



Council agenda

Date: Wednesday 21 February 2024

Time: 4.00 pm

Venue: The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF

Membership:

P Birchley (Chairman), M Harker OBE (Vice-Chairman), S Adoh, A Alam, M Angell, K Ashman, M Ayub, R Bagge, M Baldwin, D Barnes, S Barrett, K Bates, A Baughan, J Baum, D Blamires, A Bond, M Bracken, 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, J Chhokar, S Chhokar, J Chilver, A Christensen, L Clarke OBE, A Collingwood, M Collins, P Cooper, C Cornell, A Cranmer, E Culverhouse, I Darby, D Dhillon, T Dixon, M Dormer, P Drayton, T Egleton, C Etholen, P Fealey, M Flys, M Fayyaz, R Gaster, E Gemmell, P Gomm, D Goss, T Green, P Griffin, S Guy, G Hall, G Harris, C Harriss, D Hayday, O Hayday, C Heap, T Hogg, G Hollis, T Hunter-Watts, A Hussain, I Hussain, M Hussain OBE JP, Majid Hussain, Maz Hussain, N Hussain, T Hussain, P Irwin, C Jackson, S James, D Johncock, C Jones, J Jordan, S Kayani, P Kelly, R Khan BEM, D King, M Knight, S Lambert, S Lewin, J MacBean, A Macpherson, I Macpherson, F Mahon, N Marshall, P Martin, R Matthews, Dr W Matthews, Z Mohammed, 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, A Schaefer, 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, G Williams, S Wilson, M Winn, A Wood and K Wood

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Council minutes

Minutes of the meeting of the Council held on Wednesday 6 December 2023 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 4.00 pm and concluding at 6.00 pm.

Members present

P Birchley, M Harker OBE, S Adoh, A Alam, M Ayub, R Bagge, M Baldwin, D Barnes, K Bates, J Baum, D Blamires, A Bond, M Bracken, S Broadbent, S Bowles, P Brazier, T Broom, T Butcher, M Caffrey, D Carroll, B Chapple OBE, S Chapple, Q Chaudhry, J Chhokar, S Chhokar, J Chilver, A Christensen, L Clarke OBE, A Collingwood, M Collins, P Cooper, C Cornell, A Cranmer, E Culverhouse, I Darby, D Dhillon, T Dixon, M Dormer, P Drayton, C Etholen, P Fealey, M Flys, M Fayyaz, R Gaster, E Gemmell, P Gomm, T Green, G Hall, G Harris, C Harriss, D Hayday, O Hayday, C Heap, T Hunter-Watts, A Hussain, I Hussain, M Hussain JP, Majid Hussain, Maz Hussain, T Hussain, P Irwin, C Jackson, S James, D Johncock, C Jones, J Jordan, S Kayani, P Kelly, R Khan BEM, D King, S Lewin, J MacBean, A Macpherson, I Macpherson, F Mahon, N Marshall, P Martin, Dr W Matthews, Z Mohammed, H Mordue, S Morgan, R Newcombe, C Oliver, A Osibogun, A Poland-Goodyer, C Poll, S Raja, W Raja, N Rana, M Rand, G Sandy, A Schaefer, L Smith BEM, N Southworth, B Stanier Bt, M Stannard, P Strachan, R Stuchbury, M Tett, N Thomas, D Town, J Towns, A Turner, M Turner, P Turner, G Wadhwa, M Walsh, J Ward, J Wassell, J Waters, D Watson, A Wheelhouse, G Williams, S Wilson, M Winn, A Wood and K Wood

Agenda Item

1 Apologies

Prior to asking for apologies, the Chairman welcomed Councillor Anja Schaefer to her first full Council meeting following the Buckingham East Ward by-election on 2 November 2023.

Apologies were received from Councillors K Ashman, S Barrett, A Baughan, N Brown, R Carington, D Goss, P Griffin, S Guy, T Hogg, G Hollis, N Hussain, M Knight, S Lambert, R Matthews, N Naylor, S Rouse, J Rush, G Smith, M Smith, L Sullivan, D Summers, D Thompson, A Waite, H Wallace and L Walsh. Apologies were also received from Countess Howe, his Majesty's Lord Lieutenant of Buckinghamshire and Dame Ann Limb, High Sheriff of Buckinghamshire.

2 Julia Adey and Ron Gaffney

Tribute was paid to Julia Adey and Councillor Ron Gaffney who had recently passed away. The Chairman recorded sincere condolences to their families on their sad

losses.

Councillor Katrina Wood paid tribute to Julia Adey who had been a Member of Wycombe District Council from 2011-2020 representing 'The Wooburns' Ward and a Member of Buckinghamshire Council from 2020-21. During her time on Wycombe DC, Julia had served as the Cabinet Member for Community from 2015-17 and as the Cabinet Member for Environment from 2017-2020.

Catherine Oliver (a Hazlemere Ward colleague of Ron Gaffney) paid tribute to Ron Gaffney who had been a current Buckinghamshire Councillor for the Hazlemere Ward. He had passed away on 6 November 2023.

Ron had begun his career in 1964 as a trainee accountant for Buckinghamshire Council, before becoming a fully chartered accountant. Ron then worked for the former Wycombe Borough Council, which became Wycombe District Council in 1974. Ron remained working for Wycombe District Council for the remainder of his career until he retired in 2006.

From 2007 to 2020, Ron had served as a Councillor for Wycombe District Council in the former Hazlemere North Ward. During this time he had served on various committees, including Audit Committee, Licensing Committee and undertook the role of the Chairman of the Improvement and Review Commission in 2011. From 2020 to 2023, Ron had served as a Councillor for Buckinghamshire Council representing the Hazlemere Ward.

Members then observed a minute's silence in memory of Julia Adey and Ron Gaffney.

3 Chairman's Awards - Mike Clare and Paul Jennings

Members were informed that the Council had introduced the Chairman's award which was the highest honour that the Chairman of the Council could give to individuals and organisations in recognition of their outstanding or exceptional contribution to the social, economic or environmental wellbeing of Buckinghamshire. There were a number of criteria to be met to be nominated for this award that could be granted at the discretion of the Chairman of the Council to individuals of any age who lived in Buckinghamshire and were from Buckinghamshire.

The Chairman stated that it gave her great pleasure to make 2 Chairman's awards to Mike Clare, founder and chairman of the Clare Foundation, and to Paul Jennings, Chairman of the River Chess Association.

Councillor Arif Hussain, who had nominated Mike Clare for the Chairman's award, informed

Members that after a career in business, Mike Clare had set up the Clare Foundation in 2009, which helped Buckinghamshire-based charities develop their strategy and governance and increase their impact in the community. The Clare Foundation provided organizations with free support and advice, funding and grants, leadership development, and brought like-minded charity leaders together at networking and round table events. Mike had also re-established Family Angels, which helped Buckinghamshire families on the edge of monetary ability and financial hardship. Through the Clare Foundation, Mike had led numerous initiatives that have supported the Council, Buckinghamshire's VCS sector, and Buckinghamshire residents, particularly during COVID-19. Mike was an ambassador and Deputy Lieutenant for Buckinghamshire, a Freeman of the City of London, and a winner of numerous entrepreneurial awards. In 2009, Mike had been awarded an honorary doctorate from Bucks New University in recognition of his outstanding achievements in the field of commerce and business. He was also a patron of the Clare Business School based within Bucks New University.

Mike Clare was invited to speak and stated he was very proud and privileged to accept the Chairman's Award, on behalf of the Clare Foundation and that it recognised the hard work undertaken by fellow trustees, Martin Gallagher (CEO) and staff.

Councillor Gareth Williams, who had nominated Paul Jennings for the Chairman's award, informed Members that Paul Jennings had led initiatives for many years to protect and restore the ecological health of the River Chess, a rare chalk stream that hosted diverse wildlife. He had been involved in projects to monitor, lobby, and challenge the water companies, the Environment Agency, and HS2 on issues such as abstraction, sewage, and construction. He had also shared his passion and knowledge of the River Chess with the local community, especially children, through river dipping, newsletters, and social media. He has also brought together charity leaders, volunteers, and experts to work in partnership for the river.

Paul Jennings was invited to speak and accepted the award for himself and the team of people he had been working with for the last 15 years. He made brief mention of the importance of partnership working and on the recent discovery of the presence of a rare stone fly invertebrate in the river.

The Chairman thanked Mr Clare and Mr Jennings for their hard work and for being worthy winners of the Chairman's awards. They were both then presented with Certificates of Achievement and a medallion from the Chairman.

4 Armed Forces Covenant

Members were informed that the Council had committed to re-sign an updated version of the Armed Forces Covenant. The Covenant contained a number of pledges, by which the Council promised to:

- Recognise and honour the sacrifices made by the armed forces.
- Raise public awareness of issues affecting the armed forces and their families.

- Reduce any disadvantages suffered by the armed forces community as a result of their service or association.
- Encourage activities which help to integrate the armed forces with the wider community.

Air Commodore Simon Harper OBE, commanding officer of RAF Halton and representing the Ministry of Defence, was invited to speak and he thanked the Council for their remarkable work in supporting the armed forces and the armed forces community in the county. He mentioned that Defence was busy and continued to need support for the serving population, veterans, cadet forces, and their families. Air Commodore Harper recognized the benefit of the armed forces community to the county and stated that the covenant represented a promise, foundation, and codification of mutual support. He expressed his honour in signing the covenant and thanked the Council for their support.

Councillor Mimi Harker OBE, the Council's Armed Forces champion, then spoke and thanked the armed forces for their service, and listed the commitments made by the Council to support them and their families. Councillor Harker mentioned that the Council had been recognised with a Defence Employer Recognition Scheme Gold Award, which was the highest honour for employers who supported the armed forces community. She also stated that the Council was happy to provide information and guidance to other organisations who wanted to sign their own covenants and pledge their support to the Armed Forces community. In concluding, Councillor Harker, on behalf of Buckinghamshire Council, extended deepest thanks and gratitude to all who had served and continued to serve the country.

The updated version of the Armed Forces Covenant was then signed by Air Commodore Simon Harper OBE and Councillor Mimi Harker OBE.

5 Minutes

During consideration of the Minutes, Councillor Wassell stated that at Minute 8 (Proportionality Review), it should be clarified that after Councillor Nabella Rana had left the Alliance Grouping, she had then been a non-aligned Independent for a period before joining the Conservative Group.

RESOLVED –

That, subject to the above clarification, the Minutes of the Council meeting held on 20 September 2023 be approved as a correct record.

6 Declarations of Interest

Councillor Tony Green declared a personal interest in item 6 (Adoption of Model Street Collection Regulations) as he was a member of the Royal British Legion for the High Wycombe area and arranged collections during the poppy appeal period.

7 Chairman's Update

The Chairman congratulated Sir Francis Habgood QPM DL on his recent appointment

to the role of Vice Lord-Lieutenant of Buckinghamshire. Sir Francis had been Chief Constable of Thames Valley Police from 2015-2019, retiring after over 32 years in policing, and had been made a Deputy Lieutenant of Buckinghamshire in 2020. He succeeded Mr Alexander Boswell who retired from the role after 12 years, although Alexander would be continuing as a Deputy Lieutenant of the County.

The Chairman then informed Members that since the last Council meeting in September she had:

- Visited Restore Hope at Latimer to present a Chairman's Award in recognition of work done to preserve the water quality of the River Chess.
- Attended the Best Kept Village in Bucks awards, the 10th anniversary celebration of Chiltern Rangers, the 50th anniversary of the Ridgeway National Trail celebrations, the Milton Keynes and the Beaconsfield Civic Services, and the Chairman of Buckinghamshire Council's Civic Service at St Mary's church, Chesham.
- been present at the installation of the new team rector in High Wycombe, the Reverend Anthony Searle.
- Visited RAF Croughton, where the United States Air Force had spoken of their high regard for their joint operations with the Royal Air Force.
- opened the new Audley Wycliffe Park retirement village at Horsleys Green.
- Enjoyed last night the pantomime of Snow White and the Seven Dwarfs in Aylesbury.

The Chairman also thanked her Vice Chairman, Councillor M Harker OBE, who had covered the Remembrance Sunday Service in Aylesbury, and thanked everyone who had supported the Buckinghamshire Children's Christmas 2023 gift appeal, and had set up stalls in the Street prior to the Council meeting for the Chairman's two charities (Medical Detection Dogs and Scannappeal), the Councillor Shadowing Scheme and on the IT Cyber Briefing for Members.

8 Petitions

There were none.

9 Adoption of Model Street Collection Regulations

Fundraising collections played a vital role in the work carried out by charities and were an important means of both raising money for good causes and also promoting the goals and messages of the collecting charity. However, it was equally important, to ensure that any charitable fundraising, whether in public spaces or door-to-door, was carried out by bona fide charitable organisations and collectors, that a fair percentage of collection proceeds were donated directly to charitable causes, and that no nuisance was caused to businesses and residents as a result of collections.

Buckinghamshire Council's ability to regulate charitable collections in public areas was discretionary and was reliant on full Council passing a resolution to adopt regulations to control charitable "street collections". Whilst adoption was discretionary, it was clearly desirable for Buckinghamshire Council to adopt these

controls. This contrasted with house-to-house charitable collections that were governed by a statutory licensing regime which required all such collections to be licensed and Buckinghamshire Council had no discretion to adopt controls.

The Council currently regulated both types of charitable collections, that was house-to-house and collections in public places, by virtue of established historical arrangements that were in place under each legacy District Council area prior to the formation of the unitary council in April 2020. In accordance with the ongoing programme of work harmonising the policies and approaches of the various licensing functions of the Council it was proposed that a new resolution was made to adopt the Home Office's Model Regulations for Buckinghamshire Council.

The Cabinet Member for Homelessness and Regulatory Services informed Members that the draft Regulations had already been to public consultation, and been submitted to the Licensing Committee who had recommended that the Regulations should be adopted.

RESOLVED –

That the Model Street Collections Regulations as set out in the 'Charitable Collections (Transitional Provisions) Order 1974 (SI 1974/140) (Model Street Collections Regulations) be APPROVED and ADOPTED.

10 Proportionality Review report

Council was informed that a request had been received from the Alliance Grouping Leader to conduct a proportionality review. Since the last proportionality review in September 2023, Councillor Anja Shaefer had been elected via by-election and subsequently joined the Alliance Grouping. Councillor Luisa Sullivan had left the Conservative Group and was ungrouped. Councillor Ron Gaffney, a former member of the Conservative Group, had sadly passed away on 6 November 2023. Councillor David Anthony, former member of the Conservative Group, had resigned on 13 November 2023.

These political group changes had resulted in a change in proportionality as detailed in the Council report and at Appendix 1, which was based on 145 Members. Appendix 1 detailed the allocation of seats on Council Committees and other bodies to political groups.

RESOLVED –

That the allocation of seats on Council Committees and other bodies to political groups at Appendix 1 (supplementary agenda report) be APPROVED.

11 Bedfordshire, Luton and Milton Keynes Integrated Care System – setting up a joint health scrutiny committee

Regulation 30(1) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, provided that two or more local authorities

could appoint a joint committee. The Joint Authorities each had their own independent established health overview and scrutiny functions, but recognised that there may, from time to time arise certain matters where it would be to the individual and collective interest of one of some of the Joint Authorities to exercise their overview and scrutiny functions through a joint health overview and scrutiny committee, comprised of representatives of the constituent Local Authorities.

The Chairman of the Health and Adults Social Care Select Committee informed Members that whilst Buckinghamshire was part of an Integrated Care System with Oxfordshire and Berkshire West (made up of Wokingham, Reading and Berkshire West local authorities), known as BOB ICS, Buckinghamshire residents also accessed health services within the neighbouring integrated care system of Bedfordshire, Luton and Milton Keynes. These footprints were set up by the NHS in 2015 to drive forward the Sustainability Transformation Plans (STPs). The BLMK JHOSC would comprise 13 Councillors with three Councillors appointed by Bedford Borough Council, Central Bedfordshire Council, Luton Council and Milton Keynes City Council and one appointed by Buckinghamshire Council. The draft terms of reference for the BLMK JHOSC were attached to the report to Council.

RESOLVED –

- (1) That it be AGREED to appoint a Member to the Bedfordshire, Luton and Milton Keynes Joint Health Scrutiny Committee (BLMK JHOSC), part of the Bedfordshire, Luton and Milton Keynes Integrated Care System.**
- (2) That the terms of reference for the Joint Health Scrutiny Committee be AGREED.**

12 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

The Leader informed Members that he had attended the recent 'Dragons Den' event run by the Clare Foundation at which Councillor Paul Irwin had pitched and won a substantial amount of funding for his charity, Inspire Bucks, which supported disadvantaged children across the county. The Leader placed on record his recognition of Councillor Irwin's efforts.

The Leader received questions on the budget shortfall and its impact on non-statutory services funded by Community Boards, as well as the Opportunity Bucks scheme. Members were informed that details of the budget would be revealed to all Members in due course and at the same time.

The Leader reiterated that the Opportunity Bucks scheme was a worthwhile initiative to target areas of disadvantage and improve the conditions for residents across the county.

Deputy Leader and Cabinet Member for Health and Wellbeing, Councillor Angela Macpherson

The Cabinet Member received questions about the handover of patients discharged from Milton Keynes to care workers, and the resourcing to manage the growing concern of mental health post COVID.

Members were informed that there was more integrated working than last year, and she felt assured that there was a more robust mechanism for discharge. The Cabinet Member also mentioned that mental health was managed with Oxford Health through the urgent and emergency care board and that there were several initiatives in Buckinghamshire, including the Safe Haven initiative.

Cabinet Member for Homelessness and Regulatory Services, Mark Winn

The Cabinet Member provided a short update announcing that the consultation on the Housing Strategy, which outlined the issues and solutions for housing in Buckinghamshire, had been extended to 18 January 2024.

The Cabinet Member received questions about Bucks Home Choice and pavement licensing issues related to Kingsbury Square. Members were informed that the Bucks Home Choice figures represented people in housing need, not necessarily homeless, and that the Housing Strategy would identify the gaps in provision which could then be addressed.

The plans for Kingsbury Square had not yet been published by the Council, and as such, he could not comment on them at this time, but would be open to a discussion about any related concerns once they had been made available.

Deputy Leader and Cabinet Member for Climate Change and Environment, Councillor Gareth Williams

The Cabinet Member received questions on tree planting and the Council's carbon emissions. Members were informed that the Council had consulted with Forestry England, and would organise community planting days in Wing, where a new wood of more than 100,000 trees was being created. These would likely begin next February.

The Cabinet Member also confirmed that the Council would continue to evaluate its progress towards reaching net zero emissions for its own operations by 2050 or sooner, and that the evaluation would be part of the Portfolio and Asset Strategy. The Council had planted 145,000 trees in the last year and planned to double the number of electric vehicle charging points by 2027. Buckinghamshire Council had reduced its own operational emissions by 73.4% and was looking for more opportunities to continue to lower its carbon footprint.

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

The Cabinet Member received questions on the new phone line for children's services, and the possibility to involve local charities in a future 'Shout Out for SEND'

event. Members were informed that the new phone line was part of a complete transformation of the children's services and would be revised between January and April 2024.

The 'Shout Out for SEND' event was the second one that the Council had delivered, and had a focus on bullying. The event had been received very positively, and the suggestion of inviting local charities that offer different opportunities for children with special educational needs was a good one, that the Council could look to include at a future event.

Cabinet Member for Culture and Leisure, Councillor Clive Harriss

The Cabinet Member received questions on the roofing works on the Court Garden Leisure Centre, grant funding for Haddenham library, and the Queen's Park Arts Centre winning the King's Volunteering Award.

The Cabinet Member was not aware of the current timescale for the roof repair but would provide the information in writing following the meeting. Damage to the pool liner was a health and safety issue, but was not currently considered urgent. Buckinghamshire Council was in discussion with the contractor to get a proper response and solution.

The Cabinet Member stated that he would be happy to provide information concerning the grant funding for Haddenham library. Buckinghamshire Council was undertaking a rationalisation of the library services, and was in discussion with Haddenham Parish Council, which had volunteered to have a greater involvement in the library moving forward. He concurred with a Member in congratulating the Queen's Park Arts Centre for receiving the King's volunteering award, which recognised the contribution of volunteers to the arts and culture sector.

Cabinet Member for Planning and Regeneration, Councillor Peter Strachan

The Cabinet Member received questions on CIL money for Portland House, the town centre update for Aylesbury, and a response to Buckingham Town Council's questions to the Growth, Infrastructure and Housing Select Committee.

The Cabinet Member confirmed that he had provided a written reply to the question on CIL funding, and that he was happy to discuss the issue following the meeting. He reiterated that the CIL money was being correctly administered, and that the Opportunity Bucks scheme was a great asset of Buckinghamshire Council.

Members were informed that the Regeneration Strategy had been agreed by Cabinet, which included a larger public realm element. The Deputy Cabinet Member for Town Centre Regeneration would be willing to discuss the involvement of local Ward Members. The project was not a duplication of the Town Council's work, but a complementary initiative.

Members were informed that a written response had been sent to the Buckingham Town Council clerk earlier in the day concerning their Growth, Infrastructure and

Housing Select Committee questions.

Cabinet Member for Communities, Councillor Arif Hussain

The Cabinet Member received questions about the possibility of attending meetings in the unparished Wycombe area, and on Community Boards.

Members were informed that the Cabinet Member regularly attended meetings of the High Wycombe Town Committee, as he was a Member of that Committee. He also engaged widely with everybody through the Community Boards. The Cabinet Member stated that he would welcome invitations to attend meetings in the unparished area.

The Cabinet Member reiterated his support for the Community Boards as an integral part of the Council and the community. A boundary review on the High Wycombe unparished area was currently underway, and the views of Members' had been requested. Following the conclusion of the review, the Council would be in a better position to see how Community Boards might be impacted.

Cabinet Member for Accessible Housing and Resources, Councillor John Chilver

The Cabinet Member received questions on the Housing Strategy, and the Capital Budget in relation to Saunderton Lodge.

Members were informed that the Council was compiling a Portfolio and Asset Strategy that would address the housing issues. Buckinghamshire Council was on track to deliver around 300 units of new affordable housing on its assets and to reach the target of 500 units over the course of the Council, whilst achieving a good return on its commercial property portfolio.

The Council had retained Saunderton Lodge for the time being because of the need for more temporary accommodation although no decision had been made about any other use of the site. Two new properties for temporary accommodation were being acquired in Aylesbury and High Wycombe.

Cabinet Member for Transport, Councillor Steve Broadbent

The Cabinet Member updated Members to confirm that the consultation on the proposed amendments to the School Transport Policy had gone live on 6 December 2023, and would run for eight weeks. The Cabinet Member received questions on broken parking machines in Cornwall's Meadow, Buckingham, on the proposed expansion to Luton Airport, on the Fix My Street service, and on the Pick-Me-Up service and footpaths in Wing.

Members were informed that the parking machines at Cornwall's Meadow were ageing and prone to breakdowns, caused largely by the mechanisms used to accept cash payments. Whilst the Council had a policy to keep using the spare parts as long as possible, over time the machines would become obsolete and beyond repair. The Council was working to change the payment methods to contactless cards and phone apps, which were more reliable and convenient.

The proposed Luton airport expansion was subject to a Development Consent Order, meaning that the final decision would be made by the Secretary of State. The Council had submitted its response and given evidence as an interested party in the form of documents and live evidence by officers, and the public could access this information online.

The Fix My Street service had been enhanced, with some reports concerning Parish responsibilities now being directed firstly to Parish Councils. The Council had a separate £2 million programme to clean gullies across Buckinghamshire throughout the year, and so Fix My Street would not react to every report of a blocked gully. If there were any functionalities that were missing from the service, he was open to discuss this with Members.

The Pick-Me-Up service was in a defined zone as agreed with the Department for Transport through the Rural Mobility Fund and usage of some central Government funding. The service had recently been extended into Flackwell Heath and had seen increased patronage. Usage data was kept under review and would be used to examine the scope, both financially and within the delivery of the service, to expand further the service.

The Cabinet Member informed Members regarding the footpaths in Wing, stating that there was no application to close any defined footpath and that the landowner was exercising their right to define where the footpath lay across the land through a CA17 form (Section 31(6) of the Highways Act 1980 and Section 15A (1) of the Commons Act 2006).

13 Notices of Motion

The Chairman informed Members that two motions had been submitted to the meeting. The motions related to:

- (i) Member Call-In of Planning Applications.
- (ii) Protecting Childrens and Adults Health by Reducing Idling in Buckinghamshire.

(i) Member Call-In of Planning Applications

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

“Under the current Constitutional arrangements, a single Member may request a Call In of a planning application in their Ward and, if material planning grounds are provided, the Service Director, in consultation with the Chairman of the relevant Planning Committee may agree to the request.

If 3 Members of a particular ward make the request, with appropriate grounds, then there is an automatic right for the matter to be Called In to the Committee.

This Motion proposes that such an automatic right be given to every Member.

Where 3 Members are of a different political group, or less engaged with the planning process as the others, then it is very difficult to get the 3 Members to agree a joint request for Call In. And, in anticipation of the boundary changes in 2025, many Wards will not have 3 Members representing them after May 2025.

This Council therefore calls on the Audit and Governance Committee to propose appropriate wording to make the necessary changes to the Constitution to ensure each Member should have the right to request a Call In and – if material planning grounds are provided – such an application should automatically be considered by the relevant Planning Committee.”

Councillor Stuchbury briefing explained the rationale of the motion. During the debate it was mentioned that whilst the reduction in the number of Members and the change in the Ward boundaries at the next Council elections in 2025 would require the Constitution to be changed in certain aspects, the Audit and Governance Committee and the Standards and General Purposes Committee at their next meetings would consider reports proposing setting up a cross-party Constitution Working Group in order specifically to consider all the changes for the Constitution required in preparation for 2025. For this reason, the motion submitted to the meeting was premature.

At the conclusion of the debate, the motion was put to a vote and declared to be **LOST**.

(ii) Protecting Childrens and Adults Health by Reducing Idling in Buckinghamshire.

The motion was proposed by Councillor Ed Gemmell and seconded by Councillor Adam Poland-Goodyer –

“The Council notes:

1. The Council has committed in its **Climate Change and Air Quality Strategy** to “Reduce Emissions to air from all council operations” and notes that “Some air pollutants are acidic (for example oxides of nitrogen and sulphur dioxide) or are powerful oxidizing agents (for example tropospheric ozone) and will corrode the lining of the lungs, other living tissue, and inorganic material”
2. In addition, under the **Wycombe District Air Quality Plan**, that Council committed to:
 - a. “Work with the Highway Authority to identify and agree Information displays at strategic positions as drivers are entering the Air Quality Management Areas to inform them that they are entering such”;
 - b. “A campaign to reduce incidents of engine idling, using powers under Regulation 98 of the Road Vehicles (Construction and Use)

- Regulations 1986, and associated signage will keep air quality issues in the mind of the public”;
- c. “Wycombe District Council will implement our powers under Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986 to instruct motorists to switch off their engines while their vehicles are parked and to issue Fixed Penalty Notices to those who refuse to co-operate”.
3. Children are especially vulnerable to air pollution.
 4. The Royal College of Physicians estimate [40,000 deaths a year in the UK are linked to air pollution](#), with engine idling contributing to this.
 5. Idle reduction efforts are particularly important in school zones due to the impacts of exhaust on children’s lungs, which continue to develop until the age of 18. Exposure to excess exhaust and smoke can stunt lung growth and contribute to many lung disorders, including asthma.
 6. The Insignis Academy Trust, in a move initiated in Princes Risborough School, is banning idling in the car parks of all its 4 schools in Buckinghamshire.
 7. Vehicle idling is against the law and is an offence against the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002.
 8. The council is authorised as a designated authority to issue fines for idling under The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002
 9. On 15 July 2020 the council committed to working “to achieve net carbon zero for Buckinghamshire as a whole by 2050 “and to evaluating “reaching ‘net zero’ for its own emissions no later than 2050 and possibly before this, potentially by 2030, subject to resources”.
 10. The Council’s Climate Change and Air Quality Strategy confirms the Council has four levels of control or influence on emissions and has committed:
 - a. Where we have direct control, we will take action to reduce emissions.
 - b. Where we have financial or regulatory influence, we will look to use these abilities to reduce emissions.
 - c. Where we can enable others to reduce emissions, we will support that change.
 - d. In other circumstances, we shall seek to inform and influence those who do have control over emissions, with the aim of reducing them.
 11. In addition, in the Wycombe District Air Quality Plan, it was noted that A) “There is a misconception amongst a small proportion of the population that restarting their vehicle’s engine uses significantly more fuel than an idling engine and that regularly restarting their engine damages the starter motor. In fact, idling for a couple of seconds uses more fuel than restarting the engine and starter motors are a lot more resilient than a few decades ago. Unfortunately, idling engines are commonly found in town centres, car parks, bus stations and outside schools. Emissions from an idling engine do not disperse rapidly into the environment as they are not subject to the turbulence effect that is caused to traffic travelling at speed. They cause very high concentrations of Nitrogen Dioxide (NO₂) in the immediate vicinity of

the car. This is particularly a problem when idling occurs outside schools with vulnerable young children being primarily exposed”.

12. The council notes the recently reported incident where a member of public approached the driver of a council vehicle to make him aware he was illegally idling and was sworn at.

The Council believes:

1. Childrens health and that of adults is extremely important and reducing idling will help to protect the health of children and adults in Buckinghamshire.
2. Vehicle idling pollutes the air, harms health, causes unnecessary emissions, isa against the law and wastes energy.
3. The Council that discouraging idling aligns with its commitment in its Climate Change and Air Quality Strategy to Reduce Emissions to air from all council operations and helps both the Council itself and Buckinghamshire as an area to more easily reach publicised net zero emissions goals.

The Council calls on Cabinet to resolve:

4. In relation to its own operations to do the following:
 - a. Clearly inform all council staff that their engines should be turned off whenever their car is not moving and make all staff aware that to leave an engine idling is detrimental to air quality and health, especially of children, and is against the law.
 - b. Request all contractors and suppliers to inform their own staff similarly; and
 - c. Place signage to request engines are turned off in all council car parks and on all council notice boards.
5. To request all schools communicate the health and legal issues associated with idling to parents and staff including by placing appropriate signage in and around each school requesting engines be turned off when waiting.
6. To write to all parish and town councils to encourage their involvement in discouraging idling in their local area.
7. To follow through on the commitments from the **Wycombe District Air Quality Plan** as referred to in note 2 above.”

An amendment to the motion, proposed by Councillor Williams and seconded by Councillor Broadbent, had been submitted and circulated to all Members prior to the meeting in a supplementary agenda, as follows (changes in **BOLD** or struckthrough):

“The Council notes:

1. The Council has committed in its Climate Change and Air Quality Strategy to “Reduce Emissions to air from all council operations” and notes that “Some air pollutants are acidic (for example oxides of nitrogen and sulphur dioxide) or are powerful oxidizing agents (for example tropospheric ozone) and will corrode the lining of the lungs, other living tissue, and inorganic material”.
2. **The Council notes the significant improvement in air quality across the**

County over the last five years, as updated in the Climate Change and Air Quality progress report, released on 14th November, which notes:

- All nine Air Quality Management zones (AQMA's) are now below the 40 µg/m³ NO₂ danger threshold, with the exception of one new location in the Friarage Road AQMA in Aylesbury.
- A 41.5% reduction on a net basis of the Council's GHG compared to 18/19 with a similar decline in pollutants.
- Significant progress in the last year on new initiatives such as planting 145,000 trees, emissions mitigation in eligible domestic properties through our energy doctor scheme and the commission of the first upcycled EV Bin lorry by any Council.

2. In addition, under the ~~Wycombe District Air Quality Plan~~, that Council committed to:

- a. ~~“Work with the Highway Authority to identify and agree Information displays at strategic positions as drivers are entering the Air Quality Management Areas to inform them that they are entering such”;~~
- b. ~~“A campaign to reduce incidents of engine idling, using powers under Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986, and associated signage will keep air quality issues in the mind of the public”;~~
- c. ~~“Wycombe District Council will implement our powers under Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986 to instruct motorists to switch off their engines while their vehicles are parked and to issue Fixed Penalty Notices to those who refuse to co-operate”.~~

3. Children are especially vulnerable to air pollution.
4. The Royal College of Physicians estimate [40,000 deaths a year in the UK are linked to air pollution](#), with engine idling contributing to this.
5. Idle reduction efforts are particularly important in school zones due to the impacts of exhaust on children's lungs, which continue to develop until the age of 18. Exposure to excess exhaust and smoke can stunt lung growth and contribute to many lung disorders, including asthma.
6. **The Council has launched a campaign called “Clean up our air campaign” <https://www.buckinghamshire.gov.uk/community-and-safety/clean-up-our-air-campaign/>. This is managed through the Community Boards and we are providing tools, signs etc empowering Community Boards to work with schools, interested groups etc to take action on idling vehicles. One of the first projects we are working with is The Insignis Academy Trust, in a move initiated in Princes Risborough School, which is banning idling in the car parks of all its 4 schools in Buckinghamshire. on school premises.**
7. Vehicle idling is against the law and is an offence against the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002.
8. The council is authorised as a designated authority to issue fines for idling under The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002.
9. On 15 July 2020 the council committed to working “to achieve net carbon zero for Buckinghamshire as a whole by 2050 “and to evaluating “reaching

‘net zero’ for its own emissions no later than 2050 and possibly before this, potentially by 2030, subject to resources”. **This council fully supports our ambitious, detailed and costed Climate Change Strategy.**

10. The Council’s Climate Change and Air Quality Strategy confirms the Council has four levels of control or influence on emissions and has committed:
 - a. Where we have direct control, we will take action to reduce emissions.
 - b. Where we have financial or regulatory influence, we will look to use these abilities to reduce emissions.
 - c. Where we can enable others to reduce emissions, we will support that change.
 - d. In other circumstances, we shall seek to inform and influence those who do have control over emissions, with the aim of reducing them.
11. ~~In addition, in the Wycombe District Air Quality Plan, it was noted that A) “There is a misconception amongst a small proportion of the population that restarting their vehicle’s engine uses significantly more fuel than an idling engine and that regularly restarting their engine damages the starter motor. In fact, idling for a couple of seconds uses more fuel than restarting the engine and starter motors are a lot more resilient than a few decades ago. Unfortunately, idling engines are commonly found in town centres, car parks, bus stations and outside schools. Emissions from an idling engine do not disperse rapidly into the environment as they are not subject to the turbulence effect that is caused to traffic travelling at speed. They cause very high concentrations of Nitrogen Dioxide (NO₂) in the immediate vicinity of the car. This is particularly a problem when idling occurs outside schools with vulnerable young children being primarily exposed”.~~
12. ~~The council notes the recently reported incident where a member of public approached the driver of a council vehicle to make him aware he was illegally idling and was sworn at.~~

The Council believes:

1. Childrens’ health and that of adults is extremely important and reducing idling will help to protect the health of children and adults in Buckinghamshire.
2. Vehicle idling pollutes the air, harms health, causes unnecessary emissions, is against the law and wastes energy.
3. ~~The Council~~ **That** discouraging idling aligns with its commitment in its Climate Change and Air Quality Strategy to Reduce Emissions to air from all council operations and helps both the Council itself and Buckinghamshire as an area to more easily reach publicised net zero emissions goals.

The Council calls on Cabinet to resolve:

4. In relation to its own operations to do the following:
 - a. Clearly ~~inform~~ **remind** all council staff and **suppliers** that their engines should be turned off whenever their car is not moving and make all staff aware that to leave an engine idling is detrimental to air quality and health, especially of children, and is against the law.

- b. ~~Request all contractors and suppliers to inform their own staff similarly; and~~
- c. ~~Place signage to request engines are turned off in all council car parks and on all council notice boards.~~
- 5. To request all schools, **where appropriate, to communicate with School safer travel teams to come up with School travel plans centred around reducing car travel and 'park and stride'.**
- 6. **In line with this Council's commitment to localism, where appropriate, local Community Boards determine how to take part in the anti-idling campaign listed above.**
- 7. **Schools, including Academies, may also consider communicating the health and legal issues associated with idling to parents and staff. This may include including by placing appropriate signage in and around each school requesting engines be turned off when whilst waiting.**
- 6. ~~To write to all parish and town councils to encourage their involvement in discouraging idling in their local area.~~
- 7. ~~To follow through on the commitments from the Wychcombe District Air Quality Plan as referred to in note 2 above.~~

Councillor Gemmell informed the meeting that he had spoken to the proposer and seconder of the amendment and was happy to agree it with one small additional change which was at point 8 in the 'The Council calls on Cabinet to resolve' and which would call on Cabinet 'to resolve to consider placing signage intended to discourage idling in Council car parks.'

With the agreement of all parties to the motion and the amendment, and with the agreement of full Council, the updated amendment was then put forward for debate.

Councillor Gemmell then briefing explained the rationale of the motion. Following a brief debate the motion, as amended and agreed, was put to a vote and declared to be **CARRIED**.

RESOLVED –

That Council call on Cabinet to resolve –

- (1) **In relation to its own operations to do the following:**
 - (i) **Clearly remind all Council staff and suppliers that their engines should be turned off whenever their car is not moving and make all staff aware that to leave an engine idling is detrimental to air quality and health, especially of children, and is against the law.**
 - (ii) **To consider placing signage intended to discourage idling in Council car parks.**
- (2) **To request schools, where appropriate, to communicate with School safer travel teams to come up with School travel plans centred around reducing car travel and 'park and stride.'**

- (3) In line with this Council's commitment to localism, where appropriate, local Community Boards determine how to take part in the anti-idling campaign listed above.
- (4) Schools, including Academies, may also consider communicating the health and legal issues associated with idling to parents and staff. This may include placing appropriate signage in and around each school requesting engines be turned off whilst waiting.

14 Questions on Notice from Members

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

15 Report for information - Key Decisions Report

A list of decisions taken by the Leader since the last Full Council meeting on 20 September 2023 were received and noted.

16 Date of Next Meeting

4pm, Wednesday 21 February 2024 (Budget Setting)



Report to Council

Date:	21st February 2024
Reference number:	N/A
Title:	Chief Finance Officer's Statutory Report
Relevant councillor(s):	Cllr Martin Tett - Leader
Author and/or contact officer:	David Skinner, 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 The revenue budget presented to Council is for the financial year 2024/25 to 2026/27. Whilst there remains significant volatility in the economic environment and uncertainties surrounding future Local Government funding we need to plan as robustly as possible for these future uncertainties. These plans will be reviewed in

future years Medium-Term planning cycles to ensure balanced budgets are prepared and that financial sustainability is maintained.

- 2.2 Local Government funding remains very uncertain in the medium term due to ongoing global and national economic pressures, proposed changes to the Local Government funding regime, potential reviews of Business Rates and Council Tax, and the implementation of key Government.
- 2.3 The Government's Autumn Statement published in November 2023 set out funding priorities for the period 2024/25 to 2028/29, with public spending rising in line with the 2% inflation target.
- 2.4 Actual funding allocations confirmed through the Final Local Government Finance Settlement in February 2024 provided certainty in funding for the Council for 2024/25 only. This is the fifth year in the last eight where local government has received single year settlements. The long-awaited changes to Local Authority funding through the Fair Funding Reforms are likely to significantly impact the distribution model for Government funding when the reforms are implemented, and as such future funding levels remain significantly uncertain.
- 2.5 The Settlement also confirmed that the Council Tax referendum thresholds for 2024/25 will be 3% for basic Council Tax and 2% for the Adult Social Care precept.
- 2.6 Developing the budget for financial year 2024/25 has been particularly challenging due to increased cost and demand pressures in key services such as Adult Social Care, Children's Services, Home to School Transport and Temporary Accommodation. This is particularly the case in Children's Social Care, where the market has become sub-optimal, and placement costs have been impacted by demand significantly outweighing supply. In Adult Social care budgets are particularly subject to a high degree of risk with clients continuing to leaving hospital and enter Social care with greater care needs than before, as well as continuing pressures on the health system as a whole.
- 2.7 Inflation continues to remain a factor, with the Consumer Prices Index slowly falling from a 41 year high of 11.2% in October 2023. Recent months have seen reductions, although this is proving to be very sensitive to the performance of specific categories within the 'basket of goods'. The trend in inflation is broadly consistent with the Office for Budget Responsibility forecasts which have been used to develop our budget plans.
- 2.8 The Final Local Government Finance Settlement included an increase in funding for Social Care through the Social Care grant, and an increase in the Minimum Funding Guarantee from 3% to 4%, however increasing demand and complexity of need continues to put pressure on our budgets. The reform of Adult Social Care, which had been expected in October 2023, continue to be delayed, and this will have an effect on our budgets in future. Maintaining our adaptability to these changing factors whilst continuing to deliver high quality services will be of paramount importance.

2.9 The budget for 2024/25 has been set within the context of a challenging environment for all local authorities, with continued high profile cases of local authorities failing to operate sustainably. A number of councils have applied to central government for the use of exceptional financial support including capitalisation directives to use capital funding to meet revenue pressures and a number have been allowed to increase Council Tax above normal referendum thresholds. In addition, we have seen a number of 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.

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 latest 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.

3.3 The forecast outturn for 2023/24 is currently an overspend due to key pressures in Adults and Children's Social Care, Home to School Transport and Temporary Accommodation. Actions plans have been developed in-year to address these pressures, and have successfully managed to bear down on the costs pressures, consequently the quarter 3 position shows an improved position. In addition there are still contingencies that could be applied. This positive improvement is a significant achievement, given the scale of pressures within budgets during the year, but these are being successfully managed and mitigated through the Action Plans and the Council's strategy of setting contingency budgets for high-risk areas. This prudent approach will be maintained in future to provide a mechanism for mitigating against risks. A balanced position was achieved in 2021/22 and 2022/23.

3.4 All pressures in the budget for 2023/24 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 assumptions used to build the budget have been formulated using the most up to date information available, and cross-checked and verified against external sources such as:

- a) Forecasts of inflation from the Bank of England Monetary Policy Unit's latest estimates and the Office for Budget Responsibility
- b) Sector averages for growth and inflation as measured by the Society for County Treasurers, to ensure our assumptions are consistent with comparable local authorities
- c) Detailed review of growth and inflation within service areas to understand how services will be impacted by inflation on their particular cost-drivers
- d) Local trend data on measures of demand and unit costs

4.2 The budget, and the changes made in response to developments over the last year, has 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 briefing sessions;
- 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) **Inflation and national economic conditions:** global economic instability, along with supply chain issues, have contributed to the current high levels of inflation in the UK economy. Although inflation is predicted to fall during

2024/25, there remains uncertainty over the levels and duration of these impacts.

- b) **Central Government funding:** the Covid-19 pandemic, support for the 'cost of living pressures' and the UK's response to the war in Ukraine have led to unprecedented levels of national debt. Under the fiscal rules introduced by the government, it will be necessary for public spending to be tightened in future years to reduce these levels, unless economic performance improves significantly. This is expected to result in Local Government funding, as an unprotected department, increasing at a significantly lower rate than in recent years. In addition, the long-awaited Local Government funding reform and impact of the Levelling Up agenda could see funding diverted away from areas that are perceived as less in need.
- c) **Geo-political tensions:** the current level of political tension across the globe continue to interrupt supply chains and the availability of some commodities, contributing to the recent peak in inflation. It is also creating additional burdens on nation states through increased costs in supporting friendly nations in conflicts and through support to those displaced by conflict. The uncertainty and global impact of these tensions and conflicts means that future inflation forecasts and costs of further support are potentially very unpredictable.
- d) **Complexity and demand in Social Care & Client Transport:** Social Care and Client Transport budgets remain subject to significant variations in terms of both demand and inflation. This is being exacerbated by the pressure on hospitals to discharge patients to free bed-space and the increased need of those leaving hospital. This is seeing clients leave hospital with higher needs than in normal times. Whilst all reasonable efforts have been made to predict these pressures based on information available estimates remain volatile and uncertain.
- e) **Increased demand for Temporary Accommodation:** demand for Temporary Accommodation has risen significantly due to an increase in the number of people presenting as homeless and a shortage of suitable accommodation. The Council is being pro-active in addressing this through the proposals contained within the budget to reduce reliance on bed and breakfast accommodation and establish a more sustainable operating model.
- f) **The sustainability of providers within the Social Care market and Care Reforms:** under the Care Act, local authorities with responsibility for adult social care have a statutory duty to manage the market including, where necessary, making provision for the continuity of care if social care providers close. Whilst the future for Adult Social Care reforms remains uncertain,

there has been a significant increase in fees paid to providers, however market sustainability continues to remain a concern.

- b) In Children's Social Care the national market has become sub-optimal, with demand significantly outpacing supply. This has contributed significantly to increasing placement costs in the current year. The Council is being proactive in addressing this through proposals contained within the budget to increase the supply of in-house Children's Homes.

- 4.6 It is in this context that the budget contains specific contingencies, set against a process of financial risk assessment, to ensure that the Council is adequately planning for and mitigating the impact of any such risks which may become real.
- 4.7 Financial sustainability will be a critical consideration for the Council going forward, especially with the number of Councils who are having to issue S114 Notices continuing to increase, 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 / Corporate reductions included within the 2024/25 budget (**£41.3m**) 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. These balances are held against the risk of unforeseen events and provide a strong buffer against unexpected events, as well as funding across multiple years for the delivery of specific projects. A reserves protocol is in place to support greater oversight of reserves and to ensure that they are created, used and managed in a consistent and prudent fashion.
- 5.2 A ratio of 5% of net revenue expenditure is the generally accepted minimum prudent level of General Fund reserves. The Council's General Fund reserve is forecast to be 7.9% of net operating expenditure budget for 2024/25 financial year. There are no planned uses of General Fund Reserves within the budget proposed. This measure forms part of the CIPFA Resilience Index and we are currently rated as low risk for this indicator. Given current risks and uncertainties, holding above 5% in General Fund reserves is considered prudent. Earmarked reserves have been closely reviewed and are sufficient to cover all expected commitments against them, whilst providing an additional mechanism for managing risks.
- 5.3 We remain committed to using reserves only for limited purposes. There is a planned use of £2.150m (in total over 3 years) from Earmarked Corporate Reserves to smooth savings plans. The planned use of reserves will be reviewed as part of the Medium Term Planning process and if possible alternative funding will be identified.

5.4 Appendix A sets out a summary of the Council's earmarked reserves together with forecasts for changes to these balances as a result of the 2024/25 budget proposals.

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. This policy, known as the statutory override for the DSG, has been extended for the three-year period from 2023/24 to 2025/26. There remains, however, a risk that this arrangement may cease at the end of financial year 2025/26, which would require authorities to fund the deficit from their General Fund.

6.2 Local authorities with significant deficits are required to :

- provide information as and when requested by the department about its plans for managing its DSG account in the 2024 to 2025 financial year and subsequently
- provide information as and when requested by the department about pressures and potential savings on its high needs budget
- meet with officials of the department as and when they request to discuss the authority's plans and financial situation
- keep the schools forum regularly updated about the authority's DSG account and plans for handling it, including high needs pressures and potential savings

6.3 A local authority with a DSG deficit from the previous year must either:

- carry the whole of the deficit forward to be dealt with in the schools budget for the new financial year
- carry part of it forward into the new financial year and the rest of it into the following financial year
- carry all of it into the following financial year
- apply to the Secretary of State under the regulations for authorisation to disregard the requirements in Schedule 2 relating to deficits if it wishes to fund any part of the deficit from a source other than the DSG.

6.4 These provisions will be repeated in future regulations so that part or all of the deficit can be carried forward further a year at a time, to be dealt with through DSG that will be received in future years.

6.5 The deficit for Buckinghamshire Council is projected to be £3.4m (1.03%) at the end of 2023/24 after taking into account the current in year forecast for high needs budgets and the pupil growth fund. 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.

- 6.6 The DSG funding allocation for 2024/25 includes an increase in funding of £3.5m for the high needs block to support increased demand and other pressures. Demand and costs are projected to continue to increase in 2024/25. In setting the high needs budget for 2024/25 the impact of mitigating actions from the DSG management plan have been included, in order to offset some of the additional demand and cost pressures for the year.
- 6.7 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 level of DSG deficit have been required to enter into Safety Valve 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 future. Buckinghamshire has just completed Tranche 3 of the Delivering Better Value in SEND programme launched by the DfE in June 2022, to enable them to work with authorities with smaller and/or rising deficits. An application for £1m has been submitted to the Delivering Better Value programme to support the DSG Management Plan, supporting the council in moving towards a sustainable position in its high needs budget.
- 6.8 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 reviewed and updated in partnership with schools.

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 currently financial landscape for local authorities remains challenging, however we have managed to retain a prudent level of general fund reserves and have prioritised financial sustainability for the future. Whilst 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. The reserves are categorised over five classifications and are summarised below:

Type of Reserve	Forecast Closing Balance 31 March 2024 £000s	Forecast Closing Balance 31 March 2025 £000s	Forecast Closing Balance 31 March 2026 £000s	Forecast Closing Balance 31 March 2027 £000s
Earmarked for Capital purposes	58,220	47,768	43,082	30,842
Earmarked for Future Policy Purposes	33,426	26,889	22,949	22,371
Ring-fenced funding	30,985	28,980	27,480	25,980
Managing specific risks and cyclical	40,925	34,064	35,016	35,183
Held on behalf of others	235	235	235	235
Total - Earmarked Reserves	163,792	137,936	128,763	114,611

Earmarked for Capital Purposes:

This includes the Revenue Contribution to Capital reserves, S106 monies and developer contributions (where conditions have been met), monies set aside for capital feasibility and repairs and renewals.

Managing Specific Risks and Cyclical Costs:

This category includes reserves which facilitate the smoothing of expenditure over a number of years. It includes Mitigating Future Financial Risks, Budget Smoothing, Collection Fund, Insurance, Adverse Weather and Elections.

Earmarked for Future Policy Purposes:

This category includes reserves held to support future priorities. It includes monies set aside for service improvement, re-procurements and local plans.

Ring-Fenced Funding:

This includes unused grant funding such as the Public Health grant, One Public Estate and the schools' year-end balances. It also includes the Dedicated Schools Grant which is in deficit. Special Expenses reserve balances are held within this category.

Held on Behalf of Others:

This comprises monies held on behalf of the South East Strategic Leaders and museum donations.



Report to Council

Date:	21 st February 2024
Title:	Change to Council Tax Discounts and Premiums
Cabinet Member(s):	Cllr John Chilver, Cabinet Member for Accessible Housing and Resources
Contact officer:	Mark Preston
Ward(s) affected:	All
Recommendations:	<p>(1) Council is asked to APPROVE the removal of the following discretionary Council Tax empty homes discounts from 1st April 2024:</p> <ul style="list-style-type: none"> (i) Empty and unfurnished (100% discount for first month). (ii) Empty discount for property undergoing major structural repairs (50% discount for up to 12 months). <p>(2) Council is also asked to APPROVE the Council Tax Discounts, Exemptions and Premiums policy (Appendix 1) that reflect the removal of the discounts at recommendation (1) above.</p> <p>(3) Council is asked to APPROVE the introduction of a 100% Council Tax premium on empty homes after being 12 months empty from 1st April 2025.</p>
Reason for recommendation:	The recommendations have been made following a review of Council Tax discounts to bring it in line with neighbouring authorities and the provision made in the Levelling Up and Regeneration Act 2023 to introduce a 100% premium on empty homes after 12 months.

1. Executive summary

- 1.1 Following the consolidation into a single Revenues and Benefits system there has been an opportunity to review the existing discretionary Council Tax discounts.
- 1.2 Two of the discounts that have been reviewed are the 1 month empty and unfurnished 100% Council Tax discount and the 50% discount for up to 12 months for properties undergoing major structural repairs. Prior to unitary, all of the legacy district councils had a 1 month empty and unfurnished discount, and Aylesbury DC and Wycombe DC had an additional discount for properties undergoing major structural repairs.
- 1.3 The removal of the discounts is aimed at encouraging bringing properties into active use at the earliest opportunity. In addition, a review of neighbouring authorities has identified that the Council is an outlier in still providing these discounts and therefore it is proposed to remove these discounts from 1st April 2024.
- 1.4 The Levelling Up and Regeneration Act 2023 makes provision for Billing authorities to introduce additional premiums for empty homes and second homes. It is proposed to change the 100% empty home premium to come into effect after 12 months empty, rather than after 2 years empty currently, from 1st April 2025.

2. Council Tax Discount Changes

- 2.1 Following the consolidation of the Revenues and Benefits systems we are now able to look at different options for the review of existing Council Tax discounts.
- 2.2 If a property is empty and unfurnished there is a 100% Council Tax discount on the property for 1 calendar month that starts from the date the property becomes empty and unfurnished. Once the discount ends 100% Council Tax is payable. This discount costs approximately £336k per year.
- 2.3 If a property is undergoing major structural repairs, a 50% discount for up to 12 months is available. This currently costs £756k per year.
- 2.4 Benchmarking was carried out with our nearest neighbours to see which authorities continued to provide discounts in these areas. It was found that the Council is an outlier in still providing a discount, as most authorities no longer provide these discounts.
- 2.5 The table below shows how the discounts are treated in neighbouring authorities.

Bordering Councils	Empty 1 year 50% discount	Empty and unfurnished 100% discount for first month
Cherwell District Council	No discount	25% discount for 6 months
South Oxfordshire District Council	Yes	Yes
Wokingham Borough Council	No discount	No discount
Royal Windsor and Maidenhead Council	No discount	No discount
Slough Borough Council	No discount	No discount
London Borough of Hillingdon	No discount	No discount
Three Rivers District Council	No discount	No discount
Dacorum Borough Council	100% discount for first month	Yes
Central Bedfordshire Council	No discount	No discount
Milton Keynes City Council	No discount	No discount
West Northamptonshire Council	No discount	No discount

2.6 The changes to the discounts are summarised below:

Discount	Current	From 1st April 2024
Class C Unoccupied / substantially unfurnished.	100% discount for one month	0% discount
Class D Structural repairs (Unoccupied / substantially unfurnished).	50% discount for up to 12 months	0% discount

2.7 The remainder of the discounts and premiums that the Council can make local determinations on are remaining the same for the 2024/25 financial year:

Discount /Premium	Current
Second Homes Not sole or main residence / furnished. 28 day planning restriction. (Class A)	0% discount
Second Homes Not sole or main residence / furnished. No planning restriction. (Class B)	0% discount
Premium Empty 2 years < 5 years *	100% charge
Premium Empty 5 years < 10 years	200% charge
Premium Empty 10 years and more	300% charge

* This will change to 'Premium Empty 1 years < 5 years' from 1st April 2025 if approved.

2.8 The removal of the discounts is reflected in the proposed Medium Term Financial Plan and the 'Council Tax Discounts and Empty Homes Premiums Policy' has been updated to reflect the proposed removal of the discounts and can be found at Appendix 1.

3. Council Tax Empty Home Premium

- 3.1 The Levelling Up and Regeneration Act 2023 provides for billing authorities to charge additional Council Tax premiums in respect of the empty homes premium and also a second homes premium. The objective of the premium is to incentivise owners to bring properties into active use and help with local housing supply or increase contributions to help fund vital local services.
- 3.2 The Act allows for local authorities to charge a 100% premium on empty homes after 1 year instead of the 2 years currently. The level of additional Council Tax revenue that could be generated through this additional premium is an estimated £490k for the Council and £90k for other preceptors. It is not possible to know accurately how many properties are likely to be vacant for the period of 1-2 years as this isn't currently measured. If agreed, this premium can technically be charged from 1st April 2024 according to the Act, however given there has been no consultation or notice to date, a number of residents could be liable for the 100% Council Tax premium at very short notice. It is therefore recommended the premium be introduced from 1st April 2025 and the 2025/26 policy will be updated next year to reflect this if approved.
- 3.3 There are currently 376 homes that have been empty for between 2 and 5 years, 197 between 5 and 10 years and 70 properties that have been empty for more than 10 years.
- 3.4 The circumstances under which the empty homes premiums should not be applied is still awaiting the outcome from the Department for Levelling Up, Housing and Communities consultation. The DLUHC consultation proposes properties could be exempt from premiums if they are: undergoing probate, or actively being marketed for sale or let, or undergoing major repairs to make habitable. The consultation was on whether the exceptions to the empty home premiums should be applied and over what period of time the exception should last. The Councils other current exemptions (after the removal of the one month empty and major building works exemptions) are still in place i.e. occupation prohibited by law or planning restrictions, is in a care home, has passed away, is living elsewhere to receive/provide personal care, is in prison etc.

4. Legal and financial implications

- 4.1 The power to remove empty discounts was given in the Local Government Act 2003, section 75, which amended the Local Government Finance Act 1992, section 11.
- 4.2 Based on the current level of Council Tax discounts, the removal of the 2 discounts is estimated to increase the Council's share of Council Tax receipts by £0.9m. There

will also be an additional financial benefit for the other major preceptors on the collection fund.

- 4.3 The introduction of the empty home premium after one year could bring an estimated additional council tax revenue for the Council of £0.490m from 1st April 2025.

4a Director of Legal & Democratic Services comment

- 4.4 Approved. The decision would impact the interests any Councillor might have if they own property in Buckinghamshire which is empty or in receipt of any of the council tax discounts in Buckinghamshire that are proposed to be removed, so I think they should declare an interest and opt not to vote.

4b Section 151 Officer comment

- 4.5 The removal of the 2 discounts and the change to the 100% empty home premium to become effective after 1 year instead of 2 have been taken into account in the MTFP.

5. Corporate implications

- 5.1 The removal of these two discounts will generate additional Council Tax revenues for Buckinghamshire Council and the other Buckinghamshire preceptors and bring the Council into line with our near neighbours.
- 5.2 An equalities impact assessment has been completed for the changes.

6. Communication, engagement & further consultation

- 6.1 The Council Tax Discounts available on the website will be updated to remove these discount options and a message provided to explain that they are no longer available from 1st April 2024.
- 6.2 Notice of the introduction of a 100% empty home premium after one year instead of two years will be published in a local paper.

7. Next steps and review

- 7.1 The website will be updated to remove the two Council Tax discounts and to communicate that they are no longer available from 1st April 2024.
- 7.2 A notice in a local paper will be placed to give notice of the introduction of the empty home council tax premium after 12 months from 1st April 2025.

