
Full Council

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To: The Mayor and Councillors of Haringey Council.

Dear Sir/Madam,

A meeting of the Council of the London Borough of Haringey will be held at the Civic Centre, High Road, Wood Green, N22 8LE on MONDAY, 18TH NOVEMBER, 2013 at 19:30 HRS, to transact the following business:

AGENDA

- 1. TO RECEIVE APOLOGIES FOR ABSENCE**
- 2. TO ASK THE MAYOR TO CONSIDER THE ADMISSION OF ANY LATE ITEMS OF BUSINESS IN ACCORDANCE WITH SECTION 100B OF THE LOCAL GOVERNMENT ACT 1972**
- 3. DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

- 4. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 15 JULY 2013 (PAGES 1 - 10)**
- 5. TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL**
- 6. TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE (PAGES 11 - 114)**
 - (i) Attachment A – Record of decisions taken under urgency procedures or delegated authority
 - (ii) Attachment B – Amendments to the Constitution and the Officer Scheme of Delegation
- 7. TO RECEIVE THE REPORT OF THE MONITORING OFFICER AND HEAD OF LEGAL SERVICES**
- 8. TO MAKE APPOINTMENTS TO OUTSIDE BODIES**
- 9. TO RECEIVE REPORTS FROM THE FOLLOWING BODIES (PAGES 115 - 136)**
 - a) Corporate Committee Report No 2 - 13/14
 - b) Overview and Scrutiny Report No 1 - 13/14
 - c) Cabinet Report No 2 - 13/14 **(TO FOLLOW)**
- 10. THE CHILDREN AND YOUNG PEOPLE'S PLAN (PAGES 137 - 178)**
- 11. COUNCIL TAX REDUCTION SCHEME 2014/15 (PAGES 179 - 406)**
- 12. THIRD ANNUAL CARBON REPORT 2013 (PAGES 407 - 452)**

13. **TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM**
14. **TO ANSWER QUESTIONS, IF ANY, IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NOS. 9 & 10 (PAGES 453 - 454)**

PUBLIC QUESTION 1 TO THE LEADER OF THE COUNCIL FROM DR JEREMY KLEIN:

SEE ATTACHED MARKED 'a'

ORAL QUESTION 1 - TO THE CABINET MEMBER FOR CHILDREN FROM COUNCILLOR NEWTON:

Following the awful cases of Child T and Child B, it has been reported in the Independent on Sunday that there is another serious case review being conducted by the Local Safeguarding Children Board, how many serious case reviews are currently being conducted in Haringey and when will they be published?

ORAL QUESTION 2 - TO THE CABINET MEMBER FOR FINANCE EMPLOYMENT AND CARBON REDUCTION FROM COUNCILLOR EGAN:

Can the Cabinet Member provide more information on the recent announcement that the Council is proposing a council tax freeze for the fifth consecutive year in 2014?

ORAL QUESTION 3 - TO THE CABINET MEMBER FOR REGENERATION AND HOUSING FROM COUNCILLOR WILSON:

How many kitchens could have been replaced by Homes for Haringey with the £3.7m wasted on dodgy bonuses for Homes for Haringey staff?

ORAL QUESTION 4 - TO THE CABINET MEMBER FOR HEALTH AND ADULT SERVICES FROM COUNCILLOR ADJE:

Can the Cabinet Member update members on what is being done to tackle drug and alcohol abuse in the borough?

ORAL QUESTION 5 - TO THE LEADER FROM COUNCILLOR REECE:

Why are you keeping Haringey's residents and taxpayers in the dark about how much of their hard-earned money has been spent compensating Sharon Shoesmith due to the incompetence of Haringey Council and Ed Balls?

ORAL QUESTION 6 - TO THE LEADER OF THE COUNCIL FROM COUNCILLOR CHRISTOPHIDES:

Can the Leader of the Council provide an update on what progress has been made with the McAslan and Partners design studio in N17?

**ORAL QUESTION 7 - TO THE CABINET MEMBER FOR THE ENVIRONMENT
FROM COUNCILLOR SOLOMON:**

How much did the proposal to build a waste plant on Pinkham Way cost to develop and how much is Haringey likely to save over the next five years as a result of the shelving of these plans?

**ORAL QUESTION 8 - TO THE CABINET MEMBER FOR HOUSING AND
REGENERATION FROM COUNCILLOR BULL:**

With the cost of living crisis forcing even more people to take out payday loans to make ends meet and more than 1.5 million households already spending over 30 per cent of their income on unsecured credit repayments, can the Cabinet Member tell us what the Council is doing to support available alternatives?

- 15. HARINGEY DEBATE - THE URGENT NEED TO IMPROVE PLANNING, PLANNING ENFORCEMENT AND BUILDING CONTROL IN HARINGEY**
- 16. TO CONSIDER THE FOLLOWING MOTIONS IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NO. 13**

MOTION B 2013-14

Councillor Mallett has given notice that she will MOVE the following MOTION:

This Council believes:

- The decline of high streets across London and throughout the UK has been accelerated as result of the Government's deregulation of use class planning rules which prevent local councils from controlling the damaging spread of betting shops, payday lenders and fried food outlets.
- It is wrong that local authorities and communities feel increasingly powerless to shape their town centres or do anything to halt the tide of businesses such as payday loan firms which alter the character of a high street and can put off people visiting or investing, and damages other businesses already there.

This Council notes:

- A Comres poll carried out for the Local Government Association last year found that two out of three members of the public (68 per cent) were against lax planning rules which allow high street banks to be turned into betting shops without permission because they both fall under the same planning category of financial services.
- A report by London Councils has said that town centres and high streets are at risk of not meeting the needs of local residents because planning regulations

restrict the power of councils to encourage balanced local economies, including a lack of control on the spread of shops such as pawnbrokers, payday lenders and bookmakers.

- The London Councils report also calls for the Government to reconsider its decision not to grant exemption to the London boroughs that asked to be removed from the recent permitted development rights which allow offices to be converted to homes without planning permission.
- The MP for Tottenham David Lammy, laid down an amendment to the Localism Bill to change the use class of betting shops, but this amendment was defeated by the Lib Dem / Tory Government. The Hornsey and Wood Green MP Lynne Featherstone, voted against the amendment
- The Labour Party has proposed to create an additional umbrella planning class which would allow local councils to decide if they want to place some premises, such as payday lenders, in a separate category. Local authorities could then refuse planning permission on the grounds that, for example, opening a payday loan shop would constitute a change of use. It would also allow councils to control the spread of other types of outlet where there is local concern. This proposal matches the recommendations put forward by London Councils.

This Council resolves:

- To write to the Secretary of State for Communities and Local Government, Eric Pickles, to outline the Council's concerns about the impact the Government's planning reforms are having in Haringey and ask that he urgently considers the proposals to introduce a sui generis (umbrella) planning use class.
- To write to Haringey's two local MPs asking them to publically raise the Council's concerns in Parliament and demand the Government rethink its localism agenda and give more control to local authorities and communities.

MOTION C 2013-14

Councillor Wilson has given notice that he will MOVE the following MOTION:

Affordable Homes and Jobs

The Council acknowledges:

The ambitious plan to deliver 270,000 new affordable homes in the capital by 2018 and create jobs as set out by Liberal Democrat London Assembly Members Stephen Knight and Caroline Pidgeon in a report launched in October.

The Council notes that:

- The plans set out to turn around the total failure over the last 35 years to build a sufficient number of affordable homes in the capital, leading to not only soaring rents but also a soaring Housing Benefit bill.
- Haringey Council has not build any council homes for 26 years and the last ones the council built were 6 flats in Hornsey.
- That thousands of people are on the housing waiting list in Haringey and that more council homes need to be built.
- That if the 7 point plan in the Affordable Homes and Jobs for London report were to be implemented this would benefit Haringey by making it easier to build council homes and would also create jobs for the local economy.

The Council also notes the main recommendations in the Affordable Homes and Jobs for London report:

- The Mayor of London to double his investment in affordable homes by borrowing against the Greater London Authority's £11.2bn annual revenue budget under prudential borrowing rules.
- The Mayor of London to use most, if not all, GLA-owned land for affordable homes.
- Government to scrap the Housing Revenue Account borrowing cap, enabling the London boroughs to invest in affordable housing under prudential borrowing rules.
- Government to increase its investment in affordable homes, shifting the balance of its spending from housing benefit to bricks and mortar.
- Devolution of responsibility for Skills Funding Agency money for London to the Mayor of London, so that it can be better focused on addressing local needs.
- A package of measures to help SMEs in the construction sector take advantage of the work generated by the programme.
- The Mayor of London to act as a one stop shop for construction apprenticeships, streamlining the process for SMEs in particular and providing career development for apprentices.
- Government to increase its investment in affordable homes, shifting the balance of its spending from housing benefit to bricks and mortar.
- Devolution of responsibility for Skills Funding Agency money for London to the Mayor, so that it can be better focused on addressing local needs.
- A package of measures to help SMEs in the construction sector take advantage of the work generated by the programme.
- The Mayor of London to act as a one stop shop for construction apprenticeships, streamlining the process for SMEs in particular and providing career development for apprentices.

The Council resolves to endorse the main recommendations in the Affordable Homes and Jobs for London report.

Nick Walkley
Chief Executive
River Park House
225 High Road
Wood Green
London N22 8HQ

Friday 8th November 2013

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MINUTES OF THE FULL COUNCIL
MONDAY, 15 JULY 2013

Councillors Adamou, Adje, Amin, Basu, Beacham, Bevan, Bloch, Brabazon, Browne, Butcher, Canver, Christophides, Cooke, Davies, Demirci, Diakides, Dogus, Egan, Ejiofor, Engert, Erskine, Gibson, Goldberg, Gorrie, Griffith, Jenks, Khan, Kober, Mallett, McNamara, Meehan, Newton, Peacock, Reece, Reid, Rice, Schmitz, Scott, Solomon, Stennett, Strang, Strickland, Vanier, Waters, Watson, Weber, Whyte, Williams, Wilson and Winskill

Apologies Councillor Alexander, Allison, Bull, Brabazon, Hare and Reith

MINUTE NO.	SUBJECT/DECISION	ACTION BY
CNCL49.	TO RECEIVE APOLOGIES FOR ABSENCE Apologies for absence were received from Councillors Alexander, Allison, Bull, Brabazon, Hare, and Reith, and for lateness from Councillor Cooke, Davies, and Schmitz. The Mayor sought the meeting's agreement to the variation of agenda business as follows : to consider Item 14 – Reports of Committees in conjunction with Item 9 – Community Safety Strategy (as an item on the Cabinet agenda in relation to Item 9). to consider Item 11 – Deputations and Petitions –after Item 9. The Mayor reported that there were four deputations to be heard and she was going to allow the normal 30 minutes to be extended to 45 minutes in order to hear each deputation and allow for questions and responses. to consider Item 13 – Oral questions after Item 11, and then by jointly considering Items 10 – Progress report – responses to the outstanding for all commission's final report with Item 12 – Haringey Debate The Mayor hoped that Members would appreciate that her attempts to vary the agenda were in order to ensure that maximum time was given to items. The variation was agreed nemine contradicente. NOTED	
CNCL50.	TO ASK THE MAYOR TO CONSIDER THE ADMISSION OF ANY LATE ITEMS OF BUSINESS IN ACCORDANCE WITH SECTION 100B OF THE LOCAL GOVERNMENT ACT 1972 The Chief Executive advised that there were two late items of business, which could not be available earlier, and which would need to be dealt	

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	with at this meeting. <u>Item 14 – To receive reports from the following Bodies</u> <u>Report No 1 2013/14 of the Cabinet 9 July 2013</u> The Chief Executive advised that report was late for consideration and could not be forwarded to Full Council until Cabinet had met on 9 July 2013 and had agreed recommendations for full Council in respect of the Community Safety Strategy, and also the Local Code of Corporate Governance. 15 – Questions and Written Answers The Chief Executive advised that notice of questions was not requested until 8 clear days before the meeting, following which the matters raised had to be researched and replies prepared to be given at the meeting. NOTED	
CNCL51.	DECLARATIONS OF INTEREST There were no declarations of interests. NOTED	
CNCL52.	TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 20 MAY 2013 RESOLVED: That the minutes of the meeting of the Council held on 20 May 2013 be signed as a true record.	
CNCL53.	TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL i. The Mayor advised that she had invited and welcomed to the meeting three 'Junior Volunteer Police Cadets'. The Cadets were launched in Haringey on Thursday 6 June 2013. The Mayor advised that the purpose of the Police Cadets was to invite young people aged 10-13 years old to take part in a programme which would teach them life skills, social responsibility and help build positive relationships with the police. The Mayor advised that she would be sending a briefing on exactly what their programme entailed, and hoped that Councillors would support the Cadets and give them encouragement. The Council gave the Cadets a round of applause.	

ii. Tanya Kenny-Parker - Jubilee Awards

The Mayor reported that Tanya Kenny-Parker, manager of The Haven Day Centre was nominated for the prestigious Jubilee Awards, which recognised and rewarded individuals who had shown outstanding service in the public sector. The awards were designed to showcase the nation's gratitude for the outstanding service provided by public sector workers, and promote the value of the public sector.

The Haven provided a service to older people with either physical disability or mental health problems and was based on the borders of Tottenham, in N17. Tanya had been selected by an independent panel of judges in recognition of her commitment and excellence in the public sector. A huge number of excellent nominations were received and the competition was strong. Nominations were judged by a prominent panel and a total of 10 awards were given across the country, of which Tanya's was one.

The Mayor advised that all winners had now been invited to attend a ceremony at the House of Lords on the afternoon of 25th July 2013 where they would be presented with their awards by Lord Watson of Richmond.

iii. Personal Travel Planning (PTP) project in Northumberland Park and White Hart Lane

The Mayor welcomed to the meeting members from Living Under One Sun (a community group based in Tottenham) who in February 2013 carried out a pilot study for a Personal Travel Planning (PTP) project in Northumberland Park and White Hart Lane. This was commissioned by Haringey Council's Smarter Travel team. The team worked hard to talk to residents of both wards about how they travel and offered sustainable travel options.

The Mayor advised that not all members of the team could be in attendance, but she wished to congratulate the whole team for their dedication and hard work. The team were Glynis Kirkwood, Kenny Quest, Imman Laksari-Adams, Jessica Clark, Marta Samuel, Isoken Ogieriakhi, Mesut Tas, Richard Smith, Yahkeasha Wilson, Aaron Blake, Leyla Laksari, Priti Kaur, Felix Waterhouse and Joanne Barrett, and also Dilek Sabri, Smarter Travel Officer who managed the project, and Denise Adolphe who managed the Smarter Travel programme were also welcomed.

Cllr Canver – Cabinet Member for the Environment explained the concept of Personal Travel Planning, which encouraged a change in travel behaviour away from the car, with conversations between the recipient and a travel advisor about the way that they travel.

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	Information and advice was offered about more sustainable travel such as walking, cycling, public transport or greener driving in order to fill knowledge gaps, challenge inaccurate perceptions and make alternatives to the car more attractive. Councillor Canver advised that Living Under One Sun recruited a fantastic team of local residents committed to their neighbourhood. The project was delivered to a tight timetable between March and April (one of the coldest springs on record). Key successes include: • 13 part time jobs created • 9100+ homes visited • 1424 households requested Smarter Travel resources • 2 Personal Travel Planning community events held • Post project documentary produced by University College London Aaron Blake, one of the Personal Travel Planning team outlined the work of the project and the successes of the team. The Group received a resounding round of applause from the Council. iv. Presentation of Past Mayor's Certificate The Mayor presented a Past Mayor's Certificate to Cllr David Browne in recognition of his term of office as Mayor for 2012-13. Councillor Browne came forward and collected his certificate, and the meeting gave its applause to the presentation. v. The death of Norman Atkinson The Mayor reported to the meeting the death of Norman Atkinson who was a former Labour Tottenham MP for over 20 years (1964 – 1987). Details of Mr Atkinson's life were to be circulated to members present, and by email. The Mayor wished to pass on the Council's condolences to Mr Atkinson's family. Councillors Adamou and Meehan spoke in memory of Mr Atkinson. The Council stood for a minute's silence in memory of Mr Norman Atkinson. NOTED	
CNCL54.	TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE	
	There were no matters to report.	
CNCL55.	TO RECEIVE THE REPORT OF THE MONITORING OFFICER AND HEAD OF LEGAL SERVICES	

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	There were no matters to report.	
CNCL56.	TO MAKE APPOINTMENTS TO OUTSIDE BODIES There were no appointments to outside bodies. At this point in the proceedings the Mayor advised of her earlier advice of a variation in the order of proceedings to next consider Item 14 – Reports of Committees in conjunction with Item 9.	
CNCL57.	TO RECEIVE REPORTS FROM THE FOLLOWING BODIES i. Cabinet – Report No 1 -2013-14 – reference – Community Safety Strategy Councillor Kober, MOVED the recommendation contained in the report of Cabinet of 9 July 2013 in respect of requesting Full Council to adopt Haringey’s Community Safety Strategy 2013-2017 following endorsement of the Cabinet of the strategy . The MOTION was carried nemine contradicente. ii. Community Safety Strategy 2013-2017 On a MOTION by the Chair it was: RESOLVED That approval be given to the Community Safety Strategy 2013-2017. iii. Cabinet – Report No 1 -2013-14 – reference – Review of the Local Code of Corporate Governance Councillor Kober, MOVED the recommendation contained in the report of Cabinet of 9 July 2013 in respect of requesting Full Council to adopt the revised Local Code of Corporate Governance following endorsement of the Cabinet on 9 July 2013. RESOLVED	

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	That approval be given to the revised Local Code of Corporate Governance. iv. Corporate Committee Report No 1 2013/14 Councillor Meehan – Chair of the Corporate Committee briefly introduced the report of the Corporate Committee of 27 June 2013 in respect of the Treasury Management 2012/13 Outturn and Quarter 1 and MOVED the adoption of the recommendations contained therein. RESOLVED i. That the treasury management activity and performance during 2012/13 of the report of Corporate Committee of 27 June 2013 be noted; and ii. That the amendment to the Prudential Indicators within the Treasury Management Strategy Statement 2013/14 as set out in paragraph 14.6 of the report of Corporate Committee of 27 June 2013 be approved. At this point in the proceedings the Mayor advised of her earlier advice of a variation in the order of proceedings to next consider Item 11 – Deputations and petitions.	
CNCL58.	COMMUNITY SAFETY STRATEGY	
	See Minute 58 above	
CNCL59.	TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM There were four deputations to address the meeting. The first deputation was received from Mario Petrou to request Haringey Council to set up a Committee to standardise and bring up to date fundamental baseline data currently erroneously listed in key planning and other documents; to subsequently reassess the true condition of the state of the Borough and consider the renegotiation of Haringey's housing targets downwards; that the Council champions retaining all of the St Ann's hospital site for health use only, given the true state of the borough was worse than reported. Members asked questions of the deputation and received responses thereto. The Cabinet Member for Economic Development and Social Inclusion	

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	responded to the deputation. The second deputation was received from Phillip Udeh – on behalf of ‘Our Tottenham’ presenting its new community charter in response to current planning and regeneration ‘plan for Tottenham’. Members asked questions of the deputation and received responses thereto. The Cabinet Member for Economic Development and Social Inclusion responded to the deputation. The third deputation was received from Jacob Secker – on behalf of ‘Haringey Defend Council Housing’ in respect of a new 5 year Tenancy Strategy. Members asked questions of the deputation and received responses thereto. The Cabinet Member for Housing responded to the deputation. The third deputation was received from Rev Paul Nicolas – on behalf of ‘Haringey Alliance for Benefit Justice’ in respect of the bedroom tax. Members asked questions of the deputation and received responses thereto. The Cabinet Member for Finance and Carbon Reduction responded to the deputation. The Mayor thanked the four deputees for their attendance. NOTED At this point in the proceedings the Mayor advised of her earlier advice of a variation in the order of proceedings to next consider Item 13 – Questions.	
CNCL60.	TO ANSWER QUESTIONS, IF ANY, IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NOS. 9 & 10 The Mayor agreed to the admission of this report as urgent business. Under Standing Orders, notice of questions was not requested until eight clear days before the meeting, following which matters raised had to be researched and replies prepared in order to be given at the meeting. There were 8 oral questions and 14 for written answer. NOTED At this point in the proceedings the Mayor advised of her earlier advice	

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	of a variation in the order of proceedings to next consider Items 10 – Progress report – Response to the Outstanding for All – Commission’s Final report & 12 – Haringey Debate - Outstanding for All – Haringey’s Education Commission.	
CNCL61.	PROGRESS REPORT - RESPONSE TO THE OUTSTANDING FOR ALL COMMISSION'S FINAL REPORT The Chief Executive outlined the procedure for the sixth occasion where the Council had a Haringey Debate. The Cabinet Member for Children gave an introduction to Item 10 - Progress report – Response to the Outstanding for All – Commission’s Final report and also highlighted the contents of the circulated report. The Mayor advised of a TABLED amendment to the recommendations in the circulated report from Cllr Wilson, to be seconded by Cllr Reece. Councillor Wilson MOVED the following amendment and reserved his right to speak during the debate. Councillor Reece seconded the amendment and also reserved her right to speak during the debate. The amendment to the recommendations was as follows:- Delete the struck through words and add the underlined words on page 6 of the report, recommendation, paragraph 2: 2. Recommendations ~~Overview and Scrutiny Panel~~ <u>Full Council</u> is asked to: • note the progress to date • <u>Call on Cabinet to accept all the recommendations in the final Outstanding for All commission report and implement them in full</u> • <u>Request that Cabinet comes back to council in March 2014 with a progress report on the implementation of the Outstanding for All commission report recommendations</u> • ~~give comment and feedback in order to provide support and challenge.~~ The proposed amendment to the recommendations were put to the meeting and agreed nemine contradicente. It was: RESOLVED That in respect of the Progress report – Response to the Outstanding for All – Commission’s Final report: i. that the progress to date be noted ; ii. that Cabinet be called upon to accept all the recommendations in the final Outstanding for All Commission report and implement them in full; and iii. that Cabinet be requested to report back to Full Council in March	

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	2014 with a progress report on the implementation of the Outstanding for All commission report recommendations. The Mayor welcomed Dame Anna Hassan – Chair of the Outstanding for All : Haringey’s Education Commission, and also Jane Flynn - Head Teacher to the Council meeting . The Cabinet Member for Children introduced the debate topic. Dame Anna Hassan & and Jane Flynn each then addressed the meeting for a period of 5 minutes. Following their personal addresses, the Mayor thanked both Dame Anna Hassan, and Jane Flynn for their addresses and they received a round of applause. The Mayor then advised (at 21.33hrs) that give the lateness of the evening the debate time would be for 30 minutes and not the usual 45 minutes allowed for debates, with a maximum of 3 minutes speaking time for each speaker. A 30 minute debate then took place, with contributions from Cllr Kober, Cllr Reece, Cllr Khan, Cllr Solomon, Cllr Egan, Cllr Strang, Cllr Vanier, Cllr Wilson and Cllr Meehan. At the conclusion of the debate, the Mayor invited Councillor Waters to respond. The Mayor thanked members for their participation.	
CNCL62.	HARINGEY DEBATE - OUTSTANDING FOR ALL: HARINGEY'S EDUCATION COMMISSION SEE MINUTE 62 ABOVE	
CNCL63.	TO CONSIDER THE FOLLOWING MOTIONS IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NO. 13 Due to the late hour Motion A was not considered.	

COUNCILLOR SHEILA PEACOCK

Mayor

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Haringey Council

A

Report for:	Council 18 NOVEMBER 2013	Item number	

Title:	RECORD OF DECISIONS TAKEN UNDER URGENCY PROCEDURES OR DELEGATED AUTHORITY

Report authorised by :	Chief Executive <i>Beverly Ryan p.d. Nick Wadley</i>

Lead Officer:	Clifford Hart, Democratic Services Manager Tel: 0208 489 2920

Ward(s) affected: N/A	Report for Key/Non Key Decision: N/A

1. Describe the issue under consideration

To note decisions taken by the Chief Executive in concurrence with the Mayor, and Deputy Mayor, in accordance with Part 3 Section E paragraph 4.03 of the Constitution during August and September 2013.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 That Full Council note the attached reports marked A-C in relation to decisions taken by the Chief Executive in concurrence with the Mayor, and Deputy Mayor in accordance with Part 3 Section E paragraph 4.03 of the Constitution since the last meeting of Full Council on 15 July 2013.



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4. Background information

- 4.1 The Annual General Meeting of the Full Council appoints Committees of the Council and confirms nominations to all outside organisations, in accordance with Articles 4.02 and 11.08 of the Constitution. The AGM also ratifies the appointment of the Chair of each Area Committee in accordance with Part 3 Section C (5) of the Constitution.
- 4.2 Changes to appointments can be made at any stage during the Municipal Year with the changes being reported to the Council as appropriate. Following a reorganisation of the Cabinet in August and September this year, these changes were reported to the Chief Executive for confirmation in consultation with the Mayor, and Deputy Mayor, in accordance with Part 3 Section E paragraph 4.03 of the Constitution, and are now reported to the Council for noting.

5. Comments of the Head of Legal Services and Legal Implications

- 5.1 The legal and constitutional implications are set out in the body of this and the appended reports.

6. Comments of the Chief Financial Officer and Financial Implications

- 6.1 The Chief Finance Officer has been consulted on the contents of this report and has no additional comments to add.

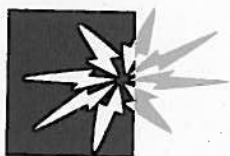
7. Local Government (Access to Information) Act 1985

Background papers

Local Government and Housing Act 1989.
Local Government (Committees and Political Groups) Regulations 1990
Local Government Act 2000.
Report to Annual Council on Committee Appointments – 21/05/12

The background papers are located at River Park House, 225 High Road, Wood Green, London N22 8HQ.

To inspect them or to discuss this report further, please contact Clifford Hart on 0208 489 2920.



Haringey Council

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8. Equalities and Community Cohesion Comments

8.1 The Council has a public sector equality duty under S149 of the Equality Act 2010 to have due regard to need to:

- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who those characteristics and people who do not.

8.2 Policy and Equalities Team have been consulted in the preparation of this report and they comment that the proposals outlined in this report carry no apparent implications for the any aspect of duty outlined above.

A

RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES OR DELEGATED AUTHORITY

All requests for action to be taken in accordance with established urgency procedures or delegated authority must be accompanied by an appropriate report setting out all relevant considerations, in particular legal and financial considerations, and with a clear recommendation[s] for action, in order for an appropriate decision to be taken in accordance with the provisions of current legislation.

Log No. 001/13-14

Ward(s) affected: N/A

Title of Report:

Changes to the Cabinet and appointments to outside bodies

Reason for urgency or
relevant paragraph for authority under scheme of delegation:

In accordance with Part 3 Section E paragraph 4.03 of the Constitution, these changes can be confirmed by the Chief Executive in consultation with the Mayor, and reported up to Full Council at the next opportunity.

Decision of Chief Officer

I approve the recommendation as set out in the attached report.

Signature

N. Waller

Date

17/08/2013

Concurrence of the Mayor

I concur with the above decision.

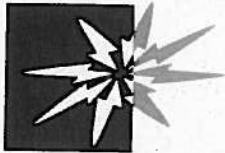
Signature

Kaushika Anand

Date

19. 8. 2013

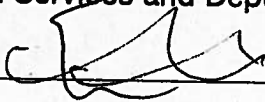
Once signed by the Chief Officer this cover sheet together with the substantive report must be forwarded to the Cabinet Committees Team - Level 7, River Park House - for processing. All requests for action to be taken in accordance with urgency procedures must be dealt with in this way to ensure that the Council complies with the necessary legal requirements. Thank you for your co-operation.



Haringey Council

Report for:	THE CHIEF EXECUTIVE 19 August 2013	Item number	N/A

Title:	Changes to the Cabinet and appointments to outside bodies

Report authorised by :	Stephen Lawrence-Orumwense, Assistant Head of Legal Services and Deputy Monitoring Officer  19/8/2013

Lead Officer:	Victoria Wyatt, Senior Corporate Lawyer Tel: 0208 489 4636

Ward(s) affected: N/A	Report for Key/Non Key Decision: N/A

1. Describe the issue under consideration

- 1.1 To advise the Chief Executive of changes to the Cabinet and of outside body representatives and to seek confirmation of these outside appointments.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 That the changes to the Cabinet be noted;
- 3.2 That, in consultation with the Mayor, the nominations to outside bodies be confirmed;



Haringey Council

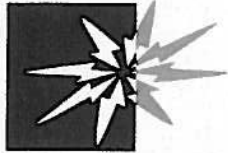
- 3.3 That the changes to the Cabinet and to appointments on outside bodies are reported to the next meeting of the Full Council.

4. Background information

- 4.1 The Annual General Meeting of the Full Council appoints Committees of the Council and confirms nominations to all outside organisations, in accordance with Articles 4.02 and 11.08 of the Constitution.
- 4.2 Changes to appointments can be made at any stage during the Municipal Year with the changes being reported to the Council as appropriate. Pending the next meeting of the Full Council these changes are being reported to the Chief Executive for confirmation in consultation with the Mayor, in accordance with Part 3 Section E paragraph 4.03 of the Constitution.
- 4.3 In accordance with Article 7.05, the Leader will determine the members of her Cabinet and their portfolio responsibilities. Cabinet members remain in office until, inter alia, they resign from this office.
- 4.4 The Leader has advised that the Cabinet Member for Environment, Councillor Nilgun Canver, has resigned from her position on the Cabinet. Councillor John Bevan will assume this portfolio as Cabinet Member for Environment, until the end of the Municipal Year 2013/14. Councillor Bevan will continue to hold office as Cabinet Member for Housing until the end of the Municipal Year 2013/14, or such time before that as he retires and a successor is appointed.
- 4.5 Consequent on these Cabinet changes, the following nominations to outside bodies have been put forward by the Leader, for the remainder of the Municipal Year 2013/14:
- (a) **North London Waste Authority – appointment of Cabinet Member for Environment**

Councillor Canver is retired and Councillor Bevan is appointed;
 - (b) **London Council's Transport & Environment Committee – appointment of Cabinet Member for Environment**

Councillor Canver is retired and Councillor Bevan is appointed.
- 4.6 The Chief Executive, in consultation with the Mayor, is asked to confirm these appointments in order that these bodies may be notified of changes in membership as soon as possible



Haringey Council

5. Comments of the Chief Financial Officer and Financial Implications

N/A

6. Head of Legal Services and Legal Implications

- 6.1 The legal and constitutional implications are set out in the body of the report.

7. Local Government (Access to Information) Act 1985

N/A

7. Equalities and Community Cohesion Comments

N/A

3

RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES OR DELEGATED AUTHORITY

All requests for action to be taken in accordance with established urgency procedures or delegated authority must be accompanied by an appropriate report setting out all relevant considerations, in particular legal and financial considerations, and with a clear recommendation[s] for action, in order for an appropriate decision to be taken in accordance with the provisions of current legislation.

Log No. 002 / 13-14

Ward(s) affected: N/A

Title of Report:
Changes to the Cabinet and appointments to outside bodies

Reason for urgency or relevant paragraph for authority under scheme of delegation:

In accordance with Part 3 Section E paragraph 4.03 of the Constitution, these changes can be confirmed by the Chief Executive in consultation with the Mayor, and reported up to Full Council at the next opportunity.

Decision of Chief Officer

I approve the recommendation as set out in the attached report.

Signature *N. Walker* Date 9/9/13

Concurrence of the Mayor

I concur with the above decision.

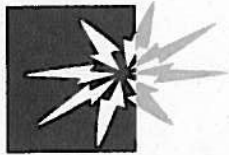
Signature *S S Peacock* Date 5/9/13



Haringey Council

Report for:	THE CHIEF EXECUTIVE 5 September 2013	Item number	N/A
Title:	Changes to the Cabinet and appointments to Council committees and outside bodies		
Report authorised by :	Bernie Ryan, Head of Legal Services and Monitoring Officer <i>Bernie Ryan</i>		
Lead Officer:	Victoria Wyatt, Senior Corporate Lawyer Tel: 0208 489 4636		
Ward(s) affected: N/A	Report for Key/Non Key Decision: N/A		

1. Describe the issue under consideration
 - 1.1 Following an earlier report to the Chief Executive of 19 August 2013, this report provides an update on further changes to the Cabinet and of Council committee and outside body representatives and to seek confirmation of these appointments.
2. Cabinet Member Introduction
N/A
3. Recommendations
 - 3.1 That the changes to the Cabinet be noted;
 - 3.2 That, in consultation with the Mayor, the appointment to the Regulatory Committee and nominations to outside bodies be confirmed;



Haringey Council

- 3.3 That the changes to the Cabinet and to appointments to the Regulatory Committee and to outside bodies are reported to the next meeting of the Full Council.

4. Background Information

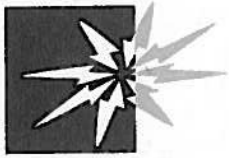
- 4.1 The Annual General Meeting of the Full Council appoints Committees of the Council and confirms nominations to all outside organisations, in accordance with Articles 4.02 and 11.08 of the Constitution. The AGM also ratifies the appointment of the Chair of each Area Committee in accordance with Part 3 Section C (5) of the Constitution.
- 4.2 Changes to appointments can be made at any stage during the Municipal Year with the changes being reported to the Council as appropriate. Pending the next meeting of the Full Council these changes are being reported to the Chief Executive for confirmation in consultation with the Mayor, in accordance with Part 3 Section E paragraph 4.03 of the Constitution.
- 4.3 In accordance with Article 7.05, the Leader will determine the members of her Cabinet and their portfolio responsibilities. The Leader has advised of further changes to the Cabinet Member appointments and their portfolio responsibilities.
- 4.4 As previously noted, Councillor John Bevan has been appointed to the role of Cabinet Member for Environment. Councillor Bevan has now retired as Cabinet Member for Housing.
- 4.5 The Leader has realigned the regeneration role within the portfolio that was Economic Development and Social Inclusion. Councillor Strickland is now responsible as Cabinet Member for Regeneration and Housing. Planning has been moved out of this portfolio to ensure there is no potential for conflict between the Council's planning and regeneration priorities.
- 4.6 A new Planning and Enforcement portfolio has been created, to include responsibility for licensing policy, enforcement and HMOs. Councillor Ejiofor has been appointed to the role of Cabinet Member for Planning and Enforcement.
- 4.7 Responsibility for employment has transferred from the Regeneration portfolio to Councillor Goldberg who currently has responsibility for youth employment issues. This is to ensure greater coherence between the youth and wider employment interventions in addition to keeping the regeneration role a manageable size. Councillor Goldberg is now



Haringey Council

responsible as Cabinet Member for Finance, Employment and Carbon Reduction.

- 4.8 The Cabinet Members for Health and Adult Services, Children, Environment and Communities will continue with their current areas of responsibility.
- 4.9 The revised Cabinet Member portfolios for the remainder of 2013/14 are set out in full at Appendix 1 to this report.
- 4.10 Consequent on these Cabinet changes, the following nominations to Council committees and outside bodies have been put forward by the Labour party whip, Councillor Egan, for the remainder of the Municipal Year 2013/14:
 - (a) **Regulatory Committee** – politically proportionate appointment:
Councillor Ejiofor is retired and Councillor Browne is appointed;
 - (b) **Homes for Haringey ALMO Board of Directors** – politically proportionate appointment:
Councillor Ejiofor is retired and Councillor Browne is appointed.
- 4.11 The Chief Executive, in consultation with the Mayor, is asked to confirm these appointments in order that these bodies may be notified of changes in membership as soon as possible.
- 4.12 Pursuant to Article 10.04 of the Constitution, a Cabinet Member may not serve as Chair of an Area Committee. It should be noted that a new chair of West Green & Bruce Grove Area Committee will be elected at the Labour Group meeting on 12 September 2013 following Councillor Ejiofor's retirement from this position. A further report will be brought to the Chief Executive in due course to ratify the appointment of the Chair in advance of the Full Council meeting in November 2013.
5. **Comments of the Chief Financial Officer and Financial Implications**
N/A
6. **Head of Legal Services and Legal Implications**
 - 6.1 The legal and constitutional implications are set out in the body of the report.



Haringey Council

7. Local Government (Access to Information) Act 1985

N/A

8. Equalities and Community Cohesion Comments

N/A

9. Appendices

9.1 Appendix 1 - Cabinet Portfolios 2013-14

The Cabinet 2013-14

Update: September 2013

Councillor	Position	Responsibilities	Ward
 Cllr Claire Kober	Leader of the Council	Performance of the Council	Seven Sisters
		External partnerships	
		Northumberland Park Project	
		Corporate policy and strategy	
		Communications	
		Legal services	
 Cllr Bernice Vanier	Cabinet Member for Health and Adult Services and Deputy Leader of the Council	Human Resources and organisational development	Tottenham Green
		Adult and voluntary sector commissioning	
		Adult social care	
		Personalisation and occupational therapy	
		Learning disabilities	
		Public health	
 Cllr Ann Waters	Cabinet Member for Children	Looked after children	Woodside
		Safeguarding	
		Fostering and adoption	
		Children with disabilities	
		Early years	
		Child care	
 Cllr Alan Strickland	Cabinet Member for Regeneration and Housing	Children's centres	Noel Park
		Education	
		Regeneration	
		Promoting investment and economic growth	
		Culture	
		Financial and social inclusion	
		Homes for Haringey	
		Housing investment	
		Engagement with Registered Social Landlords	
		Homeless families	
		Strategic housing policy	
		Housing allocations policy	

	Cllr John Bevan	Cabinet Member for Environment	Recycling, waste and street cleaning Environmental enforcement Highways Parking Parks and green spaces	Northumberland Park
	Cllr Joe Goldberg	Cabinet Member for Finance, Employment and Carbon Reduction	Carbon reduction strategies Council budget, taxation and benefits Asset management and investment policy Procurement Property IT Customer contact Corporate property Employment Youth services, youth democracy, youth unemployment and youth offending	Seven Sisters
	Cllr Richard Watson	Cabinet Member for Communities	Community safety and engagement with the Met. Police Domestic violence Community cohesion Equalities Area Committees and community engagement Complaints and member enquiries Recreation and leisure Libraries and community hubs	Tottenham Green
	Cllr Joe Ejiofor	Cabinet Member for Planning and Enforcement	Planning and licensing policy Planning applications Planning and licensing enforcement Housing with Multiple Occupancy (HMOs)	Bruce Grove

C

**RECORD OF DECISION TAKEN UNDER URGENCY
PROCEDURES OR DELEGATED AUTHORITY**

All requests for action to be taken in accordance with established urgency procedures or delegated authority must be accompanied by an appropriate report setting out all relevant considerations, in particular legal and financial considerations, and with a clear recommendation[s] for action, in order for an appropriate decision to be taken in accordance with the provisions of current legislation.

Log No. 003 / 13-14

Ward(s) affected: N/A

Title of Report:

Appointment of Area Committee Chair for West Green and Bruce Grove

Reason for urgency or relevant paragraph for authority under scheme of delegation:

In accordance with Part 3 Section E paragraph 4.03 of the Constitution, this appointment can be confirmed by the Chief Executive in consultation with the Mayor, and reported up to Full Council at the next opportunity.

Decision of Chief Officer

I approve the recommendation as set out in the attached report.

Signature

N. Wally

Date

16/09/13

Concurrence of the Mayor

I concur with the above decision.

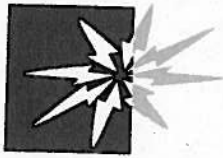
Signature

S S Peacock

Date

17/9/13

Once signed by the Chief Officer this cover sheet together with the substantive report must be forwarded to the Cabinet Committees Team - Level 7, River Park House - for processing. All requests for action to be taken in accordance with urgency procedures must be dealt with in this way to ensure that the Council complies with the necessary legal requirements. Thank you for your co-operation.



Haringey Council

Report for:	THE CHIEF EXECUTIVE 17 September 2013	Item number	N/A
Title:	Appointment of Area Committee Chair for West Green & Bruce Grove		
Report authorised by :	Bernie Ryan, Head of Legal Services and Monitoring Officer <i>Bernie Ryan</i>		
Lead Officer:	Victoria Wyatt, Senior Corporate Lawyer Tel: 0208 489 4636		
Ward(s) affected: N/A	Report for Key/Non Key Decision: N/A		

1. Describe the issue under consideration
 - 1.1 Following an earlier report to the Chief Executive of 5 September 2013, this report provides an update on changes to the Chair of West Green and Bruce Grove Area Committee and seeks ratification of this appointment.
2. Cabinet Member Introduction

N/A
3. Recommendations
 - 3.1 That, in consultation with the Mayor, the appointment of Councillor Mallet as Chair to the West Green and Bruce Grove Area Committee be confirmed and that this be reported to the next meeting of the Full Council.
4. Background Information



Haringey Council

- 4.1 The Annual General Meeting of the Full Council appoints Area Committees of the Council, in accordance with Articles 4.02 and 10.01 of the Constitution. The AGM also ratifies the appointment of the Chair of each Area Committee in accordance with Part 3 Section C (5) of the Constitution.
- 4.2 Pursuant to Article 10.04 of the Constitution, a Cabinet Member may not serve as Chair of an Area Committee. As previously noted in a report to the Chief Executive of 5 September 2013, following his appointment as Cabinet Member for Planning and Enforcement, Councillor Ejiofor has retired his position as Chair of West Green & Bruce Grove Area Committee.
- 4.3 Of the remaining ward Councillors, Councillor Mallet has been nominated as Chair of West Green & Bruce Grove Area Committee for the remainder of the Municipal Year 2013/14.
- 4.4 Changes to appointments can be made at any stage during the Municipal Year with the changes being reported to the Council as appropriate. Pending the next meeting of the Full Council these changes are being reported to the Chief Executive for confirmation in consultation with the Mayor, in accordance with Part 3 Section E paragraph 4.03 of the Constitution.
5. **Comments of the Chief Financial Officer and Financial Implications**
N/A
6. **Head of Legal Services and Legal Implications**
 - 6.1 The legal and constitutional implications are set out in the body of the report.
7. **Local Government (Access to Information) Act 1985**
N/A
8. **Equalities and Community Cohesion Comments**
N/A

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Haringey Council

B

Report for:	Council 18 NOVEMBER 2013	Item number	

Title:	Amendments to the Constitution and the Officer Scheme of Delegation

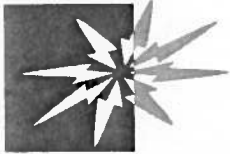
Report authorised by :	Chief Executive <i>Bernie Ryan P.P. Nick Walkley</i>

Lead Officer:	Victoria Wyatt, Senior Corporate Lawyer Tel: 0208 489 4636

Ward(s) affected: N/A	Report for Key/Non Key Decision: N/A

1. Describe the issue under consideration
 - 1.1 For Council to approve Constitutional changes following a restructure of Place and Sustainability Directorate and consequent on the introduction of the Scrap Metal Dealers Act 2013.
2. Cabinet Member Introduction

N/A
3. Recommendations
 - 3.1 That Full Council note the attached report marked A in relation to the delegation of functions consequent on the introduction of the Scrap Metal Dealers Act 2013 and approve the recommendations set out therein;



Haringey Council

B

- 3.2 That Full Council note the attached report marked B in relation to the delegation of functions consequent on the restructure of Place and Sustainability Directorate approved at Corporate Committee on 27 June 2013 and approve the recommendations set out therein.

4. Background information

- 4.1 Report A appended to this report outlines the implications for the Council arising from the Scrap Metal Dealers Act 2013 which establishes a new licensing regime for scrap metal dealers. The report seeks Council approval to amendments to the Terms of Reference of the Regulatory Committee at Part 3 Section C, and to the Officer Scheme of Delegation at Appendix E Part 4, of the Constitution.
- 4.2 Report B appended to this report follows an earlier decision of the Corporate Committee of 27 June 2013 to reorganise the senior management structure of the Place and Sustainability Directorate. The report seeks Council approval to amendments to the Officer Scheme of Delegation at Appendix E Part 4, and to the Senior Management Structure at Appendix D, of the Constitution, to reflect the responsibilities and delegations for officers under the new structure.
- 4.3 Agreeing and/or amending the Scheme of Delegation to Officers with respect to non-executive functions is reserved to the Full Council in accordance with Part 3 Section C of the Constitution. The changes to the Senior Management Structure in Appendix D are consequent on the earlier decision of the Corporate Committee to the restructure of the Place and Sustainability Directorate. Full Council approval is now sought to this change in accordance with Article 15.03(a) of the Constitution.

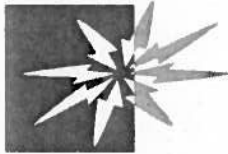
5. Comments of the Head of Legal Services and Legal Implications

- 5.1 The legal and constitutional implications are set out in the body of this and the appended reports.

6. Comments of the Chief Financial Officer and Financial Implications

- 6.1 The financial implications are set out in the body of the appended reports.

7. Local Government (Access to Information) Act 1985



Harlingey Council

B

N/A

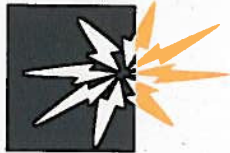
8. Equalities and Community Cohesion Comments

8.1 The equalities implications are set out in the body of the appended reports.

9. Use of Appendices

Report A - Report of the Director of Place and Sustainability – Scrap Metal Dealers Act 2013 Delegation of functions and amendment to terms of reference of Regulatory and Licensing Sub-Committees

Report B: Report of the Director of Place and Sustainability - Amendments to the Place and Sustainability Scheme of Delegations for Officers



Haringey Council

A

Report for:	Full Council 18 November 2013	Item Number:	
Title:	Scrap Metal Dealers Act 2013 - Delegation of functions and amendment to terms of reference of Regulatory and Licensing Sub-Committees		
Report Authorised by:	Lyn Garner Director of Place and Sustainability		
Lead Officer:	Stephen McDonnell Deputy Director of Operations and Community Safety		
Ward(s) affected: All	Report for Key/Non Key Decisions: N/A		

1. Describe the issue under consideration

- 1.1 This report sets out the implications for the council arising from the Scrap Metal Dealers Act 2013 ("the 2013 Act") which establishes a new licensing regime for scrap metal dealers.
- 1.2 The proposed process for dealing with these new licences is outlined, including decision making arrangements both by officers, under delegated powers, and by the Licensing Sub-committees.
- 1.3 The minor amendment to the terms of reference of the Regulatory Committee and the Licensing Sub-committees to specifically include scrap metal dealing matters.
- 1.4 The licence fees to cover the cost of administering the new licensing regime were approved by the Regulatory Committee on 14 September 2013.

2. Cabinet Member introduction

- 2.1 The Scrap Metal Dealers Act 2013 received Royal Assent in February 2013, delivering much needed reform of the scrap metal sector. The 2013 Act will provide effective and proportionate regulation of the sector, creating a more robust, local authority run, licensing regime that will support legitimate dealers yet



Haringey Council

provide the powers to effectively tackle unscrupulous operators. It will raise standards across the whole sector. It is being implemented in key stages between between 1 September 2013 and 1 December 2013.

3. Recommendations

That Council:

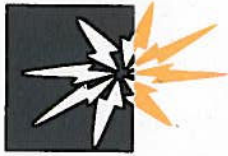
- 3.1 Notes the requirements of the Scrap Metal Dealers Act 2013 and the proposed arrangements for its operation by the council.
- 3.2 Approves the delegation of functions to officers in respect of uncontested applications based on the criteria set out in paragraph 5.17 to this report.
- 3.3 Notes the functions of the Licensing Sub-committee in respect of contested applications based on the criteria set out in paragraph 5.17 and 5.15 to this report.
- 3.4 Approves the minor amendment to the terms of reference of the Regulatory Committee and the Licensing Sub-committees to specifically include matters covered by the Scrap Metal Dealers Act 2013. Appendix 2
- 3.5 Notes that the licence fees to cover the cost of administering the new licensing regime were approved by the Regulatory Committee on 14 September 2013.

4. Alternative options considered

- 4.1 The licensing regime created by the 2013 Act is mandatory and suitable arrangements are required to be put in place for its operation by the council.

5. Background information

- 5.1 The Scrap Metal Dealers Act 2013 enables local authorities to decide who should and should not be licensed to deal with scrap metal, allowing them to refuse a licence upon application or to revoke a licence at any time if they are not satisfied as to the suitability of a person to carry on business as a scrap metal dealer.
- 5.2 The Act also creates closure powers for unscrupulous dealers who operate without a licence. It extends the record keeping requirements placed upon scrap metal dealers and requires the verification of the people with whom scrap metal dealers are transacting. The Act will integrate the separate regulation of motor salvage operators with the scrap metal sector and bring to an end the cash exemption given to some collectors under the Scrap Metal Dealers Act 1964 ("the 1964 Act") which is being repealed.



Haringey Council

5.3 The 2013 Act allows local authorities to recover the costs arising from administering and seeking compliance with the new regime.

5.4 In terms of recent background history, the Government had introduced initial changes in 2012 through the Legal Aid, Sentencing and Punishment of Offenders Act 2012 which amended the 1964 Act. This was broadly in response to an increase in metal theft across the UK which impacted on a number of service sectors including transport, electricity, street furniture, memorials, churches and schools. Cash payments for scrap metal were prohibited, the powers of entry into unregistered scrap metal sites were amended and the existing financial penalties for offences increased.

5.5 The aim of the 2013 Act is to further strengthen the regulatory regime. It does so by giving the police and local authorities powers to refuse and revoke licenses, the ability to issue "closure notices" on scrap metal sites, to impose requirements on licence holders in respect of record keeping and the display of licences, and increasing the rights of entry, inspection and the range of offences that may be prosecuted.

5.6 The 2013 Act brings in two types of licences:

- **Site Licence:** A site licence requires all of the sites at which the licensee carries on the business as a scrap metal dealer within the local authority area to be identified and a site manager to be named for each site. In doing so, they will be permitted to operate from those sites as a scrap metal dealer, including transporting scrap metal to and from those sites from any local authority area.
- **Collector's Licence:** A collector's licence authorises the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal. The licence does not permit the collector to collect from any other local authority area. A separate licence should be obtained from each local authority in who's area the individual wishes to collect. A collector's licence does not authorise the licensee to carry on a business at a site within any area. Should a collector wish to use a fixed site, they will need to obtain a site licence from the relevant local authority.

5.7 An applicant for a licence must be suitable and the local authority, when determining suitability, may have regard to any information it considers relevant including:

- Whether the applicant or any site manager has been convicted of any relevant offence;
- Whether the applicant or any site manager has been the subject of any relevant enforcement action;
- Any previous refusal for issue or renewal of a Scrap Metal Licence;



Haringey Council

- Any previous refusal for an environmental permit or registration;
- Any previous revocation of a Scrap Metal Licence;
- Whether the applicant has demonstrated that there will be adequate procedures to comply with the Act.

The same considerations also apply to any director or company secretary of a company if the applicant is not an individual.

5.8 Once an application has been received the Local Authority may consult with:

- Any other local authority (if an application has been made or licence issued to the same applicant)
- Environment Agency
- Police

The Act has also introduced the requirement for the Environment Agency to keep and maintain a register of all scrap metal licences issued in England and that register will be open for public inspection.

Fee Setting Criteria

5.9 The 2013 Act provides that an application for a licence must be accompanied by a fee set by the local authority. This fee raising power is an essential component of the legislation as it will provide local authorities with the funding they need to administer the regime and ensure compliance. The power to set fees has been passed to individual local authorities, to enable them to set the fee by reference to their actual costs. The EU Services Directive states that a licence fee can only be used to pay for the cost associated with the licensing process. In effect, each local authority must ensure that the income from fees charged for each service does not exceed the costs of providing the service.

5.10 The costs of a licence should reflect the time spent assessing and administering applications, processing them, having experienced licensing officers review them, storing them, consulting on the suitability of an applicant, reviewing relevant offences, the decision on whether to issue a licence, as well as the cost of issuing licences in a format that can be displayed. Consulting the local authority's enforcement records in order to determine the suitability of the applicant is chargeable within the licence fee costs, as are costs associated with contested licence applications.

5.11 The Licensing team's proposed fee structure was approved by the Regulatory Committee on 14 September 2013 as follows.



	Collectors Licence	Site Licence
New application	£250	£350
Variation	£250	£350
Renewal	£190	£250
Replacement licence	£25	£25
Replacement of vehicle licence ID	£10	£10

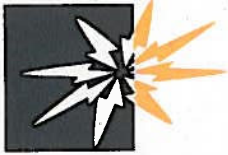
The fees are in line with those being established by other London Boroughs.

5.12 The licence fee cannot be used to support enforcement activity against unlicensed scrap metal dealers. Any activity taken against unlicensed operators must be funded through existing funds. Such activity against unlicensed operators includes issuing closure notices, with applications for closure orders subsequently made to a Magistrates Court. The cost of applying to the Magistrates Court for a warrant (Section 16(5)(6) and (7) of the 2013 Act) for entry to unlicensed premises, by force if necessary, will incur legal costs to be borne by the local authority and police.

5.13 The envisaged procedure for the application will be as follows (although this list is not exhaustive):

- a) the individual dealer will complete an application form;
- b) there will be a review of this form by licensing officers to ensure it is complete, carry out the CRB checks, receive the fees and create the records;
- c) the consultation process will commence with the Police and the Environment Agency;
- d) an initial visit will be carried out of the site by 2 officers to familiarise themselves;
- e) the applicant will be given the opportunity to attend at a Licensing Sub-committee to make representations to seek to persuade the committee to either grant an application, not to revoke a licence, or for conditions not to be imposed on the licence, if these actions have been proposed by the relevant licensing officer;
- f) the licence, if granted, will be issued;
- g) there will need to be an inspection after the licence is issued;
- h) if refused, partial refund to be granted.

5.14 In view of the nature of these businesses, it would not be appropriate for 1 officer to carry out inspections on their own. Site visits will therefore be carried out by 2 officers routinely. We have yet to establish if the local police will put resources into this although we currently liaise with a BTP Officer. The inspection regime is proposed to be every 6 months. This is to ensure that the purpose of the legislation can be implemented, namely to ensure that there is an audit trail for



Haringey Council

transactions relating to the trade of scrap metal and to attempt to reduce the related crimes.

5.15 The licensing team will also need to create an administrative and inspection regime for mobile collectors who will need a separate licence for each area of their operation and who may not live in the borough. The procedure for the application will be similar to that outlined above for a site licence.

5.16 We will need to have in place an inspection of records regime in carrying out follow up inspections with those that we license. A licence also has to be displayed in any vehicles used for the business of collecting scrap.

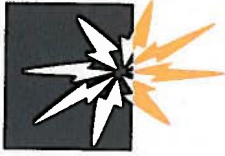
Delegation of functions

5.17 The functions under the 2013 Act fall within the Regulatory and Licensing Sub-committee's terms of reference. It is proposed, however, that the majority of functions under the Act, including uncontested applications, be processed by officers and therefore delegated to them. This would reflect a similar set up to uncontested premises licence applications under the Licensing Act 2003 with which comparisons may be drawn. The recommendation is for the Deputy Director of Operations and Community Safety to be delegated the following functions:

- i) To grant, renew or vary a scrap metal dealer's licence;
- ii) To serve notice of a proposal to refuse to grant, renew, or vary a scrap metal dealer's licence.
- iii) To refuse to grant, renew, or vary a scrap metal dealers licence but only where the applicant, upon notice of such a proposal, has not informed the local authority that they wish to make oral representations (to a Licensing Sub committee).
- iv) To serve notice of a proposal to impose conditions or to revoke a scrap metal dealer's licence,
- v) To impose conditions or revoke a scrap metal dealer's licence but only where the applicant, upon notice of such a proposal, has not informed the local authority that they wish to make oral representations (to a Licensing Sub committee).

5.18 The Licensing Sub-committees retain the function of considering oral representations in the circumstances set out above. Appendix 1 reflects the inclusion of the above delegations in the scheme of office delegation.

5.19 Under the 2013 Act, the principal functions imposed on the local authority applied since 1 October 2013. Having set the fees, the council was in a position to accept new applications from that date. Since 1 October 2013 (pending officer delegation) the functions under the Act have fallen to the Regulatory Committee



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and, in the case of individual applications (even uncontested ones), to the Licensing Sub-Committees.

- 5.20 Transitional provisions have been published dealing with licence holders under the 1964 Act e.g. they were deemed to have a licence up until 15 October 2013 following which it lapsed if a new application had not been submitted.

Amendment to terms of reference of Regulatory and Licensing Sub-Committees

- 5.21 The functions under the Scrap Metal Dealers Act 2013 are considered to fall within the Regulatory and Licensing Sub-Committee's terms of reference. However, due to the broader nature of the functions in the Scrap Metal Dealers Act 2013 compared to those of the Scrap Metal Dealers Act 1964, it is considered appropriate to specify scrap metal dealing in both terms of reference (as they do, for example, for street trading) to ensure better clarity. These minor amendments are shown in Appendix 2.

7. Comments of the Chief Finance Officer and financial implications

- 7.1 The fees were set in line with Government guidelines in order to recoup costs of administering the license scheme. Therefore there is no impact on wider Council budgets.
- 7.2 As the fees are new, the fee level will need to be monitored to ensure compliance with statutory requirements.

8. Head of Legal Services and legal implications

- 8.1 The functions under the 2013 Act are non-executive and any delegations to officers must be approved by Full Council. Until that time, principal functions under the Act fall to the Regulatory Committee and, in the case of individual applications, to the Licensing Sub-committees. The fee raising power sits with the Regulatory Committee and officers had regard to the statutory guidance issued by the Home Office specifically dealing with the fees.

9. Equalities and Community Cohesion Comments

- 9.1 The Council has a public sector equality duty to, in all its functions, have due regards to the need to, amongst other things, eliminate discrimination, harassment and victimisation of persons who possess any of the characteristics protected by section 4 of the Equality Act 2010 and promote equality of opportunity between people who possess those characteristics and those who do not.
- 9.2 The protected characteristics include Age, Disability, Sex (formerly Gender), Race, Sexual Orientation, Religion and Belief, Gender Reassignment, Marriage and Civil Partnership and Pregnancy and Maternity.



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9.3 In carrying out its responsibilities for administration and compliance activities in relation to the Scrap Metals Dealers Act, for example, when assessing an application for a licence, granting or refusing a licence, revoking or varying a licence etc, the Council must be mindful of this duty and ensure that all applicants are treated fairly whatever their protected characteristics.

10. Use of Appendices

10.1 Appendix 1: Additional delegation to Deputy Director of Operations and Community Safety.

10.2 Appendix 2: Minor amendment to Regulatory and Licensing Sub Committee's terms of reference.

11. Local Government (Access to Information) Act 1985

11.2 Home Office Fee Guidance

11.3 LGA guidance to Local Authorities

Appendix 1**Scrap Metal Dealers Act 2013**

Sections 1-6, 8-17, Schedules 1 & 2	Limited Delegation: Powers relating to the licensing and conduct of scrap metal dealing including inspection and enforcement. Any oral representations which an applicant or existing license holder is entitled to make by virtue of Schedule 1 is to be heard by a Licensing Sub Committee.	DDOSCS

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section C – Terms of Reference: Full Council & Non Executive Bodies

Appendix 2

- (j) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;
- (k) Advising the Council on the appointment of independent persons and taking steps to select them.

4. Alexandra Palace and Park Board

To fulfil the functions, powers and duties of the Council as Trustee of Alexandra Palace and Park under the Alexandra Park and Palace Acts and Order 1900 to 1985 and, without prejudice to the generality of this, these functions include:

- (a) The duty to uphold, maintain and repair the Palace and to maintain the Park and Palace as a place of public resort and recreation and for other public purposes.
- (b) Acting as the employing body for employees engaged in the working of the Trust at Alexandra Palace, and to be responsible for the setting of staffing policies, conditions of service and terms of employment of those employees.
- (c) In relation to the Trust, being responsible for developing and monitoring the implementation of effective policies and practices to achieve equality of opportunity both for employment and service delivery.

5. The Regulatory Committee

The Regulatory Committee has functions either (1) as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as a non-statutory Committee exercising other non-executive functions relating to Licensing, Town Planning and other regulatory matters generally. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Committee is operating in its capacity as "statutory Licensing Committee" or as a "non-statutory Committee".

Membership

The Regulatory Committee must have between 10 and 15 Members in order to comply with the legislation as statutory Licensing Committee.

Protocol

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Section C – Terms of Reference: Full Council & Non Executive Bodies

There is a Protocol outside this Constitution setting out how the Regulatory Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and the relevant Licensing Procedure Rules when the Committee is conducting a formal hearing. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

- (1) In its capacity as the statutory Licensing Committee the Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:
 - (a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;
 - (b) To establish the Licensing Sub-Committees and to agree the delegation of functions to the Sub-Committees and to officers;
 - (c) To receive reports on the matters in (a) above and on the functions delegated to the Licensing Sub-Committees and to officers. To call for a report on any individual case;
 - (d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
 - (e) Subject to Regulations, to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
 - (f) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the Committee who are re-elected as Councillors shall meet as the Committee (subject to there being a quorum of 3 Members) in order to exercise any of the functions of the Licensing Sub-Committees, or of the Committee under (f) above, and shall elect a Chair for the meeting.
- (2) In its capacity as the non-statutory Committee exercising other non-executive functions the Committee has the following functions:
 - (a) Exercising the functions which are stated not to be the responsibility of The Executive/Cabinet In Regulation 2 and Schedule 1, Paragraph B (Licensing and Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations. The

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Committee's functions are to determine all policy issues, procedures and standard terms and conditions relating to the non-executive licensing functions but exclude decisions in individual cases which are delegated to the Licensing Sub-Committees. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments;

- (b) Formulating, reviewing and approving for consultation the Statement of Licensing Policy under the Licensing Act 2003 and recommending it, and any revisions to it, to full Council for adoption;
- (c) Being consulted informally on the review and determination of the Statement of Gambling Policy, including procedures for Council consultation with external stakeholders, and making recommendations on these matters to the Cabinet;
- (d) Making informal recommendations to the Cabinet and full Council on local development documents, development plan documents, the local development framework, the statement of community involvement and any other planning policy matter;
- (e) Reviewing all Council plans and policies on any licensing, planning or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
- (f) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to licensing, planning, conservation or regulatory issues.

SECTION 3 - SUB-COMMITTEES AND PANELS

The following bodies shall be created as Sub-Committees of the relevant Committee of the Council under which they are listed. Bodies described as "Panels" are Sub-Committees unless otherwise stated. Sub-Committees shall report to their parent bodies and they shall have the membership as described in the Appointments of Non-Executive Committees, Sub-Committees, Panels, etc as approved by the Annual Meeting

1. Under the Corporate Committee

1.1 Disciplinary Appeals Panel

To confirm, reduce or increase the penalty imposed by previous internal

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disciplinary hearings.

1.2 Grievance Panel

To determine grievances lodged by employees of the Council in relation to their terms and conditions of service, in accordance with the approved procedures.

1.3 Job Evaluation Appeals Panel

To determine job evaluation appeals lodged by employees of the Council in accordance with the approved procedures.

1.4 Haringey Council and Employees Joint Consultative Sub-Committee

- (a) To negotiate on matters relating to the service between the Council and the officers or between officers with a view to the prevention of differences and to their better adjustment when they appear, and to make appropriate recommendations to the Corporate Committee.
- (b) To secure the largest possible measure of joint action between the Council and the officers for the development and improvement of local government administration, and for the consideration of the conditions of all engaged therein.
- (c) To make provision for members of the Cabinet to meet with Employees' Side representatives for the purpose of negotiation and consultation on matters affecting Soulbury paid officers.

2. Under Overview and Scrutiny Committee

2.1 Scrutiny Review Panels

- (a) To carry out scrutiny processes relevant to particular services as determined by Overview and Scrutiny Committee and within the parameters, protocols and procedures agreed by Overview and Scrutiny Committee for all Scrutiny Review Panels.
- (b) Within these scrutiny processes to request and receive submissions, information and answers to questions from Cabinet Members, officers and other senior employees of the Council, service users, external experts and relevant members of the public.
- (c) To refer the findings/recommendations in the form of a written report, with the approval of the Overview and Scrutiny Committee, to The Cabinet and/or the Council as appropriate.

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Section C – Terms of Reference: Full Council & Non Executive Bodies

3. Under Standards Committee

3.1 Assessment Sub-Committee

To consider all allegations referred to the Sub-Committee by the Monitoring Officer that a member or co-opted member has failed to comply with the Member's Code of Conduct and to determine whether the allegation:

- (a) Merits no further action and is dismissed; or
- (b) Merits further investigation.

The quorum of the Assessment Sub-Committee is three.

3.2 Hearing Sub-Committees

- (a) To conduct hearings into allegations referred for investigation by the Assessment Sub-Committee that a member or co-opted member has failed to comply with the Members' Code of Conduct.
- (b) To determine whether or not the member of co-opted member did / did not fail to comply with the Members' Code of Conduct.
- (c) Where the Sub-Committee has determined that a member has failed to comply with the Members' Code of Conduct to take such action as it may lawfully take.
- (d) In consequence of the hearing and determination of any allegation to make recommendations to the Council with a view to promoting high standards of conduct amongst members.

The quorum of the Hearing Sub-Committee is three.

4. Under The Regulatory Committee

4.1 Licensing Sub-Committees

Introduction

The Licensing Sub-Committees have functions either (1) as Sub-Committees of the Regulatory Committee in its capacity as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as Sub-Committees of the Regulatory Committee in its capacity as a non-statutory Committee exercising non-executive licensing and regulatory functions. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short

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announcement indicating whether the Sub-Committee is operating in its capacity as “statutory Licensing Sub-Committee” or as a “non-statutory Sub-Committee”.

Membership

The membership of each Sub-Committee is nominated by the Annual Council but formally appointed by the Regulatory Committee each year. In the event that an appointed Member or Members of a Sub-Committee is unable or unwilling to take part in a hearing for any reason a Special Licensing Sub-Committee may be appointed from among the Members of The Regulatory Committee. When operating in its capacity as “statutory Licensing Sub-Committee” there must be a membership and quorum of 3 present at all times.

(1) General Provisions Relating to the Statutory Licensing Sub-Committees

- (a) Licensing Sub-Committees have the power to make final decisions on behalf of the Council on matters within their terms of reference and there is no right of appeal to the Regulatory Committee;

Functions under both the Licensing Act 2003 and the Gambling Act 2005

- (b) To determine applications for premises licences where relevant representations have been made;
- (c) To determine applications for provisional statements where relevant representations have been made;
- (d) To determine valid applications for review of premises licences;
- (e) To decide on any other matter where it is necessary or desirable for Members to make that decision;

Functions under the Licensing Act 2003 alone

- (f) To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;
- (g) To determine applications to vary designated premises supervisors following police objections;
- (h) To determine applications for transfer of premises licences following police objections;
- (i) To consider police objections made to interim authority notices;

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- (j) To determine applications for club premises certificates where relevant representations have been made;
- (k) To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;
- (l) To determine valid applications for review of club premises certificates;
- (m) To decide whether to give counter notices following police objections to temporary event notices;
- (n) To determine applications for grants of personal licences following police objections;
- (o) To determine applications for renewals of personal licences following police objections;
- (p) To decide on revocation of personal licences where convictions come to light after grant;

Functions under the Gambling Act 2005 alone

- (q) To determine applications for variations of premises licences where relevant representations have been made;
- (r) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- (s) To determine applications for the re-instatement of premises licences where relevant representations have been made;
- (t) To decide whether to give counter notices following objections to temporary use notices;
- (u) To determine applications for the grant of club gaming permits and club machine permits where objections have been received;
- (v) To determine proposals to cancel club gaming permits and club machine permits where the holder requests a hearing;
- (w) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming

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machines, or (ii) to cancel or vary a licensed premises gaming machine permit;

- (x) To determine licensed premises gaming machine permit applications for 5 or more machines and all applications for any number of machines where there is cause for concern about the proper management of the premises;

(2) General Provisions Relating to the Non-Statutory Licensing Sub-Committees

- a) The Sub-Committees have all the functions which are stated not to be the responsibility of the Council's Executive/Cabinet in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S. 1. 2853, as amended, or further amended, in any statute or subordinate legislation. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments.
- (b) The Sub-Committees make decisions in all individual licensing or registration cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal.
- (c) The Sub-Committees have the power to make final decisions on behalf of the Council in relation to its functions in (b).
- (d) Excluded from the Sub-Committees' terms of reference are decisions on all policy issues, procedures and standard terms and conditions which are within the remit of The Regulatory Committee.

4.2 Planning Sub-Committee

- (a) The Sub-Committee has all the functions which are set out in (b) and (c) below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1);
- (b) paragraph A - Town Planning (all functions), including determination of applications for planning permission, conservation area consent, listed building consent and advertisements consent, entering into

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planning agreements and enforcement of planning and listed building controls;

- (c) paragraph I - Miscellaneous Functions;
 - (A) the creation, stopping up and diversion of highways, footpaths and bridleways in connection with development control decisions, and
 - (B) the preservation of trees;
- (d) The Sub-Committee may enter into highway works agreements under section 278 of the Highways Act 1980 in connection with the determination of a planning application.

SECTION 4 - UNDER ALEXANDRA PALACE AND PARK

Arising from the Council's role as trustee of Alexandra Palace and Park the following additional bodies shall be established. Membership of the additional bodies is as described in the Appointments of Non Executive Committees, Sub-Committees, as approved by the Annual Meeting. The Terms of Reference of the additional bodies shall be as follows:

1. Alexandra Palace and Park Panel

To consider and take decisions upon urgent matters arising between ordinary meetings of the Alexandra Palace and Park Board. The Panel is composed of four Members, selected with reference to political balance.

2. Alexandra Palace and Park Consultative Committee

Alexandra Palace and Park Consultative Committee 7 Members and up to 30 community representatives.

- (a) To give representatives of appropriate local and national organisations the opportunity of full discussion with Members of the Alexandra Palace and Park Board on general matters affecting Alexandra Palace and Park.
- (b) To give Members of the Alexandra Palace and Park Board the opportunity of discussing and explaining to the organisations matters affecting the overall policy and efficient management of Alexandra Palace and Park.
- (c) To promote better understanding between Members of the Alexandra Palace and Park Board, the Palace Management and local organisations.

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- (d) To enable appropriate local (and national) organisations to be fully consulted on decisions of direct concern to them.
- (e) To promote the best interests of the Alexandra Palace and Park as a conservation area.


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B

Report for:	Full Council	Item Number:	
Title:	Amendments to the Place and Sustainability Scheme of Delegations for Officers		
Report Authorised by:	Lyn Garner, Director, Place and Sustainability		
Lead Officer:	Jodi Norris, Head of Director's Office		
Ward(s) affected: N/A		Report for Key/Non Key Decisions: N/A	

1. Describe the issue under consideration

- 1.1 On 27 June 2013, Corporate Committee approved the reorganisation of the Place and Sustainability Directorate. This report seeks Full Council approval of the amended Place and Sustainability Scheme of Delegations for Officers to reflect the responsibilities and delegations for officers under the new structure.

2. Cabinet Member introduction

N/A.

3. Recommendations

- 3.1 That Full Council approve the revised Place and Sustainability Officer Scheme of Delegation, for inclusion in the Constitution at Appendix E Part 4, as set out at Appendix 1 to this report;
- 3.2 That Full Council approve the revised Senior Management Structure, for inclusion in the Constitution at Appendix D, at set out at Appendix 2 to this report.



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4. Alternative options considered

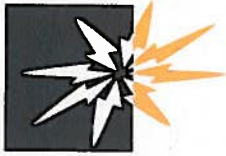
- 4.1 There are no alternative options. The reorganisation was agreed by Corporate Committee on 27 June 2013 and this report seeks approval to amend the Place and Sustainability Scheme of Delegations for Officers to reflect the reorganisation.

5. Background information

- 5.1 On 27 June 2013, Corporate Committee approved the restructure of the Place and Sustainability Directorate that included the creation and disestablishment of posts at the Deputy Chief Officer level. In addition, and as noted by the Corporate Committee, the Director of Place and Sustainability made changes to implement staff reorganisation as regards posts below the level of Deputy Chief Officer under her delegated authority. As a result of the reorganisation of the Directorate, the responsibilities and delegations for officers have been reallocated in the attached Scheme of Delegation at Appendix 1, to reflect the new structure.
- 5.2 Currently, all powers relating to temporary road closures under section 16A Road Traffic Regulation Act 1984 require officers to first consult with the Cabinet Member before taking a decision. This includes consulting with the Cabinet Member in the case of temporary road closures for street parties. Given that the effect of street parties on the road network is minor, and in consideration of the number of applications received particularly during the summer months, it is proposed that the Scheme of Delegation is amended. In the case of street parties only, officers will have delegated authority acting alone to approve such road closures. This new arrangement will reduce the administrative burden on both officers and the Cabinet Member concerned. The Cabinet Member has been briefed and supports this change to the Scheme.
- 5.3 The Scheme of Delegation has also been updated to ensure that the relevant functions in relation to strategic housing decisions are included. These powers are delegated to the Director of Place and Sustainability, the Assistant Director Strategy and Regeneration, and the Head of Housing Investment and Sites, as appropriate.
- 5.4 Accordingly, Full Council approval of the revised Place and Sustainability Officer Scheme of Delegation is sought to ensure it is aligned with the new structure. In addition, approval is also sought to the revised Senior Management Structure to reflect the changes in the Place and Sustainability Directorate.

