



Agenda

Date: Wednesday 23 February 2022

Time: 4.00 pm

Venue: Buckinghamshire Council, Gateway Offices, Gatehouse Road, Aylesbury, HP19 8FF

Membership: Z Mohammed (Chairman), D Dhillon (Vice-Chairman), S Adoh, A Alam, M Angell, D Anthony, K Ashman, M Ayub, R Bagge, M Baldwin, D Barnes, S Barrett, P Bass, K Bates, A Baughan, J Baum, P Birchley, D Blamires, A Bond, M Bracken, C Branston, S Broadbent, N Brown, S Bowles, P Brazier, T Broom, T Butcher, M Caffrey, R Carington, D Carroll, B Chapple OBE, S Chapple, Q Chaudhry, S Chhokar, J Chilver, A Christensen, L Clarke OBE, A Collingwood, M Collins, P Cooper, C Cornell, A Cranmer, E Culverhouse, I Darby, T Dixon, M Dormer, P Drayton, T Egleton, C Etholen, P Fealey, M Flys, R Gaffney, M Fayyaz, R Gaster, E Gemmell, P Gomm, D Goss, T Green, P Griffin, S Guy, G Hall, G Harris, M Harker OBE, C Harriss, D Hayday, O Hayday, C Heap, T Hogg, G Hollis, T Hunter-Watts, A Hussain, I Hussain, M Hussain JP, M Hussain, M Hussain, N Hussain, T Hussain, P Irwin, Cllr C Jackson, S James, D Johncock, C Jones, J Jordan, S Kayani, P Kelly, R Khan, D King, M Knight, S Lambert, J MacBean, A Macpherson, I Macpherson, F Mahon, N Marshall, P Martin, R Matthews, Dr W Matthews, H Mordue, S Morgan, N Naylor, J Ng, R Newcombe, C Oliver, A Osibogun, A Poland-Goodyer, C Poll, S Raja, W Raja, N Rana, M Rand, S Rouse, J Rush, G Sandy, G Smith, L Smith BEM, M Smith, N Southworth, B Stanier Bt, M Stannard, P Strachan, R Stuchbury, L Sullivan, D Summers, M Tett, N Thomas, D Thompson, D Town, J Towns, A Turner, M Turner, P Turner, G Wadhwa, A Waite, H Wallace, L Walsh, M Walsh, J Ward, J Wassell, J Waters, D Watson, A Wheelhouse, W Whyte, G Williams, S Wilson, M Winn, A Wood and K Wood

Agenda Item	Time	Page No
1 APOLOGIES		
2 MINUTES		3 - 20
3 DECLARATIONS OF INTEREST		
4 CHAIRMAN'S UPDATE		
5 PETITIONS		
6 CHIEF FINANCIAL OFFICER'S STATUTORY REPORT		21 - 28
7 2022/23 REVENUE BUDGET AND CAPITAL PROGRAMME		29 - 236

8	TREASURY MANAGEMENT STRATEGY 2022/23	237 - 264
9	CAPITAL AND INVESTMENT STRATEGY	265 - 290
10	REPORT ON PUBLIC SECTOR AUDIT APPOINTMENT (PSAA)	291 - 296
11	NEW STATEMENT OF LICENSING POLICY UNDER THE GAMBLING ACT 2005	297 - 342
12	REPORT FOR INFORMATION - KEY DECISIONS REPORT	343 - 346
13	DATE OF NEXT MEETING Wednesday 27 April, 2022, at 4pm	

If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

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Council minutes

Minutes of the meeting of the Council held on Wednesday 24 November 2021 in Buckinghamshire Council, Gatehouse Road, Aylesbury, HP19 8FF, commencing at 4.00 pm and concluding at 8.00 pm.

Members present

Z Mohammed (Chairman), D Dhillon (Vice-Chairman), S Adoh, K Ashman, M Baldwin, D Barnes, S Barrett, P Bass, K Bates, J Baum, P Birchley, D Blamires, A Bond, M Bracken, C Branston, S Broadbent, N Brown, S Bowles, P Brazier, T Broom, M Caffrey, R Carington, D Carroll, B Chapple OBE, S Chapple, Q Chaudhry, J Chilver, A Christensen, L Clarke OBE, M Collins, P Cooper, C Cornell, A Cranmer, E Culverhouse, I Darby, T Dixon, M Dormer, P Drayton, C Etholen, P Fealey, R Gaffney, M Fayyaz, E Gemmell, P Gomm, D Goss, T Green, S Guy, G Hall, G Harris, M Harker OBE, C Harriss, D Hayday, O Hayday, C Heap, T Hogg, G Hollis, T Hunter-Watts, A Hussain, I Hussain, M Hussain, M Hussain, N Hussain, T Hussain, P Irwin, D Johncock, J Jordan, S Kayani, P Kelly, R Khan, D King, M Knight, J MacBean, A Macpherson, I Macpherson, F Mahon, N Marshall, P Martin, R Matthews, Dr W Matthews, S Morgan, N Naylor, R Newcombe, C Oliver, A Poland-Goodyer, C Poll, S Raja, N Rana, M Rand, S Rouse, G Sandy, G Smith, M Smith, N Southworth, B Stanier Bt, M Stannard, P Strachan, R Stuchbury, M Tett, N Thomas, D Thompson, D Town, A Turner, M Turner, P Turner, G Wadhwa, A Waite, M Walsh, J Ward, J Wassell, J Waters, D Watson, A Wheelhouse, G Williams, S Wilson, M Winn and A Wood.

Apologies

A Alam, M Angell, R Bagge, A Baughan, T Butcher, S Chhokar, A Collingwood, T Egleton, M Flys, P Griffin, M Hussain JP, Cllr C Jackson, C Jones, S Lambert, H Mordue, J Ng, A Osibogun, W Raja, J Rush, L Smith BEM, L Sullivan, D Summers, J Towns, H Wallace, L Walsh, W Whyte and K Wood.

Agenda Item

1 Chairman's opening remarks

The Chairman welcomed members, and Mr George Anson, the High Sheriff, to the meeting. The Chairman also welcomed the Chief Constable of Thames Valley Police (TVP), John Campbell. The Chief Constable was accompanied by three Local Police Area Commanders, Chief Superintendent Michael Loebenbery (Aylesbury Vale area), Superintendent Amy Clements (Chiltern and South Bucks area) and Superintendent Emma Burroughs (Wycombe area). Unfortunately, the Police and Crime Commissioner, Matthew Barber, was unable to attend the meeting and sent

apologies.

The Chairman extended deepest condolences on behalf of the council, members and officers, to the Leader, Councillor M Tett, and his family on the recent passing of Mrs Sue Tett, wife of the Leader of the Council.

2 Mrs Sandra Crook and Mr Frank Downes

Tribute was paid to two past councillors, Mrs Sandra Crook and Mr Frank Downes, who had recently passed away. The Chairman recorded sincere condolences to both families on their sad losses.

Sandra Crook was a Member of Wycombe District Council from May 1999 to May 2007, representing the Hazlemere Central Ward from 1999 to 2003, and then the Hazlemere South Ward from 2003 to 2007. Sandra was Cabinet Member for Internal Affairs from 2004 to 2006, and Vice-Chairman of the Audit Committee between 2002 to 2003. She also served on numerous committees including the Audit Committee, Personnel & Development Committee and the Joint Staff Committee.

Frank Downes was a past Buckinghamshire County Council and Wycombe District Council Councillor. Frank was a member of Buckinghamshire County Council from 2001 to 2013, representing the Stokenchurch electoral division from 2001 to 2005, and the Stokenchurch, Radnage and West Wycombe electoral division from 2005 to 2013. Frank was the Cabinet Member for Resources from 2005 to 2011.

Members then observed a minute's silence in memory of Sandra Crook and Frank Downes.

3 Past Chairman

The Chairman presented Mr Richard Scott, who was Chairman of the Shadow Authority for Buckinghamshire 2019 to 2020 and the first Chairman of the new Buckinghamshire Council 2020 to 2021, with his past Chairman's badge.

The Chairman spoke to Richard's long history of service. Richard had served over 45 years to the local community including being a Buckinghamshire County Councillor from 2009 to 2017, Wycombe District Councillor 2008 to 2019 (including Council Leader 2013 to 2015), Buckinghamshire Council 2019 to 2021, and has been and continues to be a Marlow Town Council Councillor since 2003.

Mr Richard Scott then addressed the council, and expressed thanks to the Chairman for the badge. Mr Scott described his time as Chairman during the covid-19 pandemic and the challenges this posed to the role. As Mayor of Marlow, Mr Scott would continue to carry out his civic duties, and wear his past Chairman's badge with pride.

4 Minutes

An amendment was made to the minute item 8. Members noted that the question to the Cabinet Member for Transport, Councillor S Broadbent, relating to traffic

congestion and parking (i) was with reference to Wooburn and Bourne End and not Hazelmere.

Resolved:

That the minutes of the council meeting held on 15 September 2021, be agreed as correct record, subject to the additional information, as noted.

5 Declarations of Interest

There were none.

6 Chairman's Update

Members were advised of a number of events attended by the Chairman recently.

- The chairman spoke of Remembrance Sunday events that were held across the county, thanked all including the many members of the public and others that attended, and paid tribute to those that had sacrificed their lives in war. The Chairman's Office was pleased to be able to support members with the provision of wreaths for Remembrance events across Buckinghamshire.
- The Chairman attended the Chilterns MS Centre in Wendover and encouraged members to show support for the work of the centre.
- The Chairman congratulated Councillor M Walsh, ward member for The Risboroughs, who had been recognised as Councillor of the Year by the National Association of Local Councils (NALC) at the Star Council Awards 2021.
- Members were encouraged to visit the Community Support Team stand in The Oculus, to sign the White Ribbon Pledge to end violence against women and girls, and show support by picking up a white ribbon to wear on White Ribbon Day (25 November 2021).
- The Chairman had attended the Road Deaths Memorial Service ran by TVP to pay tribute to those that had lost their lives in road traffic incidents.
- The Chairman was leading on a tree planting initiative week commencing 29 November 2021 and would be planting trees over the week.

7 Petitions

Two petitions were presented to Full Council.

Councillor P Fealey presented an e-petition on behalf of constituents requesting that pre-planning webpages are improved. The Chairman accepted and referred the petition to the Cabinet Member Planning and Regeneration for response. The Cabinet Member for Planning and Regeneration, Councillor G Williams, thanked

residents for their work on the petition and advised that he would provide a written response to the petition in due course.

Councillor P Martin presented an e-petition on behalf of constituents relating to sewage discharge in Buckinghamshire. The Chairman accepted and referred the petition to Councillor B Chapple OBE, Chairman of the Transport, Environment and Climate Change Select Committee. Councillor Chapple wished to reassure the petitioner that the select committee would consider the matter of pollution and rivers in the county, next year.

8 Presentation from the Police and Crime Commissioner and the Chief Constable

John Campbell QPM, Chief Constable of Thames Valley Police, was in attendance to present to members on the work of TVP in Buckinghamshire over the last year. The Chief Constable was accompanied by three Local Police Area Commanders, Chief Superintendent Michael Loebenbery (Aylesbury Vale area), Superintendent Amy Clements (Chiltern and South Bucks area) and Superintendent Emma Burroughs (Wycombe area). The following key points were highlighted:

- Over the past year, TVP had welcomed a new Police and Crime Commissioner (PCC) in May 2021, and there had been a number of changes to roles and responsibilities within the Force.
- The Chief Constable gave an overview of the work of TVP over the past year, which included but was not limited to, responding to major incidents, supporting local and national distribution of Personal Protective Equipment (PPE), supporting a number of high profile events, and lawful business and peaceful protests. Further, responding to high volumes of covid-19 calls and issuing Fixed Penalty Notices in relation to crime and covid-19.
- Over the past 12 months, there had been a reduction in residential burglary (46%), knife crime (18%), robbery (21%) and serious violence (18%), and an increase in positive outcomes (7%).
- A number of operation and projects were happening to support crime prevention and disruption in Buckinghamshire. This included but was not limited to, fraud in the digital environment, speed enforcement, anti-social behaviour, preventing sexual violence and cross border crime, and disrupting illegal activity.
- The team were looking at how to tackle open space drug dealing.
- 101 call wait times for October 2021 had been longer than the year average, and was something that the Chief Constable was looking at improving. Over the year to date, the average time to answer a 101 call was 1 minute 48 seconds.
- Recruitment work to increase diversity in the Force was ongoing. The Force

had doubled the number of recruits from black, Asian and minority ethnic (BAME) backgrounds over the past year.

- Members were given an overview of the work of teams, operations and projects in the Aylesbury and Wycombe areas specifically.
- It was noted that the Chiltern and South Bucks and Wycombe Local Policing Area's (LPAs) were due to be merged in April 2022 to make efficiencies and maximise opportunities. This would also enable the Force to work more consistently with the council.

A question and answer session followed the presentation. Thanks were expressed by members for the hard work of officers and all that they did to protect the public.

- (i) **Protecting the public at Halloween and Bonfire Night** – members were advised that a focus on education prior to these events was important in preventing incidents of anti-social behaviour, as well as the monitoring of the sale of fireworks.
- (ii) **Taxi services** – TVP recognised that taxi drivers and services were a key part of the community providing a service that many people relied on.
- (iii) **Time taken to answer 101 calls** – it was noted that reference numbers were given to some callers depending on the nature of their call. The year average time taken to answer a 101 call was 1 minute 30 seconds, but there were peaks and troughs, including some unacceptable delays. The Chief Constable was paying close attention to time taken to answer 101 calls and improving these times. It was noted that the Force had made considerable progress on improving time taken to answer calls.
- (iv) **Mental health** – members were advised that some work had been done by the Force to support those with mental health problems but more work needed to be done. A triage pathway was in place, and mental health nurses accompany officers when called out to avoid people with mental health problems going into custody.
- (v) **Hare coursing in rural areas** – it was noted that a rural crime taskforce would be put in place in 2022 to tackle rural crimes. It was noted that neighbourhood teams dealt with crime in specific areas, and the rural crime taskforce would supplement neighbourhood teams to enable more focus on rural crimes including targeting hare coursing. There had been some recent successes with hare coursing where individuals had also been charged with money laundering as part of the criminal activities that they had been involved in.
- (vi) **Enforcing speed limits** – on average 200,000 tickets were issued across Thames Valley per year, where 2.4 million people live. On average, there were 75 – 80 road deaths per year in Thames Valley. The Force had a Road Policing Unit to tackle serious road offences, as well as mobile cameras.

Tickets relate to not only speeding, but mobile phone use, drink driving and no seatbelts.

- (vii) **Neighbourhood policing and action groups in High Wycombe** – members were informed that neighbourhood action groups were in existence in Wycombe and Superintendent Emma Burroughs had recently attended the Wooburn group. The Force were keen to be involved in groups and officers also attended Community Board meetings. Supt Burrows encouraged the member to contact her with details on his particular meeting, so that officers could arrange to attend.
- (viii) **The role of Independent Advisory Groups (IAGs)** – IAGs, which were made up of members of the public, check and challenge, as well as support the Force. Community Scrutiny Boards have recently been established to also check and challenge the Force on specific topics.
- (ix) **Improving communications to councillors following an incident** – TVP wanted to use councillor's voices to support police response to incidents. Communication strategies were in place for when incidents occur, which include communications to members. With regards to the specific incident the member was referring to, unfortunately officer's had not been correctly briefed on councillor communications on this particular occasion; this was a one-off and would not happen again.
- (x) **20mph speed limits** – members were advised that if 20mph speed limits were enshrined in law, then the Force would play a role in enforcing any breaches of that law. The Chief Constable could not guarantee an officer patrolling areas in the event that 20mph speed limits were introduced. It was also advised that there were complexities around introducing 20mph limits. By way of example, a 20mph limit had been introduced outside of a school and, consequently, speeding had increased in the area as 20mph was seen as an upper limit. The Chief Constable spoke of a number of effective road traffic management measures, and would encourage any local authority to look at the consequences of the impact of introducing a 20mph speed limit.
- (xi) **Merging Chiltern and South Bucks and Wycombe LPAs** – Supt Burrows welcomed the invitation to meet with Chesham, Chess Valley and Chiltern Ridges councillors to discuss the merger in further detail and future approaches to consultations.
- (xii) **Tackling night racing** – members were informed that TVP have operations tackling this issue. Neighbourhood teams regularly work to disrupt this activity, as well as the Road Policing Team. Supt Burrows would look into the issues specifically relating to Stoke Poges and Wexham.

The Chairman expressed thanks to the Chief Constable and Superintendents for their presentation. The Chief Constable thanked members for their continued support for the work of officers.

9 Buckinghamshire Youth Justice Strategic Plan 2021-22

Members considered the Buckinghamshire Youth Justice Strategic Plan 2021 – 2022. The Cabinet Member spoke to the report, which set out details of progress made against agreed outcomes for children and young people, priorities and future challenges for the partnership for 2021 – 2022. Further, the plan highlighted partnership arrangements and the budget position for the Youth Offending Service Partnership. The following key points were highlighted:

- The council were required to produce a plan each year with the aim of stopping offending, re-offending and reduce custody.
- In response to a question as to how closely the education department was working with individuals with Individual Health Care Plans (IHCP), members were advised that, since last year, targeted advisors were put into schools to identify individuals involved and provide support. The member was encouraged to contact the Cabinet Member directly for more detailed information.
- The Cabinet Member agreed that future reports should give focus to young people obtaining justice, as well as preventing offending.
- In response to a question as to how children’s mental health was looked after, the Cabinet Member informed members that this was the most important part of the programme and that there was a great deal of mental health support available. Some of the provisions in place included trained mental health advisors in schools, and psychologists who are able advise children and teachers around mental health issues.
- It was noted that a 3% budget cut was set out within the report but lacked detail on what exactly would be cut. Members were reassured that any cuts would not impact on young people and the council would maintain its duty to young people. Savings could be made through, by way of example, efficiencies, realignment of staffing responsibilities, collaboration with partners, and access to funding through partners.

Resolved:

that the 2021 – 2022 Youth Justice Strategic Plan be agreed.

10 Buckinghamshire Council Licensing Policy Statement

Members considered the draft Licensing Policy Statement for Buckinghamshire Council. The following key points were highlighted:

- Local authorities were required by law to publish a Licensing Policy Statement.
- The Licensing Committee considered and agreed to recommend the draft

statement to Full Council at their meeting 20 October 2021.

- In response to a question as to how the policy would be applied retrospectively, the member was advised to write to the Cabinet Member, who would respond in writing due to the technical nature of the question.
- In response to a question as to how the issues of single plastics could be addressed through licensing, the member was advised to write to the Cabinet Member, who would respond in writing.
- It was suggested that the environmental aspects referred to in the report be strengthened. The member was advised to write to the Cabinet Member, who would compose a response in conjunction with the Cabinet Member for Climate Change and Environment.
- It was asked whether a risk assessment had been done in relation to para 4.1 and the change to 24-hour licensing. The Cabinet Member advised that the university status of Buckingham had been taken into account, and the behaviour of students was such that it was deemed acceptable to bring forward the changes. It was noted that Buckinghamshire Town Council had been consulted on the proposed changes.

Resolved:

1. that the draft Licensing Policy Statement for Buckinghamshire Council as required under the Licensing Act 2003 for publication, prior to a proposed implementation date of 1 February 2022 be agreed; and
2. that the Head of Service for Licensing, in consultation with the Cabinet Member for Housing, Homelessness and Regulatory Services, be authorised to change the implementation date of the Policy if necessary to any date on or before 1 April 2022.

Note 1: a comfort break was taken from 17.53 to 18.05.

11 Reports from Cabinet Members

Members received reports from Cabinet Members. There was an opportunity for members to ask questions of individual Cabinet Members about matters and issues affecting their portfolios.

Leader of the Council, Councillor Martin Tett

- (i) **Future investment in Chesham** - a levelling up fund bid had been submitted to government focussing on regeneration in Chesham, however this had not been approved. It was noted that none of the levelling up fund bids that had been submitted by Buckinghamshire Council had been approved by government. The Leader would continue to submit bids at every opportunity to support regeneration across the county.

- (ii) **Local ward member consultation on decisions affecting their wards** – the Leader reiterated that Buckinghamshire Council was a member-led authority. It was noted that there was a requirement for local members to be consulted on all cabinet reports, and that the Leader had previously rejected reports where local member views had not been included within reports.
- (iii) **Suitable support for Afghan families** – members were advised that suitable support had been put in place for Afghan families that had resettled in Buckinghamshire. It was noted that a constraint was finding suitable accommodation in the family’s ideal location, as accommodation was difficult to find; the council worked closely with families to meet their needs.

Cabinet Member for Planning and Regeneration, Councillor Gareth Williams

The Cabinet Member encouraged members to complete the planning survey that had been circulated via the select committee, which would help to inform the council what members wanted to see from the planning service.

- (i) **Backlog in planning applications** – it was noted that figures for backlogs differed depending on area (e.g., enforcement, major applications). There was a 42% increase in applications received by the council year on year. The team had done a phenomenal job of reducing backlogs and turnover of applications was 25% up on last year. The Cabinet Member recognised there was more work to do and had directed teams to work on backlogs specifically.
- (ii) **Buckinghamshire Design Code** – the council had been given £50,000 funding from government as part of a pilot scheme which had funded ‘Bucks Place’, an online design tool. Comments from Bucks Place would feed into the formation of the Buckinghamshire Local Plan.
- (iii) **Winslow group** – the Cabinet Member welcomed the invitation to meet with the group to discuss development in Winslow.

Cabinet Member for Transport, Councillor Steven Broadbent

One of the council’s key priorities was the clearing of drains and gullies, which the council had invested significant sums into the budget to supporting. The Cabinet Member was pleased to announce that half of the 85,000 gullies across the county were cleared, and teams continued to deliver the outstanding works at pace.

- (i) **Gully clearing in Gerrards Cross** – a graphic would soon be uploaded onto the members portal detailing gully clearing progress by ward.
- (ii) **Timeline for repairing street lights** – it was noted that since April 2021, approximately 795 street lights had been repaired, and work was ongoing. Street lights were also going through an LED replacement process, which was well underway. From next month, an update was being rolled out to

FixMyStreet which would see improvements to reporting street lighting issues specifically, including details on when replacements might be due.

- (iii) **Temporary lights and abandoned cars in High Wycombe** – it was noted that lots of work was happening on the roads by the council, but also statutory undertakers (e.g., utilities companies), and on occasion, works continued beyond the specified work period. Members were encouraged to report any delayed works so that the council could investigate. The member was advised to report the locations of abandoned cars to the team so that officers could investigate.
- (iv) **Road permits** – members were advised that when scheduled works took place, assessments were done in advance. All local ward members were sent information on works relating to their ward area, and were encouraged to share this information with residents. In case of emergency works, companies had the right to work on the road immediately.

Cabinet Member for Culture and Leisure, Councillor Clive Harriss

- (i) **The Rye, High Wycombe** – the Cabinet Member was made aware that the football pitch at The Rye had been water logged and meant that football teams had had to use a pitch further afield. The Cabinet Member would look into alternative sites for football matches to take place.
- (ii) **Play Streets Pilot Scheme, Aylesbury West** – Councillor Sarah James was recognised for her work on the Play Streets Pilot Scheme in Aylesbury West.

Cabinet Member for Education and Children’s Services, Councillor Anita Cranmer

- (i) **Ofsted rating** – Ofsted were expected to visit imminently. The service had been on an improvement journey and the Cabinet Member was optimistic that the service had improved.
- (ii) **Secondary school results** – it was asked how the secondary school results incident could be prevented from happening again. Members were advised that this was an unfortunate incident in which an IT system had failed. A new system had been put in place and members were reassured that this would never happen again.

Cabinet Member for Finance, Resources, Property and Assets, Councillor John Chilver

- (i) **Customer Service call waiting times** – The Cabinet Member recognised that there had been some unacceptable delays in time taken to answer calls. It was noted that the summer period had been particularly busy with calls relating to waste and council tax. Data on call waiting times was monitored closely, and call waiting times had reduced over the past couple of months. A number of measures were in place to make contact with the council as easy and accessible as possible.

- (ii) **Loans** – the loans referred to related to the former legacy authorities, and funded their capital programmes as opposed to individual projects which made them difficult to identify.
- (iii) **Devolution of assets to Aylesbury Town Council** – the Cabinet Member welcomed discussions with Aylesbury Town Council on any proposals they might have for devolution of assets.
- (iv) **Community board funding, and management of the council’s properties** – the member was asked to direct the question to the Cabinet Member for Communities.

Cabinet Member for Health and Wellbeing, Councillor Angela Macpherson

The Cabinet Member advised that the council received further detail on the government’s proposed social care reforms last week, and explained the impact the proposals would have on the service. Once the government’s white paper was received, the Cabinet Member would arrange a full member briefing on the paper and what it meant for the council.

- (i) **Workforce pressures** – this was a key issue for the council as well as other local authorities across the country. Vacancies did cause significant pressures, however the council were working hard to recruit staff and had plans in place to address recruitment and retention, including a Workforce Strategy. The council support educational opportunities for staff (social work degree/ apprenticeship/ cadet scheme) to help bring people into the service, as well as career progression opportunities. It was noted that the winter period would bring significant pressure.
- (ii) **Safeguarding Campaign, and the issue of scams** - the Cabinet Member was congratulated on the success of the Safeguarding Campaign thus far. It was noted that referrals had increased as a result of the campaign, which would continue until February 2022. The council were also supporting the national campaign. The Cabinet Member would provide a detailed response to the member as to how the council was working to address the issue of scams.
- (iii) **Access to GPs** – this issue had recently been raised at the Health & Wellbeing Board. GPs in attendance had explained the huge workload they were dealing with and recognised the call wait times that residents faced, and that service could be improved. The Cabinet Member urged members to listen to the webcast of the discussion at the Health & Wellbeing Board meeting for further information.
- (iv) **Care sector staff and vaccinations** – members noted that vaccination numbers were reasonably high for Buckinghamshire care staff. However, mandatory vaccination for care staff would have an impact on staffing levels. The Cabinet Member would provide the member with vacancy figures.

**Cabinet Member for Housing, Homelessness and Regulatory Services,
Councillor Nick Naylor**

- (i) **Taxi licensing policy** – a driver/ council liaison group had been established to further discuss the policy with the taxi industry. Some concessions had been made in some areas, but not in others, particularly with regards to safety and child safety.
- (ii) **Social housing** – the member was asked to write to the Cabinet Member in relation to the proposal for social housing at the specific site, who would look into the matter along with the Cabinet Member for Planning Regeneration.

Cabinet Member for Communities, Councillor Steve Bowles

The Cabinet Member expressed thanks to members for showing their support to end violence against women and young girls, at the white ribbon stall. The council had plans to develop a strategy with specific focus on ending abuse against women and young girls. Councillor Bowles would be talking to listeners of Wycombe Sound on 25 November specifically about this issue.

Members were advised of the enormous amount of work going on around Armed Forces. The council had reinforced its support for Armed Forces by signing the Armed Forces Covenant in July 2020, which was a commitment to ensuring that no Armed Forces personnel were disadvantaged. Members noted that Buckinghamshire had a significant Armed Forces community. Members were encouraged to get involved in groups, events and activities, and were advised that increased member engagement would enable the council to 'go for gold'.

- (i) **Community Board funding** – members were advised that an email had been received by Chairmen and Vice-Chairmen of Community Boards to inform them that, given budgetary pressures including significant risk in social care services and home to school transport pressures, as well as scenarios for Buckinghamshire in the impending government spending review, it was the Cabinet's intention to take back £3.5 million of rolled over funds. Members noted that 225 projects had been approved for funding to a total cost of £1.46m, with existing match funding of £1.2m (total value £2.66m). There were £1.4m worth of projects in the pipeline which included projects committed last year. There remained a large amount of unallocated funding. The decision to take back funds had not been taken lightly; the Cabinet remained committed to community boards which were a keystone of the localism agenda.
- (ii) **Devolution of buildings** – a member meeting recently took place regarding devolution of community centres to Aylesbury Town Council. The council were currently going through the process of looking at devolving Meadowcroft Community Centre to the town council. It was hoped that that community centre would be the first of many community centres devolved

to the town council.

Cabinet Member for Climate Change and Environment, Councillor Peter Strachan

The Cabinet Member was pleased to announce that effective 13 December 2021 separate food collections would resume in High Wycombe and Amersham; residents would be informed over the coming days. A member briefing note would be circulated week commencing 29 November 2021 to enable members to advise residents on the matter. Members welcomed the good news.

- (i) **Greatmoor energy from waste plant** – members were asked to write to the Cabinet Member who would arrange visits to the plant on their behalf.
- (ii) **Charging for green waste collections** – members were advised that no decision had been made in relation to charging for green waste collections in High Wycombe. Members would be informed if any changes to charges were made.
- (iii) **Protecting Buckinghamshire’s mature trees** - the Cabinet Member recognised the importance of maintaining Buckinghamshire’s existing mature trees, and advised members that protections for trees were supported in planning. Tree planting was one of sixty items on the council’s action plan within the climate change strategy; the Cabinet Member informed members he would be planting trees tomorrow (25 November 2021).
- (iv) **CO2 emissions from Greatmoor energy from waste plant** – the member was advised to write to the Cabinet Member for the detail on emissions from the plant.

12 Notices of Motion

- (i) Environment Bill

The motion was proposed by Councillor Robin Stuchbury and seconded by Councillor Stuart Wilson -

Buckinghamshire Council is a riparian owner of large sections of river within the County, it has two of the UK’s major rivers, the River Thames and the River Ouse, and also highly sensitive chalk streams within South Buckinghamshire. As a Council we want to do everything we can to maintain the ecology contained within those areas alongside protecting public health.

Recently the Government voted for more moderate measures in the Environment Bill than those proposed by the House of Lords which would have restricted the discharge of raw sewage into our water courses and place a legal duty on water companies to invest in the necessary infrastructure to protect and improve our waterways.

“This Council calls on the Leader and Cabinet Member for Climate Change and

Environment to:

1. Write to the Secretary of State for the Environment, Food and Rural Affairs, and to all Buckinghamshire Members of Parliament, expressing our grave concern about the weakened legislation that fails to markedly restrict the discharge of raw sewage into our rivers and streams; and to
2. Write to the Chief Executive(s) of those water companies with sewage treatment works discharging raw sewage into the Thames, Ouse, Wye and other waterways across Buckinghamshire to seek assurance that they will pursue a programme of capital investment that will “demonstrate improvements in the sewerage systems and progressive reductions in the harm caused by untreated sewage discharges” per the Lords’ Amendment.”

An amendment to the motion was proposed by Councillor Martin Tett, seconded by Councillor Peter Strachan, and accepted by the proposer and seconder of the original motion. The amendment was then put to the meeting as the substantive motion. The wording of the first two introductory paragraphs were unchanged.

“This Council calls on the Leader and Cabinet Member for Climate Change and Environment to:

1. Write to the Secretary of State for the Environment, Food and Rural Affairs, and to all Buckinghamshire Members of Parliament, expressing our grave concern about the weakened legislation that fails to markedly restrict the discharge of raw sewage into our rivers and streams; and to **making known the concerns of this Council and emphasising the importance of the Government bringing forward a clear strategy for ceasing this environmentally damaging practice as a matter of priority**
2. Write to the Chief Executive(s) of those water companies with sewage treatment works discharging raw sewage into the Thames, Ouse, Wye and other waterways across Buckinghamshire to seek assurance that they will pursue a programme of capital investment that will “demonstrate improvements in the sewerage systems and progressive reductions in the harm caused by untreated sewage discharges” per the Lords’ Amendment.”

It was proposed by Councillor J Macbean, and seconded by Councillor S Bowles that the substantive motion be put to a vote, which was **carried**. By a show of hands, it was -

Resolved:

that the Leader and Cabinet Member for Climate Change and Environment:

1. Write to the Secretary of State for the Environment, Food and Rural Affairs, and to all Buckinghamshire Members of Parliament, making known the concerns of this Council and emphasising the importance of the Government bringing forward a clear strategy for ceasing this environmentally damaging

practice as a matter of priority.

2. Write to the Chief Executive(s) of those water companies with sewage treatment works discharging raw sewage into the Thames, Ouse, Wye and other waterways across Buckinghamshire to seek assurance that they will pursue a programme of capital investment that will “demonstrate improvements in the sewerage systems and progressive reductions in the harm caused by untreated sewage discharges” per the Lords’ Amendment.”

(ii) Speed limits

The motion was proposed by Councillor Steven Broadbent and seconded by Councillor Martin Tett –

This council notes that Thames Valley Police have changed their previous stance of opposing reductions in speed limits. Thames Valley Police, whilst now supportive in principle of 20mph, do so on the basis that to be effective it must be in the ‘right location’ and have a suitable physical environment to ensure 20mph is adhered to i.e. they are self-enforcing. Thames Valley Police are clear that they will not currently be pro-actively enforcing revised limits.

This council also notes that whilst 20mph speed limits are initially popular with many residents, research by the Department for Transport shows that there has only been a small reduction in median speed (less than 1mph) where these have been introduced. There is also insufficient evidence to conclude that there has been a significant change in collisions and casualties following the introduction of 20mph limits in residential areas. Evidence suggests that average speeds tend to fall to compliant levels only on roads where previous average speeds were already low, i.e., around 24 mph

Neighbouring Oxfordshire County Council estimate that to replace the majority of 30mph limits with 20mph, investing in signage only, in line with their new policy and approach, will require a capital programme in the region of £8M. It also notes that without physical changes to the road, speed compliance may be poor.

“This Council therefore resolves that any proposed reductions in speed limits to 20mph should be funded by the applicant(s), and be assessed by and supported by the Council’s Road Safety team and all local members. It also requires that all schemes should meet the DfT’s criteria for 20mph limits and be self-enforcing. No expectation should be generated that the Thames Valley Police or the Buckinghamshire Council will enforce these schemes.

In view of the potential cost of eligible schemes the council will normally only implement them where/when resources are available and when the requesting parish, town council or Committee contributes towards the cost of implementation.”

Councillor S Broadbent advised members that the proposed motion strengthened the process for 20mph speed limits where schemes met Department for Transport

(DfT) guidelines. He described the measures that made 20mph zones effective, and explained that 20mph speed limits should only be put in place where they would be effective, and where they would not be a burden to the police. It was noted that a DfT assessment of zones with 20mph limits indicated that, on average, there was a 1mph reduction in speed of travel in those areas. Recent speed assessments in areas of Buckinghamshire reflected the national assessment findings. The Cabinet Member recognised the concern of residents with regards to speed, and urged speed watching to continue. The budget relating to road safety had been trebled this year, but it was not expected to fund 20mph speed limits where deemed unlikely to be effective in managing speed.

The Leader of the Council, Councillor Martin Tett, spoke to the motion and described the complexities of 20mph speed limits. Councillor Tett advised members that where 20mph speed limits were proposed, it was recommended that local ward members sign off proposals before they are taken forward. Further, that the Road Safety Team have determined that any such proposals enhance road safety.

An amendment to the motion was proposed by Councillor Peter Cooper, and seconded by Councillor Stuart Wilson -

~~“This council notes that Thames Valley Police have changed their previous stance of opposing the implementation of 20mph speed limits, although TVP will not currently be pro-actively enforcing them. Thames Valley Police, whilst now supportive in principle of 20mph, do so on the basis that to be effective it must be in the ‘right location’ and have a suitable physical environment to ensure 20mph is adhered to i.e. they are self-enforcing. Thames Valley Police are clear that they will not currently be pro-actively enforcing revised limits.~~

This council also notes that ~~whilst~~ 20mph speed limits are ~~initially~~ popular with **Town and Parish Councils and their many** residents, ~~research by the Department for Transport shows that there has only been a small reduction in median speed (less than 1mph) where these have been introduced. and that there is strong evidence from organisations such as ROSPA to conclude that pedestrian fatalities reduce from 8% with vehicle speed of 30mph, to 1.5% at 20mph. There is also insufficient evidence to conclude that~~ There has been a significant ~~change~~ **reduction** in collisions and casualties following the introduction of 20mph limits. ~~in residential areas.~~ **It is also noted that 20mph limits in residential areas contribute positively to quieter, safer and cleaner neighbourhoods and help promote healthy environmentally friendly forms of transport, such as walking and cycling.** Evidence suggests that average speeds tend to fall to compliant levels only on roads where previous average speeds were already low, i.e., around 24 mph

Furthermore, many UK local authorities including neighbouring Oxfordshire County Council, **now have a county-wide 20mph speed limit policy for residential areas.** Oxfordshire estimate that to ~~replace~~ **reduce** the majority of 30mph limits ~~with~~ **to** 20mph, ~~investing in signage only, in line with their new policy and approach,~~ will require a capital ~~programme~~ **investment** in the region of £8M ~~spread~~

over the whole period of its implementation. By means of its policy SLP1, Oxfordshire County Council will promote 20mph as the default limit for residential, villages and retail areas to ensure speeds are appropriate to the nature of the environment and location. ~~It also notes that without physical changes to the road, speed compliance may be poor.~~

~~“This Council therefore resolves that any proposed reductions in speed limits to 20mph~~ to support the principle of 20mph speed limits on the understanding that schemes promoted by Town or Parish Councils should be assessed and supported by the Buckinghamshire Council’s Road Safety team and all relevant local members, and should be funded by the applicant(s). It also requires that all schemes should meet the DfT’s criteria for 20mph limits and be largely self-enforcing. ~~No expectation should be generated that the Thames Valley Police or the Buckinghamshire Council will enforce these schemes.~~

In view of the potential cost of eligible schemes the council will normally only implement them where/when resources are available and when the requesting parish, town council or Committee contributes towards the cost of implementation.”

Councillor Peter Cooper spoke to the amended motion, and explained how 20mph speed limits could contribute to making communities better and safer places to live, as well as greener through encouraging walking and cycling.

It was felt by some members that the amendment suggested that 20mph speed limits were an effective measure in reducing speeding, contrary to evidence and academic research. It was also felt that the amendment lacked evidence in its suggestion that 20mph speed limits would bring environmental benefits, and that lower speeds did not necessarily equate to lower emissions. It was noted that the original motion made clear DfT guidance on 20mph speed limits. The council were investing approximately £2.6m in active travel in this year alone.

Other members felt that the amendment strengthened the motion, and changed the tone of the motion to a more positive tone which encouraged work in the best interest of communities. Members were advised that research showed that a 1mph reduction in speed achieved a reduction in collisions. The original and amended motions were clear that the applicant(s) should cover the costs of such schemes.

By a show of hands, the amendment was **lost** at a vote.

Members then spoke to the original motion. Further explanation was given to the expense that such blanket schemes could cost to the taxpayer. The Cabinet Member for Transport reiterated that the right solutions to speeding should be put in place at the right time with the right funding.

By a show of hands, the original motion was **carried** at a vote.

Resolved:

that any proposed reductions in speed limits to 20mph should be funded by the applicant(s), and be assessed by and supported by the Council's Road Safety team and all local members. It also requires that all schemes should meet the DfT's criteria for 20mph limits and be self-enforcing. No expectation should be generated that the Thames Valley Police or the Buckinghamshire Council will enforce these schemes.

In view of the potential cost of eligible schemes the council will normally only implement them where/when resources are available and when the requesting parish, town council or Committee contributes towards the cost of implementation.

13 Questions on Notice from Members

The written responses to questions from members, published as a supplement to the agenda, were noted.

14 Report for information - Key Decisions Report

A list of decisions taken by the Leader since the last Full Council meeting on 15 September 2021 were received and noted.

15 Date of Next Meeting

4pm, Wednesday 23 February 2022.



Report to Council

Date:	23rd February 2022
Title:	Chief Finance Officer's Statutory Report
Relevant councillor(s):	All Councillors
Author and/or contact officer:	Richard Ambrose, S151 Officer
Ward(s) affected:	All
Recommendations:	Council is asked to note the content of this report

1. Purpose of Report

- 1.1 Under Section 25 of the Local Government Act 2003 I am required to report to the Council on:
- a) the robustness of the estimates made for the purposes of the calculations [of the budget], and
 - b) the adequacy of the proposed financial reserves.
- 1.2 This report is the culmination of the budget process in which detailed work has taken place with Officers and Members. The Council is required to have due regard to this report when making decisions on the budget.

2. Strategic Overview

- 2.1 Buckinghamshire Council is now nearing the end of its second year of operation as a Unitary authority. Last year, the decision was taken to set a revenue budget for one year only, due to the level of uncertainty that existed at the time around future government funding and the difficulty in forecasting the longer-term effects of the Covid-19 pandemic. This was necessary to ensure that decisions were not taken based on assumptions that could not be reliably validated.

- 2.2 Although there continues to be uncertainty beyond 2022/23, this year a three-year budgeting process has been undertaken, in line with the timeframes of the government's Spending Review announced in October 2021. This medium-term financial planning process ensures that the annual budget for 2022/23 is developed within the context of longer-term sustainability. This enables us to consider risks and issues over a longer time period and develop prudent estimates in order to understand the extent of the budgeting challenge ahead. In addition, the multi-year process allows for the development of longer-term savings proposals, to ensure that the full benefits of becoming a Unitary Council can be realised.
- 2.3 Although the Autumn Spending Review set out the government's priorities for the 3-year period 2022/23 to 2024/25, the Local Government Finance Settlement was again only a one-year deal. There is still significant uncertainty around future funding levels with a consultation on funding reform expected later this year. This is likely to also be impacted by the 'Levelling-Up' agenda, in which funding may be reallocated away from authorities in the South-East.
- 2.4 The Covid-19 pandemic continues to affect the council in terms of additional demands on our services to support residents, and the impact of new behaviour patterns on our income streams. As we begin to recover from the pandemic, assumptions have been built into the budget for 2022/23 based on the latest estimates of income, and these are, therefore, subject to an element of risk.
- 2.5 Social Care budgets are particularly subject to a high degree of risk. This has been exacerbated by the effects of the pandemic and the NHS strategy of Discharge to Assess which is resulting in clients leaving hospital with greater care needs than before. In addition, changes in the cost of care and reform of social care funding expected in the near future will have an effect on our budgets and maintaining our adaptability to these changing factors whilst continuing to deliver high quality services will be of paramount importance.

3. The Control Environment

- 3.1 The Council operates within a framework of strong financial governance. The constitution is a top level governance document, approved by the Full Council, and this contains the Financial Procedure Rules which set the principles for managing the council's financial affairs. A set of strategic documents form the second level of financial governance, with a third tier represented by detailed Financial Instructions to provide clear guidance on the operation of key financial processes. All documents are regularly reviewed and updated to ensure they remain current and fit for purpose, reflecting changes in the external environment and also in the council itself.
- 3.2 The Chartered Institute of Public Finance and Accountancy (CIPFA) publish a resilience index annually, which allows Local Authorities to assess their financial resilience

against a number of measures. These include the adequacy of reserves, funding risk, and exposure to Social Care demand risk. The data has been reviewed and the Council falls into the lower half of the risk assessment for all measures. This gives assurance that the Council's financial governance is strong and that it is operating in a financially sustainable way. The index can be used to look for trends going forward, but for the newly formed Buckinghamshire Council there is no historic data. Nevertheless, the index shows a low level of risk currently and our own internal measures of trend confirm a positive trajectory.

- 3.3 In its first year of operation, the council delivered a small budget underspend of £0.4m. This was a significant achievement given the challenges of coming together as a newly formed organisation whilst responding to the Covid-19 pandemic.
- 3.4 The forecast outturn for 2021/22 is again expected to be a small surplus as a percentage of the budget. Although there have been pressures within budgets during the year, these have been successfully managed and mitigated through the Council's strategy of approving contingency budgets for high risk budget areas. This prudent approach will be maintained in future to provide a mechanism for mitigating against risks. Pressures in the budget for 2021/22 have been assessed to establish whether they are ongoing or of a one-off nature, and ongoing pressures have been built into the forward budget as appropriate to ensure the right level of resource going forward.

4. Robustness of the Budget

- 4.1 The Covid-19 pandemic continues to affect the council and this budget reflects the ongoing effects in terms of changes in working and shopping patterns which will affect our income streams, and pressures on our social care services from increased demand. During the budget setting process we have had to respond to new variants such as Omicron and adapt flexibly to a changing environment.
- 4.2 This Medium Term Financial Plan, and the changes made in response to developments over the last year, have undergone frequent and rigorous review by:
 - a) Myself, as the S151 Officer;
 - b) The Corporate Management Team;
 - c) The Cabinet;
 - d) Management teams from all Directorates;
 - e) Member Priority Groups (administration);
 - f) The Budget Scrutiny Task & Finish Group.
- 4.3 Furthermore, our current year budget monitoring and risk management processes have ensured that all ongoing pressures and risks are explicit, understood and considered within the budget development process.

- 4.4 Throughout the development of the budget, these groups have been made aware of the current and future risks both on service income and expenditure, local taxation receipts and the wider Local Government funding environment.
- 4.5 Key amongst the current and future risks are:
- a) The ongoing impact of Covid-19 on the local, national and global economy;
 - b) The impact of societal change on service demand and income;
 - c) The continued growth in demand and complexity of cases managed in Social Care services and also Home to School Transport;
 - d) The sustainability of providers within the Social Care market;
 - e) The impact of inflation and potential budget pressures in terms of staff pay and supply chain costs; for example, pressures are currently being experienced due to above inflation cost increases in residential care for children and young people with complex needs, and this is expected to continue into the new financial year.
 - f) The continued uncertainty in Local Government funding as a result of delays to the Fair Funding Review, Business Rates system review and reform of Adult Social Care funding.
- 4.6 It is in this context that the budget contains specific contingencies to ensure that the Council is adequately planning for and mitigating the impact of any such risks which may become real.
- 4.7 Setting a sustainable 3 year budget for the Council comes within the context of a challenging environment for local authorities, with some high profile cases of local authorities failing to operate sustainably. A number of councils have applied to central government for the use of capitalisation directives to use capital funding to meet revenue pressures. In addition, we have seen three councils having to issue section 114 notices, banning all non-essential spend after concerns that setting a balanced budget for the forthcoming year would not be possible.
- 4.8 Financial sustainability will be a critical consideration for the Council going forward and the financial strategy will need to ensure that the Council can deliver its core services sustainably whilst maintaining the adaptability required to respond to changing levels of resources. Fully delivering the savings / additional income included within the 2022/23 budget (£19.2m) will be key to achieving this.

5. Adequacy of Reserves

- 5.1 Alongside the development of the budget proposals there has been consideration of the level of reserves held by the Council and the likely balances going forward.

- 5.2 As the five legacy councils came together in 2020, five sets of reserves needed to be consolidated. This process has now been carried out; reserves have been combined where they served a common purpose and aligned to the Council's new structure. These reserves provide funding across multiple years for the delivery of specific projects and to mitigate risks. A reserves protocol has been developed to support greater oversight of reserves and to ensure that they are created, used and managed in a consistent fashion.
- 5.3 The opening position on General Fund reserves (unallocated) for financial year 2022/23 is forecast to be £47.1m. This balance represents 6.6% of the gross operating budget (excluding the Dedicated Schools Grant). Earmarked reserves are sufficient to cover all expected commitments against them, including approximately £10.4m for the cost of transformation as the new Council further develops its future operating model.
- 5.4 We remain committed to using reserves only for one-off purposes, as using them for ongoing costs does not reflect sustainable financial management. There is a planned use of £1.36m of General Fund reserves in 2023/24 as part of the medium term financial plan, but this will be reviewed as part of the budget process next year.
- 5.5 Appendix A sets out a summary of the Council's earmarked reserves together with a description of the intended use of the reserves.

6. The Dedicated Schools Grant (DSG)

- 6.1 The DSG is a ring-fenced specific grant that supports local authorities' Schools budgets. Since 2019/20 the Department for Education (DfE) has set the principle, via legislation, that the DSG is ring-fenced and any deficit is to be carried on the reserve and not met from a Local Authority's General Fund. There is, however, a risk that this arrangement may cease at the end of financial year 2022/23, which would require authorities to fund the deficit from their General Fund.
- 6.2 Should the deficit be more than 1% of the DSG allocation, the Local Authority is to formally set out recovery plans to bring DSG back into balance. The deficit for Buckinghamshire Council is projected to be £4.1m (0.8%) at the end of 2021/22. A DSG Spending Review Group has been established in order to develop and monitor recovery actions. This group is a sub-group of the Buckinghamshire Schools Forum.
- 6.3 The DSG funding allocation for 2022/23 includes an increase in funding of £12.7m for the high needs block to support increased demand and other pressures. Schools Forum has agreed to retain £3.4m of the increase to support proposals for initiatives to reduce future spend and to support the increasing deficit. This is a proactive measure to ensure the council can address the issues internally and work towards a sustainable position.

- 6.4 Demand for support for pupils with special educational needs and disabilities (SEND) is increasing nationally with approximately two thirds of local authorities building up DSG deficits. Local authorities with the highest levels of DSG deficit have been required to enter into agreements with the DfE to reform their High Needs Block and agree a programme of savings targets to eliminate their historic deficits and function sustainably in the future.
- 6.5 The Council's DSG Management Plan is focused on addressing key priorities to manage spend. Through the DSG Spending Review Group the plan will be produced and managed in partnership with schools. The DfE is expected to publish a national SEND review this year and this will inform priorities and actions going forwards.

7. Conclusion

- 7.1 Despite the prevailing risks and uncertainties identified within the budget papers, the process for the formulation of budgets, together with the level of challenge, provides a reasonable assurance of their robustness. The first two years of the newly formed authority have been challenging; however, we have managed to retain a prudent level of general fund reserves and have prioritised financial sustainability for the future. Whilst other some other authorities are struggling financially, we maintain our approach of recognising risks and setting suitable contingencies to guard against them.
- 7.2 The provision of contingency budgets enables broad-ranging risks and uncertainties to be managed as part of the Council's risk management arrangements.
- 7.3 The level of the Council's total reserves is sufficient to provide:
- a) a working balance to cushion the impact of further unexpected events or uneven cash flows (general reserves), and
 - b) the setting aside of funds to meet known or anticipated liabilities (earmarked reserves).
- 7.4 **Therefore, I consider that the budget proposals recommended by the Cabinet are robust and sustainable.**

Appendix A - Summary of the Council's Reserves

The Council holds a number of reserves earmarked for specified purposes. These are reviewed quarterly to ensure that appropriate levels are held. A commentary on each of the reserves is set out below.

