



Northumberland

County Council

Your ref:

Our ref:

Enquiries to: Karon Hadfield

Email: karon.hadfield@northumberland.gov.uk

Tel direct: 0345 600 6400

Date: 27 October 2023

Dear Sir or Madam,

Your attendance is requested at a meeting of the **CABINET** to be held in **COUNCIL CHAMBER - COUNTY HALL** on **TUESDAY, 7 NOVEMBER 2023** at **10.00 AM**.

Yours faithfully

Dr Helen Paterson
Chief Executive

To Cabinet members as follows:-

V Jones, G Renner-Thompson, J Riddle, G Sanderson (Chair), J Watson, R Wearmouth (Vice-Chair), C Horncastle, W Pattison, W Ploszaj and G Stewart



Dr Helen Paterson, Chief Executive
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AGENDA

PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

1. APOLOGIES FOR ABSENCE

2. MINUTES

(Pages 1
- 6)

Minutes of the meeting of the meeting of Cabinet held on Tuesday 10 October 2023, as circulated, to be confirmed as a true record and signed by the Chair.

3. DISCLOSURE OF MEMBERS' INTERESTS

Unless already entered in the Council's Register of Members' interests, members are required where a matter arises at a meeting;

a. Which directly relates to Disclosable Pecuniary Interest ('DPI') as set out in Appendix B, Table 1 of the Code of Conduct, to disclose the interest, not participate in any discussion or vote and not to remain in room. Where members have a DPI or if the matter concerns an executive function and is being considered by a Cabinet Member with a DPI they must notify the Monitoring Officer and arrange for somebody else to deal with the matter.

b. Which directly relates to the financial interest or well being of a Other Registrable Interest as set out in Appendix B, Table 2 of the Code of Conduct to disclose the interest and only speak on the matter if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain the room.

c. Which directly relates to their financial interest or well-being (and is not DPI) or the financial well being of a relative or close associate, to declare the interest and members may only speak on the matter if members of the public are also allowed to speak. Otherwise, the member must not take part in discussion or vote on the matter and must leave the room.

d. Which affects the financial well-being of the member, a relative or close associate or a body included under the Other Registrable Interests column in Table 2, to disclose the interest and apply the test set out at paragraph 9 of Appendix B before deciding whether they may remain in the meeting.

e. Where Members have or a Cabinet Member has an Other Registerable Interest or Non Registerable Interest in a matter being considered in exercise of their executive function, they must notify the Monitoring Officer and arrange for somebody else to deal with it.

NB Any member needing clarification must contact monitoringofficer@northumberland.gov.uk. Members are referred to the Code of Conduct which contains the matters above in full. Please refer to the guidance on disclosures at the rear of this agenda letter.

- 4. REPORT OF THE LEADER OF THE COUNCIL** (Pages 7 - 22)

North East Devolution

The purpose of this report is to consider and determine if consent should be given to the making of an Order that would abolish the North East and North of Tyne Combined Authorities, whilst at the same time establishing a new North East Mayoral Combined Authority (Appendix A).
- 5. REPORT OF THE LEADER OF THE COUNCIL** (Pages 23 - 36)

Setting the Scope and Targets for the Climate Change Action Plan 2024-26

To agree the scope and targets to be addressed in detail in the Council's Climate Change Action Plan 2024-26 and to ensure alignment with the Council's Environment Policy Statement (Appendix B).
- 6. REPORT OF THE LEADER OF THE COUNCIL** (Pages 37 - 44)

Strengthened Biodiversity Duty and Reporting Obligations

To set out the Council's new obligations to take action to conserve and enhance biodiversity and to report on such actions, and to propose a 'first consideration' of such actions as required under S.40 of the Natural Environment and Rural Communities Act 2006 as amended (Appendix C).
- 7. REPORT OF THE DEPUTY LEADER AND CABINET MEMBER FOR CORPORATE SERVICES** (Pages 45 - 206)

Approval of the Council Tax Support Scheme

The purpose of this report is to seek approval for the local Council Tax Support Scheme for 2024-25 to continue to provide support at a maximum level of 92% of council tax liability (Appendix D).
- 8. REPORT OF THE DEPUTY LEADER AND CABINET MEMBER FOR CORPORATE SERVICES** (Pages 207 - 216)

Corporate Feedback Performance 2022/2023

The purpose of the Annual Report is to review the operation of the complaints process over twelve months (01.04.2022 to 31.03.2023), including statistical data, and to provide the local authority with how it keeps itself informed about how effective its current arrangements are for

handling customer complaints.

The same statutory reporting framework does not govern the Corporate Complaint process as Adults and Children's Complaints; however, it is deemed best practice to provide an analysis of Corporate Complaints received from customers. It should be noted that Corporate Complaint Annual reports from here on will be produced in alignment with the framework for Adult and Children's Complaints (Appendix E).

- 9. REPORT OF THE DEPUTY LEADER AND CABINET MEMBER FOR CORPORATE SERVICES** (Pages 217 - 238)

Corporate Performance Quarter 1 2023-24

This report provides a summary of the progress against the Council's three Corporate Plan priorities using the Council's performance at the end of Quarter 1, 2023/24 (Q1) (Appendix F)

- 10. REPORT OF THE DEPUTY LEADER AND CABINET MEMBER FOR CORPORATE SERVICES** (Pages 239 - 262)

Summary of New Capital Proposals considered by Officer Capital Strategy Group

The report summarises proposed amendments to the Capital Programme considered by the officer Capital Strategy Group (Appendix G).

- 11. REPORT OF THE CABINET MEMBER FOR HEALTHY LIVES** (Pages 263 - 268)

Delegate Authority to Award Leisure Contract

The purpose of this report is to seek permission to delegate authority to enable the contract award of the Northumberland Community Leisure and Well-being Service to the preferred bidder, following final evaluation by the panel (Appendix H).

- 12. URGENT BUSINESS**

To consider such other business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

- Declare it and give details of its nature before the matter is discussed or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

Name:		Date of meeting:	
Meeting:			
Item to which your interest relates:			
Nature of Interest i.e. either disclosable pecuniary interest (as defined by Table 1 of Appendix B to the Code of Conduct, Other Registerable Interest or Non-Registerable Interest (as defined by Appendix B to Code of Conduct) (please give details):			
Are you intending to withdraw from the meeting?		Yes - <input type="checkbox"/>	No - <input type="checkbox"/>

Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- your own financial interest or well-being;
 - a financial interest or well-being of a relative or close associate; or
 - a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well- being:
- to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor’s knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body

	<p>where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <ul style="list-style-type: none"> i. the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. 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 the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* ‘director’ includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - i. exercising functions of a public nature
 - ii. any body directed to charitable purposes or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

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Agenda Item 2

NORTHUMBERLAND COUNTY COUNCIL

CABINET

At a meeting of the Cabinet held at County Hall, Morpeth on Tuesday 10 October 2023 at 10.00 am.

PRESENT

Councillor G. Sanderson
(Leader of the Council, in the Chair)

CABINET MEMBERS

Horncastle, C.	Riddle, J.
Jones, V.	Stewart, G.
Pattison, W.	Watson, J.
Ploszaj, W.	Wearmouth, R.
Renner Thompson, G.	

OFFICERS IN ATTENDANCE

Bradley, N.	Head of School Organisation Executive Director for Adults, Aging & Wellbeing
Gerrard, S.	Director of Law and Governance
Hadfield, K.	Democratic and Electoral Services Manager
Hunter, P.	Director of Strategy and Communications
Kingham, A.	Executive Director for Children, Young People and Education
Neilson, S.	Executive Director for Place and Regeneration
O'Neill, G.	Executive Director for Public Health (DPH), Inequalities & Stronger Communities
Paterson, Dr H.	Chief Executive
Willis, J. (remote)	Executive Director for Resources & Transformation (S151)

32. MINUTES

RESOLVED that the minutes of the meeting of Cabinet held on 12 September 2023, as circulated, be confirmed as a true record and signed by the Chair.

33. REPORT OF THE LEADER OF THE COUNCIL

Environmental Policy Statement

The report proposed the adoption of an overarching Environmental Policy Statement by Northumberland County Council to demonstrate the high priority being given by the Council to environmental matters, such as Climate Change, Nature Recovery & Biodiversity, Heat and Renewable Energy, Sustainable Waste Management, Travel and Transport, Water Quality, Parks & Green Spaces and Safeguarding Public Health. The Environmental Policy Statement covers the 4-year period from 2023/24 to 2026/27, after which time it will be reviewed and updated. It will clearly identify and communicate how the diverse range of environmental policy and service delivery activities undertaken by the Council are all part of its commitment to maintain, protect and enhance the environment. It is intended that the Environmental Policy Statement will then be used to help support improved public awareness, engagement and active participation on these important environmental matters (copy attached to the signed minutes as Appendix A).

The Leader introduced the report highlighting the key points of activity.

Councillor Pattison commented on the very valuable contribution made by the 140 volunteers who worked for Coast Care in the AONB. New volunteers were always welcome

Councillor Wearmouth commented that this was a very interesting report. The Council was putting resources in to ensure that the County stayed as beautiful as it currently was. Councillor Stewart commented that businesses also had a role to play in investing in the County.

Councillor Riddle commented that farmers were custodians of the countryside and he reminded members about the great asset which was the National Park, as well as the AONBs. He supported the report which set some clear targets and confirmed members' commitment to both the natural and built environment.

Councillor Horncastle highlighted the financial commitment of almost £63m for this initiative, including £1m into the Housing Revenue Account to improve housing, £0.5m on the parks enhancement programme and £3m for the Lynemouth Bay remediation scheme. It showed the Administration was serious.

RESOLVED that:-

- (a) Cabinet maintain its commitment to tackling climate change and to the development of a new Climate Change Action Plan which will set out the actions, work programme and targets that will be progressed over the period 2024 to 2026;
- (b) Cabinet adopt the Environmental Policy Statement and continuously strive to meet the on-going commitments contained within the statement (Appendix A) and the actions and targets (Appendix B) to the report;

- (c) the Environment Policy Statement be widely communicated and publicised to help raise public awareness, engagement and active participation on environmental matters across the county and
- (d) Cabinet note the 'Potential Areas of Additional Environmental Activity' outlined in section 5.4 of the report. It is intended that these additional areas of activity will be subject to further development and, where appropriate, any associated budget implications will be considered as part of this year's MTFP budget setting process. Widely communicate and publicise the Environment Policy Statement to help raise public awareness, engagement and active participation on environmental matters across the county.

34. REPORT OF THE DEPUTY LEADER AND CABINET MEMBER FOR CORPORATE SERVICES

Building our Data Capability - Data Academy Pilot

The report outlined the need to develop our data skills and capabilities and sought approval for the proposed establishment of a 'Data Academy' and associated use of unallocated Apprenticeship Levy to fund (copy attached to the signed minutes as Appendix B).

The report was introduced by Councillor Wearmouth and he highlighted the key points.

The report was supported by members.

RESOLVED that Cabinet approve the awarding of a pilot programme in data skill apprenticeships to the apprenticeship provider 'Multiverse' with a Government Levy spend of £0.6m (excluding VAT).

35. REPORT OF THE DEPUTY LEADER AND CABINET MEMBER FOR CORPORATE SERVICES

Summary of New Capital Proposals considered by Officer Capital Strategy Group

The report summarised proposed amendments to the Capital Programme considered by the officer Capital Strategy Group (copy attached to the signed minutes as Appendix C).

The report was introduced by Councillor Ploszaj which was focussed on giving people cleaner options for travel. The scheme would be complete in two phases and was fully funded by Transport North East. It was due for completion by March 2024.

RESOLVED that

Ponteland to Callerton Phase 2

- (a) Cabinet approve the revised phase 2 approach and approve the additional funds of £0.518 million to deliver phase 2 and progress to scheme completion; and
- (b) Cabinet approve the inclusion of £0.518 million to the Capital Programme in 2023-24.

36. REPORT OF THE DEPUTY LEADER AND CABINET MEMBER FOR CORPORATE SERVICES

Corporate Performance – Quarter 4 2022/23 Outturn

The report provided a summary of the progress against the Council's three Corporate Plan priorities using the Council's performance at the end of Quarter 4, 2022/23 (Q4) (copy attached to the signed minutes as Appendix D).

The report was presented by Councillor Wearmouth. The report provided detail on how the Council was performing in the delivery of its three key priorities and he highlighted some of the key performance issues.

Councillor Stewart referred to the amazing work done by the Council's teams but it was unfortunate that some staff received abuse from the public in carrying out their work. He made a plea to the public to treat staff with courtesy.

Councillor Pattison commended the work of Northumberland Communities Together which had helped so many vulnerable people during the pandemic and which had gone on to be a dedicated and proactive team providing much needed support to the most vulnerable. They had dealt with 11,833 referrals from 2022 to 2023 and overseen distribution of grant funding of £4,798,710. The Leader agreed and drew members' attention to the performance data on tackling inequalities detailed on page 12.

Councillor Jones welcomed the work done on using local suppliers and NCT. She thanked the officers involved for this significant piece of work which showed the Council's performance in its key areas.

Councillor Renner Thompson referred to the achievements made in education, but also in early years settings, increased breast feeding rates, and lower rates of childhood obesity.

The Leader acknowledged that there were some challenges and areas where the Authority wanted to do better such as the delivery of affordable housing, and work was ongoing to do this in a difficult market.

RESOLVED that:-

- (a) Cabinet note the progress against the three Corporate Priorities as summarised in the report; and

- (b) Cabinet agree to progress against the three Corporate Priorities at end of Quarter 4 2022/23 being reported to Full Council at its November meeting.

37. REPORT OF THE CABINET MEMBER FOR LOOKING AFTER OUR COMMUNITIES

Food & Feed, Safety & Standards Service Plan 2023/24

The report presented to the Cabinet, for its consideration the Food and Feed, Safety and Standards Service Plan for 2023/24 (copy attached to the signed minutes as Appendix E).

The report was presented by Councillor Stewart. He drew members' attention to the key points. 98.6% of the County's food businesses had a food hygiene rating of satisfactory to very good (3 to 5 stars), which compared favourably with both the national average of 96.9 % and regional average of 98.1%. He thanked the staff and businesses in the County who played their part.

The Leader remarked that he wanted to see the Produced in Northumberland scheme developed even further and work would begin on this soon.

RESOLVED that Cabinet receive and adopt the Food and Feed, Safety and Standards Service Plan for 2023/24.

CHAIR.....

DATE.....

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Northumberland County Council

Cabinet

Tuesday, 7 November 2023

North East Devolution

Report of Councillor(s) Councillor Glen Sanderson, Leader of Council

Responsible Officer(s): Dr. Helen Paterson, Chief Executive

1. **Link to Key Priorities of the Corporate Plan**

Achieving Value for Money – Substantial economic benefits will result from establishing the combined authority.

Tackling Inequalities – the aim of the proposals is to promote inclusive growth within the region which is expected to boost the efforts of the Councils to advance equality of opportunity and foster good relations between different groups

Driving Economic Growth - the purpose of the proposals is to create economic prosperity and growth as set out in the report.

2. **Purpose of report**

The purpose of this report is to consider and determine if consent should be given to the making of an Order that would abolish the North East and North of Tyne Combined Authorities, whilst at the same time establishing a new North East Mayoral Combined Authority.

3. **Recommendations**

Cabinet is recommended to:

- 3.1 consider the content of this report;
- 3.2 agree in principle that the Council should consent to the making of the order;
- 3.3 authorise the Chief Executive, in consultation with the Leader of the Council, to issue the Council's formal consent to the Secretary of State when requested;
- 3.4 authorise the Chief Executive, in consultation with the Leader of the Council, to finalise the terms of the side agreement regarding the support arrangements associated with these proposals; and

3.5 authorise the Chief Executive to take all other steps necessary to implement these proposals.

4. **Forward plan date and reason for urgency if applicable**

26th September 2023

5. **Background**

5.1 On 28 December 2022 HM Government announced a “minded to” devolution deal with the seven councils across the North East (ie Durham, Gateshead, Newcastle, North Tyneside, Northumberland, South Tyneside and Sunderland).

5.2 To implement the deal, it will be necessary to establish a new mayoral combined authority which covers the area of the seven councils and replaces the two existing combined authorities in the region, ie NECA (which includes the areas of Durham, Gateshead, South Tyneside and Sunderland) and NTCA (which includes the areas of Newcastle, North Tyneside and Northumberland).

5.3 The councils have consulted on these changes and the Secretary of State has prepared a draft of the statutory order which is required to implement these proposals. This report requests authority to provide the Council’s consent to the making of that statutory order.

5.4 The “minded to” devolution deal would see a significant shift of powers, funding and responsibility which would enable the Councils to pursue their ambitions for inclusive growth. In total, it is expected to provide £4.2 billion of additional investment to the region over 30 years, including a £1.4bn investment fund alongside significant funding for transport, education and skills, housing and regeneration. This would enable investment into projects which reflect local needs and opportunities, making a real difference for our residents, communities, and the local economy. It would support every aspect of the delivery of the Council’s priorities through the devolution of increased funding and powers.

5.5 The deal requires the councils to establish a new mayoral combined authority. This will be dependent on the Secretary of State making a statutory order under the Local Democracy, Economic Development and Construction Act 2009 to deliver the following proposals:

- the abolition of the two existing combined authorities, ie NTCA and NECA; and
- the creation of a new mayoral combined authority which covers the area of all 7 councils, which will be called the North East Mayoral Combined Authority (NEMCA).

(NB: the changes above would also entail the abolition of the Joint Transport Committee as NEMCA would be responsible for the exercise of transport functions across the regions in the future.)

5.6 As the first stage of the statutory process, the Councils undertook a governance review regarding the proposals set out in para 5.5 above. The results of the governance review were reported to Cabinet on 17 January 2023. On the basis of the governance review, Cabinet concluded that the proposals were likely to improve the exercise of statutory functions in accordance with sections 108 and 111 of the

2009 Act. Cabinet therefore agreed that the councils should progress to the next stage of the statutory process by publishing a scheme relating to the proposals and then carrying out a public consultation exercise.

- 5.7 The public consultation began on 26 January 2023 and closed on 23 March 2023. A report on the consultation process was considered by Cabinet at its meeting on 30 May 2023. As set out in that report, the public consultation was considered to be extensive, and overall the responses to the consultation were supportive. On this basis, Cabinet was satisfied that the consultation had been sufficient for the purposes of the legislation and that the statutory criteria above had been met. Cabinet therefore agreed to submit to the Secretary of State a summary of consultation responses together with a formal request that the Secretary of State make the necessary statutory order to abolish NECA and NTCA and establish the new mayoral combined authority, NEMCA.
- 5.8 Similar decisions were made by the other councils in the area and so on 23 June all 7 councils jointly submitted the consultation summary and formal request to the Secretary of State to make the order.

The Draft Statutory Order

- 5.9 Discussions have taken place with DLUHC officials over a number of months regarding the content of the statutory order. The order will provide for the election of a mayor for the new combined authority in May 2024 and for the new combined authority to come into existence when the mayor is due to take office on 7 May 2024 (with the existing combined authorities being abolished at that point). The statutory order will also identify the powers and duties that the new mayoral combined authority will have. It will set out how the new combined authority will operate and make decisions, including where decisions are to be made by the Cabinet or the Mayor. It also deals with the transitional arrangements which are required to ensure continuity when the existing combined authorities are abolished and the new combined authority comes into being. This will include the transfer of existing staff from the affected organisations to the new combined authority, so protecting their employment rights.
- 5.10 Whilst the order is still a draft at present and subject to some finalisation, the content of the order reflects what was agreed in the “minded to” devolution deal and the scheme which was agreed by the seven councils and included as part of the public consultation documents. A brief overview of the content of the order is attached as Appendix 1 and the scheme is listed as a background paper to this report (see the link at the end of the paper).
- 5.11 As set out in previous reports to Cabinet, the Secretary of State must be satisfied that the relevant statutory criteria in the Local Democracy Economic Development and Construction Act 2009 are met before making the statutory order. Furthermore, the Secretary of State can only make the order if the seven councils (as well as NECA and NTCA, including its Mayor) consent to the order.
- 5.12 The Secretary of State has considered the councils’ submission (referred to at para 5.11 above) and has taken the view that the relevant statutory tests are met. This report therefore seeks Cabinet’s approval to confirm that the Council consents in principle to the making of the order and authorises the Chief Executive to issue the Council’s formal consent to the final order when requested to do by the Secretary of State.

- 5.13 As was the case in 2018 when NTCA was created, it is also proposed that a side agreement is put in place between the seven councils to address certain operational arrangements. It is therefore recommended that the Chief Executive, in consultation with the Leader of Council, is authorised to finalise these operational arrangements and the terms of the side agreement.
- 5.14 It is anticipated that the Secretary of State will issue his request for the councils and combined authorities to consent to the making of the order in December or January. This will allow the Secretary of State to lay the order before Parliament and for it be made (ie take effect) by March 2024. This will then allow for the mayoral election to be held in May 2024 and NEMCA to come into existence on 7 May 2024.

6. Options open to the Council and reasons for the recommendations

- 6.1 The alternative to consenting to the making of the order, would mean Northumberland County Council either withdraws from the proposals or seeks a revised order.
- 6.2 It is considered that the creation of a new mayoral combined authority for the North East would unlock the benefits of the minded to devolution deal and improve the exercise of statutory functions across the region.
- 6.3 The provision of the necessary consents to the making of the order will enable it to be laid before Parliament so that it can be made and thereby establish the mayoral combined authority for the region, which will in turn provide access to the benefits of devolution across the region.

7. Implications

Policy	The deal would see a significant shift of powers, funding and responsibility which would enable the Councils to pursue their ambitions for inclusive economic growth, which is aligned to the priorities of Northumberland County Council.
Finance and value for money	Implementing the devolution deal would enable the region to access over £4bn of funding over a 30 year deal cycle, together with new powers to better shape local skills provisions to ensure these meet the needs of the local economy. This would include devolution of adult education functions and the core adult education budget, as well as input into the new local skills improvement plans. Over time the region would also expect to benefit from access to additional funding streams reserved for mayoral combined authorities. Detailed discussions will be progressed with the existing combined authorities and the other councils regarding the financial arrangements associated with the transition to the new arrangements.
Legal	The legal implications are set out in the report

	The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 confirm that the matters within this report are not functions reserved to Full Council
Procurement	None
Human resources	There are no human resources issues other than that set out in the report
Property	There are no property issues
The Equalities Act: is a full impact assessment required and attached?	An impact assessment has previously been carried out. In developing these proposals, the Councils have taken account of their obligations under section 149 of the Equality Act 2010 (ie the public sector equality duty). It is not expected that the proposals described in this report will have any adverse impacts on people with protected characteristics. Indeed, the aim of promoting inclusive growth within the region is expected to boost the efforts of the Councils to advance equality of opportunity and foster good relations between different groups. Throughout the public consultation referred to in paragraph 5.10 above, the Councils collected data on those who responded, including those who identified as having a protected characteristic and an Equality Impact Assessment was undertaken.
Risk assessment	As reported to Cabinet in January, it is considered that failure to establish the mayoral combined authority would risk the region falling behind other major city regions such as Greater Manchester, Liverpool City Region and Tees Valley, which have received new powers and funding. It is a matter for the Secretary of State to decide whether to make the necessary statutory order but, for the reasons set out above, it is considered that the evidence demonstrates that the relevant statutory criteria have been met.
Crime and disorder	There are no crime and disorder implications arising from this report
Customer considerations	The report highlights the public consultation that has taken place and the results of stakeholder and residents views
Carbon reduction	The green agenda is a critical element of the minded to devolution deal and therefore the governance changes proposed in this report, if implemented, would help to deliver those initiatives identified in the minded to deal.
Health and wellbeing	Shared principles of inclusive growth, addressing disparities and bringing communities together in a smart, skilled and sustainable region is central to the deal.

Wards	All
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8. **Appendix 1** – Overview of the statutory order

9. **Background papers**

Scheme issued as part of the public consultation

10. **Links to other key reports already published**

[North East Devolution – Cabinet 30th May 2023](#)

[North East Devolution – Cabinet 17th January 2023](#)

11. **Author and Contact Details**

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Overview of the current draft statutory order

The following is a summary of the current draft of the statutory order. The order will be subject to further revision before it is finalised.

The content of the order reflects those arrangements which were set out in the scheme which need to have a legislative basis. Therefore, it does not include those arrangements which are referred to in the scheme and which do not need to be set out in legislation.

Part 1 – general

Article 1

This provides for the majority of the order to take effect on 7 May 2024 (ie when the mayor of the new MCA takes office), except that Part 3 (ie the provisions relating to the election of the new mayor – see below) takes effect the day after the order is made.

The article also provides that the 2014 and 2018 orders creating and amending NECA and creating NTCA are revoked from 7 May 2024.

Article 2

This defines a number of terms used throughout the order.

Part 2 – establishment

Articles 3 to 5

These articles abolish the existing CAs and the Joint Transport Committee, and establish the new combined authority which has the legal name of the North East Mayoral Combined Authority.

Article 6

This provides that the constitutional arrangements for NEMCA are set out in Schedule 1.

Part 2a – transfer of functions, property, rights, assets and liabilities and associated provision

Article 7

This provides for all property, rights, assets and liabilities of NECA and NTCA to transfer to NEMCA when it comes into existence.

Article 8

This provides that any functions which either NECA or NTCA have are transferred to NEMCA if they are not otherwise conferred on NEMCA by the order.

Article 9

This makes clear that the order coming into force does not affect the validity of any previous act of NECA, NTCA, TWITA or the county councils. It also makes clear that anything which is being done by either NECA or NTCA at the time the order comes into force is to be treated as being done by NEMCA and that NEMCA is to be substituted for NECA/NTCA in any instruments, contracts or legal proceedings.

Article 10

This provides that the staff of NECA and NTCA are to be treated as being subject to a TUPE transfer to NEMCA when it comes into existence.

Article 11

Similarly, this provides for NEMCA to be the scheme employer for pension purposes in place of NECA and NTCA and also to retain the pension liabilities for TWITA.

Part 3 – election of mayor

Articles 12 and 14

These remove the need to prepare for and hold an election for the NTCA mayor which would otherwise take place in May 2024 (and the need to hold a by-election if there were a vacancy in the position of the NTCA mayor before then).

Article 13

This creates the position of the new mayor who is to be referred to as the North East Mayor, with elections every four years from 2024.

Article 15

This makes amendments to electoral legislation to allow the election for the position of the Mayor before it and NEMCA have been established. It provides that the returning officer for that first election is to be the Sunderland returning officer.

Article 16

This allows the Mayor to appoint one person as a political adviser under the terms of the Local Government and Housing Act 1989. It replicates the provision which applies to NTCA.

Part 4 – Transport

(NB: by virtue of NEMCA being a mayoral combined authority, this means that the Mayor will have powers under the Transport Act 2000 in relation to making, varying or revoking bus franchising schemes. Also, as set out later (see Part 8), the Mayor is responsible for NEMCA's Local Transport Plan.)

Article 17

This replicates the provision in the 2018 order and provides that Nexus (ie the T&W PTE) is an executive body for NEMCA and is also to be treated as an officer of NEMCA which means it can operate across the NEMCA area.

Articles 18 and 19

Article 18 is similar to Article 8 above in that it provides that any transport functions which either NECA or NTCA have are transferred to NEMCA if they are not otherwise conferred on NEMCA by the order. Article 19 also make clear that any reference in legislation to an ITA or its area or the local transport functions of a county council are to be construed as applying to NEMCA.

Articles 20, 21, 22 and 24

These provide NEMCA with the following functions:

- (under sections 6 and 8 of the Highways Act 1980) to enter into agreements for the carrying out of highways works,
- (under sections 33, 33A and 36 of the Traffic management Act 2004) to operate permit schemes for the carrying out of specified works in specified streets;
- (under section 39 of the Road Traffic Act 1988) to promote road safety;

- (under the Bus Lane Contraventions etc Regulations 2005) to operate a bus lane contravention scheme

In each case, the exercise of any of the above functions is subject to the consent of those members of NEMCA appointed by the Constituent Councils directly affected.

Article 23

This provides NEMCA with the power to pay grants to bus service operators under section 154 of the Transport Act 2000.

Article 25

This provides that NEMCA shall issue 3 separate transport levies to (1) the Tyne and Wear councils, (2) Durham County Council and (3) Northumberland County Council.

Article 26

This provides the Mayor with the power to pay grants to the constituent councils under section 31 of the Highways Act 1980 for the exercise of transport functions.

Article 27

This extends to the County Councils the duty which currently applies to the Tyne and Wear authorities (under section 113 of the Transport Act 2000) to implement NEMCA's Local Transport Plan.

Part 5 – Education, skills and training

Articles 28 to 32 provide NEMCA with the same statutory functions currently held by NTCA to allow it (NEMCA) to administer the Adult Education Budget across the whole of its area.

Part 6 – Housing, regeneration and planning

Articles 33 to 35

These provide NEMCA with a number of powers under the Housing and Regeneration Act 2008 which are held by Homes England. These include the power to provide housing, the power to acquire land and to acquire land compulsorily.

These articles also provide NEMCA with powers under the Town and Country Planning Act 1990 to acquire and appropriate land for planning and public purposes and also powers under the Housing Act 1985 to acquire land.

The above articles include compulsory purchase powers which are exercisable by the Mayor.

The exercise of these powers is subject to the consent of those members of NEMCA appointed by the Constituent Council(s) directly affected.

This set of functions is equivalent to those which were conferred on NTCA under the 2018 Order.

Articles 36 and 37

These articles provide the Mayor with the power to prepare a Spatial Development Strategy (which is based upon the power of the Mayor of London under the Greater London Authority Act 1999). However, as set out in Schedule 1 of the order, the Mayor will only be able to exercise this power if the members of NEMCA appointed by the Constituent Councils unanimously agree. Furthermore, the inclusion of any area in a spatial development strategy is also subject to the consent of those members of NEMCA appointed by the Constituent Council(s) directly affected.

Part 7 – mayoral development corporations

Articles 38 to 40 provide the Mayor with powers under the Localism Act 2011 to establish mayoral development corporations subject to the consent of those members of NEMCA appointed by the Constituent Council(s) directly affected.

This set of functions is equivalent to those which were conferred on NTCA under the 2018 Order.

Part 8 -Mayoral functions and funding

(NB: by virtue of NEMCA being a mayoral combined authority, the Mayor - as is this case with NTCA currently - will also have the power under section 40 of the Local Government Finance Act 1992 to issue a council tax precept on behalf of NEMCA to provide for the costs of the Mayor relating to the exercise of mayoral functions.)

Article 41

This identifies the functions which are exercisable by the Mayor as being

- the compulsory purchase powers for housing, regeneration and planning purposes (see comments re articles 33 and 35)
- the spatial development strategy powers (see comments re articles 36 and 37)

- the powers under the Transport Act 2000 to prepare the Local Transport Plan for NEMCA's area and the power to pay grants to bus service operators (see comments re Part 4 and article 23)
- the power to pay grants to constituent councils for highway functions (see comments re article 26)
- the powers relating to mayoral development corporations (see comments re Part 7 above)
- a power of competence under section 113A of the Local Democracy Economic Development and Construction Act 2009 for the purposes of the above functions.

Article 42

This provides that the Mayor may enter into arrangements jointly (joint committee) with the Combined Authority, constituent councils and other councils relating to the exercise of the above functions.

Article 43

This provides that the Constituent Councils must ensure that those costs of NEMCA which are reasonably attributable to the exercise of its functions must be met.

It also provides that the Constituent Councils must meet the costs of the expenditure reasonably incurred by the Mayor to the extent that the Mayor has not decided to meet these costs from other resources available to the Combined Authority.

The costs identified in this Article are to be shared equally between the Constituent Councils unless they decide a different apportionment.

Article 44

This allows NEMCA to borrow for both mayoral and non-mayoral functions.

Articles 45 to 47

These provisions enable the Mayor to levy a supplement on business rates to raise monies for expenditure on projects which will promote economic development in the Combined Area.

Part 9 – additional functions

Articles 48 to 55 set out a range of largely operational/administrative functions which replicate what was provided to NTCA together with a number of legislative amendments relating to the transport arrangements set out earlier in the order, as well

as making clear that NEMCA will replace NECA and NTCA as a constituent authority of Transport for the North, the subnational regional transport body.

Schedule 1 – Constitution

This schedule set out the fundamental principles of how NEMCA will operate but NEMCA will adopt its own constitution to supplement these principles

Paragraph 1

This provides that there are 10 Members of NEMCA are as follows:

- i. the Mayor
- ii. a member appointed by each of the 7 constituent councils;
- iii. a member appointed by NEMCA as a representative of the business community who will chair the (non-statutory) business board; and
- iv. a member appointed by NEMCA as a representative of the Community and voluntary sector

It also provides that each constituent council can appoint 2 substitute members and that NEMCA can appoint a substitute for the business representative and the CVS representative respectively.

The Mayor must appoint one of the constituent council members to act in their absence as the Deputy Mayor. Where a constituent council member acts as the Deputy Mayor, then one of that constituent council's substitute members will act as the representative of the constituent council for the purposes of decision-making.

Paragraph 2 and 3

This provides that the quorum for a meeting of NEMCA is the Mayor (or Deputy Mayor) and at least 5 constituent council members.

The Mayor and the constituent council members each have a vote. The business representative and the CVS representative do not have votes (unless the voting members agree to give them voting rights).

Most decisions on the use of non-mayoral functions are decided by a simple majority vote but any decision which would lead to a financial liability falling directly on a constituent council will only be passed if the member appointed by that constituent council forms part of that majority.

Furthermore, where a decision is to be made by a simple majority on the exercise of a non-mayoral function, that majority must include the Mayor if it relates to a "new" function conferred by the order (which means a function which was not held previously by either NECA or NTCA). Otherwise, where a decision is made by a simple majority

on a non-mayoral function, the Mayor may ask the authority to reconsider that decision if the mayor did not vote in favour of the decision.

The following decisions on non-mayoral functions require a unanimous vote from the Mayor and all 7 Constituent Council Members:

- approval of, and any amendment to, the combined authority's annual budget excluding those elements of the annual budget which relate to Mayoral functions;
- approval of, and any amendment to, the setting of any levy which the combined authority shall apply to any Constituent Council;
- agreement to confer upon the Mayor a duty to produce a Spatial Development Strategy;
- approval or amendment of the combined authority's constitution or standing orders.

The Mayor's exercise of mayoral functions is also subject to the following:

- the adoption of a spatial development strategy requires the support of at least four constituent council members;
- the authority may amend the Local Transport Plan by a simple majority of the constituent council members present at a meeting;
- the authority may amend the Mayor's budget if at least 5 constituent council members agree.

This is in addition to the requirements set out earlier in the order which provide that the exercise of the Mayor's functions require the consent of the member appointed by the constituent council whose area is affected.

Paragraph 4

This allows NEMCA to delegate decision on the exercise of non-mayoral functions to a committee or subcommittee or to an officer or to another local authority.

Paragraph 5

This provides that NEMCA cannot pay remuneration (other than travel and subsistence) to its members but its constituent councils may pay such remuneration. However, NEMCA can pay an allowance to the Mayor having considered the report of an Independent Remuneration Panel established by NEMCA or by one or more of the constituent councils.

Paragraphs 6 and 7

These provide that NEMCA shall appoint an overview and scrutiny committee (OSC) and an audit committee respectively. Each shall comprise an equal number of members from each constituent council. The OSC is to be chaired by an "appropriate" person, which means an elected member who is from a different political party to that

of the Mayor. The audit committee is to be chaired by an independent person (ie co-opted member) appointed by NEMCA.

Paragraphs 8 and 9

These are standard provisions about the keeping of records and NEMCA being able to make its own standing orders to regulate its business.

Schedules 2 to 6

These set out detailed amendments to other legislation to give effect to the provisions in the body of the order. Schedule 2 deals with the changes relating to the spatial development strategy; schedule 3 deals with the changes relating to the permit schemes under the Traffic Management Act 2004; schedule 4 deals which changes relating to the housing, regeneration and planning powers at Part 6 of the order; schedule 5 deals with the changes relating to mayoral development corporations and schedule 6 deals with the adult education functions.

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Northumberland County Council

COMMITTEE : CABINET

DATE: 7TH NOVEMBER 2023

Setting the Scope and Targets for the Climate Change Action Plan 2024-26

Report of: Councillor Sanderson, Leader of the Council and Cabinet Member for Climate Change.

Lead Officer: Simon Neilson, Executive Director of Place and Regeneration

Purpose of report

To agree the scope and targets to be addressed in detail in the Council's Climate Change Action Plan 2024-26 and to ensure alignment with the Council's Environment Policy Statement.

Recommendations

Cabinet is recommended to:

1. Agree that the Climate Change Action Plan 2024-26 is a key element of the Council's wider Environmental Policy Statement, which commits the Council to strengthen the work being undertaken to maintain, protect and enhance the environment through a broad range of policies and activities, including active travel, nature recovery, planning, procurement, public health/disease control and general environmental services provision.
2. Agree that the Climate Change Action Plan will include a focus on greenhouse gas reduction and climate change resilience through nature in collaboration with the Council's strategies for wider ecology and biodiversity issues.
3. Agree to restate the Carbon Neutral target for the county by 2030 and clarify that it refers to carbon dioxide only.
4. Agree a new target to work with Government and other key stakeholders to achieve net-zero for all greenhouse gases for the county of Northumberland by 2040, a strategy for which will be developed as part of the new Climate Change Action Plan 2024-26.
5. Agree that the local and regional adaptation response to the risks and impacts of a changing climate be included in the Climate Change Action Plan 2024-26.
6. Agree a new target to become a carbon neutral organisation by 2030, a strategy for which will be developed as part of the new Climate Change Action Plan 2024-26.
7. Agree that the scope of the Climate Change Action Plan 2024-26 continue to only include direct, territorial emissions (i.e. those produced *in* Northumberland) as its focus for projects but that it should do more to raise awareness amongst stakeholders of scope 3 (indirect) emissions (i.e. those produced *outside* of Northumberland) and how they can be reduced.
8. Agree the core structure of the Climate Change Action Plan 2024-26 including a commitment to set out a strategy for planning in relation to the climate change targets.

