the authority is received at the authority's offices within one month of the date of the change,

the date on which the change takes place;

(c) in a case where—

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

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

the date of the death or separation;

(d) 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 the applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

(e) in any other case, the date on which the application is received at the offices of the authority.

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

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

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

have been entitled to that allowance.

(3) Where the defect referred to in paragraph 4 of Schedule 7 to this scheme—

(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 is to 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 is to treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide on the application.

(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.

(5) The conditions are that—

(a) where paragraph 4(a) of Schedule 7 (incomplete form) applies, the authority receives at the offices of the authority 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 paragraph 4(b) of Schedule 7 (application 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 under paragraph 4 of that Schedule 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.

(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 this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.

(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 this 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 this scheme for a period beginning not later than 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.

(8) In the case of 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, sub paragraph 7 shall apply as if for the reference to the thirteenth reduction week, there was substituted a reference to the seventeenth reduction week.

Back-dating of applications

78.—(1) Where an applicant—

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

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

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

(2) That date is the latest of—

(a) the first day from which the applicant had continuous good cause;

(b) the day 6 months before the date the claim was made;

(c) the day 6 months before the date when the applicant requested that the application should include a past period.

Evidence and information

79. Evidence and information is as set out in Paragraph 7 of Schedule 8

Amendment and withdrawal of application

80. Amendment and withdrawal of application is as set out in Paragraph 8 of Schedule 8.

PART 11

Electronic Communication

Electronic Communication

81. The provisions for use of electronic communication are as set out in paragraphs 10,11, 12,13 14, 15 and 16 of schedule 7

PART 12

Decisions by the authority

Decisions by authority

82. Decisions by authority is as set out in Paragraph 11 of Schedule 8.

Notification of decision

83. Notification of Decision is as set out in Paragraph 12 of Schedule 8

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

84. The procedure for making an appeal is set out in paragraph 8 of schedule 7.

PART 13

Procedure for applying for a discretionary reduction

Procedure for applying for a discretionary reduction under section 13A(1)(c) of the 1992 Act

85. The procedure is as set out in paragraph 9 of schedule 7

Applicable amounts: persons who are not pensioners

PART 1

Personal allowances

The description amounts specified are those specified in Schedule 3 of the Housing Benefit Regulations 2006 (as amended) in relation to each financial year as appropriate.

PART 2

Family premium

The description and amounts specified are those specified in Schedule 3 of the Housing Benefit Regulations 2006 (as amended) in relation to each financial year as appropriate.

PART 3

Premiums

The description and amounts specified are those specified in Schedule 3 of the Housing Benefit Regulations 2006 (as amended) in relation to each financial year as appropriate.

PART 4

Amounts of Premiums Specified on part 3

The description and amounts specified are those specified in Schedule 3 of the Housing Benefit Regulations 2006 (as amended) in relation to each financial year as appropriate.

PART 5

The components

The description and amounts specified are those specified in Schedule 3 of the Housing Benefit Regulations 2006 (as amended) in relation to each financial year as appropriate.

PART 6

Amount of Components

The description and amounts specified are those specified in Schedule 3 of the Housing Benefit Regulations 2006 (as amended) in relation to each financial year as appropriate.

PART 7

Transitional Addition

The description and amounts specified are those specified in Schedule 3 of the Housing Benefit Regulations 2006 (as amended) in relation to each financial year as appropriate.

PART 8

Amount of Transitional Addition

The description and amounts specified are those specified in Schedule 3 of the Housing Benefit Regulations 2006 (as amended) in relation to each financial year as appropriate.

SCHEDULE 11

Paragraph 28(2) & 37(2)

Sums disregarded in the calculation of earnings

This scheme adopts the provisions made in the Housing Benefit Regulations 2006 (as amended)

SCHEDULE 12

Paragraph 30

Sums disregarded in the calculation of income other than earnings

This scheme adopts the provisions made in the Housing Benefit Regulations 2006 (as amended)

SCHEDULE 13

Paragraph 39

Capital disregards

This scheme adopts the provisions made in the Housing Benefit Regulations 2006 (as amended)

Contact Officer: Yolande Myers

KIRKLEES COUNCIL

CABINET

Tuesday 26th September 2023

Present: Councillor Cathy Scott (Chair)
Councillor Paul Davies
Councillor Viv Kendrick
Councillor Masood Ahmed
Councillor Jackie Ramsay
Councillor Mussarat Pervaiz
Councillor Yusra Hussain

Observers: Councillor Beverley Addy
Councillor Bill Armer
Councillor Andrew Cooper
Councillor Harry McCarthy
Councillor Matthew McLoughlin
Councillor Joshua Sheard

Apologies: Councillor Elizabeth Reynolds
Councillor Graham Turner

48 Membership of Cabinet

Apologies for absence were received on behalf of Councillors E Reynolds and G Turner.

49 Minutes of Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 6 September 2023 be approved as a correct record.

50 Declaration of Interests

No interests were declared.

51 Admission of the Public

It was noted that all items would be considered in public session.

52 Deputations/Petitions

Cabinet received a petition from Batley East Residents regarding parking on Lydgate Road, requesting that the Council consider the issue of road safety in the area.

Cabinet received a deputation from Georgina Bottomley, on behalf of Unison, which raised concerns regarding the possible closures of three leisure centres, and the consequential impact upon communities, service users and potential job losses, and requested that councillors take back control of leisure services in Kirklees.

A response was provided by the Cabinet Member for Adults and Health (Councillor Ramsay).

53 Questions by Members of the Public

No questions were asked.

54 Questions by Elected Members (Oral Questions)

Under the provision of Executive Procedure Rule 2.3, Cabinet received the following questions:

Question from Councillor Cooper

Newsome Councillors have not been consulted about Castle Grange, all our information has been from concerned relatives. There is no explanation in the report as to why these homes only have 57% occupancy compared with 87% for the independent sector. Has the Council already been reducing admissions with a mind to closing these homes? Will the Cabinet withdraw the report to commence consultation on the closure of Castle Grange and Claremont House?

A response was provided by the Portfolio Holder for Health and Adult Social Care (Councillor Ramsay).

Question from Councillor John Lawson

The Council has been through a series of reviews and decided on courses of action, and with every review there is an opportunity for learning. What has Cabinet done to learn from these opportunities and when will you be sharing this learning?

A response was provided by the Leader of the Council (Councillor Scott).

Question from Councillor McLoughlin

As always with austerity, what central Government save in not funding the leisure services, they will have to spend in the NHS with poorer health outcomes. Can I ask that the Council re-doubles its efforts to put pressure on central Government to produce a fair funding formula for local authorities so that we don't lose these vital community assets?

A response was provided by the Leader of the Council (Councillor Scott).

Question from Councillor Sheard

In relation to Batley Sports and Tennis Centre and the proposed closure of it, Howden Clough Football Club use the Astro turf as a base for operations. They were an original stakeholder along with Kirklees Active Leisure and the Football Association to purchase the Astro pitches. The club spent over £70k so if proposals regarding the closure are followed through, what type of compensation will they be given, and what help can be offered to support them in finding a new home along with the other community groups who use the location?

A response was provided by the Leader of the Council (Councillor Scott).

55 Appointment of Cabinet and Portfolios (Notice Under Article 7)

Cabinet received, for information, the schedule of appointment of Cabinet Members and associated portfolio responsibilities, in accordance with Articles 7.2.4 and 7.34 of the Constitution.

RESOLVED – That the appointment of Cabinet Portfolios, under the provision of Article 7.2.4 and 7.3.4 of the Constitution, be noted.

56 Kirklees Active Leisure Centre Offer 2024/25 - Consultation

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillors Addy, McCarthy, McLoughlin and Sheard).

Cabinet considered a report which sought approval for a consultation in relation to the future leisure centre offer provided by Kirklees Active Leisure (KAL). Cabinet was also asked to consider the acceptance of grant aid from Sport England should applications be successful.

Cabinet was advised that due to a combination of salary cost pressures and more recent inflationary energy and other operational costs, the challenge for KAL to operate in a financially sustainable way had increased and there continued to be a financial challenge. The Council had indicated that it would make available a maximum grant/subsidy of £2.55m in 24/25 and that it was unable to provide additional financial support.

The report sought authorisation for a six-week public consultation programme to commence on 27 September to ask residents for their views about the future leisure centre offer in Kirklees. The consultation responses would be considered alongside Integrated Impact Assessments and economic, environmental, social, and legal data to inform the decision about the future of the leisure centre offer.

The report advised that a funding application had been submitted to Sport England for revenue funding from the Swimming Pool Support Funding (SPSF) for Scissett Baths and Leisure Centre and Huddersfield Leisure Centre. It was anticipated that a further application would be made to SPSF capital fund in October 2023 for Scissett Baths.

RESOLVED –

- 1) That approval be given for a consultation to commence in order to inform subsequent decision making.
- 2) That authority be delegated to the Strategic Director for Adults & Health, in consultation with the S151 Officer and relevant Cabinet members, to accept and use funding from Sport England, if awarded.

57 Asset Review September 2023

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(Under the provision of Council Procedure Rule 36(1), Cabinet received a representation from Councillor John Lawson)

Cabinet considered a report which set out the working principles of an asset review for the optimisation, rationalisation, mothball, closure, and disposal of property assets and interests across the Council's estate.

The report outlined proposals in relation to the five town halls. Cabinet was advised that Batley Town Hall was identified as having available capacity to support wider council services including the opportunity of delivery of a modernised Library provision. This decision would release Batley Library building as surplus to organisational requirements, with the decision being subject to the outcome of non-statutory consultation.

The report advised that Cleckheaton Town Hall was currently closed pending specialist investigation due to significant emerging condition and health and safety issues. To allow a detailed assessment of the building to be undertaken, the whole building would therefore need to be mothballed.

Cabinet heard that in Dewsbury Town Centre, the Walsh Building had been identified as having available capacity to support wider council services, with the opportunity of delivering a modernised service hub, including a library and customer service centre. This decision would be subject to the outcome of a non-statutory consultation.

RESOLVED –

- 1) That Cleckheaton Town Hall be mothballed to allow for a detailed assessment of the building.
- 2) That authority be delegated to the Strategic Director for Adults and Health, in consultation with the Portfolio Holder for Corporate Services and the Portfolio Holder for Finance and Regeneration, to finalise plans for a non-statutory consultation relating to the library proposals in Batley including methodology and timescales.
- 3) That subject to the outcome of the consultation and any subsequent decision to move the library into the Batley Town Hall, Batley Library building be declared as surplus to organisation requirements and be prepared for disposal.
- 4) That pursuant to (3) above, the decision taken by Cabinet in November 2021 to demolish the Walsh building be revoked, given the buildings key position in supporting the delivery of services within Dewsbury.
- 5) That authority be delegated to the Strategic Director for Adults and Health, in consultation with the Portfolio Holder for Corporate Services and the Portfolio Holder for Finance and Regeneration, to finalise plans for non-statutory consultation regarding the library proposals in Dewsbury including methodology and timescales.
- 6) That subject to the outcome of the consultation and any subsequent decision regarding the library, it be moved into the Walsh building.

58 Proposed Closure of Castle Grange and Claremont House residential care homes

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillors Armer and Cooper).

Cabinet considered a report in relation to Castle Grange and Claremont House residential care homes.

The report sought approval, subject to formal public and staff consultation, for the Council to withdraw from the long stay residential care market and focus its direct care delivery in other parts of the care market, particularly those areas where there were fewer providers and options for people. Current users of Castle Grange, Newsome, and Claremont House, Heckmondwike would continue to receive a residential care service but through independent sector care homes instead.

The report advised that if, following the formal consultation process, Cabinet approved withdrawal from the homes, the properties would be passed to corporate assets for a decision on best use of the assets to support with wider Council priorities which could be re-purposing or disposal.

Cabinet noted that the proposal was to start the formal public and staff consultation process of 12 weeks immediately, with a view to returning to Cabinet in January 2024 for a final decision.

RESOLVED –

- 1) That authority be delegated to the Service Director Learning Disability and Mental Health to agree the scope and terms and enter into a 12 week consultation relating to the proposed closure of Castle Grange and Claremont House dementia residential care homes.
- 2) That all further admissions to the establishments be ceased, until the formal consultation process is complete, and a decision has been made on the proposals following consultation.
- 3) That the outcome of the consultation and proposed decision be considered at the meeting of Cabinet in January 2024.

59 Review the offer of council in-house supported living provision

Cabinet considered a report regarding a formal consultation process to review council in-house supported living services.

Cabinet was advised that a proposal to review arrangements at Brighton Court, Heckmondwike, The Mews, Mirfield and Wilton Terrace, Cleckheaton would be undertaken in line with the wider commissioning framework for Learning Disabilities Supported Living.