Directorate / Reserve	Opening Balance 1/4/21 £000	Forecast Closing Balance 31/3/22 £000	Purpose of Reserve
Adults & Health	- 6,435	- 4,932	
Public Health	- 3,973	- 3,335	The Public Health reserve holds unused Public Health grant funding to be used in future years.
Transformation	- 1,462	- 968	The Transformation reserve is used to support the transformation of Adult Social Care Services
Reprocurement of Contracts	- 1,000	- 628	The Reprocurement of Contracts reserve is used to spread the costs of future re-procurement processes for block contracts
Children's Services	- 24,420	- 13,844	
Assessed & Supported Year in Employment Academy	- 1,239	- 569	The Assessed & Supported Year in Employment Academy enables the Council to grow and develop highly competent Social Workers for our front line Child Protection and Safeguarding Teams
DSG Carryforward	- 1,795	- 4,128	The DSG Carry-forward reserve relates to unused Dedicated Schools Grant (DSG); this is currently in deficit
School Improvement Monitoring & Brokerage	- 1,455	- 1,614	The School Improvement Monitoring & Brokerage reserve holds unused grant funding
Schools Revenue Balance	- 20,838	- 13,428	The Earmarked for Schools reserve contains the balances held by schools under delegated schemes and is ring-fenced. It is reducing as more schools become academies.
Troubled Families (including Payment by Results)	- 1,616	- 1,356	The Troubled Families reserve holds hold unused grant funding to ensure the best possible sustainable outcomes for families with multiple problems in Buckinghamshire, through the re-shaping of the services 'offer' across public, private and voluntary sectors
Children's Services - Other	- 1,067	- 1,004	Other reserves include a number of smaller reserves such as unused grant funding
Communities	- 24,602	- 24,615	
Adverse Weather	- 2,284	- 2,214	The Adverse Weather reserve is used in the event of unusually harsh weather particularly for salting the highway
Capital	- 1,591	- 1,591	Capital reserves for car parks and refuse vehicles
Country Parks	- 1,537	- 482	The Country Parks reserves are used to develop future income generation
Highways & Transportation Procurement	- 1,243	- 997	The Highways and Transportation Procurement reserve is required for specialised advise relating to reprocurement of the Highways contract
Repairs & Renewals	- 1,981	- 1,103	The Repairs and Renewals reserve comprise amounts set aside to fund future purchases related to leisure and cultural assets
Strategic Infrastructure Fund	- 1,467	- 972	The Strategic Infrastructure reserve is required for investment into continuous and development activity
Integrated Transport Project	- 562	- 264	The Integrated Transport Project reserve creates increased Client Team capacity for the reprocurement of the Highways & Technical Services contract
Waste	- 5,030	- 9,068	The Waste reserve is used to smooth the effect of volatility in third party income and selling electricity
Fleet Repairs and Renewals	- 877	- 1,066	The Fleet Repairs and Renewals reserve is comprises amounts set aside to fund future purchases
Crematorium	- 6,892	- 6,288	The Crematorium reserve will be used to support the Crematorium
Other Earmarked Reserves	- 1,139	- 571	The Other Earmarked reserves include a number of smaller reserves such as health licencing income
Deputy Chief Executive	- 35,586	- 16,916	
Elections	- 793	- 480	The Election Expenses reserve is used to fund the expenses of the full Council elections which occur every four years.
Unitary Transformation	- 16,039	- 10,358	The Unitary Transformation reserve funds the transformation costs of Unitary
Unitary Transition	- 5,485	- 3,275	The Unitary transition reserve funds the transition costs of Unitary
Contain Outbreak Management Fund	- 7,257	- 2,072	The Contain Outbreak Management Fund reserve holds COMF monies received in the previous financial year to fund continuing and emerging costs relating to the Covid 19 pandemic in future financial years.
Community Boards	- 3,400	-	Money previously set aside for Community Boards has now been earmarked for MTFP Savings
New Homes Bonus - Parishes	- 1,118	- 0	The New Homes Bonus - Committed reserve holds sums committed to parishes for schemes the Council agreed to fund under the Parish New Homes Bonus scheme.
Other Earmarked Reserves	- 1,494	- 730	The Other Earmarked reserves include a number of smaller reserves such as Brexit

Directorate / Reserve	Opening Balance 1/4/21 £000	Forecast Closing Balance 31/3/22 £000	Purpose of Reserve
Planning, Growth & Sustainability	- 22,427	- 20,810	
Asbestos Warranty	- 3,277	- 3,456	The Asbestos reserve is held to cover future liabilities relating to making good on Asbestos in legacy Wycombe housing stock, managed by Red Kite, and cover the cost of asbestos claims re VAHT stock transfer
Capital Repairs & Renewals	- 2,012	- 1,583	The Capital Repairs and Renewals reserve is the primary funding source for asset Repairs and Maintenance.
Climate Change	- 5,000	- 5,000	The Climate Change reserve is used to deliver Climate Change Strategy projects
Efficiency Fund & Salix	- 515	- 781	The Efficiency Fund & Salix reserve is called on to finance initial expenditure on projects that will lead to longer term savings. The repayment of Salix loans is recycled to fund further projects.
Investment Properties	- 1,482	- 1,766	The Investment properties reserve issued to help contribute to property voids and develop investment properties to retain their value
Local Plan	- 1,286	- 863	The Local Plan reserve comprises legacy reserves to fund the development of Local Plans
Strategic Development	- 5,639	- 4,365	The Strategic Development reserve is used to facilitate strategic development opportunities across the Council.
Economic Development	- 919	- 675	The Economic Development reserve is used to facilitate economic development opportunities across the Council.
One Public Estate	- 627	- 450	The Council is the lead authority for the One Public Estate partnership programme
HS2	- 419	- 549	The HS2 reserve is expected to fund increased activity relating to HS2
Other Earmarked Reserves	- 1,250	- 1,322	The Other Earmarked reserves include a number of smaller reserves such as Digitalisation of Planning Records and Historic Buildings
Resources	- 8,411	- 8,679	
Finance Systems	- 1,000	- 981	The Finance Systems reserve supports required developments to the finance system
Insurance	- 6,275	- 6,275	The Insurance reserve relates to the estimated liabilities in respect of insurance claims not yet notified.
Housing Benefit	- 354	- 354	The Housing Benefit reserve is used to manage the impact of changes to housing subsidy levels and mitigate the additional operational costs from the introduction of welfare reform (Universal Credits).
Other Earmarked Reserves	- 781	- 1,068	The Other Earmarked reserves include a number of smaller reserves such as Arcus Licence
Corporate Reserves	- 113,774	- 80,184	
Capital	- 27,931	- 28,496	The Capital reserves are used for the financing of capital expenditure and receives appropriations from the revenue account. The balances largely represent slippage from prior year capital programmes.
Revenue Contribution to Capital Reserve	- 22,524	- 31,283	The Revenue Contribution to Capital reserves are used for the financing of capital expenditure and receives appropriations from the revenue account. The balances largely represent slippage from prior year capital programmes.
S106	- 4,379	- 4,379	The Section 106 reserves hold capital sums paid by developers by way of section 106 agreements.
Council Tax Deficit 20/21	- 6,112	- 5,587	This reserve holds funds to be used for the spreading of the Council Tax Deficit
Covid Corporate Pot	- 4,624	- 390	The Covid Corporate Pot contains top-slicing of Covid Grants
Special Expenses	- 842	- 692	The Special Expenses reserve holds funding relating to the two special expenses areas in Aylesbury and High Wycombe
Uncommitted Legacy Reserves	- 5,875	- 279	The Uncommitted Legacy reserve was created to provide the flexibility to address matters such as excess Covid-19 pressures and other legacy / transitional budget issues. It will be largely utilised with £5.7m used to create a new reserve to be used for profiling issues linked to the deliverability of existing MTFP savings
MTFP Approved Use of Earmarked Reserves	-	- 9,077	The MTFP Approved Use of Earmarked Reserve is newly created and will be used for profiling issues linked to the deliverability of existing MTFP savings
Collection Fund Stabilisation	- 41,487	- 0	The Collection Fund Stabilisation Reserve reflects the accounting requirements and cash flows of the Collection Fund, in respect of COVID grants and compensations managed through the Collection Fund in 2020/21 and will require repayment through the Collection Fund reconciliation process with Central Government.
Total Earmarked Reserves	- 235,656	- 169,979	



Report to Council

Date:	23rd February 2022
Title:	Medium-term Financial Plan 2022/23 to 2024/25 and Capital Programme 2022/23 to 2025/26
Relevant councillor(s):	Cllr Martin Tett - Leader
Author and/or contact officer:	Richard Ambrose, Service Director – Corporate Finance Matt Strevens, Head of Corporate Finance, ext. 3181
Ward(s) affected:	All
Recommendations:	<p>Council is asked to:</p> <ul style="list-style-type: none"> - approve the Revenue Budget and Capital Programme (Appendices 1-3). - approve the Council Tax Resolution (Appendix 4). - approve the ‘Special Expenses’ budgets, precepts and associated services for Aylesbury Town, High Wycombe Town and West Wycombe Church Yard (Appendix 5 & 6). - approve the proposal to delegate to Cabinet decisions to add up to £100m to the Capital programme, to be funded by Prudential Borrowing (see section 10.6). - approve the Council Tax Reduction Scheme Policy (Appendix 7). - Delegate to the Leader, in consultation with the s.151 Officer, any technical changes to the Council Tax Reduction Scheme as required from legislation concerning the £150 Council Tax Energy Rebate Scheme, together with any changes required to implement any new discretionary schemes linked to the discretionary funding allocated (see section 12).

Reason for decision: To set a robust and legal revenue budget and capital programme for Buckinghamshire Council within the prescribed timeframe.

To ensure the council is able to make appropriate additions to the capital programme in a timely manner.

1. Executive summary

- 1.1 The budget presented for approval remains heavily influenced by the Covid-19 pandemic and reflects best estimates of the likely progress from response to recovery.
- 1.2 Although there are high levels of uncertainty around government funding levels beyond 2022/23 there is evidence of stabilisation in budgets as the pandemic normalises. These budget proposals cover the 3 years from 2022/23 to 2024/25 for revenue and the 4 years from 2022/23 to 2025/26 for the capital programme. This ensures that the Council is sighted of and considers the financial sustainability of the Council as we emerge from the pandemic, notwithstanding the risks and uncertainties identified in this report.
- 1.3 The Final Local Government Settlement was announced on 7th February 2022. There were no changes and as such this confirmed the figures published in the Provisional Settlement which form part of these budget proposals.
- 1.4 The budget proposed is built on the proposed Council Tax base and includes a 1.99% increase in basic Council Tax and a 2% increase for the Adult Social Care Precept, giving a total increase of 3.99%. Members should note that the Adult Social Care Precept is capped at 1% from 2022/23; however, we have been able to apply the 1% not applied in 2021/22.
- 1.5 The revenue budget includes savings / efficiencies and income increases of £19.2m in 2022/23, rising to £43.7m by 2024/25. This is on top of £25m achieved over the first two years of being a unitary authority. Furthermore, there is a proposed one-off use of General Fund balances (£1.36m) in 2023/24 in order to produce a balanced budget in that year. This requirement will be revisited during the next MTFP cycle.
- 1.6 The Capital Programme is balanced across its 4 years, as many schemes span multiple financial years. The Council currently has borrowing headroom of £100m. It is proposed that Council delegate to Cabinet the addition of schemes to the Capital Programme which have a financially viable business, subject to due diligence and final Cabinet approval.

2. Content of this report

- 2.1 This report sets out the 3-year revenue budget for 2022/23 to 2024/25 and 4-year capital programme for Buckinghamshire Council covering the period to 2025/26.
- 2.2 This is based on the latest estimated funding position, service budget pressures and the key financial risks facing the Council both now and in the future. It also takes into account the findings from the budget scrutiny inquiry.
- 2.3 The Council Tax Resolution report is presented as Appendix 4. This agrees the Council Tax to be collected by the Council, the major preceptors (Fire & Police), Special Expenses and Parish Precepts.
- 2.4 This report includes Special Expenses. These are particular costs that are specific to an area not covered by a local town or parish council (e.g. recreational grounds, allotments, community centres markets etc.). There are three special expense areas within the Council; High Wycombe Town Committee, West Wycombe Church Yard and Aylesbury Town. The proposed budgets and resulting precepts are presented in **Appendix 5.**

3. The Corporate Plan

- 3.1 The Corporate Plan is the Council's main strategic business planning document, establishing a golden thread between the Council's priorities, as agreed by elected members, and the activities and budgets required to deliver the organisation's agreed outcomes.
- 3.2 The Corporate Plan is currently under review and the intention is to take a refresh of the Plan to Council later this year. This will set out what the Council wants to achieve and how it will do it, addressing the challenges we face and harnessing opportunities.

4. Local Government Funding

- 4.1 The Chancellor's Spending Review of 27th October covered a 3-year period. The Spending Review recognised the impact of Covid-19 on the economy, and the levels of Public Sector Debt which had been incurred in funding the Government's support and intervention responses. Due to the high levels of this debt the wider public finances are subject to significant interest rate risk, which could impact on future funding for public services.
- 4.2 The headlines for Local Government from the Spending Review were:

- a) An overall increase in funding for Local Government, including the assumption that Council Tax will be raised by the maximum allowable amount each year;
 - b) The Adults Social Care Precept to be capped at 1% going forward;
 - c) £3.6bn of additional funding raised from the 1.25% National Insurance increase to support the implementation of Care Reforms and to move to a fairer and more sustainable cost of care. This is provided to fund prescribed activities and not current demand and complexity pressures within the Care system;
 - d) £1.6bn p.a. of additional funding to be provided to support pay costs, inflation, supporting families, cyber security and all other pressures.
- 4.3 The Spending Review only provided totals for the sector and not details of allocations to individual authorities. The Final Local Government Settlement was announced on 7th February 2022. This Settlement covered only funding allocations for 2022/23, despite the Spending Review covering a 3 year period. It is understood that this is due to likely changes to Local Government funding allocations as a result of the Fair Funding Review, review of the Business Rates Retention system and the future of the New Homes Bonus. Future funding levels may also change significantly as a result of wider Government Policy initiatives such as the 'Levelling-Up' agenda.

5. Council Tax

- 5.1 The Secretary of State announced that the Council Tax Referendum threshold will be 2% for 2022/23. It is proposed to **increase core Council Tax by 1.99%**.
- 5.2 In addition, the ability to levy an Adult Social Care Precept of up to 1% was announced. The Council did not utilise the full Adult Social Care uplift in 2021/22, and the 1% not utilised can be carried forward into 2022/23. The budget proposed includes **an increase of 2% in the Adult Social Care Precept**. In line with Government requirements this additional funding is all allocated to Adult Social Care budgets.
- 5.3 As a result of the economic changes brought on by the pandemic there has been a slight suppression in the level of new homes being built and occupied, an ongoing increase in the number of claimants of Council Tax reductions, and an ongoing reduction in the collection rate for Council Tax. This has suppressed the baseline for expected Council tax income before the increases above are applied, which sees Council Tax income rise at a slightly slower than expected rate.
- 5.4 The Council Tax Resolution, which agrees the levels of Council Tax for the Council and all preceptors, is presented as **Appendix 4** for approval. This includes details of

the charges made by major preceptors (Buckinghamshire Fire & Rescue and Thames Valley Police) and all Parish and Special Expenses precepts.

- 5.5 Special Expenses precepts apply in Aylesbury Town, High Wycombe and West Wycombe Church Yard. This is an additional Council Tax charge for residents in these areas and reflects costs incurred by the Council which would normally be the responsibility of a parish or town council if one existed.
- 5.6 Proposed 'Special Expenses' budgets have been subject to a significant review, and the ongoing sustainability of funding for these activities has resulted in increases to these elements of the Council Tax precept. Budgets, precept levels, and the services included within this charge can be found in **Appendices 5 & 6**.
- 5.7 The Council Tax Reductions Scheme Policy is unchanged from last year other than to update the values used in line with Government changes to welfare benefits that are used in the calculation of CTR (for example the amount of child benefit paid). It is recommended the Council Tax Reductions Scheme Policy (**Appendix 7**) be approved.

6. Business Rates

- 6.1 Business Rates income has seen significant changes through the pandemic as the system has been used by Government as a means to support businesses through lockdowns and the associated economic impacts.
- 6.2 The budget includes a small recovery in the level of Business Rates collectable. This reflects the gradual recovery of Business Rates income from the effects the Covid-19 pandemic has had on businesses.
- 6.3 The Business Rates system includes a 'safety net', below which the Government will compensate Councils for lost income. Given the growth in Business Rates over recent years Buckinghamshire Council's Business Rate receipts continue to remain above this safety net.

7. The impact of Covid-19 on the Councils budgets

- 7.1 The global pandemic continues to impact on the operations of the Council both at an operational level, where ongoing response requirements have been placed upon the Council, and in supporting new government initiatives and support packages (such as the £150 Council Tax reduction on Council Tax bills in Band D and lower).
- 7.2 Whilst recent interventions have not extended to full lockdowns the emerging 'new normal' continues to have impacts on the financial activities of the Council. Primarily these are through the changes to working and social activity, but also through

changes in need and demand for Social Care services. Given the continuing nature of the pandemic and the emergence of new variants it is expected that many of these impacts will continue into 2022/23 and beyond.

7.3 The following ongoing impacts are included in the budget proposals included within this report:

- a) Income from discretionary and statutory services is recovering but will remain suppressed as a result of working from home, residents caution in public mixing, additional demand arising from the mental and physical health impacts of the pandemic and the general impacts of the economic downturn.
- b) Rental income and sale proceeds from property assets will be reduced as businesses respond to increased working from home and demand drops.
- c) Demand and costs of supporting the vulnerable may remain raised as the quantum of people needing support as well as the level of support required have increased.
- d) The need to invest in the local economy to support jobs and growth.

7.4 The continuation of these impacts has been central to the ongoing review of the budget. Whilst some of these impacts may be short-term and will dissipate as the pandemic subsides, others are likely to be longer-term and persist as the 'new normal' of a post-pandemic world emerges.

7.5 The robustness of existing and new budget proposals will continue to be monitored as part of normal financial management protocols and considering further developments in the pandemic response and recovery plans.

8. Budget Scrutiny review

8.1 During the week commencing 10th January the Draft Budget was reviewed and challenged by the Finance & Resources Select Committee (Budget Scrutiny task & finish group). Their report recognised the work and hard decisions required to produce a balanced budget in the current environment and highlighted the risks inherent in the current position. None of the recommendations have resulted in changes to the proposed budget.

8.2 Within the Committee's recommendations there were a number which identified the need for clarity in strategic direction in key areas of the response to the emerging 'new normal'. These will need to be further considered as part of future Medium-Term Financial Planning cycles.

9. Revenue Budget 2022/23 to 2024/25

- 9.1 The revenue budget covers the period 2022/23 to 2024/25. Whilst the Local Government Settlement only provides certainty for the first year, and there are significant risks across many aspects of the budget beyond 2022/23 planning for a 3-year period ensures the budget considers the medium term sustainability of the Council and provides a basis for strategic decision-making to address future scenarios across the Council's budgets.
- 9.2 Given the significant uncertainties involved in setting a Medium-Term Financial Plan beyond 2022/23 prudent estimates of the rate of recovery of service budgets, the impact of the 'new normal' and the likely outcome of future funding settlements have been made for 2023/24 onwards.
- 9.3 Overall Portfolio net budgets are set to increase by £6.67m (1.6%) in 2022/23. This is after revenue savings / efficiencies and income increases of £19.2m in 2022/23, rising to £43.7m by 2024/25. This is on top of £25m achieved over the first two years of being a unitary authority.
- 9.4 This budget includes significant unavoidable growth across the 3-years on Adults Social Care (£31.7m), Children's Social Care (£4.4m) and Home to School Transport (£10.0m) as a result of the continuing increases in demand, cost and complexity in these areas.
- 9.5 There are significant increases in service income across the 3-years in Leisure (£2.3m), Property & Assets (£6.2m) and Parking (£3.2m) as income recovers from the reduced levels at the height of the pandemic, and new opportunities arise.
- 9.6 Contingency budgets, which are used to manage risk and uncertainty in the budget, are maintained in line with the risks and uncertainties identified within this report. A breakdown of these is shown within Appendix 1.
- 9.7 The forecast **General Fund balance for the Council after the recommendations in the budget is expected to be £47m at the end of 2022/23** (depending on the final outturn for 2021/22). This balance represents 6.6% of the gross operating budget (excluding the Dedicated Schools Grant). The budget proposed includes use of £1.36m of General Fund balances in 2023/24. The need for this budgeted use of General Fund reserves will be reviewed in setting the budget for 2023/24.
- 9.8 The overall revenue budget, with each Portfolios element expanded, can be found in **Appendix 1**. Details of all proposed budget changes can be found in **Appendix 3**.
- 9.9 This budget reflects prudent estimates of funding and expenditure pressures and savings proposals to ensure the ongoing sustainability and resilience of the Council.

10. The Capital Programme

- 10.1 During 2021/22 a review of the capital programme was undertaken. This followed the review undertaken in 2020/21 in order to shape the Capital programme to the new Council's priorities. The latest review undertook to review the strategic alignment of all existing projects and to reprioritise the available funding to better meet the ambitions of the Council.
- 10.2 The resulting capital programme sees £524m invested over the 4 years to 2025/26, with £165m of investment in 2022/23.
- 10.3 Key areas of investment within the programme are;
- a) £38.5m to support Economic Growth & Regeneration;
 - b) £136.4m on schools, and school improvement projects;
 - c) £117.9m on Strategic Highways maintenance including;
 - i. £61.6m on major highway resurfacing schemes;
 - ii. £17.7m on Plane & Patch (smaller planned and reactive repairs);
 - iii. £8.5m on Footway repairs;
 - iv. £8.4m on Street Lighting repairs, replacement and maintenance;
 - v. £8.0m on Drainage to help reduce flooding on our roads.
 - d) £129.4m on Strategic Transport & Infrastructure;
 - e) £24.8m investment in Waste, primarily on vehicle replacement and a household recycling centre in Buckingham;
 - f) £21.8m to support Housing and Homelessness including affordable housing action plans and disabled facilities grants.
- 10.4 The overall Capital programme and each Directorates element of the Programme can be seen in **Appendix 2**.
- 10.5 The Council's authorised borrowing limit currently allows for £100m of additional prudential borrowing should the need arise.
- 10.6 In order to allow schemes which have a robust and financially viable business case to be added to the Capital Programme it is proposed that **authority be delegated to Cabinet to add up to £100m worth of schemes to the capital programme, to be funded through prudential borrowing, subject to a robust business case being approved.**

11. Council Tax Reduction Scheme Policy

- 11.1 The Council Tax Reduction Scheme Policy require approval on an annual basis.
- 11.2 The policy was harmonised in 2020/21 upon the creation of the Council, and there are no material changes to the policy for this year beyond updating with the latest information from Central Government.
- 11.3 The updated policy is available as **Appendix 7**.
- 11.4 **It is recommended that the Council Tax Reduction Scheme Policy be approved.**

12. Council Tax Energy Rebate Scheme

- 12.1 On 3 February 2022 the Government announced a £150 council tax energy rebate. The Government will provide funding to billing authorities to give all households in England whose primary residence is valued in council tax bands A – D a one-off council tax energy rebate payment of £150. This payment will operate outside of the council tax system, using council tax lists to identify eligible households.
- 12.2 The Government will also provide funding for billing authorities to operate a discretionary fund for households in need who would not otherwise be eligible. This could include, for example, individuals on low incomes who live in properties valued in bands E – H.
- 12.3 Due to legislation only being laid before Parliament on 11 February 2022, a **discretion from Council to allow the Leader, in consultation with the s.151 Officer, to implement any changes to the Council Tax Reduction Scheme to align with legislation is proposed**. In addition, to enable the council to allocate the discretionary funding as outlined above changes to the existing discretionary policy may be required. To enable the Council to assist residents as soon as possible we are seeking Full Council agreement **for the leader, in consultation with the s.151 Officer, to have delegated authority to approve any such discretionary policy change** required to enable this funding to be allocated to those households in need. Both of the discretions would be published through the usual process for leader Decision making.

13. Financial Risks

- 13.1 Whilst every effort is made to ensure the budget proposals are robust, deliverable and support financial sustainability there are significant risks identified in the proposed budget.

13.2 The table below identifies the key risks to these budget proposals:

<p>The Covid-19 pandemic</p>	<p>The Covid-19 pandemic continues to impact on the day to day business of the Council. The budget makes assumptions as to the likely impact of the pandemic on budgets over the next 3 years. With new variants arising the risk of further lockdowns and supporting interventions, as well as the timing and trajectory of the recovery process, is subject to change.</p> <p>The Council is central to delivering the local response to the pandemic, in supporting residents and businesses through local and national interventions, and in supporting the recovery process to 'build back better'.</p> <p>As the period in which we are operating within a pandemic environment extends this creates additional pressures in delivering our business as usual services, delivering our savings and investment plans and providing capacity to support additional response activities.</p> <p>In addition, new and unexpected changes to the types and level of demand for services may arise as unforeseen longer-term impacts of the pandemic arise.</p>
<p>Medium-term economic change</p>	<p>The pandemic continues to impact on the economy, with business failures likely, changes in unemployment and unprecedented levels of Government debt following the pandemic response. This is likely to impact on local and national tax receipts, and the levels of support required by those impacted by the changes. This would impact both the Council's costs in supporting those impacted and the future funding available to the Council.</p>
<p>Long-term societal change</p>	<p>The pandemic required immediate changes to the way we all live our lives. Whilst some of these were short-lived, others may persist as both businesses and individuals consider how they wish to live and work in the future. The medium-term impacts on local economic activity are still unclear.</p>

Inflation	Global economic upheaval continues, notably impacting on global supply-chains. This is significantly contributing to inflation levels, which are currently above 5%. This will impact both in terms of pay pressures and the costs of our supply chain. Whilst forecasts are that inflation returns to more normal levels these forecasts are highly dependent on the future impact of the pandemic on the global economy.
Central Government funding	<p>The Government has long promised to review the allocation of funding to Local Authorities. This is now expected to be enacted from 2023/24. Changes to this methodology could have a negative impact on the funding for the Council if our calculated level of need reduces significantly.</p> <p>The ‘Levelling Up’ agenda has the intention of reducing regional disparities. Without additional funding to raise the level of funding for higher need areas there is likely to be a movement of funding from ‘better’ funded areas to those with ‘greater’ need. This is likely to see funding moved from the South East to more deprived areas. A policy paper is due to be published shortly, which will bring more clarity on the aims of the policy.</p>
Complexity and demand in Social Care & Client Transport	Social Care budgets remain subject to significant variations in terms of both demand and complexity in ‘normal’ circumstances. The ongoing pandemic has increased this unpredictability. This is being exacerbated by the NHS Discharge to assessment approach which is seeing clients leave hospital with higher needs than in pre-pandemic times. Whilst all reasonable efforts have been made to predict these pressures and estimates remain volatile and uncertain.
Social Care Provider sustainability & Care Reforms	The Care Act places a statutory duty for local authorities with responsibility for Adult Social Care in managing the market including, where necessary, making provision for the continuity of care if Social Care Providers close. The Care Reforms and market changes resulting from the pandemic have increased the risk of this occurring.

- 13.3 A robust risk management approach will be taken to monitor, manage and mitigate these risks through the delivery of these draft budget plans.
- 13.4 Whilst the revenue budget proposals within this report include reserves and contingencies against these increased risks, our General Fund (non-allocated) balances are also at a reasonable level. These balances are held against the risk of unforeseen events, such as the pandemic, and provide a strong buffer against unexpected events. Close management of these risks is required to ensure the sustainability of the Council.
- 13.5 Given the number of local authorities whose financial struggles have been reported in the sector and national press over recent years, financial risk has been externally benchmarked using the Chartered Institute of Public Finance and Accountancy's (CIPFA) Resilience Index. This Index allows Local Authorities to assess and compare their financial resilience against a number of measures covering Reserves, funding risk, and exposure to Social Care demand risk. The data has been reviewed and the Council falls into the lower half of the risk assessment for all measures.

14. Legal and financial implications

- 14.1 This is a Finance report and all the financial implications are included in the report.
- 14.2 The Council is required under the Localism Act 2011 to set a council tax requirement for the authority. This report provides information which will supports the council tax requirement proposed within this report, together with a budget for 2022/23, a three-year Medium Term Financial Strategy and a four-year Capital Programme.
- 14.3 The Council is required to set a balanced budget taking account of balances and any other available reserves before the commencement of the financial year to which it relates. The Local Government Act 2000 states that it is the responsibility of the Full Council, on the recommendation of the Cabinet, to approve the budget and related council tax requirement.
- 14.4 The Council has a fiduciary duty to council tax payers, which means it must consider the prudent use of resources, including control of expenditure, financial prudence in the short and long term, the need to strike a fair balance between the interests of the Council Tax payers and ratepayers and the community's interest in adequate and efficient services and the need to act in good faith in relation to compliance with statutory duties and exercising statutory powers. Some savings proposals may need individual detailed consultation, and this will be carried out before decisions on those proposals are made.

15. Corporate implications

- 15.1 Actions resulting from consideration of this report may influence future expenditure in areas of concern / interest. Equalities impact screening will be undertaken for all significant new proposals within the budget, and full Equality Impact Assessments will be produced as projects are fully developed and where this is deemed necessary.

16. Consultation and communication

- 16.1 A public consultation on priorities and budgets was conducted between 6 October and 14 November 2021. The results have been reviewed by Cabinet alongside the final budget report.
- 16.2 Only 308 responses were received, with 292 of these responses being from residents.
- 16.3 Further consultation has taken place with the Buckinghamshire Business Group following approval of the draft budget by Cabinet. There was general support for the approach taken and the resulting budget. Their response is available as **Appendix 8**.

17. Background papers

Appendix 1 – Revenue Budget.

Appendix 2 – Capital Programme.

Appendix 3 – Detailed Revenue Budget changes.

Appendix 4 – Council Tax Resolution – ‘TO FOLLOW’

Appendix 5 – ‘Special Expenses’ budgets and precept.

Appendix 6 – ‘Special Expenses’ activities.

Appendix 7 – Council Tax Reduction Scheme Policy.

Appendix 8 – Buckinghamshire Business Group budget consultation response.

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Appendix 1

Buckinghamshire Council Draft Revenue Budget

2022/23 - 2024/25

Contents

Overall Revenue Budget

Revenue Budget Summary

Revenue Budget Subjective Analysis

Changes to Net Cost of Services

PORTFOLIO BUDGET DETAIL

Climate Change & Environment

Communities

Culture & Leisure

Education & Children's Services

Health & Wellbeing

Housing & Homelessness & Regulatory Services

Leader

Planning & Regeneration

Transport

Corporate

Overall Revenue Budget

Budget by Portfolio

		2021-22			2022-23			2023-24	2024-25
		Income £000	Expenses £000	Net £000	Income £000	Expenses £000	Net £000	Net £000	
Costs by Portfolio									
	Climate Change & Environment	(8,085)	37,275	29,190	(9,870)	38,482	28,611	28,381	28,524
	Communities	(1,040)	11,461	10,421	(1,040)	9,652	8,612	8,457	8,457
	Culture & Leisure	(4,719)	11,462	6,743	(6,232)	11,260	5,028	4,789	3,995
	Education & Children's Services	(533,951)	620,057	86,106	(571,750)	660,368	88,618	89,174	89,641
	Finance, Resources, Property & Assets	(119,531)	171,779	52,248	(112,169)	163,865	51,696	48,653	41,267
	Health & Wellbeing	(72,182)	228,590	156,408	(74,607)	239,028	164,421	171,740	179,343
	Housing & Homelessness & Regulatory Services	(8,290)	15,238	6,948	(8,720)	15,651	6,931	6,651	6,217
	Leader	(607)	8,841	8,234	(607)	8,431	7,824	7,489	7,472
	Planning & Regeneration	(9,258)	14,944	5,685	(9,258)	15,262	6,003	5,933	5,603
	Transport	(14,409)	69,127	54,718	(15,753)	71,376	55,623	56,372	58,512
		(772,071)	1,188,774	416,703	(810,006)	1,233,374	423,368	427,639	429,031
Corporate Items									
	Corporate			38,568			44,263	51,232	60,636
	Earmarked Reserves			913			(6,223)	(2,443)	(615)
	General Reserves			(2,138)			-	(1,362)	-
				37,344			38,040	47,427	60,021
Net Operating Expenditure				454,047			461,408	475,066	489,052
Funded by									
	Business Rates			(56,836)			(58,195)	(59,184)	(60,309)
	Impact of Funding Reform			-			-	1,000	5,340
	Council Tax Surplus			-			-	-	-
	New Homes Bonus			(7,645)			(5,844)	(2,500)	(2,500)
	Unringfenced Grants			(30,890)			(20,013)	(19,703)	(19,396)
Net Expenditure before Council tax				358,677			377,356	394,679	412,187
Council Tax				(358,677)			(377,356)	(394,679)	(412,188)

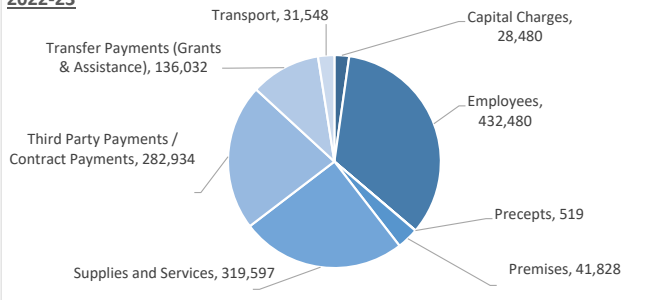
Revenue Budget Subjective Analysis 2022/23

		Climate Change & Environment £000	Communities £000	Culture & Leisure £000	Education & Children's Services £000	Finance, Resources, Property & Assets £000	Health & Wellbeing £000	Housing & Homelessness & Regulatory Services £000	Leader £000	Planning & Regeneration £000	Transport £000	Grand Total £000
Income	Customer & Client Receipts	(9,679)	(349)	(5,896)	(9,407)	(28,831)	(34,964)	(7,260)	(135)	(9,218)	(15,003)	(120,742)
	Government Grants	(63)		(10)	(558,385)	(79,953)	(28,865)	(1,376)		(40)	(465)	(669,156)
	Other Grants Reimbursements and Contributions	(129)	(691)	(326)	(3,957)	(3,384)	(10,778)	(84)	(472)		(286)	(20,107)
Income Total		(9,870)	(1,040)	(6,232)	(571,750)	(112,169)	(74,607)	(8,720)	(607)	(9,258)	(15,753)	(810,006)
Expense	Employees	12,711	3,799	5,027	274,490	60,582	27,904	9,322	7,082	13,532	8,209	422,658
	Premises	4,823	982	825	19,294	10,812	115	1,040	61	3	3,874	41,828
	Transport	608	21	123	1,177	283	2,773	41	26	58	26,438	31,548
	Supplies and Services	6,850	3,664	4,522	253,464	14,156	24,731	4,146	1,260	1,665	4,462	318,920
	Transfer Payments (Grants & Assistance)	112	1,102	752	32,750	77,830	21,743	149			1,594	136,032
	Capital Charges				821							821
	Third Party Payments / Contract Payments	13,377	84	11	78,371	203	161,763	953	1	3	26,800	281,568
Expense Total		38,482	9,652	11,260	660,368	163,865	239,028	15,651	8,431	15,262	71,376	1,233,374
Grand Total		28,611	8,612	5,028	88,618	51,696	164,421	6,931	7,824	6,003	55,623	423,368

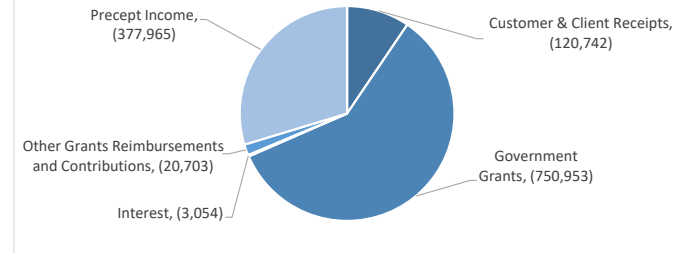
Changes to Net Cost of Services 2022/23

		Climate Change & Environment £000	Communities £000	Culture & Leisure £000	Education & Children's Services £000	Finance, Resources, Property & Assets £000	Health & Wellbeing £000	Housing & Homelessness & Regulatory Services £000	Leader £000	Planning & Regeneration £000	Transport £000	Grand Total £000
Change	Change in Income	(1,820)		(1,411)	(50)	(1,719)	(100)	(390)	-	-	(1,344)	(6,834)
	Growth	2,503	135	30	3,425	2,091	11,793	378	53	318	8,266	28,991
	Savings	(1,096)	(1,900)	(223)	(663)	(802)	(3,158)	(5)	(595)	-	(3,915)	(12,357)
	Special Items	(253)	(122)	(111)	(200)	(123)	68		132		(2,102)	(2,711)
	Change in Grant funded expenditure	150			36,336	(8,549)	1,736	36				29,708
	Change in Grant Income	(63)			(36,336)	8,549	(2,325)	(36)				(30,210)
Grand Total		(579)	(1,887)	(1,715)	2,512	(552)	8,014	(17)	(410)	318	905	6,587

Spend 2022-23



Income 2022-23

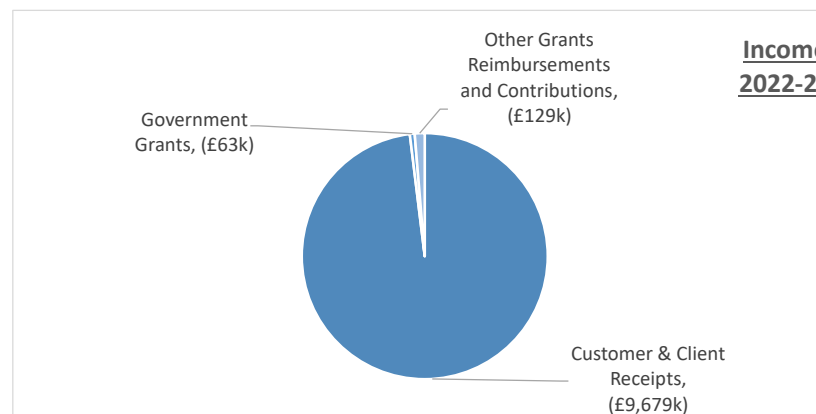
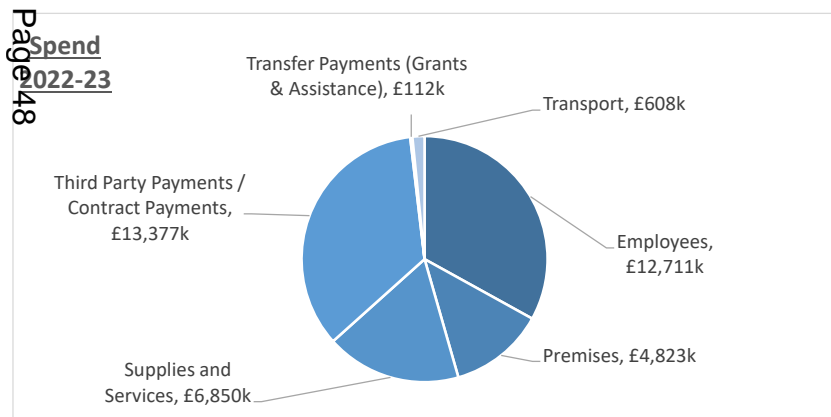


PORTFOLIO BUDGET DETAIL

Climate Change & Environment

		2021-22			2022-23			2023-24	2024-25
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	Net Budget
Environment	Energy & Resources	(260)	650	390	(260)	653	393	393	393
	Natural Environment	(132)	1,637	1,505	(195)	1,718	1,523	1,076	876
Environment Total		(392)	2,287	1,895	(455)	2,371	1,916	1,469	1,269
Street Cleaning	Street Cleaning	(380)	2,591	2,211	(380)	3,230	2,851	2,843	2,843
Street Cleaning Total		(380)	2,591	2,211	(380)	3,230	2,851	2,843	2,843
Waste	Waste	(7,313)	32,398	25,084	(9,036)	32,881	23,845	24,069	24,412
Waste Total		(7,313)	32,398	25,084	(9,036)	32,881	23,845	24,069	24,412
Grand Total		(8,085)	37,275	29,190	(9,870)	38,482	28,611	28,381	28,524

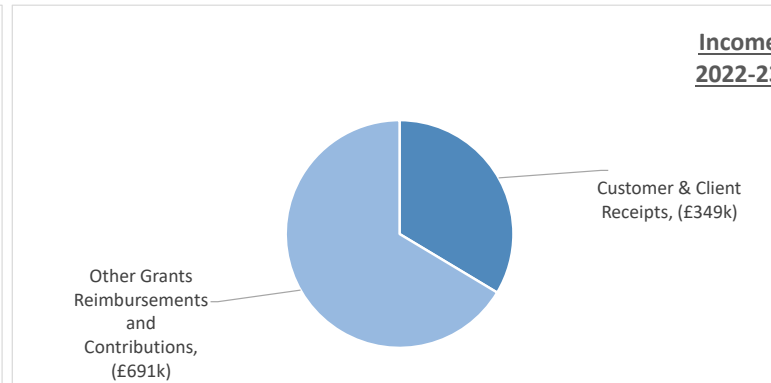
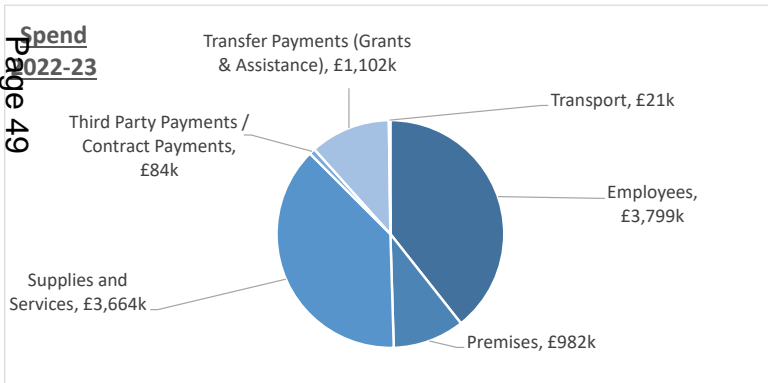
Change Type	2022-23 £000	2023-24 £000	2024-25 £000
Change in Income	(1,820)	(2,070)	(2,170)
Change in Grant Income	(63)	(84)	(188)
Change in Grant funded expenditure	150	200	450
Growth	2,503	2,990	3,507
Savings	(1,096)	(1,117)	(1,291)
Special Items	(253)	(729)	(975)
Grand Total	(579)	(810)	(667)



Communities

		2021-22			2022-23			2023-24	2024-25
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	Net Budget
Community Boards	Community Boards		3,868	3,868	1,968	1,968	1,968	1,968	
Community Boards Total			3,868	3,868	1,968	1,968	1,968	1,968	
Emergency Planning	Emergency Planning	-	295	295	-	297	297	297	
Emergency Planning Total			295	295	-	297	297	297	
Localities & Strategic Partnerships	Community Grants (VCS)	(67)	1,329	1,262	(67)	1,329	1,262	1,262	
	Community Safety	(624)	2,542	1,919	(624)	2,656	2,033	2,028	
	Community Support (Local Emergency Support)		236	236		237	237	237	
	Localities & Strategic Partnerships (General)	(0)	1,871	1,871	(0)	1,756	1,756	1,606	
Localities & Strategic Partnerships Total		(691)	5,978	5,287	(691)	5,978	5,287	5,132	
Special Expenses	Special Expenses	(349)	1,319	970	(349)	1,409	1,060	1,060	
Special Expenses Total		(349)	1,319	970	(349)	1,409	1,060	1,060	
Grand Total		(1,040)	11,461	10,421	(1,040)	9,652	8,612	8,457	

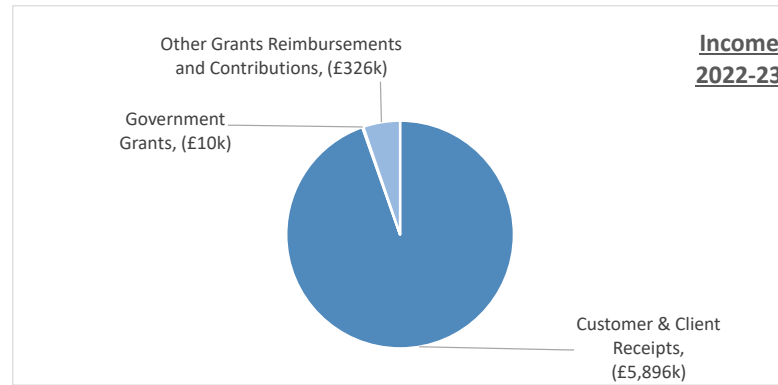
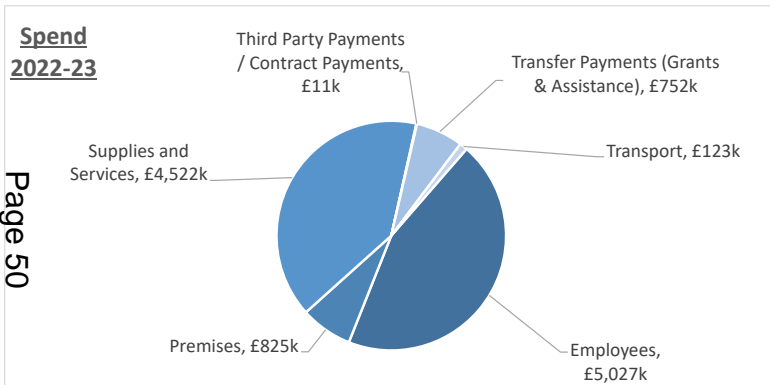
Change Type	2022-23 £000	2023-24 £000	2024-25 £000
Growth	135	130	130
Savings	-1,900	-2,050	-2,050
Special Items	(122)	(122)	(122)
Grand Total	(1,887)	(2,042)	(2,042)



Culture & Leisure

		2021-22			2022-23			2023-24	2024-25
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	Net Budget
Culture & Leisure	Arts & Culture	(303)	1,588	1,286	(303)	1,543	1,240	1,179	1,105
	Country Parks, Parks & Play Areas	(1,368)	1,345	(23)	(1,503)	1,351	(152)	220	153
	Leisure Centres	(2,474)	3,446	972	(3,772)	3,448	(323)	(789)	(1,359)
	Libraries	(575)	4,517	3,942	(655)	4,352	3,698	3,623	3,548
	Museums & Heritage		566	566		565	565	556	547
Culture & Leisure Total		(4,719)	11,462	6,743	(6,232)	11,260	5,028	4,789	3,995
Grand Total		(4,719)	11,462	6,743	(6,232)	11,260	5,028	4,789	3,995

Change Type	2022-23 £000	2023-24 £000	2024-25 £000
Change in Income	(1,411)	(1,880)	(2,449)
Growth	30	80	80
Savings	(223)	(368)	(593)
Special Items	(111)	214	214
Grand Total	(1,715)	(1,954)	(2,748)

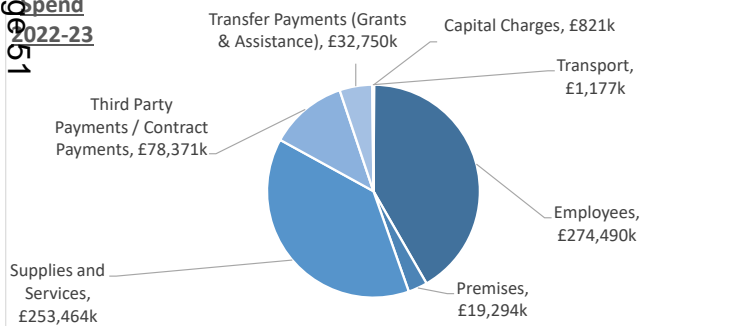


Education & Children's Services

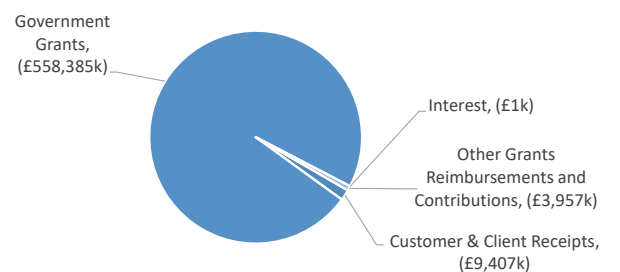
	2021-22			2022-23			2023-24	2024-25
	Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	Net Budget
Children's Social Care	Children in Care	47,735	46,360	49,097	47,722	48,594	49,816	
	Children with Disabilities	6,358	6,358	6,368	6,368	6,368	6,368	
	Quality, Standards & Performance	3,265	3,265	4,416	4,416	3,980	3,011	
	Safeguarding	-	10,717	10,717	12,019	10,606	10,776	
	Social Care central costs	(1,220)	6,322	5,102	6,342	5,122	5,122	
Children's Social Care Total	(2,595)	74,397	71,802	(4,008)	78,242	74,233	74,839	75,092
Education	Early Help	6,731	6,731	6,769	6,769	6,769	6,769	
	Education & Learning	(5,030)	6,696	1,667	7,894	1,670	1,833	
	Special Educational Needs & Disabilities	(126)	6,033	5,907	6,072	5,946	5,946	
Education Total	(5,155)	19,460	14,304	(6,350)	20,735	14,385	14,335	14,548
Education - Dedicated Schools Grant	Central block	(239)	6,147	5,908	5,534	5,295	5,295	
	Funding Block	(513,019)	196,954	(316,065)	196,954	(351,256)	(351,256)	
	High Needs Block	(1,153)	92,428	91,275	105,164	104,011	104,011	
	Schools Block	(11,789)	197,664	185,875	221,224	209,435	209,435	
	Early Years Block		33,007	33,007	32,515	32,515	32,515	
Education - Dedicated Schools Grant Total	(526,200)	526,200	-	(561,391)	561,391	-	-	-
Grand Total	(533,951)	620,057	86,106	(571,750)	660,368	88,618	89,174	89,641

