

AGENDA



CABINET

MONDAY, 3 DECEMBER 2012

11.00 AM

**COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL,
GRANTHAM**

Beverly Agass, Chief Executive

MEMBERS: Councillor Mrs. Linda Neal (Leader/Portfolio: Policy, Strategy and Strategic Partnerships), Councillor Paul Carpenter (Deputy Leader & Portfolio: Governance & Communication), Councillor Mrs Frances Cartwright (Portfolio: Grow the Economy and Economic Development), Councillor John Smith (Portfolio: Green, Healthy and Arts), Councillor Mike Taylor (Portfolio: Strategic Resources - Well Run Council) and Councillor Teri Bryant (Portfolio: Good Housing)

Committee Support Officer: Lucy Bonshor 01476 40 61 20
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Members of the public are entitled to attend the meeting of the Cabinet at which key decisions will be taken on the issues listed on the following pages. Key decisions are marked *.

1. APOLOGIES

2. MINUTES

3. DISCLOSURE OF INTERESTS (IF ANY)

4. *BOURNE CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN AND BOUNDARY REVIEW

Report PLA962 from the Portfolio Holder for Grow the Economy and Economic Development.

(Enclosure)

5. *CAR PARKING STRATEGY

Report PD04 from the Portfolio Holder for Grow the Economy and Economic Development.

(Enclosure)

6. *LOCALISATION OF SUPPORT FOR COUNCIL TAX BENEFITS POLICY

Report HOF211 by the Head of Finance.

Please note that due to its size appendix 5 to the report is available electronically www.southkesteven.gov.uk via the Your Council and Democracy link

(Enclosure)

7. *FEES AND CHARGES PROPOSALS FOR 2013/14

Report HOF209 by the Head of Finance.

(Enclosure)

8. MATTERS REFERRED TO CABINET BY THE COUNCIL, SCRUTINY COMMITTEE OR THE POLICY DEVELOPMENT GROUPS

9. ITEMS RAISED BY CABINET MEMBERS INCLUDING REPORTS ON KEY AND NON KEY DECISIONS TAKEN UNDER DELEGATED POWERS.

10. REPRESENTATIONS RECEIVED FROM NON CABINET MEMBERS

11. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT



MEETING OF THE CABINET
15 OCTOBER 2012 - 10.00 AM – 10.15 AM

PRESENT:

Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor John Smith
Councillor Mike Taylor
Councillor Teri Bryant

Councillor Mrs. Linda Neal - Chairman

Chief Executive (Beverly Agass)
Strategic Director Development and Growth (Ian Yates)
Head of Development and Growth (Mark Williets)
Service Manager Planning Policy and Partnerships
(Karen Sinclair)
Planning Policy and Partnerships Planning Officer
(Andy Moger)
Head of Legal and Democratic Services/Monitoring
Officer (Lucy Youles)
Cabinet Support Officer (Lucy Bonshor)

Non-Cabinet Members : Councillor Bob Adams

CO22. MINUTES OF THE MEETING HELD ON 1 OCTOBER 2012

Minutes of the meeting held on 1st October were agreed as a correct record of decisions taken.

CO23. DISCLOSURE OF INTERESTS (IF ANY)

None disclosed.

CO24. *DRAFT SOUTHERN QUADRANT MASTERPLAN SUPPLEMENTARY
PLANNING DOCUMENT APPROVAL FOR PUBLIC CONSULTATION

Decision:

Cabinet approves the Draft Southern Quadrant Masterplan Supplementary Planning Document (as appended to Report PLA954) for the purposes of public consultation for a period of six weeks.

Considerations/Reasons for decision:

- (1) Report PLA954 from the Portfolio Holder for Grow the Economy and Economic Development.
- (2) The Draft Masterplan SPD sets out the key planning and development principles for the development of the Southern Quadrant site:
 - Planning Policy and relevant studies
 - Site context, analysis and evidence base
 - Development vision
 - Masterplan and design principles
 - Design
 - Phasing and delivery
- (3) The Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirement for a period of statutory public participation when developing the SPD. This must be in line with the authority's Statement of Community Involvement and will run for a period of six weeks.
- (4) Informal consultations that had already taken place with the landowner, Lincolnshire County Council and local communities which had identified issues which had been addressed in the draft document.
- (5) Slight amendments to the document required before consultation (picture location and content page font colour).
- (6) Members comment that the public could genuinely influence the final document.
- (7) Officer's comments on the consultation already undertaken which had showed a resounding preference for the southern route option for the Relief Road.

Other Options Considered:

It is considered that there are no other options. Given the level of work undertaken to date in the development and preparation of the draft Masterplan SPD it would be sensible to proceed to the period of statutory consultation required prior to consideration of the document for adoption.

DATE DECISION EFFECTIVE:

Decision CO25 as made on Monday 15th October 2012 can be implemented by Wednesday 24th October 2012 unless subject to call-in by the Scrutiny Committee Chairman or any five members of the Council from any political groups.

**South Kesteven District Council, Council Offices, St. Peter's Hill, Grantham,
Lincolnshire NG31 6PZ**

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DRAFT REPORT TO CABINET

REPORT OF: Economic Development Portfolio Holder

REPORT NO: PLA 962

DATE: 3rd December 2012

TITLE:	Approval of Bourne Conservation Area Appraisal and Management Plan and Boundary Review	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Frances Cartwright Economic Development Portfolio Holder	
CONTACT OFFICER:	Kerry Walmsley, Assistant Conservation Officer, ext 6472 email: k.walmsley@southkesteven.gov.uk	
INITIAL IMPACT ANALYSIS:	Carried out and Referred to in paragraph (7) below	Full impact assessment required:
Equality and Diversity	Not required	
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	None	

1. RECOMMENDATIONS

It is recommended that Cabinet:

1. Formally adopt the draft Bourne Conservation Area Appraisal and Management Plan.
2. Approve the recommended boundary changes.
3. Delegate authority to the Head of Development and Growth in conjunction with the Economic Development Portfolio Holder to approve minor amendments to the appraisal and appraisal maps if required.

2. PURPOSE OF THE REPORT

- 2.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to draw up and publish proposals for the preservation and enhancement of conservation areas in their districts, to consult the local community about these proposals and to review the overall extent of designation in their areas regularly, and if appropriate to designate additional areas.
- 2.2 The conservation area in Bourne was designated in 1977 and this is the first comprehensive document that clearly defines its special interest and puts forward proposals for enhancement. It also provides a thorough and robust evidence base that can be used to inform the development management process.
- 2.3 English Heritage guidance (2011, *Understanding place, conservation area designation, appraisal and management* :6) states that current boundaries should be reviewed as part of the appraisal process, particularly if there is evidence to suggest that early conservation areas were drawn too tightly that excluded Victorian or Edwardian phases of development, now considered to be of special interest. English Heritage guidance also states that if the original interest has been eroded by subsequent changes or by inappropriate development the boundary should be revised. For example, during the review of the Ancaster Conservation Area in 2010, a large portion of the conservation area to the North was excluded due to significant erosion. The boundary of the conservation area was reduced by a third.
- 2.4 The purpose of this report is to enable Cabinet to consider the public representations received in response to the Bourne Conservation Area Appraisal and Management Plan including the proposed boundary changes that form part of the 2012 review. The principal boundary changes that have been proposed include extensions to the following areas:
- North Road
 - West Road
 - The Red Hall
 - Abbey Lawn
- 2.5 The extensions acknowledge the later expansion and associated townscape of Bourne that developed along key routes and display features relating to Victorian, Edwardian, Arts and Crafts and Art Deco design. In addition, there have been some areas of open space proposed for inclusion within the boundary to ensure the protection of settings at The Red Hall and Abbey Lawn. Some minor boundary amendments, where the original boundary bisected plots of land have also been proposed alongside the exclusion of a building that is no longer considered to be of special interest.
- 2.6 Following consideration the Cabinet will decide whether to confirm the revised boundary with or without further amendment, and approve the Conservation Area Appraisal and Management Plan.

- 2.7 The appraisal contributes to the priority themes of Grow the Economy and Promote Leisure, Arts and Culture. It should be regarded as the first step in a dynamic process, the aim of which is to preserve and enhance the character and appearance of the designated area and to provide the basis for making sustainable decisions about its future.
- 2.8 Bourne has a rich heritage with a good proportion of open space close to the town centre which could be used to generate wider social, environmental and economic benefits, such as increased tourism, learning, recreation and economic investment.

3. DETAILS OF REPORT

Conservation Area Appraisal and Management Plan

- 3.1 The Conservation Area Appraisal and Management Plan aims to define the special interest of the conservation area and put forward management proposals to protect and enhance the special qualities of the conservation area.

Action Plan

- 3.2 The appraisal includes an action plan to address any negative elements or threats to the conservation area and sets out an overall framework for active management. The action plan forms part of a wider review and management programme setting out key priorities for all of the conservation areas in the district and will be reviewed every 5 years, or where appropriate.

Proposed Extensions

West Road Extension

- 3.3 To extend the conservation area along West Road to include dwellings as far as No. 38 on the north side and the Almshouses on the south side. As part of the consultation proposals the boundary on the south side of the road terminated at No.37. However, this has been amended to terminate at the Almshouses taking into account representations made and that those properties on the south side of the road, are not equal in terms of quality with those on the north side of the road.

Summary

- 3.4 The extension includes attractive late 19th century and early to mid 20th century housing that reflects the historical development of Bourne. The almshouses date from 1931 and are a good example of Art Deco planned design. The housing comprises of two and three storey detached and semi detached properties which are set back from the roadside and there is a strong contribution of trees and hedgerows creating a spacious and green character.

Justification

- The extension acknowledges the contribution of 19th and early 20th century development to the phased character of Bourne.
- Large semi detached properties, with finely articulated features directly addressing the highway contributing towards an attractive layout and townscape.
- Buildings located on good sized plots and partially screened by boundary walls and hedges, form a pleasant and leafy approach into the town centre.
- 1931 Art Deco almshouses, with good retention of features displaying high quality period design.
- Gentle curving alignment of the road contributing towards progressive views in a westerly direction.

North Road Extension

- 3.5 To extend the conservation area as far as No. 97 on the west side and to the Galletly Medical Centre on the east side (excluding Nos. 1 and 2 Maple Gardens). Following consultation it was decided to exclude the above properties in Maple gardens from the extension proposals as they are inconsistent with the presiding character of North Road, (being built in the 1980s). However, the gate piers in front of the properties remain within the extension proposals.

Summary

- 3.6 North Road is characterised by a mix of semi-detached and detached houses of the Victorian and Edwardian era. Houses are arranged in a linear fashion with properties directly addressing the highway and grass verges separating the footways from the roadside. Trees line the grass verges which, together with the mature planting in the front gardens, create a pleasant avenue approach into the town centre. There are also attractive distant views to the west between the houses and intersecting streets of Bourne Woods.

Justification

- North Road reflects the historical development of Bourne and the 19^h – 20th century urban expansion of the Town.
- The road displays classic 'ribbon development' with growth radiating outwards along a key nodal route.
- Defined design and layout to the west side of the road, each occupying plots of a similar size, with small front gardens enclosed by boundary walls and large back gardens; typical of late Victorian design.
- Progressive design on the east side of the road, with less definition and the influence of Arts and Crafts style making a prominent contribution; particularly the detached residences, such as The Croft.

- The use of coloured brick creates visual contrasts and is in some cases an exuberant display of Victorian design such as at Nos. 31-33.
- The Galletly Medical Centre is a large detached property of asymmetrical design with render and red tiled roof and an interesting central cat slide roof on the western elevation.

The Croft, North Road

- 3.7 The consultation draft of the Bourne Conservation Area Appraisal and Management Plan proposed that The Croft and associated development of 68 units to the rear were to be included within the boundary extensions.
- 3.8 Following further consideration it has been amended to include the land in front of the building to the north and south and exclude the 68 new units to the rear. This ensures preservation of a positive building within the conservation area and excludes any development not of sufficient architectural or historic interest. Although the new development retains the historic legibility of the site it does not have a significance that is consistent with other buildings that form part of the extension proposals. The report recommends that Cabinet adopt this amended proposal. The appraisal map in the appendix of the appraisal has been amended taking account of the recommendations.

Red Hall Extension

- 3.9 To extend the conservation area boundary to include the open space to the south west of The Red Hall. During consultation Bourne United Charities proposed that the land in front of The Red Hall should be included within the conservation area. Following this response, it is recommended that this area of land is included within the extension proposals to protect the setting of the grade II* listed building. The appraisal document has been amended taking account of this representation.

Justification

- 3.10 The Red Hall is a grade II* building and is located within an open green setting that contributes towards its significance. The current boundary is drawn quite tightly to the south of Red Hall and the extension will ensure that the conservation area designation fully acknowledges the contribution that open space makes towards the setting of the listed building and conservation area as a whole.

Abbey Lawn Extension

- 3.11 To extend the conservation area to include the area of open space to the east of the conservation area boundary.

Justification

- 3.12 The current boundary diagonally bisects part of the Abbey Lawn Recreation Ground and excludes an area of open green space to the east of the

conservation area boundary. It is proposed that this area could be incorporated into the boundary to protect the setting of the recreation ground.

Exclusion of No. 36 South Street

3.13 To exclude No.36 South Street from the conservation area.

Justification

3.14 No.36 South Street is a former workshop which has been converted into residential flats and the ground storey provides open off street car parking for the residents. The building is of a modern flat roof design, with a rendered front facade and wide openings at ground floor level which is incongruous with the character of the conservation area. See picture in Appendix 3.

Amendment to 44-48 North Street and 60 North Street

3.15 To extend the conservation area boundary to include the full extent of the above buildings and associated plot.

Justification

3.16 Currently the conservation area boundary bisects the plots of the above buildings. The proposed boundary will ensure that the buildings and associated plots are included within the conservation area.

Responses from the Public Consultation

3.17 A copy of the draft appraisal document and an accompanying information leaflet, entitled 'frequently asked questions' that informed building owners and occupiers about the main effects of designation was sent to 789 addresses. Letters were sent to those within the current and proposed boundaries, specific numbers included:

- 549 properties within the current conservation area boundary
- 240 properties within the proposed extensions

3.18 A reminder letter was sent on the 31st August 2012. The consultation period finished on the 10th September 2012. A summary of the responses can be found in Appendix 1.

3.19 In addition, heritage organisations, internal council departments and amenity societies were also consulted. These included:

- Lincolnshire County Council Highways Department
- South Kesteven Asset Management department
- English Heritage
- Heritage Trust Lincolnshire
- Bourne Town Council
- Bourne Civic Society

- Bourne Preservation Society
- Bourne United Charities

Summary of Representations

- 3.20 There were a total of 16 respondents to the consultation, two of which were verbal representations. A total of 6 are in favour of the proposals and extensions, 2 are in favour in principal but have raised concerns and 8 are against the proposals.

The main issues raised from the consultation relate to increased controls and level of bureaucracy regarding conservation area status. Some of the respondents respected the need for conservation designation however had concerns over the rights for homeowners to look and care for their properties as they see fit. In addition there were some respondents that remarked on the number of inappropriate changes that have already taken place on buildings within the extensions. Although there are increased controls relating to conservation area status this mainly relates to demolition and homeowners can undertake minor works under the General Permitted Development Order (GPDO 1995). Although many of the buildings have undergone changes including the insertion of UPVC windows and doors, the overall architectural and townscape quality of the proposed extensions outweighs any damage caused by erosion of such features.

- 3.21 A summary of the representations are detailed in Appendix 1.

4. OTHER OPTIONS CONSIDERED

- 4.1 As part of the Councils statutory duties under Section 72 of the 1990 Act local authorities must produce and publish character appraisals for their future management. Bourne was designated a conservation area in 1977 and this is the first comprehensive document that clearly defines its character and puts forward management proposals since designation. The previous document produced does not contain sufficient information to provide a basis for sustainable planning decisions which will preserve and enhance the character of the conservation area.
- 4.2 The alternative option would be not to amend the boundary. This would be contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990 and would not fully recognise, preserve and enhance the areas of Bourne which are of historic and architectural interest. It would constitute a missed opportunity to include areas which are of sufficient architectural quality to merit protection and to exclude detrimental areas. These alterations will ensure that the boundary is robust and justifies its status as an area of special historic and architectural importance.

5. RESOURCE IMPLICATIONS

- 5.1 The costs associated with the publication of statutory notices and printing costs of the appraisal can be accommodated within the existing Conservation Budget. There will be implications associated with the delivery of the priorities within the action plan; however this is predominantly Officer time and forms part of a wider review and management programme. Projects such as developing a local list for Bourne are within a wider framework of service planning across the district.

6. RISK AND MITIGATION

- 6.1 Risk has been considered as part of this report and no high level or exceptional risks have been identified. There may be some small scale risks that have been noted during the consultation process relating to the affect the proposed extensions may have on the reputation of the Council. Equally, not to designate the proposed extensions would present risks in terms of failing to fulfil statutory duties and protecting and recognising areas of special interest.

7. ISSUES ARISING FROM IMPACT ANALYSIS

Not applicable.

8. CRIME AND DISORDER IMPLICATIONS

None in relation to this report.

9. COMMENTS OF FINANCIAL SERVICES

There are no specific financial comments to make in relation to this report.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 10.1 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") requires local planning authorities (LPAs) to determine which parts of their area possess special architectural or historic interest and to designate them conservation areas. Section 69 (2) and 70 (1) place a continuing duty on LPAs to consider whether they should designate new conservation areas or extend existing ones. Section 71 of the Act requires LPAs to formulate and publish proposals for the preservation and enhancement of conservation areas. Although there is no statutory requirement for LPAs to consult they are encouraged to do so and as the report makes clear consultation has been carried out on this occasion. The decision maker must have regard to the representations made by those who replied to the consultation. The production and adoption of a Conservation Area Appraisal and Management Plan ensures the Council is acting in compliance with these statutory requirements.
- 10.2 Section 70 (5) of the Act requires the Council to notify the Secretary of State and English Heritage of any new designations, and to advertise the designation in the London Gazette and a local newspaper.

11. COMMENTS OF OTHER RELEVANT SERVICES

There are no comments in relation to this report.

12. APPENDICES:

See over.

APPENDIX 1 Bourne Conservation Area and Management Plan

APPENDIX 2

Summary of Representations Table

Representation no.	Comments	Officer Response
1. Bourne United Charities	- In favour of extensions. - Proposed that the land in front of The Red Hall is included within the extensions.	Appraisal has been amended to include the land in front of The Red Hall (grade II* listed) within the extension proposals to protect its setting.
2.	Understands the need for conservation area designation but is concerned about extra bureaucracy associated with conservation area status.	- Controls over minor development are limited. Designation does not seek to prevent development but ensures that any new development preserves and enhances the character of the conservation area. - The benefits of an improved environment, safeguards against inappropriate development and an increase in property values arising from the preserved character and appearance of the conservation area, outweigh any drawbacks.
3.	- Against the inclusion of Galletly Medical Practice within the conservation area extension. - Inclusion of Galletly Medical Practice would impact on provision of services and funds and result in development constraints with a requirement to use expensive materials.	- Conservation area designation does not restrict development; it ensures that any development seeks to enhance its character and appearance. - Currently there are no Article 4 directions in place for Bourne; therefore inclusion of the building would not impose restrictions or costs beyond the limit of permitted development rights.
4.	- Against the North Road extension. - Does not agree with the extra controls and restrictions that come with conservation area designation. - Property owners should be able to make their own decisions about their homes and not be dictated by the local Council.	- The main effect of designation relates to controls over demolition. - Permitted development rights allow minor works to be undertaken without the need for planning permission. Whilst it may be perceived as dictatorial, the proposed measures are in place not to discourage change but instead effectively manage it in a way that preserves significance whilst ensuring the long term future for the historic environment.

Representation no.	Comments	Officer Response
5.	- In favour of extensions along West Road. - Suggests including properties on both sides of the road. - Would like to see protection of grass verges. - Resources and money should be spent on putting in place measures to reduce speeding and traffic calming measures along West Road.	- Grass verges are included within the West Road extension but not specifically mentioned within the appraisal – appraisal to be amended. - The West Road extension has been amended on the south side to terminate at the almshouses.. - Conservation area status would strengthen the case for traffic calming measures along the road, due to its impact on a designated heritage asset. Appraisal to be amended to include the management of traffic within the action plan. - Forward comments re: traffic calming and speeding issues to highways.
6.	- In favour of boundary amendments as preserves the quality of the area. - Concerned about having to maintain gardens to a certain standard.	Designation does not dictate that home owners are obliged to maintain there gardens to a certain level. However, it does necessitate that six weeks written notice is required to lop, top or fell a tree. Small trees which are less than 75mm in diameter, and 1 metre tall are exempt alongside fruit trees and bushes.
7.	- In favour of appraisal and boundary extensions. - Would like paper copies for museum following adoption.	Will ensure to provide paper copies of adopted appraisal to those who request it.
8.	- Respects the extensions. - Unnecessary delays in consulting the Conservation Officer and extra planning application costs. - South Kesteven District Council should be looking at other priorities.	- The majority of planning applications relating to development in and outside of conservation areas have a turnaround period of 6-8 weeks. - There will be costs relating to proposals that do not fall within permitted development rights; however conservation area consent is free. - Reviewing conservation areas forms part of the Council's statutory duties and has a positive impact on the local scene in ensuring that areas of high townscape and heritage interest are preserved and enhanced. It supports the Councils' priorities of 'Grow the Economy' and 'Promote Leisure Arts and Culture'.

Representation no.	Comments	Officer Response
9.	• In favour of appraisal and boundary extensions. • Happy for the front of the property to be preserved but objects to it being extended to cover the back of the house.	• Conservation area status is defined by overall townscape quality, not about the quality of individual buildings. • The significance of the proposed extensions, relate to buildings and their plots as a whole. Designation that covers only the front of the property will result in cumulative harm and loss of significance.
10.	• Strong objection. • Report says little about south side of West Road. • Almshouses are not originally built and have had extensions. • Nos. 27-37 (except no.35) has had modern changes eg. Plastic windows. • Changes to boundary treatments. • Object to any significant changes of the conservation area, but support minor amendments. • Existing planning controls are sufficient to ensure aesthetics are maintained whilst at the same time allowing progress to happen. • Detrimental affect on reputation of the Council.	• Objection noted. • The consultation document does include information on the south side of West Road; however it is not a full appraisal of the area – this has been updated for the final document. • Modern alterations of Nos. 27-37 have been noted, and appraisal document has been amended to exclude Nos. 27-37 South Road from the proposals. • There is the possibility for further reforms in the planning system to encourage growth and relax planning controls under the National Planning Policy Framework. At present, the reported changes exclude designated conservation areas. • There have been changes to boundary treatments however the overall quality of the townscape and design of the buildings outweighs any damage caused by the loss of boundary treatments. • Despite the loss of traditional dwarf or brick boundaries, there are a good number of hedge boundaries that contribute to the character and appearance of the conservation area. • Existing planning controls do not sufficiently protect areas of special architectural and historic interest. Conservation area designation ensures control over demolition of important parts of the historic environment that contribute towards local distinctiveness.

Representation no.	Comments	Officer Response
10. <i>(continued)</i>		- The guiding principal of conservation area management as endorsed by English Heritage is 'the intelligent management of change'. Designation does not prevent change but ensures that due regard is given to the significance of the designated area when assessing proposals. This in turn allows for long term and sustainable management of the historic environment. - Risks involved relating to the reputation of the Council are noted (please see section 6). However, other conservation areas within the district such as Grantham and Stamford have recently been reviewed and have included areas of 19th and 20th century development that has been approved by cabinet. Not to include Bourne would result in an inconsistent approach to the overall management of heritage assets in the district.
11.	- Strong objection to 33 West Road being in conservation area. - West Villas should be included not respondents property – no logic to designation. - Many of the properties have already undergone changes. 33 West Road has no architectural or historic interest. - Money should be spent on something more useful	- Objection noted, appraisal has been amended to exclude No.s 27-37 West Road from the extension proposals. - The logic in the designation relates to not just the architectural interest of individual buildings but the overall townscape quality of West Road. West Road presents phased development of later expansion of the town and ranges from Victorian Villas to good quality arts and crafts style buildings. The curving alignment of the road, grass verges and trees, coupled with the arrangement of buildings directly addressing the street contributes towards an attractive streetscene. - The overall quality of the buildings and townscape outweigh any damage caused by changes to windows, doors or minor extensions.

Representation no.	Comments	Officer Response
11. <i>(continued)</i>		The associated costs with adopting the Bourne Conservation Area Appraisal and Management Plan are minimal. The majority of the costs are in Officer time and can be covered by the conservation budget, although there may be some minor costs associated with the Action Plan; (please see section 5).
12.	- Unnecessary exercise during times of economic downturn. - Taking away householders freedom.	- There are no increased cost implications, other than Officer time as a result of designation. Designation will open up more opportunities for funding such as the Heritage Lottery Fund. - Conservation area designation does not restrict permitted development rights and the principal affects are controls over demolition, therefore it does not have a undue negative impact on homeowners in relation to them undertaking works to their property,
13. Bourne Town Council	- Generally supports the document and extensions. - If Article 4 directions were to be proposed Bourne Town Council would like further information about the impact on homeowners. - Would like a copy of the adopted document following adoption.	- At present there are no Article 4 directions in place. If Article 4 directions were to be proposed this would undergo a full consultation exercise and Bourne Town Council will be actively consulted. - Ensure that an up to date copy of the adopted Bourne Conservation Area Appraisal and Management Plan is sent to Bourne Town Council.

Representation no.	Comments	Officer Response
14.	• Not against the principal of extension. • Review document provides a useful review of current and proposed area. • Appraisal highlights inappropriate shop fronts that have received consent. • The extension shifts burden of responsibility from businesses to homeowners. • In favour of including Villas on West Road and Galletly Medical Practice on North Road. • Proposed management opportunities seem reasonable. • Old Grammar School needs to be dealt with as a matter of urgency. • No management opportunities for areas outlined in extensions. • In favour of Red Hall and Abbey Lawn extensions. • Unduly onerous restrictions on buildings which have had inappropriate changes. • Impracticalities of notifying Council for every pruning task. • In favour of the rear boundary at No.37 as it excludes the land to the rear where there is outline planning consent for the construction of residential properties.	• The appraisal has been amended to exclude any shop fronts that have had consent and were quoted in the appraisal as being 'inappropriate'. Decisions relating to these shop fronts were taken in the absence of a robust appraisal document. Inappropriate shop fronts are to be tackled through a targeted enforcement strategy, as detailed in the action plan. • The appraisal has been amended to exclude No.s 27-37 West Road from the extension proposals. • The condition of the Old Grammar School has been highlighted in the appraisal and management plan however the plan will be amended. to ensure this is given high priority, • Although the Council require 6 weeks notification for some works to trees, this is not unduly onerous as pruning can be done without notification; it is only the 'lopping' 'topping' or 'felling' works of a tree greater than 75mm in diameter and 1 metre tall that requires notification. Small trees which are less than 75mm in diameter, and 1 metre tall are exempt alongside fruit trees and bushes.

Representation no.	Comments	Officer Response
15.	- Grass verges in a poor state due to parking cars. - People who lease properties should ensure that garden boundaries and maintained. - Old street sign of Gladstone Street is buried beneath bushes.	- Address problems with grass verges within the management plan and consult with highways regarding a solution. - I have investigated this sign, however I have been unable to locate this. The retention of historic street furniture is covered in the management plan.
16. Lincolnshire Heritage Trust	- Good positive document. - In favour of the proposals and extensions. - Positive to see protection of archaeology within the document.	Support for appraisal noted.

APPENDIX 3: Photograph of No. 32 South Street





Bourne Conservation Area Appraisal and Management Plan



Bourne Conservation Area Appraisal and Management Plan
Designated 1977
Review November 2012

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Bourne Conservation Area Appraisal and Management Plan

1.0 Character Appraisal

1.1 Background

Bourne conservation area was designated in 1977. The purpose of this document is to define the special interest of the conservation area and assess the action needed to protect and enhance the special qualities of the conservation area.

The document is split into three sections:

- **Section 1:** Conservation area appraisal which details any proposed changes or extensions as part of the 2012 review.
- **Section 2:** Management plan which puts forward proposals for preservation and enhancement.
- **Section 3:** Action plan to address those issues drawn out in the appraisal and management plan.

The appraisal and management plan should be read alongside the accompanying map in the appendix.

1.2 Location and Context

Bourne is a historic market town located on the Fen Margins, 22 miles from Grantham, 11 miles west of Spalding and 15 miles north of Peterborough. It is bisected by the A15 Lincoln to Peterborough road which runs through the town centre.

It is the largest of the settlements built along the junction of the east facing slopes of the Kesteven Uplands and fens and is strategically placed to take advantage of the higher drier ground and the proximity to the rich agricultural landscape of the Fens that lies to the east of the A15.

Bourne has expanded rapidly in the post war period with the construction of modern housing estates. The local economy is based around agriculture, food packaging and preparation, printing and light engineering.

2.0 Boundary Review

The Conservation area in Bourne was first designated in 1977 and this is the first comprehensive appraisal document to be produced since original designation. As part of the appraisal process in 2012 the original boundary was reviewed and following a consultation process the conservation area boundary was extended to include the following areas.

- North Road
- West Road
- The Red Hall
- Abbey Lawn

These extensions acknowledge the residential growth of the town and associated townscape of the 19th and 20th centuries and also the importance of open space that contribute towards the setting of The Red Hall and in the case of Abbey Lawn, the green setting of the recreational ground. As part of the 2012 review there were also some minor amendments where the original boundary bisected plots of land and buildings no longer deemed of special interest were omitted from the boundary.

3.0 Planning Policy Context

3.1 Planning (Listed Buildings and Conservation Areas) Act 1990

Conservation areas are designated under the provisions of Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. A conservation area is defined as 'an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. It is the duty of local authorities to designate such areas in order to ensure that their unique character is preserved and enhanced. Designation grants control over demolition of unlisted buildings, strengthens controls over minor development and also gives special protection to trees. It is the quality and interest of an area as a whole, rather than that of individual buildings, which is the prime consideration in identifying a conservation area.

Section 69(2) of the Act imposes a duty on Local Authorities to review their conservation areas from time to time, Section 71 of the same Act requires local planning authorities to formulate and publish proposals for the preservation and enhancement of any parts of their area that are designated as conservation areas. Section 72 specifies that, in making a decision on an application for development in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

3.2 National Planning Policy Framework (NPPF)

In March 2012, the National Planning Policy Framework (NPPF) was introduced that combines all of policies of the PPS into one streamlined document.

The presumption in favour of sustainable development is the guiding principal of the document and the protection and enhancement of the historic environment is embedded within this approach. Sustainable development is defined as meeting the needs of the present without compromising the needs of the future (5) and the introduction of the NPPF breaks down this definition into three dimensions; economic, social and environmental. Within the environmental dimension sustainable development needs to contribute to 'protecting and enhancing our natural, built and historic environment' (7).

According to the NPPF, a conservation area is a 'designated heritage asset' and has been defined in Annex 2 as

'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage

interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)'.

Great weight is given to the conservation of designated heritage assets. Heritage assets are an irreplaceable resource and any harm or loss requires clear and convincing justification (132).

In developing this strategy, the following needs to be taken into account (131):

- The desirability of sustaining and enhancing the significance of heritage assets.
- The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.
- The desirability of new development making a positive contribution to local distinctiveness.
- Opportunities to draw on the contribution made by the historic environment to the character of place.

NPPF Section 12 (141) of the document states that local authorities should make information about the significance of the historic environment publically accessible. The adoption of a conservation area appraisal and management plan fulfils this duty.

3.3 Local Development Plan, Core Strategy

The South Kesteven Council Core strategy was adopted in July 2010 and is one of the most important parts of the Local Plan. It sets out the key principles for development management and the conservation of the historic environment is detailed within Policy EN1: The protection and enhancement of the character of the district. Development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape. The development must also contribute to its conservation, enhancement and restoration.

4.0 Summary of Special Interest

- Historic market town that retains its medieval plan form.
- Market Place is the focal point of the conservation area and has developed as a trading centre at the convergence of the main routes in and out of the Town; North Street, South Street, West Street and Abbey Road (Spalding Road).
- Phased development reflective of economic, social and environmental changes through time, which radiates from the town centre outwards.
- High quality 19th and 20th century development along North Road and West Road with architectural features relating to Victorian, Edwardian, Arts and Crafts and Inter-War design.
- Cluster of high status and attractive heritage assets within the historic core.
- Open space that is located in close proximity to the town centre, providing a contrast to the busy town centre.
- Highly significant archaeological remains; The Well Head Fields, Bourne Castle, St Peters Pool and remains of the St Augustine Abbey are of particular interest with Bourne Castle being a scheduled Monument.

- Traditional craftsmanship embodied in original building materials and architectural features.
- Visual harmony resulting from the use of a limited palette of natural building materials.
- Interesting and varied streetscapes created by a mix of architectural styles and periods.

5.0 Historical Development

Archaeological evidence indicates that the town was established following the Roman Conquest as a small settlement or posting station on King Street, which was an important Roman thoroughfare. The road split into two forks north of Bourne; one ran due north along the fen edge to Sleaford, whilst the other ran North West and joined Ermine Street south of Ancaster. Recent fieldwork has uncovered Roman activity to the south west and south east of the town, but it is believed that the core of the Roman settlement was probably situated on the site of the modern town centre.

The Anglo Saxons settled in the vicinity of St Peters Pool, which is possibly one of the oldest artesian water supplies in the country and is reputedly filled by seven springs. The name Bourne is derived from the Old English word “burna” which meant stream or spring.

The town was well established by the time of the Norman Conquest of 1066. The Domesday Book records that it had three mills, a church with a priest and 53 families.

Bourne Abbey was founded in 1138 by Baldwin Fitzgilbert, the lord of the manor, on the site of a Saxon church. It was one of only five English monastic abbeys attached to the Arrouasian subdivision of the Augustinian order, which became extinct soon after 1470. The Church of St Peter and Paul, known locally as the Abbey Church, formed part of the abbey and is the only monastic building to survive, although it has largely been rebuilt and restored. The Eau formed the boundary around the monastic buildings which accounts for its complex course to the east and west of the church.

Bourne Castle stood to the south west of the town centre in Well Head Fields. It dates from the 12th century and archaeological evidence indicates that it fell out of use in the early post medieval period. The castle consisted of a single motte with a double, or possibly triple, bailey with several stone buildings located within the inner bailey. The antiquarian John Leland who toured England in 1534-43, described the castle as being ruinous with only the earthworks remaining. However, records indicate that it was partly refortified in the 17th century during the Civil War. The earthworks of the motte and several water channels following the original lines of the inner and outer moats are clearly visible in the landscape and are a designated Scheduled Ancient Monument.

The town prospered in the medieval period, its wealth derived principally from agriculture and trade. The lord of the manor, Baldwin Wake, received a licence to hold a Saturday market in 1279 and during the 14th century it was a centre for the session of the peace, which reflected its high status within the region.

The town centre has largely retained its medieval plan form. An inventory of 1380 records seven streets: Northgate, Southgate, Water Gang Street (South Street), West Street, East Street, Manor Street and Potter Street. Bourne was described by Camden in "Brittania" (1586) as comprising four main streets which converged onto Market Place with streets radiating from them. It was a compact settlement as its breadth east to west was 1 1/4 miles and north to south 3/4 of a mile. By 1825 development was still confined to the medieval town centre. Development along North Street extended as far as the junction with Burghley Street on the west side and Harrington Street on the east; West Street was built-up to just beyond the junction with Manor Lane and there were few houses along South Street beyond Coggles Causeway. It was only in the late 19th century that the town spread beyond these confines mainly along existing roads.

The Eau was the main transport link until the 19th century and was central to the corn trade which formed the basis of the town's prosperity. The Bourne Navigation Act was passed in 1781 to facilitate the passage of traffic on the river between the Wash coast and Spalding via the River Glen at Tongue End. This opened up access to markets in the Midlands and Yorkshire for the export of corn and wool and the import of coal. The River Glen also provided access to the River Welland which provided Bourne with a link to Crowland and Stamford. During the 19th century the Eau powered three corn mills along its 3 1/2 mile length including Baldock's Mill on South Street. The mill was built in 1800 and was operational until 1924; it has since been converted into a Heritage Centre.

Bourne was a stage on the London-Lincoln coaching route and a daily Lincoln-Peterborough service often made an overnight stop which provided valuable trade for the town's coaching inns. Two of the most notable inns are situated on North Street; The Burghley Arms, first built in 1717 on the site of the birthplace of the Elizabethan statesman Sir William Cecil the first Lord Burghley, and The Angel Hotel built in 1860 was a rebuilding of an earlier inn.

Improvements to the road network by the Turnpike Trust, established in 1822 by an Act of Parliament, facilitated the transportation of goods and passengers and boosted the local economy. The opening of Little Bytham Junction in 1872 connected the town to larger cities, increased trade and supported commuters and an emerging middle class. This encouraged development on the outside of the historic core, along key routes such as North Road and West Road.

Today the town remains a busy commercial centre, with a good proportion of open space located within the town centre and attractive 19th and 20th Century residential areas alongside post war developments located on the periphery.

6.0 Character Areas

The conservation area occupies the town centre, Well Head Fields and Abbey Lawn to the south as well as parts of North Street, South Street, West Street and Abbey Road, which are key nodal routes into the town. The character is varied, with a good proportion of open space and displays a phased settlement pattern representative of a long history dating back to the Roman period. The conservation area has been divided into character areas:

6.1 Market Place

This is the focal point of the conservation area that was formerly the location of the market and is now a large rectangular traffic junction. There are many high status 19th century buildings that are reflective of the town's success and prosperity as a commercial centre.

6.2 North Street

North Street is a principal commercial street in the town with a phased development radiating from the town centre northwards ranging from retail and commercial uses to residential properties and suburbs. There are groups of commercial buildings dating from the 18th – 19th century.

6.3 West Street

West Street is characterised by a mix of residential and commercial uses. Residential properties are located towards the west end of the street, comprising of two storey buildings which occupy small plots.

6.4 South Street

South Street is primarily residential in character with commercial uses confined to the northern end in close proximity to Market Place. There are distinct changes in character along the street, being enclosed at its northern and southern ends with a contrasting open mid section.

6.5 Abbey Road

Abbey Road is characterised by a mix of recreational, residential and commercial uses to the south east of the conservation area. Abbey Lawn makes a significant contribution; as an important open space situated on the edge of the town centre.

6.6 Church Walk

Church Walk is a narrow footway which forms a pedestrian link between South Street and Abbey Road. It has a low density of development and affords a peaceful quality, with an attractive grouping of The Cedars and The Church of St Peter and Paul.

6.7 Well Head Fields

The Well Head Fields is an important green public space of high archaeological significance in close proximity to the town centre. The remains of Bourne Castle, a scheduled monument can clearly be discerned in the landscape as well as St Peters Pool, a natural artisan well and source of the river Eau.

6.8 North Road

North Road is characterised by a mix of semi-detached and detached houses with a good retention of architectural features of the Victorian and Edwardian era, alongside some examples of Arts and Crafts buildings. It reflects the 19th - 20th century urban expansion of the town in a ribbon development pattern with growth radiating along a key nodal route.

6.9 West Road

West Road is characterised by late 19th century and early to mid 20th century building, with some examples of Arts and Crafts design. The housing comprises of predominantly two and three storey detached and semi detached houses, partially screened by boundary walls and hedges, forming a pleasant and leafy townscape and approach into the town centre.

7.0 Market Place

7.1 Character and Appearance

7.2 Spatial Character and Townscape Quality

Market Place has an open quality with imposing high status buildings such as The Town Hall and The Burghley Arms enclosing the town centre and dominating the streetscene. It has a plan form reflecting early settlement patterns and a strong grouping of high status heritage assets. It continues to be the epicentre of commercial activity in the Town.



Fig,1 View of Market Place from Abbey Road with an open character enclosed by high status buildings.

Market Place is fairly large and rectangular in shape, owing to its use as a trading centre where space was a requirement, particularly for the exchange of cattle.

The entrance from both Abbey Road and South Street is enclosed and gradually unfolds onto the open Market Place. The high status group of buildings to the east

can clearly be discerned with the fairly wide footway in front providing a spatial gap between the buildings allowing good views of the streetscene to be attained.

To the west of Market Place, an open character remains with a good proportion of the hard standing taken up by the footway. However, this area is cluttered with street signage, street furniture and information boards. Like those on the east of Market Place, the buildings are high status with very good architectural detailing.

Angel Walk is accessed through the coach entrance to the Angel Hotel on the west side of the street and connects with Crown Walk to form a partially enclosed pedestrian route between North Street and West Street. The hotel's outbuildings and stables have been converted into small scale retail units.

To the south of the junction with North Street and Wherry's Lane, the buildings on the west side are aligned at a slight south westerly angle; those on the east side to the south of No. 10 (currently occupied by Lloyds TSB), are set back from the adjacent buildings which contributes to the open character of Market Place.

Narrow passageways and openings lead off North Street at the Town Hall, Nos. 10 – 12 North Street (Lloyds TSB and Quentin Marks) and the Angel Hotel. These passageways led to courtyards and burgage plots in the town's earlier history and are an important part of the historic street plan.

7.3 Architecture and Building Materials

The architecture within Market Place is comprised of predominantly large two or three storey commercial buildings built during the 19th century when the town was prospering as a trading centre. The principal building material is brick; the shades vary from buff yellow to dark brown which contributes to the visual interest of the street.

The use of stone as a building material is limited to the Town Hall and Nos. 10-12 on the east side of the road which front onto Market Place. However, there are examples of 18th century buildings on the west side which have stone rubble side elevations with brick façades which were possibly added in the early 19th century. Stone is widely used for decorative details around windows and doors.

Roofs are constructed of blue slate, stone slate or pantiles. Some roofs have a parapet such as No. 3 North Street and The Town Hall. Dormers and chimneys are also strong features. Classical buildings such as No.1 and No.11 North Street, No. 2 South Street and The Town Hall have unity of scale and proportionality, with traditional features such as sliding sashes contributing towards special interest. Architects of regional significance have made a contribution to the buildings in Market Place with Bryan Browning, (1773-1856) having designed Bourne Town Hall and Folkingham House of Correction.

Generally windows have stone lintels and cills, some of which are hooded however others have arched details, such as Nos. 4 and 11 North Street. The Burghley Arms and adjoining Nos. 8-10 North Street have mullioned windows. At The Burghley

Arms these are likely to have been introduced as part of later restoration works and don't relate to its original construction in 1520.

In addition to mullioned windows, No.11 North Street displays elaborate features such as a Flemish gable, a bowed section with parapet and balustrade. The Town Hall also boasts a parapet with balustrade and has two recessed staircases that curve to the first floor and a central pediment with a clock in its centre.

7.4 Listed Buildings



Fig. 2 The Angel Hotel (grade II listed), built in 1880 of a Tudor Style makes a prominent contribution to Market Place.

There are 5 listed buildings within Market Place. To the east this includes The Town Hall, with external staircase, The Burghley Arms and No. 10-12 North Street (currently occupied by Lloyds TSB, Quentin Marks).

To the west, The Angel Hotel is the most prominent building, which is an 1860 rebuilding of an early 18th century coaching inn of red brick in the

Tudor style with elaborate chimney stacks and attractive bargeboards. No.

3 North Street (HSBC Bank) is a classically inspired building constructed of yellow brick with parapet and refined volute stone brackets supporting flag stone hoods.

7.5 Positive Unlisted Buildings

There are a number of unlisted buildings, highlighted on the appraisal map, which make a positive contribution to the character of Market Place. These include No. 1 (Norwich and Peterborough Building Society) which has an attractive rendered front with stone quoins, a central arched dormer window and hipped roof with a modern shop front. No. 4 (NatWest) is a 20th century single storey Neo-Georgian building with large arched windows and doorcase. No. 11 (Barclays Bank) is a striking two storey red brick building with decorative stone window and door details with carved heads above the ground storey windows.

7.6 Key Views

There are attractive views from the west side of Market Place towards the 19th century group of buildings on the east (Town Hall group). There are also views from the east side towards The Angel Hotel however this view is shorter in range. There is an open approach towards South Street however the long range view is constrained by the narrow and linear alignment of the street.



Fig.3 View to the east showing the imposing and high status buildings of the Town Hall Group.

There is potential for good radial views in all direction from The Market Place; however this is constrained due to traffic within the town centre.

7.7 Contribution of Trees, Hedgerows and Open space

There are no trees or hedgerows within this part of the conservation area; however the rectangular Market Place has been identified on the conservation area appraisal map as an 'important open space.'

7.8 Floorscape and Street Furniture

The floorscape in Market Place comprises of tarmac with the footway covered in flagged paving and some areas with block paving. Little historic floorscape remains, apart from at The Angel Hotel where there are setts and stone flags beneath the cart entrance that lead to Angel Walk. Also, in the alleyway adjacent to the Town Hall there are some York stone flags and the painted traffic signs on the elevations of buildings on South Street and West Street are attractive features. It is important that the few examples remain as they make a noteworthy contribution to the historic character of the market place. There are some historic signage attached to the walling of No.1 Market Place and should be retained.

There is a strong possibility that beneath the modern surfaces are the remains of historic floorscape and if the opportunity arose would benefit from further investigation or revealing.



Fig.4 Historic Footway along Angel Walk (above) and adjacent to the Town Hall (right) adds visual interest to the floorscape in Market Place.



The majority of the street furniture items are clustered to the south west of North Street which creates a cluttered appearance. However, there is double pillar 'ER' post-box' that makes a positive contribution.

7.9 Negative Elements

- Inappropriately placed junction boxes and planters, such as those outside The Burghley Arms have a cluttered appearance.
- The open quality of the market place being significantly undermined by busy traffic.
- Street and signage clutter, particularly at the south west of Market Place is incongruous with the open character of Market Place.
- Angel Walk and Crown Walk could be enhanced by more sympathetic paving material to complement the original paving at the entrance of Angel Walk. To the rear of the Angel Hotel, the footway is paved with tarmac whilst Crown Walk is paved with modern concrete slabs of varying sizes and colours.