Link to Corporate Plan

This report recommends a number of key decisions which will set the foundations for the new Climate Change Action Plan 2024-26. That report will be relevant to the following key themes in the Corporate Plan for 2023-2026

- Driving Economic Growth – The new Climate Change Action Plan will focus on delivering economic growth through green jobs and infrastructure.
- Achieving Value For Money – The new Climate Change Action Plan will aim to reduce costs of living for heating, power and transport through a transition to low-carbon and low-cost technologies.
- Tackling Inequalities - supporting a just transition as part of tackling inequalities.

Key issues

1. Northumberland County Council recognises that maintaining, protecting and enhancing the high-quality environment of the county is essential to support the delivery of its three key corporate priorities of Achieving Value for Money, Tackling

Inequality and Driving Economic Growth and that the Council, along with businesses, residents and other stakeholders all have an active role to play to ensure we pass on a healthy, clean and sustainable environment to future generations. In recognition of its key role in tackling environmental issues the County Council has now adopted an overarching environment policy statement that clearly sets out the Council's responsibilities and commitments across a broad and diverse range of environmental policy and service delivery activities being undertaken to maintain, protect and enhance the environment. The policy statement aims to help to raise awareness and improve the level of public engagement on these important environmental matters. The Council's Climate Change Strategy and Climate Change Action Plan are both key parts of the Council's wider environmental commitments.

2. The Council's current Climate Change Action Plan will expire at the end of this year. A new Climate Change Action Plan covering the years 2024-26 is required which will reflect on the delivery of the first action plan and set out in detail the Council's approach to climate change for the next three years.
3. Due to new data and developments, the Council's Statement of Intent published in June 2019, needs revisiting and updating with additional targets to reflect the changes in our understanding of Northumberland's contribution to climate change. In particular, the Council needs to set out its ambition for the reduction of greenhouse gas emissions beyond carbon dioxide, to include both methane and nitrous oxide which make up a significant proportion of the county's greenhouse gas emissions.
4. Following COP26, it is best practice to combine climate mitigation measures (i.e. reduction of emissions) with adaptation measures (i.e. adapting to the impacts of climate change). This will need to be a new element of the Climate Change Action Plan incorporating our actions to mitigate risks such as flooding, coastal erosion, wildfires, energy security, infectious diseases and extreme weather events.
5. The Council is on target to achieve its target of a 50% reduction in its own carbon emissions against 2010 levels by 2025. It is therefore necessary to set out plans for further decarbonisation beyond this target.
6. The Council recognises that it has a key role to play in supporting nature recovery as set out in the 'Northumberland Stewardship and Rural Growth Investment Programme – Nature Recovery Response' which was approved by Cabinet on 11th July 2023. There is a need to ensure that the Climate Change Action Plan 2024-26 is closely aligned and complimentary to the Council's strategies to preserve our natural environment and address issues of biodiversity and ecological decline, ensuring that harmful greenhouse gases are reduced whilst the environment is protected and enhanced.
7. The focus of the climate change action plan on territorial emissions risks a perceived diminishing of the issue of global climate change beyond Northumberland and a lack of understanding amongst stakeholders of the greenhouse gas emissions produced outside of the county but for which they are responsible or can influence.
8. Engagement events with residents have drawn attention to the importance of aligning with the planning system to consider climate change and sustainability as

well as being transparent about our financial investments and pension contributions to climate change.

Background

In June 2019, Northumberland County Council declared a Climate Emergency and published a statement of intent which set out two key targets:

1. Northumberland County Council is committed to working with Government to achieve carbon neutrality for the county of Northumberland by 2030.
2. To reduce its own carbon footprint by 50% from the 2010 baseline.

In early 2020 a climate change programme manager was appointed and in early 2021 a detailed action plan was published setting out the Council's approach to the above targets over the time period 2021-23. Following publication, a dedicated team was recruited to deliver the plan.

The first climate change action plan focused on seven key priority action areas

1. Policy
2. Partnerships and engagement
3. Heating new and existing buildings
4. Renewable energy generation
5. Transport
6. Carbon Sequestration
7. Waste

This plan will expire at the end of 2023 and a new version is therefore due. This document sets out the scope of the new climate change action plan and recommends a number of key decisions for inclusion. This will allow officers to progress the plans development over the coming months.

Issue 1: The Council's current Climate Change Action Plan will expire at the end of this year. A new Climate Change Action Plan covering the years 2024-26 is required which will reflect on the delivery of the first action plan and set out in detail the Council's approach to climate change for the next three years.

1. New Data and Developments

1.1. Additional greenhouse gas inclusion

At the outset of our work to address Northumberland's contribution to climate change and the targets set at the time, the data available from national government regarding greenhouse gas emissions from the county of Northumberland only included carbon dioxide (CO₂). As a result, the 2030 target for carbon neutrality was set.

In 2022, the Department for Energy Security and Net Zero (DESNZ) added two additional greenhouse gases to the Local Authority level emissions data; methane (CH₄) and nitrous oxide (N₂O). These are measured as carbon dioxide equivalent (CO₂e) for ease of comparison to carbon dioxide. The inclusion of these additional greenhouse gases has dramatically changed Northumberland's net emissions from 1,233.83 kilotonnes of CO₂

only in 2021 to 2,068.97 kt CO₂e including methane and nitrous oxide. Figure 1 below shows the trajectory of greenhouse gas emissions including CO₂, CH₄ and N₂O since 2005.

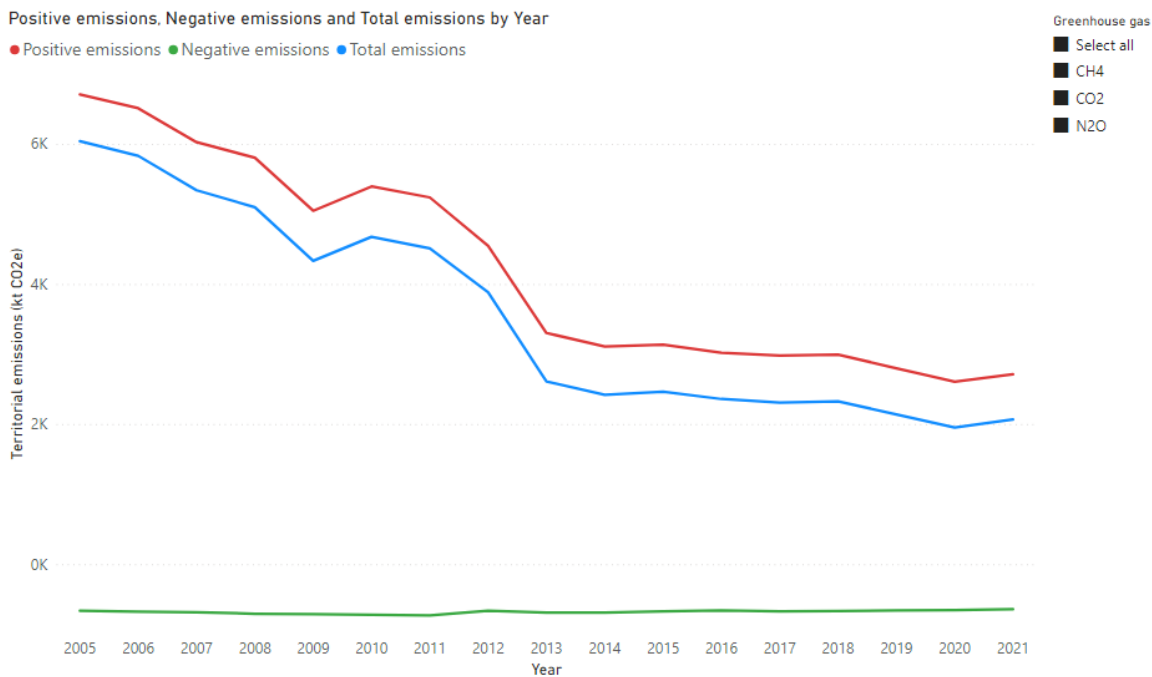


Figure 1 - Greenhouse Gas Emissions for Northumberland 2005 – 2021

Our existing statement of intent and portfolio of projects contained in the climate change action plan 2021-23 focus solely on carbon dioxide.

It is therefore recommended that the Council restate its Carbon Neutral target for the county by 2030 and clarify that it refers to carbon dioxide only (**Recommendation 3**).

Issue 2: Due to new data and developments, the Council’s Statement of Intent published in June 2019, needs revisiting and updating with additional targets to reflect the changes in our understanding of Northumberland’s contribution to climate change

The primary source of methane and nitrous oxide emissions is Agriculture, Soils and Livestock. For CO₂ only emissions, agriculture contributed 18.78 ktCO₂ in 2021, 2% of total carbon emissions. When including Methane (CH₄) and Nitrous Oxide (N₂O), this sector contributed 607.6 ktCO₂e, 29% of total emissions.

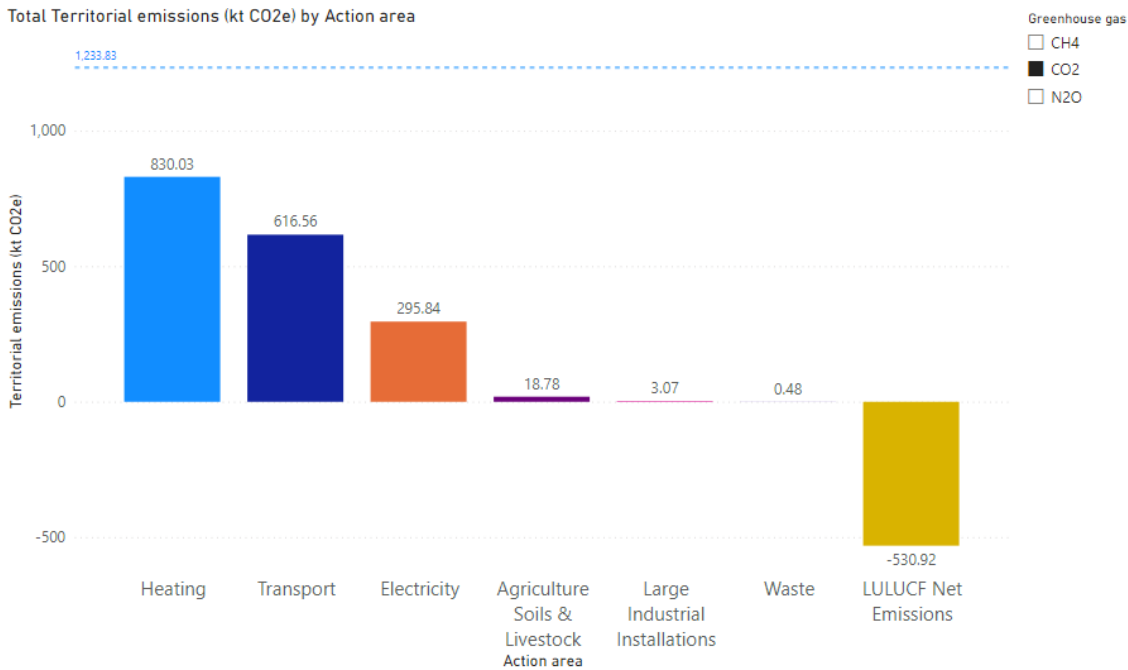


Figure 2 - Northumberland emissions of CO₂ only by sector in 2021

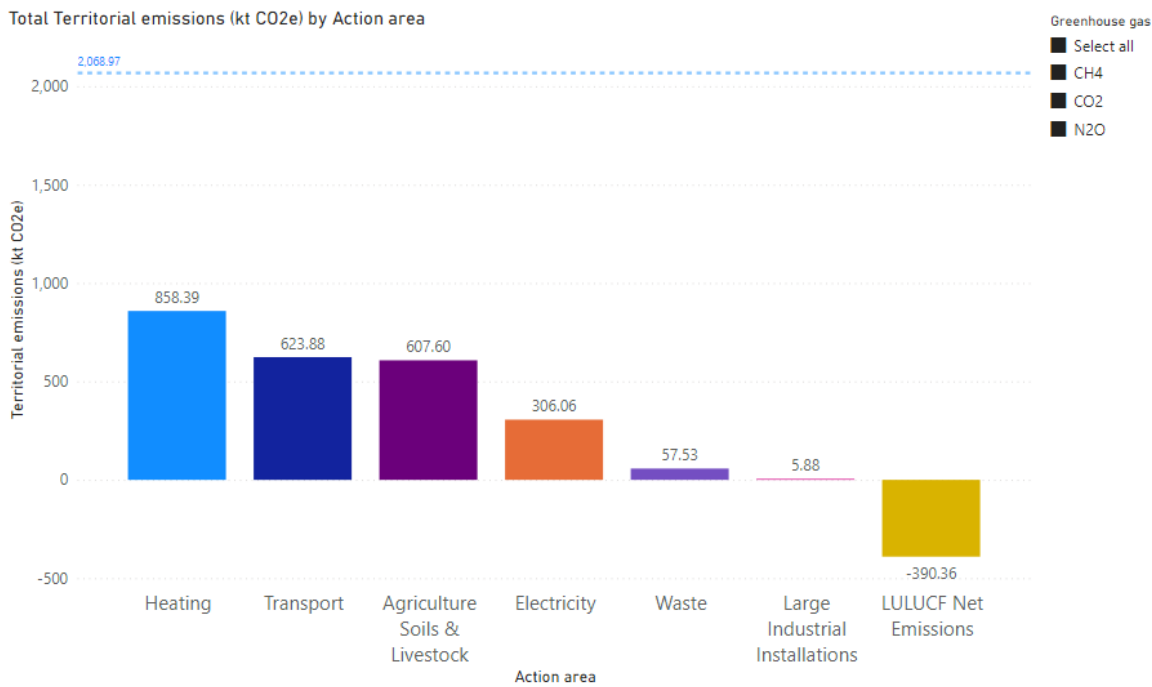


Figure 3 - Northumberland emissions of CO₂, CH₄ and N₂O by sector in 2021

Issue 3: The inclusion of methane and nitrous oxide in national data for local authority level emissions has increased the county’s emissions footprint by 68%. These additional greenhouse gas emissions are largely from the agricultural sector. The Council needs to set out its ambition for the reduction of greenhouse gas emissions beyond carbon dioxide.

There are no current plans or projects being pursued by NCC to reduce emissions of methane or nitrous oxide.

It is therefore recommended that NCC adopt an additional target alongside its pledge of carbon neutrality by 2030 and commits to working with Government to achieve net-zero for all greenhouse gases for the county of Northumberland by 2040 (**Recommendation 4**).

2040 has been selected as this is aligned to other industry bodies such as the NFU alongside governmental targets in their ambition to reduce emissions from the agricultural sector. It would allow the Council time to understand the potential solutions and our role in facilitating an economically balanced transition to climate friendly agricultural practices in our rural county in collaboration with key stakeholders such as the NFU, Tenant Farmers Association and Countryside Landowners Association.

A strategy relating to this new target will be addressed in the new climate change action plan 2024-26

Changes to Government Policy

The Prime Minister announced changes to policy related to the Government's climate change targets in October 2023. These included:

1. A change to the date by which the sale of internal combustion engine vehicles will be banned from 2030 to 2035.
2. A change to the date by which the sale of new oil boilers will be banned from 2026 to 2035
3. Potential changes to consistent recycling reforms
4. Minimum energy efficiency standards regulations scrapped or postponed.

These changes are likely to have an impact on the Council's ability to reach its county-wide targets as they take key policy drivers beyond the 2030 date by which we aim to reach carbon neutrality. That said, additional details have been announced which will continue to support a decarbonisation of transport and heat including:

1. The Zero Emissions Mandate will still come into force from 1st January, requiring manufacturers to meet minimum targets for selling EVs. Car makers will be obliged to ensure that at least 22% of cars they sell have zero tailpipe emissions. That quota will rise steadily, reaching 80% by 2030.
2. The Boiler Upgrade Scheme which provides grants for homeowners to purchase low-carbon heating alternatives will be increased by 50% to £7,500.

These changes to policy highlight the importance of continuing to work with National Government as well as our communities, businesses, schools and other stakeholders to achieve our climate change commitments.

1.2. Adaptation to climate change impacts

The previous climate change action plan focused entirely on the mitigation of climate change, that is to say the reduction of Northumberland's contribution to global climate change through emissions of greenhouse gases. It is now clear that the expectation of

both the public and international best practice is that adaptation measures are included in climate change strategies.

Adaptation measures include but are not limited to the prevention and/or response to the following:

1. Flooding;
2. Coastal erosion;
3. Wildfires;
4. Other extreme weather events and their impacts;
5. Infectious diseases;
6. Health impacts of temperature extremes.

Issue 4: Following COP26, it is best practice to combine climate mitigation measures (i.e. reduction of emissions) with adaptation measures (i.e. adapting to the impacts of climate change). This will need to be a new element of the Climate Change Action Plan incorporating our actions to mitigate risks such as flooding, coastal erosion, wildfires, energy security, infectious diseases and extreme weather events.

In reality, these risks are considered and assessed already in terms of both prevention and response.

Within NCC, our Planning, Flooding and Coastal Erosion Risk Management (FCERM) and Public Health teams already consider the impact of climate change in their daily work and the need for adaptation measures. Going forward it is important that all services consider the implications of climate change and how services will need to adjust and adapt in response to a changing environment.

Our response to climate change related events is managed through the Northumbria Local Resilience Forum (LRF), a multi-agency partnership consisting of Category 1 and Category 2 responders under the Civil Contingencies Act (2004), and organisations that are required to prepare for an emergency in the LRF area. These include the emergency services, Local Authorities, Health Services, Environment Agency, Maritime Coastguard Agency volunteer agencies and utility companies.

Risks associated with climate change are considered in light of their increasing likelihood and a detailed response has been published under the title *Northumbria Community Risk Register 2021-23*.

It is therefore recommended that the new climate change action plan includes a section referencing both the local and regional strategy for adapting to and responding to the potential impacts of a changing climate as set out above. This section of the plan will be developed in collaboration with key existing stakeholders (**Recommendation 5**).

2. Northumberland County Council's Emissions

In its original statement of intent, NCC set out its commitment to reduce its own carbon footprint by 50% from the 2010 baseline.

This means taking our annual carbon footprint from 53,942 tonnes of CO₂ in 2009/10 to 25,230 tonnes of CO₂ by the end of 2024/25.

We have recently calculated our carbon emissions for the most recent financial year 2022/23 at 26,143 tCO₂ meaning we are ahead of target for this year and on course to reach our 2025 target.

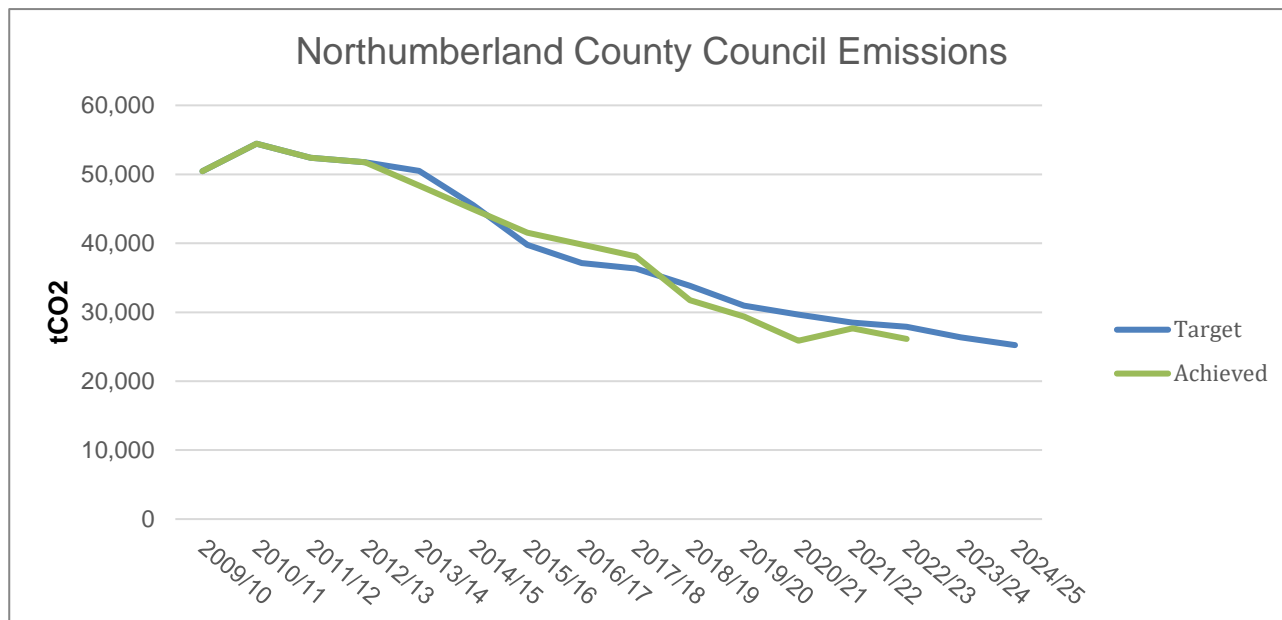


Figure 4 - Northumberland County Council Carbon Emissions since 2009/10

The target date of 2025 will fall within the timeframe of the next Climate Change Action Plan. It is therefore recommended that the Council review our targets as an organisation for internal emissions reduction.

Work has been undertaken to model scenarios for reaching carbon neutrality as an organisation. We have calculated the carbon sequestration of the woodland owned by Northumberland County Council as -13,365 tCO₂ which would leave a remaining reduction of 11,865 tCO₂ to reduce between 2025 and 2030 to reach carbon neutrality. There are a variety of viable routes to reaching this target which can be explored in depth as part of the climate change action plan 2024-26.

Issue 5: The Council is on target to achieve its target of a 50% reduction in its own carbon emissions against 2010 levels by 2025. It is therefore necessary to set out plans for further decarbonisation beyond this target.

It is therefore recommended that NCC adopt a new target to become a carbon neutral organisation by 2030 in line with our ambitions for the wider county. A strategy for achieving this will be developed as part of the new climate change action plan 2024-26 (**Recommendation 6**).

3. Defining Scope

The climate change statement of intent, published in 2019 set challenging targets for Northumberland County Council. The additional targets set out in this paper are also ambitious.

It is important however that the scope of the climate change action plan is agreed and that areas out of scope are also defined.

3.1. Ecology and biodiversity

Throughout the engagement we have had with residents and other stakeholders across the period of the current Climate Change Action Plan 2021-23, it has become clear that wider environmental and ecological concerns such as biodiversity, habitat protection, restoration and water quality are extremely important to our residents and should be addressed alongside efforts to reduce greenhouse gas emissions.

To respond to these concerns, the Council declared an ecological emergency in July 2023 and has published a strategy to address ecological concerns in Northumberland.

The Climate Change Action Plan 2024-26 will sit alongside wider environmental strategies and, form a key part of the Council's approach to preserving and enhancing our natural environment. **(Recommendation 1)**

Issue 6: The Council has now declared an ecological emergency and there is a need to ensure that the Climate Change Action Plan 2024-26 is closely aligned and complimentary to the Council's strategies to preserve our natural environment and address issues of biodiversity and ecological decline, ensuring that harmful greenhouse gases are reduced whilst the environment is protected and enhanced.

It is therefore recommended that environmental concerns beyond those which directly impact greenhouse gas emissions are the subject of separate but complimentary strategies, working in tandem. This means in practice that issues such as tree planting, peatland restoration, regenerative farming practices etc. would remain in scope as they directly impact greenhouse gas emissions. **(Recommendation 2)**

3.2. Emissions scopes

Greenhouse gas emissions can be divided into scopes 1, 2 and 3 to help define who takes responsibility for them. These three scopes can be defined as follows:

- scope 1: direct emissions from owned or controlled sources.
- scope 2: indirect emissions from the generation of purchased energy.
- scope 3: indirect emissions which are not included in scope 2 e.g. from goods and supply chains that generate emissions outside the county for example during the manufacture of a product

When considering greenhouse gas emissions at a County-wide level, using the above scopes is challenging as the County Council does not own or control the majority of emissions, therefore we tend to refer to 'territorial' emissions which we take to mean all the greenhouse gas emissions produced inside the county of Northumberland. The climate

change action plan 2021-23 focussed entirely on reducing these emissions in order to meet our 2030 carbon neutral target.

Issue 7: The focus of the climate change action plan on territorial emissions risks a perceived diminishing of the issue of global climate change beyond Northumberland and a lack of understanding amongst stakeholders of the greenhouse gas emissions produced outside of the county but for which they are responsible or can influence.

Whilst it is right that emissions produced in county are and continue to be our focus, more could be done to raise awareness of emissions produced outside the county but for which our residents, businesses and other stakeholders are responsible (for instance goods imported into the county). It is therefore recommended that the new Climate Change Action Plan include reference to these emissions and do more to promote solutions. **(Recommendation 7)**

4. Climate Change Action Plan 2024-26 Structure

4.1. Areas requiring additional detail

Engagement events with residents and other stakeholders have taken place across the county since the start of the year to inform the development of the plan. Many suggestions and ideas have been gathered, most of which fit into the existing action areas. The main area which it was felt has not been addressed in enough detail in the current plan is Planning.

Issue 8: Engagement events with residents have drawn attention to the importance of aligning with the planning system to consider climate change and sustainability.

It is therefore recommended that a dedicated section on planning be included which would require the input of the Planning team covering the following specific areas:

Planning

- Renewable energy developments including supplementary planning guidance.
- Work towards a Design Code.
- Role of Neighbourhood Plans.

Finance

Financial investment in the climate change programme will be proposed through the MTFP planning process for consideration as part of the wider Council budget.

It is proposed that the new climate change action plan builds on the content of the previous one alongside the new areas set out above. Priority action areas would therefore cover the following:

Enabling

- Policy
- Planning
- Investment

- Partnerships & Engagement

Delivering

- Priority projects
- Heat
- Transport
- Renewable Energy
- Agriculture
- Sequestration
- Waste
- Adaptation

It is therefore recommended that the core structure of the Climate Change Action Plan 2024-26 as above is approved including a commitment to set out a strategy for planning in relation to the climate change targets. **(Recommendation 8)**

5. Conclusion

Adoption of the recommendations set out in this paper will provide the foundations for a strong and ambitious new climate change action plan. Upon approval, the timeframe and tasks required to develop the new climate change action plan will be set out and it will be added to the Council's forward plan.

Preparation of the new action plan will be a cross-organisational exercise led by the Climate Change Team but requiring input from right across the County Council.

Whilst the County Council will also lead on the delivery of the Climate Change Action Plan 2024-26, it should be noted that its success depends on collaboration and input across the county of Northumberland from residents, businesses, the third sector, schools, tourists and more. The County Council cannot deliver a carbon neutral or net-zero county alone.

Implications

Policy	New climate change targets associated set out in this paper will require policy alignment which will be developed as part of the new climate change action plan 2024-26.
Finance and value for money	This paper does not include any direct financial implications. Proposals for financial investment in the Climate Change Action Plan will be made as part of the MTFP planning round.
Legal	The additions to our climate change declarations contained in this paper are pledges and not legally binding.
Procurement	No direct implications but consideration of our approach to sustainability in procurement will need to be part of the new climate change action plan 2024-26.
Human Resources	None at this stage.
Property	Adoption of a target to become a carbon neutral council by 2030 will require collaboration with property services as a strategy is developed to meet this target.
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	Whilst this paper does not directly impact issues of equality, the resulting strategic plans developed as part of the climate change action plan 2024-26 will consider equality throughout and will be subject to EIAs.
Risk Assessment	This paper includes references to risks associated with climate change.
Crime & Disorder	N/A
Customer Consideration	Residents have been engaged as part of the process for developing and setting the scope set out in this paper.
Carbon reduction	This paper's core purpose is carbon reduction.
Health and Wellbeing	Contains a recommendation to include public health risks associated with climate change in the next action plan.
Wards	All.

Background papers:

1. Corporate Plan
(<https://northumberland.moderngov.co.uk/documents/s14485/03.1%20CORPORATE%20PLAN%202023.pdf>)
2. Climate Action Plan
([Climate-change-action-plan-2021-23.pdf \(northumberland.gov.uk\)](#))
3. Responding to Climate Change
(https://northumberland.moderngov.co.uk/Data/Cabinet/201906111000/Agenda/42500_M9487.pdf)
4. Responding to Climate Change, A statement of intent.
(https://northumberland.moderngov.co.uk/Data/Cabinet/201906111000/Agenda/42501_M9487.pdf)
5. Environmental Policy Statement
(<https://northumberland.moderngov.co.uk/documents/s16884/03%20Environment%20Policy%20Statement.pdf>)

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

	Full Name of Officer
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Executive Director of Resources and Transformation (S151 Officer)	Jan Willis
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Northumberland County Council

Cabinet

Tuesday, 7 November 2023

Strengthened Biodiversity Duty and Reporting Obligations

Report of Councillor(s) Glen Sanderson, Leader of the Council

Responsible Officer(s): Simon Neilson, Executive Director - Place and Regeneration

1. Link to Key Priorities of the Corporate Plan

2. This report is relevant to the thriving places and culture and diverse and resilient economy strands of the Corporate Plan 2023-26. At the cabinet meeting on 10 October 2023, an overarching environment policy statement was adopted that aims to strengthen the Council's commitment to maintain, protect and enhance the environment for the benefit of all. The policy statement commits the Council to take a lead role on work to protect and enhance the natural environment and support improved biodiversity across the county and to use the biodiversity planning and reporting requirements introduced through the Environment Act 2021 to develop a biodiversity plan. Further, it supports the resolutions of cabinet at its 11 July 2023 meeting when it considered the report titled 'Northumberland Stewardship and Rural Growth Investment Programme – Nature Recovery Response'. Purpose of report

To set out the Council's new obligations to take action to conserve and enhance biodiversity and to report on such actions, and to propose a 'first consideration' of such actions as required under S.40 of the Natural Environment and Rural Communities Act 2006 as amended.

3. Recommendations

- 3.1 To accept the document attached to this report as a record of the Council's first consideration of actions the Council can take to conserve and enhance biodiversity in accordance with S.40 (1C) of the Natural Environment and Rural Communities Act 2006 as amended, which will then be used by Officers to develop an implementation plan.

4. Forward plan date and reason for urgency if applicable

01/08/23

5. Background

5.1 S.40 of the Natural Environment and Rural Communities Act 2006 established a general biodiversity duty; a requirement that public bodies ‘had regard to the purpose of’ conserving biodiversity. As a ‘have regard’ duty this was widely considered to be too weak to effect any real change, and so S.40 was considerably amended by S.102-103 of the Environment Act 2021. The duty is now to conserve and enhance biodiversity, and has a number of parts to it as follows:

- To consider what action the authority can take to conserve and enhance biodiversity
- To determine the policies and objectives appropriate for taking such action
- To take such action.

An authority’s first consideration must be completed by 1 January 2024 and policies and objectives established as soon as practicable thereafter. This process then must be completed at least once every five years.

5.2 S.40(3) states that the action which may be taken by an authority includes in particular, action take for the purpose of conserving, restoring or otherwise enhancing the population of a particular species and conserving, restoring or otherwise enhancing a particular type of habitat. S.41 requires the Secretary of State to publish a list of habitats and species which are of principal importance for the purpose of conserving and enhancing biodiversity in England. These lists currently comprise 56 habitat types and 943 species.

5.3 S.40A requires local authorities other than parish councils to publish biodiversity reports containing:

- A summary of the action which the authority has taken to comply with its biodiversity duty over the reporting period.
- A summary of the authority’s plans for complying with those duties over the following five years.
- Any quantitative data required by the SoS.
- Any other information the authority considers appropriate.

If the authority is a local planning authority the report must also contain:

- A summary of the action taken by the LPA to fulfil its biodiversity net gain obligations under Schedule 7A to the Town and Country Planning Act 1990 over the period of the report.
- Information about the biodiversity gains resulting or expected to result from biodiversity gain plans approved by the authority over the reporting period.
- A summary of the LPA’s plans for carrying out those functions over the subsequent five years.

An authority’s first Biodiversity Report must cover the period up to 31 December 2026 or sooner and be published within 12 weeks of the end of that period. Reports must be published at least once every five years thereafter.

5.4 A draft document setting out the Council’s first consideration of action it could take to conserve and enhance biodiversity is attached. This covers the period 1 January 2024 to 31 December 2026 and if approved by Cabinet, will be used to guide the creation of a Council-wide biodiversity plan for that period. This biodiversity plan will have strong links with the Council’s work on the Local Nature Recovery Strategy and biodiversity net gain, and will also be valuable in highlighting the steps the Council is taking following its declaration of an ecological emergency in July 2023.

6. Options open to the Council and reasons for the recommendations

6.1 Under S.40 (1C) of the Natural Environment and Rural Communities Act 2006 as amended the Council must complete its first consideration of actions it can take to conserve and enhance biodiversity by 1 January 2024.

6.2 However, no guidance has been published as to what form this consideration should take. A document is attached broadly identifying the work areas where the Council already takes such action and identifying other areas that should be reviewed to see if additional work should be undertaken. It is recommended that Cabinet adopts this document as its first consideration; this will then be used to guide the creation of a Council-wide biodiversity plan in early 2024. This will ensure clarity and transparency in fulfilling the ‘first consideration’ duty.

6.3 In the absence of guidance, the first consideration could take a range of other forms, potentially without Member involvement; however, given that this is a legal obligation and will lead to the development of a Council-wide plan, it is recommended that the Cabinet considers and accepts the attached document as a record of the Council’s first consideration of actions it could take to conserve and enhance biodiversity.

7. Implications

Policy	A wide-ranging review of policy will be required to identify opportunities to take further action to conserve and enhance biodiversity, but this will naturally focus primarily on Planning and on Neighbourhood Services
Finance and value for money	No new burdens funding will be provided to support this new duty, so any proposed changes will need to be subject to the normal budget-setting processes. There may be opportunities to secure budget savings through changes in land management, although invest-to-save initiatives may be required to implement these
Legal	This new duty has been introduced through an amendment to S.40 of the Natural Environment and Rural Communities Act 2006, made in S.102-103 of the Environment Act 2021
Procurement	n/a
Human resources	n/a

Property	A review of the management of the Council's land and property will be an important part of this process.
The Equalities Act: is a full impact assessment required and attached?	No - no equalities issues identified Accepting the consideration of actions that could be undertaken to conserve and enhance biodiversity does not present barriers to participation by or discriminate against any protected groups
Risk assessment	n/a
Crime and disorder	n/a
Customer considerations	Public interest in the extent to which the Council works to conserve and enhance the natural environment has increased in recent years
Carbon reduction	Changes in land management to conserve and enhance biodiversity can also increase carbon sequestration
Health and wellbeing	The health and wellbeing benefits of access to wildlife-rich green spaces are increasingly well evidenced
Wards	(All Wards);

8. Background papers

Appendix One - Consideration of action that Northumberland County Council could undertake to conserve and enhance biodiversity during 2024-2029

Government guidance concerning the biodiversity duty can be found at <https://www.gov.uk/guidance/complying-with-the-biodiversity-duty>

9. Links to other key reports already published

Not applicable

10. Author and Contact Details

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Appendix One

S.40(1) of the Natural Environment and Rural Communities Act 2006 as amended

Consideration of action that Northumberland County Council could undertake to conserve and enhance biodiversity during 2024-2029

The purpose of this document is to set out work currently undertaken by Northumberland County Council that conserves and enhances biodiversity, and to identify workstreams where consideration will need to be given to actions that could be undertaken to conserve and enhance biodiversity.

It will be used to help inform a Council-wide biodiversity plan that will be developed during 2024, so inclusion of any topics or workstreams at this stage does not mean that any commitment has been made to take action; it simply signals that these are areas that will need to be reviewed as part of the process of developing the biodiversity plan.

Local Nature Recovery Strategy

Northumberland County Council, on behalf of the North of Tyne Combined Authority, is the responsible body for the North of Tyne Local Nature Recovery Strategy which covers Northumberland, Newcastle upon Tyne and North Tyneside. The LNRS will identify and map priorities for nature recovery within this area and identify potential implementation mechanisms to achieve these priorities. A Steering Group has been established comprising officer from Northumberland County Council, Newcastle upon Tyne City Council, North Tyneside Council, Northumberland National Park Authority, Natural England, the Environment Agency, the Forestry Commission, North Pennines AONB Partnership, Northumberland Coast AONB Partnership, the Environmental Records and Information Centre for Northeast England and Northumberland Wildlife Trust, and work is commencing on this project, which will take about 18 months to complete.

Biodiversity Net Gain

Mandatory BNG is due to be introduced for major development in November 2023 and for minor development in April 2024, requiring developers to demonstrate a 10% increase in biodiversity value using a metric developed by DEFRA. This will be achieved through the creation for new habitats and the enhancement of existing habitats both on the development site and elsewhere.

The Council will be developing a range of actions to help developers to address this obligation and to ensure that good ecological outcomes are realised through it. To ensure that there is an adequate supply off offsite BNG land to support the Council's economic development obligations, land at Potland Burn former surface mine site will be developed as a strategic BNG site, where the Council will create new habitat and sell BNG units to developers in need of them to achieve the required net gain for their developments.

The Council's estate will be reviewed to identify other land where habitats could be created or enhanced, funded by the sale of BNG units.

Land Use Planning

Review approaches to nature conservation taken in development management and strategic planning work to identify opportunities for changes that will secure better ecological outcomes.

Management of designated sites

a) SSSIs and European Sites:

Continue the operation of Space for Shorebirds, the Council's coastal mitigation service. Work with the Steering Group to evaluate progress and identify opportunities for improvement.