The report outlined that the proposal would involve re-assessing tenants' needs in order to provide suitable alternative accommodation and support services. This would likely mean that people, over the course of time, move into different accommodation that would also have support available to meet their needs. It

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would also involve consulting with staff and unions around the proposed changes to the services affected.

Cabinet was asked to approve a formal consultation process which would take place from October to December 2023 with the results being considered by Cabinet in early 2024 for final decision.

RESOLVED –

- 1) That authority be delegated to the Strategic Director for Adults and Health, in consultation with the relevant Portfolio Holder, to design a enter into a formal 12-week consultation process relating to supported living care and support services.
- 2) That the outcome of the consultation be considered at a future meeting for a decision on implementing potential service changes as outlined at paragraph 2.4 and 2.5 of the considered report.

60 Redesign of Short Break, Respite and Support Provision

Cabinet considered a report which sought approval to commence consultation on the redesign and reconfiguration of the short breaks, respite and support services for disabled children, young people and their families in Kirklees.

Cabinet was advised that in order to ensure the Council were offering a flexible and fit for purpose provision that met needs and achieved improved outcomes for children and families with additional needs, it was proposed to formally consult on what this might look like and how it could be delivered.

The report advised that the consultation would be in relation to redesigning existing provision (including short breaks, respite, and activities) to provide a greater level of flexible integrated, local provision. The proposals within the consultation would be in line with the corporate approach towards a place-based delivery of services. Integrating services would be expected to achieve efficiency savings of approximately £400,000.

Cabinet noted that the consultation would seek a wider view of the proposals from key stakeholders to inform options for service redesign. Stakeholders would include children and young people, parents and carers, staff working in internal services and across partnerships, ward members, wider community stakeholders and other interested parties.

RESOLVED –

- 1) That authority be delegated to the Strategic Director for Childrens Services, in consultation with the Portfolio Holder for Children's Services, to finalise plans for, and enter into, a six week consultation relating to the redesign and reconfiguration of the short breaks, respite and support services for disabled children, young people and their families.
- 2) That the outcome of the consultation be considered at a future meeting of Cabinet for decision.

61 Tenant Safety in Council Housing

Cabinet considered a report which updated it on the situation with tenant safety in council housing.

The report provided an update and information on activity relating to the 'big 6' areas of building safety being fire, asbestos, water, gas, electrical, and lifts but particularly fire where there had been and continued to have considerable focus.

Cabinet noted that in June 2021 the Council referred itself to the Regulator of Social Housing in relation to fire safety matters at high-rise blocks. Since then, the Council had focused on delivering programmes of fire safety works, inspections and re-inspections and developing longer term refurbishment and regeneration plans for these buildings. Regular contact was maintained with the Regulator and updates were provided on progress and issues.

The Council as landlord had numerous legal duties to ensure the safety of its tenants and leaseholders and to comply with regulatory standards of the Regulator of Social Housing and the Building Safety Regulator. The Council was also subject to oversight from the Housing Ombudsman in relation to council housing and the considered report set out how the Council was complying with regulation and ensuring the safety of its residents.

RESOLVED – That the report be noted.

62 Annual RIPA update

Cabinet gave consideration to a report on the use of the Regulation of Investigatory Powers Act 2000 (RIPA) by the Council since the last report on use in March 2022.

The report advised that the Council was subject to the requirements of RIPA, which set out how and when a local authority could engage in covert surveillance.

Cabinet noted that RIPA regulated three types of surveillance, these being directed surveillance, the use of covert human intelligence and the obtaining of communications data. The current policy was adopted in January 2019 when it was amended in line with the implementation of GDPR and the Data Protection Act 2018.

Cabinet was advised that the RIPA policy had been reviewed and only one update had been made with a minor amendment, to change one of the Authorising Officers.

RESOLVED – That the updated RIPA policy be approved.

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Contact Officer: Yolande Myers

KIRKLEES COUNCIL

CABINET

Tuesday 17th October 2023

Present: Councillor Cathy Scott (Chair)
Councillor Paul Davies
Councillor Elizabeth Reynolds
Councillor Graham Turner
Councillor Viv Kendrick
Councillor Masood Ahmed
Councillor Jackie Ramsay
Councillor Mussarat Pervaiz
Councillor Yusra Hussain

In attendance: Councillor Moses Crook
Councillor John Lawson
Councillor B McGuin

63 Membership of Cabinet

All Cabinet members were present.

64 Declaration of Interests

No interests were declared.

65 Admission of the Public

Cabinet noted the submission of exempt information, as set out at Agenda Item 14 (Minute No 76 refers).

66 Deputations/Petitions

No deputations or petitions were received.

67 Questions by Members of the Public

No questions were asked.

68 Questions by Elected Members (Oral Questions)

Cabinet received oral questions under Executive Procedure Rule 2.3.

Question from Councillor John Lawson

In relation to the mothballing of Cleckheaton Town Hall, what form would any non-statutory consultation look like, and how long will that take?

A response was provided by the Portfolio Holder for Finance and Regeneration (Councillor Turner).

Councillor B McGuin

Regarding the rebuilding of Woodley School at Almondbury, it is important to rebuild a new school and keep our children in Kirklees, but can I ask if the new school will provide swimming pool and sports centre facilities for the community?

A response was provided by the Portfolio Holder for Children (Councillor Kendrick)

Question B McGuin

Is it possible to provide some land for the pre-school on the old Almondbury school site adjacent to Hill View School to enable them to continue their business?

A response was provided by the Portfolio Holder for Learning and Aspiration (Councillor Reynolds)

69 Special Educational Needs and Disabilities (SEND) - Increasing Special School Places

Cabinet considered a report which sought authority to progress plans to create additional special school places at Woodley School and College.

Cabinet noted that the Council was undertaking a four-week non-statutory consultation with interested stakeholders on the proposals to increase pupil places to 194 at Woodley School and College, gradually over time, using satellite provision ahead of, and leading up to, the completion of construction on a new and larger school building. The proposed 194 places would include 180 places in the planned new school rebuild and up to 14 places in the existing Woodley Post-16 provision based in a shop in Huddersfield town centre.

The report gave key context and background in relation to the (i) transformation plan, (ii) rebuild of Woodley School and College, (iii) special school satellite provision and (iv) process required to increase pupil places in a special school. The final decision would be made at a future meeting of Cabinet where the non-statutory consultations and representations would be considered.

RESOLVED –

- 1) That further to the consideration of the outcome of the non-statutory consultation, authority be delegated to the Strategic Director, Children's Services to publish related statutory proposals to create additional special school places at Woodley School and College as prescribed in the 2013 Regulations.
- 2) That Cabinet consider and determine the proposals at the end of the representation period.
- 3) That further to the consideration of the outcome of non-statutory consultation, authority be delegated to the Strategic Director, Children's Services to publish related statutory proposals to create additional special school places as prescribed in the 2013 regulations.

- 4) That Cabinet consider and determine the proposals at the end of the representation period.

70 Ad Hoc Scrutiny Building Panel - health and safety compliance in residential housing stock

Cabinet considered an update on the Ad Hoc Scrutiny Panel Residential Stock Health and Safety Compliance report and recommendations.

Cabinet was advised that between July 2021 and July 2022, Scrutiny used a range of methods to gather evidence to inform the Ad- Hoc Scrutiny Panel Health and Safety Compliance in Residential Housing Stock Report. The report included an action plan and a set of seventeen recommendations. The report was presented to Cabinet in December 2022 where the recommendations and action plan were agreed.

Cabinet noted that of the seventeen recommendations, two had been identified as complete, and six had been identified as 'ongoing' actions that would always require consideration as part of good practice. All other actions had made good progress, with the remaining nine actions being 50% complete or higher.

In relation to the future frequency and level of reporting on actions, the report advised that it was proposed that updates be provided quarterly to Building Safety Assurance Board for 12 months after which time reporting requirements be reviewed.

RESOLVED –

- 1) That actions identified as ongoing be reported less frequently to the Building Safety Assurance Board and that Cabinet acknowledge the progress made is sufficient to form ongoing good practice.
- 2) That a further update be considered at a future meeting.

71 Kirklees Local Plan Review and Update

(Under the provision of Council Procedure Rule 36(1), Cabinet received representations from Councillors John Lawson and McGuin).

Cabinet considered a report which sought ratification on the outcomes of a review of the Kirklees Local Plan.

The report advised that the Kirklees Local Plan was adopted in February 2019. A formal 'review' of whether the Local Plan remained fit for purpose must be published within 5 years of Local Plan adoption (by February 2024 for Kirklees).

The considered report set out the process which had been undertaken to review the Local Plan and the outcomes of the review. Cabinet noted that there was no prescribed method for plan review, but a review of a Local Plan against a standardised template produced by the Planning Advisory Service was being promoted nationally as good practice and formed the basis of the Kirklees assessment.

Cabinet was advised that the Kirklees Local Plan was assessed against 14 questions contained in the Planning Advisory Service standard template, and officers found the plan to be out of date against six of the considered questions.

Cabinet acknowledged that in the opinion of the officers, a full review of the Local Plan was required. A partial review was not considered suitable as the proposed updates were not specific to one area of the plan and could lead to the potential for further updates and costs.

It was noted that the likely timescales for the Local Plan 2 began in January 2024 with the Local Development Scheme being considered by Cabinet in January 2024 and ending with the submission to the Secretary of State, followed by an independent examination in public in March 2027.

RESOLVED –

- 1) That the findings and recommendations of the internal officer review of the fitness of the Kirklees Local Plan (as outlined in Appendix 1 of the considered report) be ratified and the council's reasons and decisions be published on its website.
- 2) That a recommendation be made to Council that a full update of the Kirklees Local Plan commence (following current statutory local plan processes with the process to be reviewed following confirmation of the government's proposed planning reforms).
- 3) That authority be given to the Strategic Director Growth and Regeneration to prepare a Local Development Scheme (programme to produce development plan documents) with a completed LDS presented to a future meeting of Cabinet for approval and publication.
- 4) That authority be given to the Strategic Director Growth and Regeneration to commence the preparation of a revised Statement of Community Involvement and to consult on a draft document.
- 5) That a final Statement of Community Involvement be presented at a future meeting for approval and publication.

72 Update on proposals for the redevelopment of Sycamore Grange, Golcar, Huddersfield.

Cabinet gave consideration to the progress on proposals for the redevelopment of Sycamore Grange, a retirement living scheme in Golcar, Huddersfield.

The report advised that following tenant and stakeholder engagement, the proposed scheme now comprised of (i) 41 retirement living apartments, 90% of which would be one bedroom (ii) 9 one-bedroom bungalows (iii) 5 two-bedroom bungalows and (iv) 4 one-bedroom cottage flats.

Cabinet noted that the scheme focussed on provision for older people which would increase the offer of suitable accommodation for older people helping to release family homes which may be under-occupied by older people.

Cabinet was informed that a budget envelope of £11.937m was required for the scheme, and authority was sought for officers to submit a planning application, to issue tenders and enter into contracts to demolish the existing buildings and design and build the new development.

RESOLVED –

- 1) That the re-development plans as outlined in the considered report be noted and that endorsement be given to the approach to constructing the scheme.
- 2) That approval be given to a maximum budget envelope of £11,937,000 to procure the demolition of the existing Sycamore Grange scheme, the construction of the new retirement living scheme, bungalows, and apartments, and to fund the management of rehousing and revenue costs.
- 3) That pursuant to (2) above, authority be delegated to the Service Director Finance to sign a detailed financial appraisal, following planning permission and procurement, but before the award of any contract and the commencement of works.
- 4) That approval be given to the submission of Prior Approval notification and Notices under the Planning and Building Acts for the demolition of Sycamore Grange, and the submission of a planning application for the new development.
- 5) That authority be delegated the Strategic Director of Growth in consultation with the Service Director for Legal, Governance & Commissioning, and Portfolio Holder to invite and assess tender submissions and enter into contract for the demolition of existing buildings on the site once Vacant Possession is achieved.
- 6) Authorise the Strategic Director of Growth in consultation with the Service Director for Governance & Commissioning and the Portfolio Holder to invite and assess tender submissions and to draft and award contracts for the Design and Build of the new scheme within the agreed budget envelope.
- 7) That approval be given to the appointed contractor to be responsible for finalising the design and costs and obtaining all approvals required to construct the scheme.

73

Re-Profile of Kirklees Resource & Waste Strategy 2021-2030

(Under the provision of Council Procedure Rule 36(1), Cabinet received a representation from Councillor John Lawson).

Cabinet considered the re-profile of the Kirklees Resource & Waste Strategy 2021-30.

Cabinet was advised that the Kirklees Resource & Waste Strategy 2021-30 was approved and adopted at Council in September 2021. Since the launch of the strategy, there were significant uncertainties around government legislation for waste management and the associated funding along with a cost-of-living crisis with the Council facing increased demands and financial pressures.