6. Comments of the Chief Finance Officer and financial implications

- 6.1 The financial implications for the Place and Sustainability restructure were agreed by Corporate Committee at the time of the restructure, as this report relates to the implementation of that restructure there are no further implications. The financial scheme of delegation is a separate document that is updated on a monthly basis.



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7. Head of Legal Services and legal implications

7.1 Agreeing and/or amending the Scheme of Delegation to Officers with respect to non-executive functions is reserved to the Full Council in accordance with Part 3 Section C of the Constitution. It is recognised that the functions of the Place and Sustainability Directorate are mixed, including also some executive functions, but for simplicity Full Council is asked to approve the entire Scheme of Delegation for the Directorate.

7.2 The changes to the Senior Management Structure in Appendix D are consequent on the earlier decision of the Corporate Committee to the restructure of the Place and Sustainability Directorate. Full Council approval is now sought to this change in accordance with Article 15.03(a) of the Constitution.

8. Equalities and Community Cohesion Comments

8.1 Policy and Equalities Team have been consulted in the preparation of this report and comment that the report and its recommendation have no implications for the Council's public sector equality duty.

9. Head of Procurement Comments

N/A

10. Policy Implication

10.1 Policy and Equalities have been consulted on this report and they confirm that the report has no specific policy implications.

11. Reasons for Decision

11.1 To give effect to the reorganisation of the Place and Sustainability Directorate that was agreed by Corporate Committee on 27 June 2013.

12. Use of Appendices

12.1 Appendix 1 - Place and Sustainability Scheme of Delegations for Officers (for inclusion at Appendix E Part 4 of the Constitution)

12.2 Appendix 2 - Senior Management Structure (for inclusion at Appendix D in the Constitution)

13. Local Government (Access to Information) Act 1985

N/A

APPENDIX E – SCHEME OF DELEGATION TO OFFICERS
Section 4 – Directorate of Place and Sustainability

Section 4 - Directorate of Place and Sustainability - Scheme of Delegation to Officers

To the Director of Place and Sustainability

All Place and Sustainability functions of the Council including Town Planning, Transportation, Highways, Parking, Waste Management, Environmental Regulation, Housing Strategy, Corporate Property, Building Control, Trading Standards, Licensing & Registration, Economic Regeneration, Community Safety, Anti-Social Behaviour, Culture, Learning and Libraries, Recreation and Leisure Services. Excluded from this delegation are matters which are:

- (i) Key Decisions,
- (ii) Expressly reserved to the Cabinet or a Cabinet Committee within its terms of reference
- (iii) Included on the Forward Plan
- (iv) Expressly reserved to full Council within its terms of reference
- (v) Expressly reserved to a non-executive Committee or Sub-Committee within its terms of reference
- (vi) Expressly excluded from the scheme of delegation to officers under paragraphs 4.01 and 4.02 of Part 3 Section E of the Constitution. Such an exclusion will not apply where the power to set fees or charges is specifically delegated in the statutory or non-statutory delegations below.

In addition the following matters are reserved to The Cabinet/relevant Cabinet Member and excluded from this delegation:

- a) The annual bid to Transport for London for financial allocations to fund the Local Implementation Plan
- b) Local Implementation Plan - the addition of a scheme to, or the deletion of a scheme from, the active preparation programme;
- c) 'Major Greater London Road Network Schemes' - Council response to public draft line, side road and compulsory purchase orders;
- d) Major Capital Transportation Proposals :
 - Choosing a preferred route or option following public consultation;
 - Authorising the promotion of Compulsory Purchase and Side Road Orders;

Without prejudice to the generality of the delegation above, there are included in this delegation all the statutory and non-statutory functions delegated to the designated officers as listed below. The Director has authority to exercise the powers delegated to all officers reporting to him/her and Assistant Directors and Heads of Service have the same authority in relation to all officers reporting to them.

APPENDIX E – SCHEME OF DELEGATION TO OFFICERS
Section 4 – Directorate of **Place and Sustainability**

Schedule of abbreviations used for designated officers	
Director of Place and Sustainability	DP&S
<u>Deputy Director Operational Services and Community Safety</u>	<u>DDOSCS</u>
Assistant Director – Single Frontline	AD-SF
Head of Asset Management and Capital Delivery	HAMCD
<u>Head of Community Safety</u>	<u>HCS</u>
Anti Social Behaviour Team Manager	ASBTM
Neighbourhood Action Manager	NAM
<u>Head of Direct Services</u>	<u>HDS</u>
<u>Head of Client Services</u>	<u>HCLS</u>
<u>Head of Libraries and Culture</u>	<u>HLC</u>
<u>Principal Librarian</u>	<u>PL</u>
<u>Museums Curator</u>	<u>MC</u>
Regulatory Services Manager	RSM
Head of Traffic Management	HTM
Sustainable Transport Manager	STM
Head of Passenger Transport Services	HPT
<u>Team Leader - Licensing</u>	<u>TLLIC</u>
Team Leader – Trading Standards	TLTS
Team Leader – Commercial Environmental Health	TLCEH
Civil Enforcement Officers	CEOs
Neighbourhood Action Team Leaders Tactical Team Leaders Neighbourhood Action Officers Tactical Enforcement Officers	NAOs
~~Head of Corporate~~ <u>Assistant Director – Property and Capital Projects</u>	~~HCP~~ <u>AD-PCP</u>
~~Assistant Director, Planning Regeneration and Economy~~	~~AD – PRE~~ <u>AD-P</u>
Head of Development Management and Planning Enforcement	HDMPE
<u>Head of Planning Policy and Transport Planning</u>	<u>HPPTP</u>
Head of Building Control	HBC
<u>Assistant Director – Strategy and Regeneration</u>	<u>AD-SR</u>
<u>Head of Housing Investment and Sites</u>	<u>HHIS</u>
<u>Head of Haringey Adult Learning Service</u>	<u>HALS</u>
<u>Head of Carbon Management and Sustainability</u>	<u>HCMS</u>
<u>Head of Economic Development</u>	<u>H-EconDev</u>
<u>Head of Neighbourhood Services</u>	<u>HNS</u>
<u>Assistant Director Leisure Services</u>	<u>AD-LS</u>
<u>Assistant Director Culture Services</u>	<u>AD-C</u>

In the event that any of the designated officer posts above are renamed or the duties varied, then the powers delegated to that post in this section of the scheme will continue to be delegated to the post that substantially fills the duties of the original post.

APPENDIX E – SCHEME OF DELEGATION TO OFFICERS

Section 4 – Directorate of **Place and Sustainability**

Those delegated powers where prior consultation with, or instructions from, a Member or Member body are required before officers can exercise the powers are shown with an asterisk * in the right hand column.

Non-statutory delegations

Building Control Matters	
Authorising all enforcement functions, prosecutions and legal proceedings in the area of operational responsibility of the post including the Buildings Acts, Building Regulations, London Buildings Acts and the Safety of Sports Grounds.	HBC
Trading Standards Matters	
Authorising all enforcement functions, prosecutions and legal proceedings in the area of operational responsibility of the post including trading standards, weights and measures and the protection of the public and consumers.	HNS RSM TLTS
Environmental Health Matters	
Authorising all enforcement functions, prosecutions and legal proceedings in the area of operational responsibility of the post including environmental protection, licensing and registration, health and safety, public health and food safety.	HNS RSM TLCEH
Authority to waive or vary Environmental Health charges in appropriate cases.	HNS RSM
Planning Matters	
Drafting of additional conditions, informatives and additional reasons for refusal. Authority to draft additional planning conditions, informatives and reasons for refusal of planning permission within the scope of the conclusions of the Planning Sub-Committee, where these were not included in the recommendations in the Committee report, subject to the officer being satisfied that the additional conditions, informatives and reasons are consistent with the remainder of the Committee's decision and justified on Planning grounds.	AD-~~PRE~~ AD-P HDMPE HCMS
Making representations in respect of proposed development notified to the Council by a Government Department or statutory undertaker or comments on proposals in adjoining Boroughs.	AD-~~PRE~~ AD-P HDMPE
Authorising all enforcement functions, prosecutions and legal proceedings under the Planning Acts or any subordinate legislation made under those Acts including matters in respect of Listed Buildings, Conservation Areas, Trees and Advertisements.	AD-~~PRE~~ AD-P HPPTP HDMPE HCMS
Power to make holding representations to the Mayor of London on any proposed exercise of the Mayor's Planning functions pending confirmation or otherwise by Members	HCMS AD-~~PRE~~ AD-P HPPTP HDMPE
Public transport	
Power to make urgent representations to London Transport or any	AD-~~PRE~~

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other body on any proposed changes to public transport services, including fares.	<u>AD-P</u> <u>HPPTP</u> <u>HTM</u> <u>HCMS</u> <u>HDMPE</u> <u>HNS</u>
Traffic and Parking Management	
Power to determine requests for minor traffic and parking measures which result in the need for advertisement of a Traffic Regulation Order and to process the Order subject to conditions.	HTM HNS
Highways	
Authorising all enforcement functions, prosecutions and legal proceedings under the Highways Acts or legislation affecting streets and paths and any subordinate legislation made under those Acts	<u>HNS</u> <u>HTM</u> <u>NAM</u>
Parking Controls	
Authorising all civil enforcement, prosecutions, recovery of penalties and fines and any other enforcement measures, including decisions in relation to representations received, under legislation relating to parking and road traffic. Power to administer all concessionary travel and parking schemes, including the freedom pass and blue badges, and power to administer all parking permit schemes and related controls under Traffic Regulation Orders.	HTM Parking Service Managers Parking Team Leaders Parking Super visors
Environmental Improvements	
Power to review annually the categories and donation for commemorative trees and seats	DP&S
Community Safety and Anti-Social Behaviour	
1. Power to prosecute and/or institute court proceedings in respect of any offence or breach of a court order or legal requirement connected with the work of the Single Frontline Service	<u>HNS</u> <u>HCS</u> <u>ASBTM</u> <u>NAM</u>
Land acquisitions, management and disposal	
• Acquisitions	
(1) Power to acquire any land or property with a capital value equalling or exceeding £250,000 but less than £500,000 except by use of compulsory powers or in advance of identified requirements	DP&S
(2) Power to acquire any land or property with a capital value below £250,000 except by use of compulsory powers or in advance of identified requirements	<u>HCP</u> <u>AD-PCP</u>
(3) Power to take a lease or licence of any land or property for any period where the rent equals or exceeds £100,000 per annum but is less than £500,000	DP&S
(4) Power to take a lease or licence of any land or property for any period where the rent is less than £100,000 per annum	<u>HCP</u> <u>AD-PCP</u> <u>HAM</u>
(5) Power to settle compensation for the loss of interests in land up to a maximum of £250,000 per interest where in the approved capital programme.	<u>HCP</u> <u>AD-PCP</u>

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(6) Power to give undertakings to prospective vendors relating to the payment of professional fees incurred, and to pay such abortive fees and expenses if the Council withdraws from negotiations.	HCP <u>AD-PCP</u>
(7) Power to authorise proceedings by way of Arbitration, Alternative Dispute Resolution, in the Lands Tribunal or in the Civil Courts to protect the Council's interests in relation to any acquisition	HCP <u>AD-PCP</u>
• General Estate Management	
(1) Power to settle dilapidation and compensation claims arising under the Landlord and Tenant Acts and Agricultural Holdings Acts or related Acts.	HCP <u>AD-PCP</u> <u>HAM</u>
(2) Power to authorise, in the interests of good estate management, any proceedings by way of Arbitration or Alternative Dispute Resolution, or in the Civil Courts, Lands Tribunal, Valuation Court, or Agricultural Lands Tribunal	HCP <u>AD-PCP</u> <u>HAM</u>
• Disposals	
(1) Power to dispose of any land or property with a capital value equalling or exceeding £250,000 but less than £500,000	DP&S
(2) Power to dispose of any land or property with a capital value below £250,000	HCP <u>AD-PCP</u>
(3) Power to grant a lease or licence of any land or property owned by the Council for any period where the rent equals or exceeds £100,000 per annum but is less than £500,000	DP&S
(4) Power to grant a lease or licence of any land or property owned by the Council for any period where the rent is less than £100,000 per annum	HCP <u>AD-PCP</u> <u>HAM</u>
(5) Power to agree the transfer of Council owned land as a result of legislation redefining responsibility for the provision of some public services	HCP <u>AD-PCP</u>
Other delegations	
Power to make minor boundary adjustments between adjoining parcels of Council owned land held for different statutory purposes and to authorise the necessary Appropriation Orders and adjustments to accounts to be made	HCP <u>AD-PCP</u>
Adult Learning	
<i>Power to make, approve and accept funding opportunities to deliver adult learning on behalf of the authority</i>	<u>AD-SR</u> <u>HALS</u>
<i>Power to take part in such schemes of co-operation between adult learning authorities as will improve the adult learning service.</i>	<u>AD-SR</u> <u>HALS</u>
<i>Power to approve third party contracts for the delivery of funded adult learning opportunities, in line with funding guidance and in accordance with the Contract Standing Orders</i>	<u>AD-SR</u>
<i>Power to permit groups from interested organisations to visit learning service provision at suitable times.</i>	<u>AD-SR</u> <u>HALS</u>

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Power to vary curriculum times and content in line with funding guidance.	<u>HALS</u>
Power to adopt appropriate pricing policy for sale of non-funded training opportunities	<u>AD-SR</u> <u>HALS</u>
Power to charge for copies of study material	<u>AD-SR</u> <u>HALS</u>
<u>Libraries and Culture and Leisure</u>	
Power to take part in such schemes of co-operation between library authorities as will improve the library service.	<u>AD-G</u> <u>DDOSCS</u> <u>HLC</u>
Power to permit groups from interested organisations to visit the library buildings at suitable times during the day and after closing hours when necessary.	<u>AD-G</u> <u>DDOSCS</u> <u>HLC</u> <u>PL</u>
Power to approve the conditions for the display of works of historical, archaeological and artistic interest which are the responsibility of the Libraries, <u>Archives</u> and ~~Community Information~~ <u>Museum</u> Department where it may be desirable to show them elsewhere than in Library <u>or</u> <u>Museum</u> premises.	<u>AD-G</u> <u>DDOSCS</u> <u>HLC</u> <u>MC</u>
Power occasionally to vary library <u>or museum</u> opening hours.	<u>AD-G</u> <u>DDOSCS</u> <u>HLC PL MC</u>
Power to fix the number of items loaned per borrower	<u>AD-G</u> <u>DDOSCS</u> <u>HLC</u>
Power to adopt appropriate pricing policy for sale of withdrawn stock	<u>AD-G</u> <u>DDOSCS</u> <u>HLC PL</u>
Power to charge for copies of local studies material	<u>AD-G</u> <u>DDOSCS</u> <u>HLC MC</u>
Power to permit the use of library <u>and museum</u> premises for <u>formal and informal learning activities</u> ~~adult literacy and English language classes~~	<u>AD-G</u> <u>DDOSCS</u> <u>HLC PL MC</u>
Power to determine the charges for the reproduction of the local studies material required for commercial purposes having regard to the scales recommended by the Museums Association	<u>AD-G</u> <u>DDOSCS</u> <u>HLC MC</u>
Power to approve appropriate charges for events of an educational or cultural nature held on library <u>or museum</u> premises	<u>AD-G</u> <u>DDOSCS</u> <u>HLC MC</u>
Power to approve charges for individual library or museums publications	<u>AD-G</u> <u>DDOSCS</u> <u>HLC MC</u>
Power to alter the library charge for copies produced from microfilms to conform to that levied by the Planning Service	<u>AD-G</u> <u>DDOSCS</u> <u>HLC</u>
Power to approve filming on library or museum premises	<u>DDOSCS</u>

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<i>Power to exclude persons from library premises for contravention of library byelaws or other unacceptable behaviour for a period of up to one year</i>	HLC MC DDOSCS HLC PL
School Matters – Transport & Catering	
Power to approve school journeys and payment of assistance to pupils and teachers in accordance with the approved regulations for such journeys.	AD-SF DDOSCS HDS HPT
Power to increase price of school meals to meet inflation.	AD-SF HC DDOSCS HDS

Statutory delegations

The statutory delegations listed in the Schedule below include all local authority functions (whether expressed as a power, duty, discretion or otherwise) under the sections/parts of the Acts listed in the left hand column. These include any related Schedules, or the whole Act if so stated, and all subordinate legislation arising under the listed Acts. The fact that certain subordinate legislation is expressly listed and other subordinate legislation is not listed does not affect the generality of this delegation. The statutory delegations include all subsequent legislative amendments and additions to the listed provisions. Except where a power is expressly stated to be a "Limited Delegation", the delegations are not limited, conditioned or qualified in any way by the descriptions of the powers in the middle column which are for information only.

With the exception of the statutory powers that are shown in the right hand column as delegated to specified officers "only", all the powers listed below are delegated to each Service Manager, Group Manager and Team Leader reporting to the specified Head of Service, Assistant Director or the Director.

Schedule of Statutory delegations

Accessories and Abettors Act 1861		
Section 8	Power to authorise prosecutions of persons aiding and abetting principal offenders in indictable cases	HNS RSM
Dogs Act 1871		
Section 2	Power to make complaint about dangerous dogs not being kept under proper control	HNS NAM
Pedlars Act 1871		
Whole Act	Power to enforce all provisions of the Act	HNS RSM
Explosives Act 1875		

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Sections 15, 21, 73 & 74	Powers to register premises for storage of explosives and to inspect and enforce	HNS RSM
Public Health Act 1875		
Sections 153 & 161	Powers to require gas and water pipes to be moved and to light streets	HTM HNS
Customs and Inland Revenue Act 1883		
Sections 4 & 5	Power to licence dealers in game and issue certificates for the killing and selling of game for short periods.	HNS RSM
Lands Clauses Consolidation Act 1845		
Sections 18, 76, 77, 91 & 124	Powers in relation to compulsory purchase of land	HCP <u>AD-PCP</u>
Public Health Acts Amendment Act 1890		
Section 44	Limited Delegation: Power to close and grant the exclusive use of parks and pleasure grounds except for events within any of the categories below for which express Cabinet Member approval is required: • Over 10,000 persons attending per day; • Duration of more than 7 days; • Duration of more than 2 days with 5,000 persons or more attending per day; • Occupying the site for more than 14 days	AD-LS* <u>DDOSCS*</u> <u>HCLS*</u> only
Open Spaces Act 1906		
Sections 10 & 11	Power to administer and maintain opens spaces and burial grounds	AD-LS <u>DDOSCS</u> <u>AD-SF</u> <u>HCLS HDS</u>
Dogs Acts 1906-1928		
Sections 1 & 6	Powers to enforce against dogs chasing cattle, sheep and poultry and to seize stray dogs and to enforce in relation to unburied cattle	HNS RSM
Public Health Acts Amendment Act 1907		
Section 76(1)(a) & (b)	Limited Delegation: Power to enclose part of park or ground for games and recreations, and to charge for admission, except for events within any of the categories below for which express Cabinet Member approval is required: • Over 10,000 persons attending per day; • Duration of more than 7 days;	AD-LS* <u>DDOSCS*</u> <u>HCLS*</u> only

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	- Duration of more than 2 days with 5,000 persons or more attending per day; - Occupying the site for more than 14 days	
Section 76(1)(c),(f),(g),(h) & (i)	Powers to provide apparatus & facilities for games and recreations	AD-LS <u>DDOSCS</u> <u>AD-SF</u>
Section 94	Power to licence power boats and pleasure vessels	HNS RSM
The Small Holdings and Allotments Act 1908		
Sections 26, 28, 30, 44 and 46	All functions relating to allotments, allotment land and connected interests	AD-LS <u>DDOSCS</u> <u>AD-SF</u> <u>HCLS</u>
Police, Factories (Miscellaneous Provisions) Act 1916		
Section 5	Power to make regulations and permit persons to collect for charitable and other causes	HNS RSM
Employment of Women, Young Persons and Children Act 1920		
Section 1	Power to enforce provisions protecting women, young persons and children in employment and to prosecute offences	HNS RSM
Celluloid and Cinematograph Film Act 1922		
Section 1	Power to sanction use of parts of buildings for storage of raw celluloid and cinematograph film	HNS RSM
Allotments Act 1922		
Sections 2 and 11	All functions relating to allotments, allotment land and connected interests	AD-LS <u>DDOSCS</u> <u>AD-SF</u> <u>HCLS</u>
Performing Animals (Regulations) Act 1925		
Sections 1, 2 & 3	Powers to enforce provisions preventing cruelty to performing animals and to prosecute offences	HNS RSM
Public Health Act 1925		
Section 56	Limited Delegation: Power to agree the use of part of a park or ground set aside for games or recreation facilities subject to the charges	AD-LS <u>AD-SF</u> <u>HCLS</u>

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	for such uses being approved by the Cabinet Member	
Law of Property Act 1925		
Sections 46, 49, 84, 87-89, 91, 94, 98, 99, 143, 144, 146, 148, 150 & 187	Powers in relation to the sale and purchase of land, restrictive covenants, mortgages, licences, leases and easements	HCP <u>AD-PCP</u>
Landlord and Tenant Act 1927		
Sections 1, 3, 8, 16, 19 & 23	Powers in relation to claims by tenants and landlords and connected rights, compensation and assignments	HCP <u>AD-PCP</u>
Agricultural Produce (Grading and Marking) Acts 1928-1931		
Section 5	Powers to enforce provisions protecting consumers in relation to agricultural produce	HNS RSM
Children and Young Persons Acts 1933-1991		
Sections 7, 12, 12A to D & 96	Powers to enforce provisions preventing tobacco sales to children and to require safety measures for children at entertainments and enforcement	HNS RSM
Public Health Act 1936		
Whole Act	Powers in relation to protecting public health in respect of watercourses, culverts, drainage, cesspools, water closets, public baths, water supplies, waste materials, moveable dwellings, camp sites, mortuaries, and powers of entry and execution of works in default	HNS RSM AD-SF
Sections 261 to 264	Powers in relation to the cleansing and culverting of ditches and watercourses in connection with building operations	HBC
Cinematograph Films (Animals) Act 1937		
Section 1	Power to enforce against producers of films involving cruelty to animals	HNS RSM
Cancer Act 1939		
Section 4	Power to prohibit and authorise enforcement against advertisements purporting to cure cancer	HNS RSM
London Building		

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Acts 1939		
Part VII – Sections 61 to 68	Powers to enforce in relation to dangerous structures and buildings	HBC Senior Building Surveyor Building Surveyor
Middlesex County Council Act 1944		
Part 12	Powers to enforce byelaws under this Act in respect of massage and special treatment establishments	HNS RSM
Prevention of Damage by Pests Act 1949		
Sections 2, 4, 5, 6 & 22	Powers to enforce in relation to pest control on private land and to undertake works in default	HNS RSM
Middlesex County Council Act 1950		
Section 14	Powers to enforce byelaws under this Act in respect of the lighting of common staircases for residential flats	HNS RSM
Allotments Act 1950		
Sections 4 and 5	All functions relating to allotments, allotment land and connected interests	AD-LS <u>DDOSCS</u> <u>AD-SF HCLS</u>
Pet Animals Act 1951 - 1983		
Sections 1, 4, 5 & 6	Powers relating to the licensing and inspection of pet shops and sales and to enforce	HNS RSM <u>AD-SF</u>
Hypnotism Act 1952		
Sections 1, 2 & 3	Powers to license demonstrations of hypnotism and to enforce	HNS RSM
Tottenham Corporation Act 1952		
Section 43	Power to serve notice to remedy defective state of premises	HNS RSM
Accommodation Agencies Act 1953		
Section 1	Power to enforce against illegal commissions and advertisements for accommodation	HNS RSM
Local Government (Miscellaneous Provisions) Act 1953		
Sections 4-7	Powers to provide bus shelters	HTM HNS
Landlord and Tenant Act 1954		
Sections 24A, 25, 27,	Powers in relation to tenancies including rent,	HCP <u>AD-PCP</u>

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28, 30 to 35, 37, 38A & 40	termination, renewal, compensation, information and agreements to exclude the Court's jurisdiction	
Trading Representations (Disabled Persons) Act 1958 - 1972		
Section 1	Powers to prohibit claims that goods are made by blind or disabled persons and to enforce against contraventions	HNS RSM
Caravan Sites and Control of Development Act 1960		
Sections 3, 5, 8, 10, 11, 24, 25 & 26	Powers in relation to the licensing of caravan sites and facilities	HNS RSM
Land Compensation Act 1961		
Section 17	Power to issue certificate of appropriate alternative development or to issue certificate of no alternative development (for compensation assessment purposes)	AD-PRE AD-P HDMPE
Sections 31 & 38	Powers to withdraw notices to treat and to serve notices under the Act generally	HCP AD-PCP
Public Health Act 1961		
Sections 17, 22, 34, 35, 37, 73 & 74	Powers to require owner or occupier to remedy stopped-up drains, remove rubbish, fumigate and to carry out the work and recover the costs in default	HNS RSM NAM
Section 52, 54 & 75	All functions relating to the management of parks and pleasure grounds	AD-LS DDOSCS AD-SF HCLS HDS
Sections 45 & 81	Powers to attach street lamps to buildings and to recover damages for negligent harm to street furniture	HNS HST HTM
Mock Auctions Act 1961		
Section 1	Power to prevent unlawful inducements and deceptions at auctions and to prosecute offences	HNS RSM
Local Authorities (Historic Buildings) Act 1962		
Sections 1 & 2	Power to contribute to the preservation of historic buildings and to recover grants on disposal of relevant property	AD-PRE AD-P HDMPE

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Children and Young Persons Act 1963		
Sections 37 to 41	Powers relating to the regulation of public performances by children and young persons and enforcement against contraventions	HNS RSM
Animal Boarding Establishments Act 1963		
Sections 1, 2 & 4	Powers to license animal boarding establishments including inspection and enforcement	HNS RSM
Riding Establishments Acts 1964 - 1970		
Sections 1, 2, 4 & 5	Limited Delegation: Powers to grant licences, to specify conditions for riding establishments, to grant and extend provisional licences and to inspect and enforce.	HNS RSM
Scrap Metal Dealers Act 1964		
Sections 1, 3 & 6	~~Powers relating to the regulation of scrap metal dealers including inspection and enforcement~~	HNS RSM
Public Libraries and Museums Act 1964		
Sections 7, 9, 12, 14, 15, 19 & 20	All functions relating to library services, library premises, museums and galleries	AD-C <u>DDOSCS</u> HLC
Compulsory Purchase Act 1965		
Sections 5, 9, 11, 13, 14, 18 & 22	Powers in relation to compulsory purchase of land including notice to treat, powers of entry, interests subject to mortgage or rent charge and interests omitted by mistake	HCP <u>AD-PCP</u>
Greater London Council (General Powers) Act 1967		
Sections 21 & 23	Powers to register hairdressers and barbers and to require restoration of water supplies	HNS RSM
Slaughter of Poultry Act 1967		
Sections 2, 4 & 6	Powers relating to the registration of poultry premises including inspection and enforcement	HNS RSM
Farm and Garden Chemicals Act 1967		
Sections 1 to 6	Power to enforce the Act and Regulations made under it requiring that products for weed or plant control be labelled and marked appropriately	HNS RSM
Medicines Act 1968		

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Sections 108, 111 & 112	Powers to inspect and sample medicated animal foodstuffs and food products for human consumption	HNS RSM
Trade Descriptions Acts 1968 - 1972		
Sections 26, 27 & 28	Powers to enter premises, make test purchases and seize goods	HNS RSM
Transport Act 1968		
Section 118	Powers relating to maintaining bridges	HNS <u>HTM</u>
Countryside Act 1968		
Section 27	Power to signpost footpaths and bridleways	AD-SF <u>HTM</u> HNS
Theft Acts 1968 - 1978		
Whole of the Acts	Powers to prosecute for any offence where related to the functions of the Council	HNS RSM
Development of Tourism Act 1969		
Section 18	Power to enforce the Tourism Sleeping Accommodation (Price Display) Order 1977 and any other Regulations under these provisions	HNS RSM
Children and Young Persons Act 1969		
Sections 9, 23, 23AA & 30	~~Powers in relation to young persons subject to proceedings for an offence including the investigation for the Court of home, school, and health circumstances, the provision of accommodation, powers to detain, powers to apply for conditions to be attached to remand or committal and to inform Court that electronic monitoring conditions are suitable~~	HNS
Greater London Council (General Powers) Act 1969		
Section 43	Power to grant exclusive right of burial in any part of a burial ground or cemetery	AD-LS <u>DDOSCS</u>
Agriculture Act 1970		
Sections 67, 75, 76 & 80	Powers to take enter premises, and take samples of fertilisers and feed stuffs including enforcement	HNS RSM
Administration of Justice Act 1970		
Section 1	Power to enforce and prosecute in case of unlawful harassment of debtors	HNS RSM

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Chronically Sick and Disabled Persons Act 1970		
Sections 4, 7 & 8A	Duties to provide access, facilities, and signage for disabled persons at premises open to the public and to provide for the needs of disabled employees of the Council, except in relation to the operational premises of other Directorates	HCP <u>AD-PCP</u> <u>HAM</u>
Haringey Corporation Act 1971		
Section 5	Powers relating to the restoration of gas or electricity supply where disconnected	HNS RSM
Unsolicited Goods and Services Acts 1971 - 1975		
Section 2	Powers to enforce against persons claiming payment for unsolicited goods and services	HNS RSM
Animals Act 1971		
Section 7	Power to detain and dispose of livestock straying onto Council owned land	HNS RSM
Criminal Damage Act 1971		
Sections 1, 2 & 3	Powers to prosecute and enforce against any damage to, or destruction of, property including defacement and graffiti	HNS RSM NAM
GLC (General Powers) Act 1972		
Sections 17 & 19	Powers to require information about vehicles involved in the commission of offences and to require the restoration of gas or electricity supply where disconnected	HNS RSM
European Communities Act 1972		
Section 2	1. Power to implement Treaties and other subordinate legislation relating to additives, preservatives, colouring matter, antioxidants and standards of foodstuffs for Human Consumption. 2. Power to enforce the Orders in Council and Regulations made under section 2 of this Act relating to the enforcement functions of the Directorate.	HNS RSM
Local Government Act 1972		
Section 145 (except the limited delegation)	Power to make arrangements for the provision of entertainments and the development of arts	AD-LS <u>AD-SF</u> only

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below)	and crafts	
Section 145	Limited Delegation: Power to enclose or set aside part of a park or pleasure ground for provision of an entertainment, to charge for admission and to agree terms for use with any other person providing entertainment except for events within any of the categories below for which express Cabinet Member approval is required: • Over 10,000 persons attending per day; • Duration of more than 7 days; • Duration of more than 2 days with 5,000 persons or more attending per day; • Occupying the site for more than 14 days.	AD-LS* AD-SF* HCLS* only
Section 214	Powers to provide and maintain cemeteries, to contribute to expenses, to grant burial rights and rights to erect memorials, to enter into agreements to maintain graves and memorials, to extend the period of grant of exclusive right to burial for up to a maximum of 100 years.	AD-LS DDOSCS AD-SF HCLS
Section 222	Power to prosecute, defend or appear in any legal proceedings, power to institute civil proceedings in the Council's name and power to make representations on behalf of inhabitants at any public inquiry where this is considered expedient for the promotion or protection of the interests of the inhabitants of the Borough and related to the enforcement functions of the Directorate	AD-SF HNS RSM NAM ASBTM HHIS
Section 235	Power to enforce byelaws made under this section related to the enforcement functions of the Directorate	HNS NAM RSM
The Road Traffic (Foreign Vehicles) Act 1972		
Sections 1 and 2	Power in certain cases to prohibit driving of foreign vehicles	HNS HTM
The Poisons Act 1972		
Sections 5, 6 & 9	Powers to keep lists of persons allowed to sell non-medicinal poisons and to prohibit misrepresentations about poisons including powers to enter, inspect, take samples and enforce	HNS RSM
Land Compensation Act 1973		
Section 3	Power to authorise officers to enter land to	HCP AD-PCP

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	assess claims for compensation	only HCP AD-PCP HAM
Sections 4 to 8, 15, 28, 38, 42, 43 & 52	Powers in relation to compensation claims for adverse effects on land including assessment of claims, records and information, paying expenses of persons moved during works or permanently displaced or connected with acquisition of new dwellings, indemnifying re-housing authorities and making advance payments	
Fair Trading Act 1973		
Sections 27, 28, 29, 32 & 130	Powers in relation to unfair trade practices, test purchases and seizing goods in order to protect consumers	HNS RSM
Greater London Council (General Powers) Act 1973		
Section 30, 31 & 32	Powers to close unsanitary food premises, to regulate self-operated laundrettes and to maintain consumer advisory and protection services	HNS RSM
Breeding of Dogs Acts 1973 - 1999		
Sections 1, 2 & 3	Limited Delegation: Power to grant a licence to dog breeders and impose conditions, including powers of entry, inspection and enforcement.	HNS RSM NAM
Hallmarking Act 1973		
Section 9	Powers to enter and inspect premises and to make test purchases and seize articles for the purposes of enforcement	HNS RSM
Consumer Credit Acts 1974 - 2006		
Part XI	Powers to enter and inspect premises, make test purchases, take copies and enforce provisions for the protection of consumers and borrowers	HNS RSM
Control of Pollution Act 1974		
Whole Act	Powers in relation to noise abatement including inspection measurement, notices to require noise reduction, entry, inspection, works in default and costs recovery	HNS RSM
Health and Safety at Work etc Act 1974		
Sections 18, 20, 21, 22, 25 & 34	Powers relating to health & safety at work and the enforcement of provisions under the Act and Regulations made under the Act	HNS RSM

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Sections 19 & 39	Powers to appoint inspectors and to authorise inspectors to prosecute in Court for offences	AD-SCH AD-SF HNS RSM
Prices Acts 1974 and 1975		
Sections 2, 4 & 5 and the Schedule	Powers relating to consumer protection under these Acts and Regulations made under them	HNS RSM
Slaughter Houses Act 1974		
Parts 1 & 2	Powers and duties in relation to the provision and regulation of slaughter houses and knackery yards, powers to enter and inspect premises and powers to enforce Regulations as to slaughter of animals	HNS RSM
Greater London Council (General Powers) Act 1974		
Section 15 (4)	Power to vary the location of a marked footway parking bay where the Council has authorised the parking of vehicles on the footway under this Act	HTM HNS
Section 15	Power to prosecute contraventions relating to parking on highways verges	CEOs & Parking Supervisors
Guard Dogs Act 1975		
Sections 3, 5 & 6	Powers to license owners/users of guard dogs and to enforce provisions	HNS RSM
Safety of Sports Grounds Act 1975		
Sections 10 & 10B	Powers to serve prohibition notice and to grant any approvals required under the Safety Certificate and to approve applications for Safety Certificates in accordance with the legislation	AD-PRE AD-P HBC HNS RSM
Dangerous Wild Animals Act 1976		
Sections 1, 2, 3 & 4	Powers to licence the keeping of wild animals including powers to seize and destroy animals	HNS RSM
Local Government (Miscellaneous Provisions) Act 1976		
Section 15	Power to survey land which the Council proposes to acquire compulsorily and appoint officers to exercise functions under this section	HCP AD-PCP AD-SR
Section 16	Power to serve requisitions for information relating to land	AD-PRE HNS AD-P AD-SR

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		HHIS RSM ASBTM NAM HBC
Section 19	Limited Delegation: Powers to provide indoor or outdoor recreational facilities but subject to any charges for such facilities being approved by the Cabinet Member	AD-LS* HCLS*
Sections 20, 23, 24, 25, 29, 33 & 35	Powers in relation to the provision of toilets at places of entertainment, controls on dangerous trees, dangerous excavations, unoccupied buildings, the restoration of water, gas and electricity supplies and the removal of obstructions from private sewers	HNS RSM
Energy Act 1976		
Sections 15 & 16	Powers to enforce Orders relating to the price of fuel and the testing of motor fuel for consumption	HNS RSM
Criminal Law Act 1977		
Section 1	Power to prosecute conspiracy to commit any offence relating to the enforcement functions of the Directorate	AD-SF AD-P AD-PRE HNS RSM NAM ASBTM
Insurance Brokers (Registration) Act 1977		
Section 22	Power to enforce restrictions on the use of titles and descriptions	HNS RSM
Greater London Council (General Powers) Act 1978		
Section 5	Power to enforce provisions of this Act with respect to entertainments booking offices	HNS RSM
Section 12	Limited Delegation: Power to close park or pleasure ground on a Sunday in consultation with the Cabinet Member	AD-LS* AD-SF* HCLS* only
Refuse Disposal (Amenity) Act 1978		
Sections 2, 2A, 2B & 10	Powers to enforce against the unauthorised dumping of vehicles and other waste matter and the provision of false information including powers to serve fixed penalty notices, prosecute, recover costs, enter premises and enforce Regulations under the Act	HNS NAM HTM HNS
Sections 3 to 5	Powers to remove and dispose of abandoned vehicles and to recover related expenses	HNS RSM HTM Abandoned vehicle

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Section 4 – Directorate of **Place and Sustainability**

		inspectors, Parking service managers & Parking team leaders
Section 6	Power to remove and dispose of refuse unlawfully abandoned	HNS RSM <u>NAM</u> AD-SF
Section 8	Power to authorise officers in writing to enter land for the purposes of ascertaining whether powers relating to abandoned vehicles should be exercised	AD-SF only
Transport Act 1978		
Whole Act	Duty to ensure vehicles are mechanically sound, not overloaded and meet other legal requirements	HCMS <u>DDOSCS</u> AD-SR AD-SF
Estate Agents Act 1979		
Sections 11 & 26	Powers to regulate the work of estate agents and the persons who can offer services as such and to enter premises and to inspect and seize records	HNS RSM
Greater London Council (General Powers) Act 1979		
Section 5	Power to provide and permit advertisement units, showcases etc. upon the highway	HNS <u>HTM</u>
Section 8 and Schedule 2	Power to serve notice on occupiers to destroy Brown Tail Moth on their land and to enter and carry out works in default and recover expenses	HNS STM <u>HTM</u>
Highways Act 1980		
Whole Act (except sections 90A to 90H)	Powers relating to highways including the register, adoption, agreements, maintenance, repair, improvement, bridges, stopping up, gating, diversion, upholding public rights, prevention of damage and interference, crossovers, new streets, private streets, advance payments, agreements for works, permitting amenities and services, recovering expenses, powers of entry and enforcement	AD-SF HNS HTM
Sections 90A to 90H	Limited Delegation: All functions relating to road humps and other traffic calming works including powers to undertake consultations and to implement unopposed proposals. Any proposals subject to more than 10 objections shall be referred to the Cabinet/Cabinet Member for decision	AD-SF* <u>HTM*</u> HNS *
Sections 115K, 130 to	All powers to enforce and to prosecute	HNS RSM

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134, 136 to 156, 160A to 180, 184, 289 to 294, 297, 303, 305, 312, 321 & 322	offences in relation to highways and the obstruction of officers and powers of entry to premises/land and powers to serve notices/documents	<u>NAM</u>
Magistrates Courts Act 1980		
Section 44	Power to authorise prosecutions of aiding and abetting principal offenders in summary cases	AD-PRE HNS <u>AD-P</u> RSM ASBAT-NAM
Wildlife and Countryside Acts 1981 - 1991		
Section 25	Powers to protect wild birds, their nests and eggs and to enforce against offences	HCMS HNS <u>NAM</u> <u>RSM</u>
Section 53	Powers to modify the Definitive Map and Statement of Public Rights of Way in the Borough on the happening of a relevant event (creation or cessation of highway rights)	HNS <u>HTM</u>
Zoo Licensing Act 1981		
Sections 1, 4, 5, 6, 7, 15, 16 & 19	Limited Delegation: Powers relating to the licensing of private zoos including inspection and enforcement and determination of fees.	HNS RSM
Animal Health Acts 1981 - 2002		
Sections 13, 17, 18, 50, 52, 57, 72 & 73	Powers relating to animal welfare, the control of infectious diseases and the appointment of inspectors	HNS RSM
Section 52	Power to appoint inspectors and assign duties under the Acts	AD-SF HNS RSM only
Criminal Attempts Act 1981		
Part 1	Power to prosecute for offences under this Part of the Act relating to attempts to commit offences	HNS RSM
Forgery and Counterfeiting Act 1981		
Parts 1 and 2	Power to prosecute for offences of forgery counterfeiting and using a false instrument under this Act	HNS RSM

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Energy Conservation Act 1981		
Section 20 and Part 1	Power to enforce provisions of the Act relating to the proper marking/grading of energy consuming appliances	HNS RSM
Local Government (Miscellaneous Provisions) Act 1982		
Section 2 & Schedule 3	Limited Delegation: Powers in relation to the licensing of sex establishments including entry to premises, inspection and enforcement-	HNS RSM
Sections 29, 30 & 33	Powers in relation to the boarding up of vacant premises, property protection and renovation	HNS RSM
Section 37	Powers in relation to temporary markets	HNS RSM
Litter Act 1983		
Section 5 & 6	Powers to maintain receptacles on streets for litter and to enforce against littering elsewhere	HCMS <u>DDOSCS</u> AD-SF NAM
Cycle Tracks Act 1984		
Sections 3 & 4	Limited Delegation: All functions relating to cycle tracks except that: (i) the Cabinet Member shall approve all proposed Orders to designate all or part of a public footpath as a cycle track prior to statutory consultation, and (ii) no Order which has been subject to objection shall be submitted to the Secretary of State for confirmation without the prior agreement of the Cabinet Member	<u>DDOSCS*</u> AD-SF* HNS HTM*
Food Act 1984		
Section 54, 55 & 57	Powers to weigh animals at markets and to charge for doing so	HNS RSM
Road Traffic Regulation Act 1984		
Sections 6, 9, 10, 14, 15, 16, 21, 23, 26, <u>35</u> , 45, 46, 46A, 49, 51, 61, 63, 63A, 65, 68, 69, 71, 73, 74, 74A, 84, 121B, 122 & 122A	Limited Delegation: All functions under these provisions relating to road traffic except that any proposed permanent traffic regulation order subject to valid objection shall be referred to the Cabinet Member or Cabinet meeting for decision	<u>DDOSCS</u> AD-SF HTM HNS
Section 10(2)	Power to act as a specified officer for modifying or suspending experimental traffic schemes	<u>DDOSCS</u> AD-SF HTM HNS
Sections 16A, 16B &	Limited Delegation: Power in consultation	<u>DDOSCS*</u>

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16C	with the Cabinet Member to approve and implement temporary road closures for special events subject to at least half the cost being met by the applicant <u>except in relation to street parties which may be determined by the designated officer acting alone</u>	AD-SF* HTM* HNS *
Sections 8, 11, 16, 35A, 61 & 108 to 112	Powers to give or fix penalty charge notices relating to contraventions of Traffic Regulation Orders or similar Orders, Experimental Traffic Orders, Temporary Prohibition Orders, Off Street Parking Places Orders and Prohibitions against Vehicles in Loading Areas	CEOs and Parking Supervisors
Sections 99 to 103	All powers and functions relating to the removal, custody, release and disposal of vehicles illegally, dangerously or obstructively parked, abandoned or broken down and recovery of charges and ascertainment of keepers and owners of vehicles	HNS NAM HTM Abandoned vehicle inspectors, Parking team leaders & Parking service managers
Public Health (Control of Disease) Act 1984		
Whole Act	Powers in relation to the control of notifiable diseases and infected persons, premises and articles under the Act and Regulations	HNS RSM
Section 46	Power to bury or cremate the body of any person who has died whilst receiving accommodation under Part 111 of the National Assistance Act 1948, and to recover the costs of burying or cremating any person who was receiving Part 111 accommodation	AD-LS <u>DDOSCS</u> <u>RSM</u>
Telecommunications Act 1984		
Sections 28 and 29	Power to enforce provisions relating to the sale and advertising for sale of telecommunications equipment	HNS RSM
Video Recordings Act 1984		
Section 16A	Powers to make test purchases and to enter premises and inspect and seize goods and documents	HNS <u>TLTS</u> RSM
Greater London Council (General Powers) Act 1984		

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Sections 25, 26, 28, 31, 34, 37 & 38,	Powers to register market premises and stalls and to enforce against sales from unregistered premises/stalls and to take action in respect of dangerous buildings or structures	HNS RSM
Building Act 1984		
Whole Act	All functions in relation to building regulations, building plans, building standards and requirements, including powers to reject plans, to require the removal, alteration or execution of works, to enforce the building regulations, to serve notices, to execute works in default and to prosecute offences	AD-PRE AD-P AD-SR HHIS HBC HNS RSM Senior Building Surveyors
Food and Environment Protection Act 1985		
Part 1	Powers in relation to contamination of food	HNS RSM TLCEH
Housing Act 1985		
Sections 13 & 14	Powers to lay out public streets and open spaces when developing housing land and to contribute to expenses and to execute works in connection with housing operations outside the Borough	DP&S only
<u>Sections 9, 10, 11, 12, 15 & 32 to 42,</u>	<u>Functions in relation to the provision of land, accommodation and other facilities and in relation to disposals of housing and the repayment of discounts</u>	<u>AD-SR only</u>
Part IV	Limited Delegation: Power to take any decisions in the Council's interests in accordance with (i) policies agreed by the Cabinet and (ii) the Management Agreement with Homes for Haringey Ltd in relation to Part IV (secure tenancies)	<u>DDOSCS</u> AD-SF ASBTM
Part VIII	Limited Delegation: All functions relating to Area Improvement under this Part excluding powers to declare housing action areas and general improvement areas which are reserved to the Cabinet Member or Cabinet meeting	AD-PRE HCMS-AD-P AD-SR
Sections 582 & 583	Powers give notices of non-confirmed CPOs and to continue tenancies in houses compulsorily acquired	AD-PRE AD-P
Sections 609 & 610	Powers relating to enforcing covenants and to apply to Court to modify covenants	AD-PRE AD-P
<u>Part IX</u>	<u>Limited Delegation: All functions relating to Slum Clearance under this Part excluding power to declare a clearance area which is</u>	<u>AD-SR</u> <u>HHIS</u>

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	<u>reserved to the Cabinet Member or Cabinet meeting</u>	
<u>Section 428 and Part XIV and Schedules 16, 17 & 18</u>	<u>Powers to borrow for purposes of the Act and functions relating to the advancement, management and enforcement of mortgages under Part XIV</u>	<u>AD-SR only</u>
<u>Housing Associations Act 1985</u>		
<u>Sections 34, 58 & 61</u>	<u>Powers to assist housing associations and sell furniture to persons housed by them</u>	<u>AD-SR</u>
Weights and Measures Act 1985		
Whole Act except provisions expressly set out below	All functions of weights and measures inspectors under the Act including powers of inspection, entry, test purchases, enforcement and prosecution	HNS RSM Weights & Measures Inspectors only
Section 11	Power to direct manner in which equipment for verification is submitted and charge reasonable fees	HNS RSM TLTS only
Section 72	Power to appoint Inspectors of Weights and Measures and Deputy Chief Inspector	<u>DDOSCS</u> AD-SF HNS RSM only
Section 74	Power to make arrangements for the adjustment of Weights and Measures and to charge a reasonable fee.	HNS RSM TLTS only
Section 76	Power to determine fee for the verification of items in bulk.	HNS RSM only
Business Names Act 1985		
Sections 2 to 6	Power to enforce as to provisions of the Act including failure to disclose information	HNS RSM
Intoxicating Substances (Supply) Act 1985		
Section 1	Power to enforce as to provisions of the Act	HNS RSM
Greater London Council (General Powers) Act 1986		
Sections 5 to 8	Power to relating to works under streets, underground cellars and vaults and retaining walls including enforcement and prosecution of offences	HNS STM NAM <u>HTM</u>
Protection of Children (Tobacco)		

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Act 1986		
Sections 3 & 4	Powers to enforce against unlawful sale of unpackaged cigarettes to children and failure to display warnings	HNS RSM <u>TLTS</u>
Crossbows Act 1987		
Sections 1 & 2	Power to enforce against sale or letting of crossbows involving young persons or on-line	HNS RSM
Motor Cycle Noise Act 1987		
Section 1 and Schedule	Power to enforce provisions of the Act	HNS RSM
Consumer Protection Act 1987		
Sections 14, 16, 28, 29, Part III and Part IV	Functions relating to annual and occasional licences and powers of entry, inspection, test purchase, seizure, examination of records and prosecution of offences	HNS RSM
Fire Safety and Safety of Places of Sport Act 1987		
Whole Act	Powers to secure public safety at sports places and grounds	HNS RSM HBC
Copyright Designs and Patents Act 1988		
Sections 107, 107A, 198 & 198A	Powers to investigate and enforce against alleged offences of possessing, importing, making, dealing with or using any illicit recording or article infringing copyright	HNS RSM
Criminal Justice Act 1988		
Sections 141 & 141A	Powers to inspect, investigate and enforce against alleged offences in connection with offensive weapons including knives offered or sold to young persons	HNS RSM
Local Government Act 1988		
Section 37	Power to enforce Regulations as to establishment of dog registration scheme	HNS RSM <u>NAM</u>
Education Reform Act 1988		
Section 215	Powers to enter premises and seize evidence	HNS RSM
Road Traffic Act 1988		
Sections 17, 40A, 41A, 41B, 42, 70, 75, 76, 78 & 81	Power to investigate and enforce provisions regulating the sale of protective helmets and eye protection for motor cyclists and the construction and use of vehicles and other	HNS RSM

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	safety controls	
Section 39	Duty to promote road safety	AD-SF <u>HTM</u> HNS
Sections 19, 21 & 36	Power to give or fix penalty charge notices relating to the parking of heavy goods vehicles on highway verges, central reservations and footways and relating to driving or parking mechanically propelled vehicles on cycle tracks and relating to failure to comply with a traffic sign	CEOs and Parking Supervisors
Scotch Whiskey Act 1988		
Section 2	Power to enforce restrictions on sale of spirits falsely described as scotch whiskey	HNS RSM
Firearms (Amendment) Act 1988		
Section 19 and Schedule	Power to apply to the Secretary of State for a firearms licence in respect of any firearms or ammunition to be kept in a museum	AD-C <u>DDOSCS</u>
Housing Act 1988		
Part I	Limited Delegation: Power to take any decisions in the Council's interests in accordance with (i) policies agreed by the Cabinet and (ii) the Management Agreement with Homes for Haringey Ltd in relation to Part I (rented accommodation)	AD-SF <u>AD-SR</u> ASBTM <u>HCS</u>
Control of Pollution (Amendment) Act 1989		
Sections 1, 5, 5A, & 5B	Powers to enforce against unregistered carriers of controlled waste and to stop search and seize vehicles with regard to transport of controlled waste	AD-SF HNS RSM <u>NAM</u>
<u>Local Government and Housing Act 1989</u>		
<u>Sections 92, 93, 97</u>	<u>Power in relation to renewal areas</u>	<u>AD-SR</u> <u>HHIS</u>
London Local Authorities Act 1990		
Part III	Limited Delegation: Powers to grant and renew street trading licences in respect of licence streets and to issue temporary licences and licences by way of succession, to make Regulations specifying terms and conditions attached to licences, to designate pitches and to enforce against illegal trading. This	HNS RSM <u>TLLIC</u> <u>NAM</u>

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	delegation excludes the revocation of licences which stand referred to the Licensing Sub-Committee.	
Planning (Hazardous Substances) Act 1990		
Section 24	Power to issue a Hazardous Substances Contravention Notice	~~AD-PRE~~ <u>AD-P</u> HDMPE
Town and Country Planning Act 1990		
Sections 70, 70A, 72, 73 & 73A	Limited Delegation: Power to determine applications for planning permission, including the imposition, variation and removal of conditions, and power to decline to determine applications, subject to the limitations on delegation set out in Appendix 1 below	~~AD-PRE~~ * <u>AD-P</u> * HDMPE* only
Section 106	Limited Delegation: Power to enter into planning agreements/obligations in accordance with, or to give proper effect to, existing decisions or policies of the Planning Sub-Committee or Regulatory Committee	~~AD-PRE~~ * <u>AD-P</u> * HDMPE* only
Section 107	Limited Delegation: Power to pay compensation for revocation or modification of planning permission after obtaining advice from the Head of Property Services and the Head of the Legal Service.	~~AD-PRE~~ <u>AD-P</u> HDMPE only
Sections 69, 71, 78, 78A, 110, 127, 132, 139, 146, 151, 152, 159 & 169	All functions under these provisions relating to applications generally including the register of planning applications, consultation on applications, notices to applicants, compensation claims and notices, purchase notices & response notices and blight notices & counter-notices	~~AD-PRE~~ <u>AD-P</u> HDMPE
Part VII	All functions under this Part relating enforcement of planning control including planning contravention notices, enforcement notices, stop notices, injunctions, certificates of lawful use or development and rights of entry	~~AD-PRE~~ <u>AD-P</u> HDMPE HNS RSM
Part VIII	All functions under these provisions relating to trees including tree preservation orders, trees in conservation areas, tree replanting, controls on works to trees, rights of entry and powers to prosecute, and all functions relating to land adversely affecting local amenity and control of advertisements	~~AD-PRE~~ <u>AD-P</u> HDMPE HNS RSM
Section 247	Limited Delegation: Power to submit a holding objection, on behalf of the local highway authority or local planning authority, in	~~AD-PRE~~ * <u>AD-P</u> * <u>HTM</u> * HDMPE*

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	respect of proposals in another London Borough to stop up highway(s) for development until such time as the proposed stopping-up can be reported to Members for a formal decision and power to authorise the stopping up or diversion of any highway if necessary to enable development (permitted by the Planning Sub-Committee or under other powers delegated to officers) to be carried out	HNS* only
Sections 324	Power to authorise officers to enter land for any purposes under this section	AD-PRE AD-P HDMPE HNS RSM HDMPE- only
Section 325, 329 & 330	Power to prosecute for obstructing officers exercising rights of entry, to serve any notice or other document under the Act and to serve notices requiring information as to the nature of interest in the land/premises and to prosecute for non-compliance	AD-PRE AD-P HDMPE HNS RSM
Planning (Listed Buildings & Conservation Areas) Act 1990		
Sections 7, 9, 42, 43 & 59	Powers to prosecute for executing etc. works or demolition to listed buildings or buildings in conservation areas that are unauthorised or in breach of condition, powers to authorise entry onto land and to prosecute for non-compliance with a listed building enforcement notice or a conservation area enforcement notice and to recover the costs of steps required and power to prosecute for acts damaging listed buildings	HNS AD-P RSM AD-PRE HDMPE
Sections 14, 15, 16, 17, 18, 19, 28, 29, 38, 44A, 53, 54 & 55	Powers and duties relating to the determination of applications for listed building consent and conservation area consent or variations, functions relating to compensation for revocation of listed building consent or service of a listed building preservation notice, functions relating to the management and disposal of land acquired under the Act, powers to execute urgent work for the preservation of listed buildings and to recover costs. Powers to issue listed building and conservation area enforcement notices and power to apply to Court for injunctions to restrain unauthorised works	AD-PRE AD-P HDMPE only
Environmental		

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Protection Act 1990		
Part 1	Functions in relation to integrated pollution control and air pollution control under this Part of the Act include authorisations and enforcement	HNS RSM
Part II – Sections 33, 33C, 34, 34A to C, 35, 44, 47ZA, 47ZB, 59, 59C, 59ZA, 60, 62 & 63	Functions in relation to waste on land under this Part of the Act including powers to prosecute, give fixed penalty notices and enforce against unauthorised deposits of waste and breaches of the duty of care, waste management licence conditions, requirements relating to the collection of household, commercial and industrial waste and requirements relating to special and controlled waste	HNS NAM AD-SF
Part II - Sections 46, 47 & 55	Powers to impose requirements by notice in relation to the collection of household, commercial and industrial waste, powers to fix local rates of charge and powers to buy, use or dispose of waste in connection with recycling	AD-SF <u>AD-SR</u> HCMS NAM Contract monitoring manager & contract monitoring officers
Part IIA	Functions under this Part relating to contaminated land	HNS RSM
Part III & Part IV	Functions under these Parts relating to statutory nuisances, litter and abandoned shopping trolleys	HNS NAM
Part VIII & Part IX	Functions under these Parts include powers to enforce against injurious substances, restrictions on the import/export of waste, obtaining information about hazardous substances, power to seize and receive stray dogs and power to serve notices	HNS NAM NAOs
Section 143	Duty to compile and maintain a public register of land subject to contamination	HCMS AD-SF <u>AD-SR</u> HNS RSM
Food Safety Act 1990		
Whole Act	All functions under the Act including food hygiene, powers of entry, inspection, sampling, analysis, seizure enforcement and the prosecution of offences	HNS RSM <u>TLCEH</u>
Breeding of Dogs Act 1991		
Sections 1 & 2	Power to authorise officers to obtain justice's warrant to enter unlicensed premises and to apply to Court for disqualification from holding licence	HNS RSM

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London Local Authorities Act 1991		
Sections 6 to 12	Limited Delegation: Powers to grant, renew and transfer unopposed applications for a special treatment licence (use for massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light, electric or other special treatment including vapour sauna or other baths) and the imposition of conditions, variation and cancellation of licences.	HNS RSM
Sections 14, 23 & 25	Powers to control the installation of audible intruder alarms and to enforce the provisions of the Act including entry and inspection of premises	HNS RSM
New Roads & Street Works Act 1991		
Part III	Functions under this Part relate to street works licensing, enforcement of controls, advance notice of works, timing directions, duties to re-instate, charges for occupation of the highway by undertakers, location of apparatus and the prosecution of offences and recovery of costs	HTM
Land Drainage Act 1991		
Sections 14, 15, 17, 20 & 25	Powers to maintain, improve and construct works, to apply for powers of entry, to apply to the National Rivers Authority to carry out drainage works and to enter into agreements, serve notices and recover costs	HNS <u>HTM</u>
Property Misdescriptions Act 1991		
Section 3 and Schedule	Power to enforce provisions of the Act	HNS RSM NAM
Dangerous Dogs Act 1991		
Sections 1, 3 & 5	Powers to enter premises, seize dangerous dogs and enforce provisions of the Act	HNS RSM <u>NAM</u>
Water Industry Act 1991		
Section 84	Power to authorise appropriate officers to exercise the powers of entry	<u>DDOSCS</u> AD-SF HNS NAM only
Section 85	Power to serve on any person a notice requiring them to furnish information	HNS NAM
Section 115	Power to agree use of highway drains	HNS <u>HTM</u>

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Children and Young Persons (Protection from Tobacco) Act 1991		
Whole Act	Enforcement functions to prevent children and young persons from being sold tobacco	HNS RSM <u>TLTS</u>
Road Traffic Act 1991		
Sections 66, 69 & 77	Power to give or fix penalty charge notices to stationary vehicles in a designated parking place, power to fix immobilisation devices to vehicles and power to give or fix penalty charge notices to stationary vehicles outside a designated parking place and to fix an immobilisation device	CEOs and Parking Supervisors
Section 71(7)	Power to determine sums to be refunded under section 71(6) when statutory ground is established	HTM & Parking Service Managers
Section 71(6) and Schedule 6	Powers to consider representations made concerning the removal or immobilisation of vehicles and to serve notice as to whether the Council accepts that a statutory ground has been established and power to serve notices to owner on the expiry of a penalty charge notice, power to consider representations and to serve notice as to whether statutory grounds are established and powers to serve and enforce a charge certificate	HTM & Service Managers, Correspondence Manager and Correspondence Officers
Criminal Justice Act 1991		
Sections 61	Duty and power to secure compliance with any security requirement imposed on remand or committal to local authority accommodation, by providing secure accommodation or by arranging with other local authorities or bodies for the provision of such accommodation, and power to secure compliance with related duties in Regulations	HNS <u>DDOSCS</u> <u>AD-SF</u> only
Timeshare Act 1992		
Section 10 and Schedule	Power to enforce provisions of the Act	HNS RSM
Clean Air Act 1993		
Whole Act	Functions under the Act include approving furnaces and chimneys, powers relating to smoke control areas, adaptations to fireplaces and dwellings, content of fuel, air pollution	HNS RSM

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	controls, obtaining information, powers of entry, inspection, enforcement and powers to prosecute	
Noise and Statutory Nuisance Act 1993		
Section 8 & Schedule 2 and Section 9 & Schedule 3	Power to grant consent for the operation of a loudspeaker and power to enforce requirements as to audible intruder alarms	HNS RSM
Radioactive Substances Act 1993		
Sections 18 & 39	Power to make charges in respect of special precautions as to authorised disposal of radioactive waste and power to main records sent to authority under the Act and to make copies available to public	HNS RSM
Criminal Justice and Public Order Act 1994		
Sections 77 & 78	Powers to give direction to leave land in the Council's area and to authorise Court proceedings for failure to comply or for re-entry onto the land and for the removal of persons and vehicles from land in the Council's area	HNS NAM
Sunday Trading Act 1994		
Section 1 and Schedules 1, 2 and 3	Power to enforce the provisions of Schedule 1[restrictions on Sunday opening of large shops], Part 2 of Schedule 2 [shops occupied by persons observing Jewish Sabbath] and Schedule 3 [restrictions on loading and unloading at large shops on Sunday morning]	HNS RSM
Trade Marks Act 1994		
Section 93	Power to investigate and enforce provisions of the Act against unauthorised use of trade marks in relation to goods	HNS RSM <u>TLTS</u>
London Local Authorities Act 1995		
Sections 11 & 12	Power to issue a notice requiring the removal of unauthorised advertisement hoardings and to enter land to enforce removal and recover reasonable expenses, and powers to enforce provisions in relation to defacement of buildings	~~AD-PRE~~ <u>AD-P</u> HDMPE HNS NAM
Part 4	Powers to grant, renew, transfer, vary and refuse near beer licences and to prescribe standard terms, conditions and restrictions for attachment to licences including powers of entry, inspection, seizure, enforcement and	HNS RSM

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	prosecution	
Olympic Symbol etc. (Protection) Act 1995		
Sections 8 & 8A	Power to prosecute offences in relation to goods infringing the Act	HNS RSM
Town and Country Planning (General Permitted Development) Order 1995		
Schedule 2, Parts 24, 25 & 31.	Power to determine applications for development by telecommunications code system operators and power to decide any application for a determination as to whether the prior approval of the authority will be required to the method of a proposed demolition and any proposed restoration of the site.	AD-PRE AD-P HDMPE
Environment Act 1995		
Sections 82, 83, 84, 108 & 113	Powers to review Air Quality regularly, to designate Air Quality Management Areas, to disclose information in accordance with the Act and to investigate and enforce the provisions of the Act	HNS RSM
The Party Wall etc Act 1996		
Section 10 (8)	Power to appoint independent surveyor in neighbour disputes concerning party walls	HBC
Noise Act 1996		
Whole Act	Powers to investigate noise complaints including the service of warning notices and fixed penalty notices and powers to enter dwellings and seize equipment	HNS RSM
London Local Authorities Act 1996		
Section 4	Power to serve penalty charge notices with respect to contraventions of any Traffic Regulation Order affecting a bus lane	CEOs and Parking Supervisors, CCTV Operators & CCTV Supervisors
Section 6 and Schedule 1	Power to serve enforcement notices, consider representations and serve notices as to whether statutory grounds are established and powers to serve and enforce charge certificates	HTM, TM Service Managers, Parking Corresponden

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		ce Manager, Correspondence and Appeals Officers. CCTV Operators and Senior Operators, CCTV Supervisors and CEOs
Housing Act 1996		
Sections 153A-E, 154, 155, 156 and 157	Functions in relation to powers of arrest and injunctions against anti-social behaviour	HNS ASBTM only
Part V	Power to take any decisions in the Council's interests in accordance with (i) policies agreed by the Cabinet and (ii) the Management Agreement with Homes for Haringey Ltd in relation to Part V (conduct of tenants)	AD-SF ASBTM
Knives Act 1997		
Sections 1 & 2	Powers to enforce against unlawful marketing of knives and associated publications	HNS RSM
Crime and Disorder Act 1998		
Section 1 and 1A to K	Power to apply for and enforce anti-social behaviour orders (ASBOs)	AD-SF HNS ASBTM
Building (Local Authority Charges) Regulations 2010		
	Authority to revise scale of charges (in consultation with Cabinet Member, Environment)	AD-P* HBC* AD-PRE*
Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 - 2008		
	• Power to adopt a screening opinion i.e. to determine whether or not development is "EIA development", within the meaning of the Regulations. • Power to adopt a scoping opinion on the information or matters to be covered by an environmental statement. • Powers to seek further information or to secure compliance with the Regulations	AD-PRE AD-P HDMPE only

APPENDIX E – SCHEME OF DELEGATION TO OFFICERS

Section 4 – Directorate of Place and Sustainability

Breeding and Sale of Dogs (Welfare) Act 1999		
Sections 8 & 9	Power to enforce provisions of the Act on sale of dogs by keepers of licensed breeding establishments	RSM HNS
Food Standards Act 1999		
Sections 10 to 14 & 27	Powers to carry out observations, enter premises and take samples in accordance with authorisation by the Food Standards Authority (FSA), to enforce Regulations as to the notification of tests for food borne disease and to publish reports and supply information to the FSA on Council enforcement activity	HNS RSM
Greater London Authority Act 1999		
Part 9	Power to provide information in response to directions and requests from the Mayor as to waste, air quality and noise.	HNS NAM <u>RSM</u>
Pollution Prevention and Control Act 1999		
Section 2	Power to enforce Regulations to control polluting activities.	HNS NAM RSM
Regulation of Investigatory Powers Act 2000		
<u>Section 21-25</u>	<u>Power to authorise the obtaining and disclosure of communications data</u>	<u>DDOSCS</u>
Sections 28 and 29	Power to authorise directed surveillance or the conduct and use of a covert human intelligence source for the purpose of preventing or detecting crime	DP&S <u>DDOSCS</u> <u>HCS AD-SF</u> HNS only
Local Government Act 2000		
Sections 2 to 4	~~Limited Delegation: Powers to take steps to promote economic, social and environmental well-being subject to advice from the Head of Legal Services on each proposed exercise of these powers~~	AD-PRE AD-SF AD-LS AD-C
London Local Authorities Act 2000		
Part 2	Enforcement of powers relating to parking controls	HTM
Part 3 including	Enforcement of powers relating to waste	HNS NAM

APPENDIX E – SCHEME OF DELEGATION TO OFFICERS

Section 4 – Directorate of **Place and Sustainability**

section 19	control and litter including power to require by cleansing notice the sweeping and cleansing of land and power to revoke notices	
Part 5 and section 50	Enforcement of all provisions relating to buskers including power to grant licences subject to conditions, to refuse applications and to cancel or revoke licences and power to enforce against the obstruction of authorised officers	HNS RSM
Section 45	Powers to take emergency measures to deal with dangerous buildings including the making of representations to a Magistrate's Court in respect of dangerous buildings or structures	AD-PRE AD-P HBC Senior Building Surveyors
Criminal Justice and Police Act 2001		
Sections 19, 20, 22, 25, 29 to 32 & 46	Powers relating to closure notices against unlicensed sales of alcohol on premises, powers to control or prevent the purchase or consumption of alcohol by young persons and powers to enforce against the placing of advertisements in or near public telephones relating to prostitution	HNS RSM
Vehicles (Crime) Act 2001		
Sections 1 to 5, 7, 8, 11 & 12 and Part 2	~~Powers in relation to the registration of motor salvage operators and to enforce provisions relating to~~ <u>regulation, inspection and enforcement of</u> registration plate suppliers	HNS RSM
Private Security Industry Act 2001		
Section 13	Power to undertake relevant licensing functions in accordance with regulatory provisions as to door supervisors	HNS RSM
Tobacco Advertising and Promotion Act 2002		
Sections 13, 14 & 15	Power to enter premises, apply for warrants, make purchases and enforce provisions	HNS RSM
Enterprise Act 2002		
Part 8 & Part 9	Power to enforce provisions including prior consultation, applying to Court for enforcement order, accepting undertakings, serving and enforcing information notice and power to disclose information under the Act	HNS RSM
Proceeds of Crime Act 2002		

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Section 4 – Directorate of **Place and Sustainability**

Parts 2, 5 and 8	Power to institute proceedings for the recovery of assets and to engage the services of the Asset Recovery Agency, Regional Asset Recovery Team or an accredited Financial Investigator when appropriate	AD-PRE AD-P AD-SF HNS RSM NAM
<u>The Regulatory Reform (Housing Assistance) Order 2002</u>		
<u>Articles 3 to 7</u>	<u>Limited Delegation: Power to provide assistance for the acquisition, improvement, repair, demolition or replacement of living accommodation and functions in relation to supplementary and protective provisions and the provision of information and evidence. This delegation can only be exercised in accordance with a policy for the provision of assistance under Art.3 adopted by the Cabinet Member or Cabinet meeting</u>	<u>AD-SR HHIS</u>
London Local Authorities and Transport for London Act 2003		
Sections 4, 5, 6, 8, 9, 16, 17, 22 and Schedules 1 to 4	Powers to serve penalty charge notices in relation to road traffic contraventions, to issue operator's notices and to enforce against contraventions of lorry ban order, to serve fixed penalty notices for prescribed offences under the Highways Act 1980, to enforce in relation to vehicle crossings over footways and in relation to the removal of things deposited on the highway and to recover the expenditure incurred and to enforce against obstruction of authorised officers	AD-SF HTM HNS NAM CEOs and Parking Supervisors
Section 21	Power to appoint authorised officers under this Act	AD-SF HNS HTM only
Fireworks Act 2003		
Section 12	Power to enforce Regulations made under section 2 of the Act	HNS RSM
Licensing Act 2003	Limited Delegation: The delegations to officers under this Act exclude all the matters reserved by law to the Regulatory Committee and Licensing Sub-Committees as set out in Appendix 2 below	
Section 5	Power to consult about the Statement of Licensing Policy or revisions but excluding the final adoption of the Statement of Licensing	HNS RSM

APPENDIX E – SCHEME OF DELEGATION TO OFFICERS

Section 4 – Directorate of **Place and Sustainability**

	Policy or revisions to it	
Section 8 and Schedule 3	Duties in relation to the register of prescribed licensing information	HNS RSM TLIC
Sections 13, 69, 108 and 179	Power to appoint authorised persons or officers for purposes of this Act	AD-SF HNS RSM - only
Part 3 and Schedule 5 Part 1	Powers in relation to Premises Licences including applications for, and the grant, duration, variation, updating, transfer and review of, licences and provisional statements, interim authority notices and inspection of premises. This includes powers in relation to applications for minor variations of premises licences. Powers in relation to the conduct of appeals and the enforcement of these provisions	HNS RSM
Part 4 and Schedule 5 Part 2	Powers in relation to Club Premises Certificates including applications for, and determinations relating to, the grant, duration, variation, updating, withdrawal and review of, certificates. This includes powers in relation to applications for minor variations of club premises certificates. Powers in relation to the conduct of appeals and the enforcement of these provisions	HNS RSM
Part 5 and Schedule 5 Part 3	Powers in relation to Permitted Temporary Activities including Temporary Event Notices and objections, modifications, rights of entry and copies. Powers in relation to the conduct of appeals and the enforcement of these provisions	HNS RSM
Part 6 and Schedule 5 Part 3	Powers in relation to Personal Licences, Including applications for, and the grant and renewal of, licences including notification of changes and convictions. Powers in relation to the conduct of appeals and the enforcement of these provisions	HNS RSM
Parts 7, 8 & 9 and all Regulations made under the Licensing Act 2003	Powers in relation to offences, closure of premises and miscellaneous and supplementary matters, including special events and exemptions, and all procedural or operational matters excluding final decisions on applications requiring hearings which are reserved to Members	HNS RSM
Criminal Justice Act 2003		
Sections 22, 23 & 24	Power to give conditional cautions where the Council has been specified as a "relevant prosecutor" and power to enforce the	HNS RSM

APPENDIX E – SCHEME OF DELEGATION TO OFFICERS

Section 4 – Directorate of **Place and Sustainability**

	provisions of the Act against failure to comply with any conditions of a conditional caution	
Anti-Social Behaviour Act 2003		
Part 1A	Powers in relation to closure notices and orders in respect of premises associated with persistent disorder or nuisance	HNS ASBTM
Part 6	Powers in relation to the environment, noisy premises, graffiti, fly-posting, adverts, aerosol paints, litter and waste and the enforcement of this Act and prosecution of offences	HNS NAM RSM
Part 8	Powers in relation to complaints about high hedges including the issue, relaxation or withdrawal of remedial notices and power to enter land, take samples and other required action and to recover expenditure incurred	AD-PRE HNS <u>AD-P</u> <u>NAM</u>
Parts 1A, 6 & 8	Power to appoint authorised officers for the purposes of the Act	AD-PRE <u>DDOSCS</u> <u>AD-P</u> AD-SF HNS only
Section 1(2)	Duty to respond to consultation in relation to premises closure where drugs are being used unlawfully	AD-SF HNS ASBTM
Section 31	Power to give consent for a dispersal order	AD-SF HNS ASBTM
London Local Authorities Act 2004		
Section 6	Powers to enter a vehicle in the Council's custody in order to remove anything in the interests of safety	HNS HTM Abandoned vehicle inspectors
Section 9	Power to take action in relation to nuisance from birds	HNS NAM RSM
Section 28	Power to appoint "authorised officers" under this and previous London Local Authorities Acts and related legislation	<u>DDOSCS</u> AD-SF HNS only
Christmas Day Trading Act 2004		
Sections 1 & 2	Powers to enforce provisions of the Act	HNS RSM
Section 3	Power to appoint inspectors for purposes of the Act	HNS RSM only
Planning and Compulsory Purchase Act 2004		
Sections 13, 24, 32 & 35	Powers to survey and review matters affecting development, to request the opinion of the	AD-PRE <u>AD-P</u>