Continue to manage Hadston Links SSSI in a way that best conserves and enhances the amphibian population; review management to identify any opportunities for further improvement

Continue to manage New Hatley Ponds SSSI in a way that best conserves and enhances the dune grassland; review management to identify any opportunities for further improvement

b) Local Wildlife Sites:

Continue to manage the Spetchells LWS at Tyne Riverside Country Park in a way that best conserves and enhances the plant and invertebrate communities of importance; review management to identify any opportunities for further improvement

Review management of Pegwhistle Fen LWS at Plessey Woods Country Park

Review the management of other Local Wildlife Sites managed by the Council, identify opportunities to improve management, where possible supported by BNG funding.

Review the funding and operation of the Northumberland Local Wildlife Sites Partnership with Northumberland Wildlife Trust, Newcastle City Council and North Tyneside Council

c) Country Parks and Local Nature Reserves:

Review current management plans, identify opportunities to improve management, where possible supported by BNG funding.

North Pennines and Northumberland Coast AONBs

Continue funding contributions to both AONBs and hosting of the Northumberland Coast AONB staff team; review contribution to management planning process and management plan implementation in light of new duties being introduced through the Levelling Up and Regeneration Bill.

Berwickshire and Northumberland Marine Nature Partnership

Continue funding and hosting arrangements; work with MNP Project Officer and Climate Change Team to understand potential value of carbon sequestration in marine and coastal habitats and opportunities to secure this.

Northumberland Peatland Partnership

Explore opportunities to support the work of the Partnership with capital funding for peatland restoration.

Woodlands and trees

Develop links between the Great Northumberland Forest and Local Nature Recovery Strategy to maximise ecological benefits arising from the GNF.

Other climate change work

Explore opportunities for greater ecological benefit, including promoting other types of habitat creation that secure carbon sequestration.

Grounds Maintenance Review

Explore opportunities for better ecological outcomes through changes in grounds management practices as part of the forthcoming grounds maintenance review.

Invasive Non-Native Species

Review current policy for the management of INNS on NCC land.

Flood Management and Coastal Change

Review to identify any opportunities to secure improved ecological outcomes.

Property Services and Capital Projects

Ensure biodiversity gain is considered and where possible maximised in plans for council projects such as new schools, public buildings and in the management of existing estate.

Support for the Environmental Records and Information Centre

Continue support through a Service Level Agreement

Other work areas

Assess opportunities in:

Sustainable procurement

Waste management



Northumberland County Council

Cabinet

Tuesday, 7 November 2023

Approval of the Council Tax Support Scheme 2024-25

Report of Councillor(s) Richard Wearmouth, Deputy Leader and Cabinet Member for Corporate Resources

Responsible Officer(s): Jan Willis, Executive Director for Resources & Transformation (S151)

1. **Link to Key Priorities of the Corporate Plan**

The Council Tax Support Scheme is relevant to the 'Achieving Value for Money' and "Tackling Inequalities" priorities in the Corporate Plan by ensuring financial prudence and providing residents with the building blocks of a good life.

2. **Purpose of report**

The purpose of this report is to seek approval for the local Council Tax Support Scheme for 2024-25 to continue to provide support at a maximum level of 92% of council tax liability.

3. **Recommendations**

- 3.1 Cabinet to recommend County Council to approve the Council Tax Support Scheme attached as Appendix 1 to be adopted as the Council's local scheme for 2024-25.

4. **Forward plan date and reason for urgency if applicable**

The 2024-25 scheme needs to be urgently approved to allow the Council Tax Base to be set for 2024-25.

5. Background

- 5.1 A local Council Tax Support Scheme for pensioners and working age claimants needs to be agreed by 31 January 2024.
- 5.2 The pensioner element of the Scheme is prescribed and continues to support the pensioner element of the caseload, up to a maximum of 100% of their council tax liability.
- 5.3 The working age element of the Scheme is for each Council to decide annually.
- 5.4 The Council Tax Scheme for 2023-24 had a maximum level of support for working age claimants of 92%. This means that all working age claimants pay a minimum of 8% of their property's council tax charge.
- 5.5 The cost of the Council Tax Support Scheme for 2023-24 is forecast to be £26,762,637. Any cost arising from a more generous working age support scheme would need to be funded from the Council's revenue budget.
- 5.6 As part of the Government's response to the COVID-19 pandemic new funding was provided to the Council to assist economically vulnerable people and households. The strong expectation from Government was that the funding was used to provide all working age council tax support recipients with £150 for 2020-21, £300 in 2021-22, £200 in 2022-23 and a further reduction in their annual council tax liability for 2023-24 of £200 (£175 funded by the Council and £25 funded by Central Government). This was applied to all council tax support claimants in 2023-24 and used to fund new claimants coming onto the scheme. As a result, 12,801 claimants had no council tax liability for 2023-24 and 5,964 claimants had their liability reduced by £200.
- 5.7 The cost of the scheme will vary during the financial year and is dependent upon the number of claimants and their individual and family circumstances and on the level of council tax that is set for 2023-24.
- 5.8 The proposal for the local scheme for 2024-25 is to continue with the 2023-24 scheme unchanged. That is, the maximum level of support for working age claimants will be 92%. The proposed local scheme is attached as Appendix 1 to this report.
- 5.9 No consultation is required for the proposed 2024-25 scheme as there are no changes being made.
- 5.10 The Council Tax Support Scheme has an impact on the council tax, tax base calculation and that report is due for approval by Cabinet (who have delegated powers to approve it) on 10 October 23 and Full Council on 1 November 2023.
- 5.11 The figures set out in Appendix 1 that apply for allowances, premiums and non-dependant deductions are amended annually in-line with up-ratings notified by the Department for Work & Pensions and Department for Levelling Up, Housing and Communities and will be amended in the 2024-25 scheme when they are available later in the financial year.

- 5.12 With effect from 1 April 2013 each local authority has been required to have its own local Council Tax Support Scheme for pensioner and working age claimants on low incomes. Prior to 2013 assistance for council tax liability was provided via a national council tax benefit scheme.
- 5.13 For the period 1 April 2013 to 31 March 2019 the annual Council Tax Support Scheme for Northumberland maintained the support offered by the previous national Council Tax Benefit Scheme. That scheme had supported both pensioner and working age claimants up to a maximum of 100% council tax support.
- 5.14 Once a Council's local scheme has been established any amendments or changes to the scheme for subsequent years require statutory consultation.
- 5.15 Prior to the 2019-20 scheme being approved, which saw the first reduction in the level of support for working age claimants from 100% to 92%, a comprehensive consultation exercise was carried out covering the period 24 September to 2 November 2018.
- 5.16 The Council Tax Support caseload is currently 24,840 claimants. This is made up of 9,856 who are of pensioner age and 14,984 who are working age.
- 5.17 Of the 12 North East Local Authorities only Durham has a more generous council tax support scheme in place as they have continued to support working age claimants up to 100%. South Tyneside have the lowest level of support in the region with a 70% maximum level of support (although this does support their vulnerable claimants up to 85%). The following table illustrates the current (2023-24) support schemes being administered by the 12 North East Authorities:

Local Authority	Minimum Payment	Maximum Support level
Durham	0%	100%
Darlington	20%	80%
Gateshead	8.5%	91.5%
Hartlepool	12%	88%
Middlesbrough	Have an income banded scheme with varying levels of support from 90% to 23%	90% with reducing levels down to 23%
Newcastle	Have an income banded scheme with varying levels of support from 100% to 25%	100% with reducing levels down to 25%
North Tyneside	15%	85%
Northumberland	8%	92%
Redcar and Cleveland	17.50%	82.5%

South Tyneside	30% or 15% if vulnerable	70% or 85% if vulnerable
Stockton	Have an income banded scheme with varying levels of support from 100% to 25%	100% with reducing levels down to 25%
Sunderland	8.50%	91.5%

5.18 The Council has powers under the Council Tax Discount Policy to reduce the amount of council tax payable under Section 13A (1)(c) of the Local Government Finance Act 2012. This discretion can be exercised in particular cases, or, by determining a class of cases and can reduce the council tax liability to nil.

6. Options open to the Council and reasons for the recommendation.

- 6.1 A local Council Tax Support Scheme for pensioners and working age claimants needs to be agreed by 31 January 2024.
- 6.2 If not agreed the Council must approve an alternative scheme would require full consultation with all stakeholders
- 6.3 6.3 No consultation is required for the proposed 2024-25 scheme as there are no changes being made.

7. Implications

Policy	The Council Tax Support Scheme for 2024-25 needs to be approved by full County Council by 31 January 2024. The scheme contributes 'Achieving Value for Money' and "Tackling Inequalities" priorities in the Corporate Plan by ensuring financial prudence and providing residents with the building blocks of a good life
Finance and value for money	The Council Tax Support Scheme governs the level of financial support provided to claimants on low incomes to assist them in meeting their council tax obligations. Council Tax contributes towards the cost of funding all Council services
Legal	Section 13A of the Local Government Finance Act 1992 ("the 1992 Act") requires each billing authority in England to make a scheme specifying the reductions which are to apply to amounts of council tax payable by persons, or classes of person, whom the billing authority considers are in financial need. The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 ("the 2012 Regulations") prescribe matters which must be included in such a scheme in addition to those matters which must be included in such a scheme by virtue of paragraph 2 of

	Schedule 1A to the 1992 Act. A local scheme needs to be approved by 31 January in the year preceding its implementation. Statutory consultation is required where there are proposed changes to an existing scheme. No consultation is required as there are no changes in the proposed scheme.
Procurement	No implications
Human resources	No implications
Property	No implications
The Equalities Act: is a full impact assessment required and attached?	No - not required at this point An Equality Impact Assessment was carried out for the changes that were made for the Council Tax Support Scheme for 2019-20. No further changes are proposed for the 2024-25 scheme and as a result no further equality impact assessment is required to be carried out.
Risk assessment	Collecting council tax from working age claimants is difficult. Payment over 12 months will be encouraged for working age claimants in order to assist with the charge and minimise monthly payments during the financial year.
Crime and disorder	No implications
Customer considerations	The Council currently has 24,840 claimants receiving council tax support. Of these 14,984 are of working age and their level of support will remain the same under this proposal although the actual amount of council tax payable will increase.
Carbon reduction	No implications
Health and wellbeing	Providing residents with the building blocks of a good life by ensuring they are more financially secure
Wards	All wards are affected by this proposal

8. Background papers

County Council Meeting on 2 November 2022
 County Council Minutes from 2 November 2022
 NCC Council Tax Support Scheme 2023-24

9. Links to other key reports already published

N/A

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Council Tax Support Scheme

2024/25



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Part 1 - Introduction

1.— Citation, commencement and application

- (1) This scheme may be cited as the Northumberland County Council, Council Tax Support Scheme 2024/25 and comes into effect on 1 April 2024.
- (2) This scheme applies in relation to the billing authority in England known as Northumberland County Council.
- (3) This Council Tax Support Scheme is implemented by Northumberland County Council and is intended to assist people in financial need, by the award of support in their council tax liability. The Government has prescribed that the support given to pensioners will not be any less than they would have received under the previous Council Tax Benefit provisions.
- (4) The scheme in respect of pension age applicants is defined by Central Government within the following:
 - Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
 - Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
 - Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
 - Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
 - Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
 - The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
 - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017;
 - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2018;
 - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2020;
 - The Council Tax Reduction Schemes (Amendment) (England) Regulations 2021
 - The Council Tax Reduction Schemes (Amendment) (England) (Amendment) Regulations 2021;
 - The Council Tax Reduction Schemes (Amendment) (England) (Amendment) Regulations 2022;
 - The Council Tax Reduction Schemes (Amendment) (England) (Amendment) Regulations 2023
 - The Council Tax (Demand Notices and Reduction Schemes) (England) (amendment) Regulations 2022
 - and
 - Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012)
- (5) For those who have reached the qualifying age for state pension credit, the Council has resolved to enhance the government scheme (as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012) to disregard in full the following:
 - a war disablement pension;
 - a war widow's pension or war widower's pension;
 - 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;
 - a guaranteed income payment;
 - 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;
 - 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;
 - pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

The provisions outlined above, enhance the Central Government's scheme for Pension age applicants

- (6) The incomes outlined within paragraph (5) shall also be disregarded in full for all persons who are not pensioners.

PART 2 Interpretation

2.— Interpretation

- (1) In this scheme—

“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;

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

“alternative maximum council tax Support” means the amount determined in accordance with paragraph 31 and Schedule 4;

“applicable amount” means—

(a) in relation to a pensioner, the amount calculated in accordance with paragraph 25 and Schedule 2, and

(b) in relation to a person who is not a pensioner, the amount calculated in accordance with—

(i) paragraph 26 and Schedule 3; or

(ii) paragraph 28,

as the case may be;

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

“application” means an application for a Support under this 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 pensioners—

(i) in relation to the earnings of a self-employed earner, the period determined in accordance with paragraph 43 for the purpose of calculating the weekly earnings of the applicant; or

(ii) in relation to any other income, the period determined in accordance with paragraph 40 for the purpose of calculating the weekly income of the applicant;

(b) in relation to persons who are not pensioners, such period as is set out in paragraphs 47 to 49 over which income falls to be calculated;

“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;

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

“basic rate” 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 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 a contributory allowance under Part 1 of the Welfare Reform Act 2007(d) as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012(e) 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 paragraph 4;

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

“**designated office**” means the office of the 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; or
- (b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application 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 41, 44, 51 or 53 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;

“**the Employment, Skills and Enterprise Scheme**” means a scheme under section 17A (schemes for assisting persons to obtain employment: ““work for your benefit”” schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist claimants for job-seekers allowance to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search);

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

“**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 support” means support under this scheme for which a person is eligible under Part 12 (extended support);

“extended support period” means the period for which a person is in receipt of extended support in accordance with paragraph 89, 96 or 101;

“extended support (qualifying contributory benefits)” means support under this scheme for which a person is eligible in accordance with paragraph 88 or 95;

“family” has the meaning given by paragraph 6;

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

“the Grenfell Tower charitable funds” means the funds identified in the document entitled “Charity Commission for England and Wales - Grenfell Tower charitable funds update - 29th January 2019”;

“the Grenfell Tower Residents’ Discretionary Fund” means the £5 million fund announced on 16th June 2017 and administered by Westminster City Council for the benefit of households affected by the fire at Grenfell Tower on 14th June 2017;

“Grenfell Tower support payment” means any payment made by the council of the Royal Borough of Kensington and Chelsea to an individual as a result of the fire at Grenfell Tower on 14th June 2017”

“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) (injury benefits) or 29(1)(a) (death benefits) 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;
- (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”—

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

(b) in Wales has the meaning given by section 2 of the Care Standards Act 2000; and

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

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

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

“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 except in Part 1 of Schedule 3;

“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 support amount” means the amount determined in accordance with paragraph 29 or 29A;

“member of a couple” means a member of a married or unmarried couple;

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

“mobility supplement” means—

(a) in relation to pensioners, a supplement to which paragraph 5(1)(a)(vii) of Schedule 5 refers;

(b) in relation to persons who are not pensioners, a supplement to which paragraph 13 of Schedule 8 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 the authority to a dwelling in the area of a second authority;

“net council tax liability” means 100% of council tax liability less discounts and exemptions that apply;

“net earnings” means such earnings as are calculated in accordance with paragraph 42 or 52, as the case may be;

“net profit” means such profit as is calculated in accordance with paragraph 61;

“new dwelling” means, for the purposes of the definition of “second authority” and paragraphs 91, 98 and 103, 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 paragraph 9;

“occasional assistance” means any payment or provision made by a local authority, the Welsh Ministers or the Scottish Ministers for the purposes of—

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

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

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

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

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

(ii) “qualifying individuals” means individuals who have been, or without the assistance might otherwise be—

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

(bb) homeless or otherwise living an unsettled way of life;

“local authority” means a local authority in England within the meaning of the Local Government Act 1972;

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

“occupational pension scheme” has the same meaning as in section 1 of the Pension Schemes Act 1993;

“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;

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

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

“**paternity leave**” means a period of absence from work on 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 paragraph 3(2)(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 paragraph 21;

“**person who is not a pensioner**” has the meaning given by paragraph 3(2)(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 paragraph 5 applies;

“**qualifying person**” means—

(a) a person in respect of whom 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 Grenfell Tower charitable funds, the Grenfell Tower Residents’ Discretionary Fund, the Windrush Compensation Scheme or the London Bombings Relief Charitable Fund; or

(b) a person who has received a Grenfell Tower support payment;

“**qualifying contributory benefit**” means — (a) severe disablement allowance;

(a) incapacity benefit;

(b) 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 person**” means a person in respect of whom payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund the Scottish

Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund”;

“**support 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 paragraph 10;

“**rent**” means “**eligible rent**” to which regulation 12 of the Housing Benefit (Persons who have attained

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 30 (non-dependant deductions);

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

“**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)

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

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

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

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

“**self-employment route**” means assistance in pursuing self-employed earner’s employment whilst participating in—

(a) an employment zone programme;

(b) a programme provided by or under arrangements made pursuant to section 2 of the Employment and Training Act 1973 (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.); or

(c) the Employment, Skills and Enterprise Scheme;

“**Service User**” references in this scheme to an applicant participating as a service user are to

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

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

(ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or

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

“**single applicant**” means an applicant who neither has a partner nor is a lone parent;

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

“**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**” has the meaning given by paragraph 73;

“**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 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” 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 this scheme, 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 this scheme, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day—
 - (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker’s allowance but where the allowance is not paid 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 this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day—
 - (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare

Reform Act 2007 (disqualification); or

(b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act (employment and support allowance: supplementary provisions) 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 this scheme, two persons must be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- (6) In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).
- (7) 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; or
 - (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;
- (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.

3.— Application of scheme: pensioners and persons who are not pensioners

- (1) This scheme applies to—
- (a) pensioners who fall within any of classes A to C; and
 - (b) persons who are not pensioners who fall within any of classes D to F.
- (2) In this scheme—
- (a) a person is 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 is 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 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.

4.— Meaning of “couple”

- (1) In this scheme “couple” means—
- (a) a man and woman who are married to each other and are members of the same household;

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

- (2) Two people of the same sex are to be treated as living together as if they were married or civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes.

5.— Polygamous marriages

- (1) This paragraph 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 paragraph 4 (meaning of “couple”) neither party to the marriage is to be taken to be a member of a couple.

6.— Meaning of “family”

- (1) In this scheme “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 sub-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, or has an award of universal credit;
 - (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

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

- (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 paragraph 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 sub-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 this scheme a child or young person is the responsibility of only one person in any support week and any person other than the one treated as responsible for the child or young person under this paragraph is to be treated as not so responsible.

8.— Households

- (1) Subject to sub-paragraphs (2) and (3), an applicant and any partner and, where the applicant or his partner is treated (by virtue of paragraph 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 with the applicant or his partner under a relevant enactment; or
 - (b) placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
 - (c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009 or the Adoption (Northern Ireland) Order 1987.
- (3) Subject to sub-paragraph (4), sub-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) The authority must treat a child or young person to whom sub-paragraph (3)(a) applies as being a member of the applicant's household in any support week where—
- (a) that child or young person lives with the applicant for part or all of that support 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 paragraph “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(c); and
 - (o) the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

9.— Non-dependants

- (1) In this scheme, “non-dependant” means any person, except someone to whom sub-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—
 - (i) where the applicant has (alone or jointly with his partner) an award of universal credit, any—
 - (aa) party to such a marriage other than the applicant's partner; and
 - (bb) any child or young person who is a member of his household and for whom he or his partner or

another party to the polygamous marriage is responsible; or

(ii) in any other case, 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 paragraph 8 (households);

(d) subject to sub-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 sub-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 council tax support 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 council tax support scheme.

10.— Remunerative work

(1) Subject to the following provisions of this paragraph, a person must be treated for the purposes of this scheme 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 sub-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 sub-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 support week is to 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 3 Procedural matters

11. Procedure for support applications and appeals against support decisions

Schedule 1 contains provisions about the procedure—

- (a) by which a person may apply for support under this scheme;
- (b) by which a person may make an appeal against certain decisions of the authority;
- (c) by which a person can apply to the authority for support under section 13A(1)(c) of the 1992 Act.

PART 4 Classes of person entitled to support under this scheme

12.— Classes of person entitled to support under this scheme

- (1) The classes of person described in paragraphs 13 to 18 are entitled to support under this 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.

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

On any day class A consists of any person who is a pensioner—

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax support amount can be calculated;
- (d) who does not fall within a class of person not entitled to support under this scheme;
- (e) whose income (if any) for the relevant week does not exceed his applicable amount, and
- (f) who has made an application.

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

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

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax support amount can be calculated;
- (d) who does not fall within a class of person not entitled to support under this 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 support in respect of the day in the applicant's case; 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, and
- (g) who has made an application.

15.— Class C: alternative maximum council tax support - pensioners

(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 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax support amount can be calculated;
- (d) who does not fall within a class of person not entitled to support under this 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 support 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 (persons disregarded for the purposes of discount), 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.

16. Class D: persons who are not pensioners whose income is less than the applicable amount

- (1) On any day class D consists of any person who is not 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 19A (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax support amount can be calculated;
 - (d) who does not fall within a class of person not entitled to support under this scheme;
 - (e) whose income (if any) for the relevant week is less than his applicable amount, and
 - (f) who has made an application.

17. Class E: persons who are not pensioners whose income is greater than the applicable amount

- (1) On any day class E consists of any person who is not 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 19A (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax support amount can be calculated;
 - (d) who does not fall within a class of person not entitled to support under this 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 support in his case; 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, and
 - (g) who has made an application.

18.— Class F: alternative maximum council tax support -persons who are not pensioners

- (1) On any day class F consists of any person who is not 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 19A (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax support amount can be calculated;

- (d) who does not fall within a class of person not entitled to support under this scheme;
 - (e) who has made an application; and
 - (f) in relation to whom the condition in subparagraph(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 person in question in respect of the dwelling and there is an alternative maximum council tax support 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) Subparagraph (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; and
 - (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 for the support 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 for support 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.

19.— Periods of absence from a dwelling - pensioners

- (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 where and for so long as:
 - (i) the person resides in that accommodation in Great Britain;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
 - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,
 where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
 - (b) a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as:
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let;
 - (iii) that period is unlikely to exceed 13 weeks; and
 - (c) a period of absence within Great Britain not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as:
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let;
 - (iii) the person is a person to whom sub-paragraph (3) applies; and
 - (iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period and
 - (d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as:

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

(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 detained in custody on remand pending trial or required, as a condition of bail, to reside—
 - (i) in a dwelling, other than the dwelling referred to in sub-paragraph (1), or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007, or is detained in custody pending sentence upon conviction;
- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following, a training course;
- (e) is undertaking medically approved care of a person;
- (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
- (g) is receiving medically approved care provided in accommodation other than residential accommodation;
- (h) is a student;

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

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

- (3A) This sub-paragraph applies to a person (“P”) who is:
- (a) detained in custody on remand pending trial;
 - (b) detained pending sentence upon conviction; or
 - (c) as a condition of bail required to reside—
 - (i) in a dwelling, other than a dwelling P occupies as P’s home; or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007(7), and who is not also detained in custody following sentence upon conviction.
- (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 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 (3A), 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;
 - “designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;
 - “mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—
 - (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
 - (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;”;
 - “medically approved” means certified by a medical practitioner;
 - “member of Her Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006(10)), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty’s regular forces or reserve forces;
 - “patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;
 - “prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;”
 - “residential accommodation” means accommodation which is provided in:
 - (a) a care home;
 - (b) an independent hospital;
 - (c) an Abbeyfield Home; or
 - (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
 - “training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

19A.0 Periods of absence from a dwelling - persons who are not pensioners

- (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 where and for so long as—
 - (i) the person resides in that accommodation;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
 - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
 - (b) a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as:

- (i) the person intends to return to the dwelling;
- (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
- (iii) that period is unlikely to exceed 13 weeks; and
- (c) a period of absence not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as:
 - (i) the person intends to return to the dwelling;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let;
 - (iii) the person is a person to whom sub-paragraph (3) applies; and
 - (iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

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

- (a) is detained in custody on remand pending trial or required, as a condition of bail, to reside—
 - (i) in a dwelling, other than the dwelling referred to in sub-paragraph (1), or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007,
 or is detained in custody pending sentence upon conviction;
- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following, in the United Kingdom or elsewhere, a training course;
- (e) is undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
- (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, in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
- (h) is a student;
- (i) is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

(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 (as amended by the Mental Health (Discrimination) Act 2013), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995 or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986); and
- (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989.

(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—

- “medically approved” means certified by a medical practitioner;
- “patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;
- “residential accommodation” means accommodation which is provided in
 - (a) a care home;
 - (b) an independent hospital;
 - (c) an Abbeyfield Home; or
 - (d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

“training course” means a course of training or instruction provided wholly or partly by or on behalf of

or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

PART 5 Classes of person excluded from this scheme

20. Classes of person excluded from this scheme

The classes of person described in paragraphs 21 to 24 are not entitled to support under this scheme.

21.— Class of person excluded from this scheme: persons treated as not being in Great Britain

- (1) The class of person described in this paragraph consists of any person treated as not being in Great Britain.
- (2) Except where a person falls within sub-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 sub-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 where the person is -
 - (i) a jobseeker for the purpose of the definition of a ‘qualified person’ in regulation 6(1) of those regulations, or,
 - (ii) a family member (within the meaning of regulation 7 of those regulations) of such a jobseeker
 - (b) regulation 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) article 3 (grant of leave to EEA and Swiss nationals) of the Immigration (European Economic Area Nationals) (EU Exit) Order 2019 made under section 3A of that Act;
 - (b) Appendix EU to the immigration rules made under section 3(2) of that Act; or
 - (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act.”;
- (5) A person falls within this sub-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(8), where such leave is granted by virtue of—
 - (i) the Afghan Relocations and Assistance Policy; or
 - (ii) the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
 - (zb) a person in Great Britain not coming within sub-paragraph (za) or (e)(iv) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021
 - (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in sub-paragraph (a);
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
 - (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
 - (cb) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020(7);
 - (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;

- (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971¹ where that leave is—
 - (i) discretionary leave to enter or remain in the United Kingdom,
 - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012, or
 - (i) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005.
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance or
- (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4).

Transitional provision

The amendment in regulation 21(5) of this policy (or 2(4) for the purposes of SI3312/2014) does not apply to a person who, on 31st March 2015 -

- (a) is liable to pay council tax at a reduced rate by virtue of a council tax support under an authority's scheme established under section 13A(2) of the Act; and
- (b) is entitled to an income-based jobseekers' allowance, until the first of the events in paragraph (2) occurs.

The events are -

- (a) the person makes a new application for support under an authority's scheme established under section 13A(2) of the Act; or
- (b) the person ceased to be entitled to an income-based jobseeker's allowance.

In this regulation "the Act" means the Local Government Finance Act 1992.

- (6) A person falls within this sub-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 paragraph—
 - "claim for asylum" has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
 - "EEA Regulations" means the Immigration (European Economic Area) Regulations 2006.

22.— Class of person excluded from this scheme: persons subject to immigration control

- (1) Subject to paragraph (1A), persons subject to immigration control are not entitled to support under this scheme.
- (1A) A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (f) (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph (1).
- (2) "Person subject to immigration control" has the meaning given in section 115(9) of the Immigration and Asylum Act 1999.

23.— Class of person excluded from this scheme: capital limit

- (1) The class of person described in this paragraph consists of any person whose capital exceeds £16,000.
- (2) Capital for the purposes of sub-paragraph (1) is to be calculated in accordance with Part 10 of this

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

scheme.

24. - Class of person excluded from this scheme: students

The class of person described in this paragraph consists of any student to whom paragraph 75(1) applies.

PART 6 Applicable amounts

25.— Applicable amounts: pensioners

- (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 (personal allowance);
 - (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 by the party to the marriage who is additional to the 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.

26.— Applicable amounts: persons who are not pensioners

- (1) Subject to paragraphs 27 and 28, the applicable amount for a week for a person who is not a pensioner is the aggregate of such of the following amounts as may apply in his case—
- (a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 of Schedule 3;
 - (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 3 of that Schedule;
 - (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 Part 2 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);
 - (e) the amount of either the—
 - (i) work-related activity component; or
 - (ii) support component,which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components);

(f) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

(2) In Schedule 3—

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

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

“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.

27.— Polygamous marriages: persons who are not pensioners

(1) This paragraph applies where an applicant who is not a pensioner is a member of a polygamous marriage and does not have (alone or jointly with a party to a marriage), an award of universal credit.

(2) The applicable amount for a week of an applicant where this paragraph applies is the aggregate of such of the following amounts as may apply in his case—

(a) the amount applicable to him and one of his partners determined in accordance with paragraph 1(3) of Schedule 3 as if he and that partner were a couple;

(b) an amount equal to the difference between the amounts specified in sub-paragraphs (3) and (1)(b) of paragraph 1 of that Schedule in respect of each of his other partners;

(c) an amount determined in accordance with paragraph 2 of that Schedule (main phase employment and support allowance) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;

(d) if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part 2 of that Schedule (family premium);

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

(f) the amount of either the—

(i) work-related activity component; or

(ii) support component,

which may be applicable to him in accordance with Parts 5 and 6 of that Schedule (the components);

(g) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of that Schedule (transitional addition).

28.— Applicable amount: persons who are not pensioners who have an award of universal credit

(1) Subject to sub-paragraph (2), in determining the applicable amount for a week of an applicant who is not a pensioner—

(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 maximum amount of the applicant, 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 7 Maximum council tax support for the purposes of calculating eligibility for support under this scheme and amount of support

29.— Maximum council tax support amount under this scheme: pensioners

- (1) Subject to sub-paragraphs (2) to (4), a person's maximum council tax support 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,
- (2) In calculating a person's maximum council tax support 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 support 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 support 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, where the applicant is a person who is not a pensioner, does not include a student to whom paragraph 75(1) (entitlement of students to support under this scheme) 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.

29A.— Maximum council tax support amount under this scheme: persons who are not pensioners

- (1) Subject to sub-paragraphs (2) to (4), a person's maximum council tax support 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,
- (2) In calculating a person's maximum council tax support 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 support 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 support 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, where the applicant is a person who is not a pensioner, does not include a student to whom paragraph 75(1) (entitlement of students to support under this scheme) 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.

29B - Deduction from an award of council tax support under this scheme: persons who are not pensioners

- (1) Where any award of council tax support is granted to a person who is not a pensioner, the award shall be reduced by an amount of 8%.
- (2) For the avoidance of doubt, any award of council tax support in respect of any claim received from a person who is not a pensioner or any entitlement shall be reduced by an amount of 8%.

30.— Non-dependant deductions: pensioners and persons who are not pensioners

- (1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 57 (maximum council tax reduction) shall be;
 - (a) in respect of a non-dependant aged 18 or over in remunerative work, $\text{£}12.85 \times 1/7$;
 - (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, $\text{£}4.20 \times 1/7$.
- (2) In the case of a non-dependant aged 18 or over to whom paragraph 58.1(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is-
 - (a) less than $\text{£}224.00$, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
 - (b) not less than $\text{£}224.00$, but less than $\text{£}389.00$, the deduction to be made under this section shall be $\text{£}8.55 \times 1/7$
 - (c) not less than $\text{£}389.00$, but less than $\text{£}484.00$, the deduction to be made under this section shall be $\text{£}10.70 \times 1/7$
- (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 (other than where there is an award of universal credit) 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 is to 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 paragraph 10 of Schedule 3 (additional condition for the disability premium); or
 - (b) receiving in respect of himself—
 - (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; or
 - (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); 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 allows 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 (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 19(6), 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(a)) 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-dependant's weekly gross income—
 - (a) any attendance allowance, disability living allowance, personal independence payment or an AFIP received by him;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
 - (c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments);
 - (d) 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.
- (10) For the purposes of sub-paragraph (8), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.

PART 8 Alternative maximum council tax support for the purposes of calculating eligibility for support under this scheme and amount of support: Pensioners and persons who are not pensioners

31.— Alternative maximum council tax support under this scheme: pensioners and persons who are not pensioners

- (1) Subject to sub paragraphs (2) and (3), the alternative maximum council tax support in respect of a day where the conditions set out in paragraph 15 (alternative maximum council tax support: pensioners) or 18 (alternative maximum council tax support: persons who are not pensioners) are fulfilled, is the amount determined in accordance with Schedule 4 (amount of alternative council tax support).
- (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 support in his case, the amount determined in accordance with Schedule 4 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 9 Amount of support under this scheme

32.— Amount of support under this scheme: Classes A to F

- (1) Where a person is entitled to support under this scheme in respect of a day, the amount of the support to which he is entitled is as follows.
- (2) Where the person is within class A or D, that amount is the amount, which is the maximum council tax support in respect of the day in the applicant's case.
- (3) Where the person is within class B or 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 14(f) or 17(f), as the case may be.
- (4) Where the person is within class C or F, that amount is the amount, which is the alternative maximum council tax support 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 support to which the person is entitled is whichever is the greater of:
 - (a) the amount of the support given by sub-paragraph (2) or sub-paragraph (3), as the case may be, and
 - (b) the amount of the support given by sub-paragraph (4).

PART 10 Income and capital for the purposes of calculating eligibility for support under this scheme and amount of support

CHAPTER 1 Income and capital: general

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

- (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 that applicant.
- (3) Except where paragraph 37 applies, where an applicant or the partner of an applicant is married polygamously to two or more members of his household—
 - (a) the applicant must be treated as possessing capital and income belonging to each such member; and
 - (b) the income and capital of that member is to be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

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

- (1) Sub-paragraph (2) applies where it appears to the authority that a non-dependant and an applicant have entered into arrangements in order to take advantage of this scheme and the non-dependant has more income and capital than the applicant.
- (2) Except where—
 - (a) the applicant is a pensioner and is on a guarantee credit, or
 - (b) the applicant is not a pensioner and is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance,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 is to 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 and capital: pensioners in receipt of guarantee credit or savings credit

35. – Applicant in receipt of guarantee credit: pensioners

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

36.— Calculation of applicant's income and capital in savings credit only cases: pensioners

- (1) In determining the income and capital of an applicant who is a pensioner and 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, the 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 57(1)(c) (calculation of income on a weekly basis);
 - (c) the higher amount disregarded under this scheme in respect of—

- (i) lone parent's earnings; or
 - (ii) payments of maintenance, whether under a court order or not, which is 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 5 (sums disregarded from applicant's earnings: pensioners);
 - (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under paragraph 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 34 (circumstances in which capital and 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 (power of billing authority to reduce amount of council tax payable);
 - (h) any amount to be disregarded by virtue of paragraph 6 of Schedule 5 (exempt work).
- (3) Paragraphs 39 to 46 (calculation of income: pensioners) and 57 to 61 (calculation of income: pensioners and persons who are not pensioners) 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 63, 65 to 68 and 70 (calculation of capital: pensioners).
- (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 or the authority determines his capital 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.

CHAPTER 3 Income and capital where there is an award of universal credit

37.— Calculation of income and capital: persons who are not pensioners who have an award of universal credit

- (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 (3);
 - (b) paragraph 34 (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 34 (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.

CHAPTER 4 Income: other pensioners

38. Calculation of income and capital where state pension credit is not payable: pensioners

Where neither paragraph 35 (applicant in receipt of guarantee credit: pensioners) nor 36 (applicant in receipt of savings credit only: pensioners) applies in the applicant's case, his income and capital is to be calculated or estimated in accordance with paragraphs 39 to 46 and 57 to 62 (calculation of income) and Chapter 7 of this Part (calculation of capital).

39.— Meaning of “income”: pensioners

- (1) For the purposes of classes A to C in this scheme, “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 9;
 - (j) social security benefits, other than retirement pension income or any of the following benefits—
 - (i) disability living allowance;
 - (ii) personal independence payment;
 - (iii) an AFIP;
 - (iv) attendance allowance payable under section 64 of the SSCBA (entitlement to attendance allowance);
 - (v) an increase of disablement pension under section 104 (increase for constant attendance) or 105 of that Act (increase for exceptionally severe disablement);
 - (vi) child benefit;
 - (vii) any guardian's allowance payable under section 77 of the SSCBA (guardian's allowance);
 - (viii) any increase for a dependant, other than the applicant's partner, payable in accordance with Part 4 of that Act (increases for dependants);
 - (ix) any—
 - (aa) social fund payment made under Part 8 of the SSCBA (the social fund), or
 - (bb) occasional assistance;
 - (x) Christmas bonus payable under Part 10 of that Act (Christmas bonus for pensioners);
 - (xi) housing benefit;
 - (xii) council tax benefit;
 - (xiii) bereavement payment;
 - (xiv) statutory sick pay;
 - (xv) statutory maternity pay;
 - (xvi) ordinary statutory paternity pay payable under Part 12ZA of the SSCBA;
 - (xvii) additional statutory paternity pay payable under Part 12ZA of the SSCBA;

- (xviii) statutory adoption pay payable under Part 12ZB of that Act (statutory adoption pay);
- (xix) 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 (award for children who have reached the child's age limit), in any case where article 30(1)(b) applies; or
 - (ii) under article 12(8) of that Order (unemployability allowances: children who have reached the child's age limit), in any case where sub-paragraph (b) of that article applies;
- (m) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
- (n) payments under a scheme made under the Pneumoconiosis etc. (Worker's 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) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

- (4) The adjustments specified in this sub-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)(w), "equity release scheme" means a loan—
- (a) made between a person ("the lender") and the applicant;
 - (b) by means of which a sum of money is advanced by the lender to the applicant by way of payments at regular intervals; and
 - (c) which is secured on a dwelling in which the applicant owns an estate or interest and which he occupies as his home.