Cabinet noted the proposal to revise the strategy's key targets in line with national targets to (i) achieve a recycling rate of at least 70% at Household Waste &

Recycling Centres by 2030, (ii) recycle at least 65% of municipal waste by 2035 and (iii) achieve a 95% diversion from landfill rate by 2030.

The report advised that the Strategy commitments intended to enable all residents of Kirklees to make the most of community and personal resources by improving and expanding the services that promoted reuse, repair, education, skill development and waste reduction.

RESOLVED –

- 1) That the 2023 Resources & Waste Strategy update be agreed and published.
- 2) That authority be delegated to the Strategic Director for Growth & Regeneration, in consultation with the relevant portfolio-holders and the Service Director for Finance, for expenditure of sums as outlined in Appendix Three of the considered report to support the development and implementation of the re-profiled Kirklees Resources & Waste Strategy 2021-30 and supporting infrastructure.
- 3) That approval be given to undertake the procurement of the Reuse Shop Scheme, and that authority be delegated to the Service Director for Highways and Streetscene, in consultation with the relevant portfolio-holders and the Service Director for Finance, to authorise the award of a contract to the successful bidder following the procurement.

74 Kirklees Stadium and Kirklees Stadium Developments Ltd - Further revisions to the previously agreed approach

Cabinet considered a report which provided an update on the realignment of control and responsibilities in relation to Kirklees Stadium Development Ltd (KSDL).

The report explained that in March 2021, the Cabinet endorsed the development of a Community Trust operating model that was considered most suitable to delivering the above objectives, with a further report being considered in December 2022 in which all parties to KSDL were in broad agreement.

Cabinet was informed however that the ownership of Huddersfield Town AFC had now changed and the previous in principle agreement may not be acceptable to at least one of the parties. The Council had been clear that it did not wish to be involved in the future management of KSDL or the Stadium and have made clear that beyond the financial restructuring that had already been agreed, the Council would not contribute further funding to facilitate the day-to-day operation of KSDL.

RESOLVED –

- 1) That pursuant to Minute Nos. 118 and 125 of the meeting of Cabinet on 21 December 2022, authority be delegated to officers to conduct negotiations with the HTAFC and HRLFC regarding the KSDL agreement, with a view to them taking full operational control of the facility (and negotiations with other current leaseholders as necessary).
- 2) That a further report be considered to update Members on progress on the actions set out in the considered report.

75 Exclusion of the Public

RESOLVED – That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the following items of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

76 Kirklees Stadium and Kirklees Stadium Developments Ltd - Further revisions to the previously agreed approach

(Exempt information in accordance with Schedule 12A Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely it contains information relating to the financial and business affairs of third parties (including the Authority holding that information). It is considered that the disclosure of the information would adversely affect those third parties including the Authority and therefore the public interest in maintaining the exemption, which would protect the rights of an individual or the Authority, outweighs the public interest in disclosing the information and providing greater openness and transparency in relation to public expenditure in the Authority's decision making.)

The exempt information was noted prior to the consideration of Agenda Item 12 (Minute No. 74 refers).

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Contact Officer: Jodie Harris

KIRKLEES COUNCIL

CABINET COMMITTEE - LOCAL ISSUES

Friday 20th October 2023

Present: Councillor Graham Turner (Chair)
Councillor Masood Ahmed
Councillor Yusra Hussain

In attendance: Karen North, Principal technical Officer - Highways and Streetscene.
Dean Barker, Principal Road Safety Engineer

Apologies: Councillor Paul Davies

1. Membership of the Committee

Under the provisions of Part 3.4 of the Constitution, Councillor Yusra Hussain was in attendance as a substitute, in the absence of Councillor Paul Davies.

2. Minutes of Previous Meeting

The Committee considered the Minutes of the meetings held on 29th March 2023 and the 21st of June 2023 and it was agreed that:

RESOLVED –

1. The consideration of the Minutes of the meeting held on 29th March be deferred to the next meeting.
2. The Minutes of the meeting held on 21st June 2023 be approved as a correct record.

4 Interests

No interests were declared.

5 Admission of the Public

It was noted that all agenda items would be considered in public session.

6 Deputations/Petitions

No deputations or petitions were submitted.

7 Public Question Time

No public questions were submitted.

8 Member Question Time

No Member questions were asked.

9 Traffic Regulation [No 8] Order 2023, Proposed prohibition of waiting on Dunford Road and Greave Road, Hade Edge

The Committee gave consideration to a report which advised of objections that had been received in respect of Traffic Regulation [No 8] Order 2023, Proposed prohibition of waiting on Dunford Road and Greave Road, Hade Edge presented by Dean Barker, Principal Road Safety Engineer.

The report set out that the scheme, as proposed, required the legal advertising of 3 elements of traffic management.

- Traffic calming – Dunford Rd and Greave Road, Hade Edge traffic calming. This order was advertised between 2 June and 23 June 2023 inclusive.
- Speed Limit Order – (Speed Limit) (No 118) Order 2023
- No Waiting at Any Time – Kirklees (Traffic Regulation) (No 8) Order 2023
The above 2 orders were formally and legally advertised 9 August 2023 – 6 Sept 2023.

It was explained that the priority give way features, with the associated waiting restrictions, were intended to slow down higher speed drivers entering the Village from the rural sections to levels more appropriate for a residential road, followed by a series of vertical traffic calming features.

During the advertisement of the proposals, 5 objections were received relating to the “proposed waiting restrictions, and details of those objections and the officers responses were set out in the report. The Committee also received further written comment received from an objector which were read by the Governance Officer.

In the discussion to follow the the Committee noted that the scheme was to be introduced to reduce vehicle speed and the likelihood of collisions. The Committee were also satisfied that extensive consultation had taken place with residents, ward Councillors, the Hade Edge residents Association and the Parish Council, as outlined in the report, and noted that the majority of responses were in support of the scheme. In considering all the information presented to it both verbally and in writing it was agreed that:

RESOLVED: The objections be overruled, and the waiting restrictions advertised in TRO (No 8) Order 2023, (Appendix C) be implemented as advertised.

Public Document Pack Agenda Item 14:

Contact Officer: Jodie Harris

KIRKLEES COUNCIL

CORPORATE PARENTING BOARD

Tuesday 12th September 2023

Present: Councillor Viv Kendrick (Chair)
Councillor Elizabeth Reynolds
Councillor John Lawson
Councillor Karen Allison
Gill Addy
Kieran Lord
Stewart Horn
Sara Miles
Jo-Anne Sanders
Ophelia Rix

Apologies: Councillor Richard Smith
Louise Hallas
Keith Fielding

1 Membership of the Board/Apologies

Apologies were received from Councillor Richard Smith
Louise Hallas

Keith Fielding, Louise Hallas - Virtual School Headteacher and Keith Fielding - Kirklees Fostering Network.

The Board welcomed Georgina Louanne - Kirklees Fostering Network Representative to the Board and noted Keith Fielding's continued membership. The Board also welcomed Councillor Elizabeth Reynolds as the Chair of Governors and thanked Councillor Carole Pattison for her contributions to the work of the Board.

The Board further expressed gratitude and thanks to Jacqui Gedman, Chief Executive of Kirklees Council for her support to the Corporate Parenting Board.

RESOLVED: The Board noted the apologies and agreed the new appointments.

2 Terms of Reference

The Board considered an amendment to the membership of the Board as set out in the Terms of Reference.

RESOLVED: The Board noted the amendment to the Terms of Reference, and it was agreed that:

- (1) The Principal Social Worker be removed from the Membership, and updates continue be provided through the Head of Service for Children Looked After and Care Leavers.

Corporate Parenting Board - 12 September 2023

(2) Consideration be given to the addition of representation from Special Guardians and Kinship Carers.

3 **Minutes of the Previous Meeting**

That the Minutes of the meeting of the Board held on 4 July 2023 be approved as a correct record.

4 **Declaration of Interests**

No Interests were declared.

5 **Admission of the Public**

All Items were held in public session.

6 **Deputations/Petitions**

There were no deputations or petitions received.

7 **Public Question Time**

There were no questions received from members of the public.

8 **Children's Performance Highlight Report**

The Board considered the latest Children's Performance Highlights Report in respect of the performance monitoring data for Children's Services.

Ophelia Rix, Head of Service for Children Looked After and Care Leavers highlighted the following points in relation to Looked After Children:

- From August 2022 to July 2023, the number of children looked after peaked at 64.2 (629 children) in October 2022 and had since decreased to 61.6 (604 children) in July 2023.
- The current 12-month average for Kirklees was 62.1 (609 children), above the 31st March 2022 published rate of 62.0, but was below the England 2022 rate of 70.0 and was significantly below Statistical Neighbours 2022 rate of 92.0.
- Of the 604 children who were Looked After, 65 were living in homes outside of Kirklees.
- This was a key area of focus, and monthly meetings were held for assurance that placements were continuing to meet young people's needs.
- Since January 2023, 40 children had been successfully supported to remain within their family network through a Special Guardianship Order.
- There had also been an increase in Staying Put placements and work continued to promoting care leavers remaining with carers post 18.
- Promoting independence remained a key priority and there had been an increase in activities for young people, such as cooking and living skills sessions as well as 'drop-in's' to support strengthening relationships.
- Work had also been undertaken to encourage young people to become more involved in their communities.
- This had included identifying a calendar of local events in young peoples communities and sharing this with the young people, as well as the development of a Facebook page and a digital app (in process) to make this information more available and engaging to young people.

Corporate Parenting Board - 12 September 2023

- The Senior Leadership Team (SLT) maintained oversight of children and young people placed in external placements through review panel held monthly and chaired by the Service Director.

The Board noted the update in respect of Children Looked After and Care leavers. During the discussion to follow, Councillor Cooper (Ex-Officio) asked a question in respect of Pathway Planning and supporting Care leavers to integrate with their local community. Councillor Cooper also asked about what support was given in respect of general household management, was there any joint work with Kirklees Homes and Neighbourhoods.

In response Ophelia Rix outlined the offer and planned schemes in relation to supporting care leavers which involved; joint work between social workers and housing officers, 'Starter flats' and plans to introduce a mentor scheme ensuring that young people had someone to talk to. The importance of strengthening the offer to enable young people to live independently was highlighted and it was noted that a part of achieving this was building a sustainable support network of individuals around care leavers. Ophelia further put forward an ask to ward members to contribute any ideas they may have to help achieve this.

The Board noted the response and agreed the key actions to take forward as (i) a discussion on 'Starter Flats' be held at a relevant Portfolio Holder Briefing and for (ii) Board Members to be invited to an informal meeting to discuss ward level engagement further.

It was also noted by the Ex-Officio that any offer needed to be consistent across all wards through the sharing of best practice and effective oversight. Ophelia Rix added that as a Board the key principals needed to be agreed and that the re-promotion of the corporate parenting principals to all elected members would support consistency.

The Board further noted the national citizenship services residential offer to children, and asked if it would be possible to take a similar approach working with Huddersfield University. Ophelia Rix responded to note that discussions had been held around this and agreed to continue taking this forward.

The Board further suggested that contact cards for councillors be provided to care leavers, that the newsletter be shared and that awareness training for ward members be provided to support their involvement.

Janet Tolley, the Executive Virtual School Head Teacher provided an update in relation to Children Looked After Educational Outcomes and explained that:

- 100% of PEPs had been completed within the Summer Term with 99% initial PEPs completed within 10 school days.
- The Virtual School was currently leading on all PEPs which were virtually held meetings.
- The Virtual School continued to work closely with social care to improve young people's educational experiences (including reducing asylum seekers with no school place and support to children with SMEH).

Corporate Parenting Board - 12 September 2023

- The number of suspensions had decreased, and no exclusions had been reported, and this was highlighted as a positive outcome.
- Partnership arrangements with designated teachers and social workers remained strong.
- Improving attainment and progress at Key Stage 2, reducing persistence absence and the number of children not in full time provision continued to be the key areas of focus for the Virtual School.

The Board noted the Education outcomes and welcomed the 100% PEP rate and the positive outcomes reported.