APPENDIX E – SCHEME OF DELEGATION TO OFFICERS

Section 4 – Directorate of **Place and Sustainability**

	Mayor of London as to the general conformity of a development plan document or a local development document with the spatial development strategy, to disregard representations made in relation to a local development document if statutory conditions apply and to make annual monitoring report to the Secretary of State	
Section 15	Limited Delegation: Power to prepare the Local Development Scheme for approval by the Cabinet before submission to the Secretary of State, to make amendments directed by the Secretary of State and to carry out all related functions under this section	AD-PRE <u>AD-P</u>
Sections 17 & 19	Limited Delegation: Powers to prepare and keep Local Development Documents (LDDs) under review, carry out appraisals of sustainability of proposals, and take all related action subject to approval of LDDs by Members	AD-PRE <u>AD-P</u>
Section 18	Limited Delegation: Power to prepare and consult upon a draft Statement of Community Involvement for approval by full Council	AD-PRE <u>AD-P</u>
Section 20	Limited Delegation: Powers to prepare Development Plan Documents (DPDs) for approval by full Council before submission to the Secretary of State and to take all related action	AD-PRE <u>AD-P</u>
Section 26	Limited Delegation: Powers to prepare a revision of a LDD subject to approval of the revised LDD by Members and to take steps directed by the Secretary of State	AD-PRE <u>AD-P</u>
Traffic Management Act 2004		
Sections 16 & 17(1)(4)(5) & (6)	Functions relating to the network management objectives and powers to make arrangements to perform the network management duties	AD-SF HTM HNS
Section 17(2)	Power to appoint the “traffic manager” under this provision	DP&S AD-SF only
Sections 33 to 37	Powers in relation to the preparation, implementation, variation and revocation of permit schemes for street works	AD-SF HTM HNS
Section 76	Power to appoint civil enforcement officers in relation to enforcement against road traffic contraventions under the Act	AD-SF HTM
Part 6 and Schedule 7 Part 1	Powers and functions of civil enforcement officers in relation to all parking contraventions in Schedule 7 Part 1 of the Act	CEOs, Parking Supervisors, CCTV

APPENDIX E – SCHEME OF DELEGATION TO OFFICERS
Section 4 – Directorate of Place and Sustainability

		Operators Senior Operators & CCTV Supervisors
Part 6 and Schedule 7 Part 2	Powers and functions of civil enforcement officers in relation to all bus lane contraventions in Schedule 7 Part 2 of the Act	CEOs, Parking Supervisors, CCTV Operators Senior Operators & CCTV Supervisors
Part 6 and Schedule 7 Part 4	Powers and functions of civil enforcement officers in relation to all moving traffic contraventions in Schedule 7 Part 4 of the Act	CEOs, Parking Supervisors, CCTV Operators Senior Operators & CCTV Supervisors
Part 5 Sections 165 to 169 and Schedule 8	Powers to enforce duties relating to Home Information Packs including restrictions on unauthorised disclosure from the register of home condition reports, requirement to produce home information packs, the issue or withdrawal of penalty charge notices, considering representations and enforcement against obstruction	~~H-Enf~~ <u>RSM</u> Weights and Measures Inspectors only
Clean Neighbourhoods and Environment Act 2005		
Part 2 Sections 3 to 7	Powers to enforce against nuisance and illegal parking including exposing vehicles for sale and repairing vehicles on a road and powers to give fixed penalty notices and require names and addresses	HTM HNS NAM
Part 6 Sections 55 to 61	Powers to enforce controls on dogs including the making, amendment and revocation of dog control orders, giving of fixed penalty notices, fixing penalties and requiring names and addresses	HNS NAM
Part 7 Sections 69 to 79	Powers relating to audible intruder alarms noise including the designation of alarm notification areas and the withdrawal of such designation, the giving of fixed penalty notices, fixing penalties, requiring names and	HNS RSM

APPENDIX E – SCHEME OF DELEGATION TO OFFICERS

Section 4 – Directorate of **Place and Sustainability**

	addresses, powers of entry and application for justice's warrants	
Section 96	Power to use fixed penalty receipts for qualifying functions	DP&S <u>DDOSCS</u> AD-SF HNS HTM only
Gambling Act 2005	Limited Delegation: The delegations to officers under this Act exclude all the matters reserved by law to the Regulatory Committee and Licensing Sub-Committees as set out in Appendix 2 below	
Sections 29, 30, 350 and Schedule 6 Parts 1 & 4	Duties and powers to provide information required or requested by the Gambling Commission or other bodies	HNS RSM
Sections 33, 37, 41, 42 to 44, 185, 242, 258 to 262, 305, 307, 309 to 315, 317 to 319, 322 & 326	Power to prosecute and enforce against offences under these provisions and powers of entry for the purposes of these provisions	HNS RSM
Part 8 Sections 156, 161, 163 to 165, 167 to 169, 186 to 190, 192 to 200 and 206 to 209	Functions in relation to the register of premises licences. Powers to make representations on applications for premises licences, to determine applications where valid representations have not been made, to notify surrenders, to revoke premises licence on non-payment of fees, to reinstate licences, to handle applications for review of a premises licences and to conduct appeals	HNS RSM
Part 9 Sections 218, 220, 222, 225, 226, 227, 228 and 234	Power to give counter-notice in response to a temporary use notice, to acknowledge temporary use notice, to agree with other parties in the event of objection that a hearing is unnecessary, to dismiss objections, to conduct appeals and to endorse, return and provide copies of temporary use notices and to maintain and make available the register	HNS RSM
Section 247 and Schedule 10	Power to determine applications for the grant or renewal of permits for family entertainment gaming machines including consideration of representations, the conduct of appeals and the enforcement of all provisions	HNS RSM
Section 262 and Schedule 11 Parts 4 & 5	Power to determine applications to register small society and non-commercial society lotteries in accordance with the provisions including the conduct of appeals, and the enforcement of all provisions	HNS RSM
Section 274 and Schedule 12	Power to determine applications for the grant or renewal of club gaming permits or club machine permits in accordance with the provisions including grant by "fast track	HNS RSM

APPENDIX E – SCHEME OF DELEGATION TO OFFICERS

Section 4 – Directorate of **Place and Sustainability**

	procedure”, the conduct of appeals and the enforcement of all provisions	
Section 283 and Schedule 13	Power to determine applications relating to licensed premises gaming machine permits in accordance with the provisions including the conduct of appeals and the enforcement of all provisions	HNS RSM
Section 289 and Schedule 14	Power to determine applications for the grant or renewal of prize gaming permits in accordance with the provisions including the conduct of appeals, and the enforcement of all provisions.	HNS RSM
Section 304	Power to designate officers as authorised persons for the purposes of the Act	AD-SF HNS RSM only
Section 349	Power to prepare and consult upon a draft statement of principles and any review or revision of such statement subject to Members' approval of the final statement or revision	HNS RSM
Legislative and Regulatory Reform Act 2006		
Whole Act	Power to enforce all Orders in Council, Regulations or other subordinate legislation made under this Act relating to the functions of the Directorate	HNS RSM
Animal Welfare Act 2006		
Section 51	Power to appoint officers to be inspectors for the purposes of this Act	HNS NAM RSM only
Sections 10, 18, 19, 23, 25 to 30, 54 & 56	All powers of inspectors and local authorities under these provisions	HNS NAM RSM
Charities Act 2006		
Sections 58 to 66	All powers under these provisions relating to permits for charitable collections in public places including appeals, prosecution of offences, service of documents and all functions under related Regulations	HNS RSM
Companies Act 2006		
Part 41	Powers in relation to enforcement against companies falsely claiming company status and failing to include company's name on letters and premises	HNS RSM
Fraud Act 2006		
Sections 1 to 16	All powers to enforce against and prosecute any offence under this Act relating to the Directorate's functions	AD-SF <u>AD-SR</u> HNS
Health Act 2006		

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Section 4 – Directorate of **Place and Sustainability**

Sections 1 to 12	All powers to enforce against and prosecute any offence under this Act and Regulations relating to smoke-free premises and requirements	HNS RSM <u>NAM</u>
Commons Act 2006		
Sections 6 to 17 and 24	Functions relating to applications for the registration and deregistration of common land, town and village greens	DP&S
London Local Authorities Act 2007		
Parts 2, 5 & 6 (except sections 73 & 75)	Powers in relation to unauthorised advertising, graffiti, waste and litter and other controls including prosecution and enforcement	HNS NSM
Sections 20 to 22	Functions relating to the regulation of household, commercial and industrial waste	HCMS AD-SF <u>AD-SR</u>
London Local Authorities and Transport for London Act 2008		
Section 9	Power to remove anything obscuring the registration mark of a vehicle	HNS HTM NAM NAOS Parking Supervisors and CEOs
Section 11	Power to remove abandoned apparatus from streets	HTM HNS NAM
Policing and Crime Act 2009		
Part 4	Powers relating to injunctions to prevent gang-related violence	HNS ASBTM <u>HCS</u>
Sunbeds (Regulation) Act 2010		
Whole Act	Power to enforce the provisions of the Act and Regulations made thereunder including prevention of the use of sunbeds by children	HNS RSM
Equality Act 2010		
Sections 20, 29, 39 & 58	Duties to prevent discrimination against disabled persons in Council employment, applicants for employment, elected Members and service users including the taking of reasonable steps to make adjustments to the physical features of premises or to any practice policy or procedure connected with service provision, except in relation to the operational premises of other Directorates	HCP <u>AD-PCP</u> <u>HAM</u>
<u>Localism Act 2011</u>		
<u>Sections 1 to 4</u>	<u>Limited Delegation: Powers to exercise the</u>	<u>DP&S</u>

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Section 4 – Directorate of **Place and Sustainability**

	<u>general power of competence subject to advice from the Head of Legal Services on each proposed exercise of these powers</u>	<u>AD-P DDOSCS</u> <u>AD-SF</u> <u>AD-SR</u>
<u>Scrap Metal Dealers Act 2013</u>		
Sections 1 to 6, 8 to 17, Schedules 1 & 2	<u>Limited Delegation: Powers relating to the licensing and conduct of scrap metal dealing including inspection and enforcement. Any oral representations which an applicant or existing license holder is entitled to make by virtue of Schedule 1 is to be heard by a Licensing Sub Committee.</u>	<u>DDOSCS</u>

APPENDIX E – SCHEME OF DELEGATION TO OFFICERS**Section 4 – Directorate of Place and Sustainability****APPENDIX 1 – DELEGATIONS TO PLANNING OFFICERS OF MATTERS OTHERWISE WITHIN THE TERMS OF REFERENCE OF THE PLANNING SUB-COMMITTEE**

Authority to determine the following categories of application for planning permission or other consents is delegated to the officers listed below and shall be exercised by any one or more of those officers acting in consultation with the Chair (or in the Chair's absence, the Deputy-Chair) of the Planning Sub-Committee:

Officers

- (i) The Assistant Director, Planning & ~~Regeneration & Economy~~*
- (ii) The Head of Development Management & Planning Enforcement
- (iii) ~~The Head of Carbon Management Sustainability~~*

Categories of Application

- (a) Development within the curtilage of an existing residential property, including extensions, alteration and ancillary buildings and works, and including works that would be permitted development but for the use of the premises as flats or the effect of express planning conditions.
- (b) Conversion of dwelling houses or non-residential buildings into two or more self-contained dwellings.
- (c) Formation of vehicular access, or alteration to existing vehicular access, on to highways.
- (d) Minor amendments to the siting and design of buildings following approval or original developments.
- (e) The erection of not more than 5 dwellings.
- (f) Changes of use to up to 500 sq. metres of floor spaces (including application for H.M.O.'s and hostels).
- (g) Erection, or extension, of non-residential buildings where the new build does not exceed 500 sq. metres of total floor area (including installation of underground fuel and other storage tanks).
- (h) Installation of shop fronts.
- (i) Continuation of temporary planning permissions.
- (j) Display of advertisements.
- (k) Listed building consent applications, and applications for demolition of buildings or structures in Conservation Areas.
- (l) Works to trees (including pruning, lopping or felling) covered by a Tree Preservation Order, and works to trees within a Conservation Area; works to trees covered by a planning condition.
- (m) Certification of Lawfulness for Proposed or Existing Development
- (n) Sundry minor developments not including above and not involving the provision of more than 100 sq. metres of floor space (e.g. walls, fences, windows, replacement roofs or walls, electricity installations, external staircases, satellite dishes, cash dispensers, and the like).
- (o) The determination of the need for further details on outline applications; the approval of reserved matters following the grant of outline

APPENDIX E – SCHEME OF DELEGATION TO OFFICERS**Section 4 – Directorate of Place and Sustainability**

permission, and the approval of matters subject of condition on a full planning permission.

- (p) The determination of proposals for the erection or installation of telecommunications equipment, including masts, antennae, and equipment cabinets, including those submitted under the Prior Notification procedures of the General Permitted Development Order.
- (q) Any other applications where the officer's recommendation is for refusal unless requested by the Chair to be considered at the Planning Sub-Committee.
- (r) Any other applications where the officer's recommendation is for approval and the proposal is in accordance with agreed planning policy, following discussion of the case with the Chair (or in the Chair's absence, the Deputy-Chair) of the Planning Sub-Committee. Applications where there have been objections from a single Ward Councillor and/or a local community body and/or a local residents' association, are excluded from this delegation and will be referred to the Planning Sub-Committee for determination

APPENDIX E – SCHEME OF DELEGATION TO OFFICERS**Section 4 – Directorate of Place and Sustainability****APPENDIX 2 – MATTERS WITHIN THE TERMS OF REFERENCE OF THE REGULATORY COMMITTEE AND LICENSING SUB-COMMITTEES EXCLUDED FROM DELEGATION TO OFFICERS**

Licensing Act 2003	Function
Section 5(1) & (4)	Adopting the Council's Statement of Licensing Policy and any revisions to it
Section 18(3)	Determination of applications for premises licences where relevant representations have been made
Section 31(3)	Determination of applications for provisional statements where relevant representations have been made
Section 35(3)	Determination of applications for variations of premises licences where relevant representations have been made except in the case of minor variations
Section 39(3)	Determination of applications to vary designated premises supervisors following police objection
Section 44(5)	Determination of applications for transfer of premises licences following police objection
Section 48(3)	Consideration of police objection made to interim authority notices
Section 52(2) or (3)	Determination of valid applications for review of premises licences where relevant representations have been made
Section 72(3)	Determination of applications for club premises certificates where relevant representations have been made
Section 85(3)	Determination of applications to vary club premises certificates where relevant representations have been made except in the case of minor variations
Section 88(2) or (3)	Determination of valid applications for review of club premises certificates where relevant representations have been made
Section 105(2)	Decisions to give counter notices following police objection to temporary event notices
Section 120(7)	Determination of applications for grants of personal licences following police objection
Section 121(6)	Determination of applications for renewals of personal licences following police objection
Section 124(4)	Decisions on revocation of personal licences where convictions come to light after grant
Section 167(5)	Determination of statutory review following closure order in any case where relevant

APPENDIX E – SCHEME OF DELEGATION TO OFFICERS

Section 4 – Directorate of **Place and Sustainability**

	representations have been made

Gambling Act 2005	Function
Section 163	Determination of applications for premises licences where relevant representations have been made under section 161
Section 166	Passing a resolution not to issue any casino premises licences in the Borough
Section 187 and related provisions	Determination of applications for the variation of premises licences where relevant representations have been made under section 161 as applied by section 187
Section 188	Determination of applications for the transfer of premises licences where relevant representations have been made by the Gambling Commission or others
Section 195	Determination of applications for the reinstatement of a premises licence where relevant representations have been made under section 161
Sections 201 and 202	Determination of applications for the review of premises licences
Section 204 and related provisions	Determination of applications for a provisional statement in respect of premises where relevant representations have been made under section 161 as applied by section 204
Section 212	Determination of fee levels for premises licences
Section 224	Deciding whether to give a counter-notice where a person has given a temporary use notice which has been followed by a notice of objection
Schedule 12 paragraphs 4 to 9 and 24	Determination of applications for the grant or renewal of club gaming permits and club machine permits where a valid objection has been made
Schedule 12 paragraph 21	Determination of proposals by Licensing Officers to cancel a club gaming permit or a club machine permit where the permit holder requests a hearing
Section 284 and Schedule 13 paragraph 16	Determination of proposals by Licensing Officers: (i) to make an Order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines or facilities for equal chance gaming, or (ii) to cancel or vary a licensed premises gaming machine permit
Schedule 13 paragraphs 1 to 6 and 15	Determination of applications for the grant or variation of licensed premises gaming machine permits where this is for 5 or more machines or in any case where the Chair of the Regulatory Committee considers that there is cause for concern about the proper management of the application premises
Section 349	Adopting the Statement of Gambling Policy and any revisions to it

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Section 4 – Directorate of **Place and Sustainability**

APPENDIX D**SENIOR MANAGEMENT STRUCTURE SCHEDULE**

Name of Post	Description of Responsibilities	Initials of Post
Chief Executive	Head of Paid Service. Overall corporate management and operational responsibility for all officers. Responsibility (with Monitoring Officer) for system of record keeping for all decisions. Representing the Council on partnership and external bodies.	CE
Assistant Chief Executive	Performance & Policy, Scrutiny, Corporate Communications, Feedback, Equalities Human Resources, Organisational Development & Learning, Local Democracy & Member Services	ACE
Head of Policy and Partnerships	Performance Management, Business Planning, Programme and Project Support, Scrutiny, Corporate Complaints, CPA Audit & Inspection, VFM Reviews, Corporate Policy Development, Corporate Planning, Knowledge Management, Equalities & Community Cohesion.	HPIP
Head of Consultation and Communication	Consultation, Corporate & Service Communications & Publicity, E-communications, Web Services, Media Relations, Design & Print, Translation & Interpretation.	HComm
Head of Human Resources	Personnel, Pay, Pensions, Occupational Health & Welfare, Internal Communications, Shared Services, Council Improvers, Staff Health & Safety at Work.	HHR
Head of Organisational Development & Learning	Organisational Development, People Planning, Change Management, Leadership & Management Development, Graduate Scheme, Staff Training and Development.	HODL
Head of Local Democracy & Member Services	Leader's Office, Cabinet/Council and Committee Secretariat, Business Support, Mayoral & Civic Functions, Member Training, Information for Members, Political Offices.	HLDMS
Director of Corporate Resources and Chief Financial Officer	Finance, Property Services, Customer Services, IT and Legal Services. Statutory Officer for Administration of Council's Financial Affairs, Corporate Finance, Audit & Risk Management, Local Taxation and Benefits & Corporate Procurement.	DCR and CFO
Head of Legal Services and Monitoring Officer	Monitoring Officer. Corporate Legal Services including Litigation, Property, Contracts and Care Services, Registration of Births Marriages & Deaths, Local Land Charges.	HLS
Head of ICT	Customer Services, Access to Services Project, ICT.	HICT
Assistant Director Finance	Financial Management, Financial Forward Planning & Advice, Budget Framework Setting, Monitoring and	ADF

	Control. Implementing, monitoring and maintenance of corporate procurement including Contract Standing Orders, Code of Procurement Practice & Best Value Procedures, Support of major procurement projects, E-procurement strategy and strategic sourcing policies.	
Head of Benefits & Local Taxation & Customer Services	Billing, collection and recovery of Council Tax and National Non-Domestic Rates, Housing Benefit & Council Tax Benefit Claims Service.	HBLT
Head of Audit & Risk Management	Internal and External Audit Functions, Accounting systems & controls, Audit Plans, Prevention of fraud & corruption, Risk Management, corporate insurance and claims handling.	HRM
Director of Place & Sustainability	Town Planning, Economic Regeneration, Streetscene Services, Enforcement, Corporate Property, Community Safety and Anti-Social Behaviour, Partnerships & Neighbourhood Management, Libraries, Adult Learning, Museums, Archives, Recreation Strategy, Leisure Services, Sports Development, Parks, Trees, Allotments, Cemeteries and Crematoriums	DP&S
Assistant Director Planning Regeneration and Economy	Planning Policy & Development Control, Master Planning, Design & Conservation, Transport Policy <u>and Planning</u> , Building Control, <u>Development Management, Planning Enforcement & Economic Strategy & Regeneration</u> ,	AD-PRE
<u>Deputy Director Operational Services & Community Safety</u> ; Assistant Director, Single Frontline	Highways management, Highway & Traffic engineering, Road Safety, Parking Control & Enforcement, Abandoned Vehicles, Environmental & Public Health, Food, Pest Control, Noise & Nuisance, Waste & Pollution Enforcement, Trading Standards, Licensing & Registration, Street Trading, Environmental Enforcement, Waste Management & Disposal, Recycling, Transport fleet, Better Haringey, Community Safety and Anti-Social Behaviour and Neighbourhood Management, <u>Libraries, Museums, Archives, Recreation Strategy, Leisure Services, Sports Development, Parks, Trees, Allotments, Cemeteries and Crematorium, Right-to-Buy sales, leases, capital valuations, Facilities Management for all Council buildings, Community Buildings, Management of Commercial Property Portfolio.</u>	<u>DDOSC</u> S AD-SF
Assistant Director Culture Services	Libraries, Adult Learning, Museums, Archives.	AD-C
Assistant Director Leisure Services	Recreation Strategy, Leisure Services, Sports Development, Parks, Trees, Allotments, Cemeteries and Crematorium.	AD-LS
Head of Corporate	All property transactions including acquisitions,	HCP

<u>Assistant Director Property & Capital Projects</u>	disposals, Asset Management Plan, Feasibility Studies for Major Sites. ~~Right-to-Buy sales, leases, capital valuations, Facilities Management for all Council buildings, Community Buildings,~~ Management of Commercial Property Portfolio.	<u>AD-PCP</u>
<u>Assistant Director Strategy & Regeneration</u>	<u>Housing Investment and Sites, Economic Development, Adult Learning, Environmental Resources</u>	<u>AD-SR</u>
<u>Tottenham Programme Director</u>	<u>Management and strategic lead for the development and implementation of the Tottenham Regeneration Programme</u>	<u>TPD</u>
Director of Adult, Housing Services	Adult Social Services, Housing Strategy & Needs, Homelessness, Temporary Accommodation, Housing Allocations, Housing Supply, Housing Assessment, Housing Registration, Housing Advice, Monitoring ALMO performance.	DAHS
Deputy Director Adult and Community Services	Care Services for Older People, Mental Health, Physical Disability, HIV, Learning Disability, Substance Abuse, Assessment, Home Care, Residential & Day Care, Performance Planning, Commissioning, Finance & Performance, Business Support.	DDACS
Deputy Director Community Housing Services	Housing Strategy & Programmes, Homelessness, Temporary Accommodation, Housing Allocations, Housing Supply, Housing Assessment, Housing Registration, Housing Advice, Monitoring ALMO performance, Housing related Anti-Social Behaviour.	DDCHS
Director of Public Health	Public Health Service including the National Child Measurement Programme, Health Checks, Open Access Sexual Health Services, the Public Health Advice Service, Emergency Planning, Drugs and Alcohol Treatment Services.	DPH
Assistant Director – Children and Young People and Sexual Health	Children and Young People's health, Infant Health, Maternity Services, Teenage Pregnancy, Childhood Obesity, Child and Adolescent Mental Health Services, Domestic Violence, Child Death Overview, Sexual Health Services	ADCYPS H
Assistant Director – Life Expectancy Improvement	Lifestyle behaviours (smoking, diet and nutrition, physical activity), NHS Health Checks, Men's Health, Early Intervention and Prevention Long Term Conditions	ADLEI
Assistant Director - Health Care	Public Health Support to Haringey Clinical Commissioning Group, Mental Health Promotion, Respiratory Disease, Suicide Reduction, Dental Health, Low Priority Treatment	ADHC
Assistant Director – Health Protection and Emergency	Health Intelligence, Joint Strategic Needs Assessment, Emergency preparedness and response and Business Continuity, Health Protection including	ADHPEP

Planning	prevention of infectious diseases and infection control, Screening Programmes, Immunisation, Mental Health Commissioning	
Drug and Alcohol Strategy Manager	Drug and Alcohol Treatment Services, Strategy for Harm Reduction and Prevention	DASM
Director of Children & Young People's Services	Care services for Children and Families, Education Services, Under-5s, Youth Services, Youth Offending	DCYPS
Deputy Director Children & Families	Child Protection, Looked-After Children, Fostering & Adoption, Family Support, Children with Disabilities	DDC&F
Deputy Director Prevention & Early Intervention	School Governance & Improvement, Early Years, Primary Standards, Secondary Standards, Special Educational Needs, Music & Performing Arts, Youth Service, Youth Offending, Service Finance, Planning & Performance, Commissioning, Strategy & Policy, Building Schools for the Future, School Admissions, Customer Relations, Communications, Property, ICT, Children's Network Co-ordination, School Attendance	DDP&EI
General Manager Alexandra Palace & Park	Management of the Alexandra Palace & Park charitable trust	GMAPP

**REPORT OF THE CORPORATE COMMITTEE No. 02/2013-14
COUNCIL 18 November 2013**

Chair:
Councillor George Meehan

Deputy Chair:
Councillor Kaushika Amin

INTRODUCTION

- 1.1 This report to full Council arises from the report entitled “Treasury Management 2013/14 Mid Year Activity & Performance update”

ITEMS FOR NOTING

- 2.1 Treasury Management 2013/14 Mid Year Activity & Performance Update
(Appendix 1)

2.1.1 The CIPFA Treasury Management Code of Practice and the Prudential Code recommends that the report on treasury management 2013/14 mid year activity and performance (Appendix 1) should be reported to Full Council as best practice. The relevant information relating to the Treasury Management 2013/14 mid year activity and performance is set out in the attached report.

2.1.2 In response to a question raised by the Committee during our consideration of this item, the Director of Corporate Resources confirmed that she was satisfied that the mechanisms in place to monitor the fundamental principles of the Council’s Treasury Management policy were robust. With respect to the ‘A’ rating for Natwest SIBA on the table in paragraph 14.3, we noted that this was assessed on a different style of rating from the money market funds, and that investment of a limited proportion of funds within this type of account was fully in accordance with the Treasury Management Strategy. We further noted that this was an instant access account, and so funds could be retrieved quickly from this account if required; investment positions were reviewed on a daily basis. It was clarified that the y-axis of the graph in paragraph 15.2 of the report related to millions of pounds.

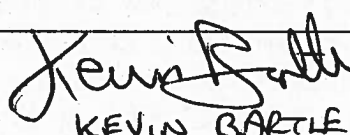
2.1.3 We asked about the deposits shown in the table in paragraph 15.4 of the report, and it was confirmed that these were all short term investments, ranging in duration from overnight up to 32 days. With regard to where these investments were reflected within the Statement of Accounts, it was confirmed that these were the ‘Short Term Investments’ line on the Balance Sheet. We queried the expected interest amount of £40k as set out in paragraph 16.2 of the report, on the basis of the interest rates quoted, and it was agreed that officers would double-check this calculation for accuracy.

2.1.4 Subsequent to the 19 September meeting and the query raised by the Committee with regard to Paragraph 16.2, it was confirmed that, while this Paragraph of the treasury update report had stated that anticipated income in the half year to September was £40,000, this was in fact the anticipated income for a quarter only. The average investment balance is approximately

£50 million and at an average return of 0.32%, the half yearly anticipated income is £80,000.

WE RECOMMEND:

- (i) Treasury Management 2013/14 Mid Year Activity &Performance Update
 - a) That the Treasury Management activity undertaken during the first half of 2013/14 and the performance achieved be noted.

Report for:	Corporate Committee 19th September 2013	Item number	
Title:	Treasury Management 2013/14 Mid Year Activity and Performance Update		
Report authorised by :	 KEVIN BARTLE for Director of Corporate Resources		
Lead Officer:	Ian Talbot, Interim Head of Finance – Treasury & Pensions ian.talbot@haringey.gov.uk 020 8489 8621		
Ward(s) affected: N/A		Report for Non Key Decision	

1. Describe the issue under consideration

- 1.1 This report updates the Committee on the Council's treasury management activities and performance in the first half of 2013/14 in accordance with the CIPFA Treasury Management Code of Practice. It is a requirement of the Code for this to be reported on to Council once Corporate Committee has considered it.

2. Cabinet Member Introduction

- 2.1 Not applicable.

3. Recommendations

- 3.1 That Members note the treasury management activity and performance during the first half of 2013/14.

4. Other options considered

- 4.1 None.

5. Background information

- 5.1 The Council's treasury management activity is underpinned by CIPFA's Code of Practice on Treasury Management ("the Code"), which requires local authorities to produce annually Prudential Indicators and a Treasury Management Strategy Statement. CIPFA has defined Treasury management as: "The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."
- 5.2 The Code recommends that members are informed of treasury management activities at least twice a year. Formulation of treasury policy, strategy and activity is delegated to the Corporate Committee and this Committee receives reports quarterly.
- 5.3 However, overall responsibility for treasury management remains with the Council and the Council approved the Treasury Management Strategy Statement and set the Prudential Indicators for 2013/14 on 27th February 2013.
- 5.4 This report is a requirement of the Code and it summarises the activity during the first half of 2013/14.
- 5.5 With regard to investments, Government guidance on local authority treasury management states that local authorities should consider the following factors in the order they are stated:

Security – Liquidity – Yield

The Treasury Management Strategy reflects these factors and is explicit that the priority for the Council is the security of its funds. However, no treasury management activity is without risk and the effective identification and management of this risk are integral to the Council's treasury management activities.

6. Comments of the Chief Financial Officer and financial implications

- 6.1 Since interest rates remain low the treasury management strategy in the first half of 2013/14 is to continue to maximise internal borrowing and, therefore, to minimise cash balances. This policy not only reduces credit risk but also the cost of borrowing. In addition, the policy of taking short term borrowing from other local authorities instead of long term also saved interest costs.

- 6.2 Officers continue to monitor interest rates closely with the Council's treasury management advisers to ensure that this strategy remains in the best interests of the Council. Action will be taken to switch to longer term borrowing from the PWLB when it is appropriate.

7. Head of Legal Services and Legal Implications

- 7.1 The Head of Legal Services has been consulted on the content of this report. Its content and recommendation are in accordance with the Treasury Management Strategy and consistent with the legislation governing the financial affairs of the Council

8. Equalities and Community Cohesion Comments

- 8.1 Not applicable.

9. Head of Procurement Comments

- 9.1 Not applicable.

10. Policy Implications

- 10.1 None.

11. Use of Appendices

- 11.1 Appendix 1: Summary of Treasury Management activity and performance
Appendix 2: Prudential Indicators

12 Local Government (Access to Information) Act 1985

- 12.1 Not applicable.

13. Borrowing

- 13.1 The Treasury Management Strategy Statement places a high emphasis on security of the Council's funds. One of the ways to do this is to minimise the funds held which need to be invested. This is where the borrowing and investment strategies interact.
- 13.2 Since the start of the financial year £30m of local authority debt and £9m of PWLB debt has matured and been repaid. So far, no additional borrowing has been necessary.

14. Treasury Management Activity and Performance: Security

14.1 The Council has sought to minimise its security risk by setting limits on each institution on the lending list. The Council has complied with all these limits during the financial year to date.

14.2 The economic environment remains uncertain. In the light of this uncertainty, further downgrades of banks and countries have been taking place since April 2013. Given this background, the Council has, as discussed in section 13 above, kept cash investments to a minimum and short term. Money Market Funds are being used extensively as the portfolios are spread across a range of underlying investments, which diversifies risk. They also provide instant access enabling officers to take action quickly if there are any concerns about creditworthiness. The remainder of the Council's investments are with the government guaranteed Debt Management Office. Given the short term nature of the Council's investments, the very small uplift in interest rate achievable from investing with a bank is not sufficient to justify the additional risk.

14.3 The deposits continue to be spread across the available money market funds to further minimise security risk. The table below shows the Council's deposits on 6th September 2013:

Institution	Long Term Credit Rating	Amount (£m)	% of total deposits
Debt Management Office	AAA*	26.36	56.03
BlackRock MMF	AAA	4.00	8.50
Deutsche MMF	AAA	4.00	8.50
Goldman Sachs MMF	AAA	4.10	8.71
Invesco MMF	AAA	0.89	1.89
JP Morgan MMF	AAA	1.49	3.17
RBS MMF	AAA	2.21	4.70
NatWest SIBA	A	4.00	8.50
Total		47.05	100.00

** The Debt Management Office does not have a credit rating, so the UK Government rating is used as a proxy.*

14.4 Arlingclose, the Council's treasury management advisers, have devised a way of scoring the level of credit risk the Council is taking. This measure scores credit risk on a scale of 0 to 10 on both a value weighted and a time weighted basis and the table below demonstrates how to interpret the scores:

Above target	AAA to AA+	Score 0 - 2
Target score	AA to A+	Score 3 - 5
Below target	Below A+	Score over 5

- 14.5 The scores for the latest quarter are shown below alongside the previous three quarters for comparison:

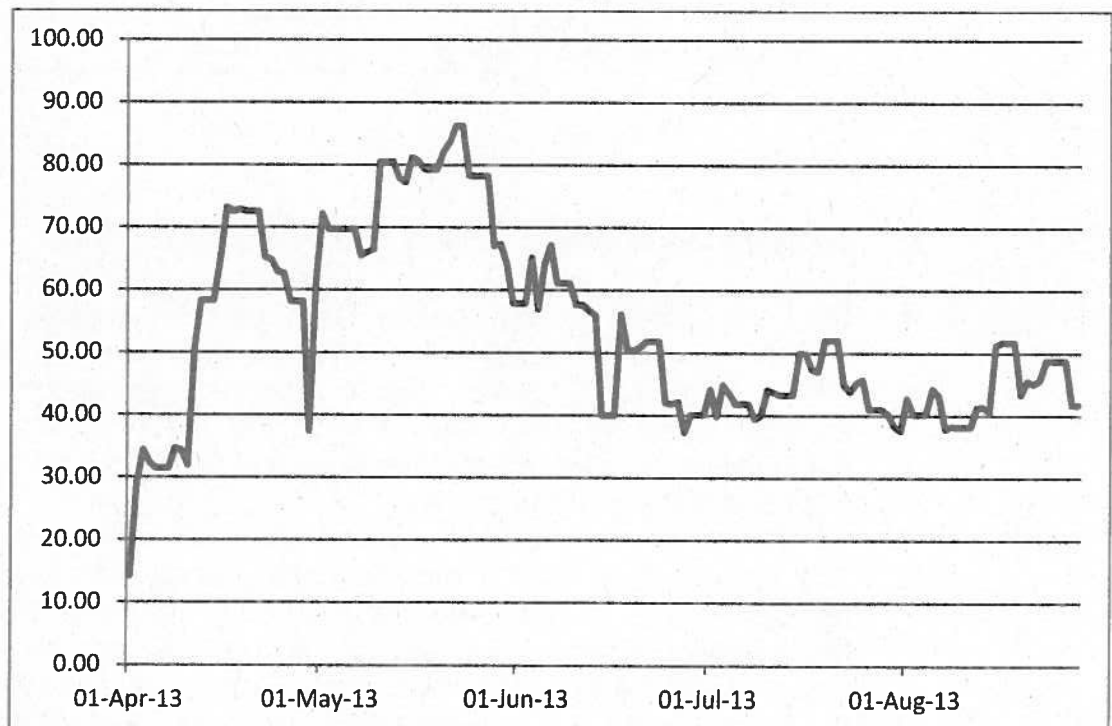
	Quarter 2 2012/13	Quarter 3 2012/13	Quarter 4 2012/13	Quarter 1 2013/14
Value weighted	1.0	2.4	2.5	3.3
Time weighted	1.0	1.9	2.9	1.9

The significant changes during the year have arisen from a change in the methodology for valuing money market funds

15. Treasury Management Activity and Performance: Liquidity

- 15.1 Once the Council is satisfied that security risk is being managed, the next consideration in treasury management is liquidity. The Council has a number of inflows and outflows every month and it is important that the Council's funds are managed to ensure there is sufficient liquidity when it is required. This is achieved through cashflow forecasting and monitoring.

- 15.2 The graph below shows the level of the Council's cash balances every day since 1st April 2013.



15.3 The graph also shows liquidity has been maintained throughout the quarter mainly due to the large inflow of funds from Government grants and local taxation at the beginning of the year. No long term investments have been entered into and the AAA rated money market funds have been used extensively, as they provide the Council with instant access and a reasonable return.

15.4 The table below shows the Council's deposits at 6th September 2013, the term of each of the deposits and calculates the weighted average maturity of the portfolio.

Institution	Term of deposit (days)	Amount (£m)
Debt Management Office	24	9.60
Debt Management Office	22	5.76
Debt Management Office	23	6.00
Debt Management Office	32	5.00
BlackRock MMF	1	4.00
Deutsche MMF	1	4.00
Goldman Sachs MMF	1	4.10
Invesco MMF	1	0.89
JP Morgan MMF	1	1.49
RBS MMF	1	2.21
NatWest SIBA	1	4.00
Weighted Average Maturity	14.36	

16. Treasury Management Activity and Performance: Yield

16.1 Only once security and liquidity have been considered and the Council is satisfied it has taken all steps to minimise these risks, should yield be a factor. Base rate has remained at 0.5% throughout the financial year to date and the Council's treasury management adviser, Arlingclose, is forecasting that it will remain at this rate for the next three years.

16.2 The interest rates which money market funds are paying have reduced in the last few months to 0.24% - 0.41%. The Debt Management Office continue to pay 0.25% on all deposits regardless of the period of investment. By the end of the first half of the financial year, it is expected that interest of £40k will have been earned on the Council's deposits at an average rate of approximately 0.32%.

- 16.3 The interest payable on borrowing during the first half of the year was £9.4m. The average rate payable on the borrowing portfolio is currently 5.83%.

17. Icelandic Banks Update

- 17.1 The distributions received from the Icelandic banks now total £27.8m out of the original £36.9m invested which is 75%. Final recovery rates of 100% for Glitnir, 98% for Landsbanki and 95% for Heritable are expected.

18. Prudential Indicators

- 18.1 The Council set prudential indicators for 2013/14 in February 2013. The set of indicators is made up of those which provided an indication of the likely impact of the planned capital programme and those which are limits set on treasury management activity. Appendix 2 sets out the original indicators, the current forecast for each of the capital indicators and the current position on each of the treasury management limits.

- 18.2 None of the limits on treasury management have been breached in the year to date. Borrowing is well within the operational and authorised limits set due to the continued policy of using internal cash balances to fund the capital programme.

19. Recommendation

- 19.1 That members note the Treasury Management activity undertaken during the first half of 2013/14 and the performance achieved.

Appendix 1: Summary of Treasury Management Activity and Performance

1. Treasury Portfolio

	Position at Q1 2013/14 £000	Position at Q4 2012/13 £000	Position at Q3 2012/13 £000	Position at Q2 2012/13 £000
Long Term Borrowing PWLB	196,683	206,702	208,155	205,901
Long Term Borrowing Market	125,000	125,000 30,000	125,000 20,000	125,000 23,000
Short Term Borrowing				
Total Borrowing	321,683	361,702	353,155	353,901
Investments: Council	40,085	14,195	20,950	15,580
Investments: Icelandic deposits in default	12,455	12,455	12,995	13,918
Total Investments	52,540	26,650	33,945	29,498
Net Borrowing position	269,143	335,052	319,210	324,403

2. Security measure

	Quarter 1 2013/14	Quarter 4 2012/13	Quarter 3 2012/13	Quarter 2 2012/13
Credit score – Value weighted	3.3	2.5	2.4	1.0
Credit score – Time weighted	1.9	2.9	1.9	1.0

3. Liquidity measure

	Quarter 1 2013/14	Quarter 4 2012/13	Quarter 3 2012/13	Quarter 2 2012/13
Weighted average maturity: deposits (days)	14.4	4.00	8.36	4.21
Weighted average maturity: borrowing (years)	12.6	27.74	27.20	28.50

4. Yield measure

	Quarter 1 2013/14	Quarter 4 2012/13	Quarter 3 2012/13	Quarter 2 2012/13
Interest rate earned	0.32%	0.31%	0.36%	0.33%
Interest rate payable	5.83%	5.38%	5.46%	5.47%

Appendix 2: Prudential Indicators

	Prudential Indicator	2013/14 Original Indicator	2013/14 Position/Forecast at Quarter 2
CAPITAL INDICATORS			
1	Capital Expenditure	£k	£k
	General Fund	47,811	46,000
	HRA	34,202	32,000
	TOTAL	82,013	78,000
2	Ratio of financing costs to net revenue stream	%	%
	General Fund	2.62	2.62
	HRA	12.94	12.94
3	Capital Financing Requirement	£k	£k
	General Fund	251,066	250,000
	HRA	271,714	270,000
	TOTAL	522,780	520,000
4	Incremental impact of capital investment decisions	£	£
	Band D Council Tax	8.77	8.77
	Weekly Housing rents	0.13	0.13

	Prudential Indicator	2013/14 Original Indicator	2013/14 Position/Forecast at Quarter 2
TREASURY MANAGEMENT LIMITS			
5	Borrowing Limits	£k	£k
	Authorised Limit	671,293	671,293
	Operational Boundary	537,280	537,280
6	HRA Debt Cap	£k	£k
	Headroom	55,824	55,848
7	Net debt to gross debt	£k	£k
	Limit on proportion of net debt to gross debt		
8	Upper limit – fixed rate exposure	100%	98.0%
	Upper limit – variable rate exposure	40%	2.0%
9	Maturity structure of borrowing (U: upper, L: lower)	L	U
	under 12 months	0%	55%
	12 months & within 2 years	0%	40%
	2 years & within 5 years	0%	40%
	5 years & within 10 years	0%	35%
	10 yrs & within 20 yrs	0%	35%
	20 yrs & within 30 yrs	0%	35%
	30 yrs & within 40 yrs	0%	35%
	40 yrs & within 50 yrs	0%	50%
	50 yrs & above	0%	50%
10	Sums invested for more than 364 days	£0	£0
11	Adoption of CIPFA Treasury Management Code of Practice	√	√

NB Maturity structure amended by Council on 15 July 2013

**REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE No. 01-2013/14
COUNCIL 20 May 2013**

Chair:
Councillor Gideon Bull

Deputy Chair:
Councillor David Winskill

1. INTRODUCTION

- 1.1 This report to full Council is referred for approval arising from considerations by the Overview & Scrutiny Committee at their meeting on 4 November 2013 of the report regarding the consultation on the proposals by NHS England to reconfigure cancer and cardiac services across North London

2. SUMMARY

- 2.1 The Overview and Scrutiny Committee were asked to consider the report and recommend to full Council that the authority appoint or enter into a Joint Overview & Scrutiny Committee that includes the London Borough of Haringey and the other boroughs for the purpose of responding to the consultation by NHS England to reconfigure cancer and cardiac services across North Central and North East London.
- 2.2 NHS England is currently developing proposals to reconfigure specialist cancer and cardiovascular services across North Central and North East London. It is likely that these proposed changes will constitute a substantial development or variation in health services, and this would require consultation with local authorities in the geographical areas covered by the proposals.
- 2.3 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 apply to the proposed service reconfiguration. Regulation 23 provides for a local authority to be consulted on any proposal for a substantial development of the health services in its area or for substantial variation in the provision of such service. Regulation 30 enables local authorities to appoint a joint committee ("a joint overview and scrutiny committee" for the discharge of health scrutiny functions and requires local authorities to do so in certain circumstances. Regulation 30 (5) provides that where a responsible person (in this case the NHS Commissioning Board) consults more than one local authority pursuant to Regulation 23, those local authorities must appoint a joint overview and scrutiny committee for the purposes of the consultation and only that joint overview and scrutiny committee may a) make comments on the proposal consulted on; b) require the provision of information about the proposal; or c) require a member or employee of a responsible person to attend before it to answer questions in connection with the consultation. Therefore, Regulation 30 (5) makes it mandatory for the local authorities affected by the proposals to appoint a joint committee.
- 2.4 Full Council has the power to appoint a joint committee. There can at times be practical difficulties in the process and timescale for each local authority's full Council to approve the setting up or appointment of a joint committee in time

meet the NHS body consultation timetable. Therefore, it was recommended that the terms of reference of Overview and Scrutiny Committee be changed to allow for the Committee to appoint a joint committee for the purpose of complying with Regulation 30 above.

- 2.5 The Overview and Scrutiny Committee considered the report and unanimously agreed to recommend to full Council that the authority appoint a Joint Overview & Scrutiny Committee and to amend the Terms of Reference and Functions of Overview & Scrutiny Committee in the Constitution.

3. RECOMMENDATION

- 3.1 That Full Council appoint or enter into a Joint Health Overview & Scrutiny Committee that includes the London Borough of Haringey and the other boroughs for the purpose of responding to the consultation by NHS England on proposals to reconfigure cancer and cardiac services across North Central and North East London.
- 3.2 That Full Council amend the Terms of Reference and Functions of Overview & Scrutiny Committee in the Constitution (as detailed in appendix 1), to include the power to enter into or appoint such Joint Overview & Scrutiny Committees that include the London Borough of Haringey and other boroughs for the purpose of responding to consultation by NHS bodies on proposals for substantial variations or developments in the provision of health services. This shall apply to future proposals that require the appointment of such Joint Overview & Scrutiny Committees.

Appendix 1

Further to recommendation 3.2, the amendments to be made to the Constitution are:

- a) Part Two Article 6 Overview and Scrutiny 6.02 General Role after paragraph (g);
- b) Part Three Section C Section 2 Overview and Scrutiny Committee after paragraph (g);
- c) Part Four, Section G Overview and Scrutiny Procedure Rules after paragraph 1.2 (iv);

insert;

“to enter into or appoint such joint overview and scrutiny committees that includes the London Borough of Haringey and other boroughs for the purpose of responding to consultation by NHS bodies on proposals for substantial variation or development in the provision of health services as required by The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013”

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Haringey Council

Report for:	Overview & Scrutiny Committee– 4 November 2013	Item Number:	

Title:	NHS England – Consultation on the reconfiguration of Cancer and Cardia Services - Establishment of a Joint Health Overview and Scrutiny Committee

Report Authorised by:	

Lead Officer:	Robert Mack, Senior Scrutiny Officer (Scrutiny), Strategy & Business Intelligence Rob.mack@haringey.gov.uk 0208 489 2921

Ward(s) affected: All	Report for Key/Non Key Decisions:

1 Describe the issue under consideration

- 1.1 The purpose of this report is to recommend to Full Council to appoint a Joint Health Overview and Scrutiny Committee that includes Haringey and other boroughs to respond to the consultation on the proposals by NHS England to reconfigure cancer and cardiovascular services across North London.

2 Cabinet Member Introduction

- 2.1 N/A

3 Recommendations

- 3.1 That Full Council appoint or enter into a joint overview and scrutiny committee that includes the London Borough of Haringey and the other boroughs for the purpose of responding to the consultation by NHS England on proposal to reconfigure cancer and cardiac services across North Central and North East London.
- 3.2 That the Terms of Reference and Functions of Overview and Scrutiny Committee in the Constitution be amended to include the power to enter into or appoint such joint overview and scrutiny committees that include the London Borough of Haringey and other boroughs for the purpose of responding to consultation by NHS bodies on

proposals for substantial variations or developments in the provision of health services. The amendments are set out in Appendix 1 attached

- 3.3 The recommendation in Paragraph 3.2 above to apply to future proposals that requires the appointment of such joint overview and scrutiny committees.

4 Background information

- 4.1 NHS England is currently developing proposals to reconfigure specialised cancer and cardiovascular services across north central and north east London. It is likely that the proposed changes will constitute a substantial development or variation in health services and which would require consultation with local authorities that cover the geographical areas affected by the proposals.
- 4.2 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 apply to the proposed service reconfiguration. Regulation 23 provides for a local authority to be consulted on any proposal for a substantial development of the health services in its area or for substantial variation in the provision of such service. When consulting, the local authority must be provided with the proposed date by which a decision will be made on whether to proceed with the proposal and the date by which the authority should provide comments on the proposals.
- 4.3 Regulation 30 enables local authorities to appoint a joint committee (“a joint overview and scrutiny committee” for the discharge of health scrutiny functions and requires local authorities to do so in certain circumstances. Regulation 30 (5) provides that where a responsible person (in this case the NHS Commissioning Board) consults more than one local authority pursuant to Regulation 23, those local authorities must appoint a joint overview and scrutiny committee for the purposes of the consultation and only that joint overview and scrutiny committee may a) make comments on the proposal consulted on; b) require the provision of information about the proposal; or c) require a member or employee of a responsible person to attend before it to answer questions in connection with the consultation. Therefore, Regulation 30 (5) makes it mandatory for the local authorities affected by the proposals to appoint a joint committee.
- 4.4 Full Council has the power to appoint a joint committee. There can at times be practical difficulties in the process and timescale for each local authority’s Full Council to approve the setting up or appointment of a joint committee and in time meet the NHS body consultation timetable. Therefore, it is recommended that the terms of reference of Overview and Scrutiny Committee be changed to allow for the Committee to appoint a joint committee for the purpose of complying with Regulation 30 above.

Comments of the Chief Financial Officer and Financial Implications

- 5.1 This report is recommending that Haringey appoint or enter into a Joint Overview and Scrutiny Committee to consider NHS proposals for cardiac and cancer care and that the constitution be amended to allow this to happen. There are no significant financial implications arising directly from this report as any costs associated with this

committee will be met from existing resources within Local Democracy and Member Services.

7 Head of Legal Services and Legal Implications

- 7.1 The Head of Legal Services has been consulted on this Report. The legal issues raised are covered in the Report.

8. Equalities and Community Cohesion Comments

- 8.1 Not applicable

9. Head of Procurement Comments

- 9.1 Not applicable.

10. Policy Implications

- 10.1 Not applicable

11. Use of Appendices

- 11.1 Appendix to follow.

12. Local Government (Access to Information) Act 1985

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Haringey Council

Report for:	Full Council 18 November 2013	Item Number:	
Title:	Children and Young People's Plan		
Report Authorised by:	Lisa Redfern, Interim Director of Children's Services		
Lead Officer:	 Lisa Redfern, Interim Director of Children's Services		
Ward(s) affected: All		Report for Key decision	

1. Describe the issue under consideration

- 1.1 The multi-agency partnership that is Haringey's Children's Trust has been working over recent months to develop a new Children and Young People's Plan (CYPP) for Haringey.
- 1.2 This report explains how the new draft CYPP has been developed and presents it to Cabinet for agreement. If Cabinet agree the Plan it will be endorsed by Full Council on 18th November. The Plan was agreed by the Children's Trust on 24th September 2013..

2. Introduction from Cabinet Member

- 2.1 This new Children and Young People's Plan demonstrates the Children's Trust's multi-agency partnership commitment to and ambition for Haringey's children and young people. It forms the workplan of the Children's Trust over the next three years. We want children, young people and their families to receive the outstanding services that they deserve, and we realise that this can only be achieved by working



Haringey Council

together. Our ambition builds on the improvements that partner agencies have made for children and young people locally since the development of our previous plan. The plan:

- is the high level, strategic document that informs the Children's Trust's work programme, setting out our intentions for improving the life chances for Haringey's children and young people over the next three years, from 2013 to 2016; and
- demonstrates our aspiration to enable the Children's Trust Board to commission services and interventions for children and young people in Haringey which meet the plan's priorities.

2.2 The Plan acknowledges that many successful initiatives for children and young people have taken place in recent years, but also that inequality persists in the borough. The Plan commits us to an early help approach, to recognising families' problems and acting on them before they become a serious issue, and to improving the life chances of the borough's disadvantaged children.

2.3 The plan's outcomes will in the main be delivered through the actions detailed in existing key documents and programmes, for example:

- Haringey 54,000 (the transformation programme for children's services);
- the Clinical Commissioning Group's "Improving the Health and Well Being of people in Haringey";
- Haringey Families First;
- the Child Poverty Strategy;
- the Health and Well-being Strategy;
- the Clinical Strategy for 2013-18 for the Barnet, Enfield and Haringey Mental Health Trust (BEH- MHT);
- the Homelessness Strategy 2012-14; and
- the Jobs for Haringey programme.

It will be important to ensure that these key documents and programmes are closely monitored to determine where there are links between different areas of work and to ensure that these are recognised and maximised.

3. Recommendations

3.1 Members are asked to agree the new Children and Young People's Plan.

4. Alternative options considered

4.1 None.



5. Background information

5.1 National and local developments since the last Children and Young People's Plan

The Children's Trust received a briefing in January 2013 explaining the need for a new CYPP. While the current CYPP still provides an overall strategic direction, and the Every Child Matters (ECM) outcomes remain sound, priorities regarding children and young people have moved on, both nationally and locally. There has been a proliferation of legislation and initiatives over the past two years affecting children, young people and their families – see Appendix 4 of the draft Plan. In Haringey, as the service offer has been strengthened in the Children and Young People's Service and across the Children's Trust, there has been a greater focus on the contribution of education to the life chances of children, and the role of early help in giving every child the best start in life, alongside continued sustained attention to safeguarding services.

5.2 Locally Haringey has responded to these developments with initiatives such as:

- the Haringey 54,000 programme – the transformation programme for children's services;
- Haringey Families First (our approach to the Troubled Families programme);
- Haringey's Education Commission: Outstanding For All
<http://www.outstandingforall.org.uk/>;
- the award-winning Multi-Agency Safeguarding Hub; and
- projects to reduce teenage pregnancy such as the C-Card scheme and the 4YP service.

5.3 Work in Haringey to provide support to children, young people and families who most need it has continued apace. A range of approaches and work programmes have been developed in Haringey which give greater focus to specific priorities. The new CYPP ensures that we concentrate on issues where there is the greatest need.

5.4 Working in partnership

In Haringey we know that working well with partnership organisations is the best way to provide an effective service to children and young people and their families. **Haringey Children's Trust** was therefore reinstated to provide this and is valuable in leading and promoting cooperation and reinforces the continued need for a strengthened partnership approach to deliver successful outcomes for Haringey's children and young people.

5.5 The Children and Young People's Plan

The new plan, like the previous one, is a partnership document, and sets out the work of the Children's Trust. The plan:

- is a high level, strategic document that informs the Children's Trust's work programme for the period 2013 - 2016;



Haringey Council

- demonstrates our aspiration to enable the Children's Trust Board to commission services and interventions for children and young people in Haringey which meet the plan's priorities;
- is ambitious for all Haringey's children and young people, with a clear statement of direction;
- is influenced by our children and young people and their families;
- is evidence-based: Haringey's Joint Strategic Needs Analysis (JSNA) [Joint Strategic Needs Assessment: Haringey Council](#) provides a strong evidence base for much of our work, and current programmes such as Families First and Haringey 54,000 are based on evidence of need. The Trust will ensure that this approach is used to commission all partnership work;
- has a clear focus with stated outcomes: many public sector organisations are experiencing reduced budgets and a new plan will focus on achieving where improvement is most needed; and
- is owned by senior stakeholders across our partner organisations.

- 5.6 The draft plan is attached at Appendix A. It focuses on the following five outcomes:
- i. Quality services
 - ii. Every child has a healthy start in life
 - iii. Thriving families
 - iv. Raised educational attainment
 - v. Children and young people are safer from the risk of harm.

- 5.7 **The outcomes will be delivered mainly through existing strategies and work programmes.** Details of these are provided in the draft plan.

- 5.8 A one page summary of the draft plan is attached at **Appendix B**.

5.9 Development of the new Plan

Phase 1: discussion between partner agencies and development of draft plan

Appendix 3 of the draft CYPP shows how the plan has been developed, taking into account intelligence and data on children, young people and families in Haringey; results of recent consultations; partner priorities and current work programmes.

- 5.10 Discussion between partners has taken place at:
- The Children's Trust Commissioning Group at a workshop on 19 March 2013
 - The Children's Trust Partnership on 23 May 2013
 - The Children's Trust Commissioning Group on 16 July 2013
 - The Children's Trust Board (former Commissioning Group) on 24 September 2013.

Individual discussion with Children's Trust partners has taken place throughout the development of the Plan. This was to ensure that key agencies' priorities are fully reflected, and that the high level actions included in the plan demonstrate the work of the whole Children's Trust.

5.11 Phase 2: public consultation



Haringey Council

A 'light touch' consultation has been undertaken on the plan itself. The rationale for keeping the consultation 'light touch' is that there has recently been a great deal of consultation with children, young people and their families (including the [Child Poverty Strategy](#), the [Haringey 54,000 programme](#) and the investigations carried out by the [Outstanding for All](#) Commission. See appendix 3 of the Children and Young People's Plan for full list.) These recent consultations have covered the issues that are addressed in the Plan. Officers have been conscious not to repeatedly ask Haringey residents for their opinions on the same subjects.

- 5.12 The draft Plan was published on the Council's website with an open invitation for comments for a period of four weeks; it was circulated to partner organisations through the Children's Trust, the Health and Wellbeing Board, the Community Safety Partnership and the Local Safeguarding Children Board.
- 5.13 Consultation with children and young people took place on 17 September 2013. Representatives from Aspire, the Children in Care Council and Haringey Young Commissioners took part in a workshop to discuss the plan's proposed vision. The young people were clear that they felt strongly that the plan's vision should be 'Haringey is a place where children and young people thrive and achieve'. Their feedback has been incorporated into the plan. They expressed a wish for continued involvement in the delivery of the Plan.
- 5.14 **Phase 3: sign off**
 - The Plan was agreed by the Children's Trust on 24 September 2013;
 - It is proposed that Cabinet members sign off the Plan on 12th November 2013; and
 - It is recommended to Cabinet that the Plan is endorsed at Full Council on 18th November 2013.
- 5.15 **Phase 4: Public engagement**

It is proposed that public engagement regarding the priorities and key actions in the new plan will take place during autumn/winter 2013. This is likely to take the form of a 'charter' or 'promise' to Haringey children, young people and their families. This will enable the Children's Trust to demonstrate to Haringey residents their commitment to high quality services and that the issues they have raised in recent consultations are being addressed.
- 5.16 **Delivery of the Plan**

Delivery groups will focus on each of the Plan's five outcomes – see page 19 of the attached Plan for further details. Leads from the Children's Trust Board are currently being identified for each outcome.
- 6. Comments of the Chief Finance Officer and financial implications**
 - 6.1 As recognised in this report and the draft plan, the financial climate will be a key driver as the austerity programme continues. The plan (and priorities and actions



Haringey Council

within it) will need to recognise the reality of the financial climate today and for the foreseeable future.

- 6.2 The plan will need to be fully costed to ensure that actions to be delivered by Haringey Council are affordable, both in terms of the current funding envelope and the requirement to deliver significant savings in future years. A focus on value for money, improving outcomes at reduced cost, will be required to support delivery.

7. Head of Legal Services and legal implications

- 7.1 The Head of Legal Services has been consulted on this Report.
- 7.2 Under Section 10 of the Children Act 2004, the Council is required to make arrangements to promote cooperation between the Council, each of its partners and such other persons or bodies working with children in its area as the Council considers appropriate. The arrangements are to be made with a view to improving the well-being of children in Haringey so far as relating to- (a) physical and mental health and emotional well-being; (b) protection from harm and neglect; (c) education, training and recreation; (d) the contribution made by them to society; (e) social and economic well-being.
- 7.3 Under Section 12A of the Act, the arrangement made by the Council to cooperate with partners must include arrangements for the establishment of a Children's Trust Board for its area. Pursuant to this requirement, the Council and its partners have established and re-established the Haringey Children's Trust. The draft Children and Young People's Plan (CYPP) 2013 - 2016 sets out the Children's Trust (Council and partners) strategic and overarching plan for services to improve the wellbeing of children and young people in Haringey and in discharge of their statutory duty.
- 7.3. There is no longer a legal requirement for the Children's Trust or the Council to prepare and publish a CYPP. The Government (Department for Education) has advised that local partnerships are free to publish their own strategic plan as they see fit and there is no prescribed format, matters to be dealt with, timing or who to consult during the preparation of the plan. Despite this, in view of the strategic importance of the new CYPP, there has been consultation with partners and the public about the draft plan. The Council should take account of the outcome of the consultation before approving the draft plan.

8. Equalities and Community Cohesion Comments

- 8.1 The Council has a public sector equality duty to ensure that in all its functions, it has due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity and; foster good relations between groups in the community of Haringey. Like the existing CYPP, the new plan will continue to help the Council meet this duty as it applies to the Children and Young People's Service. The target groups of the new plan will include some of the most disadvantaged and



Haringey Council

vulnerable in Haringey. These groups span across most of the characteristics protected by section 4 of the Equality Act 2010.

- 8.2 As part of meeting the Council's public sector equality duty, a key process in developing the new CYPP is undertaking an equality impact assessment so that its potential impacts on all the relevant protected characteristics are identified and where appropriate, addressed before it is finalised for adoption by the council. An equality impact assessment (EqIA) is underway and can be found on the [CYPP webpage](#). A summary is included in the Plan under Appendix 3. Overall it has been found that the outcomes and priorities in the Plan are likely to reduce the barriers for protected groups of children and young people in relation to: health, child poverty, education and the safeguarding of vulnerable children.
- 8.3 The EqIA will be finalised after further engagement with children, young people and their families has taken place during autumn/winter 2013/14.

9. Head of Procurement Comments

N/A

10. Policy Implications

- 10.1 An updated plan for children and young people is required. As the plan currently stands, it is evidence based, its scope is clearly defined and it will help us to deliver on the Council's main priorities as detailed in the Corporate Plan. It will be important to regularly review the plan as national policy regarding children and young people develops.
- 10.2 The plan's outcomes will be delivered mainly through existing key documents and programmes – for example, Haringey 54,000, Haringey Families First, the Child Poverty Strategy, the Health and Well-being Strategy, and Jobs for Haringey. It will be important to ensure that these key documents and programmes are closely monitored to determine where there are links between different areas of work and to ensure that these are recognised and maximised.

11. Use of Appendices

- Appendix A: Draft Children and Young People's Plan for agreement
- Appendix B: Children and Young People's Plan summary

12. Local Government (Access to Information) Act 1985

N/A

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Haringey's Children and Young People's Plan 2013 – 2016

Appendix A

***Haringey is a place where children
and young people thrive and
achieve***

Haringey's Children and Young People's Plan 2013-16		
Document details		
Authors	Helena Pugh, Kirsty Fox & Liz Marnham, Strategy & Business Intelligence, Haringey Council	
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Scheduled review date	September 2016	

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Foreword

We are delighted to introduce the Haringey Children's Trust¹'s Children and Young People's Plan 2013-16. We have set our sights high for children and young people in Haringey: we want them and their families to benefit from outstanding services as we work towards a borough that is a fantastic place in which to be a child. Our ambition builds on the improvements made by partner agencies since the launch of Haringey Children's Trust's previous plan² in 2009.

We achieved record A-Level, GCSE and Key Stages 1 and 2 results this year, and in addition a high proportion of our schools are now rated as good and outstanding – including all secondary schools. We have seen falling teenage pregnancy rates; a reduction in the numbers of young people entering the criminal justice system; a stronger focus on children and families in greatest need of support, and a major regeneration scheme that is offering a once-in-a-lifetime opportunity to improve quality of life for children and families in Tottenham.

But we know that we need to build on this progress and deliver further improvements through effective partnership working. Tackling poverty and inequality is a key priority in Haringey – we will work together to stop disadvantage passing from generation to generation.

¹ See Appendix 1 for a description of Haringey's Children's Trust.

² See Appendix 2 for examples of key achievements from 2009-13.

The Trust is committed to a prevention and early help approach – addressing issues that children and their families face before they develop into more serious problems. Local services are undergoing a transformation through the [Haringey 54,000](#) programme which is changing the relationship with the borough's families, providing help early on when difficulties first arise and ensuring families can access the right services at the right time, as well as working with families with complex needs. This approach will increasingly be reflected across our partnership.

The ambitious work plan developed by Haringey Children's Trust partners will bring us together to promote positive childhood and family life across the borough.

Insert signature

Cllr Ann Waters,

Lead Member for Children
Chair, Haringey Children's Trust

Insert signature

Lisa Redfern,

Director for Children and Young People's Services (Interim),
Haringey Council

1. Introduction

[Haringey Children's Trust](#) is committed to delivering high quality, joined up and inclusive services for children and young people, giving them the opportunity to achieve their potential.

The plan:

- **is the high level, strategic document that informs the Children's Trust's work programme, setting out our intentions for improving the life chances for Haringey's children and young people over the next three years, from 2013 to 2016**
- **demonstrates our aspiration to enable the Children's Trust Board to commission services and interventions for children and young people in Haringey which meet the plan's priorities**

Central to this plan is the Trust's recognition that all the agencies working with children and young people – in the statutory, voluntary and independent sectors - can deliver more by working together with children, young people and their families and in partnership with each other than by working alone. All our work is crucial to delivering high quality services and to the success of this plan.

The location of key services is shown overleaf.

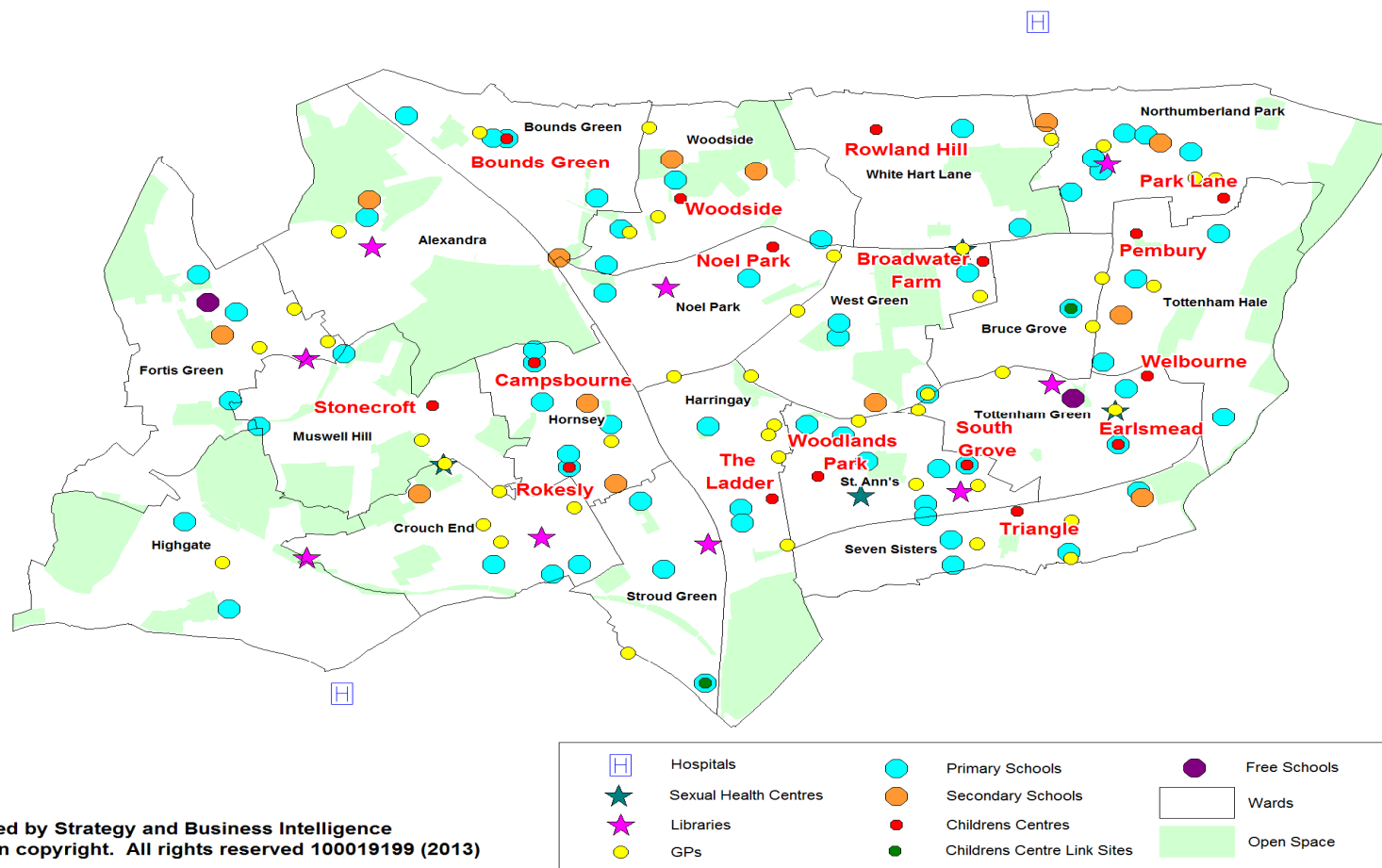
The plan includes activities that Children's Trust organisations will deliver together. It builds on our previous work and two development workshops with Children's Trust members and takes account of both the national context and local issues³.

This plan has been written in the context of the Government's deficit reduction measures, which have led to a decline in public sector funding and an increased need to target funding at and ensure support for those in greatest need. Changes in the economic climate and to the welfare system are likely to impact on levels of child poverty, homelessness and overcrowding. It is estimated that welfare reform will see an increase in demand for local services such as health, housing and access to play areas. In contrast there are new opportunities available to improve outcomes within the borough with funding for the Troubled Families Initiative as well as the Pupil Premium.

For a full picture of all work across the borough to improve the lives of children and young people, this plan should be read alongside other council strategies and the business plans of each organisation.

³ Appendix 3 describes how this plan was developed; Appendix 4 summaries the equalities impact assessment; Appendix 5 summarises the current national context for this plan.

Location of key services in Haringey



2. Haringey's children and young people

Haringey has:

- A young population – 63,600 children aged 0-19 – a quarter of all residents. (2012 Mid Year Estimates ONS)
 - 18,300 aged 0-4 (29%)
 - 16,100 aged 5-9 (25%)
 - 14,900 aged 10-14 (23%)
 - 14,200 aged 15-19 (22%)
- A higher proportion of children and young people live in the east of the borough (56% of 0-19 year olds live in the Tottenham Parliamentary Constituency and 44% live in Hornsey and Wood Green). (2012 Mid Year Estimates ONS)
- One of the most ethnically diverse populations in London; 79.1% of children at Haringey schools are minority ethnic pupils. (Department for Education Jan 2013 Pupil characteristics)
- 51.3% of pupils with a first language other than English. (Department for Education Jan 2013 Pupil characteristics)
- A mobile population – many families move in and out of the borough.

For further needs information about Haringey's children and young people see <http://www.haringey.gov.uk/index/children-families/cyp.htm>.

3. Vision and scope

Vision

Haringey is a place where children and young people thrive and achieve

Our vision is for **all** children and young people to thrive and achieve irrespective of their starting point.

The plan covers:

- All children and young people aged 0 – 19
- Those over 19 receiving services, including those leaving care
- Those aged between 19 and 25 with special needs

To achieve this vision we will focus on addressing the difference in outcomes for children and young people in terms of their educational attainment, health and safety depending on where they live in the borough. The outcomes we are working towards are shown below.

Outcomes

Outcome 1: Quality services

Outcome 2: Every child has a healthy start in life

Outcome 3: Thriving families

Outcome 4: Raised educational attainment

Outcome 5: Children and young people are safer from the risk of harm

4. Principles

The following **principles** will be integral to the way we work.

