
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, 21ST NOVEMBER, 2016 at 7.30 pm HRS, to transact the following business:

AGENDA

1. FILMING AT MEETINGS

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting

would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. 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

4. 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

5. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 18 JULY 2016 (PAGES 1 - 8)

6. TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL

7. TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE

8. TO RECEIVE THE REPORT OF THE MONITORING OFFICER AND ASSISTANT DIRECTOR OF CORPORATE GOVERNANCE

9. CHANGES TO POLITICAL GROUPS AND APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES (PAGES 9 - 16)

10. TO RECEIVE REPORTS FROM THE FOLLOWING BODIES (PAGES 17 - 432)

1. The Cabinet:
 - Acceptance of the CLG's proposal for a 4 year settlement
 - Council Tax Reduction Scheme
 - The Housing Strategy
2. The Standards Committee
 - Changes to the Council's Contract Standing Orders
3. The Overview and Scrutiny Committee
 - Overview and Scrutiny Annual Report 2015-16

11. **TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM**
12. **TO ANSWER QUESTIONS, IF ANY, IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NOS. 9 & 10**

Public question to the Leader of the Council from Nathan Lee:

I'm very pleased to see that Haringey has recently accepted three refugee children, under the Dubs amendment. Can you tell me what the Council's position is on accepting refugee families from Syria - through the government VPRS scheme - and how do you envisage the role of local community organisations in supporting any resettlement?

Oral question one – Cllr Gail Engert to the Leader:

Do you agree the council should ensure that publicly owned historic buildings are maintained and kept open to the public?

Oral question two – Cllr Sarah Elliott to the Leader:

Given the significant public interest in the plight of refugees coming to this country, can the Leader update us on what the Council is doing to respond to this crisis?

Oral question three – Cllr Martin Newton to the Cabinet Member for Environment:

How many applications for licences for Houses in Multiple Occupancy have been rejected in the last year?

Oral question four – Cllr Charles Wright to the Cabinet Member for Children and Families:

Woodside High in my ward achieved record examination results this summer so will the Cabinet Member join me in congratulating all the students, staff and parents at the school for their success, along with all the other schools across the borough that also produced outstanding results?

Oral question five – Cllr Pippa Connor to the Cabinet Member for Finance and Health:

Are you satisfied that the Targeted Operating Model for care will meet the needs of the most vulnerable people in the borough?

Oral question six – Cllr Gideon Bull to the Cabinet Member for Finance and Health:

What assessment has the Cabinet Member made of the impact proposed funding cuts will have on pharmacies in the borough?

13. **ANNUAL CARBON REPORT 2016 (PAGES 433 - 494)**
14. **THE HARINGEY DEBATE - HOW WOULD THE INTRODUCTION OF THE RENTERS' BILL IMPROVE PRIVATE RENTING FOR HARINGEY'S RESIDENTS?**

15. TO CONSIDER THE FOLLOWING MOTIONS IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NO. 13

Motion D - Making London a National Park City

Proposer: Cllr Lorna Reith

Seconder: Cllr Liz McShane

Over the last 18 months, a movement has been growing in London to make the city a greener, healthier, fairer and even more beautiful place to live. The objective of the movement is to achieve National Park City status for Greater London.

This Council notes:

- That the Greater London National Park City initiative has already gained support from more than 100 organisations, ranging from small community groups to universities and large companies. In addition, the London Assembly unanimously passed a motion to help develop the proposals and further support has been given from Parliament and local government.
- That turning London into a National Park City will help:
 - o Ensure 100% of Londoners have free and easy access to high-quality green space
 - o Connect 100% of London's children to nature
 - o Make the majority of London physically green
 - o Improve London's air and water quality, year on year
 - o Improve the richness, connectivity and biodiversity of London's habitats
 - o Inspire the building of affordable green homes
 - o Inspire new business activities
 - o Promote London as a Green World City
 - o Nurture a shared National Park City identity for Londoners

This Council further notes:

- That to become a National Park in England, Natural England (the Government's adviser for the natural environment in England) must view a landscape as an 'extensive tract of country'.
- That, with its distinctive, urban natural and cultural heritage, historic landscape, and many opportunities for outdoor recreation, London meets many requirements for becoming a National Park but it isn't, however an 'extensive tract of country' in the spirit of existing legislation. As such, the intention of this initiative is to transform Greater London into a National Park City, a new kind of National Park that sits outside of current legislation.
- That London can become a National Park City once at least two-thirds (436) of London's 654 wards, the Mayor of London and the London Assembly have declared their support.
- That 85% of Londoners think that making London a National Park City is a good idea and 84% think that it is something London Councils and the Mayor of London should support
- That Labour London Mayor Sadiq Khan has already given his backing and 210 wards, including many in Haringey, across 30 boroughs have also declared their support.

This Council recognises:

- That London's landscape is central to our health and prosperity and the quality of the capital's built and natural environment – its green, blue and open spaces – is what makes it one of the world's most desirable cities in which to live, work and invest.
- That all Haringey's green spaces, including 22 parks and open spaces managed by the Council which have been awarded Green Flag status, are incredibly important and provide many health and recreation benefits for residents.

This Council resolves:

- To support the campaign to make London a National Park City
- To encourage councillors from all wards in the borough to give their support to the initiative.
- To write to both MPs in Haringey to encourage them to also give their full public backing to the initiative.

Motion E – Renters' Bill

Proposer: Cllr Gail Engert

Seconder: Cllr Liz Morris

This council notes Baroness Genders' private member bill on renters' rights, which is currently at the committee stage in the House of Lords. If passed this bill could bring significant changes to the rented housing sector in Haringey and the rest of the country.

This council notes that the Renters' Bill, which is supported by Generation Rent and the Debrief's "Make Renting Fair" campaign, proposes to:

- Ban letting fees for renters
- Give renters access to an open register of rogue landlords
- Bring in compulsory electrical safety checks in rented homes
- Prevent rogue landlords from obtaining an HMO licence

This council is concerned that letting fees and rogue landlords have a significant impact on local residents in Haringey and across the country, with almost one in five of the population, one-third of them families with children, renting. In fact, Just under a quarter of renters in London have moved three times or more in the past five years.

This council also notes the impact of letting fees, moving costs and agencies:

- In London, the median amount that renters must pay before moving is £1,500, and in many cases the cost is several thousand pounds.
- Citizens Advice, has seen 80,000 people with a problem in the private rented sector in the last year, with an 8% increase in complaints about letting agent.

This council further notes:

- letting fees for tenants have already been banned in Scotland

- the Government have introduced legislation on rogue landlords in the Housing and Planning Act 2016, but they stopped short of giving tenants access to the list of rogue landlords

This council is committed to improving standards for renters and supports the Renters' Bill. This council calls on the Leader of the Council to write to the local MPs and urge them to support the bill when it reaches the House of Commons.

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

Friday, 11 November 2016

MINUTES OF THE MEETING OF THE FULL COUNCIL HELD ON MONDAY, 18TH JULY, 2016, 7.30 - 10.00 pm

PRESENT:

Councillors: Ali Gul Ozbek (Mayor), Gina Adamou, Charles Adje, Peray Ahmet, Kaushika Amin, Jason Arthur, Eugene Ayisi, Dhiren Basu, David Beacham, Patrick Berryman, John Bevan, Barbara Blake, Mark Blake, Gideon Bull, Vincent Carroll, Clive Carter, Joanna Christophides, Pippa Connor, Ali Demirci, Isidoros Diakides, Natan Doron, Joseph Ejiofor, Sarah Elliott, Gail Engert, Eddie Griffith, Makbule Gunes, Bob Hare, Kirsten Hearn, Emine Ibrahim, Adam Jogee, Claire Kober, Toni Mallett, Jennifer Mann, Stephen Mann, Liz McShane, Peter Mitchell, Liz Morris, Peter Morton, Martin Newton, Felicia Opoku, James Patterson, Sheila Peacock, Lorna Reith, Reg Rice, Viv Ross, Raj Sahota, Anne Stennett, Alan Strickland, Bernice Vanier, Ann Waters, Elin Weston and Charles Wright

18. FILMING AT MEETINGS

The Mayor drew the meeting's attention to the notice on the Summons regarding filming at meetings.

19. TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Clare Bull, Gallagher, Goldberg, McNamara.

Apologies for lateness were received from Councillors Gideon Bull and Hare.

20. 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 asked that responses to written questions be admitted at item 12 as tabled, explaining they were unavailable earlier given the time required to research and prepare answers.

21. DECLARATIONS OF INTEREST

Councillor Ross declared a personal interest in item 9, as he was employed by an international gambling company, and the changes to the Constitution included pages referring to the Council's Gambling Policy.

No further declarations of interest were made.

22. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 16 MAY 2016

The minutes were agreed.

23. TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL

The Mayor set out some of the 44 events and functions he had attended since his election as Mayor at the Annual Council in May.

On behalf of the Borough, the Mayor congratulated Councillor Kober on her election as Chair of London Councils and thanked Councillor Elliott for her work as the Borough's Disability Champion. The Mayor also led the Council in applauding Chief Superintendent Dr Victor Olisa for his work as Borough Commander over the last three years.

The Mayor set out the Borough's sadness at the death of Jo Cox MP in June, and the recent terror attacks in Nice and Istanbul Airport. He wished former Councillor James Ryan well for the future following his resignation from the Council, and congratulated Councillor Goldberg on the birth of his first child.

The Mayor closed by noting the death in March of Ernie Nice, who had served as councillor and Alderman on Wood Green Council. He invited Councillor Peacock to share her memories of Ernie Nice, who reminded the meeting that his name was on the cornerstone of the Civic Centre as a lasting reminder of his service to the area.

24. TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE

The Deputy Chief Executive, attending on behalf of the Chief Executive, had no matters to report.

25. TO RECEIVE THE REPORT OF THE MONITORING OFFICER AND ASSISTANT DIRECTOR OF CORPORATE GOVERNANCE

The Monitoring Officer and Assistant Director of Corporate Governance had no matters to report.

26. TO RECEIVE REPORTS FROM THE FOLLOWING BODIES

The Chair of the Corporate Committee, Cllr Barbara Blake, introduced her report and asked Council to agree its recommendations.

The Chair of the Standards Committee, Cllr Amin, introduced her report and asked Council to agree its recommendations. Cllr Ross asked whether the Constitution ought to be further amended to clarify references to the Licensing and Gambling Policies. As this was not part of the Standards Committee's Considerations to date, Cllr Amin undertook to give the matter further consideration.

The Leader of the Council, Cllr Kober, introduced her report on the Capital Strategy, and asked Council to agree its recommendations.

Subsequently, the Council:

RESOLVED

In relation to the report from the Corporate Committee, the Council noted the Treasury Management 2015/16 Outturn report.

In relation to the report from the Standards Committee, the Council agreed:

- 1) In relation to the Pensions Committee and Pensions Board:
 - a) To approve the abolition of the Pensions Committee and the Pensions Board;
 - b) pursuant to Regulation 106(2) of the Local Government Pension Scheme (Amendment) (Governance) Regulations 2015, to approve the establishment of a combined Pensions Committee and Board;
 - c) to approve the terms of reference of the new combined Pensions Committee and Board, to be reflected in the Constitution at Part Three Section B;
 - d) to approve the consequential change to the scheme of Members' Allowances at Part Six of the Constitution
 - e) to appoint the following Council members to the new combined Pensions Committee and Board:
 - Councillor C Bull
 - Councillor Bevan
 - Councillor Adamou
 - Councillor Blake
 - Councillor G Bull
 - Councillor Ross
 - f) pursuant to Regulation 107(1), (2) and (4) note:
 - (i) the appointment of the following employer and employee representatives to the new combined Committee and Board:
 - Keith Brown (employer representative)
 - Randy Plowright (employee representative)
 - (ii) the remaining vacant employer and employee seats are to be filled in accordance with the appointment process set out in the terms of reference for the new combined Pensions Board and Committee
- 2) To approve the changes to the terms of reference for the Staffing and Remuneration Committee (as set out in Appendix 2 to the Standards Committee report).
- 3) The following minor amendments to the Constitution:
 - a) amendment to Part Three, Section B3, paragraph 4.2(E) to enable the Council's planning applications to be approved by an officer where the Chair agrees (Appendix 3 of the Standards Committee report);
 - b) amendment to Part Two, Article 4.01 and Part Three, Section B1, paragraph 2, to clearly set out the policy framework as prescribed in law, with any additional policies added by choice set out clearly (Appendix 4a of the Standards Committee report);
 - c) amendment to Part Four, Section F, (Cabinet Procedure Rules) paragraph 1.7. to set out the actual current cabinet start time of 6.30pm;

- d) amendment to Part Four, Section C, paragraph 8 to allow the Statement of Attendances to be presented either at the last meeting of the municipal year or at annual council;
 - e) amendment to Part Two, Article 10.08(a) (ii) (C) to remove the reference to the Haringey Strategic Partnership.
- 4) To note that the Monitoring Officer has removed the words 'members of the Cabinet' from Part Four, Section B paragraph 20, has made further changes to Part Four, Section C paragraph 7 by adding a reference to the attendance requirements for members of the Cabinet, and has replaced 'appointments' with 'nominations' at Part Three, Section E4, paragraph 1.5(h), pursuant to his powers under Article 14.03 of the Constitution.

In relation to the report from Cabinet, the Council agreed:

- 1) The approval of the 10 year capital programme which replaces the current capital programme.
- 2) The programme of schemes being developed for future Business Case approval through the Capital Board be noted.
- 3) The affordability position and proposed capital financing arrangements be noted.
- 4) The proposed Governance and role of Capital Board in developing scrutinising and challenging the programme be noted.

27. TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM

The Mayor informed Council that a deputation and two petitions had been received and would be heard at the meeting.

Introducing her deputation on behalf of Refugees Welcome Haringey, Rose Bernstein set out that they were calling on the Council to commit to accepting four refugee families from Syria. Other boroughs had accepted refugees under the Syrian Vulnerable Person Resettlement Programme, and local residents, landlords and religious groups had shown willingness to accommodate refugees.

Following questions from Councillors Morris and Engert to the deputation, the Leader of the Council responded to the deputation. She set out that the Borough had a strong history of housing refugees and was prepared to accept more refugees but was unable to do so in the absence from greater clarity from the Government on their support to local government hosting refugees, particularly in the current financial context. The Leader committed that these issues would continue to be pursued by the Borough and by her in her new role as Chair of London Councils, and to continue engaging with groups on this agenda.

Introducing his petition on behalf of the Friends of Parkland Walk, Simon Olley welcomed the recent decision to not lift the Council's covenant in relation to Parkland Walk, and thanked the Cabinet Member for Environment, the Council's relevant officers past and present, local ward councillors and supporters of the petition. He encouraged better engagement with stakeholder groups to build confidence in the

Council's decision-making and ensure services could be best delivered at a time when finances were reduced.

Following a brief debate, to which Councillors Carter, Doron and Hearn contributed, Councillor Ahmet, the Cabinet Member for Environment responded to the petition by setting out what the recent decision had entailed.

Introducing his petition on behalf of the Friends of Muswell Hill Library, George Danker asserted that the options put forward for Muswell Hill Library were inadequate and a further option of minor improvements to the current library would enable the current building to be retained at a relatively low cost. He questioned whether the matter was being handled in a way that was consistent with previous Cabinet decisions and according to due process. He called for an independent feasibility study focussed on the improvement of the current library.

Following questions for clarification from Councillors Newton, Kober, Adje, Hearn and Carter there was a short debate, to which Councillors Berryman, Connor, Mark Blake, Newton, Arthur and Bevan contributed. Responding, Councillor Vanier, the Deputy Leader set out that the Council was investing in its library network, though many other councils were closing libraries. She disputed the low costs of improvement put forward, based on the independent advice already received, and explained the proposal for relocating the library being consulted on.

The Mayor thanked the deputation and petitioners for their participation in the meeting.

28. THE HARINGEY DEBATE - TACKLING AIR POLLUTION IN HARINGEY: UNDERSTANDING THE PROBLEM AND IDENTIFYING NEW AND INNOVATIVE WAYS TO COMBAT IT

Councillor Ahmet introduced the Haringey Debate on air pollution, which she referred to as a silent killer of seven million people annually.

The guest speaker, Andrea Lee of public interest and environment law charity Client Earth, presented an overview of the issue to the Council in terms of its effects on people's health, and how the current level of air pollution was above what was legally permissible without the immediate prospect of improvement. Client Earth had successfully brought a legal challenge to the UK Government in the previous year, which resulted in the Supreme Court requiring a clear plan from the Government. Client Earth were soon to challenge those plans produced.

In the subsequent debate, Councillor Engert noted an estimate that 310 people had died in Haringey as a result of air pollution between 2010 and 2013. She set out that air pollution may worsen once the UK leaves the European Union, and her hope that the Mayor of London will take action to alleviate the problem for the city – in particular limiting airport expansion.

Councillor Mallett, as Cycling Champion, set out that using a cycle for short journeys would improve air quality and reduce traffic. She hoped the Cabinet's response to the

recent Overview and Scrutiny report on cycling would help the Council to encourage cycling.

Councillor McShane regretted the recent abolition of the Department of Energy and Climate Change and asked the guest speaker for her view.

Councillor Newton noted the poor air quality on a number of roads across the borough, which had particularly bad effects for younger and older people, and called on the Council to take action.

Councillor Adamou set out that Harringay ward councillors had supported pollution-measurements in Green Lanes, and had called on the Cabinet Member to respond.

Councillor Hare noted that the Archway Road, as a major traffic artery, had a high level of vehicle-derived pollutants, and offered a view of air pollution in central London. He believed the new Mayor of London had an opportunity to take action against air pollution, and that the problem of air pollution would be recalled as smoking is now.

Councillor Wright also referred to the recent scrutiny review on cycling, and put forward specific recommendations that would enable Haringey to be proactive in tackling this issue.

Councillor Doron congratulated Client Earth on its success to date, both legally and in raising the profile of this issue. There was a particular issue in relation of inequality in relation to access to clean air.

Councillor Strickland set out that air pollution would limit the attractiveness of the borough for people considering where to live and raise children. He had been keen for development to limit the amount of car parking spaces, and to increase the amount of green space. Future developments such as Crossrail 2 could help reduce the impact of commuter journeys through the borough.

Councillor Weston noted 25 per cent of London school children were exposed to unsafe levels of air quality. Efforts were underway to ensure children were aware of the issues and could travel to school in a way that minimised air pollution.

Councillor Ejiofor asked when the commitment to a full review of bus services in the borough to make bus usage more effective would be implemented. He also asked whether reduced speed limits had a negative impact on air quality and, if so, whether that off-set the benefits in terms of road safety.

Responding to the debate, Councillor Ahmet thanked members for their contribution and set out some of the work undertaken in Haringey, including the Air Quality Action Plan, development of a parking policy and the Green Lanes Traffic Review underway. She shared the optimism presented by the new Mayor of London's agenda and set out some actions he was consulting on.

The Mayor thanked Members and the guest speaker for their contributions.

29. TO ANSWER QUESTIONS, IF ANY, IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NOS. 9 & 10

The Mayor accepted this late item of urgent business, as the answers to questions had needed to be researched and prepared after the summons had been dispatched.

Oral questions one to five were asked and responded to.

Following a request by the Chief Whip, it was agreed unanimously to conclude this item and move immediately to the next item on the agenda, given the level of interest in the issues it raised.

30. TO CONSIDER THE FOLLOWING MOTIONS IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NO. 13

Councillor Morris moved Motion B on the agenda, and was pleased that there had been cross-party support for it. Councillor Engert seconded the motion.

On a vote, the motion was agreed unanimously.

The time being 2200, the meeting concluded at this point.

RESOLVED

This Council notes the result of the European Union referendum and the Government's affirmation that this country will leave the European Union.

This Council is concerned about the impact of leaving the EU on Haringey's local residents.

This Council is deeply disturbed by reports from across the country of increases in xenophobic and racist attacks following the referendum.

This Council notes that:

- there are thousands of people from many different countries living in Haringey and contributing to our local economy and culture
- many Haringey residents are from the EU and will be understandably concerned about their future and safety following the referendum
- there are many people who were born in Haringey who now live, study and work in other EU countries who are concerned about their future
- many of Haringey's communities have family and cultural ties with other EU countries

This Council believes that Haringey is enriched by the diversity of its residents.

This Council further believes that people from other EU countries who live and work in Haringey are a boon and not a burden to our borough.

This Council calls on our local MPs to:

- Fight to ensure that EU citizens already settled here can continue to: live, work and study here, and use public services for free, as they currently do.
- Call for negotiations with other EU countries to give the same rights to British Citizens living abroad in EU countries.

This Council affirms its commitment to work with the police and other public services to protect local residents and stamp out xenophobia and racism.

MAYOR ALI GUL OZBEK

Signed by Chair

Date

Report for: Full Council

Item number:

Title: Changes to Political Groups and Appointments to Committees and Outside Bodies

Report author: The Chief Executive

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** Non-Key

1. Describe the issue under consideration

To ask Council to note recent changes of political group memberships and to agree subsequent changes in Committee Memberships and an appointment to an outside body.

2. Cabinet Member Introduction

N/A

3. Recommendations

1. That Full Council note:

- a) The changes to Political Group composition detailed at 4.1
- b) The decision taken between meetings to ensure the Corporate Committee and Staffing and Remuneration Committee remained proportionate, as required by statute.

2. That Full Council agree:

- a) The changes in Committee membership, as detailed at 4.4
- b) The appointment of Cllr Barbara Blake to the Board of the Bridge Renewal Trust, as detailed at 4.6

4. Reasons for decision

4.1 Since the July meeting of Full Council, Councillor Elliott notified the Chief Executive that she would cease to be a member of the Liberal Democrat Group and would instead join the Labour Group.

4.2 In addition, Councillor Brabazon was returned as a Councillor for the Harringay Ward at a by-election on 28 July, following the resignation from the Council of James Ryan. Councillor Tucker was returned as a Councillor for the St Ann's Ward at a by-election on 6 October, following the resignation from the Council of Peter Morton. Both Councillor Brabazon and Councillor Tucker are members of the Labour group.

4.3 Given the need under the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 to ensure groups are proportionate as far as possible in accordance with the

Council's political balance, an urgent decision was taken between meetings to update Committee memberships as necessary. The report of the decision taken on 17 August, is attached at Appendix A. It sets out that Councillor Elliott would be removed from the Staffing and Remuneration Committee and the Corporate Committee and that Councillor Engert would be appointed to the Corporate Committee and Councillor Ross would be appointed to the Staffing and Remuneration Committee.

4.4 The Labour Chief Whip is also commending the following changes to Committee Memberships to Full Council:

- a. Councillor Brabazon to take the position on the Regulatory Committee vacated by former councillor James Ryan
- b. Councillor Adamou to take the position on the Corporate Committee vacated by former councillor Peter Morton
- c. Councillor Tucker to replace Councillor Adamou on the Pensions Committee and Board
- d. Councillor Mann to replace Councillor Berryman on the Alexandra Palace and Park Board

4.5 Further changes to sub-committees and panels will need to be made by their respective parent Committee or body.

Outside Body Appointments

4.6 At Annual Council in May 2016, former councillor Peter Morton was appointed to the Bridge Renewal Trust by the Council. The Labour Chief Whip has asked that Council agree that he be replaced by Councillor Barbara Blake.

5. Background information

5.1 As set out at Article 4.02 (l) at Part 2 of the Council's Constitution, and at paragraph 1 (l) of Part 3 Section B of the Constitution (Responsibilities and Functions) only the Council may make changes to membership of the Council's non-executive Committees.

5.2 As set out at Article 4.02 (p) at Part 2 of the Council's Constitution, and at paragraph 1 (p) of Part 3 Section B of the Constitution (Responsibilities and Functions) only the Council may appoint representatives to outside bodies, with the exception of those that are Cabinet appointments. Article 10.08 at Part 2 of the Council's Constitution sets out arrangements for Outside Bodies.

5.3 Information about proportionality and decision-taking between meetings can be found in Appendix A.

6. Contribution to strategic outcomes

N/A

7. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance and Procurement

The changes recommended in this report will have no direct financial implications.

Legal

This report was prepared with the contribution of the Monitoring Officer.

Equality

N/A

8. Use of Appendices

Appendix A – Record of Committee Chair’s Urgent Action

9. Local Government (Access to Information) Act 1985

a. Haringey Council’s Constitution

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RECORD OF COMMITTEE CHAIR'S URGENT ACTION

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.001/1617

Ward(s) affected: N/A

Title of Report:

Change in membership of the Corporate Committee and the Staffing and Remuneration Committee

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

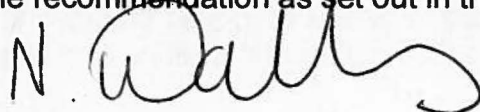
To ensure the two committees above meet proportionality requirements, an urgent decision is required before the next meeting of Full Council.

In accordance with Part 3 Section E, Section 1 paragraph 5.01(b) 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 the Chief Executive

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

Signature



Date

17th Aug 2016

Concurrence of the Mayor

I concur with the above decision.

Signature



Date

17/AUG/2016

Once signed by the Chief Officer this cover sheet together with the substantive report must be forwarded to the Democratic Services Team - Level 5, 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.

Report for:	THE CHIEF EXECUTIVE 17 August 2016	Item number	N/A
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Title:	Change in membership of the Corporate Committee and the Staffing and Remuneration Committee
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Report authorised by :	Raymond Prince, Assistant Head of Legal Services and Deputy Monitoring Officer
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Lead Officer:	Michael Kay, Democratic Services and Scrutiny Manager Tel: 0208 489 2920
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Ward(s) affected: N/A	Report for Key/Non Key Decision: N/A
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1. Describe the issue under consideration

- 1.1 This report to the Chief Executive details proposed changes to membership of the Corporate Committee and Staffing and Remuneration Committee.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 That, in consultation with the Mayor, to agree the removal of Councillor Sarah Elliott from the Corporate Committee and Staffing and Remuneration Committees, to be replaced by Councillor Engert and Councillor Ross respectively; and
- 3.2 That the changes in 3.1 be with effect from the date of authorisation of the action, and that these changes be reported to the next ordinary meeting of the Full Council, in accordance with Part 3 Section E, Section 1 paragraph 5.01(b) of the Constitution.

4. Background information

- 4.1 The Annual General Meeting of the Full Council makes appointments to Committees and Sub-Committees in accordance with Article 4.02(l) of the Constitution. In line with the provisions of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, Committees are constituted in accordance with the Council's political balance.
- 4.2 The Chief Whip of the Labour Group, Councillor Jogee, has given notice that Councillor Elliott has resigned her place on the Liberal Democrat Group and has joined the Labour Group.
- 4.3 Prior to Councillor Elliott changing groups, the balance was 48 Labour to 9 Liberal Democrats, or 84.21% to 15.79%. Following the change, the proportionality is 49 Labour to 8 Liberal Democrats, or 85.96% to 14.04%.
- 4.4 Should Councillor Elliott remain on these two committees as a Labour Councillor, they would no longer be proportionate and it is proposed that her place is instead taken by other members of the Liberal Democrat group. This has been discussed with Councillor Jogee and Councillor Engert, as Liberal Democrat group leader, who were both content with this approach, as was Councillor Elliott.
- 4.5 The Leader of the Liberal Democrat Group has given notice that she will serve on the Corporate Committee, and that Councillor Ross will serve on the Staffing and Remuneration Committee. This arrangement will be in place until such a time that the Full Council changes it.
- 4.6 It has been necessary to take this action between meetings in accordance with Part 3 Section E, Section 1 paragraph 5.01(b) of the Constitution to ensure the Committees remain proportionate, as required by statute, in advance of the next meeting of Full Council on 21 November.

5. Comments of the Chief Financial Officer and Financial Implications

N/A

6. Comments of the Assistant Director Corporate Governance and Monitoring Officer, and Legal Implications

- 6.1 As set out in the report, where it is necessary to make an urgent appointment between meetings of the Full Council, this can be agreed by the Chief Executive in consultation with the Mayor, in accordance with Part 3 Section E Section 1 paragraph 5.01(b) of the Constitution and reported to the next Full Council meeting.



7. Local Government (Access to Information) Act 1985

N/A

8. Equalities and Community Cohesion Comments

N/A

REPORT 1 OF THE CABINET TO FULL COUNCIL ON 21 NOVEMBER 2016

Chair:
Councillor Claire Kober

Vice Chair:
Councillor Bernie Vanier

1. INTRODUCTION

1.1 This report to Full Council arises from consideration of the following report by the Cabinet:

- Acceptance of the CLG's proposal for a 4 year settlement

2. SUMMARY OF CONSIDERATIONS**2.1 Acceptance of the CLG's proposal for a 4 year settlement**

We noted that the CLG had offered Local Authorities the opportunity to secure a 4-year funding settlement. In order to secure this, the Government required an Efficiency Plan.

We were asked to agree the submission of the existing and already approved MTFS (2015/16 – 2017/18) with an additional narrative around the third and fourth year. Government had not prescribed a format, structure or content for this plan.

We noted that the Submission of the Efficiency Plan would enable the Council to access minimum funding allocations for Revenue Support Grant (RSG) up to 2019/20.

We further noted that accepting the Government's funding settlement offer would create some certainty for financial planning purposes.

WE RECOMMEND FULL COUNCIL:

- 2.2 Approve acceptance to the offer of a 4-year funding allocation for 2016/17 to 2019/20 and the submission of the existing MTFS with additional narrative for 2018/19 and 2019/20 as the Efficiency Plan to the Department of Communities and Local Government before 14th October 2016.

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Report for: Cabinet – 18/10/16

Item number: To be added by the Committee Section

Title: Approval of Haringey Council Tax Reduction Scheme for 2017/18.

Report authorised by : Tracie Evans, Chief Operating Officer

Lead Officer: Carla Segel
Head of Service Delivery, Shared Service Centre
Carla.Segel@haringey.gov.uk / 020 8489 2034

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key Decision

1. Describe the issue under consideration

- 1.1 Following the transfer of Council Tax Benefit to Local Authority control from April 2013, Haringey has run a replacement Council Tax Reduction Scheme that protected pensioners (as prescribed by Central Government) and those in receipt of certain disability benefits and passed on the funding cuts by giving a maximum level of support of 80.2% to all other claimants.
- 1.2 There is a statutory obligation on the Council to consider, each financial year, whether to revise or replace its scheme and a further obligation to consult residents before the scheme is changed.
- 1.3 This report sets out details of the review of Haringey's current Council Tax Reduction Scheme (CTRS) 2016/17 and the recommendations for Haringey's CTRS for 2017/18 taking into consideration the assessment of options and an Equalities Impact Assessment (EQIA).
- 1.4 The Council must approve the final scheme by 31st January 2017, even if the scheme remains unchanged ready for implementation on the 1st April 2017. The purpose of this report is to seek approval from Cabinet to take these recommendations forward to Full Council on 21st November 2016.

2. Cabinet Member Introduction – Cllr Arthur , Cabinet Member for Finance and Health

- 2.1 The government's decision to abolish the Council Tax Benefit and reduce its funding by 10% was a mistake. It has caused increased hardship for individuals and families on low incomes here in Haringey.

- 2.2 The Government claim that the removal of the Council Tax Benefit forces the poorest into work and off benefits. This is completely disingenuous. The Local Council Tax Reduction Scheme, which replaced Council Tax Benefit, does not tackle the real barriers residents face when looking for jobs or developing their skills. It is clear that longer term plans and programmes are needed instead.
- 2.3 The council is continuing to face severe financial pressures due to significant cuts in funding from central government in recent years, it is right to maintain the existing minimum payment scheme (for claimants). Reducing the minimum payments further could require the council to cover this cost. This would only be able to be done by raising Council Tax, cutting services, or by drawing down against our reserves. None of these options is considered desirable. The first two would have a direct adverse impact on other residents across the borough and the latter is not good financial practice (i.e. depletion of reserves to meet regular revenue expenditure).
- 2.4 In addition to protecting pensioners, we will continue to protect those receiving certain disability benefits in contrast to many other Local Authorities. The council has put in place additional measures to support those who need our help. For example, where people have been affected by multiple welfare reform changes, they will continue to receive individual assistance and support from the council and our partner organisations. Where necessary, residents will continue to be signposted to appropriate employment and skills training programmes to enhance their employment opportunities.
- 2.5 We know that some residents are struggling. That's why the council will continue to do everything we can to provide assistance for residents so they can pay their council tax.

3. Recommendations

That Cabinet recommend Full Council:

- 3.1 Notes that an Equalities Impact Assessment (**Appendix E**) has been undertaken in relation to the Council Tax Reduction Scheme and that the findings of this EIA must be taken into account when making a decision regarding the Scheme for 2017/18.
- 3.2 Agrees to adopt the Council Tax Reduction Scheme 2017/18 as contained in Appendix C and therefore retains the same Scheme agreed for 2013/14 and continued since.
- 3.3 Accordingly, the scheme as summarised in **Appendix A** and set out in full at **Appendix C** will continue to apply for 2017/18:
- I. That pensioners will continue to receive support for the payment of Council Tax.
 - II. That those in receipt of certain disability benefits continue to receive support for the payment of Council Tax.
 - III. For all working age claimants, the extent of Council Tax Support available will continue to be capped at 80.2% of Council Tax liability. In other words, working age claimants will continue to receive the same level of Council Tax Support as 2013/14, this amount representing a

19.8% reduction in the level of Council Tax Support available as compared with the amount of Council Tax Benefit received in 2012/2013.

- 3.4 Authority to be given to the Chief Operating Officer and Assistant Director of the Shared Service Centre to take all appropriate steps to implement and administer the Scheme.

4. Reasons for Decision

- 4.1 The recommendation to retain the current scheme continues to support the Government's initiative of work incentives and pays due regard to the challenging financial climate we are currently in.
- 4.2 In recognition of the vulnerable sectors of society, we have supportive measures in place. It is proposed that these continue into 2017/18. Maintaining the current scheme ensures that these protected claimants will not be further disadvantaged.
- 4.3 Although performance remains higher than originally anticipated, there remains a shortfall in collection. This coupled with the fact that the Revenue Support Grant has been reduced by over 50%, equating to over £50m, has meant that the Council has had to implement significant service reductions and efficiency savings. As a result it is not possible for the Council to expand the scheme to include protection for other groups.

5. Alternative Options Considered

- 5.1 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 in some respects. The Council could choose to increase or decrease the amount of financial support available under the scheme. Options should be considered in the light of the knowledge gained during the implementation of the scheme over previous years.
- 5.2 The options for changing the scheme that have been considered to date have been listed below. Some of these were proposed by respondents to the consultation undertaken prior to adopting the 2013/14 scheme.
- Increase the level of financial support so all customers pay less
 - Decrease the level of financial support so all customers pay more
 - Absorb the full shortfall into the Council budget by providing financial support up to the level previously funded by Central Government as part of Council Tax Benefit.
 - Protect certain vulnerable groups in addition to those in receipt of certain disability benefits, these include but are not limited to:
 - Households with children
 - Households with a child under one
 - Households with a child under five
 - Households with more than three children
 - Households with a lone parent

- Protect band A-C properties
 - Protect claimants who are working but on low income.
 - Protect claimants in receipt of Single Person's Discount
 - Increase Council Tax
- 5.3 A breakdown of these options with accompanying financial data has been provided in **Appendix D**. Appendix D further sets out the potential advantages and disadvantages of each option.
- 5.4 Having regard to the detailed points set out at **Appendix D**, it is recommended that none of these options for change are taken forward. This is because:
- I. Any option which would require the Council to increase levels of support for Council Tax payments would need to be directly funded by the Council and given the competing demands on the Council's reducing budget, increasing support for Council Tax funding would require the Council to find reductions elsewhere, cut services, utilise reserves or increase Council Tax.
 - II. Any option which would require the Council to increase levels of support for particular groups of people could have a disproportionate impact on some claimant groups over others.
 - III. The majority of the options do not support the Central Government initiative of encouraging people back to work
 - IV. The Council do not consider that it is appropriate to increase Council Tax.
- 5.5 It is worth noting that method of payment for Central Government grant funding allocation has also changed since the CTR Scheme was first set up. Several grants, including CTR, have been consolidated within the overall Revenue Support (Core) Grant paid, this makes the proportion allocated to each area harder to identify. This Core grant also continues to reduce in overall terms, by 2016-17 it will have reduced by 50% equating to approximately £50m in comparison to 2013-14.
- 5.6 In April 2016 an independent review of Local Council Tax Support Schemes was conducted at the request of the Secretary of State. The recommendations from this are still being considered by Central Government and when a decision is made on them Haringey may need to make further changes to its scheme to reflect any new decisions. As such the previously considered option of overhauling the scheme so that Council Tax Support falls under Council Tax legislation as a discount, similar to the existing Single Person Discount, has not been taken forward.
- 5.7 Other London LAs have changed their schemes over the past 3 years. A full breakdown of 2016/17 schemes is provided in **Appendix B** and some summary points are shown below:
- 12 LAs have a higher contribution level than Haringey including Newham and Barking & Dagenham.
 - Wandsworth and Harrow have the highest contribution level at 30% for non disabled working age claimants

- 9 protect disabled claimants – either completely or by asking them to pay less than non disabled working-age claimants including Brent, Croydon and Enfield.
- 7 fully cover the shortfall including City of London, Hammersmith & Fulham and Tower Hamlets.

5.8 Haringey is comparable with other London LAs and its scheme reflects the need to strike a fair balance between protecting the wellbeing of our residents and recognising the challenging financial situation we are in.

6. Background Information

6.1 As part of the Government’s Welfare Reform Act, Council Tax Benefit was abolished and replaced with a Local Council Tax Reduction Scheme from 1 April 2013, with a reduced level of Government funding.

6.2 Haringey’s scheme broadly mirrors Council Tax Benefit in terms of it being a means tested level of support with the same rules and parameters around eligibility and deductions. However, as the overall level of funding available to the Council to support Council Tax payments was reduced, it was not possible to maintain the scheme exactly as it was without the Council having to make up the shortfall in funding in other ways (for example cutting services, utilising reserves or increasing Council Tax).

6.3 Central Government prescribed that pensioners were automatically protected from any changes to Council Tax Benefit and following consultation with Haringey residents and interested groups in the autumn of 2012 the Council chose to extend this protection to those in receipt of certain disability benefits, leaving all remaining working age claimants to pay something towards their Council Tax.

6.4 Following financial modelling looking at claimant volumes, the number of pensioners in the area and anticipated collection figures, it was decided to pass on the £3.8m shortfall, represented by the cut in funding from Central Government, across all non-protected working age claimants by reducing the maximum level of support from 100% to 80.2%.

6.5 The following table shows the financial situation for previous years. We also show the current year billed to residents and the collection rate so far. Collection levels achieved 86% in 2015/16 though it had been anticipated since the inception of CTRS that collection levels would be significantly lower, however the ongoing impact of welfare reform changes continue to be felt and it cannot be assumed that collection rates will remain at this level. Additionally the marginally better collection for CTR cohort does little to make up for the significant decreases in overall grant funding as mentioned earlier.