Change Type	2022-23 £000	2023-24 £000	2024-25 £000
Change in Income	(50)	(100)	(100)
Change in Grant Income	(36,336)	(36,336)	(36,336)
Change in Grant funded expenditure	36,336	36,336	36,336
Growth	3,425	5,071	6,101
Savings	(663)	(1,903)	(2,467)
Special Items	(200)	-	-
Grand Total	2,512	3,068	3,534

Expenditure 2022-23



Income 2022-23

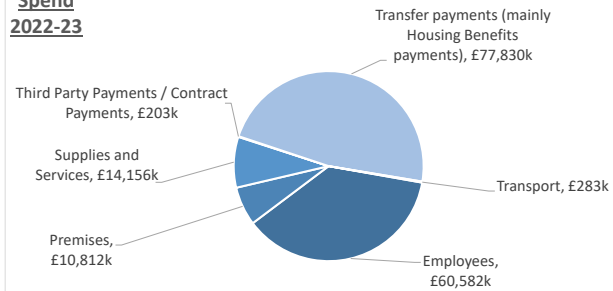


Finance, Resources, Property & Assets

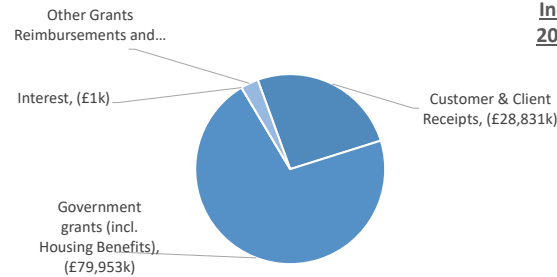
		2021-22			2022-23			2023-24	2024-25
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	Net Budget
Business Operations	Business Operations	(312)	6,873	6,561	(347)	6,923	6,576	6,576	6,576
	Customer Services	(8)	4,422	4,414	(8)	4,434	4,426	4,426	4,426
	Business Development	(65)	548	483	(65)	551	486	486	486
Business Operations Total		(385)	11,843	11,458	(420)	11,908	11,489	11,489	11,489
Finance & Revenues	Finance	(3,410)	14,589	11,180	(3,410)	14,619	11,209	11,209	11,209
	Revenues & Benefits	(91,785)	92,638	852	(83,236)	84,144	908	908	674
Finance & Revenues Total		(95,195)	107,227	12,032	(86,646)	98,764	12,118	12,118	11,884
Human Resources & Organisational Development	Human Resources & Organisational Development	(395)	5,076	4,681	(395)	5,011	4,617	4,617	4,577
Human Resources & Organisational Development Total		(395)	5,076	4,681	(395)	5,011	4,617	4,617	4,577
ICT	ICT	(176)	12,291	12,115	(176)	12,475	12,300	12,300	12,200
ICT Total		(176)	12,291	12,115	(176)	12,475	12,300	12,300	12,200
Legal & Democratic Services	Democratic Services & Elected Members	(56)	4,974	4,918	(56)	5,010	4,954	4,954	4,954
	Legal Services	(1,309)	6,760	5,451	(1,309)	7,052	5,744	5,744	5,744
Legal & Democratic Services Total		(1,365)	11,734	10,369	(1,365)	12,063	10,698	10,698	10,698
Property & Assets	Property Maintenance & Strategic Asset Management	(10,812)	18,921	8,108	(10,843)	19,690	8,847	8,823	7,930
	Commercial Property & Agricultural Estate	(11,143)	545	(10,598)	(12,264)	545	(11,720)	(13,815)	(16,153)
Property & Assets Total		(21,955)	19,466	(2,490)	(23,107)	20,235	(2,872)	(4,992)	(8,223)
Digital	Digital		564	564		566	566	566	566
Digital Total			564	564		566	566	566	566
Resources	Management and Better Buckinghamshire		169	169		(599)	(599)	(1,373)	(4,971)
Resources Total			169	169		(599)	(599)	(1,373)	(4,971)
Service Improvement	Service Improvement	(61)	3,411	3,350	(61)	3,442	3,381	3,231	3,048
Service Improvement Total		(61)	3,411	3,350	(61)	3,442	3,381	3,231	3,048
Grand Total		(119,531)	171,779	52,248	(112,169)	163,865	51,696	48,653	41,267

Change Type	2022-23 £000	2023-24 £000	2024-25 £000
Change in Income	(1,719)	(3,882)	(6,243)
Change in Grant funded expenditure – Housing benefits	(8,549)	(16,244)	(23,169)
Change in Income – Housing Benefits	8,549	16,244	23,169
Growth	2,091	2,225	2,316
Savings	(802)	(1,816)	(6,932)
Special Items	(123)	(123)	(123)
Grand Total	(552)	(3,595)	(10,982)

Spend 2022-23



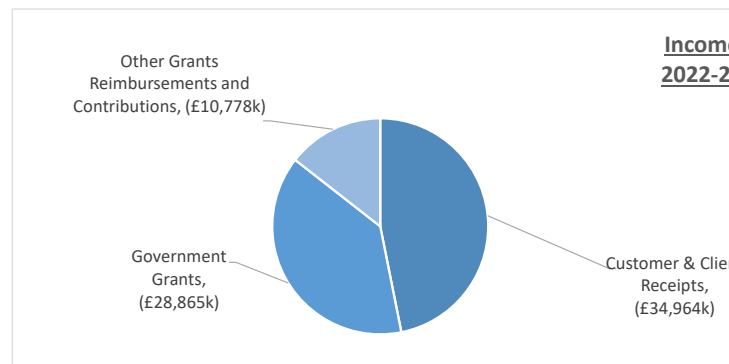
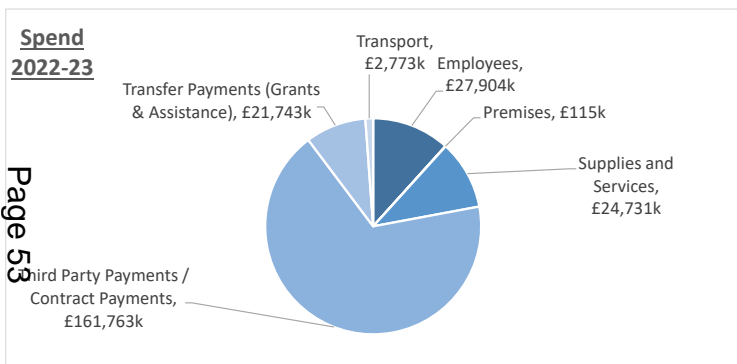
Income 2022-23



Health & Wellbeing

		2021-22			2022-23			2023-24	2024-25
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	
Adult Social Care	Adult Social Care	(50,535)	206,942	156,408	(52,352)	216,773	164,421	171,740	
Adult Social Care Total		(50,535)	206,942	156,408	(52,352)	216,773	164,421	171,740	
Public Health	Public Health	(21,647)	21,647	-	(22,255)	22,255	-	-	
Public Health Total		(21,647)	21,647	-	(22,255)	22,255	-	-	
Grand Total		(72,182)	228,590	156,408	(74,607)	239,028	164,421	171,740	

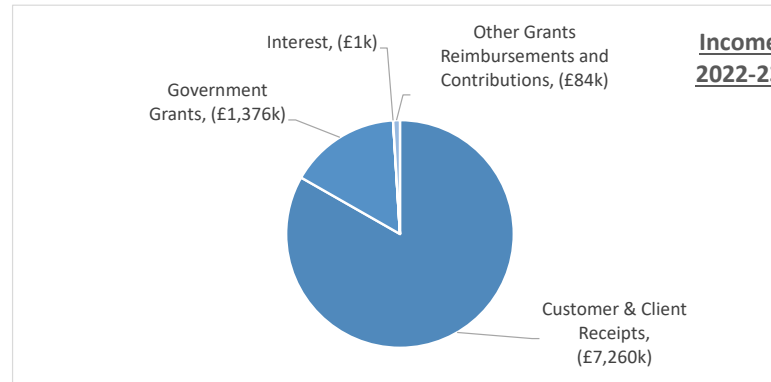
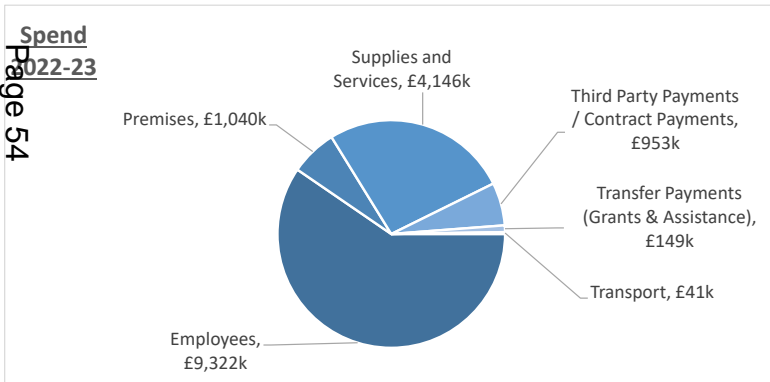
Change Type	2022-23 £000	2023-24 £000	2024-25 £000
Change in Income	(100)	(700)	(1,450)
Change in Grant Income	(2,325)	(2,325)	(2,325)
Change in Grant funded expenditure	1,736	1,736	1,736
Growth	11,793	21,712	31,815
Savings	(3,158)	(5,158)	(6,908)
Special Items	68	68	68
Grand Total	8,014	15,333	22,936



Housing & Homelessness & Regulatory Services

		2021-22			2022-23			2023-24	2024-25
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	Net Budget
Housing & Homelessness	Homelessness	(1,658)	3,463	1,806	(1,843)	3,608	1,765	1,765	1,765
	Housing	(687)	2,586	1,899	(687)	2,597	1,909	1,864	1,544
Housing & Homelessness Total		(2,345)	6,049	3,704	(2,531)	6,205	3,674	3,629	3,309
Regulatory Services	Coroner		854	854		987	987	987	987
	Environmental Health	(166)	2,730	2,565	(166)	2,744	2,578	2,578	2,578
	Licencing	(1,612)	1,257	(355)	(1,617)	1,264	(354)	(359)	(364)
	Registrars & Celebratory Services	(1,226)	1,373	146	(1,380)	1,379	(1)	(171)	(209)
	Trading Standards		911	911		911	911	911	911
	Cemeteries & Crematoria	(2,940)	2,133	(807)	(3,026)	2,230	(796)	(856)	(927)
Regulatory Services Total		(5,945)	9,258	3,313	(6,190)	9,515	3,325	3,090	2,976
Management	Management		(70)	(70)		(69)	(69)	(69)	(69)
Management Total			(70)	(70)		(69)	(69)	(69)	(69)
Grand Total		(8,290)	15,238	6,948	(8,720)	15,651	6,931	6,651	6,217

Change Type	2022-23 £000	2023-24 £000	2024-25 £000
Change in Income	(390)	(630)	(694)
Growth	378	388	393
Savings	(5)	(55)	(430)
Change in Grant funded expenditure	36	36	36
Change in Grant Income	(36)	(36)	(36)
Grand Total	(17)	(297)	(731)



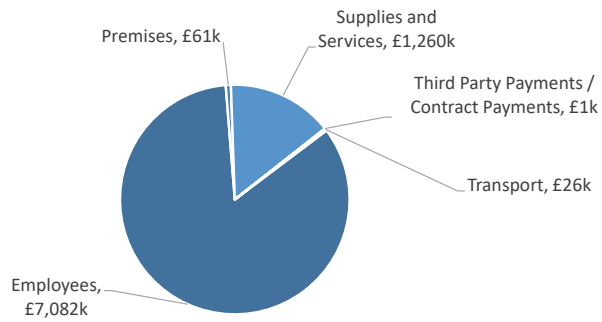
Leader

		2021-22			2022-23			2023-24	2024-25
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	Net Budget
Chief Executives Office	Chief Executives Office		864	864	913	913	913	946	
Chief Executives Office Total			864	864	913	913	913	946	
Policy & Communications	Policy & Communications	(484)	4,188	3,705	(484)	4,217	3,733	3,733	
Policy & Communications Total		(484)	4,188	3,705	(484)	4,217	3,733	3,733	
Strategic Infrastructure	Strategic Infrastructure		201	201	207	207	207	207	
Strategic Infrastructure Total			201	201	207	207	207	207	
Economic Growth & Regeneration	Economic Growth & Regeneration	(123)	3,587	3,464	(123)	3,094	2,971	2,586	
Economic Growth & Regeneration Total		(123)	3,587	3,464	(123)	3,094	2,971	2,586	
Grand Total		(607)	8,841	8,234	(607)	8,431	7,824	7,472	

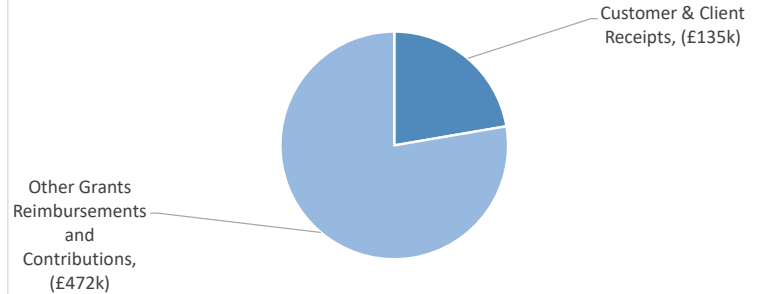
Change Type	2022-23 £000	2023-24 £000	2024-25 £000
Change in Income	-	-	-
Growth	53	53	53
Savings	(595)	(930)	(947)
Special Items	132	132	132
Grand Total	(410)	(745)	(762)

Spend
2022-23

Page 55



Income
2022-23

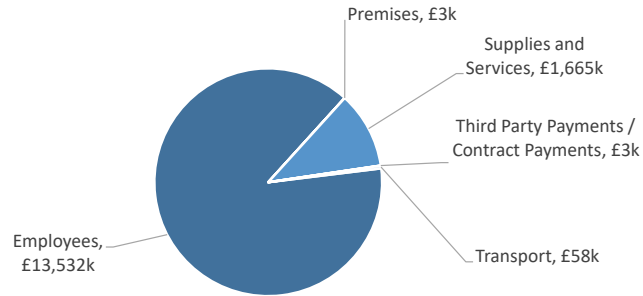


Planning & Regeneration

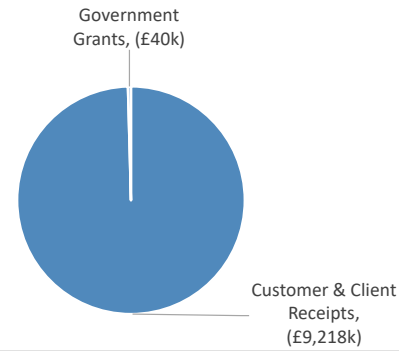
		2021-22			2022-23			2023-24	2024-25
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	Net Budget
Planning	Building Control	(2,165)	2,321	155	(2,165)	2,333	168	168	168
	Development Management	(6,711)	8,089	1,378	(6,711)	8,147	1,436	1,436	1,286
	Planning Enforcement	(60)	985	925	(60)	1,215	1,155	1,155	1,155
	Strategic Planning Policy & Management	(322)	3,550	3,228	(322)	3,566	3,244	3,174	2,994
Planning Total		(9,258)	14,944	5,685	(9,258)	15,262	6,003	5,933	5,603
Grand Total		(9,258)	14,944	5,685	(9,258)	15,262	6,003	5,933	5,603

Change Type	2022-23 £000	2023-24 £000	2024-25 £000
Change in Income	-	-	(150)
Growth	318	318	318
Savings	-	(70)	(250)
Grand Total	318	248	(82)

Spend 2022-23



Income 2022-23

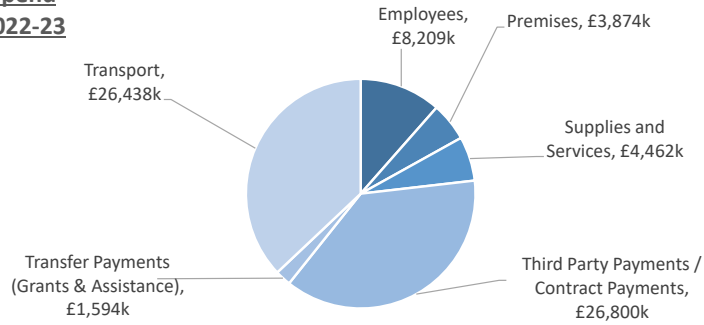


Transport

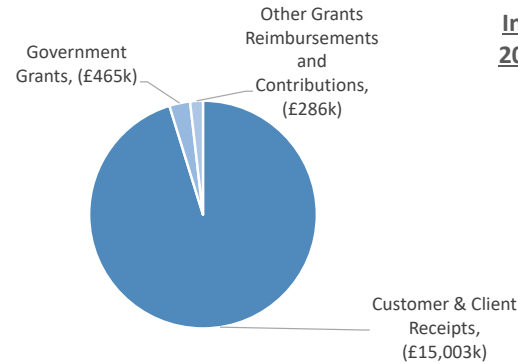
		2021-22			2022-23			2023-24	2024-25
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	Net Budget
Highways & Technical Services	Other Highways & Technical	401	3,201	3,602	384	3,175	3,560	3,245	3,190
	Parking Operations	(7,972)	7,671	(301)	(9,274)	7,397	(1,877)	(3,692)	(3,792)
	Rights of Way	(132)	960	828	(132)	964	832	832	832
	Transport for Bucks	(3,643)	21,472	17,829	(3,668)	21,792	18,124	19,285	20,152
Highways & Technical Services Total		(11,345)	33,303	21,958	(12,689)	33,328	20,639	19,670	20,382
HS2	HS2	(391)	1,089	698	(391)	1,092	701	701	701
HS2 Total		(391)	1,089	698	(391)	1,092	701	701	701
Transport Services	Transport Services	(2,265)	32,800	30,535	(2,265)	35,026	32,761	34,638	36,758
Transport Services Total		(2,265)	32,800	30,535	(2,265)	35,026	32,761	34,638	36,758
Transport Strategy	Transport Strategy	(407)	1,935	1,528	(407)	1,944	1,537	1,477	1,477
Transport Strategy Total		(407)	1,935	1,528	(407)	1,944	1,537	1,477	1,477
Communities Directorate Savings	Communities Directorate Savings		-	-		(14)	(14)	(114)	(806)
Communities Directorate Savings Total			-	-		(14)	(14)	(114)	(806)
Grand Total		(14,409)	69,127	54,718	(15,753)	71,376	55,623	56,372	58,512

Change Type	2022-23 £000	2023-24 £000	2024-25 £000
Change in Income	(1,344)	(3,264)	(3,369)
Growth	8,266	11,640	14,849
Savings	(3,915)	(4,320)	(5,284)
Special Items	(2,102)	(2,402)	(2,402)
Grand Total	905	1,654	3,794

Spend 2022-23



Income 2022-23



Corporate

		2021-22	2022-23	2023-24	2024-25
		Net Budget	Net Budget	Net Budget	Net Budget
Capital Financing	Interest Payable	11,107	9,295	9,313	10,424
	MRP	10,114	11,569	12,956	13,401
	RCCR	4,521	6,263	3,707	3,692
Capital Financing Total		25,742	27,127	25,976	27,517
Corporate Costs	Contingencies				
	Adult Social Care	1,455	4,910	7,054	9,992
	Children's	2,510	1,910	2,310	2,710
	Home to School Transport contingency	-	1,000	1,000	1,000
	Cross Portfolio (including inflationary pressures)	8,884	4,200	4,200	4,200
	Contingencies Total	12,849	12,020	14,564	17,902
	Pay, Pensions and Redundancy	1,888	5,455	10,274	14,170
	Corporate Items	1,484	2,267	2,543	2,714
Corporate Costs Total		16,221	19,742	27,381	34,786
Reserves	Earmarked Reserves	913	(6,223)	(2,443)	(615)
	General Reserves	(2,138)	-	(1,362)	-
Reserves Total		(1,224)	(6,223)	(3,805)	(615)
Treasury Management	Interest Receivable	(4,100)	(3,399)	(2,918)	(2,460)
	Treasury Management	705	793	793	793
Treasury Management Total		(3,395)	(2,606)	(2,125)	(1,667)
Grand Total		37,344	38,040	47,427	60,021

Appendix 2

Buckinghamshire Council Capital Programme 2022/23 to 2025/26

Version Council 1.0
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Section BUDGET SUMMARIES

1 Buckinghamshire Council Capital Programme 2022/23 to 25/26

By Portfolio

2 Leader

3 Children's Services

4 Climate Change & Environment

5 Communities

6 Culture & Leisure

7 Finance, Resources, Property & Assets

8 Health & Wellbeing

9 Housing, Homelessness & Regulatory

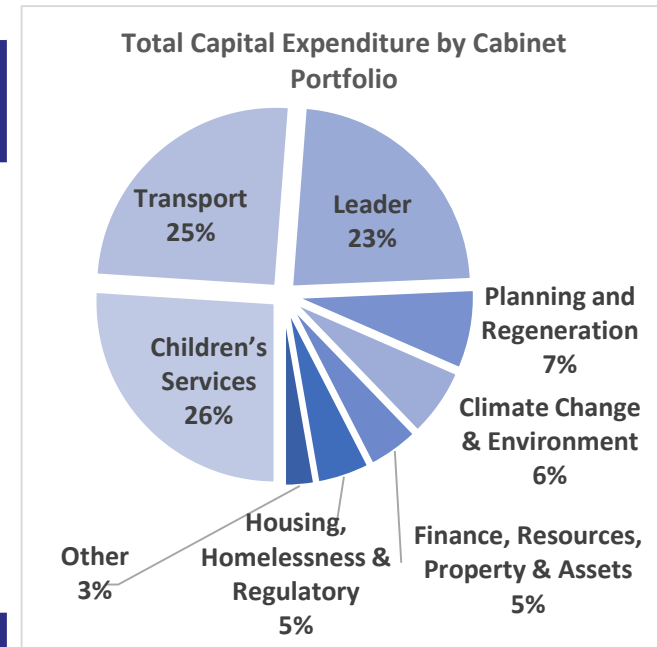
10 Planning and Regeneration

11 Transport

12 Corporate

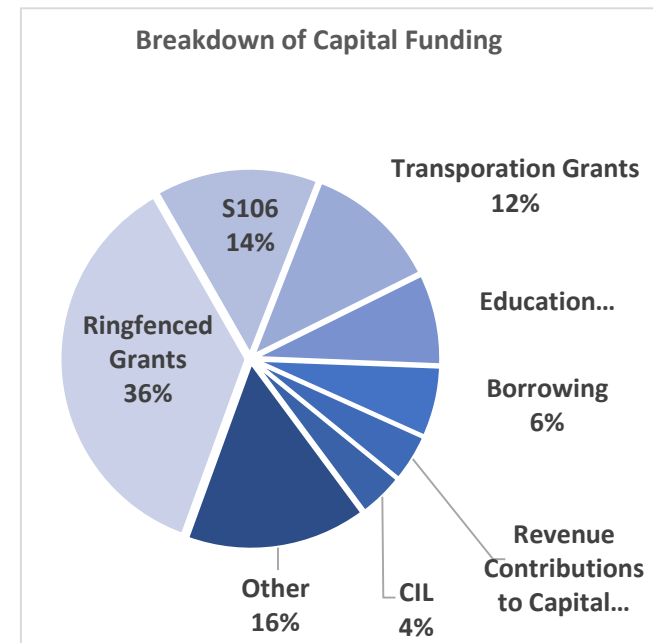
Expenditure

Directorate	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Leader	30,358	26,015	24,823	39,950	121,146
Children's Services	45,120	32,309	34,950	23,975	136,353
Climate Change & Environment	12,194	7,473	5,490	7,610	32,767
Communities	210	0	0	0	210
Culture & Leisure	6,933	538	510	500	8,481
Finance, Resources, Property & Assets	7,404	6,473	8,464	2,165	24,506
Health & Wellbeing	0	2,665	0	0	2,665
Housing, Homelessness & Regulatory	9,317	5,097	5,107	5,602	25,124
Planning and Regeneration	15,411	12,118	4,656	5,700	37,885
Transport	37,342	32,702	31,321	30,675	132,041
Corporate	750	750	750	750	3,000
Expenditure Total	165,038	126,140	116,071	116,927	524,177



Funding

Directorate	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Balances Brought Forward	(98)	0	0	0	(98)
Borrowing	(8,467)	(9,733)	(3,699)	(10,300)	(32,199)
Capital Receipts	(32,118)	(28,131)	(9,693)	(5,705)	(75,647)
Education Grants	(14,164)	(8,300)	(9,500)	(9,700)	(41,664)
Transportation Grants	(15,386)	(15,386)	(15,386)	(15,386)	(61,544)
Ringfenced Grants	(74,627)	(41,451)	(31,411)	(42,158)	(189,648)
Revenue Contributions to Capital	(3,154)	(5,662)	(5,922)	(6,897)	(21,635)
SALIX	(600)	(600)	(600)	(600)	(2,400)
Denham Gravel Lease	(1,070)	(1,070)	(1,070)	(1,070)	(4,282)
S106	(15,537)	(18,301)	(24,028)	(16,464)	(74,329)
Community Infrastructure Levy	(5,149)	(5,827)	(5,755)	(4,000)	(20,731)
Total Funding	(170,370)	(134,461)	(107,065)	(112,280)	(524,177)



Expenditure

Service Area	Project Group / Project	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Economic Growth & Regeneration	Economic Growth					
	Rural Broadband	600	0	0	0	600
	Economic Growth Total	600	0	0	0	600
Economic Growth & Regeneration Total		600	0	0	0	600
Strategic Transport & Infrastructure	Strategic Infrastructure (HIF)					
	A355 Improvement Scheme (Wilton Park)	409	980	0	0	1,389
	Abbey Barn - HIF / S106	46	50	50	7,600	7,746
	Aylesbury Eastern Link Road	184	2,896	10,000	25,393	38,473
	Cycle Infrastructure	872	1,000	0	0	1,872
	Grid Reinforcement Works	12,800	5,122	0	0	17,922
	Land Assembly	0	0	10,818	0	10,818
	Marginal Viability Works	181	1,306	643	0	2,130
	Princes Risborough Relief Road	988	1,500	2,000	6,957	11,445
	SEALR (South East Aylesbury Link Road)	14,277	12,911	1,062	0	28,250
	South Western Link Road South	0	250	250	0	500
	Strategic Infrastructure (HIF) Total	29,758	26,015	24,823	39,950	120,546
Strategic Transport & Infrastructure Total		29,758	26,015	24,823	39,950	120,546
Total Expenditure		30,358	26,015	24,823	39,950	121,146

Funding

Funding - MTFP Table	2022/23	2023/24	2024/25	2025/26	MTFP Total
	£000's	£000's	£000's	£000's	£000's
S106	0	0	(1,062)	(5,230)	(6,292)
Ringfenced Grants	(25,938)	(29,985)	(23,761)	(35,020)	(114,704)
Total Funding	(25,938)	(29,985)	(24,823)	(40,250)	(120,996)

Net Portfolio Totals	4,420	(3,970)	0	(300)	150
Funded From Corporate Resources	(4,420)	3,970	0	300	(150)
Total	0	0	0	0	0

Expenditure

Service Area	Project Group / Project	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Education	Schools					
	Primary School Places	4,526	11,201	21,000	14,825	51,552
	Provision for Special Educational Need	3,099	8,000	5,500	0	16,599
	School Access Adaptations	200	200	200	200	800
	School Property Maintenance	5,582	4,500	4,500	4,500	19,082
	School Toilets	250	250	250	250	1,000
	Secondary School Places	31,463	8,157	3,500	4,200	47,320
	Schools Total	45,120	32,309	34,950	23,975	136,353
Education Total		45,120	32,309	34,950	23,975	136,353
Total Expenditure		45,120	32,309	34,950	23,975	136,353

Funding

Funding - MTFP Table	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
S106	(7,493)	(16,833)	(21,145)	(9,970)	(55,440)
Community Infrastructure Levy	(750)	(750)	(750)	(750)	(3,000)
Ringfenced Grants	(32,942)	(6,426)	(3,555)	(3,555)	(46,479)
Total Funding	(41,185)	(24,009)	(25,450)	(14,275)	(104,919)

Net Portfolio Totals	3,934	8,300	9,500	9,700	31,434
Funded From Corporate Resources	(3,934)	(8,300)	(9,500)	(9,700)	(31,434)
Total	0	0	0	0	0

Expenditure

Service Area	Project Group / Project	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Neighbourhood Services	Waste					
	Aylesbury Waste Vehicles Replacement	2,556	2,390	383	0	5,329
	Buckingham HRC & Waste Transfer St	275	1,275	250	4,600	6,400
	Recycling Centres Drainage EA Compliance	700	420	0	0	1,120
	Recycling Centres Vehicles & Plant	360	0	2,106	0	2,466
	Recycling Initiatives & Waste Containers	650	500	500	500	2,150
	Replacement Bulk Shredder	0	551	0	0	551
	Southern Waste Contract - Vehicles	6,605	0	221	0	6,826
	Waste Total	11,146	5,136	3,460	5,100	24,842
Neighbourhood Services Total		11,146	5,136	3,460	5,100	24,842
Planning and Environment	Climate Change & Air Quality					
	Solar Car Port and Fleet	120	630	780	1,260	2,790
	Climate Change & Air Quality Total	120	630	780	1,260	2,790
	Flood Management					
	Flood Defence Schemes	878	1,657	1,200	1,200	4,935
	Strategic Flood Management	50	50	50	50	200
	Flood Management Total	928	1,707	1,250	1,250	5,135
Planning and Environment Total		1,048	2,337	2,030	2,510	7,925
Total Expenditure		12,194	7,473	5,490	7,610	32,767

Funding

Funding - MTFP Table	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Revenue Contributions to Capital	(320)	(830)	(980)	(1,460)	(3,590)
Ringfenced Grants	(741)	(860)	(512)	0	(2,113)
Total Funding	(1,061)	(1,690)	(1,492)	(1,460)	(5,703)

Net Portfolio Totals	11,133	5,783	3,998	6,150	27,064
Funded From Corporate Resources	(11,133)	(5,783)	(3,998)	(6,150)	(27,064)
Total	0	0	0	0	0

Expenditure

Service Area	Project Group / Project	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Localities & Strategic Partnerships	Community Safety					
	CCTV Projects	210	0	0	0	210
	Community Safety Total	210	0	0	0	210
Localities & Strategic Partnerships Total		210	0	0	0	210
Total Expenditure		210	0	0	0	210
Net Portfolio Totals		210	0	0	0	210
Funded From Corporate Resources		(210)	0	0	0	(210)
Total		0	0	0	0	0

Expenditure

Service Area	Project Group / Project	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Culture Sport & Leisure	Leisure Centres					
	Chilterns Lifestyle Centre	1,987	0	0	0	1,987
	Leisure Centres Maintenance	500	500	500	500	2,000
	Leisure Centres Total	2,487	500	500	500	3,987
	Libraries					
	Libraries Enhanced Technology	210	0	0	0	210
	Libraries Total	210	0	0	0	210
	Parks & Play Areas					
	Parks & Play Areas	443	0	0	0	443
	Parks & Play Areas Total	443	0	0	0	443
	Sport and Leisure Projects					
	S106 Funded Projects	3,793	38	10	0	3,841
	Sport and Leisure Projects Total	3,793	38	10	0	3,841
Culture Sport & Leisure Total	6,933	538	510	500	8,481	
Total Expenditure	6,933	538	510	500	8,481	
Net Portfolio Totals		3,140	500	500	500	4,640
Funded From Corporate Resources		(3,140)	(500)	(500)	(500)	(4,640)
Total		0	0	0	0	0

Expenditure

Service Area	Project Group / Project	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
ICT	ICT					
	Device Refresh & Windows 10	0	0	5,000	0	5,000
	Members ICT Refresh	0	0	0	150	150
	Technology Strategy (inc Work Smart)	1,500	250	250	250	2,250
	ICT Total	1,500	250	5,250	400	7,400
ICT Total		1,500	250	5,250	400	7,400
Property & Assets	Property & Assets					
	Agricultural Estate	660	0	0	0	660
	Corporate Investment Portfolio	2,625	4,458	1,449	0	8,532
	Council Own Sites - Housing Development	750	750	750	750	3,000
	Improvements to Capswood 1 & 2	215	0	0	0	215
	King George V House	50	0	0	0	50
	Property Management Programme	1,240	1,015	1,015	1,015	4,285
	Rowley Farm	364	0	0	0	364
	Property & Assets Total	5,904	6,223	3,214	1,765	17,106
Property & Assets Total		5,904	6,223	3,214	1,765	17,106
Total Expenditure		7,404	6,473	8,464	2,165	24,506

Funding

Funding - MTFP Table	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Revenue Contributions to Capital	(965)	(750)	(750)	(750)	(3,215)
Total Funding	(965)	(750)	(750)	(750)	(3,215)

Net Portfolio Totals	6,439	5,723	7,714	1,415	21,291
Funded From Corporate Resources	(6,439)	(5,723)	(7,714)	(1,415)	(21,291)
Total	0	0	0	0	0

Expenditure

Service Area	Project Group / Project	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Adult Social Care	Adult Social Care					
	Respite Care	0	2,665	0	0	2,665
	Adult Social Care Total	0	2,665	0	0	2,665
Adult Social Care Total		0	2,665	0	0	2,665
Total Expenditure		0	2,665	0	0	2,665

Net Portfolio Totals		0	2,665	0	0	2,665
Funded From Corporate Resources		0	(2,665)	0	0	(2,665)
Total		0	0	0	0	0

Expenditure

Service Area	Project Group / Project	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Housing & Regulatory Services	Affordable Housing					
	Affordable Housing - S106 Funded	158	474	1,264	1,264	3,159
	Affordable Housing Total	158	474	1,264	1,264	3,159
	Homelessness					
	Homelessness Mitigation	150	0	0	0	150
	Temporary Accommodation	2,700	0	0	0	2,700
	Homelessness Total	2,850	0	0	0	2,850
	Housing					
	Disabled Facility Grants	3,848	3,583	3,583	3,583	14,599
	Home Renovation Grants	100	0	0	0	100
Raynes Avenue Park Drainage Replacement	152	900	0	0	1,052	
Housing Total	4,100	4,483	3,583	3,583	15,751	
Housing & Regulatory Services Total		7,108	4,957	4,847	4,847	21,760
Neighbourhood Services	Cemeteries and Crematoria					
	Cemeteries & Memorial Gardens	600	20	130	380	1,130
	Chiltern & Bierton Crematoria	1,609	120	130	375	2,234
	Cemeteries and Crematoria Total	2,209	140	260	755	3,364
Neighbourhood Services Total		2,209	140	260	755	3,364
Total Expenditure		9,317	5,097	5,107	5,602	25,124

Funding

Funding - MTFP Table	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Revenue Contributions to Capital	(2,209)	(140)	(260)	(755)	(3,364)
S106	(2,858)	(474)	(1,264)	(1,264)	(5,859)
Ringfenced Grants	(3,848)	(3,583)	(3,583)	(3,583)	(14,599)
Total Funding	(8,915)	(4,197)	(5,107)	(5,602)	(23,822)
Net Portfolio Totals	402	900	0	0	1,302
Funded From Corporate Resources	(402)	(900)	0	0	(1,302)
Total	0	0	0	0	0

Expenditure

Service Area	Project Group / Project	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Economic Growth & Regeneration	Regeneration					
	Amersham Regeneration (St John's Build)	50	150	1,000	0	1,200
	Aylesbury Town Centre	800	2,000	200	0	3,000
	CIL Funded Regeneration	260	0	0	0	260
	Employment & Regeneration Led Opportunit	371	1,725	0	0	2,096
	Future High Street Funds	10,125	2,688	0	0	12,813
	High Wycombe Town Centre	200	1,455	1,456	0	3,111
	Retasking of Winslow Centre	530	1,000	2,000	5,700	9,230
	Waterside North Development	3,050	3,000	0	0	6,050
	Wycombe District Centres	25	100	0	0	125
	Regeneration Total	15,411	12,118	4,656	5,700	37,885
Economic Growth & Regeneration Total		15,411	12,118	4,656	5,700	37,885
Total Expenditure		15,411	12,118	4,656	5,700	37,885

Funding

Funding - MTFP Table	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Community Infrastructure Levy	(500)	(1,555)	(1,456)	0	(3,511)
Ringfenced Grants	(10,085)	(48)	0	0	(10,133)
Total Funding	(10,585)	(1,603)	(1,456)	0	(13,644)

Net Portfolio Totals	4,825	10,515	3,200	5,700	24,240
Funded From Corporate Resources	(4,825)	(10,515)	(3,200)	(5,700)	(24,240)
Total	0	0	0	0	0

Expenditure

Service Area	Project Group / Project	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Highways & Technical Services	Car Parks					
	Car Parks	233	500	1,000	1,200	2,933
	Car Parks Total	233	500	1,000	1,200	2,933
	Rights of Way					
	Berryhill Footbridge Repair	334	0	0	0	334
	Denham Bridleway Bridge Replacement	108	0	0	0	108
	Improvements to Rights Way	200	200	200	200	800
	Rights of Way Total	642	200	200	200	1,242
	Strategic Highway Maintenance					
	Bridge Maintenance	1,020	1,020	1,020	1,020	4,080
	Failed Roads Haunching & Reconstruction	3,000	0	0	0	3,000
	Footway Structural Repairs	2,050	2,100	2,150	2,150	8,450
	Maintenance Principal Rds - Drainage	2,000	2,000	2,000	2,000	8,000
	Plane & Patch	4,425	4,425	4,425	4,425	17,700
	Replacement Traffic Signals	490	490	490	490	1,960
	Road Safety - Casualty Reduction	750	1,000	1,000	1,000	3,750
	Safety Fences	250	250	250	250	1,000
	Strategic Highway Maintenance Program	15,400	15,400	15,400	15,400	61,600
	Street Lighting	2,100	2,100	2,100	2,100	8,400
	Strategic Highway Maintenance Total	31,485	28,785	28,835	28,835	117,940
Highways & Technical Services Total		32,360	29,485	30,035	30,235	122,115
Strategic Transport & Infrastructure	Highways & Cycleway Funded Schemes					
	Active Travel Tranche 2 (Emerald Way)	800	548	0	0	1,348
	Haydon Hill Cycle Way	27	0	0	0	27
	Highways & Cycleway Funded Schemes	1,490	979	553	0	3,022

Service Area	Project Group / Project	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Strategic Transport & Infrastructure	HS2 Funded Schemes	163	0	0	0	163
	NPIF Schemes	125	0	0	0	125
	Highways & Cycleway Funded Schemes Total	2,605	1,527	553	0	4,685
	Other Transport & Infrastructure					
	East West Rail	1,562	1,000	0	0	2,562
	Electric Vehicle Charging Points	200	200	200	200	800
	Other Highway & Technical	200	0	0	0	200
	Wycombe Town Parking Review	50	250	293	0	593
	Other Transport & Infrastructure Total	2,012	1,450	493	200	4,155
	Strategic Transport & Infrastructure Total	4,617	2,977	1,046	200	8,840
Transport Services	Transport Services					
	Public Transport	125	0	0	0	125
	Purchase of Fleet Vehicles	240	240	240	240	960
	Transport Services Total	365	240	240	240	1,085
Total Expenditure		37,342	32,702	31,321	30,675	132,041

Funding

Funding - MTFP Table	2022/23	2023/24	2024/25	2025/26	MTFP Total
	£000's	£000's	£000's	£000's	£000's
SALIX	(600)	(600)	(600)	(600)	(2,400)
Revenue Contributions to Capital	(240)	(240)	(240)	(240)	(960)
S106	(1,393)	(957)	(547)	0	(2,897)
Community Infrastructure Levy	(649)	(272)	(299)	0	(1,220)
Ringfenced Grants	(1,073)	(548)	0	0	(1,621)
Total Funding	(3,955)	(2,617)	(1,686)	(840)	(9,098)
Net Portfolio Totals	33,388	30,085	29,635	29,835	122,943
Funded From Corporate Resources	(33,388)	(30,085)	(29,635)	(29,835)	(122,943)
Total	0	0	0	0	0

Expenditure

Service Area	Project Group / Project	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Corporate Costs	Corporate Costs					
	Corporate Capital Contingency	750	750	750	750	3,000
	Corporate Costs Total	750	750	750	750	3,000
Corporate Costs Total		750	750	750	750	3,000
Total Expenditure		750	750	750	750	3,000

Funding

Funding - MTFP Table	2022/23 £000's	2023/24 £000's	2024/25 £000's	2025/26 £000's	MTFP Total £000's
Borrowing	(8,467)	(9,733)	(3,699)	(10,300)	(32,199)
Capital Receipts	(32,118)	(28,131)	(9,693)	(5,705)	(75,647)
Education Grants	(14,164)	(8,300)	(9,500)	(9,700)	(41,664)
Revenue Contributions to Capital	(263)	(3,702)	(3,692)	(3,692)	(11,349)
Transportation Grants	(15,386)	(15,386)	(15,386)	(15,386)	(61,544)
Denham Gravel Lease	(1,070)	(1,070)	(1,070)	(1,070)	(4,282)
Community Infrastructure Levy	(3,250)	(3,250)	(3,250)	(3,250)	(13,000)
Balances Brought Forward	(98)	0	0	0	(98)
Total Funding	(74,817)	(69,572)	(46,290)	(49,103)	(239,783)

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Climate Change & Environment		Change 2022-23 £000's	Change 2023-24 £000's	Change 2024-25 £000's
Environment				
Change in Grant funded expenditure	Tree Planting	150	200	450
Change in Grant Income	Tree Planting - Grant income	(63)	(84)	(188)
Growth	Flood Team - additional budget for staffing	90	90	90
Savings	Efficiency Savings in Environment budgets	-	-	(100)
Special Items	Tree Planting - use of Climate Change reserve	(87)	(116)	(262)
Street Cleaning				
Growth	Member priority street cleaning	400	400	400
	Salary pressures and contract inflation	244	244	244
Savings	Grounds Maintenance contract changes	(15)	(23)	(23)
Waste				
Change in Income	Dry Recyclates income South	(100)	(100)	(100)
	EfW waste income generation	(800)	(800)	(800)
	Increased Fees & Charges	(750)	(1,000)	(1,100)
	North Waste income changes (including bulky waste)	(170)	(170)	(170)
Growth	Additional costs (contract inflation, housing and tonnage growth) - for Strategic Waste budgets	939	1,491	1,973
	Improved HRC Provision in Princes Risborough area	360	270	280
	Increase HRC contracts	400	425	450
Savings	Changes from Southern Waste contract supplier change	(837)	(837)	(897)
	Contract Harmonisation - Dog waste collection	(130)	(130)	(130)
	Dry Recyclates contract North	(100)	(100)	(100)
Special Items	Home Working	14	14	14
	Increased cost of removal of unauthorised encampments & Fly-Tipping enforcement. Also funding for the development of an Unauthorised Encampment Strategy	(100)	(100)	(100)

Communities		Change 2022-23 £000's	Change 2023-24 £000's	Change 2024-25 £000's
Community Boards				
Savings	Reduce funding for Community Boards	(1,900)	(1,900)	(1,900)
Localities & Strategic Partnerships				
Growth	Street Warden pilot (Wycombe)	105	100	100
Savings	Community Board Service Review	-	(150)	(150)
Special Items	Temporary project capacity to support Council	(122)	(122)	(122)
Special Expenses				
Growth	Inflation	11	11	11

Culture & Leisure		Change 2022-23 £000's	Change 2023-24 £000's	Change 2024-25 £000's
Culture & Leisure				
Change in Income	Archives additional income	(23)	(23)	(23)
	Changes in management fee income - Leisure	(1,298)	(1,764)	(2,333)
	Country Parks; Review of fees and charges	(10)	(13)	(13)
	Recovery of events, activities and Libraries income post-Covid	(80)	(80)	(80)
Growth	South Bucks Country Park	-	50	50
Savings	Efficiency savings following service reviews	(42)	(103)	(177)
	Libraries Efficiencies from staffing and new technologies	(180)	(255)	(330)
	Museums: reductions in the management fee	(1)	(10)	(19)
	Reduction to Farnham Park Sports Fields Trust - net on-going operational costs	-	-	(67)
Special Items	Home Working	14	14	14
	Short term Income from Soil disposal at new Country Park	(125)	200	200

Education & Children's Services		Change 2022-23 £000's	Change 2023-24 £000's	Change 2024-25 £000's
Children's Social Care				
Growth	Expansion of the Social Work Academy to support recruitment and retention of permanent staff	1,335	1,276	307
	Increased demand in statutory social care services due to demography and complexity	1,792	3,114	4,436
Savings	Placement sufficiency strategy	(493)	(943)	(1,043)
	Reduction in agency staff	-	(577)	(577)
	Staffing efficiencies across non-statutory services	(170)	-	-
Special Items	Expansion of the Social Work Academy to support recruitment and retention of permanent staff	(200)	-	-
	Impact of demand and complexity on case loads within Social Work teams	1,413	-	-
	One-off reserve funding for additional social workers	(1,413)	-	-
Education				
Change in Grant funded expenditure	Holiday activities & Food programme	1,145	1,145	1,145
Change in Grant Income	Holiday activities & Food programme	(1,145)	(1,145)	(1,145)
Change in Income	Increased trading with schools	(50)	(100)	(100)
Growth	Pressures on Education central services	-	383	1,060
Savings	Review of Education central services	-	(383)	(847)
Education - Dedicated Schools Grant				
Change in Grant funded expenditure	Change in DSG grant allocation	19,923	19,923	19,923
	Schools Supplementary Grant	15,268	15,268	15,268
Change in Grant Income	Change in DSG grant allocation	(19,923)	(19,923)	(19,923)
	Schools Supplementary Grant	(15,268)	(15,268)	(15,268)

Finance, Resources, Property & Assets		Change 2022-23 £000's	Change 2023-24 £000's	Change 2024-25 £000's
Change in Income	New Rental income opportunities	(1,337)	(3,190)	(5,253)
	Re-based existing rental income, for COVID impacts & rent reviews	(352)	(662)	(960)
	Recovery of income from schools Health & Safety training post-COVID-19	(50)	(50)	(50)
	Staff parking income reduced due to home working	20	20	20
Growth	Creation of Sinking Fund for Strategic Assets (2.5% of income)	566	605	628
	ICT - Microsoft licence/Cyber protection	170	170	170
	Increase demand in Legal Services case loads	250	250	250
	Inflation - ICT contracts	28	28	28
	Members Allowances	23	23	23
	Property & Assets - Inflation (Other Contracts)	89	89	89
	Property & Assets Inflation Energy (Electricity)	20	65	102
	Property & Assets Inflation Energy (Gas)	46	67	98
	Property & Assets Reduction in Loan Interest from Consilio	-	30	30
	Property Maintenance Revenue Budget increase	500	500	500
Savings	Contract harmonisation for Resources Directorate (including ICT Network)	(250)	(660)	(894)
	Property Rationalisation Savings	-	-	(580)
	Property Service Review efficiency saving	(125)	(215)	(285)
	Reduction in cleaning costs post-Covid	-	-	(250)
	Reduction in Contract harmonisation savings for PG&S Directorate	200	200	139
	Resources Directorate Better Buckinghamshire- Service Transformation	(627)	(991)	(4,729)
Special Items	Service Improvement - Better Buckinghamshire	-	(150)	(333)
	Reduction in budget - review of Council Tax discount scheme	(25)	(25)	(25)
	Reversal of budget for HR/OD Social Care recruitment post	(51)	(51)	(51)
	Reversal of one year budget for development of COVID related forms and website resources	(9)	(9)	(9)
	Reversal of one year COVID budget for Occupational Health & Employee Assistance in response to Covid-19	(50)	(50)	(50)
	Reversal of one year COVID budget in Customer Services Team to cover income shortfall on commercial waste income	(35)	(35)	(35)
	Reversal of one year saving item - Staffing review / vacancy factor	107	107	107
	Reversal of one-year COVID budget for ICT - Mobile data charges for Home working	(60)	(60)	(60)

Health & Wellbeing		Change 2022-23 £000's	Change 2023-24 £000's	Change 2024-25 £000's
Adult Social Care				
Change in Grant funded expenditure	ASC reform expenditure	1,128	1,128	1,128
Change in Grant Income	Additional iBCF	(589)	(589)	(589)
	ASC Reform grant	(1,128)	(1,128)	(1,128)
Change in Income	Additional client income related to growth in clients	-	(500)	(1,100)
	Maximise income	(100)	(200)	(350)
Growth	Demand growth and inflation	11,634	21,553	31,656
Savings	Transformation Programme	(3,158)	(5,158)	(6,908)
Special Items	Reversal of vacancy freeze saving	68	68	68
Public Health				
Change in Grant funded expenditure	Increase in Public Health grant	608	608	608
Change in Grant Income	Increase in Public Health grant	(608)	(608)	(608)

Housing & Homelessness & Regulatory Services		Change 2022-23 £000's	Change 2023-24 £000's	Change 2024-25 £000's
Housing & Homelessness				
Change in Grant funded expenditure	Domestic Violence New Burdens funding	36	36	36
Change in Grant Income	Domestic Violence New Burdens funding	(36)	(36)	(36)
Change in Income	Bridge Court Temporary Accommodation unit - additional rental income	(150)	(150)	(150)
Growth	Temporary Accommodation growth	100	100	100
Savings	Environmental Health Efficiency Savings	-	-	(200)
	Housing Service Efficiency Savings	-	-	(120)
	Trading Standards savings target	-	(45)	(45)
Regulatory Services				
Change in Income	Increase in Registrar's Fees	(50)	(50)	(50)
	Recovery of Registrars income post-COVID-19	(104)	(274)	(262)
	Review of Cemeteries' and Crematoria fees and charges	(86)	(156)	(232)
Growth	Cemeteries' and Crematoria IT and Contract Cleaning pressures	93	103	108
	Coroners Mortuary Services Contract Price Rise	130	130	130
Savings	Licensing - Software application licenses & review of fees and charges and minimum increase by RPI	(5)	(10)	(15)
	Savings from Review of Registrar's model	-	-	(50)

Leader		Change 2022-23 £000's	Change 2023-24 £000's	Change 2024-25 £000's
Chief Executives Office				
Savings	Better Buckinghamshire	-	-	33
Special Items	Removal of one-off vacancy factor savings - DCE	44	44	44
Economic Growth & Regeneration				
Growth	Inflation	2	2	2
Savings	Consultancy savings	(165)	(300)	(300)
	Economic Growth & Regeneration service review	(130)	(130)	(130)
	Reduction in pre-pipeline development	(200)	(200)	(200)
	Savings from policy review of charging against external funding (capitalisation, grants)	(100)	(250)	(250)
	Savings from review of external partnership funding	-	(50)	(100)
Special Items	Removal of one-off vacancy factor savings - PGS	88	88	88

Planning & Regeneration		Change 2022-23 £000's	Change 2023-24 £000's	Change 2024-25 £000's
Planning				
Change in Income	Additional Planning income	-	-	(150)
Growth	Inflation	16	16	16
	Planning Enforcement - additional enforcement officers	225	225	225
Savings	Efficiency savings from implementing BOPS and RIPA application systems	-	(70)	(250)

Transport		Change 2022-23 £000's	Change 2023-24 £000's	Change 2024-25 £000's
Communities Directorate Savings				
Savings	Better Bucks Savings	-	-	(537)
	Contract harmonisation	(14)	(114)	(269)
Highways & Technical Services				
Change in Income	Changes in Fees and Charges - Green claims, Carbon efficient vehicles and Penalty Charge Notices	(25)	(65)	(65)
	Changes in Fees and Charges - Definitive Map	(17)	(22)	(27)
	Recovery of Off Street parking income post-Covid	(1,041)	(2,597)	(2,697)
	Recovery of On Street parking income post-Covid	(261)	(520)	(520)
Growth	Growth in extent of Highway following adoptions and contract inflation	805	2,096	2,988
	Gully emptying	1,525	1,460	1,460
	Increased Client Team capacity to manage contract re-procurement	100	100	100
	Increased maintenance on footways and cyclepath	170	170	170
Savings	Winter salination tanks maintenance	50	50	50
	Contract harmonisation - Cash Collection, Parking Systems and Team Harmonisation	(156)	(156)	(156)
	Efficiency of amalgamation of Off Street and On Street Parking	(125)	(125)	(125)
	Fleet efficiencies and street lighting energy savings	(100)	(125)	(150)
Special Items	New highways contract and general highways maintenance efficiencies	(150)	(160)	(210)
	Demolition of A41 Waddesdon Toilet Facility	(150)	(150)	(150)
	Investment in additional drainage maintenance	(2,000)	(2,000)	(2,000)
	New Contract (Highways)	-	(300)	(300)
	One-off saving for Intelligent Transport Systems - Critical Junctions Assessments	10	10	10
	Tree Maintenance	10	10	10
Transport Services				
Growth	Demographic growth and complexity	1,550	3,256	5,129
	Increased taxi and bus contract costs	434	876	1,320
	Rebasing based on 21/22 forecast	3,586	3,586	3,586
Savings	Actions to reduce demand and supply for SEND Transport	(100)	-	-
	Personal Transport Budgets	(122)	(332)	(419)
	Retendering savings	(3,148)	(3,006)	(3,006)
	SEND Transport and new delivery initiatives	-	(160)	(270)
	Structure Changes	-	(142)	(142)
Transport Strategy				
Change in Income	Strategic Transport service efficiencies	-	(60)	(60)

Pay budgets allocated across all portfolios		Change 2022-23 £000's	Change 2023-24 £000's	Change 2024-25 £000's
Growth	1.25% increase in National Insurance	1,200	1,200	1,200

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Appendix 5

2022/23 Special Expenses budgets	High Wycombe Town Committee	West Wycombe Church Yard	Aylesbury Town
	£	£	£
Recreation grounds	130,100		615,800
Allotments	32,940		
High Wycombe Cemetery	118,968		
Penn Road Cemetery	61,776		
Closed Church Yard		7,131	
Community Centres	0		308,400
Town Twinning	3,000		
Community Grants	20,000		
War Memorial	3,000		
Footway Lighting and Bus Shelter	1,800		
Market			4,700
Management and Support	56,001		
Total Special Expenses	427,585	7,131	928,900
Interest on Balances	(3,750)		(938)
Capital Spend	100,000		
Net Spend for year	523,835	7,131	927,962
Balance b/f	(505,675)	0	(455,067)
Net spending for year	523,835	7,131	927,962
Collection fund precept	(395,712)	(7,131)	(927,962)
Balance c/f	(377,552)	0	(455,067)
Council Tax base	23,526.25	545.63	18,749.51
Band D Charge	16.82	13.07	49.49

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Appendix 6**Services included within Special Expenses****High Wycombe Town Committee**

- a. Public Halls : Hilltop Community Centre, Castlefield Community Centre (due to be transferred to Karima Foundation);
- b. Cemeteries : High Wycombe Town Cemetery and Penn Road Cemetery;
- c. Recreation Grounds : Booker (Fernie Fields), Shelley Road (QEII) and Totteridge;
- d. All Saints Closed Churchyard;
- e. Allotments : Back Lane, Bassetsbury Land (Closed), Desborough, Castle Green Hill, Hicks Farm Rise, Hugheden Park, Lime Avenue, Totteridge and Queensway;
- f. Footway Lighting : Colville Road, Halifax Road, Loakes Road, Rupert avenue, Verney Avenue, Bowden Lande, Cressex Road, Perth Road and South Drive;
- g. Grants to voluntary organisations : Town Twinning (£3k), Community Buildings in High Wycombe Town (£10k) and Local communities for small projects (£10k);
- h. War memorials : Maintenance costs for those communities they commemorate (except memorials of a national nature, costs for which are borne by the District as a whole).