Principles	Why we have chosen this
Promoting prevention, early help and intervention: - Ensuring that universal services provide early advice and support to families to give children and young people the best start in life and try to prevent problems from escalating. - Identifying need and supporting children, young people and families at the earliest possible stage. - Changing our focus to a preventative and early intervention approach, shifting ways of working and resources to support this.	Prevention, early help and intervention both in the early years of a child's life and at any time a problem arises can have a significant positive impact for a child's later life. This approach can help avert emotional and behavioural difficulties; under-attainment at school; truancy and exclusion; criminal behaviour; drug and alcohol misuse; teenage pregnancy, and the need for statutory social care.
Reducing inequality: - Targeting additional resources as available to tackle issues known to cause inequality - such as child poverty, unemployment and exclusion - before they cause long-term damage to children's life chances. - Ensuring that principles of fairness and social justice guide our priorities and actions.	Living in a low income family affects all aspects of a child's life - from economic and material disadvantages, to health and education, through to the personal and more hidden aspects of poverty associated with shame, sadness and the fear of difference and stigma. Evidence shows that those most affected locally are: - those living in deprived parts of the borough - those with special educational needs and disabilities - those living in families where there is domestic violence, substance misuse or mental ill health - those with multiple needs and Looked After Children

Principles	Why we have chosen this
Developing resilience and community participation: • Drawing on strengths within our communities to enable families to find solutions to their own needs wherever possible, and support them to help themselves through problems. • Encouraging children to make the most of their time at school and young people to develop skills for employment, leadership and local decision making and to choose healthy lifestyles. • Involving families in the design of their services.	In our consultation on early help residents told us they want to volunteer to assist others who need more help and we want to build on this social capital. It is good practice to deliver services in an accountable and transparent way. Working in this way will give children, young people and their families the information they need to hold to account those delivering services.
Ensuring best use of available resources: • Delivering services through a highly skilled and committed workforce, using opportunities to share learning experiences. • Benchmarking outcomes against statistical neighbours and learning from the best. • Exploring opportunities to integrate services where there is a business case to do so. • Releasing capacity by strengthening our early help offer to prevent more costly needs escalating.	Most of our resources are focused on children and young people with the most severe needs. By transferring resources to universal services and meeting lower level needs we can help reduce demand for more costly intensive services. To achieve this, we need a sound evidence-based approach to commissioning services. Those who deliver services to communities on a daily basis have the detailed, local knowledge that can help make them more efficient and effective.

5. Outcomes

Outcome 1: Quality services

Why this is important

Local families, young people and public services have the power to improve people's quality of life and enhance their opportunities and working together, in partnership we can really improve outcomes for Haringey's children and young people.

It is essential, therefore, that the services that we provide to children, young people and their families are timely, of high quality, efficient and continually improving. We need to demonstrate, through the services that we provide, that we understand the needs of Haringey's children and young people and that we are responsive to them. We need to make sure that we ask children and young people about their experience of using our services, and use this knowledge to improve the ways in which we work, ensuring that services are useful and responsive. We need to make sure that we provide feedback about what we are doing to service users so that they can rely on us and can trust us to do what we say we will.

Priorities

1. Promote early help

- Ensure that children, young people and their families can easily find up to date information about the right services they might need, at the right time such as access to nurseries, childminders, children's

Priorities

- centres, health care etc
- Ensure that children, young people and their families are involved in planning services that affect their lives
- Refresh the Common Assessment Framework as an Early Help Framework that begins in universal settings and services
- Re-commission youth services to strengthen targeted universal services

2. Enhance partnership working

- Commission services in line with need and jointly wherever it makes sense to do so
- Increase the integration of health and social care services for children with disabilities and special educational needs
- Improve the way we manage and mitigate risk to reduce escalation amongst partners
- Improve our sharing of data and information to ensure that services are continually improved, and families receive good outcomes
- Develop the Children's Partnership as an advisory group meeting twice yearly to involve and engage partners in planning and delivery

3. Strengthen our workforce

- Ensure Haringey has a strong, responsive, accessible, helpful, capable, professional workforce providing a really joined up approach, across health, education, leisure, social care and more specialist support when required
- Provide continuous professional development for our workforce so

Priorities

that they have shared, up-to-date knowledge and skills

Outcome 1: Quality services

Delivery work programmes

- The **council's** [Haringey 54,000](#) programme will help ensure more support is given to families at the right time, so they can bring up their children confidently without resorting to care. The programme aims to change how different agencies– social workers, health practitioners, and the police - work with children and their families, based on an 'Early Help' approach.
- **Haringey Families First** is Haringey's approach to the national [Troubled Families](#) programme - focusing on families who have problems and who cause problems to the community, placing high costs on the public sector. Haringey Families First aims to get children back into school, reduce youth crime and anti-social behaviour and put adults on a path into work.
- **Haringey Probation Service** [priorities](#) include the safeguarding of vulnerable children.
- [Haringey's Clinical Commissioning Group](#) (CCG) is the responsible body for making sure the people of Haringey can access safe, well co-ordinated, high quality health services. The CCG wants '*every child to have the best start in life and realise their full potential*'. The commissioned services will support children and young people, especially the most vulnerable, to live independent and healthy lives.
- The [Barnet, Enfield and Haringey Mental Health Trust](#) (BEHMHT) objectives for 2013-18 are: excellent services and staff, integrated and holistic services, and developing new opportunities. The Trust is focussing on '*developing stronger collaborative partnerships with primary care, acute care and local authorities to address patients' mental and physical health needs*' in 2013-14.
- Haringey **Police** priorities are set for each [Safer Neighbourhoods team](#). They are identified through meeting the community and dealing with those crimes and issues that residents have indicated cause the most concern.

Outcome 2: Every child has a healthy start in life

Why this is important

The [2010 Marmot review](#) identified that a good start in life; a decent home; good nutrition; quality education; sufficient income; healthy habits; a safe neighbourhood and a sense of community and citizenship as crucial to reducing health inequalities. Research shows that by the age of ten a child from a poorer background will have lost any advantage of intelligence indicated at 22 months; whereas a child from an affluent family will have improved his or her cognitive scores as a direct result of an advantaged background. Emotional wellbeing is key to children successfully adapting to adult life and achieving educational success, positive relationships and mental health.

Pregnancy and the first years of life have a critical impact on the life chances of children - and are when parents are most receptive to learning and change. Our biggest health challenges include childhood obesity, with rates in Haringey higher than London and England averages - and higher in the east of the borough than the west. Easy access to low cost, high fat and high sugar food and drink is more likely to lead to obesity. We will work with local fast food outlets to promote healthier choices, and promote healthy eating through children's centres and school initiatives. Haringey also has higher teenage pregnancy rates than other areas, - linked to poverty and low educational attainment - low breastfeeding rates and low take up of immunisation programmes that impact on the health of babies.

What we know about Haringey

- Approximately one in every 200 babies in Haringey dies before they are 1 year old, which is now lower than the London and England average (NHS Information Centre 2009-11)
- Although the number of teenage pregnancies is falling locally, levels remain higher amongst mixed White and Black Caribbean communities, and in the east of the borough. The teenage pregnancy rate was 36.2 per 1000 in 2011, compared to 49.2 per 1000 in 2010.
- Currently only 71.6% of women book early for antenatal care. Black African and young women under 20 tend to book late for maternity care. (Data from quarters 1– 3 2012/13)
- The current breastfeeding rate is 75.4%; the number of mothers who breastfeed is considerably lower in the east compared with the west of the borough. (Data from quarter 3 2012/13)
- Vaccination rates are increasing but are still too low to protect the local population effectively. The current rate for the first MMR vaccination at 2 years is 90.0%. (Data from quarter 4 2012/13)
- Approximately one in every eight children is obese when they start school. By year 6 this increases to one in every four children. There are variations in obesity prevalence based on ethnicity; in reception 11.5% of White British children are obese compared to 18.2% of Black African children. (Data from 2012)
- There are around 2,534 children and young people with mental health problems, with the highest rates in the centre and east of the borough.

Outcome 2: Every child has a healthy start in life

Priorities

4. Reduce infant mortality

- Encourage pregnant women to give up smoking
- Train frontline staff in prevention of sudden unexpected death in infancy
- Increase the number of women seeking early support from ante-natal and post-natal services, especially Black African women
- Promote breastfeeding
- Provide intensive support to young first time mothers through the Family Nurse Partnership
- Raise awareness of the importance of vaccination to increase levels of take up

5. Reduce teenage pregnancy

- Provide targeted, relevant and accessible sex and relationship education to children and young people
- Increase young people's access to contraception

6. Reduce childhood obesity

- Promote a healthy and balanced diet for families
- Reduce barriers to, and increase opportunities for, taking up physical activity amongst children and their families
- Explore ways to limit the number of fast food outlets in the borough, and work with existing outlets to make their food healthier
- Train staff in school and children's centres to recognise child obesity and discuss it sensitively with families

7. Promote the emotional wellbeing of children and young people

- Provide accessible and non-stigmatising mental health services for children, adolescents and their families, in community settings

Delivery strategies and work programmes

- [Haringey's Health and Well-being Strategy](#) 2012-15 and [delivery plans](#)
- [Improving the health and wellbeing of people in Haringey](#): Clinical Commissioning Group (CCG)
- [Barnet, Enfield and Haringey Mental Health Trust Clinical Strategy](#) 2013-18
- The [Healthy Child Programme](#) based at the Whittington and North Middlesex hospitals for the early life stages focuses on a universal preventative service, providing families with a programme of screening, immunisation, health and development reviews, supplemented by advice around health, wellbeing and parenting.
- The [Family Nurse Partnership](#) (FNP) based at the Whittington Hospital – a preventative programme for young first time mothers

Outcome 3: Thriving families

Why this is important

Many families in Haringey are thriving, providing opportunities for their children to lead fulfilling lives. Other families need support to thrive and the impact of deprivation on their daily lives is considerable. The effects of poverty in childhood, including living in a low income family and in poor quality housing, can be felt into adulthood and can affect every part of a child's life - from economic and material disadvantages to impacting negatively on health and education. Some parents need support to fulfil their responsibilities to their children. We know also that we have high incidences of domestic violence in Haringey, which can impact on the emotional wellbeing of the children as well as the adults in a household.

Play and leisure opportunities can help children gain confidence and develop social and emotional skills. Having safe places to 'hang out' and meet with friends is crucial. The threat of an increase in overcrowded households is likely to impact on the range of available places to play and study.

What we know about Haringey

- In 2010 33.6% of children were living in poverty. The highest child poverty rates are in: White Hart Lane, Northumberland Park and Noel Park wards.
- 72.6% of children living in poverty live in lone parent households.
- 87% of children eligible for free school meals live in the east of the borough.
- 52% of adults in Hornsey and Wood Green parliamentary constituency have a certificate of higher education, degree or equivalent compared to 29.3% in Tottenham parliamentary constituency. (2011 Census ONS)
- 18% of residents have no qualifications (18% London). (2011 Census ONS)
- The median weekly wage in Haringey is £551 (London £653). (2012 ONS annual survey of hours and earnings)
- There are 7,388 households that have dependent children and no adults in employment (14.8% in Northumberland Park compared to 1.6% in Crouch End). (2011 Census ONS)
- 10.4% of households are lone parents, Northumberland Park has the most.
- 5,000 under 18 year olds live in temporary accommodation (July 2013).
- 723 children (that we know of) provide unpaid care to family members.
- There are 11,445 households with children living in accommodation classified as overcrowded. (2011 Census ONS)

Outcome 3: Thriving families

Priorities

8. Provide early help to families, in particular those experiencing the impact of poverty and deprivation

- Encourage take up of free school meals
- Develop a better integrated approach to family support through our children's centres
- Facilitate early help services for families of users of mental health services and drug services
- Revise the Common Assessment Framework process to provide children, young people and their families with timely, co-ordinated and effective early help

9. Ensure that parents are supported to find work and maximise their income

- Improve skills, educational levels and employability of parents
- Support and enable people to move from benefits into work through increasing financial literacy/money management skills and awareness of benefits available for working parents
- Maximise the opportunities for employment and training through access to affordable and inclusive good quality child care
- Ensure the provision of quality assured financial advice services
- Increase membership of Haringey's Credit Union

10. Ensure that children and young people have a decent place to live

- Intervene early to tackle and prevent homelessness
- Provide tenancy training for care leavers to prepare them for

Priorities

independent living

- Expand the council's stock of supported living schemes to include housing for male care leavers and young people with learning disabilities
- Support and promote Haringey's supported lodgings and mediation scheme
- Always take account of the support needs of homeless families with children on a child protection plan when deciding temporary accommodation placements
- Ensure that children and young people have access to outdoor spaces and leisure opportunities e.g. parks, play workers, library work spaces

Delivery strategies and work programmes:

- [Child Poverty Strategy and delivery plan](#)
- Early Years Action Plan (in development)
- Haringey Families First programme
- Credit Union Collaborative Working Plan (in development)
- [Jobs for Haringey](#) programme including [Haringey Jobs Fund](#)
- [Tottenham Regeneration programme](#)
- [Tottenham Active!](#) (Health improvement programme)
- [Worklife](#)
- [The Family Work and Enterprise Hub](#)
- European Social Fund Families programme (delivered by Reed in Partnership)
- Haringey Adult Learning Service Family Learning Curriculum Plan
- [Homelessness Strategy 2012-14](#)

Outcome 4: Raised educational attainment

Why this is important

We want all of the borough's children and young people to do well at school and reach their potential. We want young people to be ambitious about their futures, set goals and achieve their ambitions. Many pupils receive an excellent education, with some schools achieving exceptional results and many seeing considerable improvements in attainment in recent years.

A number of our schools face significant challenges in terms of levels of poverty, diversity and mobility of the school population and the proportion of children with special educational needs, which are often higher than the London average.

The right skills and experiences of training and employment help to promote economic independence for the rest of a young person's life. We will ensure there is a range of educational and training opportunities that meet the needs of our young residents and help them prepare for their futures.

What we know about Haringey⁴

⁴ The 2013 results are not yet validated and may change slightly over the period to December 2013.

- At the end of July 2013, 75% of primary schools and 100% of secondary schools had an Ofsted rating of good or better.
- Attainment at the Early Years Foundation Stage in 2013 is 50% which represents an improvement on 2012 and brings Haringey closer to the national average of 52%.
- Key Stage 1 2013 results (age 5 – 7 years) have improved significantly on 2012. Reading level 2B+ up from 72% to 78%, writing 59% to 64%, maths 71% to 76%.
- Attainment at Key Stage 2 2013 (age 7 – 11 years) has increased from 74% to 75% in combined reading, writing and maths.
- 2013 attainment at GCSE has improved from 58.6% to 63.6% for 5+ A* - C (including English and maths).
- The 2013 Post 16 Level 3 results have improved with the percentage of students obtaining higher grades A* A increasing from 28% to 34% and A* B from 54% to 60%.
- There are significant differences in attainment between ethnic groups and between children eligible for free school meals and those who are not.
- There are significant differences in school exclusion rates between different ethnic groups.
- In 2012, more Haringey children were on 'school action' than the London and national averages ('school action' is provided when there is evidence that a child is not making progress and action is needed to meet learning difficulties).
- There are 1,308 pupils in Haringey schools with a statement of special educational needs - 3.2% of pupils compared to 2.8%

Outcome 4: Raised educational attainment

Priorities

11. Enhance access to and quality of teaching and learning

- Ensure sufficient nursery places for 'vulnerable' two year olds and that children's centres reach families most in need of places⁵
- Improve the quality of all Early Years provision
- Raise the quality of teaching in all schools
- Ensure every school sets an individual and challenging target that will contribute to the borough ambition of exceeding London averages by 2015 for Key Stage 2 and GCSE results
- Create an early warning system for schools categorised by Ofsted as needing intensive or targeted support
- Ensure a range of sufficient local high quality early years, school and post-16 places where they are needed now and in the future
- Prepare for Raising the Participation Age
- Prepare young people for work by ensuring a wide range of accessible learning opportunities

12. Strengthen leadership

- Scope and implement a leadership strategy for schools that identifies talent and plans for succession
- Sustain school improvement through developing school-to-school support and effective local authority School Improvement Advisers
- Review and agree a new governance model for schools
- Review and re-commission core statutory services to schools

13. Empower parents and carers

⁵ This includes two year olds from families whose earnings and benefits fall within the criteria used to determine eligibility for free school meals, and those who are looked after by the local authority.

Priorities

- Develop an annual scorecard of the borough's schools for parents
- Commission independent information, advice and advocacy for families about how to support their child's learning
- Create opportunities to engage parents in discussions about education developments

14. Facilitate collaboration and support wider educational opportunities

- Showcase outstanding teaching and learning in the borough to ensure best practice is shared
- Celebrate success of our schools
- Develop a wider range of opportunities for young people aged 16+ who are not in education, employment or training (NEET)
- Establish links with universities, including those from the Russell Group⁶
- Establish links to provide educational, cultural & leisure opportunities

Delivery strategies and work programmes

- [Outstanding For All](#) – Haringey's Education Commission Action Plan
- [Strategy for school improvement](#) – in development
- Early years commissioning framework – in development
- Framework for planning education and training provision – in development
- Raising of the participation age plan⁷

⁶ The Russell Group represents 24 UK universities, which are committed to high quality research, an outstanding teaching and learning experience and strong links with business and the public sector.

⁷ Under the Education and Skills Act 2008, all young people up to age 18 will be required from 2015 to participate in education or training. From summer 2013, this will apply to young people until the end of the academic year in which they turn 17, and from summer 2015 onwards it will apply until their 18th birthday.

Outcome 5: Children and young people are safer from the risk of harm

Why this is important

Most children and young people in Haringey lead safe and secure lives at home, at school and in their communities. Some may experience abuse or bullying, become involved in crime or are victims of crime. Other children experience abuse that makes it necessary for the local authority to intervene to ensure their safety. Abuse of children can have both short and long term effects on their health and life outcomes. Sometimes, children and young people who have experienced abuse become 'looked after' by the local authority which then has a duty to act as a 'good parent' to these children. In Haringey the numbers of 'looked after' children have historically been high over the past few years although they are now reducing.

Domestic and gender-based violence is an issue in the majority of child protection plans in Haringey; 'adult' problems such mental ill health and substance misuse are linked to domestic violence and have an impact on children.

There are many risk factors for youth offending, including family conflict, low income, poor housing, low achievement, living in a disadvantaged neighbourhood, availability of drugs and high population turnover. Personal factors are known to be hyperactivity and early involvement in substance misuse. The risk factors for youth offending overlap to a large degree with those for educational underachievement, young parenthood, and adolescent mental health problems. Early action to address these risk factors can help to prevent a range of poor life chances.

What we know about Haringey

- 275 children were subject to child protection plans in March 2013 and this figure has been reducing. The vast majority (88%) live east of the railway line, 12% live in the west.
- There were 541 Looked After Children in March 2013, a rate of 94 per 10,000 population, well above the statistical neighbours average of 74 per 10,000.
- Domestic violence (DV) was a concern for 66% of children who had a child protection conference during 2012/13 (345 children). A significant majority of recorded DV offences are in the east of Haringey. (Data for Oct 2011 - Sep 2012.)
- 41% of crime is committed in five wards: Noel Park, Tottenham Green, Northumberland Park, Tottenham Hale and Bruce Grove. (Data for Oct 2011 - Sep 2012.)
- Serious acquisitive crime such as burglary and robbery, and the majority of gun and knife crime, tends to be committed by young men aged 15 to 24. (Data for Oct 2011 - Sep 2012.)
- The number of perpetrators of crime aged 15-17 and, in the case of personal robbery, 10-14 year olds, is disproportionately high. (Data for Oct 2011 - Sep 2012.)
- 58% of those accused of gang-related offences are aged 15-17. The majority of people involved in gangs live in Tottenham and Wood Green. (Data for Oct 2011 - Sep 2012.)
- Youth reoffending increased by 10% in the latest available data (12 months to June 2011) compared to the previous full year. 48% of young offenders reoffend within a year. (Youth Justice Board data)

Outcome 5: Children and young people are safer from the risk of harm

Priorities

15. Safeguard children and young people from abuse and neglect wherever possible, and deal with it appropriately and effectively where it does occur

- Strengthen links between schools and safeguarding services to keep children and young people as safe as possible
- Identify missing, unknown or 'opted out' young people
- Identify and respond to children and young people at risk of sexual exploitation, including gang and group violence
- Review access to social care services to ensure that all children who would benefit from protection planning access it in a timely way and with an initial early help offer where appropriate

16. Reduce the incidence and impact of domestic violence on children and young people

- Improve awareness of domestic violence in communities & schools
- Roll out the identification and referral (IRIS) process to GP surgeries
- Increase provision of safety planning support for high risk victims
- Increase uptake of accredited perpetrator programmes
- Develop understanding of & measurements for wider gender-based offences (e.g. female genital mutilation, forced marriage, sexual crimes)

17. Reduce re-offending (including a focus on 16-24 year olds)

- Establish a co-located and Integrated Offender Management (IOM) team including a focus on youth to reduce reoffending
- Commission forensic services to meet the mental health needs of the cohort
- Commission drug intervention to cover alcohol, cannabis and "club

Priorities

- drugs"
- Develop and deliver a pre-release programme for young people who have committed violent crime
- Develop a mentoring scheme for 8-12yrs olds who are siblings or relatives of gang members
- Develop a skills programme to enable young people to build the skills to be safe, social and successful in employment
- Assist the resettlement of young people and their families who are at risk of harm from serious, often gang related violence
- Strengthen joint working to enable young people to be more resilient to the pressures of gang related activity and offending behaviour
- Develop focus on intensive individual and family support particularly for those on the edge of care, offending and bullying
- Ensure that young people have a voice so that they can, if they want to, contribute to local, regional and national decision making

Delivery strategies and work programmes

- [Local Safeguarding Children Board](#) Plan
- Haringey Annual Youth Justice Plan
- Corporate Parenting Action Plan
- [Strategy for Young People](#)
- [Community Safety Strategy and delivery plan](#)
- **Multi Agency Safeguarding Hub (MASH)** and **First Response Multi Agency Team** which co-locates police, health colleagues and social workers, together with support from education and housing.
- ['Safe and Secure'](#) (a scheme which provides a joint framework for Police, local authorities and other key partners to move families at high risk as a result of their being associated with, or targeted by, persons involved in gang activity.)

6. Delivering and monitoring this plan

The Trust will oversee the monitoring of the quality of all children and young people's services offered locally and will work closely with Haringey's other key partnership boards – the [Local Safeguarding Children's Board](#), the [Health and Wellbeing Board](#) and the [Community Safety Partnership](#) as well as children, young people and their families, including through the Children in Care Council and the Youth Council.

The vision and priorities described in this Plan will be delivered through a variety of work programmes and strategies, details of which are provided under each outcome. The outcomes will be monitored and reviewed on a six monthly basis by the Children's Trust and revised annually, to ensure that this Plan is helping to make a difference.

Work to deliver each outcome will be overseen by a member of the Children's Trust and led by existing groups which will act as delivery groups (see table). The Leads will report progress to the Children's Trust. Where there are particular concerns or our service offer is found to have little impact, we will challenge each other to take decisive action. Where services are found to have a positive impact on children's lives, we will explore how we can extend this good practice to other areas of work.

Outcome	Delivery groups
1. Quality services	Children's Trust
2. Every child has a healthy start in life	Joint Health and Wellbeing Board and Children's Trust delivery group
3. Thriving families	- Haringey Families First Steering Group - Common Assessment Framework (CAF) Delivery Group
4. Raised educational attainment	- Outstanding for All Delivery group - Raising the Participation Age Partnership - School Improvement Partnership Group
5. Children and young people are safe from the risk of harm	- Local Safeguarding Children Board - Community Safety Partnership - Domestic Violence Strategic Group

Appendix 1: Haringey Children's Trust

Haringey Children's Trust is a partnership that brings together the local organisations responsible for services for children, young people and families in a shared commitment to improving children's lives. It is a formal decision making body that meets six times per year, led by the council. The Children's Trust has statutory membership under the Children Act (2004) and comprises agencies with a significant budget for children and young people. It looks specifically at the strategic planning of services for children, young people and families in Haringey and delivery of commissioning arrangements. The Children's Trust is not a separate organisation in its own right; each partner retains its own responsibilities while working together to join up services to support the wellbeing of all children.

In addition, Haringey has established a Children's Partnership Group, which acts in advisory capacity to the Children's Trust and meets twice a year with the Children's Trust. It has wide, flexible membership including providers and staff across all the partner agencies.

Membership of the Haringey Children's Trust	
Haringey Council	
• Lead Member for Children's Services - Chair of Trust • Leader of the Council • Director of Children's Services • Director of Public Health • Deputy Director Commissioning • Deputy Director Prevention and Early Help • Assistant Director Safeguarding • Assistant Director for Schools and Learning	
Metropolitan Police Service	
Borough Commander	
Probation	
Assistant Chief Officer	
Haringey Clinical Commissioning Group	
• Head of Children's Commissioning • Lead GP	
Schools and Colleges	
• Head Teacher, Special Schools • Head Teacher, Primary Schools • Head Teacher, Secondary Schools • Principal, College of Haringey, Enfield and North East London (CHENEL)	
Local Safeguarding Children Board (ex-officio)	
Independent Chair of Local Safeguarding Children's Board (LSCB)	

Appendix 2: Key achievements 2009-2013

Be healthy

- A steady decline in the infant mortality rate.
- Steady increase in coverage of childhood vaccinations since 2008 and a significant improvement in 2011/12.
- The number of teenage pregnancies is falling.

Stay safe

- The government ended its oversight of children's safeguarding services in 2011, following significant improvements.
- The Multi-Agency Safeguarding Hub (MASH) was established in 2012.

Enjoy and achieve

- In 2013, our students achieved their best ever GCSE and A-level results.
- 70% of Haringey's primary schools and all secondary schools are rated 'good' or 'outstanding' by Ofsted.
- Haringey won the fight for fairer funding following a long campaign by the council, trade unions, schools and local MPs to end an anomaly that has seen the borough miss out on millions of pounds of funding for local schools.

Make a positive contribution

Haringey has:

- A thriving *Youth Council* that meets monthly representing the views of young people.
- *Young Commissioners* aged 13-19 who since January 2012 have contributed to the commissioning of services for young people. They have learnt the skills necessary to articulate their priorities based on the analysis of needs.
- *Aspire* - a youth-led group for young people in care and leaving care. The Leadership Team, comprising young people who have been in care in Haringey, meets weekly to plan events, discuss emerging themes for young people in care with local decision makers, and consult with groups and services who work with young people in care/leaving care and try to represent their voices.

Achieve economic wellbeing

- The proportion of 16 – 19 year olds not in education, employment or training has fallen from 6.8% in 2009/10 to 3.7% in 2012/13.
- The *Jobs for Haringey* programme was launched in April 2012. Of the 221 residents who have since started work, 36% are 16 to 24 year

olds. Further development of work skills programmes focussing on young people is under way.

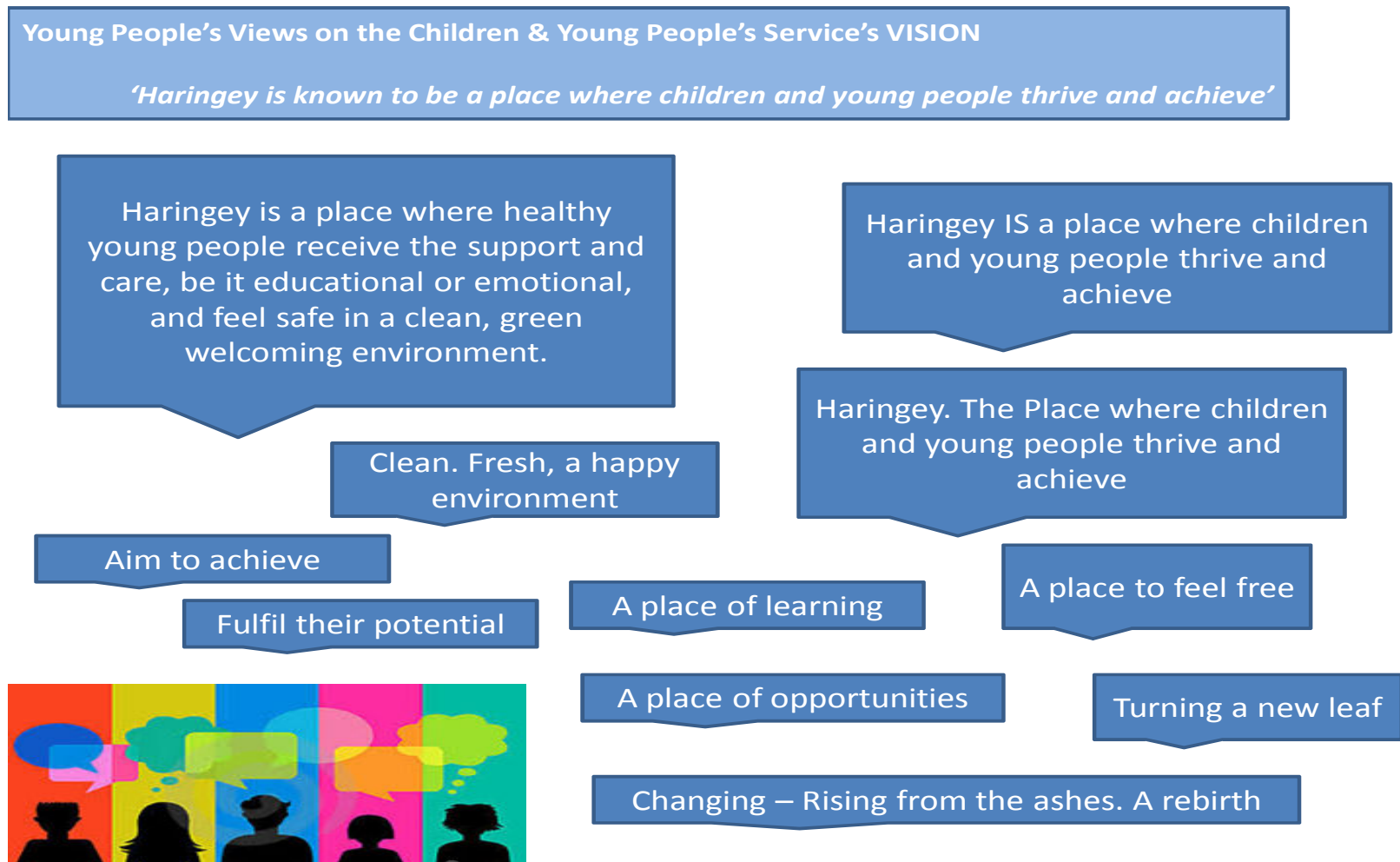
Appendix 3: How we developed this plan

We have taken account of information from a variety of sources in developing this draft plan including:

- Recent **legislative developments** regarding children and young people
- **Analysis of data** including local performance information, our joint strategic needs assessment and detailed needs assessments
- **Evidence from a wide range of local initiatives** from organisations working across the borough about current outcomes for children and young people; this includes work programmes such as the Multi-agency Safeguarding Hub (MASH) and Jobs for Haringey
- Information from **two development workshops** (March and May 2013) with members of the Children's Trust
- **Feedback from regular meetings**, such as our Youth Council, Children in Care Council and Corporate Parenting Committee
- **A workshop with young people** to find out their thoughts on the Plan's vision was held on 17th September 2013. The young people included representatives from Aspire, Haringey's Children in Care Council, and the Haringey Young Commissioners (see next page).
- Feedback from **consultation received through the website** on this document has been incorporated into the plan
- Haringey residents' views and opinions given in **recent consultations** about issues affecting children, young people and their families, including the:
 - Health and Wellbeing Strategy
 - Housing Strategy
 - Drug and alcohol treatment
 - Healthwatch Haringey
 - Sports facilities: Finsbury Park & Lordship Recreation Ground
 - Child Poverty Strategy
 - Strategy for Young People
 - Early Help Policy
 - Outstanding for All, Haringey's Education Commission
 - Haringey's vision for education
 - School admissions criteria
 - Expansion of school places
 - Community Safety Strategy

A **public promise** for children, young people and their parents is being developed and will be consulted on shortly.

Feedback from workshop with young people held on 17th September 2013 is shown below:



Young People's Views on the Children & Young People's Service's VISION

'Haringey is known to be a place where children and young people thrive and achieve'

Achievement isn't showcased (i.e. Spirit of London at the O2 is good, but people don't know about it and it isn't local)

Young people have a bad reputation. Using 'Is Known' in the vision makes us look bad.

Safety is a massive issue. Some places are so gloomy and dirty.

It's awkward when you're somewhere and you have to say which borough you're from

We don't think it should be 'Is Known to be' because that means it's not – why are we always focussing on the negative?

Would like a more creative and positive environment (community art etc)

What about using the riots? Nobody wants to talk about the bad things but they should be acknowledged so that we can change

Going from where we are to somewhere new.



Appendix 4: Equalities Impact Assessment Summary

Introduction

An initial Equalities Impact Assessment (EqIA) has been carried out to identify where protected groups of children and young people may be adversely affected by the proposed Children and Young People's Plan outcomes. This EqIA does not constitute an overarching assessment of all issues regarding children and young people in Haringey; its intention is to identify any equalities issues with the outcomes in the plan.

For a snapshot of issues relating to children and young people, please see the [storyboards](#) on the Haringey Council website. Detailed assessments of issues affecting children, young people and their families are shown in the:

- [Child Poverty Needs Assessment](#)
- [Haringey Joint Strategic Needs Assessment – Health of Mothers, Children and Young People](#)
- [Domestic and gender based violence in Haringey: needs assessment](#)
- [Rapid health needs assessment for looked after children in Haringey](#)
- [Roma and Irish Traveller Needs Assessment](#)

Summary data relating to each outcome is included in the Plan.

A number of separate EqIAs have been developed for existing strategies that inform this one (the relevant strategies are listed under each outcome in the Plan). Rather than repeat their data and analysis here, key points are given.

Below is a summary of the key issues raised in the EqIA. Actions to address these issues will be monitored at the Children's Trust and included in the Council's performance reports where appropriate. Where the data does not exist the EqIA will highlight this and make recommendations for remedying this.

Work to deliver each outcome of the Plan will be overseen by a member of the Children's Trust and led by existing groups which will act as delivery groups (see p.19 of the Plan). These delivery groups will ensure that equalities issues that fall within their area of work are addressed. The Children's Trust Board will be responsible for addressing cross-cutting equalities issues.

Overall it has been found that the outcomes and priorities in the Plan are likely to reduce the barriers for protected groups of children and young people in relation to: health, child poverty, education and the safeguarding of vulnerable children.

Further analysis will be undertaken following public consultation on the proposed public promise / charter.

Issue	Key evidence of likely adverse impact	Action required	Responsible Lead
Data collection and monitoring	Gaps in data have been highlighted in the various needs assessments to which this EqIA refers. More evidence and data would be useful particularly for: • young carers • children and young people with disabilities • children and young people in Roma and Irish Traveller communities • children and young people subject to Female Genital Mutilation and forced marriage	Agree how data collection and monitoring of the following protected characteristics across services can be improved in particular in relation to: • Religion or Belief • Sexual Orientation	Children's Trust
Health	• Approximately one in every eight children is obese when they start school. • By year 6 this increases to one in every four children. • There are ethnic variations in obesity prevalence; in 2012 11.5% of White British reception age children were obese compared to 18.2% of Black African children.	Reduce childhood obesity to include targeting Black and Minority Ethnic (BME) children many of whom live in the east of the borough. See Health and Wellbeing Strategy actions	Public Health Health and Wellbeing Board
	• Although the number of teenage pregnancies is falling locally, levels remain higher amongst mixed White and Black Caribbean communities, and in the east of the borough. • The teenage pregnancy rate was 36.2 per 1000 in 2011, compared to 49.2 per 1000 in 2010.	Reduce teenage pregnancy to include targeting of Black Caribbean girls, in the east of the borough. See Health and Wellbeing Strategy actions	Public Health Health and Wellbeing Board
Child poverty	In 2010 33% of children were living in poverty. • The highest child poverty rates are in: White Hart Lane, Northumberland Park and Noel Park wards. • 72.6% of children in poverty live in lone parent households. • 87% of children eligible for free school meals live in the east of the borough. • The largest BME groups which are most likely to be on housing benefit (HB) and with children attending Haringey schools are White Irish Travellers, Somalis, Kurdish, Kosovan and Turkish.	See Child Poverty Strategy actions	Families First Steering Group Common Assessment Framework (CAF) Delivery Group

Issue	Key evidence of likely adverse impact	Action required	Responsible Lead
Education	- Only half (51%) of the children living in the most deprived areas of the borough achieved a good level of development in the Early Years Foundation stage compared to 64% children living in other areas. (Income deprivation Affecting Children Index - IDACI) - School attendance by Irish Traveller pupils in Haringey is below the national average. There are a significant number of Traveller children missing education (especially Roma).	Actions needed to ensure uptake of free childcare for vulnerable two year olds and to increase uptake of free childcare for 3-4 year olds in Gypsy, Roma and Traveller, Black African, Turkish & Kurdish families.	Children and Young People's Service, Haringey Council
	There are significant differences in attainment between: - ethnic groups - children eligible for free schools meals and those who are not	To be included in Outstanding for All action Plan.	Outstanding for All delivery Group
	There are significant differences in social exclusion rates between ethnic groups.	To be included in Outstanding for All action Plan.	School Improvement Partnership Group
Safeguarding of vulnerable children	275 children were subject to child protection plans in March 2013 and this figure has been reducing. - The vast majority (88%) live east of the railway line, 12% live in the west.	Focus on east of borough.	Local Safeguarding Children's Board
	- Domestic violence was a concern for 66% of children who had a child protection conference during 2012/13 (345 children). - A significant majority of recorded offences are in the east of Haringey. (Data for Oct 2011 - Sep 2012.)	Focus on east of borough.	Domestic Violence Strategic Group

Appendix 5: The national context

There has been a proliferation of legislation and initiatives in recent years affecting children, young people and their families.

[Reform of the Early Years Foundation Stage](#): these reforms build on the review by Dame Claire Tickell of the Early Years Foundation Stage. They slim down the curriculum for 0-5 year olds, place a greater focus on getting children ready for school, and allow free childcare entitlement to be more flexible for parents.

[Proposed changes to childcare regulations](#): these set out the government's proposals to increase the supply of high quality, affordable childcare and education.

[The Academies Act 2010](#): the Act aims to make it possible for all publicly funded schools in England to become academies, still publicly funded but with greater autonomy. Free schools were given also approval in the Academies Act 2010

[The Education Act 2011](#): this expands the academies programme to allow 16-19 and alternative provision academies. It allows schools and colleges to be exempted from routine inspection and gives parents of disadvantaged two-year-olds a right to 15 hours free Early Years provision a week. The Act extends the academies and free schools programme further by:

- reforming the procedure for establishing new schools, to give preference to academies and free schools
- establishing academies for 16 to 19 year olds and alternative provision academies for the most vulnerable children

[Proposals to reform Key Stage 4 qualifications](#): the government is consulting on proposals for comprehensive reform of the GCSE qualification, with a specification that they describe as more challenging, more ambitious and more rigorous. In summary, the proposals include:

- Exams at the end of courses to account for final mark in most subjects.
- A*-G grades to be replaced by eight (highest) to one (lowest) grades.
- Two-year courses to become standard, ending modular courses.
- Coursework and assessment to be scrapped in all but science.
- First exams using the new GCSE structure to take place in 2017.
- Simpler 'tiered' exams for less able students to disappear except in science and maths.

The [Pupil Premium](#): this is additional funding given to schools to support disadvantaged pupils and close the attainment gap between them and their peers.

Proposed changes in support and services for children and young people with [Special Educational Needs](#) (SEN): changes will include a new duty for joint commissioning of services between local authorities and health bodies, and a requirement on local

authorities to publish a local offer of services for disabled young people and those with SEN.

[Raising the Participation Age](#) (RPA): from summer 2013, all young people up until the end of the academic year in which they turn 17 will be required to participate in education or training. From 2015, this requirement will apply until their 18th birthday. **Young people currently in Year 11 and below are affected.** RPA does not mean young people must stay in school; they will be able to choose one of the following options post-16:

- full-time education at school, college or home
- an apprenticeship
- part-time education or training if they are employed, self-employed or volunteering full-time (20+ hours per week)

[The Health and Social Care Act 2012](#) covered the:

- Introduction of statutory local Health and Wellbeing Boards to ensure coordination and integration of public health, NHS and social care services.
- Transfer of responsibility for much of public health commissioning to local authorities (at a local level) and Public Health England (a new national body)
- A new independent NHS Board to allocate resources and provide commissioning guidance
- Increase in GPs' powers to commission services
- A strengthened role for the Care Quality Commission
- Monitor, the body that currently regulates NHS foundation trusts, to be developed into an economic regulator to oversee aspects of access and competition in the NHS

- A cut in the number of health bodies, including abolishing Primary Care Trusts and Strategic Health Authorities.

The [Welfare Reform Act 2012](#) reforms welfare to improve work incentives, simplify the benefits system and tackle administrative complexity. In summary it:

- Introduces a single Universal Credit, which will replace six income-related work-based benefits
- Limits the payment of contributory Employment and Support Allowance to a 12-month period
- Caps the total amount of benefit that can be claimed, including specific caps on housing allowance
- Reforms the Social Fund and replaces it with locally based provision delivered by local authorities

The [Troubled Families Initiative](#): through this initiative, local authorities are working to support families to get children back into school, reduce crime and anti-social behaviour, put adults on a path into work, and reduce the costs that 'troubled families' place on the public sector.

The national [Child Poverty Strategy](#) 2011 builds on the [Child Poverty Act 2010](#). It draws on reports by Graham Allen on [early intervention](#), and a report by Frank Field about [Foundation Years: Preventing Poor Children Becoming Poor Adults](#).

Revised [statutory guidance](#) on safeguarding children: including the [Munro report](#) recommendations on child protection.

[Government proposals on adoption](#): these proposals aim to speed up the process for children; to overhaul the service for prospective adopters; and to strengthen local accountability for the timeliness of adoption services.

APPENDIX B

Haringey's Children and Young People's Plan 2013-15

Vision:

'Haringey is a place where children and young people thrive and achieve'

The outcomes we are seeking	Priorities
Outcome 1: Quality services	1. Promote early help 2. Enhance partnership working 3. Strengthen our workforce
Outcome 2: Every child has a healthy start in life	4. Reduce infant mortality 5. Reduce teenage pregnancy 6. Reduce childhood obesity 7. Promote the emotional wellbeing of children and young people
Outcome 3: Thriving families	8. Provide early help to families, in particular those experiencing the impact of poverty and deprivation 9. Ensure that parents are supported to find work and maximise their income 10. Ensure that children and young people have a decent place to live
Outcome 4: Raised educational attainment	11. Enhance access to and quality of teaching and learning 12. Strengthen leadership 13. Empower parents and carers 14. Facilitate collaboration and support wider educational opportunities
Outcome 5: Children and young people are safer from the risk of harm	15. Safeguard children and young people from abuse and neglect wherever possible, and deal with it appropriately and effectively where it does occur 16. Reduce the incidence and impact of domestic violence on children and young people 17. Reduce re-offending (including a focus on 16-24 year olds)

Principles underpinning all our priorities

Promoting prevention, early help and intervention: Ensuring that universal services provide early advice and support to families to give children and young people the best start in life and try to prevent problems from escalating; Identifying need and supporting children, young people and families at the earliest possible stage; changing our focus to a preventative and early intervention approach, shifting ways of working and resources to support this.

Reducing inequality: Targeting additional available resources to tackle issues known to cause inequality (child poverty, unemployment and exclusion) before they cause long-term damage to children's life chances; ensuring that principles of fairness and social justice guide our priorities and actions.

Developing resilience and community participation: Drawing on strengths within our communities to enable families to find solutions to their own needs wherever possible, and support them to help themselves through problems; encouraging children to make the most of their time at school and young people to develop skills for employment, leadership and local decision making, to choose healthy lifestyles; involving families in the design of their services.

Ensuring best use of available resources: Delivering services through a highly skilled and committed workforce, using opportunities to share learning experiences; benchmarking outcomes against statistical neighbours and learning from the best; exploring opportunities to integrate services where there is a business case to do so; releasing capacity by strengthening our early help offer to prevent more costly needs escalating.

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Report for:	Full Council on 18/11/2013	Item Number:	
Title:	Approval of Haringey Council Tax Reduction Scheme for 2014/15		
Report Authorised by:	Stuart Young Assistant Chief Executive <i>Therese Ryan p.p. Stuart Young.</i>		
Lead Officer:	Paul Ellicott Head of Revenues, Benefits and Customer Services		
Ward(s) affected: All	Report for Key Decision		

1. Describe the issue under consideration

- 1.1 Following the introduction of the Welfare Reform Act 2012, the national Council Tax Benefit system was abolished and local authorities have had to develop their own systems for rebating Council Tax, with a reduced funding base and a mandate to protect pensioners from any changes. The changes came into effect from 1 April 2013, and following consultation with impacted residents the Council Tax Reduction Scheme for 2013/14 was approved by Full Council on the 17th January 2013.
- 1.2 There is a statutory obligation on the Council to consider, each financial year, whether to revise or replace its scheme. This report sets out recommendations for Haringey's Council Tax Reduction Scheme (CTRS) for 2014/15 taking into consideration the assessment of options and an Equalities Impact Assessment (EqIA). It contains the Council Tax Reduction Scheme which the Council is required to produce under the provisions of section 13A(1)(a) and Schedule 1A of the Local Government Finance Act 1992.
- 1.3 The Council must make any revision to its scheme, or adopt a replacement scheme (which may be the same as the scheme already in place), by 31st January 2014. The purpose of this report is to seek the Council's agreement to implement the recommended CTRS, as stated in Section 3 of this report, commencing on the 1st April 2014.



2. Portfolio Holder Introduction: Councillor Goldberg

- 2.1 The abolition of Council Tax Benefit as outlined in the Welfare Reform Act is just one plank of the Coalition's radical and wide ranging attack on social security and welfare benefits in the UK. These will have a significant impact on over 1 in 3 households in Haringey, hitting the finances of thousands of low paid local families, both unemployed and in work.
- 2.2 The Government has removed the cost of the benefit from the Annually Managed Expenditure [AME] (the account which pays for all welfare expenditure and is able to respond to increases in demand) and moved a top-sliced sum into the Departmental Expenditure Limit [DEL]. In plain terms, this means the government has put an effective cap on the money available for those that need support paying Council Tax, divorcing it from need and changing demand.
- 2.3 This means the Government has also made the money vulnerable to re-allocation to different government spending priorities in the future. It appears that as of 2014-15, local authorities will not be able to judge within its overall allocation of central government funds, what proportion is designed to fund the replacement Council Tax Reduction scheme.
- 2.4 The impact of the Government's policy is to de facto bring back the contributory principle that everybody of working age should pay some form of local taxation, irrespective of their situation and ability to pay. This is self evident as we have had to issue 4,500 summons to residents who previously did not pay any council tax. These are residents who could also be impacted by other Welfare Reform changes that were brought in from April 2013.
- 2.5 It remains true that it is simply not sustainable or possible for the Council to magic money to pick up a tab to cover this ongoing funding gap. The full effects of the introduction of CTRS in 2013/14 will be not be realised until the financial year has passed but I am in no doubt about the negative impact it has on so many of Haringey families.
- 2.6 However, it would be confusing and add to current resident concerns if the scheme changed for 2014/15. The risk of making changes when only half a year's data is available is obvious so I recommend that we continue with the current scheme.

3. Recommendations

It is recommended to Council that:

- 3.1 Having taken into account the Equalities Impact Assessment at Appendix B, the Council resolve not to revise the Council Tax Reduction Scheme agreed for 2013/14;



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3.2 Accordingly, the scheme as set out at Appendix C continues to be implemented for 2014/15 and the principles of the Council Tax Reduction Scheme, as summarised in Section 6 of the report, continue in respect of all working age claimants. This means an overall reduction of Council Tax support of 19.8%, which remains at the same level of support as 2013/14.

3.3 Authority to be given to the Assistant Chief Executive and Head of Revenues, Benefits & Customer Services to take all appropriate steps to implement and administer the Scheme.

4. Options Considered

4.1 In accordance with paragraph 5 of Schedule 1A to the Local Government Finance Act 1992 ("the 1992 Act"), each financial year the Council is required to consider whether to revise or replace its scheme. One option for the Council is to continue with the scheme in place for the current financial year. Another option is to revise the scheme. Either option should be considered in light of the knowledge gained during the previous year's implementation.

4.2 The scheme was introduced from April 2013 and therefore has not been in operation for a full year.

4.3 Additional help has been provided to residents who for the first time have been asked to pay an amount towards their council tax. This has been in the form of correspondence offering support and 'support days' for personal visitors to make payment arrangements. Support to residents who may find it difficult to pay include ensuring that all benefits which they are entitled have been considered and in severe cases referrals to agencies for external help and support have been made.

4.4 The impact on residents can be assessed by the level of income collection in respect of those residents hit by the changes. The projected income levels are to date being met. However, it does show that a number of residents have paid the year in full and this will affect the income profile expected and subsequently the last two months has shown a slight dip in expected income. However, it must be emphasised that the analysis to date is limited as the scheme has only been in force since April. To understand any income level projections and payment attitude to these changes a minimum cycle of one year is required.

4.5 Informal consultation with residents, support groups and other local authorities suggest that where residents make contact with the Council then payment arrangements are being agreed and generally maintained. However there are a number of residents who are struggling where other Welfare Reform changes have impacted, such as the benefits cap and a number of residents who have not paid and made no contact to date. However, to understand more fully the extent of non-payment a full years recovery cycle and resulting data analysis is required.



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- 4.6 In considering options for the scheme for 2014/15, officers have analysed the impact of the current scheme based on the data available to date.
- 4.6.1 In order to minimise the impact on working age claimants, and keep changes to the system to a minimum, the current CTRS agreed for 2013/14 in January 2013 was based on the Default Scheme with some key changes, most notably that applicants of working age have had their Council Tax support assessed against 80.2%, rather than 100%, of their liability. The figure 80.2% was arrived at based on the level of projected grant and income loss, taking into account also the cost of protecting pensioners and those with qualifying disabled benefits. Based on data that officers have collated so far the income levels have been met as predicted. However, as set out above, this is due in part to a number of residents paying the year in full which will affect the income profile, because it can have the effect of temporarily inflating the income levels as demonstrated by the recent two months dip in expected income. Given the limited data available it would be unwise at this stage for the Council to alter this maximum figure of 80.2% eligibility for working age claimants. Maintaining the current eligibility levels also provides continuity for claimants who are seeking to manage their finances.
- 4.6.2 Applicants in receipt of certain disability benefits have received protection from the above measure. These applicants have had their Council Tax support assessed against 100% of their liability. This decision was made as a result of the consultation exercise undertaken in 2012 where the majority of respondents felt this group should be protected and that this group of claimants have limited ability to work over the longer term, making it very difficult for these claimants to supplement their income. The data to date shows that 14% of all claimants fall into this category. Based on the income data available so far, together with the number of claimants in receipt of these disability benefits, it remains sustainable for this protection to continue without disproportionate impact on the remaining working age claimants.
- 4.6.3 A minimum weekly Council Tax Support award of £1 was introduced. The administrative cost of assessing claims for CTRS and ongoing changes make any award less than £1 per week not cost effective. This remains to be the case.
- 4.6.4 A reduced capital savings limit of £10,000 was introduced, previously set at £16,000. This means that claimants who have savings and investments over £10,000 are no longer entitled to support. It is a key incentive that the support should be given to the most vulnerable and therefore it was felt appropriate to reduce the maximum savings limit. There is no data to date to suggest that this change has had a negative impact on claimants and therefore it is recommended that this threshold remain.
- 4.6.5 Child benefit and war pensions have been fully disregarded when calculating entitlement for all applicants. This supports initiatives to assist pregnant and nursing mothers, those with young children and those who are part of the Armed Forces Covenant in dealing with the changes. This also supports safeguarding measures and the Haringey 54,000 programme. It remains sustainable for this to continue without disproportionate impact on the remaining working age claimants.
- 4.6.6 The maximum period for backdating has been set at 6 months. This is to ensure consistency with the application of Housing Benefits. There is no data to date to suggest



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that this change has had a negative impact on claimants and therefore it is recommended that this continue.

- 4.6.7 Any change of circumstance which has been advantageous to council tax support entitlement and reported by the applicant outside one month, has been deemed to take effect from the date on which it is reported. This is both to ensure consistency with housing benefit administration and also to encourage applicants to notify changes in circumstances in a timely manner. There is no data to date to suggest that this change has had a negative impact on claimants and therefore it is recommended that this continue.
- 4.7 In summary, the 2013/14 scheme has been in operation from April 2013 and therefore it is recognised that there is limited information available to assess its impact. It is advised that the Council would be in a better position to consider any potential amendments to the scheme in 2015/16 when a full years worth of data is available and can be sufficiently interrogated and extrapolated. The levels of income collection are currently in line with the financial projections to date and there is no evidence to suggest that the key changes to the Default Scheme outlined in 4.6.1 to 4.6.7 should be amended. Any changes without the full analysis is felt to be premature, could prove confusing for residents who have recently adjusted to the new system and provide an element of financial uncertainty for the Council in terms of budget projections and assumptions.

5. Department for Communities and Local Government Transitional Grant Scheme

- 5.1 The DCLG offered a transitional grant of £100m to Local Authorities to assist with the implementation of the new scheme for 2013/14. Haringey's share of this would have been £706,201 (excluding the GLA share). In order to qualify for the transitional grant the Council would have been required to adopt a scheme in a particular form (namely one which reduced the extent to which the cut in budget was passed onto residents), and the Council rejected this option at its meeting on 17 January 2013.
- 5.2 There has been no indication that the DCLG will put forward proposals for a transitional grant for 2014/15 and no additional funding has been made available from Central Government for this date.

6. Background Information

- 6.1 As of 1 April 2013 Central Government abolished the national Council Tax Benefit system and local authorities were required to implement local Council Tax Reductions Schemes to come into effect on this date.
- 6.2 Other than a mandate to protect pensioners, local authorities had the ability to design and implement a scheme as they deemed appropriate, specifying the Council Tax reductions which are to apply to persons the authority considers to be in financial need. At the same time, funding from Central Government for Council Tax Reductions Schemes was reduced by approximately 10%.



- 6.3 In making its scheme the Council consulted widely with residents and carried out a thorough assessment of the equalities impact the proposed scheme would have on those affected. As a result of this, the Council made the decision to protect those in receipt of certain disability premiums and pass on the funding cut to all remaining claimants of working age. This equated to these claimants being entitled to a maximum 80.2% reduction in their Council Tax liability (a reduction of 19.8% of the previous maximum 100% entitlement).
- 6.4 In addition, the Council's scheme has the following characteristics:
- A reduction in the amount of capital savings and investments allowed from £16,000 to £10,00
 - The removal of entitlement if less than £1 per week was awarded
 - The ongoing disregard of child benefit, non-dependent deductions and war pensions when calculating entitlement
 - The agreement for annual uprating to continue in line with Government parameters.
- 6.5 The scheme was approved by Full Council on 17 January 2013 and came into force on 1 April 2013. In accordance with the 1992 Act, each financial year the Council is required to consider whether to revise or replace its scheme. The scheme must comply with requirements prescribed by regulations, including the protection of pensioners from all changes and the exclusion of those subject to immigration control from assistance under a scheme. These requirements are incorporated into the current scheme.

7. The Scheme

- 7.1 In order to minimise the impact on working age claimants, and keep changes to the system to a minimum, the Council Tax Reduction Scheme has been based on the original CTB rules with some locally amended provisions to pass on the reduction in funding. The full Scheme is set out at Appendix C.
- 7.2 In designing the Scheme for 2013/14, the Council took into account a range of issues including the Government's "Statement of Intent" issued in May 2012, the Local Government Finance Act 2012, regulations and guidance issued by the Government relating to vulnerable people and work incentives; as well as the outcomes of the consultation exercise from 2012 and an equalities impact assessment, together with the reduction in funding for the Scheme and the impact on collection rates for council tax.
- 7.3 The rules that were agreed by Full Council for the 2013/2014 scheme and are proposed to continue for 2014/15 are set out in Appendix A

8. Equalities Impact Assessment Summary



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- 8.1 An Equalities Impact Assessment (EqIA) (see Appendix B for full EqIA) has been developed to assess whether and to what extent the proposal to continue the current scheme could disadvantage particular groups within the protected characteristics, defined in the Equality Act 2010.
- 8.2 Analysis shows that of the claimants most likely to be impacted by the continuation of the scheme:
- 54% are in the 25-44 age group
 - 39% are in the 45-59 age group
 - 13% have 3 or more dependents
 - 55% of claimants' have children aged 0-16
 - 38% are lone parents
 - 63% are women
 - 34% of those with ethnicity recorded are non white and 21% other white
- 8.3 The EqIA describes the mitigating measures that can be taken to remove or reduce the disadvantages these groups face and seeks to ensure that full awareness of the implications of the proposal are understood.
- 8.4 The EqIA has used available equality data on claimants from the Council's Revenues and Benefits IT system (I-World) and from the Census. The records show that as of October 2013, excluding pensioners, a total of 17,690 working-age claimant households (55% of claimant households) will continue to be affected by the continuation of the scheme.
- 8.5 The continuation of the scheme continues to support the Government's initiative to lift the poorest off benefits and assist them into work. However, Local Authorities need to be mindful of key vulnerable groups and show due care in assisting them. The table below provides a summary of how the Council will address their duties to these vulnerable groups.

Duty under the Child Poverty Act/ Unemployment/ Deprivation	Unemployment, deprivation and child poverty will be addressed through a range of employment initiatives under Haringey's Corporate Plan, the Child Poverty Strategy and Haringey 54,000 Programme. Details of the impact on various groups and mitigations are laid out in the full EqIA.
Public Sector Equality Duty - Disability	It is proposed that those in receipt of certain disability premiums continue to receive their existing allowances (i.e. they will be protected from the proposed 19.8% reduction).
Armed Forces Covenant – war pension and compensation payment	It is proposed that we continue to disregard war widows' pensions, war pensions and compensation payments made under the Armed Forces Compensation Scheme when calculating income for the purpose of determining the amount payable in council tax.
Duty to prevent	This is being addressed under Haringey's Corporate Plan



homelessness	which has the reduction and prevention of homelessness as a key priority objective.

- 8.6 It is recognised and understood that the Government's intent is to lift the poorest off benefits by supporting them into work and various initiatives and incentives are in place to move towards this. However it is not anticipated that the above barriers would be immediately removed and claimants achieve self reliance as a result of this scheme. Their removal will form part of longer term plans and programmes aimed at assisting claimants so they become less reliant on benefit support.

9. Service Impact Assessment and Financial Modelling

- 9.1 The impact of CTRS is considered on a regular basis, however, only when a full years worth of interrogated and extrapolated data is available will there be sufficient evidence to consider a change to the scheme.
- 9.2 The analysis undertaken so far considers the ongoing impact of the implementation of the Council Tax Reduction Scheme and will include changes to the Council Tax base, income collection and resident demand.
- 9.3 The comparison made between 2012-13 and 2013-14, will show a fairly significant reduction in the council tax base results as grant is now provided for council tax support through the revenue support grant settlement and not as a direct receipt of support for residents. The change from a Council Tax Benefit Scheme to a CTRS treats the reduction as a discount. This discount is now reflected in the council tax base and has reduced the base. The movements in the base and the re-calculation of bad debts will be adjusted in the council tax base for 2014/15 and the medium term financial plan for 2014-16.
- 9.4 The collection income rates to date for CTRS claimants continues to be in line with the financial projections made for 2013/14 however these will continue to be monitored for the remaining months of the financial year.
- 9.5 The Council Tax technical changes agreed by Full Council in January 2013 which took effect from April 2013 have not allowed the Council to significantly mitigate the loss caused by the move from CTB to CTRS. This is due to the number of dwellings impacted by the technical changes being lower in Haringey than a number of other London Boroughs and the anticipated level of movement between exemption and discount types as residents look to optimise reductions.
- 9.6 The increase in the number of changes that residents face in 2013/14 including CTRS, benefits cap, benefit size criteria has resulted in a higher level of contacts and increased back office volumes to process. This was predicted and mitigating actions have contributed to this being managed within the current resource levels.



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- 9.7 The Welfare Reform changes has resulted in a reduced level of available income a resident will have and with the Universal Credit being introduced in 2014 this will also impact on residents ability to manage their money as they will be in receipt of all their benefit entitlements via one monthly payment.

10. Comments from the Chief Finance Officer and Financial Implications

- 10.1 The Chief Finance Officer has been consulted over the contents of the report and the recommendations set out in section 3 and confirms that this is in line with the Council's current medium term financial plan.
- 10.2 The Chief Finance Officer supports the proposal to wait before reviewing and potentially recommending changes to the existing scheme until a complete year of data is available, which will both provide less uncertainty and confusion to residents but also enable a more robust assessment of the financial implications of both the current scheme and ensure that any potential changes are properly based on factual data.
- 10.3 The Chief Financial Officer confirms that collection and arrears levels will continue to be monitored throughout the year and will feed into future decision making on the CTRS.

11. Comments from the Head of Legal Services and Legal Implications

- 11.1 In accordance with section 13A Local Government Finance Act 1992 ("the 1992 Act"), each local authority is required to produce its own scheme to reduce the council tax liability of persons it considers to be in financial need. Following consultation with impacted residents the Council Tax Reduction Scheme for 2013/14 was approved by Full Council on the 17th January 2013.
- 11.2 Each financial year, the authority must consider whether to revise its scheme or to replace it with another scheme, as provided for at paragraph 5 Schedule 1A to the 1992 Act. The authority must make any revision to its scheme, or any replacement scheme, which may be the same scheme already in place, no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect. Once adopted, the Council Tax Reduction Scheme cannot be amended during the financial year for which it is in force
- 11.3 This report recommends no revisions to the scheme currently in place for 2013/14, and accordingly that the same scheme continues to be implemented for the year 2014/15.
- 11.4 In reaching their decision on the recommendations set out in the report, the Council must have specific regard to the authority's public sector equality duty. The extent of the duty on the Council, enforced by the Equality Act 2010, is set out in Appendix D to this report.



Members must take into account the attached full equality impact assessment included at Appendix B to the report, giving particular consideration to section 3 of the assessment, the impacts identified therein and the proposals made to reduce or mitigate them. A summary of the findings is provided at section 8 to this report. The equality impact assessment includes consideration of the duties to mitigate child poverty, prevent homelessness and the armed forces covenant, in line with the Government's requirement to consider the impact of the Council Tax Reduction Scheme on vulnerable groups.

12. Comments from the Head of Procurement

12.1 Not applicable

13. Policy Implication

13.1 This is a continuation of the current Council Tax Reduction Scheme which includes the application method, entitlement criteria, ways to appeal, how to deal with changes of circumstances and notification styles.

13.2 The Scheme will continue to be run by Haringey Council and remains separate from the DWP's Benefit Awards (including Universal Credit when this is introduced).

14. Local Government (Access to Information) Act 1985

14.1 Not applicable

15. Appendices

- Appendix A – Summary of Scheme Rules
- Appendix B – Equalities Impact Assessment
- Appendix C - Haringey Council Tax Reduction Scheme
- Appendix D – Equality Act 2010 – The Public Sector Equality Duty



Appendix A – Summary of Scheme Rules

Class of Persons

It is proposed that eligibility under the Scheme continues to use the previous Council Tax Benefit rules including the change agreed for 2013/14 that the maximum amount of capital that a working age claimant may hold in capital savings before becoming ineligible for council tax support is £10,000.

Class of Reduction

It is proposed that council tax support continue to be calculated as a means tested discount as defined by original Council Tax Benefit rules except for the below changes as agreed for 2013/14:

- Payments are reduced to all working age claimants by 19.8% with the exception of those persons in receipt of the following:
 - Attendance Allowance (including Constant AA)
 - Personal Independence Payment (PIP)
 - Severe Disablement Allowance (including Exceptionally SDA)
 - Long Term Rate Incapacity Benefit
 - Mobility Allowance/Supplement
 - Working Tax Credits – Disability element
- Where entitlement to council tax support is less than £1 per week it will no longer be granted.

Discretionary Reductions under Section 13A (1) (c)

In addition and separate to any reduction calculated as part of the Scheme, this provision provides an Authority with the discretion to reduce a Council Tax Bill to zero, a similar power to that which existed previously.

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Appendix B - Equalities Impact Assessment

Service:	Revenues, Benefits and Customer Services
Directorate:	Assistant Chief Executive
Title of proposal:	Council Tax Reduction Scheme for 2014/15
Lead Officer (author of the proposal):	Paul Ellicott
Names of other Officers involved:	Carla Segel, Inno Amadi

Statement of purpose

In making this proposal, we have been mindful of our public sector equality duty to have due regard to the need to:

- a) eliminate discrimination;
- b) advance equality of opportunity between different groups and;
- c) foster good relations between groups in Haringey.

In addition we are committed to ensuring that we promote social inclusion in all council services making sure that they address the needs of those vulnerable residents who rely most heavily on them. The most socially excluded residents predominantly have the protected characteristics defined in the Equality Act 2010.

The purpose of this assessment is to:

- a) Identify whether and to what extent this proposal: could produce disadvantage or enhance opportunity for any groups with the protected characteristic defined in the Equality Act 2010;
- b) Establish whether the potential disadvantage is significant enough to call for special measures to remove or reduce the disadvantage;
- c) Identify and set out the measures that will be taken to remove or reduce the disadvantage;
- d) Where mitigation measures are not possible, to set out and explain why;
- e) To ensure that Members are fully aware of the implications the proposal may have for the Council's public sector equality duty before they decide on the proposal.

Step One: Identify the aims of the proposal

1) Please state:

- What problems the proposal is intended to address
- What effects it is intended to achieve
- Which group(s) it is intended to benefit and how

Following the introduction of the Welfare Reform Act 2012, the national Council Tax Benefit system was abolished and local authorities have had to develop their own systems for rebating Council Tax, with a reduced funding base and a mandate to protect pensioners from any changes. Following consultation with impacted residents a recommendation was made to protect those in receipt of certain disability benefits and to reduce entitlement to all other working age claimants by 19.8% to cover the gap in funding. The other changes were the removal of entitlement if less than £1 per week was awarded and the removal of entitlement if savings over £10,000 were held. This scheme was approved by Full Council in January 2013 and the changes came into effect from 1 April 2013.

The scheme needs to be reviewed and re-approved each year. As detailed in the Full Council report, it is recommended that the agreed scheme for 2013/14 continue to be implemented for 2014/15.

It is recognised that protecting any group has a detrimental effect on all remaining claimants as the 19.8% reduction needs to increase. Options considered previously include:

- Protecting claimants with children under one
- Protecting all claimants in receipt of 100% benefit
- Protecting all claimants in band A-C properties
- Protecting all working claimants in receipt of a low income

However all of these resulted in a higher than 19.8% reduction for remaining claimants and were deemed unfavourable as a result.

The 2013/14 scheme has been in operation from April and as such there is limited information available to assess its impact. The potential amendments to the scheme can be fully explored for 2015/16 when a full year's worth of data is available and can be sufficiently interrogated and extrapolated. The levels of income collection are in line with the financial projections to date and there is no evidence to suggest that the key changes to the Default Scheme should be amended. Any changes without the full analysis is felt to be premature, could prove confusing for residents who have recently adjusted to the new system and provide an element of financial uncertainty for the Council in terms of budget projections and assumptions

As detailed both in this EQIA and the EQIA for the 2013/14 scheme, there is mitigation in place for those impacted by the changes, however it is recognised and understood that the reduction of entitlement levels has had and will continue to have a negative impact on many vulnerable groups.

The Government guidelines protect pensioners whose entitlement will be maintained at their current rates, hence they are excluded from this EqIA.

Duty to vulnerable groups

In “Localising Support for Council Tax: Vulnerable People – key local authority duties,” the Government was clear that in addition to their public sector equality duty, there were additional duties which the Council would have to have in regards to developing its Council tax Support scheme. These are described in that document as “Vulnerable people – key local authority duties” and include the following key areas:

- **Duty under the Child Poverty Act 2010**
- **Public sector equality duty – disability**
- **Armed Forces Covenant - war pension and compensation payments**
- **Duty to prevent homelessness**

This Equalities Impact Assessment reviews each of these areas in more detail and gives statistics where they are held – although equalities data is routinely asked for new applicants, this data is not mandatory and so the information we hold does not give a complete picture of claimants.

Step Two: Consideration of available data, research and information

Instruction: You should gather all relevant quantitative and qualitative data that will help you assess whether at present, there are differential outcomes for the different equalities target groups – diverse ethnic groups, women, men, older people, young people, disabled people, gay men, lesbians and transgender people and faith groups, etc. Identify where there are gaps in data and say how you plug these gaps.

In order to establish whether a group is experiencing disproportionate effects, you should relate the data for each group to its population size. The Haringey Borough Profile of Protected Characteristics (can be found on the Website) will help you to make comparisons against Haringey's population size. The most up to date information can be found in the [Joint Strategic Needs Assessment](#).

- 1) Using data from equalities monitoring, recent surveys, research, consultation etc. are there group(s) in the community who:**
- **are significantly under/over represented in the use of the service, when compared to their population size?**
 - **have raised concerns about access to services or quality of services?**

For this EqIA, we have used available equality data on claimants on the Council's Revenues and Benefits IT system: i-World. Our records shows that as at September 2013 there are a total of 32,116 households receiving a Council Tax Reduction (following the agreed changes last year, the maximum entitlement level is 80.2%).

Approximately 45% are pensioners or in receipt of certain disability premiums and as such will continue to receive the same level of support as they did previously.

The following table shows the demographic breakdown of current claimants.

Unrecorded protected characteristics

The protected characteristics of gender reassignment, sexual orientation, marriage and civil partnership, religion and belief and pregnancy and maternity are not currently recorded in the Revenues and Benefits IT system as they do not form part of the application criteria. Prior to the Equality Act 2010, these characteristics were not covered by public sector equality duty, hence there was no requirement to record them in the system and as a result, no historical data exist relating to them. This data is routinely asked for as part of the new application processes, however it is not mandatory.

Although the full extent of the impact of the proposed scheme on individuals with these characteristics is not able to be fully shown in this EqIA, we have been able to make estimates of impact and proposed mitigation.

Recorded unprotected characteristics

This EqIA also covers the impact on claimants with dependents, lone parents, economically inactive claimants and a comparison of impact between the east and the west of the borough.

Category	All Council Tax Reduction Scheme claimants	Impacted by Scheme (excluding pensioners and those in receipt of certain disability premiums)	% All Council Tax Reduction Scheme claimants	% Impacted by Scheme (excluding pensioners and those in receipt of certain disability premiums)	Borough of Haringey (where applicable)
Households	32,116	17,690	100%	55%	101,900
Claimant Age					Mid-yr estimate 2012
18-24	895	808	3%	5%	9%
25-44	9,427	9,467	29%	54%	39%
45-59	9,767	6,873	30%	39%	17%
60-64	2,145	542	7%	2%	4%
65+	9,882	0	31%	0%	9%
Dependents Age					Mid-yr estimate 2012
Those with dependants aged 1 and under	1,644	1,539	5%	9%	
Those with dependants aged 5 and under	5,100	4,712	16%	27%	
Those with dependants aged under 16	11,087	9,763	35%	55%	21%
Those with more than 3 dependants	5,752	2,425	18%	14%	
Count of all lone parents with dependants	7,496	6,744	23%	38%	10% (Census 2001)
Disability (based on modelling tool which counts claimants who had been awarded a disability premium as at September 2013)					Nomis (Feb 2012)
No	27,572	17690	86%	100%	92%
Yes	4,544	0	14%	0%	8%
Gender					Mid-yr estimate 2012
Male	12,863	6,492	40%	37%	50%
Female	18,997	10,885	60%	63%	50%
Unknown	256	313	excluded	excluded	
Ethnicity	12,000 claimant records had an ethnicity recorded				Census 2011
White British	1,680	1,600	14%	9%	35%
Other White	3,960	3,655	33%	21%	23%
Non White	6,240	6,001	52%	34%	42%
Unknown	20,116	11,256	excluded	excluded	

* Source: i-World (Revenue and Benefits IT system) September 2013

Our analysis shows that of the claimants most likely to be impacted by the continuation of the scheme:

- 54% are in the 25-44 age group
- 39% are in the 45-59 age group
- 13% have 3 or more dependents
- 55% of claimants' have children aged 0-16
- 38% are lone parents
- 63% are women
- 34% of those with ethnicity recorded are non white and 21% other white

2) What factors / barriers might account for this under/over representation?

As shown in the impact table above, there are certain groups who are over-represented among claimants who are likely to be affected by the scheme. The reasons for this over representation are multiple and complex and are extensively described in the Council's various key strategic documents and summarised in the [Corporate Equality Objectives](#) 2012 – 16. The key factors are:

- **Unemployment** – especially in the east of the borough and within some groups including women, especially lone female parents and minority ethnic communities.
- **Deprivation** – with a disproportionately high concentration in the east and within minority ethnic communities.
- **Child poverty** –with disproportionate incidence in the east and within minority ethnic communities and lone female parents.
- **Disability** –A range of benefits and allowances (e.g. Incapacity Benefit, Severe Disablement Allowance) are claimed by a large number of disabled people of working age. It is recognised that people claiming these benefits are effectively economically inactive and is why it is recommended that they continue to be protected from any changes to their original entitlement.
- **Homelessness** – This may prevent people from working. The homeless register shows an over representation of lone female parents; young people aged 16-24; and; Black or Black British people – three times their size in the local population.

It is recognised and understood that the Government's intent is to lift the poorest off benefits by supporting them into work and various initiative and incentives are in place to move towards this. However it is not anticipated that the above barriers would be immediately removed and claimants achieve self reliance as a result of this scheme. Their removal will form part of longer term plans and programmes aimed at assisting claimants so they become less reliant on benefit support.

3) What other evidence or data will you need to support your conclusions and how do you propose to fill the gap?

Additional evidence/data came from the consultation held last year (August – October 2012) and was used to support the recommendation to continue to protect those in receipt of certain disability premiums.