8.0 North Street

8.1 Character and Appearance

8.2 Spatial Character and Townscape Quality



Fig.5 North Street, characterised by three storey buildings with narrow frontages.

North Street is one of the principal commercial streets in the town. There is a phased change in character northwards along the street from retail and commercial uses to residential properties and suburbs which lie beyond the conservation area boundary. This street has suffered from the impacts of gradual erosion, more so than others in the conservation

area with inappropriate shop fronts, the use of none traditional materials such as UPVC and unsympathetic post war development resulting in incremental loss of features.

To the south of the junction with Harrington Street, North Street is enclosed on the east side by small scale two storey buildings with narrow frontages which increase in width to the south of No. 80. The character of the street becomes more enclosed to the south of the junction with Marquess Court. The buildings are aligned to the rear of the footways and form a continuous frontage along the street. The scale of development is more varied as three storey buildings with wide frontages are interspersed amongst the smaller scale buildings, which enhances the visual interest along the street.

The buildings on the west side, in contrast to those on the east, occupy longer plots which may be surviving examples of medieval burgage plots. They were originally occupied by orchards and gardens and were gradually infilled during the early 20th century. There is a concentration of listed buildings on the west side which date mainly from the 18th century.

Wherry's Lane extends westwards from North Street and forms an important pedestrian link between the town centre and the western residential areas. The narrow alleyway is in a dilapidated condition however the former dairy (currently occupied by R. J. Scholes Funeral Services) and the former 19th century corn warehouse which overlooks Burghley Street car park are attractive buildings as are the side elevations of Nos. 15 and 17 North Street.

The land to the west of Wherry's Lane forms part of the 'Bourne Core' redevelopment and is discussed further in section 20.0.



Fig.6 The use of Neo Classical architecture is common within the town centre character areas, such as at No.30 North Street.

8.3 Architecture and Building Materials

The architecture along North Street comprises of mainly two and three storey commercial buildings, with ground floor shops, constructed of brick with pantile or slate roofs. Buildings generally reduce in scale and massing as you travel northwards and the character becomes more residential where brick terraces or semi - detached properties prevail such as at Nos. 88-98.

Brick makes a strong contribution and buildings are of similar scale, massing and materials form distinctive groups within the streetscene. This includes Nos.15 and 17 North Street, an early 18th century pair of classically influenced buildings and Nos. 29 – 35; a group of three story 18th – 19th century buildings which includes the former

six bells public house.

Like Market Place, there are some fine high status buildings such as Nos. 30 North Street. This replicates the neo-classical style already established at Market Place in 3 North Street (HSBC bank) with a similar use of buff brick, parapet roof and volute brackets to the windows. At No. 30 the detailing is even more elaborate. There are some listed buildings with retention of historic shop fronts.

Vernacular styles are not common within this part of the conservation area however there is a notable example at 80 North Street that has recently undergone refurbishment for residential development. It has an attractive and steep pitched double gable facing the highway, constructed of early brick with a stone plinth on the north gable.

In a similar fashion as at Market Place there are some openings, such as cart entrances and narrow passageways off North Street that form an important part of the early street plan.

8.4 Listed Buildings



Fig.7 No.29 North Street (Smiths), with a traditional shop frontage.

The listed building stock within this part of the conservation area mainly comprises of commercial buildings. On the west side, No. 15 and 17 North Street have separate list grade II list entries, but together they are an attractive pair in the streetscene. No. 29 (Smiths) is an 18th century, three storey building with welsh slate roof. It has an excellent retention of architectural features such as double hung sash windows and a 19th century shop front with cornice and entablature. No.29 is also included in a grade II group listing of Nos. 29 – 35 North Street and comprises of three storey brick buildings of 18th century origin, with No. 35 being the former Six Bells public house. Just before the junction with Burghley Street there is the Wake

House that has historical associations as the birthplace of Frederick C Worth, a Parisian Miliner (born 1825). The building displays some classical influences with double hung sash windows with flat arches above and stone cills and a later left hand section of two storeys that has a principal entrance with pilasters both side and a triangular pediment above. To the rear of the building there have been some modern alterations.

To the east, No. 18 North Street (grade II) makes a valued contribution with attractive double hung sash windows and a welsh slate roof. Nos. 34 and 36 North Street (Mamma Mias and Firkin Ale respectively) are another pair of commercial brick buildings of 3 storeys, with an attractive mosaic tiled floor and the words 'J Wall and Sons' at the entrance to both buildings. No. 34 (Mamma Mias) is grade II listed.

8.5 Positive Unlisted Buildings

To the rear of No. 58 is an attractive brick building called Vestry Hall. The building was erected as a Calvinist chapel in 1867 and was used as a military hospital during the Great War of 1914-18. It is now converted into a luxury private home but retains features that make a positive contribution to the conservation area.

No. 62 North Street (Grantham and Stamford Conservative Association) is a striking building with art deco design features that is unusual for North Street but contemporary with other buildings in the conservation area such as the almshouses on North Street (built in 1931) and Abbey Lawn Gate and boundary wall (1931-1934) that are good examples of 20th century design.

The 19th century former corn warehouse on Burghley Street is an imposing four storey brick building that is an important reminder of the town's historic function as a service centre for the agricultural hinterland. The building forms part of the 'Bourne Core' redevelopment which is detailed further in section 20.0.



Fig.8 Vestry Hall, located to the rear of North Street with an attractive brick facade is unlisted but makes a positive contribution.

8.6 Key Views

The linear alignment of the road allows long views in a northerly and southerly direction although the views to the east and west are constrained by the continuous frontage of the buildings.

8.7 Contribution of Trees, Hedgerows and Open Space

Trees, hedgerows and open space do not make a significant contribution to this part of the conservation area.

8.8 Floorscape and Street Furniture

The floorscape within this part of the conservation area comprises of modern materials. There are a few square planters at sporadic points along the footway and two benches outside Wake House. There is a strong possibility that beneath the modern surface is the remains of historic floorscape; if the opportunity arose this would benefit from further investigation or revealing.

8.9 Negative Elements

- Post War developments on the west side have flat roofs and inappropriate window detailing that creates a horizontal emphasis which is inconsistent with the character of North Street. The most obvious examples are Nos. 13, 19-23 and 26.
- Modern shop fronts detract from the character of the street and from the quality of individual buildings.
- Use of inappropriate signage, eg, large fascias on No. 26 and above the traditional shop front on No. 64b and on Nos.14-16, 42-48 (east) and 15 (west).
- Dilapidated condition of Wherry's Lane, the corrugated metal fencing along the north side detracts from its appearance.
- Recent erosion of character at the northern end of the street up to Harrington Street. (east side)
- Satellite dishes and the use of UPVC also undermine the historic character.



Fig.9 Post War developments such as 19 -23 North Street have a negative impact on the conservation area.

9.0 West Street

9.1 Character and Appearance

9.2 Spatial Character and Townscape Quality

West Street is characterised by a mix of residential and commercial uses. The residential properties are located towards the west end of the street and comprises of two storey buildings which occupy small plots. As the junction with Market Place is approached, the character becomes more commercial and the scale of the buildings increases to three storeys interspersed with two storey buildings.

The enclosed character of the street is derived from the narrow width of the road and the continuous building line along the street. The buildings are predominantly aligned along the rear of the footway, although some are set back from the roadside with small gardens partially enclosed by boundary walls. To the east of the junction with St Peters Road the road curves gently northwards which deflect the views along the building frontages and the Town Hall forms a visual stop to views along the street.



Fig. 10 West Street, with an enclosed character and large 3 storey commercial buildings dominating the streetscene as Market Place is approached.

9.3 Architecture and Building Materials

The buildings generally date from the mid 18th-19th centuries. There is an attractive mix of limestone, ashlar and brick building materials along the street. Some of the limestone buildings have been rendered and the historic brick buildings have decorative stone detailing which contributes to the visual interest of the street.



Fig. 11 Buildings that retain their traditional shop fronts such as Nos. 25-31 above make a positive contribution to the character of West Street.

The scale of the buildings is varied, ranging from single storey to the east of the Warner's plc building (formerly The Maltings) and increases to three storeys as Market Place is approached. Chimneys are a prominent feature in the views along the street and contribute to an interesting skyline.

Some buildings have retained their traditional shop fronts which contribute to the quality and visual interest of the street. These include Nos. 25-31 with a traditional

frontage which extends across the façade with the pilasters denoting the individual units; No. 14 (Moore & Scrapps) has an attractive modern shop front in the traditional style and No. 6 (Winkworth) has an ashlar front.

Front garden plots delineated by brick boundary treatments make a positive contribution to the streetscene, for example at Nos. 30-32 West Street. There are also front garden plots with dwarf boundary walls at Nos. 65-74 West Street. Many of these have been removed and replaced with hard standing which is incongruous to the character and appearance of the conservation area. This is addressed further in the management plan.

9.4 Listed Buildings

There are 24 grade II listed buildings which date from the late 17th - early 19th centuries which reflects the quality of buildings along the street. These include Bourne House, a late 18th century mansion, the Baptist Chapel which dates from 1835 built in the classical style with round headed windows and Nos. 34-42 a terrace of late 18th or early 19th century stone cottages. Many of the listed brick buildings were former townhouses with commercial premises on the ground storeys and living accommodation above, but the upper storeys have mainly been converted into commercial usage.



Fig.12 The Pyramid Club; a former farmhouse with 19th century Gothic facade.

9.5 Positive Unlisted Buildings

There are a number of unlisted buildings which make a positive contribution to the character of the street. These include No. 20, an attractive single storey pale brown brick building with a decorative stone cornice and inscription which forms a group with the Baptist Chapel; Nos. 30-32 are late 19th century red brick villas with stone details on the windows and doors and decorative stone gables which are set back from the road with boundary treatment and gate piers in front; and No. 63, the Pyramid Club, is a former farm house with a later 19th century Gothic style facade. The Maltings building is also

of architectural interest as a 19th century industrial brick building with a slate roof, rusticated quoins and windows with 'eyebrow' brick arches.

9.6 Key Views

Due to the narrow width of the road and high three storey buildings, particularly towards Market Place views can only be achieved looking up and down the street, and views of the buildings directly addressing the street are deflected.

At the corner with Manor Lane, there are distant views of the residential properties to the west.

9.7 Contribution of Trees, Hedgerows and Open Space

Trees and hedgerows mainly occur within private gardens however there are some within the front plots behind boundary walls such as at Nos. 30-32 West Street.

9.8 Floorscape and Street Furniture

There are no floorscape features of significance within this part of the conservation area. The street furniture is not of historic interest; however there are planters and benches at various locations along the street.

The plain two storey brick extension to No.2 occupies the prominent corner location of West Street and North Street. It is at variance with the historic character of both streets and forms an unfortunate unprepossessing entrance to West Street

9.9 Negative Elements

- Modern shop fronts detract from the quality of the street and individual buildings. Overly large modern fascias which introduce a horizontal emphasis; in particular No. 10 compromises the setting of the adjacent listed buildings and those on No. 1 (Bijou) detracts from the quality of the listed building, the use of a bright pink fascia is inappropriate within the context of the conservation area.
- The use of UPVC windows detracts from the quality of the buildings and from the appearance of the conservation area as a whole.
- Post war buildings do not respect the scale of adjoining buildings, the use of flat roofs detracts from the visual interest of the rooflines along the street and inappropriate window detailing is inconsistent with the character of the street. Eg, Nos. 3, 4, 9-11, 15 and 39.

10.0 South Street

10.1 Character and Appearance

10.2 Spatial Character and Townscape Quality

The enclosed character at the southern end of the street is derived from the alignment of the buildings to the rear of the footway on the east side, whilst those on the west side are set back from the roadside within modest gardens. The buildings are predominantly two storeys with a terrace of single storey cottages to the south of Church Walk. The boundary wall to No. 32 is an important enclosing feature along the north side of the street whilst the gables of Nos. 29 and 31 abut the narrow tapering footway on the south side. The curving north westerly alignment of the road curtails the views along its length with the façade of No. 32 forming the backdrop. There is an attractive view of the south front of the Church of St Peter and Paul framed by mature trees.



Fig.13 The gentle curving character of South Street with Baldocks Mill directly addressing the Street and an attractive boundary wall to No.32 on the right.

At the intersection with Baldock's Mill, the road forks and a narrow subsidiary branch runs southwards to Red Hall. The Hall is situated on the southern edge of the boundary and stands in open grounds on the west side of the road. There are attractive views northwards from the hall to the tower of Abbey Church framed by mature trees

To the north of Baldock's Mill, the street has an open character. The east side has a low density of development characterised by large scale buildings including the three storey former grain warehouse. Bourne Eau House is set back from the roadside within large gardens and the boundary wall is an important enclosing feature along the street. The Memorial Gardens lie on the west side, it is separated from the footway by the course of the Eau and there are attractive open views across the gardens and to the Well Head Fields beyond. Bourne Eau House can be glimpsed in the eastern views from the street with the tower of The Church of St Peter and Paul forming the backdrop.

As the Market Place is approached the character becomes more enclosed and commercial. The road is enclosed by two storey buildings which increase in height to three storeys on the east side at its north end. They are aligned to the rear of the footways which creates a continuous frontage along the street. There are attractive views northwards towards the Market Place and southwards to Baldock's Mill and the Gothic façade of No. 29.

10.3 Architecture and Building Materials

The buildings range in date from the 17th - 19th centuries. The predominant building material is brick, some of which have been rendered, interspersed with limestone buildings at the northern end of the street. The majority of the historic brick buildings have attractive stone detailing around the windows, doors and some have stone quoins.

Dormer windows are a prominent feature along the street and contribute to the attractive skyline of clay pantile or slate covered pitched roofs, with a mansard roof on No. 5.

10.4 Listed Buildings



Fig.10 The Red Hall (grade II listed) is a highly significant building in the conservation area located in an open green setting.*

There are 15 listed buildings which date from the 17th - early 19th centuries. The Red Hall (grade II*) is an attractive 17th century red brick building with an ashlar porch, stone quoins, dressings and mullion windows and decorative finials. It was acquired and restored by Bourne United Charities in 1964 and is an important community resource. Its green and open setting contributes to its significance. Other buildings include Baldock's Mill an early 19th century limestone corn mill; Bourne Eau House a 17th century red brick house with 18th century additions; and No.29, an unusual early Victorian Gothic style house with a white stucco facade and lancet style windows which are all grade II listed.

10.5 Positive Unlisted Buildings

There are a number of unlisted buildings which make a positive contribution to the character of South Street. These include No. 1a, a two storey building with an arched former carriage entrance; Nos. 2-8, a range of three storey buildings of brown brick with modern shop fronts. The brick boundary wall of Nos. 23 and 23a has an attractive curved finish and is an important enclosing feature along South Street.

10.6 Key Views

Views make an important contribution to the character of the conservation area within this locality. There are attractive views northwards towards Market Place and southwards to Baldock's Mill and the Gothic façade of No. 29. To the west, there are prominent views of the memorial and beyond to Well Head Fields. At the conservation area boundary to the south trees frame picturesque views of The Church of St Peter and Paul and the curving north westerly alignment curtails views in a northern direction with the façade of No. 32 forming the backdrop.

At the termination of South Street there are good views of The Red Hall and surrounding grounds. Looking in the opposite direction from this location (north east) there are attractive views of the Church with the tower standing prominently in the skyline.



Fig. 11 Picturesque view towards the Church of St Peter and Paul from the southern boundary of the conservation area.

The curving formation of the road within this part of the conservation area continues outside of the boundary to the south and curtails any views out of the conservation area.

Distant tree belts of The Well Head Fields to the west and of the spire of The Church of St Peter and Paul to the east form the backdrop to views into the conservation area from South Road.

10.7 Contribution of Trees, Hedgerows and Open Space

Trees, hedgerows and open space mostly make their contribution within private gardens. Trees that line the street help to frame views along its length. Hedgerows take the form of boundary treatments such as at the Old Corn Mill and shrubs and small trees provide shelter and privacy within gardens and grounds, such as at No. 32 South Street.

10.8 Floorscape and Street Furniture

There are few remaining historic floorscape features within this part of the conservation area. There are some attractive stone steps at the entrance to No.38 (Cavalry House) and like other parts of the conservation area; underneath the modern coverings are historic floorscapes that would benefit from further investigation.

10.9 Negative Elements

- Large fascias above shops detract from the character of the buildings and from the overall character of the street. A notable example is No.7.
- The installation of UPVC windows detracts from the quality of the buildings and from the conservation area as a whole.

11.0 Abbey Road

11.1 Character and Appearance

11.2 Spatial Character and Townscape Quality

Abbey Road is characterised by a mix of recreational, residential and commercial uses. It has an open character at its east end due to the location of Abbey Lawn sports ground on its south side. It is an important green space situated in the heart of the town centre. The Bourne United Charities purchased Abbey Lawn between 1931 and 1934 to preserve the space for the benefit of local people. There are attractive open views across the ground westwards towards the tower of the Church of St



Fig. 12 Commercial character of Abbey can clearly be discerned on approach to Market Place.

Peter and Paul and Cedars Retirement Home, which can be glimpsed between the mature trees, some of which are afforded Tree Preservation Orders. The entrance to Abbey Lawn is bounded by a buff brick dwarf wall, articulated by buttresses, with stepped details either side; there are also some attractive gate piers. It is likely that the wall is contemporary with the purchase of the space by The Bourne United Charities in the 1930s.

The character becomes more commercial as Market Place is approached. The road is enclosed by buildings which are aligned to the rear of the footway and form a

continuous frontage along the street. The buildings are mainly two storeys in height; those on the south side occupy larger plots and have wider frontages whilst the north side has a greater diversity in terms of plot size and building widths.

The northward curve of the road to the west of the junction with Church Walk curtails the western view along the road which is deflected along the building frontages. Beyond the junction with Church Walk, Market Place forms the backdrop to the enclosed northern view along the road. There are attractive views eastwards along the street towards the north front of The Church of St Peter and Paul which can be glimpsed between the buildings on the south side of the road.

11.3 Architecture and Building Materials

The buildings range in date from the late 18th - 19th centuries. They are domestic in scale and comprise of two storeys rising to three storeys adjacent to the Corn Exchange. The predominant building material is brick, some of which have been rendered or painted, interspersed with stone coursed buildings.



Fig.13 The Corn exchange; with decorative polychromy makes a positive contribution to Abbey Road.

14.4 Listed Buildings

There are no listed buildings within this part of the conservation area.

11.5 Positive Unlisted Buildings

There are a number of unlisted buildings which make a positive contribution to the character of the conservation area. These include the Corn Exchange, an attractive Victorian red brick building with decorative polychromy and stone details with a distinctive French style roof topped with decorative ironwork. It has been unsympathetically extended to the side and rear. The Nags Head on

the west side also has a frontage onto Market Place; it is an attractive buff brick building with decorative red brickwork and stone window details with a stepped gable on the Abbey Road elevation which contributes to the visual interest of the street.

11.6 Key Views

The most notable view in this area is looking in a south westerly direction from Abbey Road across Abbey Lawn and beyond to The Cedars retirement home. At the approach to Market Place, there are good quality views of buildings on both the east and west side of North Road.

11.7 Contribution of Trees, Hedgerows and Open Space

The flat expanse of Abbey Lawn contributes towards a spacious character that contrasts with the busy town centre. It is unusual to find such a high proportion of open space within a town centre and it is important that it is preserved not only for its conservation value but for its value as a community asset. There are some trees planted within the centre of the lawn that add visual interest and tree groups surrounding the Cedars and St



Fig.14 Abbey Lawn; an important open space close to the town centre.

Peter and St Pauls Church can be seen in the distance and make a valued contribution.

11.8 Floorscape and Street Furniture

There are no significant items of floorscape or street furniture within this part of the conservation area.

11.9 Negative Elements

- The side extension to the Corn Exchange is a single storey building constructed of dark, almost black, brick and detracts from the quality of the building and is inconsistent with the character of the street.
- Large modern fascias detract from the appearance of the individual buildings and character of the conservation area. Notable examples include No. 9 Abbey Road and No. 14 Abbey Road.
- No. 5 has a recessed shop front which exaggerates the contrast between the upper and ground storeys and creates an unbalanced appearance

12.0 Church Walk

12.1 Character and Appearance

12.2 Spatial Character and Townscape Quality

Church Walk is a narrow footway which forms a pedestrian link between South Street and Abbey Road with a broad mid section that provides vehicle access to The Church of St Peter and Paul from South Street. It has a low density of development, with a sheltered and peaceful quality and is characterised by large scale buildings.

The footway extends northwards from South Street to the Church of St Peter and Paul. It is enclosed on the west side by a boundary wall and an avenue of mature trees. The churchyard lies to the east of the footway bounded by iron railings and there are attractive open views towards the Old Grammar School which stands in the south east corner, and of the south front of the church. There are a good mix of mature trees within the churchyard which creates a tranquil setting for the church and grammar school.



Fig. 15 Church of St Peter and St Paul (grade I listed) with trees framing views contributing to a sheltered and peaceful quality.

To the north of the churchyard the footway widens and is enclosed by the course of the Eau to the west and to the east by the west elevation of the church and a high stone coursed boundary wall which extends as far as the vicarage. There are attractive views of the rear elevation of Bourne Eau House and the regency bridge over the Eau. To the north of the vicarage the lane narrows and is enclosed to the west by the elevation of a modern block of flats and to the east by the high stone boundary wall to The Cedars. The buildings along the north side of Abbey Road form the backdrop to northern views along the lane whilst there are attractive views southwards to the north front of the church.

Church Walk and its surroundings are also of archaeological interest. Although not designated as a scheduled monument there are below ground remains detailed on

the Historic Environment Record for Lincolnshire. This relates to evidence of Roman occupation and the remains of Bourne Abbey which was founded in 1138. The monastic buildings were on the north side of the church and the cloister adjoined the nave. Nothing remains of the cloister, but a row of low-pointed arches on the outer face of the north west tower, now concealed by a stoke-hole, probably formed the south wall of the outer parlour or passage by which the cloister was entered from the outer court.

12.3 Architecture and Building Materials



Fig.16 Boundary walls of random rubble enclose the footway and create visual consistency along Church Walk.

Roof materials comprise of stone flags, stone tiles, pantiles and slate. Abbey Church has stone slate roof with lead flashings. The church is of Norman to perpendicular style, with an interior that was altered and repaired in the late 19th century and includes work carried out by Edward Browning in 1868 - 1869. Boundary walls constructed of random rubble and brick are also common. The buildings are large scale and detached with early medieval examples such as the Church and C17th century buildings of high status that occupy green settings such as The Cedars.

12.4 Listed Buildings

There are 3 listed buildings within Church Walk and includes the Grade I listed Church of St Peter and St Paul, the grade II listed Grammar School built in 1678 in the grounds of the Church which is single storey constructed of vitrified brick, stone slate and a southern 6 light mullion window. The Cedars, is also grade II listed and forms the focus of important views within the area.

12.5 Positive Unlisted buildings

There are no positive unlisted buildings within this part of the conservation area. The majority of the buildings are statutorily listed.

12.6 Key Views

There is an important view looking southwards at the entrance of Church Walk, and the narrow nature of the pedestrian street creates intimate views. Looking in north western direction from the



Fig.17 The Cedars (grade II listed) provides an attractive focus to Church Walk; to the left the footbridge which is also grade II listed.

a

Church there are pleasant views across the Eau towards The Cedars.

The Church of St Peter and Paul spire is an important landmark and forms the focus of many views both within the conservation area and outside of the conservation area, and adds to the significance of Church Walk.

12.7 Contribution of Trees, Hedgerows and Open Space

Mature trees and bushes within the churchyard act to frame views of the Church, particularly from the South and create a tranquil setting for the heritage assets within the area. There is a pleasant avenue of mature trees that line the western approach to the Church and a significant group of trees to the south east of the vicarage and south east of The Cedars nursing home have tree preservation orders (TPOs). These include a fine yew and cedar tree and coupled with the archaeological sensitivity of the site makes Church Walk a highly significant part of the conservation area.

12.8 Floorscape and Street Furniture

The Floorscape comprises of tarmac which could be enhanced by higher quality paving material. It is possible that historic surfacing may survive beneath the asphalt on Church Walk; this should be investigated if the opportunity arose.

There are no other street furniture items of interest.

12.9 Negative Elements



Fig.18 Bourne Grammar School is on the Council's internal Buildings at Risk Register.

- The Old Grammar School is on the Council's internal Buildings at Risk register as it is currently vacant, in a poor state of repair and is in urgent need of funding and an active use to ensure a long term future for the building.
- There is an inappropriately placed sign adjacent to the entrance to the graveyard of the churchyard to the west.

13.0 Well Head Fields

13.1 Character and Appearance

13.2 Spatial Character and Townscape Quality

The Well Head Fields is an important green public space in close proximity to the town centre. The open, spacious character forms a pleasant contrast with the enclosed, high density urban environment. The fields are managed by Bourne United Charities.

The fields are of high archaeological and historic significance as the remains of Bourne Castle can clearly be discerned in the landscape. They also form the setting of Well Head Cottage and Shippon, Bourne Eau House and The Red Hall, which are listed buildings.



Fig. 19 The natural artesian well of St Peter's Pool, located in the centre of The Well Head Fields.

St Peter's Pool, a natural artesian well which lies at the centre of the fields, is the source of the Eau which partially circumvents the fields before flowing eastwards through the town to join the River Glen. The attractive mix of mature trees within the fields and around its perimeter, particularly the weeping willows along the banks of the Eau, provide a habitat for wildlife and contribute to a sense of tranquillity.

The Memorial Gardens stand adjacent to South Street on the eastern edge of the fields. The cenotaph stands in the centre of the gardens, mounted on a raised platform flanked by two pools of water. There are attractive views from the gardens westwards across the Well Head Fields and eastwards towards The Cedars and adjacent former grain warehouse, with the tower of The Church of St Peter and Paul forming a backdrop.

13.3 Architecture and Building Materials

The building materials within this part of the conservation area comprise mostly of stone, which is harmonious with the surrounding parkland habitat. The construction of the buildings is vernacular; with stone, stone flags and ashlar rusticated quoins

making a valued contribution. The 18th century former barn has what appears to be stone arrow slits in the south wall and may incorporate part of the original castle buildings.



Fig. 20 Grade II listed Shippon Barn with arrow slits believed to have been part of the original Bourne Castle.

13.4 Listed Buildings

There are two listed buildings within this part of the conservation area; Well Head Cottage (grade II) an 18th century former farm house situated on the western bank of the Eau and Shippon Barn (grade II) which may incorporate part of the original castle buildings as there are stone arrow slits on the south wall.

13.5 Positive Unlisted Buildings

The War Memorial is an important structure in the conservation area and makes a significant contribution to important views, both to and

from the memorial and long range vistas across and within Well Head Fields.

13.6 Key Views

Due to the open character of the Well Head Fields there are many important and attractive views, particularly long ranging ones both in and out of the conservation area. There are attractive long vistas from the western edge of the fields eastwards towards the Red Hall and southwards to the surrounding countryside. There are also pleasant and varied short range views across the fields from the various footways. From the north of the memorial gardens high quality views of South Street to the south west and Well Head Cottage to the east can be attained and there are a good number of views within the Park in many different directions.



Fig.21 View from the Well Head Park to the former grain warehouse with The Church of St Peter and St Paul in the background.

13.7 Contribution of Trees, Hedgerows and Open Space



Fig. 22 Weeping Willows contribute to a tranquil character at Well Head Fields.

The Well Head Fields has been identified on the appraisal map as an 'important open space' and has a good number of trees and hedgerows. Many of the trees have been planted in a linear fashion at the sides of footpaths that act to frame views. There are also other more informal plantings with trees arranged sporadically within the lawn. To the west, adjacent to the war memorial there is a good expanse of open land that affords views of the memorial. Weeping willows to the south line the Eau and contribute towards a tranquil character.

13.8 Floorscape and Street Furniture

The floorscape comprises of tarmac paths and the only items of street furniture are wooden benches and bins.

13.9 Negative Elements

- The large scale Warner UK Ltd premises located on the western edge of the fields detract from its setting.
- The Electricity Transformation Station on the south west edge of the fields is not included within the boundary. However it is a prominent feature on the skyline and detracts from the western views across the fields.

14.0 North Road

14.1 Character and Appearance

14.2 Spatial Character and Townscape Quality

North Road is characterised by a mix of semi-detached and detached houses with a good retention of architectural features of the Victorian and Edwardian era, alongside some examples of good quality Inter-War buildings. Houses are arranged in a linear fashion with properties directly addressing the highway and grass verges separating the footways from the roadside. Trees line the grass verges which, together with the mature planting in the front gardens, create a pleasant avenue approach into the town centre.



Fig. 23 North Road has a defined layout, with grass verges and trees making a particular contribution.

Like West Road, North Road reflects the historical development of Bourne and the 19th – 20th century urban expansion of the Town. North Road displays stronger 'ribbon development' characteristics with growth radiating rapidly outwards along a key nodal route.

The streetscape displays a unity of scale and massing and the execution of the detailing on some of the properties, particularly the detached ones is a purposeful expression of individuality and status.

Historic map analysis shows that by 1888 there was already some limited development along North Road, to the north of the intersection with Christophers Lane. This includes Nos. 22-24, No. 29 (Elm Villa), No. 65 (North Lodge) and No.s 1-7 Elm Terrace as well as a range of semi detached properties. By the early 1900s development had expanded, but this was limited to the western side of the road and by the 1930s houses of lower density in more spacious plots, occupied the east of the road up until, and just beyond 'The Croft'. Development continued northwards throughout the 20th century.

To the west side of the road, the design and layout of the properties have a defined layout and building line, each occupying plots of a similar size, with small front gardens enclosed by boundary walls and large back gardens. To the east side, the layout of the properties is less defined, with larger plots such as at The Galletly Medical Centre, owing to later growth and the influence of progressive design.



Fig.24 Arts and Crafts style architecture demonstrated in the Galletly Medical Centre.

14.3 Architecture and Building Materials

The architecture of the buildings uses a range of styles from the 19th and 20th century. The predominant building material is brick and ranges from buff to warmer red tones. The use of coloured brick creates visual contrasts and is an in some cases is an exuberant display of Victorian design such as at Nos. 31-33 that uses dentilated buff brick details around doors. Other design features include the use of



Fig.25 Nos. 22-24 North Road, a typical Villa style residence that is prevalent along North Road. It has also been identified as a 'positive unlisted building.'

bargeboards, decorative gables and chimneys, square bays, stone surrounds and wooden panel doors with rectangular lights above.

Other buildings are more modest in their approach such as Nos. 67 – 77; a range of buff brick semi detached properties with simple brick 'eyebrow' arched surrounds and a red string course. The properties have mid- sized front and rear gardens and are enclosed by a dwarf brick boundary treatment. Square bay windows are very common, as are two by

two sliding sash windows with some of these having been replaced unsympathetically. However, the overall architectural and townscape quality of the buildings outweighs any losses caused by unsympathetic window replacements.

Early to Mid 20th century buildings particularly on the east side of the road use roughcast render, pantile roofs, asymmetric design and are generally located within larger plots.

The roofs are constructed of predominantly blue slate; some pantiles on the 20th century buildings and many of them are hipped but have suffered in some cases by inappropriate replacement with concrete tiles.

There are a good range of boundary treatments and gate posts along North Road that contribute towards the special interest of the townscape and particularly the avenue approach into the town centre.

14.4 Listed Buildings

There are no listed buildings along North Road.

14.5 Positive Unlisted Buildings



Fig.26 No.65 North Road, with attractive Victorian detailing such as decorative bargeboards, hooded moulds and diamond shaped chimneys.

On the west side Nos.81 and 65 make a prominent contribution; No. 81 has a decorative Flemish inspired gable and No.65 has bargeboards topped with finials, hooded moulds and quadruple diamond shaped chimneys. Nos. 5-7 is constructed of red brick with excellent retention of historic features and an interesting dwarf brick balustrade boundary treatment.

On the east side Nos. 22-24 and No. 26 with their use of classical features and unified scale makes a positive impact on the streetscene whilst other examples such as The Croft are of Arts and Crafts design. The Croft is located within spacious grounds with an avenue of trees lining its approach. An

application for conversion of the property and the erection of 68 retirement dwellings has had approval from the council. The development retains the attractive tree lined avenue and the historic legibility of the site whilst the conversion ensures a long term use for this important building on North Road. The new development to the rear is omitted from the conservation area boundary.

14.6 Key views

The defined layout of the buildings directly addressing the highway limits views to the east however there are some attractive distant views to the west between the houses and intersecting streets of Bourne Woods. Linear views, framed by the grass verges and trees either side of the highway can be achieved in both north and south directions.



Fig. 26 View looking Northwards with the defined layout of the buildings and street contributing towards a linear character.

14.7 Contribution of Trees, Hedgerows and Open Space

Trees and grass verges along North Road create a pleasant avenue approach into the town centre. Many of the trees were planted in 2003 and 2006 by the rotary club and Lincolnshire County Conservation Group. They also add a soft contrast to the defined layout of the street, particularly on the west side of the road. The avenue of

trees leading to 'The Croft' also make a significant contribution to the character of North Road.

14.8 Floorscape and Street Furniture

There is an attractive 'ER' pillar post box on the east side of the Road and this is the only significant example of street furniture.

14.9 Negative Elements

- The replacement of slate roofs with concrete tiles that are unsympathetic to the historic character of the conservation area.
- The installation of UPVC windows and doors detracts from the quality of the buildings and from the conservation area as a whole.
- The removal of traditional boundary treatments to form driveways and increased hard standing.

15.0 West Road

15.1 Character and Appearance

15.2 Spatial Character and Townscape Quality

West Road comprises of attractive late 19th century and early to mid 20th century housing that reflects the historical development of Bourne.



Fig. 27 Nos. 36-38 West Road constructed in 1888, forms part of an imposing group of villas located at the western entrance of the conservation area known as 'Westbourne Villas'.

West Road has a spacious character, with houses located in good sized plots and partially screened by boundary walls and hedges, which form a pleasant and leafy townscape and approach to the town centre. The buildings are two and three storey detached and semi detached houses which are set back from the roadside and have design features relating to Victorian, Edwardian, Arts and Crafts architecture.

this part of West Road was characterised by enclosed fields with the only buildings being Nos. 10; a small detached property with outbuildings in a 'strip' plot and Nos. 2; (formerly known as White Cottage) a large villa style residence. In 1888, development began along the north side of West Road that progressed in an easterly direction; the first being No. 38. By 1904 there were five pairs of semi

Map evidence shows that before the late 19th century

detached properties within this location known as 'Westbourne Villas' and development continued in an easterly direction, up until the 1930s, when the road was fully occupied by housing.

15.3 Architecture and Building Materials

The buildings are finely articulated, with large semi detached properties directly addressing the highway, set within spacious plots with trees and hedgerows making a particular contribution. No's 20 – 38 (Westbourne Villas) have strong features including the use of dormers, steeply pitched roofs and canted bay windows. These high status villas were built to accommodate wealthy families with domestic servants during the



Fig.28 6-8 West Road; Semi detached properties set back within gardens with use of harmonious materials associated with arts and crafts design.

town's late 19th century growth. Progressing towards the town centre, the influence of Arts and Crafts design is clearly discerned with the use of recessed porches, timber detailing and a mix of red brick and render; examples include Nos. 14 – 16 and Nos. 6-8 West Road.

Nos. 2 is a detached villa and unlike the majority of the other buildings in the Road, does not directly address the highway and is orientated in a south westerly direction; likely to have been designed to take advantage of the large plot in which it occupies. Nos. 88 to 96 is a modest terrace constructed of brick with buff brick dressings and is likely to have been built to house workers at The Maltings (now Warner PLC). The terrace also has an attractive dwarf boundary wall that encloses small front gardens

There are some bungalows within this part of conservation area, and although they are not of strong architectural or historic interest they are located within large mature plots that contribute towards the green and spacious townscape.

On the south side of the road are almshouses dating to 1931. Their formal design and layout and good retention of Art Deco features make a significant contribution to the streetscene.

15.4 Listed Buildings

There are no listed buildings within this part of the conservation area.

15.5 Positive Unlisted Buildings

The design and layout of the 1931 almshouses are a good example of planned design townscape and as a group make a very positive contribution to West Road. Nos. 6-8, 12 -14 and 16-18 are good examples of Arts and Crafts buildings with use of recessed porches and rendering adding visual interest to the streetscene. No.2 West Road, together with its large plot also contributes positively. No.36-38 is a striking semi detached late Victorian building with warm brown brickwork, two storey canted bays, steep gables to the front and attractive timber sash windows. This property, together with others of a similar design, up to No.20 West Road are the first villa style properties to be built on West Road and are of high group value making a strong impact on the streetscene.



Fig. 29 No.12-14 West Road; an attractive late Edwardian property with refined features.

15.6 Key Views



Fig. 30 Trees and hedgerows that line the street and those within private gardens frame views and contribute towards a sense of spaciousness.

Views are generally constrained by the building frontages however; the curving alignment of the street allows pleasant views to be achieved particularly in a westerly direction. In the distance there are attractive views of Bourne Woods to the west.

15.7 Contribution of Trees, Hedgerows and Open Space

Grass verges, together with trees that line the street contribute towards a spacious and leafy townscape. Trees also frame views in a westerly direction that follows the curving alignment of the road. Trees and hedgerows that occur within private gardens contribute towards a sense of spaciousness. Beech trees make a particular contribution.

15.8 Floorscape and Street Furniture

There is an 'ER' post box opposite Westbourne Villas, other than this there are no other items of interest.

15.9 Negative Elements

- The installation of UPVC windows and doors detracts from the quality of the buildings and from the conservation area as a whole.
- The removal of traditional boundary treatments to form driveways and increased hard standing.

16.0 Archaeology

Lincolnshire County Council holds the historic environment record (HER) for the County that contains records on historic buildings, sites, structures and below and above ground archaeology. Bourne Castle is a Scheduled Monument, and occupies almost all of the Well Head Fields. There are a good number of other sites in Bourne conservation area, although not designated are of archaeological significance. This includes, former St Peters Hospital and workhouse which is located just to the north of Well Head Fields, remains of a corn mill to the west of Church Walk, Bourne Abbey and the site of King Street, a roman road that ran between Ancaster and Chesterton. More information on the HER can be found by contacting the HER Officer, as detailed in the useful contacts section at the end of the document.

17.0 Listed Buildings (descriptions)

Listing descriptions for all of the listed buildings detailed within the appraisal are available online via The Heritage Gateway at <http://www.heritagegateway.org.uk/gateway/>

18.0 Locally Listed Buildings

Currently South Kesteven District Council does not hold a list of buildings of 'local interest', however as part of the management proposals it is recommended that buildings identified as 'positive unlisted buildings' are considered for inclusion on any future local list.

19.0 Changes since designation

Due to the tightly packed arrangement of the town centre core there have been few significant changes to the conservation area since designation. 32 North Street has recently been demolished and replaced with retail units. At 'The Croft' on the east side of North street is a new development, currently under construction for 68 retirement homes and the conversion of 'The Croft' into residential units.

There has been some development outside of the conservation area, such as the residential development at Manning Road to the South East however this has little impact on the conservation area. It is important that development outside of the conservation area has due regard to the impact of the development upon setting and key views. New development in conservation areas and setting issues will be discussed further in the management plan.

20.0 'Bourne Core' redevelopment

The 'Bourne Core' is an area of land lying to the west of the existing frontage to North Street and to the north of the existing frontage to West Street. The land has been identified by the Council as an area for retail and mixed use development and is supported and promoted in the emerging Site Allocation and Policies Development Plan document.

The Council adopted a Supplementary Planning Document (SPD) in 2009 providing guidelines for new development for the Bourne Core and following this the Council submitted a planning application for the southern portion of the site which has been approved. The development includes the demolition of all the buildings on the site (except the Mill building which is to be retained and refurbished), creation of 7 retail units at ground floor level, 4 new apartments within the Mill building and 10 new apartments at 1st/2nd floor over the new retail space.

The mill building has been identified in the conservation area appraisal map as a positive unlisted building, and prior to the submission of the application it was unoccupied. Additionally, Wherry's Lane and buildings behind have been identified as being in a 'dilapidated condition' and has been acknowledged in the management plan as in need of enhancement.

The development will ensure the long term sustainability of the mill building, an important heritage asset within the conservation area, improve the appearance of the underutilised land at the rear and enhance the character and appearance of the conservation area.

Please note that no appraisal can ever be completely comprehensive and the omission of any particular building, feature or space should not be taken to imply that it is of no interest.

21.0 Management Plan

21.1 Introduction

In addition to a definition of special interest, local authorities have a duty to formulate and publish proposals on the preservation and enhancement of their conservation areas as specified in the Planning (Listed Buildings and Conservation Areas Act:71).

The aim of the management plan is to put in place management measures to ensure that the character and appearance of the conservation area is preserved and enhanced.

As part of the management proposals, the conservation area appraisal and management plan will need to be reviewed periodically and updated or modified where appropriate.

22.0 Effects of Designation

The national legislative framework for guiding development in conservation areas is provided by the Planning (Listed Building and Conservation Areas Act) 1990. The main effects of conservation area designation are:

- Conservation area consent is required to demolish a building in a conservation area. It is a criminal offence to demolish a building without first obtaining consent.
- Six weeks written notice is required prior to any work being carried out to uproot, fell, lop or top (the removal of the crown and natural structure) trees in a conservation area, not already protected by Tree Preservation Orders. Small trees which are less than 75mm in diameter and less than 1m above ground level, fruit trees and bushes are exempt.
- Applicants will need to demonstrate that any development proposal preserves or enhances the character or appearance of a conservation area. Extra publicity is given on planning applications affecting the character or appearance of conservation areas.
- The general permitted development order 1995 (GPDO 1995) requires planning applications for certain types of development that do not require planning applications elsewhere and are 'permitted development'.
- Local planning authorities can further restrict permitted development rights on dwellings where the development fronts a public area through Article 4 (2) Direction.
- Permitted Development Rights of non residential properties can be restricted using Article 4 (1) Directions which require approval of the Secretary of State.

If you would like further information regarding the effects of designation please contact the Council's Conservation Officer as detailed in the Useful Contacts section.

23.0 Article 4 Directions

Article 4 (1) and (2) directions can be introduced by a local authority to protect important features of a heritage asset that are at threat from incremental erosion.

These directions withdraw permitted development rights of the GPDO 1995. Article 4 (2) directions relate to dwelling houses, buildings and structures that front onto a highway, waterway or open space. The direction is confirmed once it is advertised locally and a notice served to residents.

Article 4(1) directions can be used to withdraw permitted development rights on any type of building or land, whether or not fronting onto highway, waterways or open space. However, an Article 4(1) direction requires the approval of the Secretary of State.

24.0 Protection for Trees

Many trees are protected by 'Tree Preservation Orders' (TPO) and consent is required to prune or fell them. In conservation areas, if not already protected by a TPO, 6 weeks written notice is required for any works involving lopping or felling a tree greater than 75mm in diameter and 1 m above ground level.

25.0 Monitoring Condition

A survey is carried out from time to time at both a national and local level to assess the condition of significant heritage assets. This survey includes the identification of buildings that have fallen into disuse, dereliction or disrepair, commonly known as 'Buildings at Risk'. This survey provides a useful means of monitoring many significant historic buildings within conservation areas and elsewhere and indicates when the action may be required to halt or reverse deterioration.

The local survey covers only grade II and significant local interest buildings at risk. Within Bourne Conservation Area the Old Grammar School is on this register and is addressed further in the action plan. The Council's At Risk Register is not yet available on-line but it is intended that it will be following the next survey. The national survey covers only grade I and grade II listed buildings and is undertaken by English Heritage. The national Heritage at Risk Register covers grade I and II* buildings at risk and is available through www.englishheritage.org.uk.

The condition of buildings will be monitored and appropriate action instigated where necessary. The Planning (Listed Building and Conservation Areas) Act 1990 gives the local authority powers to protect significant buildings through the following measures:

25.1 Urgent Works Notice

If the condition of a historic building is at imminent risk, the Act enables the Local Planning Authority to carry out urgent works for the preservation of listed buildings following notice to the owner. These powers can be used in respect of unoccupied parts of listed or unlisted buildings in conservation areas. In the case of the latter, this can only be employed by agreement of the Secretary of State, advised by English Heritage. The powers are used to address emergency repairs to ensure the building is weather tight and safe from collapse.

25.2 Repairs Notice

If the Local planning Authority considers that a listed building is not being properly preserved it may serve a repairs notice on the owner. The notice specifies the works, which the authority considers reasonably necessary for the proper preservation of the building and can only be served on statutory listed buildings.

25.3 Section 215 Notice

Local authorities have the power to serve a section 215 notice on the owner (or occupier) of any land or building whose condition is adversely affecting the amenity of the area. The notice requires the person responsible to clean up the site or building, or the authority may carry out works and reclaim the costs. This can be particularly affective at addresses amenity issues within conservation areas.

25.4 Compulsory Purchase Orders (CPO)

This affords local authorities with the power to compulsory purchase land or buildings that are required to secure development and are normally used as part of a wider regeneration scheme.

26.0 Enforcement

Unauthorised works and breaches of planning control can cumulatively harm the quality of both the built environment and surrounding spaces within a conservation area. An obvious example of this is unauthorised works to a listed building. A listed building is a building of special architectural or historic interest and is enshrined in law under the Planning (Listed Buildings and Conservation Areas) Act 1990. Listed Building Consent is required for any works of alteration to a listed building and it is criminal offence to carry out unauthorised works. The removal of traditional timber windows and doors, for example, and their replacement with UPVC or poor modern imitations, can be detrimental to the buildings intrinsic special interest.