Gill Addy, the Designated Nurse for Looked After Children and Care Leavers updated the Board in relation to the health data, which provided both twelve- month rolling and monthly figures:

- The LA rolling 12-month data showed that 67.9% of Initial Health Assessments (IHA) were completed within the statutory timescale.
- Locala monthly data for July showed that 31% were completed in the 20-day timescale.
- This significant decrease from the usual 90%+ was a result of several factors.
- These included continuing increased numbers of children coming into care including unaccompanied asylum-seeking children (UASC), increased complexities of need, increased requests from other LA's, the capacity of doctor and nurses time and the knock-on effect scheduling extra clinics had on the completion of medical reports.
- There were 10 IHA timescale breaches for Kirklees Children Looked After (CLA) related to clinic availability and capacity. There were 3 late requests from other LA's.
- Kirklees rolling 12-month data shows that 89.7% and 90.1% of the 'Developmental' assessments (under 5yrs old) and 'Annual' assessments (over 5 yrs. old) respectively, were completed in statutory timescales.
- Locala monthly data for July showed that 100% and 59% for under and over 5 years olds respectively, were completed in timescales.
- 13 breaches were related to capacity to complete by the exact date in the month.
- In line with the DfE guidance, Locala from September will record RHA's as 'in date' if completed in the month they are due. Discussions are underway to look at aligning the LA data processing with this. This will remove unwarranted pressure on health practitioners to complete by an exact date in the month, which was affected by weekends, bank holidays, carer arrangements, sickness, holidays etc.
- For Dental Checks at the point of their RHA. Kirklees rolling 12-month data shows that 64.3% of children aged 1+, had attended the dentist.
- Locala monthly data for July showed that 75% of children age 18months to under 5 yrs., and 91% 5 years+, had attended the dentist at the point of their RHA.
- 82% of children age 18m to 17yrs at the point of their RHA, were registered with a dentist.

Corporate Parenting Board - 12 September 2023

- The use of the 'Flexible Commissioning Project' had supported CLA and care leavers to register.
- In respect of Substance misuse, work was being undertaken with data colleagues to improve the collection of data in this area.
- 100% and 70% of under and over 5-year-olds respectively, were up to date with their immunisations.

Stewart Horn, Head of Joint Commissioning, Children and Families reassured the Board that a meeting was to be held to raise awareness of current challenges with the Integrated Care Board (ICB). This would include a discussion around movement of children in care across West Yorkshire and it was agreed that the outcomes of meeting with the ICB be reported to the Board.

In the discussion to follow the Board expressed an interest in the outcomes of the developmental assessment for under and over 5's. In response, Janet Tolley explained that the Virtual School had begun working with children from the age of 2 to pick up any additional needs early. Gill Addy added that health visitors were aligned to the children and maintained the universal service alongside additional statutory assessment. The health assessment and any development needs were always available to social workers and the virtual school.

Joanne Sanders, Councillor Elizabeth Reynolds
Councillor John Lawson
Councillor Karen Allison
Gill Addy
Kieran Lord
Stewart Horn
Sara Miles
Jo-Anne Sanders

Ophelia Rix highlighted the 'Healthy Child Programme' (as part of written statement for action for SEND) and noted that work was being undertaken around identifying the needs of children and young people earlier. It was agreed that an update be given to a future meeting of the Board as this work progressed.

Ian Mottershaw, Head of Contextual Safeguarding and Y.E.S presented the data in respect of Looked After Convictions. It was advised that the numbers of CLA offending remained small, and in the October to March 2023 period no CLA had received convictions, this figure was significantly below statistical neighbours. The Board noted and welcomed the update.

Jo-Anne Sanders, Service Director for Learning and Early Support presented the data in respect of Fostering and advised that the recruitment and retention of foster carers continued to be a priority. Work was focussed on recruiting internal foster carers to help meet sufficiency needs and Kieran Lord, Interim Service Director-Resources, Improvements and Partnerships shared the broadening of the offer for Foster Carers.

RESOLVED: The Board noted the Children's Performance Highlight Report, and it was agreed that:

Corporate Parenting Board - 12 September 2023

1. A conversation in respect of 'Starter Flats' be added to the agenda for an upcoming Portfolio Holder Briefing for the Cabinet Member for Children's Services.
2. Board Members to be invited to an informal meeting to discuss ward level support to Care leavers.
3. The key principals of Corporate Parenting be re-promoted to all elected members as a part of increasing engagement with care leavers.
4. Ward Member contact cards be provided to care leavers in key locations.
5. The children and young people Newsletter be shared with ward members when appropriate.
6. Awareness training for ward members be provided to support their involvement with care leavers in the community.
7. The outcomes of the meeting with the ICB in respect of health assessment's be provided to the Board.
8. An update be given to a future meeting of the Board as work progressed around the Healthy Child Programme and developmental needs

9 **One Adoption West Yorkshire Annual Report**

The Board considered the One Adoption West Yorkshire (OAWY) Annual Report presented by Michelle Rawlings, Head of One Adoption West Yorkshire. Michelle Rawlings provided a summary of the work undertaken with children with an Adoption Order in Kirklees or who had been placed for Adoption and it was highlighted that:

- During 2022/23 there was an ongoing fall in number of children adopted and a fall in those subject to a placement order and had an adoption plan.
- This reflected the ongoing work in Kirklees to keep children with their families through the increase in Special Guardianship Orders.
- There had been an increase in the percentage (87%) of children placed with OAWY approved adopters.
- This was a positive statistic meaning that Kirklees children were kept local and placed with families assessed by OAWY.
- There had been an increase in the Number of children placed via Early Permanence.
- There had also been a slight increase in the percentage of children matched for adoption which were previously in EPPs 13% +4% Number of children at year end with ADM not matched.
- At year end there were 17 children with a placement order but not matched.
- Of the 17 children, 12 have characteristics which make them more difficult to find families for (aged 5 or over, need a family alongside a brother or sister, are from an ethnically diverse background or have a disability), two of whom have more than one characteristic.
- Following active family finding for the 17 children not matched, 8 of those children had now been placed for adoption and 2 had matched identified, 3 of the children's foster carers were being explored as adoptions.
- A positive highlight was the improvement of timeliness in Kirklees for children in terms of time taken from entering care/placement order to being matched and moving in with a family.

Corporate Parenting Board - 12 September 2023

- There had also been increases in File access requests, Applications to the Adoption Support Fund, increased applications for ASF funding for therapeutic interventions and ongoing contact arrangements.

Responding to a question from the Board around increased applications for ASF Funding, Michelle Rawlings advised that ASF funding was secure until 2025, currently OAWY were keeping pace with applications and there was fair access funding available of up to £5000 per year. If funding was exceeded conversations around match-funding would need to take place with the Local Authority. Group bids (therapeutic groups etc...) helped to support families at an earlier stage and in upskilling families early on this would the ambition was to reduce the need for high levels of therapeutic support going forwards.

Responding to a from the Board around the amount of Adoption Panel Members available, Michelle Rawlings reassured the Board that a recent recruitment had been successful. The Board welcomed the response and highlighted the importance of having a diverse pool of panel members, with different levels of knowledge and expsrence was valuable and encouraged any interested individual to get in contact.

RESOLVED: The Board noted the One Adoption West Yorkshire Annual Report and thanked Michelle Rawlings for the update.

10 Children's Rights Team Annual Report

The Board considered the Children's Rights Team Annual Report presented by Lucy Fearnley, Team Manager for Quality Assurance and Safeguarding. The report set out the services delivered by the Children's Rights Team (CRT) during the period of 1st April 2022 to 31st March 2023 and it was highlighted that:

- The focus of the work of the CRT continued to be listening to and sharing the views and voices of Children Looked After and Care leavers.
- The CRT had supported children and young people with a wide range of advocacy issues in the previous year.
- At present the team was supporting 105 young people, and the feedback received was positive highlighting that young people felt listened to and heard.
- Young people continued to be involved in foster care recruitment and the children's services training programme.
- Both training programmes had now returned to being held face to face following the Covid-19 pandemic and were delivered by the young people.
- There were a number of young people who had also supported staff recruitment through the Young Peoples Panel's.
- The CRT continued to run the Children in Care Council and Care leavers Forums and there were various projects offered for young people to get involved with.
- The CRT aimed to ensure all CLA (from the age of 10 received) contact and information about the CRT and participation opportunities.
- The Independent Visitors Scheme continued to employ volunteers to match with CLA and spend time with young people on a 1:1 basis.
- There were currently 26 children match with volunteers.

Corporate Parenting Board - 12 September 2023

- Looking forwards, the key priorities for the CRT in 2023/2024 were:
 - To develop further the recording of advocacy work by exploring electronic recording of work with Liquid Logic Developers, with the view of establishing Tableau dashboards.
 - To continue to develop and enhance involvement in Practice Learning Days across Children's Services, to further capture children's voices, experiences, and help support participation to inform service developments and practice improvements.
 - To review the Service against revised Advocacy Standards when published.
 - To complete a review of the current service capacity and offer.
 - To work in collaboration with the Looked After Children's service, to develop a children's consultation forum to ascertain the view of children and young people Looked After in respect of how they wish to celebrate their achievements.

Responding to a question from the Ex-Officio about Democracy Friendly Schools and potential for joint work with the Our Voice team, Sara Miles, Head of Safeguarding and Quality Assurance agreed to investigate the scope of this further.

Responding to a question from the Board in respect of making sure that the voices of children and young people were heard by the Corporate Parenting Board, Ophelia Rix, Head of Service for Children Looked After and Care Leavers advised that the development of the Looked After Multi-Agency Partnership was in progress which focused on the 7 Corporate Parenting Principals to drive this agenda forward working across the Council. Workstreams were identified and an update on key priorities within these would be available in due course, within these priorities would be a key focus on amplifying the voices of children and young people. This involved working closely with the CRT and the Children in Care and care leavers forums. The Board noted the response and highlighted the Boards role in instigating change.

Responding to a question from the Board in respect of the Total Respect Training, Lucy Fearnley provided reassurance that the training was held in person and provided to all new members.

Responding to a question from the Board in respect of specific plans to include children and young persons voices to the Board, Ophelia Rix advised that the approach was still in development, the first part would include the introduction of a newsletter including the feedback of children and young people. Lucy Fearnley added that this was being developed collaboratively across the wider services. In response the Board welcomed the demonstration of increased activities for Care Leavers as positive.

RESOLVED: The Board noted the Children's Rights Team Annual Report and it was agreed that Sara Miles, Head of Safeguarding and Quality Assurance would investigate the scope of joint working around Democracy Friendly Schools and the Our Voice Team.

11 Overview of Children's Residential Services

Corporate Parenting Board - 12 September 2023

The Board considered a report providing an overview of developments within the Children's Residential Estate presented by Kieran Lord, Interim Service Director-Resources, Improvements & Partnerships. It was highlighted that:

- There were currently four internal children's homes within Kirklees, shortly the offer would be expanded to provide an additional home due to be reopened after a full refurbishment.
- Alongside reopening an existing home, a new home was being registered to provide additional capacity for up to four young people in need of small group living.
- Work continued with Ofsted to improve the four homes with the ambition to have all homes rated as Good or outstanding within the next inspection cycle.
- Work with facilities management and the revision of our staffing structures and staff training were central to achieving that aim.
- Of the registered homes; 1 home was judged to be Outstanding, 1 Home was judged to be Good, 1 home Required Improvement, 1 home was Inadequate and was due to be re-inspected in the next 6 weeks and 1 home awaited a judgement after reopening.
- A core principle of the homes arrangements for bringing children together in group living will be ensuring that the homes' statement of purpose and functions were delivered through careful matching of the needs of the children living in homes to the skills of the team and with consideration of the relationships between those who will live together.
- Work was ongoing with existing staff and the psychologist for the Emotional Wellbeing Service to develop and train the workforce on the model of care as well as sourcing specialist DBT (dialectical behavioural therapy) training for the workforce.
- The national sufficiency challenge was noted and addressing this locally was a key priority of the service.
- Work had been undertaken to engage with local providers and support the development of strong relationships.
- In investing in the residential services infrastructure, the aim was to ensure that there were adequate business and administrative support resources across Kirklees homes.

The Board noted the update and welcomed the recent certification and the re-opening of the residential home in providing opportunities to improve sufficiency. The Ex-Officio also highlighted the information presented as reassuring. In response, to a question around Ofsted inspections and judgements of homes, Kieran Lord highlighted the importance of working with Ofsted as a partner to understand what the key elements were they were looking for at inspections.

RESOLVED: The Board noted the report Overview of Childrens Residential Services.

Virtual School Governing Body Update

Corporate Parenting Board - 12 September 2023

Janet Tolley, Executive School Head Teacher provided a verbal update in relation to the work of the Virtual School Governing Body. It was reported that updates had been provided on:

- The Validated Headteachers report and Data Review: including PEP's, Young people not in full time education and the reasons why, consultation for ECHP and a detailed analysis of suspensions by year group. The in-depth data outlined trends and the detail behind the information.
- Questions had been raised, around support for young people struggling with education and a detailed discussion was held.
- It was noted that an ILYACs inspection was upcoming, which could involve up to 3 days of scrutiny.
- Children with a social worker: the additional duty included working with all professionals to look at how practice can be influenced at a strategic level to achieve better outcomes and remove barriers to children and young people's education.
- A key area of focus was understanding what children and young people were doing when they were not in school and identifying how to increase engagement with education.
- Work around Child Protection Plans and building on best practice.

The Board noted the update and welcomed that the Governing Body provided strong support and challenge.

RESOLVED: The Board noted the Virtual School Governing Body Update.

12 Virtual School Governing Body Update

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- Work around Child Protection Plans and building on best practice.