The 2013/14 scheme has been in operation from April and as such there is limited information available to assess its impact. The potential amendments to the scheme can be

fully explored for 2015/16 when a full year's worth of data is available and can be sufficiently interrogated and extrapolated. The levels of income collection are in line with the financial projections to date and there is no evidence to suggest that the key changes to the Default Scheme should be amended. Any changes without the full analysis is felt to be premature, could prove confusing for residents who have recently adjusted to the new system and provide an element of financial uncertainty for the Council in terms of budget projections and assumptions

Step Three: Assessment of Impact

Instruction: Using the information you have gathered and analysed in step 2, you should assess whether and how the proposal you are putting forward will affect any of the existing barriers facing people who have any of the characteristics protected under the Equality Act 2010. State what actions you will take to address any potential negative effects your proposal may have on them.

1) How will your proposal affect existing barriers? (Please tick below as appropriate and use the space to explain why)

Increase barriers? **X**

Reduce barriers?

No change?

For explanation of the impact see table below.

2) What specific actions are you proposing in order to reduce the existing barriers and imbalances you have identified in Step 2?

The actions are set out in the Mitigation column in the impact table below. When developing their local schemes, authorities were given the power to amend benefit disregards, deduction levels and applicable amounts. Haringey has made a positive choice to continue to protect as many people as we are able to.

1) Impact	2) Mitigation
Protected characteristic: Age	
54% of claimants (excluding pensioners and those in receipt of certain disability premiums) are aged 25-44 39% of claimants (excluding pensioners and those in receipt of certain disability premiums) are aged 45-59 55% of people who will be affected by the continuation of the scheme have children under the age of 16. If unemployed or on low income their households would be exposed to additional financial pressures as a result to the changes. It could also impact adversely on child poverty	- Pensioners are protected from these changes so will not see any amendment in their current entitlement - When calculating entitlement, all premiums, disregards and applicable amounts remain the same: - Premiums are included in the Applicable Amount for all claimants where there are dependent children or qualifying young persons in the household. - Capital belonging to a child or qualifying young person is fully disregarded - Child Benefit and maintenance payments in respect of a child or qualifying young person are fully disregarded - Child care costs are disregarded where appropriate - More generous Applicable Amounts for 'non-passported', working-age and pensioner lone parents are given - There is no change to the level of non-dependant deduction amounts. - There is no change to the application of the deduction exemption for non-dependant students - There is no change to Second Adult Rebate - It is recognised that certain people may find it difficult to find work due to their age; they will continue to be signposted to employment and re-skilling programmes that provide targeted support to find work. These include focused training provided by Haringey Adult Learning Services, CONEL and other Haringey based providers. - Where people have been affected by multiple welfare reform changes (such as the CAP and the Social Fund) they will continue to receive individual assistance including 121 interviews

1) Impact	2) Mitigation
	with colleagues from Housing Services and JobCentrePlus and direct referrals to support providers such as Money Advice Service or the Quaker Social Action Group.
Protected characteristic: Sex (formerly gender)	
- Both sexes will continue to be subject to the same rate of reduction in support and to the same rule changes. - However the majority of claimants who will be affected are female.	Female claimants will continue to be signposted to the various appropriate women specific employment and skills development initiatives in the borough, in addition to generic programmes to help people into work e.g. Haringey Adult Learning Services (HALS) which delivered more than 4000 sessions of support in 2012/13 on employment advice and access to further and higher education. Where appropriate there will continue to be targeted signposting in place for local groups offering support that is gender specific such as Missionaries of Charity which have separate groups for women (Home of Peace) and men (The Gift of Love).
Protected characteristic: Disability (includes people in receipt of Disability Living Allowance, Severe Disablement Allowance and Higher Rate Incapacity Benefit and Chronically Sick Disabled Persons Act duty)	
14% of claimants are receiving a disabled related benefit.	During the consultation period for the 2013/14 scheme, respondents were asked if there was any group that they felt should be protected in addition to pensioners. The majority wanted disabled claimants to be protected and this was agreed by Full Council for the 2013/14 scheme. It is recommended that this protection continue for the 2014/15 scheme. Those in receipt of one or more of the following disability premiums will have their entitlement maintained at its current rate: - Attendance Allowance - Constant Attendance Allowance - PIP - Care component (lower or middle or higher rate) - PIP – Mobility component - Exceptionally Severe Disablement Allowance - Long Term Rate Incapacity Benefit - Mobility Allowance - Mobility Supplement - Severe Disablement Allowance - WTC – Disability element
Protected characteristic: Race (formerly ethnicity)	
Of those who declared their ethnicity, 52% are Black and Minority Ethnic groups combined; 32% are Other White category	Claimants will continue to be signposted to employment and skills training programmes to enhance employment opportunities, especially in the east of the Borough where there is a high concentration of BMEs and high levels of deprivation. Relationships have been built with local JobCentrePlus sites where claimants can receive information about opportunities relating to both employment and skills development. There is also access to budgeting loans to help with any work related costs (such as clothing or equipment). These will continue going forward.
Protected characteristic: Pregnancy and maternity	
We do not collect information about claimants' maternity status so the full impact on this characteristic is not known, however we have	- In support of the Government's initiative to promote working, provisions will continue to apply for 'non-passported' working-age claimants to delay/reduce the impact of stopping work as a result of pregnancy, maternity or paternity leave. - Child care cost disregards will continue to apply where appropriate.

1) Impact	2) Mitigation
used the data we hold to make an estimate of the impact. Our records show that 1644 claimants (5%) have children under one, as such we can assume this group of people will have been impacted by maternity leave.	• The Government's "Healthy Start" scheme provides vouchers to pregnant women and those with children under four which can be exchanged for food, fruit and formula milk. • Haringey has 17 Children Centres located across the borough bringing together a range of services such as childcare, family support, health and education and information on local services. • Women who are pregnant or on maternity leave are unable to work for a set period of time and are likely to be in receipt of statutory maternity pay which may help to supplement their income. Where appropriate there will continue to be targeted signposting in place for those needing support with children such as the Child Poverty Action Group (CPAG), Family Action Group and referrals to the Sure Start Maternity Grant department of the DWP.
Child poverty	
• Approximately 34% of Haringey children are living in poverty (DWP 2010). • High risk groups include children in workless families; children in families with 4 or more children; children in single parent families; children of teenage mothers and BME children (national data shows that poverty rates are higher for all BME groups than for white families) • Our records show that 5100 CTRS claimants (16%) have children under five	Child Poverty will be addressed through the Child Poverty Strategy and Haringey 54,000 Programme with outcomes which include: • Ensuring all families can access a high quality educational offer. • Promoting resilient families by acting as a catalyst for a wide selection of high quality universal or targeted borough-based child and family activities. • Providing high quality safeguarding. It is recognised that there is a need to focus efforts on addressing child needs in a different way and across Haringey departments are working on inclusive strategies that look to address this.
Households with dependent children	

1) Impact	2) Mitigation
- Over 55% of households have at least one child. 13% of claimants have 3 or more dependents - Approximately 38% of affected claimant households are lone parents, most of whom tend to be female.	In addition to the Child Poverty mitigation set out above, when calculating entitlement, all premiums, disregards and applicable amounts remain the same: - Premiums are included in the Applicable Amount for all claimants where there are dependent children or qualifying young persons in the household. - There will be no change to the applicable amount for 'non-passported' working-age (and pensioner) claimants which includes Premiums based on household composition as well as an additional Family Premium with more generous rates for lone parents and the disabled - Capital belonging to a child or qualifying young person is fully disregarded - Child Benefit and maintenance payments in respect of a child or qualifying young person are fully disregarded - Child care costs are disregarded where appropriate - More generous Applicable Amounts for 'non-passported', working-age and pensioner lone parents are given - There is no change to the level of non-dependant deduction amounts. - There is no change to the application of the deduction exemption for non-dependant students - Protection from non-dependant deductions where Attendance Allowance and the Care Component of PIP are received by the claimant/partner(s) will continue. - There is no change to Second Adult Rebate - In support of the Government's initiative to promote working, provisions will continue to apply for 'non-passported' working-age claimants to delay/reduce the impact of stopping work as a result of pregnancy, maternity or paternity leave.
Unemployed (on maximum CTR entitlement)	
The continuation of the scheme will impact more on claimants who are currently not in work and claim maximum CTRS, this constitutes approximately 61%.	Assistance for the unemployed and people on low income will continue to be addressed through various employment and regeneration strategies and plans. The Tottenham Regeneration Programme is one of the core focuses of the Corporate Plan. It has people as its main objective focusing on job creation and the skilling of local people to enable them take up job opportunities. Claimants will continue to be signposted to employment and skills training programmes to enhance their employment opportunities.
Claimants by area of residence (east/west of the borough)	

1) Impact	2) Mitigation
- Census records show 67% of affected claimants reside in the east of the borough. - The high levels of claimants in the east correlate strongly with areas of multiple deprivation, most acute in the north-east of the borough.	Assistance for the unemployed and people on low income will continue to be addressed through various employment and regeneration strategies and plans. The Tottenham Regeneration Programme is one of the core focuses of the Haringey Corporate Plan. It has people as its main objective, focusing on job creation and the skilling of local people to enable them take up job opportunities. Through these strategies and plans the Council aims to tackle unemployment and worklessness especially in the more deprived east of the borough.
Homelessness	
Of those accepted as being unintentionally homeless and being in priority housing need in 2011/12: 30% were young people aged 16 – 24; 49% were Black or Black British; - Just over 50% were lone female parents Source: Haringey Council P1E returns	The requirement to pay Council Tax and therefore the ability to be eligible for Council Tax support is less prominent with this vulnerable group. However, it is recognised that this group will be disadvantaged by the other Welfare Reform changes. Haringey's Corporate Plan has the reduction and prevention of homelessness as a key priority objective with targets set against temporary accommodation placements and homelessness acceptances. Where appropriate there will continue to be targeted signposting in place for those presenting as homeless including organisations such as Crisis, No Second Night Out, Centrepoint, Alone in London, Causeway and CARIS (Christian Action and Response in Society). There has also been close working with the local Foodbanks in terms of physical support (assisting with shifts / managing donations) and claimant referrals, this will continue going forward.
Armed Forces Covenant - war pension and Armed Forces Compensation payment	
6 people in Haringey are in receipt of war disablement pension and are protected under the scheme.	In addition to the mandatory legislation that exists regarding the treatment of Armed Forces personnel (including Territorial Army personnel), Haringey are working with other boroughs on the development of an Armed Forces Community Covenant which targets support at those falling into this group. This could be in terms of housing, education, benefit entitlement, health and employment. Income received from a war pension will continue to be disregarded when calculating entitlement

3) If there are barriers that cannot be removed, what groups will be most affected and what Positive Actions are you proposing in order to reduce the adverse impact on those groups?

It is recognised and understood that the Government's intent is to lift the poorest off benefits by supporting them into work and various initiative and incentives are in place to move towards this. However the barriers in place relating to unemployment, deprivation, disability and homelessness prevent this move to self reliance and self support.

it is not anticipated that these barriers would be immediately removed and claimants achieve self reliance as a result of this scheme. Their removal will form part of longer term plans and programmes aimed at assisting claimants so they become less reliant on benefit support.

It is recognised and understood that these changes will have a detrimental affect on individuals and where possible signposting and targeted support will be offered to those in need.

Step Four: Consult on the proposal

Instruction: Consultation is an essential part of an impact assessment. If there has been recent consultation, which has highlighted the issues you have identified in Steps 2 and 3, use it to inform your assessment. If there has been no consultation relating to the issues, then you may have to carry out consultation to assist your assessment.

Make sure you reach all those who are likely to be affected by the proposal. Potentially these will be people who have some or all of the characteristics listed below and mentioned in the Equality Act 2010:

- Age
- Disability
- Gender Re-assignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race, Religion or Belief
- Sex (formerly Gender) and
- Sexual Orientation

Do not forget to give feedback to the people you have consulted, stating how you have responded to the issues and concerns they have raised.

1) Who have you consulted on your proposal and what were the main issues and concerns from the consultation?

Prior to the scheme being approved by Full Council in January 2013, public consultation took place between 22 August and 19 November 2012 asking respondents about the following key areas:

- Whether they agreed with the four key proposals in the Council's draft Local Scheme
- Whether there were any groups that should be protected by the Scheme
- Whether there were any other comments they wanted to make about the proposed Scheme

The outcomes of this consultation were fed into the approved scheme and led to the recommendation to protect claimants in receipt of certain disability premiums.

It is recommended that the scheme is not revised for 2014/15. Where a scheme is not revised there is no requirement to consult

2) How, in your proposal have you responded to the issues and concerns from consultation?

The feedback from the original consultation was included in the Full Council report in January 2013.

3) How have you informed the public and the people you consulted about the results of the consultation and what actions you are proposing in order to address the concerns raised?

It is recommended that the scheme is not revised for 2014/15. Where a scheme is not revised there is no requirement to consult

Claimants will be informed that the scheme is continuing as is with their annual Council Tax bill which will also include information about the different ways to pay and advice about what to do if they think they will have difficulty paying.

Step Five: Addressing Training

Instruction: The equalities issues you have identified during the assessment and consultation may be new to you or your staff, which means you will need to raise awareness of them among your staff, which may even training. You should identify those issues and plan how and when you will raise them with your staff.

1) Do you envisage the need to train staff or raise awareness of the equalities issues arising from any aspects of your proposal and as a result of the impact assessment, and if so, what plans have you made?

All Revenues, Benefits and Customer Services staff who deal with claimants either face to face, on the phone or in the Back Office when processing applications have been trained and made aware of the changes and likely impact to claimants.

Refresher briefings will be given and will incorporate any other appropriate Welfare Reform updates.

Step Six: Monitoring Arrangements

Instruction: If the proposal is adopted, there is a legal duty to monitor and publish its actual effects on people. Monitoring should cover all the protected characteristics detailed in Step 4 above. The purpose of equalities monitoring is to see how the proposal is working in practice and to identify if and where it is producing disproportionate adverse effects and to take steps to address those effects. You should use the Council's equal opportunities monitoring form which can be downloaded from Harinet. Generally, equalities monitoring data should be gathered, analysed and reported quarterly, in the first instance to your DMT and then to the Corporate Equality Board.

1) What arrangements do you have or will put in place to monitor, report, publish and disseminate information on how your proposal is working and whether or not it is producing the intended equalities outcomes?

- Who will be responsible for monitoring?
- What indicators and targets will be used to monitor and evaluate the effectiveness of the policy/service/function and its equalities impact?
- Are there monitoring procedures already in place which will generate this information?
- Where will this information be reported and how often?

The 2013/14 scheme has been in operation from April and as such there is limited information available to assess its impact. The potential amendments to the scheme can be fully explored for 2015/16 when a full year's worth of data is available and can be sufficiently interrogated and extrapolated. The levels of income collection are in line with the financial projections to date and there is no evidence to suggest that the key changes to the Default Scheme should be amended. Any changes without the full analysis is felt to be premature, could prove confusing for residents who have recently adjusted to the new system and provide an element of financial uncertainty for the Council in terms of budget projections and assumptions

Step Seven: SUMMARY OF IMPACT

Instruction: In the table below, summarise for each diversity strand the impacts you have identified in your assessment.

Age	Disability	Race (Ethnicity)	Sex (Gender)	Religion or Belief	Sexual Orientation	Gender Reassignment	Marriage and Civil Partnership	Pregnancy and Maternity
Pensioners will be protected. Working age claimants will be affected, mostly within the age range with: 54% aged 45 – 59, followed by 39% aged 24-44.	14% of those affected are disabled. It is proposed that they will be continue to be protected from the changes if they are in receipt of certain disability related benefits.	Of the information we hold, it appears that BME groups as a whole would be most affected (52%)	More women (60%) will be affected than men.	No data is available as this information is not collected as part of the CTRS application process.	No data is available as this information is not collected as part of the CTRS application process.	No data is available as this information is not collected as part of the CTRS application process.	No data is available as this information is not collected as part of the CTRS application process.	Although this data is not collected as part of the CTRS application process, we have used the information we hold to make an estimate of the likely impact which shows that 5% of claimants have a child under 1 and 16% have one or more children under 5.

Step Eight: Summarise the actions to be implemented

Instruction: Please list below any recommendations for action that you plan to take as a result of this impact assessment.

Issue	Action required	Lead person	Timescale	Resource implications
Protection of vulnerable groups	In addition to protection for pensioners, it is recommended that the scheme continues to protect claimants in receipt of certain disability premiums. Actions to reduce possible hardship to working age claimants and families with dependents are in the various employment initiatives as laid out in the Corporate Plan.	Head of Revenues, Benefits and Customer Services Director of Regeneration, Planning and Development	Ongoing By 2014	Within existing resources As set out in the Corporate Plan
Monitoring of impact of the scheme	Monitor the impact of the scheme in terms of individual hardship and collection rates. Ensure data is collected on all relevant protected characteristics	Head of Revenues, Benefits and Customer Services	Ongoing	Within existing resources

Step Nine: Publishing results of this EqlA

Instruction: It is standard practice to publish the results of impact assessments. There is also a specific duty to provide as much relevant equality information as possible to enable the public to judge how well we are doing on our public sector equality duty. EqlA results are published not simply to comply with the law but also to make the whole process and its outcome transparent and have a wider community ownership. You should summarise the results of the assessment and intended actions and publish them. You should consider in what formats you will publish in order to ensure that you reach all sections of the community.

1) When and where do you intend to publish the results of your assessment, and in what formats?

The results will be published along with the Full Council report in November 2014 on the Council's website.

Assessed by (Author of the proposal):

Name:

Designation:

Signature:

Date:

Quality checked by (Policy and Equalities Team):

Name:

Designation:

Signature:

Date:

Sign off by Directorate Management Team:

Name:

Designation:

Signature:

Date:

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**London Borough of Haringey
Council Tax Reduction Scheme**

Introduction

This scheme is based on the Council Tax Support Schemes (Default Scheme) Regulations 2012 and incorporates the statutory obligations detailed in the Council Tax Support Schemes (Prescribed Requirements) (England) Regulations 2012.

Certain elements of the Default Scheme have been removed or amended within this scheme and apply solely to persons who have not reached the qualifying age for state pension credit.

This scheme will be amended to take into account any circumstances subsequently identified, through government statute. This scheme will be treated as having been amended to accommodate any changes the government may make to The Prescribed Requirements. Where references are made to the Prescribed Requirements or Default Scheme, these will relate to the most recently published edition of those documents. Where either is revoked, the last published version(s) will apply.

Features of the scheme

Key changes from the Default Scheme (of which apply to persons who have not reached the qualifying age for state pension credit) are as follows:

- Applicants of working-age will have their Council Tax support assessed against 80.2% of their council tax liability
- Applicants in receipt of certain disability benefits and premiums will receive protection from the above measure. These applicants will have their Council Tax support assessed against 100% of their council tax liability
- A minimum weekly Council Tax Support award of £1 has been introduced
- A new capital savings limit of £10,000 has been introduced
- Child benefit and war pensions will be fully disregarded when calculating entitlement for all applicants
- The maximum period for backdating claims shall be 6 months
- Any change of circumstance which is advantageous to council tax support entitlement and reported by the applicant outside one month, will take effect from the date on which it is reported

Application, appeals, revisions and superseded decisions

Provisions at Part 3 and Schedule 1 of this scheme set out how applications for a Council Tax Reduction must be made and how appeals are to be made to the authority.

General administration of the scheme

Apart from where statutorily required, advice of any award granted, removed or revised will be by an adjustment to the council tax bill and the bill itself will be the formal notification. Haringey Council reserves the right to include additional notifications.

Any excess award of Council Tax Reduction will be rectified by the amount being recovered by an adjustment to the council tax bill.

Uprating

This scheme proposes that any figures set out in the scheme may be uprated, to take effect on 1st April each year following the commencement of the scheme, by the consumer price index, set out in the preceding September, or by the rate used by the government in the determination of income support or universal credit.

Data sharing, fraud and error

Information provided by applicants will be used by Haringey Council to process applications for Council Tax Reductions. Information may also be shared internally to facilitate the processing of applications.

Information provided by applicants will also be used by Haringey Council for the prevention and detection of fraud and may also be shared with external and internal bodies responsible for auditing or administering public funds for these purposes.

Haringey Council is the data controller for the purposes of the Data Protection Act.

Penalties

Haringey Council has a responsibility to protect taxpayers and the public purse by effectively fighting fraud. The Council takes all forms of fraud seriously and will take action to recover any money that has been claimed based on false information, a failure to provide (disclose) information or a failure to notify a change of circumstances, possession or supply of articles for use in fraud or more generally obtaining services dishonestly. Such action could include a civil penalty and/or prosecution.

Haringey Council is committed to developing a culture of honesty, and zero tolerance to fraud. Individuals can anonymously notify the Council of a potential fraud.

To report all cases of fraud or corruption please call Fraudwatch on Freephone 0500 500 777

Alternatively please contact:

Audit and Risk Management can be contacted at:
Level 1, Alexandra House,
10 Station Road, Wood Green,
London, N22 7TR
Telephone: 020 8489 3768

Email: fraudcall@haringey.gov.uk

London Borough of Haringey Council Tax Reduction Scheme

This Scheme is based upon the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 (SI 2012/2886)

Application

The Scheme set out below is the reduction scheme for the London Borough of Haringey pursuant to section 13A(2) Local Government Finance Act 1992, approved [INSERT DATE].

These rules may be cited as the Council Tax Reduction Scheme 2014 and come into force on 1 April 2014. These rules are decided by and apply to Haringey Council.

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Part 1
Introduction

Introduction

1

This scheme relates to the financial year beginning with 1st April 2014 and may be cited as the London Borough of Haringey Council Tax Reduction Scheme.

Part 2
Interpretation

Interpretation

2

(1) In this scheme--

"the 1992 Act" means the Local Government Finance Act 1992;

"Abbeyfield Home" means an establishment run by the Abbeyfield Society including all bodies corporate or unincorporated which are affiliated to that society;

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

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

"alternative maximum council tax reduction" means the amount determined in accordance with paragraph 31 and Schedule 4;

"applicable amount" means--

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

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

(i) paragraph 26 and Schedule 3; or

(ii) paragraph 28,

as the case may be;

"applicant" means a person who has made an application;

"application" means an application for a reduction under this scheme;

"assessment period" means--

(a) in relation to pensioners--

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

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

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

"attendance allowance" means--

- (a) an attendance allowance under Part 3 of the SSCBA;
- (b) an increase of disablement pension under section 104 or 105 of that Act;
- (c) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or
- (d) any payment based on need for attendance which is paid as part of a war disablement pension;

"the authority" means the London Borough of Haringey by virtue of paragraph 4(6) of Schedule 1A to the 1992 Act;

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

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

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

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

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

"child" means a person under the age of 16;

"child benefit" has the meaning given by section 141 of the SSCBA;

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

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

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

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

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

"couple" has the meaning given by paragraph 4;

"designated office" means the office of the authority designated by it for the receipt of applications--

- (a) by notice upon or with a form supplied by it for the purpose of making an application; or
- (b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application and without charge; or
- (c) by any combination of the provisions set out in paragraphs (a) and (b);

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

"earnings" has the meaning given by paragraph 41, 44, 51 or 53 as the case may be;

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

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

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

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

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

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

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

"extended reduction period" means the period for which a person is in receipt of an extended reduction in accordance with paragraph 89, 96 or 101;

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

"family" has the meaning given by paragraph 6;

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

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

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

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

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

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

"independent hospital"--

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

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

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

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

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

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

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

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

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

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

"main phase employment and support allowance" means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 except in Part 1 of Schedule 3;

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

"maximum council tax reduction amount" means the amount determined in accordance with paragraph 29;

"member of a couple" means a member of a married or unmarried couple;

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

"mobility supplement" means--

- (a) in relation to pensioners, a supplement to which paragraph 5(1)(a)(vii) of Schedule 5 refers;
- (b) in relation to persons who are not pensioners, a supplement to which paragraph 13 of Schedule 8 refers;

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

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

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

"new dwelling" means, for the purposes of the definition of "second authority" and paragraphs 91, 98 and 103, the dwelling to which an applicant has moved, or is about to move, in which the applicant will be resident;

"non-dependant" has the meaning given by paragraph 9;

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

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

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;

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

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

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

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

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

"pensioner" has the meaning given by paragraph 3(2)(a);

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

"person treated as not being in Great Britain" has the meaning given by paragraph 21;

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

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

"personal pension scheme" means--

- (a) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993;
- (b) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004;
- (c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

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

"polygamous marriage" means any marriage to which paragraph 5 applies;

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

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

"qualifying contributory benefit" means--

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

"qualifying income-related benefit" means--

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

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

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

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

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

"remunerative work" has the meaning given by paragraph 10;

"rent" means "eligible rent" to which regulation 12 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 refer, less any deductions in respect of non-dependants which fall to be made under paragraph 30 (non-dependant deductions);

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

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

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

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

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

"service user group" means a group of individuals that is consulted by or on behalf of--

- (a) a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978;
- (b) a landlord authority in consequence of a function under section 105 of the Housing Act 1985;
- (c) a public authority in Northern Ireland in consequence of a function under section 49A of the Disability Discrimination Act 1995;
- (d) a public authority in consequence of a function under section 149 of the Equality Act 2010;
- (e) a best value authority in consequence of a function under section 3 of the Local Government Act 1999;
- (f) a local authority landlord or registered social landlord in consequence of a function under section 53 of the Housing (Scotland) Act 2001;
- (g) a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006;
- (h) a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006;
- (i) the Care Quality Commission in exercise of a function under section 4 or 5 of the Health and Social Care Act 2008;

- (j) the regulator or a private registered provider of social housing in consequence of a function under section 98, 193 or 196 of the Housing and Regeneration Act 2008; or
- (k) a public or local authority in Great Britain in consequence of a function conferred under any other enactment,

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

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

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

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

"the SSCBA" means the Social Security Contributions and Benefits Act 1992;

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

"student" has the meaning given by paragraph 73;

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

"training allowance" means an allowance (whether by way of periodical grants or otherwise) payable--

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

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

"the Trusts" (except where the context otherwise requires) means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No 2) Trust and "Trustees" is to be construed accordingly;

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

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

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

"war pension" means a war disablement pension, a war widow's pension or a war widower's pension;

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

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

"water charges" means--

- (a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,
- (b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002,

in so far as such charges are in respect of the dwelling which a person occupies as his home;

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

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

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

(3) For the purpose of this scheme, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day--

- (a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid because of a reduction in accordance with section 19 or 19A or regulations made under section 17A or 19B of the Jobseekers Act 1995 (circumstances in which a jobseeker's allowance is not payable);
- (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for section 19 or 19A or regulations made under section 17A or 19B of that Act; or
- (c) in respect of which an income-based jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).

(4) For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day--

- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act 2007 (disqualification); or
- (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act (employment and support allowance: supplementary provisions) and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.

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

(6) In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

Application of scheme: pensioners and persons who are not pensioners

3

- (1) This scheme applies to--
 - (a) pensioners who fall within any of classes A to C; and
 - (b) persons who are not pensioners who fall within any of classes D to F.
- (2) In this scheme--
 - (a) a person is a "pensioner" if--
 - (i) he has attained the qualifying age for state pension credit; and
 - (ii) he is not, or, if he has a partner, his partner is not--
 - (aa) a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance, or
 - (bb) a person with an award of universal credit; and
 - (b) a person is a "person who is not a pensioner" if--
 - (i) he has not attained the qualifying age for state pension credit; or
 - (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is--
 - (aa) a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance, or
 - (bb) a person with an award of universal credit.

Meaning of "couple"

4

- (1) In this scheme "couple" means--
 - (a) a man and woman who are married to each other and are members of the same household;
 - (b) a man and woman who are not married to each other but are living together as husband and wife;
 - (c) two people of the same sex who are civil partners of each other and are members of the same household; or
 - (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.
- (2) Two people of the same sex 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.

Polygamous marriages

5

- (1) This paragraph applies to any case where--

- (a) a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and
 - (b) either party to the marriage has for the time being any spouse additional to the other party.
- (2) For the purposes of paragraph 4 (meaning of "couple") neither party to the marriage is to be taken to be a member of a couple.

Meaning of "family"

6

- (1) In this scheme "family" means--
- (a) a couple;
 - (b) a couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person; or
 - (c) a person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a young person.
- (2) The references to a child or young person in sub-paragraph (1)(b) and (c) include a child or young person in respect of whom section 145A of the SSCBA applies for the purposes of entitlement to child benefit, but only for the period prescribed under section 145A(1).
- (3) The references to a young person in sub-paragraph (1)(b) and (c) do not include a young person who is--
- (a) on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, or has an award of universal credit; or
 - (b) a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies.

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

7

- (1) A person is to be treated as responsible for a child or young person who is normally living with him, including a child or young person to whom paragraph 6(2) applies.
- (2) Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person must be treated for the purposes of sub-paragraph (1) as normally living with--
- (a) the person who is receiving child benefit in respect of that child or young person, or
 - (b) if there is no such person--
 - (i) where only one claim for child benefit has been made in respect of him, the person who made that claim, or
 - (ii) in any other case the person who has the primary responsibility for him.
- (3) For the purposes of this scheme a child or young person is the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this paragraph is to be treated as not so responsible.

Households

8

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

(2) A child or young person is not be treated as a member of the applicant's household where he is--

(a) placed with the applicant or his partner by a local authority under section 22C or 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 or the Adoption (Northern Ireland) Order 1987.

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

(a) is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or

(b) has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or

(c) has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.

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

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

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

(5) In this paragraph "relevant enactment" means--

(a) the Army Act 1955;

(b) the Air Force Act 1955;

(c) the Naval Discipline Act 1957;

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

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

(f) the Family Law Reform Act 1969;

(g) the Children and Young Persons Act 1969;

(h) the Matrimonial Causes Act 1973;

(i) the Children Act 1975;

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

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

Non-dependants

9

- (1) In this scheme, "non-dependant" means any person, except someone to whom sub-paragraph (2) applies, who normally resides with an applicant or with whom an applicant normally resides.
- (2) This paragraph applies to--
 - (a) any member of the applicant's family;
 - (b) if the applicant is polygamously married--
 - (i) where the applicant has (alone or jointly with his partner) an award of universal credit, any--
 - (aa) party to such a marriage other than the applicant's partner; and
 - (bb) any child or young person who is a member of his household and for whom he or his partner or another party to the polygamous marriage is responsible; or
 - (ii) in any other case, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
 - (c) a child or young person who is living with the applicant but who is not a member of his household by virtue of paragraph 8 (households);
 - (d) subject to sub-paragraph (3), any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under section 6 or 7 of the 1992 Act (persons liable to pay council tax);
 - (e) subject to sub-paragraph (3), any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
 - (f) a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.
- (3) Excepting persons to whom sub-paragraph (2)(a) to (c) and (f) refer, a person to whom any of the following paragraphs applies is a non-dependant--
 - (a) a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either--
 - (i) that person is a close relative of his or his partner; or
 - (ii) the tenancy or other agreement between them is other than on a commercial basis;
 - (b) a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of a council tax reduction scheme except someone who was, for

any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;

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

Remunerative work

10

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

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

(a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);

(b) in any other case, the period of 5 weeks immediately prior to the date of application, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately.

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

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

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

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

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

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

(a) a sports award has been made, or is to be made, to him; and

(b) no other payment is made or is expected to be made to him.

Part 3 Procedural Matters

Procedure for reduction applications and appeals against reduction decisions

11

Schedule 1 contains provisions about the procedure--

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

Part 4 Classes of Person Entitled to a Reduction Under this Scheme

Classes of person entitled to a reduction under this scheme

12

- (1) The classes of person described in paragraphs 13 to 18 are entitled to a reduction under this scheme.
- (2) In those paragraphs, references to the applicant's income or capital include, in a case where that income or capital cannot accurately be determined, references to the applicant's estimated income or capital.

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

13

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

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

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

14

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

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;

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

Class C: alternative maximum council tax reduction--pensioners

15

- (1) On any day class C consists of any person who is a pensioner--
 - (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) who has made an application; and
 - (f) in relation to whom the condition in sub-paragraph (2) is met.
- (2) The condition referred to in sub-paragraph (1)(f) is that no other resident of the dwelling is liable to pay rent to the applicant in respect of the dwelling and there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate incomes, of one or more residents to whom this sub-paragraph applies.
- (3) Sub-paragraph (2) applies to any other resident of the dwelling who--
 - (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
 - (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
 - (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and--
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act (persons disregarded for the purposes of discount), falls to be disregarded for the purposes of discount; or
 - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
 - (d) is not a person who jointly with the applicant falls within the same paragraph of section 6(2)(a) to
 - (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or

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

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

16

On any day class D consists of any person who is not a pensioner--

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income (if any) for the relevant week is less than his applicable amount, and
- (f) who has made an application.
- (g) any such person identified in 16(a), 16(b), 16(c), 16 (d), 16 (e) and 16(f) shall not be entitled to a council tax reduction if, once calculated, their award would have been less than £1 per week.

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

17

On any day class E consists of any person who is not a pensioner--

- (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
- (c) in respect of whom a maximum council tax reduction amount can be calculated;
- (d) who does not fall within a class of person not entitled to a reduction under this scheme;
- (e) whose income for the relevant week is greater than his applicable amount;
- (f) in respect of whom amount A exceeds amount B where--
 - (i) amount A is the maximum council tax reduction in his case; and
 - (ii) amount B is $2\frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount, and
- (g) who has made an application.
- (h) any such person identified in 17(a), 17(b), 17(c), 17 (d), 17 (e), 17(f) and 17(g) shall not be entitled to a council tax reduction if, once calculated, their award would have been less than £1 per week

Class F: alternative maximum council tax reduction--persons who are not pensioners

18

- (1) On any day class F consists of any person who is not a pensioner--
 - (a) who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
 - (b) who, subject to paragraph 19 (periods of absence from a dwelling), is not absent from the dwelling throughout the day;
 - (c) in respect of whom a maximum council tax reduction amount can be calculated;
 - (d) who does not fall within a class of person not entitled to a reduction under this scheme;
 - (e) who has made an application; and
 - (f) in relation to whom the condition in sub-paragraph (2) is met.
- (2) The condition referred to in sub-paragraph (1)(f) is that no other resident of the dwelling is liable to pay rent to the person in question in respect of the dwelling and there is an alternative maximum council tax reduction in respect of the day in the case of that person which is derived from the income, or aggregate incomes, of one or more residents to whom this sub-paragraph applies.
- (3) Sub-paragraph (2) applies to any other resident of the dwelling who--
 - (a) is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; and
 - (b) is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
 - (c) is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant for the reduction is a member of that couple or of that marriage and--
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
 - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
 - (d) is not a person who jointly with the applicant for reduction falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
 - (e) is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Periods of absence from a dwelling

19

- (1) A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.
- (2) In sub-paragraph (1), a "period of temporary absence" means--

(a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as--

- (i) the person resides in that accommodation;
- (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
- (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,

where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;

(b) a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as--

- (i) the person intends to return to the dwelling;
- (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
- (iii) that period is unlikely to exceed 13 weeks; and

(c) a period of absence not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as--

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

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

(a) is detained in custody on remand pending trial or required, as a condition of bail, to reside--

- (i) in a dwelling, other than the dwelling referred to in sub-paragraph (1), or
- (ii) in premises approved under section 13 of the Offender Management Act 2007,

or is detained in custody pending sentence upon conviction;

(b) is resident in a hospital or similar institution as a patient;

(c) is undergoing, or whose partner or dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;

(d) is following, in the United Kingdom or elsewhere, a training course;

(e) is undertaking medically approved care of a person residing in the United Kingdom or elsewhere;

(f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;

(g) is, in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;

(h) is a student;

- (i) is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or
- (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

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

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

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

- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
- (b) for the purposes of sub-paragraph (3)(a), he must be treated as if he remains in detention;
- (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.

(6) In this paragraph--

"medically approved" means certified by a medical practitioner;

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

"residential accommodation" means accommodation which is provided in--

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

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

Part 5

Classes of Person Excluded from this Scheme

Classes of person excluded from this scheme

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

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

21

(1) The class of person described in this paragraph consists of any person treated as not being in Great Britain.

(2) Except where a person falls within sub-paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

(3) A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.

(4) For the purposes of sub-paragraph (3), a right to reside does not include a right which exists by virtue of, or in accordance with--

(a) regulation 13 of the EEA Regulations or Article 6 of Council Directive No 2004/38/EC; or

(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 (4A) of that regulation or Article 20 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).

(5) A person falls within this sub-paragraph if the person is--

(a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;

(b) a family member of a person referred to in paragraph (a) within the meaning of regulation 7(1)(a), (b) or (c) of the EEA Regulations;

(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;

(d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;

(e) a person granted limited leave to enter or remain in the United Kingdom outside the provisions of the rules made under section 3(2) of the Immigration Act 1971 on the rejection of their claim for asylum;

(f) a person who has humanitarian protection granted under those rules; or

(g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom.

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

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

(8) In this paragraph--

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

"EEA Regulations" means the Immigration (European Economic Area) Regulations 2006.

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

22

- (1) Persons subject to immigration control are not entitled to a reduction under this scheme.
- (2) "Person subject to immigration control" has the meaning given in section 115(9) of the Immigration and Asylum Act 1999.

Class of person excluded from this scheme: capital limit

23

- (1) The class of person described in this paragraph consists of any pensioner whose capital limit exceeds £16,000 and of any person who is not a pensioner whose capital exceeds £10,000.
- (2) Capital for the purposes of sub-paragraph (1) is to be calculated in accordance with Part 10 of this scheme.

Class of person excluded from this scheme: students

24

The class of person described in this paragraph consists of any student to whom paragraph 75(1) applies (except to the extent that a student may be entitled to an alternative maximum council tax reduction by virtue of paragraph 18).

Part 6
Applicable Amounts

Applicable amounts: pensioners

25

- (1) The applicable amount for a pensioner for a week is the aggregate of such of the following amounts as apply in his case--
 - (a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 2 (personal allowance);
 - (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 2 of that Schedule (child or young person amounts);
 - (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of that Schedule (family premium);
 - (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums).
- (2) In Schedule 2--

"additional spouse" means a spouse by the party to the marriage who is additional to the party to the marriage;

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

Applicable amounts: persons who are not pensioners

26

(1) Subject to paragraphs 27 and 28, the applicable amount for a week for a person who is not a pensioner is the aggregate of such of the following amounts as may apply in his case--

- (a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 of Schedule 3;
- (b) an amount in respect of any child or young person who is a member of his family, determined in accordance with paragraph 3 of that Schedule;
- (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part 2 of that Schedule (family premium);
- (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of that Schedule (premiums);
- (e) the amount of either the--
 - (i) work-related activity component; or
 - (ii) support component,

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

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

(2) In Schedule 3--

"additional spouse" means a spouse by the party to the marriage who is additional to the party to the marriage;

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

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

Polygamous marriages: persons who are not pensioners

27

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

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

- (a) the amount applicable to him and one of his partners determined in accordance with paragraph 1(3) of Schedule 3 as if he and that partner were a couple;
- (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3) and (1)(b) of paragraph 1 of that Schedule in respect of each of his other partners;
- (c) an amount determined in accordance with paragraph 2 of that Schedule (main phase employment and support allowance) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
- (d) if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part 2 of that Schedule (family premium);
- (e) the amount of any premiums which may be applicable to him determined in accordance with Parts 3 and 4 of that Schedule (premiums);
- (f) the amount of either the--
 - (i) work-related activity component; or
 - (ii) support component,

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

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

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

28

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

- (a) who has, or
- (b) who (jointly with his partner) has,

an award of universal credit, the authority must use the calculation or estimate of the maximum amount of the applicant, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (3).

- (2) In determining the applicable amount for a week of an applicant who is a member of a polygamous marriage, the fact that two people are husband and wife is to be disregarded if--

- (a) one of them is a party to an earlier marriage that still subsists; and
- (b) the other party to that earlier marriage is living in the same household.

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

- (4) In this paragraph "maximum amount" means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012.

Part 7

Maximum Council Tax Reduction for the Purposes of Calculating Eligibility for a Reduction Under this Scheme and Amount of Reduction

Maximum council tax reduction amount under this scheme: pensioners and persons who are not pensioners

29

(1) Subject to sub-paragraphs (2) to (4), a person's maximum council tax reduction amount in respect of a day is—

- (a) 100 per cent of the amount A/B if the applicant is a pensioner;
- (b) save as excepted for at (c) and (d) below, 80.2 per cent of the amount A/B if the applicant is a person who is not a pensioner;
- (c) 100 per cent of the amount A/B if the applicant is not a pensioner but is in receipt of any of the following--
 - (i) Attendance Allowance including Constant Attendance Allowance;
 - (ii) Disability Living Allowance including Care and Mobility components;
 - (iii) Severe Disablement Allowance including Exceptionally Severe Disablement Allowance;
 - (iv) Mobility Allowance and Supplement;
 - (v) Long Term Rate Incapacity Benefit;
 - (vi) Working Tax Credits – Disability element;
 - (vii) Personal Independence Payment

(d) 100 per cent of the amount A/B if the applicant is not a pensioner but is responsible for a disabled child or young person of the same household and where the applicant is in receipt of any of the following premiums--

- (i) Disability Premium;
- (ii) Disabled Child Premium;
- (iii) Enhanced Disability Premium;
- (iv) Enhanced Disability Child Premium;
- (v) Carer Premium;
- (vi) Severe Disability Premium

where--

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

(B) B is the number of days in that financial year,

less any deductions in respect of non-dependants which fall to be made under paragraph 30 (non-dependant deductions: pensioners and persons who are not pensioners).

(2) In calculating a person's maximum council tax reduction under this scheme any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act (other than a reduction under this scheme), is to be taken into account.

(3) Subject to sub-paragraph (4), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the maximum council tax reduction in his case in accordance with sub-paragraph (1), the amount A is to be divided by the number of persons who are jointly and severally liable for that tax.

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

(5) The reference in sub-paragraph (3) to a person with whom an applicant is jointly and severally liable for council tax, where the applicant is a person who is not a pensioner, does not include a student to whom paragraph 75(1) (entitlement of students to a reduction under this scheme) applies.

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

Non-dependant deductions: pensioners and persons who are not pensioners

30

(1) Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in paragraph 29 are--

- (a) in respect of a non-dependant aged 18 or over in remunerative work, £10.95 x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, £3.65 x 1/7.

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

- (a) less than £186.00, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);
- (b) not less than £186.00 but less than £322.00, the deduction to be made under this paragraph is £7.25;
- (c) not less than £322.00 but less than £401.00, the deduction to be made under this paragraph is £9.15.

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

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

(5) Where in respect of a day--

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

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

(c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons,

the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

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

(a) blind or treated as blind by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or

(b) receiving in respect of himself--

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

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

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

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

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

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

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

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

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

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

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

(c) he is a full-time student within the meaning of Part 11 (students); or

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

(i) "patient" has the meaning given in paragraph 19(6), and

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

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

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

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

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

(a) any attendance allowance, disability living allowance, personal independence payment or an AFIP received by him;

(b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and

(c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

Part 8

Alternative Maximum Council Tax Reduction for the Purposes of Calculating Eligibility for a Reduction Under this Scheme and Amount of Reduction

Alternative maximum council tax reduction under this scheme: pensioners and persons who are not pensioners

31

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

(2) Subject to sub-paragraph (3), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the alternative maximum council tax reduction in his case, the amount determined in accordance with Schedule 4 must be divided by the number of persons who are jointly and severally liable for that tax.

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

Part 9

Amount of Reduction Under this Scheme

Amount of reduction under this scheme: Classes A to F

32

(1) Where a person is entitled to a reduction under this scheme in respect of a day, the amount of the reduction to which he is entitled is as follows.

- (2) Where the person is within class A or D, that amount is the amount which is the maximum council tax reduction in respect of the day in the applicant's case.
- (3) Where the person is within class B or E, that amount is the amount found by deducting amount B from amount A, where "amount A" and "amount B" have the meanings given in paragraph 14(f) or 17(f), as the case may be.
- (4) Where the person is within class C or F, that amount is the amount which is the alternative maximum council tax reduction in respect of the day in the applicant's case.
- (5) Sub-paragraph (6) applies where both--
 - (a) sub-paragraph (2) or sub-paragraph (3), and
 - (b) sub-paragraph (4),

apply to a person.

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

Part 10

Income and Capital for the Purposes of Calculating Eligibility for a Reduction Under this Scheme and Amount of Reduction

Chapter 1

Income and Capital: General

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

33

- (1) The income and capital of--
 - (a) an applicant; and
 - (b) any partner of that applicant,

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

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

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

34

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

(2) Except where--

- (a) the applicant is a pensioner and is on a guarantee credit, or
- (b) the applicant is not a pensioner and is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance,

the authority must treat the applicant as possessing income and capital belonging to that non-dependant and, in such a case, any income and capital which the applicant does possess is to be disregarded.

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

Chapter 2

Income and Capital: Pensioners in Receipt of Guarantee Credit or Savings Credit

Applicant in receipt of guarantee credit: pensioners

35

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

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

36

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

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

- (a) the amount of any savings credit payable;
- (b) in respect of any dependent children of the applicant, child care charges taken into account under paragraph 57(1)(c) (calculation of income on a weekly basis);
- (c) the higher amount disregarded under this scheme in respect of--
 - (i) lone parent's earnings; or
 - (ii) payments of maintenance, whether under a court order or not, which is made or due to be made by--

- (aa) the applicant's former partner, or the applicant's partner's former partner; or
 - (bb) the parent of a child or young person where that child or young person is a member of the applicant's family except where that parent is the applicant or the applicant's partner;
 - (d) any amount to be disregarded by virtue of paragraph 10(1) of Schedule 5 (sums disregarded from applicant's earnings: pensioners);
 - (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under paragraph 8, to the extent that it is not taken into account in determining the net income of the person claiming state pension credit;
 - (f) paragraph 34 (circumstances in which capital and income of a non-dependant is to be treated as applicant's), if the authority determines that that provision applies in the applicant's case;
 - (g) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable);
 - (h) any amount to be disregarded by virtue of paragraph 6 of Schedule 5 (exempt work).
- (3) Paragraphs 39 to 46 (calculation of income: pensioners) and 57 to 61 (calculation of income: pensioners and persons who are not pensioners) do not apply to the amount of the net income to be taken into account under sub-paragraph (1), but do apply (so far as relevant) for the purpose of determining any adjustments to that amount which the authority makes under sub-paragraph (2).
- (4) If sub-paragraph (5) applies, the authority must calculate the applicant's capital in accordance with paragraphs 63, 65 to 68 and 70 (calculation of capital: pensioners).
- (5) This sub-paragraph applies if--
- (a) the Secretary of State notifies the authority that the applicant's capital has been determined as being £16,000 or less or the authority determines his capital as being £16,000 or less;
 - (b) subsequent to that determination the applicant's capital rises to more than £16,000; and
 - (c) the increase occurs whilst there is in force an assessed income period within the meaning of sections 6 and 9 of the State Pension Credit Act 2002.

Chapter 3 Income and Capital Where there is an Award of Universal Credit

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

37

- (1) In determining the income of an applicant--
- (a) who has, or
 - (b) who (jointly with his partner) has,

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

- (2) The authority must adjust the amount of the income referred to in sub-paragraph (1) by multiplying the amount by 12 and dividing the product by 52.

(3) The authority may only adjust the amount of the income as adjusted in accordance with sub-paragraph (2) so far as necessary to take into account--

- (a) the amount of the award of universal credit, determined in accordance with sub-paragraph (3);
- (b) paragraph 34 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
- (c) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).

(4) The amount for the award of universal credit to be taken into account for the purposes of sub-paragraph (3)(a) is to be determined by multiplying the amount of the award of universal credit by 12 and dividing the product by 52.

(5) Paragraph 34 (income and capital of non-dependant to be treated as applicant's) applies for the purpose of determining any adjustments which fall to be made to the figure for income under sub-paragraph (3).

(6) In determining the capital of an applicant--

- (a) who has, or
- (b) who (jointly with his partner) has,

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

Chapter 4 **Income: Other Pensioners**

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

38

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

Meaning of "income": pensioners

39

(1) For the purposes of classes A to C in this scheme, "income" means income of any of the following descriptions--

- (a) earnings;
- (b) working tax credit;
- (c) retirement pension income within the meaning of the State Pension Credit Act 2002;
- (d) income from annuity contracts (other than retirement pension income);
- (e) a war disablement pension or war widow's or widower's pension;
- (f) a foreign war disablement pension or war widow's or widower's pension;

- (g) a guaranteed income payment;
- (h) a payment made under article 29(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, in any case where article 31(2)(c) applies;
- (i) income from capital other than capital disregarded under Part 1 of Schedule 9;
- (j) social security benefits, other than retirement pension income or any of the following benefits--
 - (i) disability living allowance;
 - (ii) personal independence payment;
 - (iii) an AFIP;
 - (iv) attendance allowance payable under section 64 of the SSCBA (entitlement to attendance allowance);
 - (v) an increase of disablement pension under section 104 (increase for constant attendance) or 105 of that Act (increase for exceptionally severe disablement);
 - (vi) child benefit;
 - (vii) any guardian's allowance payable under section 77 of the SSCBA (guardian's allowance);
 - (viii) any increase for a dependant, other than the applicant's partner, payable in accordance with Part 4 of that Act (increases for dependants);
 - (ix) any--
 - (aa) social fund payment made under Part 8 of the SSCBA (the social fund), or
 - (bb) occasional assistance;
- (x) Christmas bonus payable under Part 10 of that Act (Christmas bonus for pensioners);
- (xi) housing benefit;
- (xii) council tax benefit;
- (xiii) bereavement payment;
- (xiv) statutory sick pay;
- (xv) statutory maternity pay;
- (xvi) ordinary statutory paternity pay payable under Part 12ZA of the SSCBA;
- (xvii) additional statutory paternity pay payable under Part 12ZA of the SSCBA;
- (xviii) statutory adoption pay payable under Part 12ZB of that Act (statutory adoption pay);
- (xix) any benefit similar to those mentioned in the preceding provisions of this paragraph payable under legislation having effect in Northern Ireland;
- (k) all foreign social security benefits which are similar to the social security benefits mentioned above;
- (l) a payment made--
 - (i) under article 30 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (award for children who have reached the child's age limit), in any case where article 30(1)(b) applies; or
 - (ii) under article 12(8) of that Order (unemployability allowances: children who have reached the child's age limit), in any case where sub-paragraph (b) of that article applies;

- (m) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
- (n) payments under a scheme made under the Pneumoconiosis etc (Worker's Compensation) Act 1979;
- (o) payments made towards the maintenance of the applicant by his spouse, civil partner, former spouse or former civil partner or towards the maintenance of the applicant's partner by his spouse, civil partner, former spouse or former civil partner, including payments made--
 - (i) under a court order;
 - (ii) under an agreement for maintenance; or
 - (iii) voluntarily;
- (p) payments due from any person in respect of board and lodging accommodation provided by the applicant;
- (q) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;
- (r) any payment in respect of any--
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982;
- (s) any payment, other than a payment ordered by a court or made in settlement of a claim, made by or on behalf of a former employer of a person on account of the early retirement of that person on grounds of ill-health or disability;
- (t) any sum payable by way of pension out of money provided under--
 - (i) the Civil List Act 1837,
 - (ii) the Civil List Act 1937,
 - (iii) the Civil List Act 1952,
 - (iv) the Civil List Act 1972, or
 - (v) the Civil List Act 1975;
- (u) any income in lieu of that specified in paragraphs (a) to (r);
- (v) any payment of rent made to an applicant who--
 - (i) owns the freehold or leasehold interest in any property or is a tenant of any property;
 - (ii) occupies part of the property; and
 - (iii) has an agreement with another person allowing that person to occupy that property on payment of rent;
- (w) any payment made at regular intervals under an equity release scheme;
- (x) PPF periodic payments within the meaning of section 17(1) of the State Pension Credit Act 2002.

- (2) Where the payment of any social security benefit referred to in sub-paragraph (1) is subject to any deduction (other than an adjustment specified in sub-paragraph (4)) the amount to be taken into account under sub-paragraph (1) is to be the amount before the deduction is made.
- (3) Where an award of any working tax credit or child tax credit is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- (4) The adjustments specified in this sub-paragraph are those made in accordance with--
 - (a) the Social Security (Overlapping Benefits) Regulations 1979;
 - (b) the Social Security (Hospital In-Patients) Regulations 1975;
 - (c) section 30DD or section 30E of the SSCBA (reductions in incapacity benefit in respect of pensions and councillor's allowances);
 - (d) section 3 of the Welfare Reform Act 2007 (deductions from contributory employment and support allowance in respect of pensions and councillor's allowances) and regulations made under it.
- (5) In sub-paragraph (1)(w), "equity release scheme" means a loan--
 - (a) made between a person ("the lender") and the applicant;
 - (b) by means of which a sum of money is advanced by the lender to the applicant by way of payments at regular intervals; and
 - (c) which is secured on a dwelling in which the applicant owns an estate or interest and which he occupies as his home.

Calculation of weekly income: pensioners

40

- (1) Except in a case within sub-paragraph (2) or (4), for the purposes of calculating the weekly income of an applicant who is a pensioner, where the period in respect of which a payment is made--
 - (a) does not exceed a week, the whole of that payment is to be included in the applicant's weekly income;
 - (b) exceeds a week, the amount to be included in the applicant's weekly income is to be determined--
 - (i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - (ii) in a case where that period is three months, by multiplying the amount of the payment by 4 and dividing the product by 52;
 - (iii) in a case where that period is a year, by dividing the amount of the payment by 52;
 - (iv) in any other case, by multiplying the amount of the payment by 7 and dividing the product by the number of days in the period in respect of which it is made.
- (2) Sub-paragraph (3) applies where--
 - (a) the applicant's regular pattern of work is such that he does not work the same hours every week; or
 - (b) the amount of the applicant's income fluctuates and has changed more than once.

- (3) The weekly amount of that applicant's income is to be determined--
- (a) if, in a case to which sub-paragraph (2)(a) applies, there is a recognised cycle of work, by reference to his average weekly income over the period of the complete cycle (including, where the cycle involves periods in which the applicant does no work, those periods but disregarding any other absences); or
 - (b) in any other case, on the basis of--
 - (i) the last two payments if those payments are one month or more apart;
 - (ii) the last four payments if the last two payments are less than one month apart; or
 - (iii) calculating or estimating such other payments as may, in the particular circumstances of the case, enable the applicant's average weekly income to be determined more accurately.
- (4) For the purposes of sub-paragraph (3)(b) the last payments are the last payments before the date the application was made or treated as made.
- (5) If the applicant is entitled to receive a payment to which sub-paragraph (6) applies, the amount of that payment is to be treated as if made in respect of a period of a year.
- (6) This sub-paragraph applies to--
- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;
 - (b) any payment in respect of any--
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982; and
 - (c) any payment which is made on an occasional basis.
- (7) The period under which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.
- (8) Where payments are made in a currency other than Sterling, the value of the payment is to be determined by taking the Sterling equivalent on the date the payment is made.
- (9) The sums specified in Schedule 5 are to be disregarded in calculating--
- (a) the applicant's earnings; and
 - (b) any amount to which sub-paragraph (6) applies where the applicant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book or work referred to in sub-paragraph (6)(b).
- (10) For the purposes of sub-paragraph (9)(b), and for that purpose only, the amounts specified in sub-paragraph (6) is to be treated as though they were earnings.
- (11) Income specified in Schedule 6 is to be disregarded in the calculation of the applicant's income.
- (12) Schedule 9 (capital disregards: pensioners) has effect so that--
- (a) the capital specified in Part 1 is disregarded for the purpose of determining an applicant's income; and
 - (b) the capital specified in Part 2 is disregarded for the purpose of determining an applicant's income under paragraph 71 (calculation of tariff income from capital: pensioners).

(13) In the case of any income taken into account for the purpose of calculating a person's income any amount payable by way of tax is disregarded.

Earnings of employed earners: pensioners

41

(1) Subject to sub-paragraph (2), "earnings", in the case of employment as an employed earner who is a pensioner, means any remuneration or profit derived from that employment and includes--

- (a) any bonus or commission;
- (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- (c) any payment in lieu of notice;
- (d) any holiday pay;
- (e) any payment by way of a retainer;
- (f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of--
 - (i) travelling expenses incurred by the applicant between his home and place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- (g) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001;
- (h) statutory sick pay and statutory maternity pay payable by the employer under the SSCBA;
- (i) statutory paternity pay payable under Part 12ZA of that Act;
- (j) statutory adoption pay payable under Part 12ZB of that Act;
- (k) any sums payable under a contract of service--
 - (i) for incapacity for work due to sickness or injury; or
 - (ii) by reason of pregnancy or confinement.

(2) Earnings does not include--

- (a) subject to sub-paragraph (3), any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
- (c) any occupational pension;
- (d) any lump sum payment made under the Iron and Steel Re-adaptation Benefits Scheme;
- (e) any payment of compensation made pursuant to an award by an employment tribunal established under the Employment Tribunals Act 1996 in respect of unfair dismissal or unlawful discrimination;
- (f) any payment in respect of expenses arising out of the applicant's participation in a service user group.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(g).

Calculation of net earnings of employed earners: pensioners

42

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

(2) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (5) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less--

(a) any amount deducted from those earnings by way of--

(i) income tax;

(ii) primary Class 1 contributions under the SSCBA;

(b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;

(c) one-half of the amount calculated in accordance with sub-paragraph (4) in respect of any qualifying contribution payable by the applicant; and

(d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.

(3) In this paragraph "qualifying contribution" means any sum which is payable periodically as a contribution towards a personal pension scheme.

(4) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined--

(a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;

(b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.

(5) Where the earnings of an applicant are determined under paragraph 40(2)(b) (calculation of weekly income: pensioners) his net earnings is to be calculated by taking into account those earnings over the assessment period, less--

(a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which

the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;

- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

Calculation of earnings of self-employed earners: pensioners

43

(1) Where the earnings of an applicant who is a pensioner consist of earnings from employment as a self-employed earner, the weekly amount of his earnings is to be determined by reference to his average weekly earnings from that employment--

- (a) over a period of one year; or
- (b) where the applicant has recently become engaged in that employment or there has been a change which is likely to affect the normal pattern of business, over such other period ("computation period") as may, in the particular case, enable the weekly amount of his earnings to be determined more accurately.

(2) For the purposes of determining the weekly amount of earnings of an applicant to whom sub-paragraph (1)(b) applies, his earnings over the computation period are to be divided by the number equal to the number of days in that period and the product multiplied by 7.

(3) The period over which the weekly amount of an applicant's earnings is calculated in accordance with this paragraph is to be his assessment period.

Earnings of self-employed earners: pensioners

44

(1) Subject to sub-paragraph (2), "earnings", in the case of employment as a self-employed earner who is a pensioner, means the gross income of the employment.

(2) "Earnings" in the case of employment as a self-employed earner does not include--

- (a) where an applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation for which payment is made, those payments;
- (b) any payment made by a local authority to an applicant--
 - (i) with whom a person is accommodated by virtue of arrangements made under section 22C or 23(2)(a) of the Children Act 1989 or, as the case may be, section 26(1) of the Children (Scotland) Act 1995; or
 - (ii) with whom a local authority fosters a child under the Looked After Children (Scotland) Regulations 2009 or who is a kinship carer under those Regulations;
- (c) any payment made by a voluntary organisation in accordance with section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations);
- (d) any payment made to the applicant or his partner for a person ("the person concerned") who is not normally a member of the applicant's household but is temporarily in his care, by--

- (i) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (ii) a voluntary organisation;
 - (iii) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (iv) the National Health Service Commissioning Board or a clinical commissioning group established under section 14D of the National Health Service Act 2006; or
 - (v) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
- (e) any sports award.

Notional income: pensioners

45

- (1) An applicant who is a pensioner is to be treated as possessing--
- (a) subject to sub-paragraph (2), the amount of any retirement pension income--
 - (i) for which no claim has been made; and
 - (ii) to which he might expect to be entitled if a claim for it were made;
 - (b) income from an occupational pension scheme which the applicant elected to defer.
- (2) Sub-paragraph (1)(a) does not apply to the following where entitlement has been deferred--
- (a) a Category A or Category B retirement pension payable under sections 43 to 55 of the SSCBA;
 - (b) a shared additional pension payable under section 55A of the SSCBA;
 - (c) graduated retirement benefit payable under sections 36 and 37 of the National Insurance Act 1965.
- (3) For the purposes of sub-paragraph (2), entitlement has been deferred--
- (a) in the case of a Category A or Category B pension, in the circumstances specified in section 55(3) of the SSCBA;
 - (b) in the case of a shared additional pension, in the circumstances specified in section 55C(3) of the SSCBA; and
 - (c) in the case of graduated retirement benefit, in the circumstances specified in section 36(4) and (4A) of the National Insurance Act 1965.
- (4) This sub-paragraph applies where a person who has attained the qualifying age for state pension credit--
- (a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;
 - (b) fails to purchase an annuity with the funds available in that scheme; and
 - (c) either--

- (i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder, or
 - (ii) fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid, or
 - (iii) income withdrawal is not available to him under that scheme.
- (5) Where sub-paragraph (4) applies, the amount of any income foregone is to be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.
- (6) The amount of any income foregone in a case where sub-paragraph (4)(c)(i) or (ii) applies is to be the maximum amount of income which may be withdrawn from the fund and must be determined by the authority, taking account of information provided by the pension fund holder.
- (7) The amount of any income foregone in a case where sub-paragraph (4)(c)(iii) applies is to be the income that the applicant could have received without purchasing an annuity had the funds held under the relevant scheme been held under a personal pension scheme or occupational pension scheme where income withdrawal was available and is to be determined in the manner specified in sub-paragraph (6).
- (8) In sub-paragraph (4), "money purchase benefits" has the same meaning as in the Pension Schemes Act 1993.
- (9) Subject to sub-paragraphs (10) and (12), a person is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under this scheme or increasing the amount of the reduction.
- (10) Sub-paragraph (9) does not apply in respect of the amount of an increase of pension or benefit where a person, having made an election in favour of that increase of pension or benefit under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, changes that election in accordance with regulations made under Schedule 5 or 5A to that Act in favour of a lump sum.
- (11) In sub-paragraph (10), "lump sum" means a lump sum under Schedule 5 or 5A to the SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005.
- (12) Sub-paragraph (9) does not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation in a service user group.
- (13) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects to apply, to the date on which the altered rate is to take effect.
- (14) In the case of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where the authority treats the applicant as possessing any benefit at the altered rate in accordance with sub-paragraph (13), the authority must--
- (a) determine the income and capital of that applicant in accordance with paragraph 36(1) (calculation of applicant's income in savings credit only cases: pensioners) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter; and
 - (b) treat that applicant as possessing such income and capital at the altered rate by reference to the date selected by the relevant authority to apply in its area, for the purposes of establishing the period referred to in sub-paragraph (13).

(15) For the purposes of sub-paragraph (9), a person is not to be regarded as depriving himself of income where--

- (a) his rights to benefits under a registered pension scheme are extinguished and in consequence of this he receives a payment from the scheme, and
- (b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004.

(16) In sub-paragraph (15), "registered pension scheme" has the meaning given in section 150(2) of the Finance Act 2004.

Income paid to third parties: pensioners

46

(1) Any payment of income, other than a payment specified in sub-paragraph (2) or (3), to a third party in respect of an applicant who is a pensioner is to be treated as possessed by the applicant.

(2) Sub-paragraph (1) does not apply in respect of a payment of income made under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where--

- (a) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
- (b) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
- (c) the person referred to in paragraph (a) and his partner does not possess, or is not treated as possessing, any other income apart from that payment.

(3) Sub-paragraph (1) does not apply in respect of any payment of income other than earnings, or earnings derived from employment as an employed earner, arising out of the applicant's participation in a service user group.

Chapter 5
Income: Persons Who are Not Pensioners

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

47

(1) Where the income of an applicant who is not a pensioner consists of earnings from employment as an employed earner his average weekly earnings must be estimated by reference to his earnings from that employment--

- (a) over a period immediately preceding the reduction week in which the application is made or treated as made and being a period of--
 - (i) 5 weeks, if he is paid weekly; or
 - (ii) 2 months, if he is paid monthly; or

(b) whether or not paragraph (a)(i) or (ii) applies, where an applicant's earnings fluctuate, over such other period preceding the reduction week in which the application is made or treated as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

(2) Where the applicant has been in his employment for less than the period specified in sub-paragraph (1)(a)(i) or (ii)--

(a) if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings must be estimated by reference to those earnings;

(b) in any other case, the authority must estimate the applicant's average weekly earnings.

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

(4) For the purposes of this paragraph the applicant's earnings are to be calculated in accordance with paragraphs 51 and 52 (earnings of employed earners: persons who are not pensioners).

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

48

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

(2) For the purposes of this paragraph the applicant's earnings must be calculated in accordance with paragraphs 53, 61 and 62 (earnings, and net profit, of self-employed earners).

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

49

(1) The income of an applicant who is not a pensioner which does not consist of earnings must, except where sub-paragraph (2) applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period must not in any case exceed 52 weeks; and nothing in this paragraph authorises an authority to disregard any such income other than that specified in Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners).

(2) The period over which any benefit under the benefit Acts is to be taken into account is to be the period in respect of which that benefit is payable.

(3) For the purposes of this paragraph income other than earnings is to be calculated in accordance with paragraph 54 (calculation of income other than earnings: persons who are not pensioners).

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

50

(1) For the purposes of paragraphs 47 (average weekly earnings of employed earners), 49 (average weekly income other than earnings) and 59 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made--

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

(2) For the purposes of paragraph 48 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant is to be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

Earnings of employed earners: persons who are not pensioners

51

(1) Subject to sub-paragraph (2), "earnings", in the case of employment as an employed earner of a person who is not a pensioner, means any remuneration or profit derived from that employment and includes--

- (a) any bonus or commission;
- (b) any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- (c) any payment in lieu of notice or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- (d) any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- (e) any payment by way of a retainer;
- (f) any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of--
 - (i) travelling expenses incurred by the applicant between his home and place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
- (g) any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
- (h) any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
- (i) any such sum as is referred to in section 112 of the SSCBA (certain sums to be earnings for social security purposes);
- (j) any statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
- (k) any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave or adoption leave or is absent from work because he is ill;

(l) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001.

(2) Earnings does not include--

- (a) subject to sub-paragraph (3), any payment in kind;
- (b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;
- (c) any occupational pension;
- (d) any payment in respect of expenses arising out of the applicant's participation in a service user group.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(l).

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

52

(1) For the purposes of paragraph 47 (average weekly earnings of employed earners: persons who are not pensioners), the earnings of an applicant who is not a pensioner derived or likely to be derived from employment as an employed earner to be taken into account must, subject to sub-paragraph (2), be his net earnings.

(2) There is to be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).

(3) For the purposes of sub-paragraph (1) net earnings must, except where sub-paragraph (6) applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less--

(a) any amount deducted from those earnings by way of--

- (i) income tax;
- (ii) primary Class 1 contributions under the SSCBA;

(b) one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;

(c) one-half of the amount calculated in accordance with sub-paragraph (5) in respect of any qualifying contribution payable by the applicant; and

(d) where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted from those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the SSCBA.

(4) In this paragraph "qualifying contribution" means any sum which is payable periodically as a contribution towards a personal pension scheme.

(5) The amount in respect of any qualifying contribution is to be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment pe-

riod; and for the purposes of this paragraph the daily amount of the qualifying contribution is to be determined--

- (a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
- (b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.

(6) Where the earnings of an applicant are estimated under paragraph 47(2)(b) (average weekly earnings of employed earners: classes D to F), his net earnings is to be calculated by taking into account those earnings over the assessment period, less--

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

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

53

(1) Subject to sub-paragraph (2), "earnings", in the case of employment as a self-employed earner of a person who is not a pensioner, means the gross income of the employment.

(2) "Earnings" does not include any payment to which paragraph 31 or 32 of Schedule 8 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant's care) nor does it include any sports award.

(3) This paragraph applies to--

- (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- (b) any payment in respect of any--
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982,

where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.

(4) Where the applicant's earnings consist of any items to which sub-paragraph (3) applies, those earnings must be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by--

- (a) the amount of reduction under this scheme to which the applicant would have been entitled had the payment not been made, plus
- (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) as appropriate in the applicant's case.

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

54

- (1) For the purposes of paragraph 49 (average weekly income other than earnings: persons who are not pensioners), the income of an applicant who is not a pensioner which does not consist of earnings to be taken into account must, subject to sub-paragraphs (2) to (8), be his gross income and any capital treated as income under paragraph 55 (capital treated as income: persons who are not pensioners).
- (2) There is to be disregarded from the calculation of an applicant's gross income under sub-paragraph (1), any sum, where applicable, specified in Schedule 8.
- (3) Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under sub-paragraph (1) must be the gross amount payable.
- (4) Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- (5) Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- (6) Sub-paragraphs (7) and (8) apply where--
 - (a) a relevant payment has been made to a person in an academic year; and
 - (b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

- (7) Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula--

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

Where

- (a) A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 81(5) (costs of travel, books and equipment);
- (b) B = the number of 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) C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 81(2) (treatment of student loans) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to a reduction under this scheme immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;

(d) D = the number of reduction weeks in the assessment period.

(8) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula in sub-paragraph (8) but as if--

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 81(5).

(9) In this paragraph--

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

"assessment period" means--

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

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

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

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

whichever of those dates is earlier;

"quarter" in relation to an assessment period means a period in that year beginning on--

(c) 1st January and ending on 31st March;

(d) 1st April and ending on 30th June;

(e) 1st July and ending on 31st August; or

(f) 1st September and ending on 31st December;

"relevant payment" means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 76(7) or both.

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

(a) any payment to which paragraph 41(2) or 51(2) (payments not earnings) applies; or

(b) in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

Capital treated as income: persons who are not pensioners

55

- (1) Any capital payable by instalments which are outstanding at the date on which the application is made or treated as made, or, at the date of any subsequent revision or supersession, must, if the aggregate of the instalments outstanding and the amount of the applicant's capital otherwise calculated in accordance with Chapter 7 of this Part exceeds £10,000, be treated as income.
- (2) Any payment received under an annuity is to be treated as income.
- (3) Any earnings to the extent that they are not a payment of income is to be treated as income.
- (4) Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 is to be treated as income.
- (5) Where an agreement or court order provides that payments must be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital by virtue of this Part), is to be treated as income.

Notional income: persons who are not pensioners

56

- (1) An applicant who is not a pensioner is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under a council tax reduction scheme or increasing the amount of the reduction.
- (2) Except in the case of--
 - (a) a discretionary trust;
 - (b) a trust derived from a payment made in consequence of a personal injury;
 - (c) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
 - (d) any sum to which paragraph 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a);
 - (e) any sum to which paragraph 51(a) of Schedule 10 refers;
 - (f) rehabilitation allowance made under section 2 of the Employment and Training Act 1973;
 - (g) child tax credit;
 - (h) working tax credit, or
 - (i) any sum to which sub-paragraph (11) applies,

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

- (3) Any payment of income, other than a payment of income specified in sub-paragraph (4), made--
 - (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;

(b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;

(c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

(4) Sub-paragraph (3) does not apply in respect of a payment of income made--

(a) under or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);

(b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);

(c) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation--

(i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;

(ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

(iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;

(iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or

(v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;

(d) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;

(e) in respect of a person's participation in the Mandatory Work Activity Scheme;

(f) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;

(g) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where--

(i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;

(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and

(iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

(5) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects, to the date on which the altered rate is to take effect.

(6) Subject to sub-paragraph (7), where--

- (a) an applicant performs a service for another person; and
- (b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area,

the authority must treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

(7) Sub-paragraph (6) does not apply--

- (a) to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
- (b) in a case where the service is performed in connection with--
 - (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations 1996, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations; or
 - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or
- (c) to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

(8) In sub-paragraph (7)(c) "work placement" means practical work experience which is not undertaken in expectation of payment.

(9) Where an applicant is treated as possessing any income under any of sub-paragraphs (1) to (8), the foregoing provisions of this Part apply for the purposes of calculating the amount of that income as if a payment had actually been made and as if it were actual income which he does possess.

(10) Where an applicant is treated as possessing any earnings under sub-paragraph (6) the foregoing provisions of this Part apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph 42(2) or 52(3) (calculation of net earnings of employed earners: pensioners and persons who are not pensioners, respectively) do not apply and his net earnings are to be calculated by taking into account those earnings which he is treated as possessing, less--

- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

(11) Sub-paragraphs (1), (2), (3) and (6) do not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation in a service user group.

Chapter 6

Income: Further Provisions Applying to Pensioners and Persons Who are Not Pensioners

Calculation of income on a weekly basis

57

(1) Subject to paragraph 60 (disregard of changes in tax, etc), the income of an applicant is to be calculated on a weekly basis--

- (a) by estimating the amount which is likely to be his average weekly income in accordance with this Part;
- (b) by adding to that amount the weekly income calculated--
 - (i) if the applicant is a pensioner, under paragraph 71 (tariff income: pensioners);
 - (ii) if the applicant is a person who is not a pensioner, under paragraph 72 (tariff income: persons who are not pensioners); and
- (c) deducting from the sum of paragraphs (a) and (b) any relevant child care charges to which paragraph 58 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in sub-paragraph (2) are met, from those earnings plus whichever credit specified in paragraph (b) of that sub-paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in sub-paragraph (3) applies in his case.