It is not only alterations to listed buildings that can damage the character and appearance of conservation areas. The unauthorised demolition of buildings, or detrimental alterations to unlisted buildings, can all erode the special character of a conservation area. The use of non-approved materials, for example, can be particularly harmful (e.g. modern cement rendering). It is important, therefore, that the Council investigates breaches of planning law within conservation areas, as this can help preserve the quality of the historic environment. Anyone can report suspected planning breach by contacting the Council's Enforcement Team. The District Council will follow up reports of unauthorised work and this may lead to enforcement action being instigated.

27.0 Action Plan		
Proposed Measure	Issue Addressed	Action Required
1 - To develop a list of buildings of 'local architectural and historic interest' for Bourne.	Unlisted Buildings that make a positive contribution towards local distinctiveness are not afforded recognition and protection that is proportionate to their significance.	The Council to work together local groups such as Bourne Preservation Society, Bourne Civic Society and Bourne Town Council to nominate and develop a 'local list' of buildings of architectural and historic interest for Bourne.
2 - Items of historic street furniture and floorscape to be retained and maintained.	Historic street furniture and floorscape contribute towards the local distinctiveness of Bourne, and are at risk from inappropriate development and maintenance works. These include items such as street signs, post boxes, finger posts, historic paving and kerbstones.	Ensure that development proposals and maintenance works take into account the contribution that historic street furniture and floorscape make towards the conservation area. If the opportunity arose, to investigate, better reveal and enhance any historic floorscape that has been identified in the appraisal, eg, at Church Walk.
3 - Ensure that street furniture and highways works are of a coordinated design and respect the conservation area.	The use of inappropriate materials, design and location of street signage, street furniture and street lighting can have a detrimental effect on the character and appearance of the conservation area. This is a particular problem within the south western portion of Market Place.	Undertake a 'street furniture audit' to appraise the current arrangement and condition of street furniture and to introduce a management strategy, particularly where items affect the setting of listed buildings. Audit to be undertaken using English Heritage's 'Streets for All' guidance and the 'Streetscape Design Manual'. Liaise with highways department prior to the installation of street signage, street furniture and modern lighting to ensure that works are sympathetic to the character and appearance of the conservation area.
4 - Existing highway boundary features (walls, grass verges, fencing, railing and gate piers) to be retained and those in need of repair are reinstated using appropriate materials that are harmonious with the	Protection of boundary treatments which are important features, such as the boundary wall of Abbey Lawn at threat from incremental erosion. Protection of highways features such as grass verges which are at threat from parked cars.	Liaise with the highways department and homeowners to ensure that boundary and highway features are retained and defective boundary features are re-instated. The Council will encourage the retention of such features when considering development proposals within the conservation area. Work with highways department to address problems of

conservation area.		parked cars on grass verges along North Road.
5 - Important individual and groups of trees, hedgerows and open space to be retained.	The special interest of Bourne conservation area is defined, in part, by a good contribution of open space close to the heart of the Town Centre, which could be undermined by inappropriate development. Trees and hedgerows also make a valued contribution, particularly within private gardens.	Consideration will be given to the contribution that tree, open spaces and other soft landscaping make to the character and appearance of the conservation area when dealing with development proposals. Special protection is afforded to trees within conservation areas which are not the subject of a Tree Preservation Order (TPO).
6- Any proposed changes must have regard to the historic context in terms of scale, alignment, height, form, style, design and materials. The impact of change upon other important elements including the existing street pattern, trees, views and open spaces is also an important material consideration.	The negative effect on the character of the conservation area through the use of inappropriate materials and design. Development within a designated conservation area should be of a high standard of design and should preserve or enhance the traditional character of the area.	The Council will strive to ensure that new development makes a positive contribution to the character of a conservation area through the development control process and enforcement powers in accordance with its statutory obligations.

Proposals should seek to promote or reinforce local distinctiveness Alterations or extensions to existing buildings should be carried out in natural materials appropriate to the location, should be subordinate to the main building and reflect its character in terms of scale, appearance and detailing. Redevelopment of the inappropriate post war developments to complement the historic character of the conservation area.		
7 - Ensure that heritage assets within the conservation area are maintained to a high standard	Heritage assets are an irreplaceable resource and make a highly significant contribution to the character of the conservation area and Bourne as a whole.	The Council expects that owners and occupiers of heritage assets will respect and care for them and will, therefore, encourage appropriate repairs or restoration.
8 - Ensure that alterations to the conservation area (windows,	Unsympathetic features contribute to incremental erosion of character within the	Improved access to design guidance (e.g. street furniture) and advice on maintenance and repair for home owners,

doors, chimneys, rendering and boundary treatments) seek to preserve and enhance its character.	conservation area.	developers, property owners and agents. Consider the introduction of article (4) directions to restrict permitted development rights. Article 4 directions will result in planning permission being required for changes to roofs, vent pipes, boundary walls, gate piers, doors and windows.
9 - Ensure that historic shop fronts are retained and enhanced and development proposals for new shop frontages respect the traditional character of the streetscene.	Loss of character from inappropriate alterations to historic shop fronts such as the insertion of large fascias and alteration to traditional shop frontages Inappropriate alterations having a negative impact on the streetscene, making the town centre and conservation area less attractive for trading purposes.	The Council to continue to promote the shop front scheme and encourage more owners to apply for funding. Develop a targeted enforcement strategy to address unauthorised works to shop fronts.
10 - Remove unauthorised satellite/TV antenna	Satellite/TV antenna are visually intrusive and create a cluttered appearance within the streetscene	Develop an enforcement strategy to address unauthorised works.
11 - Any proposals for development will have consideration to the above and below archaeological potential of the conservation area.	Inclusion of a site on the Historic Environment Record (HER) means it is a material consideration in the planning system. Undesignated and designated archaeological remains make a strong contribution towards the significance of Bourne conservation area, particularly at Well Head Fields and Church Walk.	Guidance/consultation should be sought from Lincolnshire Heritage Trust for any proposals that affect the site or setting of a record on the HER. This may also incur a requirement prior to a decision for a field evaluation or historic building survey where there is substantial demolition or alteration to a heritage asset.
12 - Heritage assets on the Council's internal Building At Risk register to be closely monitored.	Heritage assets on South Kesteven's Buildings At Risk register are at threat of loss from their condition and occupancy levels.	The Council to closely monitor the condition of any buildings that appear on their internal 'Building at Risk' register and to work in partnership with building owners and local groups to secure the long term future of buildings on the register.

	Bourne Grammar School is a grade II listed building and currently unoccupied and in need of urgent repair. The location of the building within the churchyard restricts potential new uses due to the limited access. A community use would ensure a sustainable future for the building.	The Council to address the condition of Bourne Grammar School as a matter of urgency and find an alternative and active use for the building.
13 - Heritage assets on the Council's internal building at risk register to be closely monitored.	Heritage assets on South Kesteven's buildings at risk register are at threat of loss from their condition and occupancy levels. Bourne Grammar School is a grade II listed building and currently unoccupied and in need of repair. The location of the building within the churchyard restricts potential new uses due to the limited access. A community use would ensure a sustainable future for the building.	The Council to closely monitor the condition of any buildings that appear on their internal 'Building at Risk' register and to work in partnership with building owners and local groups to secure the long term future of buildings on the register.
14 - Ensure that a strategy is developed in conjunction with highways to address traffic and speeding issues in areas such as The Market Place and West Road	Protection of the character and appearance of the conservation area	The Council to work closely alongside Highways to develop a strategy to address traffic and speeding issues that have a negative impact on the conservation area.

28.0 References

English Heritage, 2005 *Guidance on the management of conservation areas*
English Heritage, 2011 *Understanding place, conservation area designation, appraisal and management*
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Planning (Listed Buildings and Conservation Areas) Act 1990
South Kesteven District Council. 2009. *Bourne Core Area SPD*
South Kesteven District Council. 2010. *Local Development Framework: Core Strategy*
1888 OS Country Series, 1:2500 1st Edition available at <http://edina.ac.uk/digimap/>
1904 OS Country Series, 1:2500 1st Edition available at <http://edina.ac.uk/digimap/>
1930 OS County Series, 1:2500 3rd Edition available at <http://edina.ac.uk/digimap/>

29.0 Useful Contacts

For enquiries regarding listed buildings and conservation areas please contact Council's **Conservation Officer**:

Telephone 01476 406389/406472

For enquiries relating to development proposals and planning applications please contact the planning customer services and ask for the **Duty Planning Officer**:

Telephone 01476 406306

For enquiries related to the Historic Environment Record for Lincolnshire please contact the Lincolnshire **Historic Environment Record**:

Lincolnshire Historic Environment Record
Lincolnshire County Council
Witham Park House
Waterside South
Lincoln LN5 7JN

Telephone 01522 782070

For any enquiries relating to Archaeology please contact **Heritage Trust Lincolnshire**:

Heritage Trust of Lincolnshire
The Old School

Cameron Street
Heckington
Sleaford
Lincolnshire
NG34 9RW

Telephone 01529 461 499

National Organisations & Amenity Societies

English Heritage
East Midlands Office
44 Derngate
Northampton
NN1 1UH
Telephone 01604 735 401
Email eastmidlands@english-heritage.org.uk

The Georgian Group
6 Fitzroy Square
London
W1T 5DX
Telephone 020 7529 8920
Email office@georgiangroup.org.uk

The Victorian Society,
1 Priory Gardens,
London
W4 1TT
Telephone 020 8994 1019
Email admin@victoriansociety.org.uk

Society for the Protection of Ancient Buildings
37 Spital Square
London
E1 6DY
Telephone 020 7377 1644
Email info@spab.org.uk

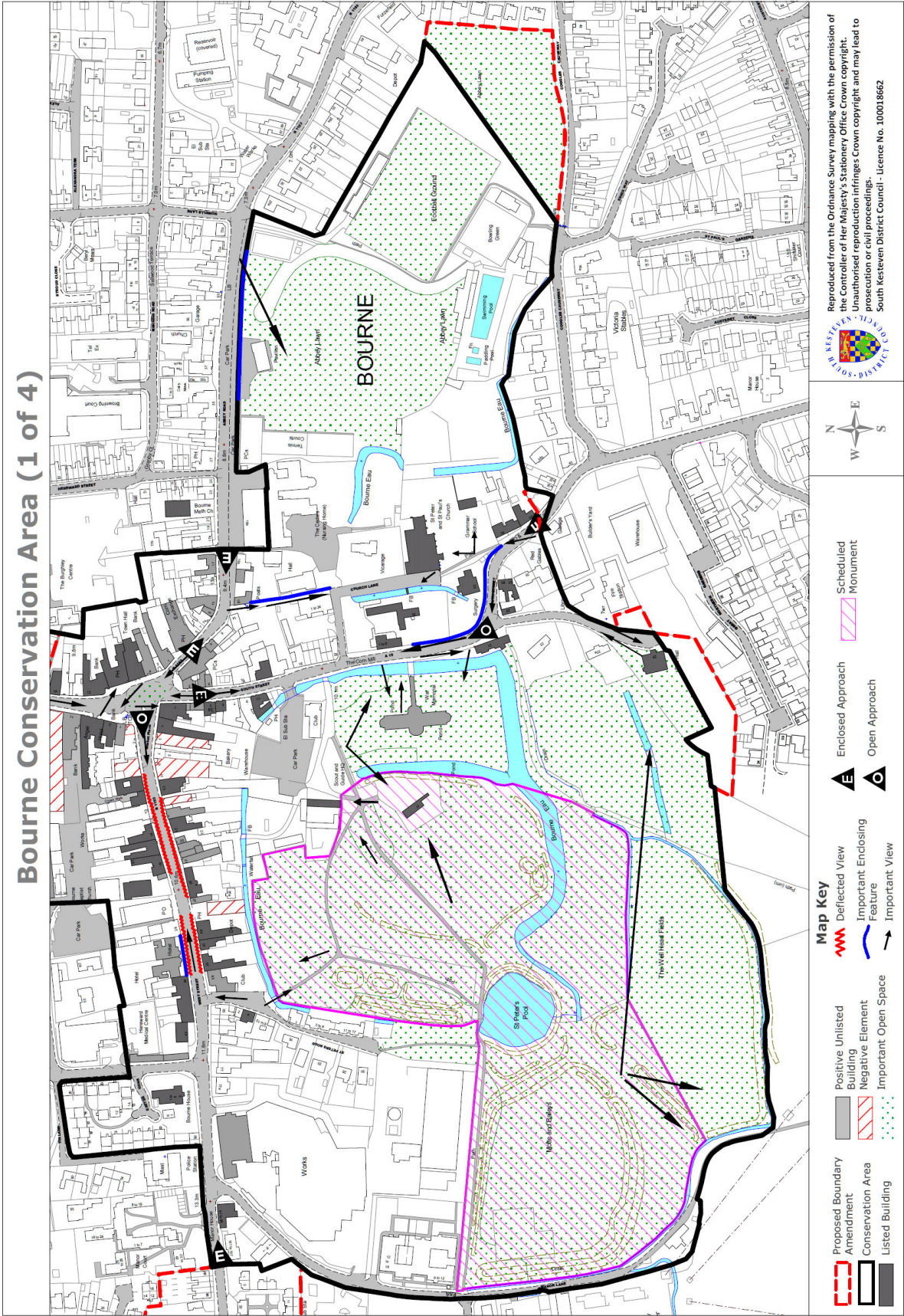
Ancient Monuments Society
St Ann's Vestry Hall
2 Church Entry
London
EC4V 5HB
Telephone 020 7236 3934
Email office@ancientmonumentsociety.org.uk

The Twentieth Century Society
70 Cowcross Street
London EC1M 6EJ

Telephone 020 7250 3857
Email [caseworker\(at\)c20society.org.uk](mailto:caseworker(at)c20society.org.uk)

The War Memorials Trust
42a Buckingham Palace Road
London
SW1W 0RE
Telephone 020 7233 7356
Email info@warmemorials.org

Appendix

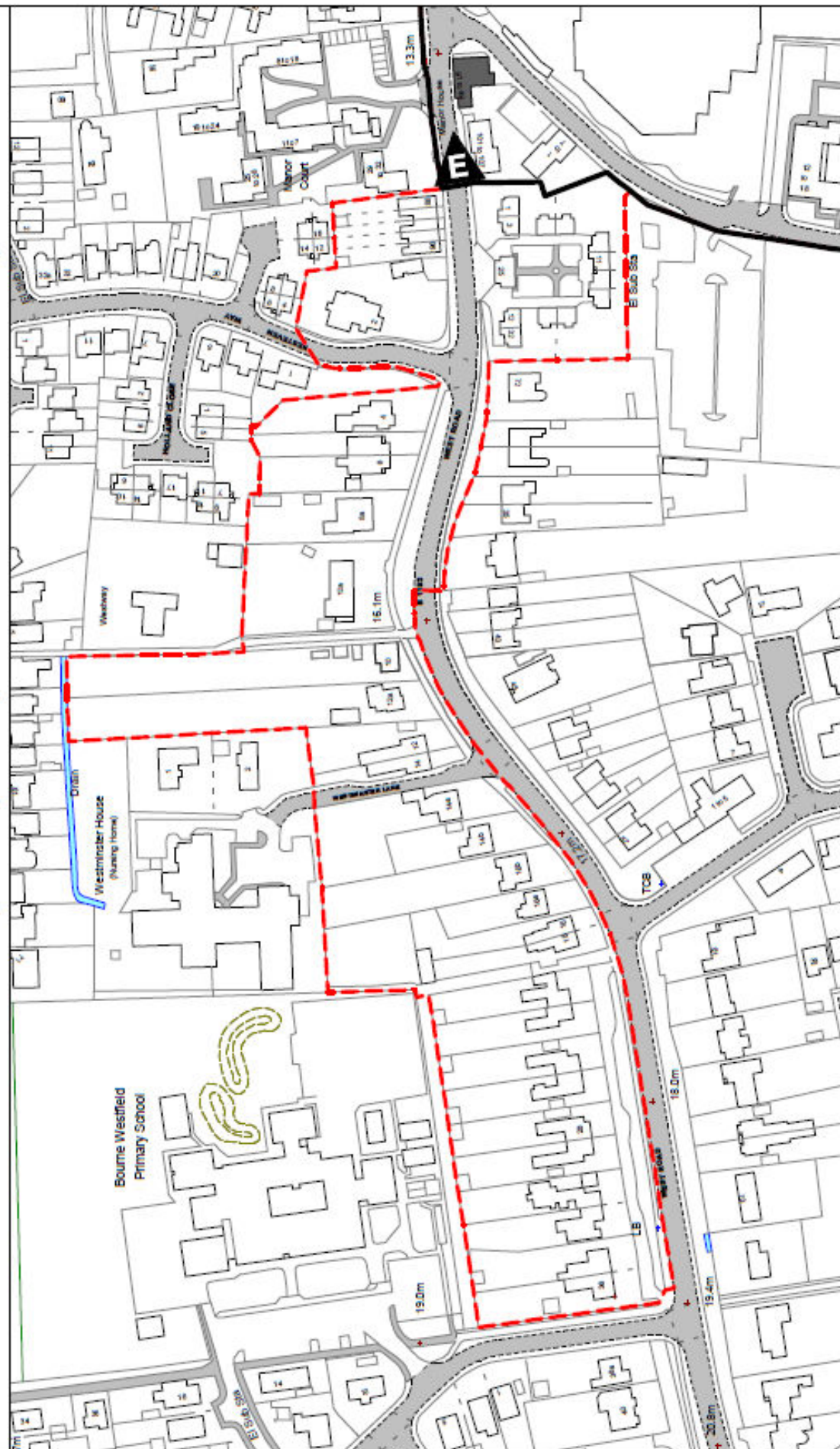


This is a detailed street map of a residential and commercial area in Bournemouth, Dorset, UK. The map shows a network of streets including Bournemouth Road, Woodview Road, and various residential streets. Key landmarks include the Bournemouth Rugby Centre, Bournemouth Church, and the Bournemouth Medical Centre. A red dashed line highlights a specific area of interest, and a black outline marks a larger boundary. The map is oriented with North at the top.



Map Key

Bourne Conservation Area (3 of 4) - Proposed West Road Boundary Extension

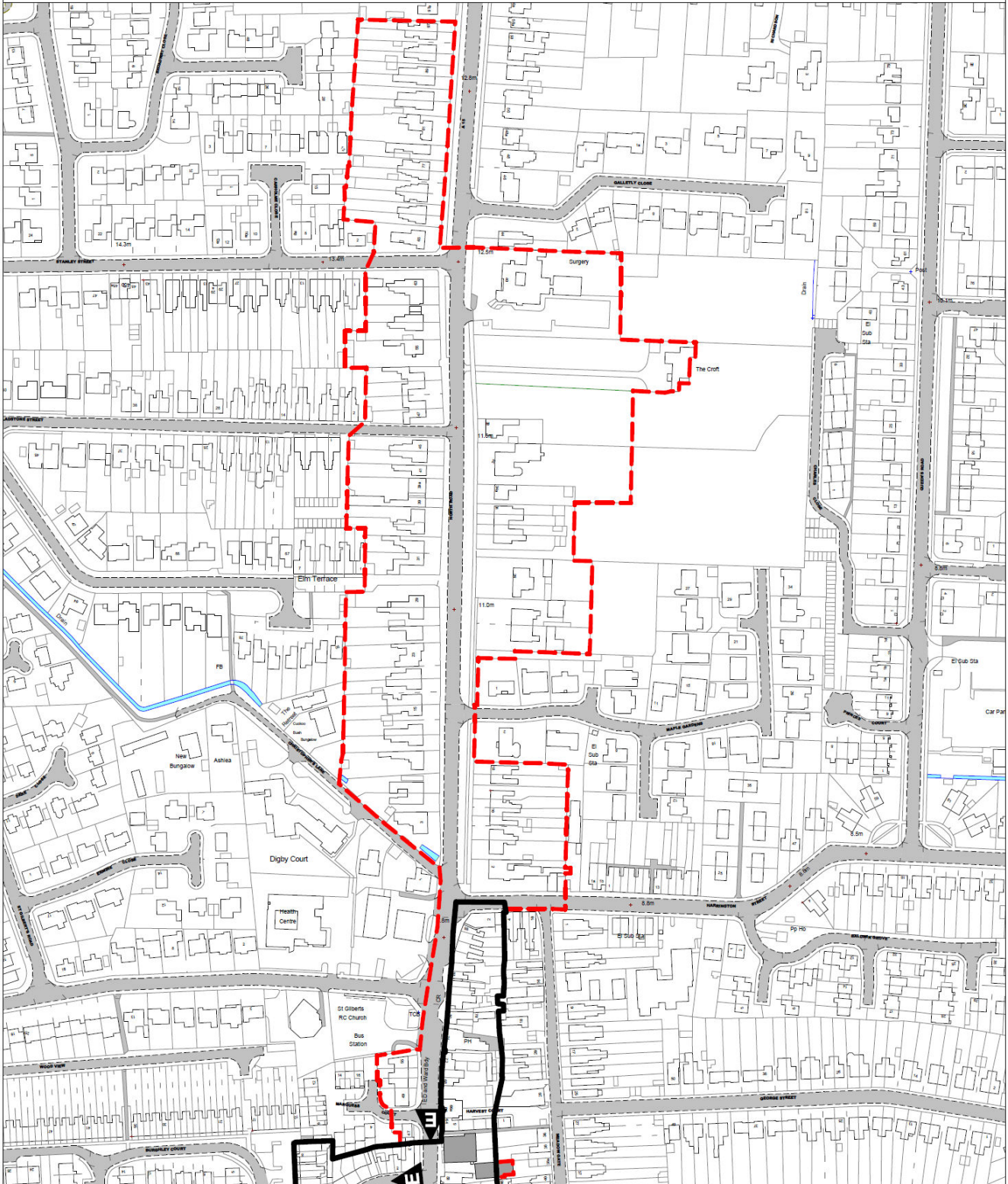


Map Key

	Proposed Boundary		Deflected View		Enclosed Approach		Scheduled Monument
	Positive Unlisted Building		Important Enclosing Feature				Open Approach
	Conservation Area		Important Open Space				Important View
	Listed Building						

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Bourne Conservation Area (4 of 4) Proposed North Road Boundary Extension



Map Key

Proposed Boundary Amendment	Positive Unlisted Building	Deflected View	Enclosed Approach	Scheduled Monument
Conservation Area	Negative Element	Important Enclosing Feature	Open Approach	
Listed Building	Important Open Space	Important View		



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REPORT TO CABINET

REPORT OF: Neil Cucksey, Property Development Manager.

REPORT NO: PD004

DATE: 03 December 2012

TITLE:	Car Parking Strategy	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Frances Cartwright Grow the Economy and Economic Development	
CONTACT OFFICER:	Neil Cucksey n.cucksey@south kesteven.gov.uk 01476 406224	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	None	

1. RECOMMENDATIONS

It is recommended that Cabinet approve the Car Parking Strategy as the key overarching document in the effective management of our off street car parks and for the strategic planning of car parking in the future.

2. PURPOSE OF THE REPORT

2.1 The purpose of this report is to present a car parking strategy for approval in South Kesteven.

2.2 Parking availability for any type of vehicle is an important factor to determine how people travel. Parking availability also influences the vitality and viability of town centres and the attractiveness of residential areas.

2.3 This Strategy is intended to cover the period 2012 to 2017. This five year timescale covers the lifetime of a new off street car park enforcement framework. During this time many of the ongoing on street parking control issues should be addressed. It is acknowledged, however, that the Strategy should be kept under review during this period not least because of the implications of major development opportunities in Grantham.

3. DETAILS OF REPORT

Introduction

3.1 The car parking strategy has resulted from several workshops with Communities Policy Development Group. The group not only reviewed data and information as a desk top exercise, but also visited all of the car parks covered by Orders in our town centres to appreciate how they are being used and how they contribute to economic activity now and in the future.

3.2 Communities Policy Development Group also reviewed the Traffic Movement Study for Grantham and commissioned a parking review for Stamford which has also been taken into account in formulating this strategy.

3.3 An internal Officer group with representatives from Property Development, Economic Development and Planning Policy have also contributed to the strategy.

3.4 Resources Policy Development Group received a presentation of the elements of the strategy relating to Fees and Charges on 2 November 2012.

3.5 The strategy document contains a more comprehensive introduction to set the scene and background to the strategy.

4. OTHER OPTIONS CONSIDERED

None

5. RESOURCE IMPLICATIONS

None arising from this report.

6. RISK AND MITIGATION

Having a current and up to date Car Parking Strategy provides governance and performance arrangements around asset decisions and therefore contributes to effective risk management.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

None arising from this report

8. CRIME AND DISORDER IMPLICATIONS

None arising from this report

9. COMMENTS OF FINANCIAL SERVICES

A current and effective Car Parking Strategy contributes to the financial management and planning of the council.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The Car Parking Strategy and its component documents are a requirement of a well run council to ensure asset rationalisation and value for money in our use of assets.

11. COMMENTS OF OTHER RELEVANT SERVICES

None received.

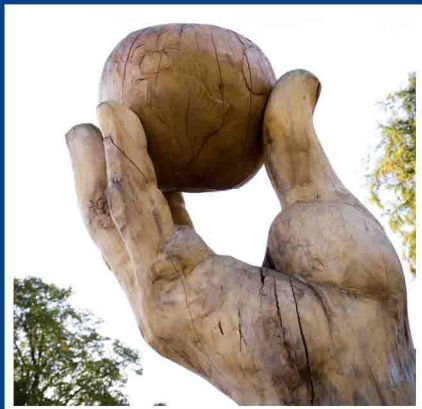
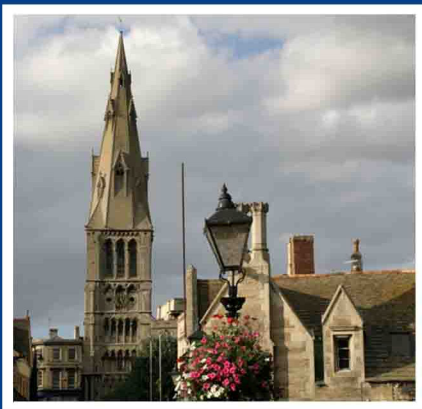
12. APPENDICES:

Car Parking Strategy



Car Parking Strategy 2012- 2017

DRAFT document



your council working for you

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1.0 Introduction

- 1.1 Demand for town centre parking may reduce during less favourable economic times but there is an opportunity to plan for returning high levels of demand alongside the forecast growth in housing and jobs in and around the district and in particular in Grantham.
- 1.2 In addition to the planned growth for the area, there are major development opportunities in Grantham, and to a lesser extent Stamford and Bourne. In all cases new developments should improve the attractiveness of each town and therefore demand for parking. Much of the land identified for new developments includes land currently used for car parking so this strategy will need to consider how this affects town centre parking provision in the medium to longer term. The uncertainties about timing of these developments mean that this strategy will need to be reviewed on a regular basis.
- 1.3 This Strategy is intended to cover the period 2012 to 2017. This five year timescale covers the lifetime of a new off street car park enforcement framework. During this time many of the ongoing on street parking control issues should be addressed. It is acknowledged, however, that the Strategy should be kept under review during this period not least because of the implications of major development opportunities in Grantham.
- 1.4 There are three broad categories of car parking in the district:
 - 1.4.1 On-street – this is parking within the adopted highway boundary that is regulated by Lincolnshire County Council acting as highway authority. Enforcement of on-street parking regulations has historically been carried out by the Police but following the introduction of civil parking enforcement (CPE) from December 2012 will be carried out by the County Council.
 - 1.4.2 Public off-street – these are parking areas provided by the council which are open for use by the general public. Typically users are charged according to length of stay.
 - 1.4.3 Private off-street – parking that is privately owned for use by shoppers, residents, employers, retailers, etc.

- 1.5 The majority of parking within South Kesteven's market towns, with the exception of Grantham, is off-street, publicly operated car parks. Typically the parking stock is supplemented by large car parks operated by supermarkets, retail parks and other smaller privately operated car parks. In Grantham the majority of edge of town car parks is provided by supermarkets, retail parks and private operators.
- 1.6 The Council's agreement with Lincolnshire County Council (LCC - i.e. the Highway Authority) does not include the implementation of other on-street parking controls (i.e. Traffic Regulation Orders – TROs) that are intended to address safety or public amenity issues. There are examples of safety and/or amenity concerns included in this strategy but the responsibility for implementing lies with LCC.
- 1.7 Following on from the planned introduction of CPE throughout Lincolnshire in December 2012, reviews of on street parking in the market towns will be undertaken in the knowledge that any new restrictions introduced will be effectively enforced. This process involves investigating requests received for parking controls from residents, town councils and other interested organisations, and the formulation of proposals to deal with safety or obstruction problems and introduction of Resident Parking Schemes, which are progressed through the traffic regulation order process.
- 1.8 The council has received some representations for residents' permit schemes; currently residents' parking schemes are being considered for Stamford and Grantham. Further introduction of residents' parking arrangements will be considered if sufficient representations are received from residents in a defined area. The policy for the introduction of residents' parking arrangements on a consistent basis throughout the district is set out in Appendix A.
- 1.9 The Council's town centre car parks have 'Pay and Display' ticket Machines. These machines are reaching the end of their working lives and the Pay and Display system itself presents a number of challenges in terms of management and, importantly, ease of use for the customer. This Strategy identifies how the Council will look to improve its town centre car parks over the next five years.

2.0 Background to Strategy

- 2.1 Parking availability for any type of vehicle is an important factor in determining how people travel. Parking availability also influences the vitality and viability of town centres and the attractiveness of residential areas. In some places on-street parking can act as traffic

calming measures, in others it is a problem for residents and businesses and can be a barrier to accessibility for pedestrians, cyclists, passenger transport, emergency and other service vehicles.

- 2.2 There is a balance to be struck between providing and restricting car parking. This strategy must be read alongside the Economic Development Strategy, Grantham Area Action Plan, Town Centre Strategies, and the Local Development Framework to provide the full picture on how a balance can be struck between environmental protection, economic growth, accessibility, health improvement and social inclusion.
- 2.3 Car ownership is predicted to continue to grow over next twenty or so years alongside growth from new housing in and adjacent to the District. The Strategy is flexible enough to respond to demand for parking and at the same time seek to influence car use. Strategies and policy relating to on and off street parking are best suited to influencing car use not ownership.
- 2.4 There is a range of national, regional and local policy that is relevant to parking, promoting the vitality and viability of town centres, assisting residents and businesses and seeking to minimise the impact on Climate Change. Some of the key aims and objectives are set out below.
- 2.5 Key features of the Strategy that support the corporate priorities are as follows:

2.5.1 Grow the Economy

Town Centre's – provision of a balance of on and off street, short and long stay parking with appropriate tariffs supports the retail and business functions of town centres. The Strategy does not seek to provide an excessive amount of car parking but, at its heart, is the need to promote the economic vitality and viability of town centres.

2.5.2 Support good housing for all

Sustainable development – the Parking Strategy acknowledges as a key issue the need to support town centres as local facilities. This support will help ensure that towns in the district remain important retail and service destinations in their own right. The provision of new housing and employment in and around our existing towns will place additional pressures on parking facilities and the Strategy will enable the Council to find the best way for providing for and managing this demand.

The Strategy also supports the provision of parking for Disabled Badge Holders, allowing improved accessibility and ensuring people with disabilities have access to local shops, services and their own homes.

2.5.3 Keep SK clean green and healthy

The need to reduce Carbon Dioxide emissions is a key consideration and the Parking Strategy will contribute towards reducing long stay parking in residential areas by commuters and employees.

- 2.6 This is one way of encouraging use of alternative modes of travel. In town centres the Strategy supports the Town Centre Strategies' insofar as it recognises the need to minimise circulating traffic by way of balancing on and off street parking provision. In addition the Strategy identifies the need to improve the ease of use of car parks, thus reducing circulating traffic and queuing traffic.

3.0 National and local policy context

- 3.1 There is a range of national, regional and local policy that is relevant to Parking. Some of the key aims and objectives are set out below.
- 3.2 At the national level the Government's Strategy is set out in 'Delivering a Sustainable Transport Strategy' which sets out the Government's five main goals as follows:
- 3.2.1 *"We want our transport system:*
 - 3.2.2 *to support national economic competitiveness and growth, by delivering reliable and efficient transport networks;*
 - 3.2.3 *to reduce transport's emissions of carbon dioxide and other greenhouse gases, with the desired outcome of tackling climate change;*
 - 3.2.4 *to contribute to better safety, security and health and longer life expectancy by reducing the risk of death, injury or illness arising from transport, and by promoting travel modes that are beneficial to health;*

3.2.5 *to promote greater equality of opportunity for all citizens, with the desired outcome of achieving a fairer society; and*

3.2.6 *To improve quality of life for transport users and non-transport users and to promote a healthy natural environment."*

3.3 The "Traffic movement study for Grantham" has been considered in the review of car parks and recommendations for Grantham acknowledge the issues raised in this study.

3.4 Reference should also be made to SKDC's Economic Development strategy when considering the release of car parks to support economic activity or development and indeed the creation of new car parks.

4.0 Management and resources

4.1 The management of off street parking in the district falls into two broad categories. Firstly the enforcement of off street parking (i.e. the public 'face' of the service) and secondly, the back office management which assists the enforcement function as well as day to day management of issues such as issuing Season Ticket and soon Residents Permit applications as well as customer queries.

4.2 From December 2012 the enforcement function in the districts off street car parks will be carried out by APCOA under a jointly procured 4 year contract with LCC. Off Street car park ticket processing will be carried out by service level agreement with Nottinghamshire County Council again under a 4 year agreement procured through LCC.

4.3 Managing car park ticket machines (in terms of cash collection, planned and reactive maintenance) as well as monitoring the status of machines also falls within the day to day management function. In addition the Council allocates resources to physical maintenance of car parks, again on a planned and reactive basis.

4.4 With regard to on street parking the Council will prepare and administer resident parking schemes. Lincolnshire County Council will process and determine new or amended Traffic Regulation Order for introducing controlled Resident Parking Schemes. This is a new requirement for the District to undertake and will require adjustment to the staff resources deployed.

5.0 Managing the council's parking stock

5.1 The historical approach of providing increased inexpensive car parking stock to meet rising demand has three main disadvantages:

5.1.1 It uses up valuable land which could be used for other purposes (e.g. housing, retail and employment).

5.1.2 It encourages people to use their cars more which lead to increased traffic flows, congestion, climate change emissions and other traffic impacts.

5.1.3 It can require councils to subsidise the cost of providing and managing parking facilities in some locations.

5.2 Strategy Objective

Ultimately, this approach can set in motion a circle of 'predict and provide'. The alternative approach is to 'manage demand' by having a parking strategy which, as much as possible, supports the vitality and vibrancy of local economies, and seeks to promote more sustainable transport choices. This might mean, for instance:

5.2.1 Setting parking charges which encourage short-stay parking (e.g. for shoppers) and discourage long-stay parking (e.g. for commuters).

5.2.2 Locating short-stay spaces in the centre of market towns and long-stay spaces at the edges of centres reducing the number of long-stay spaces and managing the number of short-stay spaces.

5.3 The reasons for limiting, relocating and increasing charges for long-stay spaces are because: it is usually more practicable for commuters to use other transport modes (e.g. cycling, public transport and car sharing) since their journeys are typically to and from fixed locations, and form only a small part of the day commuter parking typically occupies parking spaces for the whole of the working day commuters mainly travel at peak periods when the road network is most congested.

5.4 The reasons for facilitating and encouraging short-stay parking are:

- 5.4.1 Parking spaces need to be readily available to support the vitality, vibrancy and resilience of market town centres.
- 5.4.2 The higher turnover of spaces allows more users to be accommodated per space.
- 5.4.3 Shoppers are more likely to travel during inter-peak periods when there is usually spare capacity on the road network.

5.5 The council will manage its parking stock in accordance with the following principles:

Off-street public parking:

- 5.5.1 Short-stay parking will be prioritised on sites within an acceptable walking distance of shopping and commercial centres to ensure adequate accessibility.
- 5.5.2 Longer-stay parking will be prioritised on sites further away from shopping and commercial centres.
- 5.5.3 Long stay commuter parking will be reduced where good sustainable transport alternatives exist.
- 5.5.4 The mix, number and usage of off-street parking spaces will be periodically reviewed to ensure they continue to meet local transport objectives and reflect local circumstances.

6.0 Town Centres

- 6.1 The four towns of Grantham, Stamford, Bourne and The Deepings are different in terms of demand for parking, reflecting the different retail and servicing offer in each town as well as their physical and historic characteristics. The economic downturn has affected each town centre alongside other longer term trends where out of centre retailing and growth in internet and other types of shopping have affected town centres for shopping purposes.
- 6.2 The availability of car parking supports the town centres and the level of demand for parking in each town reflects the variations between the amount of shops and services in each town. Currently

off-street parking is charged during the daytime (8am to 6pm), Monday to Saturday whilst on-street parking is free of charge at all times. There are privately operated car parks in Grantham, Stamford and Bourne that, combined with Council owned and operated car parks and off-street parking provide a varied amount of parking in terms of on and off street, short and long stay, location and price.

6.3 Off-street provision;

In general there is sufficient capacity for all types of parking in town centres. However there are some pressures as follows:

6.3.1 In Stamford on market days there is very little capacity available both on and off-street.

6.3.2 Certain short stay car parks are more popular than others (e.g. Wharf road in Grantham and North Street Stamford) and users will wait for spaces in these car parks rather than use other short or long stay alternatives.

6.3.3 Despite there being capacity in long stay off-street car parks in Stamford there is pressure with on-street parking both in town centres and adjacent streets. This may change with the introduction of civil parking enforcement from December 2012.

6.3.4 Future developments planned via the planned growth in and around Grantham will place even more pressure on off-street parking provision.

6.4 The Council will investigate the need for additional capacity for car parking where it can be justified in supporting town centre economic vitality and viability without unacceptable environmental impact.

6.5 Overview of each town – Opportunities and issues.

Grantham;

6.5.1 Consideration should be given to the inclusion of a multi-storey/under-croft car park on the Greyfriars site, providing the site is accessible from Sankt Augustine Way. This would intercept traffic from planned developments to the north of Grantham and help prevent circulating traffic looking for available spaces.

- 6.5.2 There may also be an opportunity to explore enhanced car parking provision on Station Approach site 2. At present the proposed multi-storey car park will cater for the Station Approach development and railway station only. Additional capacity at this site could relieve some pressure on the town centre and discourage driving into the centre to park, particularly in the context of new homes on the Southern Quadrant.
- 6.5.3 There is potential to introduce additional car parking and encourage development at Wharf Road by rationalising the existing bus station and introducing more 'stop and drop' points throughout the town, this could benefit both Wharf Place and Station Approach developments.
- 6.5.4 Watergate Car Park is important to serve the North of the Town. However it presents an opportunity to repair the street scene on a key gateway into the town through infill development. A development appraisal considering the effects of displaced parking from this site should be undertaken to establish the development potential of this site.
- 6.5.5 St Catherine's Road car park could be considered surplus to requirement given the proximity of Welham Street car park and the limited availability of public parking. Development of this site should be considered in the context of adding value to the town centre offer.

Stamford;

- 6.5.6 A recent utilisation study has shown that all short stay car parks operate at close to capacity between 10:00 and 5:00pm. There is capacity at Cattle Market and Wharf Road car parks on most days apart from Friday. The effects of on street enforcement post December 2012 will need to be understood for the longer term planning of car parks in Stamford given the limited availability of on street parking opportunities due to the historic nature of the town layout.
- 6.5.7 The Cattle Market has development possibilities due to the redundant site of the former cattle market which adjoins the car park.

Bourne;

- 6.5.8 At present there is little turnover of spaces in any of the publically owned and operated car parks as no parking orders or charging regime exists. The Council should therefore review the need for the introduction of Parking Orders to limit the duration of stay initially with a view to introducing charges at a future date.

The Deepings;

- 6.5.9 The car park on Halfleet (B1524) appears to be used as a short stay free car park for those using a nearby nursery and long stay by a few local residents and visitors. There is available on street parking in the locality. This car park could be considered for disposal. There are constraints on the car park site being fully developed, rights of way and drainage easements, but a limited development may be possible.

6.6 Other car parks;

The Council has a range of other small car parks at Billingborough and to serve parks, open spaces and sports facilities. These car parks whilst not of the same strategic importance as town centre sites will be kept under review in terms of their function, condition and suitability.

6.7 Quality and Safety

The quality and safety of off-street car parks is often a key consideration for car park users. This often falls into two basic categories – the quality, convenience and safety of the car park and the quality, safety and convenience of the route from the car park to town centre shops. Much of the latter will be dealt with via Town Centre Strategies and development proposals but there are some key issues for consideration with regard to enhancing the use of car parks.

- 6.8 The Council will identify and keep under review a programme of physical improvements for its car parks. This will be done in consultation with Town Centre management arrangements in all locations e.g. Business clubs and or Chamber of Trade, Lincolnshire County Council, Lincolnshire Police and via feedback from car park users.

- 6.9 There is an ongoing need for maintaining car park surfacing, lining, and signing. In some places security and vandalism are a problem so there is a need to consider how to manage this and eradicate it.

7.0 Off-street car park management system

- 7.1 Currently the Council provides coin only operated Pay and Display ticket machines in car parks it owns or operates. The equipment is now dated and the following issues have to be considered:
- 7.1.1 The age of machines and the cost of maintaining them
 - 7.1.2 The appropriateness of Pay and Display for promoting town centre use (i.e. the user has to anticipate the length of stay before buying a ticket)
 - 7.1.3 The amount of non-payment of tariffs either due to users 'taking a chance' or not having the correct change.
 - 7.1.4 The amount of transferring of tickets between users.
 - 7.1.5 The potential for users to pay for actual use rather than over-payment due to machines not issuing change.
 - 7.1.6 Potential for cashless payment – in line with credit card or 'Chip & Pin' transactions either at the machine or via telephone.
 - 7.1.7 The security of machines and cash handling issues.
 - 7.1.8 The lack of data from machines on usage, management or faults.
 - 7.1.9 The resources required to ensure compliance with car park tariffs and car park regulations as well as 'back office' management.
- 7.2 An alternative could be the introduction of a Pay on Foot system. In simple terms this involves barriered entry and exit with users paying at pay stations before returning to their vehicles. Whilst this system ensures all users pay for parking and only pay for the time they stay it is very expensive and will require a considerable change in approach to parking management.
- 7.3 Payment for parking by mobile telephone has been introduced by other local authorities that operate a Pay and Display system. This has the potential to provide flexibility for people wishing to stay in town centres without having to be restricted by what ticket they have purchased at the outset.
- 7.4 **Car Park Management System**
The Council will investigate the most appropriate car park management system for the district with a view to agreeing a programme for implementing a new system.

Options to consider will include:

- 7.4.1 Replace current machines with similar coin only Pay and Display Machines.
- 7.4.2 Replace current machines with coin and 'Chip & Pin' Pay and Display machines.
- 7.4.3 Provide Pay by phone with either of the above two Pay and Display options.
- 7.5 In line with modern car park operations, there is potential for other services to be provided in off-street car parks in the district. Where appropriate some of these services may benefit car park users and the Council will consider opportunities on a case by case basis.
- 7.6 The Council will consider opportunities for providing other services to customers in its car parks. In some cases services may be provided by third parties and in all cases consideration will be given to the appropriateness of the service provided as well as the implications for use of the car park and town centre generally.

Services could include:

- 7.6.1 Advertising on tickets, ticket machines or elsewhere
- 7.6.2 Promotion or marketing initiatives
- 7.6.3 Other events associated with town centre promotion or activities
- 7.6.4 Other appropriate commercial activities

8.0 Parking charges

- 8.1 Recommended parking charges (off-street) will be set for each 'band' taking account of the following factors:
 - The service role and strength of the local economy.
 - The utilisation of existing parking spaces.
 - Traffic conditions on the local highway network.
 - The availability of sustainable transport modes.
 - The need to avoid 'searching' traffic.
 - Parking charges in neighboring areas.
 - The convenience and quality of parking locations.
 - Local environmental conditions.
 - The requirement to provide an efficient Council parking service.
- 8.2 The actual parking charges will be set by the council following consultation with the public and stakeholders.
- 8.3 A fundamental review of parking charges will be undertaken by the council every five years based on the factors outlined above.

- 8.4 Annual interim reviews will also be carried out based on an assessment of parking charges in neighbouring areas and the Retail Price Index (based on the figure for September each year with reviewed charges rounded to the nearest ten pence). In addition, consideration will be taken of the outcomes of area transport strategies developed to support planned growth.
- 8.5 The council also offers the option of purchasing permits and season tickets for many of its car parks, the terms and conditions of which are to be subject to a review annually.
- 8.6 Currently on-street parking within town centres is free of charge, as is off street parking after 6pm and on Sundays. On-street parking in 'core' shopping streets as well as more peripheral areas provide a significant additional parking resource and is especially important for Blue Badge Holder access as well as for servicing and loading. The majority of this parking is short stay although some longer stay on-street parking can conflict with residents' parking in peripheral streets.
- 8.7 The principle of "user pays" for the introduction of evening charges to support CCTV in town centres and attendant security in car parks could be considered when the evening and weekend economy has developed and matured, in Grantham in particular. At the present time there is ample on street free parking available to support current levels of activity and only when major events are held in the town centre does parking displace into the off street car parks. This should however be reviewed towards the end of the life of this strategy.