8. Background papers

8.1 None.

9. Your questions and views (for key decisions)

9.1 If you have any questions about the matters contained in this report, please contact 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 5pm on 9 February 2024. This can be done by email to democracy@buckinghamshire.gov.uk.



Council Tax Discounts and Premiums Policy 2024-25

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1. Introduction and background

- 1.1 The following policy outlines the Council's approach to discretionary Council Tax discounts and the levying of premiums on empty homes with effect from 1 April 2024.
- 1.2 A large part of the Council Tax legislation is mandatory on all billing authorities within England. Discounts (such as Single Person Discounts), Disregards and Exemptions are set by statute with no discretion allowed. However, there are a number of areas where each Council may determine, the type and levels of charge to be made.
- 1.3 The main discretionary areas are as follows:
- (a) Second homes (premises which are no-one's sole or main residence but are furnished);
 - (b) Unoccupied and substantially unfurnished premises;
 - (c) Unoccupied and substantially unfurnished premises which require or are undergoing structural repairs; and
 - (d) Premiums where premises have been unoccupied and substantially unfurnished for a period exceeding 2 years.
- 1.4 When determining its policy, each billing authority has to decide the level of charge (or discount) by the 31 March prior to the financial year in which it wants to introduce the changes.
- 1.5 The following policy outlines the determination made by the Council for the financial year 1 April 2024 in accordance with Sections 11A, 11B and 11C of the Local Government Finance Act 1992.

Second Homes

- 1.6 The legislation broadly divides second homes (premises which are no-one's sole or main residence but are furnished) as follows:
- Second Homes – No one's sole or main residence/furnished - 28-day planning restriction¹ - (Class A)
 - Second Homes - No one's sole or main residence /Furnished - No planning restriction² (Class B)
- 1.7 The legislation allows that a discount of between 0% and 100% can be granted in such cases.

¹ restricted by a planning condition preventing occupancy for a continuous period of at least 28 days

² the occupation of which is not restricted by a planning condition preventing occupancy for a continuous period of at least 28 days in the relevant year

Unoccupied and substantially unfurnished premises

- 1.8 Two classes of potential discount apply to premises which fall into the following category namely:
- Unoccupied / substantially unfurnished (Class C); and
 - Unoccupied / substantially unfurnished where structural repairs are required - this discount has a maximum period of 12 months (Class D).
- 1.9 In both of the above cases, a discount of up to 100% can be granted. Until the legislation changed in 2013³, mandatory exemptions would have been granted in place of Class C and Class D discounts giving a period of no charge for 6 months and 12 months respectively.

Premiums

- 1.10 Premiums were introduced by Government in 2013 with a view to encouraging homeowners to occupy homes and not leave them vacant in the long term. Initially premiums could only be charged at 50%. In 2018 the legislation changed and the Rating of Property in Common Occupation and Council Tax (Empty Dwellings) Act allows a progressive charge to be made as follows:
- Dwellings left unoccupied and substantially unfurnished for 2 years or more, up to 100%;
 - Dwellings left unoccupied and substantially unfurnished for 5 years or more up to 200%; and
 - Dwellings left unoccupied and substantially unfurnished for 10 years or more, up to 300%.
- 1.11 Certain classes of dwellings cannot be charged a premium namely:
- a dwelling which would be the sole or main residence of a person but which

from home⁴; or
 - dwellings which form annexes in a property which are being used as part of the main residence or dwelling in that property⁵.
- 1.12 Recent changes in legislation allow, should the Council wish, premiums for empty premises to be charged after one year and for the charging of premiums on second homes⁶.
- 1.13 It should be noted that premiums are charged in addition to the 100% Council Tax payable on empty premises.

³ Under the Council Tax (Prescribed Classes of Dwelling)(England) Regulations 2003 and amended by the Council Tax (Prescribed Classes of Dwelling)(England) (Amendment) Regulations 2012 - Classes C & D

⁴ Council Tax (Prescribed Classes of Dwelling)(England) (Amendment) Regulations 2012 - Classes E

⁵ Council Tax (Prescribed Classes of Dwelling)(England) (Amendment) Regulations 2012 - Classes F

⁶ Regeneration and Levelling Up Act 2023.

2. The Council's policy from 1 April 2024

2.1 The Council has resolved to implement the following with effect from 1 April 2024

Changes with effect from 1 st April 2024	Buckinghamshire Council
Second Homes Not sole or main residence/furnished. 28-day planning restriction ⁷ (Class A)	0% discount
Second Homes Not sole or main residence /furnished. No planning restriction ⁸ (Class B)	0% discount
Class C Unoccupied / substantially unfurnished	0% discount
Class D structural repairs (Unoccupied & substantially unfurnished) Maximum 12 months	0% discount
Premium Empty 2yr < 5yr	100%
Premium Empty 5yr < 10yr	200%
Premium Empty 10yr or more	300%

3. Exceptions from the premiums

3.1 At the time of writing this policy, government has issued a consultation (which has now ended), seeking views on possible categories of dwellings which should be dealt with as exceptions to the Council Tax premiums. Regulations are expected to cover the exceptions for both empty homes premium, and also the second homes premiums.

3.2 **The Council has included the proposed exceptions below however; it should be noted that these MAY CHANGE when the new regulations are commenced.**

3.3 The consultation proposes that there will be circumstances where premiums will either not apply or be deferred for a defined period of time. These are as follows:

- **Properties undergoing probate** - the government proposes that these properties should be exceptions to both the second homes and empty homes premiums for a **maximum of 12 months**. The exception would start once probate or letters of administration is granted. This will not affect the Class F Council Tax exemption (unoccupied dwellings in cases where

⁷ restricted by a planning condition preventing occupancy for a continuous period of at least 28 days.

⁸ the occupation of which is **not restricted** by a planning condition preventing occupancy for a continuous period of at least 28 days in the relevant year

someone has died) or the ability for the Council to charge its determined rate of Council Tax following the expiry of the Class F exemption;

- **Properties that are being actively marketed for sale or rent** - the government proposes that this exception will apply for up to a **maximum of 6 months** from the date that active marketing commenced, or until the property has been sold or rented, whichever is the sooner. The Council, in determining whether this exemption applies will require the following evidence:
 - (a) evidence that the dwelling is being **actively** marketed for sale or rent through a recognised agent (evidence can include contracts with agents, advertisements in recognised newspapers or marketing websites);
 - (b) where the premises are being self-marketed by the owner or landlord, evidence that the premises is being **actively** marketed (evidence can include advertisements in recognised newspapers or letting websites);
 - (c) where for sale, evidence that the premises are being sold at a true market level for the size and type of dwelling within the area in which it is situated. Where the dwelling is for let, that the rent requested is at a true market level for the size and type of dwelling within the area in which it is situated.

The above list is not exhaustive and the Council reserves the right to request further evidence to support any claim for exemption. The exemption will only apply once to any taxpayer or taxpayers if they are jointly and severally liable;

- **Empty properties undergoing major repairs** - this is time limited to 6 months. The government proposes that empty properties undergoing major repair works or structural alternations should be an exception to the premium for up to 6 months once the exception has been applied or when the work has been completed, whichever is the sooner. The exception will be applied at any time after the property has been empty for at least 12 months, so long as the Council is satisfied that the necessary repair work is being undertaken. As with all other exemptions to the premiums, the Council will require the taxpayer to provide such evidence as is required to support their application;
- **Job related dwellings** - currently, there is a Council Tax discount of up to 50% for properties which are unoccupied because the owner is required to live elsewhere for employment purposes. The discount applies where the dwelling is provided for the better performance of the duties of the employment, and it is one of the kinds of employment in the case of which it is customary for employers to provide dwellings for employees. The government proposes that the dwelling should also be an exception to the second homes premium. **The exception will not apply to cases where someone chooses to have an additional property to be closer to work while having a family home elsewhere or where an individual is posted to a new location but maintain their previous address;**

- 3.4 It is understood that regulations will be issued in early 2024 and the Council will need to ensure that any charging policy is in line with legislation. Therefore, the Council's Section 151 Officer in consultation with the relevant Cabinet Member, is granted delegated powers to amend this policy in line with legislative or government requirements.

4. Outcome expected and 'safety net'.

- 4.1 The expected outcomes of this policy are as follows:
- (a) Taxpayers will be encouraged, through the implementation of the new policy, to bring empty properties into use; and
 - (b) Increased Council Tax income from empty homes.
- 4.2 There may be circumstances where the implementation of these changes may cause exceptional hardship to a taxpayer. In such cases, the Council will consider applications for a reduction in liability under its Section 13A (1)(C) of the Local Government Finance Act 1992 - Reduction in Council Tax liability policy.
- 4.3 Where such an application is received, it will be considered on an individual case basis taking into account the circumstances of the taxpayer and the situation regarding the level of Council Tax charged. Should the taxpayer be aggrieved by any decision of the Council a further right of appeal will be with the independent Valuation Tribunal.

5. Legislation

- 5.1 The legislation that covers this policy and the recommendations made is as follows:
- S11A & S11B of the Local Government Finance Act 1992;
 - S11C of the Local Government Finance Act 1992 (as introduced by the Levelling Up and Regeneration Act 2023);
 - The Levelling Up and Regeneration Act 2023; and
 - S13A(1)(C) Local Government Finance Act 1992 (reduction in liability).
- 5.2 Due to changes in the legislation, the Council will be required to amend this policy, at any time, in line with statute.

6. Finance

- 6.1 Any amount of Council Tax received will be part of the Council's Collection Fund and will be shared between the Council and Major Precepting authorities in line with their share of the Council Tax.
- 6.2 Any reduction granted under S13A(1)(c) will be financed through the Council's general fund and do not form part of the Collection Fund.

7. Notification

7.1 All changes will be notified on the taxpayer's demand notice.

8. Appeals

8.1 Appeals against the Council's decision may be made in accordance with Section 16 of the Local Government Finance Act 1992.

8.2 The taxpayer must in the first instance write to the Council outlining the reason for their appeal. Once received the council will then consider whether any additional information has been received which would justify a change to the original decision and notify the tax payer accordingly.

8.3 Where the taxpayer remains aggrieved, a further appeal can then be made to the Valuation Tribunal. This further appeal should be made within 2 months of the decision of the Council not to grant any reductions. Full details can be obtained from the Council's website or from the Valuation Tribunal Service website.

9. Delegated Powers

9.1 This policy for the Council Tax discounts and premiums has been approved by the Council. However, the Head of Revenues and Benefits, in consultation with the Council's S151 Officer, is authorised to make technical amendments to ensure it meets the criteria set by government and the Council.

10 Fraud

10.1 The Council is committed to protecting public funds and ensuring that premiums are correctly charged.

10.2 A taxpayer who tries to reduce their Council Tax liability by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.

10.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

11. Complaints

11.1 The Council's complaints procedure (available on the Council's website) will be applied in the event of any complaint received about this policy.



Report to Council

Date:	21st February 2024
Title:	Medium-Term Financial Plan 2024/25 to 2026/27 and Capital Programme 2024/25 to 2027/28
Cabinet Member(s):	Cllr Martin Tett - Leader
Contact officer:	David Skinner, Service Director Finance
Ward(s) affected:	All
Recommendations:	<p>Council is asked to;</p> <ul style="list-style-type: none"> - approve the Medium-Term Financial Plan 2024/25 to 2026/27 and Capital Programme 2024/25 to 2027/28. - approve the Council Tax Resolution (Appendix 1) - approve the ‘Special Expenses’ budgets, precepts and associated services for Aylesbury Town, High Wycombe Town and West Wycombe Church Yard (Appendix 2 and 3). - 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 1.11). - approve the Council Tax Reduction Scheme Policy (Appendix 4). - Approve the Business Rates Discretionary Rate Relief Policy (Appendix 5).
Reason for recommendation:	<p>To set a robust and legal revenue budget and capital programme for Buckinghamshire Council within the prescribed timeframe.</p> <p>To ensure the council is able to make appropriate additions to the capital programme in a timely manner.</p>

1. Executive summary

- 1.1 This report sets out the Medium-Term Financial Plan 2024/25 to 2026/27 and Capital Programme 2024/25 to 2027/28.

Revenue Budget 2024/25 to 2026/27

- 1.2 The financial position for the Council is extremely challenging with significant pressures identified in relation to both inflation and ongoing increases in demand for key services, in line with those being experienced nationally. The budget is set within the context of a challenging environment for all local authorities, with continued high-profile cases of local authorities failing to operate sustainably and having to issue section 114 notices, banning all non-essential spend.
- 1.3 The Medium-Term Financial Plan is the financial expression of the Council's Corporate and Portfolio plans. The Council discharges more than 1300 statutory duties and is facing increased demand pressures in key services. This year has been the most difficult to date in responding to these challenges whilst delivering a balanced budget, and this has been achieved through a significant programme of additional savings and income.
- 1.4 The key areas of pressure within the final revenue budget portfolio proposals relate to unavoidable growth of **£47.2m** and inflation of **£14.2m**. The key services experiencing these increases are the 'Critical 4' Adult Social Care, Children's Services, Home to School Transport and Temporary Accommodation. These Portfolio areas have experienced the highest budgetary impact from the pressures identified above, and in combination account for 96% of growth and 94% of inflation added to the budget.
- 1.5 The Final Local Government Settlement was announced on 5 February 2024 and included an increase in funding for Social Care through the Social Care grant, and an increase in the Minimum Funding Guarantee from 3% to 4%. Whilst these funding announcements are welcome the expected increases in funding are not likely to be sufficient to address either the recently experienced high levels of inflation (circa 10%) or the broadly recognised structural issues of underfunding and increasing demand which currently exist across both the sector as a whole and within Buckinghamshire. The budget proposals are based on the figures published within the Final Settlement. The one-off additional funding is allocated to the contingency budget for Social Care.
- 1.6 The Council has a strong track record of delivering savings with £45m delivered in the first 3 years following the inception of the new unitary council, a further £30.4m of income and savings currently on-track for delivery in 2023/24. A further programme of **£95.3m** of new income and savings has been identified as part of the

2024/25 to 2026/27 Revenue Budget with **£41.3m** of new income and savings proposed for 2024/25.

- 1.7 Whilst this budget provides the best available estimates for the 2024/25 to 2026/27 financial years, there is significant risk around future income, cost and funding projections. The external environment is continuously monitored, and financial risks are managed through revenue contingency budgets contained within these budget proposals including the new social care contingency.
- 1.8 The overall revenue budget, with each Portfolios element expanded and details of the proposed budget changes can be found appended to this report.

The Capital Programme 2024/25 to 2027/28

- 1.9 The Capital Programme is presented for 4 years as many schemes span multiple financial years. In total the programme includes £666.3m of projects. Key areas of investment within the programme are:
- a) £179.8m on Strategic Infrastructure (including HIF).
 - b) £168.3m on schools' capital programme.
 - c) £107.9m on roads including pothole repairs.
 - d) £37.1m to support regeneration projects.
- 1.10 The overall Capital programme and each Portfolios element is appended to this report.
- 1.11 The Council's authorised borrowing limit currently allows for £100m of additional prudential borrowing should the need arise. **It is proposed that Council delegate to Cabinet the addition of schemes to the Capital Programme up to this level which have a financially viable business case, subject to due diligence and final Cabinet approval.**

Budget Scrutiny review

- 1.12 During the week commencing 8th January the Draft Budget was reviewed and challenged by the cross-party Finance & Resources Select Committee (Budget Scrutiny Task & Finish Group).
- 1.13 The Committee made five recommendations, three of which were fully agreed, and one was agreed in part. These recommendations focussed on the escalating costs within Home to School Transport, the financial position of Farnham Park Trust and the Dedicated Schools Grant deficit and Delivering Better Value Programme (DBV). The other recommendation relating to the presentation of outline projects within the Capital Programme was not agreed. The report and response from Cabinet is set out in **Appendix 8**.

Council Tax

- 1.14 The Secretary of State announced that the basic Council Tax Referendum threshold will be 3% for 2024/25. In addition, there is the ability to levy an Adult Social Care precept of up to 2%.
- 1.15 The budget proposed includes an increase of 2.99% in basic Council Tax and in addition, a 2% increase for the Adult Social Care Precept, giving a total increase of 4.99%. For the average Band D Council taxpayer this represents an additional £1.69 per week. This is the maximum allowable without triggering a local referendum and is below the average rate of inflation experienced during 2023/24.
- 1.16 The Council Tax Resolution report is presented as **Appendix 1**. This agrees the Council Tax to be collected by the Council, the major preceptors (Fire & Police), Special Expenses and Parish Precepts.
- 1.17 In Aylesbury Town, High Wycombe Town and West Wycombe Church Yard there are 'Special Expense' areas in operation. 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. Details of the proposed 'Special Expenses' budgets and precepts, and the services included within this charge can be found in **Appendices 2 & 3**.
- 1.18 The charge for Special Expenses forms part of the calculation of the Council Tax referendum threshold. The proposals presented include increases to these charges, which impact the actual values for Buckinghamshire Council on all Council Tax bills.
- 1.19 The Council Tax Reductions (CTR) Scheme Policy requires approval on an annual basis. The scheme in respect of pension age applicants has been updated reflecting the changes made by Central Government to the applicable amounts found in Schedule 1 of the policy. The updated policy is available as **Appendix 4**.

Granting of Discretionary Non-Domestic Rate Relief Policy

- 1.20 This policy replaces the current separate policies for Discretionary Non-Domestic Rate Relief and Retail Hospitality and Leisure Relief into a single Discretionary Non-Domestic Rate Relief policy. The updated policy is available as **Appendix 5**.

2. Financial Risks

- 2.1 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 draft budget, both in terms of delivery of proposed savings and also in managing future demand pressures. Details of the key risks to the budget are included in the Budget Report and include:
- Inflation and national economic conditions
 - Central Government funding changes

- Growth in demand and complexity in Social Care, Temporary Accommodation, SEND and Home to School Transport
 - Market sustainability and supplier failure
 - Loss of income across a range of services
- 2.2 A robust risk management approach will be taken to monitor, manage and mitigate these risks through the delivery of these budget plans.
- 2.3 Balanced against risks are the level of reserves and contingencies including the General Fund (non-allocated) balances. Contingency budgets, which are used to manage ongoing risk and uncertainty in the budget, are maintained in line with the risks and uncertainties identified within this report. The proposed level of contingency budgets is detailed within the Budget. The forecast General Fund balance is expected to be £42.8m at the end of 2024/25 (depending on the final outturn for 2023/24). This balance represents 7.9% of the 2024/25 net operating budget. There are no planned uses of General Fund Reserves within the budget proposed. The budget includes limited use of Earmarked Corporate Reserves of £2.150m to smooth savings plans.
- 2.4 This budget reflects prudent estimates of funding and expenditure pressures and savings proposals to ensure the ongoing sustainability and resilience of the Council.

3. Legal and financial implications

- 3.1 This report is fundamentally about the financial position of the Council and implications are covered within the body of the report.
- 3.2 The Council is required under the Localism Act 2011 to set a council tax requirement for the authority. This report provides information which, when taken together with the previous reports provided to Cabinet, will lead to the council tax requirement being agreed in February 2024, together with a budget for 2024/25 to 2026/27 and a four-year Capital Programme.
- 3.3 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.
- 3.4 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.

3a Director of Legal & Democratic Services comment

The Director has read and noted the report.

3b Section 151 Officer comment

This is a section 151 officer report.

4. Corporate implications

- 4.1 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.

5. Local councillors & community boards consultation & views

- 5.1 A public consultation on priorities and budgets was conducted between 31 August 2023 and 15 October 2023. 1,486 Buckinghamshire residents and seven representatives of organisations completed the 2024/25 budget consultation online. The results have been reviewed by Cabinet alongside the draft budget report.
- 5.2 For residents, care and support services for older people and vulnerable adults, road maintenance and educational services such as childcare, pre-schools and school admissions were selected by the highest proportion of respondents. When asked to choose services that should not be prioritised, public health services, culture and tourism, and sport and leisure services were selected by the highest number of respondents. When asked to suggest other priorities to consider, the most frequently mentioned themes related to roads and pavements and environment.
- 5.3 The Youth Voice Bucks Executive Committee were also invited to comment on the budget proposals, as part of the consultation. Youth Voice is a space for young people aged 11-19, and up to 25 if they have a Special Education Need or Disability, to speak about issues that are important for young people.
- 5.4 Further consultation has taken place with the Buckinghamshire Business Group on the 31st of January 2024 following approval of the draft budget by Cabinet. Their response is included as **Appendix 6**.

6. Background papers

Medium Term Financial Plan 2024/25 to 2026/27 and Capital Programme 2024/25 to 2027/28

Appendix 1 – Council Tax Resolution Report [to follow]

Appendix 2 – Special Expenses Budgets and precept

Appendix 3 – Special Expenses activities

Appendix 4 – Council Tax Reduction Scheme Policy

Appendix 5 – Business Rates Discretionary Rate Relief Policy

Appendix 6 – Bucks Business Group Budget Consultation Response

Appendix 7 – Equalities Impact Assessment

Appendix 8 – Budget Scrutiny Recommendations 2024 and Cabinet response

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BUCKINGHAMSHIRE COUNCIL

Medium-Term Financial Plan 2024-25 to 2026-27 Capital Programme 2024-25 to 2027-28



MEDIUM TERM FINANCIAL PLAN 2024/25 to 2026/27

CAPITAL PROGRAMME 2024/25 – 2027/28

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Appendices

Section 1: Medium Term Financial Plan

Revenue Budget 2024/25 – 2026/27

The 2024/25 to 2026/27 Medium-Term Financial Plan (MTFP) delivers a 3-year balanced budget and demonstrates the financial sustainability of the council despite the considerable challenges faced by us and the sector. The budget provides a 'best estimate' which reflects the uncertainties in future costs and demand levels, national policy and economic conditions and local government funding. The medium-term outlook for Buckinghamshire Council finances remains extremely challenging with significant pressures identified in relation to both inflation and ongoing increases in demand for key services, which reflects the position being experienced nationally. The focus of this plan is therefore matching the need to ensure that core services continue to be delivered to residents whilst ensuring that resources are used as efficiently as possible through driving efficiency, service reviews, income generation and savings plans.

The Revenue Budget includes inflationary growth of £36.0m, unavoidable demand growth of £97.4m offset by portfolio savings and income proposals of £95.3m. As a result, overall Portfolio net revenue budgets are set to increase by £27.5m (5.9%) in 2024/25 rising to £51.0m (11.0%) in 2026/27.

The main areas of budget increases are the Health and Wellbeing, Education & Children's Services, Homelessness & Regulatory Services and Transport Portfolios. These Portfolios have experienced the highest budgetary impact from the pressures identified above, and in combination account for 96% of growth and 94% of inflation added to the budget.

There is a significant amount of risk in these budget proposals in particular around inflation, growth in demand and supply chain. These are set out in further detail later within this report.

Key Financial pressures

The Council has experienced significant financial pressures during 2023/24 due to continued increase in demand and complexity of need in key services, such

as Adults Social Care and Children's Social Care. The revenue outturn position is forecast for a significant adverse variance within Portfolio budgets (at Quarter 3 £4.5m or 1% of Portfolio budgets). The ongoing impact of this is built into the Budget and MTFP.

Service demand

The growth identified in the MTFP is linked to significant demand increases in

- Adult Social Care growth of £13.6m rising to £33.5m due to increases in client numbers, complexity and increased cost of care packages.
- Children's Social Care, Looked After Children growth of £21.4m rising to £42.5m predominantly due to reductions in foster carers and the national insufficiency of placements resulting in very high unit costs for residential placements. This is offset by savings from in-house children's homes.
- Growth of £1.6m in temporary accommodation due to increased demand, particularly for nightly paid accommodation.
- Growth of £6.9m rising to £13.7m linked to increased volume and contract costs in Home to School Transport linked to growth in Education & Health Care Plans (EHCPs).

Inflation and Market Sustainability

The cost of delivering council services has increased due to the ongoing high levels of inflation impacting on our suppliers and providers. Given the nature of the services we operate inflation has affected different budgets in different ways and remains a significant pressure. The cost of delivering services has increased and have placed pressures on our supply chains.

- Inflationary uplifts have resulted in budget pressures, in Adults (£10.1m) & Children's (£2.8m) Social Care linked to uplifts in the National Living Wage; and Highways (£0.5m rising to £2.9m) and in Waste (£1.1m rising to £2.3m) linked to contractual uplifts.
- Pay inflation, held corporately, subject to the local pay award.

Section 1: Medium Term Financial Plan

Delivery of additional income and savings

As a relatively new Council, we have developed a strong track record of delivering additional income and savings. The MTFP includes:

- Savings in Children’s Social Care of £10.1m rising to £36.4m linked to investment in additional children’s homes to reduce the use of high-cost external placements and increase in foster carers.
- Savings in Adult Social Care of £5.2m rising to £12.3m from promoting independence, contract re-procurement, strengths-based reviews and from service re-design.
- Savings from Business Operations, HR, Finance, ICT totalling £6m by 2026/27.
- Savings arising from actions to reduce demand and increase efficiencies through the Home to School Transport improvement plan of £1.1m rising to £3.8m.
- Savings in Property & Assets of £1.1m rising to £2.3m linked to rationalisation of office space.
- Efficiencies in Housing and Investment in temporary accommodation units to reduce spend on nightly-paid accommodation, saving £1.8m by 2026/27.
- Reduction in funding to Community Boards of £1.5m from 2025/26.
- Review of delivery model and efficiencies across Culture & Leisure services delivering £1.4m of savings by 2026/27.

Council Tax

The Secretary of State announced that the basic Council Tax Referendum threshold will be 3% for 2024/25. In addition, there is the ability to levy an Adult Social Care Precept of up to 2%. Councils that are facing significant financial difficulties have been given individual Council Tax referendum

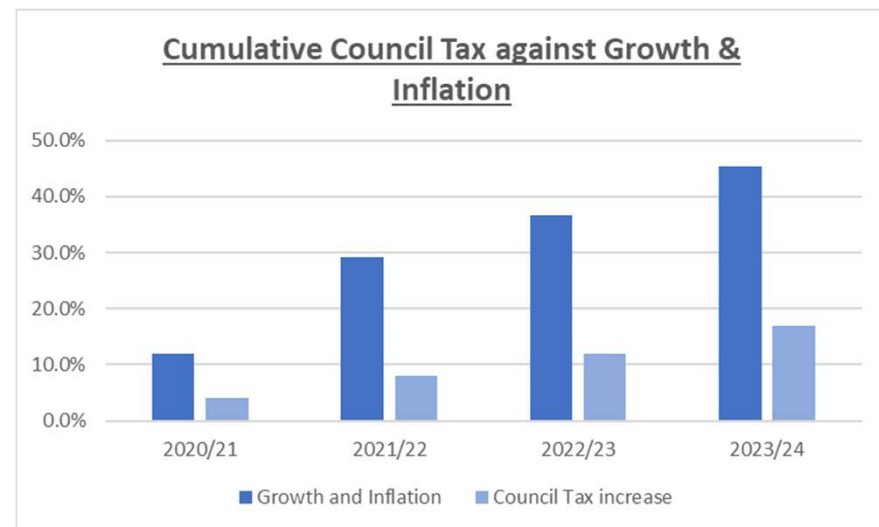
thresholds.

The budget includes an increase of 4.99% in the Average Band D Council Tax. This comprises a 2.99% increase in the basic element of Council Tax and a 2% increase in the Adult Social Care precept. This is below the referendum thresholds set. For an average Band D Council taxpayer this represents an additional £1.69 per week in 2024/25.

In line with central Government requirements the additional £8.14m of funding raised through the Adult Social Care precept is all allocated to offset the £13.6m growth pressures and £10.1m of inflationary pressures in Adult Social Care budgets.

Our Council Tax base continues to grow as new properties are built within the County and disused properties are brought back into use. The Council Tax base was approved by Cabinet on 4th January 2024. This sets the number of properties which are expected to pay Council Tax.

The overall increase in Council Tax receipts of includes a 0.94% growth in the tax base including an increase in the collection rate to 98.4%.



Section 1: Medium Term Financial Plan

Corporate Budgets

Key updates to the corporate budgets include:

- An increase in Business Rates retained local of £4.6m linked to the September CPI uplift of 6.7%.
- Increase in interest on balances from Treasury Management of £2.8m above previous expectations.
- An increase in un-ringfenced grants of £10.1m, based on the Local Government Settlement and subsequent announcements.
- Use of £2.476m of Corporate Budget smoothing reserve in 2024/25 to manage the risks around successful delivery of savings plans.

These proposals support maintaining core front line services to residents in the face of increased demand, lost income, and high levels of inflation whilst remaining within the referendum threshold for Council tax.

Capital Programme 2024/25-2027/28

The Capital Programme is presented for 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 up to this level which have a financially viable business case, subject to due diligence and final Cabinet approval.

This will enable additional priorities, such as regeneration and housing projects, to come forward and be added to the capital programme once positive business cases are fully developed. The prudential borrowing facility may also be used to provide capital loans to our property company, our joint venture property company and the Enterprise Zone should there be a financially viable and robust business case.

The overall Capital programme totals £666.3m over 4 years. Around 9% of the programme is funded from revenue. Each Portfolio's element of the

Programme is included at Section 5.

- £37.1m to support economic growth & regeneration projects;
- £168.3m on schools, and school improvement projects;
- £137.0m on strategic highways maintenance including;
 - £63.4m on major highway resurfacing schemes;
 - £17.7m on Plane & Patch (smaller planned and reactive repairs);
 - £12.0m on failed roads;
 - £8.4m on footway repairs;
 - £5.9m on street lighting repairs, replacement and maintenance;
- £179.6m on strategic infrastructure (HIF);
- £34.0m investment in waste, primarily on vehicle replacement and household recycling centres;
- £26.1m to support housing and homelessness including affordable housing action plans and disabled facilities grants;
- £14.7m on climate change and flood management.

All revenue consequences of the Capital programme, including interest and debt costs and the Minimum Revenue Provision required under Local Authority accounting guidance have been included in the Revenue Budget.

Section 1: Medium Term Financial Plan

The Local Government Finance Settlement

The Government announces the Local Government Finance Settlement each year, which defines the level of funding which will be received from central Government, and the levels at which the Council Tax referendum limits will be set each year.

Within the Local Government Settlement, the government reports the 'Core Spending Power' of every council in the country. This is the Government's preferred measure of funding for Councils. This measure assumes that councils increase their Council Tax by the maximum allowable without triggering a referendum.

Over the last 3 settlements Buckinghamshire has received a lower percentage increase in its Core Spending Power than the average for all councils in England and compared to the average for 'Shire Counties'. In the 2023/24 Local Government Settlement Buckinghamshire Council received the lowest increase in Core Spending Power of any comparable council.

Since the Council has received consistently low increases in Core Spending Power, the only lever available to minimise this funding gap is to maximise Council Tax receipts. Since the Council was formed in 2020, Council Tax increases have been maintained at just below the Referendum threshold.

The Provisional Settlement was announced on 18 December, followed by a further funding announcement on 24 January 2024 of additional funding for Social Care and an increase to the Funding Guarantee. The budget has been amended to reflect these changes.

These announcements have resulted in an increase in Core Spending Power (CSP) by 7.8% (England average CSP increased by 7.5%). There are three elements to Core Spending Power:

- An estimate of the Council tax that a Council could levy including an estimate of the annual growth in the tax base plus
- An assumption that local authorities increase their Band D council tax in line with the maximum allowable set out by the council tax

referendum.

- Changes to Central Government grants, particularly the Social Care Support Grants, Better Care Fund, New Homes Bonus and Services Grant.

The 7.8% increase is mainly due to the assumed increases from Council Tax. The Council has benefited from the additional funding for Social Care and the Funding Guarantee which ensures that all Councils receive at least a 4% increase in CSP before decisions are made on increases to Council Tax. These increases are partially off-set by a reduction in the Services Grant.

The Provisional Settlement confirmed the Council Tax referendum thresholds at 3.0% for basic Council tax and an additional 2.0% for the Adult Social Care Precept. The Government sets these referendum thresholds to ensure that if a Council sets an increase in Council Tax which is deemed to be excessive (i.e. above the referendum thresholds) a local referendum must be held to approve the increase.

The Final Local Government Finance Settlement was announced on 5 February 2024. There are no material changes from the figures published in the recent announcements which form part of these budget proposals.

Special Expenses

Special Expenses are a separate element of Council Tax, charged only to unparished areas where the Council provides services which would otherwise be delivered through a Town or Parish Council. We have Special Expenses in operation for High Wycombe Town, West Wycombe Churchyard and Aylesbury Town. The cost of these services is covered by a Special Expenses precept in these areas rather than general Council Tax to ensure that all residents are not paying for Parish services in these areas.

Budgets and precepts for Special Expense areas are proposed by the area Committees and approved by Council. Details of the proposed 'Special Expenses' budgets and precepts are set out as appendices to this budget.

Section 1: Medium Term Financial Plan

Key principles in developing the MTFP

The Budget conforms to the following key principles:

- Requirement to deliver a robust and balanced budget and to remain financially sound over the short, medium and longer term.
- Any proposals to balance the budget need to be deliverable, sustainable and maintain the Council's financial health and longer-term viability.
- Must avoid over ambitious savings and income proposals; and need to be evidenced based with a track record of deliverability.
- Any proposals in relation to reserves must be time-limited and not require excessive use of reserves, given levels of risk and uncertainty.
- Proposals should not add unduly to the level of financial risk to which the Council is exposed and the Council's ability to meet statutory responsibilities.
- Inflation is a significant factor within the development of the Capital Programme, as it is with the Revenue Budget.
- A Capital programme review was conducted which covered the existing Capital programme, new capital bids and the prioritisation of those bids for inclusion in the programme to get to a recommended capital programme. The Corporate Capital Investment Board was consulted during this process to provide a steer on the approach to prioritisation.
- Opportunities were identified for reducing, reprofiling or removing projects where they were uncommitted, including delaying projects beyond the current planning window in order to create some headroom for new bids. Alongside this the available capital resources were reviewed and future funding estimated.
- The budget reflects the estimated impact of the changes outlined above. The robustness of existing and new budget proposals will continue to be monitored as part of normal financial management protocols.

Developing the Budget proposals

- The Budget has been developed by building on the budget agreed by Full Council in February 2023.
- Each Portfolio holder has been supported by officers to produce a set of revenue budget and capital programme proposals which support the delivery of the Corporate Plan and which address the growth and inflationary pressures identified above. Previously agreed budget plans were reviewed to ensure they still remain valid, and amendments were made to reflect the latest intelligence on deliverability and robustness.
- Growth and inflation assumptions have been reviewed using the latest available evidence, and future growth assumptions updated on this basis.
- In addition to this a series of savings proposals were developed to ensure the budget could be balanced. These have been reviewed and prioritised by Cabinet to ensure the minimum of impact on our residents.

Section 1: Medium Term Financial Plan

Track record on Income and Savings



£45million savings achieved
between 2020 and 2022



£75.4m

over our first 4 Years
17.1% of our net 2020-21 budget



£30.4million savings being
delivered in 2023/24



£95.3m

to be delivered over this MTFP
21.6% of our net 2020-21 budget



£41.3m further savings &
income for 2024/25



£170.7m

in **seven years**

38.7% of our net 2020-21 budget



£32.8m further savings &
income for 2025/26



£21.2m further savings &
income for 2026/27

Section 2: Budgetary Environment

National economic context

The national economy has been subject to a number of significant and overlapping shocks over recent years. The Covid-19 pandemic disrupted global trade and required significant financial intervention from governments around the world, and the conflict in Ukraine and the subsequent political responses have had a large impact on the price of globally traded commodities such as grain and gas, which has knocked-on to other products over time.

The impact of this has been that the rate of inflation in the UK peaked above 11% and currently sits at 4.0%. This inflationary pressure is exacerbated by a tightening in the available workforce, which is driving higher pay inflation.

The Bank of England, acting under its remit to manage inflation to a 2% target, has consistently increased the Bank Base Rate, from a low of 0.1% in December 2021 to 5.25% in December 2023. This action is expected to reduce inflation to below the 2% target by mid 2025. Despite these pressures above the UK economy is not predicted to fall into a period of recession.

These high levels of inflation and increasing borrowing costs have created pressures which has impacted many residents and businesses across the country.

Nationally the Government has taken steps to respond to the prevailing economic shocks, which have placed additional pressures on the public purse. These pressures have dramatically increased Government borrowing which is creating pressure on Government spending priorities in future years as debt repayment costs have increased in line with the Bank of England base rate.

Nationally high inflation, a tight labour market and the resultant

domestic price pressures have shaped the Council's Budget through;

- Significant inflationary pressures to maintain services at existing levels. Inflation is variable across different services dependent on the main cost drivers in different services;
- Inflation of 20% across the construction industry impacting across the Capital Programme;
- Pay pressures in light of the wider market and the National Joint Committees pay award for other local government employers;
- Pressures across the NHS resulting in a higher demand for early hospital discharge, with subsequent higher needs of those discharged;
- Increased demand for Social Care places, both with continuing pent-up demand from the pandemic and as a consequence of the impact of the pandemic on both general and mental health;
- Supply-side pressures in Social Care as both market sufficiency and Social Care wages fail to keep pace with the private sector;
- Increased demand and costs of supporting the vulnerable across multiple service areas;

All of these pressures are set against the need to invest in the local economy to support jobs, growth and regeneration of town centres.

Section 2: Budgetary Environment

National funding context - The Autumn Statement

On the 22nd November the Chancellor presented his Autumn Statement. The Statement focused on reducing inflation, growing the economy and reducing debt.

- No further funding increases for local government with the additional funding for adult social care announced in the Autumn Statement 2022 confirmed.
- Local Housing Allowance (LHA) rates will be raised to the 30% percentile of local market rents from April 2024. No direct impact but this should indirectly reduce pressure on temporary accommodation.
- Departmental budgets will increase by 1.0% in real terms over the medium term, which imply real-terms cuts for local government services.
- Improvements in productivity in the public sector (by 0.5% per year) leading to a “more productive state not a larger state”.
- National Living Wage will increase to £11.44 for workers 21 years and over (an increase of 9.8%).
- Planning capacity funding - £5m in additional funding for Planning Skills Delivery Fund to target planning application backlogs.
- £450 million for a third round of the Local Authority Housing Fund to deliver 2,400 new housing units to house Afghan refugees and ease wider housing and homelessness pressures.
- Homes for Ukraine and homelessness prevention extended ‘thank you’ payments into a third year for Homes for Ukraine sponsors.
- Local Nutrient Mitigation Fund - £110m to support planning authorities to deliver high quality schemes to offset nutrient pollution, unlocking planning permissions that are otherwise stalled.
- Affordable Homes Guarantee Scheme - expanding the existing £3 billion scheme by a further £3 billion to support housing associations to access cheaper loans for quality and energy efficiency works as well as new homes.
- Infrastructure planning – designating low carbon infrastructure as a critical national priority with steps to ensure that the planning system prioritises the rollout of electric vehicle charging infrastructure, including EV charging hubs, and heat pumps.
- Planning system performance reforms – guaranteed accelerated decision dates for major developments in England in exchange for a fee, ensuring full refunds are given where deadlines are not met.
- Support for substantial commercial development and strengthen of Economic Regulation.
- Small business rates multiplier will be frozen with Local authorities fully compensated.

There remains significant financial uncertainty, particularly from 2025/26 onwards due to short term local government finance settlements. Fiscal tightening is back-loaded with the vast bulk of spending cuts in particular pencilled in for after April 2025.

Section 2: Budgetary Environment

Local Context: Budget Assumptions

The table to the right provides a summary of the high-level assumptions made which underpin the Budget. Key within this is the level of inflation which is forecast to stay higher for longer and changes in demand growth.

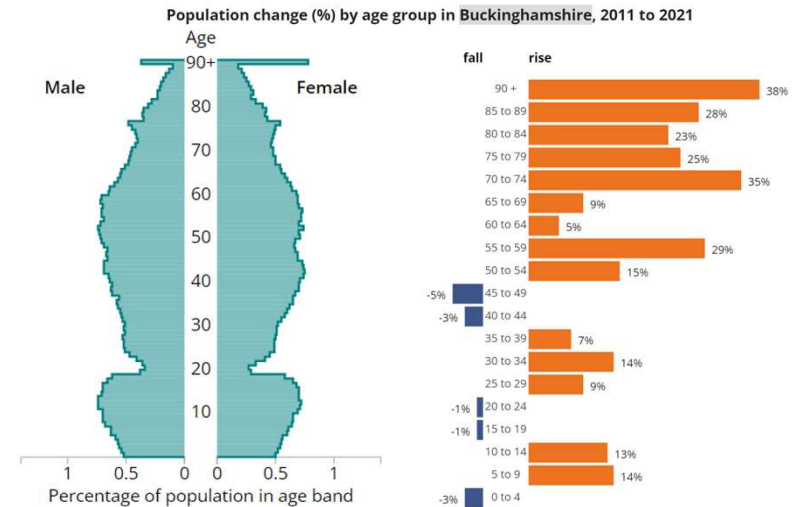
The population of Buckinghamshire continues to grow, most notably in the over 65 and over 80 age groups. These are the age groups most likely to require Adult Social Care.

The Council is experiencing exceptional increases in requests for Education Health and Care Needs Assessments (EHCPs), with an increase of 101% compared to 2016 in requests; and 76% increase in EHCPs maintained. This is driving significant cost pressures within Children’s Services and Transport.

The Council is funded from several different sources. It can raise Council Tax, it keeps a share of the Business Rates collected locally, receives both ringfenced (for specific purposes) and un-ringfenced (general purpose) grants from Government departments and it generates income from charges made to partners, customers and service users for the provision of services.

This position is underpinned by a robust financial risk management approach where risk reserves are held for one-off financial shocks, and contingency budgets are retained to ensure ongoing pressures can be addressed.

Measure	2024/25	2025/26	2026/27
ECONOMY			
CPI Inflation	3.2%	2.0%	2.0%
Interest Rates	4.0%	2.5%	2.0%
Growth of Bucks Economy	0.5%	1.0%	1.5%
Business Rates Revaluation	-	-	Yes
LOCAL GOVERNMENT FUNDING			
Council tax basic precept	2.99%	2.99%	2.99%
ASC precept assumption	2.0%	2.0%	2.0%
Business rates (CPI)	6.7%	3.2%	2.0%
Other Grants	CPI	CPI	CPI



A total population of 578,870 is projected in Buckinghamshire by 2026/2027*

*Source: Projections based on Office for National Statistics (ONS) subnational 2022 population estimates



130,300 5-18yr olds projected in Buckinghamshire by 2026/2027*



112,370 65+yr olds projected in Buckinghamshire by 2026/2027*



17,010 85+yr olds projected in Buckinghamshire by 2026/2027*

Section 2: Budgetary Environment

National policy

The Council operates under statute, regulations and national guidance. This is subject to change as Government introduces new legislation. Current and projected changes in legislation which impact on the Council and are considered within the Medium-Term Financial Plan are;

Adult Social Care reform

These headline policies, which will change the relationship between those receiving Adult Social Care, the Council and care providers have been postponed for at least two years following the chancellor's 2023 budget statement. The Budget & MTFP assumes that the Adult Social Care reforms will not be implemented within the MTFP period.

Asylum seekers and Refugees

The government has increased the requirement on Councils to take a greater share of Asylum seekers and Refugees in order to ensure there is capacity to house the increased numbers arriving following global political upheaval, especially in Hong Kong, Ukraine and Afghanistan.

This creates pressures on housing and accommodation services in the County as well as additional costs of supporting these vulnerable individuals and families.

Changes to local government funding

A review of local government funding has been promised since 2020, however this has now been further delayed to at least 2025.

The Fair Funding Review will develop a new formula for allocating Government funding to councils and update the data (all of which is at least 10 years old) used to drive allocations from the formula.

New Homes Bonus has been paid to councils for a significant number of years to support and encourage the creation of additional housing to address the

national housing shortage. The future of this funding is under review and remains uncertain.

The system of local Business Rates retention has been highlighted as a political problem for a number of years, especially with the recent expansion in the number of businesses operating virtually, who are not subject to Business Rates. The system is also due a reset in the level of growth retained locally, which will likely coincide with the implementation of the Fair Funding Review.

Council Tax increases remain limited by Government through Referendum thresholds. These thresholds are known for 2024/25, but there is no certainty on the levels for either basic Council Tax or the Adult Social Care precept beyond 2024/25.

Producer Extended Responsibility for Packaging

Producer Extended Responsibility for Packaging (PeRP) legislation was due to be implemented for October 2023. This has now been delayed until 2024. This policy is intended to tax the producers of packaging waste and provide councils with additional funding to pay for the disposal and treatment of packaging waste.

Local Economic Partnerships (LEPs)

Direct funding of LEPs has ended from 2024/25 with their functions transferring to upper tier authorities. Future delivery of these functions by councils will be dependent upon receiving additional funding from Government.

Virtual schools

Virtual schools are expected to take a wider role in supporting children through their education. At present it is uncertain exactly what these additional responsibilities are or whether there will be any additional funding to pay for the additional responsibilities.

Section 2: Budgetary Environment

Corporate Plan

The Council's main strategic planning document is the Corporate Plan ([Corporate Plan](#) | [Buckinghamshire Council](#)) which outlines ambitions and priorities for Buckinghamshire Council. Overall, our aim is to create positive changes for local people, communities, visitors, and businesses.

We are committed to making Buckinghamshire the best place to live, raise a family, work, and do business. We want our county to be a place everyone can be proud of, with excellent services, thriving businesses and outstanding public spaces for everyone. We want our residents, regardless of background, to live healthy, successful lives and age well with independence

The Council recognises that the Corporate Plan cannot be delivered in isolation, and we are committed to working with partners and organisations who have worked with the council on developing a number of county wide documents that sit alongside our Corporate Plan.

These include:

- [Buckinghamshire's Strategic Vision for 2050](#)
- [Buckinghamshire Growth Plan](#) [Buckinghamshire Growth Plan](#)

Our key partners include:

- Integrated Care Partnership
- Police
- Fire & Rescue
- Town and parish councils
- Voluntary and community sector
- Cultural organisations

- Businesses
- Housing providers

We are committed to partnership working, focusing on shared priorities, and encouraging collaboration, sharing intelligence, and driving change and tackling key issues in a more coordinated way.



The Medium-Term Financial Plan is the financial expression of the Corporate and Portfolio plans. It sets out the revenue and capital resources available to deliver these plans, and how they are allocated to Service areas to deliver the outcomes of both the Corporate and Portfolio plans.

The current Corporate Plan runs for the full term until 2025 and has an annual refresh (last published in July 2023). The latest refresh for 2024/25 has started and the updated corporate plan will be presented to Full Council on 17 April 2024. This will be the last refresh of the current plan with a new plan to be created following the 2025 elections.

Section 2: Budgetary Environment

Corporate Plan



Strengthening our communities

Life expectancy in Buckinghamshire

81.5 years **85.1** years

(one of the highest in South East England)



of children and young people meeting recommended levels of physical activity (2021/22)

Life expectancy gap

5.8 years **6.1** years

life expectancy gap between most and least deprived residents



60% of adults are obese or overweight (2021/22)



Protecting the vulnerable

550 children had a Child Protection Plan on 31 March 2022 (752 as at 31 March 2022)

59.6 crimes per **1,000** people for the period April 2021 – March 2022

4,975 applications for homelessness assistance in 2022/23

509 children were looked after as at the 31 March 2023 (500 as at 31 March 2022)

89% of adult social care clients were satisfied with the care and support they received - only 6% were unsatisfied (2022/23)

Budget for adult social care has increased by **43.9%** since 2017/18

313 children in foster care (March 2022)

79% of people using Adult Social Care services saying that they had either adequate or as much social contact as they would like (2022/2023)



Improving our environment

46.83% of waste is recycled (2022/23)

Aim to facilitate the delivery of **1,000** public electric charging bays across the county by 2027 as part of our Electric Vehicle Action Plan

73% reduction in Buckinghamshire Council's CO2 emissions and we are comfortably within our carbon budgets (2022/23)

Around **2,100 miles** of publicly maintained carriageway in Buckinghamshire

1.2 million country park visitors in 2022/23

2,146 miles of public Rights of Way

In partnership with operators, bus passengers journeys have recovered to **85-90%** of pre-Covid levels



Increasing prosperity

47.8% of residents aged 16-64 are educated to NVQ4+ (equivalent to Higher Education Certificate/BTEC)

28% of vacant in Buckinghamshire jobs not filled due to lack of skills (25% national average)

£6.8 billion Value of exports (2023)

90.6% of pupils attend good or outstanding schools in Buckinghamshire (compared to the South East 90.5% and England 88.3%)

81.6% of residents in employment (employment rate aged 16-64) compared to the South East average of 78.1%

4.8% of those aged 16-64 have no qualifications (compared to the South East average of 5.0%).

Section 2: Budgetary Environment

Buckinghamshire in numbers

In 2023



553,300

population (as of mid-year 2021)



£453,000

average house price (March 2023)



£1,400 pcm

average rent for a three-bed property
(April 2022 - March 2023)



171

parish and town councils



32%

of the county is designated green belt
(England average 12.5%)



£18,485 million

size of Buckinghamshire economy national output (ONS 2023)



237

schools, pupil referral units and state funded nurseries



£38,600

median average annual gross pay in 2022
(full time workers)



304

state pension aged residents currently
per 1000 working age residents



On the horizon...



564,300

population in 2030
(Source: ONS projections)



By 2024, the number of state pension age residents is anticipated to rise to 371 per 1000 working age residents

In the next decade (2023-2033):



44.3%

increase in 85+ year olds



20.8%

increase in 65+ year olds



0.3%

increase in adults (18-64)*



5.1%

decrease in children (0-17)*

* Construction of new dwellings in the county could lead to population changes/increases beyond those currently predicted by the ONS.

Section 2: Budgetary Environment

Business Rates

Under the Business Rates Retention system, the Council retains a proportion of the Business Rates we collect. This is based on the assessed need of the Council and includes a retained share in any growth in the Business Rates base over time. The level of Business Rates assessed as being required is increased by CPI each year as part of the Local Government Settlement. Periodically retained growth is reset to zero, and this funding is lost to the Council. A reset is due but a timeframe for this has yet to be published by Government.

Un-ringfenced Government grants

The Council receives significant income from central Government through grants. Most of this funding is ringfenced, which means it can only be used for specific purposes or reflects the Government paying the Council for the costs of activities it has undertaken on behalf of the Government.

Of the £758.6m of grant funding received in 2023/24 only £31.6m is un-ringfenced.

Ringfenced Government Grants (2024/25)

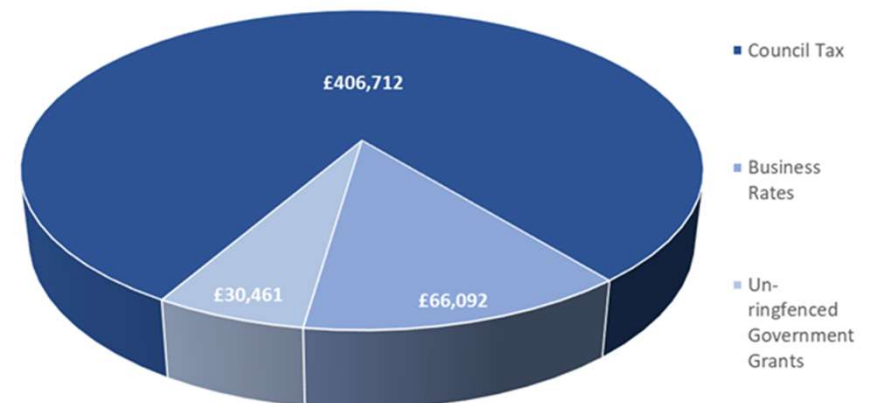
Key ringfenced grants include;

- Dedicated Schools Grant (passported to schools) £364m
- Housing Benefit Grant (passported from DWP) £72m (not announced)
- Public Health Grant £23m (not announced)
- Asylum Seekers – Unaccompanied Children £4.7m (not announced)

Customer and Client income

- Many of the activities which the Council is able to charge for are controlled by regulation and / or statute. In some cases, this is on the basis that we can recover our costs through charging and for others an absolute value of the charge allowable is set.
- In addition, there are activities which are funded by central Government based on claims for expenditure incurred.
- Income from customers and clients is increased each year through a review of Fees and Charges. For those charges increases are generally 7% for 2024/25 to keep pace with inflation.
- The schedule of Fees and Charges for 2024/25 was approved by Cabinet on 4th January 2024.
- Customer and client income includes income from our share of electricity sales from the Energy from Waste Plant, which is shown separately.

Funding by type (£000's)
2023/24



Section 2: Budgetary Environment

Closing the Budget gap

The Council is legally required to deliver a robust and balanced Budget and to remain financially sound over the short, medium and longer term.

How the Budget gap arose;

- Increasing demand for our statutory service
- Increasing costs to ensure Market sustainability and other inflationary pressures on our costs

An overall Budget gap of **£95.3m** over 3 years has been closed through:

- Targeted review of growth and inflation pressures
- Service deep dives, savings and cost avoidance through line-by-line review of Portfolio budgets
- Additional income opportunities (all-Member income workshop)
- Targeted Market interventions in temporary accommodation and children's homes
- Acceleration of the Strategic Property Review
- Increased income from Council Tax and Business Rates

Budget Scrutiny Review

During the week commencing 8th January 2024 the Draft Budget was reviewed and challenged by the cross-party Finance & Resources Select Committee (Budget Scrutiny task & finish group).

The recommendations of the Committee were reported to Cabinet.

Support for our Residents

Helping Hand Scheme

- 5,120 applications in first 6 months of 2023/24 (average 853 per month).
- 1,859 residents applied for the first time April to September
- Between April and September, Helping Hand provided, on average, £18k of direct financial support each week to residents.
- Between April and September, Helping Hand provided £225,000 of support through our partner organisation Heart of Bucks to support residents.

Council Tax Support

- The Council Tax Reductions (CTR) Scheme Policy includes the discretionary element of the Council Tax Reduction Scheme related to the Government's Cost of Living package. This is presented as an appendix for approval alongside the Final Budget.
- There are around 23,500 households who benefit from Council Tax Reduction which is c 10% of our tax base. For the most vulnerable the scheme will provide 100% discount, however, most receive a discount equivalent to 80%.
- In addition, the Council spends £724k on Discretionary Housing Payments and £305k on exceptional hardship reliefs.

Section 2: Budgetary Environment

Dedicated Schools Grant (DSG)

The 2024-25 DSG allocation is £632.5m before recoupment for academies. This is an increase of £37.8m on the comparative 2023-24 total DSG.

Schools Forum has considered the local funding formula for schools in Buckinghamshire and recommends that the proposed formula continues to be in line with the National Funding Formula (NFF) for schools. Due to affordability of the overall formula, funding factors for 2024-25 are calculated at 99.93% of the published NFF values. 20 schools will be protected through the Minimum Funding Guarantee (MFG).

As per the DSG guidance, the local Authority is responsible for making the decision on the Schools Funding Formula. There are no proposals to move funding between DSG blocks.

Growth in the high needs block is to support additional demand and complexity in the cost of supporting pupils with Special Educational Needs and Disability (SEND). The DSG deficit is projected to be £3.4m at the end of the current financial year, an increase of £1.8m from the deficit as at 31 March 2023.

Based on initial estimates there is a potential shortfall of £2.9m still to be met to set a balanced high needs budget. This will need to be managed through a deficit recovery plan. Subject to the outcome of the current bid, this will include the measures in the Delivering Better Value in SEND programme (DBV programme). It is important to recognise that the DBV programme forecast suggests that High Needs block pressures are likely to increase in the coming years and therefore all deficit recovery measures are high risk.

Reductions in the Central Schools Services Block can be met in 2024-25 from previously agreed savings plans.

The 2024-25 funding arrangements for Early Years include the expansion of the scheme to support delivery of the new working parent entitlements for children aged 9 months up to and including 2 years old from 2024. Options were modelled for each of the formula (3- & 4-year-old, disadvantaged 2-year-olds, 2-year-old working parent, under 2s) and discussed with the Early Years Forum ahead of discussion at School Forum. The increase in the Early Years block will be passed directly to providers through an increase in the hourly rate paid by the council to early years settings and through inclusion budgets.

	Schools block £000	Central school services block £000	High needs block £000	Early years block £000	Total DSG £000
DSG Allocation 2024-25 (Dec 2023)	438,659	4,681	127,534	61,588	632,462
2023-24 Final Settlement (including supplementary grant for Schools & Early Years)	426,775	4,935	123,464	39,568	594,741
Movement from 2023-24	11,884	(254)	4,070	22,020	37,721
Council share of DSG	179,774	4,681	118,200	61,588	364,243

Section 2: Budgetary Environment

Key Issues & Risks

The table below identifies the key risks to these budget proposals

Inflation and national economic conditions	<p>Global economic instability, along with supply chain interruptions are continuing to impact on inflation levels within the UK economy, which peaked at 11.1% and is reported at 4.0% in December 2023. This is impacting both in terms of pay pressures and the costs of our supply chain. The impact of geo-political tensions and conflict continue to be significant and uncertain. As such forecasts are that inflation will return to more normal levels by the middle of 2025, but the longevity and voracity of these impacts remains uncertain.</p> <p>The response to inflation has been to increase interest rates, which has tightened Government spending power due to increased costs of servicing the debt incurred during the pandemic. This may impact both costs through sustained high supply chain prices, increased demand for services because of cost-of-living pressures and funding through reductions in local tax receipts.</p>
Central Government funding	<p>The Covid-19 pandemic and support for the Cost-of-Living pressures has left the Government with unprecedented levels of debt, and with interest rates rising the Government has taken decisions to reduce revenue expenditure in future years. This is likely to in reductions to funding available to the Council over the medium-term.</p> <p>The Government has long promised to reform the allocation of funding to local authorities. This is now expected to be enacted from 2025/26 at the earliest. Changes to this methodology could have a negative impact on the funding for the Council if our calculated level of need, and hence future funding allocation 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 Southeast to those areas assessed as higher need.</p> <p>Several grant allocations have not been announced for 2024/25, the Local Government Settlement will only cover the financial year 2024/25, and assumptions have been made within the Revenue Budget and Capital Programme as to the continuation of current funding to 2027/28.</p>

Section 2: Budgetary Environment

Key Issues & Risks

The table below identifies the key risks to these budget proposals

Geo-political tensions	The current level of political tension across the globe continues to interrupt supply chains and the availability of some commodities, contributing to the current high levels of inflation. It is also creating additional burdens on nation states through increased costs in supporting friendly nations in conflicts and through support to those displaced by conflict. The uncertainty and global impact of these tensions and conflicts means that future inflation forecasts and costs of further support are potentially very unpredictable.
Complexity and demand in Social Care & Client Transport	Social Care and Client Transport budgets remain subject to significant variations in terms of both demand and inflation. This is being exacerbated by the pressure on hospitals to discharge patients to free bed-space. This is seeing clients leave hospital with higher needs than in normal times. Whilst all reasonable efforts have been made to predict these pressures based on information available estimates remain volatile and uncertain.
Social Care Provider market & Care Reforms	<p>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. Although the reforms are now delayed the move to a Fair Cost of Care has seen an increase in fees, however market sustainability remains a concern.</p> <p>In Children's Social Care the national market has become sub-optimal, with demand significantly outpacing supply. This has contributed significantly to increasing placement costs in the current year. Whilst these are expected to continue in the short-term, this budget assumes a partial rebalancing of supply and demand in the medium-term through a National Placement Sufficiency Strategy.</p>

Section 2: Budgetary Environment

Our Supply Chain

60% of our spend is with our third-party providers and suppliers. Our top 10 contracts amount to over £129m of annual spend. Through the Supplier Management Policy, the Council actively manages the interface between those organisations supplying goods or services to the Council to maximise value, manage risks and seek innovative solutions.