	Number of Residents in receipt of CTR	Total amount billed (£)	Actual sum collected (£)	Shortfall (£)
2013/14	34,208	6,987,431	5,793,842	-1,193,589

			(84% collection rate)	
2014/15	29,953	6,200,297	5,314,341 (86% collection rate)	-885,956
2015/16	28,933	7,179,618	5,996,109 (84% collection rate)	- 1,183,964
2016/17 (As at 30.06.16)	27,947	6,937,824	2,055,860 (30% collection rate)	-4,881,964 Assuming the collection rate increases by year end to match previous years this figure will reduce to -1,110,052

- 6.6 Support continues to remain in place for those claimants who had never previously had to make a payment towards their Council Tax, this includes:
- Supportive and flexible payment arrangements
 - Drop-in days at our Customer Service Centres where dedicated officers are available to discuss cases and make payment arrangements
 - Promotion of other support available
 - Signposting to third sector agencies such as the Quaker Social Action Group, Moneywise and the CAB.
- 6.7 Collection levels have been higher than initially anticipated, but still fall short of the rate necessary to bear the loss in grant, against the original Council Tax Benefit subsidy. Current year collection is anticipated to at least match last year, however is not expected to achieve the target collection rate for Council Tax. For this reason, the scheme is proposed to continue for another year, as the Council still faces an overall net loss in funds, when taxation and grant funding is considered together and noting the reduction in overall funding from the Core grant.
- 6.8 Now that we have the required data from the operation of the scheme from the current year (2016/17) and historically from previous years, to conduct a full and considered review, we are proposing that the scheme continues for 2017/18 without change. This decision reflects the work conducted as part of the original design of the 2013/14 scheme which takes into account the following factors:
- Consideration of a range of issues including the Government's "Statement of Intent" issued in May 2012, the Local Government Finance Act 2012 and regulations and guidance issued by the Government relating to work incentives.
 - Consideration of the outcomes of the consultation exercise from 2012.

- Consideration of an equalities impact assessment
- Consideration of the reduction in funding for the Scheme and the impact on collection rates for Council Tax.

- 6.9 The considerations listed above remain. There has been a slow but steady decrease in the numbers of people in receipt of Council Tax Reduction. This could indicate that the support provided to assist people into work has had some effect. In addition, the number of complaints and appeals against the CTRS is minimal, indicating that people are accepting that the current scheme is not unreasonable. The Equalities Impact Assessment has addressed the issues that may affect some customers, and we have strong options in place to assist those who are struggling to pay. The Council's financial position is challenging, and Council funding is under continuing extreme pressure. We have not managed to fully collect the deficit in former funding, and remain under pressure to continue to improve collection.
- 6.10 Under the provisions of section 13A(1)(a) and Schedule 1A of the Local Government Finance Act 1992, a new scheme is required to be in place by the 31 January 2017, approved by Full Council and taking into account the results of an equality impact assessment.
- 6.11 The report proposes 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.
- 6.12 The Scheme will continue to be run by Haringey Council and remains separate from the Department of Work and Pension's (DWP) Housing Benefit / Universal Credit awards.

7. Contribution to Strategic Outcomes

- 7.1 This recommendation links to the Councils priority to "drive growth and employment from which everyone can benefit". We will link to our desired outcomes looking to achieve a fair and equal borough, to work with our communities, to work in partnership, with customer focus and value for money.

8. Statutory Officer Comments

Comments of the Chief Financial Officer and Financial Implications

- 8.1 As mentioned earlier in this Report, the Council continues to face severe financial challenges. Since 2011 budget reductions of £46m have had to be achieved in the face of ever reducing Central Government grant funding, already placing service provision to our residents in a number of areas under great pressure. Despite meeting these significant budget reductions to date, there continues to be a further saving requirement of £70m to be achieved over the next two years, potentially putting even priority service provision at further risk.

- 8.2 It was highlighted in paragraph 5.5 that CTRS funding is paid as part of the core Revenue Support Grant (RSG), and cannot now be separately distinguished. However it is a known fact that Central Government grant funding overall is reducing (RSG will have fallen by 50%/£50m, since 2013-14) and will disappear altogether by 2020 (and with it therefore the CTRS element). This will force local authorities to become even more reliant on their local taxation income to support their essential service provision.
- 8.3 As noted in section 5, increasing support for CTRS, in the current climate of diminishing external finances and growing budgetary pressures generally, would necessitate the Council to find spend reductions elsewhere, cut services, utilise reserves or increase Council Tax. Sound financial governance demands that reserves should only be used (or set aside) to meet specific or unforeseen future liabilities, not used as part of on-going in-year funding. These are a one-off, finite source of funding and their use to underpin an on-going revenue shortfall is not sustainable or appropriate. Once these reserves had been exhausted, the underlying shortfall would still be there to be met, ultimately by service reductions. The use of reserves to meet the on going funding support required for any extension to the CTRS, is therefore not sustainable or financially prudent.
- 8.4 Paragraph 5.6 discusses the potential to overhaul the scheme so that it falls under Council Tax legislation as a discount, similar to the existing Single Person Discount, which could make administration more straight-forward, removing the reliance on a more resource intensive means tested assessment scheme. With fewer resources for the Council overall, a simpler scheme could be beneficial and cost effective. This would require consultation as well as revisions to the existing IT systems, procedures and staff training. At this stage the Council is not being asked to make a decision on this and further consideration will be given to this option in the future.
- 8.5 Whilst the council in February 2015 agreed a balanced Medium Term Financial Plan covering the years 2015/16 -2018/19, this was based on the successful delivery of significant transformation and service remodelling. The financial challenges have continued, and at period 3, the 2016/17 forecast outturn is for a significant overspend. Based on the continuing serious financial position for the council and in the light of the on-going funding austerity, the Chief Finance Officer recommends that no changes are made to the scheme for 2017/18.

Comments of the Assistant Director of Corporate Governance and Legal Implications

- 8.6 Under section 13A(2) of the Local Government Finance Act 1992, the Council as billing authority must make a localised Council Tax Reduction Scheme in accordance with Schedule 1A to the Act. Each financial year the Council must consider whether to revise its scheme, or to replace it with another scheme. The Council must make any revision to its scheme, or any replacement scheme, no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect.
- 8.7 This report recommends no revisions to the Scheme currently in place for 2016/17, which was itself a continuation of the Scheme approved for 2013/14

and maintained since then. The Council is not required to conduct a consultation in circumstances where it is not proposing to make any changes to its scheme.

- 8.8 Although there are no proposed changes to the Scheme, Full Council is required to agree the adoption of the Scheme to continue as from 01 April 2017 for the Council Tax year 2017/18.
- 8.9 The Council must in the exercise of its functions ensure that it has due regard to its Public Sector Equality Duty under the Equality Act 2010. The extent of the duty on the Council, under the Equality Act 2010, is set out in **Appendix F** to this report.
- 8.10 In considering whether to revise the Scheme, Members must take into account the full Equality Impact Assessment included at **Appendix E** 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. The 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 CTRS on vulnerable groups.
- 8.11 The Act allows the Government to make regulations about the prescribed requirements for schemes. Any scheme that the Council adopts must comply with the latest regulations.

Equality and Community Cohesion Comments

- 8.12 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard 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 share those characteristics and people who do not.
- 8.13 Council Tax Reduction Scheme claimants are amongst some of the most vulnerable residents in the borough. An EqIA has therefore been completed outlining the impact for those claiming under the scheme and proposed actions to mitigate any negative impact associated with the scheme.
- 8.14 The report recommends retaining the existing Council Tax Reduction scheme meaning that there will be no changes for existing claimants. Pensioners and disabled claimants will continue to be eligible for the full discount supporting the aims of the scheme to protect the most vulnerable from financial hardship. The EqIA sets out the mitigating actions we have put in place to reduce hardship for working age claimants and those with dependents. This includes:

- Extending the payment period and/or reducing payment amounts where claimants are facing particular difficulties
- Signposting claimants to appropriate support and advice services such as employment and skills training programmes to assist them out of financial difficulty

8.15 We note the ongoing cumulative impact of welfare reform changes such as the benefit cap and LHA rate changes and recognise the impact these have on vulnerable families. Maintaining the scheme as is aims to reduce any further difficulties as a result of increased Council Tax payments, however we will continue to monitor the impact of this and all changes to enable us to better support residents in financial difficulties.

Head of Procurement Comments

8.16 There are no procurement requirements at this stage of the proposal.

9. Planned Use of Appendices for Final Report

- Appendix A – Summary of Scheme Rules
- Appendix B – Summary of other London LA Schemes 2016/17
- Appendix C – Haringey Council Tax Reduction Scheme
- Appendix D – Breakdown of Options Considered
- Appendix E – Equalities Impact Assessment
- Appendix F – Equality Act 2010 – The Public Sector Equality Duty

10. Local Government (Access to Information) Act 1985

10.1 N/A

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 originally agreed for 2013/14 and continued since 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 originally agreed for 2013/14 and continued since:

- 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.

Appendix B – Summary of Other London Local Authority Schemes for 2016/17

Local Authority	LA area	Minimum council tax payment
Harrow	Outer London	30.0%
Wandsworth	Inner London	30.0%
Barking and Dagenham	Outer London	25.0%
Bromley	Outer London	25.0%
Ealing	Outer London	25.0%
Enfield	Outer London	25.0%
Hillingdon	Outer London	25.0%
Waltham Forest	Outer London	24.0%
Barnet	Outer London	20.0%
Bexley	Outer London	20.0%
Brent	Outer London	20.0%
Newham	Inner London	20.0%
Haringey	Inner London	19.8%
Sutton	Outer London	17.5%
Lambeth	Inner London	15.9%
Croydon	Outer London	15.0%
Greenwich	Outer London	15.0%
Hackney	Inner London	15.0%
Havering	Outer London	15.0%
Redbridge	Outer London	15.0%
Southwark	Inner London	15.0%
Camden	Inner London	8.5%
Hounslow	Outer London	8.5%
Islington	Inner London	8.5%
Richmond upon Thames	Outer London	5.0%
Lewisham	Inner London	3.0%
City of London	Inner London	0.0%
Hammersmith and Fulham	Inner London	0.0%
Kensington and Chelsea	Inner London	0.0%
Kingston upon Thames	Outer London	0.0%
Merton	Outer London	0.0%
Tower Hamlets	Inner London	0.0%
Westminster	Inner London	0.0%

(note – Councils sorted from highest minimum payment to lowest)

REPORT 2 OF THE CABINET TO FULL COUNCIL ON 21 NOVEMBER 2016

Chair:
Councillor Claire Kober

Vice Chair:
Councillor Bernie Vanier

1. INTRODUCTION

1.1 This report to Full Council arises from consideration of the following report by the Cabinet:

- Council Tax reduction Scheme for 2017/18

2. SUMMARY OF CONSIDERATIONS

2.1 Council Tax reduction Scheme for 2017/18

We considered details of the review of Haringey's current Council Tax Reduction Scheme (CTRS) 2016/17 and the recommendations for Haringey's CTRS for 2017/18 taking into consideration the assessment of options and an Equalities Impact Assessment (EQIA).

We noted the proposal to maintain the current scheme .We also noted that an increase to the minimum payment would cause low income residents more financial difficulties, but to also to reduce the minimum payment would have an impact on the budget.

WE RECOMMEND FULL COUNCIL :

- 2.2 Note that an Equalities Impact Assessment (**Appendix E**) had been undertaken in relation to the Council Tax Reduction Scheme and that the findings of this EIA must be taken into account when making a decision regarding the Scheme for 2017/18.
- 2.3 Agree to adopt the Council Tax Reduction Scheme 2017/18 as contained in Appendix C and therefore retains the same Scheme agreed for 2013/14 and continued since.
- 2.4 Accordingly, the scheme as summarised in **Appendix A** and set out in full at **Appendix C** continue to apply for 2017/18:
- I. That pensioners will continue to receive support for the payment of Council Tax.
 - II. That those in receipt of certain disability benefits continue to receive support for the payment of Council Tax.
 - III. For all working age claimants, the extent of Council Tax Support available will continue to be capped at 80.2% of Council Tax liability. In other words, working age claimants will continue to receive the same level of Council Tax Support as 2013/14, this amount representing a 19.8% reduction in the level of Council Tax Support available as compared with the amount of Council Tax Benefit received in 2012/2013.

- 2.5 Provide Authority to the Chief Operating Officer and Assistant Director of the Shared Service Centre to take all appropriate steps to implement and administer the Scheme.

Report for: Cabinet – 18/10/16

Item number: To be added by the Committee Section

Title: Approval of Haringey Council Tax Reduction Scheme for 2017/18.

Report authorised by : Tracie Evans, Chief Operating Officer

Lead Officer: Carla Segel
Head of Service Delivery, Shared Service Centre
Carla.Segel@haringey.gov.uk / 020 8489 2034

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key Decision

1. Describe the issue under consideration

- 1.1 Following the transfer of Council Tax Benefit to Local Authority control from April 2013, Haringey has run a replacement Council Tax Reduction Scheme that protected pensioners (as prescribed by Central Government) and those in receipt of certain disability benefits and passed on the funding cuts by giving a maximum level of support of 80.2% to all other claimants.
- 1.2 There is a statutory obligation on the Council to consider, each financial year, whether to revise or replace its scheme and a further obligation to consult residents before the scheme is changed.
- 1.3 This report sets out details of the review of Haringey's current Council Tax Reduction Scheme (CTRS) 2016/17 and the recommendations for Haringey's CTRS for 2017/18 taking into consideration the assessment of options and an Equalities Impact Assessment (EQIA).
- 1.4 The Council must approve the final scheme by 31st January 2017, even if the scheme remains unchanged ready for implementation on the 1st April 2017. The purpose of this report is to seek approval from Cabinet to take these recommendations forward to Full Council on 21st November 2016.

2. Cabinet Member Introduction – Cllr Arthur , Cabinet Member for Finance and Health

- 2.1 The government's decision to abolish the Council Tax Benefit and reduce its funding by 10% was a mistake. It has caused increased hardship for individuals and families on low incomes here in Haringey.

- 2.2 The Government claim that the removal of the Council Tax Benefit forces the poorest into work and off benefits. This is completely disingenuous. The Local Council Tax Reduction Scheme, which replaced Council Tax Benefit, does not tackle the real barriers residents face when looking for jobs or developing their skills. It is clear that longer term plans and programmes are needed instead.
- 2.3 The council is continuing to face severe financial pressures due to significant cuts in funding from central government in recent years, it is right to maintain the existing minimum payment scheme (for claimants). Reducing the minimum payments further could require the council to cover this cost. This would only be able to be done by raising Council Tax, cutting services, or by drawing down against our reserves. None of these options is considered desirable. The first two would have a direct adverse impact on other residents across the borough and the latter is not good financial practice (i.e. depletion of reserves to meet regular revenue expenditure).
- 2.4 In addition to protecting pensioners, we will continue to protect those receiving certain disability benefits in contrast to many other Local Authorities. The council has put in place additional measures to support those who need our help. For example, where people have been affected by multiple welfare reform changes, they will continue to receive individual assistance and support from the council and our partner organisations. Where necessary, residents will continue to be signposted to appropriate employment and skills training programmes to enhance their employment opportunities.
- 2.5 We know that some residents are struggling. That's why the council will continue to do everything we can to provide assistance for residents so they can pay their council tax.

3. Recommendations

That Cabinet recommend Full Council:

- 3.1 Notes that an Equalities Impact Assessment (**Appendix E**) has been undertaken in relation to the Council Tax Reduction Scheme and that the findings of this EIA must be taken into account when making a decision regarding the Scheme for 2017/18.
- 3.2 Agrees to adopt the Council Tax Reduction Scheme 2017/18 as contained in Appendix C and therefore retains the same Scheme agreed for 2013/14 and continued since.
- 3.3 Accordingly, the scheme as summarised in **Appendix A** and set out in full at **Appendix C** will continue to apply for 2017/18:
- I. That pensioners will continue to receive support for the payment of Council Tax.
 - II. That those in receipt of certain disability benefits continue to receive support for the payment of Council Tax.
 - III. For all working age claimants, the extent of Council Tax Support available will continue to be capped at 80.2% of Council Tax liability. In other words, working age claimants will continue to receive the same level of Council Tax Support as 2013/14, this amount representing a

19.8% reduction in the level of Council Tax Support available as compared with the amount of Council Tax Benefit received in 2012/2013.

- 3.4 Authority to be given to the Chief Operating Officer and Assistant Director of the Shared Service Centre to take all appropriate steps to implement and administer the Scheme.

4. Reasons for Decision

- 4.1 The recommendation to retain the current scheme continues to support the Government's initiative of work incentives and pays due regard to the challenging financial climate we are currently in.
- 4.2 In recognition of the vulnerable sectors of society, we have supportive measures in place. It is proposed that these continue into 2017/18. Maintaining the current scheme ensures that these protected claimants will not be further disadvantaged.
- 4.3 Although performance remains higher than originally anticipated, there remains a shortfall in collection. This coupled with the fact that the Revenue Support Grant has been reduced by over 50%, equating to over £50m, has meant that the Council has had to implement significant service reductions and efficiency savings. As a result it is not possible for the Council to expand the scheme to include protection for other groups.

5. Alternative Options Considered

- 5.1 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 in some respects. The Council could choose to increase or decrease the amount of financial support available under the scheme. Options should be considered in the light of the knowledge gained during the implementation of the scheme over previous years.
- 5.2 The options for changing the scheme that have been considered to date have been listed below. Some of these were proposed by respondents to the consultation undertaken prior to adopting the 2013/14 scheme.
- Increase the level of financial support so all customers pay less
 - Decrease the level of financial support so all customers pay more
 - Absorb the full shortfall into the Council budget by providing financial support up to the level previously funded by Central Government as part of Council Tax Benefit.
 - Protect certain vulnerable groups in addition to those in receipt of certain disability benefits, these include but are not limited to:
 - Households with children
 - Households with a child under one
 - Households with a child under five
 - Households with more than three children
 - Households with a lone parent

- Protect band A-C properties
 - Protect claimants who are working but on low income.
 - Protect claimants in receipt of Single Person's Discount
 - Increase Council Tax
- 5.3 A breakdown of these options with accompanying financial data has been provided in **Appendix D**. Appendix D further sets out the potential advantages and disadvantages of each option.
- 5.4 Having regard to the detailed points set out at **Appendix D**, it is recommended that none of these options for change are taken forward. This is because:
- I. Any option which would require the Council to increase levels of support for Council Tax payments would need to be directly funded by the Council and given the competing demands on the Council's reducing budget, increasing support for Council Tax funding would require the Council to find reductions elsewhere, cut services, utilise reserves or increase Council Tax.
 - II. Any option which would require the Council to increase levels of support for particular groups of people could have a disproportionate impact on some claimant groups over others.
 - III. The majority of the options do not support the Central Government initiative of encouraging people back to work
 - IV. The Council do not consider that it is appropriate to increase Council Tax.
- 5.5 It is worth noting that method of payment for Central Government grant funding allocation has also changed since the CTR Scheme was first set up. Several grants, including CTR, have been consolidated within the overall Revenue Support (Core) Grant paid, this makes the proportion allocated to each area harder to identify. This Core grant also continues to reduce in overall terms, by 2016-17 it will have reduced by 50% equating to approximately £50m in comparison to 2013-14.
- 5.6 In April 2016 an independent review of Local Council Tax Support Schemes was conducted at the request of the Secretary of State. The recommendations from this are still being considered by Central Government and when a decision is made on them Haringey may need to make further changes to its scheme to reflect any new decisions. As such the previously considered option of overhauling the scheme so that Council Tax Support falls under Council Tax legislation as a discount, similar to the existing Single Person Discount, has not been taken forward.
- 5.7 Other London LAs have changed their schemes over the past 3 years. A full breakdown of 2016/17 schemes is provided in **Appendix B** and some summary points are shown below:
- 12 LAs have a higher contribution level than Haringey including Newham and Barking & Dagenham.
 - Wandsworth and Harrow have the highest contribution level at 30% for non disabled working age claimants

- 9 protect disabled claimants – either completely or by asking them to pay less than non disabled working-age claimants including Brent, Croydon and Enfield.
- 7 fully cover the shortfall including City of London, Hammersmith & Fulham and Tower Hamlets.

5.8 Haringey is comparable with other London LAs and its scheme reflects the need to strike a fair balance between protecting the wellbeing of our residents and recognising the challenging financial situation we are in.

6. Background Information

6.1 As part of the Government’s Welfare Reform Act, Council Tax Benefit was abolished and replaced with a Local Council Tax Reduction Scheme from 1 April 2013, with a reduced level of Government funding.

6.2 Haringey’s scheme broadly mirrors Council Tax Benefit in terms of it being a means tested level of support with the same rules and parameters around eligibility and deductions. However, as the overall level of funding available to the Council to support Council Tax payments was reduced, it was not possible to maintain the scheme exactly as it was without the Council having to make up the shortfall in funding in other ways (for example cutting services, utilising reserves or increasing Council Tax).

6.3 Central Government prescribed that pensioners were automatically protected from any changes to Council Tax Benefit and following consultation with Haringey residents and interested groups in the autumn of 2012 the Council chose to extend this protection to those in receipt of certain disability benefits, leaving all remaining working age claimants to pay something towards their Council Tax.

6.4 Following financial modelling looking at claimant volumes, the number of pensioners in the area and anticipated collection figures, it was decided to pass on the £3.8m shortfall, represented by the cut in funding from Central Government, across all non-protected working age claimants by reducing the maximum level of support from 100% to 80.2%.

6.5 The following table shows the financial situation for previous years. We also show the current year billed to residents and the collection rate so far. Collection levels achieved 86% in 2015/16 though it had been anticipated since the inception of CTRS that collection levels would be significantly lower, however the ongoing impact of welfare reform changes continue to be felt and it cannot be assumed that collection rates will remain at this level. Additionally the marginally better collection for CTR cohort does little to make up for the significant decreases in overall grant funding as mentioned earlier.

	Number of Residents in receipt of CTR	Total amount billed (£)	Actual sum collected (£)	Shortfall (£)
2013/14	34,208	6,987,431	5,793,842	-1,193,589

			(84% collection rate)	
2014/15	29,953	6,200,297	5,314,341 (86% collection rate)	-885,956
2015/16	28,933	7,179,618	5,996,109 (84% collection rate)	- 1,183,964
2016/17 (As at 30.06.16)	27,947	6,937,824	2,055,860 (30% collection rate)	-4,881,964 Assuming the collection rate increases by year end to match previous years this figure will reduce to -1,110,052

- 6.6 Support continues to remain in place for those claimants who had never previously had to make a payment towards their Council Tax, this includes:
- Supportive and flexible payment arrangements
 - Drop-in days at our Customer Service Centres where dedicated officers are available to discuss cases and make payment arrangements
 - Promotion of other support available
 - Signposting to third sector agencies such as the Quaker Social Action Group, Moneywise and the CAB.
- 6.7 Collection levels have been higher than initially anticipated, but still fall short of the rate necessary to bear the loss in grant, against the original Council Tax Benefit subsidy. Current year collection is anticipated to at least match last year, however is not expected to achieve the target collection rate for Council Tax. For this reason, the scheme is proposed to continue for another year, as the Council still faces an overall net loss in funds, when taxation and grant funding is considered together and noting the reduction in overall funding from the Core grant.
- 6.8 Now that we have the required data from the operation of the scheme from the current year (2016/17) and historically from previous years, to conduct a full and considered review, we are proposing that the scheme continues for 2017/18 without change. This decision reflects the work conducted as part of the original design of the 2013/14 scheme which takes into account the following factors:
- Consideration of a range of issues including the Government's "Statement of Intent" issued in May 2012, the Local Government Finance Act 2012 and regulations and guidance issued by the Government relating to work incentives.
 - Consideration of the outcomes of the consultation exercise from 2012.

- Consideration of an equalities impact assessment
- Consideration of the reduction in funding for the Scheme and the impact on collection rates for Council Tax.

- 6.9 The considerations listed above remain. There has been a slow but steady decrease in the numbers of people in receipt of Council Tax Reduction. This could indicate that the support provided to assist people into work has had some effect. In addition, the number of complaints and appeals against the CTRS is minimal, indicating that people are accepting that the current scheme is not unreasonable. The Equalities Impact Assessment has addressed the issues that may affect some customers, and we have strong options in place to assist those who are struggling to pay. The Council's financial position is challenging, and Council funding is under continuing extreme pressure. We have not managed to fully collect the deficit in former funding, and remain under pressure to continue to improve collection.
- 6.10 Under the provisions of section 13A(1)(a) and Schedule 1A of the Local Government Finance Act 1992, a new scheme is required to be in place by the 31 January 2017, approved by Full Council and taking into account the results of an equality impact assessment.
- 6.11 The report proposes 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.
- 6.12 The Scheme will continue to be run by Haringey Council and remains separate from the Department of Work and Pension's (DWP) Housing Benefit / Universal Credit awards.

7. Contribution to Strategic Outcomes

- 7.1 This recommendation links to the Councils priority to "drive growth and employment from which everyone can benefit". We will link to our desired outcomes looking to achieve a fair and equal borough, to work with our communities, to work in partnership, with customer focus and value for money.

8. Statutory Officer Comments

Comments of the Chief Financial Officer and Financial Implications

- 8.1 As mentioned earlier in this Report, the Council continues to face severe financial challenges. Since 2011 budget reductions of £46m have had to be achieved in the face of ever reducing Central Government grant funding, already placing service provision to our residents in a number of areas under great pressure. Despite meeting these significant budget reductions to date, there continues to be a further saving requirement of £70m to be achieved over the next two years, potentially putting even priority service provision at further risk.

- 8.2 It was highlighted in paragraph 5.5 that CTRS funding is paid as part of the core Revenue Support Grant (RSG), and cannot now be separately distinguished. However it is a known fact that Central Government grant funding overall is reducing (RSG will have fallen by 50%/£50m, since 2013-14) and will disappear altogether by 2020 (and with it therefore the CTRS element). This will force local authorities to become even more reliant on their local taxation income to support their essential service provision.
- 8.3 As noted in section 5, increasing support for CTRS, in the current climate of diminishing external finances and growing budgetary pressures generally, would necessitate the Council to find spend reductions elsewhere, cut services, utilise reserves or increase Council Tax. Sound financial governance demands that reserves should only be used (or set aside) to meet specific or unforeseen future liabilities, not used as part of on-going in-year funding. These are a one-off, finite source of funding and their use to underpin an on-going revenue shortfall is not sustainable or appropriate. Once these reserves had been exhausted, the underlying shortfall would still be there to be met, ultimately by service reductions. The use of reserves to meet the on going funding support required for any extension to the CTRS, is therefore not sustainable or financially prudent.
- 8.4 Paragraph 5.6 discusses the potential to overhaul the scheme so that it falls under Council Tax legislation as a discount, similar to the existing Single Person Discount, which could make administration more straight-forward, removing the reliance on a more resource intensive means tested assessment scheme. With fewer resources for the Council overall, a simpler scheme could be beneficial and cost effective. This would require consultation as well as revisions to the existing IT systems, procedures and staff training. At this stage the Council is not being asked to make a decision on this and further consideration will be given to this option in the future.
- 8.5 Whilst the council in February 2015 agreed a balanced Medium Term Financial Plan covering the years 2015/16 -2018/19, this was based on the successful delivery of significant transformation and service remodelling. The financial challenges have continued, and at period 3, the 2016/17 forecast outturn is for a significant overspend. Based on the continuing serious financial position for the council and in the light of the on-going funding austerity, the Chief Finance Officer recommends that no changes are made to the scheme for 2017/18.

Comments of the Assistant Director of Corporate Governance and Legal Implications

- 8.6 Under section 13A(2) of the Local Government Finance Act 1992, the Council as billing authority must make a localised Council Tax Reduction Scheme in accordance with Schedule 1A to the Act. Each financial year the Council must consider whether to revise its scheme, or to replace it with another scheme. The Council must make any revision to its scheme, or any replacement scheme, no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect.
- 8.7 This report recommends no revisions to the Scheme currently in place for 2016/17, which was itself a continuation of the Scheme approved for 2013/14

and maintained since then. The Council is not required to conduct a consultation in circumstances where it is not proposing to make any changes to its scheme.

- 8.8 Although there are no proposed changes to the Scheme, Full Council is required to agree the adoption of the Scheme to continue as from 01 April 2017 for the Council Tax year 2017/18.
- 8.9 The Council must in the exercise of its functions ensure that it has due regard to its Public Sector Equality Duty under the Equality Act 2010. The extent of the duty on the Council, under the Equality Act 2010, is set out in **Appendix F** to this report.
- 8.10 In considering whether to revise the Scheme, Members must take into account the full Equality Impact Assessment included at **Appendix E** 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. The 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 CTRS on vulnerable groups.
- 8.11 The Act allows the Government to make regulations about the prescribed requirements for schemes. Any scheme that the Council adopts must comply with the latest regulations.

Equality and Community Cohesion Comments

- 8.12 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard 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 share those characteristics and people who do not.
- 8.13 Council Tax Reduction Scheme claimants are amongst some of the most vulnerable residents in the borough. An EqIA has therefore been completed outlining the impact for those claiming under the scheme and proposed actions to mitigate any negative impact associated with the scheme.
- 8.14 The report recommends retaining the existing Council Tax Reduction scheme meaning that there will be no changes for existing claimants. Pensioners and disabled claimants will continue to be eligible for the full discount supporting the aims of the scheme to protect the most vulnerable from financial hardship. The EqIA sets out the mitigating actions we have put in place to reduce hardship for working age claimants and those with dependents. This includes:

- Extending the payment period and/or reducing payment amounts where claimants are facing particular difficulties
- Signposting claimants to appropriate support and advice services such as employment and skills training programmes to assist them out of financial difficulty

8.15 We note the ongoing cumulative impact of welfare reform changes such as the benefit cap and LHA rate changes and recognise the impact these have on vulnerable families. Maintaining the scheme as is aims to reduce any further difficulties as a result of increased Council Tax payments, however we will continue to monitor the impact of this and all changes to enable us to better support residents in financial difficulties.

Head of Procurement Comments

8.16 There are no procurement requirements at this stage of the proposal.

9. Planned Use of Appendices for Final Report

- Appendix A – Summary of Scheme Rules
- Appendix B – Summary of other London LA Schemes 2016/17
- Appendix C – Haringey Council Tax Reduction Scheme
- Appendix D – Breakdown of Options Considered
- Appendix E – Equalities Impact Assessment
- Appendix F – Equality Act 2010 – The Public Sector Equality Duty

10. Local Government (Access to Information) Act 1985

10.1 N/A

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 originally agreed for 2013/14 and continued since 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 originally agreed for 2013/14 and continued since:

- 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.

Appendix B – Summary of Other London Local Authority Schemes for 2016/17

Local Authority	LA area	Minimum council tax payment
Harrow	Outer London	30.0%
Wandsworth	Inner London	30.0%
Barking and Dagenham	Outer London	25.0%
Bromley	Outer London	25.0%
Ealing	Outer London	25.0%
Enfield	Outer London	25.0%
Hillingdon	Outer London	25.0%
Waltham Forest	Outer London	24.0%
Barnet	Outer London	20.0%
Bexley	Outer London	20.0%
Brent	Outer London	20.0%
Newham	Inner London	20.0%
Haringey	Inner London	19.8%
Sutton	Outer London	17.5%
Lambeth	Inner London	15.9%
Croydon	Outer London	15.0%
Greenwich	Outer London	15.0%
Hackney	Inner London	15.0%
Havering	Outer London	15.0%
Redbridge	Outer London	15.0%
Southwark	Inner London	15.0%
Camden	Inner London	8.5%
Hounslow	Outer London	8.5%
Islington	Inner London	8.5%
Richmond upon Thames	Outer London	5.0%
Lewisham	Inner London	3.0%
City of London	Inner London	0.0%
Hammersmith and Fulham	Inner London	0.0%
Kensington and Chelsea	Inner London	0.0%
Kingston upon Thames	Outer London	0.0%
Merton	Outer London	0.0%
Tower Hamlets	Inner London	0.0%
Westminster	Inner London	0.0%

(note – Councils sorted from highest minimum payment to lowest)

**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 on **[INSERT DATE]**.

These rules may be cited as the Council Tax Reduction Scheme 2016 and come into force on 1 April 2016. 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 2016 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 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income related allowance and a contributory

allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;

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

"couple" has the meaning given by paragraph 4;

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

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

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

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

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

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

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

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

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

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

"extended 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;

"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).
- (7) In this scheme, references to a person in class A, B or C (as the case may be) is a reference to class A, B or C described in paragraphs 13-15 of Part 4.
- (8) References in this scheme to an applicant participating as a service user are to-
- (a) a person who is being consulted by or on behalf of-
 - (i) a body which has a statutory duty to provide services in the field of health, social care or social housing; or
 - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services,in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services; or
 - (b) the carer of a person consulted as described in sub-paragraph (a) where the carer is not being consulted as described in that sub-paragraph.

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

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;
- (b) a person to whom section 6 of the Children (Leaving Care) Act 2000 (exclusion from benefits) applies; or
- (c) entitled to an award of universal credit.

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 or placed 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;
- (na) the Children's Hearings (Scotland) Act 2011; 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 no greater 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;

(aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is –

(i) a jobseeker for the purpose of the definition of “qualified person” in regulation 6(1) of those Regulations, or

(ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;

(ab) Article 45 of the Treaty on the functioning of the European Union (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland; 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 who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971 where that leave is –

(i) discretionary leave to enter or remain in the United Kingdom,

(ii) leave to remain under the Destitution Domestic Violence Concession which came into effect on 1st April 2012, or

(iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005;

- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance;
- (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4); or
- (i) a person who is treated as a worker for the purpose of the definition of "qualified person" in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (right of residence of a Croatian who is an "accession State national subject to worker authorisation").

(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.

Transitional Provision

(1) Paragraph (ha) does not apply to a person who, on 31st March 2015-

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

(b) is entitled to an income-based jobseeker's allowance,

until the first of the events in paragraph (2) occurs.

(2) The events are-

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

(b) the person ceases to be entitled to an income-based jobseeker's allowance.

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

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

22

(1) Subject to paragraph (1A), persons subject to immigration control are not entitled to a reduction under this scheme.

(1A) A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purposes of paragraph (1).

(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 of either party to the marriage who is additional to the other 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 of either party to the marriage who is additional to the other party to the marriage;

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

"patient" means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005.

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

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, $\text{£}11.36 \times 1/7$;
- (b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, $\text{£}3.74 \times 1/7$.

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is--

- (a) less than $\text{£}189.00$, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);
- (b) not less than $\text{£}189.00$ but less than $\text{£}328.00$, the deduction to be made under this paragraph is $\text{£}7.52 \times 1/7$;
- (c) not less than $\text{£}328.00$ but less than $\text{£}408.00$, the deduction to be made under this paragraph is $\text{£}9.49 \times 1/7$.

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

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard must be had, for the purpose of that sub-paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where in respect of a day--

- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
- (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 of the 1992 Act (liability of spouses and civil partners); and
- (c) the person to whom paragraph (a) refers is a non-dependant of two or more of the liable persons,

the deduction in respect of that non-dependant must be apportioned equally between those liable persons.

(6) No deduction is to be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is--

- (a) blind or treated as blind by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or

- (b) receiving in respect of himself--
 - (i) attendance allowance, or would be receiving that allowance but for--
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA;
or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for--
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA;
or
 - (bb) an abatement as a result of hospitalisation; or
 - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients); or
 - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- (7) No deduction is to be made in respect of a non-dependant if--
 - (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
 - (b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) he is a full-time student within the meaning of Part 11 (students); or
 - (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes--
 - (i) "patient" has the meaning given in paragraph 19(6), and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods; or
 - (e) he is not residing with the applicant because he is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006) who is absent, while on operations, from the dwelling usually occupied as their home.
- (8) No deduction is to be made in respect of a non-dependant--
 - (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance;
 - (b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers; or
 - (c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.

(9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependant's weekly gross income--

(a) any attendance allowance, disability living allowance, personal independence payment or an AFIP received by him;

(b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation 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).

(10) For the purposes of sub paragraph (8), "earned income" has the meaning given in regulation 52 of the Universal Credit Regulations 2013.

Non-dependant deductions: persons who are not pensioners

30A

(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, $\text{£}10.95 \times 1/7$;

(b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, $\text{£}3.65 \times 1/7$.

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is--

(a) less than $\text{£}186.00$, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);

(b) not less than $\text{£}186.00$ but less than $\text{£}322.00$, the deduction to be made under this paragraph is $\text{£}7.25$;

(c) not less than $\text{£}322.00$ but less than $\text{£}401.00$, the deduction to be made under this paragraph is $\text{£}9.15$.

(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 participating as a service user.

(3) Sub-paragraph (2)(a) does not apply in respect of any non-cash voucher referred to in sub-paragraph (1)(g).

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-employers 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 participating as a service user.

(13) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects to apply, to the date on which the altered rate is to take effect.

(14) In the case of an applicant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where the authority treats the applicant as possessing any benefit at the altered rate in accordance with sub-paragraph (13), the authority must--

- (a) determine the income and capital of that applicant in accordance with paragraph 36(1) (calculation of applicant's income in savings credit only cases: pensioners) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter; and
- (b) treat that applicant as possessing such income and capital at the altered rate by reference to the date selected by the relevant authority to apply in its area, for the purposes of establishing the period referred to in sub-paragraph (13).

(15) For the purposes of sub-paragraph (9), a person is not to be regarded as depriving himself of income where--

- (a) his rights to benefits under a registered pension scheme are extinguished and in consequence of this he receives a payment from the scheme, and
- (b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004.

(16) In sub-paragraph (15), "registered pension scheme" has the meaning given in section 150(2) of the Finance Act 2004.

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 participating as a service user.

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

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(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

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- (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

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- (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

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(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 or the Employment and Support Allowance Regulations 2013;

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

(g) he is, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 2008 or the Employment and Support Allowance Regulations 2013 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 or payment to which sub-paragraph (v), (vii) or (viii) of paragraph (h) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this paragraph means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005;

(j) an attendance allowance under section 64 of the SSCBA or disability living allowance would be payable to that person but for--

(i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or

(ii) an abatement as a consequence of hospitalisation;

(k) the daily living component of personal independence payment would be payable to that person but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);

(l) an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;

(m) paragraph (h), (i), (j) or (k) would apply to him if the legislative provisions referred to in those paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or

(n) he has an invalid carriage or other vehicle provided to him by the Secretary of State or a clinical commissioning group under paragraph 9 of Schedule 1 to the National Health Service Act 2006 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

(12) For the purposes of sub-paragraph (11), once sub-paragraph (11)(f) applies to the person, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that sub-paragraph is, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter to apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

(13) For the purposes of sub-paragraph (11), once sub-paragraph (11)(g) applies to the person, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter to apply to him for so long as he has, or is treated as having, limited capability for work.

(14) For the purposes of sub-paragraphs (6) and (8)(a), a person is disabled if he is a person--

(a) to whom an attendance allowance or the care component of disability allowance is payable or would be payable but for--

(i) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or

(ii) an abatement as a consequence of hospitalisation;

(b) to whom the daily living component of personal independence payment is payable or has ceased to be payable by virtue of a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);

(c) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(d) who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding that person's sixteenth birthday.

(15) For the purposes of sub-paragraph (1) a person on maternity leave, paternity leave or adoption leave is to be treated as if he is engaged in remunerative work for the period specified in sub-paragraph (16) ("the relevant period") provided that--

(a) in the week before the period of maternity leave, paternity leave or adoption leave began he was in remunerative work;

(b) the applicant is incurring relevant child care charges within the meaning of sub-paragraph (5); and

(c) he is entitled to either statutory maternity pay under section 164 of the SSCBA, ordinary statutory paternity pay by virtue of section 171ZA or 171ZB of that Act, additional statutory paternity pay by virtue of section 171ZEA or 171ZEB of that Act, statutory adoption pay by of section 171ZL of that Act, maternity allowance under section 35 of that Act or qualifying support.

(16) For the purposes of sub-paragraph (15) the relevant period begins on the day on which the person's maternity, paternity leave or adoption leave commences and ends on--

(a) the date that leave ends;

(b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or

(c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay, ordinary or additional statutory paternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credit ends,

whichever occurs first.

(17) In sub-paragraphs (15) and (16)--

(a) "qualifying support" means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support (General) Regulations 1987; and

(b) "child care element" of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act 2002 (child care element).

(18) In this paragraph "applicant" does not include an applicant--

(a) who has, or

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

an award of universal credit.