9.0 Appendix A - Residents Parking Scheme.

- 9.1 The control of on street parking in town centres can have the effect of displacing parking to residential streets. This reduces the amount of parking available for residents as drivers who do not wish to pay for parking use streets that have unregulated parking.
- 9.2 In some places residents can be caused significant inconvenience by all-day parking outside their homes. Resident parking schemes can be an effective means of managing this situation.
- 9.3 The schemes are introduced to improve the opportunity for residents to find a parking space close to where they live.
- 9.4 For some years, prior to Civil Enforcement of Parking, very little enforcement of parking contraventions has been undertaken. This has led to an assumption by many drivers that illegal parking is acceptable. However, uncontrolled parking does result in access difficulties including for buses, deliveries, refuse collection and emergency services. On Street parking regulations are there to help provide a safe environment for those using the highway network including pedestrians and to support the economic vitality of town centres.
- 9.5 South Kesteven District Council by introducing this policy recognises the effects of introducing Civil Parking Enforcement on all stakeholders and cannot condone illegal parking.
- 9.6 An enforcement authority has an obligation to uphold the traffic regulation orders and to ensure that enforcement is consistent and protects the rights of those who are entitled to use those parts of the street allocated to particular use.

10.0 Policy

- 10.1 Residents parking schemes will be operated and administrated by South Kesteven District Council. (Subject to formal approval)
- 10.2 A residents parking scheme will only be considered at locations where it can be identified that residents have a problem finding a parking space close to where they live.
- 10.3 Parking surveys will be carried out to determine the level of difficulty of on street parking.
- 10.4 A residents parking scheme will only be considered in the following circumstances:

- 10.4.1 Less than 50% of residents have available off-street car parking facilities within the boundary of the defined scheme area.
- 10.4.2 South Kesteven District Council in consultation with LCC highways authority is reasonably satisfied that unacceptable traffic problems will not be created on adjacent streets.
- 10.4.3 More than 50% of occupants consulted, without available off street parking, within a scheme area are in agreement with a residents parking scheme and are willing to pay the permit fees.

10.5 The following will be consulted for their views regarding residents parking scheme proposal in their area.

- a. Highways authority
- b. Police
- c. Chamber of trade and commerce or business groups
- d. Emergency services
- e. Town Council
- f. Representatives of Resident Groups
- g. Representatives of disability Groups
- h. Ward Councillors
- i. Bus Companies

10.6 Permits for residents parking schemes will be issued as follows:

- Permits will be issued annually (April – Mar)
- Pro-rata permits will be charged for full months up to the end of the current financial year.
- Permit charges will be reviewed and set annually.
- The permit charge will be set at a level which at least covers the total cost of the local scheme.
- The appropriate Head of Service to have delegated powers to issue permits in accordance with the scheme.
- Permits to be issued for use within each defined scheme area.
- Permits to be issued to residents located in the defined scheme area.
- Residents must pay the relevant annual permit fee and prove residency before being issued with a permit.
- Permits will be issued for a nominated vehicle(s) for use within the defined scheme area.
- Permits shall be prominently displayed in the vehicle.

10.7 Resident parking zones will be effective 8am–6pm Monday to Saturday. During these times a valid permit is required to be displayed.

10.8 Apart from schemes for areas with 24 hour parking problems, most schemes are effective between 8 am – 6 pm Monday – Saturday. This arrangement gives greater opportunity for flexibility of use overnight and on Sundays when demand for both resident and visitor parking is usually greatest.

10.9 Individual schemes will be designed to contain the most appropriate mix of resident only and or resident permit holders permitted to park in time restricted bays to suit the local conditions within a defined scheme area.

10.10 **Resident permit**

10.10.1 Permits are issued to residents who own or keep and use a car, light van (light goods vehicle with a gross weight of 3.5 Tonnes or less) or motorcycle on a full time basis. Where the car is not owned by the resident but is available primarily for their use a permit may be issued.

10.10.2 A resident is a person living within a property which has a frontage onto, or vehicle access to a street named in that part of the order which defines the scheme area (controlled zone).

10.10.3 A permit allows the holder to park within a designated parking bay within a defined scheme area for which the permit has been issued.

- A person may be deemed a resident of a scheme area (controlled zone) at the discretion of the Head of Service with delegated authority. Each resident is entitled to a single permit for a maximum of two specified vehicle. Only one resident per household may hold a permit for any two vehicles.
- The permit will display the registration number of up to two vehicles.

10.11 **Residents' Visitors' Permit**

One visitor permit will be available to each eligible property within the scheme area. Only one visitor and one resident permit will be issued per eligible property.

10.11.1 Visitor permits do not display a vehicle registration and allow vehicles to park within permit holder only areas.

- 10.11.2 It is the responsibility of household members to ensure that the permit is retrieved from a visitor's vehicle at the end of the visit. There is no time limit on length of stay.

10.12 **Other Visitors' Permits**

Permits may also be issued where there is a demonstrable need for parking within the defined scheme area (Controlled Zone) for specific purposes for:

- 10.12.1 Professional health care workers whilst visiting patients in their own homes (but not to enable them to park near to their work base).
 - 10.12.2 Maintenance, building, excavation and demolition work (builders, scaffolders etc);
 - 10.12.3 Workshop vehicles with a need to be in a particular vicinity (Joiners, plumbers, appliance repairers, vehicle based window cleaning);
 - 10.12.4 Owners of properties who are not resident at the address (Landlords).
 - 10.12.5 Any other reason of an equivalent nature or purpose accepted by the Head of Service with delegated authority.
- 10.13 It should be noted that these additional visitor's permits will only be issued where it has been demonstrated that the use of Residents' Visitors' Permits is not practicable.
- 10.14 **Houses in multiple occupation**
Houses in multiple occupation are eligible for a maximum of three permits per year. Permits can either be vehicle specific (resident) or visitor. Each resident may only apply for one permit.
- 10.15 **Business permits**
A business within a defined scheme area may apply for one business permit if they have no off street parking available. The permit can have up to four vehicle registrations displayed on it. Alternatively one business visitor permit may be issued if a business permit is not issued. These permits allow businesses to park within a permit holder bay or joint time restricted and permit holder bay within the defined scheme area in which the business is located.
- 10.16 **Life of Permits**
All permits will be valid for a maximum period of 12 months to ensure that abuse of permits is limited, especially in areas where

there is a high turnover of residents and /or vehicle ownership. This ensures that only valid users of permits occupy the kerb space within a scheme and maximises the opportunity for genuine permit holders to park.

10.17 **Parking**

A permit allows parking in any space designated for permit holders but does not reserve specific spaces and does not guarantee a space will be available. Visitors to an area not eligible for a permit can park in time limited spaces (usually for one or two hours) or unlimited parking bays. Permit holders do not have priority over non-permit holders to park in these non-permit spaces and time restrictions apply equally to permit holders and non-permit holders if not designated for joint permit use.

10.18 **Changes of Vehicle**

Where a vehicle for which a permit has been issued is no longer owned or kept by a resident the old permit must be returned to SKDC. The balance of a permit may be transferred to another vehicle or surrendered for a refund of whole months remaining subject to an administration charge.

10.19 **Withdrawal of a Permit**

A permit may be withdrawn or invalidated if it is found that a permit is not being used in accordance with the guidelines or it is found that a person is no longer eligible to hold a permit.

Where the size of a vehicle causes problems of poor visibility for motorists or pedestrians or creates a degree of visual obstruction detrimental to the visual amenity of an area, a permit may be refused or withdrawn at the discretion of the Head of Service with delegated authority.

10.20 **General**

A charge will be made for permits issued for use in defined scheme areas. The charge is to at least cover the total administration and management of the permit scheme and the direct costs of the permits. It is not a charge to park and as indicated above does not guarantee a parking space at any particular location or time due to high levels of demand on finite kerb space. A relevant charge will be applicable to all permits.

10.21 **Residents' Permits**

A charge will be made for each permit issued.

10.22 **Residents' Visitors' Permits**

A charge will be made for each permit issued.

10.23 **Business Permits**

A charge will be made for each permit issued.

10.24 **Professional Health Care Worker Permits**

A charge will be made for each permit issued with the exception of an allocation of free permits issued to the relevant organisation for Health Care Workers in each part of the district.

10.25 **Change of Vehicle/ replacement permit due to loss or damage**

An administration charge will be made for providing a permit when a resident changes their vehicle and wishes to transfer the permit to their new vehicle, retaining the original expiry date. Replacement permits will also attract an administration charge due to loss or damage.

Note: The charge for each permit type will be determined when all costs of implementing the schemes are known. The work to quantify these costs will be carried out as part of the detailed survey work for each defined scheme area.

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REPORT TO CABINET

REPORT OF: Head of Finance

REPORT NO: HOF211

DATE: 3rd December 2012

TITLE:	Localisation of support for Council Tax Support Policy and amendments to council tax discount and exemption arrangements	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Policy Framework Proposal	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr M Taylor Portfolio: Strategic Resources - Well Run Council Cllr T Bryant Portfolio: Good Housing	
CONTACT OFFICER:	R Wyles (01476) 406210 r.wyles@southkesteven.gov.uk C Scott (01476) 406240 c.scott@southkesteven.gov.uk	
INITIAL IMPACT ANALYSIS:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required: Yes – included in report
Equality and Diversity	Full impact analysis undertaken and included in the report	
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Cabinet Report - 20 th August 2012 - HOF205- Localisation of Support for council Tax Benefits Policy http://moderngov.southkesteven.gov.uk/mgConvert2PDF.aspx?ID=2828&T=10	

1. RECOMMENDATIONS

- 1.1 Cabinet to recommend to Council to adopt the proposed scheme for the localisation of council tax support as detailed in the local scheme rules. The scheme for working age customers has the following characteristics:
 - i. 80% maximum eligibility for those who do not fall into a vulnerable group
 - ii. 100% maximum eligibility for vulnerable customers (as defined)
 - iii. No restrictions based on size of property or council tax band Carer's, disabled and war pensioners protected
 - iv. Inclusion of enhanced working disregards meaning that a certain amount of earnings is ignored in the calculation of support
- 1.2 Cabinet to recommend to Council to adopt amendments to the council tax discount and exemption arrangements in relation to Class C (unoccupied and unfurnished) to provide a one month exemption followed by 25% discount for remaining 5 months.
- 1.3 Cabinet to recommend to Council to adopt amendments to the council tax discount and exemption arrangements in relation to Class A (in need of structural repair) to provide a 25% discount for 12 months.
- 1.4 Cabinet to recommend to Council to introduce a 100% charge for properties that have been empty for a period of between six months and two years.
- 1.5 Cabinet to recommend to Council to introduce an empty homes premium of 150% for those for properties that have been empty for two years or more.

2. PURPOSE OF THE REPORT

- 2.1 The report details Government changes to the welfare system in relation to Council Tax Benefit. The report provides a full equality analysis of the recommended scheme and details how different groups will be affected by it. The proposed scheme has been subject to eight weeks of public consultation. The results of this have informed the equality analysis and are contained within this report.
- 2.2 The report also details how the proposed scheme will protect the needs of vulnerable households whilst ensuring the effective allocation of resources across a range of priorities.
- 2.3 Additionally, the report also details technical changes to the Local Government Finance Act 1992 that will allow local authorities' discretion in the way that certain exemptions are administered. These amendments allow local authorities to generate additional revenues through the Council Tax system should members wish to approve the recommendations contained within this report.

3. DETAILS OF REPORT

- 3.1 On 20 August 2012 Cabinet Members were presented report HOF205 which detailed government proposals to replace council tax benefit with a new support scheme, determined at a local level with reduced funding available. This scheme will be introduced from April 2013.
- 3.2 In addition to this, councils are asked by Government to consider how a local scheme can incentivise employment and make work pay.
- 3.3 A proposed local scheme was presented to members in August 2012 and members agreed to consult on a scheme with the following characteristics:
- i. 80% maximum eligibility for those who do not fall into a vulnerable group
 - ii. 100% maximum eligibility for vulnerable customers (as defined)
 - iii. No restrictions based on size of property or council tax band
 - iv. Carer's, disabled and war pensioners protected
 - v. Inclusion of enhanced working disregards meaning that a certain amount of earnings is ignored in the calculation of support
- 3.4 Details of those considered vulnerable under this scheme are detailed in HOF205.

Financial implications of proposed changes

- 3.5 The proposed changes are a move away from a demand-led allocation for Council Tax Benefit to a fixed grant for Council Tax Support will see a reduction in funding to the local authority of at least 10%. The local authority is required to approve a council tax discount scheme to help those on low incomes. Whilst there is no requirement to work within the grant allocated by central government any additional expenditure would have to be met through other sources available to the Council reductions from elsewhere in the Councils budgets.
- 3.6 As with any strategy designed to respond to change, there are risks. Extensive modelling and forecasting has been undertaken by officers to project the likely level of expenditure over the next few years in relation to Council Tax Support. It is estimated that the combination of the Council Tax Support changes and the Council Tax Technical changes would reduce expenditure for the district by approximately £130K. Whilst these figures give an indication of the likely burden faced by the council, it is clear that due to the number of variables and the complexities within both the local and national economies, our actual expenditure could vary from the figures contained within this report. For example, sudden increases in the number of people claiming help with their Council Tax bill or increases in the council tax charge would lead to additional expenditure being incurred and the possibility that the scheme would cost more than initially expected. Once the scheme has been approved, the Council would be legally obliged to continue to award support

against its own rules, and would not be able to vary its scheme in-year to limit the financial impact on itself or the general council tax payer.

- 3.7 The technical changes to council tax will result in customers currently receiving a Class A or Class C exemption being required to pay a council tax charge. This change could place an additional burden on local authorities in terms of collecting the additional council tax levy.
- 3.8 These amendments could lead to behavioural changes by those affected which may cause collection difficulties. Landlords who have been co-operative in the past, with regard to giving information about their tenants may not be in the future. This could potentially lead to a bigger administrative burden in trying to keep track of occupiers.
- 3.9 There is also a potential for an increase in small debt write-offs. This is due to more small amounts of council tax liability being incurred between tenancies. In most cases if these charges are not paid, they will be un-economic to pursue. As a result there could be more small balance write-offs leading to a bigger bad debt provision.

Consultation Summary

- 3.10 The localisation of Council Tax Support required the district council to consult with major precepting authorities and those who were likely to have an interest in the scheme and with the general public. Discussions were held between all Lincolnshire authorities to agree consultation approaches and explore best practice.
- 3.11 A range of consultation methods were used to obtain the views of interested parties. These include:
- Direct mailings
 - Postal Surveys
 - Drop-in Sessions
 - Web-based information and survey
 - Telephone helpline
 - Press releases
 - Engagement with community groups and forums
- 3.12 A summary of the results from the consultation exercise are shown in table 1. These combine the results from all consultation methods.

Table 1

Principle	Agree	Did not agree or disagree	Disagree
1a. Most people of working age should pay something towards their council tax	55.6%	22.2%	22.2%
1b. Most people of working age should pay a minimum of 20% of their council tax	39.8%	28%	32.2%
2. Those with disabilities should be protected from any reduction in support	77.1%	10.3%	12.6%
3. Those with caring responsibilities should be protected from any reduction in support	68.4%	14.4%	17.2%
4. War pensioners should be protected from any reduction in support	71.1%	11.8%	17.1%
5. The scheme should make work pay	62.7%	20.1%	17.2%
6. The scheme should be available to all those who pay council tax regardless of the size of the property that they live in	53.2%	17.7%	29.1%

Consultation Analysis

- 3.13 Responses were received from both of the major precepting authorities. Lincolnshire County Council highlighted the ongoing financial pressures faced by their organisation and stated that they had no desire to make additional service reductions to fund a shortfall in support. The County Council would prefer additional income generation measures to take precedence over benefit reductions.
- 3.14 Lincolnshire Police Authority also highlighted that it faces major ongoing funding pressures and has no desire to make additional service reductions or propose additional increases in its council tax to fund this shortfall. As a result, the Police Authority supports proposals for Council Tax Support schemes which eliminate, or at least minimise, the funding reductions imposed as a result of these changes.
- 3.15 Public consultation lasted for eight weeks. To ensure that the consultation was effective, a range of literature was produced, stating the proposed

scheme in detail, with easy to understand case studies to illustrate the effect of the changes on different groups. The consultation defined the key principles of the scheme as:

- i. Most people should contribute something towards their council tax bill
- ii. We should protect those with disabilities from any reduction in support
- iii. We should protect carers from any reduction in support
- iv. We should protect war pensioners from any reduction in support
- v. The scheme should make work pay
- vi. The scheme should be available to all council tax payers, regardless of the size of property that they live in

3.16 Furthermore, the consultation outlined the existing principles contained within the Council Tax Benefit scheme that will be retained to form part of the new support scheme. The key existing principles are:

- i. Second adults in the property should contribute
- ii. Benefit should not be paid to those with capital above set limits
- iii. Benefit can be paid based on the income of a second adult with a low income
- iv. Those with more income should pay relatively more than those with less income

3.17 Consultation was undertaken through a wide range of media with the council's communications team issuing a series of press releases. Consultation began with our proposed scheme being published on the Council's web page and promoted through the home screen. The information guided customers through the principles of the scheme and presented a series of frequently asked questions to help customers gain a clear understanding.

3.18 Customers were also given access to an on-line calculator which allowed them to model the impact of the proposed changes based on their personal circumstances. The tool compared current council tax benefit entitlement with proposed council tax support entitlement.

3.19 A web based version of the council tax support survey gave residents the opportunity to express their views on the main principles of the scheme without the need for them to have been directly targeted.

3.20 A dedicated council tax support telephone helpline was set up to enable customers to speak to specialist advisors who were on hand to explain the scheme and provide specific advice based on individuals circumstances. The

telephone helpline was promoted through the survey booklet, on the web and via the local press.

- 3.21 The local authority directly surveyed those known to be affected by the proposed changes, both in terms of receiving protection due to a local decision, or a reduction in support. Pensioners did not form part of the direct survey as they are protected through government legislation. 5,157 surveys were issued to working age benefit recipients who were likely to be affected by the proposed changes. 62 surveys were issued interested parties and key stakeholder groups. A copy of the survey booklet and covering letters are shown as appendices 1, 2 and 3.
- 3.22 A series of drop-in sessions were held across the district at seven locations with staff available to answer any questions that residents may have had. These were spread geographically across the district with extra sessions targeted towards those areas of the district that have a high proportion of claimants and dependency on welfare support. Both customers and their representative groups were invited to attend to find out more about the proposed changes. Consultation sessions ran from 4pm through to 7.30pm.
- 3.23 A variety of media was used to publicise the consultation process and related events. This included publications such as County News and local press releases were also circulated to all media across South Kesteven.
- 3.24 A workshop was held with the Community Focus Forum and the Homelessness Forum. This not only promoted the proposed scheme to a wide range of community groups, but also encouraged feedback from those they represent.
- 3.25 Members were encouraged to promote the consultation exercise in their wards and help customers to engage with the consultation process.

Results from the postal survey

- 3.26 The postal survey was targeted to those in receipt of council tax benefit who were likely to be affected by the changes. The overall response rate was 15.9%. The survey as designed to inform people in affected groups of the changes that were taking place and help them to determine to what degree they would be affected by them. Eleven case studies were presented to help customers understand not only how the scheme would affect their current circumstances, but what it would mean should their circumstances change.
- 3.27 Respondents were asked a number of questions to capture their views about the principles of the new scheme and whether or not the change would impact on them. Questions also gathered the following information:
 - Household composition
 - Gender
 - Age

- Employment status
- Ethnic group
- Sexual orientation

3.28 92.9% of respondents were talking about their own personal circumstances, with the remaining responses coming from voluntary organisations, housing associations, private landlords and other interested parties.

3.29 **Principle one-** most people of working age should pay something towards their council tax

Approximately half of the people who responded to this question said that it would affect their household.

Overall, 56% of respondents were in agreement with the principle of most people of working age paying something towards their council tax. 22.6% of respondents neither agreed nor disagreed with it.

Consultees were then asked whether most people of working age should pay a minimum of 20% of their council tax charge. 39.8% were in agreement. 28.6% of respondents neither agree nor disagree. Analysis of those in agreement shows that:

- 58.8% of families with one or more dependent children and 55.8% of lone parents agreed that most people of working age should pay something towards their bill.
- Of those who would be classed as vulnerable under the scheme, 56% were in agreement that most people of working age should pay something.
- 71% of households with full or part time workers and 52.6% of households without children were in agreement.

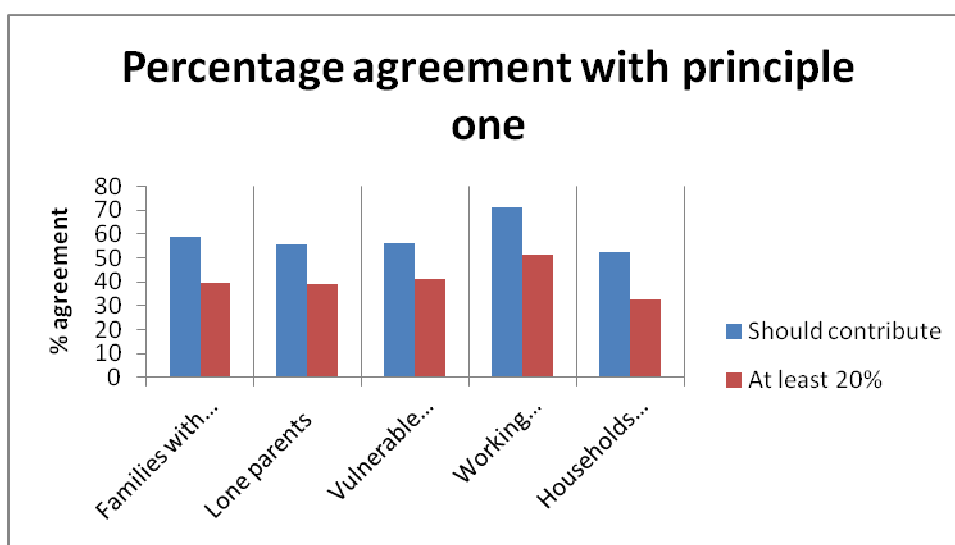
3.30 Respondents were asked whether the contribution should be a minimum of 20% of their bill. Around half of the respondents (50.6%) thought that the change would affect them and overall there was less agreement. 39.8% of respondents were in agreement with 31.6% stating that they disagree with this level of contribution.

- 39.7% of families with one or more dependent children and 39% of lone parents agreed that most people of working age should pay a minimum of 20% of their council tax charge.
- Of those classed as vulnerable 41% were in agreement that most people of working age should pay a minimum of 20% of their council tax charge.
- 51.3% of households with full or part time workers were in agreement that most people of working age should pay a minimum of 20% of their council tax charge.

Graph 1 provides a comparison between the level of agreement that a contribution should be made, and that contribution being set at 20%. **It is clear from these results that whilst there is agreement that most people of working age should make a contribution towards their bill, there is**

less agreement to the level of contribution being set at a value of at least 20%.

Graph 1



3.31 **Principle two** – those with disabilities should be protected from any reduction in support

- 81.2% of respondents agree that those assessed by us as being disabled should be protected.
- 93.2% of those in a household that included a disabled person agreed that those with disabilities should be protected.

It is clear from the results that there is strong agreement with principle two.

3.32 **Principle three** – those with caring responsibilities should be protected from any reduction in support

- 74% of respondents agree that those with caring responsibilities should be protected.
- 96.4% of those with a carer in the household agreed that those with caring responsibilities should be protected.

It is clear from the results that there is strong agreement with principle three.

3.33 **Principle four** – war pensioners should be protected from any reduction in support

- 78.3% of respondents agree that war pensioners should be protected.

- 100% of those households with someone entitled to a war pension agreed that war pensioners should be protected from any reduction in support.

It is clear from the results that there is strong agreement with principle four.

3.34 Principle five – the scheme should make work pay

- 63.6% of respondents agree that people who are working should keep more of their earnings before the means test is applied.
- 80.3% of those in a household with full or part time workers were in agreement that people who are working should keep more of their earnings before the means test is applied.

There is broad support for principle five across all demographics, with those in employment agreeing more strongly with this principle.

3.35 Principle six – the scheme should be available to all those who pay council tax regardless of the size of the property they live in

- 54.7% agree that the amount of council tax support should not be linked to the size of the property. 20.5% of people neither agreed nor disagreed with this principle.

There was a mix of opinion across all groups, with slightly more agreement from families with children in the household. Respondents commented that “the size of the house shouldn’t matter” and “I don’t see why it’s based on the size of the property”.

Results from the web-based survey

- 3.36 The web based survey invited response from a wider audience than just those in receipt of council tax benefit. Views were received from both Housing Associations and individual customers. 80% of respondents agreed that most people of working age should pay something towards their council tax, with 66.7% agreeing that the minimum contribution should be 20%
- 3.37 There was strong agreement that each of the groups identified as vulnerable should be protected. 73.3% of respondents agreed that people who are working should keep more of their earnings before the means test is applied. Only 26.7% of people agreed that the amount of council tax support should not be linked to the size of the property lived in.
- 3.38 It should be highlighted that the response rate for the web-based survey was very low and less reliability can therefore be placed on the data. However, the results do appear to follow broadly the same pattern as the postal survey.
- 3.39 The web page also provided information about the proposed changes and allowed interested parties to find out more.

Results from the drop-in sessions and helpline

- 3.40 In order to support the process and provide customers with opportunities to receive further information and assistance regarding the proposals, drop-in sessions were held across all areas of South Kesteven. Those that attended asked questions that related to their personal circumstances. No objections to the scheme were presented.
- 3.41 Analysis of the comments received suggested that there was a good understanding of the information presented and the need for additional information and support was mitigated.
- 3.42 A telephone helpline was also available during the consultation period. Calls to this line related to a variety of matters, including queries regarding the drop-in sessions and how the proposed scheme would affect people on different types of income. Advice and guidance was provided by trained officers to help customers gain a more detailed understanding of the scheme.

Accessibility of information

- 3.43 Through using a wide of approaches during the consultation period and engaging with our stakeholders, it has been possible to gain a more detailed understanding of needs and opinions. This information has been fed into a full equality assessment.

Equality Analysis

- 3.44 A full equality analysis has been completed following the consultation process and is attached as appendix 4.

The Local Scheme Rules

- 3.45 Entitlement to council tax support will be based on a series of locally defined rules. The rules use national provisions for calculating entitlements for pensioners, ensuring that they are protected from these changes. This is in line with government requirements.
- 3.46 To construct the local scheme, officers have adapted the national default scheme rules for working age customers to accommodate local priorities and preferences. The rules make the necessary provisions to protect the groups defined in paragraph 3.7 of the report. A copy of the rules is attached as appendix 5.
- 3.47 Whilst the rules appear complicated they ensure that the scheme operates effectively and minimises the risk of legal challenges. The rules follow broadly the same format as the Council Tax Benefit Regulations 2006 which are currently in operation. There is no significant change to the administrative practices that the Benefits Department would undertake or the experience for

a benefit claimant. Departmental guidance manuals and procedures will be updated where necessary and training provided to staff and partner organisations.

- 3.48 The council tax support rules are being introduced at a time of great change in the welfare system. Provisions have been made to accommodate future changes, such as the introduction of Universal Credit from October 2013 and the introduction of Personal Independence Payments from April 2013.

Other Lincolnshire Schemes

- 3.49 Regular discussions have continued between Lincolnshire authorities around the development of localised council tax support schemes. Whilst it has not been possible to design a single scheme across all seven authorities due to local priorities and the geographic and demographic makeup of each district, the authorities have aimed to maintain as much commonality as possible.
- 3.50 Consultation strategies were discussed on a Lincolnshire wide level to explore best practice and the variety of options available. This helped officers to ensure that the consultation exercise was carried out appropriately and was effective.

The Council Tax Technical Changes

- 3.51 The Government proposes to allow billing authorities greater discretion over applying discounts and exemptions for certain categories of property from April 2013. It is estimated that this could generate additional revenue of £420 million in England (excluding the empty homes premium). These proposals are detailed in the Local Government Finance Bill published on 19 December 2011. To date, regulations are yet to be published so the authority has no legal power to introduce the proposed changes. Regulations are due to be published later this year.

The Government proposals allow amendments to be made to exemption classes A and C. Class A relates to a vacant dwelling where major repair works or structural alterations are required, underway or recently completed. Currently a customer would receive a 100% exemption for 12 months for Class A. Class C relates to vacant dwellings, unoccupied and substantially unfurnished. Currently a customer would receive a 100% exemption for six months for Class C.

- 3.52 Following the consultation process the Government has responded by confirming its intention to abolish the Class A and Class C exemption, and giving the power to billing authorities to give a discount of up to 100%. They have stated that the period of the discount for Class A will be for one year, being the same period as the current exemption. For Class C we are able to vary the rate and length of discount.
- 3.53 Members are asked to recommend that full council adopts a 25% discount for Class A lasting for the duration of 12 months. This would generate additional

income for the council and go some way towards meeting the funding gap created by the government's changes to the council tax benefit system.

- 3.54 Members are asked to recommend that full council make amendments to Class C so that a one month exemption with a 25% discount for the remaining five months is introduced from April 2013.
- 3.55 It should be recognised that there will be an impact upon the council tax payer along with an increased cost of collection and bad debt provision. For this additional income to be realised the local authority must collect the extra amount of council tax being charged. There is the potential for an increase in the number of small debts that will be written off.
- 3.56 Currently under the rules set by the Local Government Finance Act 1992, at the end of an exemption period the charge levied on an unoccupied property would be 50%. The government has given Local Authorities the discretion to change the level of reduction granted. Officers recommend that for properties that have been unoccupied for a period of six months or more a full charge should be applied.
- 3.57 Applying a full charge of 100% will enable the Local Authority to introduce an additional charge for properties that have been unoccupied for a period exceeding two years. Members are asked to recommend that the approval is given to introducing a charge of 150% for properties that have been unoccupied for a period of 2 or more years.
- 3.58 The aim of the proposal is to reduce the number of properties that are empty by bringing them back into use. This is in line with the council's own strategy which links to the priority of supporting good housing for all. If the policy is successful we would be unlikely to generate additional income by way of a 150% charge. Instead, these properties would incur a 75% or 100% charge in accordance with normal occupancy rules. No income budget has been created for this change.

4. OTHER OPTIONS CONSIDERED

- 4.1 Report HOF205 contained details of various other models that had been considered prior to the proposed scheme being approved for consultation purposes. Since this work was completed, on 18 October 2012, the Department for Communities and Local Government published details of a one off additional £100m grant which has been described as transitional grant to aid adoption of local schemes.. This would be made available to local authorities who developed schemes which met set criteria.
- 4.2 For the additional funding to be awarded the localised scheme would have to meet the following requirements:

1. Those who would be entitled to 100% support under current council tax benefit arrangements pay between zero and no more than 8.5% of their net council tax liability;
 2. The taper rate does not increase above 25%;
 3. There is no sharp reduction in support for those entering work.
 4. There is also a requirement for us not to significantly increase non-dependant deductions
- 4.3 If the local scheme adopted by South Kesteven met these requirements, a total of £20,082 of additional funding would be made available by the government to South Kesteven District Council. This additional funding would only be available for a one year transitional period.
- 4.4 From April 2014 funding levels would be reduced and the affordability of a scheme with the characteristics detailed above would be further brought into question. Additional consultation could be required and further changes to the scheme might lead to more confusion amongst customers about entitlements and as a result, a greater administrative burden being placed onto the Council.
- 4.5 Officers have remodelled the scheme to fit within the government's proposals by increasing the maximum eligibility for those of working age who are not protected by our scheme. In addition, a range of models have been produced that vary the level of non-dependant deductions, earnings disregards and rates for second adult rebate.
- 4.6 It has not been possible to design a scheme that would not require additional funding to be provided by the district or major precepting authorities. Both Lincolnshire County Council and Lincolnshire Police made it clear in their consultation responses that they would not make any additional funding available due to other pressures. The additional contribution required from Lincolnshire County Council would be significant. It is recognised that with no additional funding being made available it would not be realistic or sustainable for South Kesteven District Council to fund the shortfall for them.

5. RESOURCE IMPLICATIONS

- 5.1 The introduction of a new Council Tax Support scheme will require dedicated resources to continue to be allocated to this project between December 2012 and March 2013. It is believed that the expertise required to implement the proposed changes are held in house and the project can be delivered on time with minimal backfilling of posts. Additional funding has been provided by central government to assist with the introduction of a localised council tax support scheme. Resources will be utilised from:
- i. Revenues and Benefits Service
 - ii. Performance, Consultation and Communication
 - iii. Finance
 - iv. Legal and Democratic Services

- 5.2 All resource requirements have been mapped out and agreed with respective service managers. The full impact of these changes on the council will not be known until the local scheme has run for upwards of 18 months.

6. RISK AND MITIGATION

- 6.1 Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
<u>Social</u> Community Impact	Consultation and customer engagement has been completed and customers are now more aware of the proposed changes. Subject to approval of the scheme further information will be sent to those affected to enable them to plan for the reduction in support. Direct mail will be issued during December and January to continue to raise awareness of the changes. This will provide individuals with more detailed information relating to their personal circumstances. Notification letters confirming the new allowances will be sent in March as part of the annual billing process. It is expected that the authority will receive an increase in enquiry levels during each stage of the process and trained customer service agents will be on hand to meet customer demand.
<u>Economic</u> Expenditure exceeding government grant	Every effort has been made to minimise this risk. Expenditure for the proposed scheme has been projected using the data and modelling tools available. Once the local scheme has been introduced any overspend would have to be funded by the local authority. This risk has been reduced further by ensuring that arrangements are in place to share any additional costs with major precepting authorities.
<u>Technological / Contractual</u> Software installed and testing completed	This is dependent on the delivery of software from our suppliers. We have received the first part of the software release and this is being tested. We expect to receive the full release on 21 December 2012. This will allow sufficient time for the software to be configured, tested and made fully operational.

Category Risk	Action / Controls
	Resources have been allocated to the installation and testing of this software in line with expected release dates. Continued monitoring and reviews of software development will be completed to ensure that risks are managed.
<u>Physical</u> Availability and capacity of internal resources	Lack of available resources could result in key deadlines not being met and a failure to introduce a local scheme. Appropriate resources have been identified and allocated to this project to ensure that a local scheme is introduced by 31 January 2013.
<u>Legislative</u> Publication and effectiveness of new regulations	Revised rules have been written and need to be approved by members. The risk of challenge to the rules has been limited by closely mirroring the current Council Tax Benefit regulations. The rules have been reviewed by Legal and Democratic Services to provide a level of assurance. A copy of the rules is shown as appendix 5.
<u>Reputational</u> Consultation and customer engagement	Extensive consultation has been carried out to minimise the risk of a local scheme being introduced that does not meet the needs of local residents. There is also a risk of judicial review. Communication plans have been developed and agreed to help both customers and the organisation manage this change.
<u>Political and sustainability</u> Failure to adopt a local scheme by 31 January 2013	Failure to introduce a local scheme would result in the default scheme being imposed on the local authority. This would remove the ability to manage expenditure and design a scheme that meets local needs. A project plan has been agreed and resources allocated to ensure that a local scheme can be introduced on time. Regular reviews of performance against the agreed plan will be completed to manage risks.

7. ISSUES ARISING FROM IMPACT ANALYSIS

8. CRIME AND DISORDER IMPLICATIONS

8.1 Not applicable

9. COMMENTS OF FINANCIAL SERVICES

9.1 Financial comments are included in the report.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 The Local Government Finance Act has introduced a framework for the localisation of support for council tax in England which will give councils increased financial autonomy and a greater stake in the economic future of their local area, while providing continuation of council tax support for the most vulnerable in society, including pensioners.

The Act provides for change in support to be effective from April 2013. The Council has no other alternative but to develop a local scheme for council tax support to meet the expected time frame. The local rules have been developed using the nation regulations with changes incorporated to support the local scheme proposed by this report.

11. COMMENTS OF OTHER RELEVANT SERVICES

11.1 No other comments received

12. APPENDICES:

Appendix 1	Survey Booklet (available as a PDF)
Appendix 2	Covering letter to claimant
Appendix 3	Covering letter to stakeholder
Appendix 4	Equality Analysis
Appendix 5	Council Tax Support Scheme Rules (available as a PDF)

Appendix 2 – Letter to claimant

South Kesteven District Council

Council Offices, St Peter's Hill
Grantham, Lincolnshire, NG31 6PZ
Tel: 01476 406080
DV27024-Grantham
www.southkesteven.gov.uk



Your ref:
Our ref: Council Tax Support Consultation
Please ask for: Council Tax Support Consultation
Direct line: 01476 40 62 27
Fax: 01476 40 60 04
Email: CTS@southkesteven.gov.uk

Date: 13 September 2012

Dear

Reduction in help with Council Tax

From April next year Council Tax Benefit is being replaced by a new local scheme called Council Tax Support and we would like your views on the changes. The proposed new scheme aims to help people in need pay their council tax but as we are likely to see a reduction of 10% in the amount of funding we get from Central Government we will have some difficult decisions to make about who will get support and how much they will get.

We have based our scheme on a set of principles which we feel helps those residents who most need it whilst also being affordable and we are asking for your feedback during an eight-week consultation starting on 10 September until 4 November.

The enclosed survey gives you more detail on the proposed changes and principles of the new scheme. These are likely to affect you and you could get less help so please take a few minutes to look through the information and let us know what you think.

We are also running a series of informal drop-in sessions throughout the district (details of which are included on page 9 of the survey) where you can come along and find out more.

A final decision will be made on the scheme in December and we will write to you again with more details about how this will affect you as soon as the scheme has been approved. Information will also be available on the council's website at www.southkesteven.gov.uk/counciltaxsupportscheme.

Yours sincerely,

Lee Sirdifield
Benefits Manager



South Kesteven District Council

STAMFORD • GRANTHAM • BOURNE • THE DEEPINGS

Appendix 3 – Letter to stakeholder

South Kesteven District Council

Council Offices, St Peter's Hill
Grantham, Lincolnshire, NG31 6PZ
Tel: 01476 406080
DV27024-Grantham
www.southkesteven.gov.uk



Your ref:
Our ref: Council Tax Support Consultation
Please ask for: Council Tax Support Consultation
Direct line: 01476 40 62 27
Fax: 01476 40 60 04
Email: CTS@southkesteven.gov.uk

Date: 13 September 2012

Dear Sir or Madam,

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Yours faithfully,

Lee Sirdifield
Benefits Manager



South Kesteven District Council
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South Kesteven District Council

Equality Analysis (Stage 2)

Localised Council Tax Support

Service Area: Revenues and Benefits	Lead officer: Lee Sirdifield	Date of Analysis 9 November 2012
	Assessors: Lee Sirdifield Krissy Fountain	
	Neutral Assessor: Carol Drury	

1. Name of policy/service/function/strategy :

Localised Council Tax Support

The Welfare Reform Act 2010 introduced numerous changes to the way that the welfare benefit system will operate in the future. A major change impacting on local authorities is the replacement of Council Tax Benefit with a localised council tax support system.

Local authorities are required to introduce a new support scheme by January 2013 which will take effect from April 2013. Although Councils have been given an outline framework to work within, the majority of the scheme design has been left to local authority's discretion. There is a requirement to protect pensioners from any changes in the scheme and councils are encouraged to protect vulnerable recipients and incentivise work.

The extent to which a local authority funds the scheme is a local decision. A fixed grant will be allocated to district councils and any major precepting authorities. Should the district council or precepting authorities decide to introduce a scheme which is more financially generous than the government allocation, funding will have to be found from elsewhere.

In Lincolnshire the estimated total funding gap in 2013/14 ranges from £10 million to £11.4 million. This rises by 2017/18, to £11.2 million to £16.5 million. There are many variables that will affect the actual deficit but the model provides an indication of the size of the funding gap for Lincolnshire.

There are a number of options available to South Kesteven District Council:-

- Fund the difference between the grant and the level of Council Tax Support expenditure
- Generate savings from existing budgets;
- Increase Council Tax;
- Reduce the level of CTB to claimants (whilst protecting pensioners);
- Increase income through the new discretions for Council Tax exemptions;
- A combination of the above.

Given the range of priorities faced by South Kesteven District Council, funding the gap is neither realistic or, more importantly, sustainable in the longer term. Therefore initial work has concentrated on additional income generated from the Council Tax exemptions discretions and overall spending reduction in localised council tax benefits.

2. Complete the table below, reconsidering the identified negative impacts on groups from any of the protected characteristics (or diversity strands) in stage 1. If the impact has been mitigated please explain how. If the impact cannot be mitigated but can be justified please provide details and evidence. Include any fresh demographic data, user surveys, local consultations evaluation forms, comments and complaints etc.

Equality Group	At Stage 1 Did you identify that this policy/service/function/strategy had a negative impact or areas of concern for any of the equality groups	Please describe why the impact is negative. What alterations have you made to your proposal to alleviate or reduce negative impact
Age	Yes – for working age customers	Working age customers can fall into two groups: - those classed as vulnerable within the local scheme who would receive protection; those who do not qualify for protection under the vulnerability criteria. Those who fall within a vulnerable group will have their entitlement based on the full council tax charge. Those who do not meet the vulnerability criteria will have their entitlement based on 80% of their total charge. Extensive consultation has been completed to understand the views of those affected by this change and the likely impact on them. Those currently in receipt of support agreed that it was appropriate for them to make a contribution towards their council tax bill. There was less agreement that the level of contribution should be a minimum of 20%. To help manage the impact of this change, further communications will be issued to those affected. This will provide details of how individual households will be affected by the changes and what level of support they are likely to receive under the new

		scheme. It will also raise awareness of the changes and provide access to appropriate help and support wherever possible.
Disability	No	
Race	No	
Gender Reassignment	No	
Religion or Belief	No	
Sex	No	
Sexual Orientation:	No	
Pregnancy and Maternity	No	
Marriage and Civil Partnership	No	
Carers	No	
Other Groups (e.g. those from deprived (IMD*) communities; those from rural communities, those with an offending past)	No	

*(IMD = Indices of multiple deprivation)

3. What data/information did you use to inform the outcomes of the policy/service/function/strategy? (Note any relevant consultation who took part and key findings)

The localisation of Council Tax Support required the district council to consult with major precepting authorities and those who were likely to have an interest in the scheme. Discussions were held between all Lincolnshire authorities to agree consultation approaches and explore best practice.

The consultation process was split into two stages. Firstly, consultation was undertaken with major precepting authorities. Both Lincolnshire County Council and Lincolnshire Police Authority responded to the consultation documents.

Lincolnshire County Council highlighted the ongoing financial pressures faced by their organisation and stated that they had no desire to make additional service reductions to fund a shortfall in support. The County Council welcomed the proposal to combine both additional income generation from use of new discretions on levying council tax on vacant premises with cost savings in benefit entitlements from current non-vulnerable categories of claimants. The County Council would prefer additional income generation measures to take precedence over benefit reductions.

Lincolnshire Police Authority also highlighted that it faces major ongoing funding pressures and has no desire to make additional service reductions or propose additional increases in its council tax to fund this shortfall. As a result, the Police Authority supports proposals for Council Tax Support schemes which eliminate, or at least minimise, the funding reductions imposed as a result of these changes. In addition, the Police Authority supports proposals to increase income through the new discretions for Council Tax exemptions.

The second stage of the process was eight weeks of public consultation. To ensure that the consultation was effective, a range of literature was produced, stating the proposed scheme in detail, with easy to understand case studies to illustrate the effect of the changes on different groups. The consultation defined the key principles of the scheme as:

- Most people should contribute something towards their council tax bill
- We should protect those with disabilities from any reduction in support
- We should protect carers from any reduction in support
- We should protect war pensioners from any reduction in support
- The scheme should make work pay
- The scheme should be available to all council tax payers, regardless of the size of property that they live in

Furthermore, the consultation outlined the existing principles contained within the Council Tax Benefit scheme that will be retained to form part of the new support scheme. The key existing principles are:

- Second adults in the property should contribute
- Benefit should not be paid to those with capital above set limits
- Benefit can be paid based on the income of a second adult with a low income
- Those with more income should pay relatively more than those with less income

Consultation was undertaken through a wide range of media with the council's communications team issuing a series of press releases. Consultation began with our proposed scheme being published on the Council's web page and promoted through the home screen. The information guided customers through the principles of the scheme and presented a series of frequently asked questions to help customers gain a clear understanding.

Customers were also given access to an online calculator which allowed them to model the impact of the proposed changes based on their personal circumstances. The tool compared current council tax benefit entitlement with proposed council tax support entitlement.

A web based version of the council tax support survey gave residents the opportunity to express their views on the main principles of the scheme without the need for them to have been directly targeted.

A dedicated council tax support telephone helpline was set up to enable customers to speak to specialist advisors who were on hand to explain the scheme and provide specific advice based on individuals circumstances. The telephone helpline was promoted through the survey booklet, on the web and via the local press.

We directly surveyed those known to be affected by the proposed changes, both in terms of receiving protection due to a local decision, or a reduction in support. Pensioners did not form part of the direct survey as they are protected through government legislation. 5,157 surveys were issued to working age benefit recipients who were likely to be affected by the proposed changes. 62 surveys were issued interested parties and key stakeholder groups.

A series of drop-in sessions were held across the district at seven locations with staff available to answer any questions that residents may have had. These were spread geographically across the district with extra sessions targeted towards those areas of the district that have a high proportion of claimants and dependency on welfare support. Both customers and their representative groups were invited to attend to find out more about the proposed changes. Consultation sessions ran from 4pm through to 7.30pm.

A variety of media was used to publicise the consultation process and related events. This included publications such as County News and The Grantham Journal. Press releases were also circulated to all media across South Kesteven.

Workshops were also held with the Community Focus Forum and the Homelessness Forum. This not only promoted the proposed scheme to a wide range of community groups, but also encouraged feedback from those they represent.

On 13 September 2012 officers presented the proposed scheme and consultation papers to council members. Members were asked to promote the consultation exercise in their wards and help customers to engage with the consultation process.

Results from the postal survey

The postal survey was targeted to those in receipt of council tax benefit who were likely to be affected by the changes. 832 surveys were returned during the consultation period,

giving an overall response rate of 15.9%. The survey as designed to inform people in affected groups of the changes that were taking place and help them to determine to what degree they would be affected by them. Eleven case studies were presented to help customers understand not only how the scheme would affect their current circumstances, but what it would mean should their circumstances change.