West Wycombe

- a. Closed Churchyard : St Lawrence Closed Churchyard.

Aylesbury Town

- a. Recreation Grounds : Alfred Rose Park, Bedgrove Park, Edinburgh Playing Fields, Meadowcroft Playing Fields, Vale Park, Walton Court Sports Ground, Fairford Leys Sports Ground;
- b. Public Halls : Bedgrove Community Centre, Southcourt Community Centre, Alfred Rose Community Centre, Prebendal Farm Community Centre, Quarrendon & Meadowcroft Community Centre, Haydon Hill Community Centre;
- c. Aylesbury Market.

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Buckinghamshire Council
Council Tax Reduction Scheme Policy
S13A and Schedule 1a of the Local Government Finance Act 1992

1.0	Introduction to the Council Tax Reduction Scheme	6
2.0	Interpretation – an explanation of the terms used within this scheme	12
3.0	Definition of non-dependant	20
4.0	Requirement to provide a National Insurance Number	21
5.0	Persons who have attained the qualifying age for state pension credit	21
6.0	Remunerative work	21
7.0	Persons treated as not being in Great Britain and Persons Subject to Immigration Control	22
	Persons subject to immigration control.....	24
7A.0	Transitional provision.....	24
8.0	Temporary Absence (period of absence).....	25
9.0	Membership of a family.....	28
10.0	Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.....	28
11.0	Circumstances in which a child or young person is to be treated as being or not being a member of the household	29
12.0	Applicable amounts	31
13.0	Polygamous marriages	31
14.0	Applicable amount: persons who are not pensioners who have an award of universal credit	31
15.0	Calculation of income and capital of members of applicant’s family and of a polygamous marriage	34
16.0	Circumstances in which capital and income of non-dependant is to be treated as applicant’s	35
17.0	Calculation of income on a weekly basis	35
18.0	Treatment of child care charges	35
19.0	Average weekly earnings of employed earners.....	39
20.0	Average weekly earnings of self-employed earners.....	40
21.0	Average weekly income other than earnings	40
22.0	Calculation of average weekly income from tax credits.....	40
23.0	Calculation of weekly income	41
24.0	Disregard of changes in tax, contributions etc.	41
25.0	Earnings of employed earners	41
26.0	Calculation of net earnings of employed earners.....	42
27.0	Earnings of self-employed earners	43
28.0	Calculation of net profit of self-employed earners.....	44
29.0	Deduction of tax and contributions of self-employed earners.....	45
30.0	Calculation of income other than earnings	46
31.0	Capital treated as income.....	48
32.0	Notional income	48
33.0	Capital limit.....	52

34.0	Calculation of capital	52
35.0	Disregard of capital of child and young person	52
36.0	Income treated as capital	52
37.0	Calculation of capital in the United Kingdom	52
38.0	Calculation of capital outside the United Kingdom	53
39.0	Notional capital	53
40.0	Diminishing notional capital rule	54
41.0	Capital jointly held	57
42.0	Calculation of tariff income from capital	57
43.0	Student related definitions	59
44.0	Treatment of students	62
45.0	Students who are excluded from entitlement to council tax support	62
46.0	Calculation of grant income	63
47.0	Calculation of covenant income where a contribution is assessed	64
48.0	Covenant income where no grant income or no contribution is assessed	65
49.0	Student Covenant Income and Grant income – non disregard	65
50.0	Other amounts to be disregarded	65
51.0	Treatment of student loans	65
51A.0	Treatment of fee loans	67
52.0	Treatment of payments from access funds	67
53.0	Disregard of contribution	67
54.0	Further disregard of student’s income	67
55.0	Income treated as capital	68
56.0	Disregard of changes occurring during summer vacation	68
57.0	Maximum council tax support	70
58.0	Non-dependant deductions	71
59.0	Council tax support taper (applies to persons defined within Class D)	72
60.0	Extended reductions	72
60A.0	Duration of extended reduction period	73
60B.0	Amount of extended reduction	73
60C	Extended reductions – movers	74
60D.0	Relationship between extended reduction and entitlement to council tax support under the general conditions of entitlement	74
61.0	Extended reductions (qualifying contributory benefits)	74
61A.0	Duration of extended reduction period (qualifying contributory benefits)	75
61B.0	Amount of extended reduction (qualifying contributory benefits)	75
61C.0	Extended reductions (qualifying contributory benefits) – movers	76
61D.0	Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax support under the general conditions of entitlement	76

61E.0	Extended reductions: - Movers Generally	76
64.0	Date on which entitlement is to begin	78
65.0 - 66.0	Not Used	78
67.0	Date on which change of circumstances is to take effect	78
68.0	Who may claim	81
69.0	Procedure by which a person may apply for a reduction under an authority's scheme.....	81
69A.0	Date on which a claim made.....	82
70.0	Submission of evidence electronically.....	84
71.0	Use of telephone provided evidence.....	84
72.0	Evidence and information	84
73.0	Amendment and withdrawal of claim	85
74.0	Duty to notify changes of circumstances.....	86
75.0	Decisions by the authority.....	88
76.0	Notification of decision.....	88
77.0	Time and manner of granting council tax support	89
78.0	Persons to whom support is to be paid	89
79.0	Shortfall in support / reduction	90
80.0	Payment on the death of the person entitled	90
81.0	Offsetting.....	90
82 – 90	Not used.....	90
91.0	Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)	92
92.0	Collection of information.....	92
93.0	Recording and holding information.....	92
94.0	Forwarding of information	92
95.0	Persons affected by Decisions	94
96.0	Revisions of Decisions.....	94
97.0	Written Statements	94
98.0	Terminations.....	94
99.0	Procedure by which a person may make an appeal against certain decisions of the authority	96
100.0	Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act	98
101.0	Interpretation	100
102.0	Conditions for the use of electronic communication	100
103.0	Use of intermediaries	100
104.0	Effect of delivering information by means of electronic communication	100
105.0	Proof of identity of sender or recipient of information.....	101
106.0	Proof of delivery of information.....	101
106A.0	Proof of content of information.....	101
107.0	Counter Fraud and compliance.....	103

Schedule 1.....	104
Applicable Amounts	104
Personal Allowance.....	105
Family Premiums	105
Premiums.....	105
Disability Premium.....	106
Additional Condition for the Disability Premiums	106
Severe Disability Premiums	106
Enhanced Disability Premium	106
Disabled Child Premium.....	106
Carer Premium.....	106
Persons in receipt of concessionary payments.....	106
Persons in receipt of benefit for another	106
Amounts of Premium.....	107
The components	108
Transitional Addition	108
Amount of transitional addition	108
Schedule 2.....	109
Not Used	109
Schedule 3.....	110
Schedule 4.....	116
Sums to be disregarded in the calculation of income other than earnings	116
Schedule 5.....	127
Capital to be disregarded.....	127

1.0 Introduction to the Council Tax Reduction Scheme

1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period 1st April 2022 until 31st March 2023.

1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2022 for a period of one financial year.

1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:

- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
- Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
- Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
- Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
- Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
- The Council Tax Reduction Schemes (England) (Amendment) Regulations 2017;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022; and
- Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

The Council has **no** discretion in relation to the calculation of Council Tax Reduction in respect of the pension age scheme.

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

1.4 There are three main classes under the prescribed pension credit age scheme, for each of which there are a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction, such as a person subject to immigration control with limited leave to remain. The definition of a pension credit age person is a person who;

- a. has attained the qualifying age for state pension credit; and
- b. is not, or, if he has a partner, his partner is not;
 - i. a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance; or
 - ii. a person with an award of universal credit

The three prescribed classes are as follows;

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

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

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

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

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

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

Class C: alternative maximum Council Tax Reduction

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

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

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

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

- a. is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;

- b. is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- c. is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
 - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- d. is not a person who, jointly with the applicant, falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- e. is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Disregard of certain incomes

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

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

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

Class D

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit¹; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. is not deemed to be absent from the dwelling;
- e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- f. be somebody in respect of whom a maximum Council Tax Reduction² amount can be calculated;
- g. not have capital savings above £16,000³;
- h. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*⁴ is **less** than their *applicable amount*⁵ or the applicant or partner is in receipt of income support, jobseekers allowance (income based) or employment and support allowance (income related); and
- i. has made a valid application for reduction⁶.

Maximum Council Tax Reduction stated above is defined within section 57 of this scheme

Class E

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit⁷; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which they are solely or mainly resident;
- d. is not deemed to be absent from the dwelling;
- e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- f. be somebody in respect of whom a maximum Council Tax Reduction⁸ amount can be calculated;
- g. not have capital savings above £16,000⁹;
- h. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*¹⁰ is **more** than their *applicable amount*¹¹;
- i. have made a valid application for reduction¹²;
- j. be a person in respect of whom amount A exceeds amount B where
 - (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant's case; and
 - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount.

Maximum Council Tax Reduction stated above is defined within section 57 of this scheme

¹ Section 5 of this scheme

² Sections 57 to 63 of this scheme

³ Sections 33 to 42 and Schedule 5 of this scheme

⁴ Sections 15 to 32 and Schedules 3 and 4 of this scheme

⁵ Sections 12 to 14 and Schedule 1 of this scheme

⁶ Sections 68 to 74a of this scheme

⁷ Section 5 of this scheme

⁸ Sections 57 to 63 of this scheme

⁹ Sections 33 to 42 and Schedule 5 of this scheme

¹⁰ Sections 15 to 32 and Schedules 3 and 4 of this scheme

¹¹ Sections 12 to 14 and Schedule 1 of this scheme

¹² Sections 68 to 74a of this scheme

Council Tax Reduction Scheme

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

Sections 2- 8
Definitions and interpretation

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

2.1 In this scheme:

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

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

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

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

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

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

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

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

‘applicable amount’ means the amount determined in accordance with schedule 1 of this scheme;

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

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

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

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

‘attendance allowance’ means–

- a. an attendance allowance under Part 3 of the Act;
- b. an increase of disablement pension under section 104 or 105 of the Act;
- c. a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to the Act;
- d. an increase of an allowance which is payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to the Act;
- e. a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or
- f. any payment based on need for attendance which is paid as part of a war disablement pension;

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

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

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

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

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

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

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

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

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

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

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

‘claim’ means a claim for Council Tax Reduction;

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

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

‘the Consequential Provisions Regulations’ means the Housing Benefit and Council Tax Reduction (Consequential Provisions) Regulations 2006;

‘contributory employment and support allowance’ means a contributory allowance under Part 1 of the Welfare Reform Act 2007;

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

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

‘Council Tax Reduction scheme’ has the same meaning as **‘Council Tax Reduction or reduction’**

‘Council Tax Reduction’ means Council Tax Reduction as defined by S13a Local Government Finance Act 1992 (as amended);

‘Council Tax Support’ means the same as Council Tax Reduction

‘couple’ means:

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

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

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

‘designated authority’ means any of the following:

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

‘designated office’ means the office designated by the authority for the receipt of claims for Council Tax Reduction;

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

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

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

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

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

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

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

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

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

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

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

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

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

‘extended reduction’ means a payment of Council Tax Reduction payable pursuant to section 60;

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

‘extended reduction (qualifying contributory benefits)’ means a payment of Council Tax Reduction payable pursuant to section 61;

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

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

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

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

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

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

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

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

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

‘independent hospital’–

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. meeting, or helping to meet an immediate short-term need;
 - (i) arising out of an exceptional event or exceptional circumstances, or
 - (ii) that needs to be met to avoid a risk to the well-being of an individual, and
- b. enabling qualifying individuals to establish or maintain a settled home, and—
 - (i) ‘local authority’ has the meaning given by section 270(1) of the Local Government Act 1972 ;and
 - (ii) ‘qualifying individuals’ means individuals who have been, or without the assistance might otherwise be:
 - (aa) in prison, hospital, an establishment providing residential care or other institution, or
 - (bb) homeless or otherwise living an unsettled way of life; and ‘local authority’ means a local authority in England within the meaning of the Local Government Act 1972;

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

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

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

‘partner’ in relation to a person, means

- a. where that person is a member of a couple, the other member of that couple;
- b. subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or
- c. where that person is polygamously married and has an award of universal credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

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

‘payment’ includes part of a payment;

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

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

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

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

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

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

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

‘personal pension scheme’ means—

- a. a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;
- b. an annuity contractor trust scheme approved under section 620 or 621 of the Income and

Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;

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

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

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

- a. a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and
- b. either party to the marriage has for the time being any spouse additional to the other party.

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

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

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

'qualifying contributory benefit' means;

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

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

'qualifying income-related benefit' means

- a. income support;
- b. income-based jobseeker's allowance;
- c. income-related employment and support allowance;

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

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

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

'relevant authority' means an authority administering Council Tax Reduction;

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

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

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

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

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

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

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

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

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

- a. an employment zone programme;
- b. a programme provided or other arrangements made pursuant to section 2 of the 1973 Act

(functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.);

- c. the Employment, Skills and Enterprise Scheme;
- d. a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;
- e. Back to Work scheme.

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

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

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

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

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

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

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

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

'student' has the meaning prescribed in section 43;

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

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

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

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

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

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

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

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

'Universal Credit' means any payment of Universal Credit payable under the Welfare Reform Act 2012, the Universal Credit Regulations 2013, The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013, Universal Credit

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

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

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

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

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

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

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

‘water charges’ means;

- a. as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,
- b. as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002, in so far as such charges are in respect of the dwelling which a person occupies as his home;

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

‘Working Tax Credit Regulations’ means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended¹³; and

‘young person’ has the meaning prescribed in section 9(1) and in section 142 of the SSCBA.

- 2.2 In this scheme, references to an applicant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.
- 2.3 In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this scheme, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day:
 - a. in respect of which he satisfies the conditions for entitlement to an income- based jobseeker’s allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker’s Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker’s allowance is not payable); or
 - b. which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income- based jobseeker’s allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker’s Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;
 - c. in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker’s allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;
 - d. in respect of which an income-based jobseeker’s allowance or a joint-claim jobseeker’s allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or

¹³ The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013; The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2015

9 of the Social Security Fraud Act 2001 (loss of benefit provisions).

- 2.4A For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day:
- a. in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or
 - b. which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.
- 2.5 For the purposes of this scheme, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.
- 2.6 In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

3.0 Definition of non-dependant

- 3.1 In this policy, 'non-dependant' means any person, except someone to whom paragraph 3.2 applies, who normally resides with an applicant or with whom an applicant normally resides.
- 3.2 This paragraph applies to;
- a. any member of the applicant's family;
 - b. if the applicant is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
 - c. a child or young person who is living with the applicant but who is not a member of his household by virtue of section 11(membership of the same household);
 - d. subject to paragraph 3.3, any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under sections 6, 7 or 75 of the 1992 Act (persons liable to pay council tax);
 - e. subject to paragraph 3.3, any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
 - f. a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.
- 3.3 Excepting persons to whom paragraph 3.2 a) to c) and f) refer, a person to whom any of the following sub-paragraphs applies shall be a non-dependant–
- a. a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either;
 - i. that person is a close relative of his or her partner; or
 - ii. the tenancy or other agreement between them is other than on a commercial basis;
 - b. a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of the council tax support scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
 - c. a person who becomes jointly and severally liable with the applicant for council tax in respect of a dwelling and who was, at any time during the period of eight weeks prior to

his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the authority is satisfied that the change giving rise to the new liability was not made to take advantage of the support scheme.

4.0 Requirement to provide a National Insurance Number¹⁴

4.1 No person shall be entitled to support unless the criteria below in 4.2 is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming support.

4.2 This subsection is satisfied in relation to a person if—

- a. the claim for support is accompanied by;
 - i. a statement of the person’s national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - ii. information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
- b. the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated and the application for reduction is accompanied by evidence of the application and information to enable it to be allocated.

4.3 Paragraph 4.2 shall not apply—

- a. in the case of a child or young person in respect of whom council tax support is claimed;
- b. to a person who;
 - i. is a person in respect of whom a claim for council tax support is made;
 - ii. is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act;
 - iii. is a person from abroad for the purposes of this scheme; and
 - iv. has not previously been allocated a national insurance number.

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

5.1 This scheme applies to a person if:

- (i) he has not attained the qualifying age for state pension credit; or
- (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is;
 - (a) a person on income support, on income-based jobseeker’s allowance or an income-related employment and support allowance; or
 - (b) a person with an award of universal credit.

6.0 Remunerative work

6.1 Subject to the following provisions of this section, a person shall 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.

6.2 Subject to paragraph 6.3, in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall 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 that date of claim, or such other length of time as may, in the particular case, enable the person’s weekly

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

average hours of work to be determined more accurately,

- 6.3 Where, for the purposes of paragraph 6.2 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 shall be disregarded in establishing the average hours for which he is engaged in work.
- 6.4 Where no recognisable cycle has been established in respect of a person's work, regard shall 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.
- 6.5 A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph 6.1 if the absence is either without good cause or by reason of a recognised customary or other holiday.
- 6.6 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 shall be treated as not being in remunerative work in that week.
- 6.7 A person shall 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.
- 6.8 A person shall 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.

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

Persons treated as not being in Great Britain

- 7.1 Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- 7.2 Except where a person falls within paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.
- 7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.
- 7.4 For the purposes of paragraph (3), a right to reside does not include a right, which exists by virtue of, or in accordance with—
- (a) regulation 13 of the EEA Regulations;
 - (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
 - (i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or
 - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
 - (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (5) of that regulation of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).

- 7.4A For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—
- (za) (za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971¹⁵, where such leave is granted by virtue of—
 - (i) the Afghan Relocations and Assistance Policy; or
 - (ii) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
 - (zb) a person in Great Britain not coming within sub-paragraph (za) or (e)(iv) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2020
 - (a) (Removed by the Council Tax Reductions Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021
 - (b) Appendix EU to the immigration rules made under section 3(2) of that Act;
 - (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or
 - (d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.
- 7.4B Paragraph (4A)(b) does not apply to a person who—
- (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
 - (b) would have a right to reside under the EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b)
- 7.5 A person falls within this paragraph if the person is—
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in sub-paragraph (a);
 - (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
 - (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
 - (cb) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;
 - (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971
 - (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
 - (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971¹⁵ where that leave is—
 - (i) discretionary leave to enter or remain in the United Kingdom,
 - (ii) leave to remain under the Destitution Domestic Violence concession which came into effect on 1st April 2012;

¹⁵ As amended by the Immigration Act 2014 and the Immigration Act 2014 (Commencement No. 2) Order 2014

- (iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005; or
- (iv) granted under the Afghan Citizens Resettlement Scheme.

- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance; or
- (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4).

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

7.7 A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.

7.8 In this regulation—
 "claim for asylum" has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
 "Crown servant" means a person holding an office or employment under the Crown;
 "EEA Regulations" means the Immigration (European Economic Area) Regulations 2006; and the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020
 "EEA national" has the meaning given in regulation 2(1) of the EEA Regulations;
 "family member" has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and (5)(ca);
 "relevant person of Northern Ireland" has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971; and
 "Her Majesty's forces" has the same meaning as in the Armed Forces Act 2006.

Persons subject to immigration control

7.9 Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.

7.10 A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph 7.9

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

7A.0 Transitional provision

7A.1 The above does not apply to a person who, on 31st March 2015—

- (a) is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act; and

- (b) is entitled to an income-based jobseeker's allowance, until the first of the events in paragraph 7A.2 occurs.

7A.2 The events are—

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

7A.3 In this section "the Act" means the Local Government Finance Act 1992.

8.0 Temporary Absence (period of absence)

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

8.2 A person shall not, in relation to any day, which falls within a period of temporary absence from that dwelling, be a prescribed person under paragraph 8.1.

8.3 In paragraph 8.2, a 'period of temporary absence' means—

- a. a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as;
 - i. the person resides in that accommodation;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
- b. a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as;
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period is unlikely to exceed 13 weeks; and
- c. a period of absence not exceeding 52 weeks, beginning with the first whole day of absence, where and for so long as
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let;
 - iii. the person is a person to whom paragraph 8.4 applies; and
 - iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

8.4 This paragraph applies to a person who is;

- a. detained in custody on remand pending trial or required, as a condition of bail, to reside;
 - i. in a dwelling, other than the dwelling referred to in paragraph 8.1, or
 - ii. in premises approved under section 13 of the Offender Management Act 2007 as amended by the Offender Rehabilitation Act 2014, or, detained in custody pending sentence upon conviction;
- b. resident in a hospital or similar institution as a patient;
- c. undergoing, or his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- d. following, in the United Kingdom or elsewhere, a training course;
- e. undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
- f. undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;

- g. in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
- h. a student;
- i. receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or
- j. has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

8.5 This paragraph applies to a person who is:

- a. detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 (as amended by the Mental Health (Discrimination) Act 2013), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986; and
- b. on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989

8.6 Where paragraph 8.5 applies to a person, then, for any day when he is on temporary release—

- a. if such temporary release was immediately preceded by a period of temporary absence under paragraph 8.3 b) or c), he shall be treated, for the purposes of paragraph 8.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;
- b. for the purposes of paragraph 8.4 a), he shall be treated as if he remains in detention;
- c. If he does not fall within sub-paragraph a), he is not considered to be a person who is liable to pay Council Tax in respect of a dwelling of which he is resident

8.7 In this section;

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

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

Sections 9 - 11

The family for Council Tax Support purposes

9.0 Membership of a family

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

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

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

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

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

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

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

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

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

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

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

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

11.2 A child or young person shall not be treated as a member of the applicant's household where he is—

- a. placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
- b. placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
- c. placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.

11.3 Subject to paragraph 11.4, paragraph 11.1 shall not apply to a child or young person who is not living with the applicant and he—

- a. is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
- b. has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
- c. has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009; or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes).

11.4 An authority shall treat a child or young person to whom paragraph 11.3 a) applies as being a member of the applicant's household in any reduction week where;

- a. that child or young person lives with the applicant for part or all of that reduction week; and
- b. the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.

11.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978 Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012 as amended.

Sections 12 – 14 & Schedule 1

Applicable Amounts for Council Tax Support purposes

12.0 Applicable amounts

12.1 Subject to sections 13 and 14, an applicant's weekly applicable amount shall be 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 as the case may be, of Schedule 1 of this scheme;
- b. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme in respect of any child or young person who is a member of his family;
- c. if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of Schedule 1 (family premium);
- d. the amount of any premiums which may be applicable to him, determined in accordance with paragraphs 4 to 16 of Schedule 1 of this document (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 paragraph 17 and 18 of Schedule 1 of this document (the components)
- f. the amount of any transitional addition which may be applicable to him in accordance with paragraph 19 to 20 of Schedule 1 of this scheme (transitional addition).

13.0 Polygamous marriages

13.1 Subject to section 14, where an applicant is a member of a polygamous marriage, his weekly applicable amount shall be 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 of Schedule 1 of this scheme as if he and that partner were a couple;
- b. an amount equal to the lowest amount within paragraph 1 of Schedule 1 of this scheme in respect of each of his other partners;
- c. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme (applicable amounts or living allowances) 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 paragraph 3 of Schedule 1 of this scheme (family premium);
- e. the amount of any premiums which may be applicable to him determined in accordance with paragraphs 4 to 16 of Schedule 1 of this scheme (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 paragraph 17 and 18 of Schedule 1 (the components).
- g. the amount of any transitional addition which may be applicable to him in accordance with paragraphs 19 and 20 of Schedule 1 of this scheme (transitional addition)

14.0 Applicable amount: persons who are not pensioners who have an award of universal credit

14.1 In determining the applicable amount for a week of an applicant—

(a) who has, or

(b) who (jointly with his partner) has,

an award of universal credit, the authority must use the calculation or estimate of the maximum amount of the applicant, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (2).

(2) The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.

(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

Sections 15 – 32 & Schedules 3 & 4

Definition and the treatment of income for Council Tax Support purposes

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

15.1 The income and capital of an applicant's partner within this scheme and for the purposes of claiming council tax support is to be treated as income and capital of the applicant and shall be calculated or estimated in accordance with the following provisions in like manner as for the applicant; and any reference to the 'applicant' shall, except where the context otherwise requires be construed for the purposes of this scheme as if it were a reference to his partner.

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

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

15.2 The income and capital of a child or young person shall not be treated as the income and capital of the applicant.

15A.0 Calculation of income and capital: persons who are not pensioners who have an award of universal credit

15A.1 In determining the income of an applicant

(a) who has, or

(b) who (jointly with his partner) has,

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

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

(a) income consisting of the award of universal credit, determined in accordance with subparagraph (3);

(b) any sum to be disregarded under paragraphs of Schedule 3 to this scheme (sums to be disregarded in the calculation of earnings: persons who are not pensioners);

(c) any sum to be disregarded under paragraphs of Schedule 4 to this scheme (sums to be disregarded in the calculation of income other than earnings: persons who are not pensioners);

(d) section 33 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;

(e) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).

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

15A.4 sections 33 (income and capital of non-dependant to be treated as applicant's) and 52 and 53 (disregards from income) apply (so far as relevant) for the purpose of determining any adjustments, which fall to be made to the figure for income under sub-paragraph (2)

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

(a) who has, or

(b) who (jointly with his partner) has,

an award of universal credit, the authority must use the calculation or estimate of the capital of

the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award

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

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

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

17.0 Calculation of income on a weekly basis

17.1 For the purposes of this scheme and in line with regulation 34 of the Housing Benefit Regulations 2006 (disregard to changes in tax, contributions etc.), the income of an applicant shall be calculated on a weekly basis;

- a. by estimating the amount which is likely to be his average weekly income in accordance with this Section and in line with Sections 2, 3, 4 and 5 of the Housing Benefit Regulations 2006;
- b. by adding to that amount the weekly income calculated in line with regulation 52 of the Housing Benefit Regulations 2006 (calculation to tariff income from capital); and
- c. by then deducting any relevant child care charges to which section 18 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in paragraph 18.2 are met, from those earnings plus whichever credit specified in sub-paragraph (b) of that paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in paragraph (3) applies in his case.

17.2 The conditions of this paragraph are that;

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

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

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

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

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

18.0 Treatment of child care charges

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

- a. is a lone parent and is engaged in remunerative work;

- b. is a member of a couple both of whom are engaged in remunerative work; or
 - c. is a member of a couple where one member is engaged in remunerative work and the other;
 - i. is incapacitated;
 - ii. is an in-patient in hospital; or
 - iii. is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).
- 18.2 For the purposes of paragraph 18.1 and subject to paragraph 18.4, a person to whom paragraph 18.3 applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
- a. is paid statutory sick pay;
 - b. is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the Act;
 - c. is paid an employment and support allowance;
 - d. is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations 1987; or
 - e. is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- 18.3 This paragraph applies to a person who was engaged in remunerative work immediately before
- a. the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
 - b. the first day of the period in respect of which earnings are credited, as the case may be.
- 18.4 In a case to which paragraph 18.2 d) or e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- 18.5 Relevant child care charges are those charges for care to which paragraphs 18.6 and 18.7 apply, and shall be calculated on a weekly basis in accordance with paragraph 18.10.
- 18.6 The charges are paid by the applicant for care, which is provided
- a. in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
 - b. in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- 18.7 The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 18.8 and are not paid—
- a. in respect of the child's compulsory education;
 - b. by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with section 10 (circumstances in which a person is treated as responsible or not responsible for another); or
 - c. in respect of care provided by a relative of the child wholly or mainly in the child's home.
- 18.8 The care to which paragraph 18.7 refers may be provided;
- a. out of school hours, by a school on school premises or by a local authority;
 - i. for children who are not disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
 - ii. for children who are disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or

- b. by a child care provider approved in accordance with by the Tax Credit (New Category of Child Care Provider) Regulations 1999;
- c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
- d. by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; or
- e. by;
 - i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010; or
 - ii. local authorities registered under section 8(1) of that Act, where the care provided is child minding or daycare within the meaning of that Act; or
- f. by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 or
- g. by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
- h. by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
- i. by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
- j. by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
- k. by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
- l. by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
- m. by a person who is not a relative of the child wholly or mainly in the child's home.

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

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

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

- a. the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work
- b. the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;
- c. the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or Employment and Support Regulations 2013;

- d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- e. the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 20018 or Employment and Support Regulations 2013 for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- f. there is payable in respect of him one or more of the following pensions or allowances—
 - i. long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the Act;
 - ii. attendance allowance under section 64 of the Act;
 - iii. severe disablement allowance under section 68 of the Act;
 - iv. disability living allowance under section 71 of the Act;
 - v. personal independence payment under the Welfare Reform Act 2012;
 - vi. an AFIP;
 - vii. increase of disablement pension under section 104 of the Act;
 - viii. a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (vii) above;
 - ix. main phase employment and support allowance;
- g. a pension or allowance to which head (ii), (iv), (vi) or (viii) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this section shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of social security (Hospital In-Patients) Regulations 2005.
- h. an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- i. paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
- j. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

18.12 For the purposes of paragraph 18.11 once paragraph 18.11d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

18.12A For the purposes of paragraph 18.11, once paragraph 18.11e) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.

- 18.13 For the purposes of paragraphs 18.6 and 18.8 a), a person is disabled if he is a person—
- a. in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;
 - b. who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
 - c. who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.
- 18.14 For the purposes of paragraph 18.1 a woman on maternity leave, paternity leave or adoption leave shall be treated as if she is engaged in remunerative work for the period specified in paragraph 18.15 ('the relevant period') provided that—
- a. in the week before the period of maternity leave, paternity leave or shared parental leave effective from 5/4/2015 or adoption leave began she was in remunerative work or adoption leave began she was in remunerative work;
 - b. the applicant is incurring relevant child care charges within the meaning of paragraph 18.5; and
 - c. she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.
- 18.15 For the purposes of paragraph 18.14 the relevant period shall begin on the day on which the person's maternity, paternity leave or adoption leave commences and shall end on—
- a. the date that leave ends;
 - b. if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
 - c. if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credits ends.
- whichever shall occur first.
- 18.16 In paragraphs 18.14 and 18.15
- a. 'qualifying support' means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support Regulations 1987; and
 - b. 'child care element' of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element) 2002.
- 18.17 In this section 'applicant' does not include an applicant;
- (a) who has, or
 - (b) who (jointly with his partner) has,
- an award of universal credit
- 19.0 Average weekly earnings of employed earners**
- 19.1 Where an applicant's income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment—
- a. over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
 - i. 5 weeks, if he is paid weekly; or
 - ii. 2 months, if he is paid monthly; or
 - b. whether or not sub-paragraph 19.1a i) or ii) applies, where an applicant's earnings fluctuate,

over such other period preceding the reduction week in which the claim is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

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

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

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

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

20.0 Average weekly earnings of self-employed earners

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

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

21.0 Average weekly income other than earnings

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

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

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

22.0 Calculation of average weekly income from tax credits

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

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

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

- a. a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;

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

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

23.0 Calculation of weekly income

23.1 For the purposes of sections 19 (average weekly earnings of employed earners), 21 (average weekly income other than earnings) and 22 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made;

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

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

24.0 Disregard of changes in tax, contributions etc.

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

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

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

25.0 Earnings of employed earners

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

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;

- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
- g. (i) travelling expenses incurred by the applicant between his home and his place of employment;
- (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- h. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- i. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- j. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- k. any statutory sick pay, statutory maternity pay, statutory paternity pay, shared parental pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- l. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave, shared parental pay or adoption leave or is absent from work because he is ill;
- m. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended.

25.2 Earnings shall not include—

- a. subject to paragraph 25.3, any payment in kind;
- b. any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
- c. any occupational pension
- d. any payment in respect of expenses arising out of an applicant participating as a service user.

25.3 Paragraph 25.2 a) shall not apply in respect of any non-cash voucher referred to in paragraph 25.1 l)

26.0 Calculation of net earnings of employed earners

26.1 For the purposes of section 19 (average weekly earnings of employed earners), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall, subject to paragraph 26.2, be his net earnings.

26.2 There shall be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 14 of Schedule 3.

26.3 For the purposes of paragraph 26.1 net earnings shall, except where paragraph 26.6 applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;

- a. any amount deducted from those earnings by way of
 - i) income tax;
 - ii) primary Class 1 contributions under the Act;
- b. one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- c. one-half of the amount calculated in accordance with paragraph 26.5 in respect of any qualifying contribution payable by the applicant; and
- d. where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory

maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted for those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the Act.

- 26.4 In this section ‘qualifying contribution’ means any sum which is payable periodically as a contribution towards a personal pension scheme.
- 26.5 The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying contribution shall be determined—
- a. where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
 - b. in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- 26.6 Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 19 (average weekly earnings of employment earners), his net earnings shall be calculated by taking into account those earnings over the assessment period, less—
- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;
 - b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
 - c. one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

27.0 Earnings of self-employed earners

- 27.1 Subject to paragraph 27.2, ‘earnings’, in the case of employment as a self- employed earner, means the gross income of the employment any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.
- 27.2 ‘Earnings’ shall not include any payment to which paragraph 27 or 28 of Schedule 4 refers (payments in respect of a person accommodate with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant’s care) nor shall it include any sports award.
- 27.3 This paragraph applies to—
- a. royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
 - b. any payment in respect of any—
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the

copyright, design, patent or trade mark, or an original contributor to the book of work concerned.

- 27.4 Where the applicant's earnings consist of any items to which paragraph 27.3 applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by:
- a. the amount of the reduction under this scheme which would be payable had the payment not been made; plus
- an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 3 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case

28.0 Calculation of net profit of self-employed earners

- 28.1 For the purposes of section 20 (average weekly earnings of self-employed earners) the earnings of an applicant to be taken into account shall be
- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
 - b. in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—
 - i. an amount in respect of income tax and of national insurance contributions payable under the Act calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - ii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.
- 28.2 There shall be disregarded from an applicant's net profit, any sum, where applicable, specified in paragraph 1 to 14 of Schedule 3.
- 28.3 For the purposes of paragraph 28.1 a) the net profit of the employment must, except where paragraph 28.9 applies, be calculated by taking into account the earnings for the employment over the assessment period less
- a. subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
 - b. an amount in respect of;
 - (i) income tax, and
 - (ii) national insurance contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - c. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.
- 28.4 For the purposes of paragraph 28.1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, subject to paragraphs 28.5 to 28.8, any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- 28.5 Subject to paragraph 28.6 no deduction shall be made under paragraph 28.3 a) or 28.4, in respect of—
- a. any capital expenditure;
 - b. the depreciation of any capital asset;
 - c. any sum employed or intended to be employed in the setting up or expansion of the employment;
 - d. any loss incurred before the beginning of the assessment period;
 - e. the repayment of capital on any loan taken out for the purposes of the employment;

- f. any expenses incurred in providing business entertainment, and
 - g. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.
- 28.6 A deduction shall be made under paragraph 28.3 a) or 28.4 in respect of the repayment of capital on any loan used for–
- a. the replacement in the course of business of equipment or machinery; and
 - b. the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- 28.7 The authority shall refuse to make deduction in respect of any expenses under paragraph 28.3 a) or 28.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- 28.8 For the avoidance of doubt–
- a. deduction shall not be made under paragraph 28.3 a) or 28.4 in respect of any sum unless it has been expended for the purposes of the business;
 - b. a deduction shall be made thereunder in respect of–
 - i. the excess of any value added tax paid over value added tax received in the assessment period;
 - ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - iii. any payment of interest on a loan taken out for the purposes of the employment
- 28.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of
- a. income tax; and
 - b. national insurance contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - c. one-half of the amount calculated in accordance with paragraph 28.1 in respect of any qualifying contribution
- 28.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.
- 28.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined
- a. where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and divided the product by 365;
 - b. in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.
- 28.12 In this section, ‘qualifying premium’ means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.
- 29.0 Deduction of tax and contributions of self-employed earners**
- 29.1 The amount to be deducted in respect of income tax under section 28.1b) i), 28.3 b) i) or 28.9 a) i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the

assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

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

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

29.3 In this section 'chargeable income' means—

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

30.0 Calculation of income other than earnings

30.1 For the purposes of section 21 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account shall, subject to paragraphs 27.2 to 27.4, be his gross income and any capital treated as income under section 31 (capital treated as income).

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

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

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

30.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under paragraph 27.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

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

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

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

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

D

Where

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

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

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

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

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

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

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

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

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

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

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

whichever of those dates is earlier

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

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

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

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

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

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

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

paragraph 30.1

- a. any payment to which paragraph 25.2 (payments not earnings) applies; or
- b. in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 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.

31.0 Capital treated as income

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

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

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

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

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

32.0 Notional income

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

32.2 Except in the case of—

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

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

32.3 – 32.5 Not used

32.6 Any payment of income, other than a payment of income specified in paragraph 32.7 made—
a. to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under or by a

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

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

- a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
- b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
- c. pursuant to section 2 of the 1973 Act in respect of a person's participation—
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- d. in respect of a person's participation in the Work for Your Benefit Pilot Scheme
- e. in respect of a previous participation in the Mandatory Work Activity Scheme;
- f. in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
- g. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

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

32.9 Subject to paragraph 32.10, where—

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

the service.

32.10 Paragraph 32.9 shall not apply–

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

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

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

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

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

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

Sections 33 – 42 & Schedule 5

Definition and the treatment of capital for Council Tax Support purposes

33.0 Capital limit

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

34.0 Calculation of capital

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

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

35.0 Disregard of capital of child and young person

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

36.0 Income treated as capital

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

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

36.3 Any holiday pay which is not earnings under section 25(1)(d) (earnings of employed earners) shall be treated as capital.

36.4 Except any income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28, 47 or 48 of Schedule 5, any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the applicant's account.

36.5 In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer shall be treated as capital.

36.6 Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, shall be treated as capital.

36.7 There shall be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.

36.8 Any arrears of subsistence allowance which are paid to an applicant as a lump sum shall be treated as capital.

36.9 Any arrears of working tax credit or child tax credit shall be treated as capital.

37.0 Calculation of capital in the United Kingdom

37.1 Capital which an applicant possesses in the United Kingdom shall be calculated at its current market or surrender value less—

- a. where there would be expenses attributable to the sale, 10 per cent.; and
- b. the amount of any encumbrance secured on it;

38.0 Calculation of capital outside the United Kingdom

38.1 Capital which an applicant possesses in a country outside the United Kingdom shall be calculated

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

39.0 Notional capital

39.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax support or increasing the amount of that support except to the extent that that capital is reduced in accordance with section 40 (diminishing notional capital rule).

39.2 Except in the case of

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or
- (c) any loan which would be obtained only if secured against capital disregarded under Schedule 5; or
- (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
- (e) any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a); or
- (f) any sum to which paragraph 48(a) of Schedule 5 refers; or
- (g) child tax credit; or
- (h) working tax credit,

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

39.3 Any payment of capital, other than a payment of capital specified in paragraph (39.4), made

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

39.4 Paragraph 39.3 shall not apply in respect of a payment of capital made:

- a. under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent

Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;

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

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

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

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

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

40.0 Diminishing notional capital rule

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

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

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

conditions that

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

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

- (a) In a case to which paragraph 40.2 applies, the amount of the reduction for the purposes of paragraph 40.1(a) shall be equal to the aggregate of:
 - a. the additional amount to which sub-paragraph 40.2 (b) refers;
 - b. where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
 - c. where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 51(1) of the Income Support Regulations (notional capital);
 - d. where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital) and
 - e. where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of reduction week to which paragraph 40.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

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

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

- (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations, have been entitled to an income-based jobseeker's allowance in respect of the reduction week, within the meaning of this scheme, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7; and
- (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations, have been entitled to an income-related employment and support allowance in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount must be determined by dividing the amount of the income-related employment and support allowance to which he would have been so entitled by the number equal to the number of days in that part-week and multiplying the quotient so obtained by 7.

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

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

40.6 The conditions are that

- (a) a further claim is made 26 or more weeks after
 - (i) the date on which the applicant made a claim for council tax support in respect of which he was first treated as possessing the capital in question under paragraph 39.1;
 - (ii) in a case where there has been at least one re-determination in accordance with paragraph 40.5, the date on which he last made a claim for council tax support which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to council tax support, whichever last occurred; and
- (b) the applicant would have been entitled to council tax support but for paragraph 39.1.

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

40.8 For the purposes of this section

- (a) 'part-week'
 - (i) in paragraph 40.4(a) means a period of less than a week for which council tax support is allowed;
 - (ii) in paragraph 40.4(b) means a period of less than a week for which housing benefit is payable;
 - (iii) in paragraph 40.4 (c),(d) and (e) means—
- (aa) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
- (bb) any other period of less than a week for which it is payable;
- (b) 'relevant week' means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of section 39.1
 - (i) was first taken into account for the purpose of determining his entitlement to council tax support; or
 - (ii) was taken into account on a subsequent occasion for the purpose of determining or

re-determining his entitlement to council tax support on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax support;
and where more than one reduction week is identified by reference to heads (i) and (ii) of this sub-paragraph the later or latest such reduction week or, as the case may be, the later or latest such part-week;

- (c) 'relevant subsequent week' means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

41.0 Capital jointly held

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

42.0 Calculation of tariff income from capital

- 42.1 Where the applicant's capital is calculated in accordance with this scheme exceeds £6,000 it shall be treated as equivalent to a weekly income of £1 for each complete £250 of in excess of £6,000 but not exceeding £16,000
- 42.3 Notwithstanding paragraph 42.1 where any part of the excess is not a complete £250 that part shall be treated as equivalent to a weekly tariff income of £1.
- 42.4 For the purposes of paragraph 42.1, capital includes any income treated as capital under section 36 (income treated as capital).

Sections 43 - 56

Definition and the treatment of students for Council Tax Support purposes¹⁶

¹⁶ Amounts shown in sections 43 to 56 will be updated in line with the Housing Benefit Regulations 2006 (as amended)

43.0 Student related definitions

43.1 In this scheme the following definitions apply;

'academic year' means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;

'access funds' means;

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

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

'contribution' means;

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

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

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

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

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

- (a) is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers

- at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;;
- (b) is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
- (i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student’s learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or
- (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
- (c) is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
- (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
- (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

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

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

‘grant income’ means

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

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

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

‘period of study’ means—

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

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

‘qualifying course’ means a qualifying course as defined for the purposes of Parts 2 and 4 of the

Jobseeker's Allowance Regulations;

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

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

'standard maintenance grant' means—

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

'student' means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

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

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

- 43.2 For the purposes of the definition of 'full-time student', a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course
- (a) in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending:
 - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
 - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
 - (b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.
- 43.3 For the purposes of sub-paragraph (a) of paragraph 43.2, the period referred to in that sub-paragraph shall include;
- (a) where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
 - (b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

44.0 Treatment of students

44.1 The following sections relate to students who claim Council Tax Support

45.0 Students who are excluded from entitlement to council tax support

45.1 Students (except those specified in paragraph 45.3) are not able to claim Council Tax Support under Classes D and E of the Council's reduction scheme.

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

45.3 Paragraph 45.2 shall not apply to a student

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

(b) who is a lone parent;

(c) whose applicable amount would, but for this section, 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 Act;

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

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

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

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

(i) who is;

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

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

(j) in respect of whom

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

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

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

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

(v) a supplementary requirement has been determined under paragraph 9 of

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

on account of his disability by reason of deafness.

45.3A For the purposes of paragraph 45.3(h)(i) the student must have begun, or been enrolled or accepted onto the course before attaining the age of 19

45.4 For the purposes of paragraph 45.3, once paragraph 45.3(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.

45.5 In paragraph 45.3(h) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

45.6 A full-time student to whom sub-paragraph (i) of paragraph 45.3 applies, shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

45.7 Paragraph 45.2 shall not apply to a full-time student for the period specified in paragraph 45.8 if;

- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
 - (i) engaged in caring for another person; or
 - (ii) ill;
- (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
- (c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph 45.8.

45.8 The period specified for the purposes of paragraph 45.7 is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;

- (a) the day on which he resumes attending or undertaking the course; or
- (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course, which shall first occur.