Calculation of average weekly income from tax credits

59

- (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

60

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

- (a) in the basic or other rates of income tax;
- (b) in the amount of any personal tax relief;
- (c) in the rates of national insurance contributions payable under the SSCBA or in the lower earnings limit or upper earnings limit for Class 1 contributions under that Act, the lower or upper limits applicable to Class 4 contributions under that Act or the amount specified in section 11(4) of that Act (small 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 national insurance contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions of self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium;
- (c) in the case of a self-employed earner who is not a pensioner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less--
- (i) an amount in respect of income tax and of national insurance contributions payable under the SSCBA calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
 - (ii) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (2) There must be disregarded from the net profit of an applicant who is not a pensioner, any sum, where applicable, specified in paragraphs 1 to 16 of Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners).
- (3) For the purposes of sub-paragraph (1)(a) the net profit of the employment must, except where sub-paragraph (9) applies, be calculated by taking into account the earnings of the employment over the assessment period less--
- (a) subject to sub-paragraphs (5) to (8), any expenses wholly and exclusively incurred in that period for the purposes of that employment;
 - (b) an amount in respect of--
 - (i) income tax; and
 - (ii) 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) national insurance contributions payable under the SSCBA,calculated in accordance with paragraph 62 (deduction of tax and contributions for self-employed earners); and
 - (b) one-half of the amount calculated in accordance with sub-paragraph (11) in respect of any qualifying premium.
- (10) For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments must not be offset against his earnings in any other of his employments.
- (11) The amount in respect of any qualifying premium is to be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this paragraph the daily amount of the qualifying premium must be determined--
- (a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing the product by 365;
 - (b) in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.

(12) In this paragraph, "qualifying premium" means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of application.

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 national insurance contributions under paragraph 60(1)(b)(i), (3)(b)(ii) or (9)(a)(ii) is the total of--

- (a) the amount of Class 2 contributions payable under section 11(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).

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), and (9), the applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time--

(a) between the making of an application and a decision being made on it, or

(b) after the decision is made (where the decision is that the applicant is entitled to 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

116

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) £151.20;
(b) aged 65 or over.	(b) £166.05.
(2) Couple--	(2)
(a) both members aged under 65;	(a) £230.85;
(b) one or both members aged 65 or over.	(b) £248.28.
(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) £230.85;
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £79.65.
(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) £248.28;
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £82.26.

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) £66.90;
(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) £66.90.

(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 £17.45.

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) £61.85;
(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) £61.85;
(ii) in a case where there is no-one in receipt of such an allowance.	(ii) £123.70.
(2) Enhanced disability premium.	(2) £24.43 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) £60.06 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium.	(4) £34.60 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 Table 1 and Table 2 and in these Tables--
 - (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 Table 1 or Table 2 below applies, the amount of any discount which may be appropriate to the dwelling under the 1992 Act.

Table 1

Pensioners

<i>(1)</i> <i>Second adult</i>	<i>(2)</i> <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; (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-- (i) is less than £187.00 per week;	(a) 25 per cent of the council tax due in respect of that day; (b) (i) 15 per cent of the council tax due in respect

(ii) is not less than £187.00 per week but less than £243.00 per week;	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.	(ii) 7.5 per cent of the council tax due in respect of that day;
	(c) 100 per cent of the council tax due in respect of that day.

Table 2**Persons who are not pensioners**

<i>(1)</i> <i>Second adult</i>	<i>(2)</i> <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 the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005;
- (c) as an auxiliary coastguard in respect of coast rescue activities;
- (d) in the manning or launching of a lifeboat if the employment is part-time;
- (e) as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001.

(3) If--

- (a) any of the earnings of the applicant or, if he has a partner, his partner, or both of them, are disregarded under sub-paragraph (1); and

- (b) either of them has, or both of them have, other earnings,

so much of those other earnings as would not, in the aggregate with the earnings disregarded under that sub-paragraph, exceed £20.

4

(1) If the applicant or, if he has a partner, his partner is a carer, or both are carers, £20 of any earnings received from his or their employment.

(2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings must for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) must not exceed £20 of the aggregated amount.

(3) In this paragraph the applicant or his partner is a carer if paragraph 14 of Part 3 of Schedule 3 (amount applicable for carers) is satisfied in respect of him.

5

(1) £20 is disregarded if the applicant or, if he has a partner, his partner--

(a) is in receipt of--

(i) long-term incapacity benefit under section 30A of the SSCBA;

(ii) severe disablement allowance under section 68 of that Act;

(iii) attendance allowance under sections 64 of that Act;

(iv) disability living allowance;

(v) personal independence payment;

(vi) an AFIP;

(vii) any mobility supplement under article 20 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983;

(viii) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or

(ix) main phase employment and support allowance; or

(b) is or are registered as blind in a register compiled by a local authority under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or

(c) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part 12A of the SSCBA (incapacity for work), and has been incapable, or has been treated as incapable, of work for a continuous period of not less than--

(i) in the case of an applicant who is terminally ill within the meaning of section 30B(4) of the Act, 196 days;

(ii) in any other case, 364 days; or

(d) has, or is treated as having, limited capacity for work within the meaning of section 1(4) of the Welfare Reform Act 1997 or limited capability for work-related activity within the meaning of section 2(5) of that Act and either--

- (i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended; or
- (ii) regulation 7 of the Employment and Support Allowance Regulations 2008 or Regulation 7 of the Employment and Support Allowance Regulations 2013 (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arising does not apply) applies.

(2) Subject to sub-paragraph (3), £20 is disregarded if the applicant or, if he has a partner, his partner has, within a period of 8 weeks ending on the day in respect of which the applicant or his partner attains the qualifying age for state pension credit, had an award of housing benefit or council tax benefit or been in receipt of 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.

6

(1) Where--

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 35 (applicant in receipt of guarantee credit: pensioners) does not apply,

the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 1 to 5 and 8 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 2, then paragraph 2 applies instead of this paragraph.

(3) Notwithstanding paragraph 33 (calculation of income and capital of members applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ("A") it does not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there is also to be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is--

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance;
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.

(6) "Exempt work" means work of the kind described in--

- (a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations 2008 or Regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations 2013; or (as the case may be); or
- (b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,

and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

7

Any amount or the balance of any amount which would fall to be disregarded under paragraph 18 or 19 of Schedule 6 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full amount disregarded thereunder.

8

Except where the applicant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule--

- (a) £5 is to be disregarded if an applicant who has no partner has earnings;
- (b) £10 is to be disregarded if an applicant who has a partner has earnings.

9

Any earnings, other than earnings referred to in paragraph 40(9)(b), derived from employment which ended before the day in respect of which the applicant first satisfies the conditions for entitlement to 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) £57.90 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 em-

ployment, 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 disregardable from the applicant's earnings under paragraphs 4 to 12;

(b) the amount of child care charges calculated as deductible under paragraph 57(1)(c); and

(c) £17.10.

(4) The provisions of paragraph 10 (remunerative work) apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in sub-paragraph (1) of that paragraph were a reference to 30 hours.

19

In this Schedule "part-time employment" means employment in which the person is engaged on average for less than 16 hours a week.

SCHEDULE 8

SUMS DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS: PERSONS WHO ARE NOT PENSIONERS

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 adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes);
- (b) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
- (c) which is a payment made by an authority, as defined in Article 2 of the Children (Northern Ireland) Order 1995, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
- (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services);

(2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

31

Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made--

- (a) by a local authority under--
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or

- (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).

32

Any payment made to the applicant or his partner for a person ("the person concerned"), who is not normally a member of the applicant's household but is temporarily in his care, by--

- (a) a health authority;
- (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
- (c) a voluntary organisation;
- (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
- (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
- (f) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

33

Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).

34

(1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ("A") which A passes on to the applicant.

- (2) Sub-paragraph (1) applies only where A--
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.

35

- (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments--
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
 - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.

(2) A payment referred to in sub-paragraph (1) is only to be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to--

- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (1)(b); and
- (b) meet any amount due by way of premiums on--
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph (1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).

36

Any payment of income which by virtue of paragraph 64 (income treated as capital: persons who are not pensioners) is to be treated as capital.

37

Any--

- (a) social fund payment made pursuant to Part 8 of the SSCBA (the social fund); or
- (b) occasional assistance.

38

Any payment under Part 10 of the SSCBA (Christmas bonus for pensioners).

39

Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

40

The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 33(3) (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 77(2)(b) and paragraph 78(1)(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 81(2) (treatment of student loans), paragraph 82(3) (treatment of payments from access funds) and paragraphs 20 and 21 must in no case exceed £20 per week.

41

(1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of--

(a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of--

(a) the person who is suffering from haemophilia or who is a qualifying person;

(b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or

(c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where--

(a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and

(b) the payment is made either--

(i) to that person's parent or step-parent, or

(ii) where that person at the date of the payment is a child, a young person or a student who has not completed his education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where--

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either--
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts is to be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

42

Any housing benefit.

43

Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

44

Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.

45

Any payment in consequence of 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;
- (f) by way of occasional assistance including arrears and payments in lieu of occasional assistance (and in this paragraph "occasional assistance" has the same meaning as in paragraph 16 of Schedule 1).

(2) In sub-paragraph (1), "benefit" means--

- (a) attendance allowance under section 64 of the Act;
- (b) disability living allowance;
- (c) personal independence payment;
- (d) an AFIP;
- (e) income support;
- (f) income-based jobseeker's allowance;
- (g) state pension credit;
- (h) housing benefit;
- (i) council tax benefit;
- (j) child tax credit;
- (k) an increase of a disablement pension under section 104 of the SSCBA (increase where constant attendance is needed), and any further increase of such a pension under section 105 of the Act (increase for exceptionally severe disablement);
- (l) any amount included on account of the applicant's exceptionally severe disablement or need for constant attendance in a war disablement pension or a war widow's or widower's pension;
- (m) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
- (n) working tax credit;
- (o) income-related employment and support allowance;
- (p) social fund payments under Part 8 of the SSCBA; or
- (q) universal credit.

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,
- (f) paragraph 18 of Schedule 10 to the Universal Credit Regulations 2013;

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).

29A

A payment made under the Age-Related Payments Regulations 2013.

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 Abbeyfield Home or an independent hospital on that date.

- (6) In this paragraph--

"diagnosed person" means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld-Jakob disease;

"relevant trust" means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

"trust payment" means a payment under a relevant trust.

60

The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner--

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died,

during the Second World War.

61

(1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) "local authority" includes in England a county council.

62

Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care).

63

Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

64

Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

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.

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 – Breakdown of Options Considered

We have considered a number of options for the overall scheme. Some of these were proposed by respondents to the consultation for the 2013/14 scheme. These options are listed below with a short summary indicating why it is felt they are not appropriate.

Increase the overall % level of Council Tax Support

The Council recognises that this option would reduce the financial burden for those in receipt of Council Tax Support. However, if we increased the % of support (so customers pay less) this would need to be funded by the Council and there is already a projected shortfall in the Council's budget for 2016/17 of approximately £37m. Unless the Council is able to adopt additional mitigating measures, this financial pressure is likely to continue into 2017/18 and beyond.

The projected shortfall if Haringey were to fully absorb the cost of providing maximum entitlement to a Council Tax reduction (therefore allowing affected claimants to receive 100% support) would be an estimated £ 1.7m for 2016/17.

We modelled financial data looking at a level of 85% support (by way of an increase from the current 80.2% support). This would result in an additional cost of £ 0.65m to the Council.

Increasing or removing the percentage of support would result in monies having to be found from other sources namely

- 1) Cutting services
- 2) Using reserves
- 3) Increasing Council Tax

These options were not considered viable for the reasons set out below.

First, cutting services would have a negative impact on residents who could potentially suffer from reduced services as a result. As highlighted above, the Council is already projecting an underlying budget pressure of £37m for 2016/17, which is likely to impact upon the budget position for 2017/18.

Second, whilst the total estimated level of reserves at end of March 2015 (as per annual statement 15-16) is £109m, 77% of these are restricted or earmarked with only £25m (23%) estimated for the general reserve. This general reserve is held to cover unexpected liabilities and risks not to support on-going revenue shortfalls. Funding additional support by way of utilising reserves is not a viable option and goes against financial prudence.

There are already financial pressures in the current 2016/17 financial year, associated with delivering the significant savings programme necessary following the loss of central government grant. Further savings are scheduled for 2017/18, and given the current year position this presents an on-going risk.



Third, the Council can only increase Council Tax up to 2% without triggering a referendum which would be costly both in terms of time and financial resources. For 2016/17 Haringey already had the 6th highest Council Tax in London

Decrease the overall % level of Council Tax Support

If we decreased the % of support (so customers pay more) we could increase the amount potentially collected by the Council by way of Council Tax, having a positive impact on the Council's budget. However this could have a significantly detrimental impact on customers who would have to pay a higher amount towards their Council Tax and for this reason this option is not recommended.

Protecting Certain Vulnerable Groups

In addition to protecting those in receipt of certain disability benefits, other options have been considered as listed below. We have taken the average amount people currently have to pay as £5.65 per week. The figures below show the additional amount remaining claimants would have to pay if any of the options were implemented.

- *Households with children*
 - This option would leave the remaining claimant paying an average additional amount of £8.15 per week
- *Households with a child under one*
 - This option would leave the remaining claimant paying an average additional amount of £0.60 per week
- *Households with a child under five*
 - This option would leave the remaining claimant paying an average additional amount of £2.14 per week
- *Households with **more than** three children*
 - This option would leave the remaining claimant paying an average additional amount of £0.40 per week
- *Households with a lone parent*
 - This option would leave the remaining claimant paying an average additional amount of £3.44 per week

Protecting band A-C properties

This option would leave the remaining claimant paying an average additional amount of £16.06 per week

Protecting claimants who are working but on low income.

This option would leave the remaining claimant paying an average additional amount of £3.45 per week

Protecting claimants in receipt of Single Person's Discount

This option would leave the remaining claimant paying an average additional amount of £3.81 per week



The above options are all not recommended as providing additional support for some groups will need to be funded by the Council or by other claimants paying more, this is not viable for the reasons set out above.

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Equality Impact Assessment

Name of Project	Council Tax Reduction Scheme for 2017/18	Cabinet meeting date <i>If applicable</i>	18 th October 2016
Service area responsible	Shared Service Centre		
Name of completing officer	Carla Segel	Date EqIA created	July 2016
Approved by Director / Assistant Director	Mark Rudd / Tracie Evans	Date of approval	

The Equality Act 2010 places a ‘**General Duty**’ on all public bodies to have ‘**due regard**’ to:

- **Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act**
- **Advancing equality of opportunity between those with ‘protected characteristics’ and those without them**
- **Fostering good relations between those with ‘protected characteristics’ and those without them.**

In addition the Council complies with the Marriage (same sex couples) Act 2013.

Haringey Council also has a ‘**Specific Duty**’ to publish information about people affected by our policies and practices.

All assessments must be published on the Haringey equalities web pages. All Cabinet papers MUST include a link to the web page where this assessment will be published.

This Equality Impact Assessment provides evidence for meeting the Council’s commitment to equality and the responsibilities outlined above, for more information about the Councils commitment to equality; please visit the Council’s website.

Stage 1 – Names of those involved in preparing the EqIA		
1. Project Lead	Carla Segel	5.
2. Equalities / HR	Kathryn Booth	6.
3. Legal Advisor	Gina Clark	7.
4. SSC	Rupinder Shergill / Jacqui McIntosh	8.

Stage 2 - Description of proposal including the relevance of the proposal to the general equality duties and protected groups. Also carry out your preliminary screening (Use the questions in the Step by Step Guide (The screening process) and document your reasoning for deciding whether or not a full EqIA is required. If a full EqIA is required move on to Stage 3.

As per the information contained within the main report, the proposal to maintain the current Council Tax Reduction Scheme into 2017/18, will mean that all working-age non protected claimants will have to pay something towards their Council Tax bill. Pensioners and those in receipt of certain disability benefits will continue to be protected

As detailed in this EQIA, there is mitigation in place for those impacted by the changes, however it is recognised and understood that the reduction of Council Tax Support has had and will continue to have a negative impact on many vulnerable groups. As no change is proposed for 2017/18, it is expected that people will be similarly affected as at present, so we will continue to use existing support mechanisms for our customers, and will seek to build upon these. We will routinely check our progress with those customers who tell us they have difficulty in paying, to ensure that we can come up with the best solution to meet their needs. We note the cumulative impact that may arise alongside other welfare reform changes such as the benefit cap and LHA rate changes which are likely to put additional pressure on 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.

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 June 2016 there are a total of 28,000 households receiving Council Tax Support, of which 12,300 are not protected and as a result have an amount to pay.

Approximately 55% 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. Approximately 27% currently receive support for Council Tax payments capped at 80.2%. Families are particularly affected with almost 26% having at least one dependent under 16.

The table at Appendix A shows the available breakdown of claimants as at June 2016.

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 exists 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.

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

- 52% are in the 25-44 age group
- 42% are in the 45-59 age group
- 7% have 3 or more dependents
- 56% of claimants' have children aged 0-16
- 38% are lone parents
- 62% are women

48% of those with ethnicity recorded are non white and 52% white British and other white

Stage 3 – Scoping Exercise - Employee data used in this Equality Impact Assessment

Identify the main sources of the evidence, both quantitative and qualitative, that supports your analysis. This could include for example, data on the Council's workforce, equalities profile of service users, recent surveys, research, results of recent relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national.

Data Source (include link where published)	What does this data include?
This change relates to Haringey residents and not employees.	

Stage 4 – Scoping Exercise - Service data used in this Equality Impact Assessment
This section to be completed where there is a change to the service provided

Data Source (include link where published)	What does this data include?
Northgate iWorld Council Tax Reduction Analysis tool. This data is shown in this document as Appendix A	Age, Disability, Gender, Ethnicity, responsibility for children

Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery:
Positive and negative impacts identified will need to form part of your action plan.

	Positive	Negative	Details	None – why?
Sex		More women (62%) will be affected than men.	4,655 Lone parents are impacted by the scheme, the majority of lone parents are women. Lone parents are likely to be disproportionately affected by any changes to the scheme as they are on a low income and may already be impacted by other welfare reform changes.	
Gender Reassignment				No data is available as this information is not collected as part of the CTRS application process.
Age	Pensioners will be protected.	Working age claimants will be affected,		

		mostly within the age range 25-44 with 52%, followed by the age range 45 – 59, with 42%		
Disability	Disabled people will continue to be protected from the changes if they are in receipt of certain disability related benefits. 24% of recipients of CTRS are in receipt of these disability related benefits		There are no plans to change the protection for disabled people	
Race & Ethnicity		Of the information we hold, it appears that white British and other white as a whole would be most affected (52%)	Of the information we hold, 48% of CTR recipients are non white British	The data does not reflect the complete picture as this information is not a mandatory part of the application process.
Sexual Orientation				No data is available as this information is not collected as part of the CTRS application process.
Religion or Belief (or No Belief)				No data is available as this information is not collected as part of the CTRS application process.
Pregnancy & Maternity			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. 1,170 claimants impacted by the scheme have a child under 1.	

Marriage and Civil Partnership (note this only applies in relation to eliminating unlawful discrimination (limb 1))				No data is available as this information is not collected as part of the CTRS application process.
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Stage 5b – For your employees and considering the above information, what impact will this proposal have on the following groups: Positive and negative impacts identified will need to form part of your action plan.

	Positive	Negative	Details	None – why?
Sex				Employees not affected
Gender Reassignment				Employees not affected
Age				Employees not affected
Disability				Employees not affected
Race & Ethnicity				Employees not affected
Sexual Orientation				Employees not affected
Religion or Belief (or No Belief)				Employees not affected
Pregnancy & Maternity				Employees not affected
Marriage and Civil Partnership				Employees not affected

Stage 6 - Initial Impact analysis **Actions to mitigate, advance equality or fill gaps in information**

Protected characteristic: Age	
<ul style="list-style-type: none"> 52% of claimants (excluding pensioners and those in receipt of certain disability premiums) are aged 25-44 42% of claimants (excluding pensioners and those in receipt of certain disability premiums) are aged 45-59 56% 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 	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> ➤ 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

	<ul style="list-style-type: none"> ➤ 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, they will continue to receive individual assistance including one-to-one interviews with colleagues from Housing Services and JobCentrePlus and direct referrals to support providers such as Money Advice Service or the Quaker Social Action Group.
<p>Protected characteristic: Sex (formerly gender)</p>	
<ul style="list-style-type: none"> • 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. 	<p>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) and the College of North East London (CONEL)</p> <p>Where appropriate there will continue to be targeted signposting in place for local groups offering support that is gender specific such as Supamums, Jan Trust and Skills and Training Network</p>
<p>Protected characteristic: Disability (includes people in receipt of Disability Living Allowance, Personal Independence Payment, Severe Disablement Allowance and Higher Rate Incapacity Benefit and Chronically Sick Disabled Persons Act duty)</p>	
<ul style="list-style-type: none"> • 24% of claimants are receiving a disability related benefit. 	<p>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 2017/18 scheme.</p> <p>Those in receipt of one or more of the following disability benefits will have their entitlement maintained at its current rate:</p> <ul style="list-style-type: none"> • Attendance Allowance • Constant Attendance Allowance • DLA - Care component (lower or middle or higher rate) • DLA – Mobility component • PIP – Daily living component • 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)	
<ul style="list-style-type: none"> Of those who declared their ethnicity, 48% are Black and Minority Ethnic groups combined; 52% are White British and Other White category 	<p>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.</p> <p>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.</p>
Protected characteristic: Pregnancy and maternity	
<p>We do not collect information about claimants' maternity status so the full impact on this characteristic is not known, however we have used the data we hold to make an estimate of the impact.</p> <p>Our records show that 1,170 claimants (10%) have children under one, as such we can assume this group of people will have been impacted by maternity leave.</p>	<ul style="list-style-type: none"> 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. 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 a number of 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. <p>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.</p>
Protected characteristic: Marriage & Civil Partnership	
<p>We do not collect detailed information about claimants' marriage and civil partnership status so the full impact on this characteristic is not known, however we have used the data we hold to make an estimate of the impact.</p> <p>21% of claimants (excluding pensioners and those in receipt of certain disability premiums) have a partner</p>	<p>We will assist all customers who are facing difficulty in paying, by offering to try to alleviate any financial difficulties they may have. We hold drop-in sessions with people concerned about their ability to pay. We make extended arrangements to pay off the balance, extending into the following year if need be. We have utilised other methods of collection, such as payment direct from state benefits. We have signposted people to other sources of advice where impartial advice can be provided.</p>
Child poverty	
<ul style="list-style-type: none"> Approximately 36% of Haringey children are living in poverty (DWP 2014). 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 	<p>Child Poverty will be addressed through the Haringey 54,000 Programme with outcomes which include:</p> <ul style="list-style-type: none"> Ensuring all children in Haringey are safe and that they thrive and achieve. Ensuring 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

<p>BME children (national data shows that poverty rates are higher for all BME groups than for white families)</p> <ul style="list-style-type: none"> • Our records show that 3,378 CTRS claimants (27%) have children under five 	<p>targeted borough-based child and family activities.</p> <ul style="list-style-type: none"> • Providing high quality safeguarding. <p>It is recognised that there is a need to focus efforts on addressing child needs in a different way and Haringey departments are working on inclusive strategies that look to address this.</p>
<p>Households with dependent children</p>	
<ul style="list-style-type: none"> • Over 56% of households have at least one child. • 7% of claimants have 3 or more dependents • Approximately 38% of affected claimant households are lone parents, most of whom are female. 	<p>In addition to the Child Poverty mitigation set out above, when calculating entitlement, all premiums, disregards and applicable amounts remain the same:</p> <ul style="list-style-type: none"> ➤ 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.
<p>Unemployed (on maximum CTR entitlement)</p>	
<p>The continuation of the scheme will impact more on claimants who are currently not in work and claim maximum CTRS, this constitutes approximately 62%.</p>	<p>We will work with unemployed and people on low income to try to alleviate any financial difficulties they may have. We hold drop-in sessions with people concerned about their ability to pay. We make extended arrangements to pay off the balance, extending into the current year if need be. We have utilised other methods of collection, such as payment direct from state benefits. We have signposted people to other sources of advice where impartial advice can be provided. We encourage customers through Council 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.</p>

	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)	
<ul style="list-style-type: none"> 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	
<p>Of those accepted as being unintentionally homeless and being in priority housing need in 2011/12:</p> <ul style="list-style-type: none"> 30% were young people aged 16 – 24; 49% were Black or Black British; Just over 50% were lone female parents <p>Source: Haringey Council P1E returns</p>	<p>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.</p> <p>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.</p> <p>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, Centrepoin, 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.</p>
Armed Forces Covenant - war pension and Armed Forces Compensation payment	
<ul style="list-style-type: none"> 18 people in Haringey are in receipt of war disablement pension and are protected under the scheme. 	Income received from a war pension will continue to be disregarded when calculating entitlement
Welfare Reform Issues	
<p>Many claimants of Council Tax Support are reliant on state benefits. The future of many benefits is under threat from the Governments stated requirement to cut £12 billion from the national welfare bill.</p> <p>Starting in 2016, there are plans to reduce Tax Credit thresholds, thus reducing the amount of Tax Credit due to claimants.</p>	<p>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.</p> <p>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.</p>

<p>Other changes will begin to take effect from April 2017 and later.</p>	<p>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.</p> <p>Although the government has proposed to reduce the level of Tax Credits paid from April 2016, we do not propose to change our scheme to say that these customers now need less money to live on. This means that no one will have to pay more than the existing 19.8% contribution towards their Council Tax. However, customers may have more difficulty in paying the 19.8% contribution, as they will have less family income to live on. We shall continue to support all customers who tell us that they will have difficulty in paying, by offering longer payment periods, and signposting to services which can help them find a way out of poverty.</p>
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Stage 7 - Consultation and follow up data from actions set above

Data Source (include link where published)	What does this data include?
	<p>Prior to the scheme being approved by Full Council in January 2013, public consultation took place between 22 August and 19 November 2012, the outcomes of which were fed into the final scheme.</p> <p>As the scheme is not changing for 2017/18 there is no requirement to re-consult.</p> <p>Claimants will be informed with their annual Council Tax bill, that the scheme is continuing without change. The bill will also include information about the different ways to pay and advice about what to do if they think they will have difficulty paying.</p> <p>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 in assisting claimants who tell us they will have difficulty paying. Scripts and IT systems have been appropriately updated.</p> <p>Refresher briefings will be given and will incorporate any other appropriate Welfare Reform updates.</p> <p>All data connected to the Council Tax Reduction Scheme, including collection levels, is reviewed and monitored on a regular basis.</p> <p>The Scheme has to be reviewed each year and monitoring data will always be used to assess whether it should be amended or not.</p>

Stage 8 - Final impact analysis

We recommend that the Council Tax Reduction Scheme continues unchanged for 2017/18. In addition to protection for pensioners, it is recommended that the scheme continues to protect claimants in receipt of specified disability benefits. We cannot afford to further protect any other claimants.

Around 44% of Council Tax Reduction claimants will be expected to pay towards their Council Tax – an average of £5.65 per claimant per week. The Council is under severe financial pressure and unable to further fund changes to the Council Tax Reduction Scheme.

Actions are in place to reduce possible hardship to working age claimants and families with dependents. We will make arrangements to extend the payment period, and reduce payment amounts where possible. We will signpost affected customers to services which can best assist them to help themselves out of financial difficulty. We also plan to undertake significant analysis of the effect of welfare reform and debt on our community, which will in future enable us to better support our residents. This is consistent with government intentions that people dependent on state benefits are assisted towards work, and making work pay.

We will continue to monitor the impact of the scheme in terms of individual hardship and collection rates, and where necessary make arrangements which meet the needs of the individuals yet achieve collection objectives.

These actions will be owned by the Head of Revenues and the Assistant Director, Shared Services and will be reviewed regularly

Stage 9 - Equality Impact Assessment Review Log

Review approved by Director / Assistant Director	<input type="text"/>	Date of review	<input type="text"/>
Review approved by Director / Assistant Director	<input type="text"/>	Date of review	<input type="text"/>

Stage 10 – Publication

Ensure the completed EqIA is published in accordance with the Council's policy.



Appendix A

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	27,947	12,299	100%	44%	101,900
Claimant Age					Mid-yr estimate 2012
18-24	442	391	2%	3%	9%
25-44	7,804	6,054	28%	49%	39%
45-59	8,949	5,137	32%	42%	17%
60-64	2,063	707	7%	6%	4%
65+	8,682	8	31%	0%	9%
Dependents Age					Mid-yr estimate 2012
Those with dependants aged 1 and under	1,296	1,170	5%	10%	
Those with dependants aged 5 and under	3,850	3,378	14%	27%	
Those with dependants aged under 16	8,679	6,916	31%	56%	21%
Those with more than 3 dependants	1,019	807	4%	7%	
Count of all lone parents with dependants	5,767	4,655	21%	38%	10% (Census 2001)
Disability (based on modelling tool which counts claimants who had been awarded a disability premium as at September 2015)					Nomis (Feb 2012)
No	21,377	12,299	76%	100%	92%
Yes	6,571	0	24%		8%
Gender					Mid-yr estimate 2012
Male	11,0863	4,311	40%	35%	50%
Female	16,256	7,676	58%	62%	50%
Unknown	608	312	Excluded (2%)	Excluded (3%)	
Ethnicity	(12,000 records had an ethnicity recorded in the 2011 Census)				Census 2011
White British	916	380	33%	24%	35%
Other White	1,040	567	38%	28%	23%
Non White	1,794	1,013	65%	48%	42%
Unknown	24,197	10,339	excluded	excluded	

* Source: i-World (Revenue and Benefits IT system) June 2016

Appendix F – 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.

REPORT 3 OF THE CABINET TO FULL COUNCIL ON 21 NOVEMBER 2016

Chair:
Councillor Claire Kober

Vice Chair:
Councillor Bernie Vanier

1. INTRODUCTION

1.1 This report to Full Council arises from consideration of the following report by the Cabinet:

- Adoption of the Housing Strategy [2017-2022]

2. SUMMARY OF CONSIDERATIONS

2.1 Adoption of the Housing Strategy [2017-2022]

We considered the proposed Haringey's Housing Strategy for 2017-2022, following completion of a second stage of consultation for agreement and referral to full Council for adoption.

Although there was an existing Housing Strategy in place, the Cabinet Member felt it had been important to revise the strategy in response to a changed legislative and market environment and to set out clearly what the Council was trying to achieve for housing in the borough with a vision and priorities. Also, at the same time, having flexibility in the strategy to respond to nationally changing housing environment.

We considered the importance of housing: in building strong and successful communities, its impact on health, in childhood, in old age, and for influencing life chances.

We noted the 4 housing priorities/objectives being followed which also underpinned the proceeding housing Cabinet reports on the agenda concerned with Housing supply, Temporary accommodation, Housing investment and intermediate housing. This included:

- A step change in new homes being built – there was an evident need to build more homes as there was shortage of all types of housing and all types of tenure as set out in the report due to previous government policies limiting the new build of homes. There was a need to serve people on low income left behind in the open market.
- Improve support and help to prevent homelessness. The number of preventions had gone up through working with Home for Haringey but there was more to do.
- Quality of housing for all residents includes working with providers in the borough to improve the quality of homes, being tougher on the design of the private homes, pushing up the quality of homes in the private rented sector.

- Delivering wider community benefits such as more jobs and apprenticeships.

We considered the engagement with residents and homelessness residents in the development of the strategy and noted the challenges being put forward to housing providers through the housing strategy discussions, generating new ideas to come forward, and demonstrating the Leadership value of the strategy.

WE RECOMMEND FULL COUNCIL:

Agree and adopt the revised and final version of Haringey's Housing Strategy, attached as appendix 2 to the Cabinet report, having considered the feedback from and the response to the second stage consultation conducted on Haringey's Housing Strategy, set out in appendix 1 of the attached Cabinet report and the revised and final version of the Equalities Impact Assessment, attached as appendix 3 to the Cabinet report.

Report for: Cabinet

Item number: 16

Title: Haringey's Housing Strategy 2017-2022

Report authorised by : Lyn Garner, Director of Regeneration, Planning and Development

Lead Officer: Mustafa Ibrahim, Head of Housing Commissioning, Investment and Sites

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key decision

1. DESCRIBE THE ISSUE UNDER CONSIDERATION

- 1.1 This report presents the final proposed draft of Haringey's Housing Strategy, following completion of a second stage of consultation. The vision and objectives in the draft strategy remain unchanged but this new version reflects a very different housing landscape and emphasises that implementation of the strategy will be challenging.
- 1.2 In addition to the final strategy, this report includes a summary of the consultation feedback and a new version of the Equalities Impact Assessment, updated to provide an assessment of the impact of the revised strategy.
- 1.3 This report is to be considered by Regulatory Committee and Cabinet each with a view to recommending adoption of the Strategy with or without amendment, and by Council for adoption of the Strategy.

2. CABINET MEMBER INTRODUCTION

- 2.1 There can rarely have been a more important time to set out our distinctive vision for the future of homes in our borough and outline the steps we are determined to take to achieve it. We strongly believe that housing is fundamentally about people and communities, not just bricks and mortar. Housing is about homes. A home is much more than a mere building – a real *home* is somewhere you want to bring up your kids, somewhere you feel safe, somewhere you feel happy growing old - it is a foundation for a stable and successful life.
- 2.2 With a challenging market, exacerbated by damaging Government policy changes, having a real home, at a price we can afford, can seem like a distant dream to many in our city. In our new Housing Strategy, we set out our determination to strive for more mixed communities, harnessing housing as a

tool to tackle inequality, rather than the force for segregation it can all too often become.

- 2.3 The Strategy sets out four key objectives that together aim to help to build these strong, mixed communities in neighbourhoods that reflect the diversity of Haringey. This means not just new homes; it also means the jobs, training, facilities and services that communities need to thrive, it means support for people that need it and it means tackling inequality and barriers to access to housing.
- 2.4 Making this happen will be very difficult, but through strong leadership from the Council, working hard to make full use of spare public land, drawing on the resources of the 54 housing associations in the borough, by developing innovative partnerships with the private sector and working closely with communities, I genuinely believe we can achieve much more.
- 2.5 While developing this strategy, and discussing its recommendations with partners, we have already seen progress towards its objectives. A number of housing associations in Haringey are now developing innovative new types of affordable home, we have seen a rise in the badly needed intermediate homes we have been lacking for too long and the Council has had increased success in preventing homelessness. With the strategy agreed, we can lead a sustained and intensive effort to push hard on delivering all four objectives to ensure real progress for our residents.

3. RECOMMENDATIONS

It is recommended that Cabinet:

- 3.1 Notes and considers the feedback from and the response to the second stage consultation conducted on Haringey's Housing Strategy, set out in appendix 1.
- 3.2 Notes and considers the comments and resolutions of Regulatory committee, set out in appendix 4.
- 3.3 Recommends the revised and final version of Haringey's Housing Strategy, attached as appendix 2 to this report, having considered the revised and final version of the Equalities Impact Assessment, attached as appendix 3, for adoption by Council.

It is recommended that Council:

- 3.4 Agree and adopt the revised and final version of Haringey's Housing Strategy, attached as appendix 2 to this report, having considered the feedback from and the response to the second stage consultation conducted on Haringey's Housing Strategy, set out in appendix 1 and the revised and final version of the Equalities Impact Assessment, attached as appendix 3

4. REASONS FOR DECISION

- 4.1 Regulatory Committee is required to provide informal recommendations to Cabinet and Full Council about the draft Housing Strategy.

- 4.2 Cabinet is required to recommend that Council adopt the draft Housing Strategy.
- 4.3 A decision is required from Council formally to adopt Haringey's Housing Strategy, taking into account any recommendations from both Regulatory Committee and Cabinet.
- 4.4 Each body must consider the consultation responses, the changed national and local housing landscape and the updated Equalities Impact Assessment.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The Council already has a Housing Strategy in place covering the period 2009 – 2019, so it would be possible to continue with the current strategy. However, at its meeting in October 2014, the Cabinet rejected this approach given the scale of changes to housing policy since 2009. The scale of these changes has increased further since the general election in May 2015 and the introduction of the Housing and Planning Act 2016. The case for a new strategy is, therefore, now more compelling.
- 5.2 Council could also consider carrying out a simple review and refresh of the 2009 – 2019 strategy. However, the extent of the changes since 2009 are such that this would not enable the Council to adequately meet the challenges it faces.
- 5.3 Alternatively, the Council could rescind the housing strategy altogether and move forward without one as there is no statutory requirement for a local authority to produce a housing strategy. However, having a strategy is considered both best practice and necessary to articulate how the council will meet the housing challenges and deliver its housing objectives and priorities with its partners.
- 5.4 The final strategy represents recommended policy choices that aim to achieve the council's priorities. Alternative options were discounted where they:
- Would not have been consistent with the general tenor of consultation feedback;
 - Did not comply with current and forthcoming government legislation;
 - Would have represented policy choices that are unachievable given known and likely constraints.

6. BACKGROUND INFORMATION

- 6.1 In October 2014, Cabinet approved the start of consultation on a new Haringey Housing Strategy. A first stage consultation on the proposed vision, principles and priorities for the new Housing Strategy took place over a six week period, between 20 October and 12 December 2014, and invited stakeholders to give their views. A report on the first stage consultation outcome, feedback from the Regulatory Committee on 3 March 2015 and a draft Housing Strategy were submitted to Cabinet in March 2015. At this meeting, Cabinet agreed that a second stage consultation exercise should be conducted on the full draft of the strategy.

- 6.2 Following announcements made in the Queen's Speech in May 2015, it was necessary to update the draft strategy in light of forthcoming changes to national housing policy. The amended draft strategy was agreed for consultation by the Leader of the Council in June 2015. The second stage consultation then took place over a 14 week period between 13 July and 18 October 2015. The consultation was promoted online, through social media and Haringey Council web communications. Posters and promotional materials were sent to key partners such as housing associations and voluntary sector organisations. A series of events for stakeholders were held during the consultation period.
- 6.3 There were 97 responses to the second stage consultation, in addition to the 330 responses received from the first stage consultation. At both stages, the consultation response was generally positive. A full report on the second stage consultation is contained in Appendix 1.
- 6.4 Broadly, four themes emerged from the consultation, where respondents felt the Council should change, clarify or strengthen the final strategy, as follows:
- Housing affordability: concern that current definitions of affordability exclude lower income households, including those reliant on benefits.
 - Supply of new homes: support for policies which increase the supply of new homes, bring empty homes back into use and improve allocations to social housing.
 - Vulnerable groups: support for a strategy which addresses the needs of residents with additional vulnerabilities or who face additional barriers to accessing suitable housing, for example disabled residents.
 - Council housing: concern that estate regeneration will demolish council housing without 1:1 replacement.

This feedback has been taken into account in the changes made to the draft strategy, which are summarised below.

Policy Developments

- 6.5 A number of revisions were also required as a result of other changes and policy developments since the draft Housing Strategy was approved for consultation in June 2015. These include:
- (a) Aligning the affordable housing provisions and guidance to developers with the latest Local Plan, as approved by Cabinet.
 - (b) Reflecting Cabinet's approval of the procurement of an investment partner for the Haringey Development Vehicle and the role it will play in boosting housing supply in the borough.

(c) Applying a number of necessary updates e.g. to reflect Cabinet's approval of a new 10 year contract for the Council's ALMO and recently approved changes to the Council's Allocations Scheme.