Management of the supply chain is determined by complexity, risk and sensitivity. In the current economic climate, the focus is to drive value through the supply chain, identifying and delivering in-contract value improvement of at least 3-5% of contract value, maximising non-commercial benefits such as sustainability or better local economic or health outcomes, developing a culture of continuous improvement, strengthening the links between commissioning, sourcing and supplier management across the Council, monitoring and reducing exposure to supply chain and contract risk.

The chart sets out a forward look of expiring contracts. Key activities including analysis of the procurement pipeline to develop future strategies for securing suppliers and market development, developing a gateway process for larger procurements to facilitate strategic review, working with directorates to ensure there is effective review for contract efficiencies to be explored and to negate the need for direct awards, waivers and breaches, and ensuring the most appropriate procurement channels are explored (such as dynamic purchasing systems).

Market sustainability and insufficiency are identified as key issues and risks within this Budget & MTFP. As a result, the Budget includes direct market intervention in temporary accommodation and children’s residential provision, to increase supply through in-house provision.

Top 10 Suppliers 2023-24	Annual Contract Value £m
Balfour Beatty	£25m
The Fremantle Trust	£21.8m
Pertemps	£21m
Drax Solutions Limited	£13m
Veolia Environmental Services	£11.8m
Oxford Health NHS Trust	£10.3m
NRS Healthcare	£9.1m
Buckinghamshire NHS Trust	£14.2m
Hightown Housing Association	£10.1m
Ambient	£7.4m

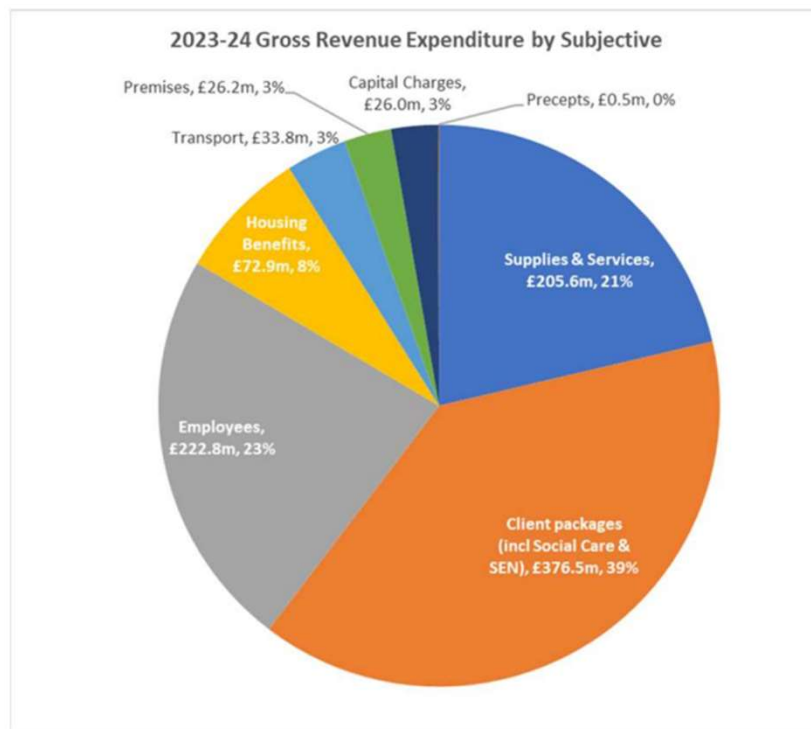
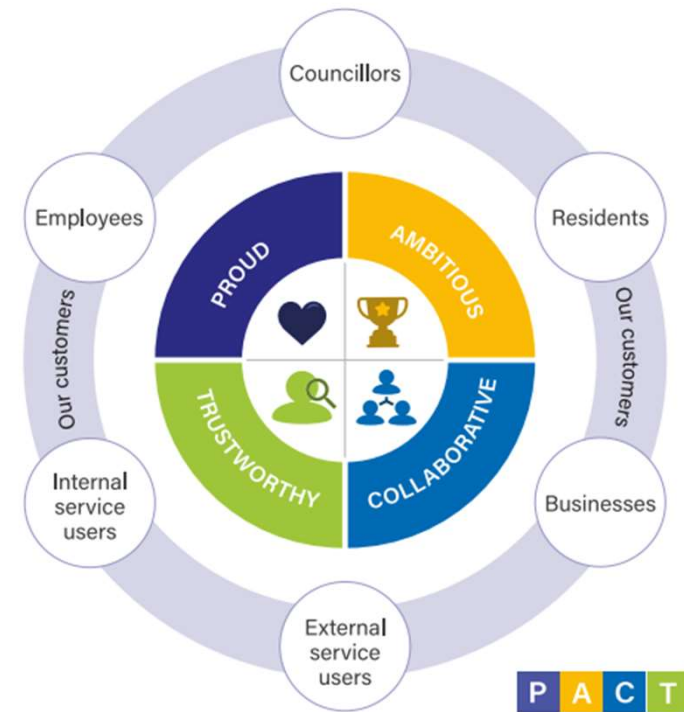
Expiring contracts above Procurement Threshold*



Section 2: Budgetary Environment

Our People

Everything we want to achieve for Buckinghamshire depends on having the right people in place. We currently employ approximately 4,400 staff across the whole Council and our people equates to **around 20%** of our spend. Changes in our workforce are linked to our overall approach to delivery of services through our supply chain or through direct in-house provision. We recently in-sourced provision around our Highways contract and in our Budget and MTFP we are planning to increase in house capacity within temporary accommodation and Children's Services. These changes will increase our headcount going forward; however, we have also implemented vacancy control measures to ensure that before any post is filled that we challenge ourselves as to whether the work can be stopped or delivered in a different way.



To deliver our services we need to retain, recruit and develop talented and committed staff to provide those services for our residents and businesses. By making the most of people's skills and experience, we can take full advantage of the opportunities created by the new council. Everyone needs to be performing at their best to take the organisation on the next stage of its journey.

To support this, Buckinghamshire Council has developed a set of values in consultation with our staff. These values underpin how we work and show our commitment – our PACT – to do our very best for our residents, service users and businesses.

Our key performance measures are effective management of turnover and sickness absence. On both of these measures we are demonstrating improvements in performance.

Section 3: Budget by Portfolio

Overall Revenue Budget

Budget by Portfolio

		2023-24			2024-25				2025-26		2026-27	
		Income £000	Expense £000	Net £000	Income £000	Expense £000	Net £000	Percent Change	Net £000	Percent Change	Net £000	Percent Change
Costs by Portfolio	Accessible Housing & Resources	(114,073)	173,366	59,293	(114,200)	168,324	54,124	(8.7%)	53,547	(1.1%)	51,707	(3.4%)
	Climate Change & Environment	(23,327)	40,771	17,444	(19,060)	43,451	24,391	39.8%	27,792	13.9%	27,811	0.1%
	Communities	(1,953)	9,723	7,770	(1,975)	8,567	6,592	(15.2%)	6,072	(7.9%)	6,072	0.0%
	Culture & Leisure	(4,011)	8,906	4,895	(4,647)	8,589	3,942	(19.5%)	2,528	(35.9%)	2,298	(9.1%)
	Education & Children's Services	(353,399)	457,848	104,449	(386,700)	503,078	116,378	11.4%	112,418	(3.4%)	113,974	1.4%
	Health & Wellbeing	(86,043)	270,938	184,895	(93,103)	290,493	197,390	6.8%	208,948	5.9%	221,194	5.9%
	Homelessness & Regulatory Services	(11,347)	21,617	10,270	(11,668)	21,681	10,013	(2.5%)	9,195	(8.2%)	9,205	0.1%
	Leader	(256)	5,796	5,540	(256)	4,891	4,635	(16.3%)	4,425	(4.5%)	4,425	0.0%
	Planning & Regeneration	(9,275)	16,864	7,589	(9,480)	16,624	7,144	(5.9%)	6,051	(15.3%)	6,051	0.0%
	Transport	(19,491)	81,307	61,816	(19,673)	86,514	66,841	8.1%	68,806	2.9%	72,190	4.9%
	Total	(623,175)	1,087,136	463,961	(660,762)	1,152,212	491,450	5.9%	499,782	1.7%	514,927	3.0%
Corporate Items	Capital Financing	-	25,976	25,976	-	27,517	27,517	5.9%	28,528	3.7%	29,951	5.0%
	Corporate Costs	(943)	22,620	21,677	(943)	29,979	29,036	33.9%	36,538	25.8%	44,673	22.3%
	Revenue Reserves	-	(3,500)	(3,500)	-	(2,476)	(2,476)	(29.3%)	796	(132.1%)	(470)	(159.0%)
	Treasury Management	(5,648)	793	(4,855)	(8,190)	691	(7,499)	54.5%	(5,136)	(31.5%)	(3,620)	(29.5%)
Total	(6,591)	45,889	39,298	(9,133)	55,711	46,578	18.5%	60,726	30.4%	70,534	16.2%	
Net Operating Expenditure	(629,766)	1,133,025	503,259	(669,895)	1,207,923	538,028	6.9%	560,508	4.2%	585,461	4.5%	
Funded by	Business Rates			(66,092)			(70,655)	6.9%	(72,838)	3.1%	(73,944)	1.5%
	Council Tax (Surplus) / Deficit			(3,500)			422	(112.1%)	(916)	(317.1%)	-	(100.0%)
	Impact of Funding Reform			-			-	0.0%	3,340	100.0%	6,680	100.0%
	New Homes Bonus			(3,623)			(3,544)	(2.2%)	(3,544)	0.0%	(3,544)	0.0%
	Revenue Support Grant			(563)			(601)	6.7%	(607)	1.0%	(616)	1.5%
	Unringfenced Grants			(26,275)			(36,367)	38.4%	(30,538)	(16.0%)	(30,931)	1.3%
			(100,053)			(110,745)	10.7%	(105,103)	(5.1%)	(102,355)	(2.6%)	
Net Expenditure before Council tax			403,206			427,283	6.0%	455,405	6.6%	483,106	6.1%	
Council Tax			(403,206)			(427,283)		(455,405)		(483,106)		

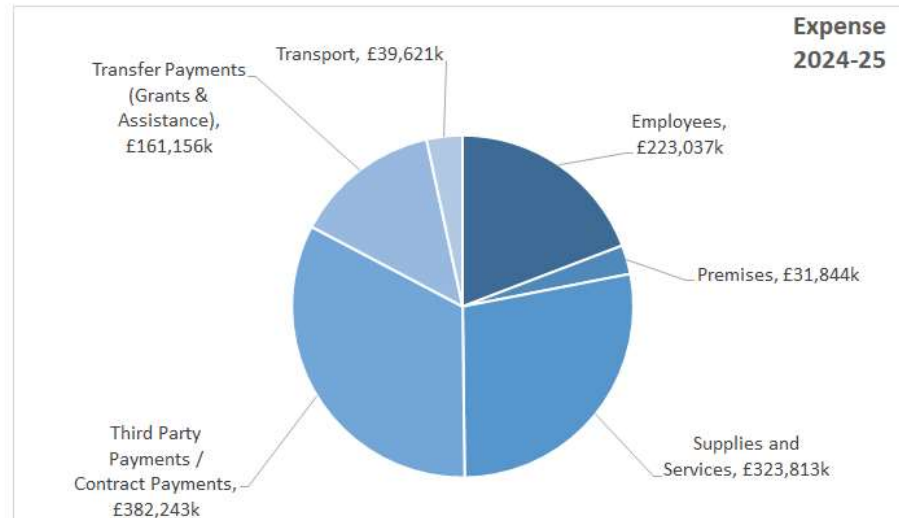
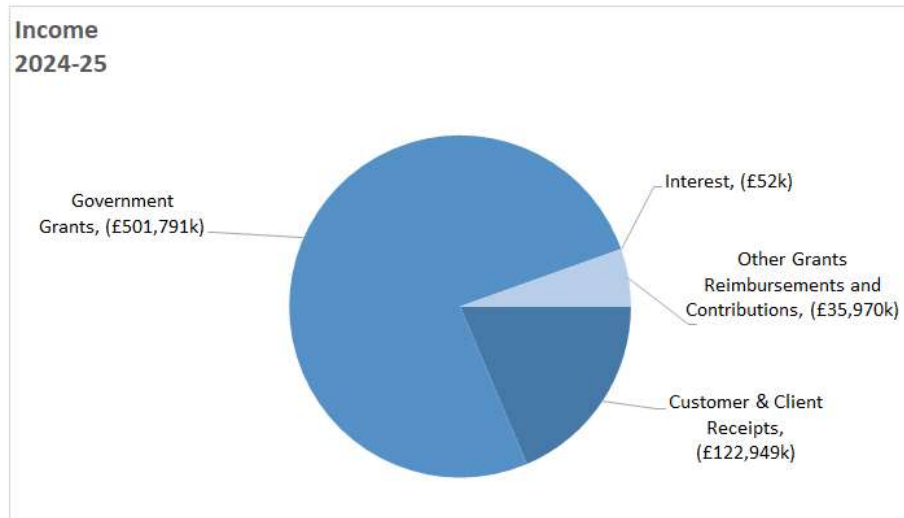
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Section 3: Budget by Portfolio

Revenue Budget Subjective Analysis 2024-25

		Accessible Housing & Resources	Climate Change & Environment	Communities	Culture & Leisure	Education & Children's Services	Health & Wellbeing	Homelessness & Regulatory Services	Leader	Planning & Regeneration	Transport	Net Portfolio Total
		£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
Expense	Employees	63,000	14,760	4,229	5,079	62,685	29,508	10,511	5,284	15,262	12,719	223,037
	Premises	13,068	3,792	1,053	900	3,559	115	2,253	32	3	7,069	31,844
	Supplies and Services	14,359	9,489	1,696	1,667	253,644	26,360	6,837	1,060	2,942	5,759	323,813
	Third Party Payments / Contract Payments	18	15,325	961	31	130,513	210,015	1,054	1	3	24,322	382,243
	Transfer Payments (Grants & Assistance)	77,770	562	2,214	756	52,745	24,023	217	-	-	2,869	161,156
	Transport	215	1,494	23	129	1,025	2,534	80	14	59	34,048	39,621
Expense Total		168,430	45,422	10,176	8,562	504,171	292,555	20,952	6,391	18,269	86,786	1,161,714
Income	Customer & Client Receipts	(30,598)	(18,742)	(473)	(4,416)	(3,220)	(28,536)	(8,538)	(151)	(9,273)	(19,002)	(122,949)
	Government Grants	(79,674)	(189)	(874)	(8)	(380,671)	(37,562)	(2,141)	-	(207)	(465)	(501,791)
	Interest	-	-	(52)	-	-	-	-	-	-	-	(52)
	Other Grants Reimbursements and Contributions	(3,928)	(129)	(576)	(223)	(2,809)	(27,005)	(989)	(105)	-	(206)	(35,970)
Income Total		(114,200)	(19,060)	(1,975)	(4,647)	(386,700)	(93,103)	(11,668)	(256)	(9,480)	(19,673)	(660,762)
Reserves & Capital	Contribution to reserve	1,039	-	10	27	-	-	553	-	5	356	1,990
	Use of reserve	(2,751)	(3,881)	(1,619)	(2,588)	(1,093)	(2,062)	(654)	(2,104)	(4,650)	(3,968)	(25,370)
	Revenue Contribution to Capital	1,606	1,910	-	2,588	-	-	830	604	3,000	3,340	13,878
Reserves & Capital Total		(106)	(1,971)	(1,609)	27	(1,093)	(2,062)	729	(1,500)	(1,645)	(272)	(9,502)
Net Portfolio Total		54,124	24,391	6,592	3,942	116,378	197,390	10,013	4,635	7,144	66,841	491,450

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Section 3: Budget by Portfolio

Overall Revenue Budget

Portfolio Budget by Subjective

		2024-25	2025-26	2026-27
		£000	£000	£000
Expense	Employees	223,037	217,644	214,842
	Premises	31,844	33,141	37,733
	Supplies and Services	323,813	317,429	315,770
	Third Party Payments / Contract Payments	382,243	393,735	407,045
	Transfer Payments (Grants & Assistance)	161,156	159,856	159,781
	Transport	39,621	41,208	43,519
Expense Total		1,161,714	1,163,013	1,178,690
Income	Customer & Client Receipts	(122,949)	(122,791)	(124,868)
	Government Grants	(501,791)	(499,246)	(499,246)
	Interest	(52)	(52)	(52)
	Other Grants Reimbursements and Contributions	(35,970)	(37,397)	(37,397)
Income Total		(660,762)	(659,486)	(661,563)
Reserves & Capital	Contribution to reserve	1,990	2,290	2,290
	Use of reserve	(25,370)	(12,259)	(15,972)
	Revenue Contribution to Capital	13,878	6,224	11,482
Reserve Total		(9,502)	(3,745)	(2,200)
Portfolio Net Expenditure		491,450	499,782	514,927

Changes to net portfolio budgets

	2024-25	2025-26	2026-27
	£000	£000	£000
Total Portfolio Budget 2023-24	463,960	463,960	463,960
Change in Grant Funded Expenditure	32,654	31,509	31,509
Change in Grant Income	(36,207)	(33,662)	(33,662)
Change in Income	(1,027)	(2,296)	(4,373)
Growth	47,232	71,829	97,356
Inflation	14,179	25,311	36,004
Reserves	(519)	781	781
Savings	(27,277)	(54,831)	(73,829)
Special Items	(1,546)	(2,820)	(2,820)
Net Change	27,489	35,821	50,966
Portfolio Net Expenditure	491,449	499,781	514,926
Change in Income & Savings	(28,304)	(57,127)	(78,202)
Corporate Items	(7,000)	(7,000)	(7,000)
Adjust for Loss of Income	(6,044)	(9,985)	(10,055)
Overall increase in Income & Savings	(41,348)	(74,112)	(95,257)

Section 3: Budget by Portfolio

Change in Budget over time

Portfolio	2021-22 Actuals			2022-23 Actuals			2023-24 Q3 Forecast		
	Income	Expense	Total Net Expenditure	Income	Expense	Total Net Expenditure	Income	Expense	Total Net Expenditure
Accessible Housing & Resources	(130,482)	184,001	53,519	(134,551)	192,700	58,150	(132,448)	190,586	58,138
Climate Change & Environment	(15,033)	43,320	28,287	(37,212)	59,521	22,309	(20,520)	37,204	16,683
Communities	(9,736)	19,936	10,200	(6,933)	15,252	8,319	(6,683)	13,937	7,254
Culture & Leisure	(5,358)	12,754	7,396	(5,363)	10,345	4,982	(4,301)	9,152	4,851
Education & Children's Services	(365,084)	454,454	89,370	(336,664)	431,855	95,191	(348,553)	461,288	112,735
Health & Wellbeing	(92,360)	251,063	158,703	(86,157)	256,878	170,721	(97,746)	286,518	188,771
Homelessness & Regulatory Services	(11,907)	19,382	7,475	(11,929)	23,694	11,765	(13,202)	24,934	11,732
Leader	(2,184)	8,259	6,075	(1,611)	7,463	5,852	(648)	6,269	5,621
Planning & Regeneration	(10,581)	17,410	6,829	(11,709)	19,500	7,791	(10,607)	19,577	8,970
Transport	(16,335)	72,297	55,962	(19,215)	77,797	58,581	(18,862)	83,433	64,571
Grand Total	(659,059)	1,082,876	423,817	(651,344)	1,095,005	443,661	(653,571)	1,132,897	479,326

Portfolio	2024-25 Budget			2025-26 Budget			2026-27 Budget		
	Income	Expense	Total Net Expenditure	Income	Expense	Total Net Expenditure	Income	Expense	Total Net Expenditure
Accessible Housing & Resources	(114,200)	168,324	54,124	(112,746)	166,293	53,547	(112,615)	164,322	51,707
Climate Change & Environment	(19,060)	43,451	24,391	(16,780)	44,572	27,792	(16,900)	44,711	27,811
Communities	(1,975)	8,567	6,592	(1,975)	8,047	6,072	(1,975)	8,047	6,072
Culture & Leisure	(4,647)	8,589	3,942	(5,227)	7,755	2,528	(5,227)	7,525	2,298
Education & Children's Services	(386,700)	503,078	116,378	(387,045)	499,463	112,418	(387,045)	501,019	113,974
Health & Wellbeing	(93,103)	290,493	197,390	(93,987)	302,935	208,948	(96,022)	317,216	221,194
Homelessness & Regulatory Services	(11,668)	21,681	10,013	(11,686)	20,881	9,195	(11,686)	20,891	9,205
Leader	(256)	4,891	4,635	(256)	4,681	4,425	(256)	4,681	4,425
Planning & Regeneration	(9,480)	16,624	7,144	(9,518)	15,569	6,051	(9,518)	15,569	6,051
Transport	(19,673)	86,514	66,841	(20,266)	89,072	68,806	(20,319)	92,509	72,190
Grand Total	(660,762)	1,152,212	491,450	(659,486)	1,159,268	499,782	(661,563)	1,176,490	514,927

*Actuals are reported subject to audit. ** Previous years are restated to correspond with the current cabinet member Portfolio responsibilities.

Section 4: The Capital Programme

Developing the Capital Programme

As with the Revenue Budget, inflation has placed significant pressures on the Capital Programme, whilst the need to invest to maintain assets, particularly Roads and Highway structures is increasing.

Key highlights of the programme include:

- Continued delivery of commitment to allocate £100m on roads over the 4 years of the MTFP.
- Continued investment in the Schools Capital Programme, self-funded through s106 contributions, CIL, and DfE grants.
- New investment in key structural repairs – such as Marlow Bridge, Stoke Road Bridge.
- New schemes including replacement of North Waste Vehicles in Year 4, Castlefield Traffic Calming Scheme and investment in new legal requirements for Persistent Organic Pollutants disposal equipment.

Proposed new projects far exceeded the available funding, so had to be prioritised;

- All bids were subject to a robust prioritisation process, with ‘must do activities’ prioritised
- Existing projects which did not meet the ‘must do’ priority were removed from the programme
- Capital funding assumptions were reviewed to ensure it was applied to appropriate projects, and assumptions were made that major external funding streams would continue.
- Invest to Save projects have been considered where the savings make a positive contribution to the Council’s overall budget.
- Earmarked reserves have been reviewed and additional scope to fund the

capital programme has been identified. Reserve can only be spent once, and as such are ideal to apply to capital projects.

- The revenue consequences of Capital projects have been reflected in the Revenue Budget.

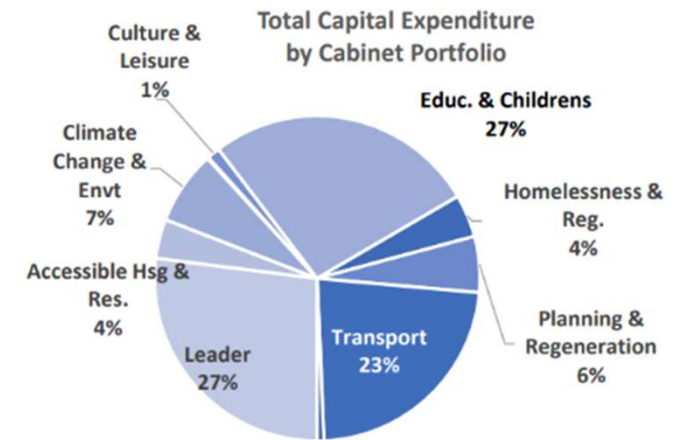


Section 4: The Capital Programme

All Portfolios

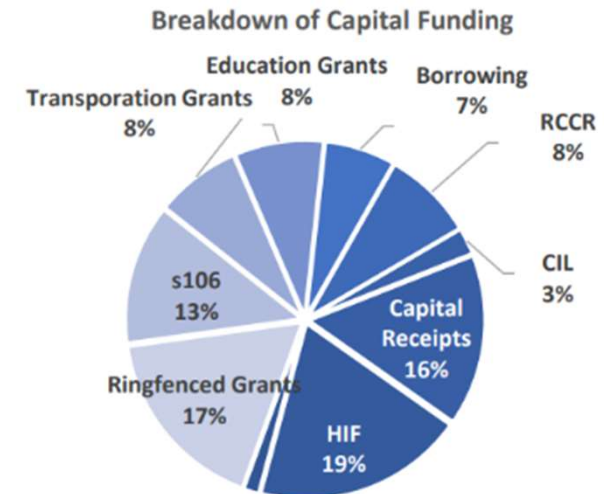
Expenditure

Portfolio	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
Leader	86,747	68,523	24,579	-	179,848
Climate Change & Environment	25,522	9,518	6,470	7,217	48,728
Culture & Leisure	7,939	560	37	-	8,536
Communities	868	-	-	-	868
Transport	48,281	36,280	34,738	33,610	152,909
Homelessness & Regulatory Services	11,896	6,121	6,201	4,066	28,283
Education & Children's Services	31,927	48,322	59,449	39,995	179,693
Accessible Housing & Resources	9,623	8,489	1,540	6,367	26,018
Planning & Regeneration	24,558	8,283	4,244	-	37,085
Corporate	1,388	1,591	2,166	(850)	4,295
Expenditure Total	248,751	187,686	139,422	90,405	666,264



Funding

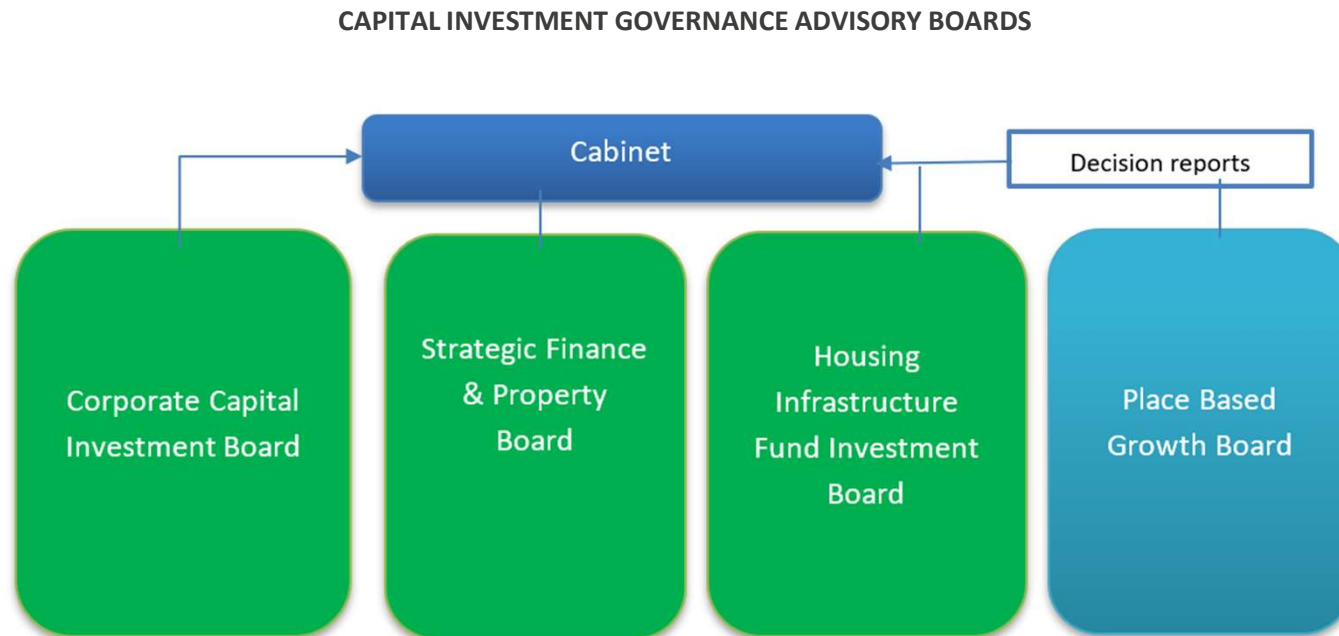
Source	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
Transportation Grants	(17,040)	(9,559)	(16,134)	(9,559)	(52,292)
Ringfenced Grants	(45,485)	(49,330)	(11,566)	(8,566)	(114,947)
HIF	(68,009)	(37,085)	(19,962)	(4,000)	(129,055)
Education Grants	(226)	(7,261)	(24,791)	(22,345)	(54,622)
s106	(32,751)	(26,092)	(16,676)	(10,360)	(85,879)
Community Infrastructure Levy	(4,299)	(4,000)	(4,000)	(4,000)	(16,299)
Capital Receipts	(22,715)	(17,600)	(21,500)	(18,000)	(79,815)
Capital Receipts - Other	(6,423)	(6,491)	(6,518)	(5,897)	(25,329)
Revenue Contributions (Service)	(13,878)	(6,224)	(11,482)	(240)	(31,825)
Revenue Contributions to Capital	(3,692)	(4,533)	(5,608)	(9,892)	(23,725)
Borrowing	(11,753)	(17,666)	(13,259)	(500)	(43,178)
Balances Brought Fwd	(9,298)	-	-	-	(9,298)
Total Funding	(235,570)	(185,840)	(151,495)	(93,359)	(666,264)



Section 4: The Capital Programme

The Capital Programme agreed annually by full Council provides in principle support for individual projects, however, the release of funds to facilitate each project is subject to an appropriate business case passing through the Capital Gateway process and approved by Cabinet or Leader decision. The Final Capital Programme includes **£265.479m** of released and **£400.785m** of unreleased budgets.

The Council has four member-led capital advisory Boards. The Corporate Capital Investment Board and HIF Board undertake detailed consideration of business cases and recommend the release of unreleased capital budgets, alongside their wider role in overseeing the overall performance of the capital programme. An overview of the Capital Boards is shown below and further details around the governance of the Capital Programme is included within the Council's Capital and Investment Strategy.



Section 4: The Capital Programme

Analysis of the status of projects within the Capital Gateway process

Portfolio	Project Group	Project	Released	Unreleased	MTFP Total
			Business case	Business case	
			Yes	No	
			£k	£k	£k
Accessible Housing & Resources	ICT	Buckinghamshire Network	-	4,750	4,750
		Data Centre Hardware	200	-	200
		Device & Windows Refresh	3,000	-	3,000
		Infrastructure Renewal	1,000	-	1,000
		Members ICT Refresh	150	-	150
	Property & Assets	Mobile Phone Refresh	356	-	356
		Agricultural Estate	155	-	155
		Corporate Investment Portfolio	1,742	6,628	8,370
		Council Own Sites - Housing Development	-	3,000	3,000
		Property Management Programme	4,077	-	4,077
	Rowley Farm	-	961	961	
Accessible Housing & Resources Total			10,680	15,339	26,018
Climate Change & Environment	Climate Change & Air Quality	Climate Change Strategy	3,220	-	3,220
		Flood Management	149	11,163	11,312
	Waste - Biowaste	Strategic Flood Management	200	-	200
		Biowaste Treatment	450	-	450
	Waste - HRC	Buckingham HRC & Waste Transfer Station	-	6,190	6,190
		Persistent Organic Pollutants	-	5,432	5,432
		Recycling Centres Drainage EA Compliance	2,846	-	2,846
	Waste - Vehicles & Containers	Replacement Bulk Shredder	-	1,164	1,164
		Aylesbury Waste Vehicles Replacement	8,167	4,200	12,367
		Recycling Centres Vehicles & Plant	-	2,106	2,106
Recycling Waste Containers		3,220	-	3,220	
Southern Waste Contract - Vehicles		-	221	221	
Climate Change & Environment Total			18,252	30,476	48,728
Communities	Community Safety	CCTV Projects	-	868	868
Communities Total			-	868	868
Culture & Leisure	Country Parks	Country Parks Visitors Centre	875	-	875
		South Bucks Country Pk Leisure Facility	1,213	-	1,213
	Leisure Centres	Leisure Centres Maintenance	1,770	-	1,770
		Libraries	-	200	200
	Parks & Play Areas	Parks & Play Areas	753	-	753
	Sport & Leisure Projects	S106 Funded Projects	69	3,655	3,725
Culture & Leisure Total			4,681	3,855	8,536

Section 4: The Capital Programme

Portfolio	Project Group	Project	Released	Unreleased	MTFP Total		
			Business case Yes	Business case No			
Education & Children's Services							
Services	Children's Social Care Schools	Children's Homes	-	11,384	11,384		
		Primary School Places	2,389	70,311	72,699		
		Programme Inflation	-	12,840	12,840		
		Provision for Early Years	1,000	-	1,000		
		Provision for Special Educational Need	2,537	26,304	28,842		
		School Access Adaptations	800	-	800		
		School Property Maintenance	9,000	14,000	23,000		
		School Toilets	1,000	-	1,000		
		Secondary School Places	7,038	21,090	28,128		
Education & Children's Services Total			23,764	155,929	179,693		
Homelessness & Regulatory Services							
Regulatory Services	Cemeteries & Crematoria	Cemeteries & Memorial Gardens	842	250	1,092		
		Chiltern & Bierton Crematoria	760	350	1,110		
		Homelessness	1,704	-	1,704		
		Temporary Accommodation	1,053	623	1,675		
		Housing	474	5,965	6,439		
		Disabled Facility Grants	16,264	-	16,264		
Homelessness & Regulatory Services Total			21,096	7,187	28,283		
Leader							
Economic Growth	Strategic Infrastructure (HIF)	Rural Broadband	261	-	261		
		A355 Improvement Scheme (Wilton Park)	1,293	-	1,293		
		Aylesbury Eastern Link Road	2,474	43,023	45,497		
		Cycle Infrastructure	240	1,237	1,477		
		EV Charging Scheme	-	2,629	2,629		
		Land Assembly	-	10,818	10,818		
		Marginal Viability Works	-	2,130	2,130		
		Princes Risborough Relief Road	-	8,467	8,467		
		SEALR (South East Aylesbury Link Road)	5,500	87,848	93,348		
		South Western Link Road South	-	500	500		
		Stoke Mandeville Relief Road / SEALR II	13,430	-	13,430		
Leader Total			23,197	156,651	179,848		
Planning & Regeneration							
Regeneration	Regeneration	Ashwells	125	-	125		
		Aylesbury Town Centre	150	5,129	5,279		
		Employment & Regen. LED Opportunities	1,477	-	1,477		
		Environment LED Opportunities	345	-	345		
		Future High Street Funds	8,198	-	8,198		
		High Wycombe Town Centre Projects	481	2,658	3,139		
		Retasking of Winslow Centre	-	9,183	9,183		
		Waterside North Development	-	9,214	9,214		
				Wycombe District Centres	125	-	125
		Planning & Regeneration Total			10,901	26,185	37,085

Section 4: The Capital Programme

Analysis of the status of projects within the Capital Gateway process

Portfolio	Project Group	Project	Released	Unreleased	MTFP Total
			Business case	Business case	
			Yes	No	
			£k	£k	£k
Transport	Car Parks	Car Parks	794	-	794
	Highway Improvement Projects	HS2 Funded Projects	1,778	-	1,778
		HS2 Road Safety	2,015	-	2,015
	Highways & Cycleway Funded Schemes	Active Travel Tranche II - Emerald Way	520	-	520
		Highways & Cycleway Funded Schemes	2,038	-	2,038
	Other Transport & Infrastructure	Electric Vehicle Charging Points	1,050	-	1,050
		Other Highway & Technical	591	-	591
		Winslow Station Car Park	4,430	-	4,430
	Rights of Way	Wycombe Parking Review	493	-	493
		Berryhill Footbridge Repair	173	-	173
		Denham Bridleway Bridge Replacement	179	-	179
	Strategic Highway Maintenance	Improvements to Rights Way	527	-	527
		Abbey Way Flyover High Wycombe	650	-	650
		Additional DfT Funding	1,654	-	1,654
		Bridge Maintenance	12,218	-	12,218
		Failed Roads Haunching & Reconstruction	12,000	-	12,000
		Footway Structural Repairs	8,385	-	8,385
		Maintenance Principal Rds - Drainage	8,205	-	8,205
		Pednormead Culvert	600	-	600
		Plane & Patch	17,700	-	17,700
		Replacement Traffic Signals	1,949	-	1,949
	Road Safety - Casualty Reduction	4,750	-	4,750	
	Strategic Highway Maintenance Programme	63,400	-	63,400	
Street Lighting	5,850	-	5,850		
Transport Services	Purchase of Fleet Vehicles	960	-	960	
Transport Total			152,909	-	152,909
Corporate	Corporate Costs	Corporate Capital Contingency	-	9,195	9,195
		Slippage Assumption	-	(4,900)	(4,900)
Corporate Total			-	4,295	4,295
Expenditure Total			265,479	400,785	666,264

Section 5: Portfolio Budgets

5.1 Accessible Housing & Resources Portfolio

Portfolio Holder: Cllr John Chilver, Deputy Portfolio Holder: Cllr Timothy Butcher

Overview of the Portfolio

The Accessible Housing & Resources Portfolio includes the Council's support services and is a key enabler for the delivery for all of the Corporate Plan priorities. This large Portfolio has c.30% of Council staff with services covering: Legal and Democratic Service, Business Operations, Customer Services, Finance, Human Resources & Organisational Development, ICT; Revenue & Benefits and Property & Assets.

Our main focus is on financial sustainability within a context of continuous improvement. We deliver this through the elimination of duplication as we consolidate onto single systems, teams and ways of working. We have a key focus on simplifying customer processes to provide great customer experience both for residents and services and our internal staff through a 'Customer First' culture which is emphasised throughout the whole organisation. The property service is a key area for generating additional income and capital receipts over the period of the MTFP. The service includes operational, investment, development, community and leisure-based assets as well as a programme aimed at reducing the operational size of the estate.

Portfolio priorities

Accessible Housing

- Development of accessible housing, including on surplus public sector land, and requirements on private developments to include affordable housing for local people and key workers.
- Maintain virtual elimination of rough sleeping across Buckinghamshire through integrated public health & wellbeing approach.

- Continue to address housing need by working with partners and stakeholders.

Service Improvement

- Delivery of the Better Buckinghamshire Programme

Customer Experience

- Implement a 'Customer First' culture that is prioritised through the entire organisation to deliver an improved Customer Experience.
- Deliver a single Customer Relationship Management platform (CRM) to deliver excellent experiences for residents

Property & Assets

- Delivery of capital projects and programmes – including regeneration, schools, sport, leisure projects and the One Public Estate Programme.
- Active management of the council's estate to maximise opportunities from our property holdings and provide a safe suitable workplace for staff in our operational estate
- Deliver a strategic asset management plan, agricultural estates management plan and property investment strategy.
- Deliver the capital receipts target as set out in the medium-term financial plan.
- Seek to deliver a development partner for the Woodlands site in Aylesbury.
- Continue to deliver the Council's operational estates strategy from the Cabinet report in January 2023

5.1 Accessible Housing & Resources Portfolio

Portfolio priorities (continued)

Support Services


- Deliver an accessible website that is easy to use on any device, that allows users to quickly locate information or functionality.
- To help automate manual repetitive tasks, to increase capacity and enhance accuracy and quality.
- Continue to maintain a high standard of Legal and Democratic advice and support to the Council.
- Consolidate our support services onto single systems and applications, supported by single teams with single sets of processes.
- Deliver the ICT One programme which provides a secure and resilient single network, single identity and domain with single applications and integrations.
- To ensure the Council's corporate governance arrangements are clear, proportionate and meet the highest ethical standards
- Maximise the effectiveness of SAP IT system and core HR and Finance systems through process improvement and data cleanse in support of our Enterprise Resource Planning (ERP) strategy.
- Support the attraction, retention and development of a skilled and motivated workforce to provide the best services for our residents and businesses.
- Provide job opportunities to residents who face barriers to employment through our employment entry schemes such as our Horizons scheme and apprentice programme.
- Maintain strong Financial management c£1.4bn gross budget
- Maintain oversight and shareholder management of the councils' companies.
- Continue to deliver the Council's Corporate Performance Framework ensuring there is visibility and accountability for the Council's key performance indicators.


Income

- Maximising opportunities for property asset optimisation, investment and income
- Delivering an active asset management programme including a substantial rental income stream and capital receipts
- Reviewing potential for a housing development programme.
- Developing a viable Traded Services Strategy that delivers high quality, good value services to customers that covers its costs and overheads


Section 5.1 Accessible Housing & Resources Portfolio


Portfolio key data


- 


Support for **147** councillors
- 


426,102 customer contacts received **
- 


367,116 calls answered into the Customer Service Centre (CSC) **
- 

943,283 web page views of the Buckinghamshire Council home page, an increase of 147,000 on last year **
- 


4,109 individual pages on the Buckinghamshire Council website, an increase of 627 on last year *
- 


4,901 open legal cases, an increase of 880 on last year *
- 


1,760 Council properties
- 


289 committee meetings supported, an increase of 22 on last year **
- 

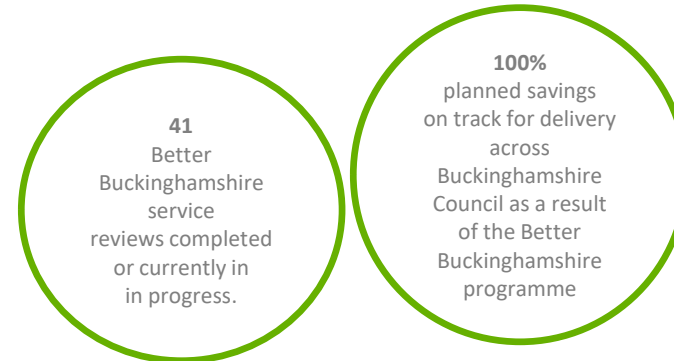
4,351 full Land Charge Searches, a reduction of 2,291 on last year and **5,978** Personal Searches, a reduction of 2,403 on last year **


£505m Council Tax, an increase of 30m on last year. ***
£182m Business Rates, an increase of £4m on last year. ***


 4th largest tax base in the Country (231,162 properties)


 392,196 Council Tax reminders, a reduction of 177,324 on last year. 28,383 Business Rate bills issued each year, a reduction of 17,429 on last year. **


£81.3m Housing Benefit payments, an increase of £0.7m on last year.
11,153 Housing Benefit recipients, a reduction of 870 on last year. *



* Statistics from internal monitoring systems (data from Oct/Nov 2023)

**Statistics from internal monitoring systems (based on rolling year to 30th Nov 2023)

***Statistics relate to the overall Collection Fund (data from Oct/Nov 23).

5.1 Accessible Housing & Resources Portfolio

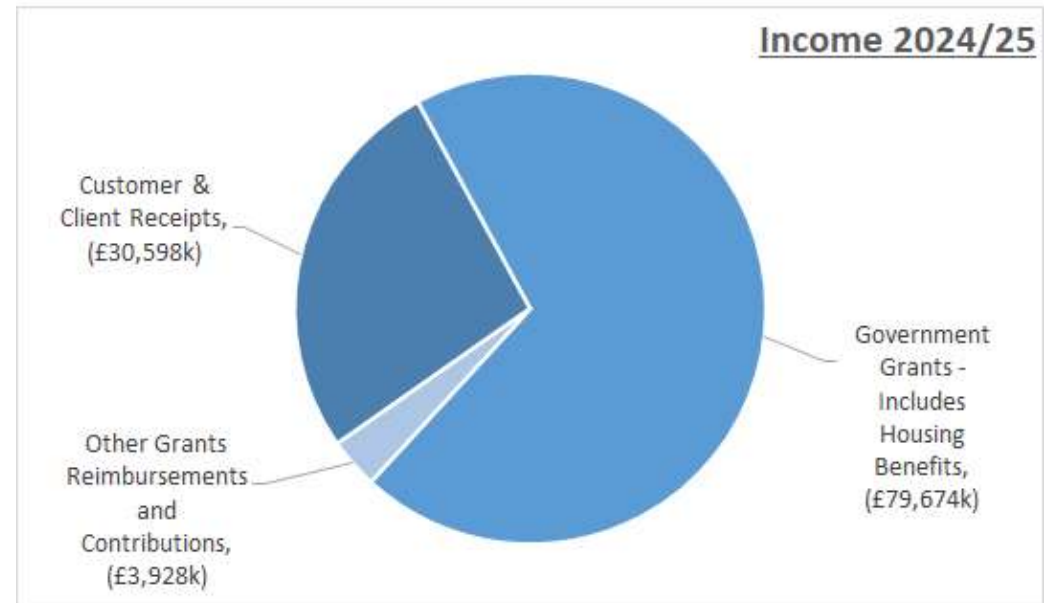
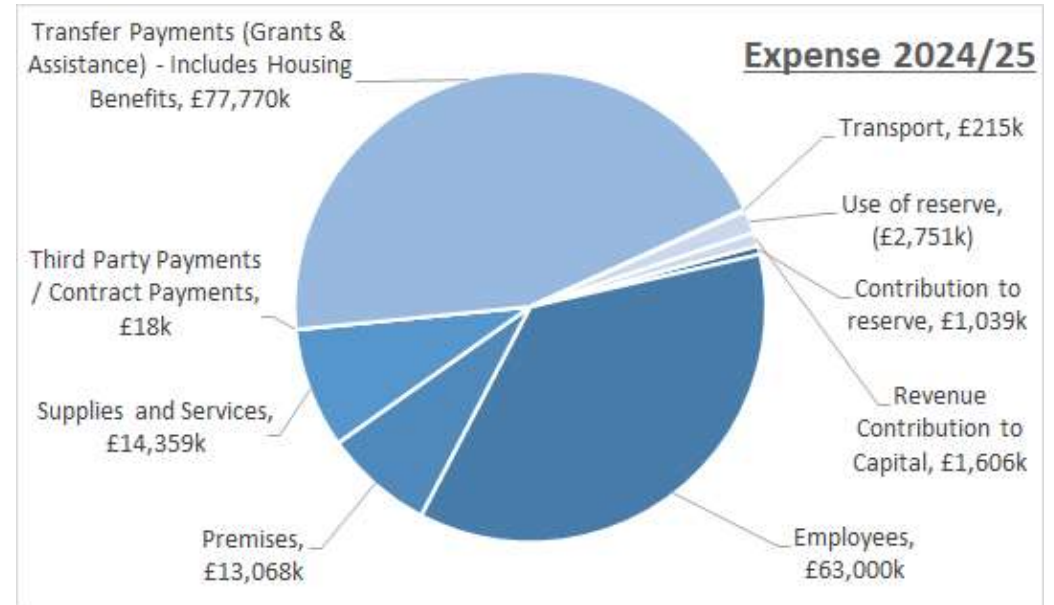
Revenue budget

		2023-24			2024-25			2025-26	2026-27
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	
Business Intelligence	Business Intelligence & Community Support	(61)	2,146	2,085	(61)	2,111	2,050	2,050	
Business Intelligence Total		(61)	2,146	2,085	(61)	2,111	2,050	2,050	
Business Operations	Business Development	(100)	634	534	(100)	634	534	534	
	Business Operations	(327)	7,758	7,431	(327)	6,746	6,419	6,387	
	Customer Services	-	4,027	4,027	-	4,027	4,027	3,897	
	Digital	-	662	662	-	662	662	662	
Business Operations Total		(427)	13,081	12,654	(427)	12,069	11,642	11,610	
Finance	Finance	(3,605)	12,837	9,232	(3,686)	12,168	8,482	8,203	
	Revenues & Benefits	(82,393)	83,222	829	(82,591)	83,042	451	451	
Finance Total		(85,998)	96,059	10,061	(86,277)	95,210	8,933	8,654	
Human Resources	Human Resources & Organisational Development	(559)	5,383	4,824	(630)	4,919	4,289	4,633	
Human Resources Total		(559)	5,383	4,824	(630)	4,919	4,289	4,633	
ICT	ICT	(91)	14,478	14,387	(161)	13,318	13,157	13,265	
ICT Total		(91)	14,478	14,387	(161)	13,318	13,157	13,265	
Legal & Democratic	Business Assurance and Insurance Services	(128)	3,532	3,404	(148)	3,656	3,508	3,508	
	Democratic Services & Elected Members	(102)	5,397	5,295	(102)	5,292	5,190	4,192	
	Information Management	(5)	1,266	1,261	(5)	1,236	1,231	1,231	
	Legal Services	(1,310)	8,399	7,089	(1,310)	8,369	7,059	7,059	
Legal & Democratic Total		(1,545)	18,594	17,049	(1,565)	18,553	16,988	15,990	
Property & Assets	Commercial Property & Agricultural Estate	(12,492)	497	(11,995)	(12,179)	520	(11,659)	(10,159)	
	Property Maintenance & Strategic Asset Management	(12,900)	22,133	9,233	(12,900)	20,799	7,899	6,679	
Property & Assets Total		(25,392)	22,630	(2,762)	(25,079)	21,319	(3,760)	(3,480)	
Resources	Management and Business Management	-	(490)	(490)	-	(490)	(490)	(490)	
Resources Total		-	(490)	(490)	-	(490)	(490)	(490)	
Service Improvement	Service Improvement	-	1,485	1,485	-	1,315	1,315	1,315	
Service Improvement Total		-	1,485	1,485	-	1,315	1,315	1,315	
Grand Total		(114,073)	173,366	59,293	(114,200)	168,324	54,124	53,547	

5.1 Accessible Housing & Resources Portfolio

Revenue budget changes

Change Type	2024-25 £000	2025-26 £000	2026-27 £000
Growth	450	575	950
Inflation	(273)	(282)	(197)
Savings	(4,851)	(7,389)	(9,820)
Change in Income	(104)	1,350	1,481
Reserves	(391)	-	-
Grand Total	(5,169)	(5,746)	(7,586)



5.1 Accessible Housing & Resources Portfolio

Accessible Housing & Resources		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Business Intelligence & Community Support				
Savings	Business Intelligence efficiencies	(35)	(35)	(35)
Savings Total		(35)	(35)	(35)
Business Intelligence & Community Support Total		(35)	(35)	(35)
Business Operations				
Savings	Efficiencies in Customer Services	-	-	(130)
	Efficiencies in Business Operations	(1,012)	(1,044)	(1,044)
Savings Total		(1,012)	(1,044)	(1,174)
Business Operations Total		(1,012)	(1,044)	(1,174)
Finance				
Change in Income	Recovery of court costs for non-payment of Council Tax and Business Rates.	(198)	(198)	(198)
	Review of fees and charges across Finance	(81)	(87)	(87)
Change in Income Total		(279)	(285)	(285)
Growth	Increase in Finance Staff to meet workload associated with greater External Audit scrutiny	250	250	250
Growth Total		250	250	250
Savings	Revenue and Benefits Service - continuous improvement	(180)	(180)	(180)
	Finance and Procurement service reviews	(778)	(1,051)	(1,501)
	Contract savings from cessation of legacy finance systems	(141)	(141)	(141)
Savings Total		(1,099)	(1,372)	(1,822)
Finance Total		(1,128)	(1,407)	(1,857)

5.1 Accessible Housing & Resources Portfolio

Accessible Housing & Resources		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Human Resources & Organisational Development				
Change in Income	Fees and Charges Review	(71)	(111)	(111)
Change in Income Total		(71)	(111)	(111)
Savings	HR Service review	(73)	(80)	(646)
Savings Total		(73)	(80)	(646)
Reserves	Drawdown of Organisational Development reserve to maintain HR capacity	(391)	-	-
Reserves Total		(391)	-	-
Human Resources & Organisational Development Total		(535)	(191)	(757)
ICT				
Change in Income	Additional traded services income	(70)	(70)	(70)
Change in Income Total		(70)	(70)	(70)
Growth	Network support and maintenance	-	125	500
Growth Total		-	125	500
Savings	ICT Service Review	(577)	(594)	(1,317)
	Savings on ICT contracts and licences	(583)	(583)	(583)
	Savings through increased process automation and AI	-	-	(466)
Savings Total		(1,160)	(1,177)	(2,366)
ICT Total		(1,230)	(1,122)	(1,936)

5.1 Accessible Housing & Resources Portfolio

Accessible Housing & Resources		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Legal & Democratic Services				
Change in Income	Additional income from Insurance services to schools	(20)	(20)	(20)
Change in Income Total		(20)	(20)	(20)
Growth	Increase in Insurance premiums	200	200	200
Growth Total		200	200	200
Savings	Reduction in Member Allowances following boundary review	-	(623)	(719)
	Reduction in the number of member committees	-	(118)	(118)
	Reduction of rate for Member Allowances	-	(257)	(257)
	Efficiency savings in Insurance, Information Management, and Legal & Democratic Services	(241)	(241)	(241)
Savings Total		(241)	(1,239)	(1,335)
Legal & Democratic Services Total		(61)	(1,059)	(1,155)

5.1 Accessible Housing & Resources Portfolio

Accessible Housing & Resources		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Property & Assets				
Change in Income	Loss of rental income due to economic conditions	336	1,836	1,967
Change in Income Total		336	1,836	1,967
Inflation	Increase in Business Rates	117	147	177
	Decrease in Energy Cost Inflation	(390)	(429)	(374)
Inflation Total		(273)	(282)	(197)
Savings	Efficiency savings in Facilities Management	(100)	(100)	(100)
	Efficiency savings in Property Services	(131)	(231)	(231)
	Reduction in cleaning costs post-Covid	(250)	(250)	(250)
	Estates Strategy	(580)	(1,380)	(1,380)
	Contract efficiencies	-	(311)	(311)
Savings Total		(1,061)	(2,272)	(2,272)
Property & Assets Total		(998)	(718)	(502)
Service Improvement				
Savings	Efficiency savings within Service Improvement Team	(98)	(98)	(98)
	Revised approach to Devolution project management	(72)	(72)	(72)
Savings Total		(170)	(170)	(170)
Service Improvement Total		(170)	(170)	(170)
Grand Total - Accessible Housing & Resources		(5,169)	(5,746)	(7,586)

5.1 Accessible Housing & Resources Portfolio

Portfolio challenges, risks & opportunities

Commercial Property & Agricultural Estate

- Challenge and risk from economic uncertainty in delivery of new rental income opportunities and capital receipts.

Property Maintenance & Strategic Asset Management

- Challenge to deliver property rationalisation savings in current MTFP and expected savings in total of £2.3m by 2025/26.

Finance, HR/OD, ICT, Business Operations

- There is a capacity **challenge** to deliver on Business As Usual while supporting the rest of the Council through transformation and change and undergoing our own service transformation.
- There is a **risk** that the profile of the savings is not achievable either because we cannot take out the capacity as our processes and ways of working have not been reformed or because the volume and/or complexity of new work even with reformed processes and ways of working simply means that we need to retain headcount to undertake the work
- We have a programme of work through the AURA programme which provides **opportunities** to simplify our processes and ways of working which will benefit both the Directorate but also the wider business. After the programme of work, we will implement a programme of continuous improvement so that we maximise savings opportunity and productivity.

Deputy Chief Executive (DCE)

- For Legal & Democratic Services, there are risks associated with providing timely legal support for services experiencing high demands. Not taking legal advice is not an option and using external legal support is more expensive than in-house support. However, recruitment remains challenging and there is still reliance on agency staff in key areas.

- It is anticipated that there will be elections from the Police & Crime Commissioner in May 2024 and a general election at some point in 2024 with local elections (including town & parish councils) in May 2025. With the introduction of the Elections Act 2021 (e.g., voter id) additional burdens for the administration of elections presents some risk to the delivery and costs of the forthcoming elections.
- Inflationary risks on disbursements such as barrister's fees, expert fees, court costs.
- Demand risks for use of King's Counsel where required due to a large amount of cases currently requiring King's Counsel with associated costs as well as increases in Insurance premiums driven by demand and thus depleting insurance reserves.
- Slowdown in housing market resulting in reduction in Land charges income and putting pressure on existing budgets.

5.1 Accessible Housing & Resources Portfolio

Capital Programme

Expenditure

Service Area	Project Group / Project	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
ICT	ICT					
	Buckinghamshire Network	-	-	-	4,750	4,750
	Data Centre Hardware	-	-	-	200	200
	Infrastructure Renewal	250	250	250	250	1,000
	Members ICT Refresh	-	150	-	-	150
	Mobile Phone Refresh	25	217	14	100	356
	Device & Windows Refresh	3,000	-	-	-	3,000
ICT Total		3,275	617	264	5,300	9,456
Property & Assets	Property & Assets					
	Agricultural Estate	155	-	-	-	155
	Corporate Investment Portfolio	4,593	3,357	421	-	8,370
	Council Own Sites - Housing Development	-	3,000	-	-	3,000
	Property Management Programme	1,140	1,015	855	1,067	4,077
	Rowley Farm	461	500	-	-	961
Property & Assets Total		6,348	7,872	1,276	1,067	16,563
Grand Total		9,623	8,489	1,540	6,367	26,018

Funding

Funding Source	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
Revenue Contributions (Service)	(1,606)	(3,000)	-	-	(4,606)
Total Funding	(1,606)	(3,000)	-	-	(4,606)

Net Portfolio Totals	8,017	5,489	1,540	6,367	21,412
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- Council will maintain the cyclical investment in its IT network with £4.75m infrastructure works due to take place in 27/28 to replace out of support and obsolete network assets. This is essential for the continued running of the Council's IT systems. Additionally, there will be continued annual investment in the replacement cycle for other IT equipment.
- Investment will continue on the essential property maintenance on the Council's operational and strategic buildings, such as offices, libraries and highways depots, to ensure they meet Health & Safety requirements and that they continue to remain operational for key council services.