46.0 Calculation of grant income

46.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs 46.2 and 46.3, be the whole of his grant income.

46.2 There shall be excluded from a student's grant income any payment;

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (e) on account of any other person but only if that person is residing outside of the United

- Kingdom 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 III of the Children Act 1989.

46.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;

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

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

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

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

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

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

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

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

47.0 Calculation of covenant income where a contribution is assessed

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

- 47.2 The weekly amount of the student's covenant shall be determined–
- (a) by dividing the amount of income which falls to be taken into account under paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
 - (b) by disregarding from the resulting amount, £5.

47.3 For the purposes of paragraph 47.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under paragraph 46.2(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

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

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

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

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

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

49.0 Student Covenant Income and Grant income – non disregard

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

50.0 Other amounts to be disregarded

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

51.0 Treatment of student loans

51.1 A student loan shall be treated as income.

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

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is

payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;

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

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

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

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

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

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and

(ii) no deduction in that loan was made by virtue of the application of a means test.

- 51.5 There shall be deducted from the amount of income taken into account under paragraph 51.4
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.

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

51A.0 Treatment of fee loans

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

52.0 Treatment of payments from access funds

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

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

- 52.3 Subject to paragraph 52.4 of this section and paragraph 35 of Schedule 4,
- a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and
 - b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.

- 52.4 Where a payment from access funds is made—
- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
 - (b) before the first day of the course to a person in anticipation of that person becoming a student,
- that payment shall be disregarded as income.

53.0 Disregard of contribution

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

54.0 Further disregard of student's income

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

55.0 Income treated as capital

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

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

55.3 An amount paid from access fund as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.

56.0 Disregard of changes occurring during summer vacation

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

Sections 57 – 63

The calculation and amount of Council Tax Support

57.0 Maximum council tax support

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

- (a) A is the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
- (b) B is the number of days in that financial year,

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

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

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

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

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

57.5 The amount awarded as CTR shall be reduced by a further 20%, unless the applicant or partner meets any of the following conditions, ,

- the claimant or partner or any dependant is in receipt of an enhanced disability premium within either Council Tax Support or within any means tested benefit; or
- the claimant or partner is in receipt of a severe disability premium within either Council Tax Support or within any means tested benefit; or
- the claimant or partner is in receipt of a support component within either Council Tax Support or within their Employment and Support Allowance; or
- the claimant or partner is in receipt of a Universal Credit Limited Capability for Work element; or
- the claimant or partner or any dependant is in receipt of Disability Living Allowance (or equivalent within Personal Independence Payment at any rate; or
- the claimant or partner is in receipt of a War Disablement Pension or a War Widow's/Widower's Pension, or any similar payment from another country; or
- the claimant or partner is in receipt of an Armed Forces Independence Payment; or
- the claimant is a lone parent who is responsible for and resides with a dependant who is aged under 5 years.

57.6 For the sake of clarity, the Council Tax reduction shall be:

- (a) Maximum Council Tax as calculated by the Billing Authority in accordance with the 1992 Act. Less any relevant non disqualifying discount or disregard as applied by the Billing Authority in accordance with the 1992 Act.

Sums (a) and (b) represent the Council Tax Liability.

- (b) The Council Tax liability shall be reduced for the purposes of calculating Council Tax reduction an amount for non dependant deductions as defined in this scheme.

The Council Tax liability less non dependant deduction represents the maximum amount of Council Tax reduction that can be claimed by a taxpayer.

- (c) The maximum amount of Council Tax reduction shall be further reduced by the contribution required as a result of comparing income and needs allowances as defined by this scheme

This will be the maximum Council Tax reduction for a taxpayer defined in 57.5 above.

- (d) Where the taxpayer is not a vulnerable person, as defined in 57.5 of this scheme, the total award as defined in 57.6 (d) will then be further reduced by 20%.

The taxpayer shall for the period of this award be liable to pay the difference between 57.6 (a) and 57.6 (d), in addition to any recovery costs, court charges and other encumbrances relating to Council Tax that fall outside of the scope of the scheme or the period being claimed for.

58.0 Non-dependant deductions¹⁷

58.1 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 57 (maximum council tax reduction) shall be £5 x1/7

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

58.3 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 or 77 or 77A of the 1992 Act (liability of spouses and civil partners); and
- (c) the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.

58.4 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is–

- a. blind or treated as blind by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
- b. receiving in respect of himself:
 - attendance allowance, or would be receiving that allowance but for:
 - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - ii. an abatement as a result of hospitalisation; or
 - the care component of the disability living allowance, or would be receiving that component but for:
 - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or

¹⁷ The amounts shown within this section shall be uprated in line with the Council Tax Reduction Schemes (Prescribed Requirements) Regulations.

- ii. an abatement as a result of hospitalisation; or
- c. the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- d. an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution;

58.5 No deduction shall be made in respect of a non-dependant if:

- a. although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
- b. he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
- c. he is a full time student within the meaning of section 44.0 (Students); or
- d. he is not residing with the applicant because he has been a patient for a period of excess of 52 weeks, and for these purposes;
- e. 'patient' has the meaning given within this scheme, and
- f. where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods;
- g. he is not residing with the claimant because he is a member of the armed forces away on operations

58.6 No deduction shall be made in respect of a non-dependant;

- a. who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance;
- b. to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers;
- c. who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.”;

For the purposes of sub-paragraph c. “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013

59.0 Council tax support taper (applies to persons defined within Class D)

59.1 The prescribed daily percentage for the purpose of calculating support as a percentage of excess of income over the applicable amount which is deducted from maximum council tax support, shall be $2\frac{6}{7}$ per cent. Where an applicant's income exceeds their applicable amount, their council tax support shall be calculated by deducting their excess income multiplied by the taper from their maximum council tax support as defined within section 57 of this scheme

60.0 Extended reductions

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

- (a) the applicant or the applicant's partner was entitled to a qualifying income- related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner–
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more; and

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

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

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

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

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

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

60A.0 Duration of extended reduction period

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

60A.2 For the purpose of paragraph (60A.1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

60A.3 The extended reduction period ends;

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

60B.0 Amount of extended reduction

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

- (a) the amount of council tax support to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of council tax support to which the applicant would be entitled under the

- general conditions of entitlement for any reduction week during the extended reduction period, if section 60 (extended reductions) did not apply to the applicant; or
- (c) the amount of council tax support to which the applicant's partner would be entitled under the general conditions of entitlement, if section 60 did not apply to the applicant.

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

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

60C Extended reductions – movers

60C.1 This section applies;

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

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

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

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

60C.4 Where—

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

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

60D.1 Where an applicant's council tax support award would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 60.1(b), that award will not cease until the end of the extended reduction period.

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

61.0 Extended reductions (qualifying contributory benefits)

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

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
(b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner;
(i) commenced employment as an employed or self-employed earner;
(ii) increased their earnings from such employment; or

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

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

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

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

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

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

61A.3 The extended reduction period ends;

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

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

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

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

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

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

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

61C.1 This section applies;

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

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

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

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

61C.4 Where

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

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

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

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

61E.0 Extended reductions: - Movers Generally ¹⁸

61E.1 Where;

- a. an application is made to the authority for a reduction under its scheme, and
- b. the applicant or the partner of the applicant, is in receipt of an extended reduction from;
 - (i) another billing authority in England; or
 - (ii) a billing authority in Wales,the current authority must reduce any reduction to which the applicant is entitled under its Council Tax Reduction scheme by the amount of that extended reduction.

¹⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Sections 64 – 67

Dates on which entitlement and changes of circumstances are to take effect

64.0 Date on which entitlement is to begin

64.1 Subject to paragraph 64.2, any person to whom or in respect of whom a claim for council tax support is made and who is otherwise entitled to that support shall be so entitled from the reduction week following the date on which that claim is made or is treated as made.

64.2 Where a person is otherwise entitled to council tax support and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his claim is made or is treated as made, he shall be so entitled from that reduction week.

65.0 - 66.0 Not Used

67.0 Date on which change of circumstances is to take effect

67.1 Except in cases where section 24 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph, a change of circumstances which affects entitlement to, or the amount of, a reduction under an authority's scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.

67.2 Subject to paragraph (3), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.

67.3 Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 12 of that Act, it shall take effect from the day on which the change in amount has effect.

67.4 Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

67.5 Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

67.6 If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with paragraphs (1) to (5) they take effect from the day to which the appropriate paragraph from (2) to (5) above refers, or, where more than one day is concerned, from the earlier day.

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

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

67.9 Where any change of circumstance occurs that would increase the amount of support, the claimant **must** notify the authority within one calendar month of the happening of the event.

Where the claimant fails to do so, any increase in support shall only take effect from the reduction week following the date of the notification of change.

Sections 68– 74A

Claiming and the treatment of claims for Council Tax Support purposes

68.0 Who may claim¹⁹

68.1 In the case of a couple or members of a polygamous marriage an application shall be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.

68.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;

- (a) a deputy has been appointed by the Court of Protection with power to 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.

68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and paragraph (2) does not apply to him, an authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.

68.4 Where the authority has made an appointment under paragraph (3) or treated a person as an appointee under paragraph (5);

- (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 shall terminate when the authority is notified of the appointment of a person mentioned in paragraph (2).

68.5 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 paragraph (3).

68.6 Anything required by an authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned 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.

69.0 Procedure by which a person may apply for a reduction under an authority's scheme²⁰

69.1 Paragraphs 2 to 8 apply to an application for a reduction under an authority's scheme.

69.2 An application may be made—

- (a) in writing,
- (b) by means of an electronic communication in accordance with Part 4 of Schedule 7 Council Tax Reductions (Prescribed requirements) Regulations 2012 or

¹⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (c) (where the authority has published a telephone number for the purpose of receiving such applications) by telephone.

69.3 (1) An application which is made in writing must be made to the offices of the authority on a properly completed form.
(2) The form will be provided free of charge by the authority for the purpose.

69.4. Where an application received by the authority 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.

69.5. (1) Where an application made in writing is defective because—

- (a) the form provided by the authority has not been properly completed; or
- (b) if it is made in writing, but not on the form provided by the authority, and the authority does not consider the application as being in a written form which is sufficient in the circumstances of the case;

the authority may request the applicant to complete the defective application or (as the case may be) supply the applicant with the form to complete or request further information or 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.

69.6. (1) If an application made by electronic communication is defective the authority will 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.

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

69.8. (1) If an application made by telephone is defective the authority will provide the person making the application with an opportunity to correct the defect.
(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

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

69A.0 Date on which a claim made

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

- (a) in a case where;
 - (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit

has been made to the applicant or his partner, and
(ii) the application for a reduction under this scheme is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received, the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

(b) in a case where—

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

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

(iii) the application to the authority is received at the authority's offices within one month of the date of the change,

the date on which the change takes place;

(c) in a case where—

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

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

the date of the death or separation;

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

(e) in any other case, the date on which the application is received at the offices of the authority.

69A.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.

69A.3 Where the defect in an application by telephone:

(a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority 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.

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

69A.5 The conditions are that—

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

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

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

69A.6 Except in the case of an application made by a person treated as not being in United Kingdom, 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.

69A.7 Except in the case of an application made by a person treated as not being in United Kingdom, 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.

69A.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.

70.0 Submission of evidence electronically

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

71.0 Use of telephone provided evidence

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

72.0 Evidence and information²¹

72.1 Subject to paragraph (2), a person who makes an application, or a person to whom a reduction under an authority's scheme has been awarded, shall 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 its scheme and shall do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

72.2 Nothing in this paragraph requires a person to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (4) applies.

²¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 72.3 Where a request is made under sub-paragraph (1), the authority shall;
- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty to notify the authority of any change of circumstances; and
 - (b) without prejudice to the extent of the duty owed, 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.
- 72.4 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).
- 72.5 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;
 - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.
- 73.0 Amendment and withdrawal of claim ²²**
- 73.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the offices of the authority.
- 73.2 Where the application was made by telephone in accordance with this scheme, the amendment may also be made by telephone.
- 73.3 Any application amended in accordance with paragraph (1) or (2) will be treated as if it had been amended in the first instance.
- 73.4 A person who has made an application may withdraw it at any time before a decision has been made on it by notice to the offices of the authority.
- 73.5 Where the application was made by telephone in accordance with this scheme, the withdrawal may also be made by telephone.
- 73.6 Any notice of withdrawal given in accordance with paragraph (4) or (5) shall have effect when it is received.

²² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

74.0 Duty to notify changes of circumstances²³

- 74.1 Subject to paragraph (2), if at any time between the making of an application to an authority and a decision being made on it there is a change of circumstances which the applicant (or any person acting on his behalf) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under that authority's scheme, that person is under a duty to notify that change of circumstances by giving notice to the authority;
- (a) in writing; or
 - (b) by telephone;
 - (i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
 - (c) by any other means which the authority agrees to accept in any particular case.
- 74.2 The duty imposed on a person by sub-paragraph (1) does not extend to notifying changes in;
- (a) the amount of a council tax payable to the authority;
 - (b) the age of the applicant or that of any member of his family;
 - (c) in the case of an applicant on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, or who has an award of universal credit, in circumstances which affect the amount of income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit but not the amount of the reduction under this scheme to which he is entitled, other than the cessation of that entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit.
- 74.3 Notwithstanding paragraph (2)(b) or (c) an applicant is required by 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 ceases to be a child or young person.
- 74.5 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the authority may use a date later than the actual change of circumstances
- 74.6 In relation to the duty to notify a change in circumstance, reference should be made to paragraph 67.9 regarding the effective date of any change that would increase the level of support.

²³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Sections 75- 90

Decisions, decision notices and awards of Council Tax Support

75.0 Decisions by the authority²⁴

75.1 An authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and Part 1 of Schedule 7 of the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012 being satisfied, or as soon as reasonably practicable thereafter.

76.0 Notification of decision²⁵

76.1 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.

76.2 Where the decision is to award a reduction the notification under sub-paragraph (1) must include a statement—

- (a) informing the person affected of the duty imposed by paragraph 74.1;
- (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

76.3 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.

76.4 The written statement referred to in sub-paragraph (3) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

76.5 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).

76.6 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 who has power to apply or, as the case may be, receive benefit on the person's behalf; or
 - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise, a person appointed by the authority under paragraph 68.2.
- c) a person appointed by the authority under paragraph 68.3

²⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

77.0 Time and manner of granting council tax support²⁶

77.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;

- (a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
- (b) where;
 - (i) such a reduction is not possible; or
 - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
 - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

77.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

77.3 In a case to which paragraph (1)(b) refers;

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

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

78.0 Persons to whom support is to be paid ²⁷

78.1 Subject to section 80 (payment on death) and paragraph (2), any payment of the amount of a reduction must be made to that person.

78.2 Where a person other than a person who is entitled to a reduction under this authority's scheme made the application for the reduction and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

²⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

79.0 Shortfall in support / reduction²⁸

79.1 Where, on the revision of a decision allowing a reduction under an authority's scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either;

- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the chargeable financial year until that shortfall is made good; or
- (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonable practicable, as soon as possible afterwards.

80.0 Payment on the death of the person entitled²⁹

80.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

81.0 Offsetting

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

82 – 90 Not used

²⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Sections 91 – 94

Collection, holding and forwarding of information for Council Tax Support purposes

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

91.1 The authority will use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements³⁰.

92.0 Collection of information

92.1 The authority may receive and obtain information and evidence relating to claims for Council Tax Reduction, the council may receive or obtain the information or evidence from:

- a. persons making claims for Council Tax Reduction;
- b. other persons in connection with such claims;
- c. other local authorities; or
- d. central government departments including the DWP and HMRC

92.2 The authority may verify relevant information supplied to, or obtained.

93.0 Recording and holding information

93.1 The authority may:

- a. may make a record of such information; and
- b. may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering Council Tax Reduction.

94.0 Forwarding of information

94.1 The authority may forward it to the person or authority for the time being administering claims to or awards of Council Tax Reduction to which the relevant information relates, being:

- a. a local authority;
- b. a person providing services to a local authority; or
- c. a person authorised to exercise any function of a local authority relating to Council Tax Reduction.

³⁰ Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

Sections 95 – 98

Revisions, Written Statements, Termination of Council Tax Support

95.0 Persons affected by Decisions

95.1 A person is to be treated as a person affected by a relevant decision of the authority here that person is;

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

96.0 Revisions of Decisions

96.1 Subject to the provisions in this scheme, a relevant decision ('the original decision') may be revised or further revised by the authority, which made the decision where the person affected makes an application for a revision within;

- (i) one month of the date of notification of the original decision; or
- (ii) such extended time as the authority may allow.

96.2 The authority may revise or further revise that original decision at any time. Where further information is required from the person affected, the authority shall request such information and evidence as it feels is reasonable. Such information must be supplied within;

- i) one month of the date of notification of the additional information; or
- (ii) such extended time as the authority may allow

97.0 Written Statements

97.1 Subject to the provisions in the scheme, the authority may upon a written request issue a written statement to a person affected to further explain the decision of the authority in relation to Council Tax Support. The request must be received within one month of the date of the notification being issued by the authority.

98.0 Terminations

98.1 The authority may terminate support in whole or in part the Council Tax Support where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to Council Tax Support are or were fulfilled; or
- b. a decision as to an award of such a support should be revised or superseded.

98.2 The authority may terminate, in whole or in part the Council Tax Support where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to Council Tax Support are or were fulfilled; or
- b. a decision as to an award of such a support should be revised or superseded.

Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax

Section 99

Appeals against the authority's decisions

99.0 Procedure by which a person may make an appeal against certain decisions of the authority³¹

- 99.1 A person who is aggrieved by a decision of the authority, which affects;
- a. the person's entitlement to a reduction under its scheme, or
 - b. the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 The authority must
- a. consider the matter to which the notice relates;
 - b. notify the aggrieved person in writing;
 - i. that the ground is not well founded, giving reasons for that belief; or
 - ii. that steps have been taken to deal with the grievance, stating the steps taken.
- 99.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act³².

³¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³² As amended by the Tribunal Procedure (Amendment No 3) Rules 2014

Section 100

Procedure for applying for a discretionary reduction

100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act³³

100.1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made:

- a. in writing,
- b. by means of an electronic communication in accordance this scheme or
- c. where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

100.2 Where:

- a. the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
- b. a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

³³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Section 101 – 106A³⁴

Electronic Communication

³⁴ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

101.0 Interpretation

101.1 In this Part;
“**information**” includes an application, a certificate, notice or other evidence; and
“**official computer system**” means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

102.0 Conditions for the use of electronic communication

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

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

102.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

102.4 The second condition is that the person uses an approved method of:

- a. authenticating the identity of the sender of the communication;
- b. electronic communication;
- c. authenticating any application or notice delivered by means of an electronic communication; and
- d. subject to sub-paragraph (7), submitting to the authority any information.

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

102.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

102.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

102.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

103.0 Use of intermediaries

103.1 The authority may use intermediaries in connection with;

- a. the delivery of any information by means of an electronic communication; and
- b. the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

104.0 Effect of delivering information by means of electronic communication

104.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed:

- a. by this section; and
- b. by or under an enactment,

are satisfied.

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

104.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

105.0 Proof of identity of sender or recipient of information

105.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of:

- a. the sender of any information delivered by means of an electronic communication to an official computer system; or
- b. the recipient of any such information delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

106.0 Proof of delivery of information

106.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;

- (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
- (b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

106.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

106.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

106A.0 Proof of content of information

106A.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

Section 107
Counter Fraud and Compliance

107.0 Counter Fraud and compliance

107.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to:

- a. Prevent and detect fraudulent claims and actions in respect of Council Tax Reduction;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases

107.2 The authority believes that it is important to minimise the opportunity for fraud and;

- a. will implement rigorous procedures for the verification of claims for Council Tax Reduction;
- b. will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
- c. will actively tackle fraud where it occurs in accordance with this scheme;
- d. will co-operate with the Department for Work and Pensions (DWP), Her Majesty's Revenues and Customs and take part in joint working including prosecutions; and
- e. will in all cases seek to recover all outstanding council tax.

107.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph 107.1 and 107.2 can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

Schedule 1
Applicable Amounts ³⁵

³⁵ ³⁵ The amounts shown within this schedule shall be updated in line with the Housing Benefit Regulations 2006 as amended

Personal Allowance

- 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 the main scheme;

Column 1 Person or Couple	Column 2
1. A Single applicant who; a) is entitled to main phase employment and support allowance	£77.00
b) is aged not less than 25	£77.00
c) is aged not less than 18 but less than 25	£61.05
2. Lone Parent	£77.00
3. Couple; a) Where the applicant is entitled to the main phase of employment and support allowance	£121.05
b) Where one member is aged not less than 18	£121.05

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

- a. Paragraph 17 or 18 is satisfied in relation to the applicant; or
- b. The applicant is entitled to a converted employment and support allowance

- 2 (1) The amount 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 the main scheme

Column 1 Child or Young Person	Column 2
Person in respect of the period– (a) beginning on that person’s date of birth and ending on the day preceding the first Monday in September following that person’s sixteenth birthday;	£70.80
(b) beginning on the first Monday in September following that person’s sixteenth birthday and ending on the day preceding that person’s twentieth birthday.	£70.80

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

Family Premiums

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

Premiums

4. Except as provided in paragraph 5, the premiums specified this Schedule shall, for the purposes of this scheme, be applicable to an applicant who satisfies the condition specified in

paragraphs 4 to 16 in respect of that premium.

5. Subject to paragraph 6, where an applicant satisfies the conditions in respect of more than one premium in this this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.

- 6 (1) The following premiums, namely–

- a. severe disability premium to which paragraph 10 applies;
- b. an enhanced disability premium to which paragraph 11 applies;
- c. a disabled child premium to which paragraph 12 applies; and a
- d. carer premium to which paragraph 13 applies,

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

7. (1) Subject to sub-paragraph (2), for the purposes 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 1973 Act or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under or 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, 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 Act or the daily living component of the personal independence payment under the Welfare Reform Act 2012 or an AFIP.

Disability Premium

8. The condition (s) to be met is contained in Schedule 3 (12) Housing Benefit Regulations 2006

Additional Condition for the Disability Premiums

9. The condition (s) to be met is contained in Schedule 3 (13) Housing Benefit Regulations 2006

Severe Disability Premiums

10. The condition (s) to be met is contained in Schedule 3 (14) Housing Benefit Regulations 2006

Enhanced Disability Premium

11. The condition (s) to be met is contained in Schedule 3 (15) Housing Benefit Regulations 2006

Disabled Child Premium

12. The condition (s) to be met is contained in Schedule 3 (16) Housing Benefit Regulations 2006

Carer Premium

13. The condition (s) to be met is contained in Schedule 3 (17) Housing Benefit Regulations 2006

Persons in receipt of concessionary payments

14. For the purpose of determining whether a premium is applicable to a person under paragraphs 8 to 13, 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

15. For the purposes 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.

Amounts of Premium

16. For the purposes of this Schedule, the following amounts shall apply;

Premium	Amount
Disability Premium	£36.20
a. where the applicant satisfies the condition in paragraph 12(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 12(b) of Schedule 3 Housing Benefit Regulations 2006	£51.60
Severe Disability Premium	£69.40
a. where the applicant satisfies the condition in paragraph 14(2)(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 14(2)(b) of Schedule 3 Housing Benefit Regulations 2006	£69.40
i. in a case where there is someone in receipt of carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 14(5);	
ii. in a case where there is no one in receipt of such an allowance	£138.80
Disabled Child Premium	£68.04 in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Carer Premium	£38.85 in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Enhanced Disability Premium	(a) £27.44 in respect of each child or young person in respect of whom the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied; (b) £17.75 in respect of each person who is neither— (i) a child or young person; nor (ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 15 are satisfied; (c) £25.35 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing

Premium	Amount
	Benefit Regulations 2006 are satisfied in respect of a member of that couple or polygamous marriage.

The components

- 17. The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006 as amended by the Social Security (Miscellaneous Amendments) Regulations 2013
- 18. The amount of the work-related activity component is £30.60. The amount of the support component is £40.60.

Transitional Addition

- 19. The applicant is entitled to the transitional addition calculated in accordance with paragraph 30 of Schedule 3 of the Housing Benefit Regulations 2006 where the applicant or the applicant's partner meets the conditions contained within paragraphs 27 – 29 of Schedule 3 of the Housing Benefit Regulations 2006

Amount of transitional addition

- 20. The amount of any transitional addition is calculated in accordance with paragraphs 30 and 31 of Schedule 3 of the Housing Benefit Regulations 2006

Schedule 2

Not Used

Schedule 3
Sums to be disregarded in the calculation of earnings

- 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 Council Tax Reduction 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 25.1(e), or
 - (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
 - (ii) any award, sum or payment of the nature described in
 - (aa) paragraph 25.1(g) or (h), 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 Council Tax Reduction—
 - (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) or paragraph 25.1(i), or (j).
- 2.** In the case of an applicant who, before first day of entitlement to Council Tax Reduction;
- (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
 - (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,
any earnings paid or due to be paid in respect of that employment except;
 - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
 - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), (i) or (j).
- 2A.** 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 27.3 and paragraph 27.4 (earnings of self-employed earners) apply.

3. (1) In a case to which this paragraph applies and paragraph 4 does not apply, £20; but notwithstanding section 15 (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 £20.
- (2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component.
- (3) This paragraph applies where
 - (a) he is a member of a couple and his applicable amount includes an amount by way of the disability premium; and
 - (b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.
- (4)–(5) Not used
4. In a case where the applicant is a lone parent, £25.
5. (1) In a case to which neither paragraph 3 nor paragraph 4 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, £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with this scheme 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 £20 of the aggregated amount.
6. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment;
 - (a) specified in paragraph 8(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 5 exceed £20;
 - (b) other than one specified in paragraph 8(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
7. In a case where paragraphs 3, 5, 6 and 8 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding section 15 (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 £10.
8. (1) In a case where paragraphs 3, 4, 5 and 6 do not apply to the applicant, £20 of earnings derived from one or more employments as–
 - (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(a)) 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 section 15 (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 £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.

9. Where the applicant is engaged in one or more employments specified in paragraph 8(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 8 exceed £20.

10. In a case to which none of the paragraphs 3 to 9 applies, £5.

10A. (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 12 does not apply,

the amount specified in sub-paragraph (7) ('the specified amount').

(2) Where this paragraph applies, paragraphs 3 to 10 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 4, then paragraph 4 applies instead of this paragraph.

(3) Notwithstanding section 15 (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 £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is;

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance; or
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975

(6) 'Exempt work' means work of the kind described in;

(a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations; 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).

11. Any amount or the balance of any amount which would fall to be disregarded under paragraph 19 or 20 of Schedule 4 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

12. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.

13. 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.

14. 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.

15. Any earnings of a child or young person.

16. (1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10A of this Schedule shall be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

(a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies; or

(b) the applicant—

(i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or

(ii) is a member of a couple and

(aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and

(bb) his applicable amount includes a family premium; 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, the work-related activity component or the support component ;

(bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in sub-head (aa) above and is engaged in remunerative work for on average not less than 16 hours per week.

(3) The following are the amounts referred to in sub-paragraph (1);

- (a) the amount calculated as disregardable from the applicant's earnings under paragraphs 3 to 10A of this Schedule;
- (b) the amount of child care charges calculated as deductible under paragraph 17(1)(c); and
- (c) £17.10

- (4) The provisions of section 6 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that section were a reference to 30 hours.

- 17.** In this Schedule 'part-time employment' means employment in which the person is engaged on average for less than 16 hours a week.

Schedule 4

Sums to be disregarded in the calculation of income other than earnings³⁶

³⁶ Any amounts shown in this schedule will be uprated in line with the Housing Benefit Regulations 2006 as amended

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
- A2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment in respect of any expenses incurred or to be incurred by an applicant who is–
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,
 if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).
- 2A. Any payment in respect of expenses arising out of the applicant’s participation as a service user.
3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
4. Where an applicant is on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance the whole of his income.
5. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker’s allowance, the whole of the applicant’s income.
6. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker’s allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
7. Any disability living allowance, personal independence payment or AFIP
8. Any concessionary payment made to compensate for the non-payment of;
 - (a) any payment specified in paragraph 7 or 10;
 - (b) income support;
 - (c) an income-based jobseeker’s allowance.
 - (d) an income-related employment and support allowance.
9. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
10. Any attendance allowance.
11. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
12. (1) Any payment–
 - (a) by way of an education maintenance allowance made pursuant to;
 - (i) regulations made under section 518 of the Education Act 1996 (payment of

school expenses; grant of scholarships etc);
(ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
(iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992

- (b) corresponding to such an education maintenance allowance, made pursuant to;
(i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
(ii) regulations made under section 181 of that Act; or

(iii) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
(a) regulations made under section 518 of the Education Act 1996;
(b) regulations made under section 49 of the Education (Scotland) Act 1980; or
(c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

13. Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.

- 14** (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
(a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
(b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
(c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

- 15** (1) Subject to sub-paragraph (2), any of the following payments;
(a) a charitable payment;
(b) a voluntary payment;
(c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
(d) a payment under an annuity purchased;
(i) pursuant to any agreement or court order to make payments to the applicant; or
(ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
(e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any

agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.

- (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by–
 - (a) a former partner of the applicant, or a former partner of any member of the applicant’s family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant’s family.

- 16.** 100% of any of the following, namely
 - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow’s pension or war widower’s pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

- 17.** Subject to paragraph 35, £15 of any;
 - (a) widowed mother’s allowance paid pursuant to section 37 of the Act;
 - (b) widowed parent’s allowance paid pursuant to section 39A of the Act.

- 18.** (1) Any income derived from capital to which the applicant is or is treated under section 41 (capital jointly held) as beneficially entitled but, subject to sub- paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28 of Schedule 5.
(2) Income derived from capital disregarded under paragraphs 2, 4 or 25 to 28 of Schedule 5 but only to the extent of–
 - (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
(3) The definition of ‘water charges’ in paragraph 2(1) shall apply to sub-paragraph (2) of this paragraph with the omission of the words ‘in so far as such charges are in respect of the dwelling which a person occupies as his home’.

- 19.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating–
 - (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998, that student’s award;
 - (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student’s bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
 - (c) the student’s student loan,an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

- 20.** (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;
- (a) is not in receipt of any award, grant or student loan in respect of that education; or
 - (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,
- and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student's term.
- (2) For the purposes of sub-paragraph (1), the amount shall be equal to–
- (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),
- whichever is less.
- 21.** Any payment made to the applicant by a child or young person or a non- dependant.
- 22.** Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 21 or 23 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family–
- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
 - (b) where the aggregate of any such payments is £20 or more per week, £20.
- 23.** (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to–
- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;
 - (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.
- (2) In this paragraph, 'board and lodging accommodation' means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.
- 24.** (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to 'income in kind' does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
- 25.** Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

- 26.** (1) Any payment made to the applicant in respect of a person who is a member of his family—
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978**(b)** (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)
 - (b) not used
 - (ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child’s maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 27.** Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made
- (a) by a local authority under—
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
 - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
- 28.** Any payment made to the applicant or his partner for a person (‘the person concerned’), who is not normally a member of the applicant’s household but is temporarily in his care, by—
- (a) a health authority;
 - (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (c) a voluntary organisation;
 - (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
 - (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006
- 29.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 29A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995(local authorities’ duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person (‘A’) which A passes on

to the applicant.

(2) Sub-paragraph (1) applies only where A;

- (a) was formerly in the applicant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the applicant.

- 30.** (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
 - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—
- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
 - (b) meet any amount due by way of premiums on—
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
- 31.** Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.
- 32.** Any social fund payment made pursuant to Part 8 of the Act (the Social Fund) or any local welfare provision as defined by the Social Security (Miscellaneous Amendments) Regulations 2013
- 33.** Any payment under Part 10 of the Act (Christmas bonus for pensioners).
- 34.** Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 35.** The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 15.2 (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 47.2(b) and paragraph 48.1(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 51(2) (treatment of student loans), paragraph 52(3) (treatment of payments from access funds) and paragraphs 17 shall in no case exceed £20 per week.
- 36.** (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a

member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose reduction payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

37. Any housing benefit or council tax benefit.

38. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

39. - 40. not used

- 41.** Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
- 42.** Not used
- 43.** Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
- 44.** Not used
- 45.** (1) Any payment or repayment made—
- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).
- (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in sub-paragraph (1).
- 46.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).
- 47.** Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
- 48.** (1) Where an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.
- (2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments such be aggregated and treated as if they were a single payment.
- (3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).
- 48A.** (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.
- (2) In paragraph (1)
- 'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;
- (a) the Child Support Act 1991;
 - (b) the Child Support (Northern Ireland) Order 1991;
 - (c) a court order;
 - (d) a consent order;
 - (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;
- 'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that

definition.

- 49.** Not used
- 50.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 51.** Any guardian's allowance.
- 52.** (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- (2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- 53.** Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
- 54.** In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
- 55** (1) Any payment which is
- (a) made under any of the Dispensing Instruments to a widow, widower or
 - (b) surviving civil partner of a person;
 - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 - (ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.
- (2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).
- 55A.** Any Council Tax Reduction or council tax benefit to which the applicant is entitled.
- 56.** Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10
- 56A.–56B.** Not used
- 57.** Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
- 58.** (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

- 59.** (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
- 60.** Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
- 61.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
- 62.** Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
- 63.** (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
- 64.** Not used
- 65.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
- 66.** Any payment of child benefit.

Schedule 5
Capital to be disregarded³⁷

³⁷ Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
- A2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
2. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
4. Any premises occupied in whole or in part–
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. Not used.
6. Not used.
7. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.
8. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 (2) The assets of any business owned in whole or in part by the applicant where–
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for Council Tax Reduction is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

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

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

9. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
 - (b) an income-related benefit under Part 7 of the Act;
 - (c) an income-based jobseeker's allowance;
 - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (e) working tax credit and child tax credit
 - (f) an income-related employment and support allowance

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

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as 'the relevant sum') and is

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of Council Tax Reduction, for the remainder of that award if that is a longer period.

(3) For the purposes of sub-paragraph(2), 'the award of Council Tax Reduction' means–

- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant;
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

10. Any sum

- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

11. Any sum–

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a

condition of occupying the home;
(b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

- 12.** Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to Council Tax Reduction or to increase the amount of that reduction.
- 13.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 14.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 14A.** (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.
- (2) But sub-paragraph (1)
- (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
- (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
- (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
- (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.
- (3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.
- (4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
- 15.** The value of the right to receive any income under a life interest or from a life rent.
- 16.** The value of the right to receive any income, which is disregarded under paragraph 13 of Schedule 3 or paragraph 25 of Schedule 4.
- 17.** The surrender value of any policy of life insurance.
- 18.** Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
- 19.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 19A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.
- (2) Sub-paragraph (1) applies only where A;

- (a) was formerly in the applicant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the applicant.

- 20.** Any social fund payment made pursuant to Part 8 of the Act.
- 21.** Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
- 22.** Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
- 23.** Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 24.** (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) the person who is suffering from haemophilia or who is a qualifying person;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—
- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
 - (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his

guardian,
but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or any of the Trusts to which sub-paragraph (1) refers, where

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either;

(i) to that person's parent or step-parent; or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose reduction payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

25. (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

26. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

27. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

28. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

29. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

30. Not used

31. The value of the right to receive an occupational or personal pension.
32. The value of any funds held under a personal pension scheme
33. The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
34. Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
35. Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
36. Not used.
37. Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
38. Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
 - (a) to purchase premises intended for occupation as his home; or
 - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,
 for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
39. Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
40. (1) Any payment or repayment made—
 - (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),
 but only for a period of 52 weeks from the date of receipt of the payment or repayment.
 (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in subparagraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.
41. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

- 41A.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
- 42.** Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
- 43.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 44.** Not used
- 45.** Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
- 46.** (1) Subject to sub-paragraph (2), where an applicant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum Council Tax Reduction), the whole of his capital.
(2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum Council Tax Reduction), sub-paragraph (1) shall not have effect.
- 47.** (1) Any sum of capital to which sub-paragraph (2) applies and
(a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 (as amended by the Civil Procedure (Amendment No. 7) Rule 2013) or by the Court of Protection;
(b) which can only be disposed of by order or direction of any such court; or
(c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.
(2) This sub-paragraph applies to a sum of capital which is derived from;
(a) an award of damages for a personal injury to that person; or
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 48.** Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from
(a) award of damages for a personal injury to that person; or
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 49.** Any payment to the applicant as holder of the Victoria Cross or George Cross.
- 50.** Not used
- 51.** In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.
- 52.** (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a

family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

- 53.** (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996;
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act ;

or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

53A.-53B. Not used

54. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

55. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

56. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of—

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

57. (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is

- (a) a diagnosed person;
- (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (d) a member of the diagnosed person's family (other than his partner) or a person

who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

- (2) Where a trust payment is made to;
 - (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—
 - (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to—
 - (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
 - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.
- (5) In this paragraph, a reference to a person—
 - (a) being the diagnosed person's partner;
 - (b) being a member of a diagnosed person's family;
 - (c) acting in place of the diagnosed person's parents,at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.
- (6) In this paragraph— 'diagnosed person' means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;

'relevant trust' means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions; 'trust payment' means a payment under a relevant trust.

- 58.** The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner
- (a) was a slave labourer or a forced labourer;
 - (b) had suffered property loss or had suffered personal injury; or
 - (c) was a parent of a child who had died,
- during the Second World War.
- 58 (1)** Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) 'local authority' includes in England a county council.
- 60.** Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
- 61.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 62.** Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
- 63.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)

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Buckinghamshire Business Group

Mr Richard Ambrose
Service Director – Corporate Finance & S151 Officer
Buckinghamshire Council
The Gateway
Gatehouse Road
Aylesbury
Bucks
HP19 8FF

1 February 2022

Dear Richard

BUCKINGHAMSHIRE COUNCIL BUDGET PROPOSALS

Thank you for providing an update at the recent Buckinghamshire Business Group (BBG) meeting on Buckinghamshire Council's proposed budget for the three year period 2022-2025, and the four year capital plans in place.

As agreed at the meeting, I am writing to provide formally the response from the business representative organisations and independent businesses that form the BBG. However, the BBG business members would firstly like to offer our sincere thanks to Buckinghamshire Council for the work done in maintaining the level of services provided to businesses and residents, alike, during the last very difficult few years.

It is recognised there are still challenges to be faced resulting from Covid-19, in addition to uncertainty around future funding regimes, tackling climate change and addressing changes in social care provision. The business community is very keen to work with the council to address specific challenges, eg around climate change, and provide innovative thinking where this is appropriate. We are also keen to see the council taking a leadership role in working with partners to ensure an integrated approach to change and development.

BBG members acknowledge the 3-year balanced budget presented has been set against the backdrop of a 1-year financial settlement from Government, and that the budget assumptions beyond this period bring with them an element of risk around future funding, not to mention significantly increasing inflation and interest rate pressures. You outlined a number of the measures being taken to mitigate for these pressures but, nonetheless, we recognise the risks remain.

With regards to income, BBG members note that council tax has again been set at 3.99%, utilising the additional 1% adult social care precept deferred from 2021/22, and that council tax for 2023/24 and 2024/25 is to be set at 2.99%. We also note the budget assumes continued recovery in the local economy and, therefore, in the council's income streams such as business rates, parking, leisure receipts, etc, offset by increased costs to meet demand pressures, particularly in adult and children's social care and in home to school transport.

Cont'd...

Buckinghamshire Business Group, c/o Buckinghamshire Business First,
Claydon House, 1 Edison Road, Rabans Lane Industrial Area, Aylesbury, Bucks HP19 8TE

BBG members are pleased to see continued investment in necessary capital projects and infrastructure, to the benefit of the local economy; budgeted investment totalling over £200m in the coming year.

Recognising the budgetary pressures, we encourage the Council to continue moves to make cost savings wherever possible, including in reviewing contracts, looking at staffing levels, weighing the benefits of outsourcing versus in house provision, seeking to support people in their own homes for longer, and driving efficiencies. You explained the use of funds in the corporate contingency budget line to address extreme demand pressures in high risk areas, but we consider the allocation of these should be identified in the final budget outcome for relevant years.

We are pleased to see the number of Councillors will be greatly reduced from 2025, as per the outcome of the Boundary Commission Review, achieving significant savings to be put to public services.

BBG members suggested there may be work for Buckinghamshire Council to do in developing a more effective communications strategy, both with businesses and with residents, sharing good news stories, such as Buckinghamshire being the highest achieving county for the roll out of electric vehicle charging points, but also in preparing those in the county for changes to come and sharing the rationale for these.

In conclusion, BBG members are supportive of the budget presented. We would ask that you continue your dialogue with us in the coming year so we can offer assistance (where appropriate), act as a critical friend, and so that we might fully understand the implications of future funding and social care regime changes and how these might impact the Buckinghamshire business community.

Yours sincerely

Elizabeth Adlington

Elizabeth Adlington
Chairman
Buckinghamshire Business Group

cc: Rachael Shimmin, Chief Executive, Buckinghamshire Council



Report to Council

Date:	23 rd February 2022
Title:	Treasury Management Strategy 2022/23
Cabinet Member(s):	Cllr John Chilver, Cabinet Member for Finance, Resources, Property and Assets and Cllr Timothy Butcher, Deputy Cabinet Member for Finance, Resources, Property and Assets
Contact Author:	Richard Ambrose, Service Director – Corporate Finance and Section 151 Officer
Recommendations:	<p>Council approves the Council’s Treasury Management Strategy Statement (TMSS) for 2022/23.</p> <p>Council approves the operational boundary for external borrowing, the authorised limit for external borrowing, the maturity structure of borrowing and the upper limit for principal sums invested for longer than 365 days.</p>
Reason for decision:	The Council is required to approve a treasury management strategy statement before the start of each financial year.

Executive summary

- 1.1 The table overleaf is a summary of the Council’s treasury position on 31st March 2021 and 31st December 2021.

31st March 2021 £m	%	Treasury Portfolio	31st December 2021 £m	%
Treasury Investments				
0.00	0%	Banks & Building Societies	10.00	5%
68.85	48%	Local Authorities (invested less than 364 days)	103.00	50%
29.17	20%	Money Market Funds	62.36	30%
15.35	11%	UK Government	0.00	0%
10.00	7%	Local Authorities (invested longer than 364 days)	10.00	5%
20.00	14%	Property Fund	20.00	10%
143.37	100%	Total Treasury Investments	205.36	100%
External Borrowing				
-286.46	91%	PWLB ¹	-280.59	90%
-30.00	9%	LOBOs ²	-30.00	10%
-316.46	100%	Total External Borrowing	-310.59	100%
Net treasury investments / (Borrowing)				
-173.09		Net Treasury Investments /(Borrowing)	-105.23	

¹ PWLB Public Works Loans Board. The PWLB is a statutory body, part of HM Treasury; its purpose is to lend money to local authorities. The Council's main objective when borrowing money is to strike an appropriately low risk balance between securing low interest costs and achieving certainty of those costs over the period for which funds are required.

²LOBOs Lender Option Borrower Option. LOBOs are long term borrowing instruments which include an option for the lender to periodically revise the interest rate. If the lender decides to revise the interest rate, the borrower then has the option to pay the revised interest rate or repay the loan.

- 1.2 The Council continues to pursue a strategy of keeping borrowing and investments below their underlying levels, sometimes known as internal borrowing, in order to reduce risk and keep external financing costs low. The Council will continue the strategy of internal borrowing while it makes sense to continue to do so. In the current economic climate it is considered appropriate to keep investments short term to cover cash flow needs and to potentially take advantage of possible increasing interest rates over the forthcoming year. Liquid cash was diversified over several counterparties and Money Market Funds to manage both credit and liquidity risks.
- 1.3 The Council's main objective when borrowing money is to strike an appropriately low risk balance between securing low interest costs and achieving certainty of those costs over the period for which funds are required. The Council is actively reviewing

opportunities for borrowing at low rates if borrowing is required to finance items within the capital programme. The continuation of the Council's strategy of using surplus cash instead of external borrowing, keeping external financing costs low. The Medium Term Financial Planning process for 2022/23 and future years has taken a zero based approach to treasury management budgets.

- 1.4 Following a competitive tendering process, Link Treasury Services Limited (Link) were appointed as the Council's treasury advisor with effect from 1 August 2021. Link provided a training session for members of the Audit & Governance Committee in September and they advised the Council in developing the Treasury Management Strategy Statement (TMSS) for 2022/23, including investment counterparties and borrowing requirements. Changes to the TMSS includes introducing the definition of specified and non-specified investments. Specified investments are those with a high level of credit quality and subject to a maturity limit of one year or have less than a year left to run to maturity if originally they were classified as being non-specified investments solely due to the maturity period exceeding one year. Non-specified investments are those with less high credit quality, may be for periods in excess of one year, and/or are more complex instruments which require greater consideration by members and officers before being authorised for use. More complex instruments will be considered by the Treasury Management Group comprising the Cabinet Member for Finance, Resources, Property and Assets, the Deputy Cabinet Member for Finance, Resources, Property and Assets, the Service Director – Corporate Finance and Section 151 Officer and treasury management. Investments with a maturity exceeding one year will be placed after taking into consideration future cash flow forecasts. More complex instruments will be The maximum exposure to non-specified treasury management investments is £100m.
- 1.5 The TMSS for 2022/23 proposes that the Council will only use approved counterparties from the UK and from countries with a minimum sovereign credit rating of AAA from Fitch (or equivalent), in the current strategy for 2021/22 the minimum sovereign credit rating is AA. It is proposed that the cash limit for counterparties in AAA sovereign rated countries is £20m per country and £40m in aggregate – Australia, Denmark, Germany, Luxembourg, Netherlands, Norway, Singapore, Sweden and Switzerland are AAA sovereign rated countries. These lists will be added to, or deducted from, by officers should ratings change in accordance with this policy. Also, lending limits for each counterparty will be set through using a matrix table applying the creditworthiness service provided by the Link Group utilising credit ratings from the three main credit rating agencies. Ultra-short dated bond funds have also been added to the counterparty list.

Content of report

- 1.6 In line with the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice for Treasury Management and the Council's Financial Procedures (part of the constitution), this Council is required to agree a treasury management strategy statement for the following financial year. The draft Treasury Management Strategy Statement for 2022/23 is attached as Appendix 1 to this report. The strategy for 2022/23 covers the current treasury position, treasury indicators which limit the treasury risk and activities of the Council, prospects for interest rates, the borrowing strategy, policy on borrowing in advance of need, debt rescheduling, the investment strategy, creditworthiness policy and the policy on use of external service providers.
- 1.7 The Code of Practice defines Treasury Management as: The management of the organisation's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks. Treasury management is conducted within the framework of the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2017 Edition (the CIPFA Code).
- 1.8 The treasury management function ensures that the Council's cash is organised in accordance with the relevant professional codes, so that sufficient cash is available to meet this service activity and the Council's capital strategy. This will involve both the organisation of the cash flow and, where capital plans require, the organisation of appropriate borrowing facilities. The Council is asked to approve the following limits to borrowing activity:

The operational boundary. This is the limit beyond which external debt is not normally expected to exceed.

Operational boundary £m	2021/22	2022/23	2023/24	2024/25
	Estimate	Estimate	Estimate	Estimate
Debt	395	410	410	410
Other long-term liabilities	7.5	7.5	7.5	7.5
Total	402.5	417.5	417.5	417.5

- 1.9 **The authorised limit for external debt.** This is a key prudential indicator and represents a control on the maximum level of borrowing. This represents a legal limit beyond which external debt is prohibited, and this limit needs to be approved by full Council. If there is a possibility that the Council is likely to exceed the agreed authorised limit, then full Council approval would be required in advance. It reflects

the level of external debt which, while not desired, could be afforded in the short term, but is not sustainable in the longer term.

Authorised limit £m	2021/22 Estimate	2022/23 Estimate	2023/24 Estimate	2024/25 Estimate
Debt	495	510	510	510
Other long-term liabilities	10	10	10	10
Total	505	520	520	520

1.10 **Maturity structure of borrowing.** These gross limits are set to reduce the Council's exposure to large, fixed rate sums falling due for refinancing, and are required for upper and lower limits.

Maturity structure of borrowing 2022/23		
	Lower	Upper
Under 12 months	0%	15%
12 months to 2 years	0%	17%
2 years to 5 years	0%	22%
5 years to 10 years	0%	34%
10 years to 20 years	0%	33%
20 years to 30 years	0%	33%
30 years to 40 years	0%	30%
40 years to 50 years	0%	30%

1.11 This Council has defined the list of types of investment instruments that the treasury management team are authorised to use. Specified investments are those with a high level of credit quality and subject to a maturity limit of one year or have less than a year left to run to maturity if originally they were classified as being non-specified investments solely due to the maturity period exceeding one year. Non-specified investments are those with less high credit quality, may be for periods in excess of one year, and/or are more complex instruments which require greater consideration by members and officers before being authorised for use. The proposed maximum total exposure to non-specified treasury management investments is £100m.

- 1.12 The TMSS for 2022/23 proposes that the Council will only use approved counterparties from the UK and from countries with a minimum sovereign credit rating of AAA from Fitch (or equivalent), in the current strategy for 2021/22 the minimum sovereign credit rating is AA. It is proposed that the cash limit for counterparties in AAA sovereign rated countries is £20m per country and £40m in aggregate – Australia, Denmark, Germany, Luxembourg, Netherlands, Norway, Singapore, Sweden and Switzerland are AAA sovereign rated countries. These lists will be added to, or deducted from, by officers should ratings change in accordance with this policy. Also, lending limits for each counterparty will be set through applying a matrix table applying the creditworthiness service provided by the Link Group utilising credit ratings from the three main credit rating agencies. Limits in place above will apply to a group of companies and sector limits will be monitored regularly for appropriateness.
- 1.13 The Council’s investment strategy sets out the approach for choosing investment counterparties. They are based on a system of credit ratings provided by the three main credit rating agencies and supplemented by additional market data (such as rating outlooks, credit default swaps and bank share prices) provided by our treasury advisors.
- 1.14 Both the CIPFA Code and government guidance require the Council to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Council’s objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.
- 1.15 Lending limits for each counterparty will be set through applying the matrix table overleaf. The TMSS proposes that the Council will apply the creditworthiness service provided by the Link Group utilising credit ratings from the three main credit rating agencies - Fitch, Moody’s and Standard & Poor’s. The credit ratings of counterparties are supplemented with the following overlays:
- 1.16
- “watches” and “outlooks” from credit rating agencies;
 - CDS spreads that may give early warning of changes in credit ratings;
 - sovereign ratings to select counterparties from only the most creditworthy countries.