6.6 Further changes have been necessary as a result of national policy developments. Following the general election in 2015, major changes in national housing, planning and welfare policy were introduced, for example, in the Housing and Planning Act. This context is set out in the revised strategy, which recognises a changing housing landscape that has a significant impact on key strategic priorities including:

- (a) Reducing the supply of affordable homes, as a result of:
- The Right to Buy being extended to housing association tenants
 - 'Starter Homes' being defined as affordable housing, replacing the genuinely affordable rented and shared ownership homes previously required in new developments
- (b) Changing the nature and purpose of social housing in providing settled homes, as a result of:
- The sale of council properties required to fund the government's compulsory levy
 - Fixed term tenancies being required for new lettings (rather than the lifetime tenancies the Council currently offers)
 - 'Pay to Stay' which requires tenants to pay a market rent if they are working with a household income above £40,000.
- (c) Reduced funding to maintain our own housing stock, as a result of:
- The 'Decent Homes' funding programme coming to an end
 - The 1% p.a. rent reduction over 4 years
 - The levy imposed on local authorities to fund the extension of Right to Buy to housing associations
- (d) Making our prevention of homelessness work more difficult, as a result of:
- Welfare reforms including the introduction of Universal Credit which will make those on benefits less likely to be housed by private landlords
 - Reduced benefit caps which will make increasing private sector rents less affordable for those on benefits
 - Changes in the funding for temporary accommodation subsidy, with the replacement of the current management fee per unit with a fixed grant

6.7 The strategy has been updated to ensure it reflects recent legislation and government policy, assesses the impact of these changes on residents, the Council and its partners and clearly sets out revised policy commitments which respond to these changes in a way that is consistent with the overall vision and strategic objectives.

6.8 There has been a delay in bringing the Strategy forward for final adoption as a result of these significant changes in the housing world. In particular the Housing & Planning Act 2016 has caused considerable uncertainty in the housing sector and several amendments to the Bill were proposed during its passage through Parliament. It should be noted that although the Act received Royal Assent on 12 May 2016, many of its provisions require secondary

legislation and/or the publication of statutory regulations that are not yet available. However, rather than delay further to await these, the Strategy has been finalised reflecting the final provisions of the Act, as amended, and taking into account consideration of its implications and likely impact in conjunction with stakeholders.

Proposed Changes to the draft Housing Strategy

6.9 The changes to the draft Housing Strategy have not resulted in a fundamentally different document. The vision and four strategic objectives are unchanged (with minor wording improvements) and the changes proposed mainly reflect:

- responses to the second consultation exercise, which are summarised in paragraphs 6.3-6.4 above.
- local policy decisions taken since the draft Housing Strategy was approved for consultation in June 2015 which are set out in paragraph 6.5 above.
- national policy changes which have emerged or been clarified since the general election in May 2015, which are set out in paragraph 6.6 above.
- corrections, clarifications and drafting and/or structural improvements.

The proposed final Housing Strategy recommended for approval is attached as appendix 2. The main changes from the draft approved by Cabinet for consultation are summarised below.

Local Plan alignment

6.10 As set out in paragraph 6.5 above, a new Local Plan has been approved and it is important to ensure this document and the Housing Strategy are correctly aligned. The Local Plan proposes to reduce the proportion of affordable homes on developments over 10 units from 50% to 40% and of these, a balance of 60% rented and 40% intermediate, except in Tottenham, where these proportions are reversed. These changes are reflected in the revised Housing Strategy.

6.11 The Local Plan also refers to the Tottenham Hale Housing Zone and to new Supplementary Planning Guidance on Planning Obligations, which supports the aims of the Housing Strategy, such as the achievement of wider community benefits through planning gains from housing activities, which are reflected in the strategy.

Affordability

6.12 Initial DCLG Guidance on Strategic Housing Market Assessments (SHMA) suggested using an affordability multiple (3.5 times income) to assess whether a household could access open market house purchase, at a lower quartile house price; and 25% of income to assess whether a household could afford a

private rent. However, this is national guidance and in practice the position in London is very different.

- 6.13 The Strategic Housing Market Assessment (2014) for Haringey suggests that households in Haringey are likely to be paying up to 40% of their income towards their housing costs. The draft strategy defined affordability as housing costs being no more than 45% of household net income, reflecting both the current reality for many households and the need to make affordable housing schemes financially viable and deliverable. It is not proposed to change this in the final strategy but in response to consultation feedback, more detailed analysis has been completed and included as appendix D of the strategy.
- 6.14 This analysis defines income bands and the housing tenures accessible to households with those incomes. This shows for example, that households with incomes above £90,000 are considered able to purchase on the open market in Haringey, whilst the different types of affordable housing available should be for households on lower incomes unable to secure housing in the borough without support.
- 6.15 Whilst the revised Housing Strategy recognises there is a role for all types of new affordable housing provision, it re-affirms specific support for new rented homes at affordable rents below Local Housing Allowance (LHA) levels (for households in the lowest income bands). It also introduces a specific expression of support for new low cost shared ownership homes for aspiring home owners, particularly those currently residing in social housing, where a shared ownership completion would release a rented home for re-letting to a household on the Housing Register.
- 6.16 An additional change is the expansion of what is now appendix C of the revised strategy, to set out in one place the Council's preferred affordable housing provision to meet the most acute housing need in the borough. This guides affordable housing providers, including housing associations, private developers, the Development Vehicle and the Council's own development/regeneration teams and sets out the tenure split, affordability and dwelling mix expected for new affordable housing in the borough.

Abolition of lifetime tenancies for new lettings

- 6.17 Under the Housing and Planning Act 2016, all tenancies granted by a social landlord will be fixed term tenancies of between two and ten years. This undermines the council's commitment in the draft Housing Strategy, to preserve lifetime tenancies, and it has therefore been necessary to amend the Strategy to affirm that the council will implement fixed term tenancies in a way that reassures tenants and future tenants of its intention to preserve settled homes and stable communities. The Council is in any case refreshing its Tenancy Strategy in due course and will need to take account of this provision.

Abolition of the Code for Sustainable Homes

- 6.18 As part of the Deregulation Act 2015, the Code for Sustainable Homes was abolished, and it is no longer possible for local authorities to require compliance with the standard as part of planning applications. The Housing Strategy

acknowledges this change, but seeks to maintain standards of energy efficiency in the design of new homes, by reference to supporting text in the Mayor's London Plan, encouragement and persuasion of developers to aim for high standards of energy efficiency where possible and promotion of the Built Environment Innovation Hub.

Delivery of the Strategy

- 6.19 It is recognised in the strategy that delivery is not just a matter for the council and the role of partners and stakeholders is crucial e.g. it is acknowledged that most new housing in the borough will be delivered by registered providers and private developers. The strategy also recognises that new ways of working, more innovative delivery, engagement with people and communities and partnership working are all fundamental to successful delivery.
- 6.20 As a high level strategic document, Haringey's Housing Strategy does not set out in detail how delivery of the objectives will be achieved. Although a considerable number of priorities and specific commitments are set out, a range of policies and delivery plans are in place or will be developed to support delivery of the strategy. The current and planned portfolio of these policies is set out in section 9 of the revised strategy.

Regulatory Committee

- 6.21 Haringey's Housing Strategy 2017-2022 was considered by the Regulatory Committee on 4 October 2016. Comments and resolutions made by the Committee are attached as appendix 4.

7. CONTRIBUTION TO STRATEGIC OUTCOMES

- 7.1 The Council's Corporate Plan for 2015-18 sets out the council's overall priorities and programme of work for the period for 2015-18. It identifies housing as one of its five priorities, committing the Council over that period to '*Create homes and communities where people choose to live and are able to thrive*'. Housing also plays a role in delivering across the other priorities in the Corporate Plan, for example through the role that new homes will play in driving the priority for growth and regeneration, or the importance of housing in making sure that children and adults lead the most fulfilling lives that they can.
- 7.2 The Corporate Plan goes on to define specific objectives under each of its five priorities. The role of the Housing Strategy is to flesh out in particular the objectives under Priority 5: to say more clearly what success looks like, to say what the council will do itself and what it expects others to do; and to demonstrate clearly how housing can play a role in meeting our objectives right across every element of the Corporate Plan. In that way, this Strategy is a more detailed development of the high level objectives set out in the Plan.
- 7.3 The Housing Strategy will help deliver the 6 strategic outcomes set out in the Corporate Plan. Examples of how this is achieved are presented below:

- ***prevention and early intervention.***

This an important theme in the strategy, for example, in the emphasis placed on homelessness prevention.

- ***fair and equal service***
This is reflected in the strategy's commitment to mixed communities throughout the borough.
- ***we will work with communities***
The strategy emphasises the commitment to consulting and engaging with residents, for example, in respect of estate renewal schemes.
- ***partnership***
Delivery of strategy relies on delivery plans which involve all interested organisations in the borough – private landlords, Housing Associations, developers, Residents' Groups and the Voluntary Sector.
- ***customer service***
This an important theme in the strategy and covers, for example, the quality of management and maintenance of the Council's housing stock, which amounts to 17% of all residents in the borough, and commits the Council to working to improve housing in other sectors, such as the private rented sector in partnership with private landlords.
- ***value for money***
An example in the strategy relates to setting the expectation that people, and communities will need to do more for themselves and become more resilient and able to resolve problems. The Housing Strategy also aims to ensure that homes and services are delivered cost effectively.

8. STATUTORY OFFICERS COMMENTS (CHIEF FINANCE OFFICER (INCLUDING PROCUREMENT), ASSISTANT DIRECTOR OF CORPORATE GOVERNANCE, EQUALITIES)

Finance and Procurement

- 8.1 The Housing Strategy is a high level objectives and themes document and does not detail specific actions and therefore it is difficult to consider the financial implications of the strategy as a whole. There are likely to be significant financial implications for the Council for both the Housing Revenue Account and the General Fund in executing this strategy but it is expected that these would be considered as part of a formal business case presented once specific proposals have been formulated.

Legal

The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments as follows.

- 8.2 The Cabinet at its meeting in March 2015 agreed a form of the draft Housing Strategy for consultation after the election. That did not take place and approval for consultation on a revised form of document was then sought; it is the result of that consultation that is now being reported.
- 8.3 Approval of the Housing Strategy is a function reserved to Full Council by Article 4.01(a) of the Council's Constitution.

- 8.4 The legal advice given to the Cabinet in March 2015 is, for the sake of completeness, included in the following paragraphs.
- 8.5 Under section 41 of the Greater London Authority Act 1999, as amended, (“GLAA99”), it is a general duty of the Mayor of London to prepare and publish a London housing strategy. Under section 333D of GLAA99, any local housing strategy prepared by a local housing authority in Greater London must be in general conformity with the Mayor of London’s London housing strategy,
- 8.6 Under section 8 of the Housing Act 1985, local housing authorities (including Haringey Council) shall consider and review on a periodical basis the housing conditions in their area and the housing needs of the area with respect to the provision of further housing accommodation. Section 3 of the Housing Act 2004 further imposes a duty on local housing authorities to keep housing conditions in their area under review.
- 8.7 Since the repeal of section 87 of the Local Government Act 2003 on 26 May 2015 there has been neither a statutory requirement, nor even a regulatory or administrative provision possibly imposing a statutory requirement, to have a Housing Strategy. It is nevertheless recognised as best practice to do so.
- 8.8 The Secretary of State in the 2007 Green Paper “Homes for the future: more affordable, more sustainable” developed the reference to the local housing authority’s strategic role as follows:

“The local authority strategic housing role is made up of the strategic decisions and activities associated with effective planning and delivery, in order to meet the housing needs of all residents across all tenures. Strong performance in this role will support effective place shaping and help ensure delivery of the wider sustainable community. This requires vision, leadership, planning and delivery at a strategic level to:

- *assess and plan for the current and future housing needs of the local population across all tenures;*
- *make the best use of the existing housing stock;*
- *plan and facilitate new supply;*
- *plan and commission housing support services which link homes to the support and other services that people need to live in them;*
- *work in partnership to secure effective housing and neighbourhood management on an ongoing basis”*

- 8.9 Section 225 of the Housing Act 2004 stated that “housing” (for the purposes of carrying out the housing needs review required by section 8 of the Housing Act 1985) includes the accommodation needs of gypsies and travellers residing in their area. From 12 July 2016 this provision is repealed by s124 of the Housing and Planning Act 2016 and replaced by provisions requiring such a housing needs review to include consideration of the need for caravan sites and houseboat moorings.

- 8.10 The Public Sector Equalities Duty (“PSED”) set out in section 149 of the Equality Act 2010 obliges the Council in performing its functions “to 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”
- 8.11 The Housing Strategy document itself is not a formal planning document and consequently will not form part of the statutory development plan.
- 8.12 The Supreme Court has recently endorsed the following general principles of consultation:
- That consultation must be at a time when proposals are still at a formative stage;
 - That the proposer must give sufficient reasons for any proposal to permit intelligent consideration and response;
 - That adequate time must be given for consideration and response; and
 - That the product of consultation must be conscientiously taken into account in finalising any statutory proposals.
- 8.13 In short, in order to achieve the necessary degree of fairness, the obligation is to let those who have a potential interest in the subject matter know in clear terms what the proposal is and exactly why it is under positive consideration, telling them enough (which may be a good deal) to enable them to make an intelligent response. The obligation, although it may be quite onerous, goes no further than this.
- 8.14 Since the initial draft of the strategy, and the Stage 1 consultation, the Welfare Reform and Work Act 2016 (“WRWA 2016”) and the Housing and Planning Act 2016 (“HPA 2016”) have been passed (although the latter not yet brought into force in large part), have been passed, which significantly alter the legislative approach to social housing and its finances.
- 8.15 The WRWA 2016 will impose year on year cuts in rents for social housing between 2016 and 2020, with no guarantee that rent increases will be permitted in subsequent years.
- 8.16 The HPA 2016 will (when the relevant provisions come into force) require all new Council tenancies to be fixed term, rather than lifetime tenancies; will require Councils to consider the sale of high value Council housing on its becoming vacant and require payments to the Treasury as if the high value properties that the Treasury assumes will be available for sale have been sold; and will require increases in rent for tenants with household incomes in excess of a figure to be set by regulation, but which is expected to be (in London) £40,000, the net assumed return from which will be paid to the Treasury. Each of these will be brought into force by regulations, which have not yet been published and as to the detail of which there is varying clarity.

- 8.17 These changes will require review of a number of the authority's strategies, including in particular the Tenancy Strategy.

Equality

- 8.18 The Council has a public sector equality duty under the Equality Act (2010) to have due regard to; tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation); advance equality of opportunity between people who share those protected characteristics and people who do not; and foster good relations between people who share those characteristics and people who do not.
- 8.19 The Equalities Impact Assessment (EqIA) relating to the Housing Strategy is attached as appendix 3. This document was originally approved by the Leader of the Council in June 2015, together with the consultation draft of the Housing Strategy. The EqIA has been updated to reflect the second consultation exercise and to assess the changes in the revised Housing Strategy.
- 8.20 The EqIA has identified ways in which the Housing Strategy can positively impact households with protected characteristics. The strategy will mitigate the adverse impacts of recent legislative changes and improve the delivery of genuinely affordable new housing to low income households, amongst whom protected groups are over represented.
- 8.21 The consultation outcomes summarised in appendix 1 have informed the final version of the EqIA but it should be noted that the span of the strategy means that individual EqIAs will be undertaken for specific policies and delivery plans.
- 8.22 For example, research into previous shared ownership schemes in the borough will be used to inform the Intermediate Housing Policy and its EqIA, to ensure that it maximises the opportunities for all lower income households to be able to access intermediate products, both shared ownership and intermediate market rented homes. This will be addressed by the EqIA for the new Intermediate Housing Policy.
- 8.23 Also, concerns were raised about support for vulnerable groups. The specific initiatives and support mechanisms to be put in place for vulnerable individuals in housing need are covered in the key policies and delivery plans which underpin this strategy, for example the Homelessness Delivery plan, Temporary Accommodation Placements Policy and the recommendations of the supported housing review. The needs of vulnerable groups will be considered in more detail in the impact assessments which accompany these policies and delivery plans.

9. USE OF APPENDICES

Appendix 1 – Summary of responses to second consultation exercise

Appendix 2 – Haringey's Housing Strategy 2017-22

Appendix 3 – Equalities Impact Assessment

Appendix 4 – Regulatory Committee comments 4 October 2016

10. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Documents:

- 10.1 Regulatory Committee Report 3rd March, 2015: Consultation on Haringey's draft Housing Strategy 2015-2020
- 10.2 Cabinet report 17th March 2015: Consultation on Haringey's draft Housing Strategy 2015-2020
- 10.3 Housing & Regeneration Scrutiny Panel report 3 November 2014 Developing a new Housing Strategy for Haringey: Consultation on Vision, Priorities and Principles
- 10.4 Sources of information as listed in appendix E of the Housing Strategy

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Haringey's Housing Strategy 2017-2022

Summary of Responses to Second Stage Consultation

1. Introduction

This paper provides feedback on the second stage of consultation on Haringey's draft housing strategy.

The majority of consultation responses were received through the online SNAP survey. In addition, a number of longer written responses were received via the housing.strategy@haringey.gov.uk mail box. A series of consultation events were also held between the 18th August and the 18th October 2015. Attendees were directed to respond to consultation via the survey, and a paper version was made available.

Engagement took place with a wide range of stakeholders for a 14 week period between 13 July and the 18 October 2015. Stakeholders expressed their views through the survey (online and paper versions), by email, by phone and through meetings to talk about the proposals. 97 written responses were submitted, 82 through the survey.

Second stage consultation was held in addition to a previous, first stage, consultation. During first stage consultation, responses from Haringey residents were prioritised. Consultation focused on engaging residents in shaping the vision of the strategy, and the priorities which would underpin it. Respondents were able to engage with the strategy through responding to the consultation questions. There were 330 responses to first stage consultation.

First stage consultation took place over a 6 week period between 20 October and 12 December 2014, and asked stakeholders for their views on the proposed objectives. A full report was made to Cabinet in March 2015.

Over both stages of the consultation, a total of 426 written consultation responses were received.

2. Summary of quantitative response

Quantitative responses to the second stage consultation demonstrated that:

- 87% agreed or strongly agreed with the question 'do you agree that 'objective 1: to improve help for those in housing crisis' is important?'
- 78% agreed or strongly agreed with the question 'do you agree that 'objective 2: to ensure that housing delivers a clear social dividend' is important?'
- 69% agreed or strongly agreed with the statement that 'affordable rent for a home built by the council or a housing association in Haringey should aim to be no more than 45% of a person's take-home pay'.
- Tackling anti-social behaviour, promoting longer tenancies in the private rented sector and taking an innovative approach to delivering affordable

housing were highlighted as the top three priorities from a list of issues raised during first stage consultation (see table 1).

- Respondents felt that the council should give greatest priority to the provision of council housing and affordable housing, followed by the private rented sector. It was expressed that least priority should be given to market tenure (see table 2).

3. Summary of qualitative response

Four main themes were highlighted by the qualitative response to the consultation:

- **Affordability**
There was a general concern that our definition of affordability would exclude the lowest income households. It was expressed that young people and people reliant on benefits would continue to find housing unaffordable and that the Housing Bill will exacerbate these issues
- **Vulnerable and excluded groups**
Respondents asked whether we should do more to recognise the additional needs of people with disabilities. They expressed an opinion that the strategy should ensure vulnerable people are not missed in our preventative approach, and that there was a need to protect existing communities.
- **Supply, innovation and quality**
Respondents suggested ways we could enable housing supply through better management of our own stock and taking innovative steps to enable new housing delivery. There was a general consensus that steps should be taken to ensure new housing meets high quality standards.
- **Council housing**
Respondents expressed concern that estate regeneration was simply a way of ‘demolishing council housing’ and therefore would not improve affordability without 1:1 replacement. Strong support was demonstrated for council homes, although some respondents commented that lifetime tenancies were unsuitable in the current climate.

In addition to the online consultation, 15 longer written responses were received. 10 of these were from organisations working in Haringey. These letters provided a more detailed insight into the experience of the housing sector. There was a strong correlation between the themes of these letters and the main themes picked up in the online survey. Feedback from events also echoed the main themes of the consultation.

4. Tables

Table 1: The list below shows a range of things people raised in first stage consultation about how the quality of homes and neighbourhoods could be improved. Respondents were asked to select their top 3 priorities

<i>Rank</i>	<i>Task</i>	<i>% of respondents who put the priority in their top 3</i>	<i>Actual No. of respondents who put the priority in their top 3</i>

1	Tackle anti-social behaviour	42%	34
2	Promote longer tenancy terms in the private-rented sector so people can stay in their homes for longer	42%	34
3	Look at other ways of building affordable homes such as co-operatives, community land trusts, live/work spaces and others	42%	34
4	Make sure new homes have shops, transport, health, education and community facilities nearby	32%	26
5	Make sure homes are safe and secure	32%	26
6	Keep existing, or increase the number of, green spaces in the borough	30%	24
7	Deal with littering and dumping in the borough	26%	22
8	Reduce fuel bills through better designed and/or insulated homes	23%	19
9	Meet the housing needs of disabled people	21%	17
10	Have more community spaces for meetings and community activities	9%	7
11	Reduce the amount of water wasted in homes	5%	4

Table 2: What type of tenure should we aim to have more of in Haringey?
Respondents were asked to rank types of tenure in priority order, from 1-4, where 1 was equal to the highest priority

	1	2	3	4
Private rented housing	8	18	35	21
Council or housing association rented housing	57	9	9	7
Shared ownership	18	43	14	7
Full market price for home ownership	11	10	13	45

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Haringey's Housing Strategy 2017-2022

1. Foreword
2. Introduction
3. The Strategic Context: Haringey's Opportunity and Challenge
4. Our Growth Priorities and the Council's Role
5. Strategic Objective 1 - Achieve a step change in the number of new homes being built
6. Strategic Objective 2 - Improve support and help to prevent homelessness
7. Strategic Objective 3 - Drive up the quality of housing for all residents
8. Strategic Objective 4 - Ensure that housing delivers wider community benefits
9. Delivering the Strategy

Appendices

- A Summary of Recent Legislation
- B The Housing Strategy and the Local Plan
- C Affordable, Intermediate and Specialist/Supported Housing Guidance
- D Affordability
- E Supporting Information

1. Foreword

We believe that housing is fundamentally about people and communities, not just bricks and mortar. We want to make sure that our residents have access to high quality homes that will support them in leading happy and fulfilling lives. Whether renting or buying, there is clear evidence that the quality of your home affects your health, children's attainment at school and the quality of family relationships. To help our children to have the best start in life and our adults to fulfil their ambitions, it is crucial that our residents have access to high quality homes at prices they can afford.

To achieve this ambition, we need to see a step change in the number of homes being built in our borough to tackle the housing crisis head on and provide more homes. We also need to do much more to drive up the quality of homes, whether newly built private homes, privately rented homes, or affordable housing.

We also want this new approach to homes in Haringey to help build strong, mixed communities. Too often in London, housing is an issue that divides communities and physically separates rich from poor. We want our neighbourhoods to reflect the full diversity of our vibrant borough, with people of all ages, ethnicities, incomes and backgrounds living together in strong, successful and cohesive communities.

To build more mixed communities, we will push hard to see more affordable homes built in areas of our borough with higher house prices and rents and encourage more genuinely affordable home ownership in the centre and east of the borough. We will ensure that new developments are genuinely mixed, with a range of homes of all types. In seeking to build successful mixed communities, we want to tackle not just income inequality, but asset inequality. We will work hard to create new affordable homes that help people to put down roots and get onto the housing ladder. We must also do more to provide wrap-around support to those in housing crisis, providing not just homes but better life chances for families left behind by the market.

This is a strategy that sets direction for everyone involved in housing – residents, developers, investors, builders, housing associations and the local authority – to do what we can to provide the homes needed and to ensure that housing delivers a clear social dividend. I am confident that with determination, creativity and innovation, we can tackle the housing crisis in London head-on and deliver this new approach to housing in a way that makes a real difference for our residents.

Councillor Alan Strickland
Cabinet Member for Housing, Regeneration & Planning

2. Introduction

Haringey's Housing Strategy sets out the strategic direction for housing activity in the borough, dealing with housing need, supply and our approach to quality and management of existing and new housing stock. It sets the strategic framework to promote growth in Haringey and provides guidance relevant to all development partners in this borough.

2.1 Building on the Corporate Plan

Haringey Council's Corporate Plan, *Building a Stronger Haringey Together*, describes the council's overall priorities and programme of work for the period for 2015-18. It identifies housing as one of its five priorities, committing us over that period to '*Create homes and communities where people choose to live and are able to thrive*'. The role of this strategy is to flesh out the Corporate Plan's high level objectives: to show more clearly what success looks like, to say what the council will do itself and what it expects others to do; and to demonstrate clearly how housing can play a role in meeting our objectives right across every element of the Corporate Plan. The strategy aligns with all five priorities of the Corporate Plan and provides a framework for integrated delivery of housing priorities by the council and its partners.

2.2 Supporting Planning Policy

This strategy conforms with and complements the council's Local Plan, and will help to define the council's requirements for the kind of housing – and in particular affordable housing – that must be built as part of new developments in the borough. The planning process is one of the most important tools that the council has in making sure that new homes in the borough are the homes we need: affordable for the borough's current and future residents, in an appropriate mixture of different tenures, and designed in a way that meets people's actual needs including in terms of accessibility and the number of bedrooms. The strategy will support the council in making planning decisions. Whilst not a formal planning document and consequently not part of the Statutory Development Plan, the Housing Strategy will be a material consideration in planning decisions. This relationship is described further in appendix B.

2.3 Transforming Delivery

Since the last Housing Strategy for Haringey was published in 2009, the housing landscape has changed and continues to change significantly. London is growing, and housing market factors and legislative changes are contributing to the enormous housing pressures we are facing. This means that delivery must also change. Both the Corporate Plan and the Local Plan provide a framework for delivery – the Housing Strategy develops this into a clear agenda for growth with specific strategic objectives, priorities and commitments.

Haringey's Housing Strategy underpins the Local Plan growth ambitions, sets the direction of travel for housing policy related to supply, demand and management and is or will be supported by a series of detailed policies and delivery plans, set out in chapter 9.

3. The strategic context: Haringey's opportunity and challenge

3.1 Haringey's opportunity

Haringey is a place of great opportunity. We are part of one of the greatest world cities and benefit hugely from that. With our potential for growth, we believe that we are at the heart of London's future progress and success.

Haringey is building on a great base. We are home to institutions of national and international significance including Tottenham Hotspur and Alexandra Palace. There are many great businesses, with more arriving all the time, and fast transport connects Haringey residents to many thousands more jobs in central London. Our residents come from many different cultures and we are proud of our diverse communities and that they are comfortable with one another. This diversity is also true of our homes; the variety of housing means that people who cannot afford other parts of the city have been able to make Haringey their home, without having to compromise on proximity to central London.

Growth is at the heart of our ambition for Haringey, and we recognise that the changes affecting the borough provide both exciting opportunities and significant challenges.

3.2 The housing challenge

Continued population growth is adding to demand for housing of all types and tenures, including a large and growing number of people who wish to access affordable home ownership. The supply of affordable housing is a national issue but government funding for new affordable housing has reduced dramatically.

London is a distinct housing market and as a whole is experiencing a housing crisis. The capital's population is rising and this year will pass its historic peak of 8.4 million, but house building is not keeping pace and homes in the capital are becoming ever more unaffordable.

Securing rented accommodation or getting on the home ownership ladder is increasingly difficult across London. London Councils estimate that 800,000 new homes will be needed in the capital over the next decade, whilst recent annual completions have averaged less than 25,000 a year.

These substantial changes to the national and regional picture have made the housing challenge even more difficult. We also have to acknowledge that a number of recent legislative changes – most obviously the Housing & Planning and Welfare Reform Acts - are making the task even harder. This legislation is described in appendix A and will create or contribute to problems that we will have to find solutions for, or mitigate the impact of. It is particularly the case that growth in home ownership, a central aim of government policy, will be much more difficult to achieve in Haringey and in London generally.

The supply of new affordable housing is likely to be adversely affected by the introduction of Starter Homes, which will reduce the genuinely affordable homes provided by new developments. Although considered “affordable”, the evidence suggests this will not be the case for the vast majority of Haringey residents in housing need. A further round of changes to welfare benefits, including the freezing of Local Housing Allowances, benefit reductions affecting under-35s and the reduction of the benefits cap to £23,000 in London will make it harder for households to pay their rent or to find rented accommodation that they can afford.

The impact of these changes on Haringey residents is significant. Our own stock of council homes will continue to diminish, not only because of the continued impact of right to buy for council homes, but also because we will soon have to sell vacant council homes to fund the right to buy for housing association tenants. Already under pressure as a result of the compulsory 1% rent cut (which has caused a loss of £28m over four years for the Housing Revenue Account), as the stock further reduces, maintaining it to the standard we and residents want will not be possible.

Demand for council and housing association homes in the borough far outstrips availability and we are simply not able to house everyone who applies to us. Within London, Haringey has the second highest number of households living in temporary accommodation because they are homeless. It is clear that social housing will increasingly be only for those in the most acute need and who cannot access alternatives; the available supply will not, under current constraints, meet current and projected demand.

Continuing budget pressures in local government mean that we must find ways of delivering services differently, including helping tenants and prospective tenants to find good quality alternative housing solutions wherever we can, even if this means making tough decisions. We remain determined that our Strategy should remain visionary and ambitious, setting out what needs to be done to achieve the aspirations that we share with residents and partners.

3.3 Haringey’s housing context

The Strategic Housing Market Assessment (SHMA) conducted for Haringey in 2014 is a key evidence base for this strategy. The SHMA identified an affordable housing requirement of 11,757 homes over the period 2011- 2026, which equates to 59% of the total housing requirement of 20,172 homes of all tenures over the same period. This clearly demonstrates the current shortfall of housing in the borough.

While the SHMA identifies a significant shortfall in one and two bedroom dwellings, the most acute shortage of affordable housing relates to larger family homes of three or more bedrooms. The shortage of large family properties is particularly acute in the social housing sector, with 4 bedroom homes making up only 9% of the 28,000 Council and Housing Associations homes in the borough. This is compounded by low re-let rates for larger properties with only 15 four bedroom lettings becoming available in 2015/16 which compares with 264 homeless households requiring these properties. The GLA forecasts that by 2026 Haringey will have a further 1,881 households with at least three children, so this shortfall is set to increase.

With around 2,500 properties changing ownership last year and around 64% of residents stating home ownership is their preferred tenure, there is considerable demand to become an owner occupier. With only 40% of all households owning their own home, there is thus a shortfall in supply of homes to purchase. With an estimated median household income of around £35,400 and with an average two bed flat price of £440,947, home ownership is out of reach for many of Haringey's existing residents without lower cost home ownership options, such as shared ownership.

Private rent levels are also rising sharply in Haringey with the average weekly rent for a two bedroom property in June 2016 at £430 a week. There are around 33,500 privately rented properties in the borough (constituting about 33% of all households) but only 6% of households see this as their preferred tenure.

Recent research suggests one in five London households are earning below average wages but have no entitlement to benefits and are struggling to find housing that is affordable. Those who are entitled to support are also affected by the freeze on the Local Housing Allowance (LHA) which sets the maximum housing benefit a household can claim. This freeze especially affects larger households as the lower quartile rent for 4+ bedroom properties (£437/week) is significantly more than the LHA rate of £389/week for eligible households.

These rising costs have increased the number of households who cannot afford their accommodation and who seek assistance from the Council. In 2015/16, there were 603 new statutorily homeless households of which, 60% were evicted from a private rented property. In over half these cases, the landlords ended the tenancy without declaring any grounds relating to a breach of tenancy.

These rising private sector rents have also increased the cost of temporary accommodation for homeless households, who often have to be housed in private sector leased accommodation and annexes (nightly-charged self contained accommodation), making it increasingly unaffordable to provide this type of accommodation in Haringey. With 3,164 households living in temporary accommodation at the end of March 2016, this represents a significant cost to the council.

In addition to increasing costs, there is also a need to address the quality of the stock both within the social sector and in the private market. Although 97% of all properties in the borough have central heating, there are concerns about the energy efficiency of private sector properties; 11.9% of Haringey's population is in fuel poverty. There are also areas of the borough with a relatively high number of Houses in Multiple Occupation (HMOs) such as West Green and Bruce Grove where 10.2% of residents are living in HMOs. Many of these properties are very small, in poor condition, lack an adequate means of fire escape and are overcrowded as tenants cannot afford anything larger.

In addition, there is need for other types of housing in the borough, such as traveller sites where the 2013 assessment of gypsies and travellers estimated Haringey needed to provide a minimum of four additional pitches by 2017. Other specialist housing requirements were assessed in the SHMA, which noted a fall in the number of students between the 2001 and 2011 censuses, and the 2011 North London SHMA which reported that there is an adequate supply of student accommodation. However, this contrasts with the increasing need for

supported housing, for example for services for older people with complex needs, and people with learning disabilities, which will increase by 43% by 2030. In the wider population, there is a forecast increase in people with a complex mental health diagnosis of 20% over this period. There is also a need to ensure that homes meet the requirements of physically disabled people.

There are also increasing numbers of rough sleepers with the CHAIN database reporting that rough sleeping in Haringey has increased every year since 2011/12 and reached 135 rough sleepers seen in the whole of 2015/16, compared to 43 in 2011/12; this trend is in line with London as a whole.

4. Our Growth Priorities and the Council's Role

4.1 Harnessing regeneration and growth to deliver our ambition for housing

Haringey is growing, a fact which the council not merely accepts, but actively embraces; the drive for new housing forms part of the council's overall ambitions for regeneration and growth. The council's vision for regeneration includes new and improved housing alongside other measures including better local town centres; enterprise, employment and training; transport; health; education; community safety; and environmental improvements. Growth is essential not only to meet the needs of residents but also to put the council itself on a more sustainable footing for the long term.

Priority 4 of the Corporate Plan is to drive growth and employment from which everyone can benefit. This sets out our objectives for growth in businesses and jobs, improving skills and training, securing key infrastructure, reducing carbon emissions and focusing on where there is greatest need and opportunity. Haringey's Economic Development and Growth Strategy, A plan for jobs, growth and prosperity envisages a borough harnessing its talent and strengths, to secure a productive and creative economy in which anyone can participate and benefit, where the dividends of regeneration translate into greater opportunity and prosperity for our residents.

Regeneration is targeted in our priority areas of Tottenham and Wood Green and the council is playing the lead role across these areas.

Tottenham is the largest Housing Zone in London with over £100m of investment to help tackle barriers to development and growth and bring forward estate renewal projects as well as substantial numbers of new homes by 2025. The current mix of housing is not well balanced and in some areas the housing quality is not as good as it should be. Regeneration in Tottenham is already well underway, and the council is committed to estate renewal at High Road West (Love Lane) and Northumberland Park, together with the delivery of a significant number of new homes – and in particular affordable homes – at Tottenham Hale as part of the Housing Zone promoted by the Mayor of London.

The Tottenham Area Action Plan puts clear planning guidelines and policies in place to support long-term regeneration. To make it happen, the council needs specific planning rules to bring forward and manage new development, set out where different types of buildings should go and protect the heritage of Tottenham's past. The AAP is currently an emerging draft document, which has been submitted to the Secretary of State for independent examination.

In **Wood Green**, the challenge is clear: how can we take advantage of its excellent transport connections and a number of large development sites (including on council land) to drive

major housing growth while simultaneously rejuvenating an economically flagging and poorly laid-out town centre. Like Tottenham, Wood Green also has a range of existing homes which will form part of the area's long-term housing offer, and whose character will need taking into account when the mix of new homes is being determined. Wood Green has the capacity for around 5,000 new homes in the next fifteen years, making a significant contribution to Haringey's overall target but also playing a major role in achieving badly needed growth, boosted by proposals for a new Crossrail 2 station in the heart of the high street.

For Wood Green, the Issues and Options consultation, the very first stage in the Area Action Plan's production, has been completed. It identifies the key issues, challenges and opportunities facing the area and set out four different options, including an option favoured by the council, for how these challenges might be addressed and opportunities realised.

Maximising the potential of public land

It is clear that public land, owned by the council or other public bodies, is central to delivering housing growth and wider regeneration, including through major housing estate renewal and development of our own sites. However, the council's land assets are not matched by capital funding (or borrowing capacity) or the commercial and development expertise required to build the number of homes of the quality we would like at the speed that our residents need them.

To make best use of public land in delivering our regeneration and growth ambitions, the council is seeking to establish a new development vehicle: a dedicated company that brings together its land assets with investment and expertise from one or more private partners, in a joint venture. The Haringey Development Vehicle will be a 50/50 partnership with the private sector to develop new homes and employment space across a range of council owned sites in Haringey and with the ability to work in partnership with other land owners.

This will enable the council to realise its ambitions for housing on its land, while retaining an appropriate long term stake in the proceeds of development. It will also allow the council to retain influence over the pace and quality of development, which is not always possible with more traditional land deals or development agreements, although these methods will remain a key part of our approach to some sites. We will aim to use the vehicle to promote growth and opportunity in Haringey, maximising the council's assets to deliver lasting sustainable change for the residents of Haringey.

New Housing and Sustainable Growth

To fit with our wider regeneration aims, new homes and housing programmes in Haringey, including estate renewal projects, must:

- be fully aligned with the wider vision for the place, as set out in planning policy and regeneration frameworks;
- be in keeping with their surroundings, preserving the best and the unique, while contributing an appropriate supply of good quality homes for current and future residents of the borough and helping to create the optimum conditions for economic growth;

- help to link physical change to improved social and economic outcomes, using the links between resident and landlord to connect people with opportunities to improve their safety, health, skills and employment opportunities, as described elsewhere in this strategy;
- contribute to carbon reduction and improve energy efficiency; and,
- be sustainably supported by the necessary infrastructure, whether utilities and services directly serving homes; social infrastructure like schools and health facilities; or transport services linking housing areas to employment opportunities, local services and neighbouring communities. Investment in homes should support investment in infrastructure, especially in areas where we know need already exists, such as primary health care in Tottenham.

4.2 Supporting the development of strong mixed communities

Haringey needs a wide range of homes, to meet the diversity of current and future needs and to obtain the mix in our communities that lies at the heart of our vision for housing in the borough. This cannot just be a mix of homes across the borough; it needs to be mixed as much as possible within each neighbourhood, offering diversity in the type and size of home, the tenure and the value. Neighbourhoods should be places of inclusion, not segregation: we want children to grow up with an appreciation of diversity and an understanding of different cultures and communities, which we believe is central to their successful adult life. Neighbourhoods should also be stable: we want to enable people to move through the housing market without feeling compelled to leave the communities where they have established ties.

We must ensure that the range of new homes provided by the council and others is helping to achieve that. There are a number of ways to do this, including through our role as planning authority which allows us to set clear expectations and standards for new development, in terms of housing tenures, the type and size of homes and the way they are designed.

Achieving mixed communities is of course about people - the housing mix serves as an enabler, so that new or changing communities accommodate not just a mix of tenures but also a wider range of incomes, ages and household types. A better social/economic balance mix at the local level will avoid creating concentrations of relative wealth or deprivation, facilitate more consistent delivery of public services and provide more sustainable places that offer residents a variety of housing options. In particular we are striving to help people on low and middle incomes to access the housing market in the right location for them.

4.3 Engaging and Enabling People

People are at the heart of this strategy and in particular our commitment to mixed communities. Strong mixed communities are formed by people who feel connected to their locale and community, safe and economically secure, able to access local services and opportunities and to enhance their life chances while remaining resilient in the face of difficulties. Mixed housing tenures can provide opportunity for local people and support their aspiration to do the best they can for themselves and for their families.

We support and encourage aspiration and want to work together with residents, to help those that can to help themselves, while supporting those less able to do so. Our residents are key to helping to achieve the goals set out in this strategy; as the council strives to provide excellent services with reducing resources, the need for residents to play their part is increasingly important. An engaged community, involved in decisions and services that affect their area, is not only about financial realities; we also think it is the right thing to do.

Our future must be based on a collaborative approach, moving towards a more resilient and independent community that is increasingly able to prevent, reduce or resolve problems wherever possible. This approach means residents take more responsibility for their homes and local communities, for resolving their housing problems if they arise (with appropriate council help and support when needed) and take pride in their homes, their neighbourhood and their borough.