(2) The conditions of this paragraph are that--

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

(3) The maximum deduction to which sub-paragraph (1)(c) above refers is to be--

- (a) where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week;
- (b) where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300 per week.

Treatment of child care charges

58

(1) This paragraph applies where an applicant (within the meaning in this paragraph) is incurring relevant child care charges and--

- (a) is a lone parent and is engaged in remunerative work;

- (b) is a member of a couple both of whom are engaged in remunerative work; or
 - (c) is a member of a couple where one member is engaged in remunerative work and the other--
 - (i) is incapacitated;
 - (ii) is an in-patient in hospital; or
 - (iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).
- (2) For the purposes of sub-paragraph (1) and subject to sub-paragraph (4), a person to whom sub-paragraph (3) applies must be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he--
- (a) is paid statutory sick pay;
 - (b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the SSCBA;
 - (c) is paid an employment and support allowance;
 - (d) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support (General) Regulations 1987; or
 - (e) is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- (3) This sub-paragraph applies to a person who was engaged in remunerative work immediately before--
- (a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
 - (b) the first day of the period in respect of which earnings are credited,
- as the case may be.
- (4) In a case to which sub-paragraph (2)(d) or (e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- (5) Relevant child care charges are those charges for care to which sub-paragraphs (6) and (7) apply, and are to be calculated on a weekly basis in accordance with sub-paragraph (10).
- (6) The charges are paid by the applicant for care which is provided--
- (a) in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
 - (b) in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- (7) The charges are paid for care which is provided by one or more of the care providers listed in sub-paragraph (8) and are not paid--
- (a) in respect of the child's compulsory education;

- (b) by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with paragraph 7 (circumstances in which a person is treated as responsible or not responsible for another); or
 - (c) in respect of care provided by a relative of the child wholly or mainly in the child's home.
- (8) The care to which sub-paragraph (7) refers may be provided--
- (a) out of school hours, by a school on school premises or by a local authority--
 - (i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
 - (ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or
 - (b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999; or
 - (c) by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
 - (d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010; or
 - (e) by--
 - (i) persons registered under section 59(1) of the Public Services Reform (Scotland) Act 2010; or
 - (ii) local authorities registered under section 83(1) of that Act,
- where the care provided is child minding or day care of children within the meaning of that Act; or
- (f) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002; or
 - (g) by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
 - (h) by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
 - (i) by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
 - (j) by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of "childcare" for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
 - (k) by a foster parent or kinship carer under the Fostering Services Regulations 2011, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
 - (l) by a provider of personal care within the meaning of paragraph 1 of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and being a regulated activity prescribed by those Regulations; or
 - (m) by a person who is not a relative of the child wholly or mainly in the child's home.

- (9) In sub-paragraphs (6) and (8)(a), "the first Monday in September" means the Monday which first occurs in the month of September in any year.
- (10) Relevant child care charges must be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.
- (11) For the purposes of sub-paragraph (1)(c) the other member of a couple is incapacitated where--
- (a) the applicant is a pensioner and the other member of the couple is aged not less than 80;
 - (b) the applicant is a pensioner and the other member of the couple is aged less than 80, and--
 - (i) the additional condition specified in paragraph 10 of Schedule 3 (additional condition for the disability premium) to this scheme is treated as applying in his case; and
 - (ii) he satisfies that conditions or would satisfy it but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
 - (c) the applicant is not a pensioner, the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work;
 - (d) the applicant is not a pensioner, the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
 - (e) the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008;
 - (f) he is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
 - (g) he is, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
 - (h) there is payable in respect of him one or more of the following pensions or allowances--
 - (i) long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the SSCBA;
 - (ii) attendance allowance under section 64 of the SSCBA;
 - (iii) severe disablement allowance under section 68 of the SSCBA;
 - (iv) disability living allowance under section 71 of the SSCBA;
 - (v) personal independence payment;
 - (vi) an AFIP;
 - (vii) increase of disablement pension under section 104 of the SSCBA;
 - (viii) a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under sub-paragraph (ii), (iv), (v) or (vii) above;

- (ix) main phase employment and support allowance;
 - (i) a pension or allowance to which sub-paragraph (vii) or (viii) of paragraph (h) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;
 - (j) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for--
 - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
 - (k) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - (l) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
 - (m) paragraph (h), (i), (j) or (k) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
 - (n) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.
- (12) For the purposes of sub-paragraph (11), once sub-paragraph (11)(f) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph is, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter to apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.
- (13) For the purposes of sub-paragraph (11), once sub-paragraph (11)(g) applies to the person, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter to apply to him for so long as he has, or is treated as having, limited capability for work.
- (14) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person--
- (a) to whom an attendance allowance or the care component of disability allowance is payable or would be payable but for--
 - (i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (ii) an abatement as a consequence of hospitalisation;
 - (b) to whom the daily living component of personal independence payment is payable or would be payable but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);

(c) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(d) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

(15) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in sub-paragraph

(16) ("the relevant period") provided that--

(a) in the week before the period of maternity leave, paternity leave or adoption leave began he was in remunerative work;

(b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and

(c) he is entitled to either statutory maternity pay under section 164 of the SSCBA, ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of that Act, statutory adoption pay by of section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.

(16) For the purposes of sub-paragraph (15) the relevant period begins on the day on which the person's maternity, paternity leave or adoption leave commences and ends on--

(a) the date that leave ends;

(b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or

(c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends,

whichever occurs first.

(17) In sub-paragraphs (15) and (16)--

(a) "qualifying support" means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987; and

(b) "child care element" of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).

(18) In this paragraph "applicant" does not include an applicant--

(a) who has, or

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

an award of universal credit.

Calculation of average weekly income from tax credits

- (1) This paragraph applies where an applicant receives a tax credit.
- (2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in sub-paragraph (3).
- (3) Where the instalment in respect of which payment of a tax credit is made is--
 - (a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
 - (b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
 - (c) a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
 - (d) a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.
- (4) For the purposes of this paragraph "tax credit" means child tax credit or working tax credit.

Disregard of changes in tax, contributions etc

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

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

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

Calculation of net profit of self-employed earners

61

- (1) For the purposes of paragraphs 48 (average weekly earnings of self-employed earners: persons who are not pensioners) and 57 (calculation of income on a weekly basis) the earnings of an applicant to be taken into account must be--
 - (a) in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
 - (b) in the case of a self-employed earner who is a pensioner whose employment is carried on in partnership, his share of the net profit derived from that employment, less--

- (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions of self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium;
- (c) in the case of a self-employed earner who is not a pensioner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less--
 - (i) an amount in respect of income tax and of social security contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (2) There must be disregarded from the net profit of an applicant who is not a pensioner, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).
- (3) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (9) applies, be calculated by taking into account the earnings of the employment over the assessment period less--
 - (a) subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of that employment;
 - (b) an amount in respect of--
 - (i) income tax; and
 - (ii) social security contributions payable under the SSCBA,

calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and

 - (c) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (4) For the purposes of sub-paragraph (1)(b) the net profit of the employment is to be calculated by taking into account the earnings of the employment over the assessment period less, subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- (5) Subject to sub-paragraph (6), no deduction is to be made under sub-paragraph (3)(a) or (4), in respect of--
 - (a) any capital expenditure;
 - (b) the depreciation of any capital asset;
 - (c) any sum employed or intended to be employed in the setting up or expansion of the employment;
 - (d) any loss incurred before the beginning of the assessment period;
 - (e) the repayment of capital on any loan taken out for the purposes of the employment;
 - (f) any expenses incurred in providing business entertainment; and

- (g) in the case of an applicant who is not a pensioner, any debts, except bad debts proved to be such, but this paragraph does not apply to any expenses incurred in the recovery of a debt.
- (6) A deduction is to be made under sub-paragraph (3)(a) or (4) in respect of the repayment of capital on any loan used for--
- (a) the replacement in the course of business of equipment or machinery; or
 - (b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
- (7) The authority must refuse to make a deduction in respect of any expenses under sub-paragraph (3)(a) or (4) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.
- (8) For the avoidance of doubt--
- (a) a deduction must not be made under sub-paragraph (3)(a) or (4) in respect of any sum unless it has been expended for the purposes of the business;
 - (b) a deduction must be made thereunder in respect of--
 - (i) the excess of any value added tax paid over value added tax received in the assessment period;
 - (ii) any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - (iii) any payment of interest on a loan taken out for the purposes of the employment.
- (9) Where an applicant is engaged in employment as a child minder the net profit of the employment is to be one-third of the earnings of that employment, less--
- (a) an amount in respect of--
 - (i) income tax; and
 - (ii) social security contributions payable under the SSCBA,
- calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
- (b) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (10) For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments must not be offset against his earnings in any other of his employments.
- (11) The amount in respect of any qualifying premium is to be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying premium must be determined--
- (a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing the product by 365;
 - (b) in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.

(12) In this paragraph, "qualifying premium" means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of application.

Calculation of deduction of tax and contributions of self-employed earners

62

(1) The amount to be deducted in respect of income tax under paragraph 61(1)(b)(i), (3)(b)(i) or (9)(a)(i) (calculation of net profit of self-employed earners) must be calculated--

- (a) on the basis of the amount of chargeable income, and
- (b) as if that income were assessable to income tax at the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances.

(2) But, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph must be calculated on a pro rata basis.

(3) The amount to be deducted in respect of social security contributions under paragraph 60(1)(b)(i), (3)(b)(ii) or (9)(a)(ii) is the total of--

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

(4) In this paragraph "chargeable income" means--

- (a) except where paragraph (b) applies, the earnings derived from the employment less any expenses deducted under sub-paragraph (3)(a) or, as the case may be, (5) of paragraph 61;
- (b) in the case of employment as a child minder, one-third of the earnings of that employment.

Chapter 7
Capital

Calculation of capital

63

(1) The capital of an applicant to be taken into account must be, subject to sub-paragraph (2), the whole of his capital calculated in accordance with this Part and (in the case of persons who are not pensioners) any income treated as capital under paragraph 64 (income treated as capital: persons who are not pensioners).

(2) There must be disregarded from the calculation of an applicant's capital under sub-paragraph (1), any capital, where applicable, specified in--

- (a) Schedule 9, in relation to pensioners;
- (b) Schedule 10, in relation to persons who are not pensioners.

(3) In the case of an applicant who is a pensioner, his capital is to be treated as including any payment made to him by way of arrears of--

- (a) child tax credit;
- (b) working tax credit;
- (c) state pension credit,

if the payment was made in respect of a period for the whole or part of which a reduction under this scheme was allowed before those arrears were paid.

(4) The capital of a child or young person who is a member of the family of an applicant who is not a pensioner must not be treated as capital of the applicant.

Income treated as capital: persons who are not pensioners

64

- (1) This paragraph applies in relation to persons who are not pensioners.
- (2) Any bounty derived from employment to which paragraph 9 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) applies and paid at intervals of at least one year is to be treated as capital.
- (3) Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E is to be treated as capital.
- (4) Any holiday pay which is not earnings under paragraph 41(1)(d) or 51(1)(d) (earnings of employed earners) is to be treated as capital.
- (5) Except any income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17, 30 to 33, 50 or 51 of Schedule 10 (capital disregards: persons who are not pensioners), any income derived from capital is to be treated as capital but only from the date it is normally due to be credited to the applicant's account.
- (6) In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer is to be treated as capital.
- (7) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, is to be treated as capital.
- (8) There is to be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.
- (9) Any arrears of subsistence allowance which are paid to an applicant as a lump sum must be treated as capital.
- (10) Any arrears of working tax credit or child tax credit must be treated as capital.

Calculation of capital in the United Kingdom

65

Capital which an applicant possesses in the United Kingdom is to be calculated at its current market or surrender value less--

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

Calculation of capital outside the United Kingdom

66

Capital which an applicant possesses in a country outside the United Kingdom must be calculated--

- (a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;
- (b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

less, where there would be expenses attributable to sale, 10 per cent and the amount of any encumbrances secured on it.

Notional capital

67

(1) An applicant is to be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to a reduction or increasing the amount of that reduction except to the extent that that capital is reduced in accordance with paragraph 68 (diminishing notional capital rule).

(2) A person who is a pensioner who disposes of capital for the purpose of--

- (a) reducing or paying a debt owed by the applicant; or
- (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the applicant's case,

is to be regarded as not depriving himself of it.

(3) Sub-paragraphs (4) to (6) apply in relation to applicants who are not pensioners.

(4) Except in the case of--

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or
- (c) any loan which would be obtained only if secured against capital disregarded under Schedule 9; or
- (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
- (e) any sum to which paragraph 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a); or
- (f) any sum to which paragraph 51(a) of Schedule 10 refers; or
- (g) child tax credit; or

- (h) working tax credit,

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

- (5) Any payment of capital, other than a payment of capital specified in sub-paragraph (6), made--

- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) must, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;

- (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) must, where it is not a payment referred to in paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;

- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of the family) must be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

- (6) Sub-paragraph (5) does not apply in respect of a payment of capital made--

- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund;

- (b) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation--

- (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;

- (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

- (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;

- (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or

- (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;

- (c) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;

- (d) in respect of a person's participation in the Mandatory Work Activity Scheme;

- (e) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;

- (f) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where--

- (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;

(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and

(iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

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

(a) the value of his holding in that company must, notwithstanding paragraph 63 (calculation of capital) be disregarded; and

(b) he must, subject to sub-paragraph (8), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Chapter apply for the purposes of calculating that amount as if it were actual capital which he does possess.

(8) For so long as the applicant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under sub-paragraph (7) is to be disregarded.

(9) Where an applicant is treated as possessing capital under any of sub-paragraphs (1), (4) or (5) the foregoing provisions of this Chapter apply for the purposes of calculating its amount as if it were actual capital which he does possess.

Diminishing notional capital rule: pensioners

68

(1) Where an applicant who is a pensioner is treated as possessing capital under paragraph 67(1) (notional capital), the amount which he is treated as possessing--

(a) in the case of a week that is subsequent to--

(i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or

(ii) a week which follows that relevant week and which satisfies those conditions,

is to be reduced by an amount determined under sub-paragraph (3);

(b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where--

(i) that week is a week subsequent to the relevant week; and

(ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied,

is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week where the applicant satisfies the conditions that--

(a) he is in receipt of a reduction under this scheme; and

(b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) must be equal to the aggregate of--

- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
 - (b) where the applicant has also claimed state pension credit, the amount of any state pension credit or any additional amount of state pension credit to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 21(1) of the State Pension Credit Regulations 2002 (notional capital);
 - (c) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of housing benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (notional capital);
 - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
 - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- (4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is a pensioner and would have been entitled to a reduction in council tax under this scheme in the relevant week but for paragraph 67(1).
- (5) In such a case the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(b) is equal to the aggregate of--
- (a) the amount of the reduction in council tax to which the applicant would have been entitled in the relevant week but for paragraph 67(1);
 - (b) if the applicant would, but for regulation 21 of the State Pension Credit Regulations 2002, have been entitled to state pension credit in respect of the benefit week, within the meaning of regulation 1(2) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
 - (c) if the applicant would, but for regulation 47(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to--
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
 - (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
 - (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.

(6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by--

- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
- (b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) is to be re-determined under that sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case--

- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and
- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that--

- (a) a further application is made 26 or more weeks after--
 - (i) the date on which the applicant made an application in respect of which he was first treated as possessing the capital in question under paragraph 67(1);
 - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (11), the date on which he last made an application which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to a reduction under this scheme,

whichever last occurred; and

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

(9) The amount as re-determined pursuant to sub-paragraph (7) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.

(10) For the purposes of this paragraph--

"part-week"--

- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction in council tax under this scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means--
 - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
 - (ii) any other period of less than a week for which it is payable;

"relevant week" means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 67(1)--

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

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

"relevant subsequent week" means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

Diminishing notional capital rule: persons who are not pensioners

69

(1) Where an applicant who is not a pensioner is treated as possessing capital under paragraph 67(1) (notional capital), the amount which he is treated as possessing--

- (a) in the case of a week that is subsequent to--
 - (i) the relevant week in respect of which the conditions set out in sub-paragraph (2) are satisfied; or
 - (ii) a week which follows that relevant week and which satisfies those conditions,

is to be reduced by an amount determined under sub-paragraph (3);

- (b) in the case of a week in respect of which sub-paragraph (1)(a) does not apply but where--
 - (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in sub-paragraph (4) is satisfied,

is to be reduced by the amount determined under sub-paragraph (5).

(2) This sub-paragraph applies to a reduction week (or, in the case of persons who are not pensioners, part-week) where the applicant satisfies the conditions that--

- (a) he is in receipt of a reduction in council tax under this scheme; and
- (b) but for paragraph 67(1), he would have received a greater reduction in council tax under this scheme in that week.

(3) In a case to which sub-paragraph (2) applies, the amount of the reduction in the amount of capital he is treated as possessing for the purposes of sub-paragraph (1)(a) is equal to the aggregate of--

- (a) an amount equal to the additional amount of the reduction in council tax to which sub-paragraph (2)(b) refers;
- (b) where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);

- (c) where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 51(1) of the Income Support (General) Regulations 1987 (notional capital);
 - (d) where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital); and
 - (e) where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of the reduction week to which sub-paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).
- (4) Subject to sub-paragraph (7), for the purposes of sub-paragraph (1)(b) the condition is that the applicant is not a pensioner and would have been entitled to a reduction in council tax in the relevant week but for paragraph 67(1).
- (5) In such a case the amount of the reduction in the amount of capital he is treated as possessing must be equal to the aggregate of--
- (a) the amount of council tax benefit to which the applicant would have been entitled in the relevant week but for paragraph 67(1);
 - (b) if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations 2006, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the benefit week which includes the last day of the relevant week, the amount which is equal to--
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled;
 - (c) if the applicant would, but for regulation 51(1) of the Income Support (General) Regulations 1987, have been entitled to income support in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled;
 - (d) if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(3) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled; and
 - (e) if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled.
- (6) But if the amount mentioned in paragraph (a), (b), (c), (d) or (e) of sub-paragraph (5) ("the relevant amount") is in respect of a part-week, the amount that is to be taken into account under that paragraph is to be determined by--
- (a) dividing the relevant amount by the number equal to the number of days in that part-week, and
 - (b) multiplying the result of that calculation by 7.

(7) The amount determined under sub-paragraph (5) is to be re-determined under the appropriate sub-paragraph if the applicant makes a further application and the conditions in sub-paragraph (8) are satisfied, and in such a case--

- (a) paragraphs (a) to (e) of sub-paragraph (5) apply as if for the words "relevant week" there were substituted the words "relevant subsequent week"; and
- (b) subject to sub-paragraph (9), the amount as re-determined has effect from the first week following the relevant subsequent week in question.

(8) The conditions are that--

- (a) a further application is made 26 or more weeks after--
 - (i) the date on which the applicant made an application for a reduction under this scheme in respect of which he was first treated as possessing the capital in question under paragraph 67(1);
 - (ii) in a case where there has been at least one re-determination in accordance with sub-paragraph (7), the date on which he last made an application under this scheme which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to a reduction under this scheme,

whichever last occurred; and

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

(9) The amount as re-determined pursuant to sub-paragraph (6) must not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount must continue to have effect.

(10) For the purposes of this paragraph--

"part-week"--

- (a) in relation to an amount mentioned in sub-paragraph (5)(a), means a period of less than a week for which a reduction under this scheme is allowed;
- (b) in relation to an amount mentioned in sub-paragraph (5)(b), means a period of less than a week for which housing benefit is payable;
- (c) in relation to an amount mentioned in sub-paragraph (5)(c), (d) or (e), means--
 - (i) a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
 - (ii) any other period of less than a week for which it is payable;

"relevant week" means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of paragraph 67(1)--

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

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

"relevant subsequent week" means the reduction week or part-week which includes the day on which the further application or, if more than one further application has been made, the last such application was made.

Capital jointly held

70

Except where an applicant possesses capital which is disregarded under paragraph 67(7) (notional capital), where an applicant and one or more persons are beneficially entitled in possession to any capital asset they must be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Chapter apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess.

Calculation of tariff income from capital: pensioners

71

The capital of an applicant who is a pensioner, calculated in accordance with this Part, is to be treated as if it were a weekly income of--

- (a) £1 for each £500 in excess of £10,000 but not exceeding £16,000; and
- (b) £1 for any excess which is not a complete £500.

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

72

The capital of an applicant who is not a pensioner, calculated in accordance with this Part, is to be treated as if it were a weekly income of--

- (a) £1 for each £250 in excess of £6,000 but not exceeding £10,000;
- (b) £1 for any excess which is not a complete £250.

Part 11 Students

Chapter 1 General

Interpretation

73

- (1) In this Part--

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

"access funds" means--

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

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

"contribution" means--

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

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

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

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

"full-time course of study" means a full-time course of study which--

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

(b) is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out--

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

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

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

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

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

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

"grant" (except in the definition of "access funds") means any kind of educational grant or award and includes any scholarship, studentship, exhibition, allowance or bursary but does not include a payment from access funds or any payment to which paragraph 16 of Schedule 8 or paragraph 55 of Schedule 10 (allowances and payments for courses of study) applies;

"grant income" means--

(a) any income by way of a grant;

(b) any contribution whether or not it is paid;

"higher education" means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992;

"last day of the course" means--

(a) in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;

(b) in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

"period of study" means--

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

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

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

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

"standard maintenance grant" means--

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

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

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

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

(2) For the purposes of the definition of "full-time student" in sub-paragraph (1), a person must be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course--

(a) subject to sub-paragraph (3), in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending--

(i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or

(ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;

(b) in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

(3) For the purposes of paragraph (a) of sub-paragraph (2), the period referred to in that paragraph includes--

(a) where a person has failed examinations or has failed successfully to complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;

(b) any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

(4) In sub-paragraph (2), "modular course" means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

Treatment of students

74

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

Students who are excluded from entitlement to a reduction under this scheme

75

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

(a) full-time students, and

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

(2) Sub-paragraph (1)(b) does not apply to a student--

- (a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;
- (b) who is a lone parent;
- (c) whose applicable amount would, but for this paragraph, include the disability premium or severe disability premium;
- (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the SSCBA;
- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days must be treated as one continuous period;
- (f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- (g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
- (h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989 or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;
- (i) who is--
 - (i) aged under 21 and whose course of study is not a course of higher education,
 - (ii) aged 21 and attained that age during a course of study which is not a course of higher education, or
 - (iii) a qualifying young person or child within the meaning of section 142 of the SSCBA (child and qualifying young person);
- (j) in respect of whom--
 - (i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;
 - (ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;
 - (iii) a payment has been made under or by virtue of regulations made under the Teaching and Higher Education Act 1998;
 - (iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or
 - (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

- (3) Sub-paragraph (2)(i)(ii) only applies to an applicant until the end of the course during which the applicant attained the age of 21.
- (4) For the purposes of sub-paragraph (2), once sub-paragraph (2)(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph must, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.
- (5) In sub-paragraph (2)(i) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.
- (6) A full-time student to whom sub-paragraph (2)(i) applies must be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.
- (7) Sub-paragraph (1)(b) does not apply to a full-time student for the period specified in sub-paragraph (8) if--
- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is--
 - (i) engaged in caring for another person; or
 - (ii) ill;
 - (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
 - (c) he is not eligible for a grant or a student loan in respect of the period specified in sub-paragraph (8).
- (8) The period specified for the purposes of sub-paragraph (7) is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before--
- (a) the day on which he resumes attending or undertaking the course; or
 - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,

whichever first occurs.

Chapter 2 Income

Calculation of grant income

76

- (1) The amount of a student's grant income to be taken into account in assessing his income must, subject to sub-paragraphs (2) and (3), be the whole of his grant income.
- (2) There must be excluded from a student's grant income any payment--
- (a) intended to meet tuition fees or examination fees;

- (b) in respect of the student's disability;
 - (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
 - (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
 - (e) on account of any other person but only if that person is residing outside the United Kingdom and there is no applicable amount in respect of him;
 - (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
 - (h) intended for the child care costs of a child dependant;
 - (i) of higher education bursary for care leavers made under Part 3 of the Children Act 1989.
- (3) Where a student does not have a student loan and is not treated as possessing such a loan, there must be excluded from the student's grant income--
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the costs of books and equipment,
- whether or not any such costs are incurred.
- (4) There must also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- (5) Subject to sub-paragraphs (6) and (7), a student's grant income must be apportioned--
- (a) subject to sub-paragraph (8), in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
 - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- (6) Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 must be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- (7) In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither sub-paragraph (6) nor paragraph 80(2) (other amounts to be disregarded) applies, must be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.
- (8) In the case of a student on a sandwich course, any periods of experience within the period of study must be excluded and the student's grant income must be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

Calculation of covenant income where a contribution is assessed

77

- (1) Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following must be the whole amount of the covenant income less, subject to sub-paragraph (3), the amount of the contribution.
- (2) The weekly amount of the student's covenant must be determined--
 - (a) by dividing the amount of income which falls to be taken into account under sub-paragraph (1) by 52 or 53, whichever is reasonable in the circumstances; and
 - (b) by disregarding £5 from the resulting amount.
- (3) For the purposes of sub-paragraph (1), the contribution must be treated as increased by the amount (if any) by which the amount excluded under paragraph 76(2)(g) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

Covenant income where no grant income or no contribution is assessed

78

- (1) Where a student is not in receipt of income by way of a grant the amount of his covenant income must be calculated as follows--
 - (a) any sums intended for any expenditure specified in paragraph 76(2)(a) to (e) necessary as a result of his attendance on the course must be disregarded;
 - (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, must be apportioned equally between the weeks of the period of study;
 - (c) there must be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 76(2)(f) and (3) had the student been in receipt of the standard maintenance grant; and
 - (d) the balance, if any, must be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 must be disregarded.
- (2) Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income must be calculated in accordance with paragraphs (a) to (d) of sub-paragraph (1), except that--
 - (a) the value of the standard maintenance grant must be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 76(2)(a) to (e); and
 - (b) the amount to be disregarded under sub-paragraph (1)(c) must be abated by an amount equal to the amount of any sums disregarded under paragraph 76(2)(f) and (g) and (3).

Relationship with amounts to be disregarded under Schedule 8

79

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

Other amounts to be disregarded

80

(1) For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with paragraph 81 (treatment of student loans), any amounts intended for any expenditure specified in paragraph 76(2) (calculation of grant income), necessary as a result of his attendance on the course must be disregarded.

(2) But sub-paragraph (1) applies only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraph 76(2) or (3), 77(3), 78(1)(a) or (c) or 81(5) (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

Treatment of student loans

81

(1) A student loan is to be treated as income.

(2) In calculating the weekly amount of the loan to be taken into account as income--

(a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period is to be apportioned equally between the weeks in the period beginning with--

(i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;

(ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

(b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year is to be apportioned equally between the weeks in the period--

(i) beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year, and

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

but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the authority, the longest of any vacation is taken and for the purposes of this paragraph, "quarter" has the same meaning as for the purposes of the Education (Student Support) Regulations 2005;

(c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year is to be apportioned equally between the weeks in the period beginning with--

(i) except in a case where sub-paragraph (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of that academic year;

(ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincides with, or immediately follows, the earlier of 1st September or the first day of the autumn term,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;

(d) in any other case, the loan is to be apportioned equally between the weeks in the period beginning with the earlier of--

- (i) the first day of the first reduction week in September; or
- (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term,

and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of June,

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

(3) A student is to be treated as possessing a student loan in respect of an academic year where--

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

(4) Where a student is treated as possessing a student loan under sub-paragraph (3), the amount of the student loan to be taken into account as income must be, subject to sub-paragraph (5)--

(a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to--

- (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
- (ii) any contribution whether or not it has been paid to him;

(b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if--

- (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
- (ii) no deduction in that loan was made by virtue of the application of a means test.

(5) There must be deducted from the amount of income taken into account under sub-paragraph (4)--

- (a) the sum of £303 per academic year in respect of travel costs; and
- (b) the sum of £390 per academic year towards the cost of books and equipment,

whether or not any such costs are incurred.

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

Treatment of payments from access funds

(1) This paragraph applies to payments from access funds that are not payments to which paragraph 85(2) or (3) (income treated as capital) applies.

(2) A payment from access funds, other than a payment to which sub-paragraph (3) applies, must be disregarded as income.

(3) Subject to sub-paragraph (4) of this paragraph and paragraph 40 of Schedule 8 (disregards in the calculation of income other than earnings: persons who are not pensioners)--

(a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family, and

(b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable,

must be disregarded as income to the extent of £20 per week.

(4) Where a payment from access funds is made--

(a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or

(b) before the first day of the course to a person in anticipation of that person becoming a student,

that payment must be disregarded as income.

Disregard of contribution

83

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

Further disregard of student's income

84

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

Income treated as capital

85

(1) Any amount by way of a refund of tax deducted from a student's covenant income must be treated as capital.

(2) An amount paid from access funds as a single lump sum must be treated as capital.

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

Disregard of changes occurring during summer vacation

86

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

Part 12 Extended Reductions

Chapter 1 Extended Reductions: Pensioners

Extended reductions: pensioners

87

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

Extended reductions (qualifying contributory benefits): pensioners

88

(1) Except in the case of an applicant who is in receipt of state pension credit, an applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes A to C is entitled to an extended reduction (qualifying contributory benefits) where--

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

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

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes A to C where--

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;

- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): pensioners

89

- (1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.
- (3) The extended reduction period ends--
 - (a) at the end of a period of four weeks; or
 - (b) on the date on which the applicant who is receiving the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits): pensioners

90

- (1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) the applicant is entitled to is the greater of--
 - (a) the amount of council tax reduction to which the applicant was entitled by virtue of falling within any of classes A to C in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
 - (b) the amount of reduction under this scheme to which the applicant would be entitled under by virtue of falling within any of classes A to C for any reduction week during the extended reduction period, if paragraph 88 (extended reductions (qualifying contributory benefits): pensioners) did not apply to the applicant; or
 - (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes A to C, if paragraph 88 did not apply to the applicant.
- (2) Sub-paragraph (1) does not apply in the case of a mover.
- (3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, the authority must not award a reduction in pursuance of that application during the extended reduction period.

Extended reductions (qualifying contributory benefits)--movers: pensioners

91

- (1) This paragraph applies--
 - (a) to a mover; and

(b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefits) awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to--

- (a) the second authority; or
- (b) the mover directly.

Relationship between extended reduction (qualifying contributory benefits) and entitlement to a reduction by virtue of classes A to C

92

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

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

Continuing reductions where state pension credit claimed: pensioners

93

(1) This paragraph applies where--

- (a) the applicant is entitled to a reduction under this scheme;
- (b) sub-paragraph (2) is satisfied; and
- (c) either--
 - (i) the applicant has attained the qualifying age for state pension credit or, if his entitlement to income-based jobseeker's allowance or income-related employment and support allowance continued beyond that age, has attained the age of 65; or
 - (ii) the applicant's partner has actually claimed state pension credit.

(2) This sub-paragraph is only satisfied if the Secretary of State has certified to the authority that the applicant's partner has actually claimed state pension credit or that--

- (a) the applicant's award of--
 - (i) income support has terminated because the applicant has attained the qualifying age for state pension credit; or
 - (ii) income-based jobseeker's allowance or income-related employment and support allowance has terminated because the applicant has attained the qualifying age for state pension credit or the age of 65; and

(b) the applicant has claimed or is treated as having claimed or is required to make a claim for state pension credit.

(3) Subject to sub-paragraph (4), in a case to which this paragraph applies, a person continues to be entitled to a reduction under this scheme for the period of 4 weeks beginning on the day following the day the applicant's entitlement to income support or, as the case may be, income-based jobseeker's allowance, income-related employment and support allowance, ceased, if and for so long as the applicant otherwise satisfies the conditions for entitlement to a reduction under this scheme.

(4) Where a reduction under this scheme is awarded for the period of 4 weeks in accordance with sub-paragraph (3) above, and the last day of that period falls on a day other than the last day of a reduction week, then a reduction under this scheme must continue to be awarded until the end of the reduction week in which the last day of that period falls.

(5) Throughout the period of 4 weeks specified in sub-paragraph (3) and any further period specified in sub-paragraph (4)--

(a) the whole of the income and capital of the applicant is to be disregarded;

(b) the maximum council tax reduction amount of the applicant is to be that which was applicable in his case immediately before that period commenced.

(6) The maximum reduction is to be calculated in accordance with paragraph 29(1) if, since the date it was last calculated--

(a) the applicant's council tax liability has increased; or

(b) a change in the deduction under paragraph 30 falls to be made.

Chapter 2

Extended Reductions: Persons Who are Not Pensioners

Extended reductions: persons who are not pensioners

94

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

Extended reductions: persons who are not pensioners

95

(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to F is entitled to an extended reduction where--

(a) the applicant or the applicant's partner was entitled to a qualifying income-related benefit;

(b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant's partner--

(i) commenced employment as an employed or self-employed earner;

(ii) increased their earnings from such employment; or

(iii) increased the number of hours worked in such employment,

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

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.
- (2) For the purpose of sub-paragraph (1)(c), an applicant or an applicant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the applicant or the applicant's partner was not entitled to any of those benefits because the applicant or the applicant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.
- (3) For the purpose of this paragraph, where an applicant or an applicant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they must be treated as being entitled to and in receipt of jobseeker's allowance.
- (4) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to F where--
 - (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
 - (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
 - (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).
- (5) This paragraph does not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987 (remunerative work: housing costs) applied to that applicant.

Duration of extended reduction period: persons who are not pensioners

96

- (1) Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.
- (3) The extended reduction period ends--
 - (a) at the end of a period of four weeks; or
 - (b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax, if that occurs first.

Amount of extended reduction: persons who are not pensioners

97

- (1) For any week during the extended reduction period the amount of the extended reduction to which an applicant is entitled is to be the higher of--

- (a) the amount of the reduction under this scheme to which the applicant was entitled by virtue of falling within any of classes D to F in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of reduction under this scheme to which the applicant would be entitled by virtue of falling within any of classes D to F for any reduction week during the extended reduction period, if paragraph 95 (extended reductions: persons who are not pensioners) did not apply to the applicant; or
- (c) the amount of reduction under this scheme to which the applicant's partner would be entitled by virtue of falling within any of classes D to F, if paragraph 95 did not apply to the applicant.

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction under this scheme is to be awarded by the authority during the extended reduction period.

Extended reductions--movers: persons who are not pensioners

98

(1) This paragraph applies--

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction awarded from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme to which the mover would have been entitled had they, or their partner, not ceased to be entitled to a qualifying income-related benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to--

- (a) the second authority; or
- (b) the mover directly.

Relationship between extended reduction and entitlement to a reduction by virtue of classes D to F

99

(1) Where an applicant's entitlement to a reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 95(1)(b), that entitlement does not cease until the end of the extended reduction period.

(2) Paragraphs 106 and 107 do not apply to any extended reduction payable in accordance with paragraph 95(1)(a) or 98(2) (amount of extended reduction--movers: persons who are not pensioners).

Extended reductions (qualifying contributory benefits): persons who are not pensioners

100

(1) An applicant who is entitled to a reduction under this scheme by virtue of falling within any of classes D to F is entitled to an extended reduction (qualifying contributory benefits) where--

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

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

- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

(2) An applicant must be treated as entitled to a reduction under this scheme by virtue of falling within any of classes D to F where--

- (a) the applicant ceased to be entitled to a reduction under this scheme because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in sub-paragraph (1)(b).

Duration of extended reduction period (qualifying contributory benefits): persons who are not pensioners

101

- (1) Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.
- (2) For the purpose of sub-paragraph (1), an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.
- (3) The extended reduction period ends--
 - (a) at the end of a period of four weeks; or
 - (b) on the date on which the applicant entitled to the extended reduction (qualifying contributory benefits) has no liability for council tax, if that occurs first.

Amount of extended reduction (qualifying contributory benefits): persons who are not pensioners

102

(1) For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant is to be the greater of--

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

(2) Sub-paragraph (1) does not apply in the case of a mover.

(3) Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this paragraph and the applicant's partner makes an application for a reduction under this scheme, no amount of reduction may be allowed by the appropriate authority during the extended reduction period.

Extended reductions (qualifying contributory benefits)--movers: persons who are not pensioners

103

(1) This paragraph applies--

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this paragraph applies until the end of the extended reduction period is to be the amount of reduction under this scheme which was awarded to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to a second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from this authority to--

- (a) the second authority; or
- (b) the mover directly.

Relationship between extended reduction (qualifying contributory benefits) and entitlement to reduction by virtue of classes D to F

104

(1) Where an applicant's reduction under this scheme would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 100(1)(b), that reduction does not cease until the end of the extended reduction period.

(2) Paragraphs 106 and 107 (dates on which entitlement begins and change of circumstances take effect) do not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 102(1)(a) or 103(2) (amount of extended reduction--movers: persons who are not pensioners).

Chapter 3

Extended Reductions: Movers in the Authority's Area

Extended reductions: applicant moving into the authority's area

105

Where--

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

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

Part 13

When Entitlement Begins and Change of Circumstances

Date on which entitlement begins

106

- (1) Subject to sub-paragraph (2), any person by whom or in respect of whom an application for a reduction under this scheme is made and who is otherwise entitled to that reduction is so entitled from the reduction week following the date on which that application is made or is treated as made.
- (2) Where a person is otherwise entitled to a reduction under this scheme and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his application is made or is treated as made, he is so entitled from that reduction week.

Date on which change of circumstances is to take effect

107

- (1) Except in cases where paragraph 60 (disregard of changes in tax, contributions, etc) applies and subject to the following provisions of this paragraph and (in the case of applicants who are pensioners) paragraph 108 (change of circumstance where state pension credit in payment), a change of circumstances which affects entitlement to, or the amount of, a reduction under this scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs.
- (2) Where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs is the day immediately following the last day of entitlement to that benefit.
- (3) Subject to sub-paragraph (4), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.
- (4) Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council

tax) or changes in the discount to which a dwelling may be subject under section 11 or 11A of that Act (discounts), it takes effect from the day on which the change in amount has effect.

(5) Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

(6) Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

(7) If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with sub-paragraphs (1) to (6) they take effect from the day to which the appropriate sub-paragraph from (3) to (6) above refers, or, where more than one day is concerned, from the earlier day.

(8) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the SSCBA, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances takes effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

(9) Without prejudice to sub-paragraph (8), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

(10) Sub-paragraph (11) applies if--

(a) the applicant or his partner has attained the age of 65; and

(b) either--

(i) a non-dependant took up residence in the applicant's dwelling; or

(ii) there has been a change of circumstances in respect of a non-dependant so that the amount of the deduction which falls to be made under paragraph 30 increased.

(11) Where this sub-paragraph applies, the change of circumstances referred to in sub-paragraph (10)(b) takes effect from the effective date.

(12) In sub-paragraph (11), but subject to sub-paragraph (13), "the effective date" means--

(a) where more than one change of a kind referred to in sub-paragraph (10)(b) relating to the same non-dependant has occurred since--

(i) the date on which the applicant's entitlement to a reduction under this scheme first began; or

(ii) the date which was the last effective date in respect of such a change,

whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;

(b) where paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in sub-paragraph (10)(b) occurred.

(13) If in any particular case the date determined under sub-paragraph (12) is not the first day of a reduction week, the effective date in that case is to be the first day of the next reduction week to commence after the date determined under that sub-paragraph.

(14) Sub-paragraphs (15) to (19) apply to persons who fall within classes D, E and F.

(15) Where--

- (a) the change of circumstances is a change of circumstances that is required by this scheme to be notified, and
- (b) that change of circumstances is notified more than one month after it occurs, or such longer period as may be allowed under sub-paragraph (16), and
- (c) the superseding decision is advantageous to the claimant

the date of notification of the change of circumstances shall be treated as the date on which the change of circumstances occurred.

(16) Subject to sub-paragraph (18), for the purposes of making a decision under this scheme a longer period of time may be allowed for the notification of a change of circumstances in so far as it affects the effective date of the change where the conditions specified in sub-paragraph (17) are satisfied. An application for the purposes of this sub-paragraph shall include:

- (a) particulars of the change of circumstances and the reasons for the failure to notify the change of circumstances on an earlier date, and
- (b) be made within 3 months of the date on which the change occurred.

(17) In determining whether it is reasonable to grant an application for the purposes of sub-paragraph (16), the authority shall have regard to the principle that the greater the amount of time that has elapsed between the date one month after the change of circumstances occurred and the date the application for a superseding decision is made, the more compelling should be the special circumstances on which the application is based. An application shall not be granted unless the authority is satisfied that—

- (a) it is reasonable to grant the application;
- (b) that change of circumstances notified by the applicant is relevant to the decision which is to be superseded; and
- (c) special circumstances are relevant and as a result of those special circumstances it was not practicable for the applicant to notify the change of circumstances within one month of the change occurring.

(18) In determining whether it is reasonable to grant an application, no account shall be taken of the following—

- (a) that the applicant was unaware of, or misunderstood, the law applicable to his case (including ignorance or misunderstanding of the time limits imposed by this scheme); or
- (b) that the Valuation Tribunal or a court has taken a different view of the law from that previously understood and applied.

(19) An application under this part which has been refused may not be renewed.

Change of circumstances where state pension credit in payment

108

(1) Sub-paragraphs (2) and (3) apply where--

- (a) the applicant is in receipt of state pension credit;

- (b) the amount of state pension credit awarded to him is changed in consequence of a change in the applicant's circumstances or the correction of an official error; and
- (c) the change in the amount of state pension credit payable to the applicant results in a change in the amount of a reduction he receives under this scheme.

(2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the applicant results in--

- (a) an increase in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the increased rate; or
- (b) a decrease in the reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which--
 - (i) the local authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or
 - (ii) state pension credit is increased,

whichever is the later.

(3) Where the change of circumstance ("the relevant change") is that the applicant's state pension credit has been reduced and in consequence the reduction the applicant receives under this scheme reduces--

- (a) in a case where the applicant's state pension credit has been reduced because the applicant failed to notify the Secretary of State timeously of a change of circumstances, the relevant change takes effect from the first day of the reduction week from which state pension credit was reduced; or
- (b) in any other case the relevant change takes effect from the first day of the reduction week next following the date on which--
 - (i) the authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or
 - (ii) state pension credit is reduced,

whichever is the later.

(4) Where the change of circumstance is that state pension credit is reduced and in consequence of the change, the amount of a reduction he receives under this scheme is increased, the change takes effect from the first day of the reduction week in which state pension credit becomes payable at the reduced rate.

(5) Where a change of circumstance occurs in that an award of state pension credit has been made to the applicant or his partner and this would result in a decrease in the amount of reduction he receives under this scheme, the change takes effect from the first day of the reduction week next following the date on which--

- (a) the authority receives notification from the Secretary of State of the award of state pension credit; or
- (b) entitlement to state pension credit begins,

whichever is the later.

(6) Where, in the case of an applicant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is--

- (a) a change of circumstances of a kind described in any of sub-paragraphs (2) to (5) which results from a relevant calculation or estimate; and
- (b) a change of circumstances which is a relevant determination,

each of which results in a change in the amount of reduction the applicant receives under this scheme, the change of circumstances referred to in sub-paragraph (b) takes effect from the day specified in sub-paragraph (2), (3), (4) or (5) as the case may be, in relation to the change referred to in paragraph (a).

(7) Where a change of circumstance occurs in that a guarantee credit has been awarded to the applicant or his partner and this would result in an increase in the amount of a reduction the applicant receives under this scheme, the change takes effect from the first day of the reduction week next following the date in respect of which the guarantee credit is first payable.

(8) Where a change of circumstances would, but for this sub-paragraph, take effect under the preceding provisions of this paragraph within the 4 week period specified in paragraph 93 (continuing reductions where state pension credit claimed), that change takes effect on the first day of the first reduction week to commence after the expiry of the 4 week period.

(9) In this paragraph--

"official error" means an error made by--

- (a) the authority or a person--
 - (i) authorised to carry out any function of the authority relating to this scheme; or
 - (ii) providing services relating to this scheme directly or indirectly to the authority; or
- (b) an officer of--
 - (i) the Department for Work and Pensions; or
 - (ii) the Commissioners of Inland Revenue,

acting as such,

but excludes any error caused wholly or partly by any person or body not specified in paragraph (a) or (b) of this definition and any error of law which is shown to have been an error only by virtue of a subsequent decision of the court;

"relevant calculation or estimate" means the calculation or estimate made by the Secretary of State of the applicant's or, as the case may be, the applicant's partner's income and capital for the purposes of the award of state pension credit;

"relevant determination" means a change in the determination by the authority of the applicant's income and capital using the relevant calculation or estimate, in accordance with paragraph 36(1).

Part 14

Applications (Including Duties to Notify Authority of Change of Circumstances)

Making an application

109

(1) In the case of--

(a) a couple or (subject to paragraph (b)) members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines; or

(b) in the case of members of a polygamous marriage to whom paragraph 37 (income and capital: award of universal credit) applies, an application is to be made by whichever one of the parties to the earliest marriage that still subsists they agree should so apply or, in default of agreement, by such one of them as the authority determines.

(2) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and--

(a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or

(b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or

(c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

(3) Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under this scheme and to receive and deal on his behalf with any sums payable to him.

(4) Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).

(5) Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4)--

(a) it may at any time revoke the appointment;

(b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;

(c) any such appointment must terminate when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

(6) Anything required by this scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.

(7) The authority must--

(a) inform any person making an application of the duty imposed by paragraph 115(1)(a);

(b) explain the possible consequences (including prosecution) of failing to comply with that duty; and

- (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

Date on which an application is made

110

- (1) Subject to sub-paragraph (7), the date on which an application is made is--

- (a) in a case where--

- (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
- (ii) the application is made within one month of the date on which the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,

the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;

- (b) in a case where--

- (i) an applicant or his partner is a person in receipt of a guarantee credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
- (iii) the application to the authority is received at the designated office within one month of the date of the change,

the date on which the change takes place;

- (c) in a case where--

- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
- (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,

the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

- (d) in a case where--

- (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
- (iii) the application to the authority is received at the designated office within one month of the date of the change,

the date on which the change takes place;

- (e) in a case where--

- (i) the applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under this scheme, and
- (ii) where the applicant makes an application for a reduction under this scheme within one month of the date of the death or the separation,

the date of the death or separation;

(f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to the applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

(g) in any other case, the date on which the application is received at the designated office.

(2) For the purposes only of sub-paragraph (1)(c) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under--

(a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or

(b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),

have been entitled to that allowance.

(3) Where the defect referred to in paragraph 7 of Schedule 1 to this scheme (application by telephone)-

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

(b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide on the application.

(4) The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.

(5) The conditions are that--

(a) where paragraph 4(a) of Schedule 1 (incomplete form) applies, the authority receives at its designated office the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or

(b) where paragraph 4(b) of Schedule 1 (application not on approved form or further information requested by authority) applies--

(i) the approved form sent to the applicant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,

(ii) the applicant supplies whatever information or evidence was requested under paragraph 4 of that Schedule within one month of the request,

or, in either case, within such longer period as the authority may consider reasonable; or

(c) where the authority has requested further information, the authority receives at its designated office the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

(6) Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under this scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority is to treat the application as having been made on the day on which the liability for the tax arises.

(7) Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under this scheme in the reduction week immediately following the date of his application but the authority is of the opinion that unless there is a change of circumstances he will be entitled to a reduction under this scheme for a period beginning not later than--

(a) in the case of an application made by--

(i) a pensioner, or

(ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit,

the seventeenth reduction week following the date on which the application is made, or

(b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made,

the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

(8) In this paragraph "appropriate DWP office" means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims for income support, a jobseeker's allowance or an employment and support allowance.

Back-dating of applications: pensioners

111

(1) Subject to sub-paragraph (2), the time for the making of an application under this scheme by a pensioner is as regards any day on which, apart from satisfying the condition of making an application, the applicant is entitled to such a reduction, that day and the period of three months immediately following it.

(2) In any case where paragraph 110(1)(a) applies, sub-paragraph (1) does not entitle a person to apply for a reduction under this scheme in respect of any day earlier than three months before the date on which the claim for state pension credit is made (or treated as made by virtue of any provision of the Social Security (Claims and Payments) Regulations 1987).

Back-dating of applications: persons who are not pensioners

112

(1) Where an applicant who is a person who is not a pensioner--

(a) makes an application under this scheme which includes (or which he subsequently requests should include) a period before the application is made; and

- (b) from a day in that period, up to the date he made the application (or subsequently requested that the application should include a past period), the applicant had continuous good cause for failing to make an application (or request that the application should include that period),

the application is to be treated as made on the date determined in accordance with sub-paragraph (2).

(2) That date is the latest of--

- (a) the first day from which the applicant had continuous good cause;
- (b) the day 6 months before the date the application was made;
- (c) the day 6 months before the date when the applicant requested that the application should include a past period.

Information and evidence

113

(1) Subject to sub-paragraph (3), a person who makes an application for a reduction under this scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

(2) This sub-paragraph is satisfied in relation to a person if--

- (a) the application is accompanied by--
 - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
- (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by--
 - (i) evidence of the application for a national insurance number to be so allocated; and
 - (ii) the information or evidence enabling it to be so allocated.

(3) Sub-paragraph (2) does not apply--

- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
- (b) to a person who--
 - (i) is a person treated as not being in Great Britain for the purposes of this scheme;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
 - (iii) has not previously been allocated a national insurance number.

(4) Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under this scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by the authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under this scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

- (5) Nothing in this paragraph requires a person to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.
- (6) Where a request is made under sub-paragraph (4), the authority must--
 - (a) inform the applicant or the person to whom a reduction under this scheme has been awarded of his duty under paragraph 115 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
 - (b) without prejudice to the extent of the duty owed under paragraph 115, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which is to be notified.
- (7) This sub-paragraph applies to any of the following payments--
 - (a) a payment which is--
 - (i) disregarded under paragraph 28 of Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners) or paragraph 38 of Schedule 10 (capital disregards: persons who are not pensioners); or
 - (ii) made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation 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 30(9)(b) or (c) (payment made under certain trusts etc) or paragraph 2(b) or (c) of Schedule 4 (payments made under certain trusts etc) other than a payment under the Independent Living Fund (2006).
- (8) Where an applicant or a person to whom 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.

Amendment and withdrawal of application

114

- (1) A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.
- (2) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the amendment may also be made by telephone.
- (3) Any application amended in accordance with sub-paragraph (1) or (2) is to be treated as if it had been amended in the first instance.
- (4) A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.

- (5) Where the application was made by telephone in accordance with Part 1 of Schedule 1, the withdrawal may also be made by telephone.
- (6) Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.
- (7) Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

Duty to notify changes of circumstances

115

- (1) Subject to sub-paragraphs (3), (6) and (7), the applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time--
 - (a) between the making of an application and a decision being made on it, or
 - (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under this scheme) including at any time while the applicant is in receipt of such a reduction.
- (2) The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under this scheme (a "relevant change of circumstances") by giving notice to the authority--
 - (a) in writing; or
 - (b) by telephone--
 - (i) where the authority has published a telephone number for that purpose or for the purposes of Part 1 of Schedule 1 unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
 - (c) by any other means which the authority agrees to accept in any particular case,

within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.

- (3) The duty imposed on a person by sub-paragraph (1) does not extend to notifying--
 - (a) changes in the amount of council tax payable to the authority;
 - (b) changes in the age of the applicant or that of any member of his family;
 - (c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under this scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- (4) For the purposes of sub-paragraph (3)(c) "relevant benefit" means income support, an income-based jobseeker's allowance or an income-related employment and support allowance or universal credit.
- (5) Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a

member of his family is now no longer such a person because he has ceased to be a child or young person.

(6) The duty imposed on a person by sub-paragraph (1) includes--

- (a) in the case of a person falling within class C (pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of state pension credit, the date when this occurs;
- (b) in the case of a person falling within class F (persons who are not pensioners: alternative maximum council tax reduction) giving written notice to the authority of changes which occur in the number of adults in the dwelling or in their total gross incomes and, where any such adult ceases to be in receipt of income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the date when this occurs.

(7) A person who has been awarded a reduction under this scheme who is also on state pension credit must report--

- (a) changes affecting the residence or income of any non-dependant normally residing with the applicant or with whom the applicant normally resides;
- (b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks.

(8) In addition to the changes required to be reported under sub-paragraph (7), a person whose state pension credit comprises only the savings credit must also report--

- (a) changes affecting a child living with him which may result in a change in the amount of reduction under this scheme allowed in his case, but not changes in the age of the child;
- (b) any change in the amount of the applicant's capital to be taken into account which does or may take the amount of his capital to more than £16,000;
- (c) any change in the income or capital of--
 - (i) a non-dependant whose income and capital are treated as belonging to the applicant in accordance with paragraph 34 (circumstances in which income of a non-dependant is to be treated as applicant's); or
 - (ii) a person to whom paragraph 36(2)(e) (partner treated as member of the household under paragraph 8) refers,

and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the applicant.

(9) A person who is entitled to a reduction under this scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (7) and (8).

Part 15 Decisions by Authority

Decision by authority

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

Notification of decision

117

- (1) The authority must notify in writing any person affected by a decision made by it under this scheme--
 - (a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;
 - (b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.
- (2) Where the decision is to award a reduction the notification under sub-paragraph (1) must include a statement--
 - (a) informing the person affected of the duty imposed by paragraph 115(1)(b);
 - (b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and
 - (c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.
- (3) Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.
- (4) In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in this scheme relating to the procedure for making an appeal.
- (5) A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.
- (6) The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.
- (7) For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under this scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).
- (8) This sub-paragraph applies to--
 - (a) the applicant;
 - (b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act--
 - (i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
 - (ii) in Scotland, a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on the person's behalf; or
 - (iii) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

- (c) a person appointed by the authority under paragraph 109(3).

Part 16
Circumstances in Which a Payment May be Made

Payment where there is joint and several liability

118

(1) Where--

- (a) a person is entitled to a reduction under this scheme in respect of his liability for the authority's council tax as it has effect in respect of a financial year;
- (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
- (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers would be inappropriate,

it may make a payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

(2) Subject to sub-paragraph (3), any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

(3) Where a person other than the person who is entitled to the reduction under this scheme made the application for the reduction and that first person is a person acting pursuant to an appointment under paragraph 109(3) (persons appointed to act for a person unable to act) or is treated as having been so appointed by virtue of paragraph 109(5), the amount of the reduction may be paid to that person.

SCHEDULE 1
PROCEDURAL MATTERS

Paragraph 11

Part 1
Procedure for an Application for a Reduction Under this Scheme

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

1

Paragraphs 2 to 7 apply to an application for a reduction under this scheme.

2

An application may be made--

- (a) in writing,
- (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or

- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

3

- (1) An application which is made in writing must be made to the designated office on a properly completed form.
- (2) The form must be provided free of charge by the authority for the purpose.

4

Where an application made in writing is defective because--

- (a) it was made on the form supplied for the purpose but that form is not accepted by the authority as being properly completed; or
- (b) it was made in writing but not on the form supplied for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,

the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

- (2) An application made on a form provided by the authority is properly completed if completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.

5

- (1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.
- (2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

6

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

7

- (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.
- (2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

Part 2
Procedure for Making an Appeal

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

8

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

- (a) the person's entitlement to a reduction under this scheme, or
- (b) the amount of any reduction under this scheme,

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

9

The authority must--

- (a) consider the matter to which the notice relates;
- (b) notify the aggrieved person in writing--
 - (i) that the ground is not well founded, giving reasons for that belief; or
 - (ii) that steps have been taken to deal with the grievance, stating the steps taken.

10

Where, following notification under paragraph 9(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with paragraph 9(b) within two months of the service of his notice, he may appeal to a valuation tribunal under section 16 of the 1992 Act.

10A

An appeal to the authority under paragraph 8 of this Part must be signed by the appellant and should be made within one calendar month of the date of notification of the authority's decision or the date of a written statement in accordance with sub-paragraph 117, whichever is the later.

10B

Subject to paragraph 10D, a late appeal may be considered where the conditions specified in paragraph 10C are satisfied. An appeal for the purposes of this paragraph shall include:

- (a) particulars of the disputed decision and the reasons for the failure to request a reconsideration on an earlier date, and
- (b) be made within 13 months of the date on which the decision was notified.

10C

In determining whether it is reasonable to grant an appeal for the purposes of paragraph 10B, the authority shall have regard to the principle that the greater the amount of time that has elapsed between the date one month after the date of notification of the authority's decision or the date of a written statement and the date the appeal is made, the more compelling should be the special circumstances on which the appeal is based. An appeal shall not be granted unless the authority is satisfied that--

- (a) the appeal has merit;
- (b) it is reasonable to grant the appeal; and
- (c) special circumstances are relevant and as a result of those special circumstances it was not practicable for the applicant to appeal within the one month time limit.

10D

In determining whether it is reasonable to grant an appeal, no account shall be taken of the following—

- (a) that the applicant was unaware of, or misunderstood, the law applicable to his case (including ignorance or misunderstanding of the time limits imposed by this scheme); or
- (b) that the Valuation Tribunal or a court has taken a different view of the law from that previously understood and applied.

10E

An appeal under this part which has been refused may not be renewed.

Part 3
Procedure for Applying for a Discretionary Reduction

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

11

- (1) An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made—
 - (a) in writing;
 - (b) by means of an electronic communication in accordance with Part 4 of this Schedule; or
 - (c) where the authority has published a telephone number for the purposes of receiving such applications, by telephone.
- (2) Where—
 - (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
 - (b) a person in that class would otherwise be entitled to a reduction under this scheme,

that person's application for a reduction under this scheme may also be treated as an application for a reduction under section 13A(1)(c).

Part 4
Electronic Communication

Interpretation

12

In this Part--

"information" includes an application, certificate, notice or other evidence;

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

Conditions for the use of electronic communication

13

(1) The authority may use an electronic communication in connection with applications for, and awards of, reductions under this scheme.

(2) A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

(3) The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

(4) The second condition is that the person uses an approved method of--

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any application or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

(5) The third condition is that any information sent by means of an electronic communication is in a form supplied for the purposes of this Part of this Schedule.

(6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

(7) Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

(8) In this paragraph "approved" means approved by means of a direction given by the Chief Executive of the authority for the purposes of this Part of this Schedule.

Use of intermediaries

14

The authority may use intermediaries in connection with--

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

Effect of delivering information by means of electronic communication

15

(1) Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of this scheme, on the day the conditions imposed--

- (a) by this Part; and
- (b) by or under an enactment,

are satisfied.

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

(3) Information must not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

Proof of identity of sender or recipient of information

16

If it is necessary to prove, for the purpose of any legal proceedings, the identity of--

- (a) the sender of any information delivered by means of an electronic communication to an official computer system; or
- (b) the recipient of any such information delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

Proof of delivery of information

17

(1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this must be presumed to have been the case where--

- (a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
- (b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

(2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this must be presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

(3) If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt must be presumed to be that recorded on an official computer system.

Proof of content of information

18

If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content must be presumed to be that recorded on an official computer system.

SCHEDULE 2
APPLICABLE AMOUNTS: PENSIONERS

Paragraph 25

Part 1
Personal Allowances

Personal allowance

1

The amount specified in column (2) below in respect of each person or couple specified in column (1) is the amount specified for the purposes of paragraph 25(1)(a).

<i>Column (1)</i> <i>Person, couple or polygamous marriage</i>	<i>Column (2)</i> <i>Amount</i>
(1) Single applicant or lone parent--	(1)
(a) aged under 65;	(a) £145.40;
(b) aged 65 or over.	(b) £163.50.
(2) Couple--	(2)
(a) both members aged under 65;	(a) £222.05;
(b) one or both members aged 65 or over.	(b) £244.95.
(3) If the applicant is a member of a polygamous marriage and none of the members of the marriage has attained the age of 65--	(3)
(a) for the applicant and the other party to the marriage;	(a) £222.05;
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £76.65.
(4) If the applicant is a member of a polygamous marriage and one or more members of the marriage are aged 65 or over--	(4)
(a) for the applicant and the other party to the marriage;	(a) £244.95;
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £81.45.

Child or young person amounts

2

(1) The amounts specified in column (2) below in respect of each person specified in column (1) are the amounts, for the relevant period specified in column (1), specified for the purposes of paragraph 25(1)(b).

<i>Column (1)</i>	<i>Column (2)</i>

<i>Child or young person</i>	<i>Amount</i>
Person in respect of the period--	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	(a) £65.62;
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	(b) £65.62

(2) In column (1) of the table "the first Monday in September" means the Monday which first occurs in the month of September in any year.

Part 2 Family Premium

Family premium

3

The amount for the purposes of paragraph 25(1)(c) in respect of a family of which at least one member is a child or young person is £17.40.

Part 3 Premiums

4

The premiums specified in Part 4 are, for the purposes of paragraph 25(1)(d), applicable to an applicant who satisfies the condition specified in this Part in respect of that premium.

5

(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person is to be treated as being in receipt of any benefit for--

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provision of those Regulations, he would be in receipt of that benefit; and
- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973, or by Skills Development Scotland, Scottish Enterprise or Highland and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 9, a person is to be treated as being in receipt of a carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with

section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 or an AFIP.

Severe disability premium

6

- (1) The condition is that the applicant is a severely disabled person.
- (2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if--
 - (a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)--
 - (i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; and
 - (ii) subject to sub-paragraph (6), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
 - (iii) no person is entitled to, and in receipt of, a carer's allowance in respect of caring for him;
 - (b) in the case of an applicant who has a partner--
 - (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP;
 - (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance; and
 - (iii) subject to sub-paragraph (6), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance in respect of caring for only one of the couple or, if he is a member of a polygamous marriage, for one or more but not all the members of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance in respect of caring for either member of a couple or any of the members of the marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of sub-paragraph (4), that partner is to be treated for the purposes of sub-paragraph (2) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (3), a person is blind if he is registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.

(5) For the purposes of sub-paragraph (4), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(6) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of--

- (a) a person receiving attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living

component of personal independence payment paid at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012, or an AFIP; or

(b) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and (5).

(7) For the purposes of sub-paragraph (2)(b) a person is to be treated--

(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) as being in receipt of the daily living component of personal independence payment paid at the rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012 if he would, but for his being a patient for a period exceeding 28 days, be so in receipt, notwithstanding section 86 of that Act and regulations made thereunder;

(c) as being in receipt of an AFIP if he would be so in receipt but for a suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;

(d) as being entitled to and in receipt of a carer's allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.

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

(a) no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid; and

(b) references to a person being in receipt of a carer's allowance include reference to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit).

Enhanced disability premium

7

(1) The condition is that--

(a) the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 73(2) of that Act; or

(b) (as the case may be) the daily living component of personal independence payment is, or would, but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012, be payable at the enhanced rate prescribed in accordance with section 78(2) of that Act,

in respect of a child or young person who is a member of the applicant's family.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

Disabled child premium

8

The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household--

- (a) is in receipt of disability living allowance, personal independence payment or is no longer in receipt of such allowance or payment because he is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is blind within the meaning of paragraph 6(4) or treated as blind in accordance with paragraph 6(5); or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

Carer premium

9

- (1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance.
- (2) Where a carer premium has been awarded but--
 - (a) the person in respect of whose care the carer's allowance has been awarded dies; or
 - (b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance,

this paragraph is to be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

- (3) The relevant date for the purposes of sub-paragraph (2) is--
 - (a) in a case within sub-paragraph (2)(a), the Sunday following the death of the person in respect of whose care the carer's allowance has been awarded (or beginning with the date of death if the date occurred on a Sunday);
 - (b) in a case within sub-paragraph (2)(b), the date on which that person who was entitled to a carer's allowance ceases to be entitled to it.
- (4) For the purposes of this paragraph, a person is to be treated as being entitled to and in receipt of a carer's allowance for any period not covered by an award but in respect of which a payment is made in lieu of an award.

Persons in receipt of concessionary payments

10

For the purpose of determining whether a premium is applicable to a person under paragraphs 6 to 9, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

Person in receipt of benefit

11

For the purposes of this Part of this Schedule, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and is to be so regarded only for any period in respect of which that benefit is paid.

Part 4
Amounts of Premium Specified in Part 3

12

(1) Severe Disability Premium--

<i>Provision</i>	<i>Amount</i>
(a) where the applicant satisfies the condition in paragraph 6(2)(a);	(a) £59.50;
(b) where the applicant satisfies the condition in paragraph 6(2)(b)--	(b)
(i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 6(7);	(i) £59.50;
(ii) in a case where there is no-one in receipt of such an allowance.	(ii) £119.00.
(2) Enhanced disability premium.	(2) £23.45 in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.
(3) Disabled Child Premium.	(3) £57.89 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium.	(4) £33.30 in respect of each person who satisfies the condition specified in paragraph 9.

SCHEDULE 3
APPLICABLE AMOUNTS: PERSONS WHO ARE NOT PENSIONERS

Paragraph 26

Part 1
Personal Allowances

1

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

<i>Column (1)</i> <i>Person or couple</i>	<i>Column (2)</i> <i>Amount</i>
(1) A single applicant who--	(1)
(a) is entitled to main phase employment and	(a) £71.70;

support allowance;

(b) is aged not less than 25;	(b) £71.70;
(c) is aged not less than 18 but less than 25.	(c) £56.80.
(2) Lone parent.	(2) £71.70.
(3) Couple.	(3) £112.55.

2

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

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

3

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

<i>Column (1)</i> <i>Child or Young person</i>	<i>Column (2)</i> <i>Amount</i>
Person in respect of the period--	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	£65.62
(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.	£65.62

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

Part 2 Family Premium

4

(1) The amount for the purposes of paragraphs 26(1)(c) and 27(1)(d) in respect of a family of which at least one member is a child or young person is--

- (a) where the applicant is a lone parent to whom sub-paragraph (2) applies, £22.20;
- (b) in any other case, £17.40.

(2) The amount in sub-paragraph (1)(a) is applicable to a lone parent--

- (a) who was entitled to council tax benefit on 5th April 1998 and whose applicable amount on that date included the amount applicable under paragraph 3(1)(a) of Schedule 1 to the Council Tax Benefit

(Persons who have attained the qualifying age for state pension credit) Regulations 2006 as in force on that date; or

(b) on becoming entitled to council tax benefit where that lone parent--

(i) had been treated as entitled to that benefit in accordance with sub-paragraph (3) as at the day before the date of claim for that benefit; and

(ii) was entitled to housing benefit as at the date of claim for council tax benefit or would have been entitled to housing benefit as at that date had that day not fallen during a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006,

and in respect of whom, all of the conditions specified in sub-paragraph (3) have continued to apply.

(3) The conditions specified for the purposes of sub-paragraph (2) are that, in respect of the period commencing on 6th April 1998--

(a) the applicant has not ceased to be entitled, or has not ceased to be treated as entitled, to

(i) council tax benefit (in relation to the period prior to 1st April 2013), and

(ii) a reduction under a scheme made by this authority (in relation to the period commencing on 1st April 2013);

(b) the applicant has not ceased to be a lone parent;

(c) where the applicant was entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has continuously, since that date, been entitled to income support, an income-based jobseeker's allowance or income-related employment and support allowance or a combination of those benefits;

(d) where the applicant was not entitled to income support or to an income-based jobseeker's allowance on 5th April 1998, he has not become entitled to income support, an income-based jobseeker's allowance or an income-related employment and support allowance; and

(e) a premium under paragraph 9 or a component under paragraph 21 or 22 has not become applicable to the applicant.

(4) For the purposes of sub-paragraphs (2)(b)(i) and (3)(a), an applicant is to be treated as entitled to council tax benefit during any period where he was not, or had ceased to be, so entitled and--

(a) throughout that period, he had been awarded housing benefit and his applicable amount included the amount applicable under paragraph 3(1)(a) of Schedule 3 to the Housing Benefit Regulations 2006 (lone parent rate of family premium); or

(b) he would have been awarded housing benefit during that period had that period not been a rent free period as defined in regulation 81 of the Housing Benefit Regulations 2006 and his applicable amount throughout that period would have included the amount applicable under paragraph 3(1)(a) of Schedule 3 to those Regulations.

Part 3 Premiums

5

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

6

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

7

The following premiums, namely--

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

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

8

(1) Subject to sub-paragraph (2), for the purposes of this Part of this Schedule, once a premium is applicable to an applicant under this Part, a person is to be treated as being in receipt of any benefit for--

- (a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
- (b) any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the Employment and Training Act 1973 or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990 for any period during which he is in receipt of a training allowance.

(2) For the purposes of the carer premium under paragraph 14, a person is to be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable under Part 4 of the Welfare Reform Act 2012.

Disability premium

9

The condition is that--

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

- (ii) his partner has not attained the qualifying age for state pension credit and the additional condition specified in paragraph 10(1)(a) is satisfied by his partner.

Additional condition for the disability premium

10

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

(a) the applicant or, as the case may be, his partner--

(i) is in receipt of one or more of the following benefits: attendance allowance, disability living allowance, personal independence payment, an AFIP, the disability element or the severe disability element of working tax credit as specified in regulation 20(1)(b) and (f) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002, mobility supplement, long-term incapacity benefit under Part 2 of the SSCBA or severe disablement allowance under Part 3 of that Act but, in the case of long-term incapacity benefit or severe disablement allowance, only where it is paid in respect of him; or

(ii) was in receipt of long-term incapacity benefit under Part 2 of the SSCBA when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and the applicant remained continuously entitled to--

(aa) council tax benefit (in relation to the period prior to 1st April 2013, and

(bb) a reduction under a scheme made by this authority (in relation to the period commencing on 1st April 2013), and

if the long-term incapacity benefit was payable to his partner, the partner is still a member of the family; or

(iii) was in receipt of attendance allowance or disability living allowance but payment of benefit has been suspended in accordance with regulations made under section 113(2) of the SSCBA or otherwise abated as a consequence of the applicant or his partner becoming a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges); or

(iv) was in receipt of personal independence payment, but payment of that benefit has been suspended in accordance with section 86 of the Welfare Reform Act 2012 as a consequence of the applicant becoming a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges); or

(v) was in receipt of an AFIP, but payment has been suspended in accordance with any terms of the armed and reserve forces compensation scheme which allow for suspension because a person is undergoing medical treatment in a hospital or similar institution; or

(vi) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972; or

(vii) is blind and in consequence registered in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(b) the applicant--

(i) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work); and

(ii) has been incapable, or has been treated as incapable, of work for a continuous period of not less than--

(aa) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the SSCBA, 196 days;

(bb) in any other case, 364 days.

(2) For the purposes of sub-paragraph (1)(a)(vii), a person who has ceased to be registered as blind on regaining his eyesight is nevertheless to be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so registered.

(3) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, if he then ceases, for a period of 8 weeks or less, to be treated as incapable of work or to be incapable of work he is, on again becoming so incapable of work, immediately thereafter to be treated as satisfying the condition in sub-paragraph (1)(b).

(4) For the purposes of sub-paragraph (1)(b), once the disability premium is applicable to an applicant by virtue of his satisfying the additional condition specified in that provision, he is to continue to be treated as satisfying that condition for any period spent by him in undertaking a course of training provided under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 or for any period during which he is in receipt of a training allowance.

(5) For the purposes of sub-paragraph (1)(b), where any two or more periods of incapacity are separated by a break of not more than 56 days, those periods are to be treated as one continuous period.

(6) For the purposes of this paragraph, a reference to a person who is or was in receipt of long-term incapacity benefit includes a person who is or was in receipt of short-term incapacity benefit at a rate equal to the long-term rate by virtue of section 30B(4)(a) of the Act (short-term incapacity benefit for a person who is terminally ill), or who would be or would have been in receipt of short-term incapacity benefit at such a rate but for the fact that the rate of short-term incapacity benefit already payable to him is or was equal to or greater than the long-term rate.

(7) In the case of an applicant who is a welfare to work beneficiary (a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies, and who again becomes incapable of work for the purposes of Part 12A of the SSCBA)--

(a) the reference to a period of 8 weeks in sub-paragraph (3); and

(b) the reference to a period of 56 days in sub-paragraph (5),

in each case is to be treated as a reference to a period of 104 weeks.

(8) The applicant is not entitled to the disability premium if he has, or is treated as having, limited capability for work.

Severe disability premium

11

(1) The condition is that the applicant is a severely disabled person.

(2) For the purposes of sub-paragraph (1), an applicant is to be treated as being a severely disabled person if, and only if--

(a) in the case of a single applicant, a lone parent or an applicant who is treated as having no partner in consequence of sub-paragraph (3)--

- (i) he is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and
- (ii) subject to sub-paragraph (4), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing; and
- (iii) no person is entitled to, and in receipt of, a carer's allowance under section 70 of the SSCBA in respect of caring for him;

(b) in the case of an applicant who has a partner--

- (i) the applicant is in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP; and
- (ii) his partner is also in receipt of such an allowance or, if he is a member of a polygamous marriage, all the partners of that marriage are in receipt of such an allowance; and
- (iii) subject to sub-paragraph (4), the applicant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing,

and either a person is entitled to and in receipt of a carer's allowance in respect of caring for only one of a couple or, in the case of a polygamous marriage, for one or more but not all the partners of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance in respect of caring for either member of a couple or any partner of a polygamous marriage.