	Colour (and long-term rating where applicable)	Counterparty Limit £m	Transaction limit £m	Time limit
Banks *	yellow	£20m	£10m	5yrs
Banks	purple	£20m	£10m	2 yrs
Banks	orange	£20m	£10m	1 yr
Banks – part nationalised	blue	£20m	£10m	1 yr
Banks	red	£10m	£5m	6 mths
Banks and Building Societies	green	£10m	£5m	100 days
Banks and Building Societies	No colour	Not to be used	-	-
Limit 3 category – Council’s banker (where “No Colour”)	-	Minimal balances	Minimal balances	1 day
Debt Management Agency Deposit Facility (UK Government)	UK sovereign rating	Unlimited	£100m	6 months
Local authorities (sector limit £150m)	n/a	£10m	£10m	5 yrs
Housing associations (sector limit £25m)	Colour bands	£5m	£5m	As per colour band
	Fund rating**	Counterparty Limit		Time Limit
Money Market Funds CNAV ¹	AAA	£30m		liquid
Money Market Funds LVNAV ²	AAA	£30m		liquid
Money Market Funds VNAV ³	AAA	£30m		liquid
Ultra-Short Dated Bond Funds with a credit score of 1.25	Dark pink / AAA	£30m		liquid

Ultra-Short Dated Bond Funds with a credit score of 1.50	Light pink / AAA	£30m		liquid
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*The yellow category is for UK government debt or its equivalent.

** Fund ratings are different to individual counterparty ratings.

CNAV¹ – Constant Net Asset Value

LVNAV² – Low Volatility Net Asset Value

VNAV³ – Variable Net Asset Value

- 1.17 The Council will invest with other local authorities. However, where a local authority has issued a section 114 notice or has been granted permissions to use capital to help with their revenue budgets the investment can only be placed with the prior approval of the Service Director – Corporate Finance and Section 151 Officer in consultation with the Cabinet Member for Finance, Resources, Property and Assets. If a local authority that the Council has invested in subsequently issues a section 114 or is given a capitalisation directive, then this will be reported to the Audit and Governance Committee at the earliest opportunity.
- 1.18 The Council is asked to approve the following treasury indicator and limit for the total principal funds invested for greater than 365 days. These limits are set with regard to the Council’s liquidity requirements and to reduce the need for early sale of an investment and are based on the availability of funds after each year-end.

Upper limit for principal sums invested for longer than 365 days			
£m	2022/23	2023/24	2024/25
Principal sums invested for longer than 365 days	£25m	£25m	£25m
Current investments as at 31 st December 2021 in excess of 1 year maturing in each year	£0m	£10m	£0m

- 1.19 CIPFA published revised Treasury Management Code and Prudential Code on 20th December 2021 and has stated that formal adoption is not required until the 2023/24 financial year. This Council has to have regard to these codes of practice when it prepares the Treasury Management Strategy Statement and Annual Investment Strategy, and also related reports during the financial year.
- 1.20 Members will be updated on how the changes impact our current approach and any changes required will be formally adopted within the 2023/24 TMSS report. The changes represent good practice and we don’t envisage any issues implementing the changes.
- 1.21 The revised codes will have the following implications:

- a requirement for the Council to adopt a new debt liability benchmark treasury indicator to support the financing risk management of the capital financing requirement;
- clarify what CIPFA expects a local authority to borrow for and what they do not view as appropriate. This will include the requirement to set a proportionate approach to commercial and service capital investment;
- create new Investment Practices to manage risks associated with non-treasury investment (similar to the current Treasury Management Practices(TMPs));
- ensure that any long term treasury investment is supported by a business model;
- a requirement to effectively manage liquidity and longer term cash flow requirements;
- amendment to TMP1 to address ESG policy within the treasury management risk framework;
- amendment to the knowledge and skills register for individuals involved in the treasury management function - to be proportionate to the size and complexity of the treasury management conducted by each council;
- a new requirement to clarify reporting requirements for service and commercial investment, (especially where supported by borrowing/leverage).

1.22 In addition, all investments and investment income must be attributed to one of the following three purposes: -

- **Treasury management** Arising from the organisation’s cash flows or treasury risk management activity, this type of investment represents balances which are only held until the cash is required for use. Treasury investments may also arise from other treasury risk management activity which seeks to prudently manage the risks, costs or income relating to existing or forecast debt or treasury investments.
- **Service delivery** Investments held primarily and directly for the delivery of public services including housing, regeneration and local infrastructure. Returns on this category of investment which are funded by borrowing are permitted only in cases where the income is “either related to the financial viability of the project in question or otherwise incidental to the primary purpose”.
- **Commercial return** Investments held primarily for financial return with no treasury management or direct service provision purpose. Risks on such investments should be proportionate to a council’s financial capacity – i.e.,

that 'plausible losses' could be absorbed in budgets or reserves without unmanageable detriment to local services. An authority must not arrange new borrowing from the PWLB to invest primarily for financial return, there is no requirement to sell existing commercial acquisitions.

- 1.23 As this Treasury Management Strategy Statement and Annual Investment Strategy deals solely with treasury management investments, the categories of service delivery and commercial investments will be dealt with as part of the Capital Strategy report.

Legal and financial implications

- 1.24 The publication of an annual strategy, a mid-year treasury report and an annual treasury management report conforms to best practice as required by the Code of Practice CIPFA Treasury Management in the Public Services.

Corporate implications

- 1.25 There are none.

Treasury Management Strategy Statement 2022/23

1.1 Background

The Council is required to operate a balanced budget, which broadly means that cash raised during the year will meet cash expenditure. Part of the treasury management operation is to ensure that this cash flow is adequately planned, with cash being available when it is needed. Surplus monies are invested in low-risk counterparties or instruments commensurate with the Council's low risk appetite, providing adequate liquidity initially before considering investment return.

The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer-term cash flow planning, to ensure that the Council can meet its capital spending obligations. This management of longer-term cash may involve arranging long or short-term loans or using longer-term cash flow surpluses. On occasion, when it is prudent and economic, any debt previously drawn may be restructured to meet Council risk or cost objectives.

The contribution the treasury management function makes to the Council is critical, as the balance of debt and investment operations ensure liquidity or the ability to meet spending commitments as they fall due, either on day-to-day revenue or for larger capital projects. The treasury operations will see a balance of the interest costs of debt and the investment income arising from cash deposits affecting the available budget. Since cash balances generally result from reserves and balances, it is paramount to ensure adequate security of the sums invested, as a loss of principal will in effect result in a loss to the General Fund Balance.

CIPFA defines treasury management as:

"The management of the local authority's borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

Whilst any commercial initiatives or loans to third parties will impact on the treasury function, these activities are generally classed as non-treasury activities, (arising usually from capital expenditure), and are separate from the day-to-day treasury management activities. Investments held for service purposes or for commercial profit are considered in the Capital and Investment Strategy rather than the Treasury Management Strategy document. This will cover in detail the capital plans for the Council (including the capital related prudential indicators), the minimum revenue provision (MRP) policy and non-financial investments (such as Property).

1.2 Reporting requirements

1.2.1 Treasury Management reporting

The Council is currently required to receive and approve, as a minimum, three main treasury reports each year, which incorporate a variety of policies, estimates and actuals.

- a. **Prudential and treasury indicators and treasury strategy** (this report) - The first, and most important report is forward looking and covers:
 - the treasury management strategy, (how the investments and borrowings are to be organised), including treasury indicators; and
 - an investment strategy, (the parameters on how investments are to be managed).

- b. **A mid-year treasury management report** – Receiving this report is delegated to the Audit and Governance Committee, it is primarily a progress report and will update members on the capital position, amending prudential indicators as necessary, and whether any policies require revision.

- c. **An annual treasury report** – Receiving this report is delegated to the Audit and Governance Committee, it is a backward-looking review document and provides details of a selection of actual prudential and treasury indicators and actual treasury operations compared to the estimates within the strategy.

1.3 Treasury Management Strategy for 2022/23

The strategy for 2022/23 covers:

- the current treasury position;
- treasury indicators which limit the treasury risk and activities of the Council;
- prospects for interest rates;
- the borrowing strategy;
- policy on borrowing in advance of need;
- debt rescheduling;
- the investment strategy;
- creditworthiness policy; and
- the policy on use of external service providers.

These elements cover the requirements of the Local Government Act 2003, DLUHC Investment Guidance, DLUHC MRP Guidance, the CIPFA Prudential Code and the CIPFA Treasury Management Code.

1.4 Training

The CIPFA Code requires the responsible officer to ensure that members with responsibility for treasury management receive adequate training in treasury management. This especially applies to members responsible for scrutiny. Members of the Audit and Governance Committee attended a Treasury Management training session in September 2021 and further training will be arranged

as required. The training needs of treasury management officers are periodically reviewed. Representatives from the Council's treasury management advisors have also met and discussed treasury management activities with the Cabinet Member for Finance, Resources, Property and Assets and the Deputy Cabinet Member for Finance, Resources, Property and Assets.

1.5 Treasury management consultants

The Council uses Link Group, Treasury solutions as its external treasury management advisors.

The Council recognises that responsibility for treasury management decisions remains with the organisation at all times and will ensure that undue reliance is not placed upon the services of our external service providers. All decisions will be undertaken with regards to all available information, including, but not solely, our treasury advisers.

It also recognises that there is value in employing external providers of treasury management services in order to acquire access to specialist skills and resources. The Council will ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented and subjected to regular review.

2 The Capital Financing Requirement 2022/23 – 2024/25

The Capital and Investment Strategy covers in detail the capital expenditure plans for the Council (including the capital related prudential indicators), the minimum revenue provision (MRP) policy and non-financial investments (such as Property).

2.1 The Council's borrowing need (the Capital Financing Requirement)

The Council's Capital Financing Requirement (CFR) is the total historic outstanding capital expenditure which has not yet been paid for from either revenue or capital resources. It is essentially a measure of the Council's indebtedness and so its underlying borrowing need. Any capital expenditure which has not immediately been paid for through a revenue or capital resource, will increase the CFR.

The CFR does not increase indefinitely, as the minimum revenue provision (MRP) is a statutory annual revenue charge which broadly reduces the indebtedness in line with each asset's life, and so charges the economic consumption of capital assets as they are used.

£m	2020/21 Actual	2021/22 Estimate	2022/23 Estimate	2023/24 Estimate	2024/25 Estimate
Capital Financing Requirement					
	567.74	579.42	579.76	573.78	564.44

3 Borrowing

The treasury management function ensures that the Council's cash is organised in accordance with the relevant professional codes, so that sufficient cash is available to meet this service activity and the Council's capital strategy. This will involve both the organisation of the cash flow and, where capital plans require, the organisation of appropriate borrowing facilities. The strategy covers the relevant treasury / prudential indicators, the current and projected debt positions and the annual investment strategy.

3.1 Current portfolio position

The overall treasury management portfolio at 31st March 2021 and for the position at 31st December 2021 are shown below for both borrowing and investments.

31st March 2021 £m	%	Treasury Portfolio	31st December 2021 £m	%
Treasury Investments				
0.00	0%	Banks & Building Societies	10.00	5%
68.85	48%	Local Authorities (invested less than 364 days)	103.00	50%
29.17	20%	Money Market Funds	62.36	30%
15.35	11%	UK Government	0.00	0%
10.00	7%	Local Authorities (invested longer than 364 days)	10.00	5%
20.00	14%	Property Fund	20.00	10%
143.37	100%	Total Treasury Investments	205.36	100%
External Borrowing				
-286.46	91%	PWLB	-280.59	90%
-30.00	9%	LOBOs	-30.00	10%
-316.46	100%	Total External Borrowing	-310.59	100%
Net treasury investments / (Borrowing)				
-173.09		Net Treasury Investments /(Borrowing)	-105.23	

The table below summarises the Council's underlying borrowing requirement showing external and internal borrowing at 31st March 2021 and 31st December 2021. The 31st March 2021 position analyses the Council's balance sheet. The 31st December 2021 position shows an increase in working capital as external borrowing has reduced and external investments have increased.

	31st Mar 2021	31 Dec 2021
Capital Financing Requirement (CFR)	567	567
Less Finance Lease	-19	-19
Underlying Borrowing Requirement	548	548
External Borrowing	328	310
Internal Borrowing	220	238

The Council's forward projections for borrowing are summarised below. The table shows the actual external debt, against the underlying capital borrowing need, (the Capital Financing Requirement - CFR), highlighting any over or under borrowing.

£m	2020/21 Actual	2021/22 Estimate	2022/23 Estimate	2023/24 Estimate	2024/25 Estimate
External Debt					
Debt at 1 April		316.64	309.82	405.54	405.27
Expected change in Debt		-6.82	95.72	-0.27	-3.39
Actual gross debt at 31 March	316.64	309.82	405.54	405.27	401.88
The Capital Financing Requirement	567.74	579.42	579.76	573.78	564.44
Under / (over) borrowing	251.10	269.60	174.22	168.51	162.56

Within the range of prudential indicators there are a number of key indicators to ensure that the Council operates its activities within well-defined limits. One of these is that the Council needs to ensure that its gross debt does not, except in the short term, exceed the total of the CFR in the preceding year plus the estimates of any additional CFR for 2022/23 and the following two financial years. This allows some flexibility for limited early borrowing for future years but ensures that borrowing is not undertaken for revenue or speculative purposes. The 2022/23 and later financial years takes into account the £100m potential borrowing that Council has delegated to Cabinet where there exists a robust and financially viable business case.

The Service Director – Corporate Finance and Section 151 Officer reports that the Council complied with this prudential indicator in the current year and does not envisage difficulties for the future.

3.2 Treasury Indicators: limits to borrowing activity

The operational boundary. This is the limit beyond which external debt is not normally expected to exceed. In most cases, this would be a similar figure to the CFR, but may be lower or higher depending on the levels of actual debt and the ability to fund under-borrowing by other cash resources. The total estimate takes into account the £100m potential borrowing that Council has delegated to Cabinet where there exists a robust and financially viable business case.

Operational boundary £m	2021/22 Estimate	2022/23 Estimate	2023/24 Estimate	2024/25 Estimate
Debt	395	410	410	410
Other long-term liabilities	7.5	7.5	7.5	7.5
Total	402.5	417.5	417.5	417.5

The authorised limit for external debt. This is a key prudential indicator and represents a control on the maximum level of borrowing. This represents a legal limit beyond which external debt is prohibited, and this limit needs to be approved by full Council. If there is a possibility that the Council is likely to exceed the agreed authorised limit, then full Council approval would be required in advance. It reflects the level of external debt which, while not desired, could be afforded in the short term, but is not sustainable in the longer term.

1. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003. The Government retains an option to control either the total of all councils' plans, or those of a specific council, although this power has not yet been exercised.
2. The Council is asked to approve the following authorised limit:

Authorised limit £m	2021/22 Estimate	2022/23 Estimate	2023/24 Estimate	2024/25 Estimate
Debt	495	510	510	510
Other long-term liabilities	10	10	10	10
Total	505	520	520	520

Maturity structure of borrowing. These gross limits are set to reduce the Council's exposure to large, fixed rate sums falling due for refinancing, and are required for upper and lower limits. The Council is asked to approve the following treasury indicator and limits:

Maturity structure of borrowing 2022/23		
	Lower	Upper
Under 12 months	0%	15%
12 months to 2 years	0%	17%
2 years to 5 years	0%	22%
5 years to 10 years	0%	34%
10 years to 20 years	0%	33%
20 years to 30 years	0%	33%
30 years to 40 years	0%	30%
40 years to 50 years	0%	30%

3.3 Prospects for interest rates

The Council has appointed Link Group as its treasury advisor and part of their service is to assist the Council to formulate a view on interest rates. Link provided the following forecasts on 20th December 2021. These are forecasts for certainty rates, gilt yields plus 0.8%.

Link Group Interest Rate View	20.12.21													
	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25
BANK RATE	0.25	0.25	0.50	0.50	0.50	0.75	0.75	0.75	0.75	1.00	1.00	1.00	1.00	1.25
3 month ave earnings	0.20	0.30	0.50	0.50	0.60	0.70	0.80	0.90	0.90	1.00	1.00	1.00	1.00	1.00
6 month ave earnings	0.40	0.50	0.60	0.60	0.70	0.80	0.90	1.00	1.00	1.10	1.10	1.10	1.10	1.10
12 month ave earnings	0.70	0.70	0.70	0.70	0.80	0.90	1.00	1.10	1.10	1.20	1.20	1.20	1.20	1.20
5 yr PWLB	1.40	1.50	1.50	1.60	1.60	1.70	1.80	1.80	1.80	1.90	1.90	1.90	2.00	2.00
10 yr PWLB	1.60	1.70	1.80	1.80	1.90	1.90	2.00	2.00	2.00	2.10	2.10	2.10	2.20	2.30
25 yr PWLB	1.80	1.90	2.00	2.10	2.10	2.20	2.20	2.20	2.30	2.30	2.40	2.40	2.50	2.50
50 yr PWLB	1.50	1.70	1.80	1.90	1.90	2.00	2.00	2.00	2.10	2.10	2.20	2.20	2.30	2.30

The Bank of England took emergency action in March 2020 to cut Bank Rate to 0.10%, it left Bank Rate unchanged at its subsequent meetings until raising it to 0.25% at its meeting on 16th December 2021.

As shown in the forecast table above, the forecast for Bank Rate now includes four increases, one in December 2021 to 0.25%, then quarter 2 of 2022 to 0.50%, quarter 1 of 2023 to 0.75%, quarter 1 of 2024 to 1.00% and, finally, one in quarter 1 of 2025 to 1.25%.

3.4 Borrowing strategy

The Council is currently maintaining an under-borrowed position. This means that the capital borrowing need, (the Capital Financing Requirement), has not been fully funded with loan debt as cash supporting the Council's reserves, balances and cash flow has been used as a temporary measure. This strategy is prudent as investment returns are low and counterparty risk is still an issue that needs to be considered.

Against this background and risks within the economic forecast, caution will be adopted with the 2022/23 treasury operations. The Service Director – Corporate Finance and Section 151 Officer will monitor interest rates in financial markets and adopt a pragmatic approach to changing circumstances:

- *if it was felt that there was a significant risk of a sharp FALL in borrowing rates, then borrowing will be postponed.*
- *if it was felt that there was a significant risk of a much sharper RISE in borrowing rates than that currently forecast, perhaps arising from an acceleration in the rate of increase in central rates in the USA and UK, an increase in world economic activity, or a sudden increase in inflation risks, then the portfolio position will be re-appraised. Most likely, fixed rate funding will be drawn whilst interest rates are lower than they are projected to be in the next few years.*

Any decisions will be reported to the Audit and Governance Committee and the Treasury Management Group at the next available opportunity. The Treasury Management Group

comprises the Cabinet Member for Finance, Resources, Property and Assets, the Deputy Cabinet Member for Finance, Resources, Property and Assets, Service Director – Corporate Finance and Section 151 Officer and treasury management officers.

3.5 Policy on borrowing in advance of need

The Council will not borrow more than or in advance of its needs purely in order to profit from the investment of the extra sums borrowed. Any decision to borrow in advance will be within forward approved Capital Financing Requirement estimates and will be considered carefully to ensure that value for money can be demonstrated and that the Council can ensure the security of such funds.

Risks associated with any borrowing in advance activity will be subject to prior appraisal and subsequent reporting through the mid-year or annual reporting mechanism.

3.6 Debt rescheduling

Rescheduling of current borrowing in our debt portfolio is unlikely to occur as there is still a very large difference between premature redemption rates and new borrowing rates. If rescheduling was done, it will be reported to the Treasury Management Group and the Audit and Governance Committee.

3.7 New financial institutions as a source of borrowing and / or types of borrowing

Currently the PWLB Certainty Rate is set at gilts + 80 basis points for borrowing. However, consideration may still need to be given to sourcing funding from the following sources for the following reasons:

- Local authorities (primarily shorter dated maturities out to 3 years or so – still cheaper than the Certainty Rate).
- Financial institutions (primarily insurance companies and pension funds but also some banks, out of forward dates where the objective is to avoid a “cost of carry” or to achieve refinancing certainty over the next few years).
- UK Municipal Bonds Agency plc and other special purpose companies created to enable local authority bond issues.

Our advisors will keep us informed as to the relative merits of each of these alternative funding sources.

3.8 Approved sources of long- and short-term borrowing

The table below lists the sources of long and short term borrowing, the bullet indicates ● whether the source of borrowing could be a fixed rate of interest or a variable rate of interest.

On Balance Sheet	Fixed	Variable
PWLB	●	●
Municipal bond agency	●	●
Local authorities	●	●

Banks	●	●
Pension funds	●	●
Insurance companies	●	●
UK Infrastructure Bank	●	●
Market (long-term)	●	●
Market (temporary)	●	●
Market (LOBOs)	●	●
Stock issues	●	●
Local temporary	●	●
Local Bonds	●	
Local authority bills	●	●
Overdraft		●
Negotiable Bonds	●	●
Internal (capital receipts & revenue balances)	●	●
Commercial Paper	●	
Medium Term Notes	●	
Finance leases	●	●

4 Annual Investment Strategy

4.1 Investment policy – management of risk

The Department of Levelling Up, Housing and Communities (DLUHC - this was formerly the Ministry of Housing, Communities and Local Government (MHCLG)) and CIPFA have extended the meaning of ‘investments’ to include both financial and non-financial investments. This report deals solely with treasury (financial) investments, (as managed by the treasury management team). Non-financial investments, essentially the purchase of income yielding assets, are covered in the Capital and Investment Strategy, (a separate report).

The Council’s investment policy has regard to the following: -

- DLUHC’s Guidance on Local Government Investments (“the Guidance”)
- CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes 2017 (“the Code”)
- CIPFA Treasury Management Guidance Notes 2018

The Council’s investment priorities will be security first, portfolio liquidity second and then yield, (return). The Council will aim to achieve the optimum return (yield) on its investments commensurate with proper levels of security and liquidity and with the Council’s risk appetite. In the current economic climate, it is considered appropriate to keep investments short term to cover cash flow needs. However, where appropriate (from an internal as well as external perspective), the Council will also consider the value available in periods up to 12 months with high credit rated financial institutions, as well as wider range fund options.

The above guidance from the DLUHC and CIPFA places a high priority on the management of risk. This Council has adopted a prudent approach to managing risk and defines its risk appetite by the following means: -

1. Minimum acceptable **credit criteria** are applied in order to generate a list of highly creditworthy counterparties. This also enables diversification and thus avoidance of concentration risk. The key ratings used to monitor counterparties are the short term and long-term ratings.
2. **Other information:** ratings will not be the sole determinant of the quality of an institution; it is important to continually assess and monitor the financial sector on both a micro and macro basis and in relation to the economic and political environments in which institutions operate. The assessment will also take account of information that reflects the opinion of the markets. To achieve this consideration the Council will engage with its advisors to maintain a monitor on market pricing such as “**credit default swaps**” and overlay that information on top of the credit ratings.
3. **Other information sources** used will include the financial press, share price and other such information pertaining to the financial sector in order to establish the most robust scrutiny process on the suitability of potential investment counterparties.

4. This Council has defined the list of **types of investment instruments** that the treasury management team are authorised to use.
 - **Specified investments** are those with a high level of credit quality and subject to a maturity limit of one year or have less than a year left to run to maturity if originally they were classified as being non-specified investments solely due to the maturity period exceeding one year.
 - **Non-specified investments** are those with less high credit quality, may be for periods in excess of one year, and/or are more complex instruments which require greater consideration by members and officers before being authorised for use.
5. **Non-specified and loan investment limits.** The maximum exposure of the total treasury management investment portfolio to non-specified treasury management investments of £100m.
6. **Lending limits**, (amounts and maturity), for each counterparty will be set through applying the matrix table in paragraph 4.2.
7. **Transaction limits** are set for each type of investment in 4.2.
8. This Council will set a limit for its investments which are invested for **longer than 365 days**, (see paragraph 4.4).
9. Investments will only be placed with counterparties from countries with a specified minimum **sovereign rating**, (see paragraph 4.3).
10. This Council has engaged **external consultants**, (see paragraph 1.5), to provide expert advice on how to optimise an appropriate balance of security, liquidity and yield, given the risk appetite of this Council in the context of the expected level of cash balances and need for liquidity throughout the year.
11. All investments will be denominated in **sterling**.
12. As a result of the change in accounting standards for 2022/23 under IFRS 9, this Council will consider the implications of investment instruments which could result in an adverse movement in the value of the amount invested and resultant charges at the end of the year to the General Fund. (In November 2018, the MHCLG, concluded a consultation for a temporary override to allow English local authorities time to adjust their portfolio of all pooled investments by announcing a statutory override to delay implementation of IFRS 9 for five years ending 31st March 2023.

However, this Council will also pursue **value for money** in treasury management and will monitor the yield from investment income against appropriate benchmarks for investment performance, (see paragraph 4.5). Regular monitoring of investment performance will be carried out during the year.

Changes in risk management policy from last year.

The above criteria are changed from last year. This Council has defined the list of types of investment instruments under the categories of 'specified' and 'non-specified' investments, introduced a limit of £100m for non-specified treasury management investments.

4.2 Creditworthiness policy

This Council applies the creditworthiness service provided by the Link Group utilising credit ratings from the three main credit rating agencies - Fitch, Moody's and Standard & Poor's. The credit ratings of counterparties are supplemented with the following overlays:

- "watches" and "outlooks" from credit rating agencies;
- Credit Default Swaps spreads that may give early warning of changes in credit ratings;
- sovereign ratings to select counterparties from only the most creditworthy countries.

This approach combines credit ratings, and any assigned Watches and Outlooks in a weighted scoring system which is then combined with an overlay of Credit Default Swaps spreads. The end product of this is a series of colour coded bands which indicate the relative creditworthiness of counterparties. These colour codes are used by the Council to determine the suggested duration for investments. The Council will, therefore, use counterparties within the following durational bands:

- Yellow 5 years *
- Dark pink 5 years for Ultra-Short Dated Bond Funds with a credit score of 1.25
- Light pink 5 years for Ultra-Short Dated Bond Funds with a credit score of 1.5
- Purple 2 years
- Blue 1 year (only applies to nationalised or semi nationalised UK Banks)
- Orange 1 year
- Red 6 months
- Green 100 days
- No colour not to be used

The Link creditworthiness service uses a wider array of information other than just primary ratings. Furthermore, by using a risk weighted scoring system, it does not give undue preponderance to just one agency's ratings.

Typically, the minimum credit ratings criteria the Council use will be a short-term rating (Fitch or equivalents) of F1 and a long-term rating of A-. There may be occasions when the counterparty ratings from one rating agency are marginally lower than these ratings but may still be used. In these instances, consideration will be given to the whole range of ratings available, or other topical market information, to support their use.

All credit ratings will be monitored daily. The Council is alerted to changes to ratings of all three agencies through its use of the Link creditworthiness service.

- if a downgrade results in the counterparty / investment scheme no longer meeting the Council's minimum criteria, its further use as a new investment will be withdrawn immediately.
- in addition to the use of credit ratings the Council will be advised of information in movements in Credit Default Swap spreads against the iTraxx European Financials

benchmark and other market data on a daily basis via Link’s Passport website. Extreme market movements may result in downgrade of an institution or removal from the Council’s lending list.

Sole reliance will not be placed on the use of this external service. In addition, this Council will also use market data and market information, as well as information on any external support for banks to help support its decision-making process.

Y	Pi1	Pi2	P	B	O	R	G	N/C
1	1.25	1.5	2	3	4	5	6	7
Up to 5yrs	Up to 5yrs	Up to 5yrs	Up to 2yrs	Up to 1yr	Up to 1yr	Up to 6mths	Up to 100days	No Colour
			Colour (and long-term rating where applicable)	Counterparty Limit £m	Transaction limit £m	Time limit		
Banks *			yellow	£20m	£10m	5yrs		
Banks			purple	£20m	£10m	2 yrs		
Banks			orange	£20m	£10m	1 yr		
Banks – part nationalised			blue	£20m	£10m	1 yr		
Banks and Building Societies			red	£10m	£5m	6 mths		
Banks and Building Societies			green	£10m	£5m	100 days		
Banks			No colour	Not to be used	-	-		
Limit 3 category – Council’s banker (where “No Colour”)			-	Minimal balances	Minimal balances	1 day		
Debt Management Agency Deposit Facility (UK Government)			UK sovereign rating	Unlimited	£100m	6 months		
Local authorities (sector limit £150m)			n/a	£10m	£10m	5 yrs		
Housing associations (sector limit £25m)			Colour bands	£5m	£5m	As per colour band		
			Fund rating**	Counterparty Limit		Time Limit		
Money Market Funds CNAV ¹			AAA	£30m		liquid		
Money Market Funds LVNAV ²			AAA	£30m		liquid		
Money Market Funds VNAV ³			AAA	£30m		liquid		

Ultra-Short Dated Bond Funds with a credit score of 1.25	Dark pink / AAA	£30m		liquid
Ultra-Short Dated Bond Funds with a credit score of 1.50	Light pink / AAA	£30m		liquid

* The yellow category is for UK government debt or its equivalent.

** Fund ratings are different to individual counterparty ratings.

CNAV¹ – Constant Net Asset Value

LVNAV² – Low Volatility Net Asset Value

VNAV³ – Variable Net Asset Value

Creditworthiness.

Significant levels of downgrades to Short- and Long-Term credit ratings have not materialised since the crisis in March 2020. In the main, where they did change, any alterations were limited to Outlooks. However, as economies are beginning to reopen, there have been some instances of previous lowering of Outlooks being reversed.

Credit Default Swaps prices

Although bank Credit Default Swaps prices, (these are market indicators of credit risk), spiked upwards at the end of March / early April 2020 due to the heightened market uncertainty and ensuing liquidity crisis that affected financial markets, they have returned to more average levels since then. However, sentiment can easily shift, so it will remain important to undertake continual monitoring of all aspects of risk and return in the current circumstances. Link monitor Credit Default Swaps prices as part of their creditworthiness service to local authorities and the Council has access to this information via its Link-provided Passport portal.

Other Local Authorities

The Council will invest with other local authorities. However, where a local authority has issued a section 114 notice or has been granted permissions to use capital to help with their revenue budgets the investment can only be placed with the prior approval of the Service Director – Corporate Finance and Section 151 Officer in consultation with the Cabinet Member for Finance, Resources, Property and Assets. If a local authority that the Council has invested in subsequently issues a section 114 or is given a capitalisation directive, then this will be reported to the Audit and Governance Committee at the earliest opportunity.

Buckinghamshire Council's Bank

The Council frequently receives cash without prior notification from the sender. There is a possibility that a large receipt or a number of smaller receipts could be received once the daily treasury dealing process is completed resulting in overnight cash at the Council's bank exceeding the counterparty limit as defined by the treasury management strategy. If this occurs the cash will be invested with other counterparties in line with the treasury management strategy the following day.

4.3 Other limits

Due care will be taken to consider the exposure of the Council's total investment portfolio to non-specified investments, countries, groups and sectors.

- a) **Non-specified treasury management investment limit.** The maximum total exposure of treasury management investments to non-specified treasury management investments is limited to £100m treasury management investment portfolio.
- b) **Country limit.** The Council will only use approved counterparties from the UK and from countries with a **minimum sovereign credit rating of AAA** from Fitch (or equivalent). The cash limit for AAA sovereign rated countries is £20m per country and £40m in aggregate – Australia, Denmark, Germany, Luxembourg, Netherlands, Norway, Singapore, Sweden and Switzerland are AAA. These lists will be added to, or deducted from, by officers should ratings change in accordance with this policy.
- c) **Other limits.** In addition:
 - limits in place above will apply to a group of companies;
 - sector limits will be monitored regularly for appropriateness.

4.4 Investment strategy

In-house funds. Investments will be made with reference to the core balance and cash flow requirements and the outlook for short-term interest rates (i.e., rates for investments up to 12 months). Greater returns are usually obtainable by investing for longer periods. While most cash balances are required in order to manage the ups and downs of cash flow, where cash sums can be identified that could be invested for longer periods, the value to be obtained from longer term investments will be carefully assessed.

- If it is thought that Bank Rate is likely to rise significantly within the time horizon being considered, then consideration will be given to keeping most investments as being short term or variable.
- Conversely, if it is thought that Bank Rate is likely to fall within that time period, consideration will be given to locking in higher rates currently obtainable, for longer periods.

Investment returns expectations.

The current forecast shown in paragraph 3.3, includes a forecast for a first increase in Bank Rate in May 2022, though it could come in February.

The suggested budgeted investment earnings rates for returns on investments placed for periods up to about three months during each financial year, (based on a first increase in Bank Rate in quarter 2 of 2022), are as follows:

Average earnings in each year	Now	Previously
2022/23	0.50%	0.50%

2023/24	0.75%	0.75%
2024/25	1.00%	1.00%
2025/26	1.25%	1.25%
Long term later years	2.00%	2.00%

For its cash flow generated balances, the Council will seek to utilise its business reserve instant access and notice accounts, money market funds and short-dated deposits, (overnight to 100 days), in order to benefit from the compounding of interest.

Investment treasury indicator and limit - total principal funds invested for greater than 365 days. These limits are set with regard to the Council's liquidity requirements and to reduce the need for early sale of an investment and are based on the availability of funds after each year-end.

The Council is asked to approve the following treasury indicator and limit:

Upper limit for principal sums invested for longer than 365 days			
£m	2022/23	2023/24	2024/25
Principal sums invested for longer than 365 days	£25m	£25m	£25m
Current investments as at 31 st December 2021 in excess of 1 year maturing in each year	£0m	£10m	£0m

4.5 Investment performance / risk benchmarking

This Council will use an investment benchmark to assess the investment performance of its investment portfolio of overnight, 7 day SONIA compounded rate.

4.6 End of year investment report

At the end of the financial year, the Council will report on its investment activity as part of its Annual Treasury Report to the Audit and Governance Committee.

4.7 External fund managers

£20m of the Council's funds are externally managed in a pooled property fund by CCLA (Churches, Charities and Local Authorities). A significant proportion of the Council's funds are invested in liquid Money Market Funds (MMF), there is a limit of £30m per MMF but no overall sector limit.

The Council fully appreciates the importance of monitoring the activity and resultant performance of its appointed external fund manager. In order to aid this assessment, the Council is provided with a suite of regular reporting from its managers.

Related Matters

The CIPFA Code requires the Council to include the following in its treasury management strategy.

Financial Derivatives: Local authorities have previously made use of financial derivatives embedded into loans and investments both to reduce interest rate risk (e.g. interest rate collars and forward deals) and to reduce costs or increase income at the expense of greater risk (e.g. LOBO loans and callable deposits). The general power of competence in Section 1 of the *Localism Act 2011* removes much of the uncertainty over local authorities' use of standalone financial derivatives (i.e. those that are not embedded into a loan or investment).

The Council will only use standalone financial derivatives (such as swaps, forwards, futures and options) where they can be clearly demonstrated to reduce the overall level of the financial risks that the Council is exposed to. Additional risks presented, such as credit exposure to derivative counterparties, will be taken into account when determining the overall level of risk. Embedded derivatives, including those present in pooled funds and forward starting transactions, will not be subject to this policy, although the risks they present will be managed in line with the overall treasury risk management strategy. The Council will only use derivatives for risk management purposes, not for speculative purposes.

Financial derivative transactions may be arranged with any organisation that meets the approved investment criteria, assessed using the appropriate credit rating for derivative exposures. An allowance for credit risk will count against the counterparty credit limit and the relevant foreign country limit.

In line with the CIPFA Code, the Council will seek external advice and will consider that advice before entering into financial derivatives to ensure it fully understands the implications. After undertaking due diligence and seeking advice from the Council's treasury advisers, the Council will only enter into financial derivatives if there is a strong case and the proposal is approved by the Cabinet Member for Resources. The Chairman of the Audit and Governance Committee will be notified before the Council enters into financial derivatives.



Report to Council

Date:	23 February 2022
Title:	Capital and Investment Strategy
Cabinet Member(s):	Councillor John Chilver, Cabinet Member for Finance, Resources, Property & Assets
Contact officer:	Mark Preston, Head of Projects & Pensions Mark.Preston@buckinghamshire.gov.uk
Ward(s) affected:	None Specific
Recommendations:	Council are invited to APPROVE the Capital & Investment Strategy attached at Appendix 1.
Reason for decision:	N/A

1. Executive summary

1.1 The Council is required to approve its Capital & Investment Strategy on an annual basis. The draft Capital & Investment Strategy is included at Appendix 1.

2. Content of report

2.1 The Capital & Investment Strategy provides the framework within which to deliver its Corporate Plan objectives through the effective investment of its limited capital resources.

2.2 As well as the Council's immediate statutory responsibilities, the strategy also reflects the important role that it has to play in the regeneration and growth, affordable housing and climate change agendas, especially in the context of a post-Covid recovery and the significant housing growth in the area.

3. Other options considered

3.1 N/A.

4. Legal and financial implications

4.1 There are no direct legal or financial implications as a result of this report. The Capital and Investment Strategy does set out the strategic framework within which it sets its Capital Programme annually and the basis on which it will consider future investment opportunities.

5. Corporate implications

5.1 This section will need to include the relevant corporate plan priority relating to this report and make reference to any other implication that need to be taken into account such as:-

- a) Property – The strategy makes reference to the Property Asset Management Plan and the Accommodation Strategy.
- b) HR – No direct HR implications.
- c) Climate change – Reference is made to the Councils Climate Change and Air Quality Strategy.
- d) Sustainability – Sustainability is an important aspect of capital investment and is considered in capital programme bids and investment business cases.
- e) Equality - An equality impact assessment is not required
- f) Data - A data protection impact assessment is not required
- g) Value for money – The strategy provides the framework for the areas of capital investment to meet Corporate Plan requirements and value for money considerations are taken into account with bids to the capital programme and in-year investment business cases.

6. Local councillors & community boards consultation & views

6.1 The views of the Corporate Capital Investment Board and Cabinet have been considered in developing the Capital and Investment Strategy.

7. Communication, engagement & further consultation

7.1 The Capital and Investment Strategy will be published alongside the MTFP Budget agreed by Council.

8. Next steps and review

8.1 The Capital & Investment Strategy is reviewed annually.

9. Background papers

9.1 None.

10. Your questions and views (for key decisions)

10.1 If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by telephone 01296 382343 or email democracy@buckinghamshire.gov.uk.

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Appendix 1

Capital & Investment Strategy 2022/23

Contents

		Page
1.	Purpose of the Capital Strategy	3
2.	The Context of the Capital Strategy	4
2.1	The Council's Key Aims and Priorities	4
2.2	Growth and Demographic Change in Buckinghamshire	4
2.3	Changes in Innovation and Digital Infrastructure	5
2.4	Post-Covid Landscape	6
3.	Capital Investment Objectives	7
4.	Areas for Investment	10
5.	Funding Capital Investment	13
6.	Minimum Revenue Provision	15
7.	Capital Risk	16
8.	Capital Governance and Processes	17
	Appendix A – Capital Investment Governance Boards	21

1. Purpose of the Capital & Investment Strategy

- 1.1 The main purpose of the Capital & Investment Strategy is to define how Buckinghamshire Council will maximise the impact of its limited capital resources to deliver its key aims and priorities. It considers future capital investment needs, especially in relation to regeneration and the growth agenda, and ensures the optimum impact of those investments. It also helps the Council to be clear on its priorities for bidding for external funding.
- 1.2 In managing its Capital and Investment Strategy, the Council will have regard to its statutory obligations within the context of a changing operational environment, the longer-term impact of its decisions, the delivery of value for money and the risks associated with any particular course of action.
- 1.3 The strategy is designed to fully comply with the Prudential Code of Practice for local authority capital investment by the Chartered Institute of Public Finance and Accountancy (CIPFA) in parallel with guidance to local authorities from the Ministry of Housing, Communities and Local Government (MHCLG). The main purpose of the Code is to ensure that capital investment proposals are affordable, prudent and sustainable.
- 1.4 By the very nature of capital investment, it is necessary that this strategy takes a longer-term view. However, the strategy also focusses on the medium term to fit in with the Medium-Term Financial Plan (MTFP) Capital Programme, the latest version of which covers the period 2022/23 – 2025/26. The Council wants to develop a longer-term strategic capital programme to better illustrate the strategic capital objectives of the Council and although work has started on this during 2021-22, it will look to complete this as part of the development of the MTFP for 2023/24 onwards. The Council will want time to review this strategy and ensure that it helps the Council to deliver its Corporate Plan.
- 1.5 There are several substantial strategies and programmes in regard to regeneration, which is going to be particularly important to the shaping of the Buckinghamshire response to a post-Covid environment. There are 2 partnership boards that have been established to provide oversight on the delivery of 2 major regeneration strategies: The Aylesbury Garden Town Board, which oversees the implementation of the Aylesbury Garden Town masterplan; and the High Wycombe Regeneration Board which oversees the delivery of the Wycombe Regeneration Strategy covering regeneration in the High Wycombe area.
- 1.6 This Capital and Investment Strategy is underpinned by a number of other key strategies and plans. As a new Council many of these are still being developed, but once agreed they will be key to informing the investment priorities for the Council. The relevant key [Council policies](#) developed or in the process of being developed are:
 - Strategic Asset Management Plan
 - Accommodation Strategy
 - Agricultural Estates Management Policy

- Housing Strategy
- Highways Asset Management Plan
- Leisure Strategy
- Schools Capacity Survey

1.7 The recent Chartered Institute of Public Finance and Accountancy (CIPFA) consultation has resulted in an updated Prudential Code for Capital Finance in Local Authorities (2021 Edition), which strengthens the basic principle that local authorities must not borrow to invest primarily for commercial return. Following the Prudential Code and guidance from MHCLG in February 2018 this Strategy includes the Investment Strategy and needs to be read in conjunction with the Treasury Management Strategy. This strategy is also cognisant of the latest guidance issued by CIPFA on Prudential Property Investment.

2. The Context of the Capital Strategy

2.1 The Council's Aims and Priorities

2.1.1 The Council's aims and priorities are set out in the [Corporate Plan](#), the latest version of which covers the period 2020-23, although the underpinning service delivery plans are refreshed annually.

The key priorities set out in the Corporate Plan are:

- Strengthening our communities
- Protecting the vulnerable
- Improving our environment
- Increasing prosperity

2.1.2 Of course, all that the Council does is set within a legislative context, so meeting its statutory obligations is a key component determining the actions it takes. In the context of the capital strategy, examples of the statutory requirements are the need to provide sufficient school places, to maintain the highway infrastructure to certain standards and to provide suitable disposal facilities for waste.

2.2 Growth and Demographic Change in Buckinghamshire

2.2.1 The population of Buckinghamshire is significantly increasing, and the Council needs to take account of these changes in planning its future service provision. The Council in partnership with other agencies, the Local Enterprise Partnership in particular, has responsibility for facilitating the infrastructure to promote economic growth. Current local plans indicate housing growth in Buckinghamshire of around 46,500 by 2033

leading to a population increase from c. 547,060¹ to 638,000. This level of growth not only has implications for new infrastructure, but also for the wear and tear on existing infrastructure.

- 2.2.2 Beyond the current confirmed plans for housing growth there are many pressures in the system to go further as indicated by the Government figures mentioned in the previous paragraph. The Government has been keen to push forward housing growth through the concept of Garden Towns and the Council has agreed with Homes England Housing Infrastructure Fund (HIF) forward funding of just over £172m to create the infrastructure to support the development of the Aylesbury Garden Town. The Council also has HIF funding of £12m for the Princes Risborough expansion area and £7.5m for Abbey Barn Lane.
- 2.2.3 Notwithstanding the overall growth in the population the nature of the population is also changing. Buckinghamshire already has one of the highest rates of increase in people aged over 85 of all county areas in the country. The diversity of the ethnic and socio-economic make-up of Buckinghamshire is also increasing. These changes are likely to increase the demand on a range of public services, particularly care services. This too will need to be factored into the longer-term planning of service provision. Although there is anticipated to be an overall increase in children over the next decade, the birth rate has dropped in the last 2 years, although an overall increase in school places is expected over the next decade due to the anticipated housing growth, which adds to the challenge of the timing of school place provision.
- 2.2.4 The location of Buckinghamshire also creates a unique set of circumstances which impacts on economic development and other infrastructure demands which are likely to have capital implications. The high-speed rail line (HS2) will run through the county and have significant knock-on impacts as it is developed. The proximity of the south of the county to London and Heathrow Airport is likely to place an increased burden on transport infrastructure. The north of the county lies at the heart of plans to link Oxford and Cambridge with the East-West Railway.

2.3 Changes in Innovation and Digital Infrastructure

- 2.3.1 As well as changes to the profile of the population, developing the economy needs to reflect changes to the way we work and better still to reflect the way we will work in the future. The pace of change in technological advancement appears to get ever faster, so keeping up with these changes presents a range of challenges.
- 2.3.2 The Council has a role in putting in place, or at least facilitating, enabling infrastructure. A good example of this currently might be the increasingly developing market in electric vehicles that will require a more comprehensive network of charging points. However, as is often the case with emerging technologies there are a

¹ ONS Population Statistics Mid-Year 2020

number of different options available, so identifying which particular solution to support is a key challenge if capital investment is not to be wasted.

- 2.3.3 By contrast the economic development role the Council plays may need to facilitate experimentation, such as creating space for start-up businesses in emerging technologies. The very nature of this means that there is likely to be a fair degree of failure and the Council needs to determine the degree of risk it is prepared to take and the mitigations that can be put in place.
- 2.3.4 The Buckinghamshire Integrated Care Partnership is part of the wider Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System. The partnership provides an opportunity for the Council to collaborate with the Clinical Commissioning Group (CCG) and Buckinghamshire Healthcare NHS Trust in particular to deliver improvements to the health and care system, including digital and technological developments, that benefit the residents of Buckinghamshire and deliver excellent value for money for the local health sector and the Council.
- 2.3.5 An earmarked reserve has been established for the implementation of new systems. The revenue contribution funding that would have been used to fund the new ERP system replacing SAP is being used to establish this reserve, but it is important to recognise that most system solutions are cloud based these days, and the implementation costs of these are revenue in nature not capital. By creating this earmarked reserve, it will allow the Council the flexibility to use the optimum systems solution regardless of whether it is a revenue or a capital solution as the reserve can be a revenue contribution to capital if a capital solution needs to be implemented.

2.4 Post-Covid Landscape

- 2.4.1 The Coronavirus pandemic has had a significant impact on the national and local economy and a necessary change to the working arrangements of the residents of Buckinghamshire, with people working from home wherever possible, including a significant proportion of the Council's own staff. As part of the transition to the new unitary Council, there was an expectation that the properties held by the 5 councils would be able to be rationalised. The Work Smart programme is providing the framework for future office working for the Council and ensuring the technological infrastructure is in place to support significant homeworking and office collaboration. The future needs and requirements of the Council will be set out in the Council's accommodation strategy, which will enable the Council to either sell surplus properties to produce capital receipts or to repurpose to generate a revenue rental income.
- 2.4.2 All public sector bodies are under financial pressure as well as there being a need to offer the public a more coherent means of accessing services, and the One Public Estate (OPE) project aims to achieve the rationalisation of publicly held assets. The Council will work closely with its strategic partners to look for opportunities to utilise our collective assets to improve public services and generate savings.

- 2.4.3 The financial pressures on local authorities, caused in large part by huge cuts in Government grant funding, but also significant increases in demand for services, lead to the exploration of alternative sources of income. The increase in surplus assets provides an opportunity for the Council to invest in the repurposing of assets in order to be able to generate additional income and help the Council to shape the post-Covid recovery in Buckinghamshire from a regeneration and economic recovery perspective. Any additional surplus assets may also provide opportunities to deliver other important objectives such as an increase in affordable and key worker housing in Buckinghamshire. It is important however, that sufficient capital receipts are realised to enable the capital programme to be funded and the close monitoring of delivery will be important.
- 2.4.4 In November 2020, the Buckinghamshire Growth Board submitted a 'Buckinghamshire Recovery and Growth Deal' devolution bid to Government. Outlined in the bid are the key priorities for Buckinghamshire Council and its partners in Buckinghamshire's recovery from the coronavirus pandemic. Although there is no guarantee that the bid will be successful, it forms a blueprint for other external funding should it become available.

3 Capital Investment Objectives

- 3.1 On 9th October 2019, HM Treasury increased Public Works Loan Board (PWLB) rates by 1% on the back of concerns that Local Authorities were borrowing from the PWLB in order to invest in commercial investments (retail, offices, industrial parks etc) purely for a yield on that investment.
- 3.2 The 1% increase was reversed on 26th November 2020 following the end of the HM Treasury consultation on PWLB, but with new restrictions on borrowing to ensure that councils are not buying investment assets (land or buildings) primarily for a yield. The Council should not have any proposals to invest primarily for yield in its Capital Programme over a 3-year period, nor can it finance such investments from other sources as an alternative to PWLB borrowing, otherwise the Council will have to pay back any PWLB borrowing taken out during the year and may be prevented from accessing PWLB in the future.
- 3.3 The key objectives of capital investment during this strategy period will be to:
- **Support service delivery** in line with the Council's strategic objectives. The challenge of Covid has led to an acceleration in innovation and the improvement of customer service using digital channels. This will continue to be a key feature during the Better Buckinghamshire service reviews and the focus on continuous improvement following the reviews will enable best practice and new technologies to be adopted where appropriate.