5.2 Climate Change & Environment

Portfolio Holder: Cllr Thomas Broom, Deputy Portfolio Holder: Cllr Jilly Jordan

Overview of the Portfolio

The Portfolio helps to deliver all of the corporate priorities, and particularly 'Improving the Environment'. Through the Climate Change & Air Quality Strategy the Council is committed to becoming carbon neutral by 2050 (or potentially earlier) and this is cross-cutting across the Council as a whole. Our mitigation programme includes nature-based solutions such as the planting of over 500,000 trees through to initiating the prototype electrification of one of our refuse collection vehicles. Our teams are responsible for energy and environmental policy, and the Portfolio also includes environmental specialisms such as strategic flood management, ecologists, archaeologists, arboriculturists, heritage and urban design specialists.

This Portfolio is also responsible for the authority's statutory waste collection and waste disposal duties, meaning the collection of household waste from the kerbside of residential properties and operation of 9 household recycling centres, the Bio Waste Transfer Station and Energy from Waste facility. Our teams also collect bulky and clinical waste, commercial waste, and are responsible for street cleansing and grounds maintenance. The Council operates initiatives to encourage residents to reduce, reuse, and recycle and continues to support the SCRAP fly-tipping campaign and enforce against fly-tipping.

Portfolio Priorities

- Progressing our ambition to be Net Carbon Zero by 2050 (and potentially earlier) by delivering key actions set out in our Climate Change & Air Quality Strategy, moving towards electric vehicles for council use, seeking opportunities to generate solar energy by

putting photovoltaic electric generation on Council land, communicating to public Council climate change ambitions and actions

- Significantly progressing our ambition to plant over 500,000 trees and creating a new woodland in north Buckinghamshire
- Continuing to take action on flood prevention through delivery of key capital schemes and progressing the Project Groundwater programme
- Produce a Tree Strategy for Buckinghamshire
- Following adoption of the Electric Vehicle Action Plan in 2022, we will deliver 1000 publicly available EV charging bays across Buckinghamshire by the end of 2027 (shared with Transport Portfolio)
- Recycling initiatives – continued delivery including a food waste reduction and recycling campaign, to increase recycling and energy recovery rates in Buckinghamshire
- Continue to develop a Waste Strategy to plan and implement the future changes expected from the Government's new 'Simpler Recycling' proposals, ensuring we maintain the consistently high level of service quality
- Continue our zero- tolerance policy towards fly-tipping by proactively educating and safeguarding the public around their duty of care through partnership campaign work alongside the robust enforcement of fly-tipping in Buckinghamshire
- Investing in waste collection vehicles across the county and trialling new electric or alternative fuel vehicles where possible
- Establish a fully functioning biodiversity net gain scheme (subject to national guidance / regulations supporting a viable delivery model)
- Develop and adopt a new Local Nature Recovery Strategy

5.2 Climate Change & Environment

Household Recycling Centres



99.95% of all bin collections are successful



Approximately 110,000 bins collected every day



1.1 million visits made to HRCs annually

Buckinghamshire's HRCs have a

66%



Recycling Rate

Energy from Waste

Less than 0.5% of

Buckinghamshire's waste goes to landfill



Households in Buckinghamshire recycle

50% of their waste



Generating

25

Megawatts of electricity

Powering

40,000

homes

Serving

150 million

for Bucks over 30 years

100% of electricity purchased by the Council is from renewable sources



Waste Promotions and Education



Social media following: 597,000 reach
75,621 engagement

£5m Council Funds set aside to deliver Climate Change Strategy and leverage Govt Grants

Fly-tipping enforcement



230

Actions taken against fly tippers since July 2021

(A total of 868 court convictions since enforcement action was started in 2004)

£1m+

Paid by convicted offenders in fines and costs

5.2 Climate Change & Environment

Revenue budget

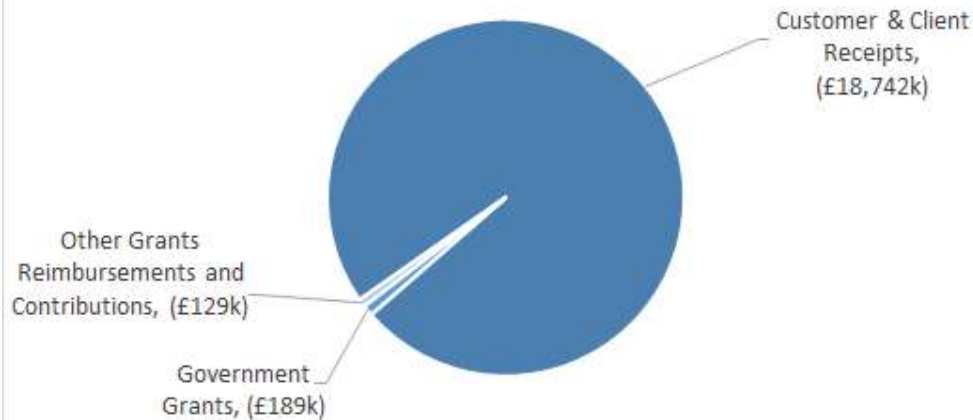
		2023-24			2024-25			2025-26	2026-27
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	
Environment	Energy & Resources	(344)	240	(104)	(449)	245	(204)	(204)	
	Natural Environment	(132)	1,719	1,587	(132)	1,619	1,487	1,341	
Environment Total		(476)	1,959	1,483	(581)	1,864	1,283	1,137	
Street Cleaning	Street Cleaning	(966)	3,777	2,811	(966)	3,777	2,811	2,811	
Street Cleaning Total		(966)	3,777	2,811	(966)	3,777	2,811	2,811	
Waste	Waste	(21,885)	35,035	13,150	(17,513)	37,810	20,297	23,844	
Waste Total		(21,885)	35,035	13,150	(17,513)	37,810	20,297	23,844	
Grand Total		(23,327)	40,771	17,444	(19,060)	43,451	24,391	27,792	

5.2 Climate Change & Environment

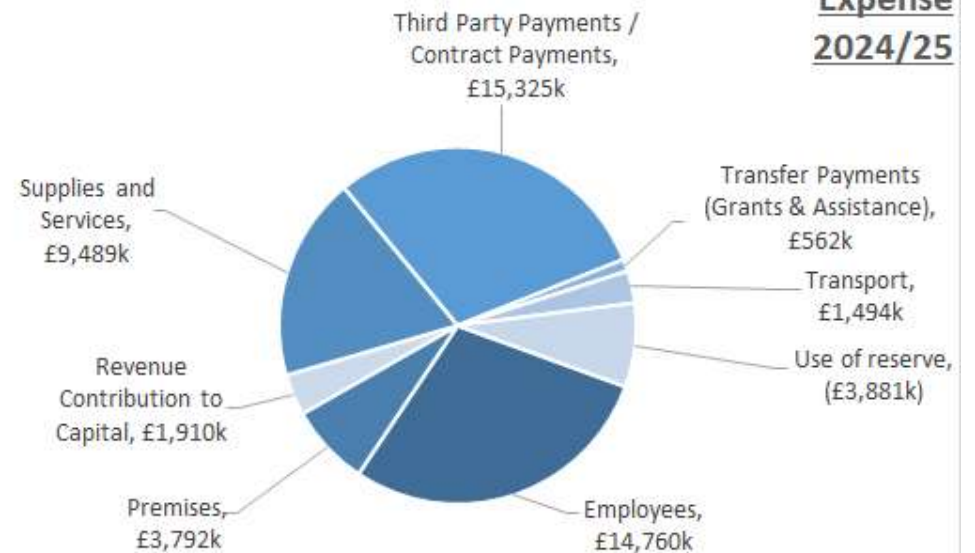
Revenue budget

Change Type	2024-25	2025-26	2026-27
	£000	£000	£000
Growth	1,810	2,398	2,991
Inflation	1,054	1,747	2,293
Savings	(174)	(319)	(1,319)
Special Items	(115)	(130)	(130)
Change in Income	4,372	6,652	6,532
Change in Grant Income	(105)	(105)	(105)
Change in Grant Funded Expenditure	250	250	250
Reserves	(145)	(145)	(145)
Grand Total	6,947	10,348	10,367

Income 2024/25



Expense 2024/25



5.2 Climate Change & Environment

Changes to Revenue budget

Climate Change & Environment		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Environment				
Change in Grant Funded Expenditure	Tree Planting (funded from grants and reserves)	250	250	250
Change in Grant Funded Expenditure Total		250	250	250
Change in Grant Income	Tree Planting (funded from Grant income)	(105)	(105)	(105)
Change in Grant Income Total		(105)	(105)	(105)
Savings	Efficiencies in Flood service	-	(80)	(80)
	Efficiency Savings in Environment budgets	(100)	(100)	(100)
	Savings from review of external partnership funding	-	(66)	(66)
Savings Total		(100)	(246)	(246)
Reserves	Use of Climate Change reserve to fund Tree Planting	(145)	(145)	(145)
Reserves Total		(145)	(145)	(145)
Special Items	Building Energy Savings - contribution to capital programme	(100)	(100)	(100)
Special Items Total		(100)	(100)	(100)
Environment Total		(200)	(346)	(346)

5.2 Climate Change & Environment

Climate Change & Environment			Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Waste					
Change in Income	Change in Household Recycling Centre income		122	2	(118)
	Decrease in income from Energy from Waste plant		5,100	7,600	7,600
	Garden Waste Fees & Charges		(450)	(550)	(550)
	Increase the commercial waste service delivered by North Service		(400)	(400)	(400)
Change in Income Total			4,372	6,652	6,532
Growth	Growth in Household Recycling Centre costs due to change in government policy		825	825	825
	Increase in waste operating costs		170	288	411
	Increased cost of waste collection		815	1,285	1,755
Growth Total			1,810	2,398	2,991
Inflation	Waste Contract inflation		1,054	1,747	2,293
Inflation Total			1,054	1,747	2,293
Savings	Savings from waste minimisation and Southern Waste contract		(74)	(73)	(73)
	Review of Waste Collection Services		-	-	(1,000)
Savings Total			(74)	(73)	(1,073)
Special Items	Funding for Waste Options Appraisal and ongoing legal case		(750)	(750)	(750)
	Removal of one-off costs of re-opening Household Recycling Centre		(15)	(30)	(30)
	Use of reserve to fund Waste Options Appraisal and ongoing legal case		750	750	750
Special Items Total			(15)	(30)	(30)
Waste Total			7,147	10,694	10,713
Grand Total - Climate Change & Environment			6,947	10,348	10,367

5.2 Climate Change & Environment

Portfolio challenges, risks & opportunities

- The Government’s decision to restrict some charging arrangements at household waste and recycling facilities (HRCs) which will have a significant impact on income and is likely to result in increasing volumes of waste at the HRCs. Removal of DIY charging at recycling centres from Q4 2023 will likely result in higher volumes with no related income. This impacts three contracts for HRCs, GFBW and EfW and will result in increased disposal costs.
- Long term investment in Climate Change Strategy – £5m climate change fund is committed; challenge and opportunity will be in building further climate change proposals into ‘business as usual’.
- Management of increased demand due to housing growth resulting in greater volumes processed for waste collection and HRCs. Growth and inflation currently outstrip the Council’s ability to raise Council Tax (2.99%).
- Changes in environmental legislation (e.g. waste upholstered domestic seating containing persistent organic pollutants (POPs) which cannot be landfilled, mixed with other non-POPs containing waste, reused or recycled and must be incinerated) resulting in higher costs of disposal as well as infrastructure impacting capital programme and operational changes to accommodate changes.
- Reliability of alternative fuel waste collection vehicles within the Council’s term
- The value of recycling collected kerbside – likely to impact delivery of recycling initiatives
- Fly-tipping – continuing to enforce particularly in the south of Buckinghamshire
- Energy price inflation resulting in higher electricity income for the Council*
- Fuel and contract inflation resulting in higher costs for Northern waste collection fuel costs and higher contract costs for Waste (including green, food & bulky waste, EfW, household recycling centres and Southern waste) and grounds maintenance
- Southern waste contractor delivering a consistent service in line with contractual requirements and obligations
- Opportunities for Climate-Change related Income generation (solar farms, battery storage) & bidding for Government grants to fund initiatives.

**Energy price inflation is a cost risk in other Portfolios, mainly in Property and Transport*

5.2 Climate Change & Environment

Capital Programme

Expenditure

Service Area	Project Group / Project	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
Neighbourhood Services	Waste - Biowaste					
	Biowaste Treatment	450	-	-	-	450
	Waste - HRC					
	Buckingham HRC & Waste Transfer Station	1,120	2,070	3,000	-	6,190
	Investment in High Heavens facility	4,772	360	220	80	5,432
	Recycling Centres Drainage EA Compliance	1,243	303	1,100	200	2,846
	Replacement Bulk Shredder	664	500	-	-	1,164
	Waste - Vehicles & Containers					
	Aylesbury Waste Vehicles Replacement	4,390	630	1,180	6,167	12,367
	Recycling Centres Vehicles & Plant	2,106	-	-	-	2,106
Recycling Waste Containers	730	750	970	770	3,220	
Southern Waste Contract - Vehicles	221	-	-	-	221	
Neighbourhood Services Total		15,696	4,613	6,470	7,217	33,996
Planning & Environment	Climate Change & Air Quality					
	Climate Change Strategy	1,960	1,260	-	-	3,220
	Flood Management					
	Flood Defence Schemes	7,717	3,595	-	-	11,312
Strategic Flood Management	150	50	-	-	200	
Planning & Environment Total		9,826	4,905	-	-	14,731
Total Expenditure		25,522	9,518	6,470	7,217	48,728

Funding

Funding Source	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
Ringfenced Grants	(7,231)	(2,135)	-	-	(9,366)
Revenue Contributions (Service)	(1,910)	(1,660)	(920)	-	(4,490)
Total Funding	(9,141)	(3,795)	(920)	-	(13,856)

Net Portfolio Totals	16,381	5,723	5,550	7,217	34,871
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5.2 Climate Change & Environment

Capital Programme

- New investment will be made in waste infrastructure at High Heavens and our household recycling centres to comply with new Environment Agency regulations.
- There will be continued investment in the replacement of waste vehicles and bins, to support the delivery of the Council's waste collection services.
- This Portfolio continues to invest in initiatives delivering the Council's Climate Change Strategy, including building efficiency improvements across the Council's operational estate, LED Streetlighting, and solar car ports. Some revenue savings on electricity will be realised through this programme.
- As well as delivering flood management schemes in high-risk locations, jointly with the Environment Agency, Buckinghamshire leads on the delivery of a major DEFRA-funded Capital Programme - 'Project Groundwater'. This 6-year programme is working with communities in 9 high-risk flood areas, in the Chiltern Hills & Berkshire Downs, to be more resilient to groundwater flooding.

5.3 Communities

Portfolio Holder: Councillor Arif Hussain

Overview of the Portfolio

A broad remit essentially focused on providing the “local face” of the council in Buckinghamshire for residents, communities and key partners / stakeholders such as town and parish councils and the voluntary community and social enterprise (VCSE) sector.

Services within the Portfolio work with others in creative ways to make Buckinghamshire a prosperous, safe and healthy place to live, work and grow. Functions of the Portfolio include:

- Community Boards
- Strategic engagement with and local devolution to town and parish councils
- Voluntary and community sector strategic engagement
- Community safety
 - Counter-terrorism & Prevent strategy
 - Anti-social behaviour
 - Domestic abuse
- Helping Hand
- Armed Forces Covenant
- Resilience services

Portfolio Priorities

- Community Boards – delivering projects and undertaking engagement to deliver council priorities and in turn strengthen local communities, bringing the right people together to discuss local issues and priorities, and for them to bring change and improvement.
- Devolution – working with partner organisations but particularly town and parish councils to consider what services or assets could be devolved to them, where it makes sense to do so.

- Tackling female insecurity - understanding the issues and a programme to address and protect the vulnerable within the communities. Supporting Thames Valley Police in their actions for reducing violence against women and girls including a focus on key locations and safe spaces, joining the national safe spaces scheme.
- Support local communities - work with local community and voluntary groups and Town & Parish Councils to support local communities and build effective and strong relationships within the communities.
- Financial insecurity - Deliver the Helping Hand programme and county-wide approach to financial insecurity, to tackle food and financial challenges in local communities, protecting the vulnerable whilst strengthening the communities. Ensuring there is appropriate support for residents across the county through the development of the financial insecurity partnership, modernising existing provision in-line with resident needs and enabling a joined-up approach between the Council and partners.
- Community Resilience - emergency management/community resilience/business continuity support and advice to the council and our communities. Development of a One Council approach to service delivery.
- Armed Forces Covenant - delivering activity and work in partnership with the Civilian Military Partnership Board to ensure the Council fulfils its obligations under the Armed Forces Covenant and maintains Gold Award status under the Defence Employer Recognition Scheme. Our Armed Forces champion is Councillor Mimi Harker.

5.3 Communities

Portfolio key data



16 Community Boards



171 town and parish councils



Over 4,600 charities and other voluntary / not for profit organisations



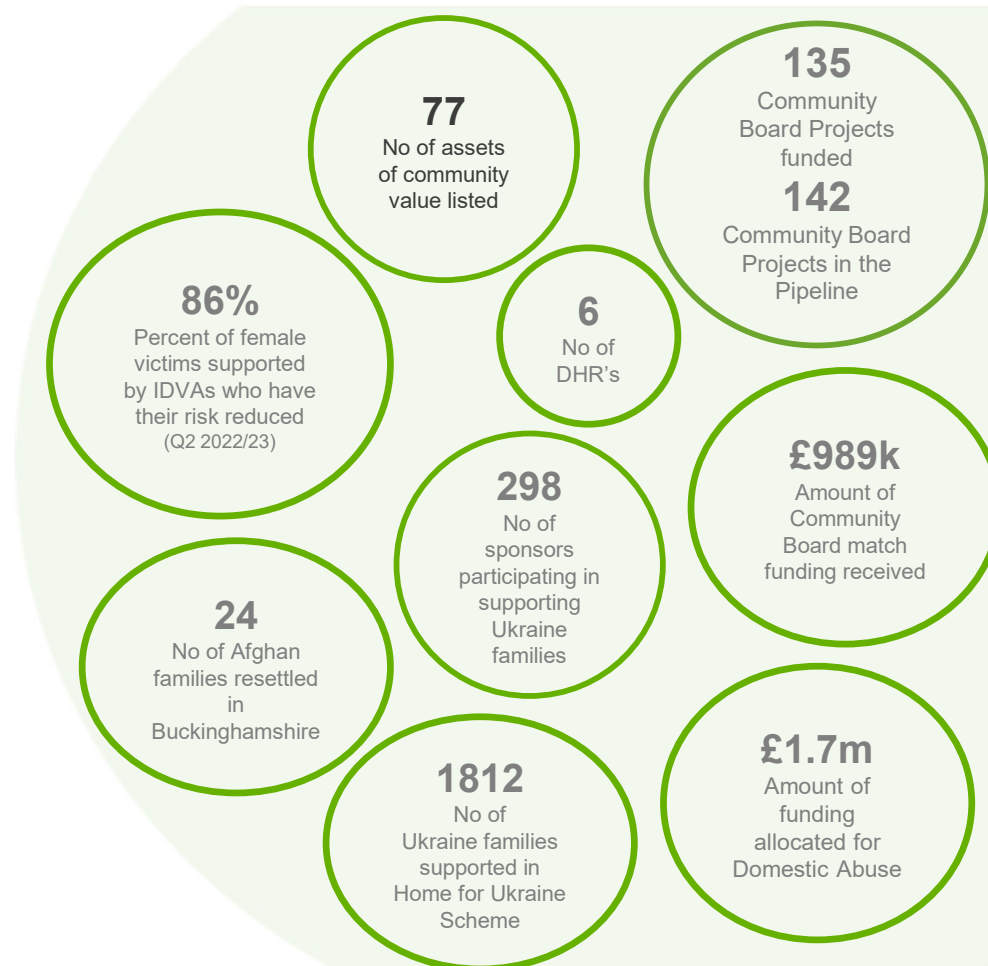
14,000 children eligible for free school meals



£4.8m[^] of grants that support vulnerable people through Helping Hand



£189,000 of Lottery funds (both community funds and good causes fund)



[^]£4.8m of government grants in Financial year 2023-24.

5.3 Communities

Revenue budget

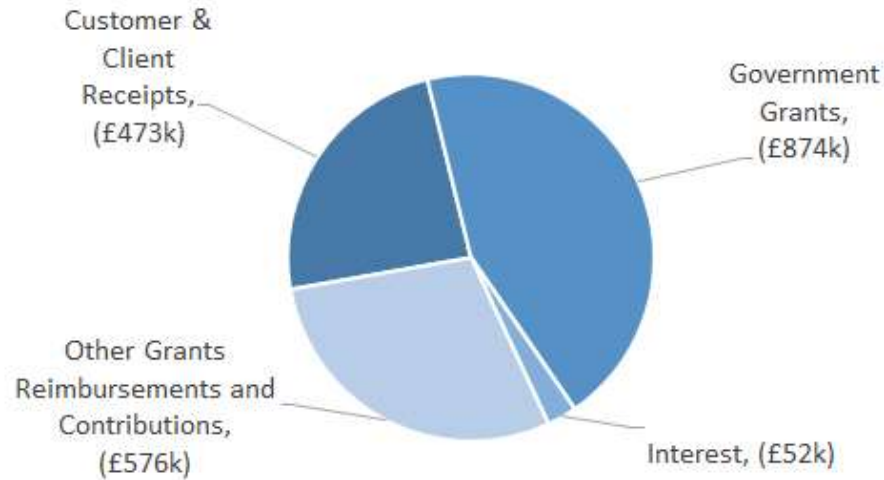
		2023-24			2024-25			2025-26	2026-27
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	
Community Safety	Community Safety	(1,383)	3,432	2,049	(1,383)	3,271	1,888	1,868	
Community Safety Total		(1,383)	3,432	2,049	(1,383)	3,271	1,888	1,868	
Community Support Helping Hand	Community Support Helping Hand	-	781	781	-	781	781	781	
Community Support Helping Hand Total		-	781	781	-	781	781	781	
Resilience Services	Resilience Services	-	331	331	-	331	331	331	
Resilience Services Total		-	331	331	-	331	331	331	
Special Expenses	Special Expenses	(503)	1,946	1,443	(525)	2,001	1,476	1,476	
Special Expenses Total		(503)	1,946	1,443	(525)	2,001	1,476	1,476	
Partnerships and Communities – including Community Boards	Partnerships and Communities	(67)	3,233	3,166	(67)	2,183	2,116	1,616	
Partnerships and Communities – including Community Boards Total		(67)	3,233	3,166	(67)	2,183	2,116	1,616	
Grand Total		(1,953)	9,723	7,770	(1,975)	8,567	6,592	6,072	

5.3 Communities

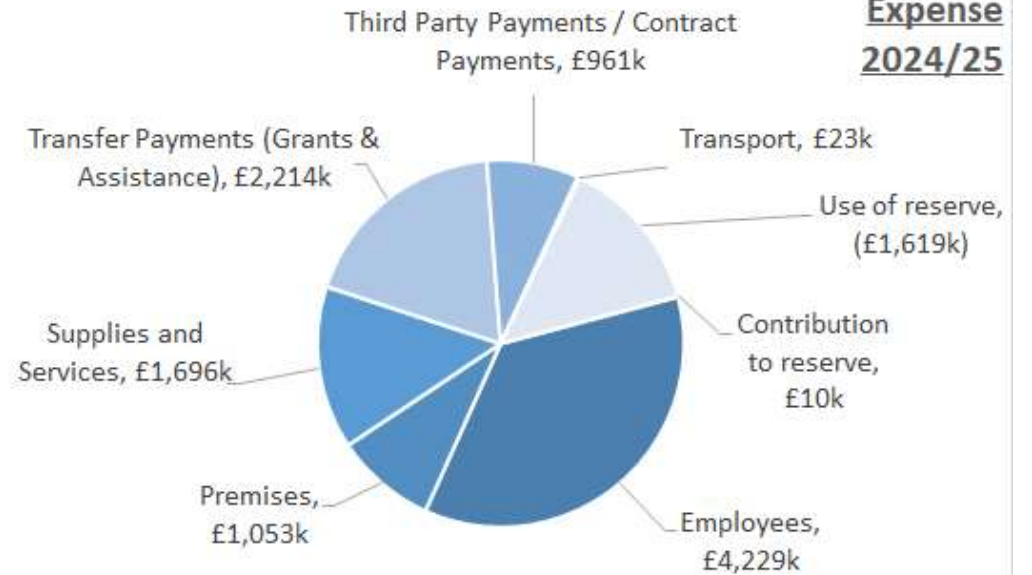
Revenue budget

Change Type	2024-25 £000	2025-26 £000	2026-27 £000
Growth	74	74	74
Savings	(711)	(1,731)	(1,731)
Special Items	(41)	(41)	(41)
Reserves	(500)	-	-
Grand Total	(1,178)	(1,698)	(1,698)

Income 2024/25



Expense 2024/25



5.3 Communities

Changes to the Revenue budget

Communities		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Community Safety				
Savings	Efficiencies in Community Safety service	(161)	(161)	(161)
	Transfer of Community Centre to Aylesbury Town Council	-	(20)	(20)
Savings Total		(161)	(181)	(181)
Community Safety Total		(161)	(181)	(181)
Special Expenses				
Growth	Increase in Special Expenses budgeted spend	74	74	74
Growth Total		74	74	74
Special Items	Devolution of Community Centres to Aylesbury Town Council	(41)	(41)	(41)
Special Items Total		(41)	(41)	(41)
Special Expenses Total		33	33	33
Partnerships and Communities – including Community Boards				
Reserves	One off draw down against reserves for Community Boards to reduce impact of savings in 2024/2025	(500)	-	-
Reserves Total		(500)	-	-
Savings	Reduced Voluntary and Community Sector funding	(50)	(50)	(50)
	Reduction in funding to Community Boards (2024/2025 savings total is £1m, partly mitigated by £500k drawn down from reserves)	(500)	(1,500)	(1,500)
Savings Total		(550)	(1,550)	(1,550)
Partnerships and Communities – including Community Boards Total		(1,050)	(1,550)	(1,550)
Grand Total - Communities		(1,178)	(1,698)	(1,698)

5.3 Communities

Portfolio challenges, risks and opportunities

The Communities Portfolio has a range of challenges and risks, including:

- Changes in external funding i.e., changes in government funding, including possible cessation of the Household Support Fund and community safety funding
- Capacity issues for any new requirements to be able to deliver statutory duties
- Increases in demand driven by external factors, including an increasing number of residents experiencing financial hardship due to cost of living pressures
- Capacity to work locally and engage with communities and organisations to bring change and improve local place
- Ability to provide funding to support improvements to the above

5.3 Communities

Capital Programme

Expenditure

Service Area	Project Group / Project	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
Community Safety	Community Safety					
	CCTV Projects	868	-	-	-	868
Total Expenditure		868	-	-	-	868

- The Council is investing £0.868m in the digitalisation of Buckinghamshire’s CCTV control room. This will ensure that Parish and Town Councils who invest in local CCTV will be able to connect to upgraded centralised technology and facilities, to improve Community Safety across Buckinghamshire.

5.4 Culture & Leisure

Portfolio Holder: Councillor Clive Harriss

Overview of the Portfolio

Services delivered by this Portfolio support our residents' health, wellbeing and quality of life, community cohesion, and the local and visitor economy. The Portfolio helps to deliver all of the Corporate priorities and is principally responsible for:

- **Local, community and country parks** – managing a number of award-winning local parks, plus Country Parks which were visited by over 1.1 million people during 2022/23. The service also delivers improvement and works with the planning service to make sure green spaces are provided alongside housing growth
- **Leisure** – provision of sports and leisure facilities, plus partnership work to support more people to be physically and active and reduce health inequalities.
- **Culture** – supporting delivery of the Buckinghamshire Cultural Strategy and operating the Buckinghamshire Film Office to maximise investment and harness the economic and social benefits of the creative industries across the county
- **Archives** – 3.5 miles of Buckinghamshire Archives' shelving hold collections of local and national importance such as Stoke Mandeville's role in developing the Paralympic Games; staff support volunteers, run outreach projects and work on digital preservation
- **Libraries** – providing a comprehensive and efficient library service through a network of county, community supported and volunteer-led Community Libraries. Our libraries provide welcoming and safe spaces, working with partners to provide a variety of activities, services and facilities; encouraging culture, reading and learning; providing health and wellbeing services and events; and enabling local access to information and services, including Library Council Access Points.

Portfolio priorities

- Maintaining and enhancing our country parks, parks and green spaces for residents and visitors, including development of new visitor facilities at Black Park Country Park, completion of a new Country Park at Stoke Poges and improvements to local parks and play areas.
- Continuing to develop and implement our leisure strategies to meet future needs and support financial sustainability.
- Working with partners to deliver services and activities which support levelling up within Buckinghamshire.
- Continuing to support the implementation of the Buckinghamshire Cultural Strategy action plan and coordination of key culture events
- Securing future accommodation for Buckinghamshire Archives, in collaboration with partners.
- Continuing progress on delivering the actions in our refreshed Library Strategy, and improvement works at our libraries in Chesham and Wendover.
- Further development of the Buckinghamshire Film Office to maximise the economic and social benefits of filming across the county.

5.4 Culture & Leisure

Portfolio key data



107

events and activities delivered during WhizzFizzFest and Bucks Culture Open Weekend



24,000

engagements with the Archives through social media/in-person



1,600

hours contributed by Archives volunteers



700,000

downloads of e-books and other library resources (670k in 2022)



191,000+

library members

3.5m



visits to leisure centres (2.9m in 2022)

1.16m



visitors to country parks (1.3m+ in 2022)



440,000

visits to cultural venues



£4.27m

Economic impact of the Film Office (2022/23)



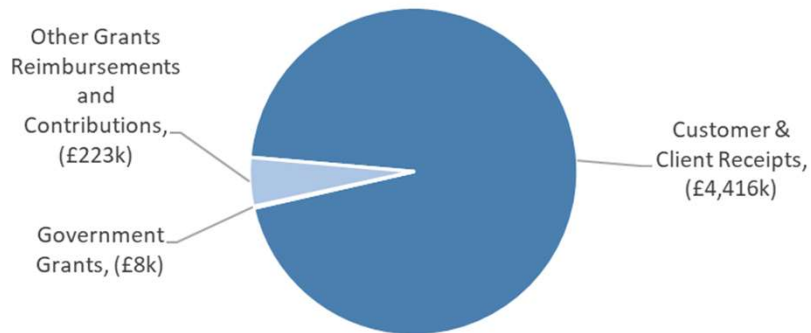
Green Flag Awards for Buckinghamshire town parks

5.4 Culture & Leisure

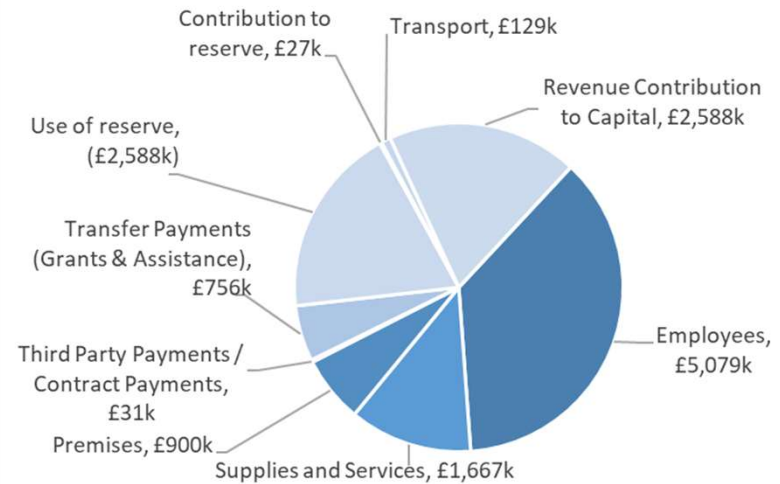
Revenue budget

		2023-24			2024-25			2025-26	2026-27
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	
Culture & Leisure	Arts & Culture	(391)	1,675	1,284	(391)	1,462	1,071	901	
	Country Parks, Parks & Play Areas	(1,281)	1,508	227	(1,348)	1,508	160	(117)	
	Leisure Centres	(1,836)	1,102	(734)	(2,405)	1,102	(1,303)	(1,806)	
	Libraries	(503)	4,065	3,562	(503)	3,970	3,467	3,007	
	Museums & Heritage	-	556	556	-	547	547	513	
Culture & Leisure Total		(4,011)	8,906	4,895	(4,647)	8,589	3,942	2,528	
Grand Total		(4,011)	8,906	4,895	(4,647)	8,589	3,942	2,298	

Income 2024/25



Expense 2024/25



Change Type	2024-25 £000	2025-26 £000	2026-27 £000
Savings	(317)	(1,151)	(1,381)
Special Items	(67)	(67)	(67)
Change in Income	(569)	(1,149)	(1,149)
Grand Total	(953)	(2,367)	(2,597)

5.4 Culture & Leisure

Changes to the Revenue budget

Culture & Leisure		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Culture & Leisure				
Change in Income	Increase in Country Parks fees and charges	-	(77)	(77)
	Increase in Leisure services management fee	(569)	(1,072)	(1,072)
Change in Income Total		(569)	(1,149)	(1,149)
Savings	Efficiency savings In Culture and Leisure	(222)	(426)	(426)
	Review of operational model for Culture and Leisure	-	(200)	(400)
	Efficiency savings and review of delivery model in Libraries service	(95)	(525)	(555)
Savings Total		(317)	(1,151)	(1,381)
Special Items	Reduction of operational support costs to Farnham Park Trust	(67)	(67)	(67)
Special Items Total		(67)	(67)	(67)
Culture & Leisure Total		(953)	(2,367)	(2,597)
Grand Total - Culture & Leisure		(953)	(2,367)	(2,597)

5.4 Culture & Leisure

Portfolio challenges, risks & opportunities

- Given the wider pressures on council budgets and from inflation, sustaining levels of non-statutory services and facilities remains a significant challenge.
- Income generation in areas such as leisure and country parks is linked to the availability of capital investment to maintain and enhance facilities and to meet contractual obligations.
- The continuing development of a new Leisure Strategy for Buckinghamshire will both address future needs and support financial sustainability into the medium to long-term.
- The impact of increases to fees and charges on customer usage of self-financing facilities such as country parks will continue to be monitored.
- Community engagement and recruitment/retention of sufficient volunteer capacity are key success factors in developing and implementing future approaches for services across the portfolio and delivery of the MTFP.
- This portfolio is responsible for the management and liabilities from the Farnham Park and Higginson Park Trusts. These arrangements are being closely monitored, including consideration of future operating models to optimise financial viability in use of the trust assets; and annual accounts are produced for each Trust.

5.4 Culture & Leisure

Capital Programme

Expenditure

Service Area	Project Group / Project	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
Culture Sport & Leisure	Country Parks					
	Country Parks Visitors Centre	875	-	-	-	875
	South Bucks Country Pk Leisure Facility	1,213	-	-	-	1,213
	Leisure Centres					
	Leisure Centres Maintenance	1,270	500	-	-	1,770
	Libraries					
	Libraries Enhanced Technology	200	-	-	-	200
	Parks & Play Areas					
Parks & Play Areas	656	60	37	-	753	
Sport & Leisure Projects						
S106 Funded Projects	3,725	-	-	-	3,725	
Total Expenditure		7,939	560	37	-	8,536

Funding

Funding Source	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
s106	(3,725)	-	-	-	(3,725)
Community Infrastructure Levy	(243)	(60)	(37)	-	(340)
Revenue Contributions (Service)	(2,588)	-	-	-	(2,588)
Total Funding	(6,556)	(60)	(37)	-	(6,653)
Net Portfolio Totals	1,383	500	-	-	1,883

- The capital programme for Culture & Leisure includes the final year of budget to complete a new visitor centre and leisure facilities at our Country Parks. This investment supports service delivery and will generate additional revenue income.
- The majority of Leisure Centre Maintenance is funded directly by Leisure Service providers; where the Council has landlord maintenance responsibilities, these will be managed on a risk basis and through seeking developer contributions to the longer-term investment in our Leisure facilities.

5.5 Education & Children's Services

Portfolio Holder: Councillor Anita Cranmer, Deputy Portfolio Holder: Councillor Joseph Baum

Overview of the Portfolio

The Education and Children's Services Portfolio includes the following services and functions. All of these are statutory functions required of the council by law or by our regulator Ofsted.

Children's social care - specialist social care services provide support to children in need of help and protection. Our services include:

- Statutory assessment and care planning for children at risk of significant harm
- Provision for looked after children and those leaving care
- Youth offending
- Fostering and adoption services
- In house residential provision and commissioning

Education – We have a statutory responsibility to champion educational excellence and ensure fair access to education for all children particularly the most vulnerable. This includes:

- Support for early years provision
- School effectiveness
- School attendance and education safeguarding including children missing education
- Virtual School
- Integrated Special Education Needs and Disabilities (SEND) service
- Delivering the statutory responsibility to provide sufficient early years and pupil places
- Family Support Service (in house early help provision)

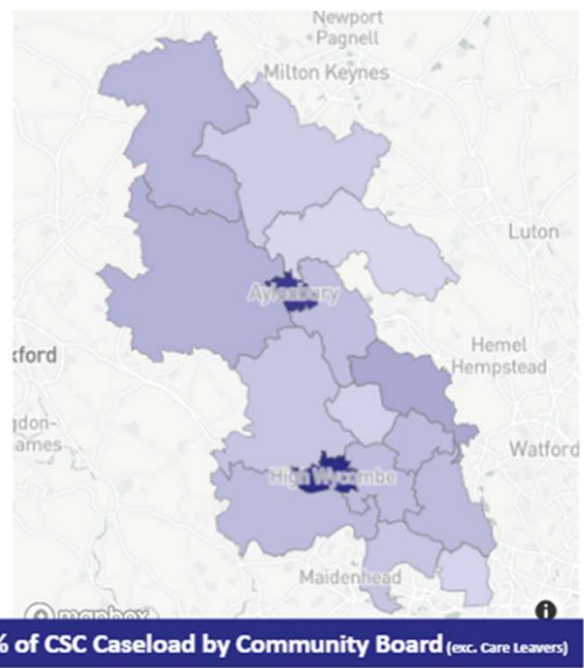
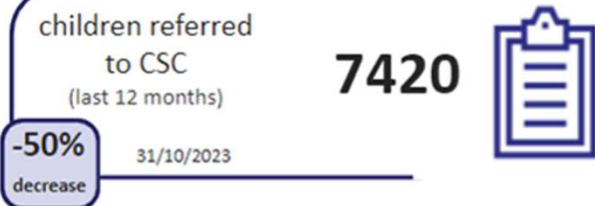
Portfolio priorities

The Education and Children's Services Portfolio have identified the following priorities:

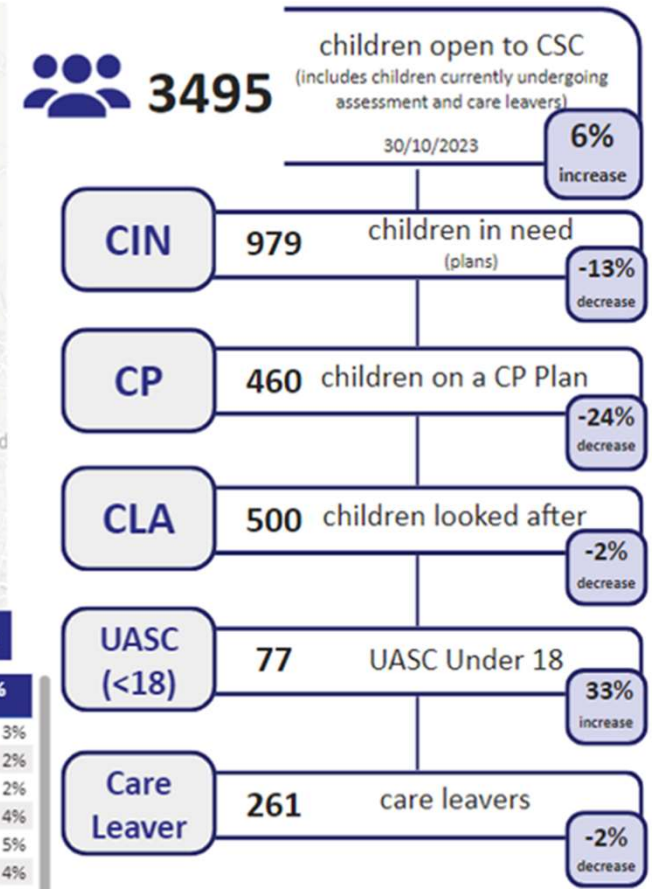
- Delivering on the corporate and political ambition to provide a financially sustainable service that secures better outcomes for children and young people by ensuring there is alignment between services and seamless transition at all points of the child's journey.
- Increase the pace of work with partners in health and schools in order to deliver improvements to the lived experience of children with SEND and their families including quicker access to support.
- Increase the availability of provision for our looked after children that meets their needs and provides them with a safe place to live and thrive locally.
- Improve educational provision and outcomes particularly for those most vulnerable
- Continue to develop the effectiveness of our newly created locality-based teams by working more collaboratively with partners and closer to communities.
- Attract, retain and develop a workforce that is skilled and motivated.
- We are currently OFSTED rated at 'requires improvement' in both Children's Social Care and SEND. We have a written statement of action on SEND and our priority is to continue to drive improvement.

5.5 Education & Children's Services

Portfolio key data



Community Board	%	Community Board	%
Denham, Gerrards Cross and Chalfonts	5%	Winslow and Villages	3%
Chesham and Villages	6%	Wing and Ivinghoe	2%
Buckingham and Villages	5%	Wexham and Ivers	2%
Beeches	4%	Wendover	4%
Beaconsfield and Chepping Wye	4%	South West Chilterns	5%
Aylesbury	18%	North West Chilterns	4%
Amersham	5%	Missendens	2%
		High Wycombe	19%
		Haddenham and Waddesdon	5%



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5.5 Education & Children's Services

Portfolio key data

Our Service in Numbers - Education

Pupils attending state-funded schools **89940**

1% increase May 2023



EHCPs maintained by Buckinghamshire **6459**

12% increase 31/10/2023



CYP Electively Home Educated (EHE) **1013**

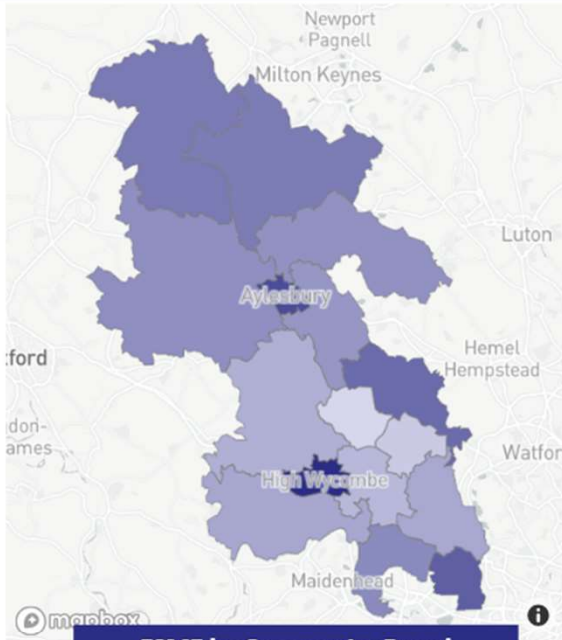
12% increase 30/09/2023



Pupils eligible for Free School Meals (FSME) **12594**

12% increase May 2023

*% increase/decrease compared to previous 12 months



Community Board	% FSME	Community Board	% FSME
Amersham	7.7%	Haddenham and Waddesdon	12.8%
Aylesbury	18.8%	High Wycombe	21.6%
Beaconsfield and Chepping Wye	9.3%	Missendens	6.6%
Beeches	13.3%	North West Chilterns	10.0%
Buckingham and Villages	14.8%	South West Chilterns	10.7%
Chesham and Villages	16.1%	Wendover	12.2%
Denham, Gerrards Cross and Chalfonts	10.6%	Wexham and Ivers	17.1%
		Wing and Ivinghoe	12.6%
		Winslow and Villages	14.5%



Children Missing from Education (CME) **101**

30/09/2023 -7% decrease



Pupils attending Buckinghamshire special schools **1685**

6% increase May 2023



Pupils with SEN Support **10108**

7% increase May 2023



Not in Education, Employment or Training (NEET) **148**

1.2% young people 30/09/2023 90% increase

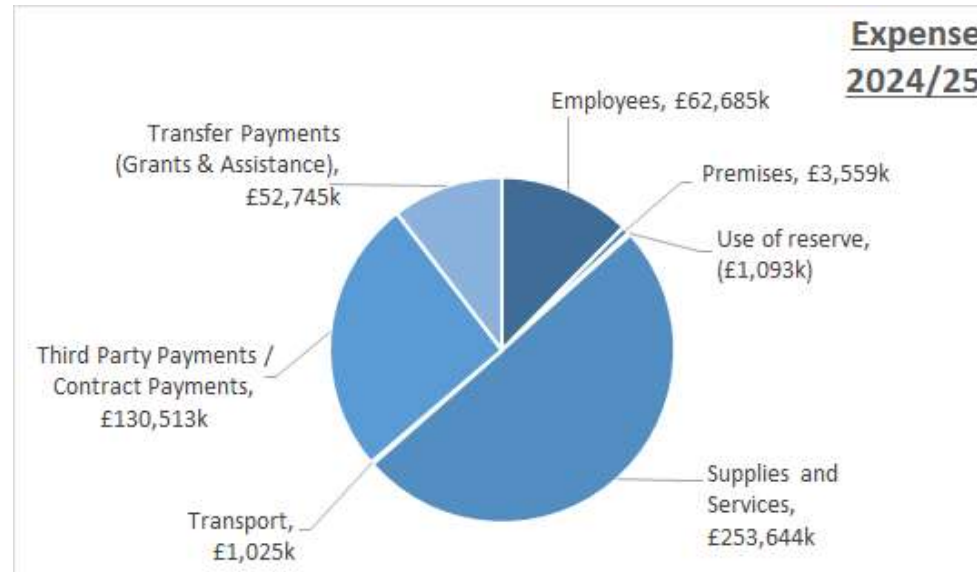
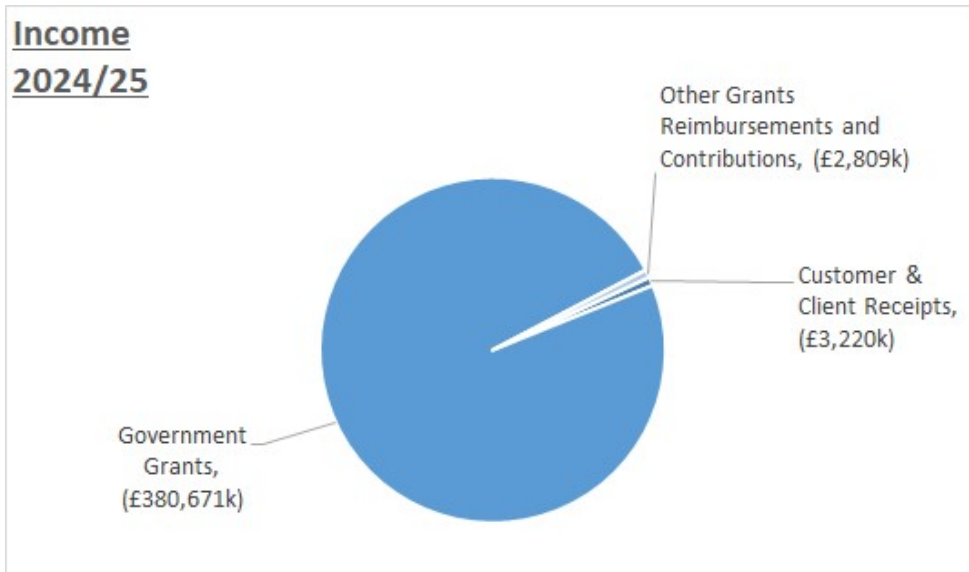
5.5 Education & Children's Services

Revenue budget

		2023-24			2024-25			2025-26	2026-27
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	
Children's Social Care	Children in Care	(10,232)	67,918	57,686	(10,532)	85,222	74,690	73,133	74,123
	Children with Disabilities	-	7,826	7,826	(1,676)	8,126	6,450	5,109	5,160
	Quality, Standards & Performance	-	4,581	4,581	-	3,539	3,539	3,539	3,539
	Safeguarding	-	10,662	10,662	-	10,620	10,620	10,473	10,473
	Social Care central costs	(5)	7,861	7,856	(255)	5,446	5,191	4,339	4,339
Children's Social Care Total		(10,237)	98,848	88,611	(12,463)	112,953	100,490	96,593	97,634
Education	Early Help	-	7,130	7,130	(95)	7,225	7,130	7,130	7,130
	Education & Learning	(6,276)	8,162	1,886	(6,339)	8,375	2,036	1,973	1,973
	Special Educational Needs & Disabilities	(126)	6,948	6,822	(226)	6,948	6,722	6,722	7,237
Education Total		(6,402)	22,240	15,838	(6,660)	22,548	15,888	15,825	16,340
Education - Dedicated Schools Grant	Central block	(318)	5,254	4,936	(319)	5,000	4,681	4,681	4,681
	Early Years Block	-	39,568	39,568	-	61,589	61,589	61,589	61,589
	High Needs Block	(1,150)	115,877	114,727	(1,150)	119,350	118,200	118,200	118,200
	Schools Block	(2,398)	176,594	174,196	(2,398)	182,171	179,773	179,773	179,773
	Funding Block	(332,894)	(533)	(333,427)	(363,710)	(533)	(364,243)	(364,243)	(364,243)
Education - Dedicated Schools Grant Total		(336,760)	336,760	-	(367,577)	367,577	-	-	-
Grand Total		(353,399)	457,848	104,449	(386,700)	503,078	116,378	112,418	113,974

5.5 Education & Children's Services

Revenue budget



Change Type	2024-25 £000	2025-26 £000	2026-27 £000
Growth	21,943	31,594	43,483
Inflation	2,801	4,931	6,908
Savings	(10,120)	(24,071)	(36,381)
Special Items	(823)	(1,232)	(1,232)
Reserves	517	626	626
Change in Income	(2,389)	(3,879)	(3,879)
Change in Grant Income	(30,911)	(29,766)	(29,766)
Change in Grant Funded Expenditure	30,911	29,766	29,766
Grand Total	11,929	7,969	9,525

5.5 Education & Children's Services

Changes to the Revenue budget

Education & Children's Services		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Children's Social Care				
Change in Income	Partner contributions towards the cost of complex packages of care are proportioned based on the needs of children and young people	(1,726)	(3,153)	(3,153)
	Maximise use of Disabled Facilities Grant	(250)	(250)	(250)
	Maximise use of External Grants	(250)	(250)	(250)
Change in Income Total		(2,226)	(3,653)	(3,653)
Growth	Increase in Domiciliary Care and Direct Payment Costs	300	350	400
	Running costs to develop an additional 10 new in-house residential homes	-	2,761	7,255
	Increased costs following the introduction of the mandated National Transfer Scheme for Unaccompanied Asylum Seeking Children (UASCs)	1,441	1,940	1,940
	Use of more expensive and bespoke placements due to the national placement sufficiency challenges, increased complexity, and the lack of appropriate placements to meet the needs of children	9,820	9,820	9,820
	Running costs for the initial 3 new in-house residential homes opening in 2023-24	3,004	3,004	3,004
	The continued use of residential placements due to a shortage in foster carers	6,864	13,205	20,035
Growth Total		21,429	31,080	42,454
Inflation	Increase in placement costs	2,801	4,931	6,908
Inflation Total		2,801	4,931	6,908

5.5 Education & Children's Services

Education & Children's Services			Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Children's Social Care					
Savings	Delivery of efficiencies through the implementation of the Children's Services transformation programme		(2,530)	(3,229)	(3,229)
	Efficiencies achieved by supporting more young people to remain at home/within the community, preventing the need for them to become looked after		(390)	(390)	(390)
	Review of existing contracts to deliver efficiencies		-	(300)	(300)
	Savings achieved through a net increase in the number of fostering households in turn reducing the need to use more costly placements		(1,882)	(7,722)	(12,870)
	Savings in accommodation costs for Unaccompanied Asylum Seeking Children from faster processing of cases by the Home Office		(250)	(500)	(500)
	Savings linked to developing an additional 10 new in-house residential homes		-	(3,792)	(10,954)
	Savings realised from the initial 3 new in-house residential homes opening in 2023-24		(4,604)	(7,674)	(7,674)
	Savings Total		(9,656)	(23,607)	(35,917)

5.5 Education & Children's Services

Education & Children's Services		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Children's Social Care				
Reserves	Reduction reflecting one-off reserve funding in 2023-24 from Supporting Families reserve, and for the expansion of the Social Worker Academy	300	300	300
	One-off use of ASYE Academy reserve (to support Children's Transformation Programme)	-	-	-
Reserves Total		300	300	300
Special Items	Reduction reflecting removal of one-off costs in 2023-24 from the expansion of the Social Work Academy	(969)	(969)	(969)
	Reduction reflecting one-off reserve funding in 2023-24 from Supporting Families reserve, and for the expansion of the Social Worker Academy	61	61	61
	Reduction reflecting one-off expenditure in 2023-24 funded from Supporting Families reserve, and from expansion of the Social Worker Academy	(361)	(361)	(361)
	Implementation costs required to develop an additional 10 new in-house residential homes	500	200	200
Special Items Total		(769)	(1,069)	(1,069)
Children's Social Care Total		11,879	7,982	9,023

5.5 Education & Children's Services

Education & Children's Services		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Education				
Change in Grant Funded Expenditure	Increase in expenditure for Holiday Activities & Food Programme in line with increased grant funding	-	(1,145)	(1,145)
	Supporting Families Payments by Results Projects	95	95	95
Change in Grant Funded Expenditure Total		95	(1,050)	(1,050)
Change in Grant Income	Increase in grant funding for Holiday Activities & Food Programme	-	1,145	1,145
	Supporting Families Payments by Results Projects	(95)	(95)	(95)
Change in Grant Income Total		(95)	1,050	1,050
Change in Income	Review of fees and charges	(13)	(26)	(26)
	Review partner contributions for complex needs cases	(100)	(100)	(100)
	Traded Income	(50)	(100)	(100)
Change in Income Total		(163)	(226)	(226)
Growth	Pressures on Education central services	677	677	677
	Supporting participation in Education, Employment and Training for Post-16 students with Special Educational Needs (SEND)	(163)	(163)	(163)
	Increase in staff to reflect increasing demand for statutory assessment	-	-	515
Growth Total		514	514	1,029

5.5 Education & Children's Services

Education & Children's Services		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Education				
Savings	Efficiency savings in Education central services	(464)	(464)	(464)
Savings Total		(464)	(464)	(464)
Reserves	Reduction in reserve funding for loss of School Improvement Grant, due to increased income from schools	54	163	163
	Reduction reflecting one-off reserve funding in 2023-24 from Supporting Families reserve	163	163	163
Reserves Total		217	326	326
Special Items	Incremental increase in income from schools following the loss of the School Improvement Grant	(54)	(163)	(163)
	Use of reserve in Early Help service (to support Children's Transformation Programme)	-	-	-
Special Items Total		(54)	(163)	(163)
Education Total		50	(13)	502

5.5 Education & Children's Services

Education & Children's Services		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Education - Dedicated Schools Grant				
Change in Grant Funded Expenditure	Estimated reduction in Dedicated School Grant due to academy conversions	(539)	(539)	(539)
	Increase in expenditure funded by offsetting increase in Dedicated Schools Grant income	31,355	31,355	31,355
Change in Grant Funded Expenditure Total		30,816	30,816	30,816
Change in Grant Income	Estimated reduction in Dedicated School Grant due to academy conversions	539	539	539
	Increase in Dedicated Schools Grant income	(31,355)	(31,355)	(31,355)
Change in Grant Income Total		(30,816)	(30,816)	(30,816)
Education - Dedicated Schools Grant Total		-	-	-
Grand Total - Education & Children's Services		11,929	7,969	9,525

5.5 Education & Children's Services

Portfolio challenges, risks & opportunities

The Education and Children's Services Portfolio have identified the following challenges and risks impacting on the budget:

Increases in demand for Early Help services and complexity within Social Care

- The Portfolio is seeing increases in demand and complexity across Early Help and Children's Social Care, respectively. If this continues, it may impact on the capacity of the service to deliver on our ambition to be good.

National Placement Sufficiency Issues

- Despite maintaining a stable proportion of children in care, the Council's spend on placements has increased significantly over the last 3 years. This reflects growing demand for residential placements due to a loss of foster carers and unit cost increases of 25-30% across all external placement types during this period.
- Placement sufficiency on a national basis is in crisis. Demand significantly outstrips supply leading to providers profiteering and unit costs for individual placements rising.
- Inability to source appropriate placements can lead to high-cost care packages in the community (e.g. £30k per week, £1.5m per year for one child) to manage risk and keep young people safe.

Recruitment of permanent social workers

- Inability to recruit permanent staff results in an increased reliance on agency staff numbers.
- Our agency rate across the service has come down but remains higher than we would like at 26%. On average, an agency member of staff costs 30% more than a permanent employee.

SEND Sufficiency and capital implications

- Development of sufficient places to meet the needs of

pupils with SEND within Buckinghamshire schools.

- Capital development required to provide additional places – funding includes specific grant funding, developer contributions and bid to DfE free school programme.