(3) Where an applicant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of paragraph 10(1)(a)(vii) and (2), that partner is to be treated for the purposes of sub-paragraph (2)(b)(ii) as if he were not a partner of the applicant.

(4) For the purposes of sub-paragraph (2)(a)(ii) and (2)(b)(iii) no account is to be taken of--

- (a) a person receiving attendance allowance, or disability living allowance by virtue of the care component at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate prescribed in accordance with Part 4 of the Welfare Reform Act 2012; or
- (b) a person who is blind or is treated as blind within the meaning of paragraph 10(1)(a)(vii) and (2).

(5) For the purposes of sub-paragraph (2)(b) a person is to be treated--

- (a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the SSCBA, or the daily living component of personal independence payment payable at either rate under Part 4 of the Welfare Reform Act 2012, or an AFIP if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
- (b) as being entitled to and in receipt of a carer's allowance if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt.

(6) For the purposes of sub-paragraph (2)(a)(iii) and (2)(b), no account is to be taken of an award of carer's allowance to the extent that payment of such an award is back-dated for a period before the date on which the award is first paid.

(7) In sub-paragraph (2)(a)(iii) and (b), references to a person being in receipt of a carer's allowance include references to a person who would have been in receipt of that allowance but for the application of a restriction under section 6B or 7 of the Social Security Fraud Act 2001 (loss of benefit provisions).

Enhanced disability premium

12

(1) Subject to sub-paragraph (2), the condition is that--

(a) the Secretary of State has decided that the applicant has, or is to be treated as having, limited capability for work-related activity; or

(b) the care component of disability living allowance is, or would be payable at the highest rate prescribed under section 72(3) of the SSCBA, but for a suspension of benefit in accordance with regulations made under section 113(2) of the SSCBA or but for an abatement as a consequence of hospitalisation be payable at the highest rate prescribed under section 72(3) of the SSCBA in respect of--

(i) the applicant; or

(ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit; or

(c) the daily living component of personal independence payment is, or would be payable at either rate under Part 4 of the Welfare Reform Act 2012, but for a suspension of benefit in accordance with section 86 of the Welfare Reform Act 2012 in respect of--

(i) the applicant; or

(ii) a member of the applicant's family,

who has not attained the qualifying age for state pension credit.

(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the applicant or partner is entitled to child benefit in respect of that person under section 145A of the SSCBA (entitlement after death of child or qualifying young person).

(3) The condition is not satisfied if the person to whom sub-paragraph (1) refers is--

(a) an applicant who--

(i) is not a member of a couple or a polygamous marriage; and

(ii) is a patient within the meaning of paragraph 58(11)(i) (treatment of child care charges) and has been for a period of more than 52 weeks; or

(b) a member of a couple or a polygamous marriage where each member is a patient within the meaning of paragraph 58(11)(i) and has been for a period of more than 52 weeks.

Disabled child premium

13

The condition is that a child or young person for whom the applicant or a partner of his is responsible and who is a member of the applicant's household--

- (a) is in receipt of disability living allowance or personal independence payment or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family; or
- (b) is blind or treated as blind within the meaning of paragraph 10; or
- (c) is a child or young person in respect of whom section 145A of the SSCBA (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the applicant's applicable amount immediately before the death of that child or young person, or ceased to be included in the applicant's applicable amount because of that child or young person's death.

Carer premium

14

- (1) The condition is that the applicant or his partner is, or both of them are, entitled to a carer's allowance under section 70 of the SSCBA.
- (2) Where a carer premium is awarded but--
 - (a) the person in respect of whose care the carer's allowance has been awarded dies; or
 - (b) in any other case the person in respect of whom a carer premium has been awarded ceases to be entitled to a carer's allowance,

the condition for the award of the premium is to be treated as satisfied for a period of eight weeks from the relevant date specified in sub-paragraph (3).

- (3) The relevant date for the purposes of sub-paragraph (2) is--
 - (a) where sub-paragraph (2)(a) applies, the Sunday following the death of the person in respect of whose care a carer's allowance has been awarded or the date of death if the death occurred on a Sunday;
 - (b) in any other case, the date on which the person who has been entitled to a carer's allowance ceases to be entitled to that allowance.
- (4) Where a person who has been entitled to a carer's allowance ceases to be entitled to that allowance and makes an application for a reduction, the condition for the award of the carer premium is to be treated as satisfied for a period of eight weeks from the date on which--
 - (a) the person in respect of whose care the carer's allowance has been awarded dies; or
 - (b) in any other case, the person who has been entitled to a carer's allowance ceased to be entitled to that allowance.

Persons in receipt of concessionary payments

15

For the purpose of determining whether a premium is applicable to a person under paragraphs 10 to 14, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs is to be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

16

For the purposes of this Part of this Schedule, a person is to be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and is to be so regarded only for any period in respect of which that benefit is paid.

Part 4 Amounts of Premiums Specified in Part 3

17

(1) Disability Premium--

<i>Premium</i>	<i>Amount</i>
(a) where the applicant satisfies the condition in paragraph 9(a);	(a) £31.00;
(b) where the applicant satisfies the condition in paragraph 9(b).	(b) £44.20.
(2) Severe Disability Premium--	(2)
(a) where the applicant satisfies the condition in paragraph 11(2)(a);	(a) £59.50;
(b) where the applicant satisfies the condition in paragraph 11(2)(b)--	
(i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 11(5);	(b)(i) £59.50;
(ii) in a case where there is no-one in receipt of such an allowance.	(b)(ii) £119.00.
(3) Disabled Child Premium.	(3) £57.89 in respect of each child or young person in respect of whom the condition specified in paragraph 13 is satisfied.
(4) Carer Premium.	(4) £33.30 in respect of each person who satisfies the condition specified in paragraph 14.
(5) Enhanced disability premium	(5)
	(a) £23.45 in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied;
	(b) £15.15 in respect of each person who is neither--
	(i) a child or young person; nor
	(ii) a member of a couple or a polygamous marriage,
	in respect of whom the conditions specified in paragraph 12 are satisfied;

- (c) £21.75 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 12 are satisfied in respect of a member of that couple or polygamous marriage.
-

Part 5

The Components

18

Subject to paragraph 20 the applicant is entitled to one, but not both, of the components in paragraph 21 or 22 if--

- (a) the applicant or the applicant's partner has made a claim for employment and support allowance;
- (b) the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work or limited capability for work-related activity; and
- (c) either--
 - (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
 - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work related activity component arises does not apply) applies.

19

Subject to paragraph 20, the applicant is entitled to one, but not both, of the components in paragraphs 21 and 22 if the applicant or his partner is entitled to a converted employment and support allowance.

20

- (1) The applicant has no entitlement under paragraph 21 or 22 if the applicant is entitled to the disability premium under paragraphs 9 and 10.
- (2) Where the applicant and the applicant's partner each satisfies paragraph 21 or 22, the component to be included in the applicant's applicable amount is that which relates to the applicant.

The work-related activity component

21

The applicant is entitled to the work-related activity component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work.

The support component

22

The applicant is entitled to the support component if the Secretary of State has decided that the applicant or the applicant's partner has, or is to be treated as having, limited capability for work-related activity.

Part 6
Amount of Components

23

The amount of the work-related activity component is £28.45.

24

The amount of the support component is £34.80.

Part 7
Transitional Addition

25

(1) The applicant is entitled to the transitional addition calculated in accordance with paragraph 28 where the applicant or the applicant's partner ("the relevant person")--

- (a) is entitled to a converted employment and support allowance; or
- (b) is appealing a conversion decision as described in regulation 5(2)(b) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No 2) Regulations 2008 and--
 - (i) is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No 2) Regulations 2008; and
 - (ii) is not in receipt of an income-related employment and support allowance,

unless the amount of the transitional addition calculated in accordance with paragraph 28 would be nil.

(2) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following--

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of reduction under this scheme;
- (c) the relevant person ceasing to meet the requirements of sub-paragraph (1)(a) or (b), as the case may be;
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

26

(1) This paragraph applies where--

- (a) the applicant's entitlement to a transitional addition ends, by virtue of the termination of the applicant's award of reduction, under--
 - (i) paragraph 25(2)(b);

- (ii) sub-paragraph (3)(b); or
- (iii) paragraph 27(3)(b);

(b) within 12 weeks of that termination but before 5th April 2020 the applicant again becomes entitled to a reduction under this scheme;

(c) in the reduction week in which the applicant again becomes entitled to a reduction under this scheme the relevant person is entitled to an employment and support allowance which is not income-related; and

(d) at the date on which the applicant again becomes entitled to a reduction under this scheme, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day on which the applicant again becomes entitled to a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following--

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(c);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

27

(1) This paragraph applies where--

(a) the applicant's entitlement to a transitional addition ends, by virtue of the relevant person ceasing to be entitled to an employment and support allowance, under--

- (i) paragraph 25(2)(c);
- (ii) paragraph 26(3)(c); or
- (iii) sub-paragraph (3)(c);

(b) before 5th April 2020 the relevant person again becomes entitled to an employment and support allowance which is not income-related;

(c) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related regulation 145(1) of the Employment and Support Allowance Regulations 2008 applies to the relevant person; and

(d) at the date on which the relevant person again becomes entitled to an employment support allowance which is not income-related, neither the applicant nor the applicant's partner is entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support.

(2) Where this paragraph applies, the applicant is entitled, with effect from the day that the relevant person's entitlement to employment and support allowance takes effect for the purposes of a reduction under this scheme, to a transitional addition of the amount of the transitional addition that would have applied had the applicant's entitlement to a transitional addition not ended (but taking account of the effect which any intervening change of circumstances would have had by virtue of paragraph 29), unless the amount of the transitional addition would be nil.

(3) The applicant's entitlement to a transitional addition by virtue of this paragraph ends on any of the following--

- (a) the reduction of the transitional addition to nil in accordance with paragraph 29;
- (b) the termination of the applicant's award of a reduction under this scheme;
- (c) the relevant person no longer being entitled to the employment and support allowance referred to in sub-paragraph (1)(b);
- (d) the applicant or the applicant's partner becoming entitled to an income-related employment and support allowance, an income-based jobseeker's allowance or income support;
- (e) 5th April 2020.

Part 8

Amount of Transitional Addition

28

(1) Subject to paragraph 29, the amount of the transitional addition is the amount by which Amount A exceeds Amount B.

(2) Where a conversion decision as described in regulation 5(2)(a) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No 2) Regulations 2010 ("the 2010 Regulations") is made in respect of the relevant person--

- (a) Amount A is the basic amount that would have applied on the day that decision took effect had that decision not been made; and
- (b) Amount B is the basic amount that applied on that day as a result of that decision.

(3) Where the relevant person is appealing a conversion decision as described in regulation 5(2)(b) of the 2010 Regulations and is treated as having limited capability for work by virtue of regulation 30 of the Employment and Support Allowance Regulations 2008 as modified by the 2010 Regulations--

- (a) Amount A is the basic amount that would have applied on the day the relevant person was first treated as having limited capability for work if the relevant person had not been so treated; and
- (b) Amount B is the basic amount that applied on that day as a result of the relevant person being so treated.

(4) In this paragraph and paragraph 29, "basic amount" means the aggregate of such amounts as may apply in the applicant's case in accordance with paragraph 26(1)(a) to (e) or paragraph 27(1)(a) to (f) (applicable amounts).

29

- (1) Subject to sub-paragraph (2), where there is a change of circumstances which leads to an increase in the applicant's basic amount, the transitional addition that applies immediately before the change of circumstances must be reduced by the amount by which Amount C exceeds Amount D.
- (2) If Amount C exceeds Amount D by more than the amount of the transitional addition that applies immediately before the change of circumstances, that transitional addition must be reduced to nil.
- (3) Amount C is the basic amount that applies as a result of the increase.
- (4) Amount D is the basic amount that applied immediately before the increase.

SCHEDULE 4

AMOUNT OF ALTERNATIVE MAXIMUM COUNCIL TAX REDUCTION: PENSIONERS AND PERSONS WHO ARE NOT PENSIONERS

Paragraph 31

1

- (1) Subject to paragraphs 2 and 3, the alternative maximum council tax reduction in respect of a day for the purpose of paragraph 31 (alternative maximum council tax reduction: pensioners and persons who are not pensioners) is determined in accordance with the following Table and in this Table--
 - (a) "second adult" means any person or persons residing with the applicant to whom paragraph 15(2) (class C) or 18(2) (class F) (as the case may be) applies; and
 - (b) "persons to whom paragraph 75(1) of this scheme applies" includes any person to whom that paragraph would apply were they, and their partner if they had one, below the qualifying age for state pension credit.
- (2) In this Schedule "council tax due in respect of that day" means the council tax payable under section 10 of the 1992 Act less--
 - (a) any reductions made in consequence of any enactment in, or under, the 1992 Act (other than a reduction under this scheme); and
 - (b) in a case to which sub-paragraph (c) in column (1) of the table below applies, the amount of any discount which may be appropriate to the dwelling under the 1992 Act.

(1) <i>Second adult</i>	(2) <i>Alternative maximum council tax reduction</i>
(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;	(a) 25 per cent of the council tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance--	(b)
(i) is less than £183.00 per week;	(i) 15 per cent of the council tax due in respect of that day;
(ii) is not less than £183.00 per week but less than £239.00 per week;	(ii) 7.5 per cent of the council tax due in respect of that day;

(c) where the dwelling would be wholly occupied by one or more persons to whom paragraph 75(1) of this scheme applies but for the presence of one or more second adults who are in receipt of income support, state pension credit, an income-related employment and support allowance or are persons on an income-based jobseeker's allowance.

(c) 100 per cent of the council tax due in respect of that day.

2

In determining a second adult's gross income for the purposes of this Schedule, the following must be disregarded from that income--

- (a) any attendance allowance, any disability living allowance, any personal independence payment under Part 4 of the Welfare Reform Act 2012 or an AFIP;
- (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
- (c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

3

Where there are two or more second adults residing with the applicant for a reduction under this scheme and any such second adult falls to be disregarded for the purposes of discount in accordance with Schedule 1 to the 1992 Act, his income must be disregarded in determining the amount of any alternative maximum council tax reduction, unless that second adult is a member of a couple and his partner does not fall to be disregarded for the purposes of discount.

SCHEDULE 5 SUMS DISREGARDED FROM APPLICANT'S EARNINGS: PENSIONERS

Paragraph 40

1

Where two or more of paragraphs 2 to 5 apply in any particular case the overall maximum sum which falls to be disregarded in that case under those paragraphs is restricted to--

- (a) £25 in the case of a lone parent;
- (b) £20 in any other case.

2

In a case where an applicant is a lone parent, £25 of earnings.

3

(1) In a case of earnings from any employment or employments to which sub-paragraph (2) applies, £20.

(2) This paragraph applies to employment--

- (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
- (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
- (c) as an auxiliary coastguard in respect of coast rescue activities;
- (d) in the manning or launching of a lifeboat if the employment is part-time;
- (e) as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001.

(3) If--

- (a) any of the earnings of the applicant or, if he has a partner, his partner, or both of them, are disregarded under sub-paragraph (1); and
- (b) either of them has, or both of them have, other earnings,

so much of those other earnings as would not, in the aggregate with the earnings disregarded under that sub-paragraph, exceed £20.

4

(1) If the applicant or, if he has a partner, his partner is a carer, or both are carers, £20 of any earnings received from his or their employment.

(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.

(3) In this paragraph the applicant or his partner is a carer if paragraph 14 of Part 3 of Schedule 3 (amount applicable for carers) is satisfied in respect of him.

5

(1) £20 is disregarded if the applicant or, if he has a partner, his partner--

- (a) is in receipt of--
 - (i) long-term incapacity benefit under section 30A of the SSCBA;
 - (ii) severe disablement allowance under section 68 of that Act;
 - (iii) attendance allowance under sections 64 of that Act;
 - (iv) disability living allowance;
 - (v) personal independence payment;
 - (vi) an AFIP;

- (vii) any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983;
 - (viii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or
 - (ix) main phase employment and support allowance; or
- (b) is or are registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
- (c) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work), and has been incapable, or has been treated as incapable, of work for a continuous period of not less than--
- (i) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the Act, 196 days;
 - (ii) in any other case, 364 days; or
- (d) has, or is treated as having, limited capacity for work within the meaning of section 1(4) of the Welfare Reform Act 1997 or limited capability for work-related activity within the meaning of section 2(5) of that Act and either--
- (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
 - (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arising does not apply) applies.
- (2) Subject to sub-paragraph (3), £20 is disregarded if the applicant or, if he has a partner, his partner has, within a period of 8 weeks ending on the day in respect of which the applicant or his partner attains the qualifying age for state pension credit, had an award of housing benefit or council tax benefit or been in receipt of a reduction under this scheme and--
- (a) £20 was disregarded in respect of earnings taken into account in that award; and
 - (b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.
- (3) The disregard of £20 specified in sub-paragraph (2) applies so long as there is no break, other than a break which does not exceed 8 weeks, in a person's--
- (a) entitlement to housing benefit; or
 - (b) receipt of a reduction under a council tax reduction scheme; or
 - (c) employment,
- following the first day in respect of which that benefit is awarded under this scheme.
- (4) £20 is the maximum amount which may be disregarded under this paragraph, notwithstanding that, where the applicant has a partner, both the applicant and his partner satisfy the requirements of this paragraph.

(1) Where--

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 35 (applicant in receipt of guarantee credit: pensioners) does not apply,

the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 1 to 5 and 8 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 2, then paragraph 2 applies instead of this paragraph.

(3) Notwithstanding paragraph 33 (calculation of income and capital of members applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ("A") it does not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there is also to be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

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

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance;
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) "Exempt work" means work of the kind described in--

- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008; or (as the case may be); or
- (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

7

Any amount or the balance of any amount which would fall to be disregarded under paragraph 18 or 19 of Schedule 6 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full amount disregarded thereunder.

8

Except where the applicant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule--

- (a) £5 is to be disregarded if an applicant who has no partner has earnings;
- (b) £10 is to be disregarded if an applicant who has a partner has earnings.

9

Any earnings, other than earnings referred to in paragraph 40(9)(b), derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to a reduction under this scheme.

10

(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under this Schedule is to be increased by £17.10.

(2) The conditions of this sub-paragraph are that--

- (a) the applicant, or if he has a partner, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or
- (b) the applicant--
 - (i) is, or any partner of his is, aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
 - (ii) if he is a member of a couple--
 - (aa) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and
 - (bb) his applicable amount includes a family premium under paragraph 3 of Schedule 2; or
 - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
 - (iv) is, or if he has a partner, one of them is, engaged in remunerative work for on average not less than 16 hours per week and paragraph 5(1) above is satisfied in respect of that person.

(3) The following are the amounts referred to in sub-paragraph (1)--

- (a) any amount disregarded under this Schedule;
- (b) the amount of child care charges calculated as deductible under paragraph 57(1)(c) (deductions from income of certain child care charges); and
- (c) £17.10.

(4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph was a reference to 30 hours.

11

Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting to that payment into Sterling.

SCHEDULE 6

AMOUNTS TO BE DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS: PENSIONERS

Paragraph 40

A1

The whole of any amount of the following--

- (a) a war disablement pension;
- (b) a war widow's pension or war widower's pension.

1

In addition to any sum which falls to be disregarded in accordance with paragraphs 2 to 6, £10 of any of the following--

- (a) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (b) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 39(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;
- (c) 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;
- (d) 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;
- (e) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

2

The whole of any amount included in a pension to which paragraph 1 relates in respect of--

- (a) the applicant's need for constant attendance;
- (b) the applicant's exceptionally severe disablement.

3

Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.

4

Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

5

In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

6

(1) Any payment which is--

(a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person--

(i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and

(ii) whose service in such capacity terminated before 31st March 1973; and

(b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph "the Dispensing Instruments" means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

7

£15 of any widowed parent's allowance to which the applicant is entitled under section 39A of the SSCBA.

8

£15 of any widowed mother's allowance to which the applicant is entitled under section 37 of the SSCBA.

9

Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to--

(a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent. of such payments; or

(b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent. of the excess over £20.

10

If the applicant--

- (a) owns the freehold or leasehold interest in any property or is a tenant of any property; and
- (b) occupies a part of that property; and
- (c) has an agreement with another person allowing that person to occupy another part of that property on payment of rent and--
 - (i) the amount paid by that person is less than £20 per week, the whole of that amount; or
 - (ii) the amount paid is £20 or more per week, £20.

11

Where an applicant receives income under an annuity purchased with a loan, which satisfies the following conditions--

- (a) that the loan was made as part of a scheme under which not less than 90 per cent. of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as "the annuitants") who include the person to whom the loan was made;
- (b) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65;
- (c) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling;
- (d) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid; and
- (e) that the interest payable on the loan is paid by the person to whom the loan was made or by one of the annuitants,

the amount, calculated on a weekly basis, equal to--

- (i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;
- (ii) in any other case, the interest which is payable on the loan without deduction of such a sum.

12

(1) Any payment, other than a payment to which sub-paragraph (2) applies, made to the applicant by Trustees in exercise of a discretion exercisable by them.

(2) This sub-paragraph applies to payments made to the applicant by Trustees in exercise of a discretion exercisable by them for the purpose of--

- (a) obtaining food, ordinary clothing or footwear or household fuel;
- (b) the payment of rent, council tax or water charges for which that applicant or his partner is liable;
- (c) meeting housing costs of a kind specified in Schedule 2 to the State Pension Credit Regulations 2002.

- (3) In a case to which sub-paragraph (2) applies, £20 or--
- (a) if the payment is less than £20, the whole payment;
 - (b) if, in the applicant's case, £10 is disregarded in accordance with paragraph 1(a) to (g), £10 or the whole payment if it is less than £10; or
 - (c) if, in the applicant's case, £15 is disregarded under paragraph 7 or paragraph 8 and--
 - (i) he has no disregard under paragraph 1(a) to (g), £5 or the whole payment if it is less than £5;
 - (ii) he has a disregard under paragraph 1(a) to (g), nil.
- (4) For the purposes of this paragraph, "ordinary clothing or footwear" means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities.

13

Any increase in pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 paid in respect of a dependent other than the pensioner's partner.

14

Any payment ordered by a court to be made to the applicant or the applicant's partner in consequence of any accident, injury or disease suffered by the person or a child of the person to or in respect of whom the payments are made.

15

Periodic payments made to the applicant or the applicant's partner under an agreement entered into in settlement of a claim made by the applicant or, as the case may be, the applicant's partner for an injury suffered by him.

16

Any income which is payable outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

17

Any banking charges or commission payable in converting to Sterling payments of income made in a currency other than Sterling.

18

Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating--

- (a) under, or pursuant to regulations made under powers conferred by, section 22 of the Teaching and Higher Education Act 1998, that student's award;

- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student's student loan,

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

19

- (1) Where the applicant is the parent of a student aged under 25 in advanced education who either--
 - (a) is not in receipt of any award, grant or student loan in respect of that education; or
 - (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 18, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

- (2) For the purposes of sub-paragraph (1), the amount is to be equal to--
 - (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),

whichever is less.

20

- (1) Where an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by the applicant's spouse, civil partner, former spouse or former civil partner or the applicant's partner's spouse, civil partner, former spouse, or former civil partner.
- (2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.

21

Except in a case which falls under paragraph 10 of Schedule 5, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

22

Where the total value of any capital specified in Part 2 (capital disregarded only for the purposes of determining deemed income) of Schedule 9 does not exceed £10,000, any income actually derived from such capital.

23

Except in the case of income from capital specified in Part 2 of Schedule 9, any actual income from capital.

24

Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No 3) Regulations 1999 as in force at that date, the whole of his income.

SCHEDULE 7

SUMS DISREGARDED IN THE CALCULATION OF EARNINGS: PERSONS WHO ARE NOT PENSIONERS

Paragraph 53

1

In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged--

(a) where--

- (i) the employment has been terminated because of retirement; and
- (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,

any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;

(b) where before the first day of entitlement to a reduction under this scheme the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except--

(i) any payment of the nature described in--

- (aa) paragraph 51(1)(e) (retainer), or
- (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and

(ii) any award, sum or payment of the nature described in--

- (aa) paragraph 51(1)(g) or (i) (compensation etc relating to employment), or
- (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),

including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;

(c) where before the first day of entitlement to a reduction under this scheme--

- (i) the employment has not been terminated, but
- (ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph (b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc).

2

In the case of an applicant who, before the first day of entitlement to a reduction under this scheme--

- (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
- (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,

any earnings paid or due to be paid in respect of that employment except--

- (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
- (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc).

3

In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain, would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment, any earnings derived from that employment except earnings to which paragraph 53(3) and (4) (earnings of self-employed earners) apply.

4

(1) In a case to which this paragraph applies and paragraph 5 does not apply, £20; but notwithstanding paragraph 33 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it does not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.

(2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component under Schedule 3 (applicable amounts: persons who are not pensioners).

(3) This paragraph applies where--

- (a) the applicant is a member of a couple and his applicable amount includes an amount by way of the disability premium under Schedule 3; and
- (b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.

5

In a case where the applicant is a lone parent, £25.

6

(1) In a case to which neither paragraph 4 nor paragraph 5 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium under Schedule 3 (applicable amounts: persons who are not pensioners), £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with paragraph 14(2) of that Schedule as being in receipt of carer's allowance.

(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.

7

Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment--

- (a) specified in paragraph 9(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 6 exceed £20;
- (b) other than one specified in paragraph 9(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.

8

In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.

9

(1) In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant, £20 of earnings derived from one or more employments as--

- (a) a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
- (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
- (c) an auxiliary coastguard in respect of coast rescue activities;
- (d) a person engaged part-time in the manning or launching of a life boat;
- (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except to the extent specified in sub-paragraph (2).

(2) If the applicant's partner is engaged in employment--

- (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
- (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.

10

Where the applicant is engaged in one or more employments specified in paragraph 9(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment, so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 9 exceed £20.

11

In a case to which none of the paragraphs 4 to 10 applies, £5.

12

(1) Where--

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 14 does not apply,

the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 4 to 11 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 5, then paragraph 5 applies instead of this paragraph.

(3) Notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ("A") it does not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there must also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

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

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

(d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) "Exempt work" means work of the kind described in--

(a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008; or (as the case may be)

(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

13

Any amount or the balance of any amount which would fall to be disregarded under paragraph 23 or 24 of Schedule 8 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

14

Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.

15

Any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

16

Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.

17

Any earnings of a child or young person.

18

(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 4 to 12 must be increased by £17.10.

- (2) The conditions of this sub-paragraph are that--
- (a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or
 - (b) the applicant--
 - (i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
 - (ii) is a member of a couple and--
 - (aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
 - (bb) his applicable amount includes a family premium under paragraph 4 of Schedule 3; or
 - (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
 - (iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and--
 - (aa) the applicant's applicable amount includes a disability premium under paragraph 9, the work-related activity component under paragraph 21 or the support component under paragraph 22 of Schedule 3 respectively;
 - (bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in paragraph (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or
 - (c) the applicant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.
- (3) The following are the amounts referred to in sub-paragraph (1)--
- (a) the amount calculated as disregarded from the applicant's earnings under paragraphs 4 to 12;
 - (b) the amount of child care charges calculated as deductible under paragraph 57(1)(c); and
 - (c) £17.10.
- (4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph were a reference to 30 hours.

19

In this Schedule "part-time employment" means employment in which the person is engaged on average for less than 16 hours a week.

SCHEDULE 8 SUMS DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS: PERSONS WHO ARE NOT PENSIONERS

Paragraph 54

1

Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Pilot Scheme.

2

Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.

3

Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme.

4

Any amount paid by way of tax on income which is to be taken into account under regulation 30 (calculation of income other than earnings).

5

Any payment in respect of any expenses incurred or to be incurred by an applicant who is--

- (a) engaged by a charitable or voluntary organisation, or
- (b) a volunteer,

if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under paragraph 56(5) (notional income: persons who are not pensioners).

6

Any payment in respect of expenses arising out of the applicant's participation in a service user group.

7

In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.

8

Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his income.

9

Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker's allowance, the whole of the applicant's income.

10

Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No 3) Regulations 1999 as in force at that date, the whole of his income.

11

Any disability living allowance, personal independence payment or an AFIP.

12

Any concessionary payment made to compensate for the non-payment of--

- (a) any payment specified in paragraph 11 or 14;
- (b) income support;
- (c) an income-based jobseeker's allowance;
- (d) an income-related employment and support allowance.

13

Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.

14

Any attendance allowance.

15

Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.

16

(1) Any payment--

- (a) by way of an education maintenance allowance made pursuant to--
 - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
- (b) corresponding to such an education maintenance allowance, made pursuant to--

- (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
 - (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to--
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

17

Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc) Regulations 2002.

18

- (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment--
- (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
 - (b) of an allowance referred to in section 2(3) of the Employment and Training Act 1973 or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

19

- (1) Subject to sub-paragraph (2), any of the following payments--
- (a) a charitable payment;
 - (b) a voluntary payment;

(c) a payment (not falling within paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;

(d) a payment under an annuity purchased--

(i) pursuant to any agreement or court order to make payments to the applicant; or

(ii) from funds derived from a payment made,

in consequence of any personal injury to the applicant; or

(e) a payment (not falling within paragraphs (a) to (d)) received by virtue of any agreement or court order to make payments to the applicant in consequence of any personal injury to the applicant.

(2) Sub-paragraph (1) does not apply to a payment which is made or due to be made by--

(a) a former partner of the applicant, or a former partner of any member of the applicant's family; or

(b) the parent of a child or young person where that child or young person is a member of the applicant's family.

19A

The whole of any amount of the following--

(a) a war disablement pension;

(b) a war widow's pension or war widower's pension.

20

Subject to paragraph 40, £10 of any of the following, namely--

(a) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;

(b) a guaranteed income payment and, if the amount of that payment has been abated to less than £10 by a pension or payment falling within article 31(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005, so much of that pension or payment as would not, in aggregate with the amount of any guaranteed income payment disregarded, exceed £10;

(c) 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;

(d) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in paragraphs (a) to (d) above;

(e) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

21

Subject to paragraph 40, £15 of any--

(a) widowed mother's allowance paid pursuant to section 37 of the SSCBA;

(b) widowed parent's allowance paid pursuant to section 39A of the SSCBA.

22

- (1) Any income derived from capital to which the applicant is or is treated under paragraph 70 (capital jointly held) as beneficially entitled but, subject to sub-paragraph (2), not income derived from capital disregarded under paragraphs 4, 5, 7, 11, 17 or 30 to 33 of Schedule 10.
- (2) Income derived from capital disregarded under paragraphs 5, 7 or 30 to 33 of Schedule 10 but only to the extent of--
 - (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
- (3) The definition of "water charges" in paragraph 2(1) (interpretation) applies to sub-paragraph (2) of this paragraph with the omission of the words "in so far as such charges are in respect of the dwelling which a person occupies as his home".

23

Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating--

- (a) under, or pursuant to regulations made under powers conferred by, section 22 of the Teaching and Higher Education Act 1998, that student's award;
- (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
- (c) the student's student loan,

an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

24

- (1) Where the applicant is the parent of a student aged under 25 in advanced education who either--
 - (a) is not in receipt of any award, grant or student loan in respect of that education; or
 - (b) is in receipt of an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,

and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 23, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

- (2) For the purposes of sub-paragraph (1), the amount must be equal to--
 - (a) the weekly amount of the payments; or

- (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),

whichever is less.

25

Any payment made to the applicant by a child or young person or a non-dependant.

26

Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 25 or 27 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family--

- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
- (b) where the aggregate of any such payments is £20 or more per week, £20.

27

Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to--

- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent of such payments;
- (b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent of the excess over £20.

28

- (1) Any income in kind, except where paragraph 54(10)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act 1999 in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to "income in kind" does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.

29

Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

30

- (1) Any payment made to the applicant in respect of a person who is a member of his family--
 - (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978 (schemes for payments of allowances to adopters) or in accordance with an adop-

tion allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes);

(b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);

(c) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);

(d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services);

(2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

31

Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made--

(a) by a local authority under--

(i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),

(ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or

(iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or

(b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).

32

Any payment made to the applicant or his partner for a person ("the person concerned"), who is not normally a member of the applicant's household but is temporarily in his care, by--

(a) a health authority;

(b) a local authority but excluding payments of housing benefit made in respect of the person concerned;

(c) a voluntary organisation;

(d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;

(e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or

(f) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

33

Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

34

(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A--

- (a) was formerly in the applicant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the applicant.

35

(1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments--

- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
- (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.

(2) A payment referred to in sub-paragraph (1) is only to be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to--

- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (1)(b); and
- (b) meet any amount due by way of premiums on--
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

36

Any payment of income which by virtue of paragraph 64 (income treated as capital: persons who are not pensioners) is to be treated as capital.

37

Any--

- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
- (b) occasional assistance.

38

Any payment under Part 10 of the SSCBA (Christmas bonus for pensioners).

39

Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

40

The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 33(3) (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 77(2)(b) and paragraph 78(1)(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 81(2) (treatment of student loans), paragraph 82(3) (treatment of payments from access funds) and paragraphs 20 and 21 must in no case exceed £20 per week.

41

(1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of--

(a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of--

(a) the person who is suffering from haemophilia or who is a qualifying person;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where--

(a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and

(b) the payment is made either--

(i) to that person's parent or step-parent, or

(ii) where that person at the date of the payment is a child, a young person or a student who has not completed his education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where--

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either--

(i) to that person's parent or step-parent, or

(ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

42

Any housing benefit.

43

Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

44

Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.

45

Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax).

46

(1) Any payment or repayment made--

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No 2) Regulations 2003 (travelling expenses and health service supplies).

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1).

47

Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).

48

Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.

49

- (1) Where an applicant's applicable amount includes an amount by way of family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.
- (2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.
- (3) A payment made by the Secretary of State in lieu of maintenance must, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).

50

- (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.
- (2) In sub-paragraph (1)--

"child maintenance" means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under--

- (a) the Child Support Act 1991;
- (b) the Child Support (Northern Ireland) Order 1991;
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;

"liable relative" means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that definition.

51

Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.

52

Any guardian's allowance.

53

(1) If the applicant is in receipt of any benefit under Part 2, 3 or 5 of the SSCBA, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of that Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

(2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

54

Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.

55

In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983 (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

56

(1) Any payment which is--

(a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person--

(i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and

(ii) whose service in such capacity terminated before 31st March 1973; and

(b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph "the Dispensing Instruments" means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

57

Any council tax benefit to which the applicant is entitled.

58

Except in a case which falls under sub-paragraph (1) of paragraph 18 of Schedule 7, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

59

Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).

60

(1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person--

(a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;

(b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity,

in respect of which such assistance is or was received.

(2) Sub-paragraph (1) applies only in respect of payments which are paid to that person from the special account.

61

(1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.

(3) For the purposes of sub-paragraph (2) "food" does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

62

Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.

63

In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.

64

Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001.

65

(1) Any payment made by a local authority or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) "local authority" includes, in England, a county council.

66

Any payment of child benefit.

SCHEDULE 9
CAPITAL DISREGARDS: PENSIONERS

Paragraph 63

Part 1
Capital to be Disregarded

1

Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.

2

Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

3

Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

4

Any premises occupied in whole or in part--

- (a) by a person who is a relative of the applicant or his partner as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
- (b) by the former partner of the applicant as his home; but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.

5

Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

6

Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner or the dissolution of a civil partnership with his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

7

Any premises where the applicant is taking reasonable steps to dispose of the whole of his interest in those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

8

All personal possessions.

9

The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of those assets.

10

The assets of any business owned in whole or in part by the applicant if--

- (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
- (b) he intends to become engaged (or, as the case may be, re-engaged) as a self-employed earner in that business as soon as he recovers or is able to become engaged, or re-engaged, in that business,

for a period of 26 weeks from the date on which the application for a reduction under this scheme is made or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

11

The surrender value of any policy of life insurance.

12

The value of any funeral plan contract; and for this purpose, "funeral plan contract" means a contract under which--

- (a) the applicant makes one or more payments to another person ("the provider");
- (b) the provider undertakes to provide, or secure the provision of, a funeral in the United Kingdom for the applicant on his death; and
- (c) the sole purpose of the plan is to provide or secure the provision of a funeral for the applicant on his death.

13

Where an ex-gratia payment has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of--

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, an amount equal to that payment.

14

(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or an applicant's partner who is--

- (a) a diagnosed person;
- (b) a diagnosed person's partner or was a diagnosed person's partner at the time of the diagnosed person's death; or

(c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(2) Where a trust payment is made to--

(a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;

(b) a person referred to in sub-paragraph (1)(c), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending two years after that date.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or an applicant's partner who is--

(a) the diagnosed person;

(b) a diagnosed person's partner or was a diagnosed person's partner at the date of the diagnosed person's death; or

(c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(4) Where a payment such as referred to in sub-paragraph (3) is made to--

(a) a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the payment is made and ending on the date on which that person dies;

(b) a person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which the payment is made and ending two years after that date.

(5) In this paragraph, a reference to a person--

(a) being the diagnosed person's partner;

(b) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home or an independent hospital.

(6) In this paragraph--

"diagnosed person" means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;

"relevant trust" means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

"trust payment" means a payment under a relevant trust.

15

The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or civil partner or the applicant's partner's deceased spouse or civil partner--

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died,

during the Second World War.

16

(1) Any payment made under or by--

- (a) the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as "the Trusts"); or
- (b) the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of that person's partner or former partner--

- (a) from whom he is not, or where that person has died was not, estranged or divorced, or
- (b) with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.

(4) Sub-paragraph (3) does not apply if--

- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or
- (b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts, where--

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child who is or had been a member of that person's household; and
- (b) the payment is made either--
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child or a student who has not completed his full-time education and has no parent or step-parent, to any person standing in the place of his parent,

but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts, where--

(a) that person at the date of his death ("the relevant date") had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child who was or had been a member of his household; and

(b) the payment is made either--

(i) to that person's parent or step-parent; or

(ii) where that person at the relevant date was a child or a student who had not completed his full-time education and had no parent or step-parent, to any person standing in place of his parent,

but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

17

(1) An amount equal to the amount of any payment made in consequence of any personal injury to the applicant or, if the applicant has a partner, to the partner.

(2) Where the whole or part of the payment is administered--

(a) by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998, or the Court of Protection, or on behalf of a person where the payment can only be disposed of by order or direction of any such court;

(b) in accordance with an order made under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or

(c) in accordance with the terms of a trust established for the benefit of the applicant or his partner,

the whole of the amount so administered.

18

Any amount specified in paragraph 19, 20, 21 or 25 for a period of one year beginning with the date of receipt.

19

Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the applicant as his home and to his personal possessions.

20

So much of any amounts paid to the applicant or deposited in the applicant's name for the sole purpose of--

(a) purchasing premises which the applicant intends to occupy as his home; or

- (b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the applicant as his home.

21

- (1) Subject to paragraph 22 any amount paid--
 - (a) by way of arrears of benefit;
 - (b) by way of compensation for the late payment of benefit;
 - (c) in lieu of the payment of benefit;
 - (d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply;
 - (e) by a local authority out of funds provided under either section 93 of the Local Government Act 2000 under a scheme known as "Supporting People" or section 91 of the Housing (Scotland) Act 2001.
- (2) In sub-paragraph (1), "benefit" means--
 - (a) attendance allowance under section 64 of the Act;
 - (b) disability living allowance;
 - (c) personal independence payment;
 - (d) an AFIP;
 - (e) income support;
 - (f) income-based jobseeker's allowance;
 - (g) state pension credit;
 - (h) housing benefit;
 - (i) council tax benefit;
 - (j) child tax credit;
 - (k) an increase of a disablement pension under section 104 of the SSCBA (increase where constant attendance is needed), and any further increase of such a pension under section 105 of the Act (increase for exceptionally severe disablement);
 - (l) any amount included on account of the applicant's exceptionally severe disablement or need for constant attendance in a war disablement pension or a war widow's or widower's pension;
 - (m) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (n) working tax credit; or
 - (o) income-related employment and support allowance.

22

- (1) Subject to sub-paragraph (3), any payment of £5,000 or more which has been made to rectify, or to compensate for, an official error relating to a relevant benefit and which has been received by the applicant in full on or after the day on which he became entitled to a reduction under this scheme.
- (2) Subject to sub-paragraph (3), the total amount of any payments disregarded under--
 - (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987;

- (b) paragraph 12(2) of Schedule 8 to the Jobseeker's Allowance Regulations 1996;
- (c) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006;
- (d) paragraph 20A of Schedule 5 to the State Pension Credit Regulations 2002,
- (e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations 2008,

where the award in respect of which the payments last fell to be disregarded under those Regulations either terminated immediately before the relevant date or is still in existence at that date.

(3) Any disregard which applies under sub-paragraph (1) or (2) has effect until the award comes to an end.

(4) In this paragraph--

"the award", except in sub-paragraph (2), means--

- (a) the award of a reduction under the authority's scheme during which the relevant sum or, where it is paid in more than one instalment, the first instalment of that sum is received; and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the previous award ends, such further awards until the end of the last such award, provided that, for such further awards, the applicant--
 - (i) is the person who received the relevant sum;
 - (ii) is the partner of that person; or
 - (iii) was the partner of that person at the date of his death;

"official error"--

- (a) where the error relates to housing benefit, or council tax benefit (in respect of any period before 1st April 2013), has the meaning given by regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
- (b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;

"the relevant date" means the date on which the application for a reduction under this scheme was made;

"relevant benefit" means any benefit specified in paragraph 21(2); and

"the relevant sum" means the total amount referred to in sub-paragraph (1).

23

Where a capital asset is held in a currency other than Sterling, any banking charge or commission payable in converting that capital into Sterling.

24

The value of the right to receive income from an occupational pension scheme or a personal pension scheme.

25

Any arrears of supplementary pension which is disregarded under paragraph 4 of Schedule 6 (amounts to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 5 or 6 of that Schedule.

26

The dwelling occupied as the home; but only one dwelling is to be disregarded under this paragraph.

27

- (1) Subject to sub-paragraph (2), where an applicant falls within class C (alternative maximum council tax reduction: pensioners), the whole of his capital.
- (2) Sub-paragraph (1) does not apply where an applicant falls within class B and class C.

28

Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to SSCBA or under Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005, or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to--

- (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;
- (b) the amount of that lump sum,

but only for so long as that person does not change that election in favour of an increase of pension or benefit.

29

Any payments made by virtue of regulations made under--

- (a) section 57 of the Health and Social Care Act 2001 (direct payments);
- (b) section 12B of the Social Work (Scotland) Act 1968 (direct payments in respect of community care services);
- (c) sections 12A to 12C of the National Health Service Act 2006 (direct payments for health care);
- (d) Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (general social welfare); or
- (e) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (direct payments).

Part 2
Capital Disregarded Only for the Purposes of Determining Deemed Income

30

The value of the right to receive any income under a life interest or from a life rent.

31

The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

32

The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

33

Where property is held under a trust, other than--

- (a) a charitable trust within the meaning of the Charities Act 1993; or
- (b) a trust set up with any payment to which paragraph 16 applies,

and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant's partner, or both, that property.

SCHEDULE 10 **CAPITAL DISREGARDS: PERSONS WHO ARE NOT PENSIONERS**

Paragraph 63

1

Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.

2

Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.

3

Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.

4

The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), only one dwelling is to be disregarded under this paragraph.

5

Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.

6

Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.

7

Any premises occupied in whole or in part--

- (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
- (b) by the former partner of the applicant as his home; but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.

8

Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.

9

Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.

10

Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

11

- (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
- (2) The assets of any business owned in whole or in part by the applicant where--
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business,

for a period of 26 weeks from the date on which the application for a reduction under this scheme is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that

business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

12

(1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of--

- (a) any payment specified in paragraphs 11, 13 or 14 of Schedule 8;
- (b) an income-related benefit under Part 7 of the SSCBA;
- (c) an income-based jobseeker's allowance;
- (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (e) working tax credit and child tax credit;
- (f) an income-related employment and support allowance,

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as "the relevant sum") and is--

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) has effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the period of an award of a reduction under this scheme, for the remainder of that period if that is a longer period.

(3) For the purposes of sub-paragraph (2), "the period of an award of a reduction under this scheme" means--

- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant--
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

13

Any sum--

- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home,

which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

14

Any sum--

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 as a condition of occupying the home;
- (b) which was so deposited and which is to be used for the purchase of another home,

for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

15

Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to a reduction under this scheme or to increase the amount of that reduction.

16

The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

17

Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.

18

(1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

(2) But sub-paragraph (1)--

- (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
- (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);

(c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;

(d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).

19

The value of the right to receive any income under a life interest or from a life rent.

20

The value of the right to receive any income which is disregarded under paragraph 15 of Schedule 7 or paragraph 29 of Schedule 8.

21

The surrender value of any policy of life insurance.

22

Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

23

Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

24

(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A--

(a) was formerly in the applicant's care, and

(b) is aged 18 or over, and

(c) continues to live with the applicant.

25

Any--

- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
- (b) occasional assistance.

26

Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.

27

Any capital which by virtue of paragraph 55 or 81 (capital treated as income: persons who are not pensioners, treatment of student loans) is to be treated as income.

28

Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

29

(1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of--

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of--

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Sub-paragraph (3) does not apply if--

- (a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or
- (b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

(5) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where--

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either--
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(6) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where--

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either--
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(7) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(8) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, and the London Bombings Relief Charitable Fund.

30

(1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph "dwelling" includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

31

Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

32

Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

33

Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

34

Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

35

The value of the right to receive an occupational or personal pension.

36

The value of any funds held under a personal pension scheme.

37

The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

38

Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

39

Any payment made pursuant to section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.

40

Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.

41

Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used--

- (a) to purchase premises intended for occupation as his home; or
- (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,

for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.

42

Any arrears of supplementary pension which is disregarded under paragraph 54 of Schedule 8 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 55 or 56 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

43

(1) Any payment or repayment made--

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No 2) Regulations 2003 (travelling expenses and health service supplies),

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

44

Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

45

Any payment made under Part 8A of the SSCBA (entitlement to health in pregnancy grant).

46

Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.

47

Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.

48

Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.

49

(1) Subject to sub-paragraph (2), where an applicant falls within class F (alternative maximum council reduction: persons who are not pensioners), the whole of his capital.

(2) Sub-paragraph (1) does not apply where an applicant falls within class E and class F.

50

(1) Any sum of capital to which sub-paragraph (2) applies and--

(a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;

(b) which can only be disposed of by order or direction of any such court; or

(c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.

(2) This sub-paragraph applies to a sum of capital which is derived from--

(a) an award of damages for a personal injury to that person; or

(b) compensation for the death of one or both parents where the person concerned is under the age of 18.

51

Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from--

- (a) award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

52

Any payment to the applicant as holder of the Victoria Cross or George Cross.

53

In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.

54

- (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- (3) For the purposes of sub-paragraph (2) "food" does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

55

- (1) Any payment--
 - (a) by way of an education maintenance allowance made pursuant to--
 - (i) regulations made under section 518 of the Education Act 1996;
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
 - (b) corresponding to such an education maintenance allowance, made pursuant to--
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or

(c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

(2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to--

- (a) regulations made under section 518 of the Education Act 1996;
- (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
- (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

56

In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

57

Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

58

Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of--

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

59

(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is--

- (a) a diagnosed person;
- (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or

(d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

(2) Where a trust payment is made to--

(a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;

(b) a person referred to in sub-paragraph (1)(c), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending two years after that date;

(c) a person referred to in sub-paragraph (1)(d), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending--

(i) two years after that date; or

(ii) on the day before the day on which that person--

(aa) ceases receiving full-time education; or

(bb) attains the age of 20,

whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is--

(a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;

(b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or

(c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

(4) Where a payment as referred to in sub-paragraph (3) is made to--

(a) a person referred to in sub-paragraph (3)(a), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending on the date on which that person dies;

(b) a person referred to in sub-paragraph (3)(b), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending two years after that date; or

(c) person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending--

(i) two years after that date; or

(ii) on the day before the day on which that person--

(aa) ceases receiving full-time education; or

(bb) attains the age of 20,

whichever is the latest.

(5) In this paragraph, a reference to a person--

- (a) being the diagnosed person's partner;
- (b) being a member of a diagnosed person's family;
- (c) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbey-field 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.

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The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner--

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died,

during the Second World War.

61

(1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) "local authority" includes in England a county council.

62

Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care).

63

Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

EXPLANATORY NOTE

(This note is not part of the Scheme)

Section 13A of the Local Government Finance Act 1992 ("the 1992 Act"), substituted by section 10 of the Local Government Finance Act 2012 ("the 2012 Act"), requires each billing authority in England to make a scheme specifying the reductions which are to apply to amounts of council tax payable by persons, or classes of person, whom the authority considers are in financial need. Paragraph 4 of Schedule 1A to the 1992 Act, inserted by Schedule 4 to the 2012 Act, requires the Secretary of State to prescribe by regulations a "default scheme". The default scheme is to take effect, in respect of dwellings situated in the area of a billing authority, if the authority fails to make its own scheme on or before 31st January 2013.

Haringey Council's Scheme as set out above was approved by the authority on [INSERT DATE]. It is based upon the default scheme prescribed by the Secretary of State, with local amendment.

The Scheme

Parts 1 and 2 contain introductory provisions and definitions of key words and phrases. Part 3 and Schedule 1 contains the procedure for reduction applications and appeals. Parts 4 and 5 specify the classes of person entitled and not entitled to a reduction under the scheme, respectively. At Part 4 a minimum weekly Council Tax Support award of £1 has been introduced.

Parts 6 to 9 and Schedules 2 to 4 set out matters relevant to determining eligibility for a reduction and the amount of reduction under the scheme. Part 7 provides for applicants of working-age to have their Council Tax support assessed against 80.2% of their council tax liability, save for this is receipt of defined disability benefits.

Part 10 and Schedules 5 to 10 set out how income and capital of the applicant and others is treated in calculating eligibility for a reduction, including in cases where an applicant or partner has an award of universal credit. Schedules 6 and 8 provide for war pensions to be fully disregarded for the purposes of calculating income for all claimants. Part 11 provides for the application of the scheme to students. Part 12 provides for extended reductions in certain circumstances and Part 13 sets out when entitlement begins and how a change in circumstances affects any reduction.

Part 14 of the scheme provides for the making of an application for a reduction. Part 15 sets out the time within which an authority must make its decision on the application and provides for notification of the decision. Part 16 makes provisions about the payment of a reduction in certain circumstances.

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Appendix D – Equality Act 2010 – The Public Sector Equality Duty

Section 149 of the Equality Act 2010 Public Sector Equality Duty states

(1) A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) – A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) – Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) – The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) – Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –

- (a) tackle prejudice, and
- (b) promote understanding.



(6) – Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) – The relevant protected characteristics are – age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

(8) – A reference to conduct that is prohibited by or under this Act includes a reference to –

- (a) a breach of an equality clause or rule;
- (b) a breach of a non-discrimination rule.



Haringey Council

Report for:	Full Council 18 th November 2013	Item Number:	
Title:	Third Annual Carbon Report		
Report Authorised by:	Lyn Garner - Director Of Place & Sustainability 		
Lead Officer:	Jessica Sherlock 020 8489 3525 Jessica.sherlock@haringey.gov.uk		
Ward(s) affected: All	Report for Non key Decision		

1. Describe the issue under consideration

The Annual Carbon Report aims to provide a transparent year on year account of progress made to reduce carbon emissions from the Council's operations and Haringey as a whole. The report includes:

- An explanation of official carbon emissions data and the changes for each sector released in 2013, and relating to the year 2011.
- An overview of the results of key programmes being led by the Council and other collaborative initiatives to address CO2 emissions. These follow the publication of the Carbon Commission Report Action Plan agreed (see Appendix 1) and cover the financial year 2012-2013.
- Next steps and priorities for the future.

The report outlines the results of key programmes over the past year and key challenges and priorities for the future, in particular, this includes: 1) developing partnerships with the Higher Education sector to support research and innovation that will drive the new economy (to be formally launched in January 2014), 2) delivery of



Haringey Council

major grant funded programmes providing support to over 400 households in the borough and outreach to 1600 residents with advice on reducing fuel costs, and 3) the development of plans for an ambitious heat network infrastructure and local energy company, that has the opportunity to be implemented as part of major regeneration plans for Tottenham.

The report provides a summary of data illustrating that to date a 21per cent CO₂ reduction has been achieved for the Council's operations, equivalent to taking 2,000 cars off the road. In addition, a 16 per cent reduction can be seen from across the borough as a whole from the baseline year 2005, compared to an average decrease for London boroughs of 14.2 per cent and a decrease for the UK as a whole of 17.3 per cent.

2. Cabinet Member introduction

I am delighted to present this 3rd Annual Carbon Report to full Council. Just like any Annual Budget, the objective of this report is to provide transparency and accountability to the carbon emission levels of both the Council, and the Borough as a whole. This report has been input into from across Council departments and Cabinet portfolios.

Since our second Annual Carbon Report as a Council we have been extremely busy across a whole range of activities. Of particular note was that Haringey led a successful bid on behalf of several north London boroughs to Government to provide hundreds of free Green Deal energy assessments, helping people identify the measures they need to live more comfortably save money and reduce carbon emissions. There was a remarkable spread of take up across all wards in the borough. Alongside this the scheme developed a network of hundreds of businesses who stand to benefit from the growth of this market by up-skilling their employees and gaining the necessary accreditations, helped by Haringey.

Apart from our practical work installing energy saving measures and providing outreach to residents and businesses we have been working on some very exciting plans with a leading UK University which could in the long term lead to a research facility being established in the borough with the prospect to accelerate low carbon commercial opportunities through research and innovation.

In addition, we have been developing plans for low carbon heat network that could in its first phase span a distance of five kilometres, save residents 10% on their fuel bills and reduce carbon emissions from heat by a massive 60% compared to business as usual. We have a once in a lifetime chance to implement this infrastructure as part of the major regeneration plans for Tottenham and I hope we will make this a reality.

Over the past year the 40:20 Steering Group have also developed and formed new working groups that will help to coordinate activity develop collaborative schemes. We



Haringey Council

will not achieve our target alone. Delivering our ambitious plans as have been laid out by the Carbon Commission will require support from national government and, more importantly, coordinated action from everyone, be that, businesses, faith groups, schools, public bodies, charities and every individual who lives in the borough.

I hope you find this report an interesting source of inspiration to come and join us on the journey to a prosperous and sustainable future for Haringey.

3. Recommendations

The report provides a framework for making transparent the progress that is being made by the borough, in order to support work towards a 40% reduction target by 2020.

It is recommended that Council discuss and debate the issues raised by this report and that Councillors provide their full support to leading action in their community.

4. Alternative options considered

N/A

5. Background information

The report relates to Council corporate plan outcomes Outstanding for All and Opportunities for All and specifically to driving economic growth in which everyone can participate and to ensuring everyone has a decent place to live. Key programmes include: increasing energy performance of private and social rented homes and tackling rising fuel costs, increasing local enterprise and training opportunities in retrofitting, developing low carbon heating infrastructure, supporting regeneration at priority locations across the borough, and developing partnerships with Higher Education sector to raise aspirations in the borough and attract investment into Haringey.

6. Comments of the Chief Finance Officer and financial implications

The work and initiatives outlined in this report have been undertaken within existing resources, supported by successful bids for external grant funding. In addition to the Carbon savings outlined, the projects delivered have enabled the Council, its partner organisations, residents and local businesses to achieve fuel and energy savings.

Where projects require additional funding beyond existing budgets to be implemented or developed further then they will be brought forward for Cabinet approval as necessary.



Haringey Council

7. Head of Legal Services and legal implications

The Head of Legal Services notes the content of the report and advises that there are no specific legal implications at this stage.

The Head of Legal Services should be kept updated and legal advice sought on each of the initiatives as they progress.

8. Equalities and Community Cohesion Comments

Climate change is an issue that affects all people living and working in Haringey and is likely to have a disproportionately high impact on the poorest and most vulnerable. Managing carbon emissions and limiting climate change is therefore not only a matter of environmental stewardship but also supports Haringey's commitment to equalities and community cohesion.

9. Head of Procurement Comments

There have been a range of projects that have contributed to the progress achieved to date in borough-wide carbon reduction.

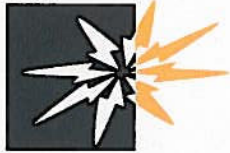
Procurement has been engaged on each project to ensure that any spend with third parties is commensurate with EC Procurement Directives, Contract Standing Orders and represents value for money.

Where the market allows, supporting projects are offered via Competefor. In 2012-13, the Council delivered five opportunities as Request for Quotations through Competefor. Three of the five were awarded to North London SMEs, two of which were based in Haringey. This demonstrates our commitment to utilise the local supply market where possible, delivering the 40:20 Action Plan commensurate with Carbon Commission recommendations.

10. Policy Implication

In November 2012 the Council has endorsed the approach recommended by the Carbon Commission in 2012 to reduce carbon emissions and address the inequality in the borough. The recommendations made by the Commission aim to reduce fuel costs for residents, promote health and well being, support the local economy and create jobs & training opportunities.

11. Reasons for Decision



Haringey Council

The recommendations made by the Commission and associated action plan identify how carbon reduction initiatives will reduce fuel costs for residents, promote health and well being, support the local economy and create jobs & training opportunities.

12. Use of Appendices

N/A

13. Local Government (Access to Information) Act 1985

This report contains no exempt information.

Third Annual Carbon Report

2013



JOBS & ENTERPRISE



SOCIAL JUSTICE



HEALTH & WELL-BEING

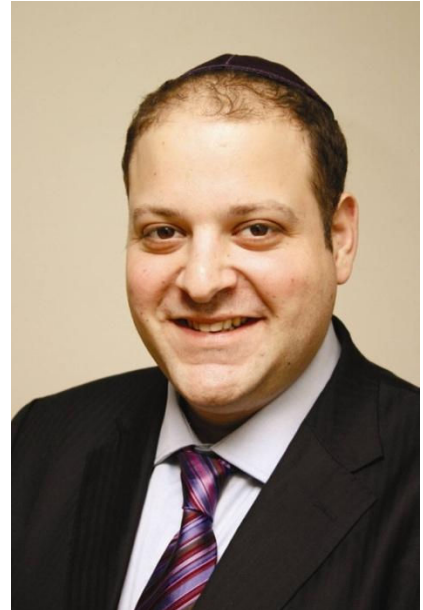


LOCAL ACTIVISM



CARBON





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I hope you find this report an interesting source of inspiration to come and join us on the journey to a more sustainable future for Haringey.

A handwritten signature in blue ink, reading 'Joe Golder', with a stylized flourish at the end.

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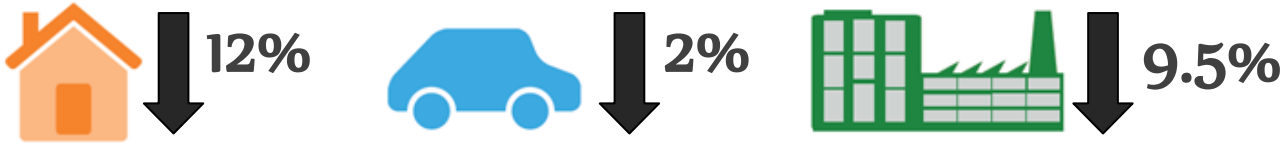
1. Summary

Introduction

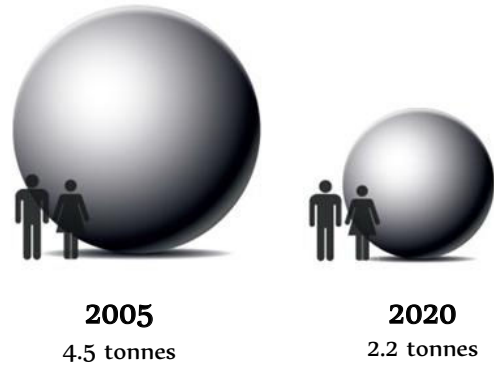
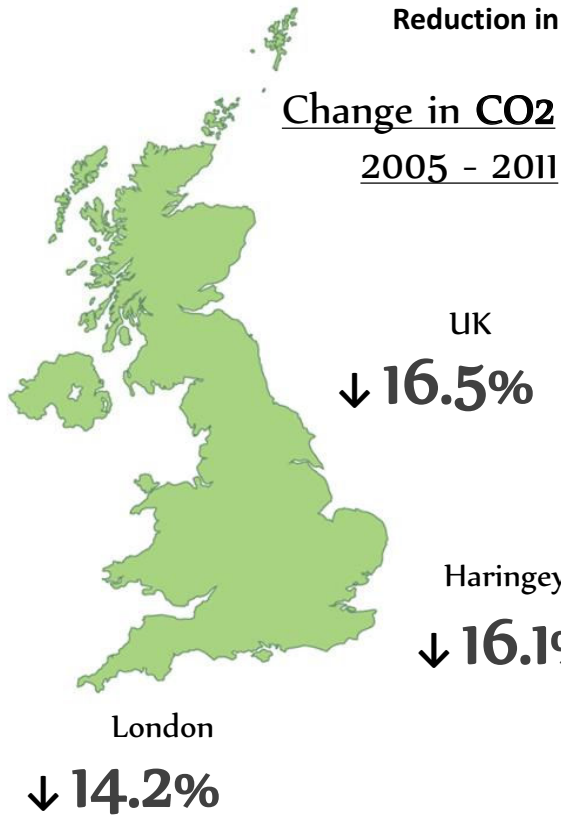
The Annual Carbon Report provides year on year account of progress made to reduce carbon emissions in Haringey. The report includes:

- Official carbon emissions data for April 2011- March 2012 (published by the Department of Energy and Climate and Change in 2013);
- An overview of key Council programmes and collaborative initiatives to reduce CO2 emissions in April 2012- March 2013; and,
- Next steps and priorities for the future.

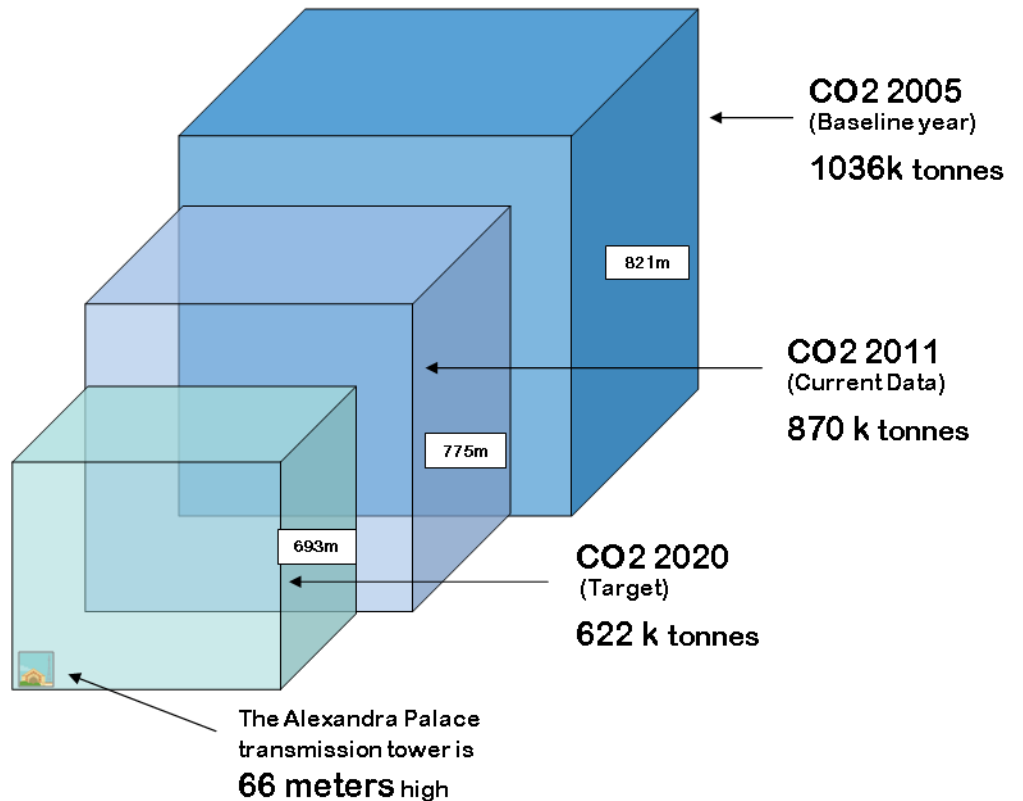
1.1 Haringey CO2 emissions (data released 2013)



Reduction in CO2 from Homes, Transport and Business 2010 - 2011



To achieve 40% CO2 reduction target emissions per person must be halved



1.2 Key progress from April 2012 – March 2013

Since the launch of the Carbon Commission Report in November 2012, which set out recommendations for achieving a 40% carbon reduction in Haringey by 2020, the Council has made significant progress.

- The Council began work to develop a strategic **research partnership** with a major Russell Group university, with the long term aim of attracting a Higher Education partner to locate in the borough and drive the growth of the low carbon economy.

The first stage of the partnership involves collaborative research with leaders from among the business and local community to address key challenges facing the borough, such as energy vulnerability of households and opportunities such as new uses of IT and resource data to open up **new commercial opportunities**. This partnership will be publically launched in January 2014.

- Significant progress was made to develop proposals for a **district heat network** that would provide lower cost and lower carbon heating and hot water to thousands of homes as well as serving commercial customers. In partnership with the Greater London Authority and London Borough of Enfield, the Council completed several detailed technical studies and an outline business case demonstrating the benefits of the heat network, which includes proposals for heat off-take from the Energy from Waste Plant at the Edmonton Eco Park.

The first phase of the heat network would deliver:

60% CO₂ reduction

5km of pipes laid underground

10% reduction in heating costs

- Haringey Council was one of a number of local authority areas selected by the Department of Energy and Climate Change to test and develop the **Green Deal** – a new way of financing building energy saving improvements (also known as building ‘retrofit’).

Working in partnership with local organisations, Haringey Council provided over four hundred free Green Deal Assessments to households, and in doing so created valuable employment opportunities for home energy assessors and training opportunities for organisations carrying out community engagement outreach work.

75% of households planned to make energy saving improvements in the next 12 months as a result of their Green Deal Assessment.

- The Council commissioned proposals for a local cooperative, formed of local retrofit installers, community organisations, local authorities and other partners, to drive retrofit from the ‘ground up’. The proposals were tested and developed with community groups and local business. **RetrofitWorks: the Good Building Cooperative** has now been formally established and is the first of its kind in the UK.

The cooperative will drive both the energy saving retrofit of thousands of homes, protecting people against raising fuel costs, and development of a trained local supply chain. The coop currently has 25 business members and will complete its first pilot projects in winter 2013, before scaling up its operations in 2014.

- Following an award from the One Borough One Future Fund, Tottenham based charity Living Under One Sun (LUOS) were commissioned to meet with residents to discuss their energy issues and help them to take part in the **Big Community Switch**, a collective energy switching scheme. The project focuses on supporting vulnerable and fuel poor residents to cut the cost of their energy bills. To date over 3000 people have received advice.

- The Council's business support project, **Green Light North London** provided one-to-one advice to 51 businesses helping them to cut their running costs and improve their business prospects by 'going green'. Examples of action being taken switching to cost saving LED lighting and taking part in fuel saving driver training. This project also piloted the first commercial Green Deal Assessments to be delivered in the UK.

Savings identified for local businesses:

Up to **18 tonnes CO2** savings a year

£60,000 energy bill savings

Total CO2 per year **327 tonnes**

- The Council has continued to lead by example, reducing its own carbon footprint, through investment made via the Council's revolving **Sustainable Investment Fund** for energy efficiency improvements, and additional investment in solar photovoltaic panels.

Some of the biggest reductions were made in leisure services, prior to outsourcing its management to Fusion Leisure, and will be driven down further by contract agreements made at the point of outsourcing this service.

Decrease in the overall size of the corporate estate, for example due to conversion of schools to academy status, has meant that total emissions under the Council's control have reduced. Emissions from these assets will need to be addressed as part of borough wide plans.

To date the Council has achieved:

21% CO2 reduction, that's
2,000 cars off the roads,
saving **1.1** million each year on
energy costs

- Continued investment in cycle routes, bicycle parking and cycle training has continued to increase the number of journeys made by bike and delivered an 8% annual increase in cycle trips over the last decade which equates to over 3,000 additional cycle trips now being made each day.

An extensive transport study has identified locations across the borough where 'Dutch-style' high standard **cycling facilities**, such as segregated cycle lanes and bicycle parking provision, could be implemented to make the roads safer and more accessible for cyclists.

1.3 Challenges & priorities for the year ahead

Opportunity for the delivery of a strategic heat network in Tottenham.

The regeneration of Tottenham provides an unparalleled opportunity to create 21st century energy infrastructure and sustainable neighbourhood design, delivering low carbon, lower cost heating to thousands of new homes, while also serving commercial customers and the redeveloped Tottenham Hotspur's stadium. This can be achieved through the Council's leadership of major regeneration plans and statutory planning powers, by securing the necessary infrastructure as part of any disposal or development agreements.

In early 2014, Haringey Council will review the final business plan for phase 1 of the network and assess delivery options.

Attracting a university research partner to locate in the Borough.

The Council will progress work on a business case to attract a university research centre in the borough that will stimulate growth of low carbon enterprise. A number of possible sites have already been identified with the necessary requirements for this purpose.

Develop partnerships that will support innovation and accelerate the use of low carbon technologies and enterprise.

The Council will work collaboratively with leading universities, businesses, central government, organisations such as the Energy Technologies Institute, and the local community to develop collaborative research and implement 'demonstration projects'.

One scheme currently being explored is a 'system' based approach to low carbon heat, incorporating local energy generation and heat storage, ICT systems and controls for building energy management and building fabric improvements, such as insulation.

Tackling 'hard to treat' homes and developing local supply chains and a skilled workforce in building 'retrofit'.

Haringey Council is leading proposals for a scheme to insulate 1,000 homes and commercial premises in north London that are 'hard to treat' or 'hard to reach'. These properties include those with solid walls, which are difficult to insulate and are typical in the borough of Haringey.

This work will also aim to support the development of a local network of skilled assessors and installers, by providing specialist training and support to approximately 60 businesses.

Over time this will build capacity in the area to deliver retrofit on a much larger scale. To achieve a 40% reduction in CO2 by 2020 an estimated 10,000 homes will need to be retrofitted, which could lead to the creation of hundreds of new high skilled jobs.

Further reducing the carbon footprint of the Council's estate.

The potential redevelopment of the Council's civic complex in Wood Green presents a major opportunity for developing the boroughs district heating network and reducing the carbon footprint of the Council's corporate estate towards the 40% target by 2015.

The Carbon Commission

The Carbon Commission brought together a team of sustainability and carbon management experts who donated their time to prepare a set of recommendations for how Haringey can achieve its ambition to reduce CO2 emissions by 40% by 2020 and best safeguard prosperity and improve the quality of life for everyone living and working in the borough.

The recommendations report, published in November 2012, contained **five key recommendations:**

- 1.** Create new cooperative and mutual business which invest wealth back in to the borough
- 2.** Develop a thriving Low Carbon Economy including establishing a low carbon enterprise district and partnerships with training providers to develop local work-based skills in sustainable industries.
- 3.** Boost Innovation by partnering with high profile businesses, Universities and research specialists to create a 'living innovation lab' in Haringey.
- 4.** Invest in Low Carbon Transport - Go Dutch', develop market for alternative fuelled vehicles, develop transport plans with neighbouring boroughs.
- 5.** Strengthen Community Organisations - Help increase reach and impact of organisation.

Based on this report the Council developed an Action Plan. Both the Carbon Commission Report and the Action Plan can be downloaded at www.haringey4020.org.uk

The logo for the Carbon Commission. It features the word "CARBON" in a bold, black, sans-serif font. Below it is a horizontal bar with a rainbow gradient, transitioning from blue on the left to red on the right. Underneath the bar is the word "Commission" in a black, sans-serif font.

CARBON
Commission

Retrofit of social housing to reduce fuel poverty, create skilled jobs and provide training opportunities.

Achieving the national 'standard for affordable warmth' across all social housing stock is estimated to cost £129m. This represents a major financing and delivery challenge for the Council.

The cost of this work can potentially be offset by ECO (Energy Company Obligation) funding contributions and by gains made improve associated health and well being. The Council's 30 Year Social Housing Investment & Renewal Strategy, being developed will set out the Council's approach to approach to deliver energy improvements.

2. The Global Climate Challenge

Globally there is a need to reduce overall emissions even as populations increase and nations such as China and India become more energy and resource intensive. As one of the most unequal local authorities in the UK, Haringey can be seen as a microcosm of our global sustainability challenge, to live within environmental limits while raising prosperity.

Increasing levels of greenhouse gases (GHGs) are causing the planet to warm up, which is affecting our climate and will continue to do so. If GHG emissions are left unchecked, average global temperatures could rise by up to 6°C by the end of the century. This is likely to leave communities vulnerable to extreme weather and flooding, and the cost of adapting our infrastructure and lifestyles could significantly damage our economy.