40.— Calculation of weekly income: pensioners

- (1) Except in a case within sub-paragraph (2), (3A) or (4A) or (5), for the purposes of calculating the weekly income of an applicant who is a pensioner, where the period in respect of which a payment is made—
- (a) does not exceed a week, the whole of that payment is to 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.
- (2A) Income calculated pursuant to paragraph (2) shall be taken into account—
- (a) in the case of a claim, on the date the claim was made or treated as made, and the first day of each benefit week thereafter;
 - (b) in the case of a claim or award where the claimant commences employment the first day of the benefit week following the date the claimant commences that employment, and the first day or each benefit week thereafter; or
 - (c) in the case of a claim or award where the claimant's average weekly earnings from employment change, the first day of the benefit week following the date the claimant's earnings from employment change so as to require recalculation under this paragraph, and the first day of each benefit week thereafter,
- regardless of whether those earnings were actually received in that benefit week.
- (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 support week thereafter;
 - (b) in the case of an application or support under a scheme where the applicant commences employment, the first day of the support week following the date the applicant commences that employment, and the first day of each support week thereafter; or
 - (c) in the case of an application or support under a scheme where the applicant's average weekly earnings from employment change, the first day of the support 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 support week thereafter,
- regardless of whether those earnings were actually received in that support 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 support week thereafter;
 - (b) In the case of an application or support under a scheme where the applicant commences employment, the first day of the support week following the date the applicant commences that employment, and the first day of each support week thereafter; or
 - (c) in the case of an application or support under a scheme where the applicant's average weekly earnings from employment change, the first day of the support week following the date of the change, and the beginning of each support week thereafter,
- regardless of whether those earnings were actually received in that support 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 5 are to be disregarded in calculating—
- (a) the applicant's earnings; and
 - (b) any amount to which sub-paragraph (6) applies where the 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) is to be treated as though they were earnings.
- (11) Income specified in Schedule 6 is to be disregarded in the calculation of the applicant's income.
- (12) Schedule 9 (capital disregards: pensioners) 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 71 (calculation of tariff income from capital: pensioners).

- (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.

41.— Earnings of employed earners: pensioners

- (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner who is a pensioner, 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 and statutory maternity pay payable by the employer under the SSCBA;
 - (i) statutory paternity pay payable under Part 12ZA of that Act;
 - (j) statutory adoption pay payable under Part 12ZB of that Act;
 - (k) 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 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)(g).

42.— Calculation of net earnings of employed earners: pensioners

- (1) For the purposes of paragraph 57 (calculation of income on a weekly basis), the earnings of an applicant who is a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to paragraph 40(5) and Schedule 5 (sums to be disregarded from earnings: pensioners), 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, ordinary or additional 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.

(3) In this paragraph “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 40(2)(b) (calculation of weekly income: pensioners) 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 sections 35 to 37 the Income Tax Act 2007 (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.

43.— Calculation of earnings of self-employed earners: pensioners

(1) Where the earnings of an applicant who is a pensioner consist of earnings from employment as a self-employed earner, the weekly amount of his earnings is to 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 is to be his assessment period.

44.— Earnings of self-employers earners: pensioners

(1) Subject to sub-paragraph (2), “earnings”, in the case of employment as a self-employed earner who is a pensioner, 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 section 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 (provision of accommodation by voluntary organisations);
- (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 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.

45.— Notional income: pensioners

- (1) An applicant who is a pensioner 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 196
- (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 Pension Schemes Act 1993.
- (9) Subject to sub-paragraphs (10) and (12), a person is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to support under this scheme or increasing the amount of the support.
- (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 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 sub-paragraph (13), the authority must—
 - (a) determine the income and capital of that applicant in accordance with paragraph 36(1) (calculation of applicant's income in savings credit only cases: pensioners) 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 the 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.

46.— Income paid to third parties: pensioners

- (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 who is a pensioner 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 does not possess, or is 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 participating as a service user.

CHAPTER 5 Income: persons who are not pensioners

47.— Average weekly earnings of employed earners: persons who are not pensioners

- (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 support week in which the application 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 support week in which the application 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 or expects to receive an amount of 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 must 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 51 and 52 (earnings of employed earners: persons who are not pensioners).

47A - Date on which income consisting of earnings from employment as an employed earner are taken into account

- (1) A claimant's average weekly earnings from employment estimated pursuant to regulation 47 (Average weekly earnings of employed earners) and Section 3 (Employed earners) of this Part shall be taken into account -
 - (a) in the case of a claim, on the date that the claim was made or treated as made and the first day of each benefit week thereafter, regardless of whether those earnings were actually received in that benefit week;
 - (b) in the case of a claim or award where the claimant commences employment, the first day of the benefit week following the date the claimant commences that employment, and the first day of each benefit week thereafter, regardless of whether those earnings were actually received in that benefit week; or
 - (c) in the case of a claim or award where the claimant's average weekly earnings from employment change, the first day of the benefit week following the date of the change, and the beginning of each benefit week thereafter, regardless of whether those earnings were actually received in that benefit week.

48.— Average weekly earnings of self-employed earners: persons who are not pensioners

- (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 53, 61 and 62 (earnings, and net profit, of self-employed earners).

49.— Average weekly income other than earnings: persons who are not pensioners

- (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 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners).
- (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 54 (calculation of income other than earnings: persons who are not pensioners).

50.— Calculation of weekly income of employed earners: persons who are not pensioners

- (1) For the purposes of paragraphs 47 (average weekly earnings of employed earners), 49 (average weekly income other than earnings) and 59 (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 48 (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.

51.— Earnings of employed earners: persons who are not pensioners

- (1) Subject to sub-paragraph (2), “earnings”, in the case of employment as an employed earner of a person who is not a pensioner, 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 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 participation in a service user group.
- (3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(l).

52.— Calculation of net earnings of employed earners: persons who are not pensioners

- (1) For the purposes of paragraph 47 (average weekly earnings of employed earners: persons who are not pensioners), the earnings of an applicant who is not a pensioner 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 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).
- (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 47(2)(b) (average weekly earnings of employed earners: classes D to E), 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 sections 35 to 37 of the Income Tax Act 2007 (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.

53.— Earnings of self-employed earners: persons who are not pensioners

- (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 8 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 support 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 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) as appropriate in the applicant’s case.

54.— Calculation of income other than earnings: persons who are not pensioners

- (1) For the purposes of paragraph 49 (average weekly income other than earnings: persons who are not pensioners), 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 55 (capital treated as income: persons who are not pensioners).
- (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 8.
- (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) Sub-paragraphs (7) and (8) 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.
- (7) 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 (7) applies, is to be calculated by applying the formula—

$$(A - (B \times C)) / D$$

Where

(a) 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 81(5) (costs of travel, books and equipment);

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

(c) 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 81(2) (treatment of student loans) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to support 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) D = the number of support weeks in the assessment period.

- (8) 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 81(5).

- (9) In this paragraph—

“academic year” and “student loan” have the same meanings as in Part 11 (students);

“assessment period” means—(a) in a case where a relevant payment is made quarterly, the period beginning with the support week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the support 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 support week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the support 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 76(7) or both.

- (10) For the avoidance of doubt there must be included as income to be taken into account under sub-paragraph (1)—

(a) any payment to which paragraph 41(2) or 51(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.

55.— Capital treated as income: persons who are not pensioners

- (1) Any capital payable by instalments which are outstanding at the date on which the application 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 7 of this Part exceeds £16,000, 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.

56.— Notional income: persons who are not pensioners

- (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 support under a council tax support scheme or increasing the amount of the support.
- (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 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a);
 - (e) any sum to which paragraph 51(a) of Schedule 10 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 42(2) or 52(3) (calculation of net earnings of employed earners: pensioners and persons who are not pensioners, respectively) 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 sections 35 to 37 of the Income Tax Act 2007 (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 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 participation in a service user group.

CHAPTER 6 Income: further provisions applying to pensioners and persons who are not pensioners

57.— Calculation of income on a weekly basis

- (1) Subject to paragraph 60 (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—

(i) if the applicant is a pensioner, under paragraph 71 (tariff income: pensioners);

(ii) if the applicant is a person who is not a pensioner, under paragraph 72 (tariff income: persons who are not pensioners); and

(c) deducting from the sum of paragraphs (a) and (b) any relevant child care charges to which paragraph 58 (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 sub-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) 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.

58.— Treatment of child care charges

- (1) This paragraph applies where an applicant (within the meaning in this paragraph) 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 (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 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 2011, 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 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

(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 a pensioner and the other member of the couple is aged not less than 80;

(b) the applicant is a pensioner and the other member of the couple is aged less than 80, and—

(i) the additional condition specified in paragraph 10 of Schedule 3 (additional condition for the disability premium) to this scheme is treated as applying in his case; and

(ii) he satisfies that conditions 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 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;

(d) 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;

(e) 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(a);

(f) 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 (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;

(g) 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(a) 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;

(h) 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;

- (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;
 - (i) a pension or allowance to which sub-paragraph (v), (vii) or (viii) of paragraph (h) 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;
 - (j) 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 under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
 - (k) 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);
 - (l) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
 - (m) paragraph (h), (i), (j) or (k) 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
 - (n) 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.
- (12) For the purposes of sub-paragraph (11), once sub-paragraph (11)(f) 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 sub-paragraph is, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter to 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)(g) 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, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter to apply to him for so long as he has, or is treated as having, limited capability for work.
- (14) 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 the 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;
 - (b) to whom the daily living component of personal independence payment is payable, 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);
 - (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.
- (15) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave or adoption leave is

to be treated as if he 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 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, ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB 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, statutory maternity pay, ordinary or additional 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, ordinary or additional statutory paternity 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).

(18) In this paragraph “applicant” does not include an applicant—

(a) who has, or

(b) who (jointly with his partner) has,
an award of universal credit.

59.— Calculation of average weekly income from tax credits

(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.

60. Disregard of changes in tax, contributions etc.

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 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 support weeks beginning with the support week immediately following the date from which the change is effective.

61.— Calculation of net profit of self-employed earners

- (1) For the purposes of paragraphs 48 (average weekly earnings of self-employed earners: persons who are not pensioners) and 57 (calculation of income on a weekly basis) the earnings of an applicant to be taken into account must 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 who is a pensioner 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 62 (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;
 - (c) in the case of a self-employed earner who is not a pensioner 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 SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (2) There must be disregarded from the net profit of an applicant who is not a pensioner, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).
- (3) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (9) applies, be calculated by taking into account the earnings of the employment over the assessment period less—
 - (a) subject to sub-paragraphs (5) to (8), 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 62 (deduction of tax and contributions for self-employed earners); and
 - (c) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (4) 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 (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- (5) Subject to sub-paragraph (6), no deduction is to be made under sub-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) in the case of an applicant who is not a pensioner, any debts, except bad debts proved to be such, but this paragraph does not apply to any expenses incurred in the recovery of a debt.
- (6) A deduction is to be made under sub-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; 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.
- (7) The authority must refuse to make a deduction in respect of any expenses under sub-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 must not be made under sub-paragraph (3)(a) or (4) in respect of any sum unless it has been expended for the purposes of the business;
 - (b) a deduction must be made there under 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 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 62 (deduction of tax and contributions for self-employed earners); and
 - (b) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (10) For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments must not be offset against his earnings in any other of his employments.
- (11) 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 must 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 personal pension scheme and is so payable on or after the date of application.

62.— Calculation of deduction of tax and contributions of self-employed earners

- (1) The amount to be deducted in respect of income tax under paragraph 61(1)(b)(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 sections 35 to 37 of the Income Tax Act 2007 (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 60(1)(b)(i), (3)(b)(ii) or (9)(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, (5) of paragraph 61;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

CHAPTER 7 Capital

63.— Calculation of capital

- (1) The capital of an applicant to be taken into account must be, subject to sub-paragraph (2), the whole of his capital calculated in accordance with this Part and (in the case of persons who are not pensioners) any income treated as capital under paragraph 64 (income treated as capital: persons who are not pensioners).
- (2) There must be disregarded from the calculation of an applicant's capital under sub-paragraph (1), any capital, where applicable, specified in—
- (a) Schedule 9, in relation to pensioners;
- (b) Schedule 10, in relation to persons who are not pensioners.
- (3) In the case of an applicant who is a pensioner, his 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 support under this scheme was allowed before those arrears were paid.
- (4) The capital of a child or young person who is a member of the family of an applicant who is not a pensioner must not be treated as capital of the applicant.

64.— Income treated as capital: persons who are not pensioners

- (1) This paragraph applies in relation to persons who are not pensioners.
- (2) Any bounty derived from employment to which paragraph 9 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) applies and paid at intervals of at least one year is to be treated as capital.
- (3) 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.
- (4) Any holiday pay which is not earnings under paragraph 41(1)(d) or 51(1)(d) (earnings of employed earners) is to be treated as capital.
- (5) Except any income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17, 30 to 33, 50 or 51 of Schedule 10 (capital disregards: persons who are not pensioners), 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.
- (6) 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.
- (7) 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.

- (8) 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.
- (9) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.
- (10) Any arrears of working tax credit or child tax credit must be treated as capital.

65. Calculation of capital in the United Kingdom

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.

66. Calculation of capital outside the United Kingdom

Capital which an applicant possesses in a country outside the United Kingdom must 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.

67.— Notional capital

- (1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to support or increasing the amount of that support except to the extent that that capital is reduced in accordance with paragraph 68 (diminishing notional capital rule).
- (2) A person who is a pensioner 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) Sub-paragraphs (4) to (6) apply in relation to applicants who are not pensioners.
- (4) 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 9; 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 10 (capital disregards: persons who are not pensioners) 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 10 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.
- (5) Any payment of capital, other than a payment of capital specified in sub-paragraph (6), 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 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.

(6) Sub-paragraph (5) 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 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.

(7) 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 63 (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.

(8) 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.

(9) 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.

68.— Diminishing notional capital rule: pensioners

(1) Where an applicant who is a pensioner is treated as possessing capital under paragraph 67(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 support week where the applicant satisfies the conditions that—
- (a) he is in receipt of support under this scheme; and
 - (b) but for paragraph 67(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) must 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 support 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 the support 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 income-based jobseeker's allowance to which he would have been entitled in respect of the support 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 support 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 is a pensioner and would have been entitled to support in council tax under this scheme in the relevant week but for paragraph 67(1).
- (5) In such a case the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(b) is equal to the aggregate of—
- (a) the amount of the support in council tax to which the applicant would have been entitled in the relevant week but for paragraph 67(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 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 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 that sub-paragraph if the applicant makes a further application 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 67(1);

(ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (11), 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 support under this scheme,

whichever last occurred; and

(b) the applicant would have been entitled to support under this scheme but for paragraph 67(1).

(9) The amount as re-determined pursuant to sub-paragraph (7) 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 support 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), 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 support week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 67(1)—

(a) was first taken into account for the purpose of determining his entitlement to support; or

(b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, support;

and where more than one support week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such support week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” means the support 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.

69.— Diminishing notional capital rule: persons who are not pensioners

- (1) Where an applicant who is not a pensioner is treated as possessing capital under paragraph 67(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 support 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 support in council tax under this scheme; and
 - (b) but for paragraph 67(1), he would have received a greater support 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 support week to which sub-paragraph (2) refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
 - (c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the support 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 support 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 support 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 is not a pensioner and would have been entitled to support in council tax in the relevant week but for paragraph 67(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 67(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 application 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 for support under this scheme in respect of which he was first treated as possessing the capital in question under paragraph 67(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 an application under this scheme which resulted in the weekly amount being re-determined, or

(iii) the date on which he last ceased to be entitled to support under this scheme,

whichever last occurred; and

(b) the applicant would have been entitled to support under this scheme but for paragraph 67(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 support 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), 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 support week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 67(1)—

(a) was first taken into account for the purpose of determining his entitlement to support; or

(b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, support,

and where more than one support week is identified by reference to paragraphs (a) and (b) of this

definition, the later or latest such support week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” means the support 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.

70. Capital jointly held

- (1) Except where an applicant possesses capital which is disregarded under paragraph 67(7) (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.

71. Calculation of tariff income from capital: pensioners

- (1) The capital of an applicant who is a pensioner, 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.

72. Calculation of tariff income from capital: persons who are not pensioners

- (1) The capital of an applicant who is not a pensioner, calculated in accordance with this Part, is to be treated as if it were a weekly income of—
- (a) £1 for each £250 in excess of £6,000 but not exceeding £16,000;
 - (b) £1 for any excess which is not a complete £250.

CHAPTER 1 General

73.— Students Interpretation

(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 Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or

(e) Financial Contingency Funds made available by the Welsh Ministers;

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

“contribution” means—(a) any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student's grant or student loan; or

(b) any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority 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 Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;

(b) is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning

hours per week for the student in question, according to the number of guided learning hours per week for that student set out—

(i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student's learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or

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

(c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—

(i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or

(ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

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

“grant” (except in the definition of “access funds”) means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds or any payment to which paragraph 16 of Schedule 8 or paragraph 55 of Schedule 10 (allowances and payments for courses of study) 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 paragraph (a) of sub-paragraph (2), the period referred to in that 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.

74. Treatment of students

(1) This scheme has effect in relation to students who are not pensioners subject to the following provisions of this Part.

75.— Students who are excluded from entitlement to support under this scheme

(1) The students who are excluded from entitlement to support under this scheme are, subject to sub-paragraphs (2) and (7)—

(a) full-time students, and

(b) students who are persons treated as not being in Great Britain.

(2) Sub-paragraph (1)(b) 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 paragraph, 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,

(ii) aged 21 and attained that age during a course of study which is not a course of higher education, or

(iii) 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 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) Sub-paragraph (2)(i)(ii) only applies to an applicant until the end of the course during which the applicant attained the age of 21.

(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 sub-paragraph (2)(i) 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)(b) 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 first occurs.

CHAPTER 2 Income

76.— Calculation of grant income

- (1) The amount of a student's grant income to be taken into account in assessing his income 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 support week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the support 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 support 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 support 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 support 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 80(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 support week, the first day of which immediately follows the last day of the period of experience and ending with the support week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

77.— Calculation of covenant income where a contribution is assessed

- (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 76(2)(g) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

78.— Covenant income where no grant income or no contribution is assessed

- (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 76(2)(a) to (e) 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 76(2)(f) and (3) 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 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 76(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 76(2)(f) and (g) and (3).

79. Relationship with amounts to be disregarded under Schedule 8

No part of a student's covenant income or grant income is to be disregarded under paragraph 19 of Schedule 8 (disregard of certain charitable and voluntary, etc., payments).

80.— Other amounts to be disregarded

- (1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 81 (treatment of student loans), any amounts intended for any

expenditure specified in paragraph 76(2) (calculation of grant income), necessary as a result of his attendance on the course must 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 76(2) or (3), 77(3), 78(1)(a) or (c) or 81(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

81.— Treatment of student loans

- (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 support 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 support week, the first day of which coincides with, or immediately follows, the first day of the course,

and ending with the support 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 support week, the first day of which coincides with or immediately follows, the first day of that academic year, and

(ii) ending with the support week, the last day of which coincides with or immediately precedes, the last day of that academic year,

but excluding any support 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" has 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 support 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 support 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 support 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 support week in September; or

(ii) the support week, the first day of which coincides with, or immediately follows the first day of the autumn term,

and ending with the support 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 £10 is to be disregarded.

- (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.

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

82.— Treatment of payments from access funds

(1) This paragraph applies to payments from access funds that are not payments to which paragraph 85(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 8 (disregards in the calculation of income other than earnings: persons who are not pensioners)—

(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.

83. Disregard of contribution

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.

84. Further disregard of student's income

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.

85.— Income treated as capital

(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.

86. Disregard of changes occurring during summer vacation

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 12 Extended Support

CHAPTER 1 Extended Support: pensioners

87. Extended Support: pensioners

Paragraphs 88 to 93 apply in relation to applicants who are pensioners.

88.— Extended Support (qualifying contributory benefits): pensioners

- (1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to support under this scheme by virtue of falling within any of classes A to C is entitled to extended support (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 support 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 support under this scheme by virtue of falling within any of classes A to C where—
 - (a) the applicant ceased to be entitled to support 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).

89.— Duration of extended support period (qualifying contributory benefits): pensioners

- (1) Where an applicant is entitled to an extended support (qualifying contributory benefits), the extended support period starts on the first day of the support week immediately following the support 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 support 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 support (qualifying contributory benefits) has no liability for council tax, if that occurs first.

90.— Amount of extended support (qualifying contributory benefits): pensioners

- (1) For any week during the extended support period the amount of the extended support (qualifying

contributory benefits) the applicant is entitled to is the greater of—

(a) the amount of council tax support to which the applicant was entitled by virtue of falling within any of classes A to C in the last support week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;

(b) the amount of support under this scheme to which the applicant would be entitled under by virtue of falling within any of classes A to C for any support week during the extended support period, if paragraph 88 (extended support (qualifying contributory benefits): pensioners) did not apply to the applicant; or

(c) the amount of support under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes A to C, if paragraph 88 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 support (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for support under this scheme, the authority must not award support in pursuance of that application during the extended support period.

91.— Extended Support (qualifying contributory benefits)—movers: pensioners

(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 support (qualifying contributory benefits) awarded from the Monday from which this paragraph applies until the end of the extended support period is to be the amount of support under this scheme which was payable to the mover for the last support 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 support (qualifying contributory benefits) may take the form of a payment from this authority to—

(a) the second authority; or

(b) the mover directly.

92.— Relationship between extended support (qualifying contributory benefits) and entitlement to support by virtue of classes A to C

(1) Where an applicant's support under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 88(1)(b), that support does not cease to have effect until the end of the extended support period.

(2) Part 13 (when entitlement begins and change of circumstances) does not apply to any extended support (qualifying contributory benefits) payable in accordance with paragraph 90(1)(a) or paragraph 91(2) (amount of extended support – movers: pensioners).

93.— Continuing support where state pension credit claimed: pensioners

(1) This paragraph applies where—

(a) the applicant is entitled to support under this scheme;

(b) sub-paragraph (2) is satisfied; and

(c) either—

(i) the applicant has attained the qualifying age for state pension credit or, if his entitlement to income-based jobseeker's allowance;

(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 support under this scheme for the period of 4 weeks beginning on the day following the day the applicant's entitlement to income support or, as the case may be, income-based jobseeker's allowance, income-related employment and support allowance, ceased, if and for so long as the applicant otherwise satisfies the conditions for entitlement to support under this scheme.
- (4) Where support under this scheme is awarded for the period of 4 weeks in accordance with sub-paragraph (3) above, and the last day of that period falls on a day other than the last day of a support week, then support under this scheme must continue to be awarded until the end of the support 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 support amount of the applicant is to be that which was applicable in his case immediately before that period commenced.
- (6) The maximum support is to be calculated in accordance with paragraph 29(1) or 29A(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 30 falls to be made.

CHAPTER 2 Extended Support: persons who are not pensioners

94. Extended Support: persons who are not pensioners

Paragraphs 95 to 104 apply in relation to applicants who are not pensioners.

95.— Extended Support: persons who are not pensioners

- (1) An applicant who is entitled to support under this scheme by virtue of falling within any of classes D to F is entitled to an extended support 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 must be treated as being entitled to and in receipt of jobseeker's allowance.
- (4) An applicant must be treated as entitled to support under this scheme by virtue of falling within any of classes D to F where—
 - (a) the applicant ceased to be entitled to support 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.

96.— Duration of extended support period: persons who are not pensioners

- (1) Where an applicant is entitled to an extended support, the extended support period starts on the first day of the support week immediately following the support 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 support 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 support is payable has no liability for council tax, if that occurs first.

97.— Amount of extended support: persons who are not pensioners

- (1) For any week during the extended support period the amount of the extended support to which an applicant is entitled is to be the higher of—
- (a) the amount of the support under this scheme to which the applicant was entitled by virtue of falling within any of classes D to F in the last support week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
 - (b) the amount of support under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to F for any support week during the extended support period, if paragraph 95 (extended support: persons who are not pensioners) did not apply to the applicant; or
 - (c) the amount of support under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to F, if paragraph 95 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 support under this paragraph and the applicant's partner makes an application for support under this scheme, no amount of support under this scheme is to be awarded by the authority during the extended support period.

98.— Extended support—movers: persons who are not pensioners

- (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 support awarded from the Monday from which this paragraph applies until the end of the extended support period is to be the amount of support under this scheme to which the mover would have been entitled had they, or their partner, not 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 second authority, the extended support (qualifying contributory benefits) may take the form of a payment from this authority to—
- (a) the second authority; or
 - (b) the mover directly.

99.— Relationship between extended support and entitlement to support by virtue of classes D to F

- (1) Where an applicant's entitlement to support 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 95(1)(b), that entitlement does not cease until the end of the extended support period.
- (2) Paragraphs 106 and 107 do not apply to any extended support payable in accordance with paragraph 95(1)(a) or 98(2) (amount of extended support—movers: persons who are not pensioners).

100.— Extended support (qualifying contributory benefits): persons who are not pensioners

- (1) An applicant who is entitled to support under this scheme by virtue of falling within any of classes D to F is entitled to an extended support (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 support 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 support under this scheme by virtue of falling within any of classes D to F where—
- (a) the applicant ceased to be entitled to support 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).

101.— Duration of extended support period (qualifying contributory benefits): persons who are not pensioners

- (1) Where an applicant is entitled to an extended support (qualifying contributory benefits), the extended support period starts on the first day of the support week immediately following the support 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 support 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 support (qualifying contributory benefits) has no liability for council tax, if that occurs first.

102.— Amount of extended support (qualifying contributory benefits): persons who are not pensioners

- (1) For any week during the extended support period the amount of the extended support (qualifying contributory benefits) payable to an applicant is to be the greater of—
- (a) the amount of support under this scheme to which the applicant was entitled by virtue of falling within any of classes D to F in the last support week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
 - (b) the amount of support under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to F for any support week during the extended support period, if paragraph 100 (extended support (qualifying contributory benefits): persons who are not pensioners) did not apply to the applicant; or
 - (c) the amount of support under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to F, if paragraph 100 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 support (qualifying contributory benefits) under this

paragraph and the applicant's partner makes an application for support under this scheme, no amount of support may be allowed by the appropriate authority during the extended support period.

103.— Extended support (qualifying contributory benefits)—movers: persons who are not pensioners

- (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 support (qualifying contributory benefit) payable from the Monday from which this paragraph applies until the end of the extended support period is to be the amount of support under this scheme which was awarded to the mover for the last support 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 support (qualifying contributory benefits) may take the form of a payment from this authority to—
 - (a) the second authority; or
 - (b) the mover directly.

104.— Relationship between extended support (qualifying contributory benefits) and entitlement to support by virtue of classes D to F

- (1) Where an applicant's support under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 100(1)(b), that support does not cease until the end of the extended support period.
- (2) Paragraphs 106 and 107 (dates on which entitlement begins and change of circumstances take effect) do not apply to any extended support (qualifying contributory benefits) payable in accordance with paragraph 102(1)(a) or 103(2) (amount of extended support—movers: persons who are not pensioners).

CHAPTER 3 Extended Support: movers in the authority's area

105. Extended Support: applicant moving into the authority's area

Where—

- (a) an application is made to the authority (“the current authority”) for support under this scheme, and
- (b) the applicant, or the partner of the applicant, is in receipt of an extended support from—
 - (i) another billing authority in England; or
 - (ii) a billing authority in Wales,

the current authority must reduce any support to which the applicant is entitled under this scheme by the amount of that extended support.

PART 13 When entitlement begins and change of circumstances

106.— Date on which entitlement begins

- (1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for support under this scheme is made and who is otherwise entitled to that support is so entitled from the support week following the date on which that application is made or is treated as made.
- (2) Where a person is otherwise entitled to support 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 support week in which his application is made or is treated as made, he is so entitled from that support week.

107.— Date on which change of circumstances is to take effect

- (1) Except in cases where paragraph 60 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph and (in the case of applicants who are pensioners) paragraph 108 (change of circumstance where state pension credit in payment), a change of circumstances which affects entitlement to, or the amount of, support under this scheme (“change of circumstances”), takes effect from the first day of the support 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 support week would, but for this paragraph, take effect in different support 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.
- (10) Sub-paragraph (11) applies if—
 - (a) not used
 - (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 30 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 support under this 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 support week, the effective date in that case is to be the first day of the next support week to commence after the date determined under that sub-paragraph.

107A De Minimis Change - persons who are not pensioners

- (1) Where a change of circumstances occurs which would amend the calculation and subsequent award of Council Tax Support in any support week by an amount of less than £1.00, no change to the award shall be made.

108.— Change of circumstances where state pension credit in payment

- (1) Sub-paragraphs (2) and (3) apply where—
- (a) the 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 support he receives under this 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 support he receives under this scheme, the change takes effect from the first day of the support week in which state pension credit becomes payable at the increased rate; or
 - (b) a decrease in the support he receives under this scheme, the change takes effect from the first day of the support week next following the date on which—
 - (i) the local 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 support the applicant receives under this 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 support 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 support week next following the date on which—
 - (i) the authority receives notification from the Secretary of State of the support 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 support he receives under this scheme is increased, the change takes effect from the first day of the support 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 support he receives under this scheme, the change takes effect from the first day of the support 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 support the applicant receives under this scheme, the change of circumstances referred to in sub-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 support the applicant receives under this scheme, the change takes effect from the first day of the support 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 93 (continuing support where state pension credit claimed), that change takes effect on the first day of the first support week to commence after the expiry of the 4 week period.

(9) In this paragraph—

“official error” means an error made by—(a) the authority or a person—

(i) authorised to carry out any function of the authority relating to this scheme; or

(ii) providing services relating to this 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 36(1).

PART 14 Applications (including duties to notify authority of change of circumstances)

109.— Making an application

(1) In the case of—

(a) a couple or (subject to paragraph (b)) 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; or

(b) in the case of members of a polygamous marriage to whom paragraph 37 (income and capital: award of universal credit) applies, an application is to be made by whichever one of the parties to the earliest marriage that still subsists 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, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under this 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 must terminate when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).
- (6) Anything required by this 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 115(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 support or its amount.

110.— Date on which an application is made

- (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 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 which he occupies as his home, and
 - (iii) the application to the authority is received at the designated office within one month of the date of the change,
the date on which the change takes place;
 - (c) in a case where—
 - (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
 - (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,
the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;
 - (d) in a case where—
 - (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance

- or an income-related employment and support allowance or has an award of universal credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
- (iii) the application to the authority 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) the applicant is the former partner of a person who was, at the date of his death or their separation, entitled to support under this scheme, and
- (ii) where the applicant makes an application for support under this scheme within one month of the date of the death or the separation,

the date of the death or separation;

(f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to the 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 the 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 1 to this scheme (application by telephone)—

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

(b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide 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 1 (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 1 (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 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 support 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 support under this scheme in the support 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 support under this 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 support 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 support week following the date on which the application is made,
- the authority may treat the application as made on a date in the support week immediately preceding the first support week of that period of entitlement and award support 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 for income support, a jobseeker’s allowance or an employment and support allowance.

111.— Backdating of applications: pensioners

- (1) Subject to sub-paragraph (2), the time for the making of an application under this scheme by a pensioner is as regards any day on which, apart from satisfying the condition of making an application, the applicant is entitled to such support, that day and the period of three months immediately following it.
- (2) In any case where paragraph 110(1)(a) applies, sub-paragraph (1) does not entitle a person to apply for support under this 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).

112.— Backdating of applications: persons who are not pensioners

- (1) Where an applicant who is a person who is not a pensioner—
- (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 application was made;
 - (c) the day 6 months before the date when the applicant requested that the application should include a past period.

113.— Information and evidence

- (1) Subject to sub-paragraph (3), a person who makes an application for support under this 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 support 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 support is made;
 - (b) to a person who—
 - (i) is a person treated as not being in Great Britain for the purposes of this scheme;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
 - (iii) has not previously been allocated a national insurance number.
- (4) Subject to sub-paragraph (5), a person who makes an application, or a person to whom support under this 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 the authority in order to determine that person's entitlement to, or continuing entitlement to support under this 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 to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.
- (6) Where a request is made under sub-paragraph (4), the authority must—
- (a) inform the applicant or the person to whom support under this scheme has been awarded of his duty under paragraph 115 (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 115, 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 is to be notified.
- (7) This sub-paragraph applies to any of the following payments—
- (a) a payment which is—
 - (i) disregarded under paragraph 28 of Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners) or paragraph 38 of Schedule 10 (capital disregards: persons who are not pensioners); or
 - (ii) made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Caxton Foundation” insert “, the London Emergencies Trust, the We Love Manchester Emergency Fund, the Grenfell Tower charitable funds, the Grenfell Tower Residents’ Discretionary Fund, the Windrush Compensation Scheme or the London Bombings Relief Charitable Fund;
 - (aa) a Grenfell Tower support payment;
 - (b) a payment which is disregarded under paragraph 16 of Schedule 9 (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 30(9)(b) or (c) (payment made under certain trusts etc.) or paragraph 2(b) or (c) of Schedule 4 (payments made under certain trusts etc.) other than a payment under the Independent Living Fund (2006).
- (8) Where an applicant or a person to whom support under this 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.

114.— Amendment and withdrawal of application

- (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 1, 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 1, the withdrawal may also be made by telephone.
- (6) Any notice of withdrawal given in accordance with sub-paragraph (4) or (z5) 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.

115.— Duty to notify changes of circumstances

- (1) Subject to sub-paragraphs (3) and (9), the 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 support under this scheme) including at any time while the applicant is in receipt of such support.
- (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, support under this 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 1 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 support under this 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 support) 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 support under this 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 the savings credit must also report—
 - (a) changes affecting a child living with him which may result in a change in the amount of support under this 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;

(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 34 (circumstances in which income of a non-dependant is to be treated as applicant's); or

(ii) a person to whom paragraph 36(2)(e) (partner treated as member of the household under paragraph 8) refers,

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 support under this scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (7) and (8).

PART 15 Decisions by authority

116. Decision by authority

The authority must make a decision on an application for support under this scheme within 14 days of paragraphs 110 and 113 and Part 1 of Schedule 1 being satisfied, or as soon as reasonably practicable thereafter.

117.— Notification of decision

- (1) The authority must notify in writing any person affected by a decision made by it under this 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 support the notification under sub-paragraph (1) must include a statement—
 - (a) informing the person affected of the duty imposed by paragraph 115(1)(b);
 - (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 support or its amount.
- (3) Where the decision is to award support, 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 this scheme relating to the procedure for making an appeal.
- (5) A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.
- (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 the authority under this 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 the authority under paragraph 109(3).

PART 16 Circumstances in which a payment may be made

118.— Payment where there is joint and several liability.

- (1) Where—
- (a) a person is entitled to support under this scheme in respect of his liability for the authority's council tax as it has effect in respect of a financial year;
 - (b) the person entitled to the support 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 support 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 support.
- (3) Where a person other than the person who is entitled to the support under this scheme made the application for the support and that first person is a person acting pursuant to an appointment under paragraph 109(3) (persons appointed to act for a person unable to act) or is treated as having been so appointed by virtue of paragraph 109(5), the amount of the support may be paid to that person.

119.0 Transitional provisions for restrictions on amounts for children and young persons (pensioners)

- (1) This regulation applies where—
- (a) on 31st March 2018, a person is liable to pay council tax at a reduced rate by virtue of a council tax support under an authority's scheme established under section 13A(2) of the Local Government Finance Act 1992 ("a section 13A(2) scheme"); and
 - (b) the person is, or the person and the person's partner are between them, responsible for more than two individuals who are either children or young persons and who are members of the same household (each such individual is referred to as a protected individual").
- (2) Where this regulation applies, the amendments made by regulation 7 do not apply to the person entitled to a council tax support referred to in paragraph (1) until—
- (a) the person makes a new application for support under an authority's section 13A(2) scheme; or
 - (b) the person or the person's partner (if any) becomes responsible for a new individual, whichever is the first to occur.
- (3) Paragraphs (4) to (8) apply where—
- (a) the amendments made by regulation 7 apply by virtue of paragraph (2)(b);
 - (b) the child tax credit provisions do not apply; and
 - (c) the person has not made a new application for support under an authority's scheme for support under an authority's section 13A(2) scheme.
- (4) Notwithstanding the default provisions, a child amount shall be included in the applicable amount in relation to any protected individual, in relation to any time when the person or the person's partner (if any) is responsible for the individual and the individual is a member of the same household.
- (5) Paragraph (6) applies where—
- (a) the person or the person's partner (if any) is responsible for one or more protected individuals who are members of the same household; and
 - (b) either of them is responsible for one or more new individuals who are members of the same household.

- (6) Where this paragraph applies, any protected individual for whom the person or the person's partner is responsible is to be counted for the purpose of deciding whether, under the default provisions, an additional child amount is to be included in the applicable amount with respect to the new individual or individuals referred to in paragraph (5)(b).
- (7) Paragraph (8) applies where—
 - (a) the number of protected individuals for whom either the person or the person's partner (if any) is responsible, and who are members of the same household, is one;
 - (b) the number of new individuals for whom either the person or the person's partner is responsible, and who are members of the same household, is two or more; and
 - (c) a different child amount would apply to different individuals.
- (8) Where this paragraph applies, the child amounts to be included in the applicable amount shall be—
 - (a) the child amount in relation to the protected individual; and
 - (b) a child amount in relation to such one of the new individuals as will result in the greatest possible total amount.
- (9) Under paragraph (3), for the purposes of determining whether the child tax credit provisions apply, by virtue of paragraph 6(1B) of Schedule 1 to the 2012 Regulations, where the person or the person's partner is responsible for one or more protected individuals, the total amount that would be included in the applicable amount under the default provisions shall be taken to be the total that would be included under paragraphs (4), (6) and (8).
- (10) For the purposes of this regulation—
 - (a) "the 2012 Regulations" means the Council Tax Support Schemes (Prescribed Requirements) (England) Regulations 2012;
 - (b) "applicable amount", "child", "partner" and "young person" have the same meanings as in the 2012 Regulations;
 - (c) "child amount" means the amount determined under paragraph 2 of Schedule 2 to the 2012 Regulations;
 - (d) "child tax credit provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
 - (e) "default provisions" means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);
 - (f) "new individual" means a child or young person who is not a protected individual;
 - (g) any reference to an individual being part of the same household means being part of the same household with the person who is entitled to support under an authority's section 13A(2) scheme and the person's partner (if any);
 - (h) a person is to be treated as responsible for a child or young person in the circumstances set out in regulation 7 of the 2012 Regulations

SCHEDULE 1 - Procedural matters

PART 1 Procedure for an application for support under this scheme

Procedure by which a person may apply for support under this scheme

1.