We are already seeing some of these principles being put into practice through the 'People' element of our Tottenham regeneration programme and we want to see the same approach used right across the borough, by the council and our partners, in established neighbourhoods as well as new ones, and regardless of the landlord. We are promoting community participation in shaping new development and, in Tottenham Hale and North Tottenham, the council is engaging users and residents in the design of new homes and places. We will continue to ensure residents are closely involved in council-led housing initiatives, improvements and regeneration schemes, and this is set out in 8.4 below.

4.4 The Council's Role

Haringey's housing strategy has four key strategic objectives:

1. *Achieve a step change in the number of new homes being built*
2. *Improve support and help to prevent homelessness*
3. *Drive up the quality of housing for all residents*
4. *Ensure that housing delivers wider community benefits*

These objectives reflect the council's core role in relation to housing supply, housing need and demand and managing and influencing quality. While we have a broad role as the strategic housing authority, we are placing special focus on our role in increasing housing supply, appropriately managing housing demand and as a landlord, ensuring the best possible management of our own and all social housing stock.

In our broader role we act as enabler and commissioner, as well as landlord and landowner, developer, planning authority and regulator, and as a broker, forging partnerships and providing strategic leadership to achieve the results needed for Haringey residents. The way we do this is as important as what we do and our core values and principles permeate all four objectives and underpin all of our delivery plans and programmes.

Most importantly, we recognise that the council can't do everything – increasingly we are working with other providers including the private and community/voluntary sectors to increase housing supply, prevent housing crisis, anticipate and respond to manage demand and improve the quality of housing of all tenures.

Lasting partnerships are being forged in particular with housing associations that operate in the borough. We work with many associations but have identified preferred partners who as major developers can work closely with us to improve affordable housing supply. We are also working with them, and other associations, to improve the quality of existing homes and to provide support that aims to prevent homelessness. As well as working with our preferred partners, we wish to strengthen our links with smaller associations who play an important role in responding to local needs.

Our preferred partners will play a particularly important role in the Tottenham and Wood Green regeneration areas. They will maximise the provision of affordable housing on council owned land and their own land holdings in Tottenham whilst playing a vital part in regenerating their existing housing estates in Wood Green to increase housing density in one of the most accessible locations in the borough.

Partnership is a necessity to deliver this strategy, hence it is based on the widest possible engagement, enabling and empowering our residents, stakeholders and partners to work with us to achieve the four strategic objectives set out below.

5. Objective 1: Achieve a step change in the number of new homes built

New homes are a key element of the council's growth ambitions. By building new homes and creating new jobs, and investing in the infrastructure that supports both, the council and its partners will have the best possible chance of meeting the needs of Haringey residents and helping to accommodate London's wider needs.

Our priorities are to:

- Maximise the number of new homes in Haringey and achieve our planned targets
- Increase the supply of affordable homes for rent and for home ownership
- Ensure the right mix of housing tenures across key development sites in Haringey
- Promote estate renewal, and the development of smaller available sites, where appropriate
- Encourage investment in private rented sector homes
- Secure better design for all new homes

In addition to new homes, we have also prioritised increasing the supply of homes by, for example, bringing empty homes back into use and making the best use of our own housing stock, which links to measures described in objective 3.

5.1 Maximising the number of new homes

The council's Local Plan sets out the Council's long term vision for growth and how this can enable a continued supply of housing, including affordable housing. It represents a new and proactive approach by which the Council will promote and manage the development of housing, particularly within Tottenham and Wood Green. By 2026 new development will have provided a minimum of 19,800 net new homes, of which 14,850 will come forward within our key regeneration areas.

To achieve this we will:

- Work with landowners and developers to ensure sites identified in our Site Allocations DPD are brought forward for redevelopment in a timely manner.
- Advance planning policies that create the right planning conditions for new housing alongside provision for new infrastructure and jobs.
- Work with public and private landowners and developers, including our housing association partners and the GLA, to maintain a pipeline of privately and publically delivered affordable housing developments that matches and exceeds past delivery

levels - noting that private house-builders will build the vast majority of the new homes, including affordable homes, and are therefore absolutely central to these plans.

- Lead by example, using our own land and assets to deliver the quality, volume and density of housing growth we need, as well as to drive wider regeneration. The council will in particular aim to unlock the value in its own land to improve the viability of affordable housing and do as much as we can to drive similar use of other public land.
- Work with other boroughs in London and the GLA to ensure cooperation on achieving greater devolution of housing development powers, while agreeing practical measures like access to new homes built in other parts of London.

5.2 Increasing affordable housing supply

A significant number of new affordable homes will come from privately-owned sites and the Core Policies of the Local Plan states that we will aim for a borough wide affordable housing target of 40% (equivalent to a numerical target of 7,920 affordable homes), in the proportion of 60% affordable rent and 40% intermediate/low cost home ownership. On a site by site basis we will seek the maximum reasonable proportion of affordable housing on all sites with a capacity of ten or more homes and will prioritise the provision of family housing on suitable sites.

To achieve this we will:

- Require developers, through the council's Local Plan, to provide 40% on-site affordable housing on schemes of ten units or more and give priority to the provision of family sized housing. This is a borough-wide target and of course subject to financial viability; the council works with developers on a site-by-site basis to ensure policy-compliant on-site affordable housing provision and other community benefits, to maximise the benefit for the community while ensuring that these requirements do not make development unviable.
- Prioritise delivery of new affordable rented homes in the centre and west of the borough while promoting more market and intermediate homes, including for example affordable home ownership and private renting, in Tottenham. Our Area Action Plan establishes clear planning policies for the regeneration of Tottenham, including for housing.
- Provide clear guidance on appropriate rent levels, based on the affordability principle we have established while having regard to the commercial requirements of developers. This guidance is set out in appendix C.
- Ensure new homes are delivered that meet identified housing need in terms of bedroom sizes, and with a minimum of 10% that are wheelchair accessible, as set out in appendix C. The dwelling mix represents borough-wide targets that will be updated as necessary to reflect new evidence. Tenure and bedroom size mix on individual sites may differ according to local characteristics and localised housing demand. For example, while we generally expect homes for affordable home ownership, market sale and private rent to primarily focus on delivering smaller, one and two bedroom units, in

some areas we may require a different mix, with more larger or smaller homes to correct local imbalances and meet particular local needs.

- Work to a clear definition of affordability, for rent and home ownership. This is particularly important as the term 'affordable housing' can have different meanings and Starter Homes are widening the definition further. To avoid any doubt or confusion, this strategy establishes the principle that a household's housing costs, whether rent or mortgage repayment must be reasonable in relation to its income. This approach is set out in appendix D and represents a commitment to maintaining genuine affordability for as many people as possible.
- Make available our own grants to housing associations for the development of affordable housing in the borough. We have launched a new scheme for this purpose and will fund it using our Right to Buy Receipts. Housing associations are invited to make a case for this funding, in line with our strategic priorities and we will encourage our partners to take advantage of these funds while they are available.
- Bid for external funding opportunities to help deliver additional affordable housing.
- Encourage and support community land trusts and other community based organisations to develop social and affordable rented homes and lower cost shared ownership units.

5.3 Encouraging mixed tenures

Our commitment to mixed tenures is not only about mixed communities – it also addresses the problems caused by the mismatch of demand and affordable supply, by improving access to the home ownership or rental ladder for those able to consider alternatives to social housing or who do not qualify for it. Homes for intermediate rent and in particular low cost home ownership (often known as shared ownership) offer the most realistic chance for people unable to purchase on the open market to get on the ladder.

We are already taking a range of steps to promote the supply of – and access to – this increasingly important kind of housing. The council is, for the first time ever, building its own intermediate homes and we have begun to establish a Low Cost Home Ownership register. We will continue to seek to provide and enable different types of affordable housing in different parts of the borough.

To achieve this we will:

- Require developers, within on-site affordable housing provision, to achieve a balance of 60% of units for affordable rent and 40% for intermediate products.
- Vary this approach where appropriate and necessary to meet the needs of particular areas. For example, in the west of the borough, where property prices and land values are highest, we will encourage developers to exceed the minimum target of affordable housing by pooling resources with our housing association partners to provide good quality affordable rented accommodation. In Tottenham, where the level of social rented homes is already high, we are taking a different approach, promoting more

affordable home ownership by requiring an affordable housing mix of 60% intermediate and 40% affordable rent.

- Make it easier to accept innovative schemes which have a single tenure - for example, all homes are for affordable rent, or homes are all one size where a good affordable housing mix can still be achieved within the wider area, and it is appropriate to that particular site.
- Continue to work with our housing delivery partners to provide more of these homes in areas with high levels of social housing or in areas with overheated house prices, supported by our Planning policies.
- Work closely with housing associations to increase investment and improve efficiency in the delivery of affordable housing, in particular with our six Preferred Partners.
- Move towards a more diverse and balanced portfolio of housing tenures, including intermediate products in the private and public sectors and affordable home ownership.
- Use council-owned land to increase provision of these homes, including by agreeing more flexible finance options with developers.
- Explore the appetite and ability of local people to take up custom build opportunities as part of community-led construction.
- Promote innovation and explore new delivery models, in particular to increase the supply of purpose built private rented homes, backed by long term investment by partners able to bring a new range of housing options to Haringey residents.
- Develop and consult on a new intermediate housing policy, to include low cost home ownership, based on prioritising new low cost home ownership homes for people who live and work in Haringey, particularly existing social housing tenants where this releases a rented home which can be re-let to a household on the Housing Register.
- Commission an effective advice and support service to help people access what can be a confusing market and locate a home that is right for them.

5.4 Promoting Estate Renewal

Our current Housing Investment and Estate Renewal strategy commits us to taking alternative approaches to investment on our existing council estates, in particular where existing homes are assessed as uneconomic for investment in the long term. Estate renewal allows the council to target areas of greatest investment need while also taking the opportunity to increase density. This not only provides much needed additional housing but also helps to achieve a better mix of tenure in places which have traditionally been dominated by single tenure solutions and have a high proportion of smaller sized dwellings.

We recognise that not all our estates will be viable for like for like replacement in terms of the number of social homes. We will aim to ensure that there is no net loss of affordable

habitable rooms.

To achieve the above we will:

- Always work with residents to find the best possible solution that is appropriate for their particular estate and the needs of the neighbourhood and the borough as a whole. Haringey estates are not all the same. The approach to estate renewal, and the sequence in which estates are prioritised, will depend a great deal on the individual characteristics of each estate.
- Ensure that new housing provided through the estate renewal programme will re-provide the existing number of affordable habitable rooms, but with a dwelling mix of new homes that meets current and projected housing need, with an emphasis on providing family accommodation. We recognise that this could mean a reduction in the overall number of social rented homes on some estates.
- Provide new affordable home ownership properties as well as market housing, both for sale and rent, as a necessary ingredient of financial viability as well as promoting mixed communities.
- Carry out estate renewal in accordance with a fair and transparent policy which sets out residents' rights and expectations if they are affected by a renewal project.

Estate renewal is currently underway or being considered for High Road West and Northumberland Park, while improvement options for Broadwater Farm are emerging following recent large scale resident engagement. Alongside these large estates, the council is consulting with residents of the other estates identified in the Housing Investment and Estate Renewal strategy. Our estate renewal programme will largely be delivered by the joint venture development vehicle the council is currently seeking to establish. In addition, the council is seeking to provide new homes on its own land through infill development or on smaller sites.

The council is currently building new council homes for the first time in a generation, and this programme will be accelerated and its delivery diversified to take advantage of available sites and under-used land.

5.5 Encourage investment in the private rented sector

A reasonable supply of good quality housing for private rent, especially for families, is vital to meeting the needs of local households who cannot access home ownership or affordable housing. The development of new private rented housing can also increase overall levels of supply by not competing with housing for sale.

The Council is therefore open to supporting private rented housing development through the planning system by considering its contribution to meeting housing need alongside the traditional forms of affordable housing.

To achieve this we will:

- Explore the options by which we can enable the development of new high quality, purpose built private rented accommodation for the long-term by encouraging new sources of private investment.
- Enter into discussions with developers of large schemes about the inclusion of private rented accommodation as part of the overall housing mix to be provided.
- Covenant new private rented development for an appropriate period to ensure it remains available for the long-term.

5.6 Securing better design across all new homes

Every balanced, stable community needs homes and public spaces which people are proud to live in and proud to live near. Our Planning service is promoting higher design standards in new housing of all tenures, with a new Haringey Quality Charter embedded in planning policy, and use of a new Quality Review Panel to support the council and its Planning Committee in ensuring robust scrutiny of major new developments.

To achieve the above we will:

- Lead by example in the homes and places we build ourselves on council land, and by ensuring that we only fund homes and places that achieve our quality aspirations.
- Ensure all new homes meet the Mayor's London Housing Design Guide standards.
- Assess all new major developments, including or own estate renewal using Haringey's Quality Review Panel.
- Ensure that all new major developments comply with the sustainability standards set out the London Plan.
- Ensure that all new developments meet the standards set out in the Haringey Development Charter.

6. Objective 2: Improve help and support to prevent homelessness

Where households face actual or threatened homelessness, councils have a legal duty to provide advice and assistance and - in some cases - accommodation. The supply of affordable housing in Haringey is diminishing at a time when we are facing rising demand in Haringey, placing significant constraints on our ability to help homeless or potentially homeless families, in particular because of the supply and cost of temporary accommodation.

The best way to deal with housing crisis and potential homelessness is to prevent it. This is true not only for the council but also for people who might experience a housing crisis, which is distressing and extremely unsettling for the people involved. Increasingly, the council and its partners are focusing on early intervention and prevention, so that people are helped with housing problems in a way that enables them to remain settled, or to be re-settled in a planned way without recourse to emergency assistance.

Our priorities are to:

- Provide timely and effective housing advice to help those in crisis or threatened with crisis to sustain their existing accommodation if at all possible. This will be at the first point of contact with the council and its partners but increasingly we want to intervene before an approach is made, where risk of homelessness can be identified.
- Act at all times to prevent homelessness but where current accommodation can't be sustained, to provide advice on realistic options and assistance to secure suitable affordable accommodation.
- Provide suitable and affordable emergency or temporary accommodation when necessary, in accordance with fair and transparent criteria, while overall reducing the number of households in temporary accommodation and the cost of it to the local taxpayer.
- Allocate council tenancies and intermediate tenures in accordance with fair and transparent criteria, both at the commencement and when reviewing the expiry of a fixed term council tenancy.

These priorities will be reflected and set out in detail in a new statutory Homelessness Strategy and a revised Allocations Policy and Tenancy Strategy which, along with a new Intermediate Housing Policy, we will consult upon and adopt during 2016/17.

6.1 Advice and Prevention

The provision of timely and comprehensive housing advice is not just a legal obligation, it is a

means of helping residents to help themselves, whether through providing information, signposting, enabling access to other services or more holistic advice that might help to address wider problems residents are experiencing. We are aiming to provide a range of advice services, along with our partners, that move beyond reactive housing advice to enable early intervention and prevention.

Our focus is on sustaining current housing where practical and preventing housing problems escalating to crisis point. This usually means sustaining licences or existing tenancies in the private rented sector. The main reason for homelessness in Haringey is loss of a private rented sector tenancy, often because households experience financial difficulties that lead to rent arrears or because of a landlord's wish to charge increased rents that are not affordable for the current tenant.

We need to find new ways of identifying potential problems ahead of people approaching the council, when it may be too late. Prevention aims to help people to remain independent, addressing the causes of their problems by, for example, assistance with benefits, getting into employment or financial management to ensure rent arrears do not arise and homelessness is prevented. We will work with each person or family in housing crisis, as a fundamental priority, to prevent homelessness arising, whatever the cause.

To achieve this we will:

- Work with tenants to try and sustain their tenancies whenever possible, in partnership with private landlords, housing associations and the voluntary sector, to ensure provision of the right advice and support.
- Help people to access the widest possible range of options, where it is not possible to avoid a person or family becoming homeless, including a good quality affordable home in the private rented sector and sometimes the option of a home outside Haringey.
- Build relationships with local landlords and offer a range of packages and incentives to enable households to move into or remain in the private rented sector.
- Adopt a more collaborative approach, expecting people who are homeless, or at risk of becoming homeless, to take an active role in the process, taking responsibility for their situation and the options for dealing with it and being realistic about the range of possible outcomes. This approach is not just driven by reduced resources: we believe it is the right thing to do, moving towards a more resilient and independent community which is able to prevent and resolve problems for themselves wherever possible.
- Work in partnership to provide a holistic service to households who are affected by welfare benefits changes, including offering support to secure employment, advice on budgeting and debt and advice on affordable housing options.
- Continue to work with statutory and voluntary sector organisations to provide a holistic package of emotional and practical support for survivors of domestic violence in Haringey, including legal advice, housing advice, safety planning, access to counseling and, where needed, access to refuge accommodation or the Sanctuary home security improvement scheme.

- Provide outreach services and support in settings where households who are threatened with homelessness are likely to seek early assistance, including Children's Centres.
- Ensure that we target our interventions effectively by monitoring and acting on homelessness trends, including key causes and triggers.
- Within a new Homelessness Strategy and Delivery Plan, set out a multi-agency approach to prevent homelessness and reduce rough sleeping.

6.2 Taking new approaches to temporary accommodation

Where homelessness cannot be prevented, we will provide emergency temporary accommodation while we help households to find a settled housing solution. However, like many other boroughs, the council finds it increasingly difficult to secure good quality, sustainable and affordable temporary accommodation of all types in London. Competition for private rented homes has driven up prices while the council is dealing with rising levels of homelessness and households spending longer in temporary accommodation. To meet the challenge on supply, and to contain costs, the council needs to work differently.

Where it is required, our strong preference is to provide temporary accommodation for all homeless households within the borough. The reality in the current climate is that this is not possible. As long as private sector rents remain high and benefits and subsidy levels remain frozen, it will be very difficult to secure the volume of homes needed at a cost that is affordable for the homeless household and will not require additional subsidy by the council.

Working differently means making more use of assured shorthold tenancies in the private sector to discharge homelessness duty, placing households out of borough and in some cases out of London in more affordable locations. This is not a matter of choice for the council. We have to take these steps and will do so in a fair and sensitive way, mitigating the potential impact on homeless households as effectively as we can and working closely with household members to ensure this.

To achieve this we will:

- Reduce the number of homeless households living in temporary accommodation, working with landlords of private rented homes to provide a greater supply of good quality, safe and well-managed homes for people who are homeless.
- Forge new partnerships with investors offering long term investment to provide affordable, good quality, secure homes to help homeless households as well as additional, cheaper temporary accommodation.
- Maximise the supply of affordable high quality temporary accommodation inside the borough boundary and within London.
- Support homeless households who cannot afford Haringey or London private rental prices to take up homes out of London. Where these homes are in the private rented

sector, the council will liaise with the host borough to check the suitability of the property and the landlord. This overall approach will be in accordance with a fair and transparent policy that will establish clear criteria for placements within and outside the borough and provide a package of support measures developed in close consultation with potentially affected households.

- Continually assess our own property portfolio and ensure we are taking opportunities to use a wider range of council assets for temporary accommodation, which might involve conversions, acquisitions and temporary use of homes that are empty awaiting redevelopment.
- Use innovative solutions, for example Modern Methods of Construction, for rapid provision of homes on sites suited to this use.
- In the case of single vulnerable households, including the very young and very young mothers, aim to provide a supported housing solution as an alternative to temporary accommodation.

Within the borough, new temporary accommodation supply should be located at suitable sites across the borough, in order to help homeless households maintain existing networks of support and to avoid high concentrations of temporary accommodation in particular areas.

Where households require accommodation to be provided by the council, we will assess priority for placement and source appropriate accommodation, either within the borough, within London or outside the London area, depending on availability, suitability and affordability.

6.3 Allocating affordable housing

Social housing is scarce and demand far outstrips supply; we cannot house everyone that applies to us. In 2014 and 2015 we updated our Housing Allocations Scheme, which describes how we prioritise the allocation of social and affordable rented homes across the borough. The scheme ensures that, whether the council or a housing association is the landlord, the applicants on Haringey's Housing Register with the highest level of housing need and/or an urgent need to move are prioritised for rehousing. As the supply of social housing diminishes further, it is a priority for us to continue to allocate homes fairly and in line with our strategic priorities.

We are required by recent legislation to offer new social tenancies on a fixed term, rather than for life. We would have preferred to retain the ability to grant lifetime tenancies as we value stability and settled housing (described more in chapter 8), so will implement this with care and in a way that does not undermine our strategic objectives.

The council is also becoming a landlord for a wider range of tenures – affordable rent, low cost home ownership and other intermediate tenures are adding to the mix. The council is therefore developing a specific policy on the allocation of these homes, rent levels, equity shares and related aspects as part of the suite of policies and delivery plans underpinning the Housing Strategy.

There are some key policy choices here that will increasingly be influenced by affordability. We know, and this is set out in appendix D, that we will have to allocate social housing to people who cannot afford other options. This is a stark reality – we will in any case have to gather income information from our existing tenants, for the purposes of implementing the legislative requirements for Pay to Stay. Increasingly people who can afford alternatives to social housing, whether in the private or public sector, will be helped to access those homes.

To achieve the above we will:

- Review the Housing Allocations Scheme, to reflect recent legislative change, consider the better matching of households on different incomes to different types of accommodation and to take the opportunity to consult residents and stakeholders on how we can ensure the fairest possible allocation of homes.
- Consider, as part of this review, routinely collecting income and savings information from households applying for housing to enable better matching of households to different types of accommodation.
- Encourage households who can afford higher rent levels, or mortgage repayments, or a mix, to take up shared ownership or 'affordable rent' products above Local Housing Allowance.
- Introduce an Intermediate Housing Policy which clearly distinguishes between low and high cost shared ownership, for example, by targeting lower cost shared ownership to existing Council and housing association tenants with comparatively higher incomes, thereby releasing an existing social rented home for households on lower incomes.
- Publish our annual Lettings Plan, so that it is clear how general needs accommodation will be let and which groups will receive relative priority for the limited permanent housing available.
- Update our Tenancy Strategy to comply with new legislation on fixed term tenancies and to again take the opportunity to consult residents and stakeholders, in particular on how we implement changes sensitively and fairly. We remain committed to providing settled homes and will always want to maintain tenancies, while being transparent about any circumstances in which a fixed term tenancy might not be renewed.

While we are committed to maintaining lifetime tenancies for existing council tenants and would prefer to do so for new tenants, we will never assume that social housing will meet every family's long term aspirations. Some residents will aspire to own a home, or privately rent a home in the future. We will always seek to understand these aspirations, and support our residents to work towards them.

7. Objective 3: Drive up the quality of housing for all residents

Although we are committed to growth in supply it is important to note that Haringey's existing total housing stock is increasing by less than 1% each year. Even if we accelerate to the pace necessary, this would not change the fact that to meet the need for good quality housing in Haringey we need to focus a large part of our effort on ensuring that the borough's existing homes are maintained and managed to the highest standards.

As the Strategic Housing Authority the council has a role to ensure that the quality of all housing across all tenures meets high standards for residents. In addition, as a landlord we are committed to ensuring that our own housing stock is maintained at the best possible standard through continuous investment and renewal.

While the council has most direct control over the quality and management of its own homes, it is also committed to doing all it can to promote and enforce higher standards for homes of all tenures. In particular there are issues with the quality of some private rented homes in the borough, where some landlords are failing to adhere to statutory standards and tenants are living in unfit and potentially dangerous conditions. We need more private rented homes, but we also need existing and new private rented homes to be the right quality. For both social and private sector homes, we also need to ensure appropriately adapted homes are available that meet the needs of physically disabled people.

Our priorities are to:

- Improve the quality and management of homes owned by the council
- Apply and monitor high quality standards for homes owned by housing associations
- Improve the quality and reliability of homes in the private rented sector.
- Maintain a balance of tenure types across existing homes and protect family sized homes in the borough
- Improve energy efficiency and reduce carbon emissions and fuel poverty
- Make the best use of existing homes

7.1 Improving the quality and management of homes owned by the council

The council owns 16,000 rented properties and is the freeholder for a further 4,500 leasehold properties. These homes are managed on the council's behalf by Homes for Haringey. We have made significant investment in the stock to achieve the Decent Homes Standard, which is the Government's minimum standard for the quality and state of repair of a home. As at March 2016, 73% of the council's stock met the Decent Homes Standard.

There is no more government funding for stock investment and Housing Revenue Account (HRA) resources have been reduced. This means we have to review our priorities for

investment in our existing stock and how we invest in new homes.

The priorities for our housing stock, now and in the long term, include maintaining homes to the best possible affordable standard and proactively managing a diminishing portfolio to ensure that the homes we sell to comply with the government's compulsory levy are not simply the most valuable financially, but have the least possible impact on meeting housing need in the borough or otherwise meet our housing strategy objectives.

To achieve the above we will:

- Move to a 'whole estate' approach, so we are talking to residents not just about periodic works for individual components like windows and roofs, but also about planned programmes (e.g. lifts and heating systems), communal areas, environmental improvements and energy efficiency.
- Develop the new stock investment approach, informed by residents and based on an affordable standard for homes that where funds allow, is tailored to the needs and priorities on a particular estate and delivered as an integrated programme.
- Invest only in stock that provides good quality homes in the long term and rationalise stock where necessary to save money and raise investment funds or to meet the requirements of the government's compulsory levy.
- Balance short term investment needs with longer term estate renewal potential. We will of course always maintain our homes to the affordable standard but where larger scale investment is needed, and existing homes are not of the standard we want, we will promote estate renewal and discuss this with residents.

7.2 Improving the quality and management of homes owned by housing associations

Housing associations (also known as registered providers) own and manage a range of homes in Haringey, both in street properties and in estates. These homes are a much-needed source of supply of affordable homes and play a vital role in meeting housing need. We want to ensure that these homes and estates are of at least a comparable quality to our own council homes.

To achieve this we will:

- Continue to work with all housing associations to achieve shared high standards for managing homes, based on the common management standards that we have already agreed with our preferred partners. These cover the full range of housing management including customer care, repairs, estate services, dealing with anti-social behaviour, complaints and resident involvement.
- Improve the management of multi-landlord estates, for example, through the establishment of a single responsible management body. The quality and management of these multi-landlord estates, including the public space between homes, can be of

concern to residents and the Council where the different landlords are not working well together and the housing associations themselves often recognise these problems can occur. We will work with associations and other landlords to provide better and more efficient housing management services and clearer lines of accountability to residents of these multi-landlord estates.

- Work with housing associations to monitor the quality of their homes, the services they provide and resident satisfaction, as part of a concerted effort to ensure that all tenants are benefitting from comparable standards. Our Registered Provider Partnership Agreement, with all housing associations with housing stock in the borough, outlines the roles, responsibilities and expectations of the partnership to deliver the highest standards of accommodation and housing management.

7.3 Improving the quality and management of privately rented homes

The private rented sector is growing: a third of Haringey residents already rent privately. Lettings of private rented homes in Haringey now outnumber lettings becoming available through the council or housing associations. Given its growing role in Haringey, it is vital that current and future residents have confidence that the private rented sector in Haringey is providing good quality, affordable and sustainable homes for the wide range of households that need and want to live in them. The council works with landlords as partners in the effort to build this confidence.

The Council has a range of statutory enforcement powers including mandatory licensing of Houses in Multiple Occupation (HMOs) to maintain minimum standards. Together with landlord accreditation schemes, we consider using these powers is the most effective way to ensure that better quality homes and management standards in the private rented sector are maintained in the long term.

To achieve this we will:

- Continue to encourage Haringey-based private rented landlords and lettings and managing agents to sign up with the London Landlord Accredited Scheme (LLAS). By April 2016, 655 Haringey landlords had become members of LLAS.
- Use our statutory powers to drive up quality in the private rented sector, whether selective, additional or mandatory licensing or other enforcement powers.
- Work with and support landlords to ensure that they are aware of the requirements they must meet in order to legally let a property to tenants.
- Ensure that all rental properties have an Energy Performance Certificate rating of E or above. Currently, the private rented sector is the least energy efficient tenure of housing with the highest proportion of energy inefficient properties (F and G rated) and one in five households in the private rented sector live in fuel poverty, compared to 8.5 per cent of the owner occupied sector. Energy efficiency is crucial to preventing fuel poverty and we are addressing this through our carbon reduction plans, described in 7.5 below.

- Increase the amount of purpose-built, professionally-managed and affordable private rented housing in the borough, which will not only improve the overall range, mix and quantity of homes but will also help to set new standards in the quality and management of private rented housing.
- Develop, consult on and adopt a comprehensive Private Sector Housing delivery plan. This will identify our ambitions, priorities and key projects and set out in detail our approach to key issues, like mandatory and selective licensing.

In the Housing & Planning Act 2016, the Government has introduced banning orders for landlords and agents to exclude them from carrying out housing related lettings work. The Council will be required to maintain a database of rogue landlords and lettings agents subject to regulations from the Secretary of State. Prior to this, the Government issued a consultation paper proposing extending the mandatory licensing of HMOs. The outcome is due to be known later in 2016 and our new Private Sector delivery plan will set out how existing and new powers will be used to improve standards.

7.4 Maintain a balance of tenure types across existing homes and protect family sized homes in the borough

It is important that the mix of tenures and property types in each locale is balanced and appropriate to meeting the needs of households of varying sizes.

To achieve this we will:

- Restrict unsuitable conversions of small family homes in areas of the Borough identified as already having a high concentration of converted properties. This is embedded in our Local Plan and will ensure the Council can protect the remaining existing stock of family houses within these areas.
- Not support proposals which result in an overconcentration of 1 or 2 bed units unless they are part of larger developments or located within neighbourhoods where such provision would deliver a better mix of unit sizes which include larger and family sized units.
- Increase the number of affordable family homes with 89% of new affordable rented homes and 70% of new intermediate homes required to be two-bedroom properties or larger as set out in Appendix C.

7.5 Improving energy efficiency, reducing carbon emissions and fuel poverty

Emissions from homes in Haringey account for roughly 50% of local carbon emissions. Meeting Haringey Council's pioneering '40:20' commitment (to reduce carbon dioxide emissions by 40% across Haringey by 2020) will require different thinking to fight fuel poverty and reduce carbon emissions.

Currently 11.9% of Haringey residents live in fuel poverty and the average annual energy bill in London is now over £1,000 per year. This means that energy efficiency is a key component in improving the comfort and economic prosperity of our residents.

When developing homes for the future we need to look decades ahead, to ensure homes are designed for future climate extremes, whether that's cold winter spells (when heating energy demands increase) or hot spells in summer and autumn (when over-heating increases energy demands for cooling).

To be truly affordable, and to create sustainable communities for the future, our new homes must be designed to the right energy efficiency standards. From October 2016 all major housing developments will be required to deliver zero carbon dwellings and we are committed to achieving this.

This can be done by working through the energy hierarchy which includes delivery of energy efficiency measures, community energy networks, and renewable technologies on site. Should developers be unable to deliver this standard, a contribution to the Council's carbon offsetting fund will be required to ensure policy compliance. This offsetting fund will be collected by the Council and will be used to deliver energy efficiency and carbon reduction projects within the borough.

To achieve the above we will:

- Ensure all newly developed homes are 'zero carbon' in line with the London Plan.
- Deliver local, low carbon decentralised energy networks that offer competitively-priced energy and warmth.
- Focus on retrofitting homes, in all tenures, in recognition that only by tackling existing housing stock can we reduce the impact of rising energy costs and support the emerging building 'retrofit' sector.
- Drive innovation with developers to deliver carbon reduction.
- Develop the Built Environment Innovation Hub to bring together large-scale property owners, developers and managing agents operating in the borough to connect them with innovative new technologies for the built environment.
- Become a testing ground for new approaches to low carbon development, through our partnership with Durham University, with Haringey a nationally recognised innovating pioneer.
- Work with local residents, businesses, social enterprises, charities and community groups on the '40:20' initiative, to combine carbon reduction with a drive for 'green growth' (growth that is efficient and sustainable and fit for the future) through the creation of a local low carbon economy.

7.6 Making best use of existing homes and assets

In addition to the building of new homes, the council will continue to pursue a range of other measures to ensure the maximum possible supply and availability of existing homes for Haringey residents.

To achieve this we will:

- Accelerate our programme of bringing privately owned empty homes back into use, including the use of compulsory purchase powers if needed and making these homes available as affordable permanent or temporary homes.
- Continue with initiatives to free up our existing council homes, which include tackling tenancy fraud, addressing under occupation and helping those tenants who are able to access alternative housing options to do so.
- Make best use of our land and assets by continuously looking for and maximising supply opportunities, such as underused garage sites, with the intention of redeveloping these for affordable housing where there is scope to do so.
- Develop a package of assistance and incentives to provide choice for tenants who may wish to move on from social housing. For example, this will mean helping tenants affected by recent “pay to stay” legislation to access low cost home ownership as an alternative to paying market rent or exercising the right to buy, thus releasing rented homes which can be re-let to a household on the Housing Register.

A range of measures will be delivered by our housing provider Homes for Haringey and by various parts of the council, within a clear strategic remit to make more of our existing homes available to augment our ambitious new homes programme.

8. Objective 4: Ensure that housing delivers wider community benefits

Housing cannot be separated from some of the other challenges people may face, including for example, in health, education, unemployment, anti social behaviour or crime. We can't ignore the role that housing can play either in helping to meet those challenges, or in making them worse. New homes and wider regeneration programmes can – and must – have a transformative effect, not just on the physical place, but on the lives of people who live in that place. We are particularly keen to make sure that people who move into or back into regeneration areas can get the greatest possible benefit from the change in their neighbourhoods.

Existing communities can feel that higher rent and house prices and more desirable neighbourhoods bring problems and not much benefit, most obviously for those people who do not own some or all of their current home. Years of construction disruption can threaten to make this worse, especially in areas like Tottenham and Wood Green where the change will be significant and take place over many years. It is obvious that regeneration must have the support of local people, and make a genuine positive difference to those people's lives.

Central to this fourth objective is ensuring that housing services meet the needs of people at different stages of their life – this might mean providing advice about housing options, assisting with financial issues, facilitating access to education or training, employment support, relocation as a result of regeneration, short term supported housing or a social housing tenancy. While we value stability and settled homes, needs change and our services must be agile and tailored in response and where possible in anticipation.

Our priorities are to:

- Promote independence, health and wellbeing
- Provide stable, safe well-managed homes in decent environments
- Maximise training and employment opportunities
- Give residents a stake in growth

8.1 Promoting independence, health and wellbeing

A safe, settled good quality home is often the first building block for a healthy, independent life. We believe that independence is fundamental to wellbeing for everyone, and independent living for the widest range of people helps to achieve our aim for mixed and balanced communities. We recognise that this can be particularly challenging for some people, and that support will sometimes need to be tailored to the specific needs of particular groups.

As with housing crisis, our approach is based on early intervention and prevention, people taking responsibility for their situation (and solving their problems wherever possible) and residents and communities, which are under increasing pressure, supporting each other. Our aim is to maintain independence by providing a comprehensive response to the needs of residents, including enabling solutions that support independent living.

We are determined to take every opportunity to use housing as a way to improve people's long-term physical and mental health, while reducing the health risks that people's housing and wider environment may create.

To achieve the above we will:

- Continue to work in an integrated way with health, housing and voluntary sector partners, to make sure that each Haringey resident has a home that helps to support his or her independence, health and wellbeing.
- Prevent homelessness and reduce the need for temporary accommodation by commissioning early intervention and support services that sustain independence and provide alternative supported accommodation pathways, so that people can move through support services in a planned way.
- Complete a comprehensive strategic review of supported housing provision in the borough, including sheltered housing for the elderly, extra care housing and short term supported accommodation. Working with partners, this will enable us to ensure that the available accommodation is modern and fit for purpose with appropriate support available, and meets current and projected needs for all age groups and types of need. The review findings will inform our development plans and provide the evidence to secure new, purpose built high quality extra care schemes, hostels and all forms of supported housing.
- In particular, use the findings of the supported housing review to help us move to more modern housing options for older people, ensuring services are needs-based and not age-based. We are aiming to make the best use of the available stock and provide services more flexibly, including in the community.
- Provide suitable housing and neighbourhoods for older people, close to local services, community facilities and opportunities for outdoor activity and recreation, to help them maintain the highest possible level of activity, independence and quality of life.
- Develop options for more tailored services for individual older and vulnerable people, including extending services that are part of any purpose-built supported accommodation to provide support services to people living in the wider community.
- Provide appropriate services and support at home if possible, and working with our partners to provide wider and more innovative opportunities for support at an earlier stage to avoid institutional forms of support and care.

- Help young people, including care leavers, to secure and maintain independent housing and work with our partners to help them engage effectively in society, combat financial exclusion and make the most of training and employment opportunities.
- Seek to increase the number of people with learning disabilities who have their own home; increase the quality of housing and support for people with learning disabilities, and ensure that this housing and support is affordable
- Ensure that our investment in council-owned homes makes an important contribution to the health and wellbeing of council tenants and leaseholders.
- Improve health by tackling poor quality homes in the private sector and especially the private rented sector, where the highest levels of serious repairs and hazards occur.
- Ensure the provision of adaptations to enable people with physical disabilities to live independently in social and private sector homes.
- Ensure, through the planning process, that new housing supports residents' physical and mental health by enabling activity (for example with communal gardens), providing play areas for children with a wide range of needs, requiring accessible homes on new developments (in accordance with appendix C) and enabling older and more vulnerable adults to remain independent for as long as possible.
- Work with Homes for Haringey and the private and voluntary sectors to review Haringey's Affordable Warmth Strategy, identifying ways of helping people out of fuel poverty and reducing the risk of cold-related illnesses and excess seasonal deaths.

In all cases, our approach will focus on supporting independence. We will intervene early to prevent loss of independence, by understanding the greatest risks threatening residents' capacity to continue living safely and comfortably in their own homes, and by seeking to minimise escalating needs and reduce the long term cost to public health, social care and support services.

8.2 A stable home

Evidence shows that children's life chances are enhanced by living in stable homes, while being forced to move home frequently can have a detrimental effect on educational attainment. Frequent moves can also disrupt vital family connections and access to a stable job or training. Recognising that moving is sometimes necessary at different stages of life or for positive reasons; people must feel secure, safe and stable in their home and neighbourhood to thrive.

To achieve this we will:

- Work to sustain people's tenancies no matter who their landlord is.
- Provide sustainable suitable and affordable accommodation for those in housing crisis. For people in temporary accommodation, provide a settled home so that moves within

temporary accommodation are minimised as far as possible, particularly for those families with school age children.

- In partnership with investors, develop affordable private rented homes in Haringey, which offer longer tenancies than is typical in the private rented sector.
- Tackle anti-social behaviour (ASB), ensuring that repeat vulnerable victims of ASB see a joined- up and consistent approach to their problem, regardless of where they live in the borough. We will develop more coordinated tactical plans for tenants and homeowners to help prevent ASB from occurring in the future. An early priority will be to work with partners to improve sustained support to both victims and offenders.
- Promote high quality design in the council's estate redevelopment plans and planning policies, to maximise safe living conditions.

As we have said in 6.3 above, we remain committed to lifetime tenancies for existing council tenants but are required to implement fixed term tenancies for new council tenants. In doing so we will need to ensure a careful balance is struck. Tenancy reviews will be undertaken sensitively, using transparent and fair criteria. For many tenants we would expect a renewal to be agreed in a manner that minimises any uncertainty and stress and doesn't cause instability. For a small number, there may be particular circumstances (for example, an aspiration to home ownership) that will mean more discussion with tenants about whether a council tenancy remains the most appropriate option for them at that stage of their life.

Where tenants' circumstances have changed, or they are seeking a move for their own reasons, we will engage openly with tenants to discuss realistic options and work with them to find the best option. In all cases, a review of an expiring fixed term tenancy will be as far as possible a positive experience for tenants in which they feel supported to achieve their aspirations.

Achieving stability when people are in housing crisis is a particular challenge. As we have set out in 6.2 above, we will sometimes have to make use of temporary accommodation outside of the borough and outside of London. When this arises, we will give priority to helping affected households settle in to their new homes. We will provide a comprehensive and tailored support package to enable people to establish connections in their new location and become part of the community as quickly and as painlessly as possible.