Increase in requests for Education Health and Care Needs Assessment

- In 2022, Buckinghamshire received 1365 requests for assessment, an increase of 101% compared to 2016.
- Published data from January each year shows a 76% increase in EHCPs maintained by Buckinghamshire between 2016 and 2023. As of 1 November 2023, there were 6450 compared to 4054 in January 2019.
- In addition, nationally and locally, it has proven increasingly difficult to recruit and retain Educational Psychologists.

Dedicated Schools Grant (DSG) deficit

- Like many other local authorities, the council has a DSG deficit due to pressures around High Needs, with a deficit management plan in place. The deficit at the end of the 2022-23 financial year was £1.7m and is likely to increase further this year.

Other service pressures

- Impact of the mandated National Transfer Scheme for Unaccompanied Asylum-Seeking Children. The Council is now required to continue to receive referrals until it reaches 0.10% of the child (0-18) population (128 individuals for Buckinghamshire). At the end of September 2023, the service supports 77 UASC, an increase from 26 in September 2021.
- The service's ability to fulfil the new unfunded school attendance duties due to the capacity of the current team.

5.5 Education & Children's Services

Portfolio opportunities

The Education and Children's Services Portfolio have identified the following opportunities:

- One of the only options to change the placements marketplace is for local authorities across the country to invest in their own provision, as this Council intends to do. We continue to progress the proposal to expand our inhouse residential provision.
- Increasing the number of in-house Foster Carers by defining a new improved offer to improve recruitment and retention.
- If approved as a pilot Regional Commissioning Cooperative council to engage fully and maximise the potential
- Delivery of our transformation programme will redesign our services around the needs and strengths of children and families, ensuring that children receive a consistent, purposeful and child centred approach wherever they are on their journey of need from early help through to being in care. By focusing improvement activity in these areas, we hope to reduce the demand and costs of statutory interventions and promote the wellbeing and resilience of children and families in Buckinghamshire.
- Implement effective arrangements to ensure partner contributions towards the cost of complex packages of care are proportioned based on the needs of children and young people.
- The service is part of the Delivering Better Value in SEND programme. 55 local areas are being supported to identify the highest impact changes that can be made to improve outcomes for children and young people with SEND, and to optimise the use of resource. The proposal will have a focus on early support and meeting needs other than through statutory assessment
- Continue to work on the development of a suite of Edge of Care services for children and young people in order to prevent the need for them to enter care in the first place or to rapidly return them to their families if they do enter.
- Alongside our housing colleagues we want to increase the number of care leavers with their own tenancies which will reduce our reliance on more costly semi-independent placements.
- Develop a contract framework when procuring client transport.

5.5 Education & Children's Services

Capital Programme

Expenditure

Service Area	Project Group / Project	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
Education	Schools					
	Primary School Places	10,641	17,258	24,950	19,850	72,699
	Secondary School Places	6,928	9,400	8,200	3,600	28,128
	Provision for Special Educational Need	3,722	7,811	9,809	7,500	28,842
	School Access Adaptations	200	200	200	200	800
	School Property Maintenance	6,000	6,000	6,000	5,000	23,000
	School Toilets	250	250	250	250	1,000
	Programme Inflation	2,002	3,447	4,296	3,095	12,840
Provision for Early Years	1,000	-	-	-	1,000	
Education Total		30,743	44,366	53,705	39,495	168,309
Children's Social Care	Children's Social Care					
	Children's Homes	1,184	3,956	5,744	500	11,384
Total Expenditure		31,927	48,322	59,449	39,995	179,693

Funding

Funding Source	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
HIF	-	(5,000)	(5,000)	(4,000)	(14,000)
s106	(22,016)	(23,855)	(15,664)	(9,400)	(70,935)
Community Infrastructure Levy	(750)	(750)	(750)	(750)	(3,000)
Ringfenced Grants	(6,400)	(7,500)	(7,500)	(3,000)	(24,400)
Total Funding	(29,166)	(37,105)	(28,914)	(17,150)	(112,335)
Net Portfolio Totals	2,761	11,217	30,535	22,845	67,358

- The programme includes significant investment in Council-led delivery of new children's homes, funded from borrowing, and which will deliver additional in-County placements and generate revenue savings.
- The Schools Programme will continue to deliver the statutory needs for primary & secondary school places, as well as continuing to expand SEND provision across Buckinghamshire. This is funded from Developer Contributions and DfE Grants.
- The Council supports schools across Buckinghamshire to deliver building improvements - maintenance, adaptations and toilets - funded from DfE Grants.

Section 5.6 Health & Wellbeing

Portfolio Holder: Councillor Angela Macpherson, Deputy Portfolio Holder: Councillor Zahir Mohammed

Overview of the Portfolio

We work across the county in partnership with organisations across the health and social care sector, and with voluntary and community organisations so that people are supported to live independent, fulfilled and healthy lives. We also work across the Council to co-ordinate responses to health inequalities, prevention and promotion of independence so that Buckinghamshire's residents benefit from an holistic approach to support. The Health & Wellbeing Portfolio is aligned to the Adults and Health Directorate and is responsible for:

- Adult social care services: social work, occupational therapy, Home Independence Service, Day Opportunities; Nursing, Residential, Home Care, Supported Living and Short Breaks services; for Older People, Mental Health, Learning Disabilities and Physical and Sensory Disabilities.
- Integrated commissioning: commissioning a range of services and packages of care on behalf of adult social care, public health, children's services and the Integrated Care Board (NHS).
- Quality, standards and performance: supporting frontline social care services in delivering the highest quality of services through workforce planning and delivery, systems modernisation and improvement, and practice quality.
- Strategy, Improvement and Governance: to provide directorate governance, assurance and risk management. The team lead on policies/strategies and the Adult Social Care Improvement Programme. Their role is to drive forward and support directorate improvements.
- Public health: supporting and challenging the Council and partners in improving the health and wellbeing of Buckinghamshire's residents and particular in increasing healthy life expectancy and tackling health inequalities. Public Health includes a range of mandatory services including health visiting services, drug and alcohol treatment services, sexual health services, NHS health checks, communicable disease control

and response to public health emergencies, advice to NHS commissioners.

- Equality and Inclusion: ensuring that we meet our statutory requirements.

Portfolio priorities

Managing demand

- Demand for adult social care continues to grow across the country due to rising life expectancy and the changing needs and preferences of service users. Continuing to mirror the national trend, demand for adult social care services in Buckinghamshire is increasing. Approximately 3,400 contacts are received by adult social care each month, totalling 40,000 contacts each year. This is a significant increase since 2020/21 when the council received an average of 2,090 contacts per quarter.
- According to NHS Digital, there were almost 2.0 million requests to councils for adult social care from nearly 1.4 million new service users in 2021-22. This amounts to 5,420 requests per day in England, up by 170 requests per day on the previous year. 58% of these requests came from older people and this is expected to rise by 26.1% in 50 years' time. And this demand is not just for adult social care but its related services - a recent national workforce survey by the Royal College of Occupational Therapists reported increased demand for OT services within the past 12 months, with service user complexity increasing due to delayed interventions and lack of capacity elsewhere within the system.

Care Quality Commission Assurance

- The Health and Care Act 2022 introduced Care Quality Commission (CQC) assurance of how councils are discharging their statutory adult social care duties. Councils were last subject to CQC assurance of adult social care in 2010. CQC undertook five pilot assessments in summer/autumn 2023 and the interim guidance and assurance framework may be amended because of the pilots. Although originally planned for 2023, CQC is yet to publish the programme of formal assessments. However, the Council is prioritising ongoing preparations to ensure readiness for the future CQC assessment in Buckinghamshire.

Section 5.6 Health & Wellbeing

Portfolio priorities (continued)

Buckinghamshire Health and Social Care Integration

- Local public health and care sector organisations have established the Buckinghamshire Executive Partnership (BEP). The partnership brings together senior executives from the Council, NHS providers and the Integrated Care Body to focus on key priorities and ensure strategic alignment, best use of resources and operational oversight of integrated care across the Buckinghamshire health and care system. An initial focus is to support discharge when a person is fit to leave hospital and to provide rehabilitation and therapy support to enable people to regain as much of their former independence as possible reduce the likelihood of readmission.

Adult Social Care Improvement programme

- The adult social care improvement programme is key to delivering the outcomes of the Better Lives Strategy and MTFP savings. The programme is currently delivering five major projects:
- Community prevention: improving the provision of community-based prevention services to delay or prevent needs escalating, and reduce the number of people contacting the Council where no statutory care support is required
- Enablement and reablement: reducing the number of avoidable hospital admissions and providing effective short-term interventions to help people regain their independence
- Community opportunities: maximising the use of the Council's day centre buildings and improving the offer of community opportunities for adults with learning disabilities
- Better homes: increasing housing available in the county to meet the needs of adult social care clients and reduce demand triggered as a result of unsuitable housing
- Transport: reduce the need for Council-commissioned transport where better value alternatives exist for the client and the Council.

Public Health

Mandatory Public Health Functions:

- Mandatory health visitor child health reviews
- Substance Misuse services
- Sexual and reproductive health services
- NHS health checks – screening for risk factors for diabetes, cardiovascular and kidney disease and dementia
- National Child Measurement Programme
- Local Authority role in health protection– infectious diseases, Chemical, Biological, Radiological and Nuclear (CBRN), emergencies
- Advice to NHS commissioners on health care commissioning
- Dental epidemiology survey
- Production and publication of a DPH annual report on the population's health

Work with residents, communities and partners to

- Level up health outcomes across Buckinghamshire and help deliver the Opportunity Bucks plan including the health and wellbeing theme
- Support healthy behaviours including physical activity, access to healthy food and prevent the harms from smoking and drug and alcohol misuse.
- Improve outcomes in pregnancy and early years particularly for key groups with poorer outcomes
- Improve mental health and wellbeing for key groups and prevent suicide
- Prevent heart disease, stroke and dementia particularly for groups at higher risk
- Ensure an effective system-wide response to protect residents from infectious diseases and environmental hazards
- Work with NHS partners to develop and implement the local joint health and wellbeing strategy and NHS 5-year plan

Section 5.6 Health & Wellbeing

Portfolio key data

Our Service Users

The type of care they receive



966 people in Residential Care (875 last year)



548 people in Nursing Homes (534 last year)



592 people in Supported Living (567 last year)



1,646 in Community Homecare (1,415 last year)



1,347 people receiving a Direct Payment (1,476 last year)

The type of needs they have



1,109 people with Learning Disability of all ages (1,113 last year)



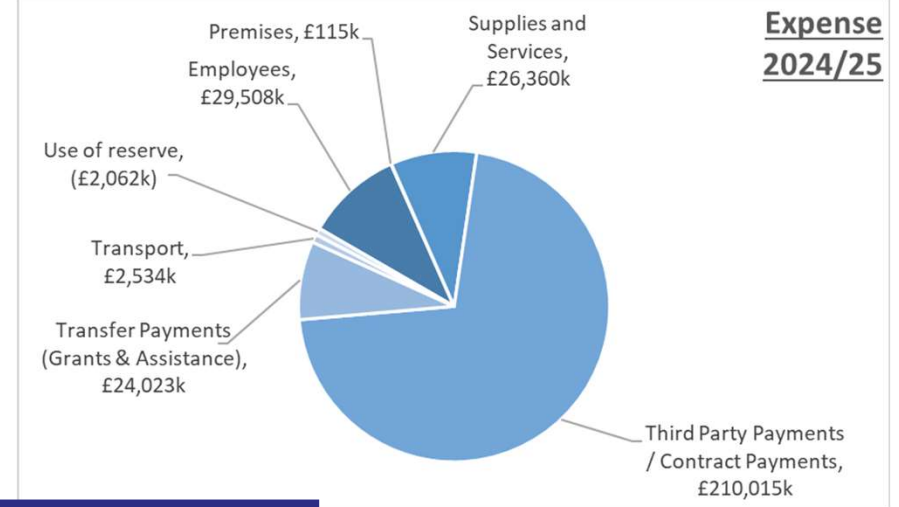
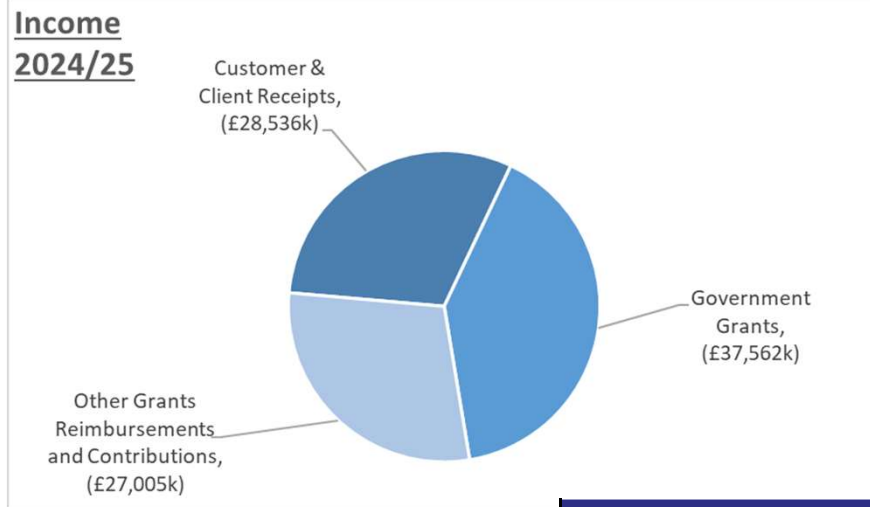
707 people with Mental Health of all ages (677 last year)



3,283 people with Physical & Sensory Disabilities of all ages (3,073 last year)

Section 5.6 Health & Wellbeing

Revenue budget		2023-24			2024-25			2025-26	2026-27
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	Net Budget
Adult Social Care	Adult Social Care	(63,062)	247,957	184,895	(69,810)	267,200	197,390	208,948	221,194
Adult Social Care Total		(63,062)	247,957	184,895	(69,810)	267,200	197,390	208,948	221,194
Public Health	Public Health	(22,981)	22,981	-	(23,293)	23,293	-	-	-
Public Health Total		(22,981)	22,981	-	(23,293)	23,293	-	-	-
Grand Total		(86,043)	270,938	184,895	(93,103)	290,493	197,390	208,948	221,194



Change Type	2024-25 £000	2025-26 £000	2026-27 £000
Growth	13,623	24,211	33,524
Inflation	10,117	17,295	24,078
Savings	(5,178)	(10,502)	(12,317)
Special Items	(500)	(500)	(500)
Change in Income	(2,169)	(4,453)	(6,488)
Change in Grant Income	(4,891)	(3,491)	(3,491)
Change in Grant Funded Expenditure	1,493	1,493	1,493
Grand Total	12,495	24,053	36,299

Section 5.6 Health & Wellbeing

Changes to the Revenue budget

Health & Wellbeing		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Adult Social Care				
Change in Grant Funded Expenditure	Increase in grant funded expenditure to match increased Better Care Fund grant	710	710	710
	Increase in expenditure to match Hospital Discharge grant	471	471	471
Change in Grant Funded Expenditure Total		1,181	1,181	1,181
Change in Grant Income	Increase in Better Care Fund grant	(710)	(710)	(710)
	Increase in Discharge Fund grant	(471)	(471)	(471)
	Increase in Market Sustainability & Improvement fund grant	(3,398)	(1,998)	(1,998)
Change in Grant Income Total		(4,579)	(3,179)	(3,179)
Change in Income	Increase in income from growth in the number of clients	(1,264)	(3,098)	(4,308)
	Increased income collection and recovery	(905)	(1,355)	(2,180)
Change in Income Total		(2,169)	(4,453)	(6,488)

Section 5.6 Health & Wellbeing

Changes to the Revenue budget

Health & Wellbeing		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Adult Social Care				
Growth	Demand growth based on modelled changes in the number of clients	5,354	12,400	17,912
	Increased Complexity	4,269	7,811	11,612
	Increased costs in Adult Social Care in 2023/24 from demand growth	4,000	4,000	4,000
Growth Total		13,623	24,211	33,524
Inflation	Inflation for contracts and market pressures	10,117	17,295	24,078
Inflation Total		10,117	17,295	24,078
Savings	Efficiencies from reviews of existing packages	(2,000)	(4,239)	(5,014)
	Maximising the use of grants	(828)	(1,028)	(1,028)
	Efficiencies in contracts and procurements	(1,250)	(2,150)	(2,550)
	Management Efficiencies and Service Redesign	(250)	(1,085)	(1,325)
	Efficiencies from promoting independence	(850)	(2,000)	(2,400)
Savings Total		(5,178)	(10,502)	(12,317)
Special Items	Maximising external grants to fund eligible expenditure	(500)	(500)	(500)
Special Items Total		(500)	(500)	(500)
Adult Social Care Total		12,495	24,053	36,299

Section 5.6 Health & Wellbeing

Changes to the Revenue budget

Health & Wellbeing		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Public Health				
Change in Grant Funded Expenditure	Increase in expenditure funded by increase in Public Health grant	312	312	312
Change in Grant Funded Expenditure Total		312	312	312
Change in Grant Income	Increase in Public Health grant	(312)	(312)	(312)
Change in Grant Income Total		(312)	(312)	(312)
Public Health Total		-	-	-
Grand Total - Health & Wellbeing		12,495	24,053	36,299

Section 5.6 Health & Wellbeing

Portfolio challenges risks & opportunities

Challenges and Risks

- **Demand for Adult Social Care** An increase in demand for adult social care services due to demographic growth, an aging population and recovery from Covid-19. Increases are showing in particular in residential care and supported living; plus poorer health of residents in the community means there is uncertainty around future costs and potential for growth in complexity of service users. Self funders with depleted funds have risen from 6% in 22-23 to 9% in 23-24 for residential and from 4% in 22-23 to 10% in 23-24 for Nursing
- **Hospital Discharge** Whizzfizz to Assess process of commissioning beds in care homes with our health partners to release hospital beds is challenging, the reduction in the number of these health funded beds last year had a direct impact on our cost base this year. However, there are opportunities to mitigate this impact using the Transfer of Care Hub
- **Inflationary pressures** Energy and fuel price inflation is having a huge impact on residential care home and home care providers, respectively. Continued pressures in relation to National Living Wage, Pension enrolment, energy costs plus labour market impacts add to the pressures on the care market.
- **Shortages of professionals'** National shortages of key council roles, such as social workers and occupational therapists, resulting in difficulties in securing a stable, skilled workforce. The wider social care market also has workforce challenges arising from impacts of inequality of pay/status with NHS roles and the attraction of better conditions and pay in other economic sectors.
- **Care Quality Commission (CQC) inspections:** The Health and Care Act 2022 introduced Care Quality Commission (CQC) assurance of how councils are discharging their statutory adult social care duties. Councils were last subject to CQC assurance of adult social care

in 2010. Buckinghamshire County Council was inspected in 2008 with an outcome of "good".

- **Debt** Councils across the country are experiencing growing levels of debt from client charges, partly due to longer waiting times for applications to the court of protection. Adult Social Care debt is increasing, although measures are in place to improve collection rates and encourage families to organise Power of Attorney.
- **Pressure on care providers** The impact of the pandemic on care providers has increased the risk of business failure in the care market. The council has a duty to safeguard and ensure continuity of care for service users in these events, which will impact social care capacity.

Opportunities

- The ASC Improvement Programme is driving forward improvements to ensure ASC has a sustainable delivery model with improvements for our residents. Under this programme a variety of project areas are supported with a particular focus on:

Transfer of Care Hub

- Transfer of Care Hub (ToCH) launched in October. The aim is to help patients to leave hospital as quickly as it is safe to do so with the right support. This will enable patients and carers to receive more regular updates about the next steps in their discharge. For most people any assessments and organisation of long-term care can take place in their own homes.

Section 5.6 Health & Wellbeing

Portfolio challenges risks & opportunities continued

Community Prevention

- A better, more co-ordinated VCS offer to support people with care needs pre-ASC. A reduction in the numbers of people contacting ASC where no statutory support is needed. A better, targeted community prevention service to stop needs escalating. A clear prevention offer for adults that helps prevent and delay the need for adult social care.

Enablement and Reablement

- More targeted use of the Home Independence team to work with existing clients to reduce the amount of care they require.

Better Homes

- Longer term plans to increase the number of shared lives, supported living and extra care support available

Community Opportunities

- Review in-house offer to provide better outcomes and value for money

Section 5.6 Health & Wellbeing

Challenges and Risks – Public Health Grant

Demand - Impact of COVID 19 pandemic on unhealthy behaviours including alcohol consumption, inflation and cost of living increases are increasing need and demand for services

Health Needs - Bucks has an ageing and increasingly diverse population which affects health needs and requires a strong emphasis on prevention to keep residents healthy for longer

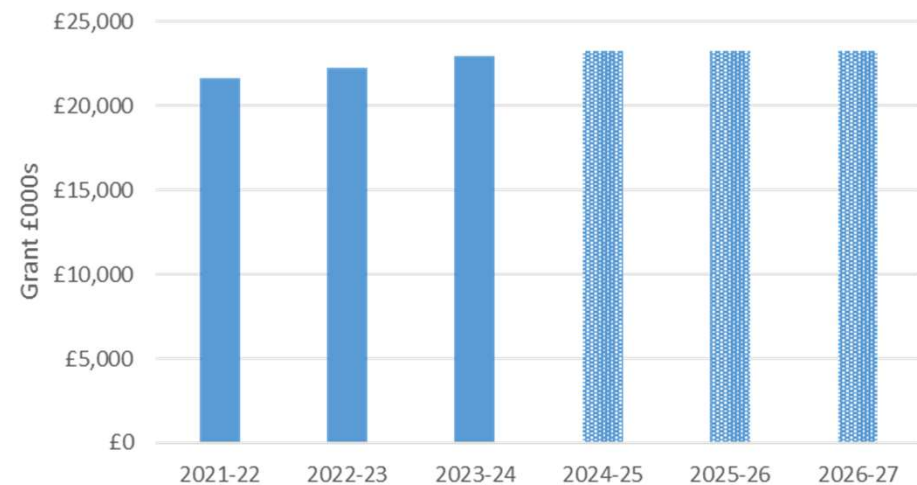
Inflation - Existing contracts may require additional funding in year and in future years due to inflationary pressures that can't be managed.

Future of Public Health Grant - Public health grant only confirmed for one year at a time. It was indicated that the grant for 24/5 would grow by 1.3% but this has not been confirmed recently. No clarity over size of grant from 25/26

National Context - Buckinghamshire's public health grant is the 20th lowest per head of population out of 153 local authorities.

Growth - Growth in the Public Health grant in the last couple of years has been around 2-3% and is expected to be 1.3% for 24-25. This is significantly behind the actual rates of inflation experienced by providers. If the grant is not increased beyond these levels, current inflation modelling suggests non-mandatory public health services and contributions to other services will need to be reduced.

Projection of Public Health Grant Funding



Section 5.6 Health & Wellbeing

The Portfolio has no Capital Programme

5.7 Homelessness & Regulatory Services

Portfolio Holder: Councillor Mark Winn, Deputy Portfolio Holder: Councillor Carl Jackson

Overview of the Portfolio

Housing and homelessness

- Housing and homelessness operate a waiting list and choice-based lettings system and works in partnership with Registered Providers and the Third Sector.
- The service also delivers disabled facilities grants.

Environmental health

- The Environmental Health service works to help ensure Buckinghamshire is a safe and healthy place to live and work in, minimising impacts on the environment and supporting businesses to ensure compliance with the law.

Trading standards

- Our Trading Standards service operates jointly between Buckinghamshire and Surrey and seeks to maintain a fair-trading environment and a level playing field for local businesses while improving health and wellbeing of people and communities.

Registrars and coroners

- The Registrars and Coroners service cover births, deaths, marriages, civil partnerships, and citizenship ceremonies.

Licensing

- The Licensing function ensures several key trades (including taxi providers, gambling, alcohol, and entertainment premises) across Buckinghamshire are appropriately licensed.

Crematoria

- Crematoria services are provided at 2 sites, and in addition the

service maintains 6 cemeteries, 1 memorial garden and a number of closed churchyards across Buckinghamshire.

Portfolio priorities

- Development of affordable housing and requirements on private developments to include affordable housing for local people and key workers.
- Maintain virtual elimination of rough sleeping across Buckinghamshire through integrated public health and wellbeing approach.
- Continue to address housing need by working with partners and stakeholders.
- Work with residents to address issues such as debt or personal concerns which risk them becoming homeless.
- Ensure that Disabled Facilities Grants are effectively targeted and delivered to support vulnerable households to adapt their properties.
- Improve housing standards within the rented sector through advice, partnership working and when appropriate using enforcement tools
- Delivering high quality regulatory services for residents and businesses in Buckinghamshire.
- Delivered the cremator replacement project at Chilterns Crematoria.
- Increasing the number of primary authority partnerships registered with Trading Standards and Environmental Health services.

5.7 Homelessness & Regulatory Services

Since April 2023...

Portfolio key data



As at October 2023

6,079 live Bucks Home Choice applications (increase of 1,000 since last year)



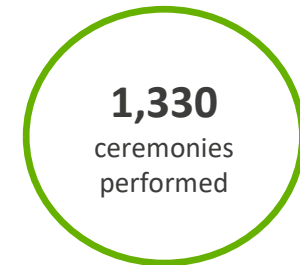
396 households in temporary accommodation (increase of 50 since last year)



1,424 homelessness approaches (an increase from c900 in 21-22)



686 homelessness cases closed because homelessness has been prevented (increased from 435 in Oct 2022)



Core Government Funding includes...



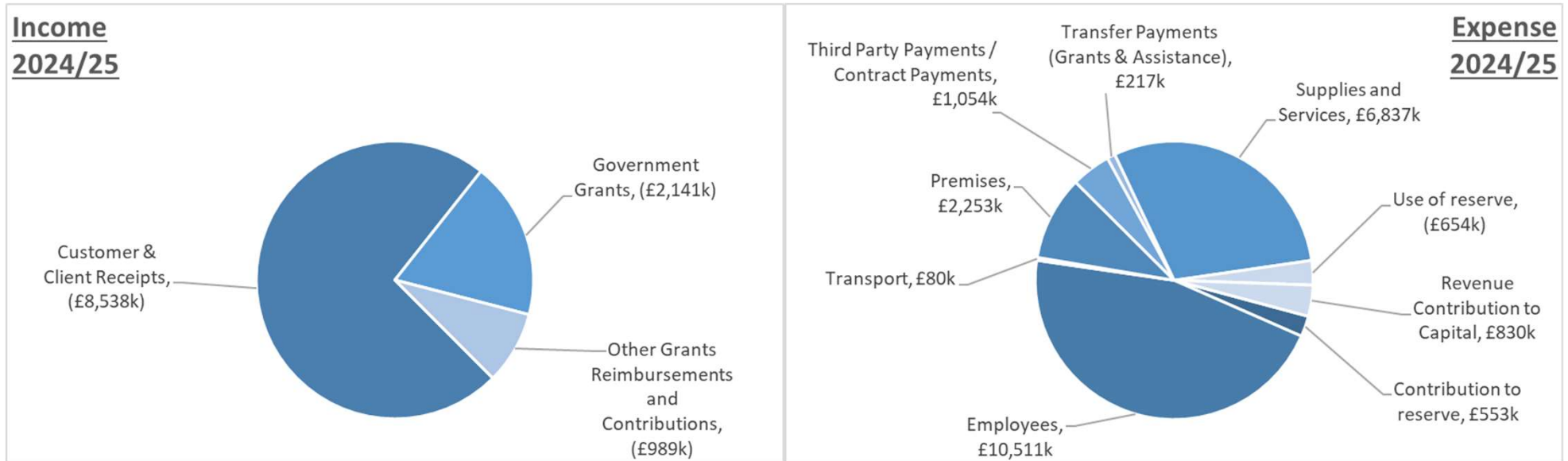
5.7 Homelessness & Regulatory Services

Revenue budget

		2023-24			2024-25			2025-26	2026-27
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	
Housing & Homelessness	Homelessness	(1,907)	2,875	968	(2,207)	3,362	1,155	668	668
	Housing	(2,039)	7,932	5,893	(2,039)	7,882	5,843	5,623	5,623
Housing & Homelessness Total		(3,946)	10,807	6,861	(4,246)	11,244	6,998	6,291	6,291
Regulatory Services	Cemeteries & Crematoria	(3,728)	2,767	(961)	(3,804)	2,767	(1,037)	(1,047)	(1,047)
	Coroner	-	992	992	-	992	992	992	992
	Environmental Health	(264)	3,161	2,897	(269)	2,836	2,567	2,439	2,439
	Licencing	(1,854)	1,551	(303)	(1,789)	1,546	(243)	(243)	(243)
	Registrars & Celebratory Services	(1,555)	1,422	(133)	(1,560)	1,292	(268)	(273)	(273)
	Trading Standards	-	917	917	-	1,004	1,004	1,036	1,046
Regulatory Services Total		(7,401)	10,810	3,409	(7,422)	10,437	3,015	2,904	2,914
Grand Total		(11,347)	21,617	10,270	(11,668)	21,681	10,013	9,195	9,205

5.7 Homelessness & Regulatory Services

Revenue budget



Change Type	2024-25 £000	2025-26 £000	2026-27 £000
Growth	1,637	1,669	1,679
Savings	(1,573)	(2,405)	(2,405)
Change in Income	(21)	(39)	(39)
Change in Grant Income	(300)	(300)	(300)
Grand Total	(257)	(1,075)	(1,065)

5.7 Homelessness & Regulatory Services

Changes to the Revenue budget

Homelessness & Regulatory Services		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Housing & Homelessness				
Change in Grant Income	Estimated increase in Homelessness Prevention Grant	(300)	(300)	(300)
Change in Grant Income Total		(300)	(300)	(300)
Growth	Temporary Accommodation increased costs due to increased demand	1,550	1,550	1,550
Growth Total		1,550	1,550	1,550
Savings	Improvements in Homelessness Prevention	(300)	(300)	(300)
	Invest in temporary accommodation units to reduce spend on nightly-paid accommodation	(763)	(1,250)	(1,250)
	Efficiency Savings in Housing	(50)	(270)	(270)
Savings Total		(1,113)	(1,820)	(1,820)
Housing & Homelessness Total		137	(570)	(570)
Regulatory Services				
Change in Income	Review of fees and charges (Housing and Registrars)	(10)	(18)	(18)
	Review of licensing income	65	65	65
	Review of Cemeteries and Crematoria fees and charges	(76)	(86)	(86)
Change in Income Total		(21)	(39)	(39)
Growth	Increased costs of Trading Standards contract	87	119	129
Growth Total		87	119	129
Savings	Efficiency savings in Regulatory Services	(460)	(585)	(585)
Savings Total		(460)	(585)	(585)
Regulatory Services Total		(394)	(505)	(495)
Grand Total - Homelessness & Regulatory Services		(257)	(1,075)	(1,065)

5.7 Homelessness & Regulatory Services

Portfolio challenges, risks & opportunities

Demand for housing and advice

- There is clearly now a significantly increased demand for homelessness advice and Bucks Home Choice applications and activity, and a growing demand for temporary accommodation which drives cost and general pressures on the service.

Legislative changes

- In the medium term, recently announced legislative changes in the housing sector may significantly increase demand on Housing services and also Environmental Health enforcement activity. This will add to the existing pressure from the Homes for Ukraine scheme.
- It is also possible that the announcement regarding the ending of no-fault evictions may result in an increase in the number of evictions prior to the commencement of any new legislation.

New licensing policies

- A challenge for this Portfolio will be the implementation of the recently adopted policies around Taxi Licensing, Licensing and Gambling. The council was required to produce new policies for each of these areas following unitarization which harmonise the approach across the council area.

Transforming and standardising processes

- Following the creation of the single housing service for Buckinghamshire, a significant challenge remains to transform and standardise approach and processes.
- This will involve several short term and longer-term projects, which will be identified and progressed over the course of this council term.

Funding

- Another challenge includes securing funding for delivering and mobilising significant capital schemes which provide and maintain accommodation across Buckinghamshire.

5.7 Homelessness & Regulatory Services

Capital Programme

Expenditure

Service Area	Project Group / Project	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
Housing & Regulatory Services	Homelessness					
	Enabling Schemes	668	518	518	-	1,704
	Temporary Accommodation	1,675	-	-	-	1,675
	Housing					
	Affordable Housing - S106 Funded	4,415	1,012	1,012	-	6,439
	Disabled Facility Grants	4,066	4,066	4,066	4,066	16,264
Housing & Regulatory Services Total		10,824	5,596	5,596	4,066	26,081
Neighbourhood Services	Cemeteries & Crematoria					
	Cemeteries & Memorial Gardens	792	250	50	-	1,092
	Chiltern & Bierton Crematoria	280	275	555	-	1,110
Neighbourhood Services Total		1,072	525	605	-	2,202
Total Expenditure		11,896	6,121	6,201	4,066	28,283

Funding

Funding Source	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
s106	(4,415)	(1,012)	(1,012)	-	(6,439)
Ringfenced Grants	(5,118)	(4,066)	(4,066)	(4,066)	(17,316)
Revenue Contributions (Service)	(830)	(525)	(605)	-	(1,960)
Total Funding	(10,364)	(5,603)	(5,683)	(4,066)	(25,715)
Net Portfolio Totals	1,532	518	518	-	2,568

- Delivery of Affordable Housing - The Council will be investing its s.106 developer contributions for Affordable Housing in a renewed programme to provide additional Affordable Housing units, as part of the Housing Strategy. Council funding will be used for Enabling Schemes, to partner with Registered Providers to deliver new 'Move On' temporary accommodation. This investment will result in Revenue savings in temporary accommodation budgets.
- The Disabled Facilities Grant Programme is set to continue, providing essential adaptations to residents' homes to enable them to live independently.
- A programme of works is in train to improve the facilities at the cemeteries, memorial gardens, and Chiltern & Bierton Crematoria, funded from income from the crematoria and reserves.

5.8 Leader

Leader: Councillor Martin Tett, Deputy Leader: Councillor Angela Macpherson and Councillor Steve Broadbent

Overview of the Portfolio

The Leader's Portfolio helps to deliver all of the Corporate Plan priorities with a particular focus and responsibility on:

- Financial Strategy
- Economic Development
- Skills & Employability
- Strategic Infrastructure, inc. Housing Infrastructure Funding
- County Deal
- Levelling Up
- Corporate Policy
- Corporate Communications
- Asylum & migration

Portfolio priorities

- Delivery of a financial strategy for a robust and balanced budget
- Economic growth in Buckinghamshire, including economic development and delivery of supporting strategic infrastructure
- Exploring a devolution deal for Buckinghamshire (Level 2)
- Levelling Up within Buckinghamshire
- Embedding the governance arrangements around the Growth Board and supporting boards, including the new Investment Board.
- Integration of the LEP functions and resources into the Council.

- Development of a Visitor Economy Strategy - ensuring strategic partnerships are in place for the collective delivery of initiatives that achieve a thriving visitor economy, businesses and greater number of visitors to attractions in Buckinghamshire
- Proactively manage, protect and build the reputation and voice of the council locally, regionally and nationally.
- Continue to ensure that voices of our communities are heard and listened to and influence how our services are shaped and delivered.
- Managing our response to people who arrive as asylum seekers and refugees alongside our support to Buckinghamshire residents.

5.8 Leader

Portfolio key data



£172m HIF funding to support Aylesbury Garden Town Development



1,547 new businesses have been registered in Buckinghamshire between July and Sept 23.



£0.4m Grant support to Bucks Business First



8,895 Out of work claimants in Bucks (August 2023) – 75% less than the National Claimant count.



997 Ukrainian households supported to relocate, with 298 sponsors currently active



24 Afghan families supported to relocate



61.9%
Of employees living in Buckinghamshire working as managers / directors or in professional occupations (UK average is 52.2%)
Source: ONS (June 2022-June 2023)

Top 10
rank for new business registrations in Buckinghamshire against other Local Enterprise Partnership (LEP) areas



Over 100 fully integrated, multi channelled communications campaigns delivered, supporting all service areas including key priorities such as Helping Hand and cost of living, Bucks Climate Challenge, fostering, public health and Ukraine sponsors and rematching



22,329 Followers



18,914 followers



56% peak open rates on residents e-newsletters



Over **1,800** pieces of local, regional and national news coverage; managed over **470** media enquiries April to November)



Supported services to run **over 45** consultation and engagement activities around key strategies and key policies

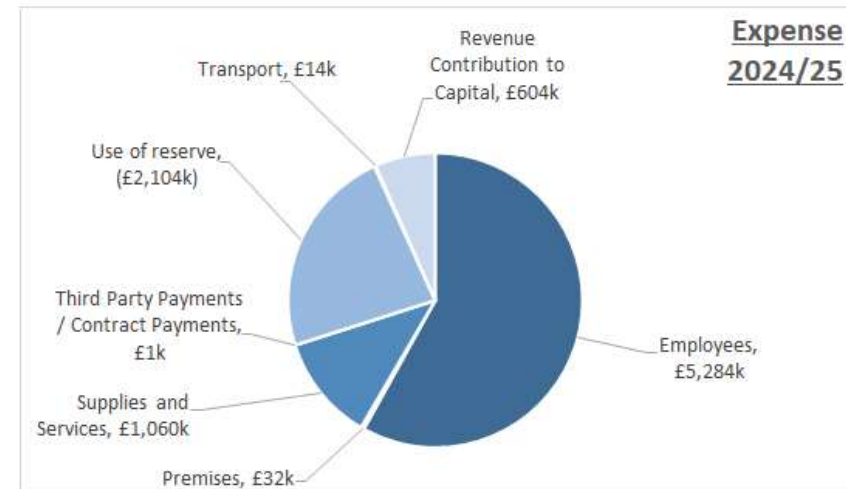
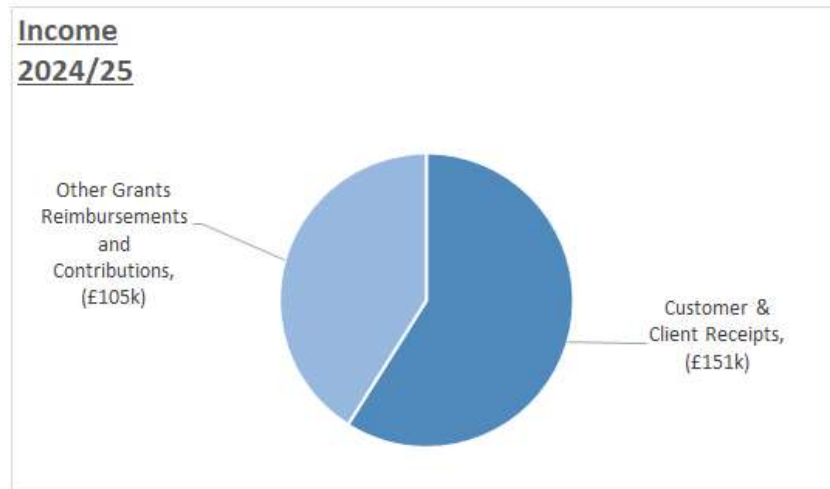


*Statistics from internal monitoring systems (data from 2021)

5.8 Leader

Revenue budget

		2023-24			2024-25			2025-26	2026-27
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	Net Budget
Chief Executives Office	Chief Executives Office	-	589	589	-	589	589	589	589
Chief Executives Office Total		-	589	589	-	589	589	589	589
Economic Growth & Regeneration	Economic Growth & Regeneration	(122)	1,961	1,839	(122)	1,151	1,029	819	819
Economic Growth & Regeneration Total		(122)	1,961	1,839	(122)	1,151	1,029	819	819
Partnerships, Policy & Communications	Partnerships, Policy & Communications	(134)	2,890	2,756	(134)	2,795	2,661	2,661	2,661
Partnerships, Policy & Communications Total		(134)	2,890	2,756	(134)	2,795	2,661	2,661	2,661
Strategic Infrastructure	Strategic Infrastructure	-	356	356	-	356	356	356	356
Strategic Infrastructure Total		-	356	356	-	356	356	356	356
Grand Total		(256)	5,796	5,540	(256)	4,891	4,635	4,425	4,425



Change Type	2024-25 £000	2025-26 £000	2026-27 £000
Savings	(905)	(1,115)	(1,115)
Grand Total	(905)	(1,115)	(1,115)

5.8 Leader

Changes to the Revenue budget

Leader		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Economic Growth & Regeneration				
Savings	Efficiency savings in Economic Growth & Regeneration	(210)	(420)	(420)
	Review of external partnership funding	(400)	(400)	(400)
	Reduce the Strategic Development Budget for Economic Growth and Regeneration	(200)	(200)	(200)
Savings Total		(810)	(1,020)	(1,020)
Economic Growth & Regeneration Total		(810)	(1,020)	(1,020)
Partnerships, Policy & Communications				
Savings	Further efficiency savings within communciations – final part of the savings agreed in the 2023/2024 Budget	(55)	(55)	(55)
	Reduce the frequency of resident magazine from 3 to 1 annual edition	(40)	(40)	(40)
Savings Total		(95)	(95)	(95)
Partnerships, Policy & Communications Total		(95)	(95)	(95)
Grand Total - Leader		(905)	(1,115)	(1,115)

5.8 Leader

Portfolio challenges, risks & opportunities

- Given the wider pressures on council budgets and from inflation, sustaining levels of investment in non-statutory services remains a challenge.
- Delivering the HIF programme
- Changes to external factors leading to increased demand on services and support required e.g., conflict in Ukraine.
- Opportunity Bucks – delivering targeted initiatives to address hardship within the county will reduce future demand and achieve cost avoidance
- Delivering a balanced and robust budget that assures financial sustainability in the future under prevailing economic climate
- Given the current state of the national economy then achieving meaningful economic growth and high levels of employment will be difficult.
- Growth Board - taking a place-based approach through enhanced partnership working will help promote local economic growth.
- Exploring a 'level 2' devolution deal with government.
- Changes to external factors leading to increased demand on services and support required e.g., conflict in Ukraine.
- Opportunity Bucks – delivering targeted initiatives to address hardship within the county will reduce future demand and achieve cost avoidance.

5.8 Leader

Capital Programme

Expenditure

Service Area	Project Group / Project	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
Economic Growth & Regeneration	Economic Growth					
	Rural Broadband	261	-	-	-	261
Strategic Transport & Infrastructure	Strategic Infrastructure (HIF)					
	A355 Improvement Scheme (Wilton Park)	1,293	-	-	-	1,293
	Aylesbury Eastern Link Road	11,384	24,496	9,617	-	45,497
	Cycle Infrastructure	1,477	-	-	-	1,477
	EV Charging Scheme	2,629	-	-	-	2,629
	Land Assembly	10,818	-	-	-	10,818
	Marginal Viability Works	2,130	-	-	-	2,130
	Princes Risborough Relief Road	2,000	6,467	-	-	8,467
	SEALR (South East Aylesbury Link Road)	43,000	37,310	13,038	-	93,348
	South Western Link Road South	250	250	-	-	500
	Stoke Mandeville Relief Road / SEALR II	11,505	-	1,924	-	13,430
Total Expenditure		86,747	68,523	24,579	-	179,848

Funding

Funding Source	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
HIF	(68,009)	(32,085)	(14,962)	-	(115,055)
s106	(179)	(1,225)	-	-	(1,403)
Ringfenced Grants	(17,818)	(35,213)	-	-	(53,031)
Revenue Contributions (Service)	(604)	-	(9,617)	-	(10,221)
Total Funding	(86,609)	(68,523)	(24,579)	-	(179,710)
Net Portfolio Totals	138	-	-	-	138

- The Leader's Portfolio Capital programme encompasses Buckinghamshire's significant Housing Infrastructure projects, which will unlock 10,000 new homes in Aylesbury and underpin the future economic growth of the town. Projects include construction of a ring-road around Aylesbury to alleviate traffic congestion - the South-Eastern Link Road, Eastern Link Road, South-Western Link Road - and the reinforcement of Aylesbury's electricity grid infrastructure. The programme has already had success delivering Kingsbrook Primary and Secondary Schools. The HIF Programme is largely funded by Homes England, DfT and HS2.

5.9 Planning & Regeneration

Portfolio Holder: Councillor Peter Strachan, Deputy Portfolio Holders: Councillor Rachael Matthews and Councillor Gary Hall

Overview of the Portfolio

- The Planning and Regeneration Portfolio is responsible for the delivery of a number of statutory and regulatory functions, including Planning and Building Control.
- The Portfolio also has significant income targets related to discretionary services, aiming to reduce dependency on the taxpayer.
- A key activity for this Portfolio in the years ahead will be the development of the new Buckinghamshire Local Plan for adoption by 2025.
- Alongside a programme of supplementary planning documents, Local Plans set the foundation for sound and robust planning decisions.
- Around 13,000 planning applications are received every year. Developments, once approved, are monitored and, where required, enforced against to ensure they are built within Local Plans.
- Town centre regeneration is of particular importance post-COVID. We are working to regenerate and champion our places, ensuring sustainable growth meets the needs of communities; helps deliver jobs, skills, homes and amenities; and ultimately produce economic growth.

Portfolio Priorities

- Deliver improvements to Member engagement with Planning, including the delivery of a wider training programme.
- Significantly progress delivery of the new Buckinghamshire Local Plan in line with our Local Development Scheme and Statement of Community Involvement.
- Continue to proactively manage development within Buckinghamshire through the processing of planning applications.
- Keep planning decisions local with five planning committees.
- Supporting the continued development of Neighbourhood Plans across the county.
- Ensuring that buildings are designed and constructed in accordance with

the Building Regulations and associated legislation.

- Continue to deliver planning enforcement across Buckinghamshire
- Focusing our policies and decisions on delivering new 'green' growth
- Introducing higher, more energy efficient standards for all new developments.
- Leading the Planning Improvement Board to deliver lasting and consistent improvements to the planning service.
- Regeneration of our market towns and villages across Buckinghamshire, setting out our vision and guiding principles for vibrant town centres as expressed in the Buckinghamshire Regeneration Framework
 - Aylesbury Regeneration – focus on the regeneration of Aylesbury Town Centre as articulated in the Aylesbury Regeneration Strategy, including delivery of projects to regenerate council assets.
 - High Wycombe – delivery against the High Wycombe Regeneration Scheme, including the Future High Street Fund schemes, the White Hart Street public realm improvement scheme and other emerging schemes.
 - Chesham – delivery against the Chesham Regeneration Strategy. Successfully implement a two-yearly Design Awards scheme.
 - Undertake a programme of Conservation Area Appraisal work.

5.9 Planning & Regeneration

Portfolio key data

2nd Largest Planning Authority in England, by application numbers

13,000 Planning applications received each year

90% of Planning Fees are statutory and generate less than £189 per application

5th Highest performing LA on Planning Enforcement; Highest outside London by number of enforcement notices issued



64 Planning Enforcement notices served so far this year



21,000 Building Control Inspections made last year. 90% of applications are checked within 21 days



95%
Target 80%
Majors
determined on
time



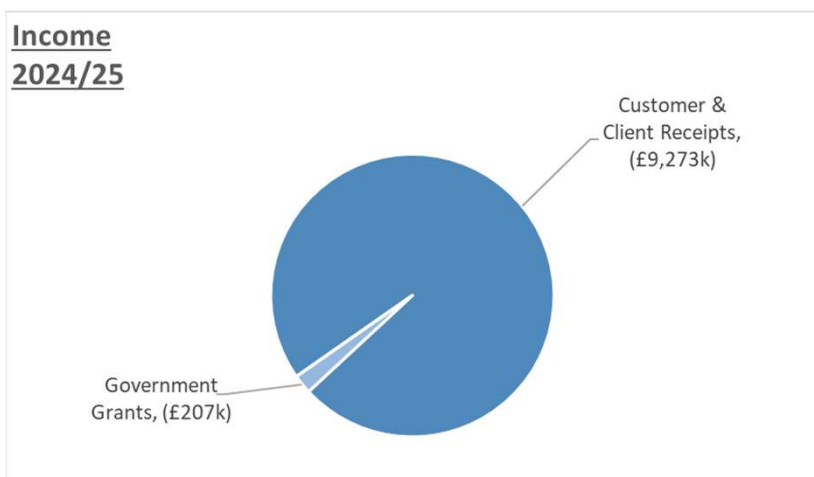
86%
Target 75%
Minors
determined on
time

5.9 Planning & Regeneration

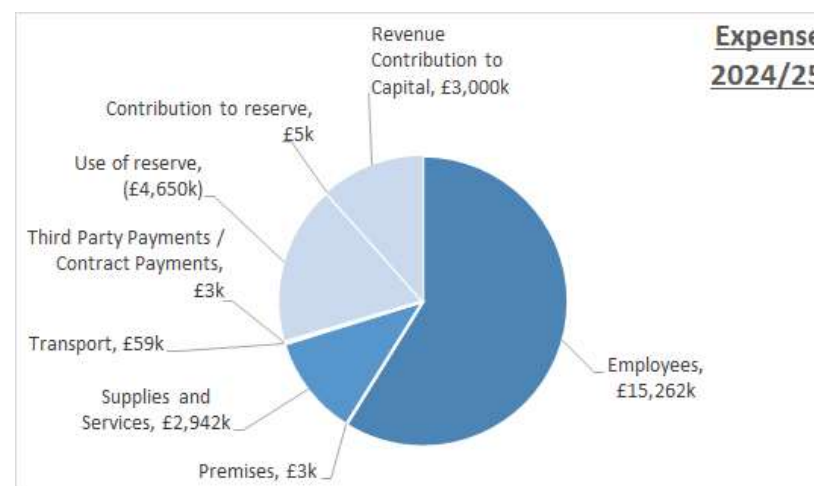
Revenue budget

		2023-24			2024-25			2025-26	2026-27
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	
Economic Growth & Regeneration	Economic Growth & Regeneration	(167)	1,250	1,083	(167)	1,250	1,083	1,083	
Economic Growth & Regeneration Total		(167)	1,250	1,083	(167)	1,250	1,083	1,083	
Planning	Building Control	(2,285)	2,395	110	(2,285)	2,395	110	110	
	Development Management	(6,678)	8,345	1,667	(6,883)	8,495	1,612	1,574	
	Planning Enforcement	(60)	1,237	1,177	(60)	1,137	1,077	777	
	Strategic Planning Policy & Management	(85)	3,637	3,552	(85)	3,347	3,262	2,507	
Planning Total		(9,108)	15,614	6,506	(9,313)	15,374	6,061	4,968	
Grand Total		(9,275)	16,864	7,589	(9,480)	16,624	7,144	6,051	

Income 2024/25



Expense 2024/25



Change Type	2024-25 £000	2025-26 £000	2026-27 £000
Growth	150	150	150
Savings	(390)	(995)	(995)
Special Items	-	(750)	(750)
Reserves	-	300	300
Change in Income	(205)	(243)	(243)
Grand Total	(445)	(1,538)	(1,538)

5.9 Planning & Regeneration

Changes to the Revenue budget

Planning & Regeneration		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Planning				
Change in Income	Additional Planning income	(205)	(243)	(243)
Change in Income Total		(205)	(243)	(243)
Growth	Increase in expenditure in planning appeals	150	150	150
Growth Total		150	150	150
Savings	Planning Service Efficiency Savings	(230)	(530)	(530)
	Planning Enforcement efficiency savings	(100)	(200)	(200)
	Planning Policy efficiency savings	(60)	(265)	(265)
Savings Total		(390)	(995)	(995)
Reserves	Annual contribution to Local Plan reserve	-	300	300
Reserves Total		-	300	300
Special Items	Completion of Bucks Local Plan development	-	(750)	(750)
Special Items Total		-	(750)	(750)
Planning Total		(445)	(1,538)	(1,538)
Grand Total - Planning & Regeneration		(445)	(1,538)	(1,538)

5.9 Planning & Regeneration

Portfolio challenges, risks & opportunities

- Changes to national planning legislation
- Emerging and changes to national planning legislation – the Planning White Paper proposed significant changes to the planning system which are likely to impact on service delivery.
- The council has responded to the consultation and will prepare for any changes before they come into effect. Changes to Building Regulations through the Building Safety Bill are also being closely monitored.
- Changes from unitary and service reviews
- Following unitary and the Planning and Environment service review, there is a significant improvement programme to be delivered over the coming years including delivery of savings.
- Workstreams in the Planning Improvement Board include:
 - customer focus and culture change
 - digital
 - service standards
 - key performance indicators (KPIs)
 - finance and commercial
- Delivering the single Buckinghamshire Local Plan
- Delivering the single Buckinghamshire-wide Local Plan; meeting the growth expectations set out in national legislation whilst also protecting environmental assets and engaging with diverse communities will be a challenge during the first council administration.
- It is our very firm aspiration to develop on brownfield sites ahead of Green Belt and other restrictive areas such as Areas of Natural Beauty (AONB).
- Meeting demand for planning applications
- Retaining staff to process the significant volume of planning applications received by this Planning Authority every year, in the region of 13,000, is a challenge. The planning service is proactively recruiting to fill key positions.

5.9 Planning & Regeneration

Capital Programme

Expenditure

Service Area	Project Group / Project	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
Economic Growth & Regeneration	Regeneration					
	Ashwells	125	-	-	-	125
	Aylesbury Town Centre	5,279	-	-	-	5,279
	Employment & Regen. LED Opportunities	1,327	-	150	-	1,477
	Environment LED Opportunities	345	-	-	-	345
	Future High Street Funds	8,198	-	-	-	8,198
	High Wycombe Town Centre Projects	3,139	-	-	-	3,139
	Retasking of Winslow Centre	3,000	4,283	1,900	-	9,183
	Waterside North Development	3,020	4,000	2,194	-	9,214
Wycombe District Centres	125	-	-	-	125	
Total Expenditure		24,558	8,283	4,244	-	37,085

Funding

Funding Source	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
s106	(960)	-	-	-	(960)
Community Infrastructure Levy	(440)	-	-	-	(440)
Ringfenced Grants	(6,069)	-	-	-	(6,069)
Revenue Contributions (Service)	(3,000)	-	-	-	(3,000)
Total Funding	(10,470)	-	-	-	(10,470)
Net Portfolio Totals	14,089	8,283	4,244	-	26,615

- The grant-funded Future High Streets Programme in High Wycombe is set to conclude in 2024-25, with £15m over the programme having been invested into reinvigorating properties on and around the High Street which were falling into decline.
- Investment will be made in priority Regeneration improvements in Aylesbury Town Centre, to support footfall and economic growth in the town centre.
- Large Regeneration projects in Waterside Aylesbury and Winslow are currently in feasibility phase and will progress to delivery funded from borrowing if they are able to deliver a viable invest-to-save business case.
- The Regeneration Capital Programme will see the completion of many smaller legacy Regeneration projects; future projects are in development as part of implementation of the new Regeneration Strategies.

5.10 Transport

Portfolio Holder: Councillor Steven Broadbent, Deputy Portfolio Holder: Councillors Peter Martin and Dominic Barnes

Portfolio overview

Buckinghamshire Highways is responsible for maintaining and managing the highway, footway and highways verges, defects including potholes, safety barriers, streetlights, traffic (lights and signals), gullies and bridges. This includes an out of hours team and adverse weather emergency responses. The service is also responsible for network safety including driver education, grass cutting (some of which is devolved to parishes), gritting roads in the winter and maintaining drainage on the highways to help prevent flooding.

The Street Works team coordinates the multiple programmes of work on our highway which includes our own road works, utility providers, events such as cycle races and even production companies filming on the highway. The Transport Infrastructure & Delivery Team seek to manage and mitigate the impact of HS2 and EWR on Buckinghamshire through projects including environmental measures, traffic management and engaging with communities. This team also manages and delivers schemes on the ground including major highways infrastructure projects and S106 transport schemes.

Our Rights of Way network spans 3,330km and the Definitive Map and Highway Searches team ensure the delivery of the Rights of Way Improvement Plan, processing applications and changes to Buckinghamshire's definitive map and carry out highway searches. Parking Services manage the Council's 84 regulated car parks, including 8 multi-storey car parks, enforcement of Off Street and On-street parking and handling of all proposed Traffic Regulation Orders.

Home to School Transport is provided for approximately 7,500 eligible students every school day and a small number of spare seats are offered for sale to parents and carers of non-eligible students. Our teams ensure children are provided with safe, accessible transport to get to school and access social care in line with the Council's statutory responsibilities, and also that adults with learning disabilities and older people have transport to access education

and day care centres. Through enhanced partnerships, our services actively work with bus operators to support the public bus network and increase passenger usage.

The Transport Strategy & Funding team brings in funding and investment and leads on developing transport strategies like the Local Transport Plan for Buckinghamshire. They carry out feasibility, bidding and manage a programme of externally funded S106 transport schemes. The team supports innovative and sustainable travel initiatives.