- **Support regeneration, economic development, housing delivery and the wider growth agenda**, especially given the impact of the Covid pandemic on the local economy and residents of Buckinghamshire. The scale of ambition is best illustrated in the Recovery and Growth Deal for Buckinghamshire submission “Succeeding as a Place, Succeeding as a Country: A scalable Buckinghamshire proposition to accelerate UK recovery”, which was developed in conjunction with our public and private sector partners. Ensuring that there are sufficient school places to meet the demand created by substantial population growth and help to build on the excellent quality of education in Buckinghamshire is a key requirement. The regeneration of towns in Buckinghamshire and the delivery of affordable housing is also a key priority for the Council.
- **Implementation of the Climate Change and Air Quality Strategy.** The Council has a target to achieve its net zero-carbon target by 2050 at the latest. It will achieve this through various measures such as building rationalisation, building and streetlight energy efficiency, boiler replacements, using electric/low carbon vehicles (including refuse vehicles), solar car ports and tree planting.
- **Supporting local communities.** The condition of our highways and footpaths is consistently a priority for our residents and the ease of movement around Buckinghamshire is important for social connectivity and integration, outdoor leisure, such as walking and cycling, as well as the local economy. The Covid pandemic has brought into sharper focus the importance of leisure activities, especially in outdoor settings, with new users being introduced to our parks and public footpaths and as well as taking up cycling on our road network. There is an opportunity to help many of our residents to maintain their increased level of activity by making sure that accessible indoor leisure facilities are available as part of the post-Covid recovery. There will also be pent up demand for cultural activities that have been subject to heavy restrictions during the pandemic.
- **Supporting healthy and independent lives.** With an expected 40% increase in the 60+ population and a 147% increase in the 90+ population in Buckinghamshire by 2038, the Council is looking to deliver a portfolio of assets that is sufficient to meet current need and requirements for at least the next 10 years. Achieving this objective will also involve moving away from ‘building based’ provision and promoting independent living for longer amongst all client groups, resulting in more care in the community. The ongoing development of the strategy for the use of Disabled Facility Grants as part of the Improved Better Care Fund will be instrumental in this. At the same time the Council will promote the development of locally based provision and local choice to reduce the need for out of county placements.
- **Facilitate the generation of income**, be that from existing commercial assets held predominantly for their rental yield, service-based assets capable of generating income as a by-product or the repurposing of existing assets to deliver the Council’s strategic objectives and where an income stream is deliverable as a by-product of that investment.

- **Enhance value for money** by helping to reduce or avoid costs. The Council has a comprehensive Better Buckinghamshire Reset and Recovery programme, which is looking to review all service areas to ensure the new council has a strong customer and outcome focus. This will partly involve learning from the improvement lessons from the Covid-19 response, as well as utilising technology to help deliver those service improvements and process efficiencies.

3.4 As well as the key objectives set out in 3.3 above there will also be regard for the following:

- Meeting legislative requirements, such as school place planning requirements, or health and safety, and the Social Value Act 2013.
- Maximise community benefits, working in partnership with other agencies.
- Ensure that investments are affordable and sustainable.
- Safeguard the on-going integrity of existing assets (property, highways, ICT, etc.) ensuring they remain fit for purpose, including reducing the maintenance backlog.
- Be forward looking in terms of investing in future technologies and recognising societal behaviour patterns and not the ways of the past.
- Ensure that investments are in line with the relevant approved strategies (i.e. Strategic Asset Management Plan, the Highways Asset Management Plan etc).

3.5 Where assets are held by the Council that do not fall into the above categories the Council will aim to dispose of such assets. However, it will seek to maximise the return in doing so and therefore will on occasions hold assets awaiting favourable market conditions. The retention of assets in this way will require an explicit decision to do so.

3.6 Based on the above objectives it is envisaged that capital investment will fall into four main categories:

- Assets owned by the Council to support the direct delivery of services by the Council itself.
- Assets owned by the Council to support the delivery of services by third parties where there is a strategic need/advantage in continuing to own the assets.
- Assets held for the purposes of regeneration or economic development.
- Assets held for a financial return to support the financial resilience of the Council.

3.7 In addition the Council may on occasions make capital investments in assets owned by third parties, where doing so facilitates the delivery of Council objectives, or legislative requirements.

3.8 Due to the scale of the Council's investment programme the Buckinghamshire Strategic Infrastructure Tool is being developed to provide an overview of all the strategic investment projects being undertaken to make sure all synergies and dependencies are identified. It works as a prioritisation tool so that no service areas are overcommitted from a resourcing perspective and funding gaps for infrastructure can be identified and addressed effectively.

4 Areas for Investment

4.1 Given both the Capital Investment Objectives and the Corporate Priorities described above the following list, whilst not necessarily exhaustive, describes key areas where one might expect to see investment directed.

- Investments that facilitate growth, economic development and regeneration in Buckinghamshire, such as Aylesbury Garden Town, Wycombe area regeneration, Princes Risborough growth areas, East West Rail etc
- New infrastructure such as roads and schools to support the growth in housing.
- Structural Maintenance of Highways Infrastructure.
- Structural Maintenance of Properties in which the Council has a continuing interest, including schools within the local authority family of schools.
- Meeting the statutory requirement to provide school places for all primary and secondary age children.
- Investment to increase availability of specialised accommodation to meet needs of increasing numbers of highly vulnerable adults and children.
- Assets which facilitate community involvement in services which meet corporate objectives.
- ICT Infrastructure, both to facilitate modern service delivery from the Council and within the local community, e.g. Broadband connectivity across the community, mobile phone coverage, gigabit connectivity to support the local economy.
- The re-design/re-configuration of assets or services that permit lower on-going revenue costs or halt a trend of increased revenue costs.
- New or enhanced existing assets that allow a secure revenue income stream to the Council.
- Assets that help the Council meet sustainability targets, such as reduced energy consumption/CO₂ emissions, reduced waste disposal via landfill and flood defence.
- Assets which facilitate easier access to services, including the Council's website.

- Assets which facilitate service improvements if these are identified corporate priorities and are financially sustainable on an on-going basis.
- Assets that facilitate the release of other assets, where the net effect is an increase in value to the Council.

4.2 Given that resources are limited it would not be expected that investments will be made in the following, although there might be exceptional circumstances that dictate otherwise.

- Assets which facilitate service improvements, but that are not corporate priorities.
- Assets which result in increased revenue expenditure unless meeting other key priorities.
- Assets that lead to an adverse environmental impact created by the Council unless this is unavoidable in achieving a statutory requirement, or Corporate Plan objective.
- Assets where the risk exposure exceeds the likely benefits.

4.3 Financial Investments

4.3.1 Financial Investments can fall into three categories, as defined by the Statutory Guidance issued under section 15(1)(a) of the Local Government Act 2003: Specified Investments; Loans and Non-specified Investments.

4.3.2 Specified and non-specified investments are only likely to be undertaken on either a short, or a long-term basis as part of managing the council's cash flows and are therefore covered by the Treasury Management Strategy rather than here.

4.3.3 Loans may also be used for treasury management purposes, but where they are used in support of service delivery objectives this is covered by the Loans and Guarantees Financial Instruction.

4.4 Non-Financial Investments

4.4.1 For the purposes of this strategy a non-financial investment is a non-financial asset held by the authority primarily or partially to generate a surplus. This might be through an anticipated appreciation in the capital value of the asset, or by way of

delivering a regular income stream, or a combination of both. However, in the current financial climate the emphasis is likely to be on assets that generate a regular income stream.

- 4.4.2 Although the Council remains open minded to consider a range of opportunities the high likelihood is that non-financial investments will involve property assets, however, it will not involve the investment in property assets purely for yield. Due to the consolidated portfolio inherited by Buckinghamshire Council, the impact that the Coronavirus pandemic will have on future office capacity requirements and the need to mitigate the revenue impacts on post-coronavirus income levels, the Council will look to repurpose some of its portfolio to produce an income stream and meet its corporate objectives, especially in respect of regeneration, affordable housing and economic development.
- 4.4.3 In addition, on occasions the Council may choose to purchase land or property for strategic reasons rather than just for a return and therefore expected rates of return may be narrower than a pure investment. This might be to protect existing service provision but will most likely be linked to its community leadership role in accommodating and facilitating regeneration, economic development and housing growth. This will require well documented business cases and formal decisions.

5 Funding Capital Investment

- 5.1 There are a number of potential sources of financing for the capital programme. These can be described as follows:
 - 5.1.1 **Grant Funding** - often specifically for capital purposes and also often from central government, but they may come from, or through, other agencies.
 - 5.1.2 **Capital Receipts** - receipts arising from the disposal of existing assets are constrained to only be useable for the purposes of funding new assets. Such funds when generated are held in a Capital Receipts Reserve until such time as used. The use of surplus land to deliver additional council priorities such as affordable housing, key worker housing, supported living etc can have an impact on the residual capital receipt value to the Council. These impacts will be reflected in the financial implications of reports and there is close monitoring of the delivery of capital receipts to ensure they are in line with the capital programme funding assumptions.
 - 5.1.3 **Developer Contributions** - S106 agreements and/or the Community Infrastructure Levy (CIL) effectively impose a tax on new development in order to fund infrastructure required as a consequence of the development. S106 agreements tend to relate to specific capital investment projects, but where it is more generic, the Council will use this funding to meet its capital investment priorities where these satisfy the conditions

of the s106 agreement. CIL funding is more flexible in its use and the element that is retained by the Council (15% or 25% is given to the parish/town council depending upon whether they have a neighbourhood plan) will be used to fund the Council's capital investment priorities in the Capital Programme that are able to be funded by CIL.

- 5.1.4 **Partner Contributions** - some projects may be jointly funded between the Council and other agencies, such as schools, other councils, or the Buckinghamshire Local Enterprise Partnership (BLEP). Under current arrangements the Council is the accountable body for the BLEP and thus capital expenditure on behalf of the BLEP is included in the Council's Capital Programme and funded by resources available to the BLEP.
- 5.1.5 **Prudential Borrowing** - the Council is able to borrow in order to fund its capital expenditure provided that the revenue financing costs of such borrowing are affordable and sustainable. Prudential borrowing will be considered as a source of capital funding in accordance with the Government's guidelines and with regard to the CIPFA Prudential Code for Capital Finance in Local Authorities.
- 5.1.6 **Revenue Contributions to Capital** - the Council is able to use its revenue resources to fund its capital expenditure, but obviously this then reduces the funding available for recurrent expenditure.
- 5.1.7 **Use of Earmarked Reserves** - essentially this is just a mechanism for deferring the application of one of the sources listed above, e.g. revenue contributions, or capital receipts. A typical example is the use of a Repairs and Renewals Fund.
- 5.1.8 **Leasing** - essentially this is a specialised form of borrowing linked directly to the rental of an asset.
- 5.2 The choice of funding for the capital programme and projects within it will depend upon the overall availability of resources and any constraints applicable to particular sources.
- Wherever possible external resources such as partner contributions, or grants will be the first preference for funding projects. It is likely that developer or partner contributions will only be available for specific projects. It is also possible that some grant funding is ring-fenced for specific purposes, although this tends not to be the case in recent times.
 - Prudential borrowing will be the second choice of funding but will only be used where there is a strong business case offering an appropriate rate of return. The use of the £100m Prudential Borrowing allocation approved by Council as part of the MTFP Capital Programme, will only be released following approval of a business case by Cabinet.
 - Finally, the Council's own resources (capital receipts and revenue contributions) will be used where available and affordable.

- 5.3 The Council will consider arranging borrowing via the Municipal Borrowing Agency (MBA) or other alternatives, providing it is prudent to do so and a rate below PWLB rates can be achieved. This borrowing route will be subject to approval by Cabinet before it is undertaken.
- 5.4 The Council will aim to maximise its funding for capital expenditure by bidding for grant funding, disposing of surplus assets, seeking to maximise its leverage with partners in respect of joint funding opportunities, etc. Indeed, the ability to respond to the very substantial growth agenda will be heavily dependent upon the ability to attract additional resources. This may come in the form of additional funding from Government, such as Housing Infrastructure Fund (HIF), developer contributions, or working in partnership with other bodies e.g. the BLEP, other public bodies, or the business community. A Location Asset Strategic Review (LASR) was carried out which identified opportunities to reduce the overall public property estate and thus generate capital receipts. However, this will need to be continually reviewed as there may be longer term strategic reasons to hold on to assets, improve the operational efficiency and/or repurpose to generate income as part of the consideration.
- 5.5 Although the Council will continue to bid for all the resources it can, the Government's austerity measures are leading to a tightening of grant funding and the levelling up agenda may place Buckinghamshire as a lower priority area than the rest of the country.
- 5.6 Historically the Council has provided a reasonable level of revenue contributions to fund the capital programme. However, as part of measures to keep the revenue budget in balance in the face of reduced funding and increasing service pressures the capacity to do this has been reduced to a relatively low level.
- 5.7 A £1m feasibility revenue budget has been identified and there are earmarked reserves available for feasibility work, but the Council may want to look at opportunities to increase the level of feasibility funding available when it has an opportunity to do so, given the increased importance of maximising the revenue earning potential of assets held. Generally, feasibility work is a one-off revenue cost, but it is important to mitigate risk and deliver an optimum investment solution.
- 5.8 Given the nature and lead in times in relation to regeneration and new road schemes, the Council wants to develop a longer-term strategic capital programme to cover the longer timeframes relating these significant areas of capital investment. Initial work has started on achieving this, but more work needs to be done as the key strategies identified in Section 1.6 above are developed and approved.
- 5.9 Any capital investment decision which involves prudential borrowing must include the cost of servicing the debt as part of a robust business case. Investment decisions will be approved by Cabinet and will be supported when the cashable cost reductions (or increased income) exceed the financing costs of any borrowing needed to fund the investment over its life, with a reasonable tolerance to cover off risk and scenario sensitivity. Any approval will be subject to appropriate due diligence and relevant surveys being undertaken. There will be an annual post-implementation review of projects that have been approved via the Prudential Borrowing facility to ensure that benefits have been delivered in line with approval and reported back to Cabinet.

- 5.10 Bids may be made against the prudential borrowing facility to provide loans to our companies or partners such as Consilio, Enterprise Zone, Aylesbury Vale Estates, but will ensure that the business case is robust and there is no risk to the Council.

6. Minimum Revenue Provision

- 6.1 Minimum Revenue Provision (MRP) is the charge to revenue made in respect of paying off the principal sum of the borrowing undertaken to finance the capital programme. MRP, which is largely defined by regulation, is aimed at ensuring that the council does not have time expired/fully depreciated assets, but still has associated outstanding debt.
- 6.2 Where capital expenditure was incurred before 1 April 2008 MRP will be charged on a straight-line basis over 50 years (from 1 April 2016) in line with previous budget approvals. For capital expenditure incurred on or after 1 April 2008 and funded through borrowing, the Council will calculate MRP using the asset life annuity method. Using this method MRP is calculated in a similar way as calculating the capital repayment element of a fixed rate repayment mortgage. Where borrowing relates to historic balances from the former County and District Councils, the calculation is based on the outstanding balances on 1 April 2020 and the remaining asset lives.
- 6.3 In accordance with provisions in the guidance, MRP will be first charged in the year following the date that an asset becomes operational.
- 6.4 The asset life annuity method calculation requires estimated useful lives of assets to be input into the calculations. These life periods will be determined under delegated powers to the Service Director Corporate Finance, with regard to the statutory guidance. However, the Council reserves the right to determine useful life periods and prudent MRP in exceptional circumstances where the asset life annuity method would not be appropriate.
- 6.5 As some types of capital expenditure incurred by the Council are not capable of being related to an individual asset, asset lives will be assessed on a basis which most reasonably reflects the anticipated period of benefit that arises from the expenditure. Also, whatever type of expenditure is involved, it will be grouped together in a manner which reflects the nature of the main component of expenditure and will only be divided up in cases where there are two or more major components with substantially different useful economic lives.
- 6.6 Recognising the impact of MRP on the revenue budget is an important element in determining the affordability and sustainability of borrowing to fund an asset. Essentially, if there is no on-going capacity within the revenue budget to afford the

MRP then one shouldn't take out the borrowing in the first place. This is why a robust business case demonstrating a rate of return in excess of costs (including MRP) is important.

7. Capital Risks

- 7.1 **Cost Inflation** – as well as general inflation, there is also the added HS2 construction cost pressures in the area. This is mitigated by ensuring there is sufficient contingency provided in capital project cost estimates and undertaking value engineering to stay within agreed budgets when cost pressures emerge. Funding can only be released where an appropriate business case is provided to release capital funding to the relevant capital governance board.
- 7.2 **Capital Maintenance** – Our assets will deteriorate if we do not invest sufficient capital maintenance in our existing assets. Work is still being undertaken to get condition surveys for our entire property portfolio, but when completed an assessment of the maintenance needs and provision will be made and maintenance expenditure closely monitored in the meantime for our property and highways assets.
- 7.3 **Capital Receipts** – A shortfall in the generation of capital receipts would impact on the available investment in the capital programme. Realisation of capital receipts is closely monitored and if there was any shortfall the programme would be reviewed for reductions to future years when looking at future years' capital programmes if alternative funding could not be found.
- 7.4 **Government Capital Grants** – Although the grant funding assumptions in the capital programme are prudent and realistic, there is always the risk that the Government's Levelling Up agenda could reduce the level of capital grant funding the council receives. Again, any shortfall in grant funding would be adjusted for when reviewing the capital programme each financial year if alternative funding could not be found.
- 7.5 **Capital Slippage** – If capital expenditure isn't profiled accurately then there is the risk of significant underspend against the programme. The profile of expenditure is reviewed and challenged each year to try and get it as accurate as possible. This is much more of a service delivery risk than a financial risk, but there can be financial implications from the delay in the delivery of benefits.
- 7.6 **Interest Rate Increases** – A prudent assumption is made for the likely interest rates for any borrowing costs in the programme or bids for prudential borrowing. The biggest impact could be on those capital schemes that the Council would like to support but which are only marginally viable, where any rise in interest rates may make a bid against the Prudential Borrowing facility unviable.

8. Capital Governance and Processes

8.1 Overview

- 8.1.1 This Capital Strategy sets out the framework for the governance of capital assets for the organisation. Primary responsibility for the development of the Strategy rests with the Service Director Corporate Finance, although ultimate accountability for its approval rests with Full Council in line with the Prudential Code.
- 8.1.2 The development or purchase of new assets, maintenance of existing assets and disposal of surplus assets are matters of operational and financial significance and therefore require robust governance arrangements. For this reason, the Corporate Management Team (CMT) will play a pivotal role in these governance arrangements, providing co-ordination and consistency across the organisation.
- 8.1.3 Whilst this Strategy sets out the framework for identifying, approving, implementing and reviewing capital projects, the details are set out in the Financial Instructions for Capital.

8.2 Governance Boards

- 8.2.1 Although the assets held by the Council can be as diverse as the services it delivers, they can be grouped into a few broad categories, namely: property; technology; and highways. For each of these broad categories there will be an appropriate governance board chaired by the relevant Cabinet Member and with further member representation. In addition, a Housing Infrastructure Fund Investment Board (HIF Investment Board) has been established to specifically monitor the delivery of the substantial HIF funded schemes, due to formal monitoring arrangements agreed with Homes England. These are capital governance advisory boards; Cabinet authority will still be required where a key decision is required.
- 8.2.2 The relationship between these Boards is illustrated in Appendix A. Each Board will have an officer group that will review all business cases before they go forward to the relevant Board to ensure that all due diligence has been undertaken beforehand. The Strategic Investment Assurance function in Planning Growth and Sustainability works across these boards and integrates projects and asks into the Buckinghamshire Strategic Infrastructure Tool. If it is determined that additional specialist boards are required to monitor the delivery of specific capital projects, then they will be established alongside the Property, ICT, Highways and HIF Investment Boards and report into the Corporate Capital Investment Board (CCIB).
- 8.2.3 The Growth Board is an external board which facilitates growth bids alongside the Council's partners and establishes the place-based ambition for Buckinghamshire. The Council will implement certain programmes of work to deliver the growth agenda

across Buckinghamshire. To this end, the Property, Highways and HIF Investment Boards will align to and advise the Growth Board where project delivery feeds into major growth projects they are considering, although the Growth Board is not a decision-making body of the Council.

- 8.2.4 The Property Board will cover all land and property whether held for service delivery purposes, or as an investment for financial return. It will be responsible for all land and property regardless of which services are delivered from those premises at any point in time. So, for example, it will cover multi use offices, but also care homes, highways depots, waste processing sites and other single service premises.
- 8.2.5 The ICT Board will cover all technology assets, be that laptops, screens, phones, or servers, cabling and other hidden infrastructure. It will also include capitalisable software licences and assistive technology. This will apply to technology assets owned by the council whether they are within council premises, or elsewhere.
- 8.2.6 The Highways Board will cover all highways assets, such as roads and footpaths, but also bridges, signals, road safety projects etc.
- 8.2.7 The HIF Investment Board will cover all projects that receive HIF funding from Homes England.
- 8.2.8 For any assets that do not fall readily into any of these major categories, potentially some items of plant and equipment, CMT will either allocate responsibility to one of the above Boards or exercise that responsibility directly itself.
- 8.2.9 To ensure that appropriate technical financial advice is available to each of the boards, the relevant directorate Head of Finance will be a representative on each board.
- 8.2.10 All the capital governance boards provide oversight on the delivery of the capital programme. The responsibility and accountability for the delivery of the individual schemes once funding has been released by the relevant governance board rests with Corporate Directors and their project managers.

8.3 Development of the Capital Programme

- 8.3.1 Each year the Capital Programme will be developed as part of the Medium-Term Financial Plan, culminating in approval by full Council in February each year. The table below sets out the broad timeline to be followed.

Jun – Aug	Portfolio groups/Directorates review existing programme and develop capital bids in line with relevant strategies where appropriate.
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	(Robust business cases produced and supported by the relevant Directorate Head of Finance)
Early Sep	Corporate Finance consolidates bids and reports summary to CMT CMT advise on strategy to resolve any gap.
Mid Sep	Property/ICT/Highways Capital Boards review bids and prioritise
Late Sept/ Early Oct	Service Director Corporate Finance (SDCF) convenes a Corporate Capital Investment Board meeting of Board lead Members/officers to scrutinise bids in detail and arrive at a proposal for a balanced capital programme.
Mid Oct/Nov	CMT reviews SDCF proposal and agrees recommendation to Cabinet
Dec	Cabinet approves draft capital programme for consultation
Jan -Feb	Follows MTFP approval process in parallel with the revenue budget

8.3.2 Bids to the capital programme should be prioritised by both Portfolio groups and the three governance boards taking guidance from this Capital Strategy and any relevant service priorities. The following criteria will be used to prioritise bids in order to close any gap to the available resources:

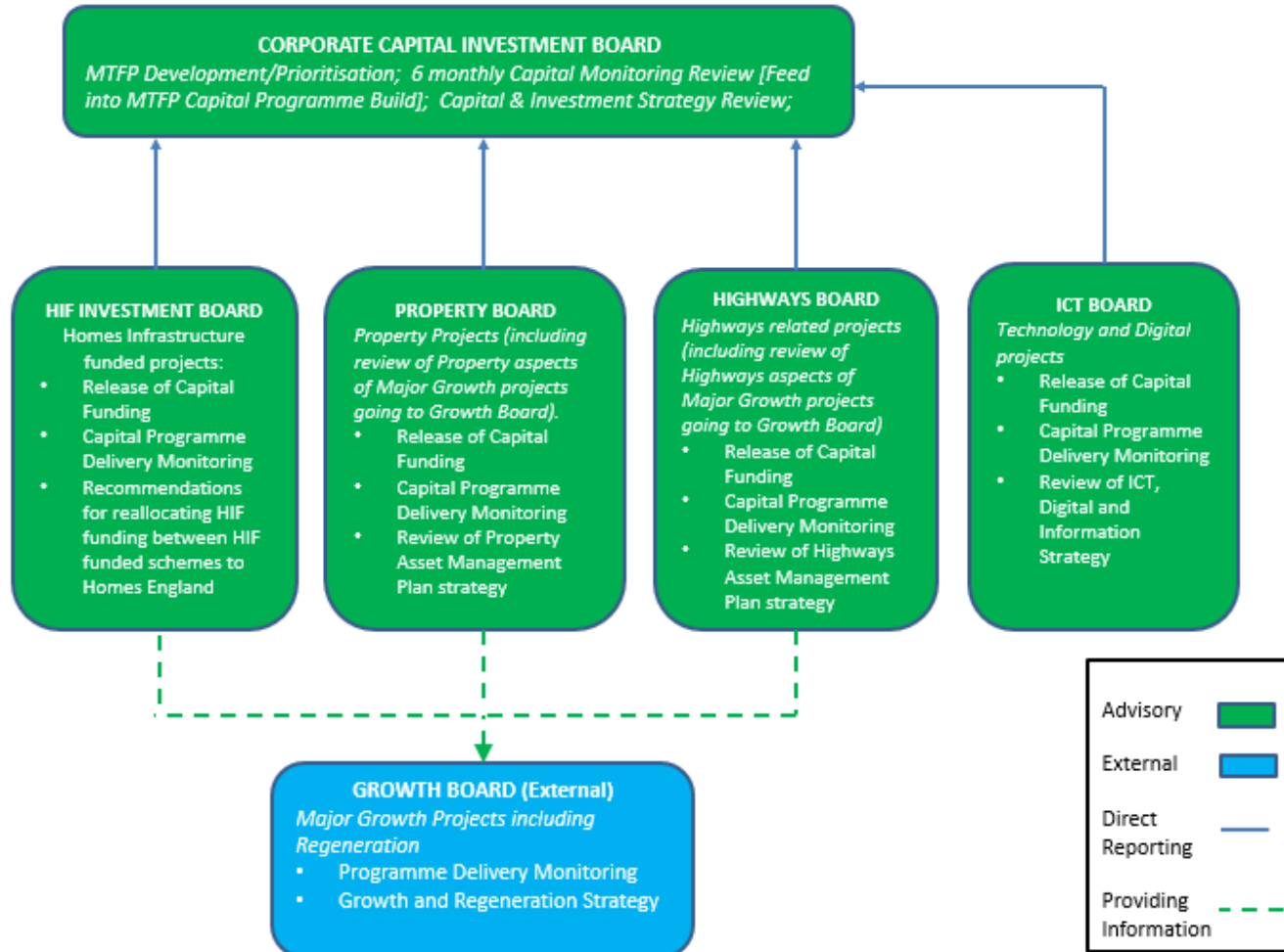
- a) Statutory requirement (e.g. H&S, school places, disabled facilities, waste collection, household waste recycling centres, statutory reporting – but only to the extent that is statutorily required).
- b) Ringfenced funding has been identified (i.e. s106 or genuinely ringfenced government grants), the scheme is fully funded, **and** aligns with corporate priorities.
- c) Strong financial business case resulting in savings paying back the cost of investment within 7 years or less or a capital receipt is generated in excess of the investment assisting with COVID recovery and financial sustainability.
- d) Maintains the life and/or quality of our assets.
- e) The scheme leverages ringfenced external funding (i.e. s106 or genuinely ringfenced government grants), the scheme is at least 50% funded **and** aligns with corporate priorities.
- f) In line with corporate and directorate priorities as set out in the Capital and Investment Strategy and the Buckinghamshire Strategic Infrastructure Tool.
- g) Provides a geographic balance to the consistency of service provision across the Council area.

8.4 Monitoring of Progress

- 8.4.1 Once the Capital Programme is approved individual schemes will be allocated to the most appropriate governance board. Each Board will then have the authority to release resources on individual schemes to project managers in line with the Capital Gateway Process, subject to the necessary requirements at that stage, e.g. outline business case, full business case, etc.
- 8.4.2 Each Board will put in place appropriate arrangements to monitor progress and drive delivery of the individual projects both in financial terms and practical delivery, effectively carrying out a high-level Programme Management Office role.
- 8.4.3 The Corporate Capital Investment Board will be convened at least on a 6 monthly basis to review the delivery of the overall capital programme for the Council.

The Buckinghamshire Council Capital Programme for 2022/23-25/26 can be found [here](#)

CAPITAL INVESTMENT GOVERNANCE ADVISORY BOARDS



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Report to Council

Date:	23 February 2022
Title:	APPOINTMENT OF EXTERNAL AUDITORS
Relevant councillor(s):	N/A
Author and/or contact officer:	Richard Ambrose (S151 Officer)
Ward(s) affected:	Not applicable

Recommendation:

- (i) To opt into the arrangements offered by Public Sector Audit Appointments (PSAA) for the appointment of External Auditors from April 2023 (Option 1), as endorsed by the Audit & Governance Committee on 25 January, 2022.

Reason for decision:

The Local Authority Audit and Accountability Act 2014 requires the decision of Full Council if it is to opt for the sector-led approach. The opt-in period starts on 22 September 2021 and closes on 11 March 2022. To opt into the national scheme from 2023/24, the Council needs to return completed opt-in documents to PSAA by 11 March 2022.

1. Executive summary

- 1.1 The report sets out proposals for appointing external auditors to the Council for the five-year period from 2023/24. The current auditor, Grant Thornton, were appointed as external auditors of the new unitary authority by PSAA until the end of 2022/23.
- 1.2 The external auditor appointed at the end of the procurement process will undertake the statutory audit of accounts and Value for Money assessment of the council in each financial year, in accordance with all relevant codes of practice and guidance. The appointed auditor is also responsible for investigating questions raised by electors and has powers and responsibilities in relation to Public Interest Reports and statutory recommendations.

1.3 The Council has a choice of the way that it can appoint its external auditors as summarised below: -

- Option 1: National Auditor Appointment Scheme - opt into the arrangements offered by PSAA (see section 3).
- Option 2: Own procurement arrangement following the procedures in the Act (see section 4).
- Option 3: To act jointly with other authorities to procure an auditor following the procedures in the Act (see section 4).

1.4 The Audit & Governance Committee met on the 25th January 2022 to consider the options and agreed to recommend Option 1 to Council.

2. Content of report

2.1 PSAA will commence the formal procurement process in February 2022 and expects to award contracts in August 2022. It will then consult with opted in authorities on the appointment of auditors so that it can make appointments by the statutory deadline of 31 December 2022. The council will need to decide whether to procure its own external auditor or opt into the national procurement framework conducted by PSAA.

2.2 As the client in the contract, a council has little influence over what it is procuring. The nature and scope of the audit is determined by codes of practice and guidance and the regulation of the audit market is undertaken by a third party, currently the Financial Reporting Council.

2.3 Everyone, even existing suppliers, agrees that the supply side of the market needs to be expanded, which includes encouraging bids from competitor firms. PSAA, the body nominated by the Government to run the national arrangements, has suggested various ways this could be done, but these initiatives are much more likely to be successful if a large number of councils sign up to the national scheme.

3. The national auditor appointment scheme

3.1 PSAA is specified as the 'appointing person' for principal local government under the provisions of the Act and the Local Audit (Appointing Person) Regulations 2015. PSAA let five-year audit services contracts in 2017 for the first appointing period, covering audits of the accounts from 2018/19 to 2022/23. It is now due to undertake the work needed to invite eligible bodies to opt in for the next appointing period (from the 2023/24 audit onwards) and to complete a procurement for audit services. PSAA is a not-for-profit organisation whose costs are around 4% of the scheme with any surplus distributed back to scheme members.

3.2 The advantages of the national opt-in scheme are:

- a) PSAA has now built up considerable expertise and experience from the first contract when circa 99% of Council's opted in.
- b) The Government's selection of PSAA as the appointing person for a second cycle reflects the Department for Levelling Up, Housing and Communities (DLUHC) (former MHCLG) confidence in them as an organisation.
- c) PSAA has worked very closely with DLUHC to enable the government to consult on changes to the fees setting arrangements to deal better with variations at national and local level; hopefully resulting in more flexible and appropriate Regulations later this year.
- d) PSAA are likely to have more negotiating advantage on both quality and price. It can seek to encourage realistic fee levels and to benefit from the economies of scale associated with procuring on behalf of a significant number of bodies.
- e) PSAA can continue to pool scheme costs and charge fees to opted-in bodies in accordance with the published fee scale as amended following consultations with scheme members and other interested parties (pooling means that everyone within the scheme will benefit from the prices secured via a competitive procurement process – a key tenet of the national collective scheme).
- f) Managing any potential conflicts as they arise during the appointment period.
- g) Minimising the scheme management costs and returning any surpluses to scheme members.
- h) ongoing contract and performance management of the contracts once these have been let.

3.3 There have been a number of external audit issues that have arisen over the last couple of years, including meeting statutory deadlines, increases to audit fees and a lack of interest from firms in carrying out local authority audits. PSAA have sought views from the sector via a consultation to understand these issues and are trying to address these in their upcoming procurement process.

4. Own or Joint procurement scheme

4.1 A council procuring its own auditor or procuring through a joint arrangement means setting up an Audit Panel to oversee the procurement and running of the contract. The majority of members of the panel must be independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to

assessing bids and choosing to which audit firm to award a contract for the Council's external audit.

4.2 The service being procured is defined by statute and by accounting and auditing codes. Therefore, as an organisation we would not be able to have more influence over auditors if we procure our own than we would through the national scheme.

4.3 The procurement process and the management of the contract would be resource intensive and is likely to result in additional costs. Possible suppliers are limited to the small pool of registered firms with accredited Key Audit Partners (KAP).

4.4 Since the last procurement it is now more obvious than ever that we are in a 'suppliers' market' in which the audit firms hold most of the levers.

5. Other options considered

5.1 See paragraph 1.3.

6. Legal and financial implications

6.1 Section 7 of the Local Audit and Accountability Act 2014 requires a relevant Council to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year.

6.2 There is a risk that current external audit fee levels could increase when the current contracts end. The scope of audit has increased, requiring more audit work. There are also concerns about capacity and sustainability in the local audit market.

6.3 Opting into a national scheme provides maximum opportunity to ensure fees are as realistic as possible, while ensuring the quality of audit is maintained, by entering a large-scale collective procurement arrangement.

6.4 If the national scheme is not used some additional resource may be needed to establish an auditor panel and conduct a local procurement. Until a procurement exercise is completed it is not possible to state what, if any, additional resource may be required for audit fees from 2023/24.

7. Corporate implications

7.1 Not applicable.

8. Local councillors & community boards consultation & views

8.1 Not applicable.

9. Communication, engagement & further consultation

9.1 Not applicable.

10. Next steps and review

10.1 If approved, then the Council needs to notify PSAA formally of acceptance of invitation to opt in by 11th March 2022.

10.2 Should the Council agree to opt into the PSAA arrangements, then these will commence from April 2023.

11. Background papers

11.1 Not applicable.

12. Your questions and views (for key decisions)

12.1 Not applicable.

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Report to Council

Date: 23 February 2022

Title: New Statement of Licensing Policy under the Gambling Act 2005

Relevant councillor(s): Cllr Nick Naylor, Cabinet Member for Housing, Homelessness and Regulatory Services.
Cllr Heather Wallace, Chairman of Licensing Committee

Author(s): Simon Gallacher, Principal Licensing Officer

Recommendations:

1. To approve and adopt the Statement of Licensing Policy for Buckinghamshire Council under the Gambling Act 2005, to take effect from 1 April 2022.

1. Introduction

- 1.1 In accordance with the Gambling Act 2005 (the 'Act'), Buckinghamshire Council, in its role as Licensing Authority, is responsible for regulating certain premises-based gambling activities within the Borough. The Council carries out this function by granting premises licence and permits and receiving notices and registrations for gambling-based activities. The Council is also responsible for the associated enforcement activity to ensure compliance under the Act. The Council's full functions under the Act are shown in Section 8 of the draft Policy. A copy of the draft Policy is shown in Appendix 1.
- 1.2 The predominant gambling activities regulated by Buckinghamshire Council relate to betting shops, adult gaming centres, bingo premises, gaming and gaming machines and registering small society lotteries.
- 1.3 The Council shares responsibility for regulating gambling activities with the Gambling Commission. The Gambling Commission are the national regulator for gambling and are responsible for issuing operator licences and personal licences (where required), regulating online gambling and the National Lottery, and issuing guidance to local licensing authorities.
- 1.4 Under section 349 of the Act, the Council is required to prepare and publish a Statement of Licensing Policy, ('Policy'), which sets out its approach to the

consideration and determination of applications made under the Act and any subsequent necessary compliance and enforcement action. As with the Licensing Act 2003, the way the Council performs its duties under the Act is guided by prescribed objectives. For the purposes of regulating gambling activities these objectives are:

- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- b) ensuring that gambling is conducted in a fair and open way
- c) protecting children and other vulnerable persons from being harmed or exploited by gambling

1.5 The Council's licensing service is currently operating under separate legacy policies and fees, reflecting the four former district council areas. Under the terms of the transitional legislation, Buckinghamshire Council has two years to prepare and publish a new single policy under the Act and align service provision. The deadline for publication and implementation of the new Policy is no later than 1 April 2022. The new Policy must be published at least four weeks before it is effective, the deadline for publication of the Policy is therefore 4 March 2022.

1.6 Following a five-week period of public consultation, a new Policy has been drafted and approved by the Council's Licensing Committee with a recommendation that it now be adopted by the Council.

2. Main Report

2.1 On 20th October 2021, the Licensing Committee agreed a draft Policy for public consultation. The Licensing Committee report of 20th October 2021 sets out in more detail the necessary statutory and other considerations and requirements in producing a new draft Policy. A link to the report is provided in the key document section of this report.

2.2 The Act is prescriptive in terms of the information to be provided within the Policy statement, resulting in noticeable similarities between local authority statements. It is also important to highlight a number of areas related to the regulation of gambling activity which the Council is unable to influence (paragraphs 2.3 to 2.7 below):

2.3 Moral or ethical objections are not considered valid reasons to reject applications. The Gambling Commission statutory guidance clearly states, (paragraph 5.34):

"Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives. An

authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)."

- 2.4 The Council cannot determine the level of stakes and prizes for gambling activities as these are prescribed by legislation.
- 2.5 The Council has no regulatory control related to online gambling activity (remote gambling) and sale of National Lottery products; these are regulated by the Gambling Commission
- 2.6 The Council, in its role as Licensing Authority, cannot consider whether or not a premises complies with law related to planning or building regulations when determining licence applications. (Section 210 of the Act). These matters are dealt with under separate legislation.
- 2.7 The Council cannot consider expected demand for the gambling facilities proposed, sometimes referred to as commercial need, when determining licence applications. (Section 153(2) of the Act).
- 2.8 However, the Council is able to influence the following important areas, and these matters are reflected in the draft Policy:
- 2.9 **"Interested parties"**. These are persons other than responsible authorities who the Council consider eligible to make representation, and seek review, in relation to licence applications. (draft Policy section 5). Councils are able to stipulate within their policies the criteria they intend to apply in establishing whether a party fulfils the definition of interested party. The draft Policy sets out broad parameters and proposes that the Council will adopt an "open mind" in this respect. The draft Policy makes it clear that interested parties includes ward councillors and town and parish councils and that these parties will also be consulted when licence applications are submitted in their area.
- 2.10 **Approach to enforcement.** The draft Policy sets out the proposed approach to enforcement. A proactive and reactive approach to enforcement is necessary to safeguard the licensing objectives. The Council, in reviewing applications for premises licences, will have regard to the measures put in place to ensure compliance with the licensing objectives (draft Policy section 19) and in the use of proactive visits to ensure that the required safeguards are in place and being complied with. For example, when considering the protection of children and vulnerable people from being harmed or exploited. These safeguards include procedures for monitoring customer gambling activity and intervention policies, access to problem gambling support literature and effective self-exclusion policies. Underage test purchase exercises can help ensure licensed premises have robust measures to prevent underage gambling.

- 2.11 **Risk assessments.** Gambling operators are required to assess the local risks posed by the provision of gambling facilities at their premises and consider whether these risks may undermine the licensing objectives. Among other factors, the risk assessment must take into account relevant matters identified in the Council's Policy. The Council can refer to the content of an operators risk assessment as a means of assessing whether risks have been adequately assessed and appropriate control measures are in place to address the licensing objectives. The draft Policy (draft Policy section 15) sets out expectations on operators with respect to the content and sharing of risk assessment.
- 2.12 **Local Area Profiles, ('LAPs').** To assist Council decision making and operators when preparing and reviewing their risk assessment, Councils are encouraged to prepare and publish LAPs to provide, or signpost, relevant geographical information to help identify areas at higher risk to the licensing objectives. This information may include such things as locations of schools and colleges and treatment services provided for those with gambling problems. The Council's licensing service has prepared a draft LAP, (Appendix 2). It is intended that this document be referenced in the Policy but published outside of the Policy to allow timely modifications to be made to its content without the requirement for full consultation.
- 2.13 **Licence fees** for premises licences. Unlike the Licensing Act 2003, the Council has the power to determine the appropriate level of licence application and ongoing maintenance fees for licensed gambling premises, within statutory limits. This helps to ensure that fees can be set at a level to secure full cost recovery of Council costs. The Licensing Committee have agreed a schedule of fees to be implemented from 1 April 2022. Fee levels have been set at levels estimated to ensure recovery, without incurring a surplus and will be kept under regular review. Further information about the approved fee levels is provided in the Licensing Committee report of 20th October 2021.
- 2.14 **Casino resolution.** The Council has the authority to pass a resolution not to licence any casinos. Of the legacy councils, only Chiltern District Council had adopted such a resolution. The number and location of casinos permitted nationally are controlled by legislation. The locations of the eight large and eight small casinos permitted under the regulations have been allocated and it is not currently possible to grant any casino licences within Buckinghamshire Council's area. For this reason, it is not deemed necessary to consider whether or not a "no casino" resolution is required. Further information on casinos is provided within the Licensing Committee report of 20th October 2021.

Consultation

- 2.15 The draft Policy agreed by Licensing Committee on 20th October 2021 was subject to a five week public consultation exercise, which included direct communications with

all statutory consultees and other stakeholders or bodies and groups who might be affected by gambling activities in the Buckinghamshire Council area. The consultation ran from the 1st November until the 10th December 2021.

- 2.16 Nine responses were received to the consultation, eight by way of response to an online survey through Your Voice Bucks and one by way of letter. Whilst the response rate may appear low, this is by no means unusual for public consultations on local authority gambling policies and typically a low number of responses are received. Of the online responses, four agreed, or strongly agreed with the policy (response from Thames Valley Police), three were neutral, and one disagreed. A letter was submitted on behalf of the Betting and Gaming Council.
- 2.17 In light of comments made by consultation respondents, some minor amendments were made to the draft Policy wording, where considered appropriate and consistent with statutory guidance from the Gambling Commission. In addition to wording changes, the draft Policy has been amended to include a commitment to notify ward councillors and local town and parish councils when an application for a new or variation of gambling premises licence is made in their area. This approach mirrors the approach adopted in the Licensing Act 2003 recently approved by the Council with a view to facilitating greater community engagement in local decision making.
- 2.18 On 2nd February 2022, the Licensing Committee considered the consultation responses and proposed amendments to the draft Policy. Members unanimously agreed to recommend the revised version of the draft Policy for adoption by the Council. Full details of the consultation responses are contained in the Licensing Committee report of 2nd February 2022. A link to this report is provided in the key documents section.

3. Next steps and review

- 3.1 If approved, an adopted version of the Policy will be published together with the statutory notice 4 weeks before the new policy takes effect on 1st April 2022.
- 3.2 Once adopted and published, the Council has a legal obligation to review and consult on the policy content at least every 3 years.

4. Other options considered

None. The preparation and publication of a Statement of Licensing Policy under the Gambling Act 2005 is a legal requirement under section 349 of the Act. Failure to do so would be likely to result in legal challenge and reputational damage to the Licensing Authority.

5. Legal and financial implications

- 5.1 Section 349 of the Gambling Act 2005 requires licensing authorities to prepare, review and publish a statement of licensing policy at least every three years, which sets out how the authority will consider and determine applications made under the Act along with its approach to enforcement activities.
- 5.2 The Act is prescriptive in terms of the information to be included within the policy and in producing any such policy the authority must take into account the Gambling Commission's Guidance to Licensing Authorities, the licensing objectives, any relevant Codes of Practice and any consultation responses received.
- 5.3 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 require that a policy once adopted must be published, along with a statutory notice, at least four weeks before the policy takes effect.
- 5.4 The work involved in preparing and publishing the new Statement of Licensing Policy is a function of the Licensing Service with the work performed by officers as part of their duties. No significant additional costs to the Council are envisaged.

6. Corporate implications

- 6.1 Protecting the vulnerable – The licensing objectives underpinning the Gambling Act 2005 include the requirement to protect children and other vulnerable persons from being harmed or exploited by gambling. It is important that the Licensing Authority clearly sets out the measures it intends to take to fulfil this objective within the policy document.
- 6.2 Property – N/A
- 6.3 HR – N/A
- 6.4 Climate change – N/A
- 6.5 Sustainability – N/A

Equality – an equality impact screening assessment has been completed which indicates that a full equalities impact assessment is not required
- 6.6 Data – N/A
- 6.7 Value for money – the Licensing Service has ensured that the costs involved in delivering the service are kept to a minimum whilst also ensuring that the provision of the service is cost neutral.

Key documents:

Appendix 1

[Statement of Licensing Policy under the Gambling Act 2005](#)

Appendix 2

[Draft Local Area Profile](#)

Report to Licensing Committee of 20th October 2021 (Item 6)

<https://buckinghamshire.moderngov.co.uk/ieListDocuments.aspx?CId=349&MId=17178>

Report to Licensing Committee of 2nd February 2022 (Item 4)

<https://buckinghamshire.moderngov.co.uk/ieListDocuments.aspx?CId=349&MId=16904>

Gambling Commission statutory “Guidance to licensing authorities”

Gambling Act 2005, Section 25

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

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Statement of Licensing Policy

under the

Gambling Act 2005

April 2022

Contents

PART A	4
GENERAL PRINCIPLES	4
1. The Licensing Objectives	4
2. Introduction	5
3. Declaration	6
4. Responsible Authorities	6
5. Interested parties	7
6. Exchange of Information	8
7. Enforcement	9
8. Licensing Authority functions	10
9. Electronic submissions and Communication	10
PART B	11
PREMISES LICENCES	11
10. General	11
11. Decision-making	11
12. Definition of “premises”	11
13. Split premises	12
14. Premises “ready for gambling”	12
15. Risk assessment	13
16. Local Area Profiles	14
17. Planning	14
18. Duplication with other regulatory regimes	15
19. Licensing objectives	15
20. Conditions	19
21. Door Supervisors	19
22. Adult Gaming Centres / Licensed Family Entertainment Centres.	20
23. Casinos	20
24. Bingo premises	20
25. Betting premises	21
26. Tracks	22
27. Provisional Statements	22
28. Reviews	23
PART C	25

Permits / Temporary & Occasional Use Notice	25
29. Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)	25
30. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1)).....	26
Automatic entitlement: 2 machines	26
31. Permit: 3 or more machines	26
32. Prize Gaming Permits.....	27
33. Club Gaming and Club Machines Permits.....	27
34. Temporary Use Notices.....	28
35. Occasional Use Notices	28
Appendix 1	30
Buckinghamshire Council area	30
Appendix 2	31
List of Consultees	31
Appendix 3	32
TABLE OF DELEGATIONS OF LICENSING FUNCTIONS	32

PART A

GENERAL PRINCIPLES

1. The Licensing Objectives

The Gambling Act 2005 regulates most forms of gambling in the UK and places control of some gambling activities in the hands of local authorities.

In exercising their functions under the Gambling Act 2005 (“the Act”), the Licensing Authority (Buckinghamshire Council) will have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

While the term “vulnerable” is not defined in the Act, the Gambling Commission assumes for regulatory purposes that vulnerable people include those who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health issues, a learning disability or substance misuse relating to alcohol or drugs. The Licensing Authority will make the same assumptions when exercising its powers under the Act.

The Licensing Authority will work with partners such as the police, the Gambling Commission, GamCare and other treatment providers to ensure that gambling is fair and open, kept free from crime and protects those who are underage or vulnerable from being harmed.

In making decisions in relation to the grant or otherwise of premises licences under section 153 of the Act, the Licensing Authority will aim to permit the use of premises for gambling in so far as the proposed activities are reasonably consistent with:

- any relevant code of practice,
- any relevant guidance issued by the Commission,
- the licensing objectives, and
- the Licensing Authority’s Statement of Licensing Principles

When making any application under the Act, applicants are strongly advised to provide sufficient relevant information to enable the Licensing Authority to properly determine their application in light of the requirements in section 153.

2. Introduction

Buckinghamshire Council is a unitary authority created in April 2020 from Buckinghamshire County Council and the Aylesbury Vale, Chiltern, South Bucks and Wycombe District Councils.

A map of the Council area is at Appendix 1.

Licensing authorities are required by the Act to publish a statement of the principles which they intend to apply when exercising their functions under the Act. The statement, or policy, must be reviewed and published from time to time or at least every three years.

This policy is divided into three sections. The first deals with general principles relating to the implementation of the Gambling Act 2005. The second concentrates on premises licences and provides guidance on the Licensing Authority's approach in considering applications. The final section relates to permits issued under the Act.

Licensing authorities are responsible for licensing premises for gambling activities e.g. gaming machine arcades, betting shops, casino gaming and bingo. Residents who are, or who could be, affected by premises providing gambling facilities have an opportunity to influence decisions, subject to the licensing objectives. The Licensing Authority is also able to work with other stakeholders to protect children and vulnerable people from being harmed or exploited by gambling activities.

The responsibility for regulating gambling is shared between the Gambling Commission and licensing authorities.

The Gambling Commission is responsible for issuing operating licences to organisations and individuals who provide facilities for gambling and personal licences to persons working in the gambling industry. The Commission takes the lead role on ensuring that gambling is conducted in a fair and open way through the administration and enforcement of operating licence and personal licence requirements. The Commission is also responsible for remote gambling activities such as facilities provided via the internet, television or radio.

The Gambling Commission issues national guidance to licensing authorities which must be taken into account when exercising their functions under the Act and preparing statements of licensing policy.

A full consultation process must be carried out when preparing any statement of licensing policy and a list of consultees in this respect is provided as Appendix 2. The Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

Consultation took place on this policy between 1st November 2021 and 10th December 2021 and the policy was approved at a meeting of the Full Council on **INSERT DATE**.