Respondents were asked a number of questions to capture their views about the principles of the new scheme and whether or not the change would impact on them. Questions also gathered the following information:

- Household composition
- Gender
- Age
- Employment status
- Ethnic group
- Sexual orientation

92.9% of respondents were talking about their own personal circumstances, with the remaining responses coming from voluntary organisations, housing associations, private landlords and other interested parties.

Principle one- most people of working age should pay something towards their council tax

- Approximately half of the people who responded to this question said that it would affect their household.
- Overall, 56% of respondents were in agreement with the principle of most people of working age paying something towards their council tax. 22.6% of respondents neither agree nor disagree with it.

We then asked whether most people of working age should pay a minimum of 20% of their council tax charge. 39.8% were in agreement. 28.6% of respondents neither agree nor disagree. Analysis of those in agreement shows that:

- 58.8% of families with one or more dependent children and 55.8% of lone parents agreed that most people of working age should pay something towards their bill.
- Of those who would be classed as vulnerable under the scheme, 56% were in agreement that most people of working age should pay something.
- 71% of households with full or part time workers and 52.6% of households without children were in agreement.

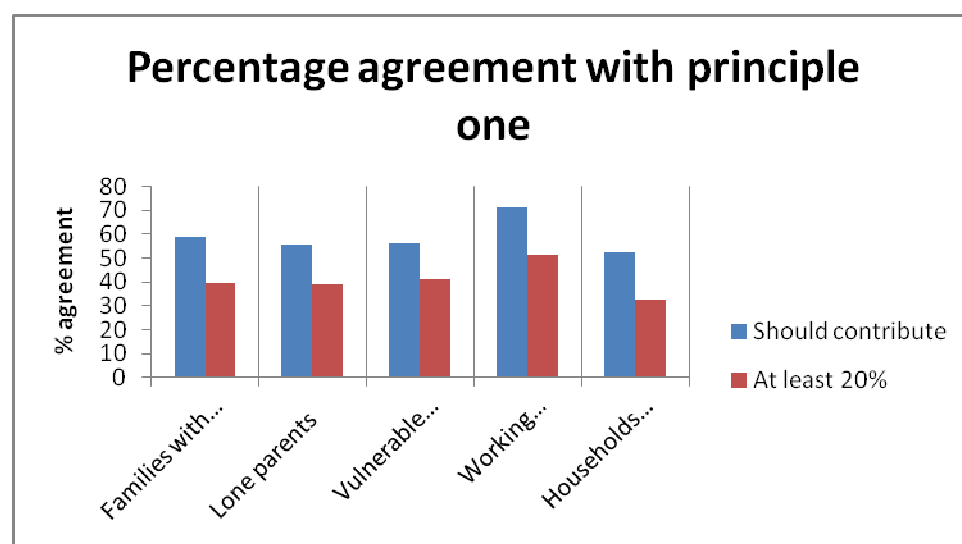
Respondents were asked whether the contribution should be a minimum of 20% of their bill. Around half of the respondents (50.6%) thought that the change would affect them and overall there was less agreement. 39.8% of respondents were in agreement with 31.6% stating that they disagree with this level of contribution.

- 39.7% of families with one or more dependent children and 39% of lone parents agreed that most people of working age should pay a minimum of 20% of their council tax charge.
- Of those classed as vulnerable 41% were in agreement that most people of working age should pay a minimum of 20% of their council tax charge.
- 51.3% of households with full or part time workers were in agreement that most

people of working age should pay a minimum of 20% of their council tax charge.

Graph 1 provides a comparison between the level of agreement that a contribution should be made, and that contribution being set at 20%. It is clear from these results that whilst there is agreement that most people of working age should make a contribution towards their bill, there is less agreement to the level of contribution being set at a value of at least 20%.

Graph 1



Principle two – those with disabilities should be protected from any reduction in support

- 81.2% of respondents agree that those assessed by us as being disabled should be protected.
- 93.2% of those in a household that included a disabled person agreed that those with disabilities should be protected.

It is clear from the results that there is strong agreement with principle two.

Principle three – those with caring responsibilities should be protected from any reduction in support

- 74% of respondents agree that those with caring responsibilities should be protected.
- 96.4% of those with a carer in the household agreed that those with caring responsibilities should be protected.

It is clear from the results that there is strong agreement with principle three.

Principle four – war pensioners should be protected from any reduction in support

- 78.3% of respondents agree that war pensioners should be protected.
- 100% of those households with someone entitled to a war pension agreed that war pensioners should be protected from any reduction in support.

It is clear from the results that there is strong agreement with principle four.

Principle five – the scheme should make work pay

- 63.6% of respondents agree that people who are working should keep more of their earnings before the means test is applied.
- 80.3% of those in a household with full or part time workers were in agreement that people who are working should keep more of their earnings before the means test is applied.

There is broad support for principle five across all demographics, with those in employment agreeing more strongly with this principle.

Principle six – the scheme should be available to all those who pay council tax regardless of the size of the property they live in

- 54.7% agree that the amount of council tax support should not be linked to the size of the property. 20.5% of people neither agreed nor disagreed with this principle.

There was a mix of opinion across all groups, with slightly more agreement from families with children in the household. Respondents commented that 'the size of the house shouldn't matter' and 'I don't see why it's based on the size of the property'.

Results from the web-based survey

The web based survey invited response from a wider audience than just those in receipt of council tax benefit. Views were received from 15 respondents. Two of these were Housing Associations and 13 were from individuals. 80% of respondents agreed that most people of working age should pay something towards their council tax, with 66.7% agreeing that the minimum contribution should be 20%

There was strong agreement that each of the groups identified as vulnerable should be protected. 73.3% of respondents agreed that people who are working should keep more of their earnings before the means test is applied. Only 26.7% of people agreed that the amount of council tax support should not be linked to the size of the property lived in.

It should be highlighted that the response rate for the web-based survey was very low and less reliability can therefore be placed on the data. However, the results do appear to follow broadly the same pattern as the postal survey.

In addition to this, 353 people accessed our web page to find out more about the proposed scheme.

Results from the drop-in sessions

Whilst the drop-in sessions were held across all areas of South Kesteven, attendance levels were low. In total, six people attended, each asking questions which related to their personal circumstances. No objections to the scheme were presented.

It is believed that the low attendance rate is due to good response rate from the survey. Analysis of the comments made on the surveys suggested that there was a good understanding of the information presented and the need for additional information and support was mitigated.

Results from the helpline

During the consultation period a total of 44 calls received. These calls dealt with a variety of enquiries, including queries regarding the drop-in sessions and how the proposed scheme would affect people on different types of income. Advice and guidance was provided by trained officers to help customers gain a more detailed understanding of the scheme.

Accessibility of information

In total 1,250 responses were received during the consultation period. Through using a wide of approaches during the consultation period and engaging with our stakeholders, it has been possible to gain a more detailed understanding of needs and opinions.

4. Outcomes of analysis and recommendations (please note you will be required to provide evidence to support the recommendations made): Please tick one of the options.

a. No changes required: evidence confirms that the possibility of negative impact has been mitigated and all opportunities to promote equality have been taken

☐

b. All necessary changes made: Stage 2 equality analysis proves that any potential for discrimination or for negative impact have been mitigated and all opportunities to promote equality have been taken.

☐

c. Adverse impact remains but can be justified. Please provide an explanation in the box below that clearly sets out your justification for continuing with the policy/function/service/strategy. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact.

☒

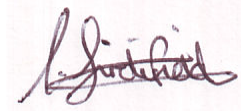
It is clear that some customers of working age will see a reduction in the level of support received from the proposed scheme. Whilst the consultation process showed that there was broad agreement with the changes, we believe that some customers may face greater financial pressures than others. The impact of this change is therefore difficult to predict even though extensive consultation and analysis has been undertaken.

During the first six months of this scheme, officers will monitor expenditure levels and the impact on council tax collection. This will enable us to identify whether the scheme creates additional hardship for particular groups.

A stage 3 review will be completed after six months of monitoring have been completed.

Go to stage 3

Signed (Lead Officer):

A handwritten signature in dark ink, appearing to read 'L. Sirdifield', is written over a light pink rectangular background.

Lee Sirdifield
Benefits Manager

Date completed: 9 November 2012



your council working for you

Council Tax Support Scheme

Have your say





Introduction

In April 2013 the national Council Tax Benefit scheme (CTB) will be replaced by a local scheme called Council Tax Support (CTS).

What is council tax benefit?

Council tax benefit is a means tested benefit that helps people on low incomes pay their council tax. It is administered by your local council (South Kesteven District Council) using rules that have been set nationally and is fully funded by central government.

What is council tax support?

Council tax support will also be a means tested benefit that helps people on low incomes pay their council tax. It will be administered by your local council using rules that have been set locally and will not be fully funded by central government.

Why is the scheme changing?

Because it has to. Central government is abolishing the council tax benefits system and asking us to introduce a local scheme based on local needs and priorities. This scheme will start on 1st April 2013.

The amount of funding we get from central government will also change. It is likely to drop by at least 10% (estimated at around £1million) and this gap will increase further if the number of people claiming support goes up or if council tax increases.

The reduction in funding means that we will have to make some difficult decisions about who will get help with paying their council tax and how much help they will get. Some groups of people will be protected from these changes and will not have to pay more, but others will.

How can I help?

To help us take these decisions we would like your views on our scheme. Your feedback will help us to shape our local scheme to reflect your needs and those of the community as a whole. To assist you in this process we have divided the survey into sections. These are:

- **The principles of the new scheme**
- **Who will be affected**
- **What the new scheme means to you**
- **Your views**
- **Personal information**

The principles of the new scheme

These are:

1 Most people (of working age) should pay something towards their council tax

If you claim council tax support (unless you are protected) you will only be eligible for help with paying up to a maximum of 80% of your weekly council tax charge. This means you will be required to pay a contribution towards your weekly council tax of at least 20% and are likely to see the amount of council tax support you get go down.

2 Those with disabilities should be protected from any reduction in support

If you claim council tax support and we consider you to be disabled you will be eligible for help with paying up to 100% of your weekly council tax charge. This means that you will not be asked to make any more of a contribution towards your weekly council tax than you do at the moment and are likely to see no change in the amount of council tax support you receive.

3 Those with caring responsibilities should be protected from any reduction in support

If you claim council tax support and are in receipt of a carer's allowance you will be eligible for help with paying up to 100% of your weekly council tax charge. This means you will not be asked to make any more of a contribution towards your weekly council tax than you do at the moment and are likely to see no change in the amount of council tax support you receive.

4 War pensioners should be protected from any reduction in support

If you claim council tax support and are in receipt of a war disability or a war widow's pension, you will be eligible for help with paying up to 100% of your weekly council tax charge. This means you will not be asked to make any more of a contribution towards your weekly council tax than you do at the moment and are likely to see no change in the amount of council tax support you receive.



5 The scheme should make work pay

This will be achieved by letting those of you claiming council tax support that are working keep more of your earnings before the means test is applied. This means we will take a lower level of earnings into account when calculating council tax support entitlement. If you are in work and have the same amount of income as someone out of work, you will receive more help towards paying your council tax as you will keep more of the money you have earned from working before your entitlement is reduced. This will increase by £5 across the board, from £5 to £10 for a single person and from £10 to £15 for a couple, £20 to £25 if disabled, and from £25 to £30 for a lone parent.

6 The scheme should be available to all those who pay council tax, regardless of the size of the property they live in

We think the amount of council tax support you get should be based on your income and ability to pay, not on the size of the property you live in. Not placing a restriction on the size of the property recognises that different sized families need different sizes of accommodation. This means the council tax band your property is in will not have an impact on the amount of council tax support you will get.

These principles will sit alongside those already in operation under the current scheme. These are:

7 Second adults living in the property should contribute

By second adult we mean someone who lives with you and is over 18, is not your partner and does not pay you rent. Examples include adult children, other relatives and friends. If you are in receipt of council tax support and have a second adult living with you, in most cases the amount of support you receive will be reduced by a set amount depending on the income they have.

8 Benefits should not be paid to those with capital above set limits

If you have more than £16,000 you will not be entitled to receive any council tax support, irrespective of the amount of income you have.

9 Benefits can be paid based on the income of a second adult with a low income

By second adult, we mean somebody who lives with you and is over 18, is not your partner and does not pay you rent. If the second adult is on a low income we can award council tax support based on their income regardless of the level of your own income.

10 Those with relatively more income should pay more than those with less income

Council tax support looks at the amount of income you have and determines the amount of help you need with your bill. Those with higher incomes will be asked to pay a greater proportion of their bill than those with lower incomes.

Who will be affected?

If you are currently getting council benefits and are of working age, you are likely to see the amount you receive go down.

If you are a pensioner, you will be protected from any changes to the amount of council tax support you receive.

If we consider that you or a member of your household are disabled or if you are in receipt of a carers allowance or a war disability or war widows pension, you will also be protected from any changes to the amount of council tax support you receive.

What the new scheme means to you

To help you understand how the new scheme will affect you and your household, we have developed a number of case studies designed to show the impact of these changes. These will vary according to your personal circumstances and if you are working or not.

Case studies

CASE STUDY ONE

Not working - Single person in receipt of Jobseekers Allowance (income based)

Current Council Tax Benefit Scheme		Proposed Council Tax Support Scheme	
Weekly Council Tax charge	£14.06	Weekly Council Tax charge	£14.06
Council Tax used in calculation	£14.06	Council Tax used in calculation	£11.25
As in receipt of Jobseekers Allowance (income based) automatically gets the full amount of Council Tax used in the calculation		As in receipt of Jobseekers Allowance (income based) automatically gets the full amount of Council Tax used in the calculation	
Entitlement	£14.06	Entitlement	£11.25



Like most people of working age this customer will only be eligible for help with paying up to 80% of their weekly council tax charge. That means the amount of council tax they will be entitled to get help with paying will go down by 20% and the customer will be asked to pay more towards their bill.

CASE STUDY TWO

Not working - Single person in receipt of Jobseekers Allowance (income based) with another adult in household who is working

Current Council Tax Benefit Scheme		Proposed Council Tax Support Scheme	
Weekly Council Tax charge	£15.60	Weekly Council Tax charge	£15.60
Council Tax used in calculation	£15.60	Council Tax used in calculation	£12.48
As in receipt of Jobseekers Allowance (income based) automatically gets the full amount of Council Tax used in the calculation less deductions for other adults		As in receipt of Jobseekers Allowance (income based) automatically gets the full amount of Council Tax used in the calculation less deductions for other adults	
Deductions	£9.90	Deductions	£9.90
Entitlement	£5.70	Entitlement	£2.58



Like most people of working age this customer will only be eligible for help with paying up to 80% of their weekly council tax charge. That means the amount of council tax they will be entitled to get help with paying will go down by 20% and the customer will be asked to pay more towards their bill.

CASE STUDY THREE

Not working - in receipt of Jobseekers Allowance (contribution based) with £7,500 of savings

Current Council Tax Benefit Scheme		Proposed Council Tax Support Scheme	
Weekly Council Tax charge	£20.00	Weekly Council Tax charge	£20.00
Council Tax used in calculation	£20.00	Council Tax used in calculation	£16.00
Income	£77.00	Income	£77.00
Allowances	£71.00	Allowances	£71.00
Disregards	£0.00	Disregards	£0.00
20% of Excess Income	£1.20	20% of Excess Income	£1.20
Entitlement	£18.80	Entitlement	£14.80



Like most people of working age this customer will only be eligible for help with paying up to 80% of their weekly council tax charge. That means the amount of council tax they will be entitled to get help with paying will go down by 20% and the customer will be asked to pay more towards their bill.

CASE STUDY FOUR

Not working - Lone Parent in receipt of Income Support

Current Council Tax Benefit Scheme		Proposed Council Tax Support Scheme	
Weekly Council Tax charge	£15.41	Weekly Council Tax charge	£15.41
Council Tax used in calculation	£15.41	Council Tax used in calculation	£12.33
As in receipt of Income Support automatically gets the full amount of Council Tax used in the calculation		As in receipt of Income Support automatically gets the full amount of Council Tax used in the calculation	
Entitlement	£15.41	Entitlement	£12.33



Like most people of working age this customer will only be eligible for help with paying up to 80% of their weekly council tax charge. That means the amount of council tax they will be entitled to get help with paying will go down by 20% and the customer will be asked to pay more towards their bill.

CASE STUDY FIVE

Not working - Couple with 2 children in receipt of Jobseekers Allowance (contribution based) and tax credits giving a total weekly income of £265.00

Current Council Tax Benefit Scheme		Proposed Council Tax Support Scheme	
Weekly Council Tax charge	£20.40	Weekly Council Tax charge	£20.40
Council Tax used in calculation	£20.40	Council Tax used in calculation	£16.32
Income	£265.00	Income	£265.00
Allowances	£258.83	Allowances	£258.83
Disregards	£0.00	Disregards	£0.00
20% of Excess Income	£1.23	20% of Excess Income	£1.23
Entitlement	£19.17	Entitlement	£15.09



Like most people of working age this customer will only be eligible for help with paying up to 80% of their weekly council tax charge. That means the amount of council tax they will be entitled to get help with paying will go down by 20% and the customer will be asked to pay more towards their bill.

CASE STUDY SIX

Not working - Lone parent with 2 children in receipt of Income Support and Disability Living Allowance

Current Council Tax Benefit Scheme		Proposed Council Tax Support Scheme	
Weekly Council Tax charge	£15.74	Weekly Council Tax charge	£15.74
Council Tax used in calculation	£15.74	Council Tax used in calculation	£15.74
As in receipt of Income Support automatically gets the full amount of Council Tax used in the calculation		As in receipt of Income Support automatically gets the full amount of Council Tax used in the calculation	
Entitlement	£15.74	Entitlement	£15.74



Because we consider this person to be disabled they fall within a protected group so see no reduction in support and will not be asked to pay more towards their bill.

CASE STUDY SEVEN

Working - Single person earning £90 per week

Current Council Tax Benefit Scheme		Proposed Council Tax Support Scheme	
Weekly Council Tax charge	£15.60	Weekly Council Tax charge	£15.60
Council Tax used in calculation	£15.60	Council Tax used in calculation	£12.48
Income	£90.00	Income	£90.00
Allowances	£71.00	Allowances	£71.00
Disregards	£5.00	Disregards	£10.00
20% of Excess Income	£2.80	20% of Excess Income	£1.80
Entitlement	£12.80	Entitlement	£10.68



Like most people of working age this customer will only be eligible for help with paying up to 80% of their weekly council tax charge. That means the amount of council tax they will be entitled to get help with paying will go down by 20% and the customer will be asked to pay more towards their bill. Because the amount of money they keep from earnings has increased the amount they will be asked to pay towards their bill is less than if they weren't working.

CASE STUDY EIGHT

Working - Couple, both working and total earnings of £200 per week

Current Council Tax Benefit Scheme		Proposed Council Tax Support Scheme	
Weekly Council Tax charge	£21.26	Weekly Council Tax charge	£21.26
Council Tax used in calculation	£21.26	Council Tax used in calculation	£17.01
Income	£200.00	Income	£200.00
Allowances	£111.45	Allowances	£111.45
Disregards	£10	Disregards	£15
20% of Excess Income	£15.71	20% of Excess Income	£14.71
Entitlement	£5.55	Entitlement	£2.30



Like most people of working age this customer will only be eligible for help with paying up to 80% of their weekly council tax charge. That means the amount of council tax they will be entitled to get help with paying will go down by 20% and the customer will be asked to pay more towards their bill. Because the amount of money they keep from earnings has increased the amount they will be asked to pay towards their bill is less than if they weren't working.

CASE STUDY NINE

Working - Lone Parent with 2 children having a total income of £270 working less than 30 hours per week (made up of wages and tax credits)

Current Council Tax Benefit Scheme		Proposed Council Tax Support Scheme	
Weekly Council Tax charge	£15.86	Weekly Council Tax charge	£15.86
Council Tax used in calculation	£15.86	Council Tax used in calculation	£12.69
Income	£270.00	Income	£270.00
Allowances	£218.38	Allowances	£218.38
Disregards	£25.00	Disregards	£30.00
20% of Excess Income	£5.32	20% of Excess Income	£4.32
Entitlement	£10.54	Entitlement	£8.37



Like most people of working age this customer will only be eligible for help with paying up to 80% of their weekly council tax charge. That means the amount of council tax they will be entitled to get help with paying will go down by 20% and the customer will be asked to pay more towards their bill. Because the amount of money they keep from earnings has increased the amount they will be asked to pay towards their bill is less than if they weren't working.

CASE STUDY TEN

Working - Couple with 1 child having a total income of £310 working more than 30 hours per week (made up of wages and tax credits)

Current Council Tax Benefit Scheme		Proposed Council Tax Support Scheme	
Weekly Council Tax charge	£20.62	Weekly Council Tax charge	£20.62
Council Tax used in calculation	£20.62	Council Tax used in calculation	£16.50
Income	£310.00	Income	£310.00
Allowances	£193.84	Allowances	£193.84
Disregards	£27.10	Disregards	£32.10
20% of Excess Income	£17.81	20% of Excess Income	£16.81
Entitlement	£2.81	Entitlement	£0.00



Like most people of working age this customer will only be eligible for help with paying up to 80% of their weekly council tax charge. That means the amount of council tax they will be entitled to get help with paying will go down by 20% and the customer will be asked to pay more towards their bill. Because the amount of money they keep from earnings has increased the amount they will be asked to pay towards their bill is less than if they weren't working.

CASE STUDY ELEVEN

Working - Vulnerable couple with 2 children and husband is in receipt of Disability Living Allowance (DLA) having an income of £420 per week (made up of earnings and tax credits, but excluding DLA)

Current Council Tax Benefit Scheme		Proposed Council Tax Support Scheme	
Weekly Council Tax charge	£21.29	Weekly Council Tax charge	£21.29
Council Tax used in calculation	£21.29	Council Tax used in calculation	£21.29
Income	£420.00	Income	£420.00
Allowances	£302.00	Allowances	£302.00
Disregards	£37.10	Disregards	£42.10
20% of Excess Income	£16.18	20% of Excess Income	£15.18
Entitlement	£5.11	Entitlement	£6.11



Because we consider this person to be disabled they fall within a protected group so see no reduction in support. In addition, because they are working they are allowed to keep more of their earnings so less income is taken into account. Overall this customer is better off.

Your views

Please let us know what you think of the proposed council tax support scheme by completing the following questionnaire.

The closing date for this consultation is 4 November 2012.

Please use the pre-paid envelope provided to return the survey to us by the 19 October 2012. You can hand it in at our customer services centre in Grantham, or our area offices in Bourne, Stamford or Market Deeping or you can complete the survey on line. Please go to www.southkesteven.gov.uk/counciltaxsupportscheme

We are also running a number of drop-in sessions throughout our area where you can come along and find out more. Staff will be available to answer any questions you may have about the new scheme.

See opposite for where the drop in sessions will be held.

All sessions will run from 4pm through to 7.30pm

If you would like to know more about these changes, please contact our helpline on **01476 406227**

**The Small Hall,
St James Hall, Long
Bennington - 18th
September**

**The Lionel Beck
Room, The
Deepings
Community
Centre - 24th
September**

**The Blue Room,
Stamford Arts
Centre -
8th October**

**The Cree Centre,
Aire Road,
Grantham -
10th October**

**The Newton Room,
Guildhall Arts
Centre, Grantham
- 17th October**

**Harrowby
Methodist Church
Hall, Harrowby
Lane, Grantham
- 24th October**

**The Methodist
Church Hall,
Bourne - 29th
October**

Questionnaire

Q1 Are you responding as an individual or on behalf of an organisation/ group?

Please tick ✓ one only

☐ Individual

☐ Voluntary Organisation

☐ Housing Association

☐ Private Landlord

☐ Other, please state

Q2 If you are responding on behalf of an organisation or group, please tell us the name of the organisation and who you represent in the space below.

PRINCIPLE ONE

Q3 How strongly do you agree or disagree that most people of working age should pay something towards their council tax bill?

Please tick ✓ one only

☐ Strongly agree

☐ Tend to agree

☐ Neither agree nor disagree

☐ Tend to disagree

☐ Strongly disagree

Q4 Would this change have an effect on your household or client group?

Please tick ✓ one only

☐ Yes

☐ No

☐ Don't know

Q5 How strongly do you agree or disagree that most people of working age should pay a minimum of 20% of their council tax charge?

Please tick ✓ one only

☐ Strongly agree

☐ Tend to agree

☐ Neither agree nor disagree

☐ Tend to disagree

☐ Strongly disagree

Q6 Would this change have an effect on your household or client group?

Please tick ✓ one only

☐ Yes

☐ No

☐ Don't know

PRINCIPLES TWO, THREE AND FOUR

Q7 How strongly do you agree or disagree that the following groups of people should be protected from these changes?

Please tick ✓ one only for each category

	a. Those that have been assessed as being disabled by us	b. Those in receipt of a carer's allowance from the DWP	c. Those in receipt of a war disability or a war widow's pension
Strongly agree			
Tend to agree			
Neither agree nor disagree			
Tend to disagree			
Strongly disagree			

Q8 Would any of these have an effect on your household or client group?

Please tick ✓ one only

☐ Yes

☐ No

☐ Don't know



PRINCIPLE FIVE

Q9 How strongly do you agree or disagree that people who are working should keep more of their earnings before the means test is applied and their entitlement to council tax support is calculated?

Please tick ✓ one only

- ☐ Strongly agree ☐ Tend to agree ☐ Neither agree nor disagree ☐ Tend to disagree ☐ Strongly disagree ☐ Don't know

Q10 Would this change have an effect on your household or client group?

Please tick ✓ one only

- ☐ Yes ☐ No ☐ Don't know

PRINCIPLE SIX

Q11 How strongly do you agree or disagree that the amount of council tax support awarded should not be linked to the size of the property lived in?

Please tick ✓ one only

- ☐ Strongly agree ☐ Tend to agree ☐ Neither agree nor disagree ☐ Tend to disagree ☐ Strongly disagree ☐ Don't know

Q12 Please use the space below to make any additional comments about the new scheme.

ABOUT YOU

To help us measure the impact of the proposed changes, we would like to ask you some questions about you and your household.

Q13 How would you describe your household?

Please tick ✓ all that apply

- ☐ A family with one or more dependent children
☐ A carer
☐ A household that includes someone who is disabled
☐ A single person household or a couple without children
- ☐ A lone parent household with one or more dependent children
☐ A household with full or part time workers
☐ A household that includes someone entitled to a war pension
☐ None of these – please state below

Q14 Are you

Please tick ✓ one only

- ☐ Male ☐ Female ☐ Prefer not to say

Q15 How old are you?

Please tick ✓ one only

- ☐ Under 18 ☐ 19-24 ☐ 25-34 ☐ 35-60 ☐ 61 or over ☐ Prefer not to say

Q16 To help us understand issues which relate to specific areas of our district could you please state your postcode:

Postcode:

Q17 What is your current employment status?

Please tick ✓ all that apply

- ☐ In paid employment ☐ Not in paid employment ☐ Seeking work ☐ Wholly retired from work ☐ Looking after the family/home
☐ Permanently sick or disabled ☐ In full time education ☐ A volunteer

Q18 What is your ethnic background?

Please tick ✓ only one

- ☐ White British ☐ White Irish ☐ White gypsy or Irish traveller ☐ White other ☐ Mixed – white and black Caribbean
☐ Mixed – white and black African ☐ Mixed – white and Asian ☐ Mixed – other ☐ Asian or Asian British – Indian
☐ Asian or Asian British – Pakistani ☐ Asian or Asian British – Bangladeshi ☐ Asian or Asian British – any other Asian origin
☐ Black or Black British – Caribbean ☐ Black or Black British – African ☐ Black or Black British – any other black origin
☐ Chinese ☐ Other, please state

Q19 Are you

Please tick ✓ only one

- ☐ Lesbian or gay ☐ Bisexual ☐ Straight (heterosexual) ☐ Prefer not to say

Thank you for completing our survey. Please return it using the pre-paid envelope provided by the 19 October 2012.



South Kesteven District Council
Council Offices
St. Peter's Hill
Grantham
Lincolnshire
NG31 6PZ

t: 01476 40 60 80

e: pr@southkesteven.gov.uk

w: www.southkesteven.gov.uk

South Kesteven District Council
Council Tax Reduction Scheme Rules 2012

Approved by full council:
Coming into force:

DRAFT

South Kesteven District Council - Council Tax Reduction Scheme
2013
DRAFT

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PART 1

Introduction

Citation

1. This scheme may be cited as the South Kesteven District Council – Council Tax Reduction Scheme 2013.

PART 2

Interpretation

Interpretation regulation

- 2.— (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;

“alternative maximum council tax reduction” means the amount determined in accordance with paragraph 30 and Schedule 4;

“applicable amount” means—

- (a) in relation to a pensioner, the amount calculated in accordance with paragraph 24 and Schedule 2, and
- (b) in relation to a person who is not a pensioner, the amount calculated in accordance with—
 - (i) paragraph 25 and Schedule 3; or
 - (ii) paragraph 27

as the case may be;

“applicant” means a person applying for a reduction under this scheme;

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

“appropriate DWP office” means an office of the Department for Work and Pensions dealing with state pension credit or 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;

“assessment period” means the period determined—

- (a) in relation to pensioners—

- (i) in relation to the earnings of a self-employed earner, in accordance with paragraph 42 of this scheme for the purpose of calculating the weekly earnings of the applicant; or
 - (ii) in relation to any other income, in accordance with paragraph 39 of this scheme 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 46 to 48 of this scheme 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 under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to that Act;
- (d) an increase of an allowance which is payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to that Act;
- (e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or
- (f) any payment based on need for attendance which is paid as part of a war disablement pension;

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

“basic rate” has the meaning given by the Income Tax Act 2007 (see section 989 of that Act);

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

“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;

“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 care costs element" has the meaning given by regulation 27 of the Universal Credit Regulations 2012(a);

"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;

"council tax benefit" means council tax benefit under Part 7 of the SSCBA;

"couple" has the meaning given by paragraph 4 of this scheme;

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

"dwelling" has the meaning given by section 3 of the 1992 Act;

"earnings" has the meaning given by paragraph 40, 42, 43 or 50 of this scheme 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;

"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;

"extended reduction" means a reduction under this scheme for which a person is eligible under Part 12 (extended reductions);

"extended reduction period" means the period for which a person is in receipt of an extended reduction in accordance with paragraph 87, 94 or 99;

"extended reduction (qualifying contributory benefits)" means a reduction under this scheme for which a person is eligible in accordance with paragraph 87 or 98;

"family" has the meaning given by paragraph 6 of this scheme;

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

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

"housing benefit" means housing benefit under Part 7 of the SSCBA;

"housing costs element" has the meaning given by regulation 21 of the Universal Credit Regulations 2012(a);

"an income-based jobseeker's allowance" and "a joint-claim jobseeker's allowance" have the meanings given by the Jobseekers Act 1995 by virtue of section 1(4) of that Act;

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

"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 healthcare service as defined by section 2(5)(a) and (b) of the Regulation of Care (Scotland) Act 2001;

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

the other part;

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

“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;

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

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

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

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

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

“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)(vi) of Schedule 5 to this scheme 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 earnings" means such earnings as are calculated in accordance with paragraph 41 or 51 of this scheme, as the case may be;

"net profit" means such profit as is calculated in accordance with paragraph 60 of this scheme;

"new dwelling" means, for the purposes of the definition of "second authority" and paragraphs 89, 96 and 101, 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 of this scheme;

"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

"partner", in relation to a person, means—

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

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

"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) of this scheme;

"person on income support" means a person in receipt of income support;

"person who is not a pensioner" has the meaning given by paragraph 3(2)(b) of this scheme;

"persons treated as not being in Great Britain" has the meaning given by paragraph 21 of this scheme;

"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 of this scheme applies;

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

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

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

“qualifying contributory benefit” means—

- (a) severe disablement allowance;
- (b) incapacity benefit;
- (c) contributory employment and support allowance;

“qualifying income-related benefit” means—

- (a) income support;
- (b) income-based jobseeker’s allowance;
- (c) income-related employment and support allowance;

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

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

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

“relevant 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 of this scheme;

“rent” means “eligible rent” to which regulation 12 of the Housing Benefit (Persons who have acquired the qualifying age for state pension credit) Regulations 2006 refer, less any deductions in respect of non-dependants which fall to be made under paragraph 29 (non-dependant deductions) of this scheme;

“resident” has the meaning given by Part 1 of the 1992 Act;

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

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

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

“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 group” means a group of individuals that is consulted by or on behalf of—

- (a) a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978,
- (b) a landlord authority in consequence of a function under section 105 of the Housing Act 1985,
- (c) a public authority in consequence of a function under section 49A of the Disability Discrimination Act 1995,
- (d) a public authority in consequence of a function under section 49 of the Equality Act 2010;
- (e) a best value authority in consequence of a function under section 3 of the Local Government Act 1999,

- (f) a local authority landlord or registered social landlord in consequence of a function under section 53 of the Housing (Scotland) Act 2001,
- (g) a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006,
- (h) a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006,
- (i) the Commission or the Office of the Health Professions Adjudicator in consequence of a function under sections 4, 5, or 108 of the Health and Social Care Act 2008,
- (j) the regulator or a private registered provider of social housing in consequence of a function under sections 98, 193 or 196 of the Housing and Regeneration Act 2008, or
- (k) a public or local authority in Great Britain in consequence of a function conferred under any other enactment,

for the purposes of monitoring and advising on a policy of that body or authority which affects or may affect persons in the group, or of monitoring or advising on services provided by that body or authority which are used (or may potentially be used) by those persons;

"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;

"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" means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No 2) Trust;

"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;

"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 in accordance with regulation 27A of the Jobseeker's Allowance Regulations 1996 or section 19 or 20A or regulations made under section 17A of the Jobseekers Act 1995 (circumstances in which a jobseeker's allowance is not payable); or
 - (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker's Allowance Regulations 1996 or section 19 or 20A or regulations made under section 17A of that Act;
 - (c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and no joint-claim jobseeker's allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;
 - (d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).
- (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 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).

Application of scheme: pensioners and persons who are not pensioners and persons who are vulnerable

3.— (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 classes D, F or H
- (c) persons who are not pensioners and are vulnerable who fall within of classes E or G

(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, or, 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.

Meaning of "couple"

4.— (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 husband and wife;
 - (c) two people of the same sex who are civil partners of each other and are members of the same household; or
 - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.
- (2) Two people of the same sex who are not civil partners of each other are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.

Polygamous marriages

5.— (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 neither party to the marriage is to be taken to be a member of a couple.

Meaning of "family"

6.— (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; or
 - (b) a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies.

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

- 7.—** (1) A person is to be treated as responsible for a child or young person who is normally living with him, including a child or young person to whom 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 reduction 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.

Households

- 8.—** (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 be treated as a member of the applicant's household where he is—
 - (a) placed with the applicant or his partner by a local

- authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
- (b) placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
 - (c) placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.
- (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 reduction week where—
- (a) that child or young person lives with the applicant for part or all of that reduction week; and
 - (b) the authority considers that it is reasonable to do so taking into account the nature and frequency of that child's or young person's visits.
- (5) In this 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; and
 - (o) the Legal Aid, Sentencing and Punishment of Offenders

Non-dependants

- 9.—** (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, 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 sections 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 reduction scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement

giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;

- (c) a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the change giving rise to the new liability was not made to take advantage of a council tax reduction scheme.

Remunerative work

- 10.—** (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 claim, 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 reduction 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 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

Procedure for reduction applications and appeals against reduction decisions

11. Schedule 1 contains provisions about the procedure—

- (a) by which a person may apply for a reduction 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 a reduction under section 13A(1)(c) of the 1992 Act.

PART 4

Classes of person entitled to a reduction under this scheme

Classes of person entitled to a reduction under this scheme

- 12.—** (1) The classes of person described in paragraphs 13 to 18 are entitled to a reduction 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.

Class A: pensioners whose income is less than the applicable

amount

13. 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, is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 24 and Schedule 2, and
- (f) who has made an application for a reduction under this scheme.

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

14. 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, is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 24 and Schedule 2;
- (f) in respect of whom amount A exceeds amount B where—
 - (i) amount A is the maximum council tax reduction in respect of the day in the applicant's case; and
 - (ii) amount B is $2\frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount;
- (g) who has made an application for a reduction under this scheme.

Class C: alternative maximum council tax reduction – pensioners

15.— (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, is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) who has made an application for a reduction under this scheme; and
 - (f) in relation to whom the condition in sub-paragraph (2) is met.
- (2) The condition referred to in sub-paragraph (1)(f) is that no other resident of the dwelling is liable to pay rent to the applicant in respect of the dwelling and there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate income, of one or more residents to whom this sub-paragraph applies.
- (3) Sub-paragraph (1) applies to any other resident of the dwelling who—
- (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
 - (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
 - (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
 - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
 - (d) is not a person who jointly with the applicant falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or

- (e) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

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

16. 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 19, is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income (if any) for the relevant week is less than his applicable amount calculated in accordance with paragraph 25 and Schedule 3;
- (f) who has made an application for a reduction under this scheme.

Class E: persons who are not pensioners whose income is less than the applicable amount and are treated as vulnerable under this scheme

16A. 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 19, is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) who is entitled to any income that would allow them to qualify for a carer premium, disability premium, enhanced disability premium or severe disability premium; or
- (f) who meets the requirements of schedule 8 para 20; and
- (g) whose income (if any) for the relevant week is less than his applicable amount calculated in accordance with

- paragraph 25 and Schedule 3, and
- (h) who has made an application for a reduction under this scheme.

Class F: persons who are not pensioners whose income is greater than the applicable amount

17. 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 19, is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 25 and Schedule 3;
- (f) in respect of whom amount A exceeds amount B where—
 - (i) amount A is the maximum council tax reduction 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 for a reduction under this scheme.

Class G: persons who are not pensioners whose income is greater than the applicable amount and are treated as vulnerable under this scheme

17A. On any day class G 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 19, is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) who is entitled to any income that would allow them to qualify for a carer premium, disability premium,

- enhanced disability premium or severe disability premium; or
- (f) who meets the requirements of schedule 8 para 20; and
 - (g) whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 25 and Schedule 3;
 - (h) in respect of whom amount A exceeds amount B where—
 - (i) amount A is the maximum council tax reduction in his case; and
 - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount, and
 - (i) who has made an application for a reduction under this scheme.

Class H: alternative maximum council tax reduction – persons who are not pensioners

- 18.—** (1) On any day class H 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 19, is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) who has made an application for a reduction under this scheme; 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 person in question in respect of the dwelling and there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate income, of one or more residents to whom this sub-paragraph applies.
- (3) Sub-paragraph (1) 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 reduction 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 reduction falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- (e) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Periods of absence from a dwelling

- 19.—** (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, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995); 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

Classes of person excluded from this scheme

- 20.** The classes of person described in paragraphs 21 to 23 are not entitled to
a reduction under this scheme.

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

- 21.—** (1) The class of person described in this paragraph consists of any person treated as not being in Great Britain.
- (2) For the purposes of determining whether a person meets the basic condition to be in Great Britain, except where a person falls within sub-paragraph (5), 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 Immigration (European Economic Area) Regulations 2006; or
 - (b) Article 6 of Council Directive No.2004/38/EC.
- (5) A person falls within this sub-paragraph if the person is—

- (a) a qualified person for the purposes of regulation 6 of the Immigration (European Economic Area) Regulations 2006 as a worker or a self-employed person;
- (b) a family member of a person referred to in paragraph (a) within the meaning of regulation 7 of the Immigration (European Economic Area) Regulations 2006;
- (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 Immigration (European Economic Area) Regulations 2006;
- (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 granted limited leave to enter or remain in the United Kingdom outside the provisions of the rules made under 3(2) of the Immigration Act 1971 on the rejection of their claim for asylum;
- (f) a person who has humanitarian protection granted under those rules; or
- (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.

Persons treated as being in Great Britain

21A.—(1) A person who falls within sub-paragraph (2) or (3) is to be treated as being in Great Britain, unless the person is to be treated as not in Great Britain under paragraph 21.

- (2) A person falls within this sub-paragraph if the person is not in Great Britain in the capacity of being—
 - (a) an aircraft worker;
 - (b) a continental shelf worker who is in a designated area or a prescribed area;
 - (c) a Crown servant;
 - (d) a mariner; or
 - (e) a member of her Majesty's forces.
- (3) A person falls within this sub-paragraph if—
 - (a) the person is a member of a couple, and the other

member falls within sub-paragraph (2); and

- (b) is not in Great Britain by reason only of the fact that the person is living with the other member of the couple.

(4) In this paragraph—

“aircraft worker” means a person who is employed under a contract of service either as a pilot, commander, navigator or other member of the crew of any aircraft, or in any other capacity on board any aircraft where—

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

“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 activity mentioned in section 11(2) of Petroleum Act 1998;

“Crown servant” means a person employed by or under the Crown in right of the United Kingdom;

“designated area” means any areas 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 other 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 her voyage;

“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.

Temporary absence from Great Britain

21B.—(1) For the purposes of determining whether a person meets the

basic condition to be in Great Britain, a person's temporary absence from Great Britain is disregarded—

- (a) during the first month of the temporary absence if sub-paragraph (2) applies; or
- (b) during the first 6 months of the temporary absence if sub-paragraph (3) applies.

(2) This sub-paragraph applies where—

- (a) the person was entitled to universal credit immediately before the beginning of the period of temporary absence; and
- (b) the person has not been absent for more than 2 occasions in the previous 52 weeks, starting from the first day of the current temporary absence period.

(3) This sub-paragraph applies where—

- (a) the person was entitled to universal credit immediately before the beginning of the period of temporary absence; and
- (b) the absence is solely in connection with—
 - (i) the treatment of the person for an illness or physical or mental disability by, or under the supervision of, a person appropriately qualified to carry out that treatment;
 - (ii) the person accompanying a person specified in sub-paragraph (5) for the treatment of that specified person for an illness or physical or mental disability by, or under the supervision of, a professional appropriately qualified to carry out that treatment;
 - (iii) the person undergoing medically approved convalescence or care as a result of treatment for an illness or physical or mental disability, where the person had that illness or disability before leaving Great Britain.

(4) The period in sub-paragraph (1)(a) must be extended by up to a further one month if—

- (a) the temporary absence is in connection with the death of—
 - (i) a person specified in sub-paragraph (5);
 - (ii) a close relative of the person, or a person specified in sub-paragraph (5); and
- (b) the Secretary of State considers that it would be unreasonable to expect the person to return to Great Britain within the first month.

(5) A person is specified in this sub-paragraph where the person is—

- (a) where the person is a member of a couple, the other member of that couple; or
- (b) a child or qualifying young person for whom the person, or where the person is a member of a couple, the other member, is responsible.

(6) In this paragraph—

“appropriately qualified” means qualified to provide medical treatment, physiotherapy or a form of treatment which is similar to, or related to, either of those forms of treatment;

“medically approved” means certified by a medical practitioner.

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

- 22.—** (1) Persons subject to immigration control are not entitled to a reduction under this scheme(a).
- (2) “Person subject to immigration control” has the meaning given in section 115(9) of the Immigration and Asylum Act 1999.

Class of person excluded from this scheme: capital limit

22A. The class of person described in this paragraph consists of any person whose capital exceeds £16,000

Class of person excluded from this scheme: students

- 23.—** (1) The class of person described in this paragraph consists of any student to whom paragraph 73(1) applies (except to the extent that a student may be entitled to an alternative maximum council tax reduction by virtue of paragraph 18).
- (2) In this paragraph “student” has the meaning given by paragraph 71(1) of this scheme.

PART 6

Applicable amounts for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

Applicable amounts: pensioners (including pensioners in polygamous marriages)

- 24.—** (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;
- (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 2 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 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).

(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.

Applicable amounts: persons who are not pensioners

- 25.—** (1) Subject to paragraphs 26 and 27, 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 2 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 Part 5 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 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.

Polygamous marriages: persons who are not pensioners

26. Where an applicant who is not a pensioner is a member of a polygamous marriage, his applicable amount for a week 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 (applicable amounts) 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 Part 5 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).

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

27.— (1) In determining the applicable amount for a week of an applicant—

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

an award of universal credit, the authority will use the calculation or estimate of the maximum amount of the applicant, or the applicant's partner, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (2).

- (2) The adjustment referred to in sub-paragraph (1) is where a housing costs element has been awarded to the applicant, his partner or the applicant and his partner jointly, the amount of that element is to be deducted from the applicable amount.
- (3) 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 reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

Maximum council tax reduction under this scheme: pensioners and persons who are not pensioners and are vulnerable

28.— (1) Where a person falls within classes A-D, F or H, and subject to sub-paragraphs (2) to (4), the amount of a person's maximum council tax reduction in respect of a day is 100 per cent of the amount A/B where—

- (a) A is the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
- (b) B is the number of days in that financial year,

less any deductions in respect of non-dependants which fall to be

made under paragraph 29 (non-dependant deductions: pensioners and persons who are not pensioners).

- (2) In calculating a person's maximum council tax reduction under this scheme any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act (other than a reduction under this scheme), is to be taken into account.
- (3) Subject to sub-paragraph (4), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the maximum council tax reduction in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.
- (4) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (3) does not apply in his case.
- (5) The reference in sub-paragraph (3) to a person with whom an applicant is jointly and severally liable for council tax does not include a student to whom paragraph 73(2) applies.
- (6) In this paragraph "relevant financial year" means, in relation to any particular day, the financial year within which the day in question falls.