The Board noted the update and welcomed that the Governing Body provided strong support and challenge.

RESOLVED: The Board noted the Virtual School Governing Body Update.

13 Updates from Board Members on Interaction with Services

The Board considered verbal updates from Board Members in relation to progress and key issues following interaction with Services and partners to challenge the role of the Corporate Parent.

Councillor John Lawson had recently been appointed to the Childrens Scrutiny Panel.

The Chair reported that she had:

- Attended a range of 'Time to Talk' sessions, the last one was held at Dewsbury Town Hall with colleagues from Childrens Services.
- 13/07/2023 - Attended an Emotional Wellbeing Partnership Session
- 18/07/2023- Attended a Leaving Care Team Meeting.
- 28/07/2023- Attended a meeting of the Children's Scrutiny Panel.
- 03/08/2023 – Attended a meeting of the Multi-agency Safeguarding Partnership.
- 09/08/2023- Visited the Central Stars Youth Club,
- 01/09/2023 – Joined a activity day at Bradley Woods for Children Looked After

The Board noted that the activity day at Bradley Woods was particularly positive and asked that this be repeated and rolled out to a wider group of young people.

RESOLVED: The Board noted the Updates from Board Members on Interaction with Services and it was agreed that the activity day at Bradley Woods be repeated and consideration be given to offering this to a wider group of young people.

14 Corporate Parenting Board Agenda Plan 2023/24

The Board considered the agenda plan for 2023/24.

RESOLVED: The Board considered the agenda plan for 2023/24 and it was agreed that:

- 1) A target date be set to introduce the incorporation of children and young people's voice to the Board either through physical attendance, video or written submissions.
- 2) An informal Ad-hoc meeting of the Board be held in respect of the action to discuss ward level support to Care leavers.

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Public Document Pack

Contact Officer: Jodie Harris

KIRKLEES COUNCIL

CORPORATE PARENTING BOARD

Tuesday 24th October 2023

Present: Councillor Viv Kendrick (Chair)
Councillor Elizabeth Reynolds
Councillor Andrew Cooper (ex-Officio)
Ophelia Rix, Head of Service for Children Looked After and Care Leavers
Steward Horn, Head of Children's Integrated Commissioning
Louise Hallas, Virtual School Headteacher
Gill Addy, Designated Nurse

Apologies: Councillor John Lawson
Councillor Karen Allison
Councillor Richard Smith
Jo-Anne Sanders, Service Director Learning and Early Support
Vicky Metheringham, Service Director, Child Protection and Family Support
Kieran Lord, Interim Service Director - Resources, Improvements and Partnerships
Ian Mottershaw, Head of Contextual Safeguarding Service and Y.E.S – Family Support and Child Protection
Sara Miles, Head of Safeguarding and Quality Assurance

1 Membership of the Board/Apologies

Apologies were received from Councillor Richard Smith, Councillor John Lawson, Councillor Karen Allison, Kieran Lord, Vicky Metheringham, Sara Miles, Jo-Anne Sanders, Councillor Karen Allison, Jo-Anne Sanders, Service Director Learning and Early Support, Vicky Metheringham, Service Director, Child Protection and Family Support, Kieran Lord, Interim Service Director - Resources, Improvements and Partnerships, Ian Mottershaw, Head of Contextual Safeguarding Service and Y.E.S – Family Support and Child Protection and Sara Miles, Head of Safeguarding and Quality Assurance

2 Minutes of Previous Meeting

The Board considered the Minutes of the meeting held on 12th September 2023.

RESOLVED: That the Minutes of the meeting of the Board held on 12th September 2023 be approved as a correct record.

3 Declaration of Interests

No interests were declared.

4 Admission of the Public

All Items were held in public session.

5 Deputations/Petitions

There were no deputations or petitions received.

6 Public Question Time

There were no questions received from members of the public.

7 Children's Performance Highlight Report

The Board considered the latest Children's Performance Highlights Report in respect of the performance monitoring data for Children's Services.

Ophelia Rix, Head of Service for Children Looked After and Care Leavers highlighted the following points in relation to Looked After Children and Care leavers:

- The care planning and decision-making processes for children and young people continued to maintain Senior Manager oversight through the Legal Gateway, Permanence and Children Accessing Service Panel.
- The Panels provided assurance that management oversight and clear actions and timescales were in place to address practice of concern and highlight evidence of good practice.
- Weekly Performance meetings were being held and the feedback received showed that young people were satisfied and had a strong relationship with social workers.
- The work of the Panel helped to increase understanding of young people and their experiences.
- There had been an increase in number of unaccompanied young people which placed increased workload but there had been timely responses in terms of the allocation of social workers and educational provision.
- The ambition was to undertake more work in relation to understanding unaccompanied young people and their experiences to meet their current and future needs.
- In relation to Care Leavers, there had been an increase in relation to the number of Care Leavers who were in touch.
- The team continued to work innovatively to keep in touch with all young people and were confident that all post 18 young people were aware of the support offer.
- There had been an increase in the numbers of young people who had up-to-date pathway plans.
- Work continued with Social Workers and Personal Advisors to ensure pathway plans were completed in a timely manner to meet targets with a focus going forward on the improvement of the quality of plans.
- In relation to the number of young people in suitable accommodation, there had been a significant impact on the increasing demands for tenancies.
- Work continued with housing colleagues who agreed to prioritise properties for young people, and this had helped to improve performance.
- This work was to continue to ensure that suitable accommodation was available, and strong links with private housing providers were being maintained.

Corporate Parenting Board - 24 October 2023

- Performance in relation to Employment, Education and Training (EET) indicator was a focus for improvement supporting the priority to ensure that young people were afforded the best of opportunities in relation to EET.
- There was a C&K Careers Advisor in the Leaving Care Service, and there was a pro-active multi-agency group to improve opportunities in partnership working.
- There had been an increase in the number of young people accessing No11 and No12 and weekly drop-in sessions were held at these hubs.

The Board noted the update in respect of Children Looked After and Care leavers and welcomed the information in relation to Children Looked After Review meetings highlighting that they were well attended by a range of committed partner agencies. During the discussion to follow the Board raised a question in relation to suitable accommodation noting that the target support was positive, but funding was due to cease March 2024.

In response Ophelia Rix advised that the role was to be maintained within the service to ensure that young people were supported into suitable accommodation.

Gill Addy, the Designated Nurse for Looked After Children and Care Leavers and Stewart Horn, Head of Children's Integrated Commissioning updated the Board in relation to the health data, which provided both twelve- month rolling and monthly figures. It was advised that:

Initial Health Assessments (IHA's):

- A rolling 12-month data shows that 60.4% of IHA's were completed in the statutory timescale but the actual percentage had dropped to 0% in real terms in August.
- This was being replicated across regional neighbours and had been highlighted on the WY risk register.
- This was due to a number of factors including a continued increase of; numbers coming into care (including large sibling groups) unaccompanied asylum-seeking children (UASC), the number of children placed with connected carers not being brought requiring re-scheduling, complexities, requests from other local authorities to complete on their behalf.
- Work was being undertaken with Kirklees College who were supporting health promotion work with UASC.
- Locala monthly data for July showed that 31% were completed in the 20-day timescale.
- Meetings of a working group (made up of the Designated Nurse, Locala the CHFT, and the ICB) were taking place regularly to make improvements.
- The Business Case to consider additional nurse/doctor resource/alternative CLA Health model, which would support the whole team remained under commissioner consideration, with a resubmission presented in September to the ICB.
- This had since been escalated to a West Yorkshire Director for Children services and NHS senior leaders meeting, where region wide issues were discussed.

Review health assessments (RHA):

Corporate Parenting Board - 24 October 2023

- Kirklees rolling 12-month data shows that 82.5% & 90.5% of the 'Developmental' assessments (under 5yrs old) and 'Annual' assessments (over 5 yrs. old) respectively, were completed in statutory timescales.
- These positive results include months when the previous model of delivery by Thriving Kirklees (TK) was in place.
- Since April, TK had put a temporary process in place to complete most allocated RHA's on additional hours, or incorporate with their own statutory assessments, until the commissioning arrangements completed.
- Locala monthly data for August showed that 63% and 68% for under and over 5 years olds respectively, were completed in timescales under the temporary regime.
- Almost all assessments were completed in the month they were due, or soon after to fit around carer arrangements.

Dental Checks:

- Kirklees rolling 12-month data shows that 65.2% of children aged 1+, had attended the dentist.
- Several factors were negatively affecting the recording of data and a working group had been established to look at aligning the data with Locala.
- This included using SW practitioners to update when a child had attended as part of their statutory visits, avoiding reliance on recording at the RHA
- Locala monthly data for showed that 100% of children age 18months to under 5 yrs., and 94% 5 years+, had attended the dentist at the point of their RHA.

Registered at dentist:

- Locala data shows 100% of children aged 18m to 5 years and 86% 5 years+ at the point of their RHA, were registered with a dentist.
- The use of the 'Flexible Commissioning Project' has supported CLA and care leavers to register.

Substance misuse:

- 1 young person (0.24%) had admitted or are known to use substances that have a significant impact on their daily life when asked at their last RHA.
- If a young person declines their RHA, a check was made with the social worker to ascertain if substance use is an issue.
- The working group will also look at alternative methods of collection of this data as the RHA was not a reliable source.

Immunisations:

- 93% and 83% of under and over 5-year-olds respectively, were up to date with their immunisations.
- Reasons for a lower uptake in older children can be related to; the shortened schedule offered to Unaccompanied Asylum-Seeking Children, some young people may decline, and placement moves or moves to semi-independent living can negatively impact take up.

The Board noted the update and recognised that there were some unprecedented challenges in this area of work, but welcomed the work of Kirklees College in helping to support UASC and highlighted that this should be recognised, and that the college be thanked.

Gill Addy agreed and added how group interactions in classrooms with peers was a positive format for working with young children.

The Board noted challenges around adoption, and the average time between a child coming into adoption and being placed. Concerns regarding the delays had been raised with OAWY as the data was below statistical neighbourhoods.

RESOLVED: The Board noted the Children's Performance Highlight Report, and it was agreed that Kirklees college be thanked and congratulated for the support provided to UASC.

8 Virtual School Draft Headteacher Report

The Board considered the Virtual School Draft Headteacher Report (September 2023) presented by Louise Hallas, Virtual School Headteacher. The draft report outlined the virtual self-evaluation for 2022-23 and the outcome data (to be validated as of September 2024) for 2022-23 as well as the improvement priorities for 2024. It was highlighted that:

- Under self-evaluation, Kirklees Virtual School rated themselves as good overall with some outstanding features and some areas for development.
- A Personalised Approach was taken and every young person in care was allocated to a member of the experienced Virtual School Team.
- This ensured that their attendance, progress and attainment was reviewed to enable challenge and support in a timely manner and for relevant interventions can be put in place.
- The Virtual School completed 100% of Personalised Education Plans (PEP's) within the termly timescale.
- This ensured that every young person's had at least one PEP each term.
- In the previous year, 99% of initial PEP's were completed within timescales.
- The electronic PEP system enables the Virtual School to monitor the completion and quality assurance of PEPs.
- This process is used to challenge schools and providers to support pupils' individual needs and is quality assured by the team managers.
- Completed PEPs are recorded in Liquid Logic and uploaded to Wisdom.
- There were robust systems in place to ensure the Internal and External Scrutiny of Data and Systems,
- A monthly report is produced, analysed and reviewed as a leadership team and presented to Governing Body, Corporate Parenting Board, Scrutiny, Quality Assurance Panel and shared across service
- This allows us to react quickly to developing patterns of need and work proactively as a team to embed creative solutions
- or example, we can see every suspension that takes place and ensure that we are working with professionals to prevent any further suspensions and highlight any patterns in the data.
- This has resulted in a decrease in the number of suspensions this year with the number of days lost reduced from 455.5 to 307, with pupils with more than 1 suspension down from 37 to 29 demonstrating the positive impact of data scrutiny.