Any comments in relation to this policy should be sent by email to licensing@buckinghamshire.gov.uk or by post to: Licensing Service, Buckinghamshire Council, The Gateway, Gatehouse Way, Aylesbury, Bucks, HP19 8FF.

This policy statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence – all of which will be considered on their own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

In producing the final statement, the Licensing Authority declares that it had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses from those consulted on the statement.

4. Responsible Authorities

For the purpose of the Gambling Act 2005, the following are responsible authorities in relation to the licensing of premises under the Act:

- A licensing authority in whose area the premises are wholly or partly situated
- The Gambling Commission
- Thames Valley Police
- Buckinghamshire Fire and Rescue
- The Planning Department
- The Environmental Health Department
- Buckinghamshire Safeguarding Children Partnership
- HM Commissioners of Customs and Excise

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

The Licensing Authority designates the Buckinghamshire Safeguarding Children Partnership for this purpose.

Contact details for all of the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at:

<https://www.buckinghamshire.gov.uk/business/licences-and-permits/>

5. Interested parties

Interested parties can make representations about licence applications or apply for a review of an existing licence. To be an 'interested party' a person must meet one of the following criteria:

- live sufficiently close to the premises to be likely to be affected by the gambling activities
- have business interests that might be affected by the gambling activities
- represent persons in either of the groups above, e.g. residents' and tenants' associations, trade unions and trade associations, partnerships, charities, community groups, faith groups, medical practices, , Parish and Town Councillors, Council Members and MPs.

When considering whether a person lives sufficiently close to the premises, the Licensing Authority will take into account:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises, for example the number of customers and routes likely to be taken by those visiting the establishment
- the circumstances of the person making the representation. This is not their personal characteristics, but their interests which may be relevant to the distance from the premises.

In considering whether someone is likely to be affected, the Licensing Authority recognises that there is a broad context in which people may possibly be affected by premises providing gambling facilities in their vicinity. The Licensing Authority will maintain an open mind when considering the circumstances presented in any representation.

Having a 'business interest' will be given the widest possible interpretation and include community and voluntary groups, schools, charities, faith groups and medical practices. The Licensing Authority will consider the following factors to be relevant when determining whether a person's business interests may be affected:

- the size of the premises
- the catchment area of the premises, for example how far people travel to visit the premises
- whether the person making the representation has business interests in the affected catchment area

The Licensing Authority will not take into account representations that are:

- vexatious

- frivolous
- will certainly not influence the authority's determination of the application

Details of applications and representations referred to a licensing sub-committee for determination will be published in a report which is placed on the Council's website in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details will be redacted from representations in the website version of reports.

With a view to facilitating community engagement in the licensing process, the Licensing Authority will ensure that ward councillors and local town and parish councils are notified when a new or variation application is submitted in their area. The purpose of this approach is not to solicit representations to an application but merely to ensure local communities are notified when applications are made.

Names and addresses of people making representations will be disclosed to applicants to enable discussions to take place between the parties to resolve or reduce the areas of dispute. This information will only be withheld from disclosure on the grounds of personal safety where the Licensing Authority is specifically asked to do so and there is evidence to support concerns.

6. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising their functions under sections 29 and 30 of the Act in relation to the exchange of information between it and the Gambling Commission, and their functions under section 350 of the Act in relation to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provisions that the Data Protection Act 2018 will not be contravened. The Licensing Authority will also have regard to any guidance issued by the Gambling Commission on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

The Gambling Commission can require the Authority to provide specific information if it forms part of our licensing register or we hold it in connection with our licensing functions under the Act. We may also exchange information with other persons or bodies listed below for use in the exercise of functions under the Act.

- A constable or police force
- An enforcement officer
- A licensing authority
- HMRC
- The First Tier Tribunal
- The Secretary of State

Exchanges of information will be conducted in a timely and accurate fashion and confirmed in writing in all cases.

Any protocols that are established relating to information exchange with other bodies will be made available at www.buckinghamshire.gov.uk.

7. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising their functions under Part 15 of the Act in relation to the inspection of premises and their powers under section 346 of the Act to institute criminal proceedings in relation to specified offences.

The Licensing Authority will be guided by national guidance and will endeavour to be:

- Proportionate: regulators should only intervene when necessary and remedies should be appropriate to the risk posed. Costs should be identified and minimised;
- Accountable: regulators must be able to justify decisions and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open and keep regulations clear; and
- Targeted: regulation should be focused on the problem.

As the national guidance advises, the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible. A risk-based approach to enforcement will be adopted based on;

- The licensing objectives
- Relevant codes of practice issued by the Gambling Commission
- Guidance issued by the Gambling Commission; and
- The principles set out in this statement of licensing policy

The Licensing Authority will also have regard to the Regulators' Code issued by the Better Regulation Delivery Office.

The purpose of the Code is to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate. The Code also aims to promote efficient and effective approaches to regulatory inspection and enforcement, improving the outcome of regulation without imposing unnecessary burdens.

The main enforcement and compliance role for licensing authorities under the Act is to ensure compliance with the requirements of premises licences and other permissions which it authorises. In circumstances where the Licensing Authority is made aware of possible unlawful gambling activities at premises within the Council's area, Licensing Officers will carry out investigations and take robust enforcement action where evidence of offences is established.

Any decisions made in terms of sanctions, including prosecution, will be made in accordance with the Code of Crown Prosecutors.

The Gambling Commission is the enforcement body for operating and personal licences. Concerns about the manufacture, supply or repair of gaming machines are not within the

remit of licensing authorities and should be notified to the Gambling Commission at www.gamblingcommission.gov.uk.

8. Licensing Authority functions

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences, including the investigation of complaints and review of licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes where certain gaming activities are proposed to take place by issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to commercial clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol on the premises (under the Licensing Act 2003) where there are more than two gaming machines
- Register small society lotteries which fall below prescribed thresholds
- Issue Prize Gaming Permits
- Receive, endorse and, if necessary, determine Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on information exchange)
- Maintain registers of the permits and licences that are issued under these functions.

Local licensing authorities are not involved in licensing remote gambling which is the responsibility of the Gambling Commission through operating licences. Remote gambling means gambling where participation is by the use of the internet, telephone, television, radio or any other kind of electronic or other technology for facilitating communication.

9. Electronic submissions and Communication

The Licensing Authority welcomes the use of electronic communication, such as email, which is considered to be an efficient and cost effective means of communication. The Licensing Authority also welcome applications, notices and representations submitted via email, or by other electronic means available, to the Licensing Service. Further information and application forms are available on the Council's website via the following link:

<https://www.buckinghamshire.gov.uk/business/licences-and-permits/>

PART B

PREMISES LICENCES

10. General

Premises licences will be subject to the requirements set out in the Gambling Act 2005 and other relevant legislation including specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others where it is appropriate to do so.

11. Decision-making

The Licensing Authority aims to permit the use of premises for gambling in accordance with the requirements of the Act. The Licensing Authority considers it important to emphasise that the reference to “aim to permit” under section 153 does not create a “presumption to grant”. The Licensing Authority will allow premises to be used for gambling insofar as it considers the proposed activity to be:

- in accordance with any relevant code of practice or guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the authority’s statement of licensing principles.

The ‘aim to permit’ framework provides wide scope for the Licensing Authority to impose conditions on a premises licence or to reject, review or revoke premises licences where there is a potential conflict with the relevant codes of practice, relevant guidance issued by the Commission, the licensing objectives or the Licensing Authority’s own statement of policy.

The general approach expressed in this policy does not override the right of any person to make an application and to have that application considered on its merits.

As far as is possible the Licensing Authority will avoid duplication with other regulatory regimes, such as planning and building control regulations.

The Licensing Authority will not take into account demand for gambling premises or representations based on moral objections when making decisions.

12. Definition of “premises”

In the Act, "premises" is defined as including "any place" and section 152 prevents more than one premises licence applying to any place. A single building could, however, be subject to more than one premises licence, provided they apply to different parts of the building and those parts can be reasonably regarded as being separate premises. In considering whether it is lawful to licence part of a building, the Licensing Authority will take into account national guidance issued by the Gambling Commission.

In deciding whether a proposed licence for part of a premises is consistent with the licensing objectives, the Licensing Authority will pay special attention to the need to protect children.

As advised by the Gambling Commission, children should be protected not only from taking part in gambling, but also from being in close proximity to gambling. Premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

13. Split premises

The Licensing Authority will always give the closest consideration to whether a sub-division has created separate premises meriting a separate machine entitlement.

The Authority will not automatically grant a licence for sub-divided premises even if the mandatory conditions are met, particularly where the Authority considers that this has been done in order to avoid controls on the number of machines which can be provided in single premises. The Authority will consider whether the sub-division conflicts with the licensing objective of protecting the vulnerable. The Authority may also take into account other relevant factors as they arise on a case-by-case basis.

14. Premises “ready for gambling”

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

An application for a provisional statement should be made in cases where construction of a premises is not yet complete or the building needs to be altered, or if the applicant does not yet have a right of occupation.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, the authority will determine applications on their merits, applying a two stage consideration process ¹:

- First, whether the premises ought to be permitted to be used for gambling
- Second, in deciding whether or not to grant the application, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place e.g. if a reasonably accurate statement can be provided as to when the works will be completed the licence may be issued with a future commencement date or a condition which states that the licence shall not commence until the premises have been completed in all respects in accordance with the scale plans that accompanied the licence application.

Applicants should note that the Licensing Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found in Part 7 of the Gambling Commission guidance.

¹(The Queen (on the application of) Betting Shop Services Limited –v- Southend-on-Sea Borough Council [2008] EWHC 105 (Admin))

15. Risk assessment

Gambling operators, such as those operating betting shops and adult gaming centres, are required to assess local risks posed by the provision of gambling facilities at each of their premises and how these risks may undermine the licensing objectives.

Local risk assessments must take into account any relevant matters identified in the Licensing Authority's statement of licensing policy.

Risk assessments should take into account the risks presented by the local landscape, such as the premises' exposure to particular vulnerable groups and crime. For example, premises located near temporary accommodation for the homeless or addiction rehabilitation centres will require specific risk identification and appropriate control measures to be put in place.

Operators are required to produce or update a risk assessment when:

- applying for a new premises licence
- applying for a variation to a premises licence
- significant changes in the local environment or at the premises warrant the review of a risk assessment

It is the operator's responsibility to identify when significant changes require their existing risk assessment to be reviewed. To assist, the Licensing Authority will notify licensed operators when changes are made to the Local Area Profile which accompanies this policy. The characteristics identified in local area profiles are not exhaustive and operators may identify other significant factors that they need to take into account. Operators are expected to take a proactive approach in reacting to significant changes to the local environment and they should not wait to be notified by the Licensing Authority before reviewing their risk assessment to account for a change in local circumstances.

Operators will need to review their risk assessment when changes occur at their premises, arising for example from changes to layouts or working practices.

The Council expects risk assessments to be structured in a manner that offers sufficient assurance that a premises has suitable controls and procedures in place. These control measures should reflect the level of risk within the particular area, which will be determined by local circumstances.

Risk does not necessarily relate to events that have happened but also to events that could happen. Risk is related to the probability of an event happening and the likely impact of that event on one or more of the licensing objectives.

The Licensing Authority will challenge an operator's risk assessment where it can be evidenced that there are local risks that the operator has failed to take into consideration or where proposed control measures are deemed to be inadequate.

Licencees and applicants are required to share their local risk assessments with licensing authorities when applying for a premises licence, applying for a variation to an existing premises licence or otherwise at the request of the licensing authority.

It is considered to be good practice for operators to hold a copy of local risks assessments at the premises to which it relates.

Information provided within risk assessments may be used by the Licensing Authority when determining applications for new licences, variations, provisional statements and reviews. Operators are strongly encouraged to refer to relevant information provided with the Local Area Profile in conjunction with the licensing objectives when formulating or reviewing their risk assessments.

16. Local Area Profiles

Local Area Profiles can provide significant benefits in raising awareness of local risks to the licensing objectives in an area. They enable the Licensing Authority to better serve the local community by identifying the risks within it, providing greater clarity for operators, improving decision making and encouraging a proactive approach.

The Licensing Authority, in conjunction with partner agencies, will produce and publish a Local Area Profile which will be made available on the Council's website and on request from the Licensing Service. The profile will provide geographical information, associated with key characteristics which have been identified as representing higher levels of risk to one or more of the licensing objectives.

The Licensing Authority expects operators of licensed premises to utilise the latest Local Area Profile information when formulating and reviewing their risk assessments. Operators are expected to establish whether the proposed or actual site of their gambling premises falls within a high risk area. Operators will be expected to demonstrate that they have fully considered the potential impact of the operation of gambling facilities at their premises on the promotion of the licensing objectives in the local area.

The Licensing Authority will refer to the latest Local Area Profile information when considering all licence applications.

The Licensing Authority will seek to restrict facilities for gambling in areas where it considers that vulnerable persons will be put at potential risk of harm. Each case will be decided on its merits, however, and new and existing operators will be given the opportunity to demonstrate how they might overcome Licensing Authority concerns prior to determination of any licence application.

17. Planning

The Licensing Authority will not take into account the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

Further, when dealing with a premises licence application for finished buildings, the Licensing Authority will not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning controls and building regulation powers and do not form part of the consideration for the premises licence.

The Licensing Authority will, however, consider whether compliance with a planning or building regulation consent would interfere with compliance with licence conditions or the licensing objectives.

18. Duplication with other regulatory regimes

The Licensing Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including health and safety and fire regulation.

19. Licensing objectives

The Licensing Authority is determined that the residents of, and visitors to Buckinghamshire should be provided with high quality well managed venues for betting and gaming, whilst reducing the risk of crime and disorder and protecting children and the vulnerable. For these reasons the Licensing Authority will expect detailed plans from operators to show how the objectives will be met.

19.1 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

Licencees and applicants will be expected to demonstrate through their risk assessment that they have given careful consideration to this requirement and that appropriate control measures have been put in place to ensure compliance.

Licence applications, including review applications, made in areas with higher levels of crime and/or disorder associated with gambling premises will receive particular attention by the Licensing Authority.

The Licensing Authority will expect licence holders and applicants to demonstrate that they have robust control measures in place to tackle crime and disorder issues. In circumstances where the Licensing Authority considers that the proposals are inadequate, additional conditions may be imposed.

Appropriate control measures that may be considered include (but are not limited to):

- Provision of comprehensive CCTV, including details of areas covered and arrangements for operation, monitoring and maintenance.
- Conspicuous warning signs in appropriate places relating to use of CCTV, zero drug tolerance policies, zero staff abuse policy.
- The layout of the premises, enabling staff to have an unobstructed view of customers, machines, entry points and access to toilets.
- Use of fixed/secured furniture.
- Minimum staff levels and arrangements for ensuring staff safety.
- The location of gaming machines and gaming machine design.
- Robust incident reporting procedures.
- Provision of SIA registered door supervisors at key times or days of the week.
- Use of a search policy.
- Strategically placed panic buttons, burglar alarms and personal alarms

- Barring procedures and alerts systems.
- Active participation in Betwatch or similar schemes.
- Encouragement of customers to report crime and disorder issues.
- Appropriate lighting levels.
- Arrangements for monitoring the immediate vicinity of premises.
- Measures to prevent street drinking, urinating in the street, begging, drug taking, litter and obstruction of the public highway associated with the premises.
- Liaison with local police with regard to local crime trends.
- Provision of toilets, with suitable maintenance and monitoring arrangements in place.
- Comprehensive staff training including incident reporting, spotting signs of drug use, crime scene preservation, CCTV and conflict resolution.
- Removal of gambling facilities at certain times or days associated with high risk of crime and disorder.
- Use of security counter screens.

In circumstances where the Licensing Authority considers that the risk to the crime and disorder objective cannot be sufficiently mitigated by either the proposed control measures or additional conditions, an application may be refused or licence revoked in the case of a review application.

19.2 Ensuring that gambling is conducted in a fair and open way

Generally, the integrity of operators of licensed gambling premises will be vetted by the Gambling Commission. Operating and personal licences issued by the Gambling Commission need to be in place prior to licensed premises becoming operational. As a result, the Gambling Commission will generally take the lead in determining whether gambling is being conducted in a fair and open way, although the Licensing Authority will share any relevant information with the Commission in this respect to assist with decision-making and to enable them to carry out effective investigations.

The provision of unauthorised facilities for gambling can be deleterious to the fairness and transparency objective. Examples of unauthorised activity include the provision of illegal gaming machines, unlicensed betting syndicates and “underground” card schools. The Licensing Authority will take robust enforcement action where it is established that unauthorised gambling is taking place at premises within the council area.

19.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Act defines ‘child’ as those persons under 16 years of age and ‘young persons’ as those persons aged 16 or 17. For the purposes of this policy, the Licensing Authority considers “children” to refer to all persons under 18 years old.

The term ‘vulnerable persons’ is not defined within the Act although the Gambling Commission does offer some guidance in this respect which includes:

- People who gamble more than they want to.

- People who gamble beyond their means.
- People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

The Licensing Authority considers that 'vulnerable persons' include those listed above but this list is not exhaustive.

The Licensing Authority is aware that the impact of gambling is complex. It is not just the gambler who may be vulnerable to harm or exploitation but also their friends, family, customers and staff at gambling facilities along with the wider society.

What constitutes 'harmed or exploited' is not defined within the Act. There are various issues associated with compulsive or problem gambling including physical, psychological and social harms.

Licensees and applicants will be expected to demonstrate through their risk assessment that they have given careful consideration to indications of deprivation in the local area and the impact of their gambling activities on young people, the homeless, the unemployed, those affected with mental health conditions, those on low incomes and those from identified vulnerable ethnic minority groups, who may be living in or visiting the local area.

Licence applications, including review applications, in areas of where there is a higher degree of concern because of increased risk of harm to or exploitation of children and/or vulnerable persons will receive particular attention by the Licensing Authority.

Licensees and applicants will be expected to demonstrate through their risk assessment that they have given careful consideration to protecting children and vulnerable persons from harm and exploitation and have robust control measures in place. In circumstances where the Licensing Authority considers that the proposals are inadequate, additional conditions may be imposed.

Appropriate control measures that may be considered include:

- Use of refusal logs to record failed proof of age ID checks
- Conspicuous signage advertising proof of age policy
- Use of till prompts to remind staff to implement proof of age policy
- Leaflets offering assistance to problem gamblers prominently displayed on the premises
- Notices displayed on the premises, in appropriate languages, to signpost support services for problem gamblers
- Documented staff training, with regular refresher training, with a focus on identifying vulnerable persons and implementing appropriate strategies for action where necessary
- Maintaining records of customer interactions where staff have concerns that a customer's behaviour may indicate problem gambling
- Regular staff meetings to discuss and identify local vulnerability issues
- Robust implementation of self-exclusion schemes, supported with signposting to appropriate sources of support and advice e.g. GamCare and Gamblers Anonymous
- Records to be maintained of self-exclusions schemes
- Rules being available in relation to the acceptance of bets, void bets, late bets and maximum pay-outs

- Written procedures in place and available in relation to handling customer complaints and the resolution of disputes and the arrangements for referring disputes to an identified independent person or body offering alternative dispute resolution services
- Windows and entrance displays designed so as not to entice passers-by
- Designing the layout, lighting and fitting out of the premises so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling
- Promotional material associated with the premises will be designed not to encourage the use of the premises by children or young people if they are not legally allowed to do so
- Regular liaison with local support services to identify emerging trends and existing issues in respect of vulnerability
- Avoidance of incentives to enter or loiter within shops, for example by not offering free food and drink or prohibiting customers from bringing their own refreshments
- Active participation and support for local forums that support the licensing objectives
- Avoidance of loan working, particularly in high risk areas
- Positioning gaming machines so they are not visible to passers-by
- Daily staff diaries to record any issues of concern observed by staff or actions taken
- The provision of SIA registered door supervisors
- The use of floor walkers to interact with customers
- Monitoring outside areas for signs of customer vulnerability for example alcohol and drug use, signs of homelessness, begging, children congregating outside or children of customers left outside unsupervised
- Effective staff support systems
- Prohibition of ATMs on the premises

This list not is by no means exhaustive and is provided as a guide. Operators and applicants should also be aware that there are extensive conditions attached to operating and personal licences issued by the Gambling Commission, along with additional mandatory conditions imposed by the Act on gambling facilities and activities.

In circumstances where the Licensing Authority considers that the risk of harm or exploitation to children and other vulnerable persons cannot be sufficiently mitigated by either the proposed control measures or additional conditions, an application may be refused or licence revoked in the case of a review application.

For multi-occupied premises, consideration should also be given to the arrangements for controlling access to children and the compatibility of the activities of the occupants. In many cases separate and identifiable entrances may be required so that people do not drift inadvertently into a gambling area.

Children are not permitted to use Category C or above machines and in premises where these machines are available and children are permitted on the premises, the Licensing Authority will generally require:

- all Category C and above machines to be located in an area of the premises which is separated from the remainder of the premises by a physical barrier to prevent access other than through a designated entrance
- adults only to be admitted to the area where these machines are located
- adequate supervised access to the area where the machines are located
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder
- prominent notices displayed at the entrance to, and inside, any such areas indicating that access to the area is prohibited to persons under 18

20. Conditions

Licensed premises are subject to a variety of conditions. Premises licences granted by the Licensing Authority are subject to mandatory and default conditions as well as additional conditions which may be imposed by the Licensing Authority. Furthermore, they are subject to conditions and codes of practice by virtue of operating licences and personal licences issued by the Gambling Commission.

When considering applications, the Licensing Authority can attach conditions to any licence where it believes that the imposition of conditions will ensure that the operation of the premises is reasonably consistent with the licensing objectives. The Licensing Objectives section in this part of this policy provides further guidance on suggested control measures which may form the basis of the types of conditions imposed by the Licensing Authority. The suggested measures are not exhaustive and there may be other types of conditions considered necessary dependant on the particular circumstances.

The Gambling Commission's Guidance to Local Authorities confirms that mandatory conditions are set with the intention that no further regulation is required. Additional conditions would only therefore be considered necessary where there are regulatory concerns of an exceptional nature. Each application will be considered on its own merits and conditions attached as appropriate.

Any conditions attached to a licence will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for
- related to the scale and type of premises, and
- reasonable in all respects.

Certain matters are set out in the Act that may not be the subject of conditions:

- conditions which prevent compliance with an operating licence condition
- conditions relating to gaming machines categories, numbers or method of operation
- conditions requiring membership of a club or body in respect of any part or activity at the premises
- conditions on limits of stakes, fees, winnings or prizes.

21. Door Supervisors

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that particular premises may attract disorder or be subject to attempted unauthorised access (for example by children) it may require that the entrances to the premises are controlled by a door supervisor. In these circumstances the licensing authority is entitled to impose a condition on the premises licence to this effect.

22. Adult Gaming Centres / Licensed Family Entertainment Centres.

In relation to applications or licences for Adult Gaming Centres, the Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or exploitation from gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children do not have access to the premises. Accordingly, the Licensing Authority will give specific consideration to the following control measures:

- Implementation of proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Location of machines
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Staff training
- Measures in place for staff to recognise indications of problem gambling
- Measures to recognise and deal with children, including truants.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Children and young persons may enter Licensed Family Entertainment Centres (FEC's) but are not permitted to play Category C or above machines. The Council will expect the applicant to ensure that there will be sufficient measures in place to prevent children and young persons having access to the adult only gaming machine area.

23. Casinos

The Licensing Authority has not passed a 'no casino' resolution under section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision would be made by the Full Council. It should also be noted that there is currently no power within the Act to issue casino licences.

24. Bingo premises

In line with national guidance, bingo can be played in any premises for which a premises licence has been granted which authorises this activity. This will be a relevant consideration

where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

Under the Act, children and young persons cannot be employed in providing any facilities for gambling on bingo premises and children cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines.

The Licensing Authority considers that the ability of children to enter bingo premises poses a particular risk in terms of access to gaming machines. The Licensing Authority expects applicants to propose robust procedures to ensure that no such access occurs.

25. Betting premises

Betting premises are the most common form of premises licensed by the Licensing Authority for gambling in Buckinghamshire.

Children are not permitted to enter, or be employed at, any premises with a betting premises licence.

Holders of betting premises licences may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines; the most common form of gaming machine in licensed betting premises, Fixed Odd Betting Terminals (FOBTs), fall under this category.

There has been much debate in relation to FOBT's (B2's) and the potential for addiction when playing these machines. The maximum permitted stake for category B2 gaming machines was reduced from £100 to £2 with effect from 1st April 2019.

Licensed betting premises are subject to a variety of conditions. Premises licences, granted by the Licensing Authority, are subject to mandatory, default and possible additional conditions imposed by the Licensing Authority. They are also subject to conditions and Licensing Codes of Practice by virtue of operating licences and personal licences issued by the Gambling Commission.

Licensed betting premises are only permitted to offer gambling facilities between 7am and 10pm unless the licensing authority has granted a variation to extend these hours. The Licensing Authority is concerned that earlier or later opening hours may attract more vulnerable people, such as those who are intoxicated or who have gambling addictions. The Licensing Authority also has concerns that licensed betting premises operators may seek to extend the permitted hours for the primary purpose of making gaming machines available to customers for longer. As a consequence, where an applicant is seeking additional hours, the Licensing Authority will expect their application to demonstrate that robust measures will be in place to protect the vulnerable and that additional hours are not being sought to take advantage of the gaming machine entitlement.

The Licensing Authority has the power to restrict the number of betting machines (bet receipt terminals), their nature and the circumstances in which they are available for use by way of conditions. Essentially, betting machines allow customers to place bets in the same

way that they can at the betting shop counter without the need for staff interaction. When considering imposing conditions, the Licensing Authority will take into account the following, among other factors:

- the size and physical layout of the premises
- the number of counter positions
- the ability of staff to monitor the use of machines by children or vulnerable people, people under the influence of drink or drugs and those involved in criminal activity, for example money laundering.

26. Tracks

The Licensing Authority is aware that tracks may be subject to one or more premises licences, provided each licence relates to a specified area of the track.

The Licensing Authority will especially consider the impact upon the licensing objective of the protection of children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

Children are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing take place but that they are prevented from entering areas where gaming machines (other than category D machines) are provided. The authority will therefore expect the premises licence applicant to risk assess the proposed operation and demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities.

Control measures may include:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

This list is neither mandatory nor exhaustive but is indicative of example measures.

27. Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is viable in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

Section 204 of the Act permits an application for a premises licence to be made to licensing authorities for a provisional statement in respect of premises that he or she:

- expects to be constructed
- expects to be altered, or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application and the applicant is obliged to give notice of the application in the same way. Responsible authorities and interested parties may make representations and there is a right of appeal against the decision.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. Licensing authorities will be constrained in the matters they can consider when determining any subsequent premises licence application and no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage
- which in the licensing authority's opinion reflect a change in the operator's circumstances, or
- where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns with the applicant before making a decision.

28. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities. The Licensing Authority must decide whether or not to accept review applications.

These decisions will be made taking into account whether the objection or complaint relates to any of the following:

- a breach of any relevant code of practice issued by the Gambling Commission
- a breach of any relevant guidance issued by the Gambling Commission
- gambling which is not reasonably consistent with the licensing objectives, or
- gambling which is not in accordance with the authority's statement of licensing policy.

Section 198 of the Act provides reasons for the rejection of a review application by the licensing authority where it considers that the grounds on which the review is sought:

- do not raise an issue relevant to the principles to be applied in accordance with section 153,
- are frivolous,
- are vexatious,
- will certainly not cause the authority to wish to take action of a kind specified in section 202(1),
- are substantially the same as the grounds specified in an earlier application under section 197 in respect of the premises licence, or
- are substantially the same as representations made under section 161 in relation to the application for the premises licence.

Any decision by the Licensing Authority to accept a formal review application is in no way a pre-determination of the outcome.

The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

The 'aim to permit' framework provides wide scope for licensing authorities to review premises licences where there is a potential conflict with the Gambling Commission's codes of practice, the Gambling Commission's Guidance to Licensing Authorities, the licensing objectives or this statement of policy.

The Licensing Authority will endeavour to actively engage with operators of licensed premises prior to discharging its powers to instigate a review. As part of this engagement process, the Licensing Authority will expect operators to make their local risk assessment available. The Licensing Authority may exercise its right to instigate a review if the operator's local risk assessment does not offer reasonable measures to address and mitigate risks.

Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during a 28-day consultation period. The Licensing Authority must carry out the review as soon as possible after this period has passed.

The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. If action is justified, the options open to the Licensing Authority are: -

- add, remove or amend a licence condition imposed by the Licensing Authority
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion
- suspend the premises licence for a period of not exceeding three months, or
- revoke the premises licence.

In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the Licensing Authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the

premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, licensing authorities must, as soon as possible, notify the decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable, and
- Her Majesty's Commissioners for Revenue and Customs

PART C

Permits / Temporary & Occasional Use Notice

29. Unlicensed Family Entertainment Centre (FEC) gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. The applicant must demonstrate that the premises will be wholly or mainly used for making gaming machines available for use.

In accordance with national guidance and given that such premises are likely to appeal particularly to children, the Licensing Authority will give weight to matters relating to protection of children from being harmed or exploited by gambling.

Also, in accordance with national guidance, the Licensing Authority may ask applicants to demonstrate:

- that both the applicant and all staff have a full understanding of the maximum stakes and prizes that are permissible in unlicensed FECs
- that the applicant has no relevant convictions as set out in Schedule 7 of the Act

The Licensing Authority will expect the applicant to demonstrate that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include :

- A basic criminal record check for applicant and staff
- Staff training programme to include how to deal with:
 - Unsupervised very young children being on the premises
 - Children causing/perceived to be causing problems in or around the premises
 - Suspected truant children
 - Safeguarding

The licensing authority will also expect applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in an unlicensed FEC
- That the applicant has no relevant conviction (as set out in Schedule 7 of the Gambling Act 2005); and
- That staff are trained to have a full understanding of the maximum stakes and prizes

Licensing authorities may not attach conditions to these permits although the application may be refused if the licensing authority is not satisfied that the issues raised above have been addressed in the application.

30. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

There is provision in the Act for premises licensed to sell alcohol (for consumption on the premises) to automatically have 2 gaming machines of categories C and/or D. The premises merely need to notify the relevant licensing authority. If the licence holder transfers the alcohol premises licence the automatic entitlement also ceases. In these circumstances the new licence holder would need to notify the licensing authority of their intention to make the gaming machine available for use and pay the prescribed fee. Likewise, if the alcohol licence ceases to have effect because it is suspended, any gaming machines cannot be used.

The Licensing Authority may remove the automatic authorisation relating to any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- gaming has taken place on the premises that breaches a condition of either section 279 or section 282(1) of the Act
- the premises are mainly used for gaming, or
- an offence under the Act has been committed on the premises.

31. Permit: 3 or more machines

Where more than 2 machines are required, an application for a permit must be made which the Licensing Authority will consider based on the licensing objectives, any guidance issued by the Gambling Commission and *“such matters as they think relevant.”*

The Licensing Authority will consider each application on its merits, but generally the Authority will have regard to the need to protect children and vulnerable persons from harm or exploitation by gambling and so will expect the applicant to demonstrate that there will be sufficient measures in place to ensure that children and young people do not have access to the adult only gaming machines. Such measures may include the ability to supervise machines from the bar or by supervisory staff specifically trained for that purpose. In relation to the protection of vulnerable persons, applicants may wish to consider the

provision of information such as leaflets or helpline numbers for organisations such as GamCare.

It should also be noted that the holder of a permit must comply with the code of practice for gaming machines in clubs and premises with an alcohol licence issued by the Gambling Commission.

32. Prize Gaming Permits

The Act states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.

The Licensing Authority will require applicants for this type of permit to set out the types of gaming that he or she is intending to offer and be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- clear policies that outline the steps to be taken to protect children from harm.

33. Club Gaming and Club Machines Permits

Club Gaming Permit (CGP)

A Club Gaming Permit is available to members’ clubs, miners’ welfare institutes, but not commercial clubs. It allows the club to offer:

- equal chance gaming such as poker and bingo
- up to three gaming machines in total of categories B3A, B4, C or D, and by agreement, only one machine can be of category B3A.

The Permit also allows games of chance which are specified as Pontoon and Chemin de Fer only. These games are seldom played and were specified in previous Gambling legislation.

Restrictions on Club Gaming Permits are:

- no limits on stakes and prizes, except bingo where there is a stakes and prizes limit of £2,000 in any seven-day period
- limit on participation fees per person per day; £20 for bridge and / or whist (if played on a day on which no facilities of any kinds of gaming (other than bridge or whist) are provided by the relevant club on that day), £3 for other gaming (including poker) in any other circumstances

Club Machine Permit (CMP)

A Club Machine Permit is available to members’ clubs, miners’ welfare institutes, and commercial clubs. It allows the club to offer:

- equal chance gaming such as poker and bingo
- up to three gaming machines in total of categories B3A, B4, C or D, but by agreement, only one machine can be of category B3A (B3A not permitted for commercial clubs).

Restrictions on the gaming are:

- limit on stakes and prizes for bingo; £2,000 in any seven-day period
- limit on stakes for poker; £10 per person per game, within a premises limit of £250 in stakes per day and £1,000 per week
- limit on prizes for poker; £250 per game
- limit on participation fees per person per day; £18 for bridge/whist (if played on a day on which no facilities of any kind of gaming (other than bridge or whist) are provided by the relevant club on that day), £1 for other gaming (including poker), £3 where it's a commercial club.

The provision of equal chance gaming must comply with the Gambling Commission's code of practice for equal chance gaming in clubs and premises with an alcohol licence. The provision of gaming machines must comply with the code of practice for gaming machines in clubs and premises with an alcohol licence issued by the Gambling Commission.

In considering applications for permits under these provisions, the Licensing Authority will have regard to Part 25 of the national guidance issued by the Gambling Commission.

34. Temporary Use Notices

Temporary Use Notices (TUN's) should not be confused with Temporary Event Notices which are granted under the Licensing Act 2003. A TUN allows for the temporary use of premises for gambling where there is no premises licence issued under the Gambling Act 2005. Premises that might be suitable for a TUN could include hotels, conference centres and sporting venues.

The Licensing Authority can only grant a TUN to a person or company holding a relevant operating licence, for example a non-remote casino operating licence.

The regulations state that a TUN can only be used to permit the provision of facilities for equal chance gaming where the gaming produces a single winner.

In practice this often relates to poker tournaments and allows a casino operator to apply for a number of TUN's in various regional locations such as hotel event spaces, so they can hold preliminary rounds of a poker competition before holding the final in their main licensed venue.

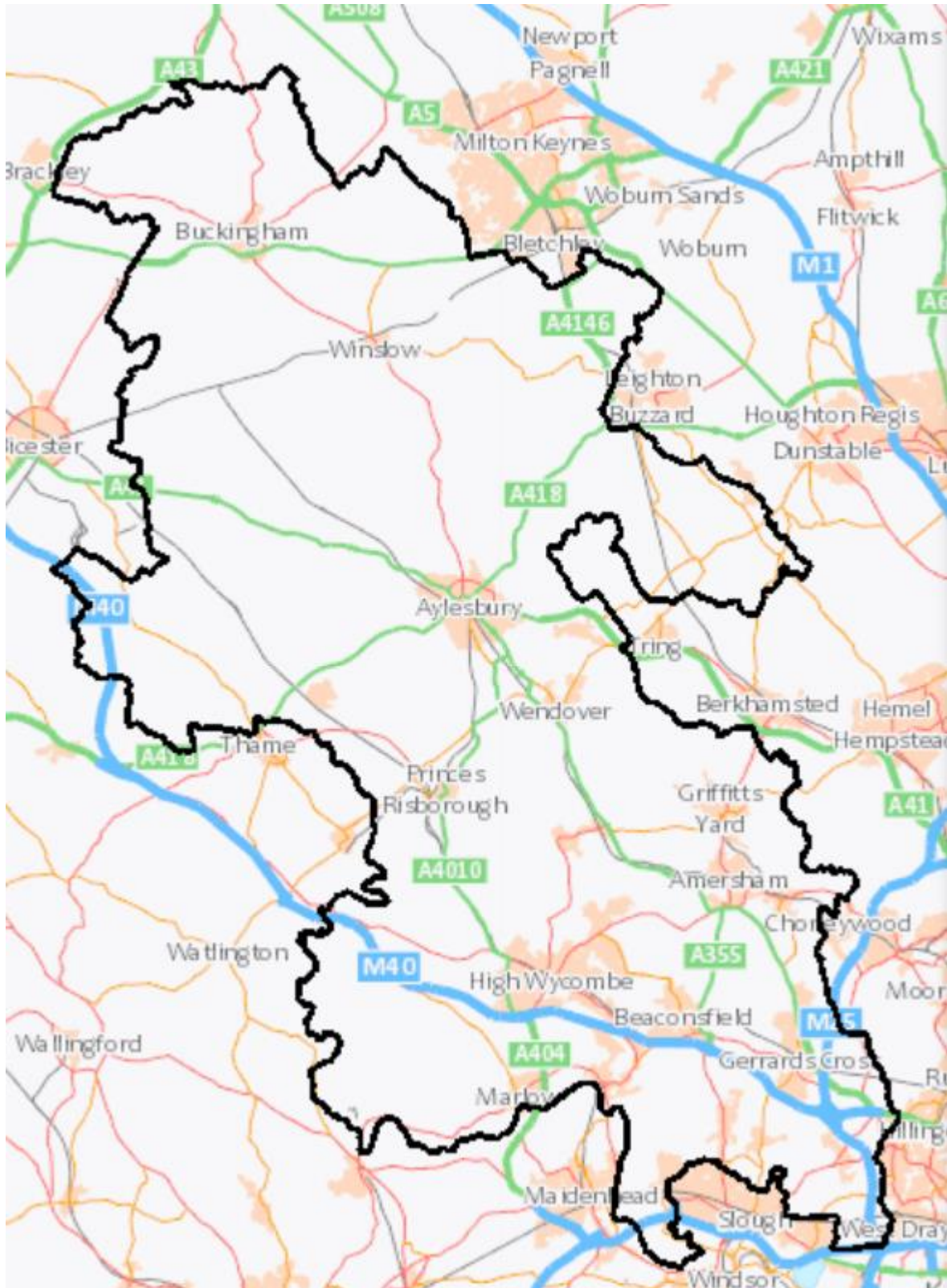
If objections are received to a TUN, the objections will be considered at a hearing, unless all parties agree that a hearing is unnecessary. The principles applied by the Licensing Authority will be those under section 153 of the Act.

35. Occasional Use Notices

Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice. Licensing authorities have little discretion in relation to these notices apart from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will take into consideration the definition provided of a 'track' to determine whether the applicant is permitted to avail him/herself of the notice.

Appendix 1

Buckinghamshire Council area



Appendix 2

List of Consultees

The following persons have been consulted in the preparation of this revised policy:

The Chief Officer of Police, Thames Valley Police

The Licensing Authority

The Gambling Commission

Buckinghamshire Fire and Rescue

Planning, Buckinghamshire Council

Environmental Health, Buckinghamshire Council

Buckinghamshire Safeguarding Children Board

HM Commissioners of Customs and Excise

Premises licence and permit holders under the Gambling Act 2005 within the District

Buckinghamshire Safeguarding Adult Board

One Recovery Bucks

Bucks Mind

Healthy Minds Bucks

Citizens Advice Bureaus

Gamcare

Gamblers Anonymous

Councillors Buckinghamshire Council

Town/Parish Councils

BACTA

Association of British Bookmakers Limited

The Bingo Association Limited

Appendix 3

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING PANEL (COMMITTEE FOR CASINO APPLICATIONS)	OFFICERS
Three year licensing policy	X	(via Executive)	
Policy not to permit casinos	X	(via Licensing Committee)	
Fee Setting - when appropriate	X	(via Licensing Committee)	
Application for a casino licence		X (full Committee)	
Application for premises licences and Application for a variation to a licence and Application for a provisional statement and Application for club gaming/club machine permits		Where representations have been received and not withdrawn. Where conditions are proposed to be attached or default conditions excluded under s.169(1) of the Act and the parties have not agreed to dispense with the requirement for a hearing	Where no representations received/representations have been withdrawn Where conditions are proposed to be attached or default conditions excluded under s.169(1) of the Act and all parties have agreed to dispense with a hearing Determination as to whether representation made under s. 161 is vexatious, frivolous or irrelevant will not influence the Licensing Authority's determination of the application Decision to make a representation as a

			responsible body in appropriate cases
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Review of a premises licence		X	
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Decision as to whether representation is frivolous or vexatious			X

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BUCKINGHAMSHIRE COUNCIL – LOCAL AREA PROFILE

Gambling Act 2005

1. Introduction

Buckinghamshire Council is a unitary authority created in April 2020 from Buckinghamshire County Council AND the districts of Aylesbury Vale, Chiltern, South Bucks and Wycombe.

The council area is largely rural although there are a number of significant urban areas including Aylesbury, Buckingham, Amersham, Chesham, Beaconsfield, High Wycombe and Marlow.

The Council's Corporate Plan for the authority can be accessed via the following link:
<https://www.buckinghamshire.gov.uk/your-council/corporate-plan/corporate-plan-2020-2023/>

Local Area Profiles (LAP's) are intended to assist existing and prospective operators in creating risk assessments by raising awareness of local issues in the authority area which may affect the licensing objectives. They also enable the Licensing Authority to better serve the local community by identifying risks, providing greater clarity for operators, improving decision making and encouraging a proactive approach.

It is the operator's responsibility to identify when significant changes may require existing risk assessments to be reviewed. To assist, the Licensing Authority will notify licensed operators when changes are made to the LAP. The characteristics identified in local area profiles are not exhaustive and operators may identify other significant factors that need to be taken into account. Operators are expected to take a proactive approach in reacting to significant changes to the local environment and they should not wait to be notified by the Licensing Authority before reviewing their risk assessment to account for a change in local circumstances.

The Licensing Authority will refer to information in the latest LAP when considering premises licence applications and will routinely review information in the LAP to ensure that its content remains current.

The links and signposts provided in this document are intended to assist operators and applicants to produce and update tailored risk assessments, specific to their individual premises and with regard to the Licensing Authority's Statement of Licensing Policy and the licensing objectives.

2. Gambling Commission Guidance

The Commission has introduced a new social responsibility code (10.1.1 updated June 2021) within the Licence Conditions and Codes of Practice (LCCP) which confirms that premises licence holders must conduct a local risk assessment for each of their current premises. This social responsibility code allows operators to demonstrate how they aim to address any

local risks which may affect compliance with the licensing objectives. The code can be accessed via the following link:

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/local-area-risk-assessments>

Gambling operators must assess any local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and must have policies, procedures and control measures in place to mitigate those risks, having taken into account all relevant information.

Risk assessments need to be site specific and not generic 'one size fits all' documents. The purpose of the local area risk assessments is to allow operators, stakeholders and local authorities to have a greater understanding of the local environment and mitigate possible risks to the licensing objectives.

3. Aylesbury Vale Zone

A full profile of the composition of the zone can be found using the following links, which provides data in respect of:

- Map of the locality
- Demographic and Public Health data
- Life style
- Local Plan
- Transport and Employment
- GP/Patient services used
- Community Assets

<https://www.buckinghamshireccg.nhs.uk/wp-content/uploads/2013/03/Locality-Profile-Aylesbury-Central-2016.docx>

<https://www.buckinghamshireccg.nhs.uk/wp-content/uploads/2013/03/Locality-Profile-Aylesbury-South-2016.pdf>

4. Amersham, Chesham and Beaconsfield & High Wycombe

A full profile of the composition of the zone can be found using the following links, which provides data in respect of:

- Map of the locality
- Demographic and Public Health data
- Life style
- Local Plan
- Transport and Employment
- GP/Patient services used

- Community Assets

<https://www.buckinghamshireccg.nhs.uk/wp-content/uploads/2016/11/Southern-GP-Locality-Profile.pdf>

<https://www.buckinghamshireccg.nhs.uk/wp-content/uploads/2016/11/Amersham-Chesham-GP-Locality-Profile.pdf>

<https://www.buckinghamshireccg.nhs.uk/wp-content/uploads/2016/12/Wycombe-GP-Locality-Profile.pdf>

5. Identifying Sensitive Locations

Specific Community Board webpages provide key information which should be considered in conjunction with the relevant legacy authority local development plans. This data should assist in identifying higher levels of risk to one or more of the licensing objectives, which are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

Operators are expected to establish whether their gambling premises are in the vicinity of a high risk area and will be expected to demonstrate that they have fully considered the potential impact of the operation of gambling facilities at their premises on the promotion of the licensing objectives in the local area.

6. Community Boards

The licensing authority is split into 16 definable Community Board (population) zones. A full profile of the composition of each zone can be found using the following links, which provides data relating to:

- Population
- Education and Skills
- Vulnerable Groups
- The economy
- Housing
- Access and Transport
- Crime and Safety
- Communities and Environment;
- Health and Wellbeing

Information in relation to these community board areas can be found at the following links:

- [Amersham](#)
- [Aylesbury](#)
- [Beaconsfield & Chepping Wye](#)
- [Beeches](#)
- [Buckingham & Villages](#)
- [Chesham & Villages](#)
- [Denham, Gerrards Cross & The Chalfonts](#)
- [Haddenham & Waddesdon](#)
- [High Wycombe](#)
- [Missendens](#)
- [North West Chilterns](#)
- [South West Chilterns](#)
- [Wendover & Villages](#)
- [Wexham and the Ivers](#)
- [Wing & Ivinghoe](#)
- [Winslow & Villages](#)

7. Local Plan

The Council has started initial work on a new unitary Local Plan (link below) which will set out the long-term vision and strategic context for managing and accommodating growth within the district.

<https://www.buckinghamshire.gov.uk/planning-and-building-control/local-development-plans/local-development-scheme/our-current-plans-and-documents/>

Until the new Local Plan has been adopted, local profiles should be assessed in conjunction with the local development plans for the legacy council areas, as below:

Aylesbury: [Adopted Aylesbury Vale District Local Plan \(AVDLP\) 2004 | Buckinghamshire Council | Aylesbury Vale Area \(aylesburyvaledc.gov.uk\)](#)

Chiltern: [Buckinghamshire Council – Chiltern Area - Development Plan](#)

South Bucks DC: [Buckinghamshire Council – South Bucks Area - Development Plan](#)

Wycombe DC: [Wycombe development plan](#)



Leader Decisions Taken

Information on decisions taken by the Leader since the last full Council agenda. For an up-to-date list of decisions taken and forthcoming decisions, please refer to the Council's website – <https://buckinghamshire.moderngov.co.uk/>

10 Dec 2021

CO03.21 - Wycombe Resource Zone

The Leader **AGREED** to decommission the Wycombe Resource Zone and work with local community environmental projects to share knowledge and residual stock.

16 Dec 2021

EC03.21 - Childcare Sufficiency Assessment

The Leader **AGREED** the Childcare Sufficiency Assessment for Buckinghamshire 2021 and noted the contents of the report and identified priorities prior to publication on the Buckinghamshire Council Website

11 Jan 2022

PR01.22 - Vale of Aylesbury Plan - Design Supplementary Planning Document

The Leader:

APPROVED for public consultation the Vale of Aylesbury Plan - Design Supplementary Planning Document

12 Jan 2022

EC01.22 - Steeple Claydon school

The Leader **AGREED** to the proposal by the governing board of Steeple Claydon School that from February 2022 the school changes its age range from 4-11 to 2-11 years of age. This would enable the school to have its Early Years and Foundation Stage provision led and managed by a qualified teacher, rather than as now run by a committee of staff and governors. The school is a maintained Local Authority (LA) school.

18 Jan 2022

TR01.22 - Liston Road, Marlow, raised uncontrolled crossing point

The Leader:

APPROVED the build out as approved through the planning process and subsequently approved through detailed technical approval procedure conducted by Highways Development Management

19 Jan 2022

HW01.22 - Better Lives Strategy 2022-2025

The Leader APPROVED the Better Lives Strategy 2022-2025

27 Jan 2022

L01.22 - Discretionary Business Rate Reliefs

The Leader APPROVED the technical changes in discretionary business rate reliefs as per the Government announcements in December 2021 as set out in the CARF Discretionary Rates Relief Policy and Discretionary Rates Relief Policy Appendix.

This decision is being taken under major emergency powers as described in Part E Paragraph 3.54 of the constitution and takes immediate effect.

A major emergency is any event or circumstance (happening with or without warning) that causes or threatens death or injury, disruption to the community, or damage to property or to the environment on such a scale that the effects cannot be dealt with by the emergency services, local authorities and other organisations as part of their normal, day-to-day activities.

4 Feb 2022

TR02.22 - A40 Oxford Road / Wycombe Speed Reduction

The Leader AGREED:

- a) to authorise the making of the Traffic Regulation Order as set out in this report, for the introduction of a 50mph speed limit on A40 Oxford / Wycombe Road, High Wycombe
- b) that the Traffic Regulation Order is brought into operation

c) that responders to the Statutory Consultation be informed of the Decision

9 Feb 2022

CO04a.21 - Voluntary Sector Grant Review

The Leader AGREED:

- **That the grant funding at Appendix 1 totalling £2,557,522.87 is extended for a further year for legacy grants and up to 15 months for Adult Social Care Community Prevention Grants while relevant services conduct a commissioning approach to identify voluntary sector partners in relation to future service requirements, which will promote greater stability and resilience for the sector.**
- **That £16,000 from the Buckinghamshire Lottery Good Causes Fund is allocated to support the organisations identified at Appendix 2 Table 1 in 2022/23.**
- **That £38,799 from central government funding is allocated to support the organisations at Appendix 2 Table 2 in 2022/23.**
- **That those organisations identified at Appendix 2 Table 3 are encouraged to work with the Community Boards to identify project funding to tackle local priorities, with the understanding that if this is not possible, links will be made with the Strategic Funders Group and, if necessary further Lottery Funds are used where local members highlight significant risk**

For further information please contact Ian Hunt on 01494 421208

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