Portfolio priorities

- Continue to invest in roads, pavements, street lighting and bollards across Buckinghamshire through our Buckinghamshire Highways Alliance
- Deliver innovation through effective use of data and trialling new ways of delivering services in Highways and Public Transport e.g., introducing e-ticketing on buses
- Continue the drain and gully cleaning and repair programme to target those that require more frequent cleaning
- Continued investment in failed roads £3m per annum budget allocated until 26/27
- Deliver Capital programmes including Rights of Way, Highways Infrastructure and active travel projects including those funded by S106 allocations, CIL and Government grants and others
- Following adoption of the Electric Vehicle Action Plan in 2022, we will deliver 1,000 publicly available electric vehicle charging bays across Buckinghamshire by end of 2027 (this priority is shared with the Climate Change & Environment Portfolio)

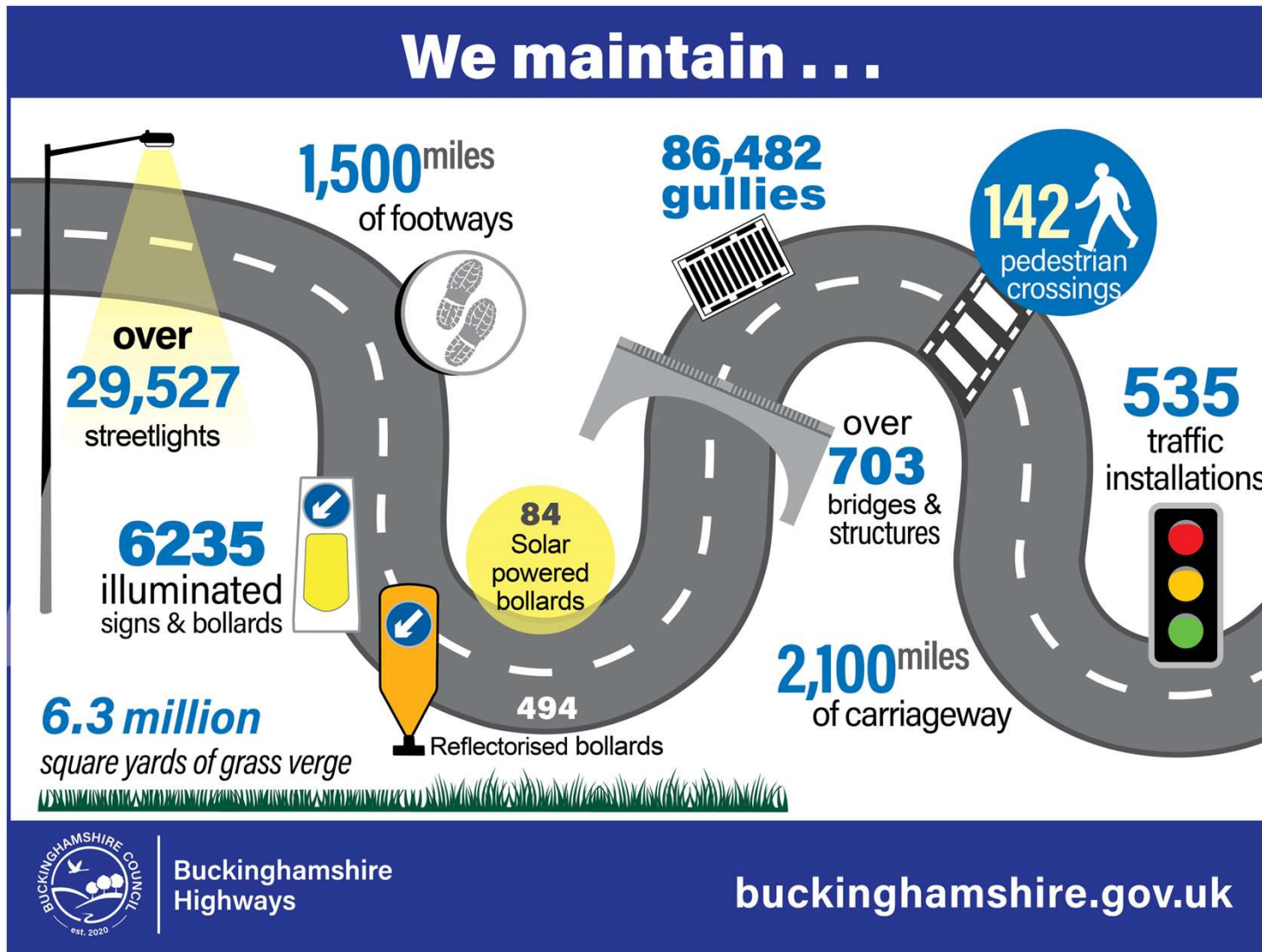
5.10 Transport

Portfolio priorities (continued)

- Contribution to the Climate Change Policy and decarbonising transport with the introduction of LED street light replacement, solar powered car park machines and adoption EV vehicles when replacing Council fleet
- Develop and adopt a Parking Strategy for Buckinghamshire
- Ensuring consistency with England's Economic Heartlands Regional Transport Strategy and connectivity studies, refreshing transport policies including the Local Transport Plan (supporting the new Local Plan for Bucks), and introducing new policies such as the Local Cycling and Walking Infrastructure Plan. Ensure area focused Transport Strategies (e.g., High Wycombe) support regeneration ambitions and are undertaken in consultation with local residents and businesses.
- Introduce and support sustainable travel options through school travel planning, developer travel plans, Demand Responsive Transport, delivery of Rights of Way Action Plan objectives, implementation of active travel schemes and initiatives such as Simply Walk and Bikeability, and hosting DfT E-Scooter trials
- Through enhanced partnerships, continue to seek to deliver against the Bus Service Improvement Plan where this can be achieved within existing budgets.
- Delivering targeted improvements to the home to school transport service through improved customer processes and innovations, ensuring passengers have a safe and high-quality experience by delivering value for money services through arranged transport and the offer of Personal Transport Budgets that provide passengers with the best transport solution to meet their needs
- Continuing to scrutinise and process HS2 applications and seek to secure benefits for residents and communities in Buckinghamshire.
- Holding HS2 and East West Rail to account, including on road repairs, road reinstatement, communications and ensuring contractor compliance.
- Allocation of HS2 Road Safety Fund to ensure schemes are put in place.
- Continuing to deliver and implement the Rights of Way Improvement Plan 2020-2030, and to seek mitigation for any changes to the PROW network from external impacts and to secure opportunities when they arise

5.10 Transport

Portfolio key data



Transport Services

72,424*

School aged children in Buckinghamshire (5-16 yrs.)
*School census date January 2022

6%

Travel by Council provided bus

4%

Travel by Council provided taxi



Social care transport for **+/- 310 adults** with additional needs,

+/- 59 children with SEND who either have social care plans or who are children in care

Provided home to school transport for **7,200** eligible students in 2021/2022, made up of +/-



5,062 mainstream students and **1,996** students with SEND



34% increase

In demand for SEND transport since 2017-18

Helped set-up **18 new** commercial school bus routes in 2021/22



84 council-run school bus routes running from September 2022



+/-4,200

School bus passes produced for the 2022-23 academic year

1,385 contract including

+/-884 SEND contracts



154 Social Care transport contracts

Over **489 PTBs** in payment for 2022-23 AY

3,214 school transport enquiries received 1 July - 30 Sep 2022



84% of were responded to within 5 working days

96 local bus services delivered by **14** operators



28 of which are funded by BC (mainly in rural and suburban areas)

60 Bucks schools now have an



Active School Travel Plan

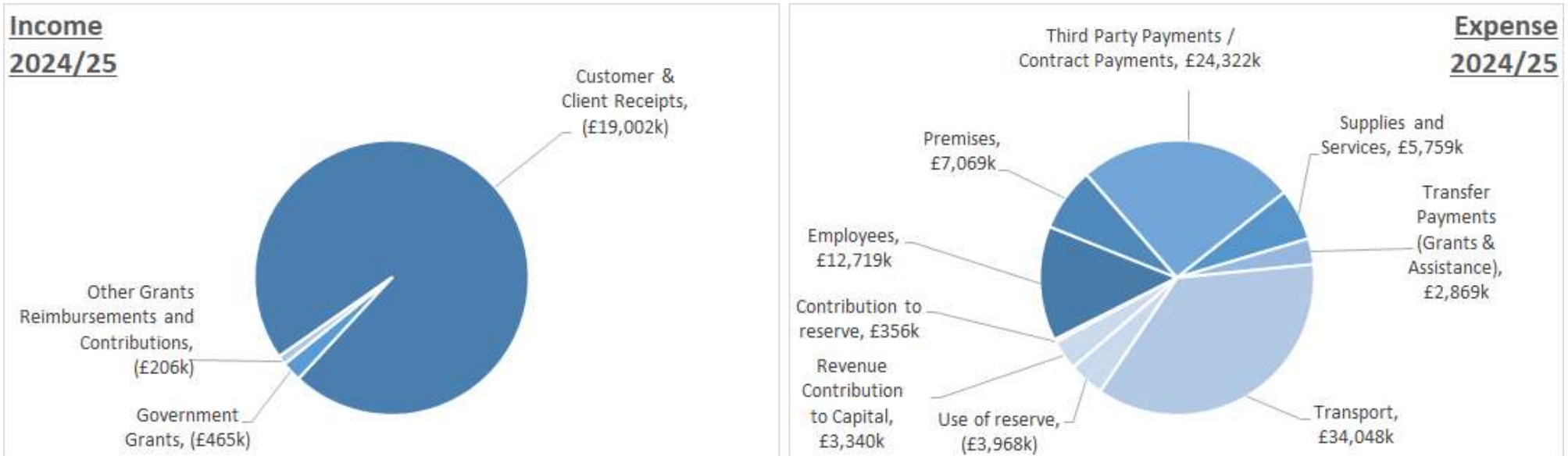
5.10 Transport

Revenue budget

		2023-24			2024-25			2025-26	2026-27
		Income £000	Expense £000	Net Budget	Income £000	Expense £000	Net Budget	Net Budget	
Highways & Technical Services	Buckinghamshire Highways	(275)	25,705	25,430	(275)	25,079	24,804	24,754	24,754
	Highways Network Management	(4,121)	2,441	(1,680)	(4,021)	2,541	(1,480)	(1,530)	(1,530)
	Other Highways & Technical	(37)	881	844	(37)	1,821	1,784	2,909	4,348
	Parking Operations	(11,350)	7,944	(3,406)	(11,753)	7,183	(4,570)	(5,151)	(5,191)
	Rights of way	(154)	981	827	(159)	981	822	822	822
Highways & Technical Services Total		(15,937)	37,952	22,015	(16,245)	37,605	21,360	21,804	23,203
Transport Infrastructure & Delivery HS2		(960)	1,676	716	(960)	1,676	716	716	504
Transport Infrastructure & Delivery Total		(960)	1,676	716	(960)	1,676	716	716	504
Transport Services	Transport Services	(1,978)	40,176	38,198	(1,852)	45,890	44,038	45,659	47,856
Transport Services Total		(1,978)	40,176	38,198	(1,852)	45,890	44,038	45,659	47,856
Transport Strategy & Funding	Transport Strategy & Funding	(616)	1,503	887	(616)	1,343	727	627	627
Transport Strategy & Funding Total		(616)	1,503	887	(616)	1,343	727	627	627
Grand Total		(19,491)	81,307	61,816	(19,673)	86,514	66,841	68,806	72,190

5.10 Transport

Revenue budget



Change Type	2024-25 £000	2025-26 £000	2026-27 £000
Growth	7,545	11,158	14,505
Inflation	480	1,620	2,922
Savings	(3,058)	(5,153)	(6,365)
Special Items	-	(100)	(100)
Change in Income	58	(535)	(588)
Grand Total	5,025	6,990	10,374

5.10 Transport

Changes to the Revenue budget

Transport		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Highways & Technical Services				
Change in Income	Increase in income from Moving Traffic Enforcement, Penalty Charge Notices, Temporary Traffic Regulation Orders, Definitive Map and Street Works	32	(56)	(109)
	Additional Off-Street parking income (post-Covid)	(100)	(500)	(500)
	East-West Rail car parking income	-	(105)	(105)
Change in Income Total		(68)	(661)	(714)
Growth	Increase in Enforcement costs	57	39	39
	Increase in number of Weed killing treatments per annum	230	230	230
	Increased costs from the growth of the road network	157	207	357
	Inspection and maintenance of Highways Trees	200	150	150
Growth Total		644	626	776
Inflation	Increase in Highways contract costs	1,091	2,240	3,459
	Reduction in Highways and Parking energy costs	(611)	(620)	(537)
Inflation Total		480	1,620	2,922
Savings	Closure of Hampden House car park	(200)	(200)	(200)
	Highways Transformation Savings	(500)	(500)	(500)
	Efficiency savings in Highways and Parking	(511)	(596)	(596)
	Review of Parking Service	(400)	(400)	(400)
	Street works advertising cost saving following new contract	(100)	(100)	(100)
Savings Total		(1,711)	(1,796)	(1,796)
Highways & Technical Services Total		(655)	(211)	1,188

5.10 Transport

Transport		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Transport Infrastructure & Delivery				
Savings	Review of support to HS2 and East West Rail	-	-	(212)
Savings Total		-	-	(212)
Transport Infrastructure & Delivery Total		-	-	(212)
Transport Strategy & Funding				
Savings	Efficiency savings in Strategic Transport	(160)	(260)	(260)
Savings Total		(160)	(260)	(260)
Transport Strategy & Funding Total		(160)	(260)	(260)

5.10 Transport

Transport		Change 2024-25 £000's	Change 2025-26 £000's	Change 2026-27 £000's
Transport Services				
Change in Income	Reduced income from route rationalisation	126	126	126
Change in Income Total		126	126	126
Growth	Contractual increase in bus subsidies for concessionary fares	245	347	400
	Increase in contract costs due to market pressures	1,573	2,855	3,538
	Increase in Home to School Transport costs in line with current pressures	3,029	3,029	3,029
	Increased costs from demand on Pupil Referral Unit from demographic growth and complexity	226	481	770
	Increased costs of services from demographic growth and complexity	1,828	3,820	5,992
Growth Total		6,901	10,532	13,729
Savings	Efficiency savings from increase in Personal Transport Budgets	(87)	(87)	(87)
	Review of bus subsidies	-	(200)	(200)
	Savings arising from actions to reduce demand and increase efficiencies through the Home to School Transport improvement plan	(1,100)	(2,810)	(3,810)
Savings Total		(1,187)	(3,097)	(4,097)
Special Items	In-house SEND Transport - partial reversal of saving	-	(100)	(100)
Special Items Total		-	(100)	(100)
Transport Services Total		5,840	7,461	9,658
Grand Total - Transport		5,025	6,990	10,374

5.10 Transport

Portfolio challenges, risks & opportunities

Reduced income of parking services

- post-COVID, parking income is still in the process of recovery and progress is closely monitored

Highways contracts

- procurement of contracts to deliver the Buckinghamshire Highways service from April 2023 is progressing to schedule and a detailed programme in place to manage mobilisation and delivery

Impact of national projects

- such as HS2 and East West Rail continue to have a very real impact in Buckinghamshire (increased traffic on the network causing damage to the network and highways asset and environmental impacts); increased officer resource recruited to monitor projects on the ground and engage with communities

Inflation

- the current high inflation levels means the significant programme of highway infrastructure delivery projects may need to be reprioritized, some works may need to be scaled back or postponed, and additional funding may need to be sought to deliver projects; energy price inflation impacts parking and highways in particular

Increased demand

- managing the increased demand and costs for statutory home to school transport remains a challenge, with respect to increased Education, Health & Care Plans and SEND provision; an improvement programme is in place to ensure delivery

Funding

- a challenge exists regarding Bus Service Improvement Plan (BSIP) for which we have received zero funding from government to deliver this; we do however expect to receive £1.3m of BSIP Plus funding in financial year 24/25, which must be spent within 12 months of receipt; we continue to seek bidding opportunities to help fund electric vehicle charging points across Buckinghamshire

5.10 Transport

Capital Programme

Expenditure

Service Area	Project Group / Project	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
Highways & Technical Services	Car Parks					
	Car Parks	594	100	100	-	794
	Highway Improvement Projects					
	HS2 Funded Projects	1,778	-	-	-	1,778
	HS2 Road Safety	2,015	-	-	-	2,015
	Rights of Way					
	Berryhill Footbridge Repair	173	-	-	-	173
	Denham Bridleway Bridge Replacement	179	-	-	-	179
	Improvements to Rights Way	247	148	-	133	527
	Strategic Highway Maintenance					
	Plane & Patch	4,425	4,425	4,425	4,425	17,700
	Failed Roads Haunching & Reconstruction	3,000	3,000	3,000	3,000	12,000
	Maintenance Principal Rds - Drainage	2,068	2,113	2,113	1,913	8,205
	Footway Structural Repairs	2,150	2,150	2,150	1,935	8,385
	Replacement Traffic Signals	577	490	441	441	1,949
	Road Safety - Casualty Reduction	1,250	1,250	1,125	1,125	4,750
	Bridge Maintenance	2,420	3,300	3,300	3,198	12,218
	Abbey Way Flyover High Wycombe	150	250	250	-	650
	Street Lighting	1,500	1,500	1,500	1,350	5,850
	Pednormead Culvert	600	-	-	-	600
Strategic Highway Maintenance Programme	15,850	15,850	15,850	15,850	63,400	
Additional DfT Funding	1,654	-	-	-	1,654	
Highways & Technical Services Total		40,629	34,575	34,254	33,370	142,827

- The Council continues to invest in its commitment to a £100m Roads Investment Programme.
- This budget includes new investment in highways structures – Abbey Way Flyover, additional funding for Bridge Maintenance at Marlow and Stoke Road, and the Pednormead Culvert in Chesham – which will prolong the life of these critical sections of infrastructure.
- Following the announcement of the cancellation of HS2’s Manchester leg, Buckinghamshire will receive an additional £1.7m grant from the unspent HS2 funding, which will be invested in roads maintenance in 24-25.

5.10 Transport

Capital Programme

Expenditure

Service Area	Project Group / Project	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
Strategic Transport & Infrastructure	Highways & Cycleway Funded Schemes					
	Active Travel Tranche II - Emerald Way	104	416	-	-	520
	Highways & Cycleway Funded Schemes	2,038	-	-	-	2,038
	Other Transport & Infrastructure					
	Electric Vehicle Charging Points	756	200	94	-	1,050
	Other Highway & Technical	291	150	150	-	591
	Wycombe Parking Review	493	-	-	-	493
Winslow Station Car Park	3,731	699	-	-	4,430	
Strategic Transport & Infrastructure Total		7,413	1,465	244	-	9,122
Transport Services	Transport Services					
	Purchase of Fleet Vehicles	240	240	240	240	960
Transport Services Total		240	240	240	240	960
Total Expenditure		48,281	36,280	34,738	33,610	152,909

Funding

Funding Source	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
s106	(1,457)	-	-	-	(1,457)
Community Infrastructure Levy	(1,040)	-	-	-	(1,040)
Ringfenced Grants	(2,849)	(416)	-	-	(3,264)
Revenue Contributions (Service)	(3,340)	(1,039)	(340)	(240)	(4,959)
Total Funding	(8,685)	(1,455)	(340)	(240)	(10,721)
Net Portfolio Totals	39,596	34,825	34,398	33,370	142,188

- Continue to deliver at pace on EV Charging points to meet the Council's targets, including leveraging in government grants.
- Continue to deliver the Active Travel grant scheme at Emerald Way, and developer-funded travel improvements.
- Completion of the Winslow Station Car Park project, delivered by Network Rail.

5.11 Funding and Corporate Items

Overview

Capital Financing

- This represents the interest payable on sums borrowed to fund investments in Capital Assets
- MRP is the Minimum Revenue Provision, which reflect the repayment of capital borrowed to fund Capital assets
- RCCR is Revenue Contributions to the Capital Reserve, which reflects the use of revenue funding to support the Capital Programme

Corporate Costs

Budget Risk Contingency

- Budgets held to address and mitigate risks within the wider Revenue budget.

Pay, Pensions & Redundancy

- Sums set aside to fund future pay awards, which have yet to be agreed, to manage changes in the rate of pension contributions, and to cover the costs of redundancy which arise from savings made within this Medium-Term Financial Plan

Corporate Items

- Miscellaneous costs not attributable to individual Portfolios, including Water Levies, Historic pension costs for services no longer provided, income from other Local Authorities related to the 1997 Local Government Reorganisation

Reserves

- Budgeted uses of or contributions to corporate reserves agreed to manage and balance the Medium-Term Financial Plan and for timing differences or technical changes to Collection Fund reserves.

Treasury Management

- Interest received and costs associated with managing the Council's cash balances.

Funding

- Includes the Council's share of Council Tax, the locally retained share of Business Rates, and un-ringfenced grants.

5.11 Funding and Corporate Items

Revenue budget		2023-24	2024-25	2025-26	2026-27
		Net Budget	Net Budget	Net Budget	Net Budget
Capital Financing	Interest Payable	9,313	10,424	10,593	10,744
	MRP	12,956	13,401	13,401	13,598
	RCCR	3,707	3,692	4,534	5,609
Capital Financing Total		25,976	27,517	28,528	29,951
Corporate Costs	Budget Risk Contingency	15,531	16,225	18,375	21,817
	Corporate Items	3,381	3,741	3,784	3,782
	Pay, Pensions and Redundancy	2,765	12,770	19,779	24,474
	Reduction in Pension Contributions	-	(1,700)	(3,400)	(3,400)
	Vacancy and Spend Controls	-	(2,000)	(2,000)	(2,000)
Corporate Costs Total		21,677	29,036	36,538	44,673
Treasury Management	Interest Receivable	(5,648)	(8,190)	(5,790)	(4,190)
	Treasury Management	793	691	654	570
Treasury Management Total		(4,855)	(7,499)	(5,136)	(3,620)
Revenue Reserves	General Reserves	(1,362)	-	-	-
	Earmarked Revenue Reserves	(2,138)	(2,476)	796	(470)
Revenue Reserves Total		(3,500)	(2,476)	796	(470)
Grand Total		39,298	46,578	60,726	70,534

Note: Pay awards for Buckinghamshire Council Terms and Conditions are paid by the end of July. Budgets for annual Pay awards are held corporately when setting the budget, and then transferred to Portfolio budgets when pay awards are agreed during the year. Reductions in Pension contributions will be allocated to service budgets in April once staffing budgets have been fully updated.

5.11 Funding and Corporate Items

Corporate challenges, Risks & opportunities

Council Tax collection performance

- The budget is set on the basis that 98.4% of billed Council Tax is collected. If performance falls below this level a deficit will have to be budgeted for in 2025/26.
- To align decisions on the Discounts and Exemptions Policy with Collection fund accounting requirements, the projected increase in income collected during 2024/25 has been re-aligned to be received in 2025/26 through a Council Tax Surplus. This delayed receipt has been addressed through a one-off use of reserves in 2024/25 and an equal and offsetting contribution to reserves from the surplus in 2025/26.

Interest rate volatility

- The Monetary Policy Committee uses interest rates to control inflation. Whilst inflation is high greater returns will be made on the Council's cash balances. As inflation returns to target levels interest rates are likely to fall, which will reduce returns on these balances. The timing of changes to interest rates is uncertain and is impacted by global and national economic performance.
- Likewise sustained higher interest rates could increase the costs of interest payable on new borrowing within the Capital Programme and render some schemes financially unviable.

Future pay awards

- Whilst it is prudent to set aside future sums for future pay awards, the uncertainty in future inflation rates, and the scale of future public sector pay awards is unknown. There continue to be strikes over public sector pay awards, the outcome of which may change the pay landscape within the public sector.

Portfolio budget risks

- If demand, growth and inflationary pressures in Portfolio budgets are understated then contingency budgets could become depleted and additional uses of reserves be required.

Future organisational change

- Given the wider funding, demand and cost risks on the Council significant organisational change may be required in the future. This could result in re-organisation costs funded from reserves, or exceptional redundancy costs beyond currently budgeted assumptions.

5.11 Funding and Corporate Items

Key organisational risks have been assessed and quantified below in order to assess the levels of contingency budgets required.

Portfolio	Description	Scale	Amount £'000s (estimate)	Impact (High/ Medium/ Low)	Probability (High/ Medium/ Low)	Weighted risk in 2024/25
ALL	Inflation remains higher than expected	£1m+	4,000	Medium	Medium	2,000
ALL	Council Tax growth & collection rate	£1m+	1,000	Medium	Low	0
ALL	Business rates Reset (unlikely before 2025/26)	£1m+	8,000	High	Low	0
ALL	Market sustainability / supplier failure	£1m+	5,500	High	Medium	2,750
Health & Wellbeing	Growth in client numbers / complexity of need is above MTFP provision	£1m+	4,000	Medium	Medium	3,000
Education & Children's Services	Increased demand / complexity of need leads to increase in higher cost placements including unregistered placements	£1m+	4,500	High	Medium	3,375
Transport	Demand in Home to School Transport	£1m+	1,500	Medium	Medium	1,125
ALL	Geopolitical tensions - Refugees and Supply chain disruption	£1m+	2,500	Medium	Medium	625
Climate Change & Environment	Changes in national legislation impacting council service delivery	£1m+	2,500	Medium	Medium	1,250
ALL	Volatility in energy market (income and expenditure)	£1m+	2,650	High	Medium	1,325
ALL	Debt increases as the cost of living pressures continue	£1m+	1,500	Medium	Low	350
ALL	Income falls as a result of economic pressures	£1m+	3,500	Medium	Low	875
ALL	Under-delivery of savings plans	£1m+	3,000	Medium	Medium	1,500
	TOTAL ASSESSED RISK		44,150			18,175
	Covered by Contingency					16,225
	Covered by Corporate Risk Reserves					1,950

5.11 Funding and Corporate Items

Corporate Contingencies

- Contingency budgets are held primarily to act as a mitigation for risks within the budget, and to hold budgets corporately until such time as they can be allocated to the appropriate Portfolio budgets. Within these risks is the possibility that the budget changes cannot be delivered (either fully or partially) or that changes to the proposals need to be made to mitigate individual risks which are identified as the parameters of proposals are progressed.
- The Budget Risk Contingencies is held to mitigate the potential impact of the organisational risks. The key organisational risks are set out on the previous slide.
- In addition, Corporate Contingencies are held to fund Pay awards, and future Redundancy costs resulting from the changes in these budget proposals.

Contingency	2023-24	2024-25	2025-26	2026-27
	Net Budget	Net Budget	Net Budget	Net Budget
Budget Risk Contingency				
General Contingency	10,496	5,975	5,975	5,975
Demand Risk Contingency	5,035	4,850	4,851	4,851
Social Care Contingency	-	5,400	7,549	10,991
Budget Risk Contingency Total	15,531	16,225	18,375	21,817
Pay, Pensions and Redundancy				
Pay inflation	551	10,556	17,565	22,260
Pay - Bonus Contingency	1,000	1,000	1,000	1,000
Pay Conversion	714	714	714	714
Redundancy Fund	500	500	500	500
Pay, Pensions and Redundancy Total	2,765	12,770	19,779	24,474
Grand Total	18,296	28,995	38,154	46,291

5.11 Funding and Corporate Items

Capital Programme

Whilst there are no Corporate projects within the Capital Programme, there is Corporate funding for the programme, a slippage assumption held corporately, and corporate contingencies held against unforeseen pressures within the programme.

Expenditure

Service Area	Project Group / Project	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
Corporate Costs	Corporate Costs					
	Corporate Capital Contingency	1,388	1,591	2,166	4,050	9,195
	Slippage Assumption	-	-	-	(4,900)	(4,900)
Total Expenditure		1,388	1,591	2,166	(850)	4,295

Funding

Funding Source	2024/25 £k	2025/26 £k	2026/27 £k	2027/28 £k	Total £k
Transportation Grants	(17,040)	(9,559)	(16,134)	(9,559)	(52,292)
Education Grants	(226)	(7,261)	(24,791)	(22,345)	(54,622)
Capital Receipts	(22,715)	(17,600)	(21,500)	(18,000)	(79,815)
Capital Receipts - Other	(6,423)	(6,491)	(6,518)	(5,897)	(25,329)
Revenue Contributions to Capital	(3,692)	(4,533)	(5,608)	(9,892)	(23,725)
Community Infrastructure Levy	(1,826)	(3,190)	(3,213)	(3,250)	(11,479)
Borrowing	(11,753)	(17,666)	(13,259)	(500)	(43,178)
s106	-	-	-	(960)	(960)
Ringfenced Grants	-	-	-	(1,500)	(1,500)
Balances Brought Fwd	(9,298)	-	-	-	(9,298)
Total Funding	(72,973)	(66,300)	(91,023)	(71,903)	(302,198)

5.11 Corporate Items

Use of Reserves within the budget

The Council holds Reserves for the following purposes;

- For spending on capital projects
- To fund future costs of policy initiatives and the one-off costs of change programmes
- To appropriately manage ring-fenced funding
- To manage financial risks and spread the impact of cyclical expenditure
- To manage balances held on behalf of others

This budget includes several projects funded from Reserves, which includes planned contributions to Reserves to ensure balances remain healthy over the MTFP period

The Forecast reserves balances are shown below:

Type of Reserve	Forecast Closing Balance 31 March 2024 £000s	Forecast Closing Balance 31 March 2025 £000s	Forecast Closing Balance 31 March 2026 £000s	Forecast Closing Balance 31 March 2027 £000s
Earmarked for Capital purposes	58,220	47,768	43,082	30,842
Earmarked for Future Policy Purposes	33,426	26,889	22,949	22,371
Ring-fenced funding	30,985	28,980	27,480	25,980
Managing specific risks and cyclical	40,925	34,064	35,016	35,183
Held on behalf of others	235	235	235	235
Total - Earmarked Reserves	163,792	137,936	128,763	114,611
General Fund	42,766	42,766	42,766	42,766
Total Reserves	206,558	180,702	171,529	157,377

Section 6: Appendices

	Appendices
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Appendix 2	Special Expenses Budgets
Appendix 3	Special Expenses activities
Appendix 4	Buckinghamshire Council CTR Scheme
Appendix 5	Business Rates Discretionary Rate Relief
Appendix 6	Bucks Business Group Budget Response
Appendix 7	Equalities Impact Assessment

Appendix 2 - Special Expenses budgets

2024/25 Special Expenses budgets	High Wycombe Town Committee £	West Wycombe Church Yard £	Aylesbury Town £
Recreation grounds	150,363		660,365
Allotments	38,028		
High Wycombe Cemetery	163,719		
Penn Road Cemetery	67,873		
Closed Church Yard		8,131	
Community Centres	-		348,638
Town Twinning	3,000		
Community Grants	20,000		
War Memorial	3,000		
Footway Lighting and Bus Shelter	1,800		
Town Centre Events	12,000		
Market			32,076
Management and Support	63,845		
Total Special Expenses	523,628	8,131	1,041,079
Interest on Balances	(31,888)		(19,630)
Net Spend for year	491,740	8,131	1,021,449
Balance b/f	(671,334)	-	(410,259)
Net spending for year	491,740	8,131	1,021,449
Collection fund precept	(446,061)	(8,131)	(1,021,449)
Balance c/f	(625,655)	(0)	(410,259)
Council Tax base	24,059.37	553.91	19,110.37
Band D Charge	18.54	14.68	53.45

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Appendix 3 - Services included within Special Expenses

High Wycombe Town Committee

- a) Cemeteries: High Wycombe Town Cemetery and Penn Road Cemetery
- b) Recreation Grounds: Booker (Fernie Fields), Shelley Road (QEII) and Totteridge
- c) All Saints Closed Churchyard
- d) Allotments: Back Lane, Desborough, Castle Green Hill, Hicks Farm Rise, Hugheden Park, Lime Avenue, Totteridge and Queensway
- e) Footway Lighting: Colville Road, Halifax Road, Loakes Road, Rupert Avenue, Verney Avenue, Bowden Lande, Cressex Road, Perth Road and South Drive
- f) Grants to voluntary organisations: Town Twinning (£3k), grants to local communities for small projects in High Wycombe Town (£20k)
- g) War memorial: Maintenance costs for memorial within High Wycombe Town (except memorials of a national nature, costs for which are borne by the Council as a whole)
- h) Wycombe Events: HWBidCo (£12k)

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
- 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

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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 2024 until 31st March 2025.

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 2024 for a period of one financial year.

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

- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
- Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
- Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
- Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
- Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
- The Council Tax Reduction Schemes (England) (Amendment) Regulations 2017;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022;
- The Council Tax (Demand Notices and Reduction Schemes) (England) (amendment) Regulations 2022;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2024 ; 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 His 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 a 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 average hours of work to be determined more accurately,

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

- 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—
- (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—
- (za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of—
 - (i) the Afghan Relocations and Assistance Policy; or
 - (ii) the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
 - (zb) a person in Great Britain not coming within sub-paragraph (za) or (e) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;
 - (zc) a person in Great Britain who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—
 - (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;
 - (zd) a person who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7th October 2023, left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon in connection with the Hamas terrorist attack in Israel on 7th October 2023 or the violence which rapidly escalated in the region following the attack and—
 - (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971,
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;
 - (ze) a person who was residing in Sudan before 15th April 2023, left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan and—
 - (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or

(iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act

- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
- (b) a family member of a person referred to in sub-paragraph (a);
- (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
- (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
- (cb) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;
- (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971
- (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance; or
- (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4).

7.6 A person falls within this paragraph if the person is a Crown servant or member of His 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 His 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
“His 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 2018 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 possessing 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 purposes¹⁵

¹⁵ 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 engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
- (c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph 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 Reduction or within any means tested benefit; or
- the claimant or partner is in receipt of a severe disability premium within either Council Tax Reduction or within any means tested benefit; or
- the claimant or partner is in receipt of a support component within either Council Tax Reduction 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 deductions¹⁶

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

¹⁶ 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 ¹⁷

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.

¹⁷ 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 claim¹⁸

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 scheme¹⁹

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

¹⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

¹⁹ 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 information²⁰

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.

²⁰ 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 ²¹**
- 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.

²¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

74.0 Duty to notify changes of circumstances²²

- 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.

²² 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 authority²³

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 decision²⁴

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

²³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

77.0 Time and manner of granting council tax support²⁵

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 paid²⁶

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.

²⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

79.0 Shortfall in support / reduction²⁷

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 entitled²⁸

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

²⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁸ 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 His 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 requirements²⁹.

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.

²⁹ 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 authority³⁰

- 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 Act³¹.

³⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³¹ 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 Act³²

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).

³² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Section 101 – 106A³³

Electronic Communication

³³ 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), His 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 ³⁴

³⁴ ³⁴ The amounts shown within this schedule shall be uprated 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	£90.50
b) is aged not less than 25	£90.50
c) is aged not less than 18 but less than 25	£71.70
2. Lone Parent	£90.50
3. Couple; a) Where the applicant is entitled to the main phase of employment and support allowance	£142.25
b) Where one member is aged not less than 18	£142.25
c) For each additional spouse who is a member of the same household as the claimant	£51.75

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;	£83.24
(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.	£83.24

(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, £19.15;

Premiums

4. Except as provided in paragraph 5, the premiums specified in 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 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
 - 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	£42.50
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	£60.60
Severe Disability Premium	£81.50
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	£81.50
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	£163.00
Disabled Child Premium	£80.01 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	£45.60 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) £32.20 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) £20.85 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) £29.75 where the applicant is a member of a couple or a

Premium	Amount
	polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing 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 £35.95. The amount of the support component is £47.70.

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 earnings³⁵

³⁵ 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 His 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. Provision for all applicants: Homes for Ukraine scheme**
(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—
 (a) an applicant’s entitlement to a reduction under the scheme; or
 (b) the amount of any reduction to which the applicant is entitled.
(2) In this regulation—
“the Homes for Ukraine scheme” means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022.
- 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
- 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.
- 67.** Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:
- (a) an applicant's entitlement to a reduction under the scheme; or
 - (b) the amount of any reduction to which the applicant is entitled.
- "The Energy Rebate Scheme 2022" means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022

Schedule 5
Capital to be disregarded³⁶

³⁶ Any amounts shown in this schedule will be uprated 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. **Provision for all applicants: Homes for Ukraine scheme**
(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—
(c) an applicant's entitlement to a reduction under the scheme; or
(d) the amount of any reduction to which the applicant is entitled.
(2) In this regulation—
"the Homes for Ukraine scheme" means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022.
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).

- 64.** Any payment made under the Energy Rebate Scheme 2022 is to be disregarded in determining:
- (a) an applicant's entitlement to a reduction under the scheme; or
 - (b) the amount of any reduction to which the applicant is entitled.
- "The Energy Rebate Scheme 2022" means the scheme to provide financial support in respect of energy bills which was announced in Parliament by the Chancellor of the Exchequer on 3rd February 2022



Buckinghamshire Council Policy for the granting of Discretionary Non-Domestic Rate Relief

Version Control

<i>Version</i>	<i>Version date</i>	<i>Revised by</i>	<i>Description</i>
1	April 2020	DA	Creation of policy and inclusion of new COVID-19 Reliefs
2	December 2023	DA/LM	Changes to all reliefs for 2024, including the Non Domestic Rating Act 2023

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1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to determine the level of discretionary relief and related areas to be granted to certain defined ratepayers within the Council's area. The policy includes all changes effective from 1st April 2024 and includes all new reliefs due to the revaluation of rateable values in April 2023 and the Non Domestic Rating Act 2023. The Council is keen to support businesses during the crisis, as far as possible.
- 1.2 The Local Government Finance Act 1988 and subsequent legislation requires the Council to grant mandatory relief for premises occupied by Charities and similar organisations that own or occupy them wholly or mainly for charitable purposes. Likewise, certain premises situated within a rural settlement area will be eligible for mandatory relief. Powers have also been granted under the Localism Act 2011, which allow for the granting of discretionary rate relief to any premises where the Council feels the granting of such relief would be of benefit to the local community.
- 1.3 In addition to the above, Central Government is keen that in certain cases, assistance should be provided to businesses who have had increases in their rate liability due to the revaluation of premises in April 2017. In these cases, and where the Council meets Central Government guidelines, grants are available under section 31 of the Local Government Act 2003.
- 1.4 Whilst the Council is obliged to grant relief to premises, which fall within the mandatory category, the Council also has powers to grant discretionary relief and reductions to ratepayers, subject to certain criteria being met. In the case of the new reliefs, some guidance has been issued by Central Government outlining actions expected to be taken by local authorities. This policy includes Government guidance where appropriate but also looks to target discretionary relief in line with the Council's priorities.
- 1.5 This document outlines the following areas:
- Details of the criteria for receiving Discretionary Reliefs for all relevant areas;
 - The Council's policy for the granting of all types of Discretionary Reliefs;
 - Guidance on granting and administering the reliefs and awards;
 - Subsidy Control; and
 - The Council's Scheme of Delegation.
- 1.6 Where organisations apply for relief they will be granted (or not granted) relief or reductions in line with the following policy.

2.0 Mandatory Relief - Legislative Background

Charity Relief

- 2.1 The powers relating to the granting of mandatory¹ and discretionary relief are given to the Council under the Local Government Finance Act 1988². Charities and Trustees for Charities are only liable to pay one fifth of the Non-Domestic Rates that would otherwise be payable where property is occupied and used wholly or mainly for charitable purposes. This amounts to mandatory relief of 80%. For the purposes of the Act, a charity is an organisation or trust established for charitable purposes, whether or not it is registered with the Charity Commission. The provision has been extended under the Local Government Act 2003 (effective from 1st April 2004) to registered Community Amateur Sports Clubs (CASCs). Full details of the mandatory provisions are given later within this policy.
- 2.2 In the case of charity shops, the premises must meet the criteria laid down by section 64 (10) of the Local Government Finance Act 1988 which states that the premises are to be treated as used for charitable purposes at any time it is wholly or mainly used for the sale of goods donated to the charity and the proceeds of goods (after any deductions for expenses) are applied for the purpose of the charity.
- 2.3 The Council has discretion to grant relief of up to a further 20% for these mandatory cases under its discretionary provisions.

Rural Rate Relief

- 2.4 From 1st April 1998, under powers originally granted to the Council by the Local Government and Rating Act 1997³, certain types of business in rural settlements, with a population below 3000 may qualify for mandatory rate relief of 100 per cent. Businesses that qualify for this relief are the sole general store and the sole post office in the settlement, provided it has a Rateable Value of up to £8500; any food shop with a Rateable Value of up to £8500; and the sole pub and the sole petrol station in the settlement provided it has a Rateable Value of up to £12500.
- 2.5 Where businesses in rural settlements have a Rateable Value of up to £16,500 **and** are not in receipt of mandatory relief, the Council may decide to give up to 100 per cent discretionary relief if it is satisfied that the business is of benefit to the community and having regard to the interests of its Council Taxpayers.

¹ S43 & S45 Local Government Finance Act 1988

² S47 & S48 Local Government Finance Act 1988

³ LGFA 1988, s.47, as amended by Sch. 1 to the Local Government and Rating Act 1997

3.0 Discretionary Relief – Legislative Background

Introduction

- 3.1 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to 'top up' cases where ratepayers already receive mandatory relief.
- 3.2 Over recent years and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 3.3 The range of bodies, which are eligible for discretionary rate relief, is wide and not all of the criteria laid down by the legislation will be applicable in each case.
- 3.4 Unlike mandatory relief, ratepayers are obliged to make a written application to the Council. The Council will expect all businesses to make applications in such a format as is required (which may vary from time to time) and for the business to provide such information and evidence as required in order to determine whether relief should be awarded.
- 3.5 The Council is obliged to carefully consider every application on its merits, taking into account the contribution that the organisation makes to the amenities within the authority's area. There is no statutory appeal process or Tribunal against any decision made by the Council although, as with any decision of a public authority, decisions can be reviewed by Judicial Review. The authority will however, upon request, review decisions made. Details of the internal review process are given within this policy.
- 3.6 Granting of the relief falls broadly into the following categories:
 - (a) Discretionary Relief – Charities who already receive mandatory relief;
 - (b) Discretionary Relief – Premises occupied by organisations not established or conducted for profit whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts or premises occupied by organisations not established or conducted for profit and wholly or mainly used for purposes of recreation;
 - (c) Discretionary Relief – Rural Rate Relief - premises not receiving mandatory relief but of benefit to the local community and less than £16,500 RV;
 - (d) Discretionary Relief – Granted under the Localism Act 2011 provisions;
 - (e) Local Newspaper Relief (until 1st April 2025);
 - (f) Supporting Small Businesses Relief (from 1st April 2023);
 - (g) Retail Hospitality & Leisure Relief (from 1st April 2024 for a period of one year); and
 - (h) S49 Relief
- 3.7 The decision to grant or not to grant discretionary relief is a matter purely for the Council.

The Council's general approach to granting Discretionary Relief

- 3.8 In deciding which organisations should receive discretionary rate relief, the Council has considered the following factors and priorities:
- (a) The awarding of relief will be in line with the Council's corporate values. Details can be found at:
<https://www.buckinghamshire.gov.uk/your-council/corporate-plans-and-policies/corporate-plans-and-priorities/corporate-plan-2020-2025/#:~:text=We%20are%20committed%20to%20making,outstanding%20public%20spaces%20for%20everyone>
 - (b) That any award should support business, charities, organisations, and groups that help to retain services in the Council's area and not compete directly with existing businesses in an unfair manner;
 - (c) It should help and encourage business, charities, organisations, groups and communities to become self-reliant;
 - (d) It is beneficial if organisations provide unique facilities that are not offered anywhere else in the County;
 - (e) Grant maintained/academy/voluntary aided educational establishments would not qualify for Discretionary Rate Relief;
 - (f) Awarding discretionary relief should not distort competition or significantly change the provision of services within the Council's area;
 - (g) Local organisations will be given priority over national organisations. Where requested, the organisation will need to supply the Council with clear evidence of **all** financial affairs (normally two full years) including, and most importantly, the amounts of monies raised, used and invested locally. This will be essential where the organisation is national in nature;
 - (h) To enable appropriate organisations to start, develop or continue their activities, which deliver outcomes to the community and that also relate to the priorities of the Council, which without granting discretionary relief they would be unable to do;
 - (i) To assist the Council in delivering services which could not be provided otherwise;
 - (j) To enable the Council to determine the level of rate change in comparison with the organisation's financial situation;
 - (k) To ensure that the financial impact of awarding discretionary business rate relief is justified in terms of the local outcomes achieved by the organisation receiving it; and
 - (l) Since March 2020, provide assistance to ratepayers suffering from the effects of the COVID-19 crisis or more recently the Cost-of-Living crisis.
- 3.9 **Other considerations** – The Council will consider applications for discretionary rate relief in exceptional circumstances where an organisation can demonstrate that they are making a contribution which is of significant benefit to the County and are in need of financial support. Examples that could be considered are:
- Organisations providing services that contribute to Corporate priorities;
 - Independent new businesses needing support that move into premises may get relief where they can demonstrate that the business will contribute to regeneration of the area or offering significant local employment in an area of high unemployment;
 - Any other local organisation offering local support that is not covered by these guidelines.

- 3.10 Where any reduction or remission is granted to a ratepayer under S49 Local Government Finance Act 1988 where hardship is proven to the Council, then there will be no requirement to grant Discretionary Rate Relief for that amount.
- 3.11 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the criteria is met irrespective of whether discretionary relief can be granted or not.

The Council’s approach to granting Government led Discretionary Relief schemes.

- 3.12 Over the past few years, a number of schemes have been led by Central Government but without specific legislative changes. These are administered under S47 of the Local Government Finance Act 1988 and guidance is often provided. The Council is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximise any grants receivable. However, the Council reserves the right to vary its approach where thought appropriate.

4.0 Effect on the Council’s Finances

- 4.1 The granting of discretionary relief will, in the main, involve a cost to the Council. Since the change to the funding for Non-Domestic Rating in April 2013, the effect of the relief is complex.
- 4.2 The costs of the relief will be borne in accordance with the Business Rates Retention Scheme share namely 50% borne by Central Government, 49% by the Council and 1% by the Fire and Rescue Service. This also applies where mandatory relief is granted.
- 4.3 Where Central Government leads an initiative, grants are often available through section 31 of the Local Government Act 2003. This is not automatic and Central Government will look to the Council to adopt the recommended approach when granting in these areas.
- 4.4 The financial effects of discretionary reliefs covered by this policy are as follows:

Appendix	Relief Type	Granted after 1 st April 2024
	Charity Relief	
A	Discretionary relief granted to Mandatory Relief recipients.	49% borne by the Council
B	Non-profit Making Organisations including Sports Clubs and societies.	49% borne by the Council
	Rural Discretionary	
C	Discretionary Relief – Rural Rate Relief - premises not receiving mandatory relief but of benefit to the local community and less than £16,500 RV.	49% borne by the Council
	Localism	

Appendix	Relief Type	Granted after 1st April 2024
D	Discretionary Relief granted to ratepayers generally and not covered by any other section.	49% borne by the Council
	Local Newspaper Relief	
E	Discretionary Relief granted to local newspapers meeting the criteria (until 31 March 2025)	Section 31 Grant
	Supporting Small Business Relief	
F	Supporting Small Businesses Relief (from 1 April 2023 for a period of up to three years if conditions are met.	Section 31 Grant
	Retail, Hospitality and Leisure Relief	
G	Retail, Hospitality and Leisure Relief Scheme (from 1 April 2024 for a period of one year).	Section 31 Grant
	S49 Hardship Relief	
H	Granting relief where the ratepayer is suffering hardship	49% borne by the Council

5.0 Discretionary Relief – Subsidy

- 5.1 Discretionary relief is potentially subject to the Subsidy Control Act 2022. The purpose of the Subsidy Control Act 2022 is to implement a domestic subsidy control regime in the United Kingdom that reflects the UK’s strategic interests and particular national circumstances, providing a legal framework within which public authorities make subsidy decisions.
- 5.2 To the extent that the Council is seeking to provide relief that falls below the Minimal Financial Assistance (MFA) thresholds, the Subsidy Control Act 2022 allows an economic actor (e.g., a holding company and its subsidiaries) to receive up to £315,000 in a three-year period (consisting of the 2023/24 year and the two previous financial years). MFA subsidies cumulate with each other and with other subsidies that fall within the category of ‘Minimal or SPEI financial assistance’. BEIS COVID-19 business grants and any other subsidies claimed under the Small Amounts of Financial Assistance limit of the Trade and Cooperation Agreement should be counted under the £315,000 allowance.
- 5.3 In those cases where it is clear to the Council that the ratepayer is likely to breach the MFA limit then the Council will withhold relief. Otherwise, the Council may include the relief in bills and ask the ratepayers, on a self-assessment basis, to inform the Council if they are in breach of the MFA limit.
- 5.4 MFA subsidies above £100,000 are subject to transparency requirements. This is not cumulated per beneficiary but applies per subsidy award. This means that for every individual subsidy provided of more than £100,000, the Council will include details of the subsidy on the subsidy control database.

6.0 Administration of Discretionary Relief

- 6.1 The following section outlines the procedures followed by officers in granting, amending, or cancelling discretionary relief and reduction. This is essentially laid down by legislation.

Applications and Evidence

- 6.2 The Council will specify how applications are to be received (if required) and this may vary from time to time.
- 6.3 Where indicated by the Council, organisations may be required to provide a completed application form plus any such evidence, documents, accounts (normally the last two years), financial statements etc. necessary to allow the Council to make a decision. Where insufficient information is provided, then no relief will be granted. In some cases, it may be necessary for officers to visit premises and we would expect organisations claiming relief to facilitate this where necessary.
- 6.4 Where applications are required, they should initially be made to the Revenues and Benefits Service and will be determined in accordance with this policy.
- 6.5 The Council will provide this service and provide guidance free of charge. Ratepayers are encouraged to approach the Council direct and NOT pay for such services through third parties. Applications for relief will be accepted from ratepayers only.**

Granting of relief

- 6.6 In all cases, the Council will notify the ratepayer of decisions made.
- 6.7 Where an application is successful, the ratepayer will be notified. Where relief is not granted, then the following information is provided;
- An explanation of the decision within the context of the Council's statutory duty; and
 - An explanation of the appeal rights (see below).
- 6.8 Discretionary relief is to be granted from the beginning of the financial year in which the decision is made or when liability begins whichever is the later. Where the relief is fully Government funded, relief will be granted as long as the ratepayer is eligible.
- 6.9 A fresh application for discretionary relief may be necessary for each financial year **or** at such time-period as the Council determines.

Variation of a decision

- 6.10 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect on a date determined by the Council.
- 6.11 A decision may be revoked at any time by the Council.

7.0 Scheme of Delegation

Granting, Varying, Reviewing and Revocation of Relief

- 7.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003 and the Localism Act 2011. However section 223 of the Local Government Act 1992 allows for delegation of decisions by the Council to Cabinet, Committees, Sub-Committees or Officers.
- 7.2 The Council's scheme of delegation allows for the Head of Revenues and Benefits to award, revise or revoke any discretionary relief applications.
- 7.3 Applications that are refused will, on request, be reconsidered if additional supporting information is provided or the refusal is subsequently considered to be based on a misinterpretation of the application.

Reviews

- 7.4 The policy for granting relief will be reviewed annually or where there is a substantial change to the legislation or funding rules. At such time, a revised policy will be brought before the relevant committee of the Council.

Appeals

- 7.5 Where the Council receives an appeal from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by the Head of Revenues and Benefits. Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.
- 7.6 Where the ratepayer wishes to appeal the decision of the Head of Revenues and Benefits, the case will be considered by the Chief Financial Officer and the relevant Cabinet Member whose decision on behalf of the Council will be final.
- 7.7 Ultimately the formal appeal process for the ratepayer is Judicial Review although the Council will endeavour to explain any decision fully and openly with the ratepayer.

8.0 Reporting changes in circumstances

- 8.1 Where any award is granted to a ratepayer, the Council will require any changes in circumstances which may affect the relief, to be reported as soon as possible. This will be important where the change would result in the amount of the award being reduced or cancelled e.g. where the premises comes unoccupied or is used for a purpose other than that determined by the Council as eligible for relief.
- 8.2 Where a change of circumstances is reported, the relief will, if appropriate, be revised or cancelled as appropriate. Where any award is to be reduced, the Council will look to recover the amount from the date the change of circumstances occurred.

9.0 Fraud

- 9.1 Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.

Appendix A
Discretionary Relief – Mandatory Relief recipients

Discretionary Relief – Mandatory Relief recipients

General Explanation

- A.1 S43 of the Local Government Finance Act 1988 allows mandatory relief (80%) to be granted on premises if the ratepayer is a charity or trustees for a charity and the premises are wholly or mainly used for charitable purposes. No charge is made in respect of unoccupied premises where it appears that *when next in use* it will be used wholly or mainly for those purposes.
- A.2 The legislation has been amended by the Local Government Act 2003 (effective from 1st April 2004) to include registered⁴ Community Amateur Sports Clubs (CASC). These organisations can now receive the mandatory (80%) relief.

Charity registration

- A.3 Charities are defined within the legislation as being an institution⁵ or other organisation established for charitable purposes only or by persons administering a trust established for charitable purposes only.
- A.4 The question as to whether an organisation is a charity may be resolved in the majority of cases by reference to the register of charities maintained by the Charity Commissioners under s.4 of the Charities Act 1960. Entry in the register is conclusive evidence. By definition, under the Non-Domestic Rating legislation, there is no actual need for an organisation to be a registered charity to receive the relief and this has been supported by litigation⁶, however in all cases the organisation must fall within the following categories:
- trusts for the relief of poverty;
 - trusts for the advancement of religion;
 - trusts for the advancement of education; and
 - trusts for other purposes beneficial to the community, but not falling under any of the preceding heads.
- A.5 Certain organisations are exempted from registration generally and are not required to make formal application to the Charity Commissioners these are:
- the Church Commissioners and any institution administered by them;
 - any registered society within the meaning of the Friendly Societies Acts of 1896 to 1974;
 - units of the Boy Scouts Association or the Girl Guides Association; and
 - voluntary schools within the meaning of the Education Acts of 1944 to 1980.
- A.6 The Council will consider charitable organisations, registered or not, for mandatory relief.

⁴ Registered with HMRC as a CASC

⁵ S67(10) Local Government Finance Act 1988

⁶ Income Tax Special Commissioners v Pemsell (1891)

Use of Premises – wholly or mainly used.

- A.7 Irrespective of whether an organisation is registered as a charity or not, the premises **must** be wholly or mainly used for charitable purposes. This is essential if any relief (either mandatory or discretionary) is to be granted. In most cases this can be readily seen by inspection, but on occasions the Council has had to question the actual use to which the premises are to be put. In some cases, it will be necessary for the Council to inspect any premises fully.
- A.8 Guidance from the Ministry of Housing, Communities and Local Government (MHCLG) has stated that in the case of ‘mainly’, at least 51% must be used for charitable purposes whether of that charity or of that and other charities.
- A.9 The following part of this section gives details on typical uses where relief may be given plus additional criteria that have to be satisfied. The list is not exhaustive but gives clear guidance on premises for which mandatory relief can be granted *and therefore* premises which may be equally considered for discretionary rate relief.

Offices, administration and similar premises

- A.10 Premises used for administration of the Charity include:
- Offices;
 - Meeting Rooms; and
 - Conference Rooms.

Charity shops

- A.11 Charity shops are required to meet additional legislative criteria if they are to receive mandatory relief. Section 64 (10) of the Local Government Finance Act 1988 provides that a property is to be treated as being wholly or mainly used for charitable purposes at any time if, at the time, it is wholly or mainly used for the sale of goods donated to a charity and the proceeds of the sale of the goods (after any deduction of expenses) are applied for the purposes of the charity.
- A.12 In order to ascertain whether an organisation meets these requirements, inspections may be made by an officer of the Council when an application is received.

Granting of Mandatory Relief - the Council’s Policy

- A.13 Where the criteria for awarding mandatory relief are met, the rate charges shall be calculated in accordance with the legislation reducing the liability of ratepayers for each day that the criteria are met.

Charity Relief – Mandatory Relief recipients, the Council’s Policy for granting discretionary relief.

- A.14 The Council will consider applications for a discretionary rate relief top up from charities based on their own merits, on a case-by-case basis.
- A.15 In determining the application, the following matters will be taken into consideration:
1. How the charity supports and links into the Council’s corporate vision and priorities;
 2. The purpose of the charity and the specific activity carried out within the premises for which the relief is requested; and
 3. Whether the charity operates at a local or national level and where appropriate, the local and national funding streams and financial position of the charity.
- A.16 The Council is keen to support businesses that have a critical role to play in the local economy and to assist the Council in meeting the Corporate aims and values.
- A.17 In the case of registered Community Amateur Sports Clubs (CASC), the key criteria in determining the application will be:
1. The ratepayer occupies the whole hereditament;
 2. Relief cannot be granted in respect of premises that are occupied by the Council or precepting authority;
 3. How the CASC supports and links into the Council’s corporate vision and priorities;
 4. The membership and fee structure, and whether the CASC is accessible to all residents, including whether there are concessions for certain groups, for example people on a low income or young people under 18;
 5. Membership numbers and the number and percentage of these members that are local residents;
 6. If the CASC has due regard to equality issues and if it actively encourages members from under-represented groups, for example black and minority ethnic residents, people over 50 and people with disabilities;
 7. Whether facilities are available to the wider community regardless of ability; and
 8. If the CASC runs a bar or food provision: the level of income from this activity and how this money is used; and whether the CASC operates at a local or national level and where appropriate, the local and national funding streams and financial position of the CASC.
- A.18 A CASC will receive up to 20% relief (in addition to 80% Mandatory Rate Relief), if they can demonstrate the need for financial support from the Authority. Non CASC members may receive relief where they provide facilities that otherwise would be provided by the Authority.
- A.19 The Council wishes to support and enable appropriate businesses to start, develop and continue with their operations that deliver outcomes directly related to the Council’s aims and vision. In the main, this will be done through other means rather than granting discretionary relief. There may be occasions where applications are made for such relief or where a package of measures, including discretionary relief, are appropriate in supporting businesses. This would need to be in accordance with any limitations in respect of subsidy.

Appendix B

Discretionary Relief – Non-Profit Making Organisations including Recreation.

Discretionary Relief – Non-Profit Making Organisations including Recreation.

General explanation

Non-Profit

- B.1 The legislation⁷ allows the Council to grant discretionary relief where the property is not an *excepted* one and all or part of it is occupied for the purposes of one or more institutions or other organisations none of which is established or conducted for profit and each of whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature, or the fine arts.
- B.2 Relief cannot be granted to any premises occupied by the Council, or any town, parish council or major Precepting Authority (*excepted premises*).
- B.3 A number of issues arise from the term ‘not established or conducted for profit’. This requires the Council to make enquiries as to the overall purpose of the organisation although if surpluses and such amounts are directed towards the furtherance or achievement of the objects of the organisation then it does not necessarily mean that the organisation was established or conducted for profit.⁸

Recreation Clubs

- B.4 Ideally all recreation clubs should be encouraged to apply for Community Amateur sports Club (CASC) status, which would automatically entitle them to 80% relief. The relief granted to CASCs is covered earlier within this policy.
- B.5 Recreation clubs can also apply to the Charity Commissioners for registration as a Charity (thereby falling under the mandatory provisions for 80% relief) where they meet the following conditions:
- a. The promotion of community participation in healthy recreation and by the provision of facilities for the playing of particular sports; and
 - b. The advancement of the physical education of young people not undergoing formal education.
- B.6 Where sports clubs do not meet the CASC requirement, and are not registered charities, discretionary relief can be granted (0-100%) where the property is not an *excepted* one, it is wholly or mainly used for purposes of recreation and all or part of it is occupied for the purpose of a club, society or other organisation not established or conducted for profit.