Paragraphs 2 to 7 apply to an application for support under this 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 the 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 supplied 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. An application made on a form provided by the authority is properly completed if 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 the authority must provide the person making the application with an opportunity to correct the defect.

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

6.

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

7.

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

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

PART 2 Procedure for making an appeal

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

8.

A person who is aggrieved by a decision of the authority which affects—

(a) the person's entitlement to support under this scheme, or

(b) the amount of any support under this scheme,

may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.

9.

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.

10.

Where, following notification under paragraph 9(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with paragraph 9(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 Procedure for applying for a discretionary reduction

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

11.

- (1) An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made—
- (a) in writing;
 - (b) by means of an electronic communication in accordance with Part 4 of this Schedule; or
 - (c) where the authority has published a telephone number for the purposes 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 this scheme,
- that person's application for a reduction under this scheme may also be treated as an application for a reduction under section 13A(1)(c).

PART 4 Electronic communication

12. Interpretation

In this Part—

“information” includes an application, certificate, notice or other evidence;

“official computer system” means a computer system maintained by or on behalf of the authority for the sending, receiving, processing or storing of any information.

13.— Conditions for the use of electronic communication

- (1) The authority may use an electronic communication in connection with applications for, and awards of, support under this scheme.
- (2) A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.
- (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 supplied for the purposes of this Part of this Schedule.
- (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 of this Schedule.

14. Use of intermediaries

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.

15.— Effect of delivering information by means of electronic communication

(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 this scheme, on the day the conditions imposed—

(a) by this Part; and

(b) by or under an enactment,

are satisfied.

(2) The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

(3) Information must 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.

16. Proof of identity of sender or recipient of information

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.

17.— Proof of delivery of information

(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 must be 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 must be 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 must be presumed to be that recorded on an official computer system.

18. Proof of content of information

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 must be presumed to be that recorded on an official computer system.

SCHEDULE 2 Applicable amounts:

PART 1 Persons who are pensioners

(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 25(1)(a) is;

(a) on or after 1st April 2021, the amount specified in column (2) of Table 1 below in respect of each person or couple referred to in column (1) of that Table.

(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;

Transitional provisions for restrictions on amounts for children and young persons

(1) This regulation applies where—

(a) on 31st March 2018, a person is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A (2) of the Local Government Finance Act 1992 ("a section 13A(2) scheme"); and

(b) the person is, or the person and the person's partner are between them, responsible for more than two individuals who are either children or young persons and who are members of the same household (each such individual is referred to as a "protected individual").

(2) Where this regulation applies, the amendments made by regulation 7 do not apply to the person entitled to a council tax reduction referred to in paragraph (1) until—

(a) the person makes a new application for a reduction under an authority's section 13A(2) scheme; or

(b) the person or the person's partner (if any) becomes responsible for a new individual, whichever is the first to occur.

(3) Paragraphs (4) to (8) apply where—

(a) the amendments made by regulation 7 apply by virtue of paragraph (2)(b);

(b) the child tax credit provisions do not apply; and

(c) the person has not made a new application for a reduction under an authority's scheme for a reduction under an authority's section 13A(2) scheme.

(4) Notwithstanding the default provisions, a child amount shall be included in the applicable amount in relation to any protected individual, in relation to any time when the person or the person's partner (if any) is responsible for the individual and the individual is a member of the same household.

(5) Paragraph (6) applies where—

(a) the person or the person's partner (if any) is responsible for one or more protected individuals who are members of the same household; and

(b) either of them is responsible for one or more new individuals who are members of the same household.

(6) Where this paragraph applies, any protected individual for whom the person or the person’s partner is responsible is to be counted for the purpose of deciding whether, under the default provisions, an additional child amount is to be included in the applicable amount with respect to the new individual or individuals referred to in paragraph (5)(b).

(7) Paragraph (8) applies where—

(a) the number of protected individuals for whom either the person or the person’s partner (if any) is responsible, and who are members of the same household, is one;

(b) the number of new individuals for whom either the person or the person’s partner is responsible, and who are members of the same household, is two or more; and

(c) a different child amount would apply to different individuals.

(8) Where this paragraph applies, the child amounts to be included in the applicable amount shall be—

(a) the child amount in relation to the protected individual; and

(b) a child amount in relation to such one of the new individuals as will result in the greatest possible total amount.

(9) Under paragraph (3), for the purposes of determining whether the child tax credit provisions apply, by virtue of paragraph 6(1B) of Schedule 1 to the 2012 Regulations, where the person or the person’s partner is responsible for one or more protected individuals, the total amount that would be included in the applicable amount under the default provisions shall be taken to be the total that would be included under paragraphs (4), (6) and (8).

(10) For the purposes of this regulation—

(a) “the 2012 Regulations” means the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;

(b) “applicable amount”, “child”, “partner” and “young person” have the same meanings as in the 2012 Regulations;

(c) “child amount” means the amount determined under paragraph 2 of Schedule 2 to the 2012 Regulations;

(d) “child tax credit provisions” means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);

(e) “default provisions” means the provisions of paragraph 6(1)(b) of Schedule 1 to the 2012 Regulations (as substituted by paragraph 6(1C) of that Schedule);

(f) “new individual” means a child or young person who is not a protected individual;

(g) any reference to an individual being part of the same household means being part of the same household with the person who is entitled to a reduction under an authority’s section 13A(2) scheme and the person’s partner (if any);

(h) a person is to be treated as responsible for a child or young person in the circumstances set out in regulation 7 of the 2012 Regulations.

Table 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	£197.10
(2) Couple one or both members before 1 st April 2021	£294.90
(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) 294.90; (b) £97.80
(a) for the applicant and the other party to the marriage; (b) for each additional spouse who is a member of the same household as the applicant.	£182.60
(4) Single applicant or lone parent who has attained pensionable age on or after 1st April 2021	£278.70
(5) Couple where both members have attained pensionable age on or after 1st April 2021	

(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; (b) for each additional spouse who is a member of the same household as the applicant	£278.70 £96.10
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2. Child or young person amounts

- (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 25(1)(b).

Column (1)	Column (2)
Child or young Person	Amount
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; (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.	(a) £70.80; (b) £70.80.

- (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

3. Family premium

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 £17.85 in respect of a reduction week which begins in the period beginning with 1st April 2015 and ending with 30th April 2016;
(b) is nil in respect of a reduction week which begins after 1st May 2016.

Transitional provision

(1) The amendment in regulation Part 2-3 (Family Premium) of this policy (or 2(4)(b) for the purposes of SI2041/2015) does not apply to a person who, on 30th April 2016, is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A (2) of the Act and is—

- (a) a member of a family of which at least one member is a child or young person; or
(b) a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.

(2) Paragraph (1) does not apply if—

- (a) sub-paragraph (a) or (b) of that paragraph ceases to apply; or
(b) the person makes a new application for a reduction under an authority's scheme under section 13A (2) of the Act.

(3) For the purposes of this regulation—

- (a) “the Act” means the Local Government Finance Act 1992;
(b) “child”, “family”, “partner”, “polygamous marriage” and “young person” have the meanings given by regulation 2 of the Council Tax Reduction Schemes (Prescribed

PART 3 - Premiums

4. The premiums specified in Part 4 shall, for the purposes of paragraph 24(1)(d), be applicable to an applicant who satisfies the condition specified in this Part in respect of that premium.

5.—(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person shall 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 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, or the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 or 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 shall 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 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, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012; 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 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, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012;
 - (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 shall 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 shall nevertheless 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 shall be taken of—

- (a) a person receiving 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, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012; 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 shall 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 in receipt, notwithstanding section 86 of that Act and regulations made there under;
- (c) 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 and in receipt or have such an award of universal credit.

(8) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b)—

- (a) no account shall 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) references to a person being in receipt of a carer's allowance or as having an award of universal credit which includes the carer element shall 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; or
- (b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate prescribed in accordance with section 78(2) of that Act, 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, personal independence payment or is no longer in receipt of such allowance or payment because he is a patient, provided that the child or young person continues to be a member of the family;
- (aa) is in receipt of child disability payment; or

- (b) is blind within the meaning of paragraph 6(4) 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.

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 shall 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 shall be treated as if it were a payment of that benefit.

Person in receipt of benefit

11. For the purposes of this Part of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall 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>
(a) where the applicant satisfies the condition in paragraph 6(2)(a);	(a) £69.40;
(b) where the applicant satisfies the condition in paragraph 6(2)(b)—	(b)
(a) 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) £69.40;
(b) in a case where there is no-one in receipt of such an allowance or such an award of universal credit.	(ii) £138.80.
(2) Enhanced disability premium	(2) £27.44 in respect of each child or young person in respect of whom the conditions

(3) Disabled Child Premium.

(4) Carer Premium.

specified in paragraph 7 are satisfied.

(3) £68.04 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied

(4) £38.85 in respect of each person who satisfies the condition specified in paragraph 9.

SCHEDULE 3 - Applicable amounts: persons who are not pensioners

PART 1 Personal allowances

1.

The amounts specified in column (2) below in respect of each person or couple specified in column (1) are the amounts specified for the purposes of paragraphs 26(1)(a) and 27(1)(a) and (b)–

<i>Person or couple</i>	<i>Amount</i>
(1) A single applicant who–	(1)
(a) is entitled to main phase employment and support allowance;	(a) £77.00
(b) is aged not less than 25;	(b) £77.00
(c) is aged not less than 18 but less than 25.	(c) £61.05
(2) Lone parent.	(2) £77.00
(3) Couple.	(3) £121.05
(4) If the applicant is a member of a polygamous marriage	
(a) for the applicant and the other party to the marriage;	(a) £121.05
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £44.05

2.

For the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if–

- (a) paragraph 18 is satisfied in relation to the applicant; or
- (b) the applicant is entitled to a converted employment and support allowance.

3.–

(1) The amounts specified in column (2) below in respect of each person specified in column (1) are, for the relevant period specified in column (1), the amounts specified for the purposes of paragraphs 26(1)(b) and 27(1)(c)–

Column (1)	Column (2)
Child or Young person	Amount
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;	£70.80
(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.	£70.80

(2) In column (1) of the table in sub-paragraph (1), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

PART 2 Family premium

4.–

- (1) The amount for the purposes of this scheme in respect of a family of which at least one member is a child or young person shall be
 - a. where the applicant is a lone parent to whom sub-paragraph (3) of Schedule 3 of the Housing Benefit Regulations 2006 applies, £22.20;
 - b. in any other case, £17.85;

PART 3 Premiums

5.

Except as provided in paragraph 6, the premiums specified in Part 4 are, for the purposes of paragraphs 26(1)(d) and 27(1)(e) (premiums), applicable to an applicant who satisfies the condition specified in paragraphs 9 to 14 in respect of that premium.

6.

Subject to paragraph 7, where an applicant satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium is applicable to him and, if they are different amounts, the higher or highest amount applies.

7.

The following premiums, namely—

- (a) a severe disability premium to which paragraph 11 applies;
- (b) an enhanced disability premium to which paragraph 12 applies;
- (c) a disabled child premium to which paragraph 13 applies; and
- (d) a carer premium to which paragraph 14 applies,

may be applicable in addition to any other premium which may apply under this Schedule.

8.—

(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, 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 provisions 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 Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 14, a person is to be treated as being in receipt of 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 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 or the daily living component of personal independence payment payable under Part 4 of the Welfare Reform Act 2012.

Disability premium

9.

The condition is that—

- (a) where the applicant is a single applicant or a lone parent, he has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10 is satisfied; or
- (b) where the applicant has a partner, either—
 - (i) the applicant has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) or (b) is satisfied by him; or
 - (ii) his partner has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) is satisfied by his partner.

Additional condition for the disability premium

10.—

(1) Subject to sub-paragraph (2) and paragraph 8, the additional condition referred to in paragraph 9 is that either—

- (a) the applicant or, as the case may be, his partner—

(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 remained continuously entitled to—

(aa) council tax benefit (in relation to the period prior to 1st April 2013, and

(bb) support under this scheme (in relation to the period commencing on 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 58(11)(i) (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 58(11)(i) (treatment of child care charges); or

(v) was in receipt of an AFIP, but payment has been suspended in accordance with any terms of the armed and reserve forces compensation scheme which allow for suspension because a person is undergoing medical treatment in a hospital or similar institution; or

(vi) 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; 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—

(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) 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), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he is, on again becoming so incapable of work, immediately thereafter to be treated as satisfying the condition in sub-paragraph (1)(b).

(4) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, he is to continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 2 of the Employment and Training Act 1973 or 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.

(5) 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 are to be treated as one continuous period.

(6) 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 Act (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.

(7) In the case of an applicant 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)–

(a) the reference to a period of 8 weeks in sub-paragraph (3); and

(b) the reference to a period of 56 days in sub-paragraph (5),

in each case is to be treated as a reference to a period of 104 weeks.

(8) The applicant is not entitled to the disability premium if he has, or is treated as having, limited capability for work.

Severe disability premium

11.–

(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 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, or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and

(ii) subject to sub-paragraph (4), 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 in respect of caring for him;

(b) in the case of an applicant who has a partner–

(i) the applicant is 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 or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and

(ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance; and

(iii) subject to sub-paragraph (4), 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 in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance in respect of caring for either member of a couple or any partner of a polygamous 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 paragraph 10(1)(a)(v) and (2), that partner is to be treated for the purposes of sub-paragraph (2)(b)(ii) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of–

(a) a person receiving attendance allowance, or disability living allowance by virtue of the care component at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012; or

(b) a person who is blind or is treated as blind within the meaning of paragraph 10(1)(a)(v) and (2).

(5) 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, or the daily living

component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) as being entitled to and in receipt of a carer's allowance 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 and in receipt.

(6) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), 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.

(7) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer's allowance include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit provisions).

Enhanced disability premium

12.—

(1) Subject to sub-paragraph (2), the condition is that—

(a) the Secretary of State has decided that the applicant has, or is to be treated as having, limited capability for work-related activity; or

(b) the care component of disability living allowance is, or would be payable at the highest rate prescribed under section 72(3) of the SSCBA, but for a suspension of benefit in accordance with regulations made 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 72(3) of the SSCBA in respect of—

(i) the applicant; or

(ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit; or

(c) the daily living component of personal independence payment is, or would be payable at either rate under Part 4 of the Welfare Reform Act 2012, but for a suspension of benefit in accordance with section 86 of the Welfare Reform Act 2012 in respect of—

(i) the applicant; or

(ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit.

(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).

(3) The condition is not satisfied if the person to whom sub-paragraph (1) refers is—

(a) an applicant who—

(i) is not a member of a couple or a polygamous marriage; and

(ii) is a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges) and has been for a period of more than 52 weeks; or

(b) a member of a couple or a polygamous marriage where each member is a patient within the meaning of paragraph 58(11)(i) and has been for a period of more than 52 weeks.

13. Disabled child premium

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

(b) is blind or treated as blind within the meaning of paragraph 10; 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.

14. Carer premium

(1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the SSCBA.

(2) Where a carer premium is awarded but—

(a) the person in respect of whose care the carer's allowance has been awarded dies; or

(b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled to a carer's allowance,

the condition for the award of the premium is to 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) where sub-paragraph (2)(a) applies, the Sunday following the death of the person in respect of whose care a carer's allowance has been awarded or the date of death if the death occurred on a Sunday;

(b) in any other case, the date on which the person who has been entitled to a carer's allowance ceases to be entitled to that allowance.

(4) Where a person who has been entitled to a carer's allowance ceases to be entitled to that allowance and makes an application for support, the condition for the award of the carer premium is to be treated as satisfied for a period of eight weeks from the date on which—

(a) the person in respect of whose care the carer's allowance has been awarded dies; or

(b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

Persons in receipt of concessionary payments

15.

For the purpose of determining whether a premium is applicable to a person under paragraphs 10 to 14, 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.

Persons in receipt of benefit for another

16.

For the purposes of this Part of this Schedule, 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 Premiums Specified in Part 3

17.—

<i>Premium</i>	<i>Amount</i>
(1) Disability Premium—	(1)
(a) where the applicant satisfies the condition in paragraph 9(a);	(a) £36.20
(b) where the applicant satisfies the condition in paragraph 9(b).	(b) £51.60
(2) Severe Disability Premium—	(2)
(a) where the applicant satisfies the condition in paragraph 11(2)(a);	(a) £69.40

(b) where the applicant satisfies the condition in paragraph 11(2)(b)–	
(i) in a case where there is someone in receipt of a carer’s allowance or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013; and if he or any partner satisfies that condition only by virtue of paragraph 11(5);	(b)(i) £69.40
(ii) (ii) in a case where there is no-one in receipt of such an allowance or such an award of universal credit	(b)(ii) £138.80
(3) Disabled Child Premium.	(3) £68.04 in respect of each child or young person in respect of whom the condition specified in paragraph 13 of Part 3 of this Schedule is satisfied.
(4) Carer Premium.	(4) £38.85 in respect of each person who satisfies the condition specified in paragraph 14.
(5) Enhanced disability premium	(5)
(a) £27.44 in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied;	
(b) £17.75 in respect of each person who is neither–	
(i) a child or young person; nor	
(ii) a member of a couple or a polygamous marriage,	
in respect of whom the conditions specified in paragraph 12 are satisfied;	
(c) £25.35 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 12 are satisfied in respect of a member of that couple or polygamous marriage.	

PART 5 The components

18.

Subject to paragraph 20 the applicant is entitled to one, but not both, of the components in paragraph 21 or 22 if–

- (a) the applicant or the applicant's partner has made a claim for employment and support allowance;
- (b) the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and
- (c) either–
 - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
 - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does not apply) applies.

19.

Subject to paragraph 20, the applicant is entitled to one, but not both, of the components in paragraphs 21 and

22 if the applicant or his partner is entitled to a converted employment and support allowance.

20.—

- (1) The applicant has no entitlement under paragraph 21 or 22 if the applicant is entitled to the disability premium under paragraphs 9 and 10.
- (2) Where the applicant and the applicant's partner each satisfies paragraph 21 or 22, the component to be included in the applicant's applicable amount is that which relates to the applicant.

The work-related activity component

21.

The applicant is entitled to the work-related activity component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work.

The support component

22.

The applicant is entitled to the support component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work-related activity.

PART 6

Amount of Components

23.

The amount of the work-related activity component is £30.60.

24. No work-related activity component will be awarded where the applicant or partner makes a new claim for Employment and Support Allowance on or after 1st April 2017. The amount of the support component is £40.60.

PART 7

Transitional Addition

25.—

(1) The applicant is entitled to the transitional addition calculated in accordance with paragraph 28 where the applicant or the applicant's partner ("the relevant person")—

- (a) is entitled to a converted employment and support allowance; or
- (b) is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2008 and—
 - (i) is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2008; and
 - (ii) is not in receipt of an income-related employment and support allowance,

unless the amount of the transitional addition calculated in accordance with paragraph 28 would be nil.

(2) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of support under this scheme;
- (c) the relevant person ceasing to meet the requirements of sub-paragraph (1)(a) or (b), as the case may be;
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

26.—

(1) This paragraph applies where—

- (a) the applicant's entitlement to a transitional addition ends, by virtue of the termination of the

applicant's award of support, under—

- (i) paragraph 25(2)(b);
- (ii) sub-paragraph (3)(b); or
- (iii) paragraph 27(3)(b);

(b) within 12 weeks of that termination but before 5th April 2020 the applicant again becomes entitled to support under this scheme;

(c) in the support week in which the applicant again becomes entitled to support under this scheme the relevant person is entitled to an employment and support allowance which is not income-related; and

(d) at the date on which the applicant again becomes entitled to support under this scheme, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day on which the applicant again becomes entitled to support under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of support under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(c);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

27.—

(1) This paragraph applies where—

(a) the applicant's entitlement to a transitional addition ends, by virtue of the relevant person ceasing to be entitled to an employment and support allowance, under—

- (i) paragraph 25(2)(c);
- (ii) paragraph 26(3)(c); or
- (iii) sub-paragraph (3)(c);

(b) before 5th April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;

(c) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related regulation 145(1) of the Employment and Support Allowance Regulations 2008 applies to the relevant person; and

(d) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day that the relevant person's entitlement to employment and support allowance takes effect for the purposes of support under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following—

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of support under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(b);

(d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;

(e) 5th April 2020.

PART 8

Amount of Transitional Addition

28.—

(1) Subject to paragraph 29, the amount of the transitional addition is the amount by which Amount A exceeds Amount B.

(2) Where a conversion decision as described in regulation 5(2)(a) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 ("the 2010 Regulations") is made in respect of the relevant person—

(a) Amount A is the basic amount that would have applied on the day that decision took effect had that decision not been made; and

(b) Amount B is the basic amount that applied on that day as a result of that decision.

(3) Where the relevant person is appealing a conversion decision as described in regulation 5(2)(b) of the 2010 Regulations and is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the 2010 Regulations—

(a) Amount A is the basic amount that would have applied on the day the relevant person was first treated as having limited capability for work if the relevant person had not been so treated; and

(b) Amount B is the basic amount that applied on that day as a result of the relevant person being so treated.

(4) In this paragraph and paragraph 29, "basic amount" means the aggregate of such amounts as may apply in the applicant's case in accordance with paragraph 26(1)(a) to (e) or paragraph 27(1)(a) to (f) (applicable amounts).

29.—

(1) Subject to sub-paragraph (2), where there is a change of circumstances which leads to an increase in the applicant's basic amount, the transitional addition that applies immediately before the change of circumstances must be reduced by the amount by which Amount C exceeds Amount D.

(2) If Amount C exceeds Amount D by more than the amount of the transitional addition that applies immediately before the change of circumstances, that transitional addition must be reduced to nil.

(3) Amount C is the basic amount that applies as a result of the increase.

(4) Amount D is the basic amount that applied immediately before the increase.

SCHEDULE 4 - Amount of alternative maximum council tax support: pensioners and persons who are not pensioners

1.–

(1) Subject to paragraphs 2 and 3, the alternative maximum council tax support in respect of a day for the purpose of paragraph 31 (alternative maximum council tax support: pensioners) 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 15(2) (class C) or 18(2) (class F) (as the case may be) applies; and
- (b) “persons to whom paragraph 75(1) of this scheme 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 support under this 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)	(2)
Second adult	Alternative maximum council tax support
(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;
(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—	(b)
(i) is less than £222.00 per week;	(i) 15 per cent of the council tax due in respect of that day;
(ii) is not less than £222.00 per week but less than £288.00 per week;	(ii) 7.5 per cent of the council tax due in respect of that day;

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, any disability living allowance, any personal independence payment under Part 4 of the Welfare Reform Act 2012 or an AFIP;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would

have been disregarded under paragraph 28 of Schedule 8 (income in kind); and

(c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

3.

Where there are two or more second adults residing with the applicant for support under this scheme 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 must be disregarded in determining the amount of any alternative maximum council tax support, unless that second adult is a member of a couple and his partner does not fall to be disregarded for the purposes of discount.

SCHEDULE 5 - Sums disregarded from applicant's earnings: pensioners

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 a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
- (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 14 of Part 3 of Schedule 3 (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 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 (welfare services) 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 Act, 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 1997 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 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 or the work-related activity 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 been in receipt of support under this 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 support under a council tax support scheme; or

(c) employment,

following the first day in respect of which that benefit is awarded under this 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 35 (applicant in receipt of guarantee credit: pensioners) does not apply,

the amount specified in sub-paragraph (7) (“the specified amount”).

(2) Where this paragraph applies, paragraphs 1 to 5 and 8 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 33 (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 does 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 is also to 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); or

(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 6 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full amount disregarded thereunder.

8.

Except where the applicant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule—

(a) £5 is to be disregarded if an applicant who has no partner has earnings;

(b) £10 is to be disregarded if an applicant who has a partner has earnings.

9.

Any earnings, other than earnings referred to in paragraph 40(9)(b), derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to support under this 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 is to 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 57(1)(c) (deductions from income of certain child care charges); and

(c) £17.10.

(4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph 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.

SCHEDULE 6 - Amounts to be disregarded in the calculation of income other than earnings: pensioners

1.

In addition to any sum which falls to be disregarded in accordance with paragraphs 2 to 6, the whole of any of the following—

- (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 abated 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 sub-paragraph (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) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),

whichever is less.

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 5, 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 9 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 9, 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 1999 as in force at that date, the whole of his income.

SCHEDULE 7 - Sums disregarded in the calculation of earnings: persons who are not pensioners

1.

In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—

(a) where—

- (i) the employment has been terminated because of retirement; and
- (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,

any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;

(b) where before the first day of entitlement to support under this scheme the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—

(i) any payment of the nature described in—

(aa) paragraph 51(1)(e) (retainer), or

(bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and

(ii) any award, sum or payment of the nature described in—

(aa) paragraph 51(1)(g) or (i) (compensation etc. relating to employment), or

(bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),

including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;

(c) where before the first day of entitlement to support under this scheme—

(i) the employment has not been terminated, but

(ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph (b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc.).

2.

In the case of an applicant who, before the first day of entitlement to support under this scheme—

(a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and

(b) has ceased to be engaged in that employment, whether or not that employment has been terminated,

any earnings paid or due to be paid in respect of that employment except—

(i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);

(ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc.).

3.

In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain, would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment, any earnings derived from that employment except earnings to which paragraph 53(3) and (4) (earnings of self-employed earners) apply.

4.—

(1) In a case to which this paragraph applies and paragraph 5 does not apply, £20; but notwithstanding paragraph 33 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it does not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.

(2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component under Schedule 3 (applicable amounts: persons who are not pensioners).

(3) This paragraph applies where—

- (a) the applicant is a member of a couple and his applicable amount includes an amount by way of the disability premium under Schedule 3; and
- (b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.

5.

In a case where the applicant is a lone parent, £25.

6.—

(1) In a case to which neither paragraph 4 nor paragraph 5 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium under Schedule 3 (applicable amounts: persons who are not pensioners), £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with paragraph 14(2) of that Schedule as being in receipt of carer's allowance.

(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.

7.

Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment—

- (a) specified in paragraph 9(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 6 exceed £20;
- (b) other than one specified in paragraph 9(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.

8.

In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.

9.—

(1) In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant, £20 of earnings derived from one or more employments as—

- (a) 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 a the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005 (a);
- (c) an auxiliary coastguard in respect of coast rescue activities;

- (d) a person engaged part-time in the manning or launching of a life boat;
- (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except to the extent specified in sub-paragraph (2).

(2) If the applicant's partner is engaged in employment—

- (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
- (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.

10.

Where the applicant is engaged in one or more employments specified in paragraph 9(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment, so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 9 exceed £20.

11.

In a case to which none of the paragraphs 4 to 10 applies, £5.

12.—

(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 14 does not apply,

the amount specified in sub-paragraph (7) (“the specified amount”).

(2) Where this paragraph applies, paragraphs 4 to 11 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 5, then paragraph 5 applies instead of this paragraph.

(3) Notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple (“A”) it does 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; or
- (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 (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).

13.

Any amount or the balance of any amount which would fall to be disregarded under paragraph 23 or 24 of Schedule 8 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard there under.

14.

Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.

15.

Any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

16.

Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.

17.

Any earnings of a child or young person.

18.—

(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 4 to 12 must be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

(a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or

(b) the applicant—

(i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or

(ii) is a member of a couple and—

(aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and

(bb) his applicable amount includes a family premium under paragraph 4 of Schedule 3; or

(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or

(iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and—

(aa) the applicant's applicable amount includes a disability premium under paragraph 9, the work-

related activity component under paragraph 21 or the support component under paragraph 22 of Schedule 3 respectively;

(bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in paragraph (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or

(c) the applicant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.

(3) The following are the amounts referred to in sub-paragraph (1) –

(a) the amount calculated as disregardable from the applicant's earnings under paragraphs 4 to 12;

(b) the amount of child care charges calculated as deductible under paragraph 57(1)(c); and

(c) £17.10.

(4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph were a reference to 30 hours.

19.

In this Schedule “part-time employment” means employment in which the person is engaged on average for less than 16 hours a week.

SCHEDULE 8 - Sums disregarded in the calculation of income other than earnings: persons who are not pensioners

1.

Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Pilot Scheme.

2.

Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.

3.

Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme.

4.

Any amount paid by way of tax on income which is to be taken into account under regulation 30 (calculation of income other than earnings).

5.

Any payment in respect of any expenses incurred or to be incurred by an applicant who is—

- (a) engaged by a charitable or voluntary organisation, or
- (b) a volunteer,

if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 56(5) (notional income: persons who are not pensioners).

6.

Any payment in respect of expenses arising out of the applicant's participation in a service user group.

7.

In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.

8.

Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his income.

9.

Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.

10.

Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.

11.

Any disability living allowance, personal independence payment or an AFIP.

12.

Any concessionary payment made to compensate for the non-payment of—

- (a) any payment specified in paragraph 11 or 14;
- (b) income support;
- (c) an income-based jobseeker's allowance;

- (d) an income-related employment and support allowance.

13.

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.

14.

Any attendance allowance.

15.

Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.

16.—

(1) Any payment—

(a) by way of an education maintenance allowance made pursuant to—

(i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc.);

(ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);

(iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;

(b) corresponding to such an education maintenance allowance, made pursuant to—

(i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or

(ii) regulations made under section 181 of that Act; or

(c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—

(a) regulations made under section 518 of the Education Act 1996;

(b) regulations made under section 49 of the Education (Scotland) Act 1980; or

(c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

17.

Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.

18.—

(1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment—

(a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;

(b) of an allowance referred to in section 2(3) of the Employment and Training Act 1973 or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or

(c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

19.—

(1) Subject to sub-paragraph (2), any of the following payments—

(a) a charitable payment;

(b) a voluntary payment;

(c) a payment (not falling within paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;

(d) a payment under an annuity purchased—

(i) pursuant to any agreement or court order to make payments to the applicant; or

(ii) from funds derived from a payment made,

in consequence of any personal injury to the applicant; or

(e) a payment (not falling within paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.

(2) Sub-paragraph (1) does not apply to a payment which is made or due to be made by—

(a) a former partner of the applicant, or a former partner of any member of the applicant's family; or

(b) the parent of a child or young person where that child or young person is a member of the applicant's family.

20.

Subject to paragraph 40, the whole of any of the following, namely—

(a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 13 or 14);

(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 abated to less than £10 by a pension or payment falling within article 31(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005, 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 paragraphs (a) to (d) above;

(g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

21.

Subject to paragraph 40, £15 of any—

- (a) widowed mother's allowance paid pursuant to section 37 of the SSCBA;
- (b) widowed parent's allowance paid pursuant to section 39A of the SSCBA.

22.—

- (1) Any income derived from capital to which the applicant is or is treated under paragraph 70 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17 or 30 to 33 of Schedule 10.
- (2) Income derived from capital disregarded under paragraphs 5, 7 or 30 to 33 of Schedule 10 but only to the extent of—
 - (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
- (3) The definition of ““water charges”” in paragraph 2(1) (interpretation) applies to sub-paragraph (2) of this paragraph with the omission of the words ““in so far as such charges are in respect of the dwelling which a person occupies as his home””.

23.

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.

24.—

- (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 there under, 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 23, an amount specified in sub-paragraph (2) in respect of each week during the student's term.
- (2) For the purposes of sub-paragraph (1), the amount must be equal to—
 - (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),whichever is less.

25.

Any payment made to the applicant by a child or young person or a non-dependant.

26.

Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 25 or 27 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family—

- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family,

is less than £20, the whole of that amount; or

(b) where the aggregate of any such payments is £20 or more per week, £20.

27.

Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—

(a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent of such payments;

(b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent of the excess over £20.

28.—

(1) Any income in kind, except where paragraph 54(10)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act 1999 in the calculation of income other than earnings) applies.

(2) The reference in sub-paragraph (1) to ““income in kind”” does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.

29.

Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

30.—

(1) Any payment made to the applicant in respect of a person who is a member of his family—

(a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978 (schemes for payments of allowances to adopters) or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes);

(b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);

(c) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);

(d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services);

(2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

31.

Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made—

(a) by a local authority under—

(i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),

(ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or

(iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or

(b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).

32.

Any payment made to the applicant or his partner for a person (“the person concerned”), who is not normally a member of the applicant's household but is temporarily in his care, by—

(a) a health authority;

- (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
- (c) a voluntary organisation;
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
- (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
- (f) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

33.

Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

34.—

(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.

- (2) Sub-paragraph (1) applies only where A—
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.

35.—

(1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments—

- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.

(2) A payment referred to in sub-paragraph (1) is only to be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—

- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (1)(b); and
- (b) meet any amount due by way of premiums on—
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

36.

Any payment of income which by virtue of paragraph 64 (income treated as capital: persons who are not pensioners) is to be treated as capital.

37.

Any—

- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
- (b) occasional assistance.

38.

Any payment under Part 10 of the SSCBA (Christmas bonus for pensioners).

39.

Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

40.

The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 33(3) (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 77(2)(b) and paragraph 78(1)(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 81(2) (treatment of student loans), paragraph 82(3) (treatment of payments from access funds) and paragraphs 20 and 21 must in no case exceed £20 per week.

41.—

(1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

(a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

(a) the person who is suffering from haemophilia or who is a qualifying person;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

(a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and

(b) the payment is made either—

(i) to that person's parent or step-parent, or

(ii) where that person at the date of the payment is a child, a young person or a student who has not completed his education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either—

(i) to that person's parent or step-parent, or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

42.

Any housing benefit.

43.

Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

44.

Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.

45.

Any payment in consequence of support of council tax under section 13 of the 1992 Act (reduction of liability for council tax).

46.—

(1) Any payment or repayment made—

(a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);

(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);

(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1).

47.

Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).

48.

Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.

49.—

(1) Where an applicant's applicable amount includes an amount by way of family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.

(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.

(3) A payment made by the Secretary of State in lieu of maintenance must, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

50.—

(1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person

making the payment is the applicant or the applicant's partner.

(2) In sub-paragraph (1) –

“child maintenance” means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under—(a) the Child Support Act 1991;

(b) the Child Support (Northern Ireland) Order 1991;

(c) a court order;

(d) a consent order;

(e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

“liable relative” means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

51.

Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.

52.

Any guardian's allowance.

53.—

(1) If the applicant is in receipt of any benefit under Part 2, 3 or 5 of the SSCBA, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

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

54.

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.

55.

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.

56.—

(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).

57.

Any council tax support to which the applicant is entitled.

58.

Except in a case which falls under sub-paragraph (1) of paragraph 18 of Schedule 7, 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.

59.

Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).

60.—

(1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—

(a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;

(b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,

in respect of which such assistance is or was received.

(2) Sub-paragraph (1) applies only in respect of payments which are paid to that person from the special account.

61.—

(1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) “food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

62.

Where the amount of subsistence allowance paid to a person in a support week exceeds the amount of income-based jobseeker's allowance that person would have received in that support week had it been payable to him, less 50p, that excess amount.

63.

In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.

64.

Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001.

65.—

(1) Any payment made by a local authority or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) “local authority” includes, in England, a county council.

66.

Any payment of child benefit.

67.

Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:

(a) an applicant's entitlement to a reduction under the scheme; or

(b) the amount of any reduction to which the applicant is entitled.

“The Energy Rebate Scheme 2022” means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022

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 re-engaged, in that business,

for a period of 26 weeks from the date on which the application for support under this scheme is made or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

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 applies 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 applies 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 ending on the date on which that person dies;

(b) a person referred to in sub-paragraph (3)(c), that sub-paragraph applies 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 Grenfell Tower charitable funds, the Grenfell Tower Residents’ Discretionary

Fund, the Windrush Compensation Scheme or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or

- (aa) a Grenfell Tower support payment
- (b) the Independent Living Fund (2006)
- (c) Any historical child abuse payment
- (d) 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, a historical child abuse payment or a Windrush 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 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).

(2) In sub-paragraph (1), “benefit” means—(a) attendance allowance under section 64 of the Act;

(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 the 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; or
- (q) universal credit
- (q) maternity allowance under section 35 of the SSCBA (state maternity allowance for employed or self-employed earner);
- (r) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018; or
- (s) funeral expense assistance given in accordance with section 34 of that Act

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 relating to a relevant benefit and which has been received by the applicant in full on or after the day on which he became entitled to support under this scheme.

(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(a);
- (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(b),
- (f) paragraph 18 of Schedule 10 to the Universal Credit Regulations 2013 (b),

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) or (2) has effect until the award comes to an end.

(4) In this paragraph—

“the award”, except in sub-paragraph (2), means—(a) the award of support under the 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”—(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 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 the application for support under this scheme was made;

“relevant benefit” means any benefit specified in paragraph 21(2); and

“the relevant sum” means the total amount referred to in sub-paragraph (1).

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 6 (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 is to be disregarded under this paragraph.

27.—

(1) Subject to sub-paragraph (2), where an applicant falls within class C (alternative maximum council tax support: pensioners), the whole of his capital.

(2) Sub-paragraph (1) does not apply where an applicant falls within class B and class C.

28.

Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to 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;

(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.

29.

Any payments made by virtue of regulations made under—

(a) section 57 of the Health and Social Care Act 2001 (direct payments);

(b) section 12B of the Social Work (Scotland) Act 1968 (direct payments in respect of community care services);

(c) sections 12A to 12C of the National Health Service Act 2006 (direct payments for health care);

(d) Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (general social welfare);

(e) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (direct payments);

or

(f) by virtue of regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments)

29A.