Maximum council tax reduction under this scheme: persons who are not pensioners

- 28A.**—(1) Where a person falls within classes E or G, and subject to sub-paragraphs (2) to (4), the amount of a person's maximum council tax reduction in respect of a day is 80 per cent of the amount A/B where—
- (a) A is the amount set by the authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
 - (b) B is the number of days in that financial year, less any deductions in respect of non-dependants which fall to be made under paragraph 29 (non-dependant deductions: pensioners and persons who are not pensioners).
- (2) In calculating a person's maximum council tax reduction under this scheme any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act (other than a reduction under this scheme), is to be taken into account.
 - (3) Subject to sub-paragraph (4), where an applicant is jointly and

severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the maximum council tax reduction in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

- (4) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, sub-paragraph (3) does not apply in his case.
- (5) The reference in sub-paragraph (3) to a person with whom an applicant is jointly and severally liable for council tax does not include a student to whom paragraph 73(2) applies.
- (6) In this paragraph "relevant financial year" means, in relation to any particular day, the financial year within which the day in question falls.

Non-dependant deductions: pensioners and persons who are not pensioners

- 29.—** (1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 28 are—
- (a) in respect of a non-dependant aged 18 or over in remunerative work, $\pounds 8.60 \times 1/7$;
 - (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, $\pounds 2.85 \times 1/7$.
- (2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—
- (a) less than $\pounds 180.00$, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);
 - (b) not less than $\pounds 180.00$ but less than $\pounds 310.00$, the deduction to be made under this paragraph is $\pounds 5.70$;
 - (c) not less than $\pounds 310.00$ but less than $\pounds 387.00$, the deduction to be made under this paragraph is $\pounds 7.20$.
- (3) Only one deduction is to be made under this paragraph in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount 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).

- (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) of this scheme, 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.
- (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; or
 - (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.
- (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 or personal independence payment received by him;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 53 (calculation of income other than earnings), would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
 - (c) any payment which, had his income fallen to be calculated under paragraph 61, would have been disregarded under paragraph 41 of Schedule 8

(payments made under certain trusts and certain other payments).

PART 8

Alternative maximum council tax reduction for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

Alternative maximum council tax reduction under this scheme: pensioners and persons who are not pensioners

- 30.—** (1) Subject to sub-paragraphs (2) and (3), the alternative maximum council tax reduction in respect of a day where the conditions set out in paragraph 15 or 18 are fulfilled, is the amount determined in accordance with Schedule 4.
- (2) Subject to sub-paragraph (3), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the alternative maximum council tax reduction in his case, the amount determined in accordance with Schedule 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 reduction under this scheme

Amount of reduction under this scheme: Classes A to H

- 31.—** (1) Where a person is entitled to a reduction under this scheme in respect of a day, the amount of the reduction to which he is entitled is as follows.
- (2) Where the person is within class A, D or E, that amount is the amount which is the maximum council tax reduction in respect of the day in the applicant's case.
- (3) Where the person is within class B, F or G 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 H, that amount is the amount which is the maximum council tax reduction in respect of the day in the applicant's case.
- (5) Sub-paragraph (6) applies where both—
- (a) sub-paragraph (2) or sub-paragraph (3), and

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

PART 10

Income and capital for the purposes of calculating eligibility for a reduction under this scheme and amount of reduction

CHAPTER 1

General

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

- 32.—** (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) 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.

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

- 33.—** (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 capital and income 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 will treat the applicant as possessing capital and income belonging to that non-dependant and, in such a case, any capital and income which the applicant does possess is to be disregarded.

(3) Where an applicant is treated as possessing capital and income belonging to a non-dependant under sub-paragraph (2) the capital and income of that non-dependant will 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: pensioners in receipt of guarantee credit or savings credit

Applicant in receipt of guarantee credit: pensioners

34. 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.

Calculation of applicant's income in savings credit only cases: pensioners

35.— (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 will 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(a).

(2) The authority will adjust the amount of the net income provided to the authority by the Secretary of State only in 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 56(1)(c);
- (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;
 - (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 33 (circumstances in which income of a non-dependant is to be treated as applicant's), if the authority determines that that provision applies in the applicant's case;
 - (g) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act;
 - (h) any amount to be disregarded by virtue of paragraph 6 of Schedule 5.
- (3) Paragraphs 38 to 43 and 56 to 60 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 62, 64 to 68 of this scheme.
- (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

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

36.— (1) In determining the income of an applicant—

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

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

(2) The authority will modify the figure for income provided by the Secretary of State to take into account—

- (a) the amount of any universal credit payable net of the housing costs element;
- (b) any sum to be disregarded under Schedule 7 of this scheme (sums to be disregarded in the calculation of earnings: persons who are not pensioners);
- (c) any sum to be disregarded under Schedule 8 of this scheme (sums to be disregarded in the calculation of income other than earnings: persons who are not pensioners);
- (d) the income and capital of any partner of the applicant who is a member of the applicant's household, to the extent that it is not taken into account in determining the net income of the person claiming universal credit;
- (e) paragraph 33 (circumstances in which income of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
- (f) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act.

(3) Paragraphs 32, 33, 46 to 56 and 58 to 61 (calculation of income) apply only for the purpose of determining any modifications which fall to be made to the figure for earned income under sub-paragraph (2).

(4) In determining the capital of an applicant—

- (a) who has, or

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

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

CHAPTER 4

Income: other pensioners

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

- 37.** Where neither paragraph 34 nor 35 applies in the applicant's case, his income and capital is to be calculated or estimated in accordance with paragraphs 38 to 43, and 56 to 60 and Chapter 7 of this Part.

Meaning of "income": pensioners

- 38.—** (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 21(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005, in any case where article 23(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) attendance allowance payable under section 64 of the SSCBA;
 - (iv) an increase of disablement pension under section

104 or 105 of that Act;

- (v) a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to that Act;
- (vi) an increase of an allowance payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to that Act;
- (vii) child benefit;
- (viii) any guardian's allowance payable under section 77 of the SSCBA;
- (ix) any increase for a dependant, other than the applicant's partner, payable in accordance with Part 4 of that Act;
- (x) any social fund payment made under Part 8 of that Act;
- (xi) Christmas bonus payable under Part 10 of that Act;
- (xii) housing benefit;
- (xiii) council tax benefit;
- (xiv) bereavement payment;
- (xv) statutory sick pay;
- (xvi) statutory maternity pay;
- (xvii) statutory paternity pay payable under Part 12ZA of the SSCBA;
- (xviii) statutory adoption pay payable under Part 12ZB of that Act;
- (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 prescribed above;
- (l) a payment made—
 - (i) under article 30 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006, in any case where article 30(1)(b) applies; or
 - (ii) under article 12(8) of that Order, in any case where sub-paragraph (b) of that article applies;
- (m) a pension paid 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) 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.
- (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.

Calculation of weekly income: pensioners

- 39.—** (1) Except in a case within sub-paragraph (2) or (4) applies, 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.
- (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.
- (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.
- (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 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 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 69.
 - (13) In the case of any income taken into account for the purpose of calculating a person's income any amount payable by way of tax is disregarded.

Earnings of employed earners: pensioners

- 40.—** (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'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)(g).

Calculation of net earnings of employed earners: pensioners

- 41.—** (1) For the purposes of paragraph 56 (calculation of income on a weekly basis), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account must, subject to paragraph 39(4) and Schedule 5, be his net earnings.
- (2) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (5) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less—
- (a) any amount deducted from those earnings by way of—
 - (i) income tax;
 - (ii) primary Class 1 contributions under the SSCBA;
 - (b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
 - (c) one-half of the amount calculated in accordance with sub-paragraph (4) in respect of any qualifying contribution payable by the applicant; and
 - (d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay 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 Act.
- (3) In this regulation "qualifying contribution" means any sum which is payable periodically as a contribution towards a personal pension scheme.
- (4) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined—
- (a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by

- 12 and dividing the product by 365;
- (b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- (5) Where the earnings of an applicant are determined under paragraph 39(2)(b) (calculation of weekly income: classes A to C) his net earnings is to be calculated by taking into account those earnings over the assessment period, less—
- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
 - (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
 - (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

Calculation of earnings of self-employed earners: pensioners

- 42.—** (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.

Earnings of self-employed earners: pensioners

- 43.—** (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 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after) or, as the case may be, section 26(1) 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 health authority;
 - (ii) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (iii) a voluntary organisation;
 - (iv) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (v) 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
 - (vi) a Local Health Board established under section 16B of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006;
- (e) any sports award.

Notional income: pensioners

- 44.—** (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 1965.
- (3) For the purposes of sub-paragraph (2), entitlement has been deferred—
- (a) in the case of a Category A or Category B pension, in the circumstances specified in section 55(3) of the SSCBA;
 - (b) in the case of a shared additional pension, in the circumstances specified in section 55C(3) of the SSCBA; and
 - (c) in the case of graduated retirement benefit, in the circumstances specified in section 36(4) and (4A) of the National Insurance Act 1965.
- (4) This sub-paragraph applies where a person who has attained the qualifying age for state pension credit—
- (a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;

- (b) fails to purchase an annuity with the funds available in that scheme; and
- (c) either—
 - (i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder, or
 - (ii) fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid, or
 - (iii) income withdrawal is not available to him under that scheme.
- (5) Where sub-paragraph (4) applies, the amount of any income foregone is to be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.
- (6) The amount of any income foregone in a case where sub-paragraph (4)(c)(i) or (ii) applies is to be the maximum amount of income which may be withdrawn from 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 a reduction under this scheme or increasing the amount of the reduction.
- (10) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension or benefit where a person, having made an election in favour of that increase of pension or benefit under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, changes that election in accordance with regulations

made under Schedule 5 or 5A to that Act in favour of a lump sum.

- (11) In sub-paragraph (10), "lump sum" means a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005.
- (12) Sub-paragraph (9) does not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation in a service user group.
- (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 will treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects to apply, to the date on which the altered rate is to take effect.
- (14) In the case of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where the authority treats the applicant as possessing any benefit at the altered rate in accordance with paragraph (13), the authority must—
 - (a) determine the income and capital of that applicant in accordance with paragraph 35(1) (calculation of applicant's income in savings credit only cases) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter; and
 - (b) treat that applicant as possessing such income and capital at the altered rate by reference to the date selected by the relevant authority to apply in its area, for the purposes of establishing the period referred to in sub-paragraph (13).
- (15) For the purposes of sub-paragraph (9), a person is not to be regarded as depriving himself of income where—
 - (a) his rights to benefits under a registered pension scheme are extinguished and in consequence of this he receives a payment from 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.

Income paid to third parties: pensioners

- 45.—** (1) Any payment of income, other than a payment specified in sub-paragraph (2) or (3), to a third party in respect of the applicant is to be treated as possessed by the applicant.
- (2) Sub-paragraph (1) does not apply in respect of a payment of income made under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
- (a) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (b) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (c) the person referred to in paragraph (a) and his partner 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's participation in a service user group.

CHAPTER 5

Income: persons who are not pensioners

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

- 46.—** (1) Where the income of an applicant who is not a pensioner consists of earnings from employment as an employed earner his average weekly earnings must be estimated by reference to his earnings from that employment—
- (a) over a period immediately preceding the reduction week in which the 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 reduction week in which the claim is made

or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

- (2) Where the applicant has been in his employment for less than the period specified in sub-paragraph (1)(a)(i) or (ii)—
 - (a) if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings must be estimated by reference to those earnings;
 - (b) in any other case, the authority must estimate the applicant's average weekly earnings(a).
- (3) Where the amount of an applicant's earnings changes the authority must estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period will not in any case exceed 52 weeks.
- (4) For the purposes of this paragraph the applicant's earnings are to be calculated in accordance with paragraphs 50 and 51.

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

- 47.—** (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 42, 60 and 61 of this scheme.

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

- 48.—** (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.
- (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 53 of this scheme.

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

49.— (1) For the purposes of paragraphs 46 (average weekly earnings of employed earners), 48 (average weekly income other than earnings) and 58 (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 47 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant is to be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

Earnings of employed earners: persons who are not pensioners

50.— (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).

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

- 51.—** (1) For the purposes of paragraph 46 (average weekly earnings of employed earners: classes D to G), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account must, subject to sub-paragraph (2), be his net earnings.
- (2) There is to be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7.
- (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 regulation "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 regulation 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 46(2)(b) (average weekly earnings of employed earners: classes D to G), his net earnings is to be calculated by taking into account those earnings over the assessment period, less—
- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
 - (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
 - (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

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

- 52.—** (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 reduction under this scheme to which the applicant would have been entitled had the payment not been made, plus
 - (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 7 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case.

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

- 53.—** (1) For the purposes of paragraph 48 (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 54 (capital treated as income).
- (2) There is to be disregarded from the calculation of an applicant's gross income under sub-paragraph (1), any sum, where applicable, specified in Schedule 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) In sub-paragraph (5), "tax year" means a period beginning with 6th April in one year and ending with 5th April in the next.

(7) Sub-paragraphs (8) and (9) apply where—

- (a) a relevant payment has been made to a person in an academic year; and
- (b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

(8) Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula—

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

where—

A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 79(5);

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

C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 79(2) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to a reduction under this scheme immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;

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

(9) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the

formula in sub-paragraph (8) but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 79(5).

(10) In this regulation—

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

“assessment period” means—

- (a) in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;
- (b) in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes—
 - (i) the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or
 - (ii) the last day of the last quarter for which an instalment of the relevant payment was payable to that person,whichever of those dates is earlier;

“quarter” in relation to an assessment period means a period in that year beginning on—

- (c) 1st January and ending on 31st March;
- (d) 1st April and ending on 30th June;
- (e) 1st July and ending on 31st August; or
- (f) 1st September and ending on 31st December;

“relevant payment” means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 74(7) or both.

(11) 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 40(2) or 50(2)

- (payments not earnings) applies; or
- (b) in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

Capital treated as income: persons who are not pensioners

- 54.—** (1) Any capital payable by instalments which are outstanding at the date on which the claim is made or treated as made, or, at the date of any subsequent revision or supersession, must, if the aggregate of the instalments outstanding and the amount of the applicant's capital otherwise calculated in accordance with Chapter 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.

Notional income: persons who are not pensioners

- 55.—** (1) An applicant who is not a pensioner is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction or increasing the amount of the reduction.
- (2) Except in the case of—
- (a) a discretionary trust;
- (b) a trust derived from a payment made in consequence of a personal injury;
- (c) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the

qualifying age for state pension credit;

- (d) any sum to which paragraph 50(2)(a) of Schedule 9 (capital to be disregarded) applies which is administered in the way referred to in paragraph 50(1)(a);
- (e) any sum to which paragraph 51(a) of Schedule 9 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 41(2) or 51(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 section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
 - (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
 - (c) one-half of any sum 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: pensioners and persons who are not pensioners

Calculation of income on a weekly basis

- 56.—** (1) Subject to paragraph 59 (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 69;
 - (ii) if the applicant is a person who is not a pensioner, under paragraph 70; and
 - (c) deducting from the sum of paragraphs (a) and (b) any relevant child care charges to which paragraph 57 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in sub-paragraph (2) are met, from those earnings plus whichever credit specified in paragraph (b) of that sub-paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in sub-paragraph (3) applies in his case.
- (2) The conditions of this paragraph are that—
- (a) the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (3) otherwise applies in his case; and
 - (b) that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.
- (3) The maximum deduction to which paragraph (1)(c) above refers is to be—
- (a) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;
 - (b) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300 per week.

Treatment of child care charges

- 57.—** (1) This paragraph applies where an applicant is incurring relevant child care charges and—
- (a) is a lone parent and is engaged in remunerative work;
 - (b) is a member of a couple both of whom are engaged in remunerative work; or
 - (c) is a member of a couple where one member is engaged in remunerative work and the other—
 - (i) is incapacitated;
 - (ii) is an in-patient in hospital; or

- (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).
- (2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
 - (a) is paid statutory sick pay;
 - (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the SSCBA;
 - (c) is paid an employment and support allowance;
 - (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987; or
 - (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- (3) This sub-paragraph applies to a person who was engaged in remunerative work immediately before—
 - (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
 - (b) the first day of the period in respect of which earnings are credited, as the case may be.
- (4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- (5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply, and are to be calculated on a weekly basis in accordance with sub-paragraph (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 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
 - (l) by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002; or
 - (m) by a person who is not a relative of the child wholly or mainly in the child's home.
- (9) In sub-paragraphs (6) and (8)(a), "the first Monday in September" means the Monday which first occurs in the month of September in any year.
- (10) Relevant child care charges must be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.
- (11) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where—
- (a) the applicant is 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 to this scheme are treated as applying in his case; and

- (ii) he satisfies those conditions or would satisfy them 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;
- (f) the applicant is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
- (g) the applicant has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 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 under Part 4 of the Welfare Reform Act 2012;
- (vi) increase of disablement pension under section 104 of the SSCBA;
- (vii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v) or (vi) above;
- (viii) main phase employment and support allowance;
- (i) a pension or allowance to which sub-paragraph (vi) or (vii) 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 under section 71 of that Act 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) 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
- (m) he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of

Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

- (12) For the purposes of sub-paragraph (11), once sub-paragraph (11)(f) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.
- (13) For the purposes of sub-paragraph (11), once sub-paragraph (11)(g) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.
- (14) For the purposes of 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 within 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 or would be payable but for 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 woman on maternity

leave, paternity leave or adoption leave is to be treated as if she is engaged in remunerative work for the period specified in sub-paragraph (16) ("the relevant period") provided that—

- (a) in the week before the period of maternity leave, paternity leave or adoption leave began she was in remunerative work;
 - (b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and
 - (c) she is entitled to either statutory maternity pay under section 164 of the SSCBA, statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, statutory adoption pay by of section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.
- (16) For the purposes of sub-paragraph (15) the relevant period begins on the day on which the person's maternity, paternity leave or adoption leave commences and ends on—
- (a) the date that leave ends;
 - (b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support (if relevant), statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
 - (c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends, whichever occurs first.
- (17) In sub-paragraphs (15) and (16)—
- (a) "qualifying support" means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987; and
 - (b) "child care element" of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).

Calculation of average weekly income from tax credits

- 58.—** (1) This paragraph applies where an applicant receives a tax credit.
- (2) Where this paragraph applies, the period over which a tax

credit is to be taken into account must be the period set out in sub-paragraph (3).

- (3) Where the instalment in respect of which payment of a tax credit is made is—
 - (a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
 - (b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
 - (c) a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
 - (d) a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.
- (4) For the purposes of this paragraph "tax credit" means child tax credit or working tax credit.

Disregard of changes in tax, contributions etc

59. 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 social security contributions payable under the SSCBA or in the lower earnings limit or upper earnings limit for Class 1 contributions under that Act, the lower or upper limits applicable to Class 4 contributions under that Act or the amount specified in section 11(4) of that Act (small earnings exception in relation to Class 2 contributions);
- (d) in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the SSCBA;
- (e) in the maximum rate of child tax credit or working tax credit

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

Calculation of net profit of self-employed earners

60.— (1) For the purposes of paragraphs 47 and 56 (average weekly earnings of self-employed earners) 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 social security contributions payable under the SSCBA calculated in accordance with paragraph 61 (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 social security contributions payable under the SSCBA calculated in accordance with paragraph 61 (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.
- (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) social security contributions payable under the Act, calculated in accordance with paragraph 61; 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 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 thereunder in respect of—
 - (i) the excess of any value added tax paid over value added tax received in the

- assessment period;
 - (ii) any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - (iii) any payment of interest on a loan taken out for the purposes of the employment.
- (9) Where 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) social security contributions payable under the SSCBA, calculated in accordance with paragraph 61 (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.

Calculation of deduction of tax and contributions of self-employed earners

- 61.—** (1) The amount to be deducted in respect of income tax under paragraph 60(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 section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances.
- (2) But, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a pro rata basis.
- (3) The amount to be deducted in respect of social security 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(1) or, as the case may be, 11(3) of the SSCBA at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of that Act (small earnings exception) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year must be reduced pro rata; and
 - (b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the SSCBA (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits must be reduced pro rata.
- (4) In this paragraph "chargeable income" means—
- (a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (5) of paragraph 60;
 - (b) in the case of employment as a child minder, one-third of the earnings of that employment.

CHAPTER 7

Capital

Calculation of capital

- 62.—** (1) The capital of an applicant(a) to be taken into account must be, subject to sub-paragraph (2), the whole of his capital calculated in accordance with this Part and (in the case of persons who are not pensioners) any income treated as capital under paragraph 63 (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 a reduction 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.

Income treated as capital: persons who are not pensioners

- 63.—** (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 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 40(1)(d) or 50(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, 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.

Calculation of capital in the United Kingdom

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

Calculation of capital outside the United Kingdom

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

Notional capital

- 66.—** (1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to a reduction or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with paragraph 67 (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 5; or
 - (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
 - (e) any sum to which paragraph 50(2)(a) of Schedule 10 (capital to be disregarded) applies which is administered in the way referred to in paragraph 50(1)(a); or
 - (f) any sum to which paragraph 51(a) of Schedule 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 62 (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.

Diminishing notional capital rule: pensioners

- 67.—** (1) Where an applicant who is a pensioner is treated as possessing capital under paragraph 66(1) (notional capital), the amount which he is treated as possessing—
- (a) in the case of a week that is subsequent to—
 - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
 - (ii) a week which follows that relevant week and

which satisfies those conditions, is to be reduced by an amount determined under sub-paragraph (3) or (4);

- (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—
 - (i) that week is a week subsequent to the relevant week;
and
 - (ii) that relevant week is a week in which the condition in sub-paragraph (5) or (8) is satisfied, is to be reduced by the amount determined under sub-paragraph (6) or (9).
- (2) This sub-paragraph applies to a reduction week (or, in the case of persons who are not pensioners, part-week) where the applicant satisfies the conditions that—
 - (a) he is in receipt of a reduction in council tax under this scheme; and
 - (b) but for paragraph 66(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 where the applicant is a pensioner, 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 reduction week to which sub-paragraph (2) refers but for the application of regulation 21(1) of the State Pension Credit Regulations 2002 (notional capital);
 - (c) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of housing benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (notional capital);
 - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the

Jobseeker's Allowance Regulations 1996 (notional capital); and

- (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- (4) In a case to which sub-paragraph (2) applies where the applicant is not a pensioner, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of—
- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
 - (b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 49(1) of the Housing Benefit Regulations (notional capital);
 - (c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (notional capital);
 - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
 - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- (5) Subject to sub-paragraph (11), for the purposes of paragraph (1)(b) the condition is that the applicant is a pensioner and

would have been entitled to a reduction in council tax under this scheme in the relevant week but for paragraph 66(1).

- (6) 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 reduction in council tax to which the applicant would have been entitled in the relevant week but for paragraph 66(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.
- (7) But if the amount mentioned in paragraph (a), (b), (c), (d) or

(e) of sub-paragraph (6) ("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.
- (8) Subject to sub-paragraph (11), for the purposes of paragraph (1)(b) the condition is that the applicant is not a pensioner and would have been entitled to a reduction in council tax in the relevant week but for paragraph 66(1).
- (9) 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 66(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.

- (10) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (9) ("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.
- (11) The amount determined under sub-paragraph (6) or (9) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further claim for a reduction in council tax and the conditions in sub-paragraph (12) are satisfied, and in such a case—
 - (a) paragraphs (a) to (e) of sub-paragraph (6) or (9) apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and
 - (b) subject to sub-paragraph (13), the amount as re-determined has effect from the first week following the relevant subsequent week in question.
- (12) The conditions are that—
 - (a) a further claim is made 26 or more weeks after—
 - (i) the date on which the applicant made a claim for a reduction in council tax in respect of which he was first treated as possessing the capital in question under paragraph 66(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 a claim for a reduction in council tax which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to a reduction in council tax, whichever last occurred; and
 - (b) the applicant would have been entitled to a reduction in council tax under this scheme but for paragraph 66(1).
- (13) 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.
- (14) For the purposes of this paragraph— "part-week"—
 - (a) in relation to an amount mentioned in sub-paragraph (6)(a) or (9)(a), means a period of less than a week for which a reduction in council tax under this scheme is allowed;

- (b) in relation to an amount mentioned in sub-paragraph (6)(b) or (9)(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 (6)(c), (d) or (e) or (9)(c), (d) or (e), means—
 - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
 - (ii) any other period of less than a week for which it is payable;

"relevant week" means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 66(1)—

- (d) was first taken into account for the purpose of determining his entitlement to a reduction; or
- (e) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction; and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

"relevant subsequent week" means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

Diminishing notional capital rule: persons who are not pensioners

- 67A.—(1) Where an applicant who is not a pensioner is treated as possessing capital under paragraph 66(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
 - (iii) a week which follows that relevant week and which satisfies those conditions, is to be reduced by an amount determined under sub-paragraph (3);
 - (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where—
 - (i) that week is a week subsequent to the relevant week; and

- (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied, is to be reduced by the amount determined under sub-paragraph (5).
- (2) This sub-paragraph applies to a reduction week (or, in the case of persons who are not pensioners, part-week) where the applicant satisfies the conditions that—
 - (a) he is in receipt of a reduction in council tax under this scheme; and
 - (b) but for paragraph 66(1), he would have received a greater reduction in council tax under this scheme in that week.
- (3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of—
 - (a) an amount equal to the additional amount of the reduction in council tax to which subparagraph (2)(b) refers;
 - (b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
 - (c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (notional capital);
 - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
 - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- (4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is not a

pensioner and would have been entitled to a reduction in council tax in the relevant week but for paragraph 66(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 66(1);
 - (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
 - (c) if the applicant would, but for regulation 51(1) of the Income Support (General) Regulations 1987, have been entitled to income support in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
 - (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
 - (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.
- (6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by—
- (a) dividing the relevant amount by the number equal to the number of days in that part week, and
 - (b) multiplying the result of that calculation by 7.

- (7) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further claim for a reduction in council tax and the conditions in sub-paragraph (8) are satisfied, and in such a case—
- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words “relevant week” there were substituted the words “relevant subsequent week”; and
 - (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.
- (8) The conditions are that—
- (a) a further claim is made 26 or more weeks after—
 - (i) the date on which the applicant made a claim for a reduction in council tax in respect of which he was first treated as possessing the capital in question under paragraph 66(1);
 - (ii) in a case where there has been at least one re-determination in accordance with subparagraph (7), the date on which he last made a claim for a reduction in council tax which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to a reduction in council tax, whichever last occurred; and
 - (b) the applicant would have been entitled to a reduction in council tax under this scheme but for paragraph 66(1).
- (9) The amount as re-determined pursuant to sub-paragraph (6) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.
- (10) For the purposes of this paragraph—

“part-week”—

- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction in council tax under this scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means—
 - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker’s allowance is payable; and
 - (ii) any other period of less than a week for which it is payable;

“relevant week” means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 66(1)—

- (a) was first taken into account for the purpose of determining his entitlement to a reduction; or
- (b) was taken into account on a subsequent occasion for the purpose of determining or redetermining his entitlement to a reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, a reduction, and where more than one reduction week is identified by reference to paragraphs (a) and (b) of this definition, the later or latest such reduction week or, as the case may be, the later or latest such part-week is the relevant week;

“relevant subsequent week” means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

Capital jointly held

68. Except where an applicant possesses capital which is disregarded under paragraph 66(7) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

Calculation of tariff income from capital: pensioners

- 69.— (1) Subject to paragraph 62(2)(a), the capital of an applicant who is a pensioner is to be treated as if it were a weekly income of—
- (a) £1 for each £500 in excess of £10,000; and
 - (b) £1 for any excess which is not a complete £500.

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

- 70.— (1) Where the capital of an applicant who is not a pensioner calculated in accordance with this Part exceeds £6,000, it must be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £6,000 but not exceeding £16,000.
- (2) Notwithstanding sub-paragraph (1) where any part of the excess is not a complete £250 that part must be treated as

equivalent to a weekly tariff income of £1.

- (3) For the purposes of sub-paragraph (1), capital includes any income treated as capital under paragraph 63 (income treated as capital).

PART 11

Students

CHAPTER 1

General

Interpretation

71.— (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 Young People’s Learning Agency for England, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves

more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—

- (i) in the case of a course funded by the Young People's Learning Agency for England or the Chief Executive of Skills Funding, in the student's learning agreement signed on behalf of the establishment which is funded by either of those bodies for the delivery of that course; or
 - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- (c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
- (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

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

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

"grant income" means—

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

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

"last day of the course" means—

- (a) in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed,

whichever is the later;

- (b) in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

“period of study” means—

- (a) in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- (b) in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, 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 sub-paragraph includes—
 - (a) where a person has failed examinations or has failed successfully to complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
 - (b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.
- (4) In sub-paragraph (2), “modular course” means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

Treatment of students

72. This scheme has effect in relation to students subject to paragraph 23 (students to which this scheme does not apply) and the following provisions of this Part.

Students who are excluded from entitlement to a council tax reduction under this scheme

- 73.—** (1) Subject to sub-paragraphs (2) and (6), for the purposes of paragraph 23 (disapplication of this scheme to students to which this paragraph applies), this paragraph applies to full-time students and students who are persons treated as not being in Great Britain.
- (2) Sub-paragraph (1) does not apply to a student—
 - (a) who is a person on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance;
 - (b) who is a lone parent;
 - (c) whose applicable amount would, but for this 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, or
 - (ii) a qualifying young person or child within the meaning of section 142 of the SSCBA (child and qualifying young person);
- (j) in respect of whom—
 - (i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
 - (iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of

regulations made under the Teaching and Higher Education Act 1998;

- (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
 - (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986, on account of his disability by reason of deafness.
- (3) For the purposes of sub-paragraph (2)(i)(i) the student must have begun, or been enrolled or accepted onto, the course before attaining the age of 19.
- (4) For the purposes of sub-paragraph (2), once sub-paragraph (2)(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph must, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.
- (5) In sub-paragraph (2)(i) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- (6) A full-time student to whom paragraph (i) of sub-paragraph (2) applies must be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.
- (7) Sub-paragraph (1) does not apply to a full-time student for the period specified in sub-paragraph (8) if—
 - (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is—
 - (i) engaged in caring for another person; or
 - (ii) ill;
 - (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
 - (c) he is not eligible for a grant or a student loan in respect of the period specified in sub-paragraph (8).
- (8) The period specified for the purposes of sub-paragraph (7) is

the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before—

- (a) the day on which he resumes attending or undertaking the course; or
- (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course, whichever first occurs.

CHAPTER 2

Income

Calculation of grant income

- 74.—** (1) The amount of a student's grant income to be taken into account must, subject to sub-paragraphs (2) and (3), be the whole of his grant income.
- (2) There must be excluded from a student's grant income any payment—
- (a) intended to meet tuition fees or examination fees;
 - (b) in respect of the student's disability;
 - (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
 - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
 - (e) on account of any other person but only if that person is residing outside the United Kingdom and there is no applicable amount in respect of him;
 - (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
 - (h) intended for the child care costs of a child dependant;
 - (i) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.
- (3) Where a student does not have a student loan and is not treated as possessing such a loan, there must be excluded from the student's grant income—
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the costs of books and equipment,

whether or not any such costs are incurred.

- (4) There must also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- (5) Subject to sub-paragraphs (6) and (7), a student's grant income must be apportioned—
 - (a) subject to sub-paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
 - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- (6) Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 must be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- (7) In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither sub-paragraph (6) nor paragraph 78(2) (other amounts to be disregarded) applies, must be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.
- (8) In the case of a student on a sandwich course, any periods of experience within the period of study must be excluded and the student's grant income must be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

Calculation of covenant income where a contribution is assessed

- 75.—** (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 74(2)(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

Covenant income where no grant income or no contribution is assessed

- 76.—** (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 74(2)(a) to (e) (calculation of grant income) necessary as a result of his attendance on the course must be disregarded;
 - (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, must be apportioned equally between the weeks of the period of study;
 - (c) there must be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 74(2)(f) and (3) (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
 - (d) the balance, if any, must be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 must be disregarded.
- (2) Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income must be calculated in accordance with sub-

paragraphs (a) to (d) of sub-paragraph (1), except that—

- (a) the value of the standard maintenance grant must be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 74(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 74(2)(f) and (g) and (3).

Relationship with amounts to be disregarded under Schedule 8

77. No part of a student's covenant income or grant income shall be disregarded under paragraph 19 of Schedule 8.

Other amounts to be disregarded

- 78.—** (1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 79 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 74(2) (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded.
- (2) But sub-paragraph (1) applies only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraph 74(2) or (3), 75(3), 76(1)(a) or (c) or 79(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

Treatment of student loans

- 79.—** (1) A student loan is to be treated as income.
- (2) In calculating the weekly amount of the loan to be taken into account as income—
- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period is to be apportioned equally between the weeks in the period beginning with—
 - (i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

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

reduction week, the last day of which coincides with, or immediately precedes, the last day of June, and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

- (3) A student is to be treated as possessing a student loan in respect of an academic year where—
 - (a) a student loan has been made to him in respect of that year; or
 - (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.
- (4) Where a student is treated as possessing a student loan under sub-paragraph (3), the amount of the student loan to be taken into account as income must be, subject to sub-paragraph (5)—
 - (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to—
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
 - (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if—
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.
- (5) There must be deducted from the amount of income taken into account under sub-paragraph (4)—
 - (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the cost of books and equipment,
whether or not any such costs are incurred.

Treatment of payments from access funds

- 80.—** (1) This paragraph applies to payments from access funds that are not payments to which paragraph 83(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—
 - (a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family, and
 - (b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, must be disregarded as income to the extent of £20 per week.
- (4) Where a payment from access funds is made—
 - (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
 - (b) before the first day of the course to a person in anticipation of that person becoming a student, that payment must be disregarded as income.

Disregard of contribution

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

Further disregard of student's income

- 82.** Where any part of a student's income has already been taken into account for the purposes of assessing his entitlement to a grant or student loan, the amount taken into account must be disregarded in assessing that student's income.

Income treated as capital

- 83. —**(1) Any amount by way of a refund of tax deducted from a student's covenant income must be treated as capital.
- (2) An amount paid from access funds as a single lump sum must be treated as capital.
- (3) An amount paid from access funds as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, must be disregarded as capital but only for a period of 52 weeks from the date of

the payment.

Disregard of changes occurring during summer vacation

- 84.** 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 reductions

Extended reductions: pensioners

- 85.** Paragraphs 86 to 91 apply in relation to applicants who are pensioners.

Extended reduction (qualifying contributory benefits): pensioners

- 86.—** (1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to a reduction under this scheme (by virtue of the general conditions of entitlement) must be entitled to an extended reduction (qualifying contributory benefits) where—
- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
 - (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;
 - (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
 - (d) the applicant or the applicant's partner was not entitled

to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

- (2) An applicant must be treated as entitled to a reduction under this scheme by virtue of the general conditions of entitlement(a) where—
- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
 - (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
 - (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): pensioners

- 87.—** (1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.
- (3) The extended reduction period ends—
- (a) at the end of a period of four weeks; or
 - (b) on the date on which the applicant who is receiving the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits): pensioners

- 88.—** (1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) the applicant is entitled to shall be the greater of—
- (a) the amount of council tax reduction to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;

- (b) the amount of reduction under this scheme to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if paragraph 86 (extended reductions (qualifying contributory benefits): pensioners) did not apply to the applicant; or
 - (c) the amount of reduction under this scheme to which the applicant's partner would be entitled under the general conditions of entitlement, if paragraph 86 did not apply to the applicant.
- (2) Sub-paragraph (1) does not apply in the case of a mover.
- (3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes a claim for a reduction under this scheme, no reduction shall be awarded during the extended reduction period.

Extended reductions (qualifying contributory benefits)—movers: pensioners

- 89.—** (1) This paragraph applies—
- (a) to a mover^(a); and
 - (b) from the Monday following the day of the move.
- (2) The amount of the extended reduction (qualifying contributory benefit) awarded from the Monday from which this paragraph applies until the end of the extended reduction period shall be the amount of reduction under this scheme which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.
- (3) Where a mover's liability to pay council tax in respect of the new dwelling is to a billing authority other than this one, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—
- (a) the second authority; or
 - (b) the mover directly.

Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax benefit under the general conditions of entitlement: pensioners

- 90.—** (1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 86(1)(b), that reduction does not cease to have effect until the end of the extended reduction period.

- (2) Part 13 (period of entitlement, changes of circumstances and increases for exceptional circumstances) shall not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 88(1)(a) or paragraph 89(2) (amount of extended reduction — movers: pensioners).

Continuing reductions where state pension credit claimed: pensioners

91.— (1) This paragraph applies where—

- (a) the applicant is entitled to a reduction 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 or income-related employment and support allowance continued beyond that age, has attained the age of 65; or
 - (ii) the applicant's partner has actually claimed state pension credit.

(2) This sub-paragraph is only satisfied if the Secretary of State has certified to the authority that the applicant's partner has actually claimed state pension credit or that—

- (a) the applicant's award of—
 - (i) income support has terminated because the applicant has attained the qualifying age for state pension credit; or
 - (ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the applicant has attained the qualifying age for state pension credit or the age of 65; 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 reduction under this scheme shall continue to be awarded 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 a reduction under this

scheme.

- (4) Where a reduction 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 reduction week, then a reduction under this scheme shall continue to be awarded until the end of the reduction week in which the last day of that period falls.
- (5) Throughout the period of 4 weeks specified in sub-paragraph (3) and any further period specified in sub-paragraph (4)—
 - (a) the whole of the income and capital of the applicant is to be disregarded;
 - (b) the maximum council tax benefit of the applicant is to be that which was applicable in his case immediately before that period commenced.
- (6) The maximum council tax benefit is to be calculated in accordance with paragraph 28(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 29 falls to be made.

Extended reductions: persons who are not pensioners

92. Paragraphs 93 to 102 apply in relation to applicants who are not pensioners.

Extended reductions: persons who are not pensioners

- 93.—** (1) An applicant who is entitled to a reduction under this scheme (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction where—
- (a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;
 - (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last

five weeks or more; and

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.
- (2) For the purpose of sub-paragraph (1)(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.
- (3) For the purpose of this paragraph, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they shall be treated as being entitled to and in receipt of jobseeker's allowance.
- (4) An applicant must be treated as entitled to a reduction under this scheme by virtue of the general conditions of entitlement where—
 - (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
 - (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
 - (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).
- (5) This paragraph does not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987 (remunerative work: housing costs) applied to that applicant.

Duration of extended reduction period: persons who are not pensioners

- 94.—** (1) Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.
- (2) For the purpose of sub-paragraph (1), an applicant or an

applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

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

Amount of extended reduction: persons who are not pensioners

95.— (1) For any week during the extended reduction period the amount of the extended reduction to which an applicant is entitled is to be the higher of—

- (a) the amount of the reduction under this scheme to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if paragraph 93 (extended reductions: persons who are not pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled under the general conditions of entitlement, if paragraph 93 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction under this paragraph and the applicant's partner makes a claim for a reduction under this scheme, no amount of reduction under this scheme is to be awarded by the authority during the extended reduction period.

Extended reductions—movers: persons who are not pensioners

96.— (1) This paragraph applies—

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

(2) The amount of the extended reduction awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme to which the mover was eligible for the last reduction week before the mover, or the mover's partner,

ceased to be entitled to a qualifying income-related benefit.

- (3) Where a mover's liability to pay council tax in respect of the new dwelling is to a billing authority other than this one, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—
- (a) the second authority; or
 - (b) the mover directly.

Relationship between extended reduction and entitlement to reduction under the general conditions of entitlement: persons who are not pensioners

- 97.—** (1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 93(1)(b), that entitlement does not cease until the end of the extended reduction period.
- (2) Paragraphs 104 and 105 do not apply to any extended reduction payable in accordance with paragraph 93(1)(a) or 96(2) (amount of extended reduction—movers: persons who are not pensioners).

Extended reductions (qualifying contributory benefits): persons who are not pensioners

- 98.—** (1) An applicant who is entitled to a reduction under this scheme (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction (qualifying contributory benefits) where—
- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
 - (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iv) increased the number of hours worked in such employment, and that employment is or, as the case may be, those increased earnings or increased number of hours are expected to last five weeks or more;
 - (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on

which the entitlement to a qualifying contributory benefit ceased; and

- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.
- (2) An applicant must be treated as entitled to a reduction under this scheme by virtue of the general conditions of entitlement where—
- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
 - (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
 - (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): persons who are not pensioners

- 99.—** (1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.
- (3) The extended reduction period ends—
- (a) at the end of a period of four weeks; or
 - (b) on the date on which the applicant entitled to the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits): persons who are not pensioners

- 100.—** (1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant is to be the greater of—
- (a) the amount of reduction under this scheme to which the

- applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if paragraph 98 (extended reductions (qualifying contributory benefits): persons who are not pensioners) did not apply to the applicant; or
 - (c) the amount of reduction under this scheme to which the applicant's partner would be entitled under the general conditions of entitlement, if paragraph 98 did not apply to the applicant.
- (2) Sub-paragraph (1) does not apply in the case of a mover.
 - (3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction shall be allowed by the appropriate authority during the extended reduction period.

Extended reductions (qualifying contributory benefits)—movers: persons who are not pensioners

- 101.—**(1) This paragraph applies—
- (a) to a mover; and
 - (b) from the Monday following the day of the move.
- (2) The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was awarded to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.
 - (3) Where a mover's liability to pay council tax in respect of the new dwelling is to another authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to—
 - (a) that other authority; or
 - (b) the mover directly.

Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction under the general conditions of entitlement: persons who are not pensioners

- 102.—** (1) Where an applicant's reduction under this scheme would have

ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 98(1)(b), that reduction does not cease until the end of the extended reduction period.

- (2) Paragraphs 104 and 105 do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 100(1)(a) or 101(2) (amount of extended reduction—movers: persons who are not pensioners).

Extended reductions: movers into the authority's area

103. Where—

- (a) an application is made to a billing authority ("the current authority") for a reduction under this scheme, and
- (b) the applicant, or the partner of the applicant, is in receipt of an extended reduction from—
 - (i) another billing authority in England;
 - (ii) a billing authority in Wales;
 - (iii) a local authority in Scotland, or
 - (v) a local authority in Northern Ireland,

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

PART 13

Period of entitlement and change of circumstances

Date on which entitlement begins

- 104.—** (1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for a reduction under this scheme is made and who is otherwise entitled to that reduction shall be so entitled from the reduction week following the date on which that application is made or is treated as made.
- (2) Where a person is otherwise entitled to a reduction under this scheme and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his application is made or is treated as made, he shall be so entitled from that reduction week.

Date on which change of circumstances is to take effect

- 105.—** (1) Except in cases where paragraph 59 (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 106, a change of circumstances which affects entitlement to, or the amount of, a reduction under this scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs.

- (2) Where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be 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 12 of that Act, it shall take effect from the day on which the change in amount has effect.
- (5) Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.
- (6) Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.
- (7) If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with sub-paragraphs (1) to (6) they take effect from the day to which the appropriate sub-paragraph from (3) to (6) above refers, or, where more than one day is concerned, from the earlier day.
- (8) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.
- (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.

Change of circumstances where state pension credit in payment

106.— (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 a reduction 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 reduction he receives under this scheme, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the increased rate; or
- (b) a decrease in the reduction he receives under this scheme, the change takes effect from the first day of the reduction 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 reduction 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 reduction week from which state pension credit was reduced; or
- (b) in any other case the relevant change takes effect from the first day of the reduction week next following the date on which—
 - (i) the authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or
 - (ii) state pension credit is reduced, whichever is the

later.

- (4) Where the change of circumstance is that state pension credit is reduced and in consequence of the change, the amount of a reduction he receives under this scheme is increased, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the reduced rate.
- (5) Where a change of circumstance occurs in that an award of state pension credit has been made to the applicant or his partner and this would result in a decrease in the amount of reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which—
 - (a) the authority receives notification from the Secretary of State of the award of state pension credit; or
 - (b) entitlement to state pension credit begins, whichever is the later.
- (6) Where, in the case of an applicant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is—
 - (a) a change of circumstances of a kind described in any of sub-paragraphs (2) to (5) which results from a relevant calculation or estimate; and
 - (b) a change of circumstances which is a relevant determination,each of which results in a change in the amount of reduction the applicant receives under 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 a reduction the applicant receives under this scheme, the change takes effect from the first day of the reduction week next following the date in respect of which the guarantee credit is first payable.
- (8) Where a change of circumstances would, but for this sub-paragraph, take effect under the preceding provisions of this paragraph within the 4 week period specified in paragraph 91 (continuing reductions where state pension credit claimed), that change takes effect on the first day of the first reduction week to commence after the expiry of the 4 week period.

(9) In this paragraph—

“official error” means an error made by—

- (a) 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 35(1).

PART 14

Applications

Who may make an application

- 107.—** (1) In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.
- (2) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and—
- (a) a deputy has been appointed by the Court of Protection with power to apply, 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.

Date on which an application is made

- 108.—** (1) Subject to sub-paragraph (7), the date on which an application is made is—
- (a) in a case where—
 - (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
 - (ii) the application for a reduction under this scheme

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 authority's offices within one month of the date of the change,

the date on which the change takes place;

(c) in a case where—

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

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

(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 authority's offices 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 a reduction under this scheme, and
 - (ii) where the applicant makes an application for a reduction under this scheme within one month of the date of the death or the separation, the date of the death or separation;
 - (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 offices of the authority.
- (2) For the purposes only of sub-paragraph (1)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under—
- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
 - (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days), have been entitled to that allowance.
- (3) Where the defect referred to in paragraph 7 of Schedule 1 to this scheme—
- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority is to treat the application as if it had been duly made in the first instance;
 - (b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority is to treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide on the application.

- (4) The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.
- (5) The conditions are that—
- (a) where paragraph 4(a) of Schedule 1 (incomplete form) applies, the authority receives at the offices of the authority the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or
 - (b) where paragraph 4(b) of Schedule 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 offices of the authority properly completed within one month of it having been sent to him; or, as the case may be,
 - (ii) the applicant supplies whatever information or evidence was requested under paragraph 4 of that Schedule within one month of the request,or, in either case, within such longer period as the authority may consider reasonable; or
 - (c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.
- (6) Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.
- (7) Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under this scheme for a period beginning not later than—
- (a) in the case of an application made by a pensioner, the

seventeenth reduction week following the date on which the application is made, or

- (b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made, the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.
- (8) Sub-paragraph (7) applies in the case of a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit.