Definition of Recreation

- B.7 Recreation is clearly defined by the Sports Council as any of the following⁹

⁷ S47 Local Government Finance Act 1988

⁹ Definition last reviewed by Sport England in 2002

Aikido	Croquet	Kabaddi	Real Tennis	Tang Soo Do
American Football	Crossbow	Karate	Roller Hockey	Tenpin Bowling
Angling	Curling	Kendo	Roller Skating	Trampolineing
Archery	Cycling	Korfball	Rounders	Triathlon
Arm Wrestling Association	Disability Sport	Lacrosse	Rowing	Tug of War
Football	Dragon Boat Racing	Lawn Tennis	Rugby League	Unihoc
Athletics	Equestrian	Life Saving	Rugby Union	Volleyball
Australian Rules Football	Fencing	Luge	Sailing	Water Skiing
Badminton	Fives	Modern Pentathlon	Sand/Land Yachting	Weightlifting
Ballooning	Flying	Motor Cycling	Shinty	Wrestling
Baseball	Gaelic Football	Motor Sports	Shooting	Yoga
Basketball	Gliding	Mountaineering	Skateboarding	
Baton Twirling	Golf	Movement, Dance, Exercise & Fitness	Skiing	
Biathlon	Gymnastics	Netball	Skiing	
Bicycle Polo	Handball	Orienteering	Skipping	
Billiards and Snooker	Hang/Para Gliding	Parachuting	Snowboarding	
Bobsleigh	Highland Games	Petanque	Softball	
Boccia	Hockey	Polo	Sombo Wrestling	
Bowls	Horse Racing	Pony Trekking	Squash	
Boxing	Hovering	Pool	Skater/Street Hockey	
Camogie	Hurling	Quoits	Sub-Aqua	
Canoeing	Ice Hockey	Racketball	Surf Life Saving	
Caving	Ice Skating	Rackets	Surfing	
Chinese Martial Arts	Jet Skiing	Raquetball	Swimming & Diving	
Cricket	Ju Jitsu	Rambling	Table Tennis	
	Judo		Taekwondo	

Access to clubs

- B.8 Guidance issued by the DCLG (now DLUHC) also requires the Council to consider access to clubs within the community before granting discretionary relief.
- B.9 Membership should be open to all sections of the community. There may be legitimate restrictions placed on membership which relate for example to ability in sport or to the achievement of a standard in the field covered by the organisation or where the capacity of the facility is limited, but in general membership should not be exclusive or restrictive.
- B.10 Membership rates should not be set at such a high level as to exclude the general community. However, membership fees may be payable at different rates that distinguish the different classes of membership such as juniors, adults, students, pensioners, players, non-players, employed and unemployed. In general, the club or organisation must be prepared to show that the criteria by which it considers applications for membership are consistent with the principle of open access.
- B.11 The Council also asks the following question to help establish the level of access ‘Does the organisation actively encourage membership from particular groups in the community e.g. young people, women, older age groups, persons with disability, ethnic minorities’ etc.?’

Provision of facilities

- B.12 Clubs which provide training or education are encouraged, as are those who provide schemes for particular groups to develop their skills e.g. young people, the disabled, retired people.
- B.13 A number of organisations run a bar. The mere existence of a bar will not in itself be a reason for not granting relief. However, the Council focuses on the main purpose of the organisation. The Council is encouraged to examine the balance between playing and non-playing members.
- B.14 Within this area, the Council also considers whether the facilities provided relieve the Council of the need to do so or enhance and supplement those that it does provide.

Discretionary Relief - Non–Profit Organisations including Recreation – the Council’s Policy

- B.15 The Council will consider applications for discretionary rate relief from non-profit making organisations on their own merits on a case-by-case basis. In determining the application, the following matters will be taken into consideration (The list is not exhaustive):
- How the organisation supports and links into the Council’s corporate vision and priorities;
 - Whether the facilities provided include education and/or training for members as a whole or for special groups;
 - The extent to which the facilities provided reduce the demand for Council services or produce savings;
 - Any membership and fee structure and whether the facilities are accessible to all residents, including whether there are concessions for certain groups, for example people on a low income or young people under 18; and
 - If covered by a membership scheme, membership numbers and the number and percentage of these members that are local residents;
- B.16 The Council will also require additional financial information including:
- If the organisation runs a bar or food provision, the level of income from this activity and how this money is used.; and
 - Whether the organisation operates at a local or national level and where appropriate, the local and national funding streams and financial position of the organisation.

Appendix C
Discretionary Relief – Premises within Rural Settlements

Discretionary Relief – Premises within Rural Settlements

- C.1 In addition to having the ability to grant discretionary relief to those in receipt of mandatory relief, the Local Government and Rating Act 1997 allows discretionary relief of up to 100% to be granted where the rateable value is £16500 or less and:
- (a) Property is used for purposes which are of benefit to the local community; and
 - (b) It would be reasonable for the billing authority to award relief, having regards to the Council's Council Taxpayers.
- C.2 As with most discretionary relief, part of the cost, is met by Central Government and the balance from local sources.
- C.3 The main criteria for granting discretionary relief in respect of rural rate relief is that premises are used to benefit the local community.

Benefit to the local community

- C.4 Whilst each application for the relief will be considered on its own merits, there are certain factors which weigh heavily in the decision-making process. It is this Council's belief that the spirit of the legislation is to assist businesses and amenities, which contribute significantly to the quality of life of the people who have their main home in the Rural Settlement.
- C.5 To be successful for consideration, a business must show that its existence is a significant benefit to the local community with the majority of local residents directly benefiting from services or facilities provided by that business.

Rural Rate Relief – the Council's Policy for granting discretionary relief.

- C.6 The Council will also consider applications for a discretionary rural rate relief from all ratepayers not entitled to mandatory relief, up to a maximum of 100%.
- D.7 In determining the application, the following matters will be taken into consideration:
- The granting of any discretionary relief will be essential in ensuring the viability of any business within the rural settlement;
 - The granting of any discretionary relief is proportionate given the level of any business rates charged compared with the overall turnover of the business;
 - The granting of any discretionary relief will assist the business in continuing to be viable and / or prevent the business from failing;
 - The business is considered by the Council to be essential to the community and that any reduction or withdrawal of the business will have a serious detrimental effect on the rural settlement;
 - The granting of any discretionary relief is reasonable having regard to the effect on taxpayers of the Council;

Appendix D

Discretionary Relief – Localism Act 2011

Discretionary Relief – Localism Act 2011

General explanation

- D.1 Section 69 of the Localism Act 2011 amended Section 47 of the Local Government Finance Act 1988. These provisions allow all Councils to grant discretionary relief in **any** circumstances where it feels fit having regards to the effect on the Council Taxpayers of its area.
- D.2 The provisions are designed to give authorities flexibility in granting relief where it is felt that to do so would be of benefit generally to the area and be reasonable given the financial effect to Council Taxpayers.

Discretionary Relief – Localism – the Council’s Policy

- D.3 Applications will be considered from any ratepayer who wishes to apply. However, where a ratepayer is suffering hardship or severe difficulties in paying their rates liability then relief can be granted under the existing provisions as laid down by Section 49 of the Local Government Finance Act 1988. There will be no requirement to grant relief in such cases under the Council’s discretionary relief policy.
- D.4 Any ratepayer applying for discretionary rate relief under these provisions and who does not meet the criteria for existing relief (charities, non-profit making organisations etc.) must meet **all** of the following criteria and the amount of relief granted will be dependent on the following key factors:
- (a) The ratepayer **must not** be entitled to mandatory rate relief (Charity or Rural Rate Relief);
 - (b) The ratepayer **must not** be entitled to Central Government funded reliefs;
 - (c) The ratepayer **must not** be an organisation that could receive relief as a non-profit making organisation or as a sports club or similar;
 - (d) The ratepayer **must** occupy the premises (no discretionary rate relief will be granted for unoccupied premises);
 - (e) The premises and organisation **must** be of *significant* benefit to residents of the Council’s area;
 - (f) The premises and organisation **must** relieve the Council of providing similar facilities;
 - (g) The ratepayer **must**;
 - a. Provide facilities to certain priority groups such as elderly, disabled, minority groups, disadvantaged groups; **or**
 - b. Provide *significant* employment or employment opportunities to residents of the Council; **or**
 - c. Provide the residents of the area with such services, opportunities or facilities that cannot be obtained locally or are not provided locally by another organisation;
 - (h) The ratepayer **must** demonstrate that assistance (provided by the discretionary rate relief) will be for a *short time only* **and** that any business / operation is financially viable in the medium and long term; **and**

- (i) The ratepayer **must** show that the activities of the organisation are consistent with the Council's core values and priorities.
- D.5 Where a ratepayer can demonstrate that **all** of the above criteria are met, relief will be considered for initially a short period.
- D.6 A letter of application will be required from the ratepayer in each case and any relief will be granted in line with subsidy requirements.

Notification of decisions and awards

- D.7 Local Business Rate Discretionary Relief may be awarded for any amount (up to 100% of the charge due), for a specific period, for a fixed amount or for an ongoing period of liability. Where the period is ongoing, the award will be subject to regular review. The ratepayer will be notified of the decision as soon as possible after it has been made and any award will be by means of relief being applied to the relevant Business Rate account.

Appendix E

Local Newspaper Relief

General Explanation

- E.1 This is a relief that will be awarded until 2025 and the Government is not changing the legislation around the reliefs available to these properties. Central Government will reimburse local authorities that use their discretionary relief powers (under section 47(3)) of the Local Government Finance Act 1988 to grant relief in line with the eligibility criteria set out in this guidance.
- E.2 The Council will be compensated by Central Government through a grant under section 31 of the Local Government Act 2003.

Eligibility criteria

- E.3 The scheme will provide a £1,500 relief for office space occupied by local newspapers up to a maximum of one discount per local newspaper title and per hereditament, per annum.

Local Newspapers

- E.4 The relief is to be specifically for local newspapers and by that, the Council means what would be considered a “traditional local newspaper.” The relief will not be available to magazines.

Office Space

- E.5 The hereditament **must** be occupied by a local newspaper and wholly or mainly used as office premises for journalists and reporters.

Amount of Relief

- E.6 The amount of relief is limited to a maximum of one discount per newspaper title (e.g. per newspaper name) **AND** per hereditament. As with all discretionary rate relief, any grant will be subject to subsidy limits as defined within this policy.

Local Newspaper Relief – the Council’s policy for granting discretionary relief.

- E.7 The Council has decided to grant relief strictly in accordance with Central Government guidelines.

Appendix F

Supporting Small Businesses Relief

General Explanation

- F.1 For the financial years 2023/24 to 2025/26, the Government will, in line with the eligibility criteria set out below, reimburse the Council if it uses its discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended), to grant 2023 Supporting Small Business relief.
- F.2 It will be for the Council, which administers the 2023 Supporting Small Business (2023 SSB) relief, to adopt a local scheme and determine in each individual case when, having regard to this guidance, to grant relief under section 47.
- F.3 Central government will reimburse the Council and major precepting authorities for the actual cost to them under the rates retention scheme of the 2023 Supporting Small Business relief that falls within the definitions in this policy.

Who is eligible for the 2023 Supporting Small Business Relief (2023 SSB) and how much relief will be available?

- F.4 2023 SSBR will help those ratepayers who as a result of the change in their rateable value at the revaluation are losing some or all of their Small Business, Rural Rate Relief or 2017 SSBR and, as a result, are facing large increases in their bills.
- F.5 Charities and Community Amateur Sports Clubs, who are already entitled to mandatory 80% relief, are not eligible for 2023 SSBR.
- F.6 To support these ratepayers, 2023 SSBR will ensure that the increase in the bills of these ratepayers is limited to a cash value of £600 per year. This cash maximum increase ensures that ratepayers do not face large bill increases in 2023/24 after transitional relief and small business rate relief (as applicable) have been applied. In order to simplify the scheme, the 2023 SSBR will not include minimum percentage bill increases (unlike the 2017 scheme).
- F.7 Those on 2023 SSBR whose 2023 rateable values are £51,000 or more will not be liable to pay the supplement (1.3p) to fund small business rate relief while they are eligible for 2023 SSBR.
- F.8 The 2017 SSBR scheme was provided to support small and medium ratepayers who had seen large increases in their bills at the 2017 revaluation. They have, therefore, had 6 years of support to allow them to adjust to their full 2017 bills. Therefore, for those ratepayers receiving 2017 SSB relief in 2022/23, any eligibility for 2023 SSBR will end on 31 March 2024.
- F.9 The Council will ensure this eligibility criteria is clear in the scheme approved and that relief for these ratepayers is awarded for one year only so that the relief can then be withdrawn on 31 March 2024 without further notice.
- F.10 A change of ratepayers will not affect eligibility for the Supporting Small Business scheme but eligibility will be lost if the property falls vacant or becomes occupied by a charity or Community Amateur Sports Club.

- F.11 There is no second property test for eligibility for the 2023 SSBR scheme. However, those ratepayers who during 2022/23 lost entitlement to Small Business Rate Relief (because they failed the second property test) but have, under the rules for Small Business Rate Relief, been given a 12 month period of grace before their relief ended - can continue on the 2023 SSBR scheme for the remainder of their 12 month period of grace.

Sequence of reliefs

- F.12 Hereditaments eligible for charity or Community Amateur Sports Club relief or hereditaments which are unoccupied are not eligible for 2023 SSBR. For the avoidance of doubt, small business rate relief or rural rate relief will not be applied to further reduce the bill found under 2023 SSBR (to avoid the double counting of relief).
- F.13 The same principle applies to properties for which a Section 44A certificate has been granted (apportionment of rateable values for partly occupied properties). The presence of a section 44A certificate will not further reduce the bill found under 2023 SSBR.
- F.14 All other discretionary reliefs, including those funded by section 31 grants, will be considered after the application of 2023 SSBR.

Subsidy control

- F.15 The 2023 SSBR is likely to amount to a subsidy. Therefore, any relief provided by the Council under this scheme will need to comply with the UK's domestic and international subsidy control obligations.
- F.16 To the extent that the Council is seeking to provide relief that falls below the Minimal Financial Assistance (MFA) thresholds, the Subsidy Control Act allows an economic actor (e.g., a holding company and its subsidiaries) to receive up to £315,000 in a three-year period (consisting of the 2023/24 year and the two previous financial years). MFA subsidies cumulate with each other and with other subsidies that fall within the category of 'Minimal or SPEI financial assistance'. BEIS COVID-19 business grants and any other subsidies claimed under the Small Amounts of Financial Assistance limit of the Trade and Cooperation Agreement should be counted under the £315,000 allowance.
- F.17 In those cases where it is clear to the Council that the ratepayer is likely to breach the MFA limit then the Council will withhold the relief. Otherwise, the Council may include the relief in bills and ask the ratepayers, on a self-assessment basis, to inform the Council if they are in breach of the MFA limit.
- F.18 MFA subsidies above £100,000 are subject to transparency requirements. This is not cumulated per beneficiary but applies per subsidy award. This means that for every individual subsidy provided of more than £100,000, the Council will include details of the subsidy on the subsidy control database.

Recalculations of reliefs

- F.19 As with other reliefs, the amount of SSBR awarded will be recalculated in the event of a change of circumstances. This could include, for example, a backdated change to the rateable value or to the hereditament. This change of circumstances could arise during the year in question or during a later year.
- F.20 Under regulations made under section 47 of the Local Government Finance Act 1988 authorities must give at least 12 months' notice of a revocation or variation of a rate relief scheme the effect of which would be to increase rate bills. Such a revocation or variation can only take effect at the end of a financial year (other than to comply with international agreements). But within these regulations, the Council may still make decisions which are conditional upon eligibility criteria. If a change in circumstances renders a property ineligible, the relevant bill can be amended in the year to reflect the loss of the relief.
- F.21 Therefore, when making an award for SSBR, the Council will ensure the conditions of the award that the relief are subject to the property's continuing eligibility. If the use of the property changes so that it is no longer eligible, the relevant chargeable amount must be recalculated to reflect that fact.
- F.22 The Council will also ensure that the scheme provides that eligibility for those ratepayers previously in the 2017 SSBR scheme in 2022/23 are eligible for one year of relief only and that the relief will then be withdrawn from those ratepayers on 31 March 2024 without further notice.

Supporting Small Businesses Relief – the Council's policy for granting discretionary relief.

- F.23 The Council has decided to grant relief strictly in accordance with Central Government guidelines.

Appendix G
Retail, Hospitality and Leisure Relief

General Explanation

- G.1 The 2024/25 Retail, Hospitality and Leisure Business Rates Relief scheme will provide eligible, occupied, retail, hospitality, and leisure properties with a 75% relief, up to a cash cap limit of £110,000 per business.

How will the relief be provided?

- G.2 As this is a temporary measure for 2024/25, Government is not changing the legislation relating to the reliefs available to properties. Instead, Government will, in line with the eligibility criteria set out in this guidance, reimburse the Council if it uses its discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended) to grant relief. It will be for the Council to adopt a local scheme and determine in each individual case when, having regard to this guidance, to grant relief under section 47.
- G.3 Government will fully reimburse the Council and major precepting authorities for their loss of income under the rates retention scheme as a result of awarding the relief that falls within the definitions in this guidance, using a grant under section 31 of the Local Government Act 2003.
- G.4 The government expects the Council to apply and grant relief to qualifying ratepayers from the start of the 2024/25 billing year.

Which properties will benefit from relief?

- G.5 Hereditaments which benefit from the relief will be those which for a chargeable day in 2024/25:
- meet the eligibility criteria; and
 - the ratepayer for that chargeable day has not refused the relief for the eligible hereditament.

The ratepayer may refuse the relief for each eligible hereditament anytime up to 30 April 2024. The ratepayer cannot subsequently withdraw their refusal for either all or part of the financial year.

- G.6 The Council has decided that, for the purposes of section 47 of the 1988 Act, hereditaments where the ratepayer has refused the relief are outside of the scheme and outside of the scope of the decision of which hereditaments qualify for the discount and are therefore ineligible for the relief.
- G.7 In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, the Council may not grant the discount to themselves or precepting authorities.

How much relief will be available?

- G.8 Subject to the £110,000 cash cap per business, the total amount of government-funded relief available for each property for 2023/24 under this scheme is for chargeable days from 1 April 2024 to 31 March 2025, 75% of the chargeable amount.

- G.9 The relief will be applied after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, but before those where the Council has used its wider discretionary relief powers introduced by the Localism Act 2011, which are not funded by section 31 grants. However, the former categories of discretionary relief available prior to the Localism Act 2011 (i.e., charitable relief etc.) will be applied first in the sequence of discretionary reliefs and, therefore, before Retail, Hospitality and Leisure relief. Authorities may use their discretionary powers to, at cost to themselves, offer further discounts outside this scheme or additional relief to hereditaments within the scheme. However, where the Council applies a locally funded relief under section 47, this will be applied after the Retail, Hospitality and Leisure relief.
- G.10 The ordering **will** be applied in following sequence:
- Transitional Relief
 - Mandatory Reliefs (as determined in legislation)
 - S.47 Discretionary Relief in the following order:
 - (i) 2023 Supporting Small Business (SSB);
 - (ii) Former categories of discretionary relief available prior to the Localism Act 2011 (i.e., charitable, CASC, rural top up, and not for profit) will be applied first in the sequence of discretionary reliefs, after SSB;
 - (iii) Other discretionary (centrally funded);
 - (iv) 2024/25 Retail Hospitality and Leisure relief scheme; and
 - (v) Other locally funded schemes (such as section 49 hardship).
- G.11 Subject to the cash cap, the eligibility for the discount and the relief itself will be assessed and calculated on a daily basis. The following formula will be used to determine the amount of relief to be granted for a chargeable day for a particular hereditament in the financial year 2024/25:
- Amount of relief to be granted = $V \times 0.75$ where:
 - V is the daily charge for the hereditament for the chargeable day after the application of any mandatory relief and any certain other discretionary reliefs in line with the above.
- G.12 This will be calculated ignoring any prior year adjustments in liabilities which fall to be liable on the day.
- G.13 Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties up to the maximum £110,000 cash cap, per business.

The Cash Cap and Subsidy Control

- G.14 Under the cash cap, no ratepayer can in any circumstances exceed the £110,000 cash cap across all of their hereditaments in England.
- G.15 Where a ratepayer has a qualifying connection with another ratepayer, then those ratepayers will be considered as one ratepayer for the purposes of the cash caps. A ratepayer shall be treated as having a qualifying connection with another:
- (a) where both ratepayers are companies, and
 - (i) one is a subsidiary of the other, or

- (ii) both are subsidiaries of the same company; or
 - (b) where only one ratepayer is a company, the other ratepayer (the “second ratepayer”) has such an interest in that company as would, if the second ratepayer were a company, result in its being the holding company of the other.
- G.16 The Retail Hospitality and Leisure Scheme is likely to amount to subsidy. Any relief provided by the Council under this scheme will need to comply with the UK’s domestic and international subsidy control obligations.
- G.17 To the extent that the Council is seeking to provide relief that falls below the Minimal Financial Assistance (MFA) thresholds, the Subsidy Control Act allows an economic actor (e.g., a holding company and its subsidiaries) to receive up to £315,000 in a 3-year period (consisting of the 2023/24 year and the 2 previous financial years). MFA subsidies cumulate with each other and with other subsidies that fall within the category of ‘Minimal or SPEI financial assistance’. Expanded Retail Discount granted in 2021/22 does not count towards the £315,000 allowance but BEIS COVID-19 business grants and any other subsidies claimed under the Small Amounts of Financial Assistance limit of the Trade and Cooperation Agreement will be counted.
- G.18 In those cases, where it is clear to the Council that the ratepayer is likely to breach the cash cap or the MFA limit, then the Council will automatically withhold the relief.
- G.19 MFA subsidies above £100,000 are subject to transparency requirements. This is not cumulated per beneficiary but applies per subsidy award. This means that for every individual subsidy provided of more than £100,000, the Council will include details of the subsidy on the subsidy control database.

Splits, mergers, and changes to existing hereditaments

- G.20 The relief will be applied on a day-to-day basis using the formula set out above. A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, will be considered afresh for the relief on that day.

Recalculations of relief

- G.21 The amount of relief awarded will be recalculated in the event of a change of circumstances. This could include, for example, a backdated change to the rateable value or the hereditament. This change of circumstances could arise during the year in question or during a later year.
- G.22 Under regulations made under section 47 of the Local Government Finance Act 1988 the Council must give at least 12 months’ notice of a revocation or variation of a rate relief scheme the effect of which would be to increase rate bills. Such a revocation or variation can only take effect at the end of a financial year (other than to comply with international agreements). But within these regulations, the Council may still make decisions to ensure the scheme is administered in accordance with the extant rules. If a change in circumstances renders a property ineligible, the relevant bill can be amended in the year to reflect the loss of the relief.

Eligibility for the Retail, Hospitality and Leisure Relief Scheme

G.23 The Council uses the following definitions to establish eligibility for the relief:

Hereditaments that meet the eligibility for Retail, Hospitality and Leisure scheme will be occupied hereditaments which meet all of the following conditions for the chargeable day:

- they are wholly or mainly being used:
 - (i) as shops, restaurants, cafes, drinking establishments, cinemas, or live music venues,
 - (ii) for assembly and leisure; or
 - (iii) as hotels, guest & boarding premises, or self-catering accommodation

i. Hereditaments that are being used for the sale of goods to visiting members of the public:

- Shops (such as: florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licences, chemists, newsagents, hardware stores, supermarkets, etc)
- Charity shops
- Opticians
- Post offices
- Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
- Car/caravan show rooms
- Second-hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale/hire)

ii. Hereditaments that are being used for the provision of the following services to visiting members of the public:

- Hair and beauty services (such as: hairdressers, nail bars, beauty salons, tanning shops, etc)
- Shoe repairs/key cutting
- Travel agents
- Ticket offices e.g., for theatre
- Dry cleaners
- Launderettes
- PC/TV/domestic appliance repair
- Funeral directors
- Photo processing
- Tool hire
- Car hire

iii. Hereditaments that are being used for the sale of food and/or drink to visiting members of the public:

- Restaurants
- Takeaways
- Sandwich shops

- Coffee shops
- Pubs
- Bar

iv. Hereditaments which are being used as cinemas.

v. Hereditaments that are being used as live music venues:

- Live music venues are hereditaments wholly or mainly used for the performance of live music for the purpose of entertaining an audience. Hereditaments cannot be considered a live music venue for the purpose of business rates relief where a venue is wholly or mainly used as a nightclub or a theatre, for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- Hereditaments can be a live music venue even if used for other activities, but only if those other activities (i) are merely ancillary or incidental to the performance of live music (e.g., the sale/supply of alcohol to audience members) or (ii) do not affect the fact that the primary activity for the premises is the performance of live music (e.g., because those other activities are insufficiently regular or frequent, such as a polling station or a fortnightly community event).
- There may be circumstances in which it is difficult to tell whether an activity is a performance of live music or, instead, the playing of recorded music.

vi. Hereditaments that are being used for the provision of sport, leisure, and facilities to visiting members of the public (including for the viewing of such activities).

- Sports grounds and clubs
- Museums and art galleries
- Nightclubs
- Sport and leisure facilities
- Stately homes and historic houses
- Theatres
- Tourist attractions
- Gyms
- Wellness centres, spas, massage parlours
- Casinos, gambling clubs and bingo halls

vii. Hereditaments that are being used for the assembly of visiting members of the public.

- Public halls
- Clubhouses, clubs, and institutions

viii. Hereditaments where the non-domestic part is being used for the provision of living accommodation as a business:

- Hotels, Guest, and Boarding Houses
- Holiday homes
- Caravan parks and sites

G.24 To qualify for the relief the hereditament should be wholly or mainly being used for the above qualifying purposes. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.

G.25 The list set out above is not intended to be exhaustive as it would be impossible to list the many and varied uses that exist within the qualifying purposes.

Hereditaments that are being used for the provision of the following services to visiting members of the public:

- G.26 The list below sets out the types of uses that the government does not consider to be an eligible use for the purpose of this discount. Again, it is for the Council to determine for themselves whether particular properties are broadly similar in nature to those below and, if so, to consider them **not** eligible for the discount under their local scheme:
- Financial services (e.g., banks, building societies, cash points, bureaux de change, short-term loan providers, betting shops);
 - Medical services (e.g., vets, dentists, doctors, osteopaths, chiropractors);
 - Professional services (e.g., solicitors, accountants, insurance agents/ financial advisers, employment agencies, estate agents, letting agents); and
 - Post office sorting offices.

Retail Hospitality and Leisure Relief – the Council’s policy for granting discretionary relief.

G.27 The Council has decided to grant relief strictly in accordance with Central Government guidelines.

Appendix H
Section 49 – Hardship Relief

Section 49 – Hardship Relief

General explanation

- H.1 The Council is able to exercise its discretion under Section 49 of the Local Government Finance Act 1988 to provide either partial or full relief for non-domestic rate payments in cases of hardship where it would be reasonable to do so having due regard to the interests of council tax payers in general.

Section 49 Hardship Relief – the Council’s Policy

- H.2 An application must be in writing (or by email) to the Council and be made by the ratepayer or by someone authorised to act on their behalf.
- H.3 All applications must be supported by sufficient evidence to allow the Council to properly consider the claim. If the ratepayer refuses to provide the Council with such evidence the application may be treated as incomplete and it will not be processed.
- H.4 The Council will only consider awarding hardship relief in exceptional circumstances and where it is satisfied that it would be in the Council Taxpayers interest to do so. Each case will be assessed on its own merits. In considering an application the following may be taken into account:
- Evidence of exceptional hardship or exceptional circumstances;
 - Details as to how the applicant has attempted to meet their rates liability prior to submitting the application;
 - Whether all other eligible rates reliefs have been considered and, where applicable, claimed and awarded;
 - The amount outstanding/claimed was not as a result of wilful refusal or culpable neglect;
 - The situation and reason for the application must be outside of the ratepayer’s control;
 - Is there evidence that it is in the interests of the local Council Taxpayer to make the award (e.g. does the ratepayer provide a needed amenity that would be lost if the business closed, is the ratepayer a major local employer and relief needed to keep the business in operation, etc); and
 - Does the ratepayer have assets that could be used to meet or reduce their liability?

Buckinghamshire Business Group

6 February 2024

Buckinghamshire Council
The Gateway
Gatehouse Road
Aylesbury
Bucks
HP19 8FF

For the attention of Mr David Skinner, Service Director of Finance

Dear Sirs

BUCKINGHAMSHIRE COUNCIL BUDGET PROPOSALS

Thank you for sharing Buckinghamshire Council's budget proposals for 2024/25-2026/27 and for providing an overview at the meeting of the Buckinghamshire Business Group (BBG) on 31 January 2024 into these. Further to the discussion at the meeting, and discussions separately for the private sector members, this letter represents the collective views of the business representative organisations and independent businesses that form the BBG.

As in previous years, the business community remains keen to work collaboratively with the Council to address specific opportunities and challenges, to provide innovative thinking where appropriate, and to act as a critical friend. More timely receipt of information/consultation documents etc will greatly assist this process and allow volunteer private sector members of the group to robustly consider and comment upon matters of import and policy.

The BBG members acknowledge the continued global political and economic challenges being faced, and the increasing financial pressures under which everyone, including Local Authorities, is operating, albeit inflationary pressures appear to be starting to ease slightly. We note the continued increase in demand for services, the Council's legal obligations to provide these, and the resultant impact on the Council's financial health, particularly when considered in light of the level of savings that need to be delivered over the term of the budget.

As outlined in our meeting on 31 January 2024, the BBG members have focussed their attention on the elements of the budget that directly impact economic development/growth under the Council's pillar of "Increasing Prosperity" as we consider this is where we can best offer comment and guidance. We would also appreciate receiving updates on progress against this pillar throughout the year so that we may offer support and advice, as appropriate.

You shared at the meeting that you received a little under 1,500 responses to the public consultation carried out. However, we note the very low return from the business community within this number. The feedback received from members of our various organisations was that questions in the consultation were phrased in such a way as to make it difficult to respond objectively, or to make the wider argument for investment in economic development and articulate the possible unintended consequences that may result from disinvestment, for example an increased liability on the State. It is felt that this narrative is lacking from the budget documents shared.

Cont'd...

Buckinghamshire Business Group, c/o Buckinghamshire Business First,
Claydon House, 1 Edison Road, Rabans Lane Industrial Area, Aylesbury, Bucks HP19 8TE

The continued investment in capital projects to promote new development, provide much needed infrastructure, and provide support for the county's High Streets and town centres, is very much welcomed. We would ask for reassurance that strategies are aligned when allocating resources, for example, progressing a strategy around town centre regeneration whilst disinvesting in enforcement, accessibility provision, litter management etc, would seem counterintuitive. We note the requirement for robust business cases where the Council is borrowing to support capital projects and would caution that any borrowing is very carefully monitored.

As discussed at the meeting, we would encourage the Council to use the expertise available on the BBG to far greater extent when looking at what is needed to support growth in the county, including, but not limited to Local Plan/Infrastructure Statement development, and when the Council is seeking to bid for discrete 'pots' of funding that become available and when deploying those funds if successful. We stand willing; and would ask that we work together on a forward plan to ensure the BBG is able to provide input at the appropriate points to ensure opportunities are not missed and that scarce resource is used to best effect.

BBG members are keen that investment in economic growth and regeneration continues to be a priority for the Council and would note that reducing spend in this area could result in challenging consequences. Investing in the local economy helps create a stronger local tax base that benefits both local and central government. It improves the prosperity of Buckinghamshire residents through the creation of jobs and better employment opportunities. The provision of jobs is perceived by BBG members to be a critical need if dependence on the state is to be reduced.

In conclusion, mindful of the significant financial pressures being brought to bear on the Council, BBG members are supportive of the budget presented. As last year, we would ask that you continue to build on your dialogue with us so we might continue to bring our insights, knowledge and expertise to support the Council's work where appropriate, providing a conduit for a two-way dialogue with members of our business representative organisations.

As mentioned at the meeting, BBG members feel very strongly that economic development should be considered a statutory duty for Local Authorities, and we will be raising this for discussion through the policy units we access.

Yours faithfully

Elizabeth Adlington

Elizabeth Adlington
Chairman
On behalf of Buckinghamshire Business Group

cc: Rachael Shimmin, Chief Executive, Buckinghamshire Council



Equality Impact Assessment (EqIA)

The Public Sector Equality Duty (PSED) was introduced as part of the Equality Act 2010, which protects people from discrimination in the workplace, in the provision of services and in wider society.

The duty requires all public bodies to have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people

Public bodies demonstrate this due regard in different ways, including producing robust equality impact assessments when considering changes to policies and services.

An EqIA enables us to check the potential impacts on residents and employees of our policies, services and projects. It's an opportunity to challenge how we currently do things.

Carrying out an EqIA should not create extra work; it should be part of your normal service planning process. Most of the information required should already be available to you through other work already undertaken e.g. service user monitoring, analysis of complaints and national research.

The purpose of an EqIA is to *take account* of equality as plans develop, to promote and assist the consideration of equalities issues arising in plans and proposals and to ensure that where possible adverse or disproportionate impacts are minimised and positive impacts are maximised. As such where possible an EqIA should be started at the outset of a project/proposal and continually be developed and reviewed until a final proposal is adopted. An EqIA should be used to ensure decision makers have all the information they need regarding potential impacts to ensure they have due regard to the Public Sector Equality Duty when making judgements.

Carrying out EqIAs should be an integral part of policy or service development/change and larger projects may need more than one EqIA if different areas are impacted by the change.

Any project that requires consultation will automatically require an EqIA.

All approved and signed EqIAs are recorded in a central register. Please email your completed draft EqIA to equalities@buckinghamshire.gov.uk. Previous EqIAs can be made available for information upon request. For any questions or if you require support in completing your EqIA please contact Maria Damigos and Natalie Donhou Morley directly.



Equality Impact Assessment (EqIA)

Part A (Initial assessment) - Section 1 - Background

Proposal/Brief Title: Draft Revenue Budget and Capital Programme (MTFP) 2024-2025

OneDrive link to report/policy:

Related policies: Unknown at present

Date: 01/12/2023

Type of strategy, policy, project or service:

Please tick one of the following:

- Existing
- New or proposed
- Changing, update or revision
- Other (please explain)

This assessment was created by:

Name: Matt Strevens

Job Title: Head of Corporate Finance

Email address: matthew.strevens@buckinghamshire.gov.uk

Briefly describe the aims and objectives of the proposal below:

The Draft budget and Capital Programme set out the draft proposals for income and expenditure of the Council for future years. We are statutorily obliged to produce a balanced budget on an annual basis.

It is inevitable the authority has to review the way it provides services and look for opportunities to deliver different or better outcomes for our users for less public money.

Equalities impacts have been considered throughout the development of the proposals within the draft budget, but proposals remain in draft format at present. These proposals are subject to change as the Local Government Finance Settlement from Central Government will not be known when these proposals are presented to Cabinet. Review by the Council's Budget Scrutiny Committee and further feedback from residents on the draft proposals may also result in changes. The Final budget will be presented to Full Council in February 2024 which may be subject to change resulting from the Local Government Finance Settlement.

What outcomes do we want to achieve?



Equality Impact Assessment (EqIA)

To ensure that the Council is able to operate legally and on a financially sustainable basis going forward whilst delivering its Corporate Priorities as expressed in the Corporate Plan.

The medium-term outlook for Council finances remains challenging with significant pressures identified in relation to both inflation and ongoing increases in demand for key services being experienced nationally. The focus of the draft budget proposal is therefore to ensure that core services continue to be delivered to residents whilst ensuring that resources are used as efficiently as possible and through driving efficiency, service reviews income generation and savings plans. It is inevitable that that there will be changes to how some services to our residents and customers are delivered. However, we will try to improve services and minimise impact on service delivery wherever possible.

Implementation of the proposals within this draft budget, and the final budget to be agreed in February 2024, is the responsibility of individual Portfolio holders.

Does this proposal plan to withdraw a service, activity or presence? Unclear

Please explain your answer:

The Draft Budget proposals includes changes to the delivery of many services. At this stage it is not possible to detail the exact changes proposed as this is only a draft budget. As individual projects which deliver the changes outlines within this draft budget are developed in detail to deliver the changes individual re-assessment of Equalities impacts will be undertaken for each change.

Does this proposal plan to reduce a service, activity or presence? Unclear

Please explain your answer:

The Draft Budget proposals includes changes to services. At this stage it is not possible to detail the exact changes proposed as this is only a draft budget. As the individual projects which will deliver the changes are developed there will be further detailed re-assessment of Equalities impacts.

Does this proposal plan to introduce, review or change a policy, strategy or procedure?
Unclear

Please explain your answer: Unclear

The Draft Budget proposals includes changes to services. At this stage it is not possible to detail changes to individual strategies, policies or plans. As the individual projects which will deliver the changes are developed there will be further detailed re-assessment of Equalities impacts.



Equality Impact Assessment (EqIA)

Does this proposal affect service users and/or customers, or the wider community?

Yes

Please explain your answer:

The changes proposed to deliver a balanced budget are likely to impact on service users and/or customers. Details of the impacts will not be known until individual projects to deliver the changes begin to develop delivery plans for the changes. These will be considered through the development of these detailed plans and there will be further detailed re-assessment of Equalities impacts at this time.

Does this proposal affect employees? Yes

Please explain your answer:

The changes proposed to deliver a balanced budget are likely to impact on employees as savings are made. Details of the impacts will not be known until individual projects to deliver the changes begin develop delivery plans for the changes. These will be considered through the development of these detailed plans and there will be further detailed re-assessment of Equalities impacts at this time. It should be noted that the Council has a strong commitment to providing opportunities for redeployment where posts are affected by changes.

Will employees require training to deliver this proposal? Unclear

Please explain your answer:

There may be a need for training when proposals are developed in detail.

Has any engagement /consultation been carried out, or is planned in the future? Yes

Please explain your answer:

A high-level budget consultation was undertaken between 31st August 2023 and 15th October 2023. Where individual budget proposals require consultation these will be conducted as part of the plan to deliver these proposals.

Section 2 - Impacts

Please highlight potential impacts (including unintended impacts or consequences) for each protected characteristic*/equality groups below. Where there are negative or positive impacts please give more details of the impact. Where the impacts are unclear please explain why.



Equality Impact Assessment (EqIA)

Age*

<u>Positive</u>	<u>Negative</u>	Unclear	None
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Details: Both positive and negative impacts are possible. Projects to deliver elements of the budget will identify the impacts as they are developed.

Disability*

<u>Positive</u>	<u>Negative</u>	Unclear	None
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Details: Both positive and negative impacts are possible. Projects to deliver elements of the budget will identify the impacts as they are developed.

Pregnancy & maternity*

Positive	Negative	Unclear	<u>None</u>
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Details:

Race & Ethnicity*

Positive	Negative	<u>Unclear</u>	None
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Details: Both positive and negative impacts are possible. Projects to deliver elements of the budget will identify the impacts as they are developed.

Marriage & Civil Partnership*

Positive	Negative	Unclear	<u>None</u>
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Details:

Religion & Belief*

Positive	Negative	Unclear	<u>None</u>
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Details:

Sex*

Positive	Negative	Unclear	<u>None</u>
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Details:

Sexual Orientation*

Positive	Negative	Unclear	<u>None</u>
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Details:



Equality Impact Assessment (EqIA)

Gender Reassignment*

Positive

Negative

Unclear

None

Do you anticipate any impacts on military families/veterans in relation to the Armed Forces Act 2021 requirements on local authorities to have due regard to the Armed forces Covenant? No

Are there any other additional groups/impacts that the EqIA should evaluate in relation to the proposal? Unclear

Carers

Both positive and negative impacts are potentially possible for a number of groups including carers, care leavers and those currently facing socio-economic deprivation. Projects to deliver elements of the budget will consider potential impacts as they are developed.

Section 3 – Is a full assessment required?

If you have answered yes to any of the initial assessment questions in section 1 of this EqIA, or have indicated a negative or unclear impact in section 2, it is likely you will need to complete part B of the EqIA form. Should you need guidance as to whether a full EqIA is needed at this time please contact Maria Damigos or Natalie Donhou Morley before continuing.

Following completion of part A, is part B completion required?

- Yes
- No
- Not required at this time

Explain your answer:

There will likely be difficult decisions that need to be made in order to implement the Budget proposals to ensure that we can deliver the services that we are legally obliged to do, and which our customers need.

Whilst projects pertaining to the delivery of the budget are in very early stages it is difficult to ascertain how each of these will impact on our communities and the people within them. However, any reduction in service is more likely to negatively impact on those who are already vulnerable, including older people, those with disabilities, carers, those facing financial difficulty and those in more deprived areas of the authority. Improvements to delivery of services are also more likely to benefit these groups.



Equality Impact Assessment (EqIA)

In addition, we anticipate that proposed changes will likely impact on additional groups, include staff, stakeholders and external partners.

A more detailed review of impacts can only take place once the key strategic parameters have been agreed by the Council members. This overarching screening will be reviewed once this has taken place and individual project proposals/elements of the Budget, which are subject to their own implementation timeframe, will be subject to their own separate Equality Impact Assessments, consultation and assessment procedures.

Have you completed an DPIA for this project/change? No, any DPIA's required would be completed in line with the EQIA's for the projects to deliver the individual changes within these budget proposals

(As you are completing an EqIA, you may also require a DPIA - for more information please contact dataprotection@buckinghamshire.gov.uk)

Section 4 – Sign off (Only complete when NOT completing Part B)

Officer completing this assessment: Matt Strevens Date: 01/12/2023

Equality advice sought from: Natalie Donhou Morley Date 01/12/2023

Service Director sign off: Nick Graham 01/12/2023

CMT sign off: Sarah Ashmead Date: 11/12/2023

Next review Date: January 2024

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Budget Scrutiny 2024 – Draft recommendations from Budget Scrutiny Inquiry Group v.5

Chairman – Cllr Ralph Bagge

Response from Cabinet

Recommendation	Cabinet’s Response – Y/N & comments	Lead Member/Officer & Timelines
<p>1. The Capital element of the MTFP should be presented with an additional section containing an outline of projects that are realistic but do not yet have a finalized business case and funding agreed to give Members and residents a clearer understanding of the long-term ambition for the capital investment programme. (Members note that similar recommendations have been made in 2020, 2021 and 2023).</p>	<p>Not agreed.</p> <p>The purpose of the medium term financial plan is to set out how the Council is deploying its resources. The capital element of the MTFP therefore only includes those schemes which are to be delivered by the Council within the resources that are available. Whilst there are many schemes that the Council would like to deliver, setting out a list of potential projects that are not currently funded would raise expectations that we may not be able to fulfil. As agreed in response to the recommendation in 2023, the capital element of the MTFP will make clear which of the projects in the capital programme have an agreed business case, and which still require a business case to be approved before the allocated funding can be released. This will provide greater clarity about the status of projects in the programme.</p>	<p>Cllr Martin Tett</p> <p>David Skinner</p>
<p>2. The Council must consider proactive intervention in the Home to School Transport market for instance through</p>	<p>Agreed in part.</p>	<p>Cllr Steve Broadbent</p>

<p>capital investment in a pilot-fleet to address escalating service costs. This would be a significant indicator to the market that the Council is willing to challenge the current market rate by delivering a proof of concept.</p>	<p>There is an established Client Transport Improvement Programme in place for home to school transport which includes a number of key projects and interventions which are key to effectively managing the growth the Service is experiencing and forecasting. This includes the review of our long-term procurement strategy and implementing a new 'Dynamic Purchasing System' (DPS) to deliver a long term tendering strategy, which will include new contractual terms and conditions to further stimulate increased market competition.</p> <p>Significant work has already been carried out to consider the viability of the provision of an in-house transport fleet. This work has shown that once the significant set up and management costs of an in-house service are considered along with the likely utilisation levels of the fleet and 'down time', the financial savings that could be directly achieved are limited. This option will remain open for further review but in the meantime resources are being directed towards projects where savings are considered more likely to be achievable. More information on the CTIB programme and priority projects to deliver savings was recently reported to the Transport, Environment and Climate Change Select Committee. The full report from the meeting can be accessed here.</p>	<p>Richard Barker</p>
<p>3. The Finance & Resources Select Committee should receive an in-depth confidential report on Home to School Transport costs which also includes information on the growth model.</p>	<p>Agreed.</p> <p>A confidential report on Home to School Transport costs and growth model will be provided to the Finance and Resources Select Committee in the first quarter of 24/25.</p>	<p>Cllr Steve Broadbent</p> <p>Richard Barker</p>

<p>4. In light of historic and ongoing concerns raised by the Audit & Governance Committee, the financial management model and/or the adverse financial position of Farnham Park Trust must be resolved in 2024-25 in conjunction with the delivery of the Leisure Strategy.</p>	<p>Agreed.</p> <p>Work is underway to develop recommendations to address the specific issues relating to the ongoing financial sustainability of Farnham Park Trust and report back to the Audit and Governance Committee in Q1 2024/25. The wider Leisure Strategy will be brought forward for consultation and adoption in 2024/25.</p>	<p>Cllr Clive Harriss</p> <p>Richard Barker</p>
<p>5. The Finance & Resources Select Committee should receive a report on the Dedicated Schools Grant deficit and the Delivering Better Value programme in 2024 year once figures have been finalized following year-end.</p>	<p>Agreed.</p> <p>A date will be scheduled for a report to Scrutiny in the new financial year.</p>	<p>Cllr Anita Cranmer</p> <p>John Macilwraith</p>

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Report to Council

Date:	21 February 2024
Title:	Treasury Management Strategy 2024-25 to 2026-27
Cabinet Member(s):	Cllr John Chilver - Cabinet Member for Accessible Housing and Resources and Cllr Tim Butcher - Deputy Cabinet Member for Resources and Human Resources
Contact officer:	Hasina Shah
Ward(s) affected:	Not Applicable
Recommendations:	<p>Council approves the Council’s Treasury Management Strategy Statement (TMSS) for 2024/25 including</p> <ol style="list-style-type: none"> 1. The Treasury Management Strategy Statement (TMSS); 2. The Borrowing Strategy as set out in Section 4; 3. The Prudential Indicators (PI) set out in Sections 3, 4 and 5; 4. The Annual Investment Strategy set out in Appendix 1; and 5. The Minimum Revenue Provision Policy set out in Appendix 2.
Reason for recommendation:	To ensure that the Council’s borrowing and investment plans are prudent, affordable and sustainable and comply with statutory requirements.

1. Executive summary

- 1.1 The Local Government Act 2003 (“the Act”) and the Regulations made under the Act require the Council to have regard to the Prudential Code for Capital Finance in Local Authorities and to set Prudential Indicators for the next three years to ensure that the Council’s capital investment plans are affordable, prudent and sustainable.

- 1.2 The Act also requires the Council to set out a statement of its treasury management strategy for borrowing and to prepare an Annual Investment Strategy (AIS) (as shown in Appendix 1). This sets out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments. The Treasury Management Strategy Statement and Annual Investment Strategy must both have regard to guidance issued by the Department for Levelling Up, Housing and Communities (DLUHC) and must be agreed by Full Council.
- 1.3 Treasury management at the Council is conducted within the framework of the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2021 Edition (the CIPFA Code) which requires the Council to approve a treasury management strategy before the start of each financial year. This report fulfils the Council's legal obligation under the Local Government Act 2003 to have regard to the CIPFA Code.
- 1.4 The Investment Strategy is considered separately within the Capital Investment Strategy. The TMSS and AIS form part of the Council's overall budget setting and financial framework.

2. Background Information

- 2.1 The Council is required to operate a balanced budget, which broadly means that monies received during the year will meet payments expenditure. The function of treasury management is to ensure that the Council's capital programme and corporate investment plans are adequately funded, and the cashflow is adequately planned, with cash being available when it is needed to discharge the Council's legal obligations and deliver Council services. Surplus monies are invested to obtain an optimal return, while ensuring security of capital and liquidity.
- 2.2 The CIPFA code 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."
- 2.3 The primary requirements of the Treasury Management Code are summarised below:-
 - Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
 - Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
 - Receipt by the full Council of an annual **TMS** (this report) - including the AIS and Minimum Revenue Provision Policy - for the year ahead, a Mid-year Review

Report and an Annual Report (stewardship report) covering activities during the previous year.

- Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions. At Buckinghamshire, this responsibility is delegated to the Director of Finance (S151 Officer).
- Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body. In Buckinghamshire, the delegated body is the Audit and Governance Committee.
- Day to day treasury investment and borrowing activity is undertaken by the Treasury Team in accordance with strategy, policy, practices and procedures.
- **Training** - The S151 officer has the responsibility to ensure that Officers executing treasury function and Members with responsibility for making treasury management decisions and for scrutinising treasury functions receive adequate training. These training needs are met through: -
 - Annual training session delivered by Link (advisor) for both Members and Officers; and
 - Officers training needs are reviewed periodically as part of the Learning and Development programme and attend various seminars, training sessions and conferences organised by CIPFA and Local Authority Treasurers Investment Forum.

2.4 The TMSS covers three main areas summarised below:-

Capital

- Capital spending plans (Prudential Indicator 1)
- Capital Finance Requirement (CFR) (Prudential Indicator 2 & 3)
- Affordability (Prudential Indicator 4)
- Minimum Revenue Provision (MRP)

Borrowing

- Borrowing strategy
- Sources of Borrowing
- Liability benchmark
- Limits on Borrowing Activity
- Maturity structure of borrowing
- Policy on borrowing in advance of need
- Debt rescheduling
- Investing primarily for yield

Managing cash balances

- The current cash position and cash flow forecast
- Prospects for investment returns
- Balancing short and long term investments

2.5 The AIS at Appendix 1 provides more detail on how the Council's surplus cash investments are to be managed in 2024/25.

3. Capital

Capital Spending Plans (Prudential Indicator 1)

- 3.1 The Council's capital expenditure plans are the key driver of treasury management activity. The output of the capital expenditure plans is reflected in the prudential indicators. Table 1 summarises the Council's capital expenditure plans, both in terms of those projects agreed previously, and those forming part of the current budget cycle.

Table 1 - PI 1 Capital Expenditure £m	2022/23 Actual	2023/24 Forecast	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
Total Capital Expenditure	107.4	118.3	248.7	187.7	139.3
Funding £m					
Capital receipts	24.2	3.0	29.1	24.1	28.0
Capital grants	80.5	94.4	177.1	133.3	93.1
Capital reserves	0.2	8.2	13.9	6.2	11.5
Revenue		8.7	3.7	4.5	5.6
Net financing need	2.5	4.0	24.9	19.6	1.1

Capital Financing Requirements (CFR) (Prudential Indicator 2 & 3)

- 3.2 The CFR measures the extent to which capital expenditure has not yet been financed from either Revenue or Capital resources. This indicator is essentially a measure of indebtedness and therefore a guide as to the Council's underlying borrowing needs. Any capital expenditure which has not been immediately financed or paid for will increase the CFR.
- 3.3 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.
- 3.4 **Table 2** shows that the CFR will increase when the borrowing increases to fund the capital programme. Consequently, the capital financing charge to revenue will increase, reflecting the capital spending plans.

Table 2 - PI 2 - CFR £m	2022/23 Actual	2023/24 Forecast	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
CFR as at 01 April	571	562	554	566	573
Net financing need	2	4	25	20	1
Less MRP	-11	-12	-13	-13	-14
CFR as at 31 March	562	554	566	573	560

- 3.5 CIPFA's Prudential Code for Capital Finance in Local Authorities recommends that the Council's total debt should be lower than its highest forecast CFR over the next three years. Table 3 on the next page shows that the Council expects to comply with this recommendation during 2024/25 and the next two years. The under-borrowing

position allows some flexibility for limited early borrowing for future years to take advantage of potential favourable interest rates and it evidences that borrowing is not undertaken for revenue purposes.

Table 3 - PI 3 - Debt Vs CFR £m	2022/23	2023/24	2024/25	2025/26	2026/27
	Actual	Forecast	Estimate	Estimate	Estimate
Debt as at March	293	286	264	256	259
Externalisation of internal borrowing and ref	0	0	0	25	20
Borrowing	293	286	264	281	279
Finance Lease	4	4	4	4	4
Total Borrowing	297	290	268	285	283
Capital Financing Requirement	562	554	566	573	560
Under/(Over) borrowing	265	264	298	288	277

Affordability (Prudential Indicator 4)

- 3.6 The objective of the affordability indicator is to ensure that the level of investment in capital assets remains within sustainable limits and to ensure the impact on the Council's "bottom line" is manageable. This indicator identifies the trend in the cost of capital, (borrowing and other long-term obligation costs net of investment income), against the net revenue stream. The estimates of financing costs include current commitments and the proposals in the Council's budget report. Table 4 below sets out the expected ratio of capital financing costs to income for General Fund activities.

Table 4 - PI 4 - Affordability	2022/23	2023/24	2024/25	2025/26	2026/27
	Actual	Forecast	Estimate	Estimate	Estimate
Ratio of capital financing cost to income	3.16%	2.85%	3.91%	4.35%	4.82%

Minimum Revenue Provision (MRP) Policy Statement

- 3.7 Under Regulation 27 of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003, where the Authority has financed capital expenditure by borrowing it is required to make a provision each year through a revenue charge (MRP).
- 3.8 The Council is required to calculate a prudent provision of MRP which ensures that the outstanding debt liability is repaid over a period that is reasonably commensurate with that over which the capital expenditure provides benefits. The MRP policy statement for the Council is specified at Appendix 2.

4. Borrowing

Borrowing Strategy

- 4.1 One of the main functions 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 and help 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 medium-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.

4.2 The Council’s main objective when borrowing money is to strike an appropriate balance between securing low interest costs and achieving cost certainty over the period for which funds are required. Given the significant cuts to public expenditure and particularly, to local government funding, the Council’s borrowing strategy continues to address the key issue of affordability without compromising the long-term stability of the debt portfolio. The key factors influencing the 2024/25 strategy are:

- forecast borrowing requirements
- the current economic and market environment
- interest rate forecasts.

4.3 The Council’s treasury advisor Link group has provided the following forecasts on 08 January 2024. These are forecasts for Bank Rate, average earnings and PWLB certainty rates, gilt yields plus 80 bps.

Table 5

Link Group Interest Rate View	08.01.24												
	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26	Dec-26	Mar-27
BANK RATE	5.25	5.25	4.75	4.25	3.75	3.25	3.00	3.00	3.00	3.00	3.00	3.00	3.00
3 month ave earnings	5.30	5.30	5.00	4.50	4.00	3.50	3.30	3.00	3.00	3.00	3.00	3.00	3.00
6 month ave earnings	5.20	5.10	4.80	4.30	3.80	3.30	3.20	3.10	3.10	3.10	3.10	3.10	3.10
12 month ave earnings	5.00	4.90	4.60	4.10	3.70	3.20	3.20	3.10	3.10	3.10	3.10	3.20	3.20
5 yr PWLB	4.50	4.40	4.30	4.20	4.10	4.00	3.80	3.70	3.60	3.60	3.50	3.50	3.50
10 yr PWLB	4.70	4.50	4.40	4.30	4.20	4.10	4.00	3.90	3.80	3.70	3.70	3.70	3.70
25 yr PWLB	5.20	5.10	4.90	4.80	4.60	4.40	4.30	4.20	4.20	4.10	4.10	4.10	4.10
50 yr PWLB	5.00	4.90	4.70	4.60	4.40	4.20	4.10	4.00	4.00	3.90	3.90	3.90	3.90

4.4 The Council is currently maintaining an under-borrowed position. This means that the capital borrowing need (the Capital Financing Requirement) was not fully funded with loan debt, as cash supporting the Council’s reserves and balances was used as an interim funding measure. This strategy was prudent as investment returns have only recently begun to rise and counterparty risk has been minimised. It has also saved a considerable amount of interest payable, known as the ‘cost of carry’.

4.5 The Council will continue with this prudent strategy of maintaining an under-borrowed position for the financial year 2024/25, however after that it will need to consider external borrowing taking account of reserves and balances. This strategy aligns with the interest rates forecast (in the table above) which shows longer dated borrowing rates are expected to fall from their current levels once prevailing inflation concerns are addressed by tighter near-term monetary policy.

4.6 Against this background and the risks within the economic forecast, continued caution will be adopted with the 2024/25 treasury operations. The Director of

Finance 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, fixed rate funding may be drawn whilst interest rates are lower than they are projected to be in the next few years.

4.7 Any decisions will be reported to the Treasury Management Group and Audit & Governance Committee at the next available opportunity.

Sources of Borrowing

4.8 All new loans are subject to the relevant gilt yields +0.8% (known as the PWLB certainty rate). A prohibition is in place to deny access to borrowing to any local authority which plans to purchase assets primarily for yield in its capital programme.

4.9 Consideration will be given to other sources of funding as summarised below:-

- Local authorities (primarily shorter dated maturities out to 3 years or so – generally 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 Bond Agency Plc and any other special purpose companies created to enable Local Authority bonds issues.

4.10 Our advisors will keep us informed as to the relative merits of each of these approved alternative funding sources detailed on following page.

- HM Treasury’s PWLB lending facility
- UK Municipal Bonds Agency
- Local Authorities
- Market - Any bank or building society authorised to operate in the UK
- UK public and private sector pension funds
- Insurance companies
- UK Infrastructure Bank
- Stock issues
- Negotiable Bonds
- Other special purpose companies created to enable local authority bond issues
- Finance Leases
- Commercial Paper
- Overdraft
- Local Authority Bills

Limits on Borrowing Activity (Prudential Indicator 5)

4.11 The Prudential Code requires the Council to set two limits on its total external debt, as set out in Table 6 below:

- **Authorised Limit for External Debt (Prudential Indicator 5a)** – This is the limit prescribed by section 3(1) of the Local Government Act 2003 representing the maximum level of borrowing which the Council may incur. It reflects the level of external debt which, while not desired, could be afforded in the short term, but may not be sustainable in the longer term.
- **Operational Boundary (Prudential Indicator 5b)** – This is the limit which external debt is not normally expected to exceed. The boundary is based on current debt plus anticipated net financing need for future years.

4.12 The Director of Finance reports that the Council complied with these prudential indicators in the current year and does not envisage difficulties for the future. This view considers current commitments, existing plans and the proposals in this report.