(1) Any payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 (duty to provide continuing care)(a).

(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.”

29B.

A payment made under the Age-Related Payments Regulations 2013(c).

29B.

Any payments to an applicant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments).

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 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.

34.

Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:

- (a) an applicant's entitlement to a reduction under the scheme; or
- (b) the amount of any reduction to which the applicant is entitled.

"The Energy Rebate Scheme 2022" means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022

SCHEDULE 10 - Capital disregards: persons who are not pensioners

1.

Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.

2.

Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.

3.

Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.

4.

The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), only one dwelling is to be disregarded under this paragraph.

5.

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.

6.

Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.

7.

Any premises occupied in whole or in part—

(a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;

(b) by the former partner of the applicant as his home; but this provision 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.

8.

Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.

9.

Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.

10.

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.

11.—

(1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

(2) The assets of any business owned in whole or in part by the applicant where—

(a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but

(b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business,

for a period of 26 weeks from the date on which the application for support under this scheme is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

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

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

12.—

(1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—

(a) any payment specified in paragraphs 11, 13 or 14 of Schedule 8;

(b) an income-related benefit under Part 7 of the SSCBA;

(c) an income-based jobseeker's allowance;

(d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;

(e) working tax credit and child tax credit;

(f) an income-related employment and support allowance,

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

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as “the relevant sum”) and is—

(a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and

(b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) has effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the period of an award of support under this scheme, for the remainder of that period if that is a longer period.

(3) For the purposes of sub-paragraph (2), “the period of an award of support under this scheme” means—
(a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more

than one instalment); and

(b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant—

(i) is the person who received the relevant sum; or

(ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

13.

Any sum—

(a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or

(b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home,

which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

14.

Any sum—

(a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 as a condition of occupying the home;

(b) which was so deposited and which is to be used for the purchase of another home,

for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

15.

Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to support under this scheme or to increase the amount of that support.

16.

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

17.

Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.

18.—

(1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

(2) But sub-paragraph (1)—

(a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;

(b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);

(c) ceases to apply to the payment or any part of the payment from the day on which the applicant no

longer possesses it;

(d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).

19.

The value of the right to receive any income under a life interest or from a life rent.

20.

The value of the right to receive any income which is disregarded under paragraph 15 of Schedule 7 or paragraph 29 of Schedule 8.

21.

The surrender value of any policy of life insurance.

22.

Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

23.

Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

24.—

(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A—

- (a) was formerly in the applicant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the applicant.

25.

Any—

- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
- (b) occasional assistance.

26.

Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.

27.

Any capital which by virtue of paragraph 55 or 81 (capital treated as income: persons who are not pensioners, treatment of student loans) is to be treated as income.

28.

Where any payment of capital is made in a currency other than sterling, any banking charge or commission

payable in converting that payment into sterling.

29.—

(1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

(a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

(a) the person who is suffering from haemophilia or who is a qualifying person;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) 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 to which sub-paragraph (1) refers, where—

(a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and

(b) the payment is made either—

(i) to that person's parent or step-parent; or

(ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(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 to which sub-paragraph (1) refers, where—

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either—

(i) to that person's parent or step-parent; or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(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 any payment of income or capital made under or deriving from any of the Trusts.

(8) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

30.—

(1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph “dwelling” includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

31.

Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

32.

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.

33.

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.

34.

Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

35.

The value of the right to receive an occupational or personal pension.

36.

The value of any funds held under a personal pension scheme.

37.

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.

38.

Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

39.

Any payment made pursuant to section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.

40.

Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.

41.

Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—

- (a) to purchase premises intended for occupation as his home; or
- (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,

for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.

42.

Any arrears of supplementary pension which is disregarded under paragraph 54 of Schedule 8 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 55 or 56 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

43.—

(1) Any payment or repayment made—

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),

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

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

44.

Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

45.

Any payment made under Part 8A of the SSCBA (entitlement to health in pregnancy grant).

46.

Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.

47.

Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.

48.

Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958. to homeworkers assisted under the Blind Homeworkers' Scheme.

49.— Not used

50.—

(1) Any sum of capital to which sub-paragraph (2) applies and—

(a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;

(b) which can only be disposed of by order or direction of any such court; or

(c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

(2) This sub-paragraph applies to a sum of capital which is derived from—

(a) an award of damages for a personal injury to that person; or

(b) compensation for the death of one or both parents where the person concerned is under the age of 18.

51.

Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from—

(a) award of damages for a personal injury to that person; or

(b) compensation for the death of one or both parents where the person concerned is under the age of 18.

52.

Any payment to the applicant as holder of the Victoria Cross or George Cross.

53.

In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.

54.—

(1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) “food” does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

55.—

(1) Any payment—

(a) by way of an education maintenance allowance made pursuant to—

(i) regulations made under section 518 of the Education Act 1996;

(ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;

(iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;

(b) corresponding to such an education maintenance allowance, made pursuant to—

(i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or

(ii) regulations made under section 181 of that Act; or

(c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to—

(a) regulations made under section 518 of the Education Act 1996;

(b) regulations made under section 49 of the Education (Scotland) Act 1980; or

(c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

56.

In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

57.

Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

58.

Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or 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, £10,000.

59.—

(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is—

- (a) a diagnosed person;
- (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

(2) Where a trust payment is made to—

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies 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 applies for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—

- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

(4) Where a payment as referred to in sub-paragraph (3) is made to—

- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending two years after that date; or
- (c) person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) being a member of a diagnosed person's family;
- (c) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death 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, an Abbeyfield Home or an independent hospital on that date.

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld-Jakob disease;

“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.

60.

The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner—

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died,

during the Second World War.

61.—

(1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) “local authority” includes in England a county council.

62.

Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care).

63.

Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

64.

Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

65.

Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:

- (a) an applicant's entitlement to a reduction under the scheme; or
- (b) the amount of any reduction to which the applicant is entitled.

“The Energy Rebate Scheme 2022” means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022



Northumberland County Council

Cabinet

7 November 2023

Corporate Feedback Performance 2022/2023

Report of Councillor Richard Wearmouth, Deputy Leader, and Portfolio Holder for Corporate Services

Executive Director: Gill O'Neill, Executive Director of Public Health, Inequalities and Stronger Communities

Julie Dennitts, Corporate Complaints Manager

1. Purpose of the report

The purpose of the Annual Report is to review the operation of the complaints process over twelve months (01.04.2022 to 31.03.2023), including statistical data, and to provide the local authority with how it keeps itself informed about how effective its current arrangements are for handling customer complaints.

The same statutory reporting framework does not govern the Corporate Complaint process as Adults and Children's Complaints; however, it is deemed best practice to provide an analysis of Corporate Complaints received from customers. It should be noted that Corporate Complaint Annual reports from here on will be produced in alignment with the framework for Adult and Children's Complaints.

2. Background

The 2020/2021 Annual Report advised that the Corporate Complaints Manager had reviewed the current reporting mechanisms as part of the broader Complaints Improvement Framework. One of the main improvements identified was to update the case management system.

The existing system needs to be updated and bespoke for complaints management; it is cumbersome, and staff engagement could be more consistent. This makes data retrieval and analysis challenging and unreliable. A new case management system has since been procured, and work is being undertaken to start using it from October 2023.

However, this report is based on the current data sets available within the confines of the existing software.

3: Summary

The key findings in this report are:

- 111 complaints were resolved within 24 hours and recorded as informal resolutions.
- 1484 stage 1 complaints were received, and 83 (5.5%) were escalated to stage 2.
- 1048 (80%) stage one complaints were closed in timescale, and 40 (63%) stage two complaints were completed in timescale.
- 16 cases were upheld by the Local Government and Social Care Ombudsman (LGSCO) following detailed investigations.

4. What we did well

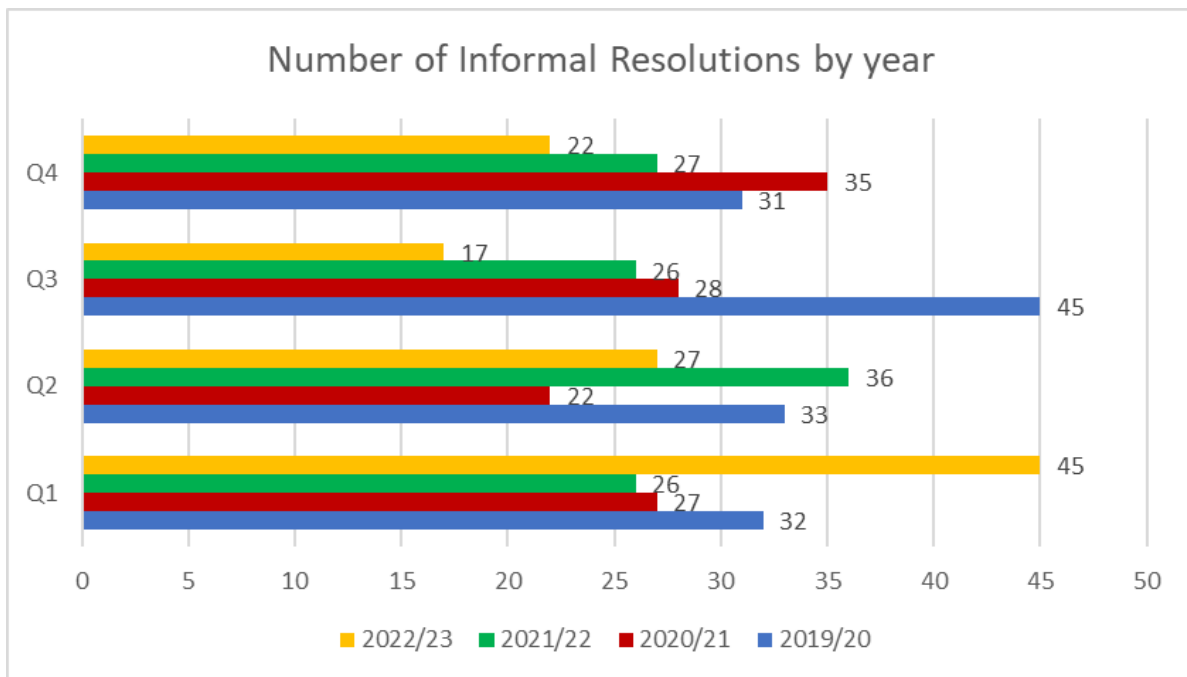
- Understand that sometimes, the best way to deal with a complaint is to initiate local resolution. As a matter of course, any staff member being presented first-hand with a complaint will attempt to resolve the issue.
- Continuously review processes to ensure these are consistent and current.
- Able to resolve complaints at stage one, negating the need to escalate to stage two.
- Demonstrated a positive culture to the LGSCO about the benefits of responding to and learning from complaints.
- Identifying individual needs and treating everyone respectfully
- Continuously review processes to ensure these are consistent and current.
- Manage complaints in line with policy and legislation.

5. What do we need to improve?

- Keep sight of what we do well.
- Share trends and outcome reports more widely across the service area to ensure everyone handling complaints can view and consider these.
- Provide guidance and training sessions on all aspects of complaint management.
- retrospective sessions with the service to consider what could have been done better and highlight areas of good practice.

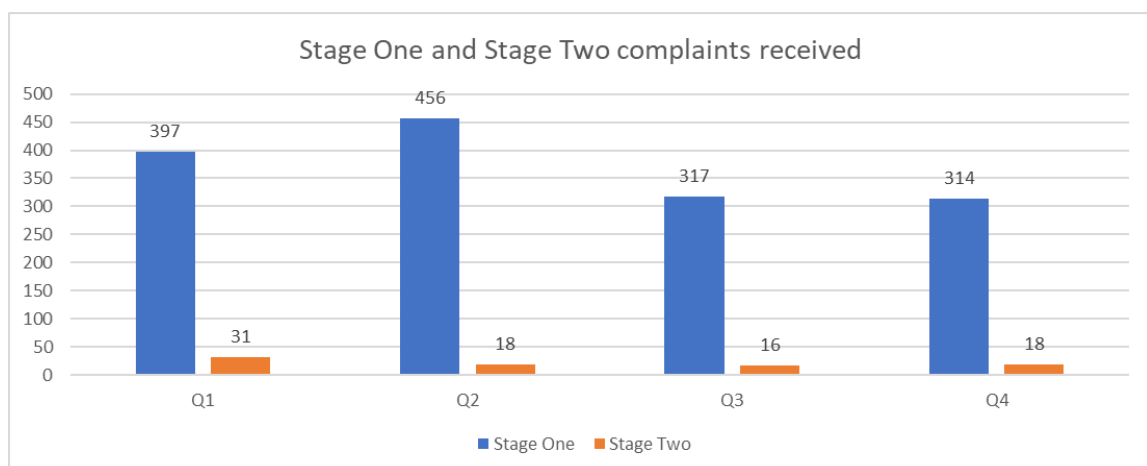
6. Informal Complaints

The current process for corporate complaints involves customers submitting their complaint, which is then sent to the appropriate service area. If the service can fully resolve the matter within 24 hours of receipt, it can be closed as an informal resolution.



7. Complaints Received

During 2022-2023, the County Council received 1484 Stage One corporate complaints. Of these, 83 (5.5%) stage one complaints were escalated to stage 2.

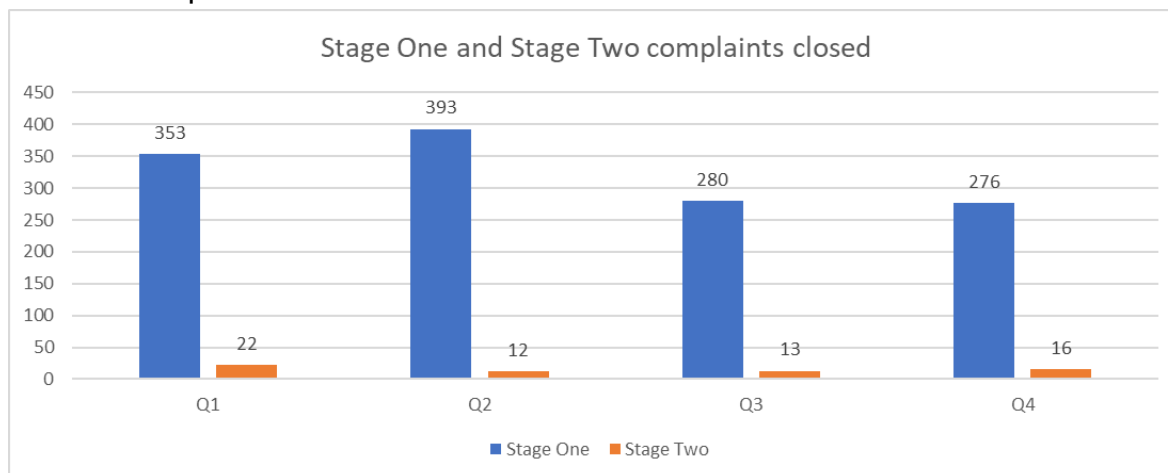


8. Closed Complaints

Closed complaints have been allocated an outcome, and a response has been given to the customer. The number of closed complaints differs from the number of received complaints. This is because some 2022/23 closed complaints were received in 2021/22. Similarly, some 2022/23 complaints will be completed in 2023/24 because their target date falls into the next reporting cycle.

Of the 1484 Stage 1 case received, 1048 (80%) were closed in timescale, and of the 83 Stage 2 cases received, 40 (63%) were completed in timescale. This indicator represents the number and percentage of complaints at each stage closed in full within the predetermined timescales of 15 and 20 working days. However, it doesn't recognise those cases where extensions exceeded those timescales agreed in advance.

Services are encouraged to analyse those complaints escalated to stage 2 to see what was done differently to resolve these. The aim is to establish some practical learning that can be provided to those staff who deal with complaints at stage 1 to reduce escalation and resolve complaints earlier for the customer.



9. Local Government Ombudsman (LGSCO)

The (LGSCO) is the organisation that handles complaints about public services in England. The Ombudsman service is independent of the government and must act impartially. The LGSCO also shares learning from its work to improve service delivery across the spectrum of public service in England. The office carries out awareness-raising activities with the public and bodies under their authority and promotes good complaints handling by public service providers.

The LGSCO does not differentiate between Corporate or Statutory Complaints when providing annual data; therefore, the following includes oversight of all complaint functions within the County Council. The Ombudsman upholds complaints when they find fault in an authority's actions, including where the authority accepted fault before they investigated.

10. LGSCO detailed investigations

The Ombudsman upholds complaints when they find some form of fault in an authority's actions, including where the authority accepted fault before they investigated. Out of 19 detailed investigations, the Ombudsman upheld 16 complaints (84%). It is important to note that in 2022/23, 34% fewer cases were accepted by the Ombudsman to carry out complete detailed investigations.

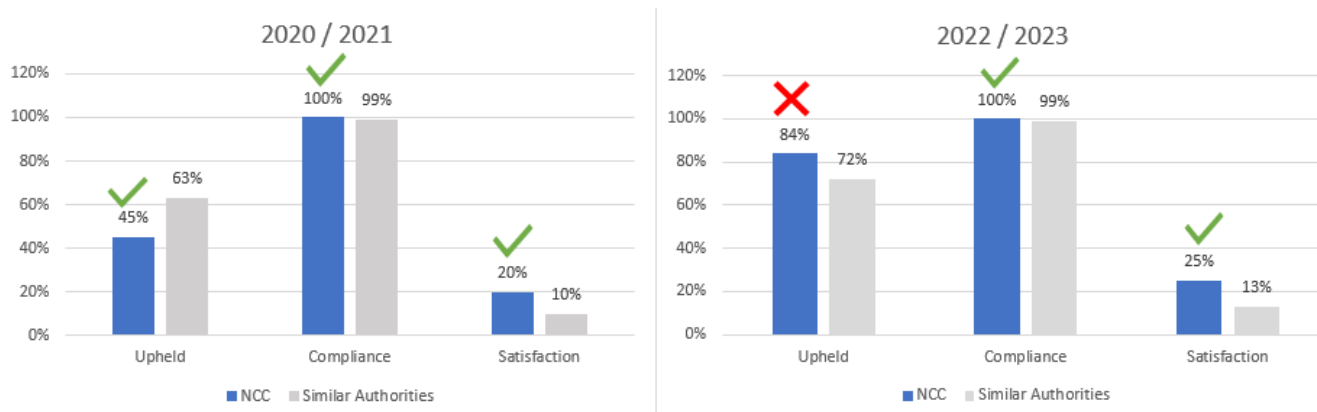
The Ombudsman recommends ways for authorities to put things right when faults have caused injustice and monitor their compliance with their recommendations. Failure to comply is rare, and a compliance rate below 100% is a cause for concern. Out of 15 cases, the Ombudsman were satisfied that all action was undertaken (100%).

If the Ombudsman determine there has been a satisfactory remedy provided by the authority, this means the authority upheld the complaint, and they agreed with how it offered to put things right. They encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Out of 16 detailed investigations, the Ombudsman were fully satisfied with 4 remedies (25%).

A Public Interest Report - was issued concerning a complaint raised by a resident regarding the Post 16 Transport Policy. In August 2022, the Local Government and Social Care Ombudsman issued a Public Interest Report into what they identified as "flaws" in the Council's Post-16 Transport policy. The LGSCO believed the Council were not clear enough within their policy regarding how they considered progression through course levels and distance from learning establishments when making decisions concerning post-16 transport applications. The decision to issue a Public Report rather than an individual finding, was due to the case being considered a *“significant topical issue and represents systemic problems and wider lessons”*.

The LGSCO compares the three key annual statistics with similar authorities to provide an average performance marker. It is noted that the Council continues to perform well against other similar authorities.



11. LGSCO recommendations for upheld complaints

The final decisions and recommendations made for the 16 upheld cases were as follows:

<p>Adult Care Services Domiciliary Care 16-May-2022 (21 016 410) Summary: We upheld a complaint about end-of-life care. The Care Provider will apologise and review its procedures for record-keeping.</p>
<p>Adult Care Disabled Facilities Grants 05-Jun-2022 (20 014 396) Summary: Mr X and his parents, Mr and Mrs Y complained about the Council's failure to ensure adaptations to their property, funded by a Disabled Facilities Grant, were carried out to an acceptable standard and related matters. We have found the Council to be at fault because it did not properly record variations to the Schedule of Works. The Council has agreed to apologise for the frustration caused to the complainants. We have not identified any other areas of fault. The Ombudsman is unable to interfere with the Council's professional assessment that the overall standard of the adaptation was acceptable.</p>
<p>Adult Care Safeguarding 21-Jun-2022 (21 011 766) Summary: The Council was at fault for ending its support of Mr X without warning and without considering referring him to an advocate. The Council has agreed to apologise to Mr X, pay him £500 and take action to improve its service.</p>
<p>Commercial and Contracts 29-Jun-2022 (21 011 559)</p>

Summary: Ms X complained about the Council's handling of her request to use its land for car parking. We found no fault in the Council's substantive decision making. But its poor communication caused Ms X avoidable distress and frustration, which it had suitably put right with its apologies and offer to waive its £250 legal costs. The Council also agreed to formally adopt and publish a policy about use of its land for car parking.

Planning Applications 24-Jul-2022 (21 014 608)

Summary: Mr X complains about the Council's granting of planning permission for his neighbour's extension and its failure to take enforcement action due to increases in the height of the extension and patio. We do not find fault in how the Council considered the retrospective planning application for the increased extension height. However, the Council has accepted it failed to consider the increased patio height and the impact this would have on neighbouring amenity when granting planning permission. This fault has caused of loss of amenity for Mr and Mrs X. To remedy this, the Council has agreed to apologise to Mr and Mrs X and make them a payment.

Disabled Children 02-Aug-2022 (21 009 137)

Summary: Mrs X complains the Council failed to provide adequate support to her daughter during the transition to new services, which meant she did not receive support. Mrs X also complained about how the Council communicated about the timeframe for the transition. The Ombudsman intends to find fault with the Council for how it managed the transition to the new provider. The Ombudsman does not intend to find fault with the Council for how decided the timeline for the transition. The Ombudsman recommends a financial remedy and service improvements.

School Transport 17-Aug-2022 (21 004 235)

Summary: Miss X complained about the Council's decision not to provide her son, Y, with transport to college. Miss X said the Council failed to properly consider Y's circumstances and her appeal, and its communication was poor.

Child Protection 24-Aug-2022 (21 015 998)

Summary: Miss X complained about the way the Council handled the child protection process for her child, S, about delays in the statutory children's complaints procedure and about the Council's refusal to accept one element of the stage 3 panel's findings. The Council was at fault for not actively engaging with Miss X's domestic abuse support worker and for delays in the complaints process. It should apologise and pay Miss X a further £150, making a total payment of £250, to remedy the frustration and distress caused.

Planning Applications 25-Aug-2022 (22 000 583)

Summary: Ms B complained that the Council failed to properly consider an application for planning permission for a development next to her property. We find the Council was at fault in that there were inaccuracies and omissions in the case officer's report. However, we do not consider this affected the decision on the planning application. The Council has provided a satisfactory remedy for the injustice caused to Ms B.

Childrens Care Services 31-Oct-2022 (22 009 991)

Summary: We have upheld this complaint that the Council failed to adhere to the timescale set out in the statutory procedure for children's services. The Council has agreed to resolve the matter by providing a suitable remedy.

Childrens Care Services 31-Oct-2022 (22 009 991)

Summary: We have upheld this complaint that the Council failed to adhere to the timescale set out in the statutory procedure for children's services. The Council has agreed to resolve the matter by providing a suitable remedy.

Assessment and care plan 20-Dec-2022 (22 002 090)

Summary: We found fault in the way a Council, Mental Health Trust and GP Practice supported a vulnerable man in the community for over two years. Each of the organisations has accepted its failings and the impact of them and has taken steps to prevent recurrences, so we have not recommended any further action. We also found a Hospital Trust failed to properly assess the man's mental capacity while he was an inpatient. This has left the man's family with uncertainty which is an injustice to them. The Hospital Trust has agreed to provide an apology and to offer a small financial payment to address this.

Local Welfare Payments 06-Jan-2023 (22 006 688)

Summary: Mrs F complained the Council failed to publish the discretionary energy rebate scheme in a timely manner. She also said it provided her with misleading information and its complaints handling and communication was poor. We find the Council was at fault for its communication with Mrs F and its complaints handling. The Council has agreed to our recommendations to address the injustice caused by fault.

Planning Applications 12-Jan-2023 (22 001 758)

Summary: Mrs X complains her home is overlooked because the Council failed to properly consider a planning application. There was fault by the Council, but this did not cause injustice to Mrs X.

Enforcement 13-Jan-2023 (21 013 353)

Summary: Mr X complains about the Council's handling of a planning enforcement investigation about a gazebo built by his neighbour. We find the Council at fault for failing to consider the correct distance between the structure and Mr X's boundary. But we do not find this caused Mr X a significant injustice as the incorrect measurements were unlikely to change the Council's decision not to take formal enforcement action. The Council has accepted it failed to fully respond to Mr X's emails and provide timely responses. We find the Council has suitably remedied the uncertainty and frustration this caused Mr X as it has apologised to him and carried out a related service improvement.

Childrens Care Services 17-Jan-2023 (22 012 112)

Summary: We will not investigate this complaint that the Council has delayed consideration of a complaint under the statutory procedure for complaints about children's services. This is because the Council has upheld the complaint and offered a suitable remedy for the injustice caused by the delay.

Not all cases referred to the LGSCO are accepted for detailed investigation. On occasions cases may fall outside their investigative remit or be directed to the authority for further local resolution.

12. Comparative analysis against previous years

The Ombudsman has advised that nationally their average uphold rates for all investigations has increased this year, and the organisations may find the uphold rate is higher than in previous years. Comparing previous years should carry a note of caution. Although the percentage of overall complaints upheld has increased for the authority, it is essential to note that there has been an overall reduction of 34% of complaints (10) accepted by the Ombudsman compared to 2021/22. The Annual Report does not consider this but should be considered when understanding our performance.

The authority was compliant with 100% of the recommendations in 25% of the upheld cases, they found that the authority had provided satisfactory remedy before the case reached the Ombudsman.

The authority continues to perform well compared to similar organisations, although it is disappointing to note that over a quarter of cases did not complete remedies within the agreed timescale. All services must agree with the Ombudsman's findings or provide a good reason that they do not agree. Although this is rare, and our compliance rate is 100%. However, recommendations can sometimes become entrenched in more comprehensive projects or benefit from having a more specific line of responsibility.







The authority continues to deliver a framework developed to improve complaint handling within the authority; this includes a new case management system due to go live by November 2023. A welcomed function within the system will allow for detailed action plans to be completed, owners assigned to tasks and through a configurable task system and improved reporting, progress can be monitored to ensure compliance.

While the evidence outlined in this report suggests that overall complaint handling performance is reassuring, due to the issues highlighted in the 2019-20 Annual Complaints

report concerning the use of the system and inconsistent ways data is captured, it is proving unreliable as performance data.

It should be stressed that the number of complaints taken alone is not necessarily a reliable indicator of performance.

The volume of complaints should be considered alongside the uphold rate (how often we found fault when we investigated a complaint). This new indicator will be incorporated into future frameworks and reporting mechanisms when using a new case management system capable of more granular analysis.

Feedback Type	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	Direction of travel
Informal Complaints	153	141	112	115	111	
Stage 1 Complaints	970	1328	1366	1758	1484	
Stage 2 Complaints	50	65	83	94	83	
Stage 1 closed within the timescale.	683 (70%)	902 (81%)	1038 (79%)	1317 (75%)	1048 (80%)	
Stage 2 closed within the timescale.	28 (56%)	30 (85%)	31 (42%)	79 (84%)	40 (63%)	
LGSCO complaints upheld	15 (83%)	9 (35%)	10 (45%)	15 (52%)	16 (84%)	

13. Service update

Given the amount of contact the Council received in the past year, these figures suggest that the Council is well placed to deal with customer concerns as they occur effectively and, where possible, can either resolve the matter or provide an adequate explanation.

Similarly, to the data provided in the 2021/22 report, it is widely accepted that the authority performs well compared to similar authorities in 2021/22. Authorities in the Northeast hold the lowest amount of total upheld complaints.

The authority was compliant with all Ombudsman recommendations, evident by the 5% increase in offering satisfactory remedies that the authority increasingly recognises the importance of being open and accountable.

This year, the Ombudsman has highlighted the continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. The Ombudsman urges organisations to prioritise complaints, particularly regarding capacity and visibility. Adequately resourced complaint functions that are well-connected and valued by service areas, management teams and elected members can provide valuable insight into an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery. The authority continues to deliver a framework developed to improve complaint handling within the authority,

including various ways to utilise complaints as a positive learning tool, increase resources, and procure a bespoke case management system.

7: Implications

Policy	By collecting and analysing corporate feedback, services can use the results to determine, shape and influence future policies.
Finance and value for money	There are no financial implications directly associated with this report.
Legal	Where appropriate, advice is sought from the Legal Team on specific matters regarding complaints.
Procurement	Not applicable
Human Resources	Not applicable
Property	Not applicable
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Risk Assessment	Not applicable
Crime & Disorder	Not applicable
Customer Consideration	As a Council, customers must give us feedback and feel that their views and opinions are fully considered and dealt with appropriately.
Carbon reduction	Not applicable
Wards	All

Background papers:

Local Government and Social Care Ombudsman's Annual Letter 2021/22

Report sign-off:

Authors must ensure that officers and members have agreed the content of the report:

	Name
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Monitoring Officer/Legal	Neil Masson
Service Director Finance & Interim S151 Officer	Jan Willis
Relevant Executive Director	Gill O'Neill
Chief Executive	Helen Paterson
Portfolio Holder(s)	Cllr Richard Wearmouth

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07870 365966



Northumberland County Council

Cabinet

Tuesday, 7 November 2023

Corporate Performance - Quarter 1 2023/24

Report of Councillor(s) Councillor Richard Wearmouth , Deputy Leader and Portfolio Holder for Corporate Services

Responsible Officer(s): Dr Helen Paterson, Chief Executive

1. **Link to Key Priorities of the Corporate Plan**

1.1 Link to Corporate Plan

- **Achieving Value for Money** – The Council aims for continuous improvement and innovation in all its services to residents. This is underpinned by a clear understanding of the direction of travel for service performance.
- **Tackling Inequalities** – Everything the Council does across its services can make a positive impact on tackling inequalities therefore it is important to track performance and understand which key performance indicators (KPIs) relate to tackling inequalities outcomes.
- **Driving Economic Growth** – The Council's KPIs set out measures of economic growth.

2. **Purpose of report**

- 2.1 This report provides a summary of the progress against the Council's three Corporate Plan priorities using the Council's performance at the end of Quarter 1, 2023/24 (Q1).

3. **Recommendations**

- 3.1 Cabinet is recommended to:

- a) Consider progress against the three Corporate Priorities as summarised in this report.

4. **Forward plan date and reason for urgency if applicable**

Friday 13th October. No key decision required.

5. Background

- 5.1 Performance reporting to Cabinet and other committees provides a valuable opportunity for Members to consider and comment on the performance of services across the Council, with a particular focus on progress against the three Corporate Plan priorities. This strengthens accountability between key decisions, allocation of resources, service outputs and the overall achievement of the three priorities of the Council.
- 5.2 The Council adopted the Corporate Plan at its Annual General Meeting on 17th May 2023. The Plan establishes three priorities for the Council, underpinned by our approach to tackling Climate Change. The Annual Council Achievements Report (reported to Council in March 2023) sets out overall progress against the three priorities, alongside Annual Cabinet Member reports which provide an opportunity for Members to look further into the work of portfolios.
- 5.3 This report forms part of an updated approach to Corporate Plan performance reporting as follows:
- Regular directorate briefings with Cabinet Members;
 - Executive Management Team;
 - Strategic Leadership Team;
 - Cabinet (Quarterly reports);
 - Scrutiny Chairs and Overview and Scrutiny Committees; and,
 - A quarter 4, outturn report to Full Council in the summer period.

Delivering our Priorities

- 5.4 The following sections set out performance summaries for each of the three Corporate Plan priorities for Quarter 1 2023/24. These summaries highlight key points on performance, both positive and including where targets have been missed at the end of Quarter 1.
- 5.5 It is important to remember that many of our Key Performance Indicators (KPIs) are influenced by a range of external factors. For example, economic measures are a function of global issues beyond the control of our Economy and Regeneration Service. Equally, Looked After Children rates are impacted by a range of complex and long-term societal factors. Recovery from Covid continues to be an issue in some areas of service performance.
- 5.6 For other targets, in-year shifts in social and economic factors can create spikes in demand for certain services which may not have been anticipated when targets were set at the start of the year. It is important that performance against targets is seen in this wider context.

Our Corporate Plan Vision:

- 5.7 *Northumberland: Land of Great Opportunities. With world-class facilities to stunning landscapes, spectacular castles, picturesque coastal and market towns, we believe there's no better place to live and work. Our economy boasts a growing, internationally-recognised offshore and renewable energy hub delivering clean and green growth. And, we have a strong manufacturing base, including in pharmaceuticals and life sciences. We are the largest and least densely populated local authority area in England. That makes for lots of communities with distinctive characteristics, heritage, functions and needs. We aim to build on all these strengths to ensure the county continues to be a land of great opportunities for current and*

future generations. To achieve this, Members and Council staff are focused on working together to deliver our three priorities:

- *Achieving Value for Money;*
- *Tackling Inequalities; and,*
- *Driving Economic Growth.*

Value for Money Priority

- 5.8 We recognise we are funded by residents and businesses and are accountable to them for our spending decisions and the quality of services we deliver. We must ensure we are delivering Best Value through efficient, effective and accessible services that respond to and meet the needs and expectations of our residents. And, as one of the largest employers in the county, we can become a leading example for residents, communities and businesses on carbon neutral approaches.

Outcome (i):

- 5.9 **Residents receive the best customer experience** - doing the best for residents drives all of our work. We want residents to know that when they are dealing with us they can expect the best customer service every time and trust we are providing them with the best service possible.

Impacts:

- 5.10 In this outcome, we are working to achieve the following impacts:
- Improved resident satisfaction in Council Services;
 - Residents choose to transact with us digitally;
 - Residents feel delighted and empowered when using digital services;
 - Residents receive consistent and timely responses from all our services;
 - We look for opportunities to make a difference to customers and residents' lives at every interaction;
 - Residents are able to access our services in the right way for them at the right time for their needs.

Progress

- 5.11 We know residents value being able to contact the Council quickly and conveniently to pay bills, ask questions, access services and resolve issues. Our Customer Services are continuing an overall trend of improvement. In Quarter 1, we delivered impressive performance with the '% of calls answered', achieving an average of 95.6% for the quarter. Encouragingly, for 'average time to answer calls', the Team achieved 73 seconds for the quarter. This compares to 292 for the June 2022, an improvement of 219 seconds. We continue to work with teams to enable as many enquiries as possible to be answered at first point of contact from the customer.

Focus on improvement:

- 5.12 For 'complaints answered within timescale (%)', the Council missed its target of 100% for Quarter 1 (68.4%). It should be noted that cases where an extension to the timescales has been authorised are not included. The Team continues to use complaint data to drive innovation and improvement.

Further development of measures

- 5.13 Whilst the Council continues to ensure residents can call us and interact face-to-face, we are increasingly encouraging customers to use digital channels as these are more effective and efficient. In future reporting under this outcome, we propose to develop

measures which show the shift of residents to digital channels as well as the effectiveness of digital contacts.

- 5.14 We are also reviewing the complaint measures so these better represent shifts in how we engage and learn from what we are being told. In future, we will also use new Resident Survey data to measure perceptions, including: resident satisfaction with access to Council services; and, overall satisfaction with the Council.

Residents receive the best customer experience – Quarter 1 2023/24

	Measure	Target	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23	Q1 23/24
1	Complaints answered within timescale (%)	100	63.3	70.7	74.2	70.8	68.4
2	% calls answered	90	86.2	93.5	97.2	93.4	95.6
3	Average time to answer calls (seconds)	180	292	121	46	112	73

Outcome (ii):

- 5.15 **We make the best spending decisions** - we are responsible for providing a vast array of different services to local communities, residents and businesses. To provide best value it's essential we maximise our spending power, make good decisions that create the best impact for our residents and better align our spend to the outcomes we want to achieve.

Impacts:

- 5.16 In this outcome, we are working to achieve the following impacts:
- We use transparent, accurate, and accessible data to improve how we work together, putting the needs and aspirations of Northumberland at the heart of our decision-making;
 - Individuals, communities, and Members are involved in designing and delivering services;
 - Increased value from our spending decisions;
 - Achieve savings through economies of scale, leveraging the Council's combined purchasing power; and,
 - Performance is managed better.

Progress:

- 5.17 The Council's Q1 financial position showed a forecast overspend of £4.115m, increasing to £4.471m due to inflationary pressures. The financial monitoring process is a continuous process, and it is not unusual to project an overspend in Quarter 1 as

pressures in the system are recognised and realised. Services are now taking appropriate action to bring the budget back into balance.

- 5.18 It vital to local economic growth that the Council maximised spend on locally supplied goods and services. In Quarter 1, we are pleased the Procurement Team has continued its improvement compared to Q4 last year in: 'the number of local suppliers'; 'Local Suppliers (Number)'; and, 'Suppliers trading with Council who are local (%)' (no annual targets were set for these measures). It's also important for small and medium business that orders and payments are processed efficiently when they supply the Council and, we are pleased to report the target for 'requisitions processed within three days' was achieved and was improved on compared with Quarter 4 last year.

Focus on improvement:

- 5.19 Whilst our direction of travel on measures of working with local suppliers is broadly positive, we will work on developing targets for these and continue to grow the value of local suppliers within the relevant legal and procurement frameworks.