On a global scale we would also have to cope with famine and significant levels of population displacement in an already overcrowded planet. In Haringey, as in the rest of the world, climate change will have a disproportionate impact on the poorest and most vulnerable people in the community; those who lack the means to absorb the rising costs of heating their home and the increased cost of food and travel, however taking action now can benefit us all. Managing carbon more effectively makes economic, social and environmental sense.

Haringey has committed to reduce CO2 emissions by 40 per cent by 2020. As the most unequal borough in London, the challenge for Haringey is a microcosm of the global sustainability challenge – to live within environmental limits while reducing inequality.

Climate change is not just about avoiding environmental disaster; it is about securing the future growth of our economy through green investment to create a prosperous and fairer future for all. Action to reduce carbon emission levels has wide ranging benefits that hit all of the Council's key priorities: regeneration, jobs and training, fuel poverty mitigation and health & well being, irrespective of environmental considerations.

The **UK** 2008 Climate Change Act established the world's first legally binding climate change target. The UK aims to reduce greenhouse gas emissions by at least **80%** (from 1990 levels) by 2050.

Moving to a more energy efficient, low-carbon economy will create economic growth, new jobs, help protect the UK from rising energy prices and reduce reliance on imported fossil fuels.

By 2020 the **EU** must achieve binding "20-20-20" targets:

- **20%** reduction greenhouse gas emissions (from 1990 levels)
- **20%** improvement in energy efficiency
- **20%** of energy produced from renewable resources

It is estimated that meeting the 20% renewable energy target could create around **417,000** additional **jobs**, while the 20% energy efficiency is forecast to boost employment by **400,000 jobs**.

Good News: It's happening!

Portugal hits 70% renewable power and they're not alone. Right now, 46 countries use at least 60% clean electricity

The London Array, the world's largest wind-farm powers half a million homes year planned for 2015!

Image: VATTENFALL



The UK now gets one sixth of its electricity from clean sources like wind, solar and hydro power. That's up 56% on this time last year planned for 2015!

In Bangladesh, a new solar panel is plugged in every 90 seconds

Image: IDCOL



Electric car sales in the USA reached a record high this August. That's a 125% increase on August 2012 year planned for 2015!



2 million of Peru's poorest households are getting free government funded solar powered electricity

Image: GTR PUCP



700,000 solar lamps sold in east Africa and counting! SolarAid aim to sell 1m by the end of 2013

Image: Solar Aid

In Holland, a crowd-funded wind turbine raised €1.3m in 13 hours



Haringey 40:20

Haringey 40:20 brings together people, businesses and community groups to reduce carbon emissions in the borough 40% by 2020 and create a vibrant sustainable borough, with a good quality of life for everyone. By supporting sustainable economic growth, which helps adapt to climate change and reduce carbon emissions, we can protect our future prosperity.

The challenge we face to reduce carbon emissions across the borough, is not one the Council can achieve on its own. This will take action from among residents, businesses, the council and other public and third sector organisations.

A **40:20 Steering Group** has been established, which includes representatives from community organisations; Sustainable Haringey, Tottenham Friends of the Earth, Muswell Hill Sustainability Group, not-for-profits and charities; Living Under One Sun, EN10ERGY, Community Energy Lab and new economics foundation, a business network Tottenham Traders and the Housing ALMO Homes for Haringey. The group also includes Cabinet Member for Carbon Reduction; Cllr Joe Goldberg, cross party Councillors; Cllr Juliet Solomon and Cllr Toni Mallet, and Council officers.

The role of the Steering Group includes engaging local communities and developing new initiatives to support change for a low carbon future, actively promoting the 40:20 agenda, and exchange of ideas and knowledge between 40:20 Steering Group members and wider 40:20 community. The group also provide input, scrutinise, challenge and monitor the delivery of the Council's 40:20 Action Plan.

Communications and Housing Retrofit working groups were formed earlier this year and are looking to new recruit members to help take forward key projects. The Retrofit Group for example, are involved with developing a retrofitting cooperative for Haringey, new project proposals and funding bids. The Communications group are devising a Haringey 40:20 short film and other outreach activities.

If you are a local person with an interest in either of these groups and expertise to offer please contact haringey4020@haringey.gov.uk

We have everything we need to start making changes.

Many people are already making great strides forward – our families, our neighbours, local entrepreneurs on our high streets and volunteer organisations across the borough are already doing this.

The changes we make, such as improving our homes; making streets more fit for cycling and walking and

developing new innovative technologies and processes fit for a sustainable economy are the same things that will lead to a better quality of life for all as well as new, quality skilled jobs.

Together we can start creating the future we want to see right now – a Haringey which is cleaner, greener and more prosperous.

Let's start together, today.

Are you in?

Visit www.haringey4020.gov.uk and join in today!

3. Haringey's Carbon Emissions

3.1 CO2 Emissions 2010-2011 (released 2013)

Haringey Carbon reduction target

In November 2009, following a campaign led by Friends of the Earth and involving hundreds of local residents, Haringey Council became the first major local authority to adopt a target to reduce carbon emissions by 40% by 2020. This equates to a reduction of more than 400,000 tonnes of CO2 per year, equivalent to taking 130,000 cars off the road¹.

Reduction in CO2 emissions between 2010 and 2011

Between 2010 – 2011 Haringey's carbon emissions have decreased by **9.7 per cent**. There has been a decrease in emissions across all sectors as follows:

- Domestic emissions decreased by more than 12%
- Emissions from Industry and commercial have decreased by 9.5%
- Transport emissions have decreased by 2%

The carbon emission data report here are official statistics for "Emissions within the scope of influence of Local Authorities" published annually by the Department of Energy & Climate Change's (DECC).

The latest data (released in July 2013) relates to April 2010 – March 2012

Table: Percentage reduction CO2 emissions from 2010 to 2011

	Industry and commercial	Domestic	Transport	Total?
Haringey	9.5%	12.3%	2.0%	9.7%
London	10.8%	11.8%	2.3%	9.7%
UK	9.9%	12.2%	1.6%	8.8%

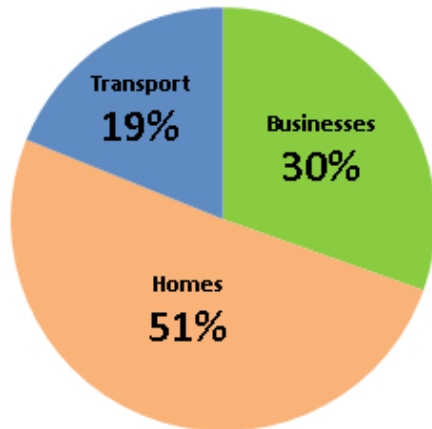
The reduction in total emissions between 2010 and 2011 in Haringey is consistent with the national trends. This decrease can be attributed to a number of factors including implementation, local, regional and national schemes to reduce carbon emissions, the mild winter temperatures in 2011 (the national figures are not corrected to account for weather changes from year to year² and rising energy prices.³

Domestic emissions are strongly influenced by average temperature. The decrease in domestic emissions from 2010 can be attributed to a decrease use of natural gas for space heating as 2011 was, on average, warmer than 2010.

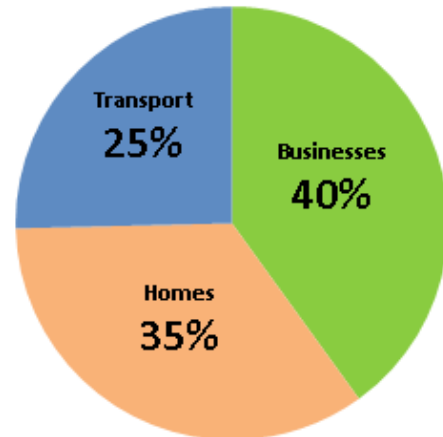
Transport emissions include transport for both private and for business purposes. Emissions estimates are made based traffic distribution, therefore some of the emissions within an authority represent through traffic, or part of trips into or out of the area whether by residents or non-residents.

Haringey is one of only ten local authorities nationally where home energy use (domestic emissions) account for more than half of total carbon emissions ¹

Haringey CO2 emissions 2011



UK CO2 emissions 2011



In 2011 30 percent of direct emissions in Haringey were attributed to the industry and commercial sector, 51 percent to the domestic sector, and 20 percent to road transport. A smaller proportion of Haringey's CO2 emissions come from both transport and businesses than in the UK as a whole.

How are CO2 emissions for a Local authority area calculated?

Carbon emissions data was first published for Local Authorities in 2005 (the 'baseline' year). The most recent figures, released by DECC in 2013, relate to the period April 2010 – March 2011. At the time of reporting, DECC's most recent publication of emissions data was for 2011 (published July 2013). DECC apply the following approach to preparing the emissions data:

- Wherever possible, estimates are based on 'real' local data such as electricity and gas consumption.
- All emissions from energy production (e.g. from electricity generation or refineries) are allocated according to where energy is actually consumed by householders and businesses, rather than where the energy is produced is located.
- Other emissions are 'de-aggregated from national data and assigned to local authority areas on the basis of local information such as traffic flow estimate, population, employment and household fuel types.¹

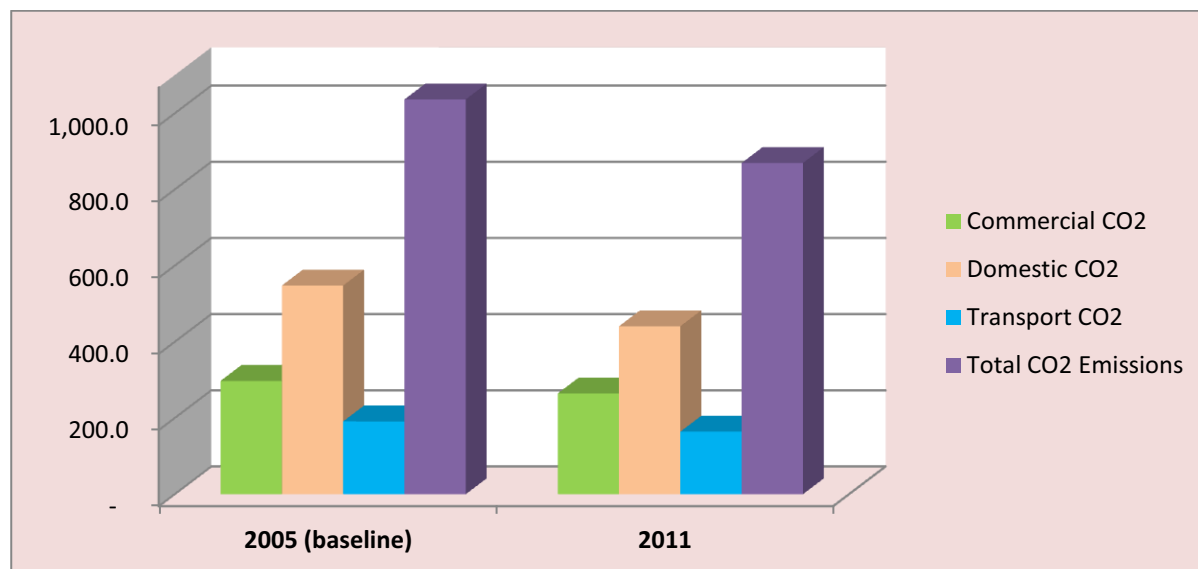
'Emissions within the scope of influence of Local Authorities' are defined at a national level as those that occur within the boundaries of the local authority; this excludes:

1. Emissions which LAs are considered unable to directly influence. These are emissions from motorways, diesel railways, EU Emissions Trading System sites (with the exception of energy suppliers e.g. power stations, whose emissions are indirectly included via the end-user estimates for electricity use) and Land Use, Land Use Change, and Forestry (LULUCF) net emissions sector.
2. Emissions which cannot be disaggregated and attributed to Local Authorities. These are offshore emissions from oil and gas extraction, domestic aviation emissions, fishing, coastal shipping, exports and waste incineration (except for energy generation).

3.1 CO2 emissions – change from 2005 baseline

In 2011 total carbon emissions for Haringey were 870,000 tonnes. This is a **16 percent** decrease since the baseline year 2005, equivalent to removing more than 52,000 cars off the roads.

Graph: Change in CO2 emissions from 2005 (baseline) to 2011



Over the 6 year period, emission from all sectors have decreased. The largest decrease has been in emissions related to home energy use.

Table: Percentage reduction CO2 emissions from 2005 (baseline) to 2011

	Industry and Commercial	Domestic	Transport	Total
Haringey	11.1 %	19.5 %	14.1 %	16.1 %
London	12.7%	16.5%	13.2%	14.2%
UK	20.0%	17.1 %	9.3%	16.5%

Since 2005 total carbon emissions in Haringey have decreased by nearly 2% more than London-wide emissions. Haringey's transport and domestic emissions have reduced by more than the UK average, however UK wide Industrial and Commercial emission have fallen by nearly twice as much as in Haringey.

Between 2005 and 2011, the population of Haringey is estimated to have increased by 11% (ONS, 2012), despite this total CO2 emissions in Haringey have decreased and corresponding per capita (per person) emissions have decreased by a quarter.

Graph: Haringey CO2 emissions and population growth

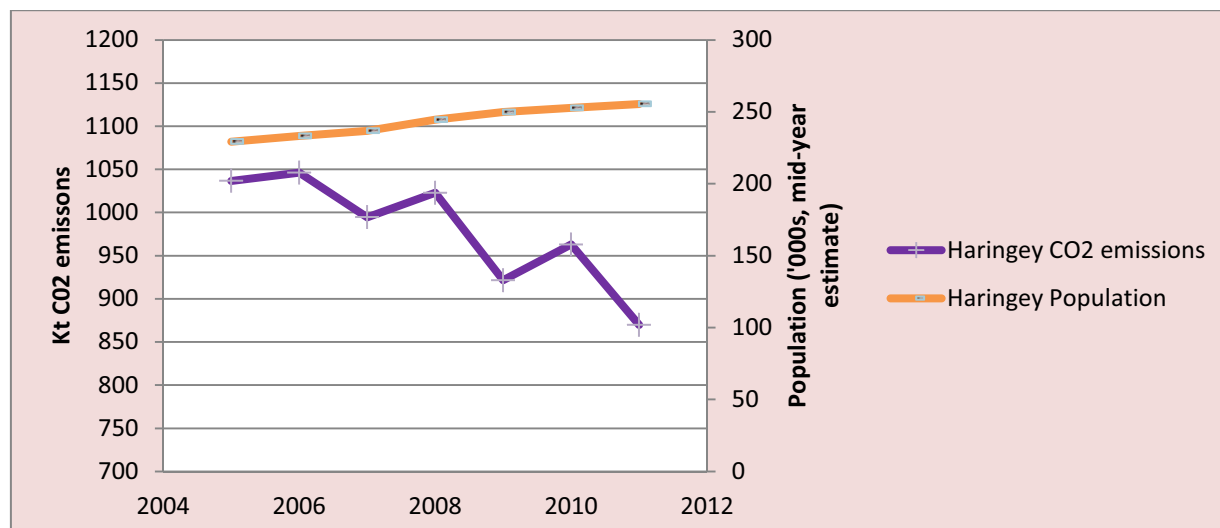
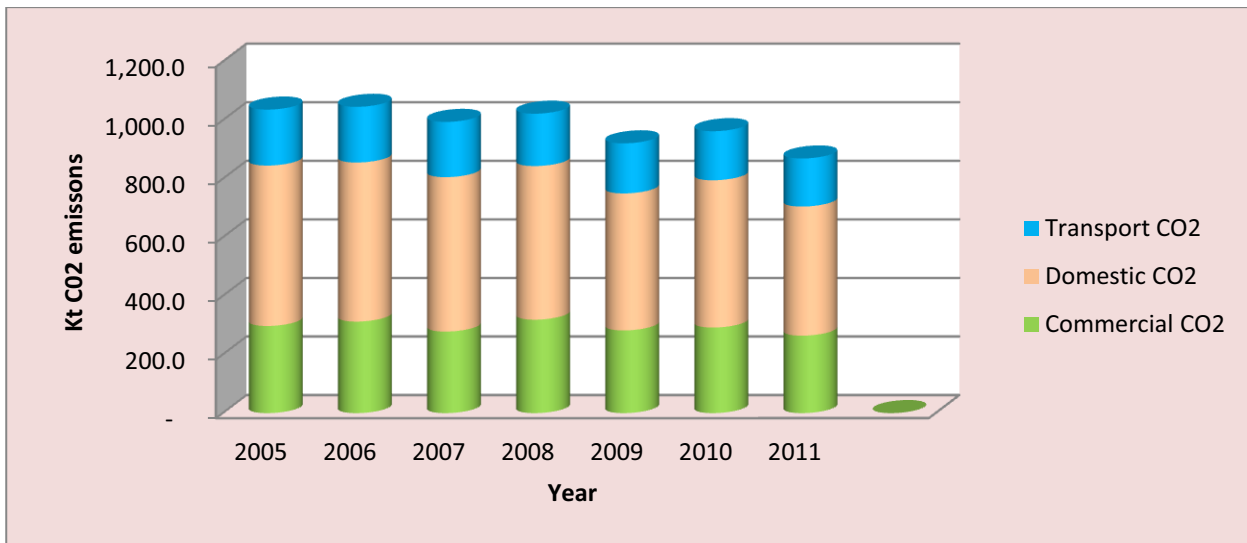
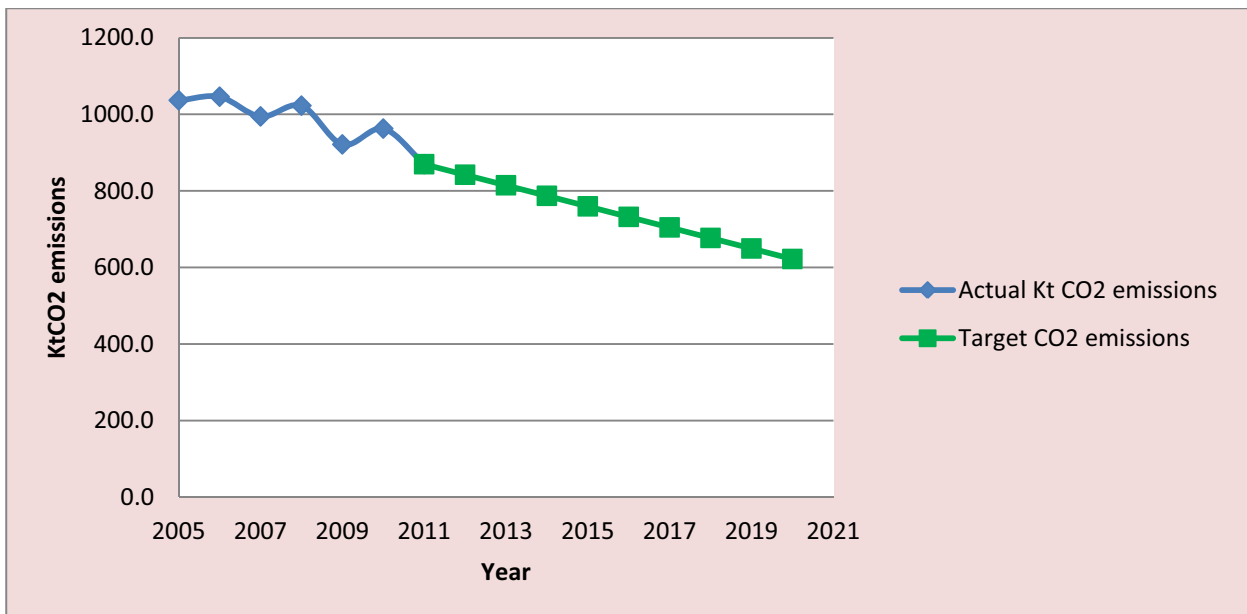


Table: Haringey annual CO2 emissions⁴ 2005- 2011 by sector, (kilo tonnes per annum)

	Total Industry and Commercial CO2	Total Domestic CO2	Total Transport CO2	Total CO2 Emissions (kt CO2)
2005	297.6	547.9	191.2	1036.7
2006	312.6	543.3	190.2	1046.2
2007	278.5	527.4	188.7	994.6
2008	319.1	524.7	178.9	1022.7
2009	282.4	468.0	171.1	921.4
2010	292.2	503.1	167.5	962.8
2011	264.5	441.0	164.2	869.7

The reduction in emissions achieved locally between 2005 and 2011, can be attributed to local carbon reduction initiatives such as those outlined in this report, and will also reflect national trends, including year variations in average temperature, the economic down-turn, falling real incomes and changes to the power generation fuel mix as we move from coal to gas and more renewable energy, causing a decrease in the 'emissions factor' for electricity generation.

Graph: Annual total CO2 emissions by sector 2005 (baseline) to 2011**Graph: Actual CO2 emissions and decrease required to meet 2020 target**

The latest emissions data suggests that the borough is on track to meet its carbon reduction target for 2020. However the borough must also deliver on reducing the high levels of inequality that currently exist across the borough, towards a more equal, active and connected society that supports higher levels of well-being.

Haringey Council has major plans to deliver significant growth including new homes, new jobs and commercial space, and an increasing population. This will lead to a rise in CO2 emissions unless measures are taken to switch to more sustainable practices, as has been outlined in the Carbon Commission Report. This report can be downloaded at www.haringey4020.org.uk/report

Decarbonisation of Electricity Generation

Decarbonisation of electricity generation is key to achieving carbon reduction targets across the UK, as it is a major source of greenhouse gas emissions:

In 2008 power sector emissions accounted for around 28% of total greenhouse gas (GHG) emissions, with average emissions in power generation of around 540 gCO₂/kWh; this will fall to around 300 gCO₂/kWh by 2020 if current Government ambition on renewable electricity and other low-carbon generation sources is delivered.¹

In Haringey, modelling work carried out for the Carbon Commission Report forecast that decarbonisation of the electricity grid would reduce emissions locally by 12% on 2005 levels. That is, grid decarbonisation accounts for over one quarter of the emissions reductions needed to meet our 40% reduction target for 2020 target.

The carbon intensity of electricity generation in the UK has already fallen due to decommissioning inefficient old coal fired power stations, increased use of newer gas-fired power stations, imports of electricity from France's nuclear generation, improved efficiency from the UK's nuclear generation and increased use of renewable energy sources.

Total electricity generation from renewable sources in 2011 increased by 33 percent on 2010. The majority of this increase came from wind power, with onshore wind 45 percent higher than in 2010 and offshore wind generation 68 per cent higher than in 2010. In both cases this was due to an increase in installed capacity and also higher average wind speeds over the course of the year.¹

However in 2012, CO₂ emissions from the power sector increased, and the carbon intensity of electricity consumed increased by 10%. This was due to an increase of highly carbon-intensive coal generation at the expense of gas, driven by a low price of coal in the global market, and increase to the wholesale gas price.

Although the carbon intensity of the power sector has decreased since 2005, the year on year fluctuation highlights the importance of robust national policy to deliver the significant level of grid decarbonisation needed to meet the 2020 target.

4. Borough wide carbon reduction policies and initiatives

4.1 Designing buildings for the future

The way buildings are designed and constructed has an impact on the quality of our lives and health as well as on energy use, natural resources and our immediate and wider natural environment.

The Council's Supplementary Planning Document (SPD) on Sustainable Design and Construction, was approved at Cabinet in February 2013. This guidance includes information on materials, environmental performance, ecological impact assessment, light pollution, air quality and waste.

The document will also support the Local Plan: Strategic Policies, which were adopted in March 2013, and include the following CO2 targets:

- From 2011 all new residential development will achieve a minimum 25% reduction in total CO2 emissions in line with Code for Sustainable Homes Level 4 energy standards, and should aim to achieve Level 6. All new residential development will be zero carbon from 2016 onwards.
- From 2011 onwards all new non-residential development shall be built to at least BREEAM "very good" standard and should aim to achieve BREEAM "excellent" or the current nationally agreed standard. All new non-residential development shall be zero carbon from 2019.
- Requiring all developments to assess, identify and implement, where viable, site-wide and area-wide decentralised energy facilities including the potential to link into a wider network;
- Establishing local networks of decentralised heat and energy facilities by requiring developers to prioritise connection to existing or planned networks where feasible;
- Working with neighbouring boroughs and other partners to explore ways of implementing sub-regional decentralised energy networks including the potential in the Upper Lee Valley Opportunity Area.

Table: Sustainability standards achieved for major developments in Haringey during FY 2012/13

Building Name	Code for Sustainable Homes/ BREEAM level	On site renewable energy	District or community heating	Other sustainability information
Former Canon Rubber Factor, Tottenham, (residential and a school)	BREEAM targeted rating/possible rating Very Good. Code Level 4 for Flats	(n/a)	Combined Heat & Power	(n/a)
Lawrence Road, South Tottenham (residential and commercial space)	Code Level 4	(n/a)	Communal onsite heat network via CHP plant (and connection to an area wide energy network, if offered before construction start)	(n/a)
Forester House, Bounds Green (commercial)	BREEAM Very Good	(n/a)	Combined Heat & Power	(n/a)
Lymington Avenue, Wood Green (residential)	Code Level 4	Air Source Heat Pump	(n/a)	(n/a)
Highgate Junior School	BREEAM Very Good	Ground Source Heat Pump with gas boilers to top up and Solar Photovoltaics	(n/a)	Passivhaus design principles. Mechanical ventilation with heat recovery.

4.2 Low carbon heat infrastructure

Heat is the single biggest reason we use energy and results in approximately one third of the UK's carbon emissions.

Satellite schemes

Two exciting regeneration developments in Haringey, Brook House and Lawrence Road, have been approved with their own on-site low carbon heat generation and site-wide heat distribution networks.

Brook House in North Tottenham, will also be designed to enable future connection to an area-wide alternative energy network which could further reduce carbon.

Haringey continue to work with developers through the planning application process to bring forward low carbon developments, and the combination of a high standard of insulation and connection to an area-wide alternative energy network presents an economical approach for developers to meet the targets for carbon and energy reduction required at a local, regional and national level.

Strategic heat network

Haringey Council is also progressing proposals for an ambitious cross borough strategic heat network. The network would capture heat from existing and proposed sources in Enfield, and distribute affordable low carbon heat in the form of hot water to residential, private, and public sector customers through a new heat network.

Annual CO₂ emissions savings from the first phase of the heat network are estimated to 60% over a 'business as usual' scenario which is in excess of 4,000 tonnes per annum. The proposed network would cover a distance of 5km, with a total installation cost for the network and associated plant estimated at £12.5m.

- An outline business case was prepared with support from the GLA in early 2013. Based on its positive outcome Haringey, the GLA and the Enfield Council agreed to develop a business plan for the network.
- More detailed engineering design proposals and costing assessments were completed in 2013, including evaluation of the options for heat off-take from the Energy from Waste plant at the

Across the UK, buildings will need to be essentially zero carbon by 2050 if we are to achieve our carbon reduction targets. This will require transformational change, and new approaches to heat generation and heat distribution at a local scale, as different solutions will work best for different types of locations.

In dense urban areas with high heat demand, such as London, significant carbon savings can be delivered through localised combined heat and power with heat distributed to buildings for space heating and domestic hot water through heat networks. As heat networks essentially circulate hot water, they are heat-technology "agnostic", which means they offer flexibility to transition to lower carbon heat sources over time and a number of different heat sources can supply the same network.

Heat networks could also provide a potential route to market for low and zero carbon heat from energy from waste, surplus heat from industry, and in future, other sources of surplus low carbon waste heat such as data centre cooling, electricity substations, and sewage works may become viable.

Edmonton Eco-Park, network route analysis, and concept mechanical and controls design of the energy system.

In the future the vision for the strategic network proposed to serve North Tottenham would see it expand to become a 'city-wide' District Heat network connecting to neighbouring boroughs with multiple low carbon heat sources. At this scale, the network would look very similar to the city-wide heating schemes that have been operating in Northern European cities, such as Copenhagen, for many decades.

4.3 Domestic building retrofit and energy saving

London's target of a 60% reduction in carbon emissions requires the retrofit of 2.4m properties by 2020.

To achieve our carbon reduction target thousands of households in Haringey will need to be retrofitted with energy saving measures. This will require skilled local contractors who can deliver specialist insulation and install renewable technology systems. There are over 900 small businesses across North London who could potentially benefit from this work and the growth of the wider London market.

Employees will need to up-skill and businesses will need gain the necessary accreditations to deliver works as part of the national Green Deal and ECO energy supplier obligation schemes. A number of relevant courses are now being provided by local training colleges such as CONEL.

In January 2013 Haringey Council launched the 'North London Retrofit SME Network', with aims to promote the retrofit market opportunities to local tradesmen and building companies and provide information and training to support access this potential market. Activities carried out included:

- A 'retrofit' briefing event, attended by over one hundred businesses
- Workshops delivered by the Energy Saving Trust on Green Deal PAS 2030 certification
- Workshops delivered by consultants Parity Projects to develop the RetrofitWorks cooperative (see below).

Benefits of supporting the retrofit market:

- Local job creation
- Carbon savings
- Investment in the local economy
- Fuel poverty alleviation
- Growth of the low carbon skills sector
- Protection against rising energy costs
- Health benefits

RetrofitWorks: The Good Building Cooperative

Haringey Council pioneered the development of a cooperative to that will provide opportunities for local businesses to compete for retrofit and drive uptake from the ground up by working with local community groups and help local businesses benefit from the emerging retrofit market. With funding awarded by the Department of Energy & Climate Change, the Council commissioned development and testing of a cooperative business model for the delivery of energy saving 'retrofit works' in North London working with consultants Parity Projects.

This initial phase involved 25 local businesses who supported the process of developing governance arrangements, contracts and operational tools for the cooperative. Several community and voluntary sector organisations also helped to develop plans for driving uptake of retrofit. The RetrofitWorks Cooperative has now been formally established as not-for-profit network, owned by its members.

Membership

The cooperatives members will benefit from a sophisticated web portal which offers comprehensive project management for each job, from initial pricing through to work on site and completion, access to discounted training, and basic marketing materials.

There are three levels of membership:

Tier 1: Governance and strategic roles such as trade associations, professional Institutions and Local Authorities.

Tier 2: Lead generators such as community organisations, housing associations etc who will have a numbers of clients that are seeking a retrofit provider

Tier 3: Energy Assessors and installers, such as tradesmen, and will be allowed to bid for customer quotes and who will need to be PAS 2030 accredited.

“The 'RetrofitWorks' Cooperative is a fantastic opportunity for smaller businesses like ours to work together to offer wide range of home improvements that would not be possible for each individual company. Mike Ellinas, Director of Axios Energy Ltd

Next steps

Pilot projects, to test and demonstrate the operational viability of the cooperative, will be complete and evaluated in December 2013. Recruitment of additional member businesses, community organisations, local authorities will then begin on a larger scale. Haringey Council's will also consider options for its role in the cooperative.

Green Deal Assessments

Haringey Council was one of 30 areas selected nationally to become a Green Deal Pioneer Place by the Department of Energy and Climate Change, and as part of this scheme received funding to deliver free Green Deal Assessments in the borough.

Drawing on experience from the Muswell Hill Low Carbon Zone, the assessments were promoted through a combination of community networks, door-to-door canvassing, leaflet drops and events; and by engaging with the Warner End Residents Association in the Alexandra Palace area to test an area based approach.

Outreach activity was delivered by the Community Energy Lab at the Selby Trust. – identifying home energy improvements

- 15 Green Deal Assessors were employed (with the majority of assessors from within the borough Haringey) to deliver the assessments. They carried out 528 Green Deal assessments across Haringey and Islington (422 assessments in Haringey).
- 75% of residents said that following the assessment they were considering making energy saving improvements to their home in the next 12 months. Of these, approximately 60% said they would install substantial improvements, in addition to low cost measures.
- Over half of participants said they would rather pay for these measures upfront, rather than use Green Deal finance as they did not want debt attached to their property or a long term loan to repay for the works.



“

I think the Green Deal is a good idea and was very pleased with the thoroughness of my assessment. Also – I am very pleased to get the report and am considering some *measures*.

Kamila, Haringey Resident

The Green Deal

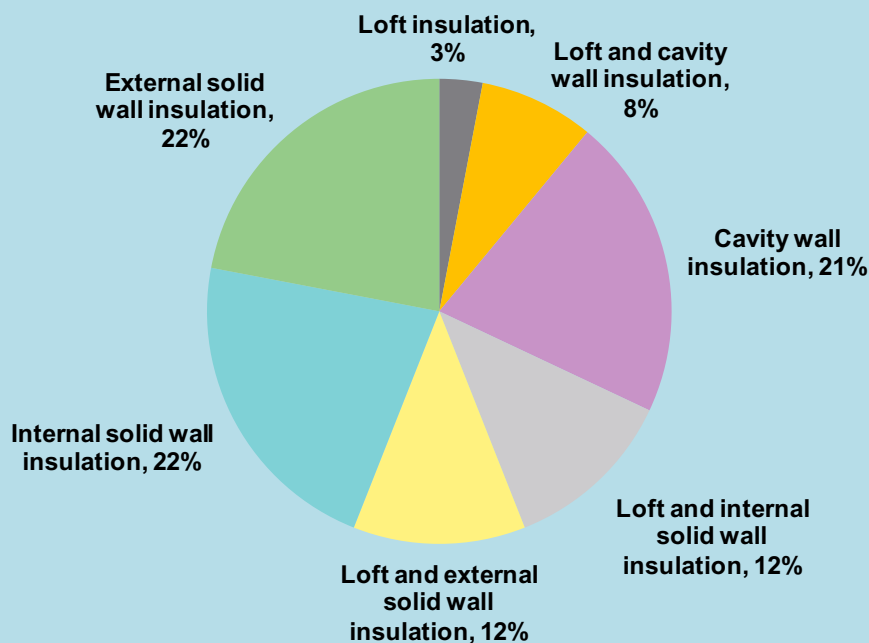
The Green Deal is a mechanism introduced by Government in 2013 to help households install energy saving measures, such as insulation and heating improvements in their home without having to pay the upfront costs. The Green Deal loan is repaid, with interest, via a charge on the household's electricity bill.

'Green Deal' improvements can only be installed after an assessment has been carried out by a certified Green Deal Assessor and are only recommended if they meet the 'Golden Rule'. This means that estimated gas and electricity bill savings must always be equal to or exceed the cost of the loan repayments.

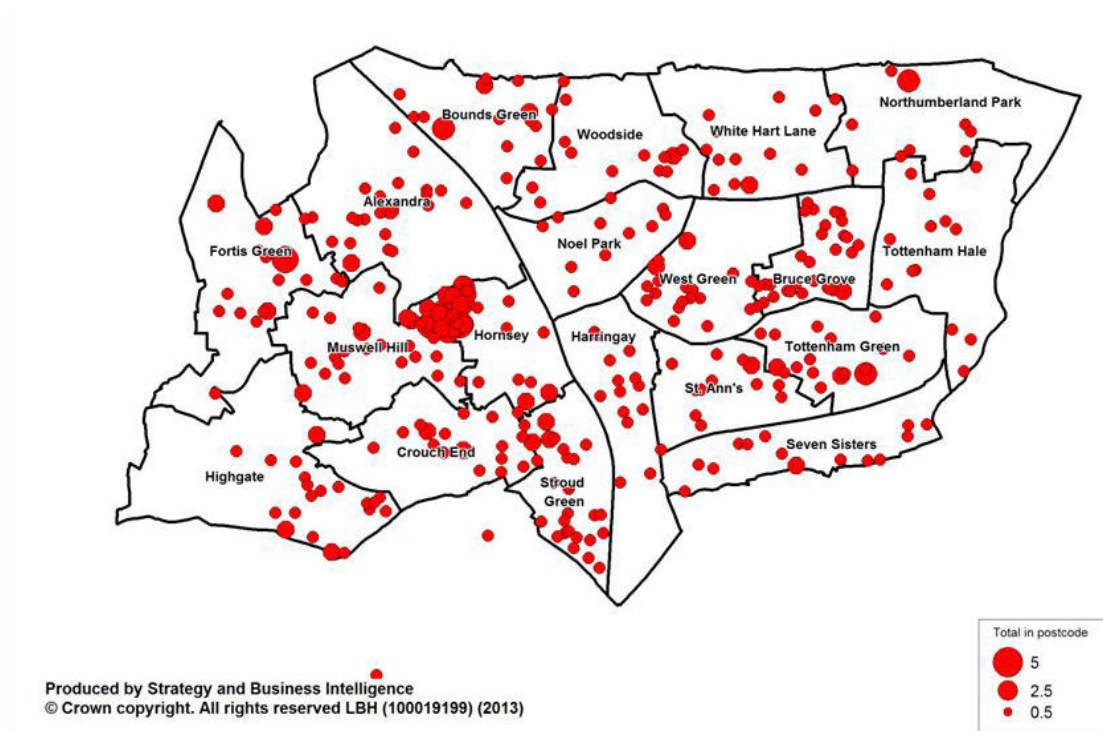
In some circumstances ECO (Energy Company Obligation) grant funding is available to help cover the cost of home improvements. This funding can be combined with a Green Deal. Different types of ECO are available, including for properties that are difficult to insulate or for vulnerable residents on low incomes.

In 2012, Haringey and Islington Council, supported by the GLA, worked together to investigate the potential for the Green Deal locally. A three year programme of works in Haringey to retrofit 10,000 homes could create **140 skilled jobs**, the majority associated with installation of solid wall insulation. The total value of this is estimates to be £75 million, with the average cost per of household energy saving measures installed £7,750.

Percentage of Haringey households requiring each type of insulation



The map below shows that take up of the free Green Deal Assessments was seen in all areas of the borough with a particular concentration in the Alexandra Palace area, as a result of an area based approach to engagement, carried out by a local resident's association.



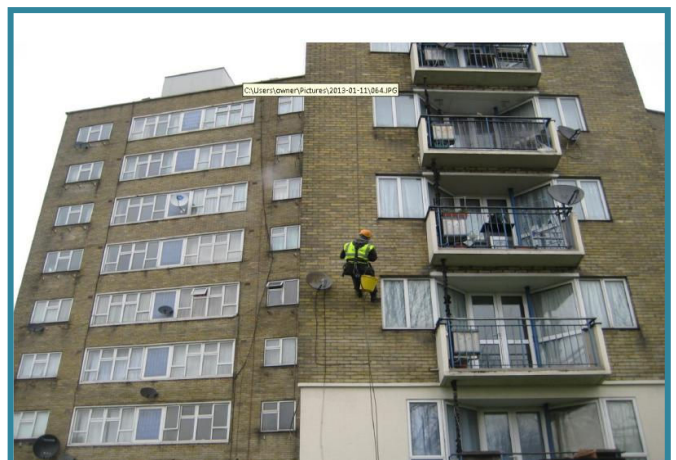
The Warm & healthy scheme

The Warm & healthy scheme, funded by the Department of Health and delivered by AgeUK Haringey, provided assistance to 500 elderly and vulnerable people over the winter period November 2012 to March 2013, including home energy efficiency checks, benefits advice and information, access to AgeUK's enabling service and also Decent Homes grants for minor home improvement works including energy retrofit.

Subsidised Insulation for priority groups

Free loft and cavity wall insulation and cash back of £100 per measure installed was promoted to residents identified to be in a "Super Priority Group" for insulation under the CERT energy supplier obligation scheme. This group includes those in receipt of certain benefits, such as pension credit, and a low income. 487 lofts and several cavities were insulated as part of the scheme. 84 residents received between £100-£200 cash back.

Warren Court, a high rise social housing building, was also identified as suitable for cavity wall insulation. This work was entirely funded by the CERT energy supplier obligation and was carried out in December 2012 by an abseiling team!



‘Decent Homes’ grants for vulnerable homeowners

Funded by the North London Sub Region using funding received from Government Office for London this programme provided small grants to vulnerable homeowners to raise their living conditions to a ‘decent homes’ standard. Approximately 200 households received assistance, around half received a new energy efficient boiler and/or other heating and insulation improvements.

Better quality, thermally efficient housing can reduce fuel poverty and the associated problems of respiratory problems, heart disease and strokes.

Retrofit of Homes for Haringey social housing

Energy supplier obligations

Homes for Haringey were successful in securing CESP funding to fund efficiency measures carried out in 2012/13. The total CESP funding secured was approximately £1.1m and was used to install the following measures:

Measure installed	Number of Homes
Draught proofing	79
External Solid Wall Insulation	273
Single to Double Glazing	341
Flat Roof Insulation	136
G-Rated Boiler to A-Rated Boiler	175
Heating Controls	206
Loft Insulation	75
Cavity Wall Insulation	180

Decent Homes Improvements

The Decent Homes programme began in 2008. This work includes installing measures that can improve the energy performance of homes, such as insulation, heating systems and double glazing . The number of homes that benefited from energy efficiency improvements under the Decent Homes Programme in 2012/13 is shown below . Homes for Haringey also carried out additional boiler renewals, outside of the Decent Homes Programme, which are also included in the table below .

Measure installed	Number of Homes
Loft Insulation	12
Cavity Wall Insulation	11
Heating/Boiler Renewal	531
Double Glazing	260
Other Boiler renewals	1,341

Any measures delivered under the Decent Homes programme which also attracted CESP funding will be shown in the CESP table above and are not included here to avoid double counting.

Keepmoat have been appointed as contractor to carry out the second phase of Decent Homes work at Ferry Lane estate in 2013/14. They are in process of carrying out surveys to establish scope of works required which will include solid wall insulation and potentially other ECO eligible measures under the CERO and CSCO funding streams. Homes for Haringey will be working with Keepmoat in order to claim ECO funding for the scheme.

Homes for Haringey are currently in the process of procuring new major works frameworks to commence in April 2014. The successful contractors are expected to be announced by the end of this year. Once the contractors are in place the Council will explore opportunities for using Decent Homes and other capital works programmes to leverage ECO.

Homes for Haringey – future energy strategy

A Homes for Haringey energy strategy has been drafted and it is likely that this will be incorporated into the Housing Investment and Renewal Strategy currently being developed.

Further to the Energy strategy, a study was commissioned to produce funding options for the improvement of Haringey's social housing stock to the SAP 80 standard which is taken as the benchmark for affordable warmth. The cost of improving the housing stock up to SAP 80 energy rating is estimated to be £129m. Across a 30 year programme this would require an investment of £4.3m per year to achieve.

While the Decent Homes Programme includes elements that can improve the SAP rating of a home, a Housing Stock Energy Study previously carried out shows that the measures required to achieve SAP 80 go well beyond the scope of works for Decent Homes.

It is estimated that the overlap in works expected to be delivered in the next two years of the Decent Homes Programme and those specified in the Housing Stock Energy Study as necessary to achieve SAP 80 is equivalent to approximately £2.6m of the £129m required.

The study assessed the likely levels of additional funding the necessary work could attract, based on existing schemes such as ECO, the Renewable Heat Incentive and Feed-in Tariff. It also considered two pay as you save (PAYS) schemes; the Green Deal, and a potential Haringey run PAYS scheme based on prudential borrowing by the council.

The study found that the existing funding streams and an “in house” pay as you save scheme could potentially fund up to £37m of the required works leaving a shortfall of £82.4m that would need to be funded by the council or other sources where these can be identified, for example avoided costs associated with increased health and well being. This represents a considerable funding challenge for the borough.

What is SAP 80?

The Standard Assessment Procedure is used to assess and compare the energy and environmental performance of dwellings. SAP 80 is taken as the ‘proxy’ for affordable warmth. SAP calculates how much energy a dwelling will consume and how much carbon dioxide (CO₂) will be emitted in delivering a defined level of comfort (space and water heating and ventilation and lighting). It is based on standardised occupancy conditions. The SAP rating is expressed on a scale of 1 to 100, the higher the number the lower the running costs leading to higher comfort levels.

The Haringey Big Community Switch

Fuel costs are expected to rise by £286 for the average household by 2020⁵.

The Haringey Big Community Switch taps into collective consumer power to help residents get a better deal on their gas and electricity. The project, which is funded by the One Borough One Future Fund, focuses on supporting the most vulnerable residents to save money on their fuel bills.

A community outreach worker based at Living Under One Sun in Tottenham is been employed by the Big Switch to provide energy saving advice, as well as information on fuel related grants, how to understand energy bills and how switch to a better energy deal.

The first Big Switch took place in spring 2013:

- Over the 650 people in Haringey registered to take part.
- 76% could save money on their energy bills by switching to the new supplier.
- The average saving for a Dual Fuel direct debit customer was £130 per year
- The average saving across all tariffs including pre-payment meter was £68 per year
- One to one energy saving advice was offered to over 1300 people at outreach sessions and events



How Collective Switching Works:

Collective switching taps in to consumer power to help residents get the best deal on their gas and electricity bills. The more people who register to switch, the better the deal is likely to be.

1. **Sign up online** at www.haringey.gov.uk/switch to register interest in switching to a new tariff. Registering is completely free and no obligation.
2. A **'reverse auction'** takes place where energy companies offer lower and lower tariffs to those who have registered, until the lowest bidder wins.
3. Everybody who has registered is sent an email with details of a **new tariff offer**, which they can choose to accept or not.
4. If a resident accepts the offer they will be sent a new contract by the winning energy supplier.

“ A collective energy switching scheme for the people of Haringey, enabling them to take a proactive role in their energy choices and reduce their energy costs

Leyla Laksari, Haringey
40:20 Steering Group
member

“ Lots of people tell me they thought switching to a new tariff was too difficult, but they find Collective Switching makes it much easier.

Joanne, Living Under One
Sun

4.4 Business sector

The green economy is worth £25.4 billion to London's economy; has increased by 5.22% from 2010/11 and is set to grow until the end of the next decade by over 5% per annum, faster than the UK average for the same period⁶

Green Light North London

Green Light North London provides free advice and one to one support to help small and medium sized businesses (SMEs) in Haringey to save businesses money cuts costs, reduce carbon emissions and improve their business. There are approximately 9,000 thousand SMEs in Haringey. The project is delivered by the Environmental Resources team at Haringey Council and is match funded by the European Regional Development Fund.

During 2012/13 Green Light North London provided one-to-one support to 51 businesses in the borough and identified:

- Potential carbon savings per business ranging from 0.2 tonnes to 18 tonnes
- Total financial savings from energy saving measures were £60,000 per year
- Total CO2 savings were 327 tonnes per year
- The barriers and solutions to achieving large scale uptake of commercial retrofit across Haringey

The project also provision of information to a much larger number of businesses , for example mail out of environmental fact sheets has also been carried out using the Council's Business Rates data base.

Commercial Green Deal

Several Haringey businesses also received a free Green Deal Assessment, funded by the DECC funded Green Deal Pioneer Places programme. The Muswell Hill Golf Club received the first commercial Green Deal assessment to be lodged in UK. Haringey Council also supported DECC's evaluation of this trial scheme.

“We are currently developing a five year plan for our golf club to cover all aspects of the club and this sounded like a great opportunity to try and reduce heating bills and protect the environment by reducing our energy usage”.

Muswell Hill Golf Club

John Brazier, Chair of the Estates Committee at



BONAFIDE RECORDING STUDIOS, Muswell Hill

- Reduced its carbon emissions by 2 tonnes per year
- Replaced halogen spotlights with LEDs reducing lighting costs by 84%.
- Set up a mixed recycling contract diverting 0.3 tonnes from general waste.
- Installed a bike rack (provided for free from TFL). Offer a 10% discount to clients using public transport.
- Adopted an environmental policy
- Future plans included planting a wildlife garden and reducing air conditioning usage by raising staff awareness.

“Green Light North London is a very worthwhile project and with their help we have seen the difference in our energy bills. But it's not just about the financial savings we are very proud to be helping the environment

Fast Forward Group, removal company, Tottenham – financial savings of £1,289 from fuel costs

Michael Bradley of the Fast Forward Group (FFG) originally contacted Green Light North London looking for opportunities to help **recycle furniture** that clients no longer required. However, since their initial telephone call they have not only increased their recycling but written an environmental policy and taken steps to reduce their fuel consumption.

Haringey team were also able to link FFG with a local social enterprise RESTORE to recycle unwanted furniture free of charge. In addition, the company was linked up to a service recycling fridges and freezers, creating additional financial savings for the company. Drivers were offered free training in fuel efficient driving, saving 2.4 tonnes per annum and £1,289 from fuel costs.

“Green Light North London have provided valuable help & assistance to our company & clients, as we manage our handling of environmental issues in 2013” Michael Bradley, Managing Director, Fast Forward Group

Cybercandy, sweet importer, Tottenham Hale – financial savings of £1,500 per annum

- Free wooden pallet recycling opportunity identified with recycler also located in Tottenham Hale. Saving 7 tonnes of waste and £1,500 per annum
- 0.3 tonnes of IT waste recycled for free with 123 Recycle
- Water consumption reduced by 11,000 litres by fitting save 'a' flush devices
- Staff to receive Sustainable driving training
- Environmental Policy adopted

Large Businesses

The borough is dominated by micro-business - 76.6% of businesses employ 0-4 people with only 0.2 % of businesses employing more than 250 people. Large public and private sector organizations in the UK are sensitive to rising energy prices because energy can account for a large part of their operating costs. These sectors are also responsible for a significant proportion of the UK's greenhouse gas emissions.

National policies designed to reduce CO2 emissions from large sized corporate sector include:

- The CRC Energy Efficiency Scheme is a mandatory reporting and pricing scheme to improve energy efficiency in large public and private organisations.
- Enhanced Capital Allowances (ECAs) let businesses that invest in certain energy-saving equipment write off the total cost of the equipment against their taxable profit as a 100% first-year capital allowance.
- Climate Change Agreements (CCAs) give energy-intensive industries a discount on the Climate Change Levy (a tax on energy use in industry, commerce and the public sector) as long as they meet government-agreed energy efficiency improvement targets.
- The EU Emissions Trading System (EU ETS) puts a price on greenhouse gas emissions to create financial incentives for industry and businesses to reduce emissions. It also limits emissions from electricity generation and the main energy-intensive industries.

4.5 Council Carbon Management Plan

The Council's Carbon Management Plan has saved an estimated £1.1 million on fuel bills⁷

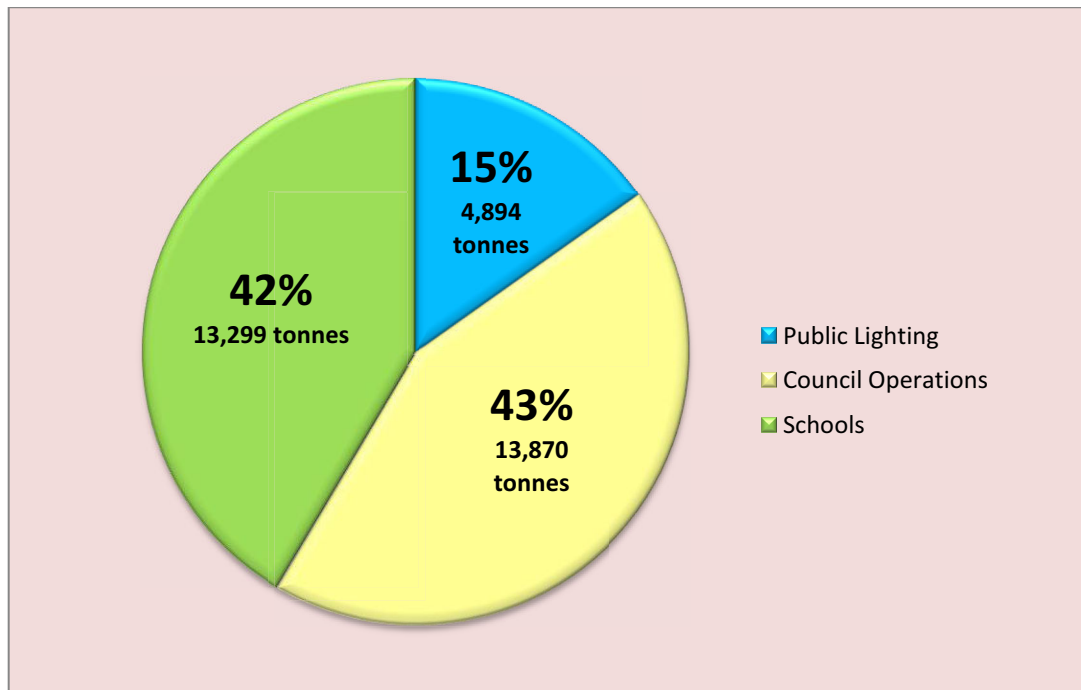
Overview

Haringey Council has set a target of achieve a 40% carbon reduction from Council operations by 2015 (against a 2006/7 baseline).

The Council has made steady progress in reducing its emissions. To date the Council has reduced CO2 emissions from its operations by **8,566 tonnes**, equivalent to removing 2,690 cars from the roads, and is on track to meet its target. This includes measures to council offices, libraries and CCTV, community buildings, park buildings, schools and street lighting. This is despite several challenges which it has needed to overcome:

- The national austerity measures have significantly reduced the funding available for requisite works, and the number of staff available to deliver them.
- The uncertainty surrounding incentive mechanisms like the Feed-in-Tariff has caused delays to delivery of an ambitious Solar PV plan agreed in 2011.

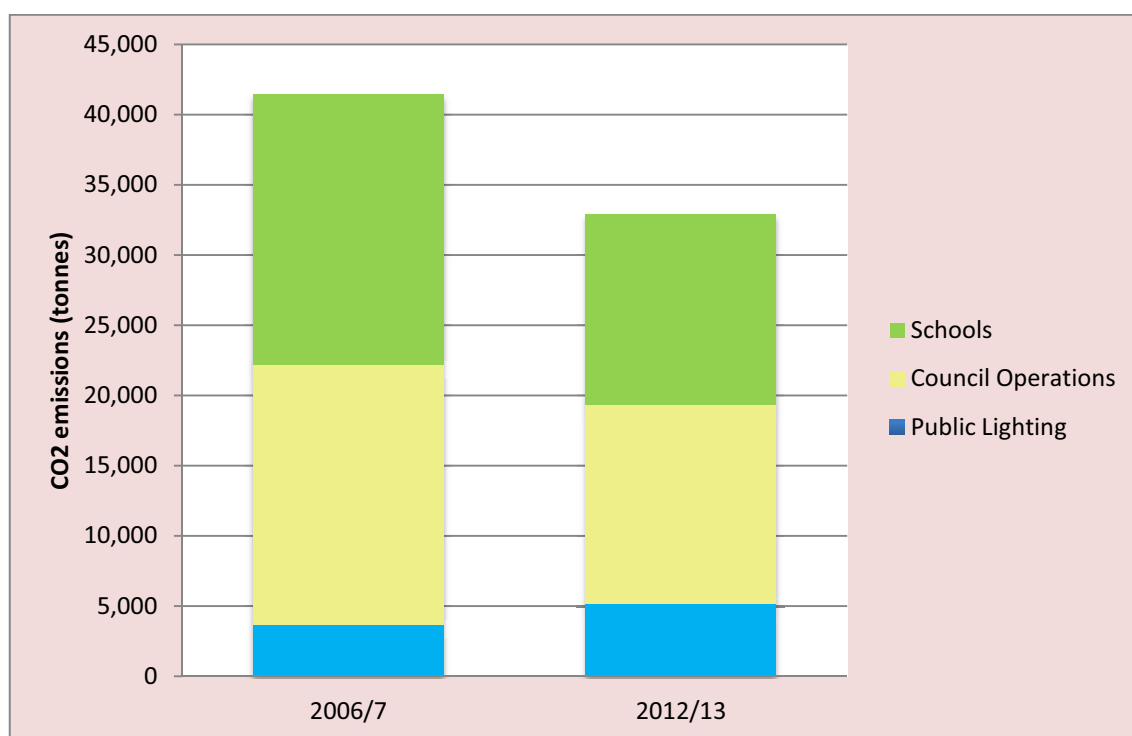
Chart: CO2 emissions from Council estate and operations 2012/2013



By the end of 2012/13 the Council's performance was as follows⁸

Year	Target CO2		Actual CO2		On target?	Cars off the Road ⁹
	Tonnes	%	Tonnes	%		
2006/7	Baseline		41,430	-	N/A	N/A
2007/8	-	-	40,875	-1.34%	-	174
2008/9	40,394	-2.50%	40,070	-3.28%		427
2009/10	38,627	-5.50%	38,021	-8.23%		1,071
2010/11	36,063	-10%	36,091	-12.89%		1,677
2011/12	32,318	-15%	37,205	-10.20%		1,327
2012/13	28,873	-20%	32,864	-20.68%		2,690
2013/14	26,044	-30%				
2014/15	20,186	-40%				

Graph: CO2 emissions (tonnes) Council estate/operations – change to date from baseline year (2006/7)



Over the past 6 years, emissions from Council Operations have decreased by 23 percent and schools emissions have decreased by 30 percent. Investment has been made to improve the energy efficiency of public lighting; however associated emissions have increased by 41%. This is because the Council's street lighting inventory has not yet been updated to reflect these upgrades. It is anticipated the inventory will be updated in November 2013.

Carbon reduction measures

The reduction in overall Council carbon emissions is largely due to:

- Significant improvements to street lighting, including the introduction of LED lighting and streetlight dimming. It is anticipated that the reduction in electricity consumption and associated carbon emissions will be realised upon submission of the next streetlight inventory to the Council's electricity supplier.
- Management of leisure centres has been outsourced to Fusion Leisure. This includes several of our highest energy consuming sites. However, prior to outsourcing, the Council had made some of the biggest gains in carbon savings on this estate. For example, at Tottenham Green Leisure Centre, the Council had reduced electricity use by 25% and gas consumption by 13% before handing the site over. Fusion Leisure were required to submit a carbon management plan for each site, to be delivered under contract with the Council; December mid way through reporting year.
- 11 schools have been removed from the Council's portfolio in 2012/13 due to conversion to academy status and therefore the emissions resulting from these sites will need to be targeted as part of borough wide plans.¹⁰
- Investment has been made in the following renewable and energy efficient equipment:

Renewables	Date Installed	Location	Utility	Savings p.a.		
				CO2 (t)	Cost (£)	CRC (£)
Solar PV	Jul-12	River Park House	Elec	1	262	0
		Total for 2012/13		1	262	0

Sustainable Investment Fund Projects	Date Installed	Location	Utility	Savings p.a.		
				CO2 (t)	Cost (£)	CRC (£)
Hand Dryers	Sep-12	13-27 Station Road 40 Cumberland Road 48 Station Road Alexandra House Civic Centre River Park House	Elec	11	2,095	132
Street Light Dimming	Mar-13	Street Lights	Elec	228	44,702	2736
Lighting Sensors	Mar-13	Alexandra House	Elec	2	331	24
		Total for 2012/13		241	47,128	2,892

SSIF Projects	Date Installed	Location	Utility	Savings p.a.		
				CO2 (t)	Cost (£)	CRC (£)
Lighting Upgrade	Aug-12	Chestnuts Primary School St Ignatius Primary School	Elec	45	8,877	540
Auto TRVs	Aug-12	Chestnuts Primary School St Ignatius Primary School St Mary's RC Primary School	Gas	53	8,524	636
Radiator Panels	Aug-12	Chestnuts Primary School St Ignatius Primary School St Mary's RC Primary School	Gas	4	702	48
Boiler Controls	Aug-12	Chestnuts Primary School St Ignatius Primary School St Mary's RC Primary School	Gas	37	6,018	444
Valve Wrap	Aug-12	St Ignatius Primary School	Gas	3	453	36
Total for 2012/13				142	24,574	1,704

Future priorities

For the next two years leading up to the target deadline, the Energy Management Team at the Council will prioritise two major projects:

1. Solar photovoltaic installations; including four schools in 2013/14 and schools, Council buildings and commercial sites in 2014/15, to deliver up to 507kWp and an additional 126 tonnes of CO2 saved per annum.
2. Delivery of an energy efficiency programme across the Council operations in 2014/15, utilising the government's RE:FIT programme to ensure economies of scale (lower cost of installation) and guaranteed energy savings (all underwritten by the installer).

The Sustainable Investment

Fund and Schools Sustainable

Investment Fund (SSIF) are a ring-fenced funds for projects requiring significant capital investment, with a return on investment of less than five years through energy cost reduction.

They open, interest free, to all Council business units and schools where they lack capital for carbon reducing technologies. The loan is repaid in instalments matching energy cost savings made.

4.6 Transport Emissions

Local safety schemes

On West Green Road the one-way system was removed to create an improved public space with better pedestrian and cycle facilities. This project will reduce the impact of traffic on the local area and improve pedestrian and cyclist movement, leading to improved road safety, lighting and better use of the existing green space which was previously locked away between 3 busy roads. The project area is bounded by 3 large schools which are expected to see an increase of 1200 pupils – as a result of these improvements one school has moved their pedestrian entrance to this area.



Artist impression of the West Green Improvements

Walking & cycling infrastructure study

The Walking and Cycling Infrastructure study, completed in 2013, compared the Borough's A and B roads – excluding TfL roads – against the London Cycling Campaign's Go Dutch principles. Gaps were identified in Haringey cycle route network and proposals were developed to improve existing infrastructure including a network of Quietways as per Mayor's Vision for Cycling. The Walking and Cycling study, along with the North London Cycle Strategy have identified investment requirements for walking and cycling facilities in Haringey. In total these are £3.2 million for cycling and for walking is £561k.

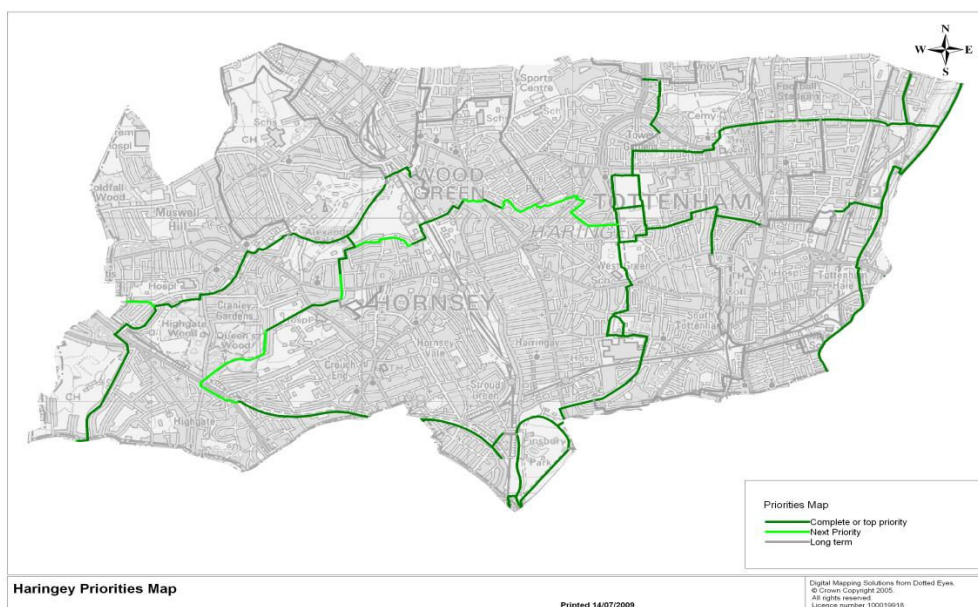
Cycling infrastructure delivered

Key schemes delivered in 2012-13 include:

- Installation of 65 cycle parking stands;
- A 20mph zone scheme on Upper Tollington Park to improve safety for cyclists and pedestrians;
- Raised entry treatment on Cornwall Road to ease access to Chesnuts Park for cyclists; and,
- Converting pathways to shared pedestrian on cycle use by widening and improving street lighting St Michael's Terrace to Bounds Green Road.

The Greenways routes provide increased accessibility, safety and connectivity for pedestrians and cyclists through a network of traffic-free green corridors and numerous specially constructed sections that create a quality cycling and pedestrian link across the borough. Monitoring of the greenways usage shows an impressive uptake with an estimated 214,000 pedestrians and 24,000 cyclists annually accessing the newly installed Belmont Road section of the Greenways route. A further section of Greenways Link 4 is planned between Wood Vale and Park Road by Crouch End playing fields.

Map: Current and proposed greenways routes



Recycle and Waste collection vehicles

Operational efficiencies have reduced fuel use by Haringey Veolia Recycle and Waste collection vehicles by 22% , in one year, leading to a reduction in carbon emissions of 464 tonnes.

	2010-2011	2011-2012
Haringey Veolia diesel drawn 2011 (litres)	811,624.4	636,235.0
DEFRA diesel emission factor 2011 (kg CO ₂ / litre)	2.648	2.648
Total CO ₂ emissions (tonnes)	2,149.2	1,684.8

Smarter Travel

A comprehensive cycle projects programme including routes, parking and training is being provided. This continuing investment has delivered an 8% annual increase in cycle trips over the last decade which equates to over 3000 additional cycle trips now being made each day.

Key activities in 2012-13 include:

- 30 Smarter Travel road shows (which is an event with our trailer or marquee),
- 5 smaller promotional activities including organised rides, promotions for road safety week
- 6 London Cycling Campaign promotional events in schools, workplaces and on estates in the borough.
- 1586 general Smarter Travel questionnaires were completed.
- 680 questionnaires were completed for a specific Walk and Cycle to the shops initiative based on Haringey Green Lanes and outside Hornsey Town Hall in Crouch End.
- In addition 51 Dr Bike sessions fixing 430 bikes took place and around 700 school pupils and 227 adults received cycle training.

Smarter Travel also commissioned a Personalised Travel Planning project in Northumberland Park and White Hart wards aimed at encouraging behaviour change away from the car to walking, cycling and public transport. In total, 9115 homes were visited and conversations held with 3,365 households. Of these households 1,424 requested further information about sustainable travel, including cycling and walking guides, information about safer cycling/driving/road safety and greener driving.

Promotion of active transport, particularly walking and cycling, which can reduce obesity and heart disease, improve physical fitness, life expectancy and mental health and help create stronger local communities

Cleaner vehicles and traffic reduction which can improve air quality (which currently leads to 3,000 premature deaths per year in London) and reduce road casualties



Smarter driving

A new project specifically aimed encouraging people to drive smarter to save money and reduce Co2 emissions was launched during the year. The Sustainable Driver Simulator was available at six Smarter Travel Road Shows in 2012/2013.

Shared cross borough transport plans

Analysis of North London's highways journeys highlights that the vast majority of car journeys in Haringey are cross boundary, with nearly half of these involving journeys to and from Enfield. Further analysis of Haringey's highway journeys will be undertaken (by TfL) to establish destination and journey

purpose trends, focusing on the journeys to/from Enfield, specifically for leisure and shopping destinations. Smarter travel initiatives can then be targeted at these specific journey habitats.

Haringey Council have been working on a joint project with LB Enfield and TfL to develop cross-borough smarter travel measures as actions to reduce car use can be most effective at a sub-regional level as much car travel crosses borough boundaries. In developing our programme we have taken advantage of specialist expertise and databases used by TfL. The use of market segmentation data [MOSAIC] has been used to assess the effectiveness of types of interventions.

Haringey Staff Travel Plan

Haringey Council's Smarter Travel team are undertaking a staff travel survey during Autumn 2013 and will use the survey analysis to update and revise the Council's staff travel plan. The results of the survey will form the evidence base for obtaining further internal investment to encourage low carbon travel amongst staff. i. e. increasing secure cycle parking facilities, showers, drying rooms, lockers, increasing fleet of low emission pool vehicles/ incorporating low emission car club business use etc.

4.7 Indirect Emissions

Recycling and Waste

The proportion of household waste recycled or composted increased from 19% in 2005/6, to over 32% in 2012/13.

The tonnage of household waste recycled or composted increased from 15,500 tonnes in 2005 to 28,510 in 2012/13, while the level of residual waste decreased from 65,124 tonnes to 60,113 tonnes over the same period.

There is no nationally agreed reporting system for the carbon impact of waste management. However, the carbon saving from diverting this increased level of waste from disposal to recycling will be significant. Further significant carbon savings will be delivered if the Council is to achieve its recycling target of 40% by 2020.

The estimated carbon savings from recycling waste, rather than disposing of it are **38.2 kg CO₂ per household per week** (or 16.6 kg CO₂ per person per week)¹ In addition it costs councils an average of £120 a tonne to send rubbish to landfill. Recycling therefore not only reduces carbon emissions but also helps to put money back into the community.

Direct emissions are those which related to energy and transport fuels used in the borough (Direct emissions are reported in this document)

Calculate your own direct CO₂ emissions:

<http://carboncalculator.direct.gov.uk/index.html>

Indirect emissions related to the 'embedded energy' of good and services used in the borough. These emissions may have been generated outside of the borough, even on the other side of the world. They include for example emissions related to food growing, manufacturing and waste disposal. There is currently no nationally agreed data set reporting on indirect emissions.

Endnotes

¹ The figure for the number of cars equivalent based on 3.184 tonnes CO₂ per car per annum. Defra 2008

² Department of Energy & Climate Change, 2013, An Introduction to the UK's Greenhouse Gas Inventory

³ Source: <http://www.theccc.org.uk/tackling-climate-change/reducing-carbon-emissions/how-the-uk-is-progressing/> accessed 17/10/13

⁴ Local Authority emissions are estimated by disaggregating the total UK carbon dioxide emissions to the regional and local level. The total CO₂ emissions are derived from the UK greenhouse gas inventory (<https://www.gov.uk/government/publications/uk-greenhouse-gas-inventory>) and are calculated based on the sub-national energy consumption statistics produced by DECC: <https://www.gov.uk/government/collections/sub-national-energy-consumption>)

The greenhouse gas inventory is produced to fulfill the UK's obligation to report its emissions to the European Commission (EC) and United Nations Framework Convention on Climate Change (UNFCCC), The UK Greenhouse Gas Inventory is compiled in accordance with international protocols and methodological guidance, produced by the Intergovernmental Panel on Climate Change (IPCC) and adopted by the UNFCCC. This guidance ensures that all countries inventories attain similar standards and are comparable.

The inventory is revised each year to take into account a new or improved data sources and calculation methodology. To provide a consistent data series, and allow year-on-year comparisons to be made these improvements are implemented across all previous reported years.

This means that the carbon dioxide emissions allocated to each Local Authority can change slightly each year. Further information on the reasons for changes to previous years' emissions estimates are outlined in chapter 4 (page 20) of the [LA methodology summary](https://www.gov.uk/government/publications/local-authority-carbon-dioxide-emissions-methodology-notes) available at: <https://www.gov.uk/government/publications/local-authority-carbon-dioxide-emissions-methodology-notes>.

⁵ [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/172923/130326 - Price and Bill Impacts Report Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/172923/130326_-_Price_and_Bill_Impacts_Report_Final.pdf).

⁶ Greater London Authority, Green Economy Snapshot (published 2013).

⁷ Annual cost avoidance derived by multiplying an average 8p/kWh electricity price by the electricity consumption difference between 2006/7 and 2012/13; multiplying an average 3p/kWh gas price by the weather corrected percentage difference (expressed as kWh) in gas consumption; and multiplying £12 by the number of tonnes CO₂ saved (CRC).

⁸ The Council's carbon figures have been adjusted to align with the mandatory reporting requirements of the Department for Communities and Local Government.

⁹ The figure for the number of cars equivalent based on 3.184 tonnes CO₂ per car per annum. Defra 2008.

¹⁰ The rationalisation of Council assets and the conversion of schools to academies removes the building emissions from the Council's control. It should be recognised that the emissions associated with each building remain, and carbon reduction is still required to help meet the borough-wide target.

‘a’**PUBLIC QUESTION SUBMITTED FROM DR JEREMY KLEIN****FULL COUNCIL – 18 NOVEMBER 2013**

To the Leader of the Council.

You will be aware that I discovered that the Council had made multiple mistakes in the sale of land in Cranley Gardens that resulted in a loss of over £300,000 to the Council. You will also be aware that I remain concerned at the way the case was handled and that the senior staff involved have not been disciplined.

Having discovered the error immediately wrote to the Council on 11 July 2009 stating “There would appear to be a prima facie case of maladministration here so I submit this letter as a formal complaint. It trust it will be addressed as a matter of urgency”. Following the failure of the Council to properly investigate my complaint I received the following response dated 25 March 2010:

“It is my view that [] did not regard his email as the Council’s response to a formal complaint about this matter. It did not purport to be a report on the findings of an extensive investigation. I understand that there had been considerable contact between you and officers in my team as well as you and others within the Council and that [] was replying in an informal way to the latest email from you”.

Quite why a letter flagged as a formal complaint on the loss of £300,000 should have been regarded by Council staff as an informal matter is unclear. No evidence of prior contact between myself and the Council department has ever been found. The previous Chief Executive of the Council stated in correspondence that “[the author of this email] has been prepared to acknowledge that he would have answered your e mail differently if he had been in possession of the findings of the audit report”.

Yet the email was dated 25th March 2010 whereas the Internal Audit Report the author claimed not to have seen at this point was dated September 2009. The Internal Audit report had the author of the email as a named addressee. The assertions of this member of staff simply do not accord with the facts. The current Chief Executive has refused to address the errors and inconsistencies in the statements of this senior member of staff, which in my view amount to a cover-up of failures in his department.

Will the Leader of the Council agree to personally review the case with me and properly address the questions I have raised as her staff have evidently been unwilling to do so, and to take all appropriate actions if my allegations of inconsistencies are upheld?

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