Table 6 - PI 5 - Borrowing Limits £m	2022/23	2023/24	2024/25	2025/26	2026/27
	Actual	Forecast	Estimate	Estimate	Estimate
Authorised Limit	622	594	606	613	600
Borrowing	293	286	264	281	279
Finance Lease	4	4	4	4	4
Operational Boundary	297	290	268	285	283

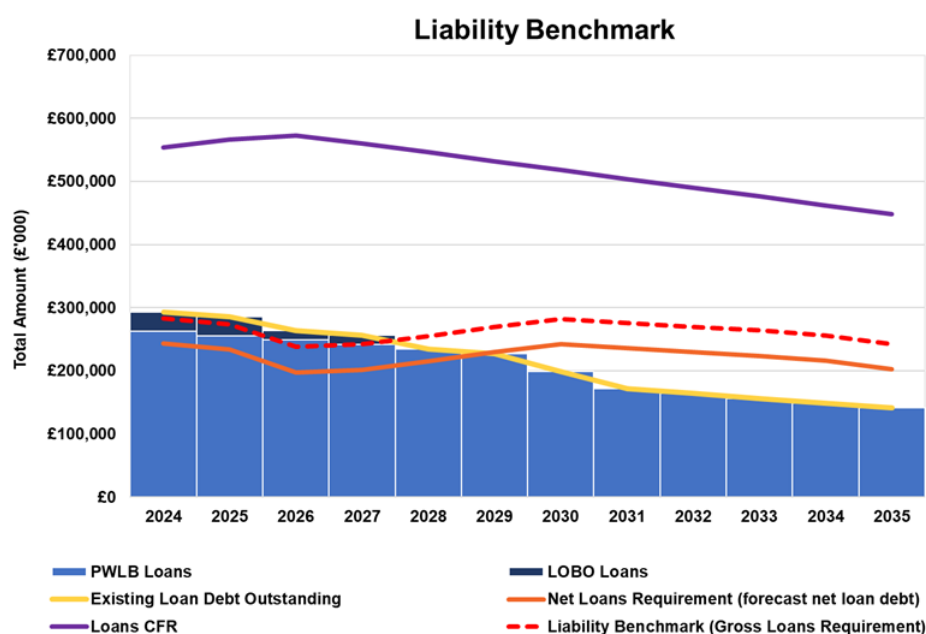
Maturity structure of borrowing (Prudential Indicator 8)

4.13 Managing the maturity profile of debt is essential for reducing the Council's exposure to large, fixed rate sums falling due for refinancing within a short period, and thus potentially exposing the Council to additional cost. Table 7 below sets out current upper and lower limits for debt maturity for approval.

Table 7 - Prudential Indicator 8	Upper Limit	Actual	
		£m	%
Under 12 Months	18%	22.09	7.7%
12 Months to 2 Years	20%	7.19	2.5%
2 Years to 5 Years	17%	37.17	13.0%
5 Years to 10 Years	36%	77.44	27.1%
10 Years to 20 Years	34%	59.19	20.7%
20 Years to 30 Years	34%	21.17	7.4%
30 Years to 40 Years	32%	31.47	11.0%
40 Years to 50 Years	20%	30.00	10.5%
More than 50 Years	12%	0.00	0.0%

Liability Benchmark (Prudential Indicator 9)

- 4.14 The Council is required to estimate and measure the Liability Benchmark (LB) of at least 10 years as recommended by CIPFA's Prudential Code. Liability benchmark looks at net management of treasury position and aims to minimise refinancing, interest rate and credit risk.
- 4.15 The Liability Benchmark is calculated by deducting the amount of cash available from external debt and then adding minimum level of working capital required to manage day-to-day cash flows. This shows the minimum level of external borrowing necessary based on available internal borrowing.



There are four components to the Liability Benchmark:

- **Existing loan debt outstanding (Yellow):** the Council's existing loans portfolio based on current borrowing and repayment terms of the loans, split by loan type.
- **Loans CFR (Purple):** this measures the extent to which the capital expenditure is financed from borrowing and a guide to the Council's underlying borrowing needs. This is reduced by an annual revenue (MRP) charge which represents the economic consumption of capital assets as they are used. For the Council, comparing this line graph with the existing loan debt outstanding line graph demonstrates we have not borrowed in advance of need through the under borrowed position of approximately £265m rising to £300m as demonstrated in prudential indicator 3 in paragraph 3.5 above.
- **Net loans requirement (Orange):** This is an overview of Council's forecast cashflow position, which shows the Council's gross loan debt less treasury management investments at the last financial year-end, projected into the future mainly impacted by the cashflows (timing of income and expenditure).

Comparing this line graph with the existing loan debt outstanding line graph demonstrates the cash balance position over the medium term is in the range of £50m to £165m as demonstrated in prudential indicator 6 in paragraph 5.3. For the Council this means we have not borrowed in advance of need and evidence that our strategy of using internal borrowing to fund the capital programme has worked.

➤ **Liability benchmark (or gross loans requirement) (Red):** this equals net loans requirement plus short-term working cash balance allowance.

- 4.16 The Liability Benchmark aids in evaluating the amount, timing and maturities structure of new borrowing and avoids borrowing too much, too little, too long or too short. Both the Net loans requirements and the Liability Benchmark is projected to exceed the outstanding loans from 2027 as significant amount of debt is maturing as demonstrated in prudential indicator 8 in paragraph 4.13.
- 4.17 The borrowing strategy has used the liability benchmark for the planned borrowing requirement in 2025 and 2026, by which time the cost of borrowing is projected to reduce to levels approaching 4%.
- 4.18 The Council is currently in an under borrowed position, where it is financing current capital schemes through the temporary use of its own cash reserves. The use of these reserves is expected to remain part of the Council's balance sheet throughout 2024/25.

Policy on borrowing in advance of need

- 4.19 The Council has the power to borrow in advance of need in line with its future borrowing requirements under the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003, as amended.
- 4.20 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 can ensure the security of such funds.

Debt Rescheduling

- 4.21 The Council can repay loans before maturity and either pay a premium or receive a discount according to a set formula based on current interest rates. The Council may take advantage of this and replace some loans with new loans, or repay loans without replacement, where this is expected to lead to an overall cost saving, helping to fulfil the treasury strategy or enhancing the balance of the portfolio by amending the maturity profile and/or the balance of volatility.

International Financial Reporting Standard 16 (IFRS16)

- 4.22 Although not classed as borrowing, the Council has capital finance liabilities (i.e. commitments to make payments) in the form of finance leases. With effect from 1 April 2024, local authorities are required to implement a new accounting standard known as IFRS 16. This standard requires that assets previously recognised as operating leases will, in many cases, need to be accounted for on the balance sheet. Authorities will need to recognise an asset corresponding to their 'right to use' assets held under operating leases and a liability corresponding to the payments due under the relevant leases to secure use of the leased assets.
- 4.23 The application of IFRS16 will impact on statutory reporting requirements, however there will be net nil impact on the Council's revenue budget. Work is progressing on the identification of all current arrangements covered by the Codes new definition of a lease. This analysis will be completed over the coming year and the detailed impact on the Council's balance sheet, CFR and Prudential Indicators will be reported in the treasury management report at a future date.

Investing primarily for yield

- 4.24 PWLB loans are not available to local authorities planning to buy investment assets primarily for yield. The Council has not undertaken such borrowing and has no plans to in future, which ensures continuing access to PWLB borrowing facilities.
- 4.25 On transacting a PWLB loan, the S151 officer is required to confirm that the Council is not borrowing in advance of need and does not intend to buy investment assets primarily for yield.

5. Managing Cash Balances

The current cash position and cash flow forecast (Prudential Indicator 6)

- 5.1 Investments will be made with reference to the core balance, cash flow requirements and the outlook for short term interest rates (i.e., rates for investments up to 12 months).
- 5.2 Table 8 below shows that cash balances have increased by £63m since 31 March 2023 to 31st December 2023 which is mainly due to the forecast pattern of the Council's cashflows and is mainly dependant on the timing of precept payments, receipt of grants, council tax and business rates, and progress on the capital expenditure programme.

Table 8 Cash Position as at December 23 £m	31 Dec 2023	March 2023
Borrowing		
PWLB	257	263
LOBO	30	30
Total	287	293
Investments		
Specified Investments (up to one year)	152	95
Non-Specified Investments (longer than one year)		
CCLA Property Pooled Fund	19	19
Total Investments	171	114
Net Cash Invested	-116	-179

- 5.3 The medium-term cash flow forecast below demonstrates that the Council currently has a positive cash flow position with the average cash position expected to decrease each subsequent year with a projected requirement to take further financing in 2025/26. Treasury officers will work closely with the capital finance team to monitor slippage within the capital program.

Table 9 - PI 6 - Medium-term Cashflow forecast £m	2023/24 Forecast	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
Balance as at 1 April	114	50	63	124
Movement in Cash				
Capital Receipt	0	29	24	28
Grants & Contributions	67	168	133	93
Cash In	67	197	157	121
Capital Programme	-77	-162	-122	-91
Other Cash Movement	-59	-13	-5	-1
Cash Out	-136	-175	-127	-92
Net repayment of Debt (MRP & Borrowing)	5	-9	6	-8
Borrowing	0	0	25	20
Forecast balance 31 March	50	63	124	165

Prospects for investment returns

- 5.4 The suggested budgeted investment earnings rates for returns on investments placed for periods up to about three months during each financial year as shown in the table below.

Table 10 - Average earnings in each year	
2023/24 (residual)	5.30%
2024/25	4.55%
2025/26	3.10%
2026/27	3.00%
2027/28	3.25%
Years 5 to 10	3.25%
Years 10+	3.25%

5.5 **Country Rating** – The UK sovereign rating is currently AA-. To align with this rating, it is recommended to lower the sovereign rating of counter parties from AAA to AA-. This rating level is in line with the suggested minimum rating advised by Link Treasury Services Ltd. This will allow investments with financial entities domiciled in the following countries:

- AAA : Australia, Denmark, Germany, Netherlands, Norway, Singapore, Sweden, Switzerland;
- AA+ : Canada, Finland, USA
- AA : Abu Dhabi (UAE)
- AA- : Belgium, France, Qatar, UK

5.6 **Country Limits** - The current aggregate investment limit for treasury deposits placed across all non-UK domiciled banks is £40m. It is recommended to increase this by a further £40m to £80m.

5.7 The above two recommendations are designed to increase the flexibility of the Council’s investment strategy and maximise its effectiveness. In a changing interest rate environment, it is important to consider each investment counterparty and where their funding “sweet spots” are. Currently the average yield for 3 months from UK Building Societies is 5.04%; UK Bank 5.20%; foreign bank with AAA rating 5.27% and foreign bank with AA+ to AA- rating 5.41%. The aim here is not only to maximise the use of each counterparty but to enable diversification and avoidance of concentration risk. The Council will continue to focus on achieving the optimum return on its investments commensurate with proper levels of security and liquidity.

Balancing short and long term investments (Prudential Indicator 7)

- 5.8 Greater returns are usually obtainable by investing for longer periods. While most cash balances are required 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.

Table 11 - PI 7 - Investment Limits	2022/23	2023/24	2024/25	2025/26	2026/27
£m	Actual	Estimate	Estimate	Estimate	Estimate
Upper Limit for principal sums invested for more than 364 days	0	25	25	25	25

6. Other Matters

- 6.1 **International Financial Reporting Standards (IFRS) 9** – The change in accounting standards for 2023/24 under IFRS 9 and the statutory override to delay implementation with further extension to 31st March 2025 and its impact of investment instruments, such as the pooled Local Authority Property Fund administered by CCLA, 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. Any potential mitigation will be considered as part of the outturn position at year end.

- The Council has £19m invested in this fund and in the past it has provided a good return compared to cash investment portfolio along with diversification. As at the end of December 23 it is generating a return of 4.92%. The portfolio is managed actively with the aim of providing a high income and long-term capital appreciation.

- 6.2 **Treasury Management Consultants** - The Council uses Link Group, Link Treasury Services Limited as its external treasury management advisors. The Council recognises that the 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 the external service providers.

7. Economic update

- 7.1 The impact on the UK from higher interest rates and inflation, a weakening economic outlook, an uncertain political climate due to an upcoming general election, together with war in Ukraine and the Middle East, will be major influences on the Council's treasury management strategy for 2024/25.
- 7.2 The Bank of England (BoE) increased Bank Rate to 5.25% in August 2023, before maintaining this level for the period September to December. Members of the BoE's

Monetary Policy Committee voted 6-3 in favour of keeping Bank Rate at 5.25% at its December meeting. The three dissenters wanted to increase rates by another 0.25%.

- 7.3 UK GDP was estimated to have fallen 0.2% in 2023 Q3, falling by another 0.3% in October before recovering by 0.3% in November. Based on the latest official and survey data, Bank staff expect GDP growth to be broadly flat in Q4 and over coming quarters. The Committee continues to consider a wide range of data on developments in labour market activity. Employment growth is likely to have softened, and there has been further evidence of some loosening in the labour market.
- 7.4 Twelve-month CPI inflation fell sharply from 6.7% in September to 3.9% in November. Services price inflation declined to 6.6%, although much of the downside news relative to the November Report reflected movements in components that may not provide a good signal of underlying trends in services prices and of persistence in headline inflation.
- 7.5 Further information on the economic background is provided by our Treasury advisor Link Group which is attached at appendix 3. This will be updated with the latest commentary for the full Council.

8. Other options considered

- 8.1 Not applicable

9. Legal and financial implications

- 9.1 **Finance** : Financial Implications are contained in the body of this report.
- 9.2 **Legal** : The Local Government Act 2003 (“the Act”) provides that a local authority has the power both to borrow and invest money for any purpose relevant to its functions and for the prudent management of its financial affairs. The Act requires the Council to determine and to keep under review how much money it can afford to borrow. The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003, provide that, in complying with this duty, the Council must have regard to the Prudential Code for Capital Finance in Local Authorities published by CIPFA. The Council is also required to have regard to the CIPFA Treasury Management Code of Practice.

10. Corporate implications

- 10.1 Treasury Management activities play a significant role in supporting the delivery of the Council’s Capital Programme and Corporate Priorities

11. Communication, engagement & further consultation

11.1 Not applicable

12. Next steps and review

12.1 Full Council to approve the Treasury Management Strategy Statement.

13. Background papers

13.1 Section 3 Local Government Act 2003.

13.2 Local Authorities (Capital Finance and Accounting) (England) Regulations 2003, as amended.

13.3 DLUHC Guidance on Minimum Revenue Provision (fourth edition) February 2018.

13.4 DLUHC Capital Finance Guidance on Local Government Investments February 2018.

13.5 CIPFA Prudential Code for Capital Finance in Local Authorities and Treasury Management Code of Practice.

14. Appendices

14.1 Appendix 1 – Annual Investment Strategy

14.2 Appendix 2 – Minimum Revenue Provision Policy

14.3 Appendix 3 – Economic Background

Annual Investment Strategy

1. The Council holds significant invested funds, representing income received in advance of expenditure, balances and reserves. Investments are made with reference to the core balance, future cash flow requirements and the outlook for interest rates.
2. 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 and service investments, are covered in the Capital Strategy, (a separate report).
3. 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 2021 ("the Code")
4. 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 regard to its risk appetite.
5. This Council has adopted a prudent approach to managing risk and defines its risk appetite by the following means: -
 - 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.
 - **Credit Default Swaps:** 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 and monitor on market pricing such as "**credit default swaps**" and overlay that information on top of the credit ratings.
 - **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.

- The DLUHC Guidance on Local Government Investments made under section 15(1) of the Local Government Act 2003, places restrictions on local authorities around the use 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.
- **Non-specified and loan investment limits.** The Council has determined that it will set a limit to the maximum exposure of the total treasury management investment portfolio to non-specified treasury investments of £100m.
- This Council has engaged **external consultants** to provide expert advice on how to optimise an appropriate balance of security, liquidity and yield, given the risk appetite in the context of the expected level of cash balances and need for liquidity throughout the year.
- The Council will set a limit for its investments which are invested for longer than 364 days. For the year 2024/25, the proposed limit is £25m as set out in table 11 of the TMSS.
- All investments will be denominated in **sterling**.

6. Investment Strategy

- In the current economic climate, it is considered appropriate to maintain a degree of liquidity to cover cash flow needs but to also consider investments for periods up to 12 months with high credit rated financial institutions whilst investment rates remain elevated.
- 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. The current shape of the yield curve suggests that is the case at present and possibly reducing as early as the second half of 2024 so an agile investment strategy would be appropriate to optimise returns.
- 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.

7. Creditworthiness Policy

- This Council applies the creditworthiness service provided by the Link Group. This service employs a sophisticated modelling approach 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. "watches" and "outlooks" from credit rating agencies;
 2. Credit Default Swap(CDS) spreads that may give early warning of changes in credit ratings;
 3. sovereign ratings to select counterparties from only the most creditworthy countries.
- This modelling approach combines credit ratings, any assigned Watches and Outlooks, in a weighted scoring system which is then combined with an overlay of CDS 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
- Typically, the minimum credit ratings criteria the Council uses 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.
- **Local Authority Investments** - The investment with Local Authority can only be placed with the prior approval of the Council Leader, the Chief Executive and the Director of Finance (Section 151 Officer) or deputies in the case of leave. If a deposit is placed with a local authority that subsequently issues a Section 114 notice, is given a capitalisation directive or experiences any other untoward financial event then the incident will be reported to the Audit & 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 several

smaller receipts could be received once the daily treasury dealing process is complete resulting in overnight cash at the Council's bank exceeding the counterparty limit as defined in the treasury management strategy. If this occurs, the cash will be invested with other counterparties in line with the strategy on the following working day.

- **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
 - **Country limit** - minimum sovereign credit rating of AA- from Fitch (or equivalent). This rating level is in line with the suggested minimum rating advised by Link Treasury Services Ltd. This will allow investments with financial entities domiciled in the following countries:
 - AAA : Australia, Denmark, Germany, Netherlands, Norway, Singapore, Sweden, Switzerland;
 - AA+ : Canada, Finland, USA
 - AA : Abu Dhabi (UAE)
 - AA- : Belgium, France, Qatar, UK
 - This list will be kept under review and any proposed changes to the policy reported to the next meeting.
 - no more than £20m will be placed with any non-UK country at any time.
 - the aggregate investment limit for treasury deposits placed across all non-UK domiciled banks is £80m.
- Changes to the credit rating will be monitored and, in the event, that a counterparty is downgraded and does not meet the minimum criteria, the following action will be taken immediately:
 - no new investments will be made;
 - existing investments will be recalled if there are no penalties; and
 - full consideration will be given to recall or sell existing investments which would be liable to penalty clause.

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)	Money and/or % limit	Transaction limit	Time limit				
Banks *	Yellow	£20m	£10m	5yrs				
Banks	Purple	£20m	£10m	2yrs				
Banks	Orange	£20m	£10m	1yr				
Banks – part nationalised	Blue	£20m	£10m	1yr				
Banks	Red	£10m	£5m	6 mths				
Banks	Green	£10m	£5m	100 days				
Banks	No Colour	Not to be used	-	-				
Limit 3 category – Authority’s banker (where “No Colour”)	-	Minimal balances	Minimal balances	1 day				
Debt Management Agency Deposit Facility (UK Govt.)	UK sovereign rating	Unlimited	£100m	6 months (max. duration offered)				
Local authorities (sector limit £150m)	n/a	£10m	£10m	5yrs				

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
Housing associations (sector limit £25m)			Colour bands	£5m	£5m	As per colour band		
			Fund rating**	Money and/or % Limit		Time Limit		
Money Market Funds CNAV			AAA	£30m	-	liquid		
Money Market Funds LVNAV			AAA	£30m	-	liquid		
Money Market Funds VNAV			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 colour category is for UK Government debt.

** "fund" ratings are different to individual counterparty ratings

8. **Investment performance** - This Council will benchmark against 1-month SONIA (Sterling Overnight Index Average) rate to assess the performance of portfolio.
9. **External Fund Managers** - £19m of the Council's funds are externally managed in a pooled local authority property fund by CCLA (Churches, Charities and Local Authorities). The Council meets with representatives of the fund manager on an annual basis. These meetings allow for additional scrutiny of the manager's activity as well as discussions on the outlook for the fund as well as wider markets.

Appendix 2

Minimum Revenue Provision Policy

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.
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.
3. In accordance with provisions in the guidance, MRP will be first charged in the year following the date that an asset becomes operational.
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 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.
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.

Economic Background *(This is the view from our Treasury advisor)*

1. The third quarter of 2023/24 saw:
 - A 0.3% m/m decline in real GDP in October, potentially partly due to unseasonably wet weather, but also due to the ongoing drag from higher interest rates. Growth for the second quarter, ending 30th September, was revised downwards to -0.1% and growth on an annual basis was also revised downwards, to 0.3%.
 - A sharp fall in wage growth, with the headline 3myy rate declining from 8.0% in September to 7.2% in October, although the ONS “experimental” rate of unemployment has remained low at 4.2%.
 - CPI inflation continuing its downward trajectory, from 8.7% in April to 4.6% in October, then again to 3.9% in November.
 - Core CPI inflation decreasing from April and May’s 31 years’ high of 7.1% to 5.1% in November, the lowest rate since January 2022.
 - The Bank of England holding Bank Rate at 5.25% in November and December.
 - A steady fall in 10-year gilt yields as investors revised their interest rate expectations lower.
2. The revision of GDP data in Q2 to a 0.1% q/q fall may mean the mildest of mild recessions has begun. Indeed, real GDP in October fell 0.3% m/m which does suggest that the economy may stagnate again in Q3. The weakness in October may partly be due to the unseasonably wet weather. That said, as the weakness was broad based it may also be the case that the ongoing drag from higher interest rates is more than offsetting any boost from the rise in real wages.
3. However, the rise in the flash composite activity Purchasing Managers Index, from 50.7 in November to 51.7 in December, did increase the chances of the economy avoiding a contraction in Q3. The improvement was entirely driven by the increase in the services activity balance from 50.9 to 52.7. (Scores above 50 point to expansion in the economy, although only tepid in this instance.) The press release noted that this was primarily driven by a revival in consumer demand in the technological and financial services sectors. This chimes with the further improvement in the GfK measure of consumer confidence in December, from -24 to -22. The services PMI is now consistent with non-retail services output growing by 0.5% q/q in Q3, but this is in stark contrast to the manufacturing sector where the output balance slumped from 49.2 to 45.9 and, at face value, the output balance is consistent with a 1.5% q/q fall in manufacturing output in Q3.
4. The 0.3% m/m fall in retail sales volumes in October means that after contracting by 1.0% q/q (which was downwardly revised from -0.8% q/q) in Q2, retail activity remained weak at the start of Q3. That suggests higher interest rates are taking a bigger toll on real consumer spending.

5. Higher interest rates have filtered through the financial channels and weakened the housing market but, overall, it remains surprisingly resilient with the Halifax house price index recently pointing to a 1.7% year on year increase whilst Nationwide's December data pointed to a -1.8% year on year decrease. However, the full weakness in real consumer spending and real business investment has yet to come as currently it is estimated that around two thirds to a half of the impact of higher interest rates on household interest payments has yet to be felt.
6. Overall, we expect real GDP growth to remain subdued throughout 2024 as the drag from higher interest rates is protracted but a fading of the cost-of-living crisis and interest rate cuts in the second half of 2024 will support a recovery in GDP growth in 2025.
7. The labour market remains tight by historical standards, but the sharp fall in wage growth seen in October will reinforce the growing belief in markets that interest rates will be cut mid-2024. Wage growth eased in October much faster than the consensus expected. Total earnings fell by 1.6% m/m, which meant the headline 3myy rate eased from 8.0% in September to 7.2% in October. This news will be welcomed by the Bank of England. Indeed, the timelier three-month annualised rate of average earnings growth fell from +2.4% to -1.2%. Excluding bonuses, it fell from 5.3% to 2.0%. Furthermore, one of the Bank's key barometers of inflation persistence, regular private sector pay growth, dropped from 7.9% 3myy to 7.3%, which leaves it comfortably on track to fall to 7.2% by December, as predicted by the Bank in November.
8. The fall in wage growth occurred despite labour demand being stronger in October than expected. The three-month change in employment eased only a touch from +52,000 in September to +50,000 in October. But resilient labour demand was offset by a further 63,000 rise in the supply of workers in the three months to October. That meant labour supply exceeded its pre-pandemic level for the first time, and the unemployment rate remained at 4.2% in October. In the three months to November, the number of job vacancies fell for the 17th month in a row, from around 959,000 in October to around 949,000. That has reduced the vacancy to unemployment ratio as demand for labour eases relative to supply, which may support a further easing in wage growth in the coming months.
9. CPI inflation fell from 6.7% in September to 4.6% in October, and then again to 3.9% in November. Both these falls were bigger than expected and there are clear signs of easing in domestic inflationary pressures. The fall in core CPI inflation from 5.7% to 5.1% in November was bigger than expected (consensus forecast 5.6%). That's the lowest rate since January 2022. Some of the decline in core inflation was due to the global influence of core goods inflation, which slowed from 4.3% to 3.3%. But some of it was due to services inflation falling from 6.6% to 6.3%. The Bank views the latter as a key barometer of the persistence of inflation and it came in further below the Bank's forecast of 6.9% in its November Monetary Policy Report. This will give the Bank more confidence that services inflation is now on a firmly downward path.
10. The Bank of England sprung no surprises with its December monetary policy committee (MPC) meeting, leaving interest rates at 5.25% for the third time in a row and pushing back against the prospect of near-term interest rate cuts. The Bank

continued to sound hawkish, with the MPC maintaining its tightening bias saying that “further tightening in monetary policy would be required if there were evidence of more persistent inflationary pressures”. And it stuck to the familiar script, saying that policy will be “sufficiently restrictive for sufficiently long” and that “monetary policy is likely to need to be restrictive for an extended period of time”. In other words, the message is that the MPC is not yet willing to endorse investors’ expectations that rates will be cut as soon as May 2024.

11. Looking ahead, our colleagues at Capital Economics forecast that the recent downward trends in CPI and core inflation will stall over the next few months before starting to decline more decisively again in February. That explains why we think the Bank of England won’t feel comfortable cutting interest rates until H2 2024.
12. The fall in UK market interest rate expectations in December has driven most of the decline in 10-year gilt yields, which have fallen in line with 10-year US Treasury and euro-zone yields. 10-year gilt yields have fallen from 4.68% in October 2023 to around 3.70% in early January, with further declines likely if the falling inflation story is maintained.
13. Investors’ growing expectations that the Fed will cut interest rates soon has led to an improvement in risk sentiment, which has boosted the pound and other risky assets. In addition, the rise in the pound, from \$1.21 in November to \$1.27 now, has also been supported by the recent relative decline in UK wholesale gas prices.
14. The further fall in 10-year real gilt yields in December has supported the recent rise in the FTSE 100. That said, the index remains 5% below its record high in February 2023. This modest rise in equities appears to have been mostly driven by strong performances in the industrials and rate-sensitive technology sectors. But UK equities have continued to underperform US and euro-zone equities. The FTSE 100 has risen by 2.2% in December, while the S&P 500 has risen by 3.8%. This is partly due to lower energy prices, which have been a relatively bigger drag on the FTSE 100, due to the index’s high concentration of energy companies.
15. On 2nd November, the Bank of England’s Monetary Policy Committee (MPC) voted to keep Bank Rate on hold at 5.25%, and on 14th December reiterated that view. Both increases reflected a split vote, the latter by 6 votes to 3, with the minority grouping voting for an increase of 0.25% as concerns about “sticky” inflation remained in place.
16. Nonetheless, with UK CPI inflation now at 3.9%, and core inflating beginning to moderate (5.1%), markets are voicing a view that rate cuts should begin in Q1 2024/25, some way ahead of the indications from MPC members. Of course, the data will be the ultimate determinant, so upcoming publications of employment, wages and inflation numbers will be of particular importance, and on-going volatility in Bank Rate expectations and the gilt yield curve can be expected.
17. In addition, what happens outside of the UK is also critical to movement in gilt yields. The US FOMC has kept short-term rates in the range of 5.25%-5.50%, whilst the ECB has moved its Deposit rate to a probable peak of 4%. Markets currently expect both central banks to start cutting rates in 2024.



Report to Council

Date:	21st February 2024
Reference number:	n/a
Title:	Capital and Investment Strategy
Cabinet Member(s):	Councillor John Chilver, Cabinet Member for Accessible Housing & Resources
Contact officer:	David Skinner, Service Director Finance (s151 officer) David.skinner@buckinghamshire.gov.uk
Ward(s) affected:	n/a
Recommendations:	Council are invited to APPROVE the Capital & Investment Strategy attached at Appendix 1.
Reason for recommendation:	The Council is required under CIPFA rules to review, approve and publish its Capital & Investment Strategy each year.

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 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 sets out the strategic framework within which the Capital Programme is set and the basis on which it will consider future investment opportunities.

4.2 The proposed Capital Programme for 2024/25-2027/28 fully utilises the current pipeline of capital receipts that is available to finance it, but not all capital investment proposals were able to be supported. Given the on-going demand for capital investment, pressures on the revenue budget and government funding, there will continue to be a full review of future capital funding, and capital receipts.

4a. Director of Legal & Democratic Services comment

The Director has read and noted the report.

4b. Section 151 Officer comment

The Capital & Investment Strategy aligns to the Revenue Budget and Capital Programme 2024-25 to 2026-27.

5. Corporate implications

5.1 The Capital and Investment Strategy supports the delivery of all of the Council's aims and priorities, which are set out in the 2020-25 Corporate Plan:

- i. increasing prosperity
- ii. strengthening our communities
- iii. improving our environment
- iv. protecting the vulnerable

5.2 The corporate implications of this report are set out below:-

- Property – The strategy makes reference to the Property Asset Management Plan and the Accommodation Strategy.
- HR – No direct HR implications.
- Climate change – Reference is made to the Councils Climate Change and Air Quality Strategy.
- Sustainability – Sustainability is an important aspect of capital investment and is considered in capital programme bids and investment business cases.
- Equality – An equality impact assessment is not required.
- Data – A data protection impact assessment is not required.
- 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 Capital and Investment Strategy was reviewed by the Corporate Capital Investment Board on 28th November 2023.

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 email to democracy@buckinghamshire.gov.uk.

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Appendix 1

Capital & Investment Strategy 2024/25

Contents

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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 Department for Levelling Up, Housing and Communities (DLUC). 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 2024/25 – 2027/28.
- 1.5 The Capital and Investment Strategy supports the delivery of the Council’s aims and priorities, which are set out in the 2020-25 [Corporate Plan](#):

The key priorities set out in the Corporate Plan are:

- increasing prosperity
 - strengthening our communities
 - improving our environment
 - protecting the vulnerable
- 1.6 The Strategy is set within a legislative context to ensure that the Council can meet its statutory obligations. 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.
 - 1.7 This Capital and Investment Strategy is underpinned by a number of other key strategic and policy documents, such as:
 - Housing Strategy
 - Highways Asset Management Plan

- Strategic Asset Management Plan
 - Accommodation Strategy
 - Agricultural Estates Management Policy
 - Regeneration Strategies
 - Leisure Strategy
 - Schools Capacity Survey
- 1.8 There are several strategies and policy documents which are currently in development, and which will shape the future capital programme in the Council, including:
- Buckinghamshire Local Plan
 - Buckinghamshire Local Transport Plan
- 1.9 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. In addition, the Regeneration Board in Chesham is developing the aspiration for regeneration within the town, subject to appropriate funding.
- 1.10 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 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

Growth and Demographic Change in Buckinghamshire

- 2.1 The population of Buckinghamshire has increased by 15.4% over the last two decades. There were 73,970 more people in the County in 2021 than in 2001. Population in the County is expected to continue to grow for the next two decades, and the Council needs to take account of these changes in planning its future service provision. Data projections from the Office for National Statistics (ONS) predict that the population will rise from 553,100 in 2021 to 575,000 by 2040. Construction of new dwellings in the County could also lead to population increases well beyond those currently predicted by the ONS.
- 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.

- 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. There is also the need for temporary accommodation to support refugees that come into the local area. 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.
- 2.4 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 and the capital programme includes development of a new station car park at Winslow to be operated by the Council.

Changes in Innovation and Digital Infrastructure

- 2.5 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.
- 2.6 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 number of different options available, so identifying which particular solution to support is a key challenge if capital investment is not to be wasted.
- 2.7 The Council also has a role in economic development to facilitate economic growth and emerging technologies. These opportunities could include a higher level of risk, and as a result the Council will consider each opportunity on a case-by-case basis to ensure that risks are appropriately mitigated and value for money is achieved.
- 2.8 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 Integrated Care Board (ICB) and Buckinghamshire Healthcare NHS Trust in particular to deliver

improvements to the health and care system, including optimising estate and digital and technological developments, that benefit the residents of Buckinghamshire and deliver excellent value for money for the local health sector and the Council.

- 2.9 An earmarked reserve has been established for the implementation of new systems. The revenue contribution funding that would have been used to fund a new ERP system is being used to establish this reserve, but it is important to recognise that most system solutions are cloud based, 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.

Economic, inflation and financial drivers

- 2.10 The Coronavirus pandemic has had a significant impact on 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, 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 and rationalisation. The Council's accommodation strategy sets out the future needs and will enable the Council to either sell surplus properties to produce capital receipts or to repurpose for wider operational use or to generate a revenue rental income.
- 2.11 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.
- 2.12 The Future High Streets Fund is being used to make improvements to the High Wycombe town centre. 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.
- 2.13 There are a number of international and national issues that is impacting on severe inflationary pressures on the cost of capital projects. The Ukraine conflict has created a price pressure on energy from other sources, leading to significant inflation in the energy market. This feeds through into many aspects of capital costs, including the cost of materials and services. The global supply chain is also impacted with increased costs in logistics and significantly increased transportation costs.
- 2.14 PWLB interest rates for borrowing have also increased significantly meaning prudential borrowing proposals will need to make a higher level of return to be viable.

3 Capital Investment Objectives

- 1.1 Capital expenditure is defined as spending that creates an asset for the Council (e.g. buildings, vehicles and equipment), and spending which meets the definition in regulations specified under the Local Government Act 2003. This includes spend on non-current assets that are not owned by the Council such as academies and the award of capital grants and funding agreements.
- 1.2 The key objectives of capital investment during this strategy period will be to:
- **Support service delivery** in line with the Council's strategic objectives and facilitate the delivery of the Council's substantial and ambitious ongoing efficiency savings. This includes supporting the Better Buckinghamshire review programme and the Accommodation strategy which is aiming to rationalise the Council's office estate. With the current pressures in Revenue budgets, particularly in Adults & Children's Social Care and Temporary Accommodation, there will be a renewed focus on delivering services to alleviate front-line pressures in those areas.
 - **Support regeneration, economic development, housing delivery and the wider growth agenda**, helping to deliver the future ambitions of the Growth Board, 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.
 - **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 use of the 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, in particular through utilising technology to help deliver service improvements and process efficiencies, or provision of assets to deliver more efficient Council Services.

1.3 As well as the key objectives set out in 3.2 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, Agricultural Estate Strategy etc).

1.4 Where assets are held by the Council that do not fall into the above categories the Council will consider options around disposal. 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.

1.5 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.

3.6 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.

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.

Financial Investments

- 4.3 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.
- 4.4 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.
- 4.5 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.

Non-Financial Investments

- 4.6 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. Non-financial investments normally involve property assets.
- 4.7 The Council will consider appropriate opportunities; however, it will not involve the investment in property assets purely for yield. Due to the consolidated portfolio inherited by Buckinghamshire Council, the impact of home working on future office capacity requirements, and the need to mitigate revenue pressures, the Council will look to repurpose some of its portfolio to meet its corporate plan objectives, especially in respect of regeneration, affordable housing, mitigation of service revenue pressures and economic development.
- 4.8 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:

Grant Funding - often specifically for capital purposes and also often from central government, but they may come from, or through, other agencies. Non-Ringfenced capital grants will be treated as corporate resource and used across the capital programme flexibly. Ringfenced grants will be used for the purposes for which they are issued.

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. Capital Receipts will be treated as a corporate resource and used across the capital programme flexibly.

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). Under CIL Regulations, the Council as Charging Authority must spend its retained CIL on “the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area”, and the Planning Act 2008 states that ‘infrastructure’ includes roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities and open spaces. CIL will therefore be used to fund capital investment which meets these criteria.

Partner Contributions - some projects may be jointly funded between the Council and other agencies, such as schools, other councils or other public bodies.

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.

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.

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.

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. 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 £0.8m 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 1.7 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 Aylesbury Vale Estates but will ensure that the business case is robust and there is no risk to the Council.

Prudential Borrowing

- 5.11 There are HM Treasury restrictions on borrowing to ensure that councils are not buying investment assets (land or buildings) primarily for 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. Buckinghamshire Council is not planning to undertake any capital investment purely for yield.
- 5.12 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.
- 5.13 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 remain in place.

- 5.14 Prudential borrowing will only be considered where:
- There is a robust invest to save model, or
 - The council has a significant unmet capital need, or
 - The investment is not primarily for yield but contributes towards the Council's overall investment approach and wider corporate plan objectives including regeneration, affordable housing, mitigation of service revenue pressures and economic development.
 - The project is compliant with the latest CIPFA and HM Treasury guidance on PWLB Borrowing.

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 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

Overview

- 8.1 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 Finance (s151 officer), although ultimate accountability for its approval rests with Full Council in line with the Prudential Code.

- 8.2 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.
- 8.3 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.
- 8.4 The Capital & Investment Strategy sets out the governance arrangements for all aspects of the Capital Programme including decision making, performance management, business cases and change requests, risks & issues, reporting, oversight and project management.

Cabinet

- 8.5 Cabinet has formal oversight of the performance of the Council Capital Programme and will be the decision-maker in line with responsibilities set out in the council's constitution. Cabinet recommends the Capital and Investment strategy and 4-year Capital programme, which receives final approval from Council as part of the annual budget setting process. Cabinet reviews the overall performance of the Council Capital Programme, based on reporting by exception, with a focus on key risks and issues, and any variations in time, scope, and cost.
- 8.6 Where new unringfenced capital funding becomes available after the Capital Programme has been set by Council, approval for the use of the funding can be made by Leader Decision or by Cabinet, following advice from the section 151 officer. Ringfenced funded and related expenditure will be added by the section 151 officer in line with the condition of the award and reported quarterly to Cabinet. All other changes to the Capital Programme are approved either by Cabinet or Leader decision, through review and sign-off of an appropriate business case or through the quarterly approval of smaller change requests.

Capital Gateway Process

- 8.7 The Capital Programme agreed annually by full Council provides in principle support for individual projects. However, the release of funds to facilitate each project is subject to an appropriate business case passing through the Capital Gateway process and approved by Cabinet or Leader decision.

Corporate Capital Investment Board

- 8.8 The Corporate Capital Investment Board is a non-public advisory board, the purpose of which is to review the overall performance of the capital programme and make

recommendations to Cabinet. The Board is chaired by the Cabinet Member for Accessible Housing and Resources. The Member representatives are the Leader, Cabinet Member for Climate Change & Environment, Cabinet Member for Transport, Cabinet Member for Education & Children's Services, Cabinet Member for Planning & Regeneration, Deputy Cabinet Member for Accessible Housing and Resources.

- To review at least quarterly the overall performance of the capital programme (including corporate and ring-fenced funding), including reprioritisation of existing schemes in light of emerging priorities and cost pressures, and provide assurance on key issues and risks.
- Detailed consideration of business cases and recommendation for the release of unreleased capital budgets, quarterly to Cabinet.
- Review and recommend the update of key Capital Strategies, including the Capital & Investment Strategy, Accommodation Strategy, Schools, Highways and IT Strategies.
- Review and recommend to Cabinet the Capital Programme as part of the overall MTFP on an annual basis.
- Maximise funding and external bidding in line with overall objectives of the Capital & Investment Strategy.
- To review the performance of the Property portfolio
- To oversee the Agricultural Estate, ensure that environmental policies and protection of the green belt are fully considered and agreed with the Cabinet Member for Climate Change and Environment.

Strategic Property Finance Board

8.9 The Strategic Property Finance Board is a non-public advisory board. The purpose of the Board is to ensure that we utilise our property assets to support key corporate priorities and responsibilities, impact positively on revenue and maximise value for money. The Board is chaired by the Leader and member representatives are the Cabinet Member for Accessible Housing and Resources and Cabinet Member for Transport. The Board will consider the Council's full portfolio of assets and put in place arrangements for overseeing disposals, utilisation for key priorities and use as a source of ongoing revenue income and make recommendations to Cabinet on this basis.

8.10 The Strategic Property Finance Board will determine the use of land and buildings under each of the following categories:

- Investment & Development
- Strategic Sites & Regeneration
- Council Operations
- Agricultural Estate

- Schools & Social
- Leisure & Recreational

8.11 The Board will develop a programme of activity designed to implement the agreed strategy, ensure that sufficient resource is available to manage the strategy and monitoring delivery plans and to analyse and challenge key performance indicators relating to the asset base of the Council including the performance of the Property portfolio.

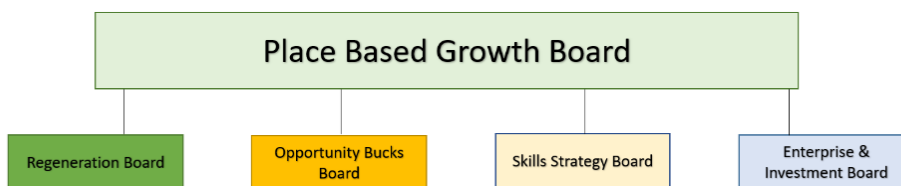
Housing Infrastructure Fund Investment Board (HIF Investment Board)

8.12 The HIF Investment Board will cover all projects that receive HIF funding from Homes England. The Board is chaired by the Leader and member representatives are the Cabinet Member for Accessible Housing and Resources, Cabinet Member for Transport, Cabinet Member for Education and Children’s Services and Cabinet Member for Climate Change and Environment. The Board is a non-public advisory board that will advise Cabinet in relation to the best use of all the Council’s HIF allocations, overseeing all decisions in line with the Council’s Capital governance requirements. Specifically, to-

- Develop and prioritise HIF schemes to help inform the annual development of the Council’s Capital Programme and four-year Medium Term Financial Plan.
- In year, oversee the delivery of the HIF programme to ensure it is on track (time and budget) by:
 - o Ensuring sound business cases underpin the capital programme and associated release of funds.
 - o Managing a gated process to formally release capital investment funds from the budget in relation to ringfenced HIF projects within the agreed Capital Programme. Where projects are new or reprofiled, release will be subject to the relevant Cabinet or Leader decision.
 - o Robustly monitoring and scrutinise project delivery and expenditure, requesting detailed project reports at appropriate frequency.
 - o Ensuring sound application of the council’s capitalisation policy.
 - o Escalating as required business issues and risks to Cabinet or other relevant Committees, including identifying major capital projects which are off track.
- Ensure that the overarching growth of Aylesbury is suitably resourced and managed to deliver the HIF programme.
- Provide quarterly reports to Homes England on the progress of unlocking and accelerating housing delivery associated with the projects provide quarterly progress reports of all projects and housing sites against key milestones articulated in the HIF funding contracts.

Place Based Growth Board

- 8.13 The Buckinghamshire Place Based Growth Board is a partnership established to bring together key public and private local partners to ensure the alignment of other relevant strategies and plans and to ensure a single narrative to support the growth ambitions of the county. The Board is chaired by the Leader and plus 4 Cabinet Member representatives. Whilst the Board is not formally constituted and has no formal decision-making powers, it can form collective views, develop a shared position on relevant topics, and endorse programmes of work. Formal decisions will be either recommended to Cabinet or taken as Leader decisions where appropriate.
- 8.14 Sitting underneath this board are a series of supporting boards, including the Enterprise & Investment Board, the Skills Strategy Board, the Regeneration Board and the Opportunity Bucks Board.



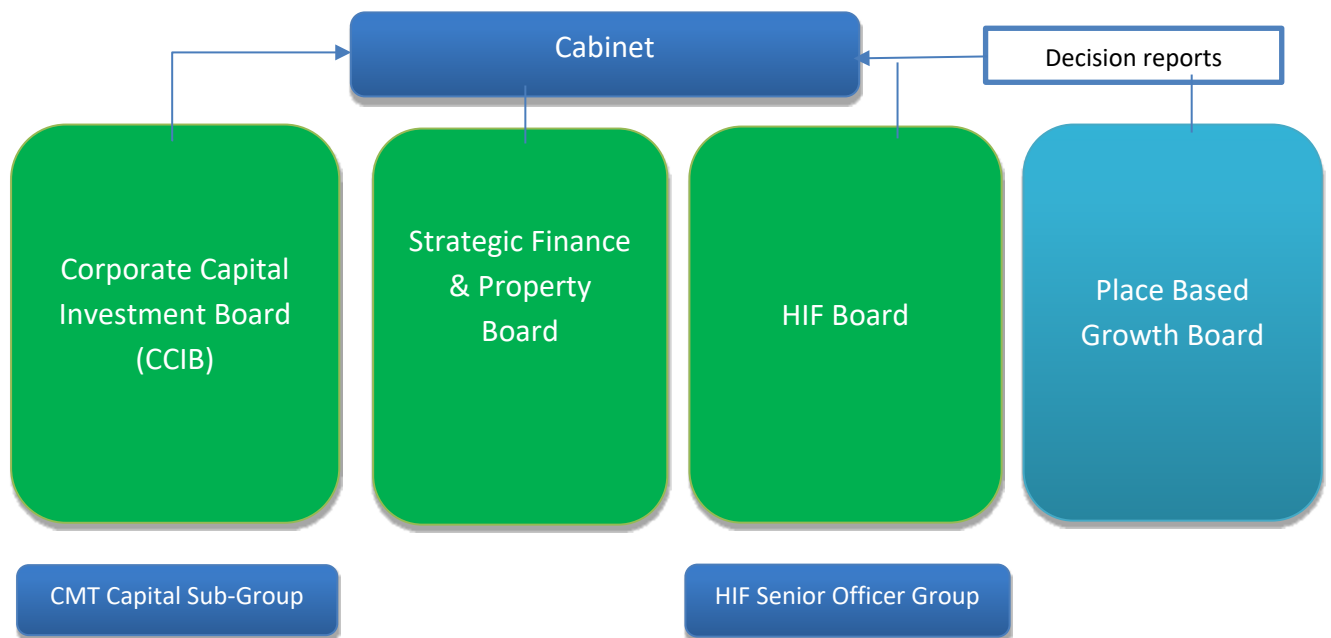
- 8.15 The Board aims to work by consensus and final approval, adoption, and exercising of statutory powers will remain with the respective sovereign partners, but they can be informed by the consensus of The Board. The Board will sign off bids or opportunities for the securing and allocation of external funding (e.g. government funding) and recommend these for approval as appropriate by Cabinet.
- 8.16 The core functions and responsibilities of the Board are predominantly strategic and include:
- To work strategically with partners including, the UK Government and national agencies, neighbouring authorities and/or partnerships, private sector organisations, and the sub-national transport body to ensure Buckinghamshire's needs and ambitions are recognised and that future economic growth and development aligns with local priorities.
 - Delivery of a unified vision that can help drive economic prosperity, enhance place-making, improve skills delivery and provide targeted support for business and local levelling up activity across the county.
 - To enable effective pooling of capital resources into an investment fund as well as any secured external / third party funding. Set priorities and criteria for the fund and facilitate swifter decision making to support investment priorities (Investment Fund).
 - To seek, endorse and promote bids or opportunities for the allocation of external funding, resources and private sector investment in Buckinghamshire.

- Overseeing the production of Buckinghamshire’s place-based investment proposals and exploring the possibilities of a place-based deal with Government.
- Facilitate the alignment of spatial, economic, environmental, climate change, health and well-being, connectivity, and infrastructure plans for Buckinghamshire in line with The Boards Strategic Vision.

8.17 The relationship between these Boards is illustrated below. 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. These Board replace the existing Property Board, IT Board and Highways Board. If it is determined that additional specialist briefings are required to monitor the delivery of specific capital projects, then these will be facilitated on a Portfolio basis.

8.18 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 the relevant Cabinet member, Corporate Directors and their project managers.

CAPITAL INVESTMENT GOVERNANCE ADVISORY BOARDS



Development of the Capital Programme

8.19 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. (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.
Late Sept/ Early Oct	Corporate Capital Investment Board review bids, prioritise arrive at a proposal for a balanced capital programme
Mid Oct/Nov	CMT reviews 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

8.20 Bids to the capital programme should be prioritised by both Portfolio groups and the relevant 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 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.

Monitoring of Progress

8.21 Once the Capital Programme is approved individual schemes will be allocated to the most appropriate governance board. Each Board will then recommend to Cabinet the release resources on individual schemes, subject to the necessary requirements at that stage, e.g. outline business case, full business case, etc.

- 8.22 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.
- 8.23 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 2024-25 to 2027-28 can be found here [insert link].



Report to Full Council

Date:	21 February 2024
Title:	Appointment of Returning Officer and Electoral Registration Officer
Author and contact officer:	Rachael Shimmin, Chief Executive
Ward(s) affected:	All
Recommendations:	That Sarah Ashmead, Deputy Chief Executive, be appointed as the Council's Returning Officer and Electoral Registration Officer with effect from 8 March 2024, and authority be delegated to the Monitoring Officer to update the Constitution accordingly.

1.0 Executive summary

1.1 In accordance with Section 35 of the Representation of the People Act 1983, the Returning Officer is required to be appointed from among the officers of the Council by the Council. The role of the Returning Officer is one of a personal nature and distinct and separate from their duties as an employee of the council. Section 8 of the Representation of the People Act 1983 also sets out that a council should designate an individual to the role of Electoral Registration Officer.

2.0 Content of report

2.1 The role of the Returning Officer is to ensure that all elections are administered effectively, and conducted in accordance with the law. The role is separate from duties as an employee of the Council, and the Returning Officer is not responsible to the Council. The role is directly accountable to the courts as an independent statutory office holder. Similarly, the role of Electoral Registration Officer is to ensure the delivery of the electoral registration function, maintaining the electoral register and managing all electoral registration functions.

2.2 Part I, Section 3 of the Council’s Constitution sets out the list of Statutory and Proper Officers for the Council. The Service Director for Legal & Democratic Services is the current Council Returning Officer and Electoral Registration Officer, however following the resignation of the existing postholder, there is a need to appoint a replacement officer to these roles with effect from 8 March 2024. The Council is grateful to the Service Director for Legal and Democratic Services for all his hard work in the roles.

2.3 The Police and Crime Commissioner elections will be held on 2 May 2024, and the next General Election must also take place no later than January 2025. The next local council elections will be held on 1 May 2025.

2.4 In accordance with the legislation, it is therefore recommended that Full Council agree to the appointment of Sarah Ashmead (Deputy Chief Executive) as the Council’s Returning Officer and Electoral Registration Officer and the Constitution be updated to reflect the appointment.

3.0 Other options considered

None

4.0 Legal and financial implications

4.1 The Representation of the People Act 1983 Section 35 requires the council to appoint an officer of the council to be the Returning Officer in local elections. Any failure to do so could lead to the council being challenged for failing to meet its statutory duties.

4.2 Responsibility for appointing any Deputy Returning Officer ultimately rests with the Returning Officer.

4.3 The appointment of the Returning Officer is a separate role and payment made by central government reflects this.

4.4 The Representation of the People Act 1983 makes provision for a scale of expenses to be fixed for the purpose of determining the Returning Officer’s expenditure.

Elections are categorised as either “local” (i.e. parish, district, county or unitary) or “Parliamentary” (i.e. Westminster).

4.5 Parliamentary elections have their own fees and charges, set by the Cabinet Office and appropriate expenditure on these elections is reclaimed from central government.

4.6 In local elections the Returning Officer is paid a fee based on the number of wards where seats are being contested. Payment for the Returning Officer is subject to a scale of fees issued by the Cabinet Office.

4.7 The Representation of the People Act 1983 Section 8 requires the council to appoint an officer of the council to be the Electoral Registration Officer.

5.0 Consultation with local councillors & community boards

Not applicable

6.0 Communication, engagement & further consultation

Not applicable

7.0 Next steps

The Constitution will be updated to reflect the Council decision.

8.0 Background papers

Section 35 of the Representation of the People Act

Section 8 of the Representation of the People Act

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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/>

27 Nov 2023

FR09.23 - Local Authority Housing Fund – Refugees Freehold Acquisition

The Leader:

- AGREED the balance of the LAHF funding (detailed in the confidential appendix) approved by the Key Decision Paper 'Local Authority Housing Fund – Refugees Freehold Acquisitions' agreed on 25/08/2023 be used for the purchase and refurbishment of Holmers House/Jasmine Court.
- AGREED to release Council Capital Funding (amount details in the confidential appendix), from the Housing Enabling Programme, to fund the refurbishment of 13 'Move On' temporary accommodation units within Holmers House & Jasmine Court, to enable the delivery of Revenue Savings in Temporary Accommodation and meet the MTFP savings target.
- AGREED that the Director of Property and Assets in consultation with the Cabinet Member for Accessible Housing and Resources, the Cabinet Member for Homelessness and Regulatory Services and S151 Officer is authorised to finalise and conclude due diligence and agree freehold contracts, exchange and complete on the acquisition of Holmers House/Jasmine Court.
- AGREED that annual income negotiated with the Registered Provider is ringfenced for the creation of a maintenance sinking fund, to meet long term maintenance costs.
- AGREED that the Director of Property and Assets is delegated authority to proceed to apply for any relevant planning permission and undertake a suitable procurement exercise, in order to deliver a scheme of refurbishment to the property, within the budget in consultation with the Cabinet Members for Accessible Housing and Resources, and Homelessness and Regulatory Services.

- **AGREED** that the Director of Housing in consultation with the Cabinet Members for Accessible Housing and Resources and Homelessness and Regulatory Services, is authorised to agree the terms of the management arrangements.

This decision is being made under ‘special urgency’ provisions of the constitution as the terms of the LAHF grant necessitate commitment of funds prior to the end of November, to include at least an exchange of contracts.

7 Dec 2023

TR30.23 - Fleet Trading Account Budget

The Leader:

AGREED the Fleet Trading Account budget for 2023-24 in line with current Financial Regulations.

11 Dec 2023

PR05.23 - Rosefield Solar Farm Development Consent Order EIA Scoping consultation response

The Leader:

APPROVED the Council’s response to the Planning Inspectorate’s statutory consultation on the Applicant’s request for The Secretary of State to issue an Environmental Impact Assessment (EIA) Scoping Opinion for Rosefield Solar Farm Development Consent Order.

This decision is being taken under ‘special urgency’ provisions of the constitution in order to meet the deadline of 11 December 2023 for a consultation response to the EIA scoping.

19 Dec 2023

TR31.23 - Bierton Traffic Calming

The Leader:

APPROVED the traffic calming scheme

21 Dec 2023

EC09.23 - Juniper Hill School Opening of a new SEMH Unit and Closure of existing ARP

The Leader:

APPROVED the proposal to open a Social, Emotional and Mental Health (SEMH) Unit at Juniper Hill School and to Close the Physical Disability (PD) Additional Resource Provision (ARP) from 1st September 2024.

21 Dec 2023

EC10.23 - Furze Down School Relocation of Sixth Form

The Leader:

APPROVED the proposal to relocate Furze Down School's sixth form (up to 40 pupils) to the Short Break Day Service Building in Buckingham and expansion of the number of pupils on the Winslow site by 26 places to 180 with effect from 1st September 2024.

22 Dec 2023

HW09.23 - Buckinghamshire Sexual and Reproductive Health Strategy for 2024 – 2029

The Leader:

APPROVED the content of the Buckinghamshire Sexual and Reproductive Health Strategy

4 Jan 2024

L01.24 - Aylesbury New Primary Grid Connection - Revised Delivery Contract and Capacity Allocation

The Leader:

- **AGREED that the Council will enter into a revised contract with UK Power Networks (UKPN) for the delivery of the AGR Project, noting that significant changes to the regulatory environment have removed the market failure which originally required intervention by the Council.**
- **APPROVED the use of HIF-funded capital budget of £3,203,170 within the Capital Programme to progress the Council contractual delivery requirements.**
- **AGREED to delegate authority to the Corporate Director, Planning, Growth & Sustainability, to sign the contract variation.**

5 Jan 2024

EC08.23 - Childcare Sufficiency Assessment 2022-2023

The Leader:

- (a) **AGREED the Childcare Sufficiency Assessment for Buckinghamshire 2022/2023 and**

- (b) **NOTED** the contents of the report and identified priorities prior to publication on the Buckinghamshire Council website.

9 Jan 2024

CO01.24 - Modern Slavery Statement 2022-2023

The Leader:

AGREED the Modern Slavery Statement for Buckinghamshire Council.

11 Jan 2024

TR32.23 - Closure of parking facility at Hampden House

The Leader:

- **APPROVED** permanent closure of the Hampden House public car park facility in Aylesbury.
- **NOTED** that Asset Management will explore disposal/letting options and report on recommended options.

12 Jan 2024

PR06.23 - RAF Halton Supplementary Planning Document

The Leader:

APPROVED for public consultation the RAF Halton Supplementary Planning Document.

16 Jan 2024

EC11.23 - School Competitions Recommendation of Preferred Sponsors

The Leader AGREED:

That the Council recommends to the RD and DfE that:

- **Bidder A** is the Council's preferred bidder to run the new primary school and SEMH unit on the Kingsbrook development in Aylesbury;
- **Bidder B** is the Council's preferred bidder to run the new primary school and ASC Unit on the Hampden Fields development; and,
- **Bidder C** is the Council's preferred bidder to run the new primary school on the South West Milton Keynes Development (Land in Buckinghamshire South Of The A421 West Of Far Bletchley North Of The East West Rail Link And East Of Whaddon Road Newton Longville)

7 Feb 2024

HR01.24 - Scrap metal licensing policy

The Leader:

AGREED the adoption of a new Scrap Metal Licensing Policy for Buckinghamshire Council to be implemented from a date to be agreed by the Head of Licensing, in consultation with the Cabinet Member for Homelessness and Regulatory Services and Chairman of Licensing Committee.

For further information please contact Ian Hunt on 01494 421208

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