Further development of measures

- 5.20 In future, we will also use new Resident Survey data to measure perceptions including: whether residents agree the council provides value for money; and, residents views on whether they can influence decisions affecting their local area.

We make the best spending decisions – Quarter 1 2023/24

	Measure	Target	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23	Q1 23/24
1	Local Suppliers (Number)	-	1,564	1,506	1,361	1,402	1,553
2	Value of Local Suppliers (£)	-	80.7m	79.7m	72.7	92.3m	122.6m
3	Suppliers trading with Council who are local (%)	-	42.1	44	40	38	39
4	Requisition Processed within 3 days (%)	80	98.5	99	97	97	98

Outcome (iii):

- 5.21 **Working better, more efficiently** - we are a large and complex organisation with over 5,000 staff working hard to achieve the best outcomes for residents. Our services currently have a significant operational footprint with over 300 properties used to deliver our services. To achieve Best Value, it's essential we have the right

structures in place to enable both our people and other assets to have the greatest impact. For our staff, this means the best operating structures and models to enable effective delivery and provide good career development opportunities. It also means establishing a workplace culture focused on learning and continuous improvement. For our property assets it means making best use of our land and buildings by maximising their impact and running them efficiently to deliver our operational objectives.

Impacts:

5.22 In this outcome, we are working to achieve the following impacts:

- Staff are empowered and supported to do the best work they can for our residents and develop and grow in their careers with us;
- Streamlined administrative functions enable us to operate effectively;
- Land and buildings are used effectively to maximise impact in improving outcomes for our residents;
- Our land and buildings are well maintained and safe for our residents, service users and staff;
- Our estate is smaller, more sustainable, effectively managed, efficiently run and used creatively to maximise impact; and,
- Our estate is fit for purpose to deliver inclusive, quality services, achieve Council priorities and improve outcomes for residents.

Progress

5.23 We are proud to be an organisation that invests in apprenticeships. In the latest data we have (Quarter 4) we significantly exceeded the % of the workforce who are apprentices. In Quarter 1, we continued our positive trajectory for levels of 'mandatory training' being completed by staff.

5.24 In Q1, our measures for property management also continue to perform well. We continue to complete all fire risk audits on target and critical statutory tests for property have been completed within the required timescales.

5.25 Our performance also shows we are also effective in collecting Council Tax which enables us to provide good services for our residents. For '% National Non-Domestic Rates collected' we were pleased to achieve our target and improved performance relative to Q4 last year.

Focus on improvement:

5.26 In 'days lost to sickness' again, we missed the target of 7.5 days per 'full time equivalent' (FTE). Services continue to focus on reducing absence.

Further development of measures

5.27 In future, we are looking to develop more measures for this outcome including: the percentage of staff saying they are proud to work for NCC (Staff Survey); staff retention rates; and measures for how effectively we manage our property estate.

Working better, more efficiently – Quarter 1 2023/34

	Measure	Target	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23	Q1 23/24
1	% of the workforce who are apprentices(Annual)	2.3	-	-	-	4.1	-
2	Days lost to sickness (# per FTE / annum)	7.5	10.9	11.4	11.3	11.4	11.4
3	Mandatory Training completed (%)	85	83	88.2	88.2	91.5	90.3
4	Corporate Landlord Compliance (%)	98	100	100	100	100	100
5	Property statutory tests completed on time (%)	92	94.2	94.2	96.7	98.1	94.2 (May latest data)
6	Council Tax - arrears retrieved (£m)	£1.13	2	2.5	3.4	4.3	1.0
7	% of Council Tax collected	28.7	28.2	55.1	82	97.3	28.6
8	% National Non-Domestic Rates collected	28.25	28	53.8	77.3	94.9	28.8

Outcome (iv):

5.28 **Making a difference with digital** - digital technology enables us to work better and has the power to delight residents when it works effectively. Currently, we have a range of systems and platforms across our services which are not fully joined up. To provide Best Value we want to make a difference with digital by enabling quicker access to better data and many more automated processes for our workforce,

partners and residents. By strengthening skills, we can develop our own sustainable solutions and ensure our staff have tools and systems to make a difference in everything they do.

Impacts:

5.29 In this outcome, we are working to achieve the following impacts:

- Staff have reliable, secure IT hardware and software enabling them to deliver the best services to our customers;
- Residents choose to transact with us digitally (and they have digital access) because of the systems we create; and,
- With reduced system failures our services are more reliable.

Progress:

5.30 As in Q4 last year, in Q1, we have continued to meet targets on “Availability of Superfast broadband (%)”, ‘Take up of Superfast broadband (%)’ and, were within tolerance with our performance on ‘Service Desk calls resolved within Service Level Agreement (%)’.

Further development of measures

5.31 In future, we are looking to use new measures for this outcome including: the shift in customers to digital contact (as an alternative to telephone and face-to-face); and, new Resident Survey data on the percentage of residents using Council services digitally.

Making a difference with digital – Quarter 1 – 2023/24

	Measure	Target	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23	Q1 23/24
1	Availability of Superfast broadband (%)	95	95.1	95.4	95.4	95.63	95.7
2	Take up of Superfast broadband (%)	65	80.1	79.8	79.1	79.1	78.6
3	Service Desk calls resolved within SLA (%)	96.5	94.1	95.4	95.7	96.6	93.4

Tacking Inequalities

5.32 We want to ensure people have fair access to the building blocks of a good life such as a decent income, a good-quality job, safe, affordable and warm housing as well as good quality education and training opportunities. By tackling inequalities, we want to reduce the gap in experiences our residents have across health, education, employment and social outcomes.

Outcome (i):

5.33 **Empowered and resilient communities** - our residents are our greatest asset. They are more than customers or service users. Our communities are full of potential. Everybody has their gifts, skills and passions that can make their communities stronger. Whilst good quality services and institutions are important, they cannot alone bring about the change in our neighbourhoods, villages, high streets and towns that our residents deserve. Community development, based on the assets that are in neighbourhoods, will help us to value, discover, connect and mobilise communities. We call this Asset Based Community Development. This is about encouraging and supporting people to get actively involved in their communities, shaping and even leading local initiatives and looking after each other.

Impacts:

5.34 In this outcome, we are working to achieve the following impacts:

- Communities are more resilient, connected and act together to improve their area;
- Residents will know what assets there are in their area and where to go if they need support; and,
- Shift in culture within the Council - we will have a workforce who are skilled and competent in applying an 'asset-based community development' approach in their day-to-day practice and fully appreciate the four domains of inequalities in all they do (protected characteristics, geographical, socio economic and inclusion groups).

Progress:

5.35 The positive number of referrals made to Communities Together, which outperformed the target by more than 400 as well as grants to vulnerable families (just under £422k in Q1) underlines the Council's ongoing commitment to community resilience. Beyond direct support to households, the Council is also helping voluntary and community organisations to lead positive change in communities – in Q1, the Council's Communities Together Team awarded just over £100k to VCSE groups.

Focus on improvement:

5.36 Building on the impressive performance from our Communities Together Team, the Council is committed, through its Inequalities Plan, to continuing to build community resilience.

Further development of measures

5.37 We propose to use new data from our Residents Survey to measure progress on this outcome, including: whether residents believe they can influence decisions affecting their local area; and, levels of resident satisfaction with their local area.

Empowered and resilient communities – Quarter 1 2023/24

	Measure	Target	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23	Q1 23/24
1	Number of referrals in to NCT (#)	1,950 (150 per week)	2,258	3,349	3,044	3,182	2,363
2	Grant funding distributed to vulnerable households (£)	tbc	£1,800,521	£659,453	£1,100,479	£1,238,257	£421,962
3	Total awards to vulnerable households (#)	tbc	15,693	20,293	21,609	35,254	12,624
4	Number of Grants Awarded to Voluntary and Community organisations (#)	tbc	16	21	5	15	6
5	Total amount of funding provided to VCSE organisations (£)	tbc	£140,828	£202,500	£65,600	£200,000	£100,100

Outcome (ii)

5.38 **Children and young people have the best start in life and grow up well -** inequalities in the early years can have lifelong impacts on the development of physical and emotional health, language and social skills. They affect readiness for school, education, training, skills, employment and healthy relationships. Not everyone has the same access to things which children and young people need to be healthy, thrive and feel safe. We will work with partners and families – including children, young people and their families - to develop the services used by everyone as well services for those that need more intensive support.

5.39 In this outcome, we are working to achieve the following impacts:

- More of our children, young people and families will reach their potential regardless of their circumstances;
- Northumberland will be a place where our young people feel a sense of belonging and are safe and connected;
- Children and young people will have equity in access to affordable, healthy food to maximise the opportunity of having a healthy weight;
- Children and young people with additional needs receive the right support at the right time;
- Children and young people will have equity in access to an environment that encourages physical activity and active travel; and,

- More of our children will have good mental health and wellbeing.

Progress:

- 5.40 We are delighted to see more children and young people attending good or outstanding primary schools. This continues the improving trend over the last 2 years. The figure of 94% is 4% better than the national average.
- 5.41 For 'pupils in good / outstanding secondary schools' - we have seen very impressive performance in Q1, 83.7%. Inspection outcomes are approximately 2% above the national average.
- 5.42 We are also pleased to see a positive trend on measures of children's development, including: breast feeding prevalence; height and weight recorded Year-6 (%); reception age and year-6 obesity rates.

Focus on improvement:

- 5.43 'For Key Stage 4 Attainment' - we were pleased external examinations returned in 2022 for the first time since 2019. Teacher and centre assessed grades were used during the pandemic. Nationally, it was determined that grades would, overall, fall roughly halfway between 2019 and 2021. Given the disproportionate impact of the pandemic on different students and schools, this data should be treated with caution. Pre-pandemic Attainment 8 scores in Northumberland were improving more quickly than nationally.
- 5.44 For '16-17 year-old NEETs or not known' - Northumberland's end of June figure is poorer than the June national average of 5.0%, but slightly better than the regional average of 6.1%. Staffing capacity is now in place to contact more young people. July saw the figure improve slightly from 6.0% to 5.8%. Weekly progress review meetings with careers assistants have been implemented that monitor the level of contact with NEET young people and provide better tracking of outcomes.

Further development of measures

- 5.45 We will continue to develop new and better ways to measure how we are progressing on tackling inequalities, including through new questions in our Residents Survey.

Children and young people have the best start in life and grow up well – Quarter 1 2023/24

	Measure	Target	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23	Q1 23/24
1	Pupils with good level of development at age 5 (%) Annual *	72	-	67.5	-	-	-
2	KS4 – average Attainment 8 score (%) Annual *	44.7	-	46.6	-	-	-

	Measure	Target	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23	Q1 23/24
3	KS4 - average Progress 8 score (%) Annual *	-0.15	-	-0.23	-	-	-
4	Pupils in good/ outstanding Primary schools (%)	89	87.4	87.9	88.3	94.2	94.0
5	Pupils in good/ outstanding Secondary schools (%)	75	73.0	68.9	79.2	84.0	83.7
6	16-17 yr-olds NEET or Not Known (%)	5.3	4.9	5.0	5.5	4.9	6.0
7	Women not smoking at time of delivery (%)	88	88.2	88.6	91.8 <small>(Q3 latest data)</small>	-	-
8	Breast feeding prevalence (%)	38	38.1	36.3	41.4	42.5 <small>(Q4 latest data)</small>	-
9	Height and weight recorded Year 6 (%) Annual	95	-	-	97.6	-	-
10	Reception age obesity (%) Annual	10	-	-	9.2	-	-
11	Year 6 obesity (%) Annual	21	-	-	21.8	-	-

Outcome (iii)

- 5.46 **All adults living well, regardless of age, background, illness or disability** - everyone should have the opportunity to have a good life and play a part in creating strong communities. Residents in the county's most deprived communities have an average life expectancy of 75 years compared to 87 years in the least deprived.

Around 25% of our residents are aged over 65 years and projections show there is also likely to be a significant acceleration in the ageing of Northumberland's population profile. We must support people to live healthier lives and provide good quality, equitable services for those who need extra support to maintain health, wellbeing and independence.

5.47 The Council has a responsibility to ensure Northumberland is a good place to live for people who have a disability or long-term illness, including conditions associated with older age, and both physical and mental issues. Across our services, we look for ways to help people to remain independent and live in the way they want to, whatever their disability or condition. Nobody should have to depend on care and support services if better-designed community facilities would have made that unnecessary. When people do need care and support, it should be easy to access and arranged in a way which keeps them in control of their own lives.

5.48 In this outcome, we are working to achieve the following impacts:

- The healthier choice will be the easiest choice;
- More of our workforce will be maximising contacts with residents to improve wellbeing;
- Residents stay healthier for longer;
- Residents are well connected in the community;
- Residents live independently for longer;
- Our residents will be more active; and,
- Residents have choice and control over the way their services are received.

Progress:

5.49 We are very pleased with the continued strong performance in the measures for this outcome which are the result of hard work across teams in Adults Services and Public Health, working closely with external providers and partners. These positive trends demonstrate our commitment to supporting healthier and more independent lives for our adults.

Focus on improvement:

5.50 There were 141 permanent care home admissions (65+) in Q1 which pushed this KPI into 'Amber'. This is expected due to the current domiciliary care market. There is difficulty commissioning and providing domiciliary care countywide due to lack of provision, therefore leading to a slightly higher number than normal of admissions to care homes.

5.51 For 'Successful treatments - alcohol (%)' – whilst the target was missed, performance improved in Q1. The service works with some of our most disadvantaged residents and continues to experience very high demand for alcohol treatment. Public Health continues to work closely with the service to identify ways of improving performance while ensuring patient safety and addressing inequality.

Further development of measures

5.52 We will continue to develop new and better ways to measure how we are progressing on tackling inequalities, including through new questions in our Residents Survey.

**All adults living well, regardless of age, background, illness or disability –
Quarter 1 2023/24**

	Measure	Target	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23	Q1 23/24
1	Social Care related quality of life (score out of 24)	19.1	-	-	19.7	-	
2	Care plans reviewed annually (%)	98.5	96.1	94.8	94.2	94.6	96.5
3	Effectiveness of Reablement/Rehabilitation (%)	88	88.7	91.0	92.1	90.8	90.6
4	Providers rated by CQC as outstanding or good (%)	84.3	84.9	83.6	84.8	88.2	86.7
5	Indicative personal budget (%)	95	91.8	92.1	92.1	94.1	91.6
6	Adults with learning disabilities living at home/with family (%)	83	84.8	84.7	84.9	86.1	86.3
7	Admissions to residential/nursing 18-64 (per 100k population)	12.5	11.4	10.3	8.7	14.2	10.9
8	Admissions to residential/nursing 65+ (per 100k population)	654.9	577.6	538.8	625.6	677.2	685.8
9	Adults with learning disabilities in employment (%)	5	4.2	4.3	4.5	4.7	4.7
10	Successful treatments – alcohol (%)	32	26.3	24.4	26.6	28.7	29.98

	Measure	Target	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23	Q1 23/24
11	Successful treatments - non-opiates (%)	21	27.8	28.6	27.3	29.1	26.8
12	Successful treatments – opiates (%)	3	2.9	2.7	3.5	3.5	3.1

Outcome (iv):

5.53 **Residents have the building blocks of a good life** - almost every aspect of our lives impacts on how well and how long we live. This includes our income, jobs, homes, access to education and public transport and whether we experience poverty or discrimination. To create a county where everyone can thrive, we need all of these building blocks in place.

5.54 In this outcome, we are working to achieve the following impacts:

- The resident's voice (insights) will be heard;
- Residents are more financially secure; and,
- There are good employment opportunities.

Progress:

5.55 The measures of support to households set out in ‘Outcome 1’ are equally relevant to this outcome. The impressive number of referrals made to Communities Together, which outperformed the target by more than 400 as well as grants to vulnerable families (just under £422k in Q1)) underlines the Council's firm commitment to supporting households in challenging times.

Further development of measures

5.56 We will continue to develop new and better ways to measure how we are progressing on tackling inequalities, including through new questions in our Residents Survey.

Residents have the building blocks of a good life – Quarter 1 2023/24

	Measure	Target	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23	Q1 23/24
1	Number of referrals in to NCT (#)	1,950 (150 per week)	2,258	3,349	3,044	3,182	2,363

2	Grant funding distributed to vulnerable households (£)	tbc	£1,800,521	£659,453	£1,100,479	£1,238,257	£421,962
3	Total awards to vulnerable households (#)	tbc	15,693	20,293	21,609	35,254	12,624

Driving Economic Growth

5.57 We want to see everyone can benefit from a strong and sustainable economy. There are significant opportunities for growth right across our diverse and rich county and harnessing these opportunities will support our communities to thrive. We want Northumberland to be a great place to live with opportunities for all of our residents, whether they live in our countryside or within one of our busy towns.

Outcome (i):

5.58 **Thriving places and culture** - Northumberland has vibrant and distinctive communities, villages and towns that are built upon a rich cultural heritage and an outstanding natural environment. Continuing to support the vibrancy of our county through investment will bring new cultural, leisure, environment and economic benefits to communities. We know that housing affordability is a challenge in many parts of our county and by continuing to invest in decent, affordable homes we will ensure there is a good mix of housing options to meet the broad needs of our residents. Our residents tell us how important their neighbourhoods are, and we want them to enjoy where they live, with clean, well maintained and safe neighbourhoods.

Impacts:

5.59 In this outcome, we are working to achieve the following impacts:

- There are more affordable housing options across the county;
- Neighbourhoods are safe, clean and well maintained;
- Regenerated town centres in Blyth and Ashington;
- Plans for Town Investment Plans across the county through the Borderlands Town Programme;
- Improved walking and cycle ways;
- Low carbon heating solutions are available for residents and businesses; and,
- Increased business investment and growth.

Progress:

5.60 As in Q4 last year, performance across key measures show neighbourhoods are clean and tidy, where fly tipping issues are dealt with swiftly and more people have access to high-quality parks.

5.61 Our excellent Fire and Rescue Service continues to make our neighbourhoods safe places and their key measures reflect a service which is making our neighbourhoods safe from harm, alongside our Public Protection teams.

Focus on improvement:

5.62 Whilst it was positive that we exceeded our target on net additional homes, we missed our target for 'net affordable homes' and this continues to be a key area of focus for improvement in the coming year.

Further development of measures

5.63 We propose to use new data from our Residents Survey to measure progress on this outcome, including how satisfied residents are with their local area.

Thriving places and culture – summary of outturn 2022/23

	Measure	Target	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23	Q1 23/24
1	Street cleanliness - Detritus (% of areas surveyed)	8	8.9	7.67	6.6	-	6.5
2	Street cleanliness - Dog Fouling (% of areas surveyed)	1	0	0.4	0	-	0
3	Street Cleanliness - Litter (% of areas surveyed)	5	3.3	1.2	1.7	-	2.4
4	Green Flag status parks (#)	11	-	-	-	-	12
5	Fly tips removed in 3d (%)	95	98.4	98	98	98	98.6
6	Net additional homes (#) Annual	614	-	-	-	1592	-
7	Net affordable homes provided (# pa) Annual	374	-	-	-	122	-
8	Outcome of fire safety inspections expressed by action taken as a result of the inspection (%)	96	95.3	99.3	97.7	97.7	99.2

	Measure	Target	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23	Q1 23/24
9	Time taken to answer the 999 call by Fire Control (%)	95	96.7	96	99	96.3	96.7
10	Accidental Dwelling Fires (#)	57	36	22	34	33	29
11	Deliberate Primary Fire (#)	66	33	49	24	22	38
12	Rogue Trader complaints and interventions (%)	95	100	100	100	100	100

Outcome (ii):

5.64 **A diverse and resilient economy** - we will create the right conditions for sustainable, inclusive economic growth. This will involve working hard to support existing businesses to invest and grow, whilst also seeking to attract major investment to create jobs and opportunities for our residents and communities. We are home to over 100,000 employees and over 11,000 active businesses and we want to harness the assets of that employment and business 'base'. We know we have strengths in key sectors, with growth in the professional, scientific and, technical sectors and strong employment in manufacturing, retail, agriculture, tourism and health. We will build on these strengths and assets to drive growth and maximise the opportunities for our businesses and residents and support a more diverse and resilient economy across the county.

Impacts:

5.65 In this outcome, we are working to achieve the following impacts:

- A vibrant and diverse economy;
- A range of job opportunities available to residents;
- A strong Combined Authority with a clear and ambitious plan for inclusive economic growth;
- A thriving and sustainable visitor economy; and,
- A strong and sustainable rural economy.

Progress:

5.66 Our key economic measures, whilst showing some encouraging trends, continue to be shaped largely by challenging national and global economic trends over the past few years.

Focus on improvement:

- 5.67 We are continuing to invest in the regeneration across the county whilst building new infrastructure which will support economic growth.

Further development of measures

- 5.68 We are developing new economic measures which will give a better picture of the work of the Council in economic development and regeneration.

A diverse and vibrant economy – Quarter 1 2023/24

	Measure	Target	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23	Q1 23/24
1	Employment Rate (%)	75.7	70.9	69.9	68.8	70.5	70.1
2	Weekly Pay – Residents *(£ Annual)	621.00	-	-	-	601.80	-
3	Weekly Pay – Workers *(£ Annual)	609.50	-	-	-	573.30	-

Outcome (iii):

- 5.69 **Skilled and aspirational people** - the people of Northumberland are our number one asset. Our entrepreneurial, hard-working and friendly communities make the county what it is. We know higher level and new skills are required to drive the growth of key sectors. We also know that post-Covid, we have seen changes to the way people want to work, with higher numbers of people leaving the labour market, meaning workforce pressures for some businesses. Ensuring we have programmes in place to support people and businesses is key in maintaining business stability and growth and helping our residents realise their potential.

Impacts:

- 5.70 In this outcome, we are working to achieve the following impacts:
- People have the skills to earn decent incomes;
 - Young people are clear on the opportunities available to them; and,
 - Businesses have the skilled and aspirational people they need to thrive and grow.

Progress:

- 5.71 In future quarterly reports, we plan to include numbers of residents entering employability and skills training. It is important to emphasise the organisation is well-

sighted on and able to respond to data and intelligence on skills, including through our Annual Economic Performance Roundup. The last 'Roundup' (Autumn 2022) stated:

- “In 2021, 7.6% of the population in Northumberland (aged 16-64) had no qualifications. This is better than the North of Tyne CA (8.6%), North East LEP (8.7%) and the region (8.2%).”
- “The ‘UK Commission for Employment and Skills Employer Skills Survey’ provides comprehensive analysis of the skills businesses need and identifies areas of skill deficiency. The last survey reported that 12% of Northumberland’s establishments had staff not fully proficient and 4% had a skills shortage vacancy. This was marginally better than the North of Tyne CA average (13% and 6%) and North East Local Enterprise Partnership (14% and 4%). The national average was 13% of establishments without fully proficient staff and 6% had a skills shortage vacancy.”

Further development of measures

5.72 In future reports, we will introduce, where possible, more up-to-date skills data, including numbers of residents entering employability and skills training.

Outcome (iv):

5.73 **A connected county** - the connectivity of Northumberland is key to driving future job growth, reducing carbon emissions and tackling inequalities. This means having well-maintained roads, good transport routes and public transport, broadband and mobile coverage. Responding to growth and the needs of the population, changing patterns of work, as well as ensuring connectivity for businesses, requires upgrades to transport and digital infrastructure.

Impacts:

5.74 In this outcome, we are working to achieve the following impacts:

- Northumberland's transport network is well maintained and connects people and business;
- Effective public transport is a viable and green option for residents;
- More residents and visitors use electric vehicles; and,
- Digital connectivity supports wellbeing and growth.

Progress:

5.75 In Quarter 1, we have met our targets on “Availability of Superfast broadband (%)’ and ‘Take up of Superfast broadband (%)’ which shows a positive direction of travel in terms of ensuring our county is digitally connected.

A connected county – Quarter 1 2023/24

	Measure	Target	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23	Q1 23/24
1	Availability of Superfast broadband (%)	95	95.1	95.4	95.4	95.63	95.7

	Measure	Target	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23	Q1 23/24
2	Take up of Superfast broadband (%)	65	80.1	79.8	79.1	79.1	78.6

Further development of measures

- 5.76 In future reports, we will aim to introduce more measures of connectivity, particularly on public transport access and usage, which will give a better picture of the work of the Council on this outcome.

Climate Change

- 5.77 In achieving the three Corporate Priorities, we will ensure we pass a healthy, clean and sustainable environment to future generations. Each of our three Priorities has a part to play in responding to Climate Change. Climate Change threatens to disproportionately affect our poorest areas, and climate policies which are too burdensome for the poorest in society could have an unwelcome effect on inequality. Net Zero is the growth opportunity of the 21st Century. Northumberland can get a huge boost from the low carbon economy, and we are already creating the foundations as we work to become carbon neutral.
- 5.78 Updated data for 2023-24 on the following measures will be reported in later quarters:
- Free Tree Planting Scheme (Number of Trees);
 - Kerbside Glass Collection Scheme (tonnes of glass) Annual;
 - NCC Carbon Dioxide Emission (tCO₂) Biannual;
 - NCC EV Fleet Replacement (# eligible vehicles) Annual.

6. Options open to Cabinet and reasons for the recommendations

- 6.1 As Cabinet is recommended to consider progress against the three Corporate Priorities as summarised in this report, there are no other options to consider.

7. Implications

Policy	This report supports delivery of all three priorities of the Corporate Plan.
Finance and value for money	Value for money is a priority for the Council. This Report contains no direct financial implications. The ongoing delivery of the Corporate Plan involves individual actions that may have financial implications which would form separate reports as these arise.

Legal	Whilst this report contains no immediate legal implications, the delivery of the individual actions within the Corporate Plan may have legal implications, which would form separate reports as these arise.
Procurement	N/A
Human resources	N/A
Property	N/A
The Equalities Act: is a full impact assessment required and attached?	No - not required at this point N/A
Risk assessment	None at this stage.
Crime and disorder	N/A
Customer considerations	N/A
Carbon reduction	Each of our three Priorities have an important a part to play in responding to Climate Change.
Health and wellbeing	N/A
Wards	(All Wards);

8. Background papers

Not applicable.

9. Links to other key reports already published

Corporate Plan 2023-26
Corporate Plan Achievements Report March 2023
Quarter 4 2023/24 Outturn Report

10. Author and Contact Details

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Northumberland County Council

Cabinet

Tuesday, 7 November 2023

Summary of New Capital Proposals considered by Officer Capital Strategy Group

Report of Councillor(s) Richard Wearmouth, Deputy Leader and Cabinet Member for Corporate Resources

Responsible Officer(s): Jan Willis, Executive Director for Resources & Transformation (S151)

1. **Link to Key Priorities of the Corporate Plan**

The Council's Capital Programme is consistent with all of the priorities in the Corporate Plan 2023-2026, being 'Achieving Value for Money', 'Tackling Inequalities' and 'Driving Economic Growth'.

2. **Purpose of report**

This report summarises proposed amendments to the Capital Programme considered by the Capital Strategy Group.

3. **Recommendations**

3.1 Cabinet is recommended to:

3.2 **Kyloe House CCTV Upgrade**

- a) Approve the receipt of the capital grant of £0.221 million from the Department for Education (DfE).
- b) Approve the amendment to the Capital Programme to include the funding and spend.

3.3 **Replacement of Boating Pontoon in Wansbeck Riverside Park**

- a) Approve the proposed spend on the Boating Pontoon and amend the Capital Programme in 2023-24. Note that the project will be wholly grant funded under an agreement with Cambois Rowing Club.

3.4 Highways Laboratory Expansion

- a) Approve the expenditure of the £0.615 million which is already included in the MTFP under Highways Laboratory Expansion project.
- b) Note that a portion of the allocation will be slipped into financial year 2024-25. This is currently anticipated to be 50% but will be dependent on the date of approval.

3.5 North East Bus Service Improvement Plan (BSIP)

- a) Note the agreement for the North East Joint Transport Committee (JTC) to release BSIP capital funding to assist scheme promoters with development of the programme.
- b) Approve the BSIP capital funding to develop the “Bus Priority Infrastructure – Tranche 1” programme.
- c) Approve the amendment to the Capital Programme to include £0.121 million funding from Transport North East (TNE) to enable development of the BSIP Tranche 1 programme.

3.6 Parks Enhancement Capital Programme

a) Cleasewell Hill Park

- Approve capital expenditure of up to £0.240 million for the refurbishment scheme at Cleasewell Hill Park.
- Approve the reallocation in the Capital Programme of £0.200 million from the existing Parks Enhancement Programme and £0.040 million contribution from Choppington Parish Council which has been agreed in principle subject to formal approval.
- Note that if funding of £0.040 million from Choppington Parish Council is not received works will be scaled back and expenditure will be limited to £0.200 million.

b) Gallagher Park

- Approve capital expenditure totalling £0.019 million for car park repairs, overflow provision and fencing at Gallagher Park.
- Approve the reallocation in the Capital Programme of £0.010 million from the existing Parks Enhancement Programme and £0.009 million from Cllr Robinson, Cllr Taylor, and Cllr Wilciezk’s Members’ Local Improvement Scheme funds.

c) Plessey Woods – Bouldering Park

- Approve capital expenditure totalling £0.159 million for Plessey Woods Bouldering Park.
- Approve the reallocation in the Capital Programme of £0.088 million from the existing Parks Enhancement Programme, £0.067 million from Section 106 contributions and £0.005 million from Cllr Robinson’s Members’ Local Improvement Scheme funds.

3.7 Strategic Regeneration Investment

- a) Accept grant funding to establish the Northumberland Stewardship and Rural Growth Investment Programme as follows, noting that the establishment of the programme and projects below was previously agreed by Cabinet in February 2023:
- Accept grant funding of £4.810 million including £2.000 million capital and £2.810 million revenue for the Northumberland Small Business Service (NSBS).
 - Approve the addition of the £2.000 million capital funding to the Capital Programme in line with the three-year funding profile further in the report.
 - Accept grant funding of £3.510 million including £1.543 million capital and £1.967 million revenue for the Rural Asset Multiplier Programme (RAMP).
 - Approve the addition of the £1.543 million capital funding to the Capital Programme in line with the three-year funding profile further in the report.
- b) Approve the below projects and the reallocation of capital funds of £0.600 million in 2023-24 from the Ashington North East Quarter Redevelopment (Phase 2). The Strategic Regeneration Projects budget will reallocate £0.600 million to the Ashington North East Quarter Redevelopment (Phase 2) project in 2024-25. Note that the Ashington North East Quarter Redevelopment (Phase 2) does not require the funds in 2023-24 due to slippage in the project delivery.
- Approve the allocation of capital funds of £0.500 million in 2023-24 for Hexham HSHAZ Public Realm Scheme.
 - Approve the creation of a new capital project in 2023-24 for the Berwick Gateway and approve the allocation of capital funds of £0.050 million in 2023-24 for the Berwick Gateway.
 - Approve the allocation of capital funds of £0.010 million in 2023-24 for the detailed design of the Royal Border Bridge Floodlighting Scheme.
 - Approve the allocation of capital funds of £0.020 million in 2023-24 to finalise the successful Rural Business Growth Service project.
 - Approve the allocation of capital funds of £0.020 million in 2023-24 for the detailed design of the Alnwick Cobbles Streetscaping scheme.

3.8 Great Northumberland Forest Tenant Lead Pilot

- a) Approve the proposed spend of £2.550 million for the Great Northumberland Forest Tenant Lead Pilot and note the funding of £2.550 million from the national Nature for Climate (NfC) fund.
- b) Approve the inclusion of an additional £2.550 million (2023-24 £1.500 million and 2024-25 £1.050 million) in the capital programme.

4. Forward plan date and reason for urgency if applicable

The date this report was added to the forward plan was 26 September 2023.

5. Background

- 5.1 This paper summarises reports considered by the Officer Capital Strategy Group on the allocation of funding within the Medium-Term Financial Plan to specific projects. The amendments to the Programme were considered by the officer Capital Strategy Group (CSG) on 27 September 2023.

Summary of New Capital Proposals Considered by Officer Capital Strategy Group on 27 September 2023

6. Kylee House CCTV Upgrade

- 6.1 CSG was asked to consider capital funding of £0.221 million for Kylee House CCTV upgrades. This spend is externally funded by the DfE.

Background

- 6.2 This project is for the upgrade of the existing CCTV System at Kylee House. The system required an upgrade for the following reasons:
- a) The existing NVR recorder units needed to be replaced as they suffered a major failure in early 2021 which led to the loss of data.
 - b) The existing cameras were analogue based and needed to be IP cameras which offer a better resolution and clear image. IP cameras were also required as the existing analogue cameras would not be compatible with the new NVR units.
 - c) Additional cameras were required to cover known blind spots.
- 6.3 Kylee House is a Secure Children's Home. The CCTV system is a fundamental component of the security system which is essential for the successful operation of the home.
- 6.4 If the system was not upgraded there was a high potential for further breakdown of the system. This would compromise the service that Kylee House provides. All secure Children's Homes can only operate if they are licensed to do so by OFSTED. Licensing inspections include a review of the adequacy of the security systems. The need to address the failures experienced in 2021 had been noted by OFSTED. If the system was found to be inadequate at a future inspection it could have precluded the renewal of the license.
- 6.5 As a result of the urgency noted above once confirmation of funding from the DfE was received the works commenced, prior to the funds being transferred. The key dates are as follows:
- Order issued: April 2022
 - Site Start: End of April 2022
 - Completion: August 2023
- 6.6 As a result of the urgency noted above once confirmation of funding from the DfE was received the works commenced, prior to the funds being transferred. The key dates are as follows:

7. Replacement of Boating Pontoon in Wansbeck Riverside Park

- 7.1 CSG was asked to consider capital spend of £0.120 million to replace the existing Boating Pontoon. This spend would be funded by Cambois Rowing Club through a grant agreement.

Background

- 7.2 The council owns a boating pontoon in Wansbeck Riverside Park. The pontoon is maintained by Cambois Rowing Club under the terms of their lease from the Council of nearby buildings on the bank of the Wansbeck. The pontoon is used by members of the rowing club along with members of kayaking, canoeing and paddleboard clubs and groups and by members of the public.
- 7.3 The rowing club have approached the Council with a request for the pontoon to be replaced with a newer and larger pontoon, to provide better and more inclusive access to the water for club members and members of the public. NCC staff have worked with the rowing club (with support from Groundwork North East) to develop specifications and are working to secure permissions for the project.
- 7.4 A tender process is underway, it is expected that the costs of the scheme will be in the region of £0.120 million.
- 7.5 Cambois Rowing Club have committed to meet 100% of the costs associated with the works. A deed of grant will identify Cambois Rowing Club as grant donor and the Council as grant recipient. No work will take place until the deed of grant is signed and in place.
- 7.6 Cambois Rowing Club require a solution to replace the existing pontoon system with one that will cope better with the current and future water conditions. One that will provide safe and easy access for all members no matter their physical and mental abilities. The proposal is to increase the current size to at least 30m in length with the possibility of it being larger if achievable in the area available.

8. Highways Laboratory Expansion

- 8.1 CSG was asked to consider capital spend of £0.615 million for the Highways Laboratory Expansion Project. This project is already included in the Capital Programme at £0.615 million so no additional spend is being sought. CSG was also asked to note that roughly 50% of the spend on this project will be slipped into financial year 2024-25.

Background

- 8.2 As a UKAS accredited laboratory the Highways Materials Laboratory provides an essential and invaluable independent materials compliance testing service, ensuring that investments in highway improvements and maintenance are fully effective and maximised for the benefit of all highway users.
- 8.3 The NCC laboratory is the only local authority UKAS accredited highways materials laboratory in the North East of England. As such, much of the external workload is for neighbouring local authorities, helping them to maximise the effectiveness of their highways maintenance improvements.
- 8.4 The Highways Materials Laboratory has grown its operating turnover from £0.316 million in 2012-13 to over £0.700 million per annum. Over the same period external income has grown from £0.106 million to over £0.330 million.
- 8.5 There is significant scope for expansion of the current service given that external work is regularly turned down due to capacity restrictions.
- 8.6 Although the numbers of laboratory staff have increased with the increase in workload, the current limitation has become the physical size and internal arrangements of the laboratory building itself. In order to increase the capacity to accommodate additional work, and the additional staff required, the efficiency and size of the building needs to be increased.
- 8.7 The increasing numbers of staff have led to difficulties in providing sufficient working space also welfare issues regarding the adequate provision of canteen space and workwear drying facilities.
- 8.8 In order to provide a minimum acceptable welfare provision the staff are currently using a portable canteen and drying facility located in the rear car park.
- 8.9 Recently there have been health and safety issues with the fume extraction equipment in one part of the laboratory where hazardous chemicals are used. These issues have been managed short-term. Whilst a stop-gap solution is being implemented there are wider issues with the ventilation of the building as a whole which require remedying in order for any replacement fume extraction facility to be effective.
- 8.10 Some preliminary investigations were undertaken in association with Property Services where it was clear that the best option (lowest cost / least disruptive) would be to remodel the internal arrangements of the current building along with a garage extension. These works would need to be undertaken in a phased approach in order to minimise disruption. It was these preliminary works that lead to the estimate of £0.615 million which is included in the MTFP Capital Programme agreed by Council in February 2023.

- 8.11 At this stage more detailed work has been carried out with architects and structural engineers and the following refined budget has been proposed:

Activity	Budget Estimate £ million
Preparation of design, drawings, and specification, including all necessary planning requirements, suitable for procuring a building contractor. Inclusive of all third-party fees.	0.052
Main building works including internal re-modelling and refurbishment, new garage building, new entrance lobby, and new chemical store.	0.435
Specialist equipment and fittings. Including fume extraction equipment, dust extraction benches, hazardous chemical handling equipment, dismantling, moving, and recommissioning the soils testing room.	0.055
Contingency	0.073
Total	0.615

- 8.12 It is anticipated that following member approval construction works could commence in February 2024 with completion in June 2024. This will coincide with the busier period in the laboratory and there will be some disruption.
- 8.13 It is anticipated that due to the project delivery timeline 50% of the funding will be slipped into financial year 2024-25.