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- There is an established Governing Body that meets regularly, with a cross section of representation that holds the Virtual School to account through supportive and challenging meetings.
- In early years support, the majority of children in care aged 2 to 4-years-old access their entitlement to funded early education and care.
- Where they are not accessing their entitlement, the reason is known, and the validity checked by a lead social worker.
- The percentage of young people achieving a Good Level of Development has been consistently strong over the last three years
- The percentage of KS1 pupils reaching expected or higher standard for Reading, Writing and Maths and RWM combined is above the national average for children and young people in care 2022
- The progress for those that achieve at least expected at Key Stage 1 to Key Stage 2 achievement is good, positive that maintain trajectory of achievement
- Attainment and Progress at Key Stage 4 has been consistently strong and the latest validated results (2022) show Kirklees Children Looked After in quartile B for attainment, progress and 9-4 English and Maths and these were all above regional and national data.
- Participation and progression remain strong in Post 16 despite the remaining challenges following the pandemic, with 99% of young people participating in some form of learning 16-18.
- This was an area the Virtual School hoped to increase into the 19-25 cohort.
- Kirklees College have also been successful in being shortlisted for the Alex Timpson ARC Attachment Award for their strong commitment to attachment and trauma informed approaches across the organisation.
- Collaborative working was a particular strength of the virtual school,
- The Virtual School Leadership team work strategically across service with numerous partners including Heads of Service in Children Looked After, Assessment and Intervention, Children With Disabilities Service, Youth Engagement Service, Multisystemic Therapy (MST) team, Sufficiency, Careers, Health and One Adoption
- We collaborate well with other professionals including Social Workers (SW), Designated Teacher's, Carer's, Special Educational Needs Assessment and Commissioning Team (SENACT), Education Psychologists (EP) to provide the best for our young people.
- There has been no permanent exclusion of a child and young person in care since the Virtual School established
- This was trend that had continued since the virtual school had been established.
- In relation to special education al needs, All staff have received SEND specific professional development opportunities to increase knowledge and understanding of how we better support our young people with SEND.
- We have established links nationally with LA SEND teams to reduce drift and delay regarding statutory assessments and EHCP linked processes.
- We have developed our structure to integrate the work for Children with a Social Worker into the work of the Virtual School.
- we are developing a joint action plan to enhance social work practice and ensure detailed education targets are in place and reviewed in all Child in Need and Child Protection Plans.

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- Areas for improvement included; attendance (to increase static 88% going forwards) attainment (particular focus on Key Stage 2 and Key Stage 4), EHCP / Access to Appropriate Provision, School Moves (minimising changes wherever possible).
- Development work included;
 - Developing partnership working with the care leavers team and SAPT, to work with all young people if remaining in education / training to 25 and ensure care planning is linked as young people approach 18.
 - Enhanced the provision to support UASC young people for the full year.
 - Further develop partnership working and support and training for Early Years providers to maximise potential and impact of earlier intervention.
 - Embedding the work for Children and young people with a social worker so that it becomes system led and system wide throughout the authority and education system.

The Board noted the update and expressed thanks to the Virtual School for their work. The Board particularly welcomed:

- The news that there were no permanent exclusions.
- The 100% PEP completion rate.
- static in performance in absence data (in comparison to a national decrease).
- Further work to close any gaps in attainment where possible.

In response to a question from the Ex-Officio in relation to Ofsted inspection, Louise Hallas advised that within the ILACS inspection there was a school's Ofsted inspector who reviewed the work of the virtual school. Previous feedback from inspections had always been very positive. Responding to a further question from the Ex-Officio in relation to the way in which virtual schools operate Louise Hallas advised that all virtual schools may work to the same performance indicators, but the delivery and operation of Virtual schools differed across Local authorities.

In response to a question from the Board in relation to unauthorised absence data, Louise Hallas confirmed that sickness absence was not recorded in this information. However, Louise further noted that lates had to be recorded as unauthorised which impacted the data. The Board noted the response and requested that a breakdown of recorded unauthorised absence be provided to help provide clarity around the data.

RESOLVED: The Board noted the Virtual School Draft Headteacher Report, and it was agreed that a report showing a breakdown of recorded unauthorised absences be provided to the Board.

9 Virtual School Governing Body Update

The Board were advised that a meeting of the Governing Body had not yet taken place and that an update would be given at the next meeting of the Board.

RESOLVED: The Board noted that an update would be deferred to next meeting of the Board

10 Children's Ambition Board Update

No updates from officers due to apologies and it was noted that an update be given at the next meeting of the Board.

11 Updates from Board Members on Interaction with Services

The Board considered verbal updates from Board Members in relation to progress and key issues following interaction with Services and partners to challenge the role of the Corporate Parent.

The Chair reported that she had:

- Attended an early years development day alongside Cllr Cooper (Ex-Officio).
- Attended a One Adoption West Yorkshire (OAWY) Meeting where a discussion was held around activity days for children awaiting adoption. It was suggested that the Board should attend an upcoming activity day.
- Chaired a meeting of the Yorkshire and Humber Lead members network.

RESOLVED: The Board noted the Updates from Board Members on Interaction with Services, and it was agreed that the Board give consideration to attending an OAWY activity day.

12 Corporate Parenting Board Agenda Plan

The Board considered the agenda plan for 2023/24.

RESOLVED: The Board noted the agenda plan for 2023/24.

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Tuesday 5th September 2023

Present: Councillor Elizabeth Smaje (Chair)
Councillor Bill Armer
Councillor Andrew Cooper

24 Membership of Committee

All Members of the Panel were in attendance.

The Chair explained that Councillors Hussain and Ramsay had ceased to be members of the Committee as a result of accepting places in the Cabinet. Thanks were expressed to both Councillors for their contribution to the work of the Committee.

25 Minutes of Previous Meeting

Resolved –

That the minutes of the meeting of the Committee held on 1st August 2023 be agreed as a correct record.

26 Declaration of Interests

No interests were declared.

27 Admission of the Public

All items were considered in public session.

28 Deputations/Petitions

No deputations or petitions were received.

29 Public Question Time

No questions were submitted.

30 Corporate Financial Management - Quarter 1 Report

The Committee received a report in respect of the Corporate Financial Monitoring Report for Quarter 1, 2023/24 and a verbal update in respect of the Medium-Term Financial Strategy.

Councillor Graham Turner, the Portfolio Holder for Finance and Regeneration, Rachel Spencer-Henshall, the Strategic Director for Corporate Strategy, Commissioning and Public Health and Isabel Brittain, the Interim Service Director, Finance were in attendance and a presentation was given which highlighted the following:

- The headlines from the Quarter 1 Monitoring Position Report.
- An overview by directorate and a breakdown of the key service variances.

Overview and Scrutiny Management Committee - 5 September 2023

- The mitigations and actions that had been put in place.
- The Medium-Term Financial Strategy established a financial planning framework, with the aim of ensuring delivery against savings and supporting budget planning, aligned to the objectives within the Council Plan. This would be considered at Cabinet the following day and would be the subject of a key discussion debate at Council on 13th September.
- Activity was ongoing to resolve the immediate issue of the forecast budget gap and to ensure a balanced budget by February 2024, alongside the development of robust proposals for future years.

Questions and comments were invited from Committee Members, with the following issues being covered:

- One of the Council's priorities was transforming services to be more effective and the potential of investing to save, such as in respect of transport costs, would be a consideration, although it was noted that the cost-benefit analysis of such proposals could be complex. It was confirmed that there was a budget associated with the transformation work.
- More detail could be provided to Members about partnership working on tree planting.
- The Authority would be cognisant of the potential financial impact of challenges in respect of changes to care packages and placements. The approach would be to work within a framework to ensure that an individual solution was reached in each case.
- An undertaking was given to provide more detailed information, after the meeting, in respect of re-profiling and variances between the current figures and the figures submitted to Council in February.
- In terms of the achievability of the forecast savings, and when the authority would be in a position to have more certainty on this, the Service Director explained that she was undertaking a robust review of the saving plans and their effect to provide assurance that they could be achieved.
- It was important that the issue of capacity was considered within decisions relating to recruitment, to ensure that the Council would still be able to take advantage of opportunities. Assurance was given that the panel responsible for managing vacancies would take into account the importance of avoiding a negative impact on income and would also consider capacity to ensure that resources were utilised in the best possible way.
- It was believed that there should be systematic approach to identifying opportunities for funding; including by/through partners and through working with the community and voluntary sector who would have access to funding that was not available to the Council. It would be beneficial for there to be wider visibility and understanding of the Council's approach in this regard.
- The Council had an External Funding Officer who scanned for such opportunities.
- It was noted that accessing external funding could be challenging under the current system of bidding for pots of national funding. There had to be an appropriate level of balance in terms of risk and return and due consideration of the cost associated with submitting a bid and the chances of success. There were also issues associated with challenging timescales both for the submission of bids or deadlines for funding to be used.

Overview and Scrutiny Management Committee - 5 September 2023

- Partnership working with the community and voluntary sector in Kirklees was very effective.
- The Committee had identified at the issue of procurement and external funding as an issue for consideration within its work programme for 2023/24.
- In terms of the effectiveness of processes associated with reducing spend, it was believed that there was a strong financial team with a robust approach. Detailed examination was being undertaken as the authority moved towards the end of Quarter 2 and further information would be provided to the Committee at future meetings.
- Forecasting of the impact of changes in the demographic profile of the district and demand for social care needs was undertaken as proficiently as possible but was challenging due to the many factors that influenced the results. It was acknowledged that the number of people with special educational needs and disabilities had increased, and investment was being made into specialist schools to increase capacity.
- Regeneration proposals, including the Huddersfield Blueprint and the Cultural Heart, had been incorporated into the Capital Plan, and would be considered in the review of capital spending.
- There was a need to invest to save and to increase the Council's future income.
- The Department for Education supported the Council's approach in respect of the 'safety valve agreement' for Children and Families and was assured that the actions plans were deliverable. Although it was not possible to predict levels of demand, there was a robust SEND transformation programme in place which took account of all the relevant factors.
- It was queried whether land that would not be used for a period of time could be used to increase the amount of parking in Huddersfield town centre, this would also generate additional income.
- The Medium-Term Financial Strategy (MTFS) provided the principles and framework for setting the budget and delivering savings. Engagement with Councillors and residents on the detail was an integral part of the approach. The underlying detail on actions and delivery would follow.
- There was a clear approach, in achieving efficiencies, to ensure that the needs of each service was assessed to ensure that valuable corporate memory was not lost. There was also a focus upon the development of graduate opportunities and University placements so that the next generation of staff could be developed in those areas where recruitment could be a challenge.

Resolved –

(1) That further information on the position at Quarter 2, the achievability of savings and detail of the re-profiling of the Capital Plan be provided to Members of the Committee at the earliest possible opportunity.

(2) That it be noted that the following issues were included within the Committee's Work Programme for 2023/24:

- (i) Procurement and external funding.
- (ii) The approach to asset management.
- (iii) IT Strategy.

31 Corporate Performance and Impact Report - End of Year 2022/23

The end of year, Corporate Performance and Impact Report 2022/23 was submitted.

Councillor Paul Davies, the Corporate Portfolio Holder, Andy Simcox, Service Director for Strategy and Innovation and Mike Henry, Head of Data and Insight attended the meeting. A brief presentation highlighted the following:

- The background to the current approach to performance monitoring, which focussed upon impact and achievement of shared outcomes.
- The report included outcomes, key measures and delivery of the priorities contained within the Council Plan.
- Detailed operational performance management information was collated within each service and was presented to the Council's Executive Team.
- The approach to performance was being reviewed.
- Demand and capacity indicators were provided to the Members of this Committee on a regular basis.
- The new Council Plan was expected to be approved in January 2024, and consideration would be given to the revision of performance indicators and the schedule for corporate performance reporting.
- Members were invited to identify any issues that they considered would benefit from scrutiny.

Questions and comments were invited from Committee Members, with the following issues being covered:

- It was anticipated that the future format of performance reports would include more tangible indicators and measurement of outcomes against targets. Financial data and activity data would also be integrated.
- Further detail on the issues and the context affecting the outcomes would be useful in assessing performance.
- The importance of the provision of 'real-time' data to assist Cabinet in decision-making was recognised. The demand and capacity indicators were shared with Cabinet on a monthly basis.
- The importance of the transparency of information was acknowledged and this point would be taken on board in revising the approach.
- It was suggested that consideration should be given to the potential for using land in the Council's ownership for energy generation using wind which would generate revenue, and this was taken on board as a potential item for the relevant Scrutiny Panel.
- The importance of the place standard funding, associated action plans and ward/community-based budgets and the benefits in terms of early intervention and prevention was recognised but there was significant financial pressure, particularly looking forward to 2024/25. The position was being reviewed, with a view to doing everything possible to maintain the investment, and this would be progressed as quickly as possible to inform the budget in February 2024.
- The aim was to support the move towards resilience and self-reliance within communities and using funding to foster and build independence and sustainability.
- The area of care provision was being extensively reviewed, the aim being to create efficiencies whilst retaining the necessary support; it was not possible to

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say whether the Council's role would change at this stage. It was noted that this may be an issue that the relevant Scrutiny Panel might wish to look at in more detail.

- The government had given assurances in respect of the funding to deal with any problems with concrete structures. Limited numbers had been identified, to date, in the district. The Asset Management Team already had a rigorous review and maintenance process in place.

Resolved -

(1) That the issue of transparency of performance management information be taken into account in the consideration of the future approach.

(2) That it be noted that a further information will be provided to Members of the Committee in respect of the Council's participation in the 'Vision Zero' road safety management initiative.