Back-dating of applications: pensioners

- 109.—** (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 a reduction, that day and the period of three months immediately following it.
- (2) In any case where paragraph 108(1)(a) applies, sub-paragraph (1) does not entitle a person to apply for a reduction under this scheme in respect of any day earlier than 3 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).

Back-dating of applications: persons who are not pensioners

- 110.—** (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 claim was made;
 - (c) the day 6 months before the date when the applicant requested that the application should include a past

period.

Evidence and information

- 111.**—(1) Subject to sub-paragraph (3), a person who makes an application for a reduction 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 reduction is accompanied by—
 - (i) evidence of the application for a national insurance number to be so allocated; and
 - (ii) the information or evidence enabling it to be so allocated.
- (3) Sub-paragraph (2) does not apply—
- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
 - (b) to a person who—
 - (i) is a person who is a partner of a person or non-dependant resident in the dwelling with the person making an application for a reduction under this scheme;
 - (ii) is a person treated as not being in Great Britain for the purposes of this scheme(**136**);
 - (iv) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
 - (iv) has not previously been allocated a national insurance number.
- (4) Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under 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 a reduction 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 a reduction under this scheme has been awarded of his duty under paragraph 113 (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 113, 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 made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
 - (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 29(9)(b) or (c) (non-dependant deductions) or paragraph 2(b) or (c) of Schedule 4 (second adult's gross income) other than a payment under the Independent Living Fund (2006).
- (8) Where an applicant or a person to whom a reduction 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(**137**);
 - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

Amendment and withdrawal of application

- 112.**—(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 offices of the authority.
- (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 offices of the authority 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 (5) shall have effect when it is received.

Duty to notify changes of circumstances

- 113.—** (1) Subject to sub-paragraphs (3), (6) and (7), 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 a reduction under this scheme) including at any time while the applicant is in receipt of such a reduction.
- (2) The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under 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.
- (3) The duty imposed on a person by sub-paragraph (1) does not extend to notifying—

- (a) changes in the amount of council tax payable to the authority;
 - (b) changes in the age of the applicant or that of any member of his family;
 - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under 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—
 - (a) in the case of a person falling within class C (pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs;
 - (b) in the case of a person falling within class F (persons who are not pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the date when this occurs.
- (7) A person who has been granted a reduction 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.
- (8) In addition to the changes required to be reported under sub-

paragraph (6), a person whose state pension credit comprises only a savings credit must also report—

- (a) changes affecting a child living with him which may result in a change in the amount of reduction under 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 33 (circumstances in which income of a non-dependant is to be treated as applicant's); or
 - (ii) a person to whom paragraph 35(2)(e) 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 a reduction under this scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (6) and (7).

PART 15

Decisions by authority

Decision by authority

114. The authority must make a decision on an application for a reduction under this scheme within 14 days of paragraphs 108 and 111 and Part 1 of Schedule 1 being satisfied, or as soon as reasonably practicable thereafter.

Notification of decision

- 115.—** (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 a reduction the notification under sub-paragraph (1) must include a statement—
- (a) informing the person affected of the duty imposed by paragraph 113(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 reduction or its amount.
- (3) 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.
- (4) The written statement referred to in sub-paragraph (2) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.
- (5) 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 (6).
- (6) 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(**138**) who has power to apply or, as the case may be, receive benefit on the person's behalf; or
 - (v) 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 107(3).

PART 16

Award or payment of reduction

Time and manner of granting reduction under this scheme

- 116.**— (1) Subject to paragraph 119 (payments on death), where a person is entitled to a reduction under this scheme in respect of his liability for the authority's council tax as it has effect in respect of the financial year, the authority must discharge his

entitlement—

- (a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
 - (b) where—
 - (i) such a reduction is not possible; or
 - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under this scheme; or
 - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.
- (2) The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of sub-paragraph (1).
- (3) In a case to which sub-paragraph (1)(b) refers—
- (a) if the amount of the council tax for which he remains liable in respect of the financial year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under this scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction—
 - (i) must be paid to that person if he so requires; or
 - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
 - (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under this scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
 - (c) in any other case, the reduction under this scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.
- (4) For the purposes of this paragraph "instalment" means any

instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

Person to whom reduction is to be paid

- 117.—** (1) Subject to paragraph 119 (payment on death) and sub-paragraph (2), any payment of the amount of a reduction under paragraph 116(1)(b) must be made to the person who is entitled to the reduction.
- (2) Where a person other than the person who is entitled to the reduction under this scheme made the application for the reduction and that first person is a person acting pursuant to an appointment under paragraph 107(3) (persons appointed to act for a person unable to act) or is treated as having been so appointed by virtue of paragraph 107(5), the amount of the reduction may be paid to that person.

Shortfall in reduction

- 118.** Where, on the revision of a decision allowing a reduction under this scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either—
- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the financial year until that shortfall is made good; or
 - (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonable practicable, as soon as possible afterwards.

Payment on the death of the person entitled

- 119.** Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992(a).

PART 1

Procedure for an application for a reduction under this scheme

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

- 1.** Paragraphs 2 to 7 apply to an application for a reduction 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 offices of the authority on a properly completed form.
 - (2) The form must be provided free of charge by the authority for the purpose.
- 4.** Where an application made in writing is defective because—
 - (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
 - (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.
 - (2) An application made on a form provided by 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 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.

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.** An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act must be made—
- (a) in writing,
 - (b) by means of an electronic communication in accordance with Part 4 of this Schedule.

PART 4

Electronic communication

Interpretation

12. In this Part of this Schedule –

“information” includes an application for a reduction under this scheme and a 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 claim, certificate, notice, information or evidence.

Conditions for the use of electronic communication

- 13.—** (1) The authority may use an electronic communication in connection with applications for, and awards of, reductions 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 approved 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 or evidence, 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.

Use of intermediaries

14. The authority may use intermediaries in connection with—

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

Effect of delivering information by means of electronic communication

- 15.—** (1) Any claim 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 of this Schedule; and
 - (b) by or under an enactment,
- are satisfied.
- (2) The authority may, by a direction, determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in subparagraph (1).
- (3) Information shall not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

Proof of identity of sender or recipient of information

16. If it is necessary to prove, for the purpose of any legal proceedings, the identity of—

- (a) the sender of any information delivered by means of an electronic communication to an official computer system; or
- (b) the recipient of any such information delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

Proof of delivery of information

17.— (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 shall 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 shall 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 shall be presumed to be that recorded on an official computer system.

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

SCHEDULE 2

Paragraph 24

Applicable amounts: pensioners

PART 1

Personal allowances

Personal allowance

- 1.—** (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 24(1)(a).

<i>Column (1) Person, couple or polygamous marriage</i>	<i>Column (2) Amount</i>
(1) Single applicant or lone parent— (a) aged under 65; (b) aged 65 or over.	(1) (a) £137.35; (b) £157.90.
(2) Couple— (a) both members aged under 65; (b) one or both members aged 65 or over.	(2) (a) £209.70; (b) £236.80.
(3) If the applicant is a member of a polygamous marriage and none of the members of the marriage has attained the age of 65— (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.	(3) (a) £209.70; (b) £72.35.
(4) If the applicant is a member of a polygamous marriage and one or more members of the marriage are aged 65 or over— (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.	(4) (a) £236.80; (b) £78.90.

Child or young person amounts

- 2.—** (1) The amounts specified in column (2) below in respect of each person specified in column (1) are the amounts, for the

relevant period specified in column (1), specified for the purposes of paragraph 24(1)(b).

Column (1) Child or young person	Column (2) 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) £62.33; (b) £62.33.

(2) In column (1) of the table "the first Monday in September" means the Monday which first occurs in the month of September in any year.

PART 2

Family premium

Family premium

1. The amount for the purposes of paragraph 24(1)(c) in respect of a family of which at least one member is a child or young person is £17.40.

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 of this Schedule, a person shall 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 daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012.

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 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 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 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 thereunder;
 - (c) 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.
- (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 or payment 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 shall include reference 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).

Enhanced disability premium

- 7.—** (1) The condition is—
- (a) that 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 in respect of a child or young person who is a member of the applicant's family; or
 - (b) (as the case may be) that the daily living component of personal independence payment 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 under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate prescribed in accordance with Part 4 of that Act.

- (2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

Disabled child premium

8. The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household—

- (a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is blind within the meaning of paragraph 6(4) of this Schedule or treated as blind in accordance with paragraph 6(5); or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

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>
12.—(1) Severe Disability Premium— (a) where the applicant satisfies the condition in paragraph 6(2)(a); (b) where the applicant satisfies the condition in paragraph 6(2)(b)— (i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 6(7); (ii) in a case where there is no-one in receipt of such an allowance.	(1) (a) £55.30; (b) (i) £55.30; (ii) £110.60.

(2) Enhanced disability premium.	(2) £21.63 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.
(3) Disabled Child Premium.	(3) £53.62 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium.	(4) £31.00 in respect of each person who satisfies the condition specified in paragraph 9.

SCHEDULE 3

Paragraph 25

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) shall be the amounts specified for the purposes of paragraphs 25(1)(a) and 26(1)(a) and (b)—

<i>Column (1) Person or Couple</i>	<i>Column (2) Amount</i>
(1) A single applicant who—	(1)
(a) is entitled to main phase employment and support allowance;	(a) £67.50;
(b) is aged not less than 25;	(b) £67.50;
(c) is aged not less than 18 but less than 25.	(c) £53.45.
(2) Lone parent.	(2) £67.50.
(3) Couple.	(3) £105.95.

- 2.** For the purposes of paragraph 1 of this Schedule an applicant is entitled to main phase employment and support allowance if—
- (a) paragraph 18 of this Schedule 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) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of paragraphs 25(1)(b) and 26(1)(c) of this scheme—

<i>Column (1)</i> <i>Child or Young person</i>	<i>Column (2)</i> <i>Amount</i>
Person in respect of the period—	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	£62.33
(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.	£62.33

- (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 paragraphs 25(1)(c) and 26(1)(d) 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 (2) applies, £22.20;
 - (b) in any other case, £17.40.
- (2) The amount in sub-paragraph (1)(a) shall be applicable to a lone parent—
- (a) who was entitled to council tax benefit on 5th April 1998 and whose applicable amount on that date included the amount applicable under paragraph 3(1)(a) of Schedule 1 to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 as in force on that date; or
 - (b) on becoming entitled to council tax benefit where that lone parent—
 - (i) had been treated as entitled to that benefit in accordance with sub-paragraph (3) as at the day before the date of claim for that benefit; and
 - (ii) was entitled to housing benefit as at the date of claim for council tax benefit or would have been

entitled to housing benefit as at that date had that day not fallen during a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006,

and in respect of whom, all of the conditions specified in sub-paragraph (3) have continued to apply.

- (3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on 6th April 1998—
- (a) the applicant has not ceased to be entitled, or has not ceased to be treated as entitled, to council tax benefit;
 - (i) council tax benefit (in relation to the period to 1st April 2012), and
 - (ii) a reduction under this scheme (in relation to a the period commencing on 1st April 2013);
 - (b) the applicant has not ceased to be a lone parent;
 - (c) where the applicant was entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has continuously, since that date, been entitled to income support, an income-based jobseeker's allowance or income-related employment and support allowance or a combination of those benefits;
 - (d) where the applicant was not entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has not become entitled to income support, an income-based jobseeker's allowance or an income-related employment and support allowance; and
 - (e) a premium under paragraph 9 of this Schedule or a component under paragraph 21 or 22 of this Schedule has not become applicable to the applicant.
- (4) For the purposes of sub-paragraphs (2)(b)(i) and (3)(a), an applicant shall be treated as entitled to council tax benefit during any period where he was not, or had ceased to be, so entitled and—
- (a) throughout that period, he had been awarded housing benefit and his applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 3 to the Housing Benefit Regulations 2006 (lone parent rate of family premium); or
 - (b) he would have been awarded housing benefit during that

period had that period not been a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006 and his applicable amount throughout that period would have included the amount applicable under paragraph 3(1)(a) of Schedule 3 to those Regulations.

PART 3

Premiums

5. Except as provided in paragraph 6 of this Schedule, the premiums specified in Part 4 of this Schedule shall, for the purposes of paragraphs 25(1)(d) and 26(1)(e) of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs 9 to 14 of this Schedule in respect of that premium.
6. Subject to paragraph 7 of this Schedule, where an applicant satisfies the conditions in respect of more than one premium in this Part of this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.
7. The following premiums, namely—
 - (a) a severe disability premium to which paragraph 11 of this Schedule applies;
 - (b) an enhanced disability premium to which paragraph 12 of this Schedule applies;
 - (c) a disabled child premium to which paragraph 13 of this Schedule applies; and
 - (d) a carer premium to which paragraph 14 of this Schedule 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 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 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 of this Schedule, a person shall 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 of this Schedule 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 of this Schedule, the additional condition referred to in paragraph 9 of this Schedule 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, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in the case of long-term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or
 - (ii) was in receipt of long-term incapacity benefit

under Part 2 of the SSCBA when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and the applicant has since remained continuously entitled to council tax benefit 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 57(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 57(11)(i) (treatment of child care charges); or
- (v) is provided by the Secretary of State with an invalid carriage or other vehicle under section 5(2) of the National Health Service Act 1977 (other services) or, in Scotland, under section 46 of the National Health Service (Scotland) Act 1978 (provision of services by Scottish Ministers) or receives payments by way of grant from the Secretary of State under paragraph 2 of Schedule 2 to the Act of 1977 (additional provisions as to vehicles) or, in Scotland, by Scottish Ministers under section 46 of the Act of 1978; or
- (vi) 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)(vi), 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.
- (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 shall, on again becoming so incapable of work, immediately thereafter 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 shall 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 shall 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),

shall in each case 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 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 payable at either rate under Part 4 of the Welfare Reform Act 2012; 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; 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 shall 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 shall 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
 - (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 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 or the daily living component of personal independence payment payable at either rate under 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;
 - (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 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.
- (7) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer's allowance shall 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 57(11)(e) of this scheme (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 57(11)(e) and has been for a period of more than 52 weeks.

Disabled child premium

13. 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 of this Schedule; 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

14.— (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 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) shall be—

- (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 a reduction, the condition for the award of the carer premium shall 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;
- (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

- 16.** For the purpose of determining whether a premium is applicable to a person under paragraphs 10 to 14 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.

Persons in receipt of benefit for another

- 17.** 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 Premiums Specified in Part 3

<i>Premium</i>	<i>Amount</i>
17. —(1) Disability Premium—	(1)
(a) where the applicant satisfies the condition in paragraph 9(a);	(a) £28.85;
(b) where the applicant satisfies the condition in paragraph 9(b).	(b) £41.10.
(2) Severe Disability Premium—	(2)

(a) where the applicant satisfies the condition in paragraph 11(2)(a);	(a) £55.30;
(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 if he or any partner satisfies that condition only by virtue of paragraph 11(5);	(b)(i) £55.30;
(ii) (ii) in a case where there is no-one in receipt of such an allowance.	(b)(ii) £110.60.
(3) Disabled Child Premium.	(3) £53.62 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) £31.00 in respect of each person who satisfies the condition specified in paragraph 14.
(5) Enhanced disability premium	(5)
	(a) £21.63 in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied;
	(b) £14.05 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) £20.25 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 of this Schedule the applicant is entitled to one, but not both, of the components in paragraph 21 or 22 of this Schedule 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 of this Schedule.
- (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 £26.75.
- 24.** The amount of the support component is £32.35.

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 of this Schedule 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 of this Schedule;
 - (b) the termination of the applicant's award of reduction 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 reduction, under—
 - (i) paragraph 25(2)(b) of this Schedule;
 - (ii) sub-paragraph (3)(b) of this paragraph; or
 - (iii) paragraph 27(3)(b) of this Schedule;
 - (b) within 104 weeks of that termination but before 5th April 2020 the applicant again becomes entitled to a reduction under this scheme;
 - (c) in the reduction week in which the applicant again becomes entitled to a reduction under this scheme the relevant person is entitled to an employment and support allowance which is not income-related;
 - (d) if the period between the events mentioned in paragraphs (a) and (b) is more than 12 weeks, the intervening period is one to which regulation 145(2) (linking period where applicant is a work or training beneficiary) of the Employment and Support Allowance Regulations 2008 applies in respect of the relevant person; and
 - (e) at the date on which the applicant again becomes entitled to a reduction 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 a reduction 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 of this Schedule;
 - (b) the termination of the applicant's award of a reduction 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) of this Schedule;
 - (ii) paragraph 26(3)(c) of this Schedule; or
 - (iii) sub-paragraph (3)(c) of this paragraph;
- (b) before 5th April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;
- (c) either—
 - (i) 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; or
 - (ii) the period between the events mentioned in paragraphs (a) and (b) is one to which regulation 145(2) of the Employment and Support Allowance Regulations 2008 applies in respect of 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 a reduction 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 of this Schedule), 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 of this Schedule;
- (b) the termination of the applicant's award of a reduction 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 of this Schedule, 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 25(1)(a) to (e) or paragraph 26(1)(a) to (f) of this scheme.
- 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 shall 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 shall 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

Paragraph 30

Amount of alternative maximum council tax reduction

- 1.—** (1) Subject to paragraphs 2 and 3, the alternative maximum council tax reduction in respect of a day for the purpose of paragraph 30 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) or 18(2) (as the case may be) of this scheme applies; and
 - (b) "persons to whom paragraph 71(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 a reduction 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) Second adult	(2) Alternative maximum council tax reduction
(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	(a) 25 per cent of the council tax due in respect of that day;

persons on an income-based jobseeker's allowance;	
(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 £177.00 per week;	(i) 15 per cent of the council tax due in respect of that day;
(ii) is not less than £177.00 per week but less than £231.00 per week;	(ii) 7.5 per cent of the council tax due in respect of that day;
(c) where the dwelling would be wholly occupied by one or more persons to whom paragraph 71(1) of this scheme applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income-based jobseeker's allowance.	(c) 100 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, there shall be disregarded from that income—

- (a) any attendance allowance, any disability living allowance under section 71 of the SSCBA, or any personal independence payment under Part 4 of the Welfare Reform Act 2012;
- (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 53 (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 53, 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 a reduction 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 shall be disregarded in determining the amount of any alternative maximum council tax reduction, unless that second adult is a member of a couple and his partner does not fall to be disregarded for the purposes of discount.

SCHEDULE 5

Paragraph 59

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 shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall 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 to 76 of that Act;
 - (iv) disability living allowance under section 71 to 76 of that Act;
 - (v) personal independence payment under Part 4 of the Welfare Reform Act 2012;
 - (vi) 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;
 - (vi) 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
 - (viii) 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 (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 was in receipt of a reduction under an authority's scheme (including under another authority's scheme) and —
 - (a) £20 was disregarded in respect of earnings taken into account in that award;
 - (b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.
- (3) The disregard of £20 specified in sub-paragraph (2) applies so long as there is no break, other than a break which does not exceed 8 weeks, in a person's—
 - (a) entitlement to housing benefit; or
 - (b) receipt of a reduction under a council tax reduction 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 34 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 26 (calculation of income and capital of members applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ("A") it shall not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there shall also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

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

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance;
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) "Exempt work" means work of the kind described in—

- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008; or (as the case may be)
- (b) regulation 17(2), (3) or (4) of the Social Security

(Incapacity for Work) (General) Regulations 1995, and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

- (7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).
- 7.** Any amount or the balance of any amount which would fall to be disregarded under paragraph 18 or 19 of Schedule 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 shall be disregarded if an applicant who has no partner has earnings;
 - (b) £10 shall be disregarded if an applicant who has a partner has earnings.
- 9.** Any earnings, other than earnings referred to in paragraph 39(8)(b), derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to a reduction 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 shall 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 applicable amount includes a family premium under paragraph 3 of Schedule 2; 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; or
- (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 56(1)(c); and
 - (c) £17.10.
- (4) The provisions of paragraph 10 of this scheme shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in 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

Paragraph 39

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, £10 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 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 sub-paragraphs (a) to (d) above;
 - (g) 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.
- 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;
 - (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 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998, that student's award;
 - (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
 - (c) the student's student loan, an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.
- 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 under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher

Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980, and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 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 shall be equal to—
 - (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b), whichever is less.
- 20.—** (1) Where an applicant's applicable amount includes an amount by way of a family premium, £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 shall 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 4, 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.

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 a reduction 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 50(1)(e) of this scheme, or
 - (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
- (iii) any award, sum or payment of the nature described in—
 - (aa) paragraph 50(1)(g) or (i), 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 a reduction 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 1(b)(i) or (ii)(bb) of this Schedule or paragraph 50(1)(j) of this scheme.

- 2.** In the case of an applicant who, before the first day of entitlement to a reduction 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) of this Schedule;
 - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) of this Schedule or paragraph 50(1)(j).
- 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 52(3) and (4) of this Scheme (earnings of self-employed earners) apply.
- 4.—**

 - (1) In a case to which this paragraph applies and paragraph 5 does not apply, £25; but notwithstanding paragraph 32 of this scheme (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 shall 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 £25.
 - (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, £30.

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), £25 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 shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £25 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 £25, 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 £25;
- (b) other than one specified in paragraph 9(1), so much of the other member's earnings from such other employment up to £15 as would not when aggregated with the amount disregarded under paragraph 5 exceed £25.

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, £15; but, notwithstanding paragraph 32 of this scheme (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall 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 £15.

9.— (1) In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant, £25 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 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) 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 32 of this scheme (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall 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 £15 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £25.

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 £25 in any week and he is also engaged in any other employment, so much of his earnings from that other employment, up to £10 if he is a single applicant, or up to £15 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 9 exceed £25.

11. In a case to which none of the paragraphs 4 to 10 applies, £10.

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 32 of this scheme (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 shall not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).
- (4) Where A's earnings are less than the specified amount, there shall 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 £30 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 thereunder.

- 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 of this Schedule shall be increased by £17.10.
(2) The conditions of this sub-paragraph are that—
 - (a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (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 of this Schedule;
 - (b) the amount of child care charges calculated as deductible under paragraph 56(1)(c) of this scheme; and
 - (c) £17.10.
- (4) The provisions of paragraph 10 of this scheme shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in 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

Paragraph 53

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 55(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 or personal independence payment.
- 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 National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
- (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) shall not apply to a payment which is made or due to be made by—
- (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant's family.

20. Subject to paragraph 40, £10 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 68 (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) of this scheme 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, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998, that student’s award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student’s bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student’s student loan, an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

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 under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section

49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980, and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 23 of this Schedule, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

- (2) For the purposes of sub-paragraph (1), the amount shall be equal to—
 - (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b), whichever is less.
- 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 of this Schedule 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.—** (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—
 - (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 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.
- (2) In this paragraph, "board and lodging accommodation" means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the

accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.

- 28.—** (1) Any income in kind, except where paragraph 53(11)(b) of this scheme (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 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006.
- 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) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—
 - (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (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 63 of this scheme (income treated as capital: persons who are not pensioners) is to be treated as capital.
- 37.** Any social fund payment made pursuant to Part 8 of the SSCBA (the Social Fund).
- 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 32(3) (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 75(2)(b) and paragraph 76(1)(d) of this scheme (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 79(2) of this

scheme (treatment of student loans), paragraph 80(3) of this scheme (treatment of payments from access funds) and paragraphs 20 and 21 shall 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 full-time education and has no parent or step-parent, to his guardian, but only for a period from the date of the payment until the end of two years from that person's death.
 - (5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—
 - (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
 - (b) the payment is made either—
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,
but only for a period of two years from the relevant date.
 - (6) In the case of a person to whom or for whose 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 shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.
- 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 a reduction 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 shall be aggregated and treated as if they were a single payment.
- (3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).
- 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 benefit 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) shall apply 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 reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
- 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.

SCHEDULE 9

Paragraph 62

Capital disregards: pensioners

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 shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. 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 a reduction 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 shall apply for the period beginning on the date on which the trust payment is made and ending

on the date on which that person dies;

- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date.
- (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 shall apply 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 shall apply for the period beginning on the date on which the payment is made and ending two years after that date.
- (5) In this paragraph, a reference to a person—
 - (a) being the diagnosed person's partner;
 - (b) acting in place of the diagnosed person's parents,at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home 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, or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as “the Trusts”); or
 - (b) 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 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 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, 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, 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 any payment of income or capital made under or deriving from any of the Trusts.
- 17.—** (1) An amount equal to the amount of any payment made in consequence of any personal injury to the applicant or, if the applicant has a partner, to the partner.
- (2) Where the whole or part of the payment is administered—
- (a) by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998, or the Court of Protection, or on behalf of a person where the payment can only be disposed of by order or direction of

any such court;

(b) in accordance with an order made under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or

(c) in accordance with the terms of a trust established for the benefit of the applicant or his partner,

the whole of the amount so administered.

18. Any amount specified in paragraph 19, 20, 21 or 25 of this Schedule for a period of one year beginning with the date of receipt.

19. Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the applicant as his home and to his personal possessions.

20. So much of any amounts paid to the applicant or deposited in the applicant's name for the sole purpose of—

(a) purchasing premises which the applicant intends to occupy as his home; or

(b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the applicant as his home.

21.— (1) Subject to paragraph 22 any amount paid—

(a) by way of arrears of benefit;

(b) by way of compensation for the late payment of benefit;

(c) in lieu of the payment of benefit;

(d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply.

(e) by a local authority out of funds provided under either section 93 of the Local Government Act 2000(**155**) under a scheme known as "Supporting People" or section 91 of the Housing (Scotland) Act 2001.

(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) income support;

(e) income-based jobseeker's allowance;

(f) state pension credit;

(g) housing benefit;

(h) council tax benefit;

- (i) child tax credit;
- (j) 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);
- (k) 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;
- (l) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (m) working tax credit; or
- (n) income-related employment and support allowance.

22.— (1) Subject to sub-paragraph (3), any payment of £5,000 or more which has been made to rectify, or to compensate for, an official error 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 benefit under the Council Tax Benefit Regulations 2006 or the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

(2) Subject to sub-paragraph (3), the total amount of any payments disregarded under—

- (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987;
- (b) paragraph 12(2) of Schedule 8 to the Jobseeker's Allowance Regulations 1996;
- (c) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006;
- (d) paragraph 20A of Schedule 5 to the State Pension Credit Regulations 2002,
- (e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations 2008,

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) shall have effect until the award comes to an end.

(4) In this paragraph—

“the award”, except in sub-paragraph (2), means—

- (a) the award of benefit under the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 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
 - (iv) 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—

- (a) in the case of an existing award of benefit under these Regulations or the Council Tax Benefit Regulations 2006, 6th October 2003; and
- (b) in any other case, the date on which the claim for benefit under these Regulations or the Council Tax Benefit Regulations 2006 was made;

“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 3 (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 shall be disregarded under this paragraph.
- 27.—** (1) Subject to sub-paragraph (2), where an applicant falls within class C (alternative maximum council tax reduction: 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 the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to—
- (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;
 - (b) the amount of that lump sum,
- but only for so long as that person does not change that election in favour of an increase of pension or benefit.
- 29.** Any payments made 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); or
 - (c) sections 12A to 12C of the National Health Service Act 2006 (direct payments for health care).

PART 2

Capital disregarded only for the purposes of determining deemed income

- 30.** The value of the right to receive any income under a life interest or from a life rent.
- 31.** The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
- 32.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 33.** Where property is held under a trust, other than—
- (a) a charitable trust within the meaning of the Charities Act 1993; or
 - (b) a trust set up with any payment to which paragraph 16 of this Schedule applies,

and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant's partner, or both, that property.

SCHEDULE 10

Paragraph 62

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 32 of this scheme (calculation of income and capital of members of applicant's family and of a polygamous marriage), only one dwelling shall 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 shall not apply where the former partner is a person from whom the applicant is estranged or

divorced or with whom he had formed a civil partnership that has been dissolved.

- 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 a reduction 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.** Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of—
 - (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;

- (b) an income-related benefit under Part 7 of the 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 Decisions and Appeals Regulations; and
 - (b) received by the applicant in full on or after 14th October 2001, sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the period of an award of a reduction 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 a reduction 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 a reduction under this scheme or to increase the amount of that reduction.

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 13 of Schedule 3 or paragraph 25 of Schedule 4.
- 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 social fund payment made pursuant to Part 8 of the SSCBA.
- 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 54 or 79 (capital treated as income, 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 shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

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 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

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 subparagraph (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.—** (1) Subject to sub-paragraph (2), where an applicant falls within class F (alternative maximum council reduction: persons who are not pensioners), the whole of his capital.
- (2) Sub-paragraph (1) does not apply where an applicant falls within class E and class F.
- 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 National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
- (ii) regulations made under section 181 of that Act; or
- (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 interment of—
- (a) the applicant;
 - (b) the applicant's partner;
 - (c) the applicant's deceased spouse or deceased civil partner; or
 - (d) the applicant's partner's deceased spouse or deceased civil partner,
- by the Japanese during the Second World War, £10,000.
- 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 shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;

- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—
 - (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to—
 - (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
 - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or

- (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) being a member of a diagnosed person's family;
- (c) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.

(6) In this paragraph—

"diagnosed person" means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld-Jakob disease;

"relevant trust" means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

"trust payment" means a payment under a relevant trust.

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).

SCHEDULE 11

Schedules 2-8

Up-rating of amounts and sums

- 1.** The amounts and sums within schedules 2, 5, 6 and 9 will be up-rated each year to reflect the amounts prescribed by central government. These amounts will be ratified by full council at their March meeting.
- 2.** The amounts and sums within schedules 3, 4, 7, 8 and 10 will be up-rated each year. These amounts will be ratified by full council at their March meeting.

EXPLANATORY NOTE

(This note is not part of the Rules)

Section 13A of the Local Government Finance Act 1992 (c. 14), substituted by section 9 of the Local Government Finance Act 2012 (c.XX), 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 authority considers are in financial need.

The scheme for South Kesteven District Council is set out in the Schedule to these rules. Parts 1 and 2 contain introductory provisions and definitions of key words and phrases. Part 3 and Schedule 1 contains the procedure for reduction applications and appeals. Parts 4 and 5 specify the classes of person entitled and not entitled to a reduction under the scheme, respectively.

Parts 6 to 9 and Schedules 2 to 4 set out matters relevant to determining eligibility for a reduction and the amount of reduction under the scheme.

Part 10 and Schedules 5 to 10 set out how income and capital of the applicant and others is treated in calculating eligibility for a reduction, including in cases where an applicant or partner has an award of universal credit. Part 11 provides for the application of the scheme to students. Part 12 provides for extended reductions in certain circumstances and Part 13 sets out the period of entitlement and how a change in circumstances affects any reduction.

Part 14 of the scheme provides for the making of an application for a reduction. Part 15 sets out the time within which an authority must make its decision on the application and provides for notification of the decision. Part 16 makes provisions about the award or payment of a reduction.

REPORT TO CABINET

REPORT OF: HEAD OF FINANCE

REPORT NO: HOF209

DATE: 3rd December 2012

TITLE:	FEES AND CHARGES PROPOSALS 2013/14	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	None	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Mike Taylor Assets and Resources Portfolio Holder	
CONTACT OFFICER:	Richard Wyles, Head of Finance r.wyles@southkesteven.gov.uk 01476406210	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
Equality and Diversity	N/A – this will be undertaken by the service area responsible for the fees and charges	No
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	HOF 210	

1. RECOMMENDATION

Cabinet is asked to approve the following fees and charges for their inclusion into the budget framework proposals for 2013/14:

- Car parking – no increase to current tariffs but approve a review of the car parking charging strategy 6 months after the implementation of civil parking enforcement in the district. Penalty fines increased in line with civilian parking enforcement rates
- Markets – no increase proposed
- Bus stations – no increase proposed

- Grantham cycle centre – no increase proposed
- Arts centres – inflationary increase only
- Corn Exchange – inflationary increase only and introduction of new charges for kitchen hire, bar hire and regular hirers
- Green waste collection – no increase proposed
- Licensing – increase in line with achieving service breakeven
- Environmental Health – inflationary increase only and introduction of 2 new charges (amendment or replacement of certificate and renewal of licence for houses of multiple occupation)
- Outdoor recreation – inflationary increase only
- Building Control – no increase to published fees but an increase of £5 to £45 be applied for the hourly rate charge for any other non-published services provided
- Grantham cemetery – inflationary increase to established charges and the introduction of new charges for single vault mausoleum plot and kerbed memorials
- Helpline – increase in line with achieving service breakeven for private sector customers
- The introduction of a new charging structure in with respect to planning advice

2. PURPOSE OF THE REPORT

The fees and charges proposals for 2013/14 have been compiled by the Resources PDG and need to be taken into consideration as part of the budget compilation for the 2013/14 budget framework.

3. DETAILS OF REPORT

The Resources PDG has been reviewing fees and charges as a key element of their 2012/13 workplan and have worked alongside Deloitte and officers to undertake an income review benchmarking study which compared fees and charges across a number of east midlands councils. This review has also given exposure to over 50 local authorities charging regimes outside of the geographical boundaries of the east midlands.

This review has led to an updated fees and charges strategy which was approved by Cabinet at its meeting on 1st October 2012. The main headings of the framework are:

Approaches to fees and charges setting:

- A clear corporate charging policy
- Clarity over full cost or subsidy level (defined as £ per head)
- A perspective on fairness in charging
- Adopting a more commercial approach to fee setting

Proposed framework for charging

- Recovery of cost
- Concessions for certain service users
- Identifying new opportunities for charging
- Contribution to corporate priorities
- Annual review of charges

The strategy and the toolkit now forms part of the financial planning cycle of the Authority and the methodology has been adopted by all service areas.

Service managers have been utilising the framework and the benchmarking toolkit to undertake a fundamental review of the current published fees. Specifically the focus of the work focussed on:

- Services that are currently provided free of charge where other authorities are charging
- Services not currently provided that other authorities are providing and charging for
- Services where the Council is charging a lower rate than the benchmark

Specifically the initial outcome of the review work has identified the following new charge proposals:

Pre-planning charging – the benchmarking analysis revealed a number of authorities including Lincolnshire, have introduced a charge for providing pre-planning advice. A system of charging for pre-planning advice helps to reduce the number of speculative enquires and helps provide customers with a quality service that provides them with the assurance that the application, once received, will process in a timely fashion and without unnecessary delays. The introduction of the charge also establishes the principle that the cost of the service should be met from the customer directly receiving the service rather than the wider taxpayer. This principle is a core element of the newly adopted fees and charges strategy.

There has been no evidence that introducing such as charge will have a detrimental impact on developers wishing to engage with the Council in bringing forward development opportunities. Indeed, anecdotal evidence supports the view that developers will actively support a charge regime knowing that the service that is received is a quality professional service.

In summary the following pre-planning advice charges are proposed:

- Householder residential development (extensions etc) - £50
- Non-residential changes of use including siting or caravans for sites under 1 ha or buildings under 1,000 sqm (gross) - £150
- Non-residential changes of use including siting of caravans for sites or 1 ha or above or buildings of 1,000 sqm or above (gross) - £300
- Development of 1-9 dwellings including changes of use to residential - £200 for 1st dwelling and £100 for each additional dwelling
- Development of 10-49 dwellings including changes of use to residential - £1,000 for the 10th dwelling and £50 for each additional dwelling

Other charges have also been considered and these are detailed at appendix A.

Bus stations – benchmarking with neighbouring authorities has identified the current charges are proportionally greater whilst only offering limited facilities. This is causing concern and could create an adverse response for the future operation of the sites if not kept under review. A continuation of a freeze on an increase for 2013/14 would assist with addressing the situation.

Corn Exchange – the new financial year will see the opening of the Community Access Point at the Corn Exchange with the remainder of the centre providing function room and kitchen hiring facilities. The costs of providing these different services has been separately identified and the new fee structure is based on the service offer and the existing published charges with inflation applied. New charges have been introduced in respect of:

- Full kitchen hire £120
- Use of bar function £50
- Regular users hire: hourly rate £25 and evening rate £30

Green waste charging – during 2012/13, the Council approved the introduction of a green waste collection contribution fee of £25 for an annual collection service. This has proven particularly successful with over 24,000 customers paying for the green waste service. In order to allow the service to continue to deliver a quality service and reach a breakeven financial position, it is not proposed to increase its collection charges for next financial year.

With respect to Community Safety and Licensing, further work has been undertaken with respect of the current charging structure and a review of the underlining cost drivers for each of the service activity has been done. This has led to a proposed increase which will ensure the service achieves breakeven position. The details of the new charges are shown at appendix A.

In all other respects, charges are proposed to increase in line with inflation (RPI as at September 2012 at 2.6%).

4. OTHER OPTIONS CONSIDERED

N/A

5. RESOURCE IMPLICATIONS

The fees and charges are compiled as part of the budget setting process.

6. RISK AND MITIGATION (INCLUDING HEALTH & SAFETY AND DATA QUALITY)

N/A

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

This will be considered as part of the introduction of the changes in fees and charges.

8. CRIME AND DISORDER IMPLICATIONS

None

9. COMMENTS OF FINANCIAL SERVICES

Financial considerations are included in the report.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The Council has the power to charge for the delivery of discretionary services in accordance with s.93 of the Local Government Act 2003. The power to charge is available provided the income received does not exceed the cost of the provision of the service.

11. APPENDICES:

Appendix A - Proposed fees and charges 2013/14

CAR PARK CHARGES

	Detail	Effective Date	2012/13 £	2013/14 £	VAT
	CAR PARKS - GRANTHAM				
1	SHORT STAY (except Wharf Road Grantham)				
	Up to 30 mins	01/04/10	0.50	0.50	Inclusive
	Up to 1 hour	01/04/10	0.80	0.80	Inclusive
	Up to 2 hours	01/04/10	1.30	1.30	Inclusive
	Up to 3 hours	01/04/10	1.80	1.80	Inclusive
	Up to 4 hours	01/04/10	3.00	3.00	Inclusive
	Over to 4 hours	01/04/10	4.00	4.00	Inclusive
	SHORT STAY Wharf Road Grantham				
	Up to 30 mins	01/04/10	0.50	0.50	Inclusive
	Up to 1 hour	01/04/10	0.80	0.80	Inclusive
	Up to 2 hours	01/04/10	1.30	1.30	Inclusive
	Up to 3 hours	01/04/10	1.80	1.80	Inclusive
	Up to 4 hours	01/04/10	6.00	6.00	Inclusive
	Over to 4 hours	01/04/10	8.00	8.00	Inclusive
2	LONG STAY				
	Up to 3 hours	01/04/10	1.80	1.80	Inclusive
	Up to 4 hours	01/04/10	2.50	2.50	Inclusive
	All Day	01/04/10	3.00	3.00	Inclusive
3	LONG STAY SEASON TICKETS				
	(Monday to Friday)				
	Per Quarter	01/04/10	99.00	99.00	Inclusive
	Per 6 months	01/04/10	190.00	190.00	Inclusive
4	LONG STAY SEASON TICKETS				
	(Monday to Saturday)				
	Per Quarter	01/04/10	120.00	120.00	Inclusive
	Per 6 months	01/04/10	230.00	230.00	Inclusive
	Season Ticket Discount Offer	Purchase	Additional Tickets Free		
		4	1		
		8	2		
		15	5		
5	PENALTY CHARGE NOTICES				
	Failure to display	01/04/13	80.00	70.00	O/Scope
	Fine after discount for Payment in 14 Days	01/04/13	40.00	35.00	O/Scope
	Parking for longer etc.	01/04/13	60.00	50.00	O/Scope
	Fine after discount for Payment in 14 Days	01/04/13	30.00	25.00	O/Scope

CAR PARK CHARGES

	Detail	Effective Date	2012/13	2013/14	VAT
			£	£	
	CAR PARKS - STAMFORD				
1	SHORT STAY				
	Up to 30 mins	01/04/10	0.50	0.50	Inclusive
	Up to 1 hour	01/04/10	0.80	0.80	Inclusive
	Up to 2 hours	01/04/10	1.30	1.30	Inclusive
	Up to 3 hours	01/04/10	1.80	1.80	Inclusive
	Up to 4 hours	01/04/10	3.00	3.00	Inclusive
	Over to 4 hours	01/04/10	4.00	4.00	Inclusive
2	LONG STAY				
	Up to 3 hours	01/04/10	1.80	1.80	Inclusive
	Up to 4 hours	01/04/10	2.50	2.50	Inclusive
	All Day	01/04/10	3.00	3.00	Inclusive
3	COACH PARKING (ALL DAY)				
	Cattle Market	01/04/10	10.00	10.00	Inclusive
4	LONG STAY SEASON TICKETS (Monday to Friday)				
	Per Quarter	01/04/10	99.00	99.00	Inclusive
	Per 6 months	01/04/10	190.00	190.00	Inclusive
5	LONG STAY SEASON TICKETS (Monday to Saturday)				
	Per Quarter	01/04/10	120.00	120.00	Inclusive
	Per 6 months	01/04/10	230.00	230.00	Inclusive
	Season Ticket Discount Offer	Purchase	Additional Tickets Free		
		4	1		
		8	2		
		15	5		
6	PENALTY CHARGE NOTICES				
	Failure to display	01/04/13	80.00	70.00	O/Scope
	Fine after discount for Payment in 7 Days	01/04/13	40.00	35.00	O/Scope
	Parking for longer etc.	01/04/13	60.00	50.00	O/Scope
	Fine after discount for Payment in 7 Days	01/04/13	30.00	25.00	O/Scope

MARKETS

	Detail	Effective Date	2012/13	2013/14	VAT
			£	£	
	MARKETS - GRANTHAM				
1	Standard Stall (3.05m x 1.22m)	01/04/12	21.50	21.50	Exempt
	Standard Casual Stall (3.05m x 1.22m)	01/04/12	23.50	23.50	Exempt
2	Pitch (3.05m x 3.05m)	01/04/12	20.00	20.00	Exempt
	Casual Pitch (3.05m x 3.05m)	01/04/12	20.50	20.50	Exempt
	Hot food units	01/04/12	23.50	23.50	Exempt
3	<u>Vehicles parked for storage</u>				
	Cars and light vans	01/04/12	6.40	6.40	Inclusive
	Large vehicles	01/04/12	9.80	9.80	Inclusive
	MARKETS - STAMFORD				
4	Standard Stall (3.05m x 1.22m)	01/04/12	23.00	23.00	Exempt
	Standard Casual Stall (3.05m x 1.22m)	01/04/12	25.50	25.50	Exempt
5	Pitch (3.05m x 3.05m)	01/04/12	20.50	20.50	Exempt
	Casual Pitch (3.05m x 3.05m)	01/04/12	22.50	22.50	Exempt
	Hot food units	01/04/12	25.50	25.50	Exempt
6	Craft Fair - Table	01/04/12	23.50	23.50	Exempt
7	Craft Fair - Stall	01/04/12	28.50	28.50	Exempt
8	<u>Vehicles parked for storage</u>				
	Cars and light vans	01/04/12	6.40	6.40	Inclusive
	Large vehicles	01/04/12	9.80	9.80	Inclusive
	MARKETS - BOURNE				
9	Standard Stall (3.05m x 1.22m)	01/04/12	18.50	18.50	Exempt
	Standard Casual Stall (3.05m x 1.22m)	01/04/12	19.50	19.50	Exempt
10	Pitch (3.05m x 3.05m)	01/04/12	15.50	15.50	Exempt
	Casual Pitch (3.05m x 3.05m)	01/04/12	15.50	15.50	Exempt
11	<u>Vehicles parked for storage</u>				
	Cars and light vans	01/04/12	6.40	6.40	Inclusive
	Large vehicles	01/04/12	9.80	9.80	Inclusive
12	Hire of stall for private function (collection only)*	01/04/12	10.30	10.30	Exempt
13	FOR ALL MARKETS				
	Farmers Markets - supply of stall cover in addition to standard stall charge	01/04/07	1.00	1.00	Exempt
	Fruit and Veg Excessive Waste Surcharge	01/04/10	£5 per stall	£5 per stall	

* any associated costs with delivery and set up will be charged accordingly

BUS STATIONS

	Detail	Effective Date	2012/13	2013/14	VAT
			£	£	
	BUS STATION - GRANTHAM				
1	Per departure	01/04/11	0.75	0.75	Inclusive
2	<u>Minimum Charge</u> 1-75 departures per annum	01/04/11	50.00	50.00	Inclusive
	BUS STATION - STAMFORD				
3	Per departure	01/04/11	0.75	0.75	Inclusive
4	<u>Minimum Charge</u> 1-75 departures per annum	01/04/11	50.00	50.00	Inclusive
	BUS STATION - BOURNE				
5	Per departure	01/04/11	0.75	0.75	Inclusive
6	<u>Minimum Charge</u> 1-75 departures per annum	01/04/11	50.00	50.00	Inclusive

CYCLE CENTRE CHARGES

	Detail	Effective Date	2012/13 £	2013/14 £	VAT
	CYCLE CENTRE AT ST CATHERINE'S ROAD GRANTHAM				
1	<u>13 weeks charge</u>				
	Small locker	01/04/12	27.00	27.00	Inclusive
	Large locker	01/04/12	32.50	32.50	Inclusive
2	<u>26 weeks charge</u>				
	Small locker	01/04/12	42.00	42.00	Inclusive
	Large locker	01/04/12	53.00	53.00	Inclusive
3	<u>52 weeks charge</u>				
	Small locker	01/04/12	62.00	62.00	Inclusive
	Large locker	01/04/12	76.00	76.00	Inclusive
4	Deposit for entry key and locker key	01/04/12	10.80	10.80	Inclusive

CULTURAL SERVICES

	Detail	Effective Date	2012/13	2013/14	VAT
1	ARTSCENE MEMBERSHIP - ARTS CENTRES				
	<u>Annual membership</u>		£	£	
	Individual	01/04/13	18.50	19.00	Inclusive
	Double	01/04/13	23.50	24.00	Inclusive
2	STAGED PERFORMANCES				
	The theatres and ballrooms are available for hire for theatrical productions, concerts, lectures, demonstrations, films and other performing arts events. Prices are as below.				
	Guildhall Arts Centre, Grantham		£	£	
	<u>Theatre Hire</u>				
	Performances -Commercial	01/04/13	285.00	292.00	Exempt
	Performances - Non Profit making	01/04/13	235.00	241.00	Exempt
	Dress rehearsals	01/04/13	185.00	191.00	Exempt
	Rehearsals (incl tech)	01/04/13	118.00	122.00	Exempt
	Lecture/demonstrations (Daytime)	01/04/13	87.00	90.00	Exempt
	Lecture/demonstrations (Evening)	01/04/13	190.00	196.00	Exempt
	Set up charge/technical support (max. 8 hours)	01/04/13	118.00	122.00	Exempt
	Stamford Arts Centre				
	<u>Theatre Hire</u>				
	Performances -Commercial	01/04/13	300.00	308.00	Exempt
	Performances - Non Profit making	01/04/13	260.00	267.00	Exempt
	Dress rehearsals	01/04/13	185.00	191.00	Exempt
	Rehearsals (incl tech)	01/04/13	118.00	122.00	Exempt
	Lecture/demonstrations (Daytime)	01/04/13	87.00	90.00	Exempt
	Lecture/demonstrations (Evening)	01/04/13	190.00	196.00	Exempt
	Set up charge/technical support (max. 8 hours)	01/04/13	118.00	122.00	Exempt
	Technical surcharge per hire	01/04/13	52.00	53.00	Exempt
4	Bourne Corn Exchange				
	<u>Theatre Hire - Main Hall</u>				
	Performances	01/04/13	115.00	118.00	Exempt
	Dress rehearsals	01/04/13	90.00	93.00	Exempt
	Rehearsals	01/04/13	75.00	77.00	Exempt
	Set up charge/technical support (max. 8 hours)	01/04/13	115.00	118.00	Exempt
Performers Right Society charges may be applicable in addition to the above rates					
Hire conditions are available giving details of equipment and support offered; quotations provided on request.					