9. Bus Service Improvement Plans

- 9.1 CSG was asked to consider capital spend of £0.121 million for the Bus Priority Infrastructure Programme. This project aims to improve bus journey time and reliability. The project will be fully funded by TNE.

Background

- 9.2 The National Bus Strategy was published by the Department for Transport (DfT) on 15 March 2021. The strategy set out central government's vision and the opportunity to deliver better bus services for passengers, through ambitious and far-reaching reform of how services are planned and delivered.
- 9.3 Since then, the North East BSIP bid was submitted in response to the National Bus Strategy which was published in October 2021. Both the Enhanced Partnership (EP) Plan and EP Scheme have been developed and agreed by the DfT, in partnership with TNE, Northumberland County Council and the bus operators.
- 9.4 Earlier this year the leader of the Council took the delegated decision, as agreed by Cabinet in May 2022, to authorise the Council's participation in the making of an Enhanced Bus Partnership Plan and Scheme. These mechanisms were required to enable the release of BSIP capital funding for the "Bus Priority Infrastructure – Tranche 1" programme.
- 9.5 On 18 July 2023 the North East JTC agreed in principle to release £20.251 million of BSIP capital funding noting that £2.025 million of this funding will be released early to assist scheme promoters with development of the programme.

- 9.6 Delegated decision has been approved following the appraisal of the Tranche 1 business case. TNE are in a position where they can now progress Grant Funding Agreements with scheme providers.
- 9.7 Allocation for each local authority have been calculated at 10% of the scheme costs of their high-level scheme proposals within the programme level Business Case for the Bus Priority Tranche 1 programme. For Northumberland County Council the amount allocated is £0.121 million.
- 9.8 The focus of the Bus Priority Infrastructure Programme is to develop and deliver infrastructure which will assist in improving bus journey times and reliability by removing congestion pinch points along existing bus corridors. This will allow users to rely on the bus and encourage more people to use their local bus services.
- 9.9 The following schemes have been identified for intervention following a feasibility study of public transport pinch points across the TNE geography.

Northumberland Highway Schemes	Description	Total Capital Costs
Blyth A189 Southbound to A193 Eastbound bus lane.	Widen carriageway to provide an additional bus lane to facilitate bus movement through the A189 roundabout.	£475,233.00
Cramlington Low Main Place to B1326 right turn bus lane.	Widen the road and signalise the junction to facilitate a right turn bus movement and provide a new left turn entrance to the supermarket car park in advance of the junction to ease volume of traffic moving through junction.	£736,829.00
Cramlington Dudley Lane southbound bus lane at A1171 roundabout.	Widen southbound carriageway to provide a bus lane facilitating movement through A1171 roundabout.	

- 9.10 The expected project outcomes and outputs are:
- a) Improve journey times
 - b) Improved journey time reliability
 - c) Increased patronage
- 9.11 The key milestones for scheme delivery are set out below:
- a) Preliminary design in October 2023 to January 2024
 - b) Consultation in February 2024
 - c) Detailed design in March to July 2024
 - d) Assurance Statement sign off in August to September 2024

e) Construction October 2024 – March 2025

- 9.12 The programme will contribute to a sustainable transport system capable of supporting Northumberland's environmental, social, and economic objectives. It seeks to reduce car dependence and increase sustainable travel, thereby contributing to the reduction of carbon emissions.
- 9.13 The main risk associated with the programme is that any significant underspend, overspend or failure to deliver schemes that have external funding linked to them may lead to a loss of that funding and jeopardise the potential to secure additional funding in future years. The risk of overspend is mitigated by the inclusion of a significant risk layer added to the total scheme costs.

10. Parks Enhancement

- 10.1 CSG was asked to consider capital spend of £0.418 million for projects involving three different parks. The main source of funding would be via reallocations from the existing Parks Enhancement Capital Programme and Members' Local Improvement Scheme Funds along with contributions from Choppington Parish Council and Section 106.

Background

Cleasewell Hill Park

- 10.2 Cleasewell Hill Park is located off the A1068 at Sheepwash Road, Choppington and looks across the river Wansbeck with the popular riverside footpath connecting Wansbeck Riverside Country Park just a short walk away.
- 10.3 In partnership with Choppington Parish Council there is an opportunity to re-activate the park to make it feel more welcoming and secure for the local community. It is proposed to undertake a refurbishment scheme involving the provision of a new inclusive play area, improved access, resurfacing of footpaths, steps, and improved landscaping.
- 10.4 There is £0.200 million already included in the Council's Capital Programme which was approved at February 2023 Cabinet. The remaining £0.040 million will be funded by Choppington Parish Council. In addition, community asset transfer and an enhanced maintenance programme are still in dialogue.

10.5 View of the existing Children's play area:



10.6 Estimated costs:

Description	£ million
Play area & landscaping	0.120
Footpaths, steps & handrails	0.090
Signage, & park furniture	0.010
Arboriculture, shrubs & vegetation	0.006
Contingency	0.014
Total	0.240

10.7 Proposed funding:

Description	£ million
Parks Capital Enhancement Programme	0.200
Choppington Parish Council	0.040
Total	0.240

10.8 Choppington Parish Council have expressed a willingness to make a significant financial contribution towards the cost of the scheme.

10.9 It is also envisaged that upon completion of the capital works the park will be community asset transferred to Choppington Parish Council who will take on future maintenance responsibility.

10.10 Without any capital contribution from the Parish Council the project will be scaled accordingly to stay in line with Northumberland County Council's £0.200m commitment.

Gallagher Park

10.11 Gallagher Park is in the Northeast of Bedlington. The park was created as part of a large colliery reclamation project in the 1980s. The regeneration of the site has resulted in a variety of woodland environments being created as well as open spaces for a variety of leisure purposes including football and cycling.

10.12 Gallagher Park was designated Queen Elizabeth II playing fields as part of a national initiative to provide long-term safeguards for outdoor recreation areas in 2012.

10.13 The park is extremely popular for sport and recreation and as a result the parking facilities come under pressure at peak times bringing health and safety concerns regarding emergency access and safe use.

10.14 Recent photos provided by The Friends of Gallagher Park:



10.15 It is therefore proposed to increase the parking provision by installing approximately 12 additional parking bays, helping to reduce congestion on match days and improve site safety.

10.16 In addition, surface repairs will be undertaken on the existing car park and new boundary fencing will be installed to prevent unauthorised parking.

10.17 Based upon submitted estimates the following costs have been identified:

Description	£
Gallagher Park Car park repairs Over-flow provision and fencing.	18,260
Contingency	740
Total	19,000

10.18 Proposed funding:

Description	£
Parks Capital Enhancement Programme	10,000
MLIS Funds Cllr Malcolm Robinson Cllr Christine Taylor Cllr Rebecca Wilciezk	9,000
Total	19,000

Plessey Woods Bouldering/ Climbing Rocks

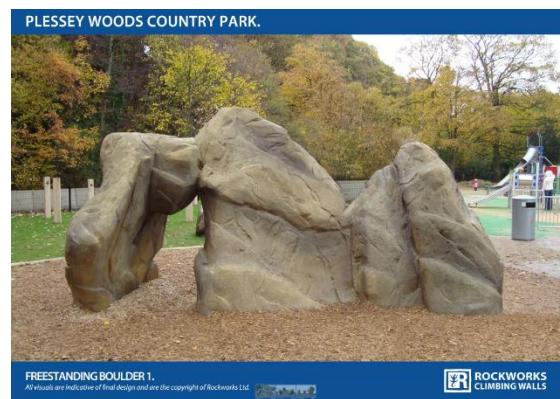
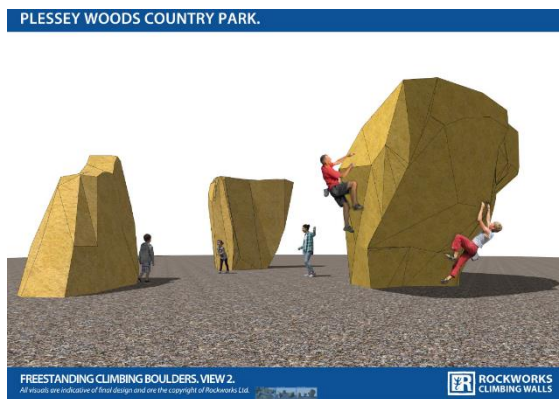
10.19 Plessey Woods Country Park is located near Hartford Bridge, off the A192, mid-way between Bedlington and Cramlington and about five miles south of Morpeth.

10.20 The park offers 100 acres of woodland, meadow, and riverside to explore.

10.21 A visitor centre, café, toilets, children’s play area and parking are all available for visitors. It is a fantastic location for a family day out to walk, play and explore.

10.22 To complement the proposed works to the Café / Visitor Centre is it proposed to install an outdoor climbing / bouldering facility.

10.23 Rockworks climbing boulders provide a variety of highly realistic, free standing climbing structures that will enhance any outdoor environment. The boulders are unique in introducing challenge and adventure into free to access playgrounds and are designed and constructed to recreate any rock type or style of climbing.



10.24 Following research undertaken by NCC staff there is a clear appetite among the climbing community for this type of facility. However, it also presents an opportunity for the wider community to get involved in outdoor physical exercise that is both challenging, fun, and free.

10.25 It is anticipated that the new facility will enhance the reputation of Plessey Woods Country Park as destination park resulting in additional visits to the Café and Visitor Centre and increasing revenue income from car parking and café sales.

10.26 The initial costs were thought to be around £0.145 million but inflationary cost pressures have seen the costs rise to £0.159 million.

10.27 There has been uncertainty relating to previously identified Section 106 funding, which has now been allocated to Northumberland Play zones. As a result, this is now

a request for capital funding allocation from the Parks Enhancement Capital Programme to enable the project to proceed.

10.28 Proposed funding:

Description	£ million
Parks Capital Enhancement Programme	0.088
Section 106 (confirmed)	0.049
Section 106 (proposed)	0.017
MLIS (Local Councillors)	0.005
Total	0.159

10.29 If the Section 106 proposed funding was not approved then consideration would be given to remove one of the larger boulders, thus reducing the cost or to accommodate the spend through changes in other Parks Enhancement Projects.

11. Strategic Regeneration Investment

11.1 CSG was asked to consider capital spend of £2.000 million for the Northumberland Small Business Service and £1.543 million for the Rural Asset Multiplier Programme (RAMP). All of the spend will be fully funded by the North of Tyne Combined Authority. Additionally, CSG was asked to consider a reallocation in the Capital Programme of £0.600 million from the Ashington North East Quarter Redevelopment (Phase 2) to 5 different Strategic Regeneration projects.

Background

Northumberland Stewardship and Rural Growth Investment Programme

11.2 The Northumberland Stewardship and Rural Growth Investment Programme was presented to Cabinet on 14 February 2024. Following on from this business cases have been developed, submitted, and approved by the North of Tyne Combined Authority for two of the projects identified in that report:

- a) The Northumberland Small Business Service (NSBS)
- b) The Rural Asset Multiplier Pilot (RAMP)

The Northumberland Small Business Service

11.3 The objective of this programme is to provide a comprehensive business and enterprise support service to small businesses (those employing less than 50 employees, with a turnover of less than £10 million) located within Northumberland in order to help unlock barriers to business resilience, investment, productivity, enterprise creation and economic growth.

11.4 Northumberland County Council will act as the Accountable Body and Strategic Lead for the NSBS programme with Advance Northumberland Ltd being the delivery partner. Advance Northumberland will commission specialist expertise to support delivery. This will include commissioning Northumberland National Park to provide bespoke farm growth and resilience support to eligible rural farm businesses across the county. This specific market segment has been identified as a key audience that is typically under-represented in standard business support services.

11.5 The NSBS programme will be delivered over a 3-year period from 1 April 2023 to 31 March 2026.

11.6 The programme is fully funded by external funding from the North of Tyne Combined Authority. A total budget of £4.811 million consisting of the following elements has been awarded:

- a) £2.211 million revenue grant from a combination of UK Shared Prosperity Fund (Rural Growth) and North of Tyne Investment Fund
- b) £0.600 million revenue grant from UK Shared Prosperity Fund (Enterprise)
- c) £1.500 million capital grant from the Rural Economy Prosperity Fund (REPF)
- d) £0.500 million capital grant from North of Tyne Investment Fund

11.7 The £2.000 million capital grant will be awarded to businesses for capital projects. It is anticipated that the grants will support 40 businesses, leveraging in £3.000 million of private sector funding for the projects.

11.8 The funding profile is as follows:

Description	2023-24 £ million	2024-25 £ million	2025-26 £ million	Total £ million
NTCA UKSPF Capital	0.500	1.000	-	1.500
NTCA Investment Fund Capital	-	-	0.500	0.500
NTCA UKSPF Revenue	0.579	0.171	-	0.750
NTCA UKSPF Revenue	0.269	0.331	-	0.600
NTCA Investment Fund Revenue	-	0.541	0.919	1.460
Total NTCA	1.348	2.043	1.419	4.810
Total Capital	0.500	1.000	0.500	2.000
Total Revenue	0.848	1.043	0.919	2.810
Grant Rate %	100%	100%	100%	100.00%

Rural Asset Multiplier Pilots (RAMP)

11.9 The objective of this programme is to progressively develop a place-based approach to ensure that investment and impact are focused rather than dispersed through the integrated delivery of multiple elements of the Stewardship and Rural Growth Plan within specific localities.

11.10 Through RAMP programme the Council will test an innovative, place-based approach to investing in unique natural, economic, and cultural assets in a way that will simultaneously enhance the environment, grow the rural economy, and improve opportunity and prosperity in the community. In this initial phase, activities will be concentrated in two defined pilot geographic areas of rural Northumberland, each presenting distinct opportunities and challenges relating to environmental stewardship and rural growth.

11.11 On this basis the initial phase of the RAMP programme will focus predominantly on two place-based pilots in the following defined geographic areas:

- a) Area A Northumberland Coast RAMP – Targeting the area of the Northumberland Coast AONB, this RAMP will focus on better managing the challenges and opportunities of the seasonal influx of visitors (for trips, holidays and second home residences) to improve the sustainability of local communities, reduce the areas carbon footprint and better protect the inherent value of the coastal landscapes, habitats, and species.
- b) Area B Northumberland National Park Authority RAMP (Bridging the North to South Tyne River)- Targeted on the South-Western part of the National Park bounded by Bellingham and Haltwhistle, this RAMP will focus on unlocking the natural capital potential of an extensive, unspoilt area of countryside whilst sensitively promoting access for educational and health and well-being purposes. As part of this RAMP, a Natural Capital Accounting Pilot will be initiated to both inform the subsequent preparation of the RAMP Delivery Plan and to provide an exemplar of this technique that can be replicated in other parts of the county. Natural capital accounting is the process of calculating the total stocks and flows of natural resources and services in a given area, as the basis to invest in enhancing these assets.

11.12 Alongside this, a small number of suitable projects will also be supported in other similarly rural parts of the county.

11.13 Northumberland County Council will act as the Accountable Body and Strategic Lead for the RAMP programme with Northumberland National Park Authority and Northumberland Coast AONB Partnership acting as key strategic partners.

11.14 The initial pilot phase described in the business case will run from September 2023 until March 2026.

11.15 A total budget of £3.510 million consisting of the following elements has been awarded:

- a) £1.967 revenue grant from a combination of UK Shared Prosperity Fund (Rural Growth) and North of Tyne Investment Fund
- b) £1.544 million capital from the Rural England Prosperity Fund (REPF)

11.16 The £1.544 million capital grant will be awarded to organisations for capital projects.

11.17 The funding profile is as follows:

Description	2023-24 £ million	2024-25 £ million	2025-26 £ million	Total £ million
NTCA UKSPF Capital	0.200	1.343	-	1.543
NTCA Investment Fund Capital	-	-	-	-
NTCA UKSPF Revenue	0.322	0.178	-	0.500
NTCA Investment Fund Revenue	-	0.681	0.786	1.467
Total NTCA	0.522	2.202	0.786	3.510
Total Capital	0.200	1.343	-	1.543
Total Revenue	0.322	0.859	0.786	1.967
Grant Rate %	100%	100%	100%	100.00%

Reallocation of Ashington North East Quarter capital funds in 2023-24

11.18 In order to progress the following capital projects as part of the Council's significant regeneration programme £0.600 million is requested to be reallocated in 2023-24 on a project-by-project basis as set out below from the Ashington North East quarter allocation in the Capital Programme.

11.19 The Strategic Regeneration Projects budget will reallocate £0.600 million to the Ashington North East Quarter Redevelopment (Phase 2) project in 2024-25.

Hexham High Street Heritage Action Zone (HSHAZ) Public Realm Scheme

11.20 The Hexham HSHAZ scheme was established as a £2.400 million scheme in October 2020 as part of a national programme and funded by Historic England, NCC and private sector match funding contributions. It seeks to deliver heritage led regeneration to address multiple issues of town centre decline and improve Hexham Town Centre making it a more attractive, engaging, and vibrant place for people to live, work, invest and visit.

11.21 The scheme, which runs until Spring 2024, is particularly targeted at the rapid deterioration of the condition of the Conservation Area, now 'at risk', including visible decline in the condition of multiple buildings resulting from lack of maintenance and limited custodianship of heritage assets.

11.22 The Hexham HSHAZ programme has resulted in significant improvements in the target area of Priestpopple, Cattle Market and Battle Hill including:

- a) 9 historic buildings repaired, repurposed or improved, significantly improving the streetscape and frontages as well as creating new employment and bringing commercial floorspace back into viable use.
- b) 500sq.m of public realm improved and new street trees introduced by Spring 2024.
- c) Multiple training and skills opportunities and "hard hat" tours for the local community and students.
- d) New app promoting a heritage based walking tour and support for guided tours with local volunteers.
- e) Strong engagement from community groups and local schools.
- f) Development of a Conservation Area Management Plan to provide a framework for future developments and protect the legacy of the HSHAZ investments.
- g) Overall improvement in the condition of the Conservation Area.

11.23 The investment programme for the scheme consists of several linked interventions which together are intended to create a lasting change in regenerating the area. This includes the public realm improvement scheme.

11.24 Works commenced on 3 July 2023 focussing on the key corridor of Priestpopple, Cattle Market and Battle Hill within the Hexham HSHAZ boundary and have progressed well, with a positive response from the local community and businesses. It is expected that the scheme will be complete in Spring 2024.

- 11.25 The budget for the construction of the scheme was agreed by Cabinet on 13 December 2022 as £1.380 million with a contingency of £0.347, totalling £1.727 million. This was based on pre-tender cost estimates from August 2022, which were predicated on externally contracting the works and a start date of 1 April 2023.
- 11.26 Since the cabinet meeting the budget forecast has been impacted by several factors outlined below:
- a) Cost increases on materials following a three-month delay to the start date which was agreed as a response to the tragic events that occurred earlier in the year on Priestpope. The cost of paving materials and tree support infrastructure in particular are increasing rapidly each quarter.
 - b) Agreement on the final traffic management arrangements around the construction works, which has seen a one-way system introduced for the duration of the scheme (up to 39 weeks). This is labour intensive as it requires additional operatives to be on site throughout and therefore will lead to a higher cost than originally envisaged.
 - c) The works are now being undertaken by NCC's Highways Construction Team. The cost for the construction of the works at the time of their award exceeded the estimates produced during the development of the scheme.
 - d) The works are currently 4 weeks behind schedule, due to a range of factors including long lead times for the delivery of materials. Every week of slippage equates to higher costs. Additional NCC technical resource is being allocated to progress urgent design modifications quickly in order to limit 'downtime' on-site and work phases have been altered to enable full deployment of staff in 2 sections of the scheme area.
 - e) As the new high-quality paving is being installed it has become apparent that existing poorly maintained ironworks e.g., drain and access covers etc and rising/damaged signage will detract from the overall impact of the scheme. This was not costed into the original scheme due to budget constraints.
- 11.27 The additional budget required to cover the costs highlighted to achieve successful scheme completion are estimated to be £0.500 million which will increase the overall budget to £2.227 million in relation to construction and contingency costs. This is comparable to other NCC schemes of this scale.

Berwick Visitor Gateway

- 11.28 As part of the wider regeneration programme in Berwick the Council has been working with the Berwick Harbour Commission on the opportunity to create a Visitor Gateway at Berwick Harbour, including car parking, new commercially operated restaurant, EV charging, publicly accessible toilets, and an orientation point for visitors to Berwick and critically for the new Destination Tweed long distance walking and cycling route being developed under the Borderlands programme.
- 11.29 This outline proposal relates to the development of the existing Port office facilities to make a multipurpose statement building to support traditional port activity and local amenity, leisure, and tourism.
- 11.30 The plan is to replace the existing single-story office with a two-story multi-purpose facility. This will include the relocation of staff offices upstairs to a new second floor area, to allow development of the downstairs, primarily a restaurant / dining area with

outdoor seating. The downstairs also includes provision of facilities for visiting yachts and crew members.

11.31 There is also space available and the opportunity to build public toilets including disabled toilets. These would be managed by the Harbour Commission but made publicly accessible.

11.32 The proposals include the provision of car parking along with EV charging points, which would be available for public use by cars and coaches. The site would then act as a key orientation point to visitors to Berwick and critically an orientation point / gateway to the Destination Tweed long distance walking and cycling trail.

11.33 The capital costs initially estimated by Berwick Harbour Commission, based on outline plans are £0.600 million, this includes:

- a) Construction of statement Port building (taking into account increased material costs / labour etc).
- b) Softening of outside area appearance / flags / sail structures.
- c) Tourism related expenditure: information boards, port and wildlife viewing area and seating.
- d) New entrance to public area of car park to separate from commercial port (Gates, Planning with Highways).
- e) Professional fees for architect, civil engineers, and project management.
- f) Marketing and associated costs.
- g) Legal fees associated with tenancy.

11.34 The profiling of the budget is set out below:

	2023-24 £ million	2024-25 £ million	2025-26 £ million	TOTAL £ million
Spend	0.050	0.400	0.150	0.600

Royal Border Bridge Floodlighting

11.35 The Royal Border Bridge is the iconic railway viaduct crossing the River Tweed at Berwick. There have long been issues with the floodlighting illuminating the Bridge and a condition / asset survey was commissioned which was completed earlier this year. This put forward several options and scenarios for bringing the floodlighting back into full operation.

11.36 The preferred solution is a full replacement of all equipment linked to wireless technology for full control, and by replacing all equipment, it allows for better maintenance and a reliable installation going forward.

11.37 The overall estimated cost for this project at this time is in the region of £0.400 million and approval is being sought for the release of £0.10 million from the Strategic Regeneration Projects budget in 2023-24 to allow the Detailed Design to move forward. This will enable a further CSG report to be submitted in due course, which will detail the overall project cost and proposals for potential delivery in 2024-25.

Rural Business Growth Service (RBGS)

11.38 The RBGS provided discretionary grants to rural businesses across the County, funded by the European Regional Development Fund (ERDF). The project has been highly successful, however including the project a limited amount of ineligible activity has been supported. Under the grant funding procedure, the Council is obliged to fund this activity, which has been expended by a business but will not be eligible for the grant. It is therefore proposed that £0.020 million is allocated from the Strategic Regeneration Projects to cover this limited ineligible activity and close the RBGS project.

Alnwick Cobbles Streetscaping Scheme

11.39 The cobbles are located in Alnwick town centre and are mainly used for car parking. The current surface is uneven and difficult to walk on. Those with mobility issues find the area impossible to walk on and cannot use the pedestrian routes that run through the area. There is little pedestrian space and existing historic features like Robertsons Pant are therefore relatively inaccessible.

11.40 The project aims to significantly improve the streetscape in this area. The current cobbles will be replaced with flat-top materials suitable for pedestrians, including those with mobility problems. Disabled access will be improved by providing accessible routes across the area, linked to existing pedestrian routes and crossings. Greater pedestrian space will be created, focussed on Roberstons Pant, allowing this historic feature to be more easily visited and appreciated. Natural materials and planting will enhance the streetscape.

11.41 The overall estimated cost for this project at this time is in the region of £1.000 million, expected to be funded from a combination of Strategic Regeneration Projects budget and Local Transport Plan Capital Programme. Approval is being sought for the release of £0.020 million from the Strategic Regeneration Projects budget in 2023-24 to allow the Detailed Design to move forward. This will enable proposals to be firmed up and a further CSG report to be submitted in due course, which will detail the overall project cost and proposals for potential delivery in 2024-25.

12. Great Northumberland Forest Tenant Lead Pilot

12.1 CSG was asked to consider capital spend of £2.550 million for the Great Northumberland Forest Tenant Lead Pilot programme. All of the spend will be fully funded by the Nature for Climate (NfC) Fund.

Background

12.2 The Great Northumberland Forest (GNF) initiative was announced by Government in September 2019 to facilitate and support an increase in tree and woodland cover through Forestry Commission Grants, Forestry England delivery, Countryside Stewardship, Green Recovery and private financed schemes.

12.3 To help facilitate this work, the Department for Environment, Food and Rural Affairs (DEFRA) gives the Council an annual revenue allocation from the national Nature for Climate (NfC) Fund that funds a dedicated delivery team of 4 staff to be employed. The role of this team is to coordinate and promote tree and woodland planting, particularly in “low risk areas” in collaboration with the Northumberland Woodland Creation Partnership (WCP).

- 12.4 To complement this, the GNF was successful in securing capital funding over three years from the NfC Fund. This funding is targeted at filling the gaps in the existing national tree planting grant opportunities with the aim being to facilitate positive experiences, build confidence and unlock opportunities to do more. This capital was previously approved by CSG and Cabinet in 2022. To date, over £0.491 million has been approved, and spent or allocated to woodland creation projects which will result in over 82,000 trees being planted. There is a strong pipeline in place for 2023-24 with two further funding panels due in September and October.
- 12.5 The GNF secured further capital from DEFRA to support an additional project within the GNF programme – A restoration response to storm Arwen damage. This additional capital was previously approved by CSG and Cabinet in 2023. The scheme launched in June 2023 and to date, the pipeline for 2023-24 is currently at 100ha with an estimated spend of £0.500 million.
- 12.6 The GNF has now secured additional capital from DEFRA to pilot and test an innovative tenant-lead woodland creation approach. This will be a separate capital project to those covered above but still managed by the Great Northumberland Forest team.
- 12.7 The funding package is detailed below:

Item	Description	CDEL	RDEL
150HA Tree planting (capital & maintenance costs only)	@£15k per HA	£2.550 million	Existing resource allocation – supplemented through capitalisation of reserves if required
Directly attributable GNF overhead costs/contingency (drought, fire etc)	@£2k per HA (in reserve)		
Total: £2.550 million			

- 12.8 Northumberland has a significantly high percentage of farmland occupied by tenants (50-60%) compared to the national average (30%). This can make accessing woodland creation grants more challenging due to permissions required, future management options and cash flow – with the latter being the most challenging for tenants to progress woodland creation at scale.
- 12.9 This project will allow the partners to implement a new landlord tenant model as a test bed to lever in private finance for future years. We are hoping the 2023-24 Northumberland sites will provide a working model for tenant led agroforestry and farm woodland creation.
- 12.10 This pilot looks to gain commitment by encouraging tenant farmers and landlords to work together to find solutions and enable tree and woodland establishment such as agroforestry planting on tenanted land.

13. Implications

Policy	The schemes identified in the report support all of the priorities within the Corporate Plan 2023-26.
Finance and value for money	The report outlines proposed project allocations and amendments to the approved Capital programme 2023-24, 2024-25 and 2025-26. The financial implications of these proposals are outlined in the main body of the report. The projects and the proposals identified in the report will be funded from either external funding or existing funding in the Capital Programme.
Legal	Subject to any contractual implications arising from the receipt of grant funding, there are no direct legal implications. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 confirm that the matters within this report are not functions reserved to Full Council
Procurement	Procurement will follow the Council's standard procedures and financial rules. The Corporate Procurement team will be consulted as appropriate.
Human resources	Not applicable
Property	Not applicable
The Equalities Act: is a full impact assessment required and attached?	No - not required at this point EIA is not applicable to the subject of this report. EIA is not applicable to the subject of this report.
Risk assessment	The risks associated with the proposals are regarded as acceptable, but these risks will continue to be reviewed up to and during implementation of the proposals.
Crime and disorder	There are no specific crime and disorder implications within this report.
Customer considerations	The proposals will carefully consider the impact upon both customers and residents of Northumberland.
Carbon reduction	Carbon Reduction measures have been considered within the proposals.

Health and wellbeing	The Council's Capital budget is founded on the principle of promotion inclusivity.
Wards	(All Wards);

14. Background papers

Summary of New Capital Proposals Considered by Officer Capital Strategy Group
Cabinet report 13 December 2022

Northumberland Stewardship and Rural Growth Investment Programme Cabinet
report 14 February 2022

North East Bus Service Improvement Plan Cabinet Report 9 May 2023

15. Links to other key reports already published

Not applicable

16. Author and Contact Details

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Northumberland County Council

Cabinet

Tuesday, 7 November 2023

Delegate Authority to Award Leisure Contract Report

Report of Councillor(s) Cllr Jeff Watson, Lead Member, Cabinet Member for Promoting Healthy Lives

Responsible Officer(s): Gill O'Neill, Executive Director for Public Health (DPH), Inequalities & Stronger Communities

1. Link to Key Priorities of the Corporate Plan

The delivery of a cost-effective and evidence-based community leisure and wellbeing service supports the aim of our Corporate Plan 2021 - 2024 to tackle inequalities within our communities and enable our residents to be healthier and happier.

2. Purpose of report

The purpose of this report is to seek permission to delegate authority to enable the contract award of the Northumberland Community Leisure and Well-being Service to the preferred bidder, following final evaluation by the panel.

3. Recommendations

3.1 It is recommended that Cabinet:

Delegate authority to the Executive Director of Public Health, Inequalities and Stronger Communities in consultation with the Leader, also Portfolio Holder for Environment and Local Services, the Deputy Leader, also Portfolio Holder for Corporate Services, the Portfolio Holder for Healthy Lives, the Director of Law and Corporate Governance and the Executive Director of Transformation and Resources to award and enter into a contract for the Northumberland Community and Wellbeing Service with the preferred bidder.

4. Forward plan date and reason for urgency if applicable

This report was submitted to the Forward Plan on 5th Oct 2023 in time for a key decision to be made by Cabinet on 7th November 2023

5. Background

- 5.1 A review of the current leisure service was undertaken from October 2021 and concluded in September 2022.

In January 2022, approval was obtained to extend the then current contract for twelve months to continue with the review whilst planning a procurement process to select an operator to implement the newly developed Northumberland Community and Well-being Service Specification.

A key decision to proceed with a formal tender exercise was made by Cabinet on 8th November 2022 and to extend the contract for a further twelve months until 31st March 2024 to enable the service to remain in place pending the conclusion of the procurement exercise.

The procurement exercise will enable the selection of an organisation to deliver leisure services which demonstrably contribute to the [Northumberland Joint Health and Wellbeing Strategy 2018 – 2028](#), and its key themes, outcomes and supporting priority areas. The Key Themes are as follows:

- Giving children and young people the best start in life
- Bringing different people, professionals, services and buildings to work together in a whole system approach to health and care
- Empowering people and communities
- Tackling the wider determinants of health

It would also ensure a modern, fit for purpose, value for money, leisure and well-being offer. This will be achieved through the strategic shift towards proactively engaging with communities as part of the operational delivery model and also ensuring robust financial sustainability with tightly measured outcomes.

The contract with the current provider expires on March 31st, 2024, with the new contract commencing 1st April 2024.

- 5.2 The procurement exercise for the Northumberland Community Leisure and Well-being Service Contract is for the operation of the 10 core Council owned facilities namely:

- Ashington Leisure Centre, Ashington
- Berwick Sports & Leisure Centre, Berwick
- Blyth Sports Centre
- Concordia Leisure Centre, Cramlington
- New Morpeth Leisure Centre, Morpeth
- Newbiggin Sports & Community Hub
- Ponteland Leisure Centre, Ponteland
- Prudhoe Water World, Prudhoe
- Wentworth Leisure Centre, Hexham
- Willowburn Sport & Leisure Centre, Alnwick

The facilities that are not included in this procurement exercise are community assets that will be used to build stronger communities using the Asset Based Community Development (ABCD) model and do not form part of this report.

5.3 Procurement Process

The tender exercise was published on 19th April 2023 and has been conducted via an open and transparent procurement process. The process has been supported by externally commissioned expert leisure consultants, Sport, Leisure and Culture Consultancy Limited (SLC). The award of the contract will be for a period of ten years with the opportunity to extend for a further five years.

In response to the Contract Notice published on the Government's Find a Tender Service portal, expressions of interest were received from six organisations who were invited to submit an Initial Tender. Negotiation meetings were subsequently held with all bidders in September 2023 in order to further refine the Council's requirements. The Invitation to Submit a Final tender has now been issued to the bidders and with final tenders due to be returned on 27 October 2023.

5.4 The preferred bidder will be identified following the final evaluation of tender submissions by an evaluation panel comprising of subject matter experts. The tenders will be evaluated on the basis of being the Most Economically Advantageous Tender which combine price, quality and social value. The Bidder with the highest overall score will be deemed the 'Preferred Bidder.'

5.5 Bidders' submission will be assessed based on Bidder responses to a series of method statement and the Price / Quality / Social Value split shall be as follows:

- Quality and Social Value 70%
- Price (management fee) 30%

5.6 The evaluation of bids is scheduled to take place on 13/14 November 2023. Subject to Cabinet approval to proceed to award, the required standstill period can commence shortly thereafter and will conclude on or around 30 November 2023. In order to prevent any delay in the award and mobilisation of the new contract arrangements, permission is requested to delegate the approval of the contract award (following conclusion of the procurement) to the Executive Director of Public Health, Inequalities and Stronger Communities to enter in consultation with the Leader, also Portfolio Holder for Environment and Local Services and the Deputy Leader, also Portfolio Holder for Corporate Services, the Portfolio Holder for Healthy Lives, the Director of Law and Corporate Governance and the Executive Director of Transformation and Resources.

5.7 The evaluation process of bids is not completed as final bids have not yet been received, as such the value of the contract cannot yet be confirmed. The expectation is that the contract will deliver an improved financial position for the Council which provides a return on the significant investment that has gone into the facilities.

6. Options open to the Council and reasons for the recommendations

6.1 Approval of the authority to delegate the decision award as recommended. This will ensure the adherence to the timeline.

7. Implications

Policy	Tackling Inequalities is a key priority for the Council. The Community Leisure and Wellbeing service is fundamental to
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	addressing inequalities associated with access and affordability of the Council's leisure offer.
Finance and value for money	The Authority has invested heavily in its facilities over recent years including the development of a number of new centres. Achieving value for money from its community leisure and wellbeing assets and services is an important objective for the Authority. The expectation is that not only will the contract be delivered within the existing revenue budget provision, but it will deliver an improved financial position for the Authority which provides a return on the significant investment which has gone into the facilities.
Legal	The contract has been procured in accordance with the Concessions Contract Regulations 2016.
Procurement	The procurement has been conducted in accordance with the Competitive Procedure with Negotiation under the Concessions Contracts Regulations 2016.
Human resources	The procurement documents include information re the potential of staff employed by the existing provider to TUPE to the new provider. There is no impact on Council staff.
Property	Ten Council facilities are included within this contract award. Building responsibilities remain with the Council after much investment. Responsibilities of the operator is detailed within the leases linked to the leisure operating contract and service specification and published with the tender documents.
The Equalities Act: is a full impact assessment required and attached?	No - not required at this point An Equalities Impact Assessment has been undertaken as part of the new specification and service delivery model requires a detailed Equalities Impact Assessment. Support for this will be sourced from the NCC Equalities Diversity and Inclusion Team
Risk assessment	Included as part of standard Local Authority commissioning and procurement practice. The Local Authority is required to ensure commissioning of services is competitively tendered. As this tender was agreed by Cabinet, the risk of challenge is mitigated.
Crime and disorder	There are evidenced examples of increased societal value where leisure services are developed with and for communities, improving self-esteem, improving mental health and reducing anti-social behaviours through engaging in sport and leisure facilities. Widening access to vulnerable groups and providing a place-based model, alongside working with community groups, could help reduce crime and disorder statistics supporting other community stakeholders

Customer considerations	Customers and service user feedback will be central to service delivery ensuring a high-quality service is maintained and monitored to ensure continuous improvement
Carbon reduction	The selected operator will work with the Council's Consideration is being given to the level of renewable resources needed to reduce the carbon impact of the centres. This work is being led by the NCC Climate Change Team
Health and wellbeing	<p>Inequality threatens long term social and economic development, harms poverty reduction and destroys people's sense of fulfilment and self-worth. This, in turn, can breed crime, disease and environmental degradation. Most importantly, we cannot achieve sustainable development and make the planet better for all if people are excluded from opportunities, services, and the chance for a better life.' (UN Sustainable Development Goal No 10).</p> <p>Regular physical activity can reduce the risk of a range of health conditions. It can help prevent or delay onset of these conditions and will contribute to an increase in life expectancy in target groups outlined in the new specification.</p> <p>Physical activity is also important in preventing falls in older people and enhancing development in children. Ensuring services are targeted to those groups where increasing activity levels can make the most difference will contribute and have a positive impact on inequalities in health outcomes across Northumberland.</p> <p>Approval of the award to the selected operator will have positive implications for public health via early intervention and prevention. The operator will work with NCC and contribute to closing the gap in health inequalities by targeting resources to those with poorer health outcomes creating better outcomes for our most disadvantaged communities</p>
Wards	(All Wards);

8. Background papers

Service Specification

9. Links to other key reports already published

Not applicable

10. Author and Contact Details

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