8.3 Employment and training

Housing can also help residents to secure employment and access training opportunities, supporting the long-term aim of achieving a fully-employed Haringey. This is particularly important in the context of the benefits cap and frozen housing benefit rates, where often the best solution for affected residents is to get into employment.

The council plays a key role, together with its housing association partners, including Jobcentre Plus, local colleges, voluntary sector organisations and employers, in seeking to reduce unemployment and benefits dependency.

To achieve this we will:

- Ensure that the council's and its partners' housing advice and homelessness services are closely linked with employment and skills support, particularly in relation to young people.
- Use our buying power to help residents benefit from jobs with employers that the council contracts with for the services we provide.
- Encourage our housing providers and suppliers to offer apprenticeships and vocational training opportunities like those offered by the council itself.
- Secure training and employment for Haringey residents in construction and related trades in new building, estate renewal and improvement programmes and use section 106 agreements attached to planning permissions to secure commitments from developers to training and employment.
- Continue to commission specialist providers, in particular our housing association partners, as part of the housing related support programme, to support vulnerable individuals to access education and training or to help with job hunting.

8.4 Giving residents a stake in growth

We want to make a real change to the way regeneration works, finding ways for residents to have a direct stake. This means giving everyone a share in the benefits and helping the community, the council and a range of other partners unite behind a shared ambition for growth and progressive change.

The council's Economic Development & Growth Strategy sets out our long-term aims for the borough, to ensure that, by 2030, employment levels are higher, earnings are higher and workers are better trained and qualified. We are also aiming for a more dynamic borough, where there are more jobs and a better range of jobs, including a greater proportion of jobs in more highly-skilled sectors, such as sustainable technology, digital design and skilled/ craft manufacturing.

We have a number of current and planned initiatives that together will contribute to giving residents a real stake in the borough's growth aspirations

To achieve this we will:

- Seek to procure an investment partner for our Development Vehicle, which will enable the Council to maintain a long-term financial stake in regeneration and housing projects, thereby generating additional funds for our social objectives.
- Investigate ways in which we can ensure that residents have a more direct, personal and possibly financial stake in regeneration.
- Step up our commitment to co-production, whether of places or services, working with residents to enable them to influence the design of new homes and areas, of new services and to be involved in the procurement process for key providers and partners.

- Provide stronger leadership to ensure that residents are clear about the benefits they can expect to see over time. We will push hard to ensure priority access to new homes; better public spaces; new jobs and apprenticeships; investment in local services and infrastructure.
- Set targets for these outcomes and measure our progress (for example jobs created as a result of planning gain), ensuring results are achieved for the benefit of residents.
- Seek to minimise the disruption experienced by those living closest to major development sites and give a high priority to involving affected residents at an early stage, so they are able to influence plans and shape the outcomes.
- Apply the above to all developers and partners, and ensure we lead by example.

Estate renewal is well underway in North Tottenham at High Road West where residents are actively involved in shaping the nature of a new district, providing many more new and high quality homes. As we pursue these and other initiatives, we will work with residents at all times to make sure we are offering something that people genuinely want and that will make a real difference – this is absolutely central to our growth priorities.

9. Delivering the Housing Strategy

Although it supports the council's Corporate Plan and Local Plan, the Housing Strategy is itself a document supported by many others. It sets out the strategic direction for housing in Haringey and what we want to achieve, focusing in particular on the big changes necessary to our approach. While it describes a number of specific initiatives that are already underway or in development, it does not offer every detail of how our objectives will be achieved. In some cases, we do not yet have all the answers and want to consult further with residents and partners before finalising plans and putting them into action. In others, there is not space here for all the detail.

9.1 Our Policies and Delivery Plans

Delivery of the Housing Strategy will be supported by a comprehensive suite of existing and new strategies, policies and delivery plans. The table below sets out the current and planned portfolio of housing policies and delivery plans that underpin achievement of the strategy, although this is likely to evolve over time.

9.2 Equalities Impact Assessment

An Equalities Impact Assessment (EqIA) of the Housing Strategy has been undertaken and this has identified ways in which the Strategy can positively impact households with protected characteristics. In effect the strategy itself is the mitigation of the adverse impacts of recent legislative changes. We are aiming to improve the delivery of genuinely affordable new housing to low income households amongst whom protected groups are over represented. The Housing Strategy will provide improved support for those in housing crisis, through delivery plans including the Homelessness Strategy/Delivery Plan and Intermediate Housing Policy. The strategy also tackles the issues predominantly affecting low income households in the private sector including poor repair, health and safety compliance and high agency fees. Individual EqIAs will be prepared for the supporting policies and delivery plans where appropriate.

9.3 Delivering Together

Delivery is not just a matter for the council but will involve a broad partnership of residents, whether tenants or home owners, landlords, developers, service providers, employers, the voluntary sector and stakeholders, whether individuals or organisations. There is a central role for Homes for Haringey the council's lead provider.

Of course the council cannot do everything itself and this is a Housing Strategy for Haringey, not just the council. We recognise that leadership on housing in Haringey extends beyond the council. The approach should apply to all housing in Haringey, which means everyone involved in building and managing homes and supporting the people who live in them has a role to play in delivering it. In developing our policies and delivery plans therefore, we are striving to be inclusive and transparent.

This means we will:

- Involve residents and other partners in developing detailed proposals to deliver those objectives described in the Housing Strategy, where plans do not already exist.
- Publish on the council's website a comprehensive collection of delivery plans and policies that set out our approach to delivering the strategy, such as our updated Allocations Policy, refreshed Homelessness Strategy and forthcoming Private Sector Housing Delivery Plan.
- Publish details of our progress, as part of our transparent monitoring of performance against the council's wider Corporate Plan.

The council's role in delivering its housing strategy is increasingly one of commissioner and enabler, working with partners to maximise investment in new housing and better services. This means bringing people together around a common agenda or objective – this strategy is intended to provide the framework for this coming together, in order that we achieve growth, better housing and a better quality of life for all Haringey residents.

Appendix A – Recent Legislation

Housing and Planning Act 2016

The new measures introduced in the Housing and Planning Act 2016 are set out below. The detail of many of these measures is not yet known and will be set out in Regulations due to be published over the autumn and winter of 2016/17.

A1 Starter Homes

The Government have introduced a new form of housing to be called “Starter Homes” which will be classified as “affordable homes.” They are new build homes, to be sold to first time buyers between the ages of 23 and 40, at 80% of their market value. The discount will be maintained for a period, currently set out at 8 years, after which the owner can sell them at full market value.

As part of Planning Policy, the Government will require 20% of homes on sites above a certain threshold, (which has not yet been set), to be Starter Homes. The maximum price of a starter home in London is £450,000. No date has yet been set for this policy to start.

A2 Voluntary Right to Buy for Housing Associations

The Housing and Planning Act gives the Secretary of State the power to pay Housing Associations to compensate them for discounts provided to tenants who exercise the Right to Buy Housing Association property (funds to come from the sale of higher value Council homes – see below). The legislation also gives the HCA the power to monitor and report on the progress of the Voluntary Right to Buy.

A3 Forced Sale of Higher Value Council homes

The legislation imposes a duty on local authorities to consider selling all empty homes that become vacant, which are above a certain value threshold (which will be set in Regulations). It also requires local authorities to pay a levy to Central Government, which reflects the value of the empty homes above the threshold, on an annual basis. The Government will deduct a sum from the value due to be paid, which reflects the administration costs, and the sum which reflects the debt portion of the property, which the local authority can keep, but the remainder has to be paid directly to Government.

The Government will issue a Determination, setting out what they think that the local authority is due to pay and the local authority will have 28 days to comment on this; but the legislation does say that the determination does not have to be an accurate estimate of the value and number of the empty properties likely to become available, nor even that the estimate has to be likely to be accurate. There will be no adjustment in the following year, should the estimate be wrong. The Government can charge interest on late payments of the levy.

It is possible for London local authorities to negotiate a reduction in the levy, if they agree to use the retained funds to build or facilitate the building of replacement homes on a two for one basis.

Regulations on a range of matters, including the threshold, and what constitutes a replacement home are expected in the autumn of 2016.

A4 Pay to Stay

The Government have legislated to require tenants if they live in social housing, who earn more than £40,000 a year in London, to pay a market rent. The market rents are to be set by local authorities, following Guidance from the Department of Communities and Local Government (DCLG). The income counted towards the threshold, is the income of the tenants and partner. Income of adult children in the household will not be counted, unless they are one of the two joint tenants. Households in receipt of Housing Benefit are exempt, as are households where the increase to market rent would make them eligible for Housing Benefit. The increase in rent will be tapered at 15p in the pound up to the market rent. Tenants will be asked to declare their income in the first instance, and the legislation requires the HMRC to co-operate with local authorities in the verification of their income. Tenants who fail to co-operate will be charged market rents.

The money raised, minus the administration costs, has to be sent to Government. Regulations on this area of legislation are not expected until the winter of 2016/17. In the first year, the Government have indicated that they will accept whatever income is collected minus the actual administration costs; and if it proves that the income is exceeded by the costs of collection, it is possible that there are areas where this legislation will not be applied. (This might be, for example, areas where market rents are not much higher than social rents.)

A5 Fixed Term Tenancies

The Government have legislated to require that almost all new tenancies granted after the passage of a date to be set out in Regulations, will be Fixed Term Tenancies. Local authorities will have discretion to set out, in new Tenancy Strategies, their proposals for the length of tenancies that they will grant, and the grounds on which they will either be renewed, or not.

Tenancies can be as short as two years, in exceptional circumstances; and they can be as long as ten year tenancies in some circumstances (e.g. for older or disabled tenants, or for households where there is a child in full time education.). However, the discretion available to local authorities will be set out in more detail in the Regulations, when available.

Between 6 and 9 months prior to the end of the tenancy, the local authority must carry out a review, and decide whether to grant a fresh tenancy, and the grounds on which tenancies might not be renewed (e.g. where a household income has increased above a given threshold, or where a household no longer needs a home of the same size.)

All tenancies created by succession (where a partner inherits the tenancy) will be a five year fixed term tenancy.

Fixed term tenancies are a requirement for local authorities, but discretionary for Housing Associations.

A6 Private Rented Sector

The Government have introduced a range of measures to enable local authorities to better intervene in the Private Rented Sector, when landlords do not provide an adequate service for

tenants. This includes the ability for local authorities to set up a database of “rogue” landlords. These will be landlords whose contraventions of legislation and regulation have been such that they are not fit and proper persons, to own and manage housing. Local authorities can obtain “banning orders” preventing these landlords from owning and managing housing to let.

The additional measures include rent repayment orders, where landlords are in breach of their obligations, and Regulations to introduce a 5 year electrical safety check. There are in addition changes to procedures to enable landlords to repossess abandoned property more easily.

A7 Social Housing Regulation

There are a number of measures within the legislation which are designed to release Housing Associations from public sector controls. One of these measures includes the power for Government to limit the influence of local authorities on Housing Associations, by removing the requirement to have local authority nominees on Boards, even where this is currently within the company rules. Housing Associations will no longer have to consult local authorities about disposals, or use the proceeds from disposals within the local authority area.

Welfare Reform and Work Act 2016

A8 Social Housing Rents

The Welfare Reform and Work Act 2016 requires all social housing landlords to reduce their rent by 1% each year, for four years until 2020. This has removed £26m from the Haringey Housing Revenue Account Business Plan. In the first year, the Government provided for an exemption for supported housing (including sheltered housing) but has not indicated what the position will be for 2017/18 onwards.

A9 Welfare Benefits

The Act reduces the total amount of benefit that a household can receive further – this is known as the benefit cap. The amount that a single person in London can receive will be a maximum of £15,410 and the maximum that a family in London can receive will be £23,000. This reduction will be introduced in November 2016.

There will also be a freeze on most benefits for a period of four years, from 2016. This will affect Income support, Job Seekers allowance, Employment Support Allowance, Housing benefit, Universal Credit, Child Tax Credit and Working Tax Credit.

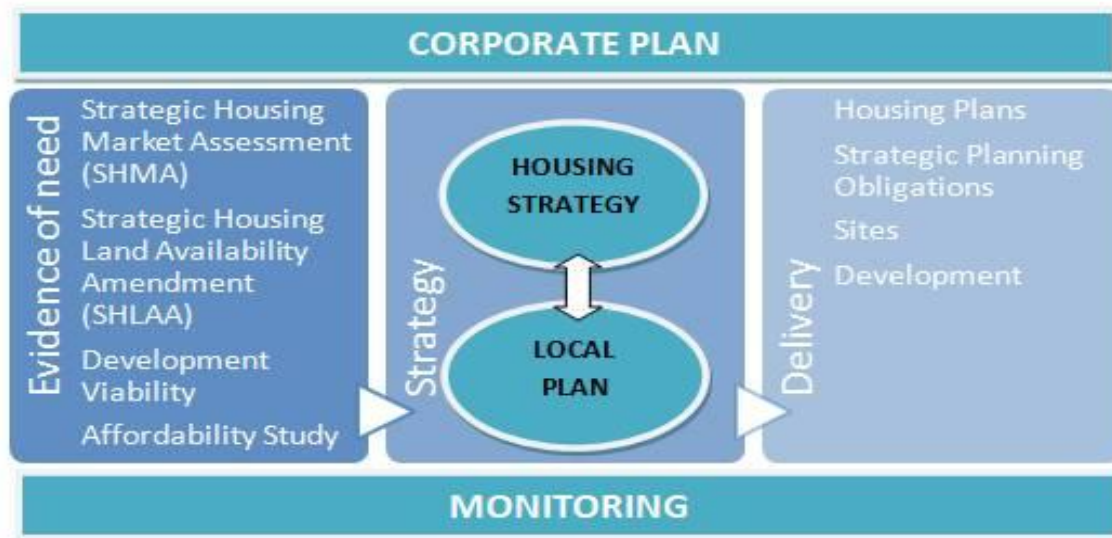
Child benefit will only be paid in respect of the first two children in a family. This will apply to all children born after 1st April 2017. The “first child premium” will also be abolished.

Appendix B – The Housing Strategy and the Local Plan

The Housing Strategy and the Local Plan are intended to work in tandem to manage housing, new and existing, across the borough, ensuring these best meet local needs. Both rely on the same body of evidence, in particular, the Strategic Housing Needs Assessment (SHMA). The Local Plan sets out the overall development planned for within the Borough; and the Housing Strategy picks up in more detail the housing needs of local communities. Local Planning decisions are made in reference to the Local Plan, and will also look to the Housing Strategy to assess whether there is a need for the kind of housing proposed in the new development and the most appropriate mix to be provided.

Jointly, they identify Council's priorities for housing investment and guide the decisions of the Council and its partners on appropriate interventions in the local housing market.

The Supplementary Planning Document – Planning Obligations sets out in more detail the obligations that will be expected of developers, including the expectation of affordable housing. The mix, tenure and type of housing to be delivered are set out in both documents. The Housing Strategy sets the expectation of the Council and its partners, in what it believes the needs of the borough are; the Planning Obligations SPD is the mechanism by which this expectation will be secured.



The Mayor of London's Housing Supplementary Planning Guidance (SPG) was published in March 2016 and reflects changes to the London Plan. It provides updated guidance on a range of strategic policies including housing supply, residential density, housing standards, build to rent developments, student accommodation and viability appraisals. A section on affordable housing was not published as the Housing and Planning Act was still going through the legislative process but the new Mayor has stated his commitment to greater accountability and transparency over planning viability.

Appendix C – Affordable, Intermediate and Specialist/Supported Housing Guidance

Introduction

The purpose of this appendix is to confirm for all affordable housing providers (including housing associations, private developers, the Development Vehicle and the Council's own development/regeneration teams) the tenure/dwelling mix and affordability the Council expects for new affordable housing provided in the borough. It is recognised that these expectations may be subject to viability and site constraints. This strategy also makes clear that the Council will lead by example in this area of policy.

Appendices C and D will be maintained by the Council as discrete guidance to private developers and affordable housing providers, particularly at the pre-planning stage of developments in the borough. It is anticipated that this approach will clarify the Council's expectations, thereby reducing abortive work and more frequently achieving successful developments which meet local needs. During the period covered by this strategy, revised versions of this appendix may be published as housing need develops and/or better information becomes available.

Tenure Split

It is expected that the Council's Local Plan policies for affordable housing will form the starting point for the consideration of individual development proposals i.e. that development sites with capacity to provide 10 or more units will be required to provide the maximum amount of affordable housing reasonable, contributing to a borough-wide provision of 40% affordable homes of all new homes delivered. The tenure split of the affordable housing provided will be a balance of 60% rented and 40% intermediate, except in Tottenham, where these proportions are reversed.

In terms of the specific types of rented and intermediate homes, the Council expects providers to develop rented homes at rents that are affordable for Haringey residents and, as a minimum, rents below Local Housing Allowance levels. The Council's preferred intermediate provision is low cost shared ownership affordable to households on gross incomes at or below £40k per annum.

Maximum Rent Levels

Affordable rents should be set as a proportion of private rents. We recognise that because of government funding requirements, housing associations and other partners are required to

charge a rent higher than a target rent on new properties and some existing properties. We are therefore providing guidance on maximum rent levels where rents are set above target rent level.

Providers should aim for *average* rents to be no more than 65% of local market rents and should ensure that all individual property rents are below the Local Housing Allowance (LHA) threshold. Where providers do set rents above 65% of local market rents they should target those homes at working households who are not affected by the benefit cap, and in particular those who are seeking to downsize from existing council or housing association homes. Homes where rents are below 65% of local market rents should be targeted at those in greatest need and whom the benefit cap affects. The table below provides a guide to maximum rents in Haringey.

Number of bedrooms	Maximum affordable rents as % of local market rents
1 bedroom	Up to 80%
2 bedrooms	Up to 65%
3 bedrooms	Up to 55%
4 or more bedrooms	Up to 45%

In recognition of the higher market rents in the west of the borough, affordable rents in this part of the borough should be assessed against lower quartile market rents.

Shared Ownership

The requirement for 'lower cost' shared ownership is that the three cost elements (mortgage costs on the percentage share purchased, rent charged on the unsold equity and service charges) should not exceed 45% of the net income received by a household (see appendix D). To achieve this, providers will need to consider offering the lowest possible percentage share (normally 25%), the lowest possible rent charged on the unsold equity and low service charges from the design and management arrangements for the scheme.

Dwelling Mix for Affordable Rented Housing

- 11 % one bedroom units
- 45 % two bedroom units
- 33 % three bedroom units
- 11 % four (or more) bedroom units

of which, a minimum 10% to be wheelchair accessible, with aspiration of 20%.

Dwelling Mix for Intermediate Housing

- 30 % one bedroom units
- 60 % two bedroom units
- 10 % three bedroom (or more) units

of which, a minimum 10% to be wheelchair accessible, with aspiration of 20%.

Supported Housing Supply

The council's strategic review of Supported Housing is due for completion in early 2017 and this is assessing the current and required supply of specialist housing in the borough. Initial findings from the review anticipate that there is a shortfall in the supply of specialist supported housing for the following groups:

- Older people with complex needs such as learning disabilities, mental health and substance misuse, and accessible sheltered housing units for those with physical disabilities.
- People with mental health conditions leaving hospital and/or secure units, and specific units for women being released / discharged from hospital.
- People with learning disabilities who require supported living units.
- Single homeless adults requiring move on accommodation, including those with complex needs.
- Vulnerable young people/care leavers with complex offending/gang related needs; young women at risk of exploitation; and smaller services for young people to learn independent living skills.
- Survivors of domestic violence, and particularly provision for women from BAME backgrounds and for women with disabilities.

All new and converted supported housing is required to be accessible or adaptable for those with physical disabilities.

Student Housing

There is no identified need for additional student housing in the borough and proposals to develop student housing would not normally be supported and, in any event, will not fulfil the Council's expectations for affordable housing as set out above in this appendix.

Appendix D – Affordability

Haringey is an expensive place to live. It is one of 17 boroughs across the capital where households in the private sector are, on average, spending more than 50% of their net income on housing costs. Home ownership in particular is beyond the reach of many who currently live in the borough, or would like to move here. As well as entry level affordability being an issue in Haringey, moving up the property ladder once you are on it can also prove difficult. Overall, affordability is a major barrier to the local housing market, both for prospective renters and prospective buyers, and the council is committed to helping people overcome this barrier.

Affordable rented housing should be genuinely affordable to those most in need. For our existing 16,000 council homes, the council will maintain rent levels at or near so-called “target rents” to ensure that homes are available that local people in housing need can afford. We will encourage the landlords of Haringey’s 12,000 housing association homes in the borough to do the same and maintain target rent levels for the majority of the homes they re-let after a tenant moves out. Even if we meet our targets for building new affordable homes, these existing homes are likely to form the majority of affordable rented housing in the borough – which means target rents will remain the most common kind of affordable rent in Haringey.

There is more of a challenge in setting rents for the new affordable rented homes which Haringey needs, and the homes for which housing associations are able to change the rent. The Government has reduced investment in new affordable housing by around 65% since 2010, which simply means that anyone wanting to build new affordable rented homes – whether council or a housing association - needs to set higher rents to secure the necessary investment. The Government’s affordable rent model is therefore pushing rents well above target rent levels, but we have to accept that without being able to charge these rents, the much-needed new homes simply cannot be built.

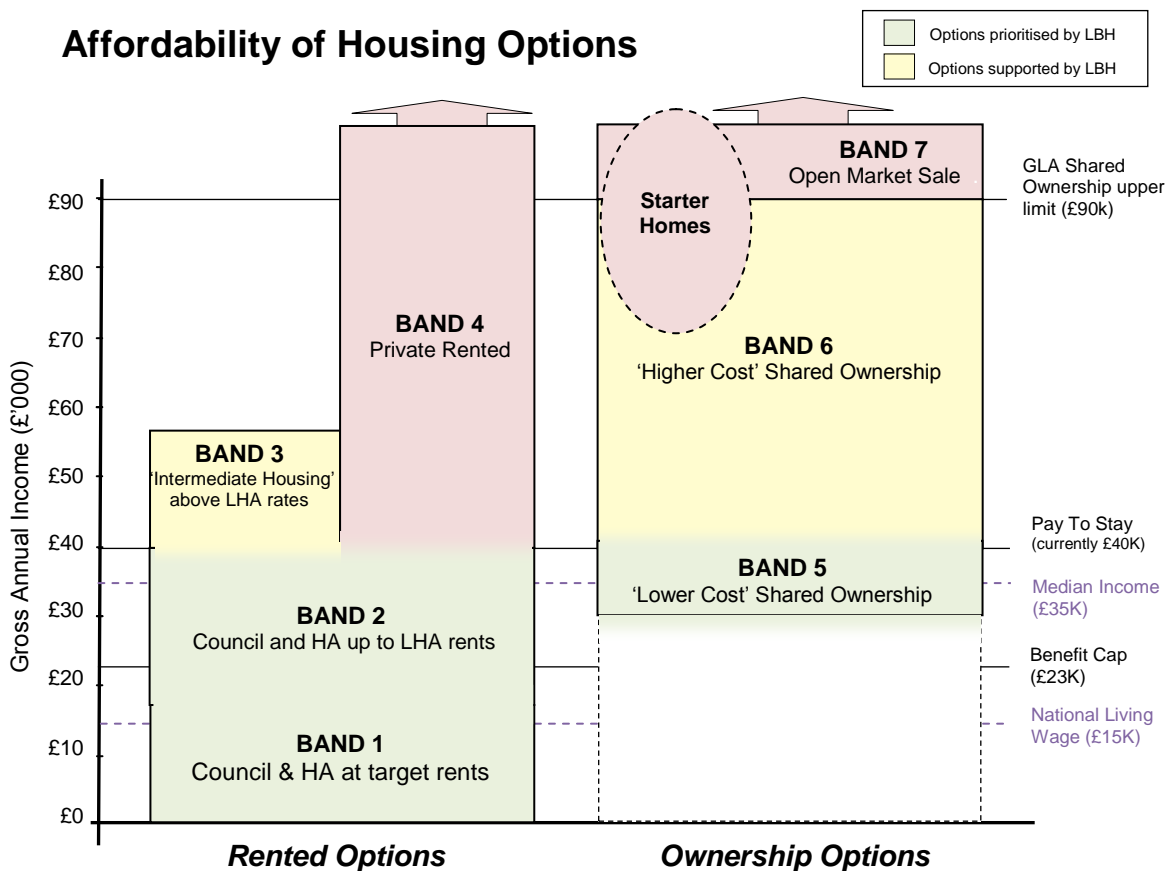
Although affordable rents will continue to be described as a percentage of market rents, for us there is a straightforward principle to apply to an assessment of affordability, which is that rent must be reasonable in relation to someone’s income.

Initial DCLG Guidance on Strategic Housing Market Assessments (SHMA) suggested using an affordability multiple (3.5 times income) to assess whether a household could access open market house purchase, at a lower quartile house price; and 25% of income to assess whether a household could afford a private rent. However, this is national guidance, and the London situation is very different - in reality households in London pay more than this to meet their housing costs. The Strategic Housing Market Assessment (2014) for Haringey suggests that households in Haringey are more likely to be paying between 30 – 40% of their income towards their housing costs. Recent research by Countrywide (reported in *The Guardian*) found that households in London are typically paying 57% of their income on housing costs, with tenants responding to this by moving into shared accommodation.

The Housing Strategy is therefore seeking to strike a realistic balance, by adopting an approach to affordability based on households paying up to 45% of their net income on housing costs, as this is closer to the current reality for many households.

We are keen ensure that that we provide or enable housing options for people that are appropriate to their financial circumstances, and recognise that achieving the right mix is central to our commitment to mixed and balanced communities. This means that when we talk about affordability we have to be able to answer the question – affordable for whom?

The chart below identifies the range of rental and home ownership options in relation to income, including 'lower cost' shared ownership aimed at those households earning less than £40,000 a year and traditional "higher cost" home ownership for households with incomes above this level.



The seven gross income bands set out above have been determined by applying the principle that weekly housing costs for households in each band are limited to 45% of net income. This approach means different housing products will need to be aimed at different income bands as follows:

Band	Gross Income	Affordable Products (assuming housing costs do not exceed 45% of net household income)
Band 1	Up to £17,000	Council and housing association homes at target rents
Band 2	£17,000 – £40,000	Council and Housing Association homes and private rented homes within Local Housing Allowance
Band 3	£40,000 - £56,000	Intermediate housing at rents above Local Housing Allowance

Band	Gross Income	Affordable Products (assuming housing costs do not exceed 45% of net household income)
Band 4	£40,000 upwards	Private rented homes above Local Housing Allowance
Band 5	£30,000 - £40 ,000	Lower Cost Shared Ownership for lower income households, including those at or just above proposed Pay to Stay threshold (currently £40,000)
Band 6	£40,000 - £90,000	Higher Cost shared ownership
Band 7	Above £90,000	Open market purchase

Increasingly the council has to ensure that the diminishing supply of social housing must be prioritised for those who cannot afford the alternatives and it is clear from the above that the council's priority must be to assist those people in bands 1, 2 and 5.

The Council's preferred intermediate provision is lower cost shared ownership affordable to households on gross incomes at or below £40k per annum and this Strategy sets out what we will do in order to provide or enable the types of new housing which are affordable to households in bands 1, 2 and 5. However, we will also promote intermediate rent products which are affordable to those in bands 3 and 6 who are unable to afford the open market.

It should be noted that at the time of writing, detailed regulations on the Government's Pay to Stay proposals are not available. The Council's preference is that social housing tenants do not pay market rents while remaining in social housing and instead consider alternative options developed as part of the policies and delivery plans supporting this Strategy. This will be set out in the Allocations Policy, Tenancy Strategy and Intermediate Housing Policy and be consulted upon, and will reflect the Pay to Stay position when known and may define income thresholds for different types of housing and bedroom sizes.

Also, the Government response to the consultation it initiated which proposes a new and different definition of affordable housing is awaited. The current definition of affordable housing, according to the Government includes social rented, affordable rented, discounted rented, discounted market sale and intermediate housing, provided to specified eligible households whose needs are not met by the market. The new definition proposed in the Government consultation paper broadens the definition and in particular, proposed that new "starter homes" can be counted as "affordable" within the Government definition. Estimates of this new type of housing so far suggest that these homes will not be affordable for people on average incomes in Haringey; the statutory definition includes properties for sale at up to £450,000.

The potential inclusion of this revised definition of affordable housing in amended national planning policy guidance later this year would create a divergence between the national and Haringey definitions of affordable housing. This could mean that, if an affordable housing provider ignored the Council's preferred affordable housing (as set out in appendix C of the strategy) and failed to provide even the higher cost forms of affordable housing which meet the Haringey definition, preferring for example to opt for 'Starter Homes' instead, this may not be preventable under the new emerging national planning framework. This would not stop the Council from promoting its local definition of affordable housing and specifically its preferred model of affordable housing (as set out above).

Appendix E – Supporting Information

E1 Who this strategy is for

This strategy is a public document, and we want it to be accessible to everyone. There are some people that we expect will be particularly interested in some or all of the strategy, and its supporting policies and delivery plans, which provide more detail. These include:

- Existing Haringey residents (especially those who rent their home from the council, a housing association or a private landlord), so they know what they have a right to expect, and what is expected of them.
- People looking for a new home in Haringey (whether they currently live here or not), so they can understand what their options are and what support they might expect, especially if they want to rent that home or buy some or all of it through an affordable home ownership scheme.
- Private developers and housing associations proposing to build new homes in Haringey, so they know what is expected in their proposals.
- Private landlords and housing associations who rent out homes in Haringey, so they know what standards are expected and how those standards might be enforced.
- Regional and central government agencies such as the Greater London Authority (GLA) and the Department for Communities and Local Government (DCLG), to help inform their funding decisions.
- Public bodies and voluntary sector organisations that provide services or advice to current or future Haringey residents, so they can make sure their own work with residents is consistent with the council's approach and links properly to the work being done by housing providers.
- The council itself, and its provider Homes for Haringey, to ensure that our approach to future challenges is consistent with the overall strategic approach set out here.

E2 How the strategy was developed

The Council held two major consultation exercises to encourage input from residents, partners and stakeholders to help shape the content of Haringey's Housing Strategy.

During the consultation exercises, respondents highlighted a range of issues and concerns, which, in summary, covered 3 main areas:

- **Housing affordability:** recognition that house prices in Haringey are beyond the reach of households on average incomes

- Supply of new homes: support for policies which increase the supply of new homes, bring empty homes back into use and improve allocations to social housing
- Vulnerable groups: support for a strategy which addresses the needs of residents with vulnerabilities or who face additional barriers to accessing suitable housing, for example disabled residents.

The final version of the strategy addresses these points, and this is set out in a detailed consultation report, including a list of stakeholders consulted and feedback from respondents. The full report is available online at www.haringey.gov.uk

E3 Sources of Information

Information/ Statistics	Source
Housing Requirements and shortfall Tenure Preferences Houses in Multiple Occupation – location Central Heating prevalence	Haringey Strategic Housing Market Assessment (SHMA) 2014 http://www.haringey.gov.uk/sites/haringeygovuk/files/strategic_housing_market_assessment.pdf
Property Sizes by tenure	Census 2011 / NOMIS table LC4405EW - Tenure by household size by number of bedrooms https://www.nomisweb.co.uk/census/2011
Annual Sales figures	Land Registry House Price Index https://data.gov.uk/dataset/monthly-land-registry-property-transaction-data
Median Household Incomes	GLA Household Income Estimates 2012/13, updated by a 4.3% increase in wages between 2012 and 2015 (ASHE) http://data.london.gov.uk/apps/gla-household-income-estimates/
Average Property Prices June 2016	Zoopla - year to June 2016 http://www.zoopla.co.uk/market/uk/
Average Rents by bed size	Valuation Office Agency (VOA) / GLA Rent Map- year to March 2016 https://www.london.gov.uk/what-we-do/housing-and-land/renting/london-rents-map
Issues around Houses in Multiple Occupation	Haringey HMO and Planning Policy Development Research Paper, August 2012 www.haringey.gov.uk/
Fuel Poverty	Department of Energy and Climate Change/Sub-regional Fuel Poverty Table 2 https://www.gov.uk/government/collections/fuel-poverty-sub-regional-statistics
Savings and Housing Costs	Hollow Promise: How London fails people on modest incomes and what should be done about it, Centre for London (2014) http://centreforlondon.org/publication/hollow-promise/

Information/ Statistics	Source
Roma & Irish Traveller assessments	Roma & Irish Traveller Needs Assessment www.haringey.gov.uk/
Planning Evidence base	North London Strategic Housing Market Assessment Local Housing Needs Assessment 2007 Affordable Housing Viability Study 2010 Strategic Housing Land Availability Assessment (SHLAA) http://www.haringey.gov.uk/planning-and-building-control/planning/planning-policy/local-plan/local-plan-evidence-base

E4 Supporting Policies and Delivery Plans

This Strategy, and its various supporting policies, delivery plans and sub-strategies can be found here:

<http://www.haringey.gov.uk/housing/housing-strategies-policies-and-plans>

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Haringey Council

Equality Impact Assessment

Name of Project	Haringey's Housing Strategy 2017-2022	Cabinet meeting date If applicable	18 October 2016
Service area responsible	Housing Commissioning, Investment & Sites Team		
Name of completing officer	Kathryn Booth / Martin Gulliver	Date EqIA created	19 May 2015 (first draft)
Approved by Director / Assistant Director	Dan Hawthorn	Date of approval	

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity between those with 'protected characteristics' and those without them
- Fostering good relations between those with 'protected characteristics' and those without them.

In addition the Council complies with the Marriage (same sex couples) Act 2013. Haringey Council also has a 'Specific Duty' to publish information about people affected by our policies and practices.

All assessments must be published on the Haringey equalities web pages. All Cabinet papers MUST include a link to the web page where this assessment will be published.

This Equality Impact Assessment provides evidence for meeting the Council's commitment to equality and the responsibilities outlined above, for more information about the Council's commitment to equality; please visit the Council's website.

Stage 1 – Names of those involved in preparing the EqIA	
1. Project Lead – Martin Gulliver	5.
2. Equalities / HR – Kathryn Booth	6.
3. Legal Advisor (where necessary) – Robin Levett	7.
4. Trade union N/A	8.

Stage 2 - Description of proposal including the relevance of the proposal to the general equality duties and protected groups. Also carry out your preliminary screening (Use the questions in the Step by Step Guide (The screening process) and document your reasoning for deciding whether or not a full EqIA is required. If a full EqIA is required move on to Stage 3.

The Housing Strategy

Haringey Council wishes to put in place a new Housing Strategy which better reflects the Council's Corporate Plan, includes key objectives on housing and growth in the borough, and takes account of changes in national and regional housing and welfare policy, changes in the local housing market and demographic changes in the borough.

Haringey's draft Housing Strategy 2016-2021 explains the Council's approach to housing across all tenures and in all areas of the borough. The **vision** for the Housing Strategy is:

“Housing is about people and communities, not just bricks and mortar. This means mixed and inclusive neighbourhood where residents can lead happy and fulfilling lives.”

There are a wide range of specific approaches to achieving the Housing Strategy's vision, grouped under its **objectives** which are to:

- Achieve a step change in the number of new homes being built
- Improve help for those in housing crisis
- Drive up the quality of housing for all residents
- Ensure that housing delivers a clear social dividend

The Housing Strategy will be delivered through a range of housing-related policies and plans, which are already in place or are being developed/updated. These are shown in the lists below. These policies and plans relate to the full range of housing tenures in the borough. For example, the Private Sector Strategy will focus on the private rented and owner occupied sectors. EqIAs related to these policies and plans will be carried out as appropriate. The outcomes envisaged by the Housing Strategy will be monitored and reviewed annually to ensure they continue to be responsive to changes in the local, regional and national landscape.

Examples of policies and plans already in place include:

- Homelessness Strategy 2012-2014
- Affordable Warmth Strategy 2009-2019
- Housing Investment and Estate Renewal Strategy 2013-2023
- Housing Commissioning Plan 2012-2015
- Older Peoples' Housing Strategy 2011-2021
- Tenancy Strategy 2014-2016
- Allocations Scheme

Examples of policies and plans being developed/updated include:

- Estate Renewal Re-housing and Payments Policy
- Allocations Scheme (update)
- Tenancy Strategy (update)
- Intermediate Housing Policy
- Homelessness Strategy/Delivery Plan
- Private Sector Strategy/Delivery Plan
- Affordable Warmth Strategy (update)
- HRA Business Plan
- Supported Housing Review
- Temporary Accommodation Placements Policy
- Housing Supply Plan
- Stock Investment & Estate Renewal Policy

This EqIA is an update of the EqIA approved in June 2015 and incorporates the outcome of the second consultation and reflects changes made to the Housing Strategy following that consultation. Further EqIA's will be undertaken for the underlying policies and plans set out above e.g. the Homelessness Strategy/Delivery Plan and Intermediate Housing Policy.

Final Draft

The proposed final Housing Strategy contains five main amendments from the draft. These main changes are summarised below:

(a) Updates to ensure the Housing Strategy and the Local Plan are in alignment

The final strategy has been amended to strengthen its alignment with the Local Plan. This will enable the Housing Strategy to support the Local Plan in providing guidance for new development, in particular in regards to the delivery of affordable housing. These changes are of a technical nature and will have no specific impact on this EqIA.

(b) Clarification of the definition of affordable housing

Following feedback from the second stage of consultation, the definition of affordable housing has been clarified to reflect the view that market properties in Haringey are beyond the reach of households on average incomes. This clarification will allow the Council and its partners to target resources towards those households who are most in need and on lower incomes. For example, support for low cost shared ownership will benefit both existing social housing tenants who are supported to become home owners, as well as those in housing need who will be able to move into the social rented homes vacated. Those most in need are likely to include disproportionate numbers of households with protected characteristics including age, gender and ethnicity.

(c) Confirmation of the Council's commitment to social housing providing settled homes, despite the abolition of lifetime tenancies for new lettings

The Housing and Planning Act introduced fixed term tenancies for future social housing tenants. This change directly contradicts Haringey's current policy of providing lifetime tenancies for social tenants, in order to support secure and stable communities. The Housing Strategy has been updated to reflect impact of this change. It reiterates a commitment to maintain lifetime tenancies for existing tenants and to minimise potential negative impacts of fixed term tenancies for new tenants, by continuing to support secure and stable communities. This commitment will be expanded on in the forthcoming Tenancy Strategy update, which will seek to mitigate adverse effects by, for example, maximising tenancy length and minimising the burden of tenancy renewal.

(d) Confirmation of the Council's commitment to fighting fuel poverty, delivering energy efficiency and reducing carbon emissions within new and existing housing using a range of measures, in the light of the withdrawal of the Code for Sustainable Homes

The Code for Sustainable Homes was withdrawn from Government planning guidance in March 2015. The final Housing Strategy confirms a continued commitment to effective carbon management to meet objectives for both environmental sustainability and the reduction of fuel poverty and outlines our approach to improving energy efficiency in the borough's housing stock. These changes to the Housing Strategy will deliver a reduction in carbon emissions, but will also benefit low income households who are most affected by fuel inefficiency and who are likely to be over-represented amongst individuals with protected characteristics.

(e) Updated arrangements for delivery of the Housing Strategy via a range of integrated plans and policies

In addition to the changes outlined above, the Housing Strategy confirms the council's approach of developing integrated plans and policies to support the Housing Strategy. Each plan or policy will be supported by an EqIA. These changes are of a technical nature and will have no specific impact on this EqIA.

Stage 3 – Scoping Exercise - Employee data used in this Equality Impact Assessment
Identify the main sources of the evidence, both quantitative and qualitative, that supports your analysis. This could include for example, data on the Council's workforce, equalities profile of service users, recent surveys, research, results of recent relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national.