CULTURAL SERVICES

	Detail	Effective Date	2012/13	2013/14	VAT
WEDDING RECEPTIONS, PARTIES AND OTHER ROOM HIRE					
All three venues are available for wedding parties and similar functions. Packages are available to include provision of bars and catering. Prices are as below.					
5	Guildhall Arts Centre, Grantham		£	£	
	<u>Casually let rooms (per hour)</u>				
	Ballroom - day rate up to 6pm	01/04/13	32.00	33.00	Exempt
	Ballroom - hourly evening rate 6 to 11pm	01/04/13	52.00	53.00	Exempt
	Ballroom - whole evening 6 to 11pm parties	01/04/13	270.00	277.00	Exempt
	Ballroom - whole evening 6 to 11pm concerts	01/04/13	215.00	221.00	Exempt
	Ballroom - (all day) Wedding rate	01/04/13	420.00	431.00	Exempt
	Ballroom - (all day) Wedding rate including setting up charge previous evening	01/04/13	695.00	713.00	Exempt
	Use of Ballroom kitchen per day	01/04/13	52.00	53.00	Exempt
	<u>Meeting rooms (per hour)</u>				
	Newton Room	01/04/13	26.50	27.00	Exempt
	Studio 4	01/04/13	21.50	22.00	Exempt
6	Bourne Corn Exchange				
	<u>Casually let rooms</u>				
	Main Hall - hourly rate	01/04/11	36.00	36.00	Exempt
	Main Hall - Friday or Saturday whole evening 6pm-12pm incl prem rate	01/04/13	260.00	267.00	Exempt
	Main Hall - (all day) 9am to 12pm excluding kitchen	01/04/13	410.00	420.00	Exempt
	Kitchen hire (use of kitchen area excluding equipment) *	01/04/13	62.50	64.00	Exempt
	Kitchen hire (full use of kitchen and equipment including crockery and cutlery etc) *	01/04/13	-	120.00	Exempt
	Room set up or clear down (as per hourly rate or part thereof)	01/04/11	36.00	36.00	Exempt
	Room set up or clear down after midnight (as per hourly rate or part thereof)	01/04/11	51.00	51.00	Exempt
	Use of bar for functions when hirer providing bar for sale of alcohol	01/04/13	-	50.00	Exempt
7	Stamford Arts Centre				
	<u>Casually let rooms (per hour)</u>				
	Ballroom - day rate up to 6pm	01/04/13	32.00	33.00	Exempt
	Ballroom - hourly evening rate 6 to 11pm	01/04/13	52.00	53.00	Exempt
	Ballroom - whole evening 6 to 11pm parties	01/04/13	410.00	421.00	Exempt
	Ballroom - whole evening 6 to 11pm concerts	01/04/13	310.00	318.00	Exempt
	Function ballroom/Blue room - (all day) Wedding rate	01/04/13	755.00	775.00	Exempt
	Function ballroom/Blue room Wedding rate including setting up charge previous evening	01/04/13	1,160.00	1,190.00	Exempt
	<u>Meeting rooms - per hour</u>				
	Blue Room/Rehearsal evening	01/04/13	21.40	22.00	Exempt
	Blue Room/Rehearsal daytime	01/04/13	16.30	17.00	Exempt
	Ireson/Burley/Exeter Room evening	01/04/13	15.30	16.00	Exempt
	Ireson/Burley/Exeter Room daytime	01/04/13	13.20	14.00	Exempt
	Additional cleaning charge for social functions	01/04/13	56.00	58.00	Inclusive
	* access to kitchen up to 4 hours prior to event start time, additional earlier access will incur additional hourly rate of £10				
	Performers Right Society charges may be applicable in addition to the above rates				
	ROOM HIRE				
	Meeting Rooms and function halls may be available for hire at each venue, prices from £10 per hour off peak. Additional meeting rooms may be available at the				

STREET SCENE

	Detail	Effective Date	2012/13	2013/14	VAT
			£	£	
1	Green Waste				
	Green Waste bin (joining fee, first bin only)	01/04/12	10.00	10.00	O/Scope
	Additional Green Waste Bin	01/04/10	26.00	26.00	O/Scope
	Annual collection charge (first bin)	01/04/12	25.00	25.00	O/Scope
	Annual collection charge (each subsequent bin)	01/04/12	10.00	10.00	O/Scope
2	Other street scene charges				
	Additional Silver Recycling Bin	01/04/12	26.00	26.00	O/Scope
	Additional clear recycling sacks (pack of 15)	01/04/12	1.25	1.25	O/Scope
	Replacement of damaged wheelie bins*	01/04/12	26.00	26.00	O/Scope
	Replacement of damaged wheels and axles*	01/04/12	20.00	20.00	O/Scope
	Replacement of bin lid pegs*	01/04/12	5.00	5.00	O/Scope
3	Domestic Refuse Collection				
	Bulk household items - first item	01/04/03	10.00	10.00	O/Scope
	- each additional item	01/04/03	5.00	5.00	O/Scope
	Fridge collection	01/04/03	10.00	10.00	O/Scope
	Provision of additional recycling bags (per pack - 14 bags)	01/04/12	5.00	5.00	O/Scope
4	Private Street Cleansing	01/04/10	Based on cost recovery		
	*where bins have been damaged by the resident				

MOT TESTING

	Detail	Effective Date	2012/13 £	2013/14 £	VAT
	MOT Testing				
1	Classes 1 and 2				
	Motorcycles	01/04/10	29.65	29.65	O/Scope
	Motorcycles with sidecar	01/04/10	37.80	37.80	O/Scope
2	Class 3				
	3 Wheeled Vehicles (up to 450kg unladen weight)	01/04/10	37.80	37.80	O/Scope
3	Class 4				
	Cars (up to 8 passenger seats) and Motor Caravans	01/04/10	54.85	54.85	O/Scope
	3 Wheeled Vehicles (over 450kg unladen weight)	01/04/10	54.85	54.85	O/Scope
	Quads (max unladen weight 400kg - for goods vehicles 550kg and max net power of 15kw)	01/04/10	54.85	54.85	O/Scope
	Dual Purpose Vehicles	01/04/10	54.85	54.85	O/Scope
	Private Hire Vehicles and PSVs (up to 8 seats)	01/04/10	54.85	54.85	O/Scope
	Goods Vehicles (up to 3,000kg DGW)	01/04/10	54.85	54.85	O/Scope
	Ambulances and Taxis (Taxis and Private Hire Vehicles may be subject to additional local requirements)	01/04/10	54.85	54.85	O/Scope
	Private Passenger Vehicles and Ambulances	01/04/10	54.85	54.85	O/Scope
4	Class 7				
	Goods Vehicles (over 3000kg up to 3500kg DGW)	01/04/10	58.60	58.60	O/Scope

NOTES

Fees fixed in accordance with Vehicle and Operator Standards Agency - these will be confirmed by April 2013

ENVIRONMENTAL HEALTH

	Detail	Effective Date	2012/13 £	2013/14 £	VAT
	ENVIRONMENTAL HEALTH				
1	Premises/ Business Registration Fees				
	Acupuncture	01/04/13	125.00	128.00	O/Scope
	Tattooing	01/04/13	125.00	128.00	O/Scope
	Electrolysis	01/04/13	125.00	128.00	O/Scope
	Cosmetic Piercing	01/04/13	125.00	128.00	O/Scope
	Semi Permanent Skin Colouring	01/04/13	125.00	128.00	O/Scope
	Additional activities (eg cosmetic piercing and tattooing) per activity	01/04/13	63.00	64.00	O/Scope
	Amendment or Replacement of Certificate	01/04/13	N/A	20.00	O/Scope
2	Personal Registration Fees (Per activity)				
	Acupuncture	01/04/13	63.00	64.00	O/Scope
	Tattooing	01/04/13	63.00	64.00	O/Scope
	Electrolysis	01/04/13	63.00	64.00	O/Scope
	Cosmetic Piercing	01/04/13	63.00	64.00	O/Scope
	Semi Permanent Skin Colouring	01/04/13	63.00	64.00	O/Scope
	Amendment or Replacement of Certificate	01/04/13	N/A	20.00	O/Scope
3	<u>Unsound Food</u>	01/04/13	34.00	35.00	Inclusive
	Voluntary Surrender Certificate				
4	<u>Frozen Food Exports</u>	01/04/13	69.00	70.00	Inclusive
	Inspection and Certification	01/04/13	25.00	26.00	Inclusive
	Certification only				
5	<u>Control of dogs</u>				
	Collecting and detaining stray dogs	01/04/96	25.00	25.00	O/Scope
	Kenneling charge	01/04/13	14.90	15.20	O/Scope
6	<u>Vehicle Salvage Operators</u>				
	Application	01/04/13	77.00	79.00	O/Scope
	Renewal	01/04/13	65.00	66.00	O/Scope
7	Dog Fouling Penalty (statute charge)	01/04/09	75.00	75.00	O/Scope
8	Litter - Fixed Penalty Notice (statute charge)	01/04/09	75.00	75.00	O/Scope
	ENQUIRIES IN CONNECTION WITH CONTAMINATED LAND				
9	Enquiries	01/04/13	110.00	112.00	O/Scope
10	Private sector housing charges	01/04/12	Hourly Rate	Hourly Rate	O/Scope
11	Immigration inspections	01/04/12	Hourly Rate	Hourly Rate	O/Scope
12	HOUSES OF MULTIPLE OCCUPATION				
	Initial licence	01/04/13	390.00	420.00	O/Scope
	Renewal of licence	01/04/13	N/A	150.00	O/Scope

ENVIRONMENTAL HEALTH

	Detail	Effective Date	2012/13	2013/14	VAT
	POLLUTION PREVENTION AND CONTROL ACT 2010		£	£	£
	AIR POLLUTION				
	FEES AND CHARGES SCHEME				
1	Initial application for permitting	01/04/10	1,579.00	1,579.00	O/Scope
	Additional fee for operating without a permit	01/04/10	1,137.00	1,137.00	O/Scope
	except:-				
	- where the process comprises one or more waste oil burning appliance under 0.4MW	01/04/10	148.00	148.00	O/Scope
	Additional fee for operating without a permit	01/04/10	68.00	68.00	O/Scope
	- where the process relates to the unloading of petrol into storage tanks at a service station	01/04/10	148.00	148.00	O/Scope
	Additional fee for operating without a permit	01/04/10	68.00	68.00	O/Scope
	-where the process relates to Dry Cleaners	01/04/10	148.00	148.00	O/Scope
	Additional fee for operating without a permit	01/04/10	68.00	68.00	O/Scope
	PVR I & II combined	01/04/10	246.00	246.00	O/Scope
	Vehicle refinishers (VR's)	01/04/10	346.00	346.00	O/Scope
	- mobile screening and crushing plant	01/04/10	1,579.00	1,579.00	O/Scope
	- for the third to seventh application	01/04/10	943.00	943.00	O/Scope
	- for the eighth and subsequent applications	01/04/10	477.00	477.00	O/Scope
	Where an application for any of the above is for a combined Part B and waste application, add an extra £294 to the above amounts				
2	Substantial changes to permits (Schedule 7)	01/04/10	1,005.00	1,005.00	O/Scope
	except:-				
	- where the process comprises one or more waste oil burning appliance under 0.4MW	01/04/10	98.00	98.00	O/Scope
	- where the charge is to implement an upgrading plan	01/04/10	141.00	141.00	O/Scope
	- where the process relates to the unloading of petrol into storage tanks at a service station	01/04/10	98.00	98.00	O/Scope
	-where the process relates to Dry Cleaners	01/04/10	98.00	98.00	O/Scope
	Transfer of a permit	01/04/10	162.00	162.00	O/Scope
	- in respect of a waste oil burner less than 0.4 MW	01/04/11	75.00	75.00	O/Scope
	-where the process relates to Dry Cleaners	01/04/11	75.00	75.00	O/Scope
	- where the process relates to the unloading of petrol into storage tanks at a service station	01/04/11	75.00	75.00	O/Scope
	Partial transfer of a permit	01/04/10	476.00	476.00	O/Scope
	- in respect of a waste oil burner less than 0.4 MW	01/04/10	45.00	45.00	O/Scope
	- where the process relates to the unloading of petrol into storage tanks at a service station	01/04/10	45.00	45.00	O/Scope
	-where the process relates to Dry Cleaners	01/04/10	45.00	45.00	O/Scope
3	Temporary transfer for mobiles				
	First transfer	01/04/10	51.00	51.00	O/Scope
	Repeat transfer	01/04/09	10.00	10.00	O/Scope
	Repeat following enforcement or warning	01/04/10	51.00	51.00	O/Scope
4	Annual Subsistence Charge				
	Standard Process LOW	01/04/10	739.00	739.00	O/Scope
	Standard Process MEDIUM	01/04/10	1,111.00	1,111.00	O/Scope
	Standard Process - HIGH	01/04/10	1,672.00	1,672.00	O/Scope
	except:-		LOW	LOW	MED HIGH
	oil burning appliance under 0.4MW	01/04/10	76.00	76.00	151.00 227.00
	- where the process relates to the unloading of petrol into storage tanks at a service station	01/04/10	108.00	108.00	216.00 326.00
	PVR I & II combined	01/04/10	218.00	218.00	349.00 524.00
	Vehicle refinishers	01/04/10	218.00	218.00	349.00 524.00
	petrol into storage tanks at a service station	01/04/10	76.00	76.00	151.00 227.00
	-where the process relates to Dry Cleaners	01/04/10	76.00	76.00	151.00 227.00
	- odourising of natural gas	01/04/10	76.00	76.00	151.00 227.00

NOTES

The above fees are those currently proposed by DEFRA, a full copy of which can be viewed on their website

www.defra.gov.uk

ENVIRONMENTAL HEALTH

	Detail	Effective Date	2012/13	2012/13	2013/14			VAT
	POLLUTION PREVENTION AND CONTROL ACT 2010		£	£	£	£	£	
	AIR POLLUTION							
	FEES AND CHARGES SCHEME							
5	LAPPC mobile plant charges		Application fee	LOW	Application fee	LOW	MED	HIGH
	Number of permits							
	1	01/04/12	1,579.00	618.00	1,579.00	618.00	989.00	1,484.00
	2	01/04/12	1,579.00	618.00	1,579.00	618.00	989.00	1,484.00
	3	01/04/12	943.00	368.00	943.00	368.00	590.00	884.00
	4	01/04/12	943.00	368.00	943.00	368.00	590.00	884.00
	5	01/04/12	943.00	368.00	943.00	368.00	590.00	884.00
	6	01/04/12	943.00	368.00	943.00	368.00	590.00	884.00
	7	01/04/12	943.00	368.00	943.00	368.00	590.00	884.00
	8 and over	01/04/12	477.00	189.00	477.00	189.00	302.00	453.00
6	LA-IPPC							
	Application (LA element)	01/04/10	3,218.00		3,218.00			O/Scope
	Additional fee for operating without a permit	01/04/10	1,137.00		1,137.00			O/Scope
	Annual subsistence LOW	01/04/10			1,384.00			O/Scope
	Annual subsistence MEDIUM	01/04/10	1,541.00		1,541.00			O/Scope
	Annual subsistence HIGH	01/04/10	2,233.00		2,233.00			O/Scope
	Late Payment Fee	01/04/10	50.00		50.00			O/Scope
	Substantial variation	01/04/10	1,309.00		1,309.00			O/Scope
	Transfer	01/04/10	225.00		225.00			O/Scope
	Partial transfer	01/04/10	668.00		668.00			O/Scope
	Surrender	01/04/10	668.00		668.00			O/Scope

NOTES

The above fees are those currently proposed by DEFRA, a full copy of which can be viewed on their website

www.defra.gov.uk

LICENSING CHARGES

	Detail	Effective Date	2012/13	2013/14	VAT
			£	£	
	LICENCES				
1	<u>Hackney Carriage and Private Hire</u>				
	Driver's licence - annual	01/04/13	78.00	80.00	O/Scope
	Dual licence - supplementary charge	01/04/13	12.00	12.50	O/Scope
	Driver's badge - replacement	01/04/13	11.30	12.00	O/Scope
	Lost plate replacement	01/04/13	35.00	36.00	Inclusive
	Replacement licence certificate	01/04/13	N/A	10.00	O/Scope
	Replacement of internal vehicle plate	01/04/13	N/A	5.00	O/Scope
	Transfer of vehicle ownership	01/04/13	N/A	23.00	O/Scope
	DVLA driver entitlement enquiry	01/04/13	N/A	5.00	O/Scope
	Knowledge test (new applications and retest)	01/04/13	21.00	25.00	O/Scope
	Annual vehicle licence:				
	Private Hire	01/04/13	183.00	188.00	O/Scope
	Hackney Carriage	01/04/13	200.00	205.00	O/Scope
	10% reduction for LPG/Hybrid vehicles				
	Private Hire operators licence - annual	01/04/13	98.00	100.00	O/Scope
2	Refund for unexpired days due to change of vehicle (per day)		Daily		
	Private Hire	01/04/13	0.50	0.52	O/Scope
	Hackney Carriage	01/04/13	0.55	0.56	O/Scope
3	One-off admin charge in respect of refund				
	Hackney Carriage	01/04/12	18.00	18.00	O/Scope
	Private Hire	01/04/12	17.00	17.00	O/Scope
4	<u>Animals Licences</u>				
	Animal Boarding Establishments	01/04/13	87.00	95.00	O/Scope
	Dog Breeding Establishments	01/04/13	87.00	95.00	O/Scope
	Pet Shops	01/04/13	87.00	95.00	O/Scope
	Riding Establishments	01/04/13	87.00	95.00	O/Scope
	Dangerous Wild Animals	01/04/13	87.00	95.00	O/Scope
5	Sex Establishments	01/04/13	1,420.00	1,455.00	O/Scope
6	<u>Street Trading</u>				
	Stamford Pedestrian Precinct Per Day	01/04/13	21.50	22.00	O/Scope
	Other Locations Per day	01/04/13	17.00	17.50	O/Scope

LICENSING CHARGES

	Detail	Effective Date	2012/13 £	2013/14 £	VAT
	LICENCES				
1	Premise Licences* New application and variation Non-domestic RV				
	0-£4300	24/11/05	100.00	100.00	O/Scope
	£4301-£33000	24/11/05	190.00	190.00	O/Scope
	£33001-£87000	24/11/05	315.00	315.00	O/Scope
	£87001-£125000	24/11/05	450.00	450.00	O/Scope
	£125001+	24/11/05	635.00	635.00	O/Scope
2	Multiplier applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises Non-domestic RV				
	0-£4300	24/11/05	N/A	N/A	O/Scope
	£4301-£33000	24/11/05	N/A	N/A	O/Scope
	£33001-£87000	24/11/05	N/A	N/A	O/Scope
	£87001-£125000	24/11/05	900.00	900.00	O/Scope
	£125001+	24/11/05	1,905.00	1,905.00	O/Scope
3	Annual charge* Non-domestic RV				
	0-£4300	24/11/05	70.00	70.00	O/Scope
	£4301-£33000	24/11/05	180.00	180.00	O/Scope
	£33001-£87000	24/11/05	295.00	295.00	O/Scope
	£87001-£125000	24/11/05	320.00	320.00	O/Scope
	£125001+	24/11/05	350.00	350.00	O/Scope
4	Multiplier applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises Non-domestic RV				
	0-£4300	24/11/05	N/A	N/A	O/Scope
	£4301-£33000	24/11/05	N/A	N/A	O/Scope
	£33001-£87000	24/11/05	N/A	N/A	O/Scope
	£87001-£125000	24/11/05	640.00	640.00	O/Scope
	£125001+	24/11/05	1,050.00	1,050.00	O/Scope

NOTES

Fees fixed by Government- these will be confirmed by April 2013

- * There are additional fees for premises licence applications, and the annual fee for exceptionally large scale events (5000+), unless certain conditions apply. Please refer to Regulation 4(4) and 4(5) of the Licensing Act 2003 (Fees) Regulations 2005

LICENSING CHARGES

	Detail	Effective Date	2012/13 £	2013/14 £	VAT
	LICENCES				
	Additional Fees				
1	Additional Premises Licence Fee				
	Number in attendance at any one time				
	5000-9999	24/11/05	1,000.00	1,000.00	O/Scope
	10000-14999	24/11/05	2,000.00	2,000.00	O/Scope
	15000-20109	24/11/05	4,000.00	4,000.00	O/Scope
	20000-29999	24/11/05	8,000.00	8,000.00	O/Scope
	30000-39999	24/11/05	16,000.00	16,000.00	O/Scope
	40000-49999	24/11/05	24,000.00	24,000.00	O/Scope
	50000-59999	24/11/05	32,000.00	32,000.00	O/Scope
	60000-69999	24/11/05	40,000.00	40,000.00	O/Scope
	70000-79999	24/11/05	48,000.00	48,000.00	O/Scope
	80000-89999	24/11/05	56,000.00	56,000.00	O/Scope
	90000 and over	24/11/05	64,000.00	64,000.00	O/Scope
2	Additional annual fee payable if applicable				
	Number in attendance at any one time				
	5000-9999	24/11/05	500.00	500.00	O/Scope
	10000-14999	24/11/05	1,000.00	1,000.00	O/Scope
	15000-20109	24/11/05	2,000.00	2,000.00	O/Scope
	20000-29999	24/11/05	4,000.00	4,000.00	O/Scope
	30000-39999	24/11/05	8,000.00	8,000.00	O/Scope
	40000-49999	24/11/05	12,000.00	12,000.00	O/Scope
	50000-59999	24/11/05	16,000.00	16,000.00	O/Scope
	60000-69999	24/11/05	20,000.00	20,000.00	O/Scope
	70000-79999	24/11/05	24,000.00	24,000.00	O/Scope
	80000-89999	24/11/05	28,000.00	28,000.00	O/Scope
	90000 and over	24/11/05	32,000.00	32,000.00	O/Scope

NOTES

These charges are statutory set by Government and will be confirmed in April 2013

LICENSING CHARGES

	Detail	Effective Date	2012/13 £	2013/14 £
	LICENCES			
	Other Fees			
3	Application for the grant or renewal of a personal licence	24/11/05	37.00	37.00
	Temporary Event Licence	24/11/05	21.00	21.00
	Theft, loss etc of premises licence or summary	24/11/05	10.50	10.50
	Application for a provisional statement where premises being built etc	24/11/05	315.00	315.00
	Notification of change of name or address	24/11/05	10.50	10.50
	Application to vary licence to specify individual as premises supervisor	24/11/05	23.00	23.00
	Application for transfer of premises licence	24/11/05	23.00	23.00
	Interim authority notice following death etc of licence holder	24/11/05	23.00	23.00
	Theft, loss etc of certificate or summary	24/11/05	10.50	10.50
	Notification of change of name or alteration to club rules	24/11/05	10.50	10.50
	Change of relevant registered address of club	24/11/05	10.50	10.50
	Theft, loss etc of temporary event notice	24/11/05	10.50	10.50
	Theft, loss etc of personal licence	24/11/05	10.50	10.50
	Duty to notify change of name or address	24/11/05	10.50	10.50
	Right of freeholder etc to be notified of licensing matters	24/11/05	21.00	21.00

NOTES

These charges are statutory set by Government and will be confirmed in April 2013

LICENSING CHARGES

	Detail	Effective Date	2012/13 £	2013/14 £	VAT
	LICENCES				
	Gambling Fees				
1	Bingo Premises Licence				
	Fast Track Advance Application*	01/04/13	265.00	270.00	O/Scope
	Non - Fast Track Advance Application	01/04/13	605.00	620.00	O/Scope
	Application Fee for Provisional Status	01/04/13	630.00	645.00	O/Scope
	License for Provisional Statement Premises	01/04/13	420.00	430.00	O/Scope
	Application Fee New Premises	01/04/13	660.00	680.00	O/Scope
	Annual Fee	01/04/13	445.00	455.00	O/Scope
	Variation of Licence	01/04/13	605.00	620.00	O/Scope
	Transfer Fee	01/04/13	505.00	520.00	O/Scope
	Application For Reinstatement	01/04/13	505.00	520.00	O/Scope
2	Adult Gaming Centre				
	Fast Track Advance Application*	01/04/13	265.00	270.00	O/Scope
	Non - Fast Track Advance Application	01/04/13	560.00	575.00	O/Scope
	Application Fee for Provisional Status	01/04/13	580.00	595.00	O/Scope
	License for Provisional Statement Premises	01/04/13	370.00	380.00	O/Scope
	Application Fee New Premises	01/04/13	605.00	620.00	O/Scope
	Annual Fee	01/04/13	390.00	400.00	O/Scope
	Variation of Licence	01/04/13	560.00	575.00	O/Scope
	Transfer Fee	01/04/13	455.00	465.00	O/Scope
	Application For Reinstatement	01/04/13	455.00	465.00	O/Scope
3	Family Entertainment Centre				
	Fast Track Advance Application*	01/04/13	265.00	270.00	O/Scope
	Non - Fast Track Advance Application	01/04/13	560.00	575.00	O/Scope
	Application Fee for Provisional Status	01/04/13	580.00	595.00	O/Scope
	License for Provisional Statement Premises	01/04/13	370.00	380.00	O/Scope
	Application Fee New Premises	01/04/13	605.00	620.00	O/Scope
	Annual Fee	01/04/13	390.00	400.00	O/Scope
	Variation of Licence	01/04/13	560.00	575.00	O/Scope
	Transfer Fee	01/04/13	455.00	465.00	O/Scope
	Application For Reinstatement	01/04/13	455.00	465.00	O/Scope
4	Betting Premises				
	Fast Track Advance Application*	01/04/13	265.00	270.00	O/Scope
	Non - Fast Track Advance Application	01/04/13	560.00	575.00	O/Scope
	Application Fee for Provisional Status	01/04/13	580.00	595.00	O/Scope
	License for Provisional Statement Premises	01/04/13	370.00	380.00	O/Scope
	Application Fee New Premises	01/04/13	605.00	620.00	O/Scope
	Annual Fee	01/04/13	390.00	400.00	O/Scope
	Variation of Licence	01/04/13	560.00	575.00	O/Scope
	Transfer Fee	01/04/13	455.00	465.00	O/Scope
	Application For Reinstatement	01/04/13	455.00	465.00	O/Scope
5	Miscellaneous				
	Change of Circumstances	01/04/13	27.00	28.00	O/Scope
	Fee for copy of licence	01/04/13	16.00	16.50	O/Scope

* Fast track applications only available for establishments who are able to transfer pre-legislative licenses to the new regime
Not available for new premises

OUTDOOR RECREATION

	Detail	Effective Date	2012/13	2013/14	VAT
			£	£	
	OUTDOOR RECREATION				
1	<u>Pitches - Football/Rugby</u> Senior pitch letting (2 hrs), marking out and changing accommodation included:				
	Full rate	01/04/13	41.00	42.00	Inclusive
	Concessions	01/04/13	24.50	25.00	Inclusive
2	Junior pitch (ages 11-16) letting (2 hrs) and marking out:				
	Full rate	01/04/13	18.00	18.40	Inclusive
3	Mini pitch letting (ages 8-11) (1 hr) and marking out:				
	Full rate	01/04/13	10.80	11.00	Inclusive
4	<u>Tennis Court</u> Hard Courts		Free	Free	
5	<u>Cricket</u> Per Match	01/04/13	38.50	39.50	Inclusive

NOTESGrantham

Dysart Park - tennis

Harrowby Lane - football

Wyndham Park - tennis

Stamford

Empingham Road - football, rugby, cricket

Uffington Road - football, cricket

Bourne

Recreation Road - football

SPECIAL EXPENSE AREAS

APPENDIX A

CEMETERY CHARGES

	Detail	Effective Date	2012/13	2013/14	VAT
			£	£	
	GRANTHAM CEMETERY				
	TRADITIONAL BURIAL GROUND				
1	Exclusive Right of Burial (Not exceeding 50 years) Standard grave space - Parishioners	01/04/13	455.00	467.00 *	Exempt
2	<u>Interment</u> Person aged 16 years or over - single depth Person aged 16 years or over - double depth Child stillborn or below 16 years Each additional coffin space	01/04/13 01/04/13 01/04/13 01/04/13	465.00 520.00 205.00 163.00	477.00 534.00 210.00 167.00	Exempt Exempt Exempt Exempt
3	<u>Licence for the Erection of Memorials</u> Headstone (not exceeding 3 feet in height) Headstone (each additional 6 inches) Metal faced tablet Additional inscription Kerbed memorial	01/04/13 01/04/13 01/04/13 01/04/13 01/04/13	113.00 113.00 78.00 44.00	116.00 116.00 80.00 45.00 125.00	Exempt Exempt Exempt Exempt Exempt
4	<u>Mausoleum</u> Single vault mausoleum plot	01/04/13	N/A	600.00	Exempt
5	<u>Re Open Graves</u> Interment Fee - single depth Interment Fee - double depth Interment ashes into grave	01/04/13 01/04/13 01/04/13	465.00 520.00 135.00	477.00 534.00 139.00	Exempt Exempt Exempt
	WOODLAND BURIAL GROUND				
6	All inclusive charge covering standard grave space, single depth interment, tree and plaque - Parishioners	01/04/13	1,045.00	1,072.00 *	Exempt
	*Please note there is a 50% additional charge for Non Parishioners (i.e. outside of Grantham boundary)				

BUILDING CONTROL CHARGES

Table A - Use this table if you intend to build a NEW DOMESTIC DWELLING of up to 300m²									
Category of work	Full Plans Applications						Building Notice Applications		
	Plan Charge			Inspection Charge			Building Notice Charge		
	Net Charge £	VAT £	Gross Charge £	Net Charge £	VAT £	Gross Charge £	Net Charge £	VAT £	Gross Charge £
Single new dwelling up to 150m ² floor area (including single storey garage)	175.00	35.00	210.00	262.50	52.50	315.00	437.50	87.50	525.00
Single new dwelling over 150m ² and up to 300m ² floor area (including single storey garage)	208.34	41.66	250.00	312.50	62.50	375.00	520.84	104.16	625.00
For more than one new dwelling, or for dwellings over 300m ² floor area, please contact us on 01476 406187 or e-mail bcontrol@southkesteven.gov.uk for a quotation									

Where a standard charge for the work to be carried out is not specified in Tables A to D, involves more than one type of work or at the request of the relevant person, a quotation for the work will be given in accordance with the Building (Local Authority Charges) Regulations 2010.

Where the application is for a Regularisation Certificate, the charge will be the Building Notice charge for that type of work plus 30%.
Note however that VAT is not payable on applications for a Regularisation Certificate.

BUILDING CONTROL CHARGES

Table B - Use this table for CERTAIN SMALL DOMESTIC BUILDINGS and EXTENSIONS									
Category of work	Full Plans Applications						Building Notice Applications		
	Plan Charge			Inspection Charge			Building Notice Charge		
	Net Charge £	VAT £	Gross Charge £	Net Charge £	VAT £	Gross Charge £	Net Charge £	VAT £	Gross Charge £
Extension or loft conversion where floor area does not exceed 20m ²	141.67	28.33	170.00	212.50	42.50	255.00	354.17	70.83	425.00
Extension or loft conversion where the floor area exceeds 20m ² but does not exceed 60m ²	175.00	35.00	210.00	262.50	52.50	315.00	437.50	87.50	525.00
Erection or extension of a domestic garage or carport up to 60m ²	91.67	18.33	110.00	137.50	27.50	165.00	229.17	45.83	275.00
Conversion of a domestic garage into a habitable room(s)	91.67	18.33	110.00	137.50	27.50	165.00	229.17	45.83	275.00
Note that where more than one extension or loft conversion form part of the same application and are to be built at the same time, the floor areas can be added together and a single charge paid based on the total floor area.									

Where a standard charge for the work to be carried out is not specified in Tables A to D, involves more than one type of work or at the request of the relevant person, a quotation for the work will be given in accordance with the Building (Local Authority Charges) Regulations 2010.

Where the application is for a Regularisation Certificate, the charge will be the Building Notice charge for that type of work plus 30%.
Note however that VAT is not payable on applications for a Regularisation Certificate.

BUILDING CONTROL CHARGES

Table C - Use this table for CERTAIN SPECIFIED ALTERATIONS to a DOMESTIC DWELLING									
Category of work	Full Plans Applications						Building Notice Applications		
	Plan Charge			Inspection Charge			Building Notice Charge		
	Net Charge £	VAT £	Gross Charge £	Net Charge £	VAT £	Gross Charge £	Net Charge £	VAT £	Gross Charge £
Renovation of a thermal element to a single existing dwelling (eg external insulation)	125.00	25.00	150.00				125.00	25.00	150.00
Replacement of windows/external doors of an existing dwelling (where all are replaced at the same time)	125.00	25.00	150.00				125.00	25.00	150.00
Any electrical work to a dwelling other than a complete rewire	154.17	30.83	185.00				154.17	30.83	185.00
Electrical work involving the complete re-wiring of an existing dwelling	208.34	41.66	250.00				208.34	41.66	250.00
Removal of a single load bearing wall or chimney stack in an existing dwelling	125.00	25.00	150.00				125.00	25.00	150.00
Installation of insulation into the cavity wall of an existing dwelling	66.67	13.33	80.00				66.67	13.33	80.00
Installation of PV panels or solar heating system to an existing dwelling	154.17	30.83	185.00				154.17	30.83	185.00
Installation of a controlled fitting to an existing dwelling (see list)*	154.17	30.83	185.00				154.17	30.83	185.00
Re roofing of an existing dwelling	125.00	25.00	150.00				125.00	25.00	150.00
Note - where work described in table C is to be carried out at the same time as work described in table B, then the table C charge will be reduced by 50%.									

Where a standard charge for the work to be carried out is not specified in Tables A to D, involves more than one type of work or at the request of the relevant person, a quotation for the work will be given in accordance with the Building (Local Authority Charges) Regulations 2010.

Where the application is for a Regularisation Certificate, the charge will be the Building Notice charge for that type of work plus 30%.
Note however that VAT is not payable on applications for a Regularisation Certificate.

BUILDING CONTROL CHARGES

Table D - Building Control fees for OTHER WORK									
Estimated cost of the building work	Full Plans Applications						Building Notice Applications		
	Plan Charge			Inspection Charge			Building Notice Charge		
	Net Charge £	VAT £	Gross Charge £	Net Charge £	VAT £	Gross Charge £	Net Charge £	VAT £	Gross Charge £
Work for which the estimated cost is up to £5,000	83.34	16.66	100.00	125.00	25.00	150.00	208.34	41.66	250.00
Work for which the estimated cost is over £5,000 and up to £20,000	133.34	26.66	160.00	200.00	40.00	240.00	333.34	66.66	400.00
Where the estimated cost exceeds £20,000, please contact us on 01476 406187 or e-mail bcontrol@southkesteven.gov.uk for a quotation									

Where a standard charge for the work to be carried out is not specified in Tables A to D, involves more than one type of work or at the request of the relevant person, a quotation for the work will be given in accordance with the Building (Local Authority Charges) Regulations 2010.

Where the application is for a Regularisation Certificate, the charge will be the Building Notice charge for that type of work plus 30%.
Note however that VAT is not payable on applications for a Regularisation Certificate.

BUILDING CONTROL CHARGES

	Detail	Effective Date	2012/13	2013/14	VAT
			£	£	
	BUILDING CONTROL CHARGES				
1	<u>Ordnance Survey Plans</u>				
	Building Regs application site plans				
	Scale 1 - 500 rural & urban (up to 6 No.)	01/04/13	10.00	10.25	Zero rated
	Scale 1 - 1250 rural & urban (up to 6 No.)	01/04/13	26.00	26.70	Zero rated
	Scale 1 - 1250 rural & urban (7-8 No.)	01/04/13	28.00	28.70	Zero rated
	Scale 1 - 1250 rural & urban (9-10 No.)	01/04/13	32.00	32.85	Zero rated
	Scale 1 - 1250 rural & urban (11 No.)	01/04/13	36.00	36.95	Zero rated
	Scale 1 - 2500 rural (up to 6 No.)	01/04/13	26.00	26.70	Zero rated
	Scale 1 - 2500 rural (7-8 No.)	01/04/13	28.00	28.70	Zero rated
	Scale 1 - 2500 rural (9-10 No.)	01/04/13	32.00	32.85	Zero rated
	Scale 1 - 2500 rural (11 No.)	01/04/13	36.00	36.95	Zero rated
	Scale 1 - 2500 urban starts at £52 (but this scale is not required)				
2	<u>Plans and drawings produced in Dept. - Copies</u>				
	Copies of building control notices are available upon request				

LAND CHARGES

	Detail	Effective Date	2012/13	2013/14	VAT
			£	£	
	LOCAL LAND CHARGE FEES				
1	Registration of a Charge on Part II of Register	01/04/13	75.00	77.00	O/Scope
2	Filing a Definitive Certificate of Lands Tribunal	01/04/13	3.00	3.25	O/Scope
3	Filing adjustment etc. for variation - cancellation of entry in Part II	01/04/13	8.00	8.25	O/Scope
4	Inspection of documents filed under Rule 10	01/04/13	3.00	3.25	O/Scope
5	Official search (including issue of Certificate) - whole of register	01/04/13	13.00	13.50	O/Scope
6	Office copy of entry in Register	01/04/13	12.00	12.50	O/Scope
7	Con 29 Part I enquiries				
	- one parcel of land	01/04/13	82.00	84.00	O/Scope
	- each additional parcel	01/04/13	14.00	14.50	O/Scope
8	Supplementary Part II enquiries				
	- each printed enquiry except question 5	01/04/13	12.00	12.50	O/Scope
	- Question 5 optional enquiry	01/04/13	15.00	15.50	O/Scope
	- Solicitor/Clients own enquiry	01/04/13	15.00	15.50	O/Scope
	- Question 22 common land	01/04/13	15.00	15.50	O/Scope
9	Enquiries by personal searchers (per item)	01/04/13	15.00	15.50	O/Scope
10	Commercial Basic Search LLC1 and CON 29R	01/04/13	123.00	126.00	O/Scope
11	Expedited Search - 3 Day Turnaround	01/04/13	30.00	31.00	O/Scope
	CON29R UNREFINED DATA CHARGES				
12	Building Regulations Q1.1 (F to H)	01/04/13	6.85	7.15	O/Scope
13	Nearby Railway Schemes Q3.5	01/04/13	1.00	1.05	O/Scope
14	Outstanding Notices Q3.7 (A-D & F)	01/04/13	5.75	5.90	O/Scope
15	Contravention of Building Regulations Q3.8	01/04/13	1.50	1.55	O/Scope
16	Notices, Orders, Directions and Proceedings under Planning Acts Q3.9 (A-N)	01/04/13	4.70	4.80	O/Scope
17	Conservation Area Q3.10 (B)	01/04/13	1.00	1.05	O/Scope
18	Compulsory Purchase Q3.11	01/04/13	1.50	1.55	O/Scope
19	Contaminated Land Q3.12 (Bi & C)	01/04/13	10.60	10.90	O/Scope

DEVELOPMENT CONTROL

	Detail	Effective Date	2012/13 £	2013/14 £	VAT
	PLANNING CHARGES				
1	<u>Ordnance Survey Plans</u>				
	Planning application site plans				
	Scale 1 - 500 rural & urban (up to 6 No.)	01/04/13	10.00	10.25	Zero rated
	Scale 1 - 1250 rural & urban (up to 6 No.)	01/04/13	26.00	26.70	Zero rated
	Scale 1 - 1250 rural & urban (7-8 No.)	01/04/13	28.00	28.70	Zero rated
	Scale 1 - 1250 rural & urban (9-10 No.)	01/04/13	32.00	32.85	Zero rated
	Scale 1 - 1250 rural & urban (11 No.)	01/04/13	36.00	36.95	Zero rated
	Scale 1 - 2500 rural (up to 6 No.)	01/04/13	26.00	26.70	Zero rated
	Scale 1 - 2500 rural (7-8 No.)	01/04/13	28.00	28.70	Zero rated
	Scale 1 - 2500 rural (9-10 No.)	01/04/13	32.00	32.85	Zero rated
	Scale 1 - 2500 rural (11 No.)	01/04/13	36.00	36.95	Zero rated
	Scale 1 - 2500 urban starts at £52 (but this scale is not required)				
2	<u>Charges in connection with land/property transactions</u>				
	Detailed queries on consents involving search for relevant information*	01/04/13	25.00	25.65	Inclusive
	* stated charge plus relevant copying charges				
	Check involving site inspection*	01/04/13	20.00	20.50	Inclusive
	* stated charge plus mileage plus officer hourly rates				

DEVELOPMENT CONTROL

	Detail	Effective Date	2012/13	2013/14	VAT
			£	£	
	PRE - PLANNING CHARGES				
1	<u>Householders</u> Charge for any pre-planning advice that is undertaken	01/04/13	N/A	50.00	Exclusive
2	<u>Non-residential changes of use including siting of caravans for sites</u> under 1 ha or buildings under 1,000 sqm (gross)	01/04/13	N/A	150.00	Exclusive
	of 1 ha or above or buildings of 1,000 sqm or above (gross)	01/04/13	N/A	300.00	Exclusive
3	<u>Development of dwellings</u> 1-9 dwellings including changes of use to residential, for 1st dwelling	01/04/13	N/A	200.00	Exclusive
	for each additional dwelling	01/04/13	N/A	100.00	Exclusive
	10-49 dwellings including changes of use to residential, for the 10th dwelling	01/04/13	N/A	1,000.00	Exclusive
	for each additional dwelling	01/04/13	N/A	50.00	Exclusive
4	<u>Non-residential development</u> where no floor space is created	01/04/13	N/A	75.00	Exclusive
	up to 499sqm floor area or 0.5ha site area	01/04/13	N/A	150.00	Exclusive
	between 500 and 999 sqm floor area, or between 0.51ha and 1.0ha	01/04/13	N/A	250.00	Exclusive
	between 1,000 and 4,999 sqm floor area or between 1.1ha and 2.0ha	01/04/13	N/A	500.00	Exclusive
	between 5,000 sqm or more or 2.1ha or more *	01/04/13	N/A	1,000.00	Exclusive
	* minimum fee for specified service and hourly rate thereafter				
5	<u>Others</u> Variation or removal of condition	01/04/13	N/A	75.00	Exclusive
	Advertisements	01/04/13	N/A	75.00	Exclusive
	Development that would require conservation area consent	01/04/13	N/A	50.00	Exclusive
	Non-householder works or alterations to a listed building	01/04/13	N/A	50.00	Exclusive
	Hazardous substances	01/04/13	N/A	100.00	Exclusive

HELPLINE

	Detail	Effective Date	2012/13 £	2013/14 £	VAT
	HELPLINE SERVICE PRIVATE AND PUBLIC SECTOR				
1	<u>Monitoring Costs (per week)</u>				
	Monitoring only	01/04/13	1.65	1.69	Inclusive
	Monitoring and Mobile Warden	01/04/13	4.80	5.01	Inclusive
2	<u>Rented Helpline (per week)</u>				
	Monitoring only	01/04/13	3.95	4.06	Inclusive
	Monitoring and Mobile Warden	01/04/13	7.10	7.38	Inclusive
3	<u>Rented Portal unit (per week)</u>				
	Monitoring only	01/04/13	3.40	3.50	Inclusive
	Monitoring and Mobile Warden	01/04/13	6.55	6.83	Inclusive
4	Daily call-out from the Care Centre	01/04/13	1.65	1.69	Inclusive
5	Responsive visit by Mobile Warden	01/04/13	12.10	12.41	Inclusive
6	Rental of Lifeline Fall Detector	01/04/13	0.60	0.62	Inclusive