32 Establishment of Joint Health Overview and Scrutiny Committee

Approval was sought to the process to be followed in relation to the appointment of Kirklees representatives to a Joint Health Overview and Scrutiny Committee (JHOSC), with Calderdale and Wakefield Councils, in respect of the Older People's Inpatient Mental Health Services Transformation Programme.

It was noted that the draft Terms of Reference contained within the report would be submitted to the JHOSC for approval.

Resolved -

That it be agreed that the nominations for Kirklees representation on the Joint Health Overview and Scrutiny Committee, with Calderdale and Wakefield Councils, should be sought from the main political groups (Labour, Conservative, Liberal Democrat, Green) on the basis of 1:1:1:1.

33 Lead Members' Updates

The Lead Members for the Children's Scrutiny Panel and the Health and Adult Social Care Scrutiny Panel updated the Committee on the work being undertaken by their Panels.

34 Work Programme 2023/24

The latest version of the Committee's Work Programme for 2023/24 was submitted for consideration.

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Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Tuesday 24th October 2023

Present: Councillor Elizabeth Smaje (Chair)
Councillor Andrew Cooper
Councillor Moses Crook
Councillor Jo Lawson

Apologies: Councillor Bill Armer

35 Membership of Committee

Apologies were submitted on behalf of Councillor Bill Armer.

**36 Minutes of Previous Meeting
Resolved –**

That the Minutes of the meeting of the Committee held on 5th September 2023 be approved as a correct record.

37 Declaration of Interests

No interests were declared.

38 Admission of the Public

All items were considered in public session.

39 Deputations/Petitions

A deputation was received from Carl Mason in relation to the proposed closure of Colne Valley Leisure Centre.

A response was given by the Cabinet Member with responsibility for the Finance and Regeneration Portfolio.

40 Public Question Time

Under the provisions of Council Procedure Rule 11, the following questions were received:

1. At the Kirklees Cabinet meeting of 26th September 2023 a report was presented, the title of which was “Kirklees Active Leisure Centre Offer 2024/25 – Consultation”, Section 2.3 of this report explains how KAL delivers services to over 65k registered customers and received 2.5m customer visits in 2022/23, why then does the consultation booklet produced by the Council only attribute 22,391 members to these visits, the effect of this is misleading to the public by vastly underestimating the number of customers who use these vital community assets and could be affected by any closures?

2. Section 2.8 of the same report sets out a review programme which started in June 2023, nowhere in this discovery phase does it mention reviewing the willingness and or ability for people to pay additional fees to support the centres, likewise the same question has not formed part of the consultation, why have the people of Kirklees not been asked if they are willing to financially support these vital community assets with a change in the fees structure?

Responses were provided by the Cabinet Member with responsibility for the Finance and Regeneration Portfolio.

41 **Leader of Council - Priorities**

Councillor Cathy Scott, the Leader of Council, was welcomed to the meeting to talk about her priorities for 2023/24.

She explained that a new Council Plan was in development and would be finalised in early 2024. She set out her four core priorities as follows:

- **Address the financial position in a fair and balanced way.**
Balancing the budget was the most pressing challenge, against the background of funding issues affecting local authorities across the country and the economic pressures. This would necessitate some difficult decisions and the aim was to do this in a transparent, fair and balanced manner. There was a need to protect the most vulnerable and to continue to assist residents in respect of the cost of living. The impact of decisions would be assessed, and the Council would lobby for changes to the funding system.
- **Strive to transform Council services to become more efficient, effective and modern.**
Limited resources would be used as efficiently and effectively as possible. This would include work on early intervention and prevention, and safeguarding. The Council would continue to work with partners to avoid duplication and share knowledge and resources. The work already being done to deliver and improve services, such as in adult social care and children's services, would continue.
- **Continue to deliver a greener, healthier Kirklees and address the challenges of climate change.**
This would include the prioritisation of delivery of an environmental strategy and net-zero commitments. Progress would be pursued in respect of energy, waste, and improvements to green spaces. There would be a continued focus on prevention work in health services, alongside partners.
- **Continue to invest and regenerate our towns and villages to support our diverse places and communities to flourish.**
This priority addressed the need to build resilience for local people. Aiming to ensure the necessary infrastructure was in place to offer opportunities for the future and to bring investment into the district. It would include improving housing. This would be undertaken prudently, and the Capital Programme was flexible to allow the plans to be responsive to changing conditions and challenges.

Questions and comments were invited from Committee Members, with the following issues being covered:

- The Cabinet's agenda was 'to do with, not to' and to enable and support local communities. The Leader would own the priorities. It was important that there

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was a clear vision but there had to be fluidity in the approach to facilitate a response to external pressures.

- It was suggested that there would be value in the Council looking at Climate Emergency UK's Action Scorecards as a useful tool to help demonstrate its action on climate change; the Council had been rated below average by this organisation. It was explained that the Council had responded to the score it had been given by Climate Emergency UK but this had not been reflected in the published version.
- The Council had been the first local authority to receive an award from the Royal Meteorological Society for its work in this area.
- The Carbon Disclosure Project (CDP) score was due to be published shortly and an improvement on last year's rating, of B, was anticipated. This score was widely recognised as an important measure in terms of climate impact.
- It was noted that the Environment and Climate Change Scrutiny Panel was to look at the issue of air quality at their meeting the following day.
- Reports would be submitted to Cabinet in respect of the work to achieve the priorities, including risk assessments and timelines, so that progress towards targets would be in view.
- The impact on the Council's staff of the current financial position and the negative narrative in the press was acknowledged and it was very important that they were provided with the necessary support and reassurance; systems and packages were in place to do so.
- The assurance in respect of the need to build economic resilience and to protect the most vulnerable was welcomed.
- In respect of the investment into towns and villages, there were a number of current investment zones and there had been a recent Government announcement about funding for Dewsbury of £20 million over a ten-year period. There were still opportunities to deliver on the Council's blueprints and other regeneration plans, albeit that this may have to be through a phased approach.
- The importance of effective consultation, the correct information being in place, and ensuring that everyone has a fair opportunity to respond was stressed.
- The feedback provided and the impact of each decision would be considered as part of the process.
- With regard to the continuation of ward-based budgets, no decisions had been made at this point. This funding was much valued by ward councillors and could be used as 'seed funding' in certain instances. The role of ward councillors as leaders within their communities and their ability to enable and support them, in conjunction with partners and volunteers, or in signposting to relevant funding opportunities was vital.

Resolved –

(1) That the Leader be thanked for attending the meeting and that she be invited to return to the Committee, at an appropriate time, to give an update on progress with her priorities.

(2) That it be noted that the Environment and Climate Change Scrutiny Panel will be looking at climate change and that the points raised be taken forward by the Lead Member as appropriate.

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The Director of West Yorkshire Joint Services (WYJS), Andy Robson, attended the meeting and gave a presentation about the work of the organisation, with a particular focus on work within Kirklees. A briefing note had been included with the agenda for the meeting which explained that WYJS delivered a number of shared services, including a number of statutory services, on behalf of the five West Yorkshire Councils.

Information relating to specific cases within the district was provided to members as background information. This briefing note, Appendix 2 to the report, was private, in accordance with Schedule 12A Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, in that it contained information relating to an individual/individuals and information which is likely to reveal the identity of an individual.

The following points were highlighted in the presentation:

- Kirklees' financial contribution was based on its proportion of the West Yorkshire population and was approximately £821,000 per annum, equivalent to £1.90 per head.
- A modernisation agenda was being pursued, whilst ensuring that the core activities were maintained and linking into the priorities of the West Yorkshire districts.
- The Trading Standards service had an excellent reputation at national level, but funding was challenging; funding in other areas of the country was much higher per head.
- The current financial challenges facing many local authorities were acknowledged.
- Resources had to be prioritised and the approach was intelligence-led enforcement.
- Work was undertaken to disrupt the activities of those who targeted and scammed vulnerable people, with the aim of trying to ensure those vulnerable individuals could live independently at home for as long as possible, which would help to reduce the burden on local authorities.
- The recent challenges associated with the cost-of-living had meant that the organisation had focussed on issues in respect of fuel and food businesses, in order to protect both citizens and businesses.
- The Archives Service also had a fantastic reputation and was also a leader in the field of moving, packaging and labelling collections. There were challenges associated with the suitability of some of the current Council accommodation where archives were being housed.

Questions and comments were invited from Committee Members, with the following issues being covered:

- Work was being undertaken with the relevant Kirklees officers to address the issues with the archive accommodation but there was a need for some elements to be dealt with as soon as possible.
- The Asbestos Service provided a service to local authorities and efforts were being made to extend this to those that did not currently use WYJS. The service was also trying to compete commercially in the marketplace, where there could

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be issues with economies of scale and, potentially, viability concerns in the longer term.

- In terms of the level of resourcing for the work of the Trading Standards Service, the intelligence-led approach meant that action was directed to where intelligence reports/complaints had been made. If more funding was available then this would facilitate the undertaking of more pro-active and preventative enforcement work. In respect of addressing the sale of illegal and unsafe tobacco products or vapes, that were often targeted towards young people, this could include initiatives such as the use of test purchasing by minors or a programme of surveillance across the wider business community.
- The intelligence-led core service in West Yorkshire was very effective.
- Educational work and early interventions could reap benefits in the longer term. The organisation did work with partners, within the confines of the resources available, and asked them to signpost and relay messages on its behalf.
- It was noted that the costs incurred by people who were successfully prosecuted for selling illicit tobacco did not compare to the street value of the items being sold.
- National resources were accessed in respect of specialist dogs used to sniff out illicit tobacco products, the suggestion that the service/the Police might benefit from having their own trained dog could be considered.
- Community engagement, to raise awareness and offer advice in respect of scams and fraud, was an important element and ideally there would be more capacity to do so. The impact on vulnerable victims and the barriers to reporting were recognised. Requests for engagement with particular groups could be considered and would be prioritised if there was intelligence to indicate that this may be valuable in a particular community.
- The quality of the archive service was excellent.

Councillor Davies, the relevant Cabinet Member and Portfolio Holder, gave assurances that the position in respect of the current accommodation for the archives had been discussed with WYJS and a plan was in place to address the issues.

Resolved –

(1) That the Director of West Yorkshire Joint Services be thanked for attending the meeting to report on the work of the organisation in Kirklees.

(2) That copies of the ‘Little Book of Big Scams’ be shared with the Committee.

43 Cost of Living Programme - Update

Councillor Paul Davies, the Cabinet Member and Portfolio Holder, introduced a presentation which provided an update on the work being undertaken as part of the Council’s Cost of Living Programme. He drew Member’s attention to a report recently published by the Joseph Rowntree Foundation in respect of destitution in the UK and its impacts, which provided some context for the work being undertaken in Kirklees.

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The presentation, by Lucy Wearmouth, Head of Improving Population Health and Stephen Bonnell, Head of Policy, Partnerships and Corporate Planning, highlighted the following points:

- The three priorities within the programme:
 - (i) Emergency Response: focussing on those people already in crisis.
 - (ii) Resilience: focussed on building places where people look after each other.
 - (iii) Prevention: acting now to address the medium and long-term challenges and prevent future economic crisis.
- Programme Delivery and Governance, which included a Programme Board which brought together those Council services aligned to each of the priorities on a monthly basis and which reported to the relevant Portfolio Holder and Strategic Director and then fed through to Cabinet, Council and Executive Team.
- The Challenges; including the complexity of addressing the issue, the impact of persistent poverty, reaching those in need, and the pressure on resources and finance.
- The Successes; including the establishment of ten sustainable 'The Bread and Butter Thing' hubs, the use of ward budgets to support cost-of living initiatives; and the management of £14.8 million of funding through the Household Support Fund.
- A case study illustrating the impact for the community and benefits for those involved as volunteers.

Questions and comments were invited from Committee Members, with the following issues being covered:

- Existing hubs had been utilised as 'warm spaces' and although, in practice, it had appeared that people would rather have assistance to allow them to stay at home, this use had contributed to creating networks within areas which had been beneficial in building connections and knowledge of what was available. It was acknowledged that such provision worked best when it also had a purpose such as access to activities or support.
- In response to a question about whether more could be offered in the area of benefits advice/advocacy it was explained that there was a wish to develop more support and signposting, using existing facilities where possible. The Council had a small Advocacy Team and also had a contract with Kirklees Citizen's Advice Bureau and Law Centre. The ways in which advice could be delivered in the future was under consideration and the views of Members would be welcomed.
- The Council response to the impact of the increased cost of living was commended, as well as the support provided by numerous community groups. It was noted that additional benefits also resulted from some initiatives, such as the saving of food from landfill, that contributed positively to other Council priorities.
- Further extension of 'The Bread and Butter Thing' would be welcomed. In addition to its core purpose, this model was also valuable in terms of building connections and friendships between those volunteering, and it was suggested that it might also offer opportunities to provide financial advice and support.
- Prevention was a key aspect to this work; breaking the cycle of poverty, developing resilience in communities and developing community wealth building.