Data Source (include link where published)	What does this data include?
N/A – the proposed Housing Strategy does not impact on Haringey Council employees	

Stage 4 – Scoping Exercise - Service data used in this Equality Impact Assessment
This section to be completed where there is a change to the service provided

Data Source (include link where published)	What does this data include?
2011 census data (Census 2011)	Tenure, ethnicity, sex, religion, sexuality, disability & age
GVA (2014) Haringey Strategic Housing Market Assessment based on a Housing Needs Survey of 1004 residents with a minimum of 10% of respondents (100 people) from each of the Housing Market Areas identified within the borough. (SHMA)	Population, household spaces, dwelling stock, occupancy, age, ethnicity, household composition, occupational levels, tenure, house price and rents, household incomes
Joint Strategic Needs Assessment – Housing (JSNA-Housing)	Population, tenure, house prices and affordability, homelessness, ethnicity of homeless households

Sex

- Data indicates high levels of homelessness amongst female lone parents. This will be explored further in the forthcoming Homelessness Review and action planning, which will be set out in Haringey's revised Homelessness Strategy/Delivery Plan.

Age

- Data indicates that homelessness in the age group 16-24 and 25-44 is high compared to their expected profile from census data. This will be explored further in the forthcoming Homelessness Review and action planning set out in Haringey's revised Homelessness Strategy/Delivery Plan.
- There is so far a small amount of data available on the age of buyers of shared ownership homes in Haringey, so it is difficult to draw firm conclusions. Age data on new shared ownership purchasers will be monitored and any relevant findings may influence the content of Haringey's planned Intermediate Housing Policy

Disability

- Homelessness acceptances due to mental or physical disability is higher than would be expected given the profile of disability in the 2011 census, indicating that disability may be a factor in causing homelessness for these groups of households. This issue will be explored in the forthcoming Homelessness Review and an appropriate response set out in Haringey's new Homelessness Strategy/Delivery Plan.

Race & ethnicity

- Homelessness data indicates Black households approach as homeless at a level which is more than twice their representation in Haringey's population. This compares with White households who present in numbers which are around two thirds of their representation in Haringey's population.

- There is so far a small amount of data available on the ethnicity of buyers of shared ownership homes in Haringey, so it is difficult to draw firm conclusions. Ethnicity data on new shared ownership purchasers will be monitored and any relevant findings will influence the content of Haringey's planned Intermediate Housing Policy.

Sexual Orientation

Currently there is no information on sexual orientation recorded for any of the internal data sources used as part of this review. However, 3.2% of London residents aged 16 or over identified themselves as lesbian, gay or bisexual in 2013. In it's research for "Housing, homelessness and young LGBT people" (2015), the TUC advised that nationally LGBT have slightly higher home ownership rates (69% compared with 64%), but represent 24% of all homeless young people and that Stonewall Housing report that two-thirds of their callers have housing problems arising from discrimination because of their sexuality or gender identity.

Religion and Belief

Currently there is no information on religion and belief recorded for any of the internal data sources used as part of this review.. However, the 2011 Census reports that 45% of residents were Christian, 14% were Muslim and 3% Jewish. There were low numbers of Hindu (1.8%) and Sikh (0.3%) residents. A quarter of Haringey residents stated that they did not have a religion,

Pregnancy and Maternity

Currently there is no information on pregnancy and maternity recorded for any of the data sources used as part of this review.

Marriage and Civil Partnership

Currently there is no information on marriage and civil partnership recorded for any of the internal data sources used as part of this review. However, the Census in 2011 found 50% were single, 34% were married or in a civil partnership, and 16% were separated, divorced or widowed. As noted under the protected characteristic of sex, data is collected on lone parents, which indicates that female lone parents have the highest level of homelessness acceptances of all groups in Haringey.

Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery.

	<i>Positive</i>	<i>Negative</i>	<i>Details</i>	<i>None – why?</i>
Sex	✓		<p>Currently lone female parents are over-represented in homelessness acceptances and temporary accommodation. Objective 2 of the Housing Strategy, “Improving help for those in housing crisis” addresses this issue, which will be taken forward in revisions to the Homelessness Strategy/Delivery Plan. The situation of lone female parent homeless households, and other groups, will also be addressed through Objective 4 “Ensure that housing delivers a clear social dividend”; Objective 3, “Drive up the quality of housing of all residents” (which includes proposals to tackle quality in the private housing sector) and Objective 1, “Achieve a step change in the number of new homes built”.</p> <p>To help those in housing crisis, the Council will provide more wrap-around services and assist people to live independently by putting in place clear pathways so people can access and leave support services in a planned way. The Council is working with partners to increase the number of affordable rented homes built in the borough. This will benefit female-headed households on the Council’s Housing Register as they receive the majority of social and affordable lettings. With its partners, the Council will help residents to secure employment and apprenticeships and access training opportunities as a means of improving access to housing.</p>	
Gender Reassignment			<p>Young LBGT are more likely to be affected by Housing Crisis, and in particular in relation to family relationships. These will need to be addressed as part of the Homelessness Delivery Plan.</p>	<p>The needs for these groups in specific contexts will be explored in more detail through subsequent needs assessment e.g. the</p>

Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery.

	<i>Positive</i>	<i>Negative</i>	<i>Details</i>	<i>None – why?</i>
				homelessness delivery plan and supported housing review
Age	✓		<p>The Housing Strategy should have a positive impact on homeless applicants from all age groups under objective 2– ‘Improving help for those in housing crisis’</p> <p>The Housing Strategy objective to achieve a step change in the number of new homes being built includes plans to assist more people to access home ownership. This is likely to benefit first time buyers who tend to be in younger age groups but should also have a positive impact on buyers from all age groups.</p>	
Disability	✓		<p>The Housing Strategy recognises the needs of those with disabilities and seeks to address these through a range of provisions. Proposals include increasing the provision of housing related support services through the development of new support pathways and enabling independent living, for example, through disabled facilities grants.</p>	
Race & Ethnicity	✓		<p>Objective 2, “Improve help for those in housing crisis” - The Housing Strategy should have a positive impact on homeless applicants from all ethnic backgrounds. Black households should benefit most from initiatives to prevent homelessness, as they are currently disproportionately represented amongst homeless acceptances. Objectives 1, 2, 3 and 4, “Achieve a step change in the number of new homes being built”, “Improving help for those in housing crisis”, “Drive up the quality of housing for all residents” and “Ensure that housing delivers a clear social</p>	

Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery.

	<i>Positive</i>	<i>Negative</i>	<i>Details</i>	<i>None – why?</i>
			<p>dividend” respectively, should also lead to a positive outcome for people from all ethnic groups.</p> <p>Data shows that housing crisis disproportionately affects Black households. The Council will provide more wrap-around services and assist people to live independently by putting in place clear pathways so people can access and leave support services in a planned way. The council is working with partners to increase the number of affordable rented homes built in the borough. This will benefit Black households who are disproportionately represented on the council’s Housing Register as they receive a substantial number of social and affordable lettings. With its partners, the council will help residents to secure employment and apprenticeships and access training opportunities as a means of improving access to housing.</p> <p>Initial research into who bought the shared ownership units at one scheme of 48 units in the Borough, gave rise to cause for concern that households from BME communities were under represented in those households buying properties. In response to this concern, further research has been done on all shared ownership schemes sold in the borough during the last 2 years. This data analysis shows a much more complex picture. The proportion of households from different communities that buy into shared ownership schemes varies from scheme to scheme, and is influenced by such factors as geography, marketing, sales values, and the share of a property, that households are able to buy in the property that they purchase.</p> <p>The Council intends to use this research to develop an Intermediate</p>	

Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery.

	<i>Positive</i>	<i>Negative</i>	<i>Details</i>	<i>None – why?</i>
			<p>Housing Policy that seeks to maximise the opportunities for all lower income households to be able to access intermediate products, both shared ownership, and intermediate market rented homes. An EQiA will be produced to assess the new policy, which is scheduled for consideration by the Cabinet during 2016/17.</p> <p>An additional benefit will arise from the new Intermediate Housing Policy because the policy will target sales to households who can release a social housing unit. These units will be allocated on the basis of the Allocations Scheme to households on the Housing Register, which reflects housing need in the borough. Disadvantaged households including those with protected characteristics are over represented on the Housing Register.</p>	
Sexual Orientation			<p>Young LBGT are more likely to be affected by Housing Crisis, and in particular in relation to family relationships. These will need to be addressed as part of the Homelessness Delivery Plan.</p> <p>Information on sexual orientation is not available for Haringey homeless and tenant households but 3.2% of London residents aged 16 or over identified themselves as lesbian, gay or bisexual in 2013.</p>	
Religion or Belief (or No Belief)			<p>Information on religion on homeless and tenant households is not available. However, the 2011 Census reports that 45% of residents were Christian, 14% were Muslim and 3% Jewish. There were low numbers of Hindu (1.8%) and Sikh (0.3%) residents. A quarter of Haringey residents stated that they did not have a religion,</p>	
Pregnancy & Maternity				There is insufficient data and research to comment.

Stage 5a – Considering the above information, what impact will this proposal have on the following groups in terms of impact on residents and service delivery.

	<i>Positive</i>	<i>Negative</i>	<i>Details</i>	<i>None – why?</i>
Marriage and Civil Partnership (note this only applies in relation to eliminating unlawful discrimination (limb 1))			However, the Census in 2011 found 50% were single, 34% were married or in a civil partnership, and 16% were separated, divorced or widowed.	There is insufficient data and research to comment.

Stage 5b – For your employees and considering the above information, what impact will this proposal have on the following groups:

	Positive	Negative	Details	None – why?
Sex				The Housing Strategy has no impact on staffing structures
Gender Reassignment				As above
Age				As above
Disability				As above
Race & Ethnicity				As above
Sexual Orientation				As above
Religion or Belief (or No Belief)				As above
Pregnancy & Maternity				As above
Marriage and Civil Partnership (note this only applies in relation to eliminating unlawful discrimination (limb 1))				As above

Stage 6 - Initial Impact analysis	Actions to mitigate, advance equality or fill gaps in information
Achieve a step change in the number of new homes built	<p>The Housing Strategy provides the framework for enabling the Council to meet the Mayor of London's target of building 1,502 new homes per year over the next 10 years. This will improve housing support and access to housing for a wide range of households including social housing for those in highest need and shared ownership, with support for those that need it to mitigate any negative impacts.</p> <p>The Council will monitor all shared ownership sales with Housing Association partners in order to better understand if certain groups access these schemes less than others.</p>
Improve help for those in housing crisis	<p>The impact of the Housing Strategy will be more targeted housing related support to help people live more independently, including services to prevent rough sleeping. Homelessness prevention services will promote early intervention, as well as building community capacity to help prevent homelessness. Supporting work and strategies, such as the Homelessness Strategy/Delivery Plan, will address any particular concerns the data highlights about particular groups with protected characteristics.</p>
Drive up the quality of housing for all residents	<p>The Housing Strategy will drive up standards:</p> <ul style="list-style-type: none"> • In the private rented sector by introducing a licensing scheme for private landlords working in the borough and setting up a lettings agency . These initiatives will tackle issues of poor repair and management, improve health and safety in the private rented sector and ensure statutory compliance with property standards. • In the social rented sector by progressing improvement works to Council-owned homes and working with partner registered providers to improve quality of the homes they manage. • Ensure the design of new homes built meets Haringey's Quality Charter
Ensure that housing delivers a clear social dividend	<p>Examples of how the Housing Strategy will provide an impact include improved community cohesion and self-help through increasing community capacity and building resilience within individual households</p>

Stage 7 - Consultation and follow up data from actions set above

Data Source (include link where published)	What does this data include?
<p>First stage consultation report</p> <p>Between October and December 2014, a wide range of stakeholders were consulted on the proposed vision, priorities and principles for Haringey’s new Housing Strategy.</p> <p>The outcome from the first stage consultation was broad support for the vision, priorities and principles set out in the consultation document.</p> <p>As a result of consultation, one of the original priorities was split into two objectives: “Improve help for those in housing crisis” and ‘Ensure that housing delivers a clear social dividend’.</p>	<p>First stage consultation report</p> <p>There were 330 responses to the survey, which was available in online and in paper format.</p> <p>Of the respondents:</p> <ul style="list-style-type: none"> • The majority of respondents were in the middle of the age range; 49% aged 25-44 and 32% aged 45-64. • 16% reported that they had a disability. • Regarding ethnicity, the majority of respondents were White 46%, but Black and minority ethnic respondents were almost as numerous at 43%. 11% preferred not to say. • 61% of respondents were female, 34% male and 5% preferred not to say. <p>The following issues were raised in first stage consultation which have an equalities impact:</p> <ul style="list-style-type: none"> • Addressing the needs of a growing older population by making sure all new homes meet Lifetime Homes standards and 10% meet wheelchair housing standards. • Residents should have access to better support with their housing problems by introducing new support pathways which lead to independence for people who are vulnerable and have complex housing needs. <p>These issues were addressed in the draft strategy. Wheelchair standards for example are addressed in supporting planning policy. Support pathways are developed in further detail in supporting policies and plans, and through Housing Related Support</p>
<p>Second stage consultation report</p> <p>Second stage consultation took place over a 14 week period between July and October 2015.</p> <p>During the second consultation exercise,</p>	<p>Second stage consultation report</p> <p>There were 97 responses to second stage consultation, which was available online and in paper format.</p> <p>Of the respondents:</p>

Stage 7 - Consultation and follow up data from actions set above

Data Source (include link where published)	What does this data include?
<p>respondents highlighted a range of issues and concerns which, in summary, covered 3 main areas:</p> <ul style="list-style-type: none"> • Housing affordability: recognition that house prices in Haringey are beyond the reach of households on average incomes • Supply of new homes: support for policies which increase the supply of new homes, bring empty homes back into use and improve allocations to social housing • Vulnerable groups: support for a strategy which addresses the needs of residents with additional vulnerabilities or who face additional barriers to accessing suitable housing, for example disabled residents 	<ul style="list-style-type: none"> • The majority were in the middle of the age range, 35% were aged 25-44 and 24% aged 45-64. However, a considerable group (29%) chose not to say. • A majority, 54%, recorded themselves as having a disability. However, 38% preferred not to say. • Seen in terms of broad ethnic categories, the most numerous respondents were White British (34%). Taken together, Black and minority ethnic respondents were almost as numerous (30%). However, 35% preferred not to say. • As with the first stage consultation, the majority of respondents (43%) were female. 6% preferred not to say. <p>The following issues were raised in second stage consultation which have an equalities impact:</p> <ul style="list-style-type: none"> • Concern about 'gentrification' and increased house prices on existing communities, particularly BAME groups. • Recognising the need to meet the needs of people with disabilities on new build schemes through the planning system • Concerns over exclusion of LGBT residents where homelessness is related to sexual orientation; 'over 50% of people who approach Stonewall Housing state that their housing problem is directly related to their sexual orientation or gender identity' • Concern that young people are not adequately represented • Keep people with mental health issues in their own homes as long as possible • Fuel poverty can be alleviated through improving energy efficiency e.g. bringing Council owned properties up to SAP 80. <p>The final draft strategy seeks to address some of these issues through strengthening the Council's position in regards to housing affordability and carbon management. In regards to protected characteristics (e.g. age, sexual orientation) it should be noted that the Housing Strategy is a high-level strategic document which aims to provide an overview of the Council's position in regard to delivering the objectives set out by the Corporate Plan, and therefore applies to all residents. Effort has been made to ensure that the strategy conveys basic principles which can apply across different demographic groups.</p>

Stage 8 - Final impact analysis

Data shows that housing crisis disproportionately affects Black households and lone female parents, who are both over-represented in homelessness acceptances and amongst those in temporary accommodation.

To help those in housing crisis, the Council will provide more wrap-around services and assist people to live independently by putting in place clear pathways so people can access and leave support services in a planned way. The Council is working with partners to increase the number of affordable rented homes built in the borough. This will benefit both these groups as they receive the majority of social and affordable lettings. With its partners, the Council will help residents to secure employment and apprenticeships and access training

The outcome from the first stage consultation was broad support for the vision, priorities and principles set out in the consultation document.

There was strong support for the strategy from the second stage consultation with over 80% agreeing or strongly agreeing with the proposals, but with concerns raised around housing affordability, the supply and allocation of new homes, and support for vulnerable groups. Respondents were generally representative of Haringey's population, with an over-representation of respondents recording disability at the second stage. Changes to the Housing Strategy will mitigate these concerns through improved support for those in housing crisis, additional supply of affordable housing and through delivery plans, including the Homelessness Strategy/Delivery Plan and Intermediate Housing Policy.

This EqlA has identified ways in which the Housing Strategy can positively impact households with protected characteristics. The changes in the final version of the strategy seek to mitigate the adverse impacts of recent legislative changes and improve the delivery of genuinely affordable new housing to assist low income households, amongst whom protected groups are likely to be over represented.

Stage 9 - Equality Impact Assessment Review Log

Review approved by Director / Assistant Director	<input type="text"/>	Date of review	<input type="text"/>
Review approved by Director / Assistant Director	<input type="text"/>	Date of review	<input type="text"/>

Stage 10 – Publication

Ensure the completed EqIA is published in accordance with the Council’s policy.

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**REGULATORY COMMITTEE COMMENTS ON
HARINGEY'S HOUSING STRATEGY 2017-2022**

The Committee considered a report on the final proposed draft of Haringey's Housing Strategy following completion of the second stage of consultation, comments from which were summarised within the report. The Strategy would progress to Cabinet with a view to recommending adoption to Full Council. A brief outline was provided of amendments made to the draft as a result of the consultation process, although the visions and strategic objectives remained unchanged. Revisions made reflected local policy decisions such as changes to the definition of affordability, and national policy changes such as 'pay to stay', the levy on local authorities to fund the extension of Right to Buy to housing associations etc. It was advised that there would be a suite of underpinning policies and plans to support delivery of the Strategy's key objectives.

The Committee raised the following points in discussion of the Strategy:

- (a) It was requested that a further breakdown be undertaken of table 2, page 517 of the agenda pack summarising consultation responses on priorities for type of tenure, in particular subdividing the responses between Council and housing association tenure to provide continuity with the remainder of the document. Officers agreed to action this subject to the availability of the information **(action: D. Hawthorn)**.
- (b) It was proposed that the Strategy should set out a clear position to facilitate the allocation of affordable housing units on development sites in excess of 1000sqm for management by Homes for Haringey. Officers expressed some reservation on the basis that this approach had yet to be trialled and as such there was no evidence it would be successful or that Homes for Haringey would formally accept. Feasibility would also be reliant on service charge levels. The request was however noted **(action: D. Hawthorn)**.
- (c) Concerns were expressed over the future approach to be adopted for the development of small infill sites on Council estates within the borough. It was considered that the expertise developed in-house should be utilised to bring these schemes forward in order to retain new units within Council ownership and management instead of delivery through alternate housing providers. Officers advised that the Strategy did not incorporate such a level of detail regarding delivery which would be covered in underpinning policies and plans but noted the comment **(action: D. Hawthorn)**.
- (d) The ambitious 19,800 net new homes target by 2026 was identified by the Committee as an area of concern including the associated demand pressure imposed on local public services such as education and health provision. Assurances were sought that this would be fully assessed and managed within underpinning delivery plans and strategies. Officers agreed to double check the start point for this target, which came directly from the London Plan, to clarify whether it aligned with the start date of the Strategy or was already underway **(action: D. Hawthorn)**. Officers advised that the focus on new

homes delivery in the key growth development areas of Tottenham and Wood Green in line with the associated Tottenham and Wood Green Area Action Plans would incorporate planned social infrastructure arrangements. This included the safeguarding of sites for the delivery of new school and medical facilities although it was cautioned that bringing forward delivery would be reliant on the release of associated funding such as from the NHS.

RESOLVED

- (a) To note the feedback from and the response to the second stage consultation conducted on Haringey's Housing Strategy set out in appendix one of the report and to note the revised and final version of the Equalities Impact Assessment attached as appendix three to the report.
- (b) That the Committee's comments on the revised and final version of Haringey's Housing Strategy attached as appendix two to the report be forwarded onto Cabinet for consideration.

**REPORT OF THE STANDARDS COMMITTEE No. 2, 2016/17
COUNCIL 21 NOVEMBER 2016**

Chair: Councillor Amin

INTRODUCTION

- 1.1 This report to Full Council recommends changes to the Constitution to accommodate changes to the Council's Contract Standing Orders.

SUMMARY

- 2.1 The Standards Committee considered the attached report on 13 October 2016, and agreed its recommendations. Some further points are made below where the Committee sought further actions, which did not affect our agreement to the recommendations presented to us.
- 2.2 The Committee encouraged engagement between officers and Homes for Haringey in developing the new procurement processes.
- 2.3 Noting an assertion that Small and Medium Sized Enterprises were expected to benefit from the new procurement processes, such as the Dynamic Purchasing Systems, and the increased vendor information offered by the new processes, the Committee asked that participation by SMEs in the Council's procurement be monitored upon introduction of these new processes. Officers suggested that, given historic information would not offer the same level of detail, a trend analysis could be prepared after the system had been operational for two years or more to identify whether there was a change in the profile in bidders and vendors.
- 2.4 The Committee were keen that the introduction of these new processes should be accompanied by appropriate democratic oversight to ensure the Council's resources were effectively monitored by the Cabinet and non-executive Members. Officers noted that the contract management and oversight of the procurement system would be possible and a regular part of officers' dialogue with Cabinet Members and lead committees, and the new processes would be able to provide a greater level of information to support such discussions. The Committee were keen for there to be further thought in this area, aside from the recommendations before it, and for there to be a clear presentation of accountability arrangements under the proposed system.

WE RECOMMEND

That Council make the following amendments to Contract Standing Orders, Part Four of the Constitution, Section J Contract Procedure Rules:

1. Amendments to support the new Procurement Target Operating Model:
 - 1.1. Increase the threshold of delegated powers for Directors to act in the most expedient and efficient manner from £5,000 to £10,000 (CSO 8.02);
 - 1.2. Increase the values for the procurement process requesting at least 3 competitive quotes from between £5,000 and £100,000 to between £10,000 and £160,000 (CSO 8.03);

- 1.3. Increase the threshold of goods and services contracts requiring advertisement (tender) with an estimated value of £100,000 to a new threshold of £160,000 (CSO 9.01.1);
 - 1.4. Increase the threshold of Works contracts requiring advertisement (tender) with an estimated value of £25,000 to a new threshold of £500,000 (CSO 9.01);
 - 1.5. Introduce a threshold of £500,000 or more for contracts subject to the Light Touch Regime (social care related) requiring advertisement (tender) (CSO 9.01);
 - 1.6. Increase the threshold for the commencement of works, goods or services under a Letter of Intent from £50,000 to £100,000 or 10% of the total contract value, whichever is the higher (CSO 9.07.3); and
 - 1.7. Require approval from the Chief Operating Officer before entering into any joint procurement activity with other contracting authorities (CSO 7.04).
2. Amendments relating to the introduction of new Procurement related technology platforms:
- 2.1. Mandate the use of Corporate Procurement related systems to include corporate sourcing and contract management systems (defined in CSO 2.02 c);
 - 2.2. Mandate contracts are stored in the Councils Contract Repository (CSO 3.02 h);
 - 2.3. The threshold requiring all contracts valued at £5,000 or more to be entered onto the corporate contracts register, is increased to a new threshold of £10,000 or more and is now required to be recorded in the Corporate Contracts repository (CSO 3.02 m); and
 - 2.4. Amendments to include provision for sealing, award and signing of contracts by electronic means as provided within the Corporate Procurement Systems (CSO 9.02.4 and 9.08.9).
3. Amendments relating to the use of a Dynamic Procurement System:
- 3.1. Incorporate amendments to facilitate the use of a Dynamic Purchasing System (CSO 9.04).
4. Amendments to support the introduction of new or updated regulations:
- 4.1. Incorporate amendments to support statutory changes to the Public Contracts Regulations 2015 (as amended) (the "Regulations") (multiple references throughout the document have been added); and
 - 4.2. Incorporate amendments to support introduction of the Concession Contracts Regulations 2016 (the "Regulations") (multiple references throughout the document have been added).

5. Amendments to address inconsistencies relating to thresholds and Key Decisions
 - 5.1. Increase the threshold for waivers requiring Cabinet approval above £250,000 to a revised threshold of £500,000 or more (CSO 10.01.1 a); and
 - 5.2. Increase the threshold for waivers requiring Director approval below £250,000 to below a revised threshold of below £500,000 (CSO 10.01.1 b).
6. Additional minor drafting amendments to the Contract Standing Orders as required to support the above changes.
7. Extension to the current Consortia drafting (CSO 7.04 d) to make provision for on-going shared services arrangements, whereby procurements may be undertaken by one of the other members of the Consortia on behalf of the Council.

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DECISION MAKING REPORT

Report for: Standards Committee

Item number: 7

Title: Proposed changes to the Council's Contract Standing Orders

Report authorised by : Assistant Director of Commercial and Operations

Lead Officer: Barry Phelps, X 2744
Barry.phelps@haringey.gov.uk

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** Non Key

1. Describe the issue under consideration

- 1.1. The Council Constitution governs the organisation of council decision making. It is kept under review and when necessary amendments are proposed to Standards Committee for consideration and recommendation on to full council.
- 1.2. This report proposes changes to the constitution by amending the Contract Standing Orders, Part Four of the Constitution, Section J of Contract Procedure Rules.
- 1.3. The changes recommended in this report are to support the new Procurement Target Operating Model, which transitions Procurement into a strategic and more commercially focused department, with support for low level procurement activity being undertaken by the Shared Service Centre.
- 1.4. These changes will enable Procurement to deliver £2.8m of MTFS targets over the next 3 years and help to drive further savings in any future MTFS.
- 1.5. The changes to Procurement thresholds align Haringey to those of other London Authorities.
- 1.6. Additional changes are required to support the introduction of new regulations, technologies, inconsistencies in the current CSO's and minor drafting amendments.
- 1.7. Amendments to consider consortia arrangements with other bodies (i.e. shared services with other boroughs).

- 1.8. For ease of reference the recommendations are divided into the following four areas, setting out amendments:
- to support the procurement Target Operating Model;
 - to enable the introduction of new procurement related technology platforms;
 - to enable to the use of a Dynamic Purchasing System (DPS);
 - to support the introduction of new or updated regulations; and
 - to address inconsistencies relating to thresholds and key decisions.
- 1.9. The following Councillors have been consulted and support the proposals stated in this report
- Cllr Demirci – Member for Corporate Resources
 - Cllr Arthur – Member for Finance and Health
 - Cllr Amin – Chair of Standards Committee
 - Cllr Kober – Leader of the Council
 - Cllr Engert – Leader of the Opposition

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1. That Standards Committee recommends that council make the following amendments to Contract Standing Orders, Part Four of the Constitution, Section J Contract Procedure Rules:
- 3.2. **Amendments to support the new Procurement Target Operating Model:**
- 3.2.1. Increase the threshold of delegated powers for Directors to act in the most expedient and efficient manner from £5,000 to £10,000 (CSO 8.02);
- 3.2.2. Increase the values for the procurement process requesting at least 3 competitive quotes from between £5,000 and £100,000 to between £10,000 and £160,000 (CSO 8.03);
- 3.2.3. Increase the threshold of goods and services contracts requiring advertisement (tender) with an estimated value of £100,000 to a new threshold of £160,000 (CSO 9.01.1);
- 3.2.4. Increase the threshold of Works contracts requiring advertisement (tender) with an estimated value of £25,000 to a new threshold of £500,000 (CSO 9.01);
- 3.2.5. Introduce a threshold of £500,000 or more for contracts subject to the Light Touch Regime (social care related) requiring advertisement (tender) (CSO 9.01);
- 3.2.6. Increase the threshold for the commencement of works, goods or services under a Letter of Intent from £50,000 to £100,000 or 10% of the total contract value, whichever is the higher (CSO 9.07.3); and

3.2.7. Require approval from the Chief Operating Officer before entering into any joint procurement activity with other contracting authorities (CSO 7.04).

3.3. Amendments relating to the introduction of new Procurement related technology platforms:

3.3.1. Mandate the use of Corporate Procurement related systems to include corporate sourcing and contract management systems (defined in CSO 2.02 c);

3.3.2. Mandate contracts are stored in the Councils Contract Repository (CSO 3.02 h);

3.3.3. The threshold requiring all contracts valued at £5,000 or more to be entered onto the corporate contracts register, is increased to a new threshold of £10,000 or more and is now required to be recorded in the Corporate Contracts repository (CSO 3.02 m); and

3.3.4. Amendments to include provision for sealing, award and signing of contracts by electronic means as provided within the Corporate Procurement Systems (CSO 9.02.4 and 9.08.9).

3.4. Amendments relating to the use of a Dynamic Procurement System:

3.4.1. Incorporate amendments to facilitate the use of a Dynamic Purchasing System (CSO 9.04).

3.5. Amendments to support the introduction of new or updated regulations:

3.5.1. Incorporate amendments to support statutory changes to the Public Contracts Regulations 2015 (as amended) (the “Regulations”) (multiple references throughout the document have been added); and

3.5.2. Incorporate amendments to support introduction of the Concession Contracts Regulations 2016 (the “Regulations”) (multiple references throughout the document have been added).

3.6. Amendments to address inconsistencies relating to thresholds and Key Decisions

3.6.1. Increase the threshold for waivers requiring Cabinet approval above £250,000 to a revised threshold of £500,000 or more (CSO 10.01.1 a); and

3.6.2. Increase the threshold for waivers requiring Director approval below £250,000 to below a revised threshold of below £500,000 (CSO 10.01.1 b).

3.7. Additional minor drafting amendments to the Contract Standing Orders as required to support the above changes.

3.8. Extension to the current Consortia drafting (CSO 7.04 d) to make provision for on-going shared services arrangements, whereby procurements may be undertaken by one of the other members of the Consortia on behalf of the Council.

4. Reasons for Decisions

4.1. Procurement Operating Model

4.1.1. These proposed changes support the introduction of a new strategic and commercially focused Procurement Target Operating Model (TOM). The TOM will be comprised of

Strategic Procurement Partners (SPP) who will have oversight and responsibility for all expenditure within their relevant categories, regardless of value and whether the business units, or Procurement are procuring works, goods or services. They will be supported by a team of Procurement Delivery Managers (PDM) who will be responsible for leading on all procurements over £160,000. This will enable Procurement to deliver on its MTFs targets and concentrate on high value/risk procurements.

- 4.1.2. The existing thresholds are not aligned to other Local Authorities within London. Haringey currently has one of the lowest threshold requiring goods and services contracts to be tendered (£100,000). More than two thirds of all other Authorities in London have a threshold aligned to the statutory threshold of £164,000. Regarding works contracts, in this case Haringey currently has the lowest threshold in London requiring works contracts to be tendered (£25,000). More than half of all other Authorities in London have a threshold aligned to the statutory threshold of c£4.2m.
- 4.1.3. There are a number of increases in thresholds being recommended, this will represents around 10% - 20% reduction of non Works related procurements currently having to be advertised (tendered), enabling officers in business units to procure services in a more efficient, timely and effective manner without the need to fully comply with the requirements of an advertised (tender) opportunity.
- 4.1.4. It is anticipated the Request for Quotes (RfQ) process (procurements below £160,000) undertaken by the business units will increase by 170 in number per year; however this additional work is offset by the substantial reduction in effort required to undertake a full tender processes, as mentioned in 4.1.3 above.
- 4.1.5. Should the procurement thresholds remain as currently stated, Procurement would require an additional two Procurement Delivery Managers to manage the additional workload.
- 4.1.6. Officers will be required to submit a robust business case and obtain appropriate approval of any Haringey led joint procurement activity with other contracting authorities. Currently there is no formal requirement for officers to advise the executive officers of such an initiative. This amendment is to ensure at an executive level there is sufficient understanding of the commitments and exposure for the Council relating to any such arrangements.
- 4.1.7. There is no statutory requirement to advertise (tender) opportunities below the thresholds recommended in this report.
- 4.1.8. Increasing the threshold for delegated powers to Directors from £5,000 to £10,000 reflects an increase in the costs of goods and services procured since the last revision of the CSO thresholds. This will enable these low value procurements (generally aimed at the local SME market) to be undertaken in a more expedient manner.

- 4.1.9. Increasing the current thresholds to £160,000 for the procurement of goods and services whereby the opportunity must be advertised (tendered) aligns closely to that of the current EU threshold (£164,000);
- 4.1.10. Increasing the current threshold to £500,000 for the procurement of Works contracts, whereby the opportunity must be advertised (tendered) is aligned with a key decision. This remains significantly lower than the statutory threshold of c£4.2m. The current Council threshold of £25,000 is disproportionate to the statutory threshold (£4.2m) and does not align to the principles of the Regulations, whereby the intention is to avoid unnecessarily placing demands on suppliers to engage in overly complex procurement processes. Strategic Procurement will still lead on procurement of Works contracts in excess of £160,000 without the requirement to unnecessarily undertake a full tender exercise;
- 4.1.11. Introduction of a threshold of £500,000 or more for those procurements falling under the Light Touch Regime to be advertised (tendered), which aligns with the key decision threshold. The Light Touch Regime came into effect in February 2015, requiring some social care related services to be advertised (tendered) above £589,000. Adopting the £500,000 threshold enables these types of procurements to be undertaken in a more cost effective and efficient manner. Strategic Procurement will lead on these procurements above £160,000.
- 4.1.12. The benefits of amending the thresholds as stated in this report are:
- Undertaking a full tender process can be a costly and time consuming exercise. Increasing these limits enables officers to undertake a more expedient cost effective procurement route whilst continuing to remain within the procurement regulations;
 - The additional cost of facilitating full tenders at lower thresholds is indirectly passed onto the Council and contributes to higher cost of services;
 - Introducing these revised thresholds will encourage more local SME's to register as suppliers and respond to request for quotes. Currently some SME's are put off by the level of input required to tender for opportunities that have a relatively low value;
 - Increasing limits support the principles of the Regulations in relation to unnecessarily requiring suppliers to submit extensive documentation for opportunities and communicate electronically with tenderers;
 - Increasing the Letter of Intent threshold will facilitate scenarios whereby it has not been possible to mobilise a number project/works in a timely manner, thus resulting in costly delays and additional bureaucracy.
- 4.1.13. It is not envisaged there are significant risks related to increasing the thresholds. Commissioners are currently required to undertake low value procurements. Increasing

the threshold has no impact on the policies they still need to comply with. The SSC will undertake quality checks to mitigate risks associated with low level procurements. All procurements in excess of £160,000 will be undertaken by Procurement and therefore the current risk profile does not change.

4.2. Procurement Related Technology

4.2.1. The new Procurement TOM includes provision of new technology enablers, mandating the use of the Corporate Procurement related systems. This will significantly simplify processes, increase efficiency, compliance, contract and performance monitoring and support MTFS targets. Processes will be introduced whereby all of these procurements will go through a quality assurance check prior to being published to the market. These checks will include (but not limited to):

- Is there any existing corporate contracts that should be utilised for the services;
- Is the correct route to market being used;
- Are the documents compliant;
- Has the necessary approval been obtained; and
- Does the requirement support the strategic management of the category.

4.2.2. This will reduce non compliant procurement related risks, non compliant expenditure and increase management of the procurement categories. All of which will contribute to the MTFS targets.

4.2.3. The Council currently has a contracts register in the form of a spreadsheet that is published every quarter. Officers are required to update the contract register each quarter ahead of publication. There is evidence this is not being maintained appropriately. The Council has a statutory requirement to publish the qualifying contracts it lets. Mandating the use of the new corporate contract repository: enables:

- enables the Council to fully understand its contractual liabilities;
- maintains a central data base for all contracts;
- enables contract and performance management of the contracts; and
- enables the Council to meet its statutory publication requirements relating to its contracts.

4.2.4. Corporate Procurement will be able to monitor the performance monitoring of the Council's key contracts. By maintaining a central repository for recording performance officers will be able to make sure contracts are being monitored appropriately, thereby ensuring suppliers are meeting their contractual obligations.

4.2.5. Increasing the threshold from £5,000 to £10,000 for contracts to be entered onto the contracts register, reduces the time and effort required by officers in administering this process and being able to engage the services of the supplier in an expedient manner.

4.3. Dynamic Purchasing Systems

- 4.3.1. The use of Dynamic Purchasing Systems (DPS) is integral to the delivery of the MTFS targets. Currently there is no reference to the DPS in the CSO's; DPS's are now being more frequently used since the relaxation of the Regulations relating to the use of a DPS. It is therefore appropriate the CSO's are updated to reflect these regulatory requirements and ensure compliance with the Regulations.
- 4.3.2. Introducing electronic approval of contracts is a more cost effective and efficient way of managing processes. Currently 'physical signatures' are required, which is not always practical when utilising electronic platforms to tender (i.e. Dynamic Purchasing Systems, e-auctions etc.). Regulation 34 of the Regulations states Dynamic Purchasing Systems shall be operated as completely electronic processes. Therefore the use of 'physical signatures' at all times is not appropriate. As an example; a DPS is used for temporary accommodation which helps to secure 3,000 properties; as tenants move in and out of these properties (many overnight accommodation) using an electronic signature enables the Council and the provider to agree and sign up to terms without the need to print off and physically sign an agreement. Currently, the CSO's have no provision for electronic signatures, including such changes allows for practical application of electronic signatures where appropriate.

4.4. New and Updated Regulations

- 4.4.1. Additional references to the Regulations have been made throughout the document to ensure they are aligned with the current Regulations and reflect any recent changes to the Regulations.
- 4.4.2. The introduction of the Concession Contract Regulations (CCR) 2016 was introduced in April 2016. The CSO's have been updated to take account of these changes and align them with the procurement processes. Concession contracts can be somewhat complex; however generally these contracts are defined as contracts whereby the Authority may outsource the works or services to which a provider may exploit. However; there is an assumption that the contractor assumes operating risk where, under normal operating conditions, it is not guaranteed to recoup the investments made or the costs incurred in operating the works or the services. An example of a concession could be, where the Authority allows an organisation to lease a building at a peppercorn rent to enable the building to be refurbished and used for social use (i.e. day centre), the refurbishment and operation of the day centre may cost more than the revenue it generates; therefore the operator is taking a risk.

4.5. Inconsistencies in CSO's

- 4.5.1. The requirements for waivers to be referred to Cabinet have been revised to enable a more practical application of such referrals. The threshold has been increased from £250,000 to £500,000 for referral of waivers to cabinet. This avoids anomalies that may occur with having inconsistent thresholds (i.e. currently a director would not be able to waive a contract with a value of £300,000 (only having authority up to £250,000); however if the waiver had been approved at cabinet, a director could subsequently approve an extension of the same contract, up to a value of £500,000 without the need to refer the extension to cabinet). The amendments seek to align the threshold with that of a Key Decision and other similar thresholds stated in the CSO's.
- 4.5.2. The introduction of aggregated values has been applied across some thresholds to be consistent with the 'spirit' of what is defined as a Key Decision. The current drafting of the CSO's potentially enables a contract to be awarded with a value of £499,000 and then have multiple extensions with a value of £499,000 by a Director, without the need to go to Cabinet as a Key Decision.
- 4.5.3. Extension to Consortia exclusions has been included to ensure consistency in the current shared services agreements between the Councils of Haringey, Camden and Islington, and that of the CSO's for each Council relating to Consortia members being empowered to undertake procurements on behalf of Haringey Council.

5. Alternative Options Considered

5.1. Do Nothing

- 5.1.1. This option would not support the Council's desire to migrate to a strategic and commercially focused Procurement service, nor support some of the statutory requirements relating to the Regulations for communicating electronically.
- 5.1.2. It would increase the resource requirements in Corporate Procurement and severely place the Procurement MTFS savings under pressure.
- 5.1.3. Not applying updates to the CSO's would place the Council at risk of non compliance with some Regulations; therefore exposing the Council to financial and reputational risks.

6. Background information

6.1. Target Operating Model

- 6.1.1. Between September and December 2015 Procurement undertook a number of workshops with key stakeholders within the organisation, comprising of some Heads of Service, Assistant Directors and above. The purpose was to engage with business units to identify what operating model the business wanted in respect of the Procurement function. The clear directive from the business units was to create a Procurement operating model that focused on a strategic and commercial function,

supported with a business partner approach. With this in mind, a Procurement operating model was developed incorporating a strategic partner function, supported by a tier of procurement delivery managers. Who would be responsible for delivering procurements in excess of £160,000. Additional support for lower level procurement and transactional activities would be undertaken from within the SSC.

- 6.1.2. In February 2016 the Resource Priority Board approved the new TOM for Procurement. The new TOM transitions the Procurement department from a predominately reactive service into a strategic and commercially focused service.
- 6.1.3. The implementation of the TOM will incorporate training and education programmes to assist with the transition associated with a change in thresholds and new ways of working into the business units.
- 6.1.4. The introduction of the new Procurement TOM will assist in the delivery of £2.8m of savings over the next 3 years and form the basis of potential further savings in subsequent MTFs.
- 6.1.5. During the workshops in late 2015, all business units agreed that the current thresholds should be raised to enable the Procurement department to focus on high value, high risk procurements and the lower value procurements should be undertaken within the business units. A threshold of £160,000 was deemed to be appropriate level in defining what is considered low value. The practicality of these thresholds, aligns with some of the Procurement regulatory thresholds in place.
- 6.1.6. Procurements below £160,000 will be undertaken by the service areas within the Council and will be supported through the provision of a revised procurement tool kit and via access to support services in the SSC; however Procurement will continue to 'own' the expenditure across all categories.
- 6.1.7. The Procurement department will deliver high value, high risk procurements valued in excess of £160,000 (subject to the changes to CSOs' being approved).

6.2. Procurement Related Technology

- 6.2.1. The Procurement TOM is supported by the introduction of new technology enablers, these enablers primarily consist of the following:
 - Corporate sourcing portal with in-built quality assurance controls for all procurements;
 - Contract management system to centrally record all contracts let. There will also be performance management and contract monitoring incorporated into the solution; and
 - Enhancements to SAP to enable more efficient management of data and processes, providing an integrated environment between SAP, the sourcing and contract managements solutions.

6.3. **Dynamic Purchasing Systems**

- 6.3.1. The regulations relating to the use of DPS have been significantly relaxed in the current Regulations, as a result of these changes; the Council has recently invested in a corporate Dynamic Purchasing System (DPS). The DPS is a strategic sourcing tool that compliments the new procurement TOM providing an electronic platform to advertise and manage up to £100m of expenditure across multiple categories.
- 6.3.2. The DPS operates as a live framework environment, which is being used more frequently throughout Public Sector and will be a major contributor to delivering the MTFS targets.
- 6.3.3. The DPS will enable suppliers to join at any time during the life of the DPS (provided they have met the accreditation and enrolment requirements) and 'bid' for the services managed through the DPS. This creates an active and dynamic supply chain that encourages SME participation and competition.
- 6.3.4. The CSO's require updating to facilitate the use of the DPS more efficiently.

6.4. **New and Updated Regulations**

- 6.4.1. The introduction of new regulations or amendments to current regulations has come into force since the previous update to the CSO's. These updates need to be reflected in the CSO's to ensure the Council continues to comply with regulations and avoids any associated risks of not complying with regulations.
- 6.4.2. The Regulations require all government agencies to communicate electronically with suppliers by April 2018, enhancing the CSO's will prepare the Council in meeting this requirement.

6.5. **Inconsistencies in CSO's**

- 6.5.1. During the review of the current CSO's a number of minor inconsistencies were identified. This has created some confusion with officers when trying to apply the CSO's. It is therefore appropriate to address these inconsistencies and ensure they are aligned with the 'spirit' or intention of the CSO's.

7. **Contribution to strategic outcomes**

- 7.1. The recommendations in this report are a key enabler to migrate the Procurement services into a strategic and commercially focused service, which will deliver increased value for money and savings across the services. The benefits include:
- Enables Procurement to deliver the MTFS targets.
 - Improve how we use technology to enable more efficient and effective services.
 - Improve governance and controls on how the Council spends its money.

- Enables increased monitoring of performance across the supply chain to ensure residents obtain value for money.
- Support the Council's desire to enable increased self-service and channel shift users into new ways of working.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1. Finance

8.1.1. The Chief Finance Officer has read and noted the recommendations in this report and has no issues to raise. Approval of these recommendations will support the delivery of savings included in the Council's current MTF5 and ensure that professional procurement staff are focussed on the high value, high risk procurement activity which should promote best value for the authority.

8.2. Procurement

8.2.1. The Head of Procurement has prepared this report in consultation with senior officers within the Council and legal services.

8.2.2. It is the Head of Procurements view; the recommendations made in this report fully support the future strategic direction of the Procurement Services.

8.3. Legal

8.3.1. The Assistant Director of Corporate Governance notes the contents of the report and sees no legal reasons preventing Members from approving the recommendations in the report.

8.4. Equality

8.4.1 The Council has a public sector equality duty under the Equality Act (2010) to have due regard 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 share those characteristics and people who do not

8.4.2 The proposed changes to the Council's Contract Standing Orders are intended to support the transition towards a more strategically focused Procurement Target Operating Model. Promoting a fairer and more equal borough is a key corporate priority for Haringey Council. It is therefore expected that the new procurement model will be proactive and strategic in incentivising the Council's supply chain to advance equality and tackle discrimination. Better performance monitoring and quality assurance checks, enabled by the proposed use of new technology and data systems, are further intended to reinforce the scrutiny of our contracted suppliers in meeting Haringey's equality standards and expectations.

8.4.3 We know that some smaller sized enterprises (SMEs) are currently discouraged from bidding for lower value tenders because of the burdensome level of upfront input and resource needed. This potential disincentive for SMEs is more pronounced in Haringey than compared to neighbouring London boroughs because we currently have a significantly lower threshold for the full tendering process. The proposed increase in the thresholds for advertising tenders is therefore expected to encourage more small sized enterprises to register as suppliers and respond to requests for lower value quotes. This should increase the Council's diversity of suppliers, including creating opportunities for fledgling SMEs that are being run by and employing groups traditionally underrepresented in business and enterprise (e.g. women, BME groups, those with disabilities, younger people).

8.4.4 For lower value procurement below the tendering threshold, the Shared Service Centre will carry out routine monitoring and quality assurance checks, which will capture equality considerations and the diversity of the supply chain.

9. Use of Appendices

Appendix 1 – Proposed changes to Contract Standing Orders

10. Local Government (Access to Information) Act 1985

N/A

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0. Statement of Principles

- 0.1 The Contract Standing Orders provide the framework rules for the Council's procurement of works, goods and services. Following them will [assist to](#) ensure value for money, propriety and the proper spending of public money.
- 0.2 The Procurement Code of Practice provides more detail and shall govern Council tendering and contract procedures. The Head of Procurement shall maintain and issue the Procurement Code of Practice. Any procurement activity shall proceed in accordance with the Contract Standing Orders and the Procurement Code of Practice and all such other guidance issued by the Head of Procurement.
- 0.3 The Head of Procurement shall make the latest version of the Contract Standing Orders and the Procurement Code of Practice available to every Director, Member and officer of the Council. Directors, or officers acting on their behalf, shall apply the requirements of the Contract Standing Orders and the Procurement Code of Practice when engaging in any procurement activity.
- 0.4 ~~The purpose of procurement~~[Procurement](#) activity shall be [used \(amongst other things\)](#) to achieve Best Value in accordance with the Council's statutory or approved objectives. This should include an innovative approach to building partnerships with the private and not-for-profit sectors and collaborating with other public sector bodies within a robust contractual framework. Officers with responsibility for procurement shall ensure that they are able to demonstrate achievement of Best Value with regards the optimal combination of economy, efficiency and effectiveness.
- 0.5 Every contract or official order for works, goods or services made by the Council shall be for the purpose of achieving the Council's statutory or approved objectives and shall conform to all relevant [English law of England](#) and [Wales and of the](#) European Union ~~law.~~
- 0.6 Directors shall ensure that the Cabinet or [an](#) appropriate Member of the Cabinet is consulted on any procurement activity prior to its publication in the Council's Forward Plan.
- 0.7 Directors must ensure that audit trails are in place for all procurement activity in accordance with the Procurement Code of Practice.
- 0.8 No Member of the Council shall enter into any contract on the Council's behalf.

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- 0.9. No Member of the Council shall be permitted to become security under any agreement between the Council and a contractor employed by it.

CONTRACT STANDING ORDERS

1. Introduction

1.01. Procurement decisions are among the most important decisions a manager will make because the money involved is public money and the Council is required to ensure that Best Value works, goods and services are provided. Efficient use of resources in order to achieve ~~best value~~Best Value is therefore an imperative. The Council's reputation is equally important and should be safeguarded from any imputation of dishonesty or corruption.

1.02. For these reasons it is a disciplinary offence to fail to comply with Contract Standing Orders and the Procurement Code of Practice when letting contracts and raising orders with suppliers. Employees have a duty to report breaches of Contract Standing Orders to an appropriate senior manager and the Head of Audit & Risk Management.

~~1.03.~~1.03. Unless otherwise provided within these Contract Standing Orders or the Procurement Code of Practice or with the express approval of the Head of Procurement, all procurements should be conducted via the Corporate Procurement Systems, regardless of value.

1.04. Reference should be made to the Procurement Code of Practice for more detailed procurement procedures.

2. Definitions and Interpretation

2.01. These Contract Standing Orders are made pursuant to section 135 of the Local Government Act 1972 and shall come into force with this Constitution.

2.02. Unless the context otherwise requires, in these Contract Standing Orders the terms below shall have the meanings ascribed to them.

a) “Approved Electronic Means” means such electronic means of authenticating the formation of a) — contract, which may include the use of electronic signatures, as may be expressly approved by the Assistant Director of Corporate Governance from time to time or for a specific contract;

b) “Bids” means Tenders and Quotations;

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c) “Concession Contracts Regulations” means the Concession Contracts Regulations 2016 (SI 2016/273), as amended from time to time;

d) “Contracts Finder” means a web-based portal provided by or on behalf of the Cabinet Office;

e) “Corporate Procurement Systems” means any one of the following:

- the Corporate Contract Repository being the Wax Digital Contract Management and Supplier Relationship Systems;
- the Corporate Dynamic Purchasing System (DPS) being the Council’s web-based dynamic purchasing system currently provided by adam HTT (as amended);
- the Corporate Sourcing Solution being the Wax Digital Sourcing Solution;
- or such other systems as may be approved by the Head of Procurement from time to time;

~~a)f)~~ “Director” means an employee of the Council (including Alexandra Palace and Park Charitable Trust) holding a post designated as:

- The Chief Executive
- MembersA member of the Strategic Leadership Team
- All Directors and A Director or Assistant DirectorsDirector;
- The General Manager of Alexandra Palace & Park (as appropriate)

~~b) —~~

~~b)g)~~ “EU” means the European Union;

~~h) e) —~~ “Public Contract Regulations” or “Regulations” means the Public Contracts Regulations 2015 (SI 2015/102), as amended from time to time;

~~e)i)~~ “Regulations” means the Concession Contracts Regulations and the Public Contracts Regulations, as amended from time to time.

~~d) —~~ “Bids” shall mean Tenders and Quotations

2.03. In the event of any conflict between EU law, ~~English~~the law of England and Wales and Council policy, the requirements of EU law shall prevail over ~~English~~the law of England and Wales and the requirements of ~~English~~law of England and Wales shall prevail over Council policy.

2.04. In the event of any doubt as to the interpretation of these Contract Standing Orders or the Procurement Code of Practice, or as to the

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proper procedure to be followed, clarification should be sought from the Head of Procurement.

3. Roles & Responsibilities

3.01 The Cabinet (and Pensions Committee where relevant) will:

- a) hold Directors accountable for any decisions they make under their delegated authority or under these Contract Standing Orders;
- b) approve awards of contract valued at £500,000 (five hundred thousand pounds) or more;
- c) approve any ~~variations~~variation or ~~extension~~extension valued at £500,000 (-five hundred thousand pounds) or more, whether or not such variation or extension was included in the original award in b) above;
- d) ensure that the award of any contract and any extension or variation ~~valued~~with an aggregated value at £500,000 (five hundred thousand) or more is treated as a 'key decision' and as such must be in the Council's Forward Plan and comply with the other procedures in that regard set out in the Constitution.

3.02 Directors

~~The~~Each Director has responsibility for all contracts let under his/her control. ~~He~~He/she is accountable to the Cabinet for the performance of ~~their~~his/her duties in relation to contract letting and management, which are:

- a) to ensure compliance with ~~English and~~ EU law, the law of England and Wales and Council Policy;
- b) to ensure value for money in all procurement matters;
- c) to ensure compliance with Contract Standing Orders and the Procurement Code of Practice;
- d) to maintain a departmental scheme of delegation;
- e) to ensure that all relevant officers are familiar with the provisions of Contract Standing Orders and the Procurement Code of Practice and that they receive adequate training on their operation;

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- f) to ensure compliance with any guidelines issued in respect of these Contract Standing Orders;
- g) to take immediate action in the event of a breach of Contract Standing Orders or the Procurement Code of Practice within his or her area;
- h) to keep: (i) copies of all concluded contracts as required by Regulation 83 of the [Public Contract Regulations](#), and [ensure electronic copies of such contracts are stored in the Council's Corporate Contract Repository](#), and (ii) proper records of procurement procedures sufficient to justify decisions taken at all stages of the procurement procedure for a period of at least three years from the date of award of the contract, as required by Regulation 84 of the [Public Contract Regulations](#);
- i) to keep records of waivers of any provision of these Contract Standing Orders [and forward a copy of such records to the Corporate Procurement Unit](#);
- j) to make appropriate arrangements for the opening of bids and their secure retention so as to protect the integrity of the procurement process;
- k) to ensure that the Council's seal is affixed to any document required to be executed as a deed and that where a document is not expressed to be under seal, it is [either signed by two people or authenticated by Approved Electronic Means](#) as provided for in these Contract Standing Orders;
- l) to ensure original sealed contract documents are held by the Assistant Director of Corporate Governance for safekeeping;
- m) to record all contracts valued at [£510,000](#) or more in the [Corporate Contracts Register](#) [Repository](#);
- n) to ensure effective management of all contracts under his/her control and to a level deemed appropriate in regard to risk or value of each contract.
- o) [to ensure that](#) no contract ~~shall be~~ let unless the expenditure involved has been fully considered and approved beforehand and sufficient money has been allocated in the relevant budget.

3.03 Pensions Committee

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The Pensions Committee shall have the same powers and duties of the Cabinet specified in these Contract Standing Orders but limited to procurement decisions and award of contracts relating to the Pension Fund.

4. Scope of Contract Standing Orders

4.01. These Contract Standing Orders shall apply to all contracts for the procurement by the Council of works, goods and services (including concessions) unless otherwise expressly stated or these requirements are waived in accordance with [CSO10 Contract Standing Order 10](#).

4.02. Where the Council:

(a) secures funding from an external funding body, or

(b) intends to assign grant funding to an external body;

[CSO17 Contract Standing Order 17](#) and the forming of necessary agreements shall apply.

4.03. These Contract Standing Orders shall **not apply** to contracts falling within Regulation 10 of the [Public Contract Regulations](#). For the avoidance of doubt, this exclusion applies to (amongst other things) contracts of employment, certain contracts for legal services, certain financial services and debt finance and agreements for the sale of land- [\(including leases\)](#).

4.04. These Contract Standing Orders shall **not apply** to ~~the seeking contracts falling within Regulation 10 of offers in relation to the~~ [Concession Contracts Regulations](#). For the avoidance of doubt, this exclusion applies to ~~(but not limited to) air transport and passenger transport services, certain contracts for legal services, certain~~ financial services ~~in connection with the issue, purchase, sale or transfer of securities or other financial instruments in particular transactions by and~~ [debt finance and agreements for the Council to raise money or capital](#). ~~sale of land (including leases)~~.

5. EU Public Procurement Directives

5.01 Where the value of a works, goods or services contract is equal to, or exceeds, the applicable threshold in relation to the Regulations, the provisions of those Regulations shall govern the tendering process and

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shall take precedence over the provisions of these Contract Standing Orders in the event of any conflict.

6. Contract Value and Aggregation

6.01. Directors must ensure that a pre-tender estimate of the total contract value is prepared and recorded in writing and in order to determine whether the thresholds under the Regulations apply.

6.02. Unless otherwise specifically provided and subject to Contract Standing Order 6.04, reference to total contract value or an estimated total contract value in these Contract Standing Orders means the aggregate value payable in pounds sterling exclusive of Value Added Tax over the entire contract period, including any extension periods as anticipated in the proposed contract.

6.03. ~~Contracts~~A contract's value must not be artificially under or over estimated or divided into two or more separate contracts with the intention of avoiding the application of Contract Standing Orders or the Regulations.

6.04. In the case of ~~service concessions where “contracts” may have a nil value, decisions~~Concession Contracts these are to award must be made ~~on~~calculated in accordance with Regulation 9. (3) – (11) of the ~~basis of most economically advantageous tender, including anticipated income over the life of the concession~~Concession Contract Regulations.

7. Framework~~and~~, Consortia and Joint Procurement Arrangements

7.01. Subject to the provision of ~~CSO~~Contract Standing Order 7.02, these Contract Standing Orders shall **not apply** where the Council procures particular works, goods and/or services:

a) as part of a group of public sector bodies contracting with one or more contractors (consortium arrangement), provided the contract standing orders of one of the public sector bodies constituting the group and/or where applicable the Regulations have been followed; or

b) by selecting one or more contractors from a Framework or similar arrangement (including approved lists and dynamic purchasing systems), established by a public sector body in accordance with the contract standing orders of that public sector body and/or where applicable the Regulations; or

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- c) by selecting one or more contractors from ConstructionLine in accordance with the criteria applicable to the project.

7.02. The Council's decision to enter into a contract with the recommended ~~contractor~~Contractor must be made in accordance with CSO Contract Standing Order 9.07.

7.03. The Council shall observe these Contract Standing Orders where it procures works, goods and/or services for the benefit, or on behalf of, other public bodies.

7.04 Where the Council is considering leading on any joint procurement activities with other contracting authorities, approval must be obtained in advance of any commitment to do so and on the basis of a robust business case from:

(a) the Cabinet where the joint procurement is liable to result in a contract award that would involve a 'key decision' by the Council;

(b) the Chief Operating Officer, after consultation with the Leader of the Council, in other cases.

8. Procedure for Contracts under ~~£100~~£160,000

8.01. Contracts for works, goods and/or services with an estimated value below £160,000 (one hundred and sixty thousand pounds) must be procured via the Corporate Sourcing Solution except whereby Contract Standing Order 7.01 applies or where an alternate e-sourcing solution is used that has been pre-approved in writing by the Head of Procurement.

8.02. Where a contract for works, goods and/or services has an estimated value of less than ~~£510,000~~£510,000 (~~five~~fiveten thousand pounds), the relevant Director should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.

~~8.02~~ Where a contract for works or related consultancy services has an estimated value (or fees) of £5,000 (five thousand pounds) or more, but less than £25,000 (twenty five thousand pounds), at least three competitive quotations should be obtained; and for values of £25,000 or more, a competitive tender process should be followed.

8.03. Where a contract for goods or services has an estimated value of ~~£510,000~~£510,000 (~~five~~fiveten thousand pounds) or more, but less than ~~£100~~£160,000 (one hundred and sixty thousand pounds), at least three competitive quotations should be obtained ~~from chosen contractors~~via the Corporate Sourcing Solution without the need for an advertisement or to follow the

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tender procedure ~~followed~~. This activity will be undertaken under the management of the relevant Director without the need for the Head of Procurement to lead on it.

8.04. ~~The quotation procedure shall replicate CSO 9.02-9.04 and be managed by the:~~

Where a) Director where the contract for works has an estimated value of ~~the contract is £5£10,000 (fiveten thousand pounds) or more,~~ but less than £50,000 (fifty thousand pounds).

b) ~~160,000 (one hundred and sixty thousand pounds), at least three competitive quotations should be obtained via the Corporate Sourcing Solution or via ConstructionLine without the need for an advertisement or to follow the competitive tender procedure. This activity will be undertaken under the management of the relevant Director without the need for the Head of Procurement where the estimated value of the contract is £50,000 (fifty thousand pounds) or more but less than £100,000 (one hundred thousand pounds), to lead on it.~~

~~8.05~~

8.05. The quotation procedure shall comply with Contract Standing Orders 9.02 to 9.05 and be managed by the relevant Director.

8.06. Where a pre-qualified Framework arrangement (including approved lists) exists in respect of the subject matter and prices have yet to be determined then CSO 9.0401.2f applies.

~~8.0607.~~ The Head of Procurement may decide that processes in CSO 8 are not appropriate in order to secure value for money for the Council and to ensure general EU procurement law principles are complied with. If that is the case, he/she may determine another process of selecting a contractor which will meet best value criteria. and/or ensure compliance with EU procurement law. The decision and process must be properly documented.

~~8.0708.~~ Where a contract with an estimated value of £25,000 (twenty five thousand pounds) or more is advertised, the contract opportunity will~~must~~ be published on Contracts Finder within 24 hours of the first advertisement. The Contracts Finder publication will comply with Reg.Regulation 110 of the Public Contract Regulations as applicable.

9. Procedure for Contracts valued at ~~£100~~£60,000 or more

9.01. Except as otherwise ~~provided, contracts for works, goods and/or services with an estimated value of £100,000 (one~~expressly permitted by

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or under these Contract Standing Orders, in the case of contracts for works and contracts subject to the Light Touch Regime (Regulation 74 of the Public Contract Regulations or Regulation 19 of the Concession Contracts Regulations as applicable) with an estimated value of £160,000 (one hundred and sixty thousand pounds) or more but less than £500,000 (five hundred thousand pounds), at least three competitive quotations should be obtained via the Corporate Sourcing Solution or via ConstructionLine, without the need for an advertisement or to follow the competitive tender procedure. This activity will be managed by the Head of Corporate Procurement.

9.01.1 Except as otherwise expressly permitted by or under these Contract Standing Orders, contracts for goods and/or services with an estimated value of £160,000 (one hundred and sixty thousand pounds) or more as well as contracts for works and contracts subject to the Light Touch Regime (Regulation 74 of the Regulations or Regulation 19 of the Concession Contracts Regulations as applicable) which have an estimated value of £500,000 (five hundred thousand pounds) or more must be let following publication of an appropriate (tender) advertisement.

9.01.2 Where tenders are to be invited the procedure to be followed shall be determined prior to advertising and be managed by the Head of Procurement and shall be one of the following:

- a) open tender procedure (all interested contractors submit a tender in response to an advertisement);
- b) restricted procedure, 2 (or more) stage process involving expressions of interest from contractors in response to an advertisement, with a selection of those contractors subsequently being invited to submit a tender;
- c) competitive procedure with negotiation, 2 (or more) stage process involving expressions of interest from contractors in response to an advertisement, with a selection of those contractors being invited to negotiate;
- d) competitive dialogue procedure, 2 (or more) stage process involving expressions of interest from contractors in response to an advertisement, followed by dialogue with a selection of those contractors to identify a solution (or solutions) which meets the Council's requirements, and an invitation to the selected contractors to submit tenders based on the solution/s resulting from the dialogue;

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- e) innovation partnership procedure 2 (or more) stage process involving expressions of interest from contractors in response to an advertisement, followed by a competitive award procedure aimed at the development, and subsequent purchase, of an innovative product, service or works;
- f) Wherewhere it is proposed to award a specific contract based on a framework agreement in which all the terms of the proposed contract are not laid down, a mini-competition shall be held in which tenders shall be invited from all members of the framework agreement that are capable of carrying out the requirements of the specific contract;
- g) ~~Negotiated~~negotiated procedure without prior publication of an advertisement where the requirements of Regulation 32 of the Public Contract Regulations are made out. The ~~Chief Finance Officer~~Head of Procurement must first be consulted before this procedure is used.

9.01.3 Procurements requiring use of a qualitative selection questionnaire must comply with the Crown Commercial Services (CCS) guidance on the use of these questionnaires including any applicable guidance on the use of the European Single Procurement Document (ESPD) provided for in Regulation 59 or the Public Contract Regulations.

9.01.4 Prior approval must be obtained from the Head of Procurement to derogate from the CCS guidance referred to in 9.01.3. Any such derogation must be disclosed to the Cabinet Office.

9.02 Electronic communications, procurement documents, division into lots and receipt and opening of bids

9.02.1. Subject to the terms of Regulation 22 of the Public Contract Regulations, all communication and information exchange in relation to procurement shall be performed using electronic means of communication.

9.02.2. Subject to the terms of Regulation 53 of the RegulationsPublic Contract Regulations or 34 of the Concession Contract Regulations as applicable, the Council will provide unrestricted and full electronic direct access free of charge to the procurement documents from the date of publication of the advertisement, or the date on which an invitation to confirm interest was sent.

9.02.3. The Council may award a contract in the form of separate lots and may determine the size and subject-matter of such lots. Where a contract is subject to the Public Contract Regulations, if the Council determines that

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it should not be subdivided into lots then in compliance with Regulation 46(2) of the [Public Contracts Regulations](#) it shall provide and retain an indication of the main reasons for its decision.

9.02.4 [The approval of contract awards, variations and extensions may be evidenced within the Corporate Procurement Systems by electronic copies of signatures.](#)

[9.02.5](#) Due to the nature of works documentation, if [bidsBids](#) cannot be submitted electronically, contractors must be informed that their [bidsBids](#) will only be considered if they are:

- a) sent in a plain envelope or parcel with a label on which is printed either with the word "Tender" or "Quotation" followed by the subject of the contract; and
- b) contained in a sealed envelope or parcel which does not show the identity of the contractor in any way; and
- c) delivered to the place and by the date and time stated in the invitation.

[9.02.56.](#) Bids must be kept safe until the date and time for their opening by the officers given this duty by the Director [or Head of Procurement, whichever is](#) responsible for [managing](#) the process.

[9.02.67.](#) Non-electronic [bidsBids](#) must be opened at the same time in the presence of two officers, one of whom has had no involvement in the process. These officers shall be responsible for properly recording the price, duration of any works and all other relevant details of each opened [bidBid](#).

[9.02.78](#) Electronic [bidsBids](#) received securely may be opened at the appointed date and time by one officer or appointed consultant.

[9.02.89.](#) The Head of Procurement must approve the training and seniority of all officers employed to open [bidsBids](#) and also the arrangements for ensuring the independence of such officers from the teams involved in the competitive process.

9.03 Abnormally Low, Late or Non Compliant Bids

9.03.1. In respect of any contract that is subject to the Regulations, if the Council determines that a [bidBid](#) is abnormally low then it shall ask the bidder to explain the prices or costs proposed in its [bidBid](#).

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9.03.2. Records of any non-compliant [bidsBids](#) and of the date and time of receipt of any late tenders must be kept by officers.

9.03.3. Bids received late may only be considered if the other [bidsBids](#) have not yet been opened and:

- a) failure to comply is the Council's fault; or
- b) it is clear that the [bidBid](#) was sent in such a way that in the normal course of events it would have arrived on time.

9.04 [Dynamic Purchasing Systems](#)

[9.04.1. In appropriate cases, a Dynamic Purchasing System \(DPS\) may be used to carry out procurements in accordance with Regulation 34 of the Public Contract Regulations, with the prior approval of, and in accordance with a procedure specified by, the Head of Procurement.](#)

[9.04.2. Where a DPS is to be used to carry out a procurement this must be done through the Corporate DPS unless prior written agreement from the Head of Procurement has been obtained.](#)

[9.04.3. Electronic formation of individual contracts within the DPS is permitted, subject to Contract Standing Orders 9.08.8. and 9.08.9.](#)

[9.05. E-Auctions](#)

In appropriate cases, the submission of prices for a bid may be conducted by e-auction in accordance with Regulation 35 of the [Public Contract](#) Regulations, with the prior approval of, and in accordance with a procedure specified by, the Head of Procurement.

9.0506 [Post Tender Clarifications/Confirmations](#)

9.0506.1. Except where the [negotiatedcompetitive](#) procedure [with negotiation](#) referred to in [CSOContract Standing Order 9.04e01.2c and 9.01.2g](#) applies, negotiation after receipt of formal bids and before the award of contract is only permitted:

- a) in circumstances which do not put other contractors at a disadvantage, distort competition or adversely affect trust in the competitive process, and
- b) if the prior authority of the Head of Procurement has been obtained.

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~~9.0506.2. — There may be circumstances where an officer authorised by the Director may contact a contractor in order to clarify an ambiguous bid. This does not constitute post tender negotiations.~~

9.05.3. All communication with contractors under this Contract Standing Order 9.06.2 must be in writing or recorded in writing.

9.0607 Bid Acceptance and Contract Award and Letters of Intent

9.0607.1. Bids are to be accepted on the basis ~~of~~:

a) either:

~~a)~~ if the contract value is above the applicable threshold pursuant to the Regulations, of the most economically advantageous tender as determined by the application of the published award criteria (“MEAT”); or

b) if the contract value is below the applicable threshold pursuant to the Regulations, of either (i) MEAT, or (ii) lowest cost.

c) A Director may award, assign, or novate contracts valued ~~up to less than~~ £500,000 (five hundred thousand pounds).

d) All contracts valued at £500,000 (five hundred thousand pounds) or more at the time of award may only be awarded, assigned, or novated by the Cabinet.

e) The award of any contract valued £500,000 (five hundred thousand pounds) or more is a 'key decision' and as such must be in the Council's Forward Plan and comply with the other procedures in that regard set out in the Constitution.

f) In accordance with Part 5 Section C of the Constitution, the award of spot contracts for care packages and contracts for the supply of energy to the Council are not “key decisions”.

9.07.2 Where a contract has been awarded, including by way of a call off from a Framework (but not by way of a contract placed under a DPS), with an estimated value of £25,000 or more, the award must be published on Contracts Finder.

9.07.3 Where the provision of works, goods or services under a contract is required to commence prior to the issuance and execution of a formal contract, a Director, if satisfied that it is in the Council's best interest in

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the particular circumstances, may approve issuance of a Letter of Intent pending the issuance and execution of a formal contract. However, the maximum cover afforded by any Letter of Intent shall not exceed £100,000 or 10% of the total contract price, whichever is the higher value.

9.08. Conditions ~~applying~~ Applying to all contracts All Contracts:

~~9.0708.1.~~ The tender documents in respect of every contract to which the ~~Public Contract~~ Regulations apply shall ~~include: (a) a requirement that the successful contractor must enter into a collateral contract in a form approved by the Assistant Director of Corporate Governance which provides for the allocation of risks between the parties where the contract has been declared ineffective by a court, and (b) provide for the contract to include provisions enabling the Council to terminate the contract in each of the circumstances set out in Regulation 73 of the Regulations~~ Public Contract Regulations or Regulation 44 of the Concession Contracts Regulations, as applicable.

~~9.0708.1A.~~ The tender documents in respect of every contract to which the Regulations apply shall include a requirement that the Council may require the successful contractor must enter into a collateral contract in a form approved by the Assistant Director of Corporate Governance which provides for the allocation of risks between the parties where the contract has been declared ineffective by a court.

9.08.1B. The decision as to whether or not a collateral contract will be required in respect of a contract will ultimately be made, before the formal contract is issued and executed, by the Assistant Director of Corporate Governance or an officer acting under his/her delegated authority.

Valued ~~£510,000~~ or more:

~~9.07.2.~~ ~~Except as provided in CSO 9.07.4, all~~ 08.2. All contracts valued at £510,000 (fiveten thousand pounds) or more ~~in value~~ must be in writing by way of a document prepared, or on a basis approved, by the Assistant Director of Corporate Governance.

~~9.07.3.~~ ~~Where the works, goods or services to be provided under a contract are required to commence prior to the issuance and execution of a formal contract, a Director, if satisfied that it is in the Council's best interest in the particular circumstances, may approve issuance of a Letter of Intent pending the issuance and execution of a formal contract. However, the maximum cover afforded by any Letter of Intent shall not exceed 10% of the contract price in respect of works or services contracts, or £50,000 in respect of supplies contracts.~~

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~~9.07.4. Every contract valued at £50,000 (fifty thousand~~9.08.3. Every contract valued at £10,000 (ten thousand pounds) or more shall specify:

- a) the works, goods or services to be provided or executed;
- b) the price to be paid or the precise method of its ascertainment and a statement of any discounts or other deductions; and
- c) as appropriate, the start and finish dates, or delivery dates, and any maintenance or defects liability period_i;
- d) compliance with the Council's insurance requirements. The requirement to comply with the ~~Councils~~Council's standard insurance requirements may only be waived with the Chief Finance Officer's approval_i;
- e) compliance with the Council's equality policy_i;
- f) compliance with regards to the protection of personal data.

~~9.0708.45.~~ All contracts for the provision of services which may potentially involve either direct~~entail~~ members of the service provider's staff (including agents, sub-contractors and assigns) carrying out a role that involves contact with children and/or vulnerable adults or access to their personal records shall contain a provision requiring the service provider ~~(including agents and assigns)~~ to undertake a Criminal Records Bureau~~in respect of each staff member the appropriate level of Disclosure and Baring Service~~ check on relevant employees for which his/her role is eligible prior to provision of the services ~~under the contract being carried out by the relevant staff member~~ and at appropriate intervals thereafter.

~~9.0708.56.~~ All computer software contracts shall contain a clause to the effect that use of the software by the Council's contractors shall not amount to use by a third party for which an additional software licence might otherwise be required.

Valued £50,000 or more:

~~9.0708.67.~~ Every contract with a value of £50,000 (fifty thousand pounds) or more must_i unless the Assistant Director of Corporate Governance and Chief Finance Officer agree to the contrary_i contain clauses to cover the following:

- a) compliance with all applicable legislation;

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- b) a prohibition on assignment and/or subletting without the written consent of the Director;
- c) a provision allowing the Council to cancel the contract and recover any resulting loss from the contractor if the contractor does anything which is contrary to the Bribery Act 2010 or incites breach of Section 117 (2) of the Local Government Act 1972;
- d) a provision to ensure the Council is protected against the contractor's defective performance by default provisions which are appropriate to the contract;
- e) if the contractor is in breach of contract the Council can do any or all of the following:
 - i. ~~i.~~—determine all or part of the contract or determine the contractor's appointment;
 - ii. ~~ii.~~—itself perform the contract in whole or in part;
 - iii. recover from the contractor any additional cost resulting from the completion or cancellation of the contract.
- f) If the contractor has obtained or received by whatever means any information which gives or is intended or likely to give the contractor any unfair advantage over any other tenderer (including the Council's own workforce) in relation to the tendering for, and award of, any works/services contract, that the Council shall be entitled to terminate that contract;
- g) It shall be a condition of any contract between the Council and any person (not being an Officer of the Council) who is required to manage a contract on the Council's behalf that, in relation to such contract, he/she shall comply in all respects with the requirements of these Contract Standing Orders as if he/she were an employee of the Council.

9.0708.78.— A contract valued at less than £250,000 (two hundred and fifty thousand pounds) does not require sealing and should either be signed on behalf of the Council, by both the relevant Director and by the Head of the relevant business unit, or authenticated by Approved Electronic Means. However, if the nature of the works, goods or services is such as to pose a high risk of significant latent defects, then the Head of Procurement may decide to have the contract executed under seal as a deed.

Valued £250,000 or more:

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9.0708.89. A contract valued at £250,000 (two hundred and fifty thousand pounds) or more must be executed on behalf of the Council under seal as a deed.- [Where appropriate this may be undertaken electronically.](#)

9.0708.0940. Every contract valued at £250,000 (two hundred and fifty thousand pounds) or more must contain clauses to cover the following:

- a) if it is a contract for works, that the Council may require the contractor to provide security for completing the contract in the form of a bond;
- b) that where the contractor is a subsidiary or group company, the contractor may be required to provide a parent or group company guarantee.

9.0708.104. The decision as to whether or not a bond or parent company guarantee will be required in respect of a contract valued at £250,000 or more will ultimately be made by the Chief Finance Officer or an officer acting under his/her delegated authority.

10. Waivers, Variations, Extensions and Novations

10.01 Waivers

10.01.1. Contract Standing Orders other than [CSO Contract Standing Order 5](#) (which relates to the [Public Contract Regulations](#)) may be waived on the basis set out in CSO 10.01.2 by:

- a) the Cabinet where the contract value is £~~250~~500,000 (~~two~~five hundred ~~and fifty~~ thousand pounds) or more;
- b) a Director where the contract value is less than £~~250~~500,000 (~~two~~five hundred ~~and fifty~~ thousand pounds) (save that the Director shall not have authority to waive CSO [9.0708](#)).

10.01.2. A waiver may be agreed after considering a written report that demonstrates:

- a) the contract is one entered into between entities within the public sector in circumstances permitted by Regulation 12 of the [Public Contract Regulations](#) or [Regulation 17 of the Concession Contract Regulations as applicable](#); or

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- b) the contract is one that the Council is permitted to reserve for certain economic operators in circumstances permitted by Regulation 77 of the [Public Contracts Regulations or Regulation 24 of the Concession Contracts Regulations](#); or
- c) the circumstances of the proposed contract award are covered by a relevant legislative exemption (whether under EU [law](#) or [English](#) the law [of England and Wales](#)); or
- d) the value of the contract is below the applicable threshold pursuant to the Regulations and:
 - (i) the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is such that a departure from the requirements of Contract Standing Orders is justifiable;~~;~~
 - (ii) it is in the Council's overall interest;~~;~~ or
 - (iii) there are other circumstances which are genuinely exceptional.

10.01.3. Waiver requests must be approved before any related contract awards, variations or extensions.

10.01.4. A record of the decision approving a waiver and the reasons for it must be kept and an entry made in a central register maintained and monitored by the Head of Procurement.

10.01.5. Where [an additional](#) waiver of Contract Standing Orders is sought ~~for the second time~~ in relation to the same individual contract, [this whereby the aggregated value of the contract increases to £500,000 \(five hundred thousand pounds\) or more, the waiver](#) must be agreed by the Cabinet.

10.02 Variations and Extension

10.02.1. Subject to the provisions of CSO 3.01;~~—~~ [and the Regulations \(in particular Regulation 72 of the Public Contract Regulations restrictions and or Regulation 43 of the Concession Contracts Regulations \(as applicable\),](#) compliance with Financial Regulations,~~a Director may (and subject to satisfactory outcomes of contract monitoring) authorise;~~ the following [may authorise an extension or variation to a contract](#):

- a) ~~any extension provided for within the terms of a contract and previously included in an award of contract decision taken by Cabinet Director~~ provided the value of the extension [or variation](#) is less than £500,000 (five hundred thousand pounds);

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- b) ~~any variation or any extension not included in the original contract award and which has a value less than £500,000 (five hundred and thousand pounds);~~
- c) ~~a single extension by up to twelve months of the contract not provided for within the original contract award decision;~~
- d) ~~any variation, and if relevant a consequent change in price, determined in accordance with the contract terms.~~

~~10.02.2. In any other circumstances the Cabinet where the value is £500,000 (five hundred thousand pounds) or more the Cabinet may vary or extend a contract providing that to do so is consistent with the Public Contract Regulations and the Council's Financial Regulations.~~

10.02.32. All variations and extensions must be recorded in writing and an electronic copy maintained within the Council's Corporate Contract System.

10.03 Novations (Transfers)

In circumstances permitted in Regulation 72 of the Public Contract Regulations or Regulation 43 of the Concession Contracts Regulations or where the value of a contract is below the applicable threshold pursuant to the Regulations the Council may agree to the novation or assignment of a contract.

11. Contract Termination

11.01. In the event of a supplier being declared bankrupt, going into administration, receivership or liquidation then a Director may terminate any associated contract(s) and initiate alternative arrangements as may be required taking into account CSO Contract Standing Order 10.03 