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This approach was being actively pursued alongside the Combined Authority and the third sector.

- 98 grants, from the Household Support Fund, had been provided to local community groups via One Community; there was a broad spread across North and South Kirklees. It was recognised that some smaller groups might find it difficult to make a bid, but One Community took a relatively 'light touch' approach.
- Delivery of the initial funding from the West Yorkshire Mayor's Fund had been analysed and the Kirklees model; the way it had been allocated and used, had been found to be strong.
- There were concerns about smaller groups understanding that they were able to access funding and how to apply. In some cases, they may not be specifically labelling what they did but were nevertheless achieving appropriate goals.
- There was a need to give consideration to widening the provision of information and signposting, on the help and support available, beyond the main hubs.

Resolved –

That the comments of the Committee be taken on board in future work on the Council's Cost of Living Programme.

44 Corporate Property Strategy

The Committee received a report which provided a summary of the approach to property asset management, and the use of good practice in developing and bringing forward the Council's Corporate Property Strategy.

Councillor Graham Turner, the Cabinet Member and Portfolio Holder, introduced the presentation given by Daniel McDermott, Strategic Manager, Assets and Estates, and Joanne Bartholomew, Service Director – Development. The following points were highlighted:

- The aim of the Strategy was to provide a fit for purpose, modern, effective and efficient estate to support and facilitate Council services; promote and enable the Council's corporate priorities; and link and collaborate with key strategic partners and local interest organisations and groups.
- The approach followed good practice and the RICS professional standard for strategic asset management of local authority assets.
- The strategy was at a formative stage, and the key steps for the process to be taken in bringing it forward:
 - Definition
 - Context
 - Standards
 - Policies
 - Application
- Disposal of surplus and unused land and property assets was not only a response to the financial position but was also Government policy. A holistic review was in progress which was taking a core estate approach.

Questions and comments were invited from Committee Members, with the following issues being covered:

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- The strategy being at an early stage did not prevent the authority taking considered and transparent decisions on the disposal of land and building assets, as it had done in the past. A process had been undertaken to ensure that there was an understanding of which assets were being utilised to their full effect, the necessary geographical spread in terms of service delivery, and the Capital Plan, revenue and maintenance budgets in respect of the ongoing needs of each asset, prior to proposals being brought forward. All service delivery buildings would have an Integrated Impact Assessment associated with them.
- Consultation would take place in respect of any alternative service delivery prior to decision.
- Regular reviews would be undertaken and reports taken to Cabinet as appropriate.
- It was anticipated that the strategy would be in place in 2024. There were existing, approved, policies and procedures in place that were being followed, the strategy aimed to bring these together. Assurance was given that these were fit for purpose for the decisions that had been/were being undertaken.
- Key stakeholders included both local and regional NHS, blue light services and more local organisations and partners.
- Engagement would be undertaken with local organisations and Ward Councillors about proposals for future use of building assets, where appropriate, and taking account of commercial sensitivities. Land could be more complex and may involve the Planning Authority which had a significant reach in terms of engagement with the public.
- It was noted that the Authority had a duty to seek to achieve best value in disposing of assets; this could include consideration of the end use of an asset.
- Consideration of internal need and possible future need would be taken into account when developing the core estate. The use of a building if converted, such as to meet a need for housing, would also be considered.

Resolved –

That the strategy be brought back to the Committee for further consideration at an appropriate point.

45 Work Programme 2023/24

The latest version of the Committee's Work Programme for 2023/24 was considered and noted.

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 5th October 2023

Present: Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Moses Crook
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Mark Thompson

1 Membership of the Committee

All Members of the Committee were in attendance.

2 Minutes of the Previous Meeting

Resolved – That the minutes of the meeting of the Committee held on 31st August 2023 be approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors Armer, Crook, Hall, Pattison, A Pinnock, Sokhal and Thompson declared that they had been lobbied on Application 2022/93154.

In the interests of transparency, Councillor Armer disclosed that he had been approached, 18 months previously, in respect of the progress of Application 2022/90858.

4 Admission of the Public

All items were considered in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Planning Applications

8 Site Visit - Application No: 2022/93154

Site visit undertaken.

9 Site Visit - Application No. 2022/90858

Site visit undertaken.

10 Planning Application - Application No: 2022/93154

The Committee considered Planning Application 2022/93154 in respect of the erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank) on land at Penistone Road, Fenay Bridge, Huddersfield.

Under the provisions of Council Procedure Rule 36(3) the Committee received representations from Councillors Paola Davies and Bernard McGuin.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Alison Munro (objector) and Krishna Mistry (on behalf of the applicant).

Resolved -

(1) That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to:

(a) complete the list of conditions including those contained within the report and the update, as set out below, and subject to the inclusion of maintenance of the stairs:

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Attenuation tank access to be formed using batters and grasscrete, as proposed.
4. Development to be done in accordance with sustainability report.
5. Walling and roofing material samples to be submitted and approved.
6. Development to be done in accordance with level strategy.
7. Details of proposed retaining wall materials, to not include gabion walls along the frontage of Penistone Road and to include samples of materials, to be provided.
8. Detailed landscaping strategy to be provided and implemented, with management and maintenance details to be approved.
9. Full details of boundary treatments to be submitted and approved. Boundary treatment around southern Public Open Space to be implemented.
10. Updated Arboricultural Impact / Method Statement to be submitted and approved. No unidentified tree-works to take place unless further Arboricultural Impact / Method Statement provided.
11. Archaeological evaluations to be undertaken.
12. Remove Permitted Development rights for outbuildings and extensions (all units).
13. Remove Permitted Development rights for windows on south facing side elevation of plot 68.
14. Submission of Construction Environmental Management Plan (CMP) to be submitted, approved, and adhered to.
15. Submission of Construction Environmental Management Plan (CEMP), to include dust mitigation, to be submitted, approved, and implemented.

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16. Detailed plan for the equipment and design of the Local Equipped Area of Play(LEAP) to be submitted, approved, and implemented.
 17. Updated Noise Impact Assessment to be submitted, approved, and implemented.
 18. Access sightlines to be implemented and secured.
 19. Full technical details of the internal road, to adoptable standard to be provided, approved, and implemented.
 20. Full technical details of staircase between plots 40 and 43 to be provided, approved, and implemented.
 21. Full technical details of design of right turn accesses to be provided, approved, and implemented.
 22. Full technical details of 2m wide frontage to be provided, approved, and implemented.
 23. Full technical details of pedestrian connection to Whitegates Grove to be provided, approved, and implemented.
 24. Full technical details of new retaining walls to be provided, approved, and implemented.
 25. Bin stores to be provided.
 26. Details of cycle storage per plot to be provided, approved, and implemented.
 27. Construction phase waste collection strategy to be submitted, approved, and adhered to.
 28. Contaminated land investigations to be undertaken and remediation/validation undertaken as required.
 29. Development to be undertaken in accordance with flood routing strategy.
 30. Full technical details of the drainage strategy to be provided, approved, and implemented.
 31. Details of temporary surface water drainage arrangements, during construction, to be provided and adhered to.
 32. Ecological Design Strategy to achieve 7.18 habitat units on site plus ecological mitigation measures.
 33. Construction Environmental Management Plan: Biodiversity to be submitted, approved, and implemented.
 34. Lighting strategy (amenity, ecology, and crime mitigation).
 35. No site clearance within the bird breeding season (unless appropriate survey undertaken).
 36. Installation and retention of electric vehicle charging points.
- (b) secure a Section 106 Agreement, with the following terms:
- i) Affordable housing: 3x First Homes and 4x Affordable Rent Homes (10% of total units)
 - ii) Open space off-site contribution: £61,724.60 towards local public open space improvements.
 - iii) Education: £194,302 towards local schools
 - iv) Metro Enhancements: £10,000 towards bus stop improvements
 - v) Sustainable Travel: £35,339.60 towards sustainable travel provisions (such as Metro passes)

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- vi) Biodiversity net gain: £170,200 towards off-site measures to achieve biodiversity net gain, with alternative option to provide on-site or nearby provision if suitable scheme identified.
 - vii) Management and maintenance: On-site Public Open Space, drainage, and ecological features, and including maintenance of the stairs.
 - viii) Viability Review Mechanism: An updated viability report to be provided to the Local Planning Authority, with additional Section 106 obligation to be provided if a higher-than-expected profit is achieved.
- 2) In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured and, if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

A recorded vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Crook, Hall, Pattison, Sokhal and Thompson (5 votes)

Abstain: Councillors Armer and A Pinnock

Against: (no votes)

11 **Planning Application - Application No: 2022/90858**

The Committee considered Planning Application 2022/90858 relating to the construction of a 3G pitch with 4.5m perimeter fencing and 15m floodlighting at Shelley College, Huddersfield Road, Shelley, Huddersfield.

Resolved -

That approval of the application and issue of the decision notice be delegated to the Head of Planning and Development in order to complete the list of conditions, including those contained within the report and the update, as set out below:

1. Time limit for development.
2. Development in accordance with the approved plans.
3. Community Use Agreement to be secured.
4. Addendum Noise Report to consider the noise level from the side-line halfway marking.
5. Ball Sound Mitigation Condition.
6. Noise Management Plan.
7. Hours of Use: The permitted hours of use being specified as: Monday to Saturday 0800hrs to 2200hrs, Sunday and Bank Holidays 0800 to 1600.
8. Installation of approved External Artificial Lighting.
9. Methods of switching and controlling the lighting.
10. Construction Site Working Times.
11. Reporting of Unexpected Contamination.
12. Schedule of the means of access to the site for construction traffic.
13. Compliance condition with the Reasonable Avoidance Measures detailed in the Ecological Reports.

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14. Arboricultural Method Statement.
15. A Drainage Maintenance Strategy for the ongoing maintenance of the drainage system (including the hydrobrake and silt trap), to include a Maintenance Schedule, and details of which organisation will be responsible for long term maintenance.
16. Notwithstanding the details submitted, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as follows:

For: Councillors Armer, Crook, Hall, Pattison, A Pinnock, Sokhal and Thompson (7 votes)

Against: (0 votes)

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 2nd November 2023

Present: Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Moses Crook
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Mark Thompson

1 Membership of the Committee

All Committee Members were present.

2 Minutes of the Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 5 October 2023 be approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors Armer, S Hall, Pattison, A Pinnock and Sokhal advised that they may have historically received lobbying on matters connected to this site.

4 Admission of the Public

It was noted that all agenda items would be considered in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Planning Application - Application No: 2021/92734

The Committee gave consideration to Application 2021/92734 – Improvement and widening of the A629 to include junction improvements, re-positioning of footways and footway improvements, pedestrian crossing provision, the alteration, demolition and erection of walls, construction of retaining walls, erection of fencing, hard and soft landscaping to include the removal of trees and replacement planting, replacement street lighting, change of use of land to highway and change of use to and formation of car park on land adjoining 103 Halifax Road (within a Conservation Area) - various locations at A629 Halifax Road, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Heather Peacock (local resident), a representative of Cycle Kirklees and Andrew Moss (applicant's agent).

Strategic Planning Committee - 2 November 2023

RESOLVED - That authority be delegated to the Head of Planning and Development to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- TCPA Section 91 – Development to commence within 3 years
- Development in accordance with plans and specifications schedule
- Car Park Management Plan (Area C)
- Construction Traffic Management Plan (Pre-commencement by Area)
- Area C Street Tree Provision Details
- Revised Tree Planting of Specified Native Species for Area B
- Revised Boundary Treatment Details for Areas B & C
- Archaeology Written Scheme of Investigation Areas C & D (Pre-commencement by Area)
- Revised Arboricultural Impact Assessment for Area C drainage (Pre-commencement in Area C)
- Arboricultural Method Statement for Areas B, C & D (Pre-commencement by Area)
- Area D Retaining Wall and Rear of Footway Wall Finishing Material (Natural Stone)
- Biodiversity Enhancement Management Plan for on-site BNG (Pre-commencement)
- Construction Environmental Management Plan for Biodiversity (Pre-commencement)
- Construction Noise & Vibration Controls & Monitoring
- Phase II Intrusive Site Investigations (Pre-commencement)
- Remediation Strategy (Pre-commencement)
- Implementation of Remediation Strategy
- Contaminated Land Verification Report
- Electric Vehicle Charging Points for Area C Car Park
- Improved landscaping arrangement for the Birkby Road / Halifax Road Junction corner adjacent 52 Inglewood Avenue
- Air Quality Impact Assessment
- Submission of a Phase 2 Intrusive Site Investigation Report (Areas B,C,D)
- Submission of Remediation Strategy
- Implementation of Remedial Strategy
- Submission of verification report

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, Crook, S Hall, Pattison, A Pinnock and Sokhal (6 votes)

Against: Councillor Thompson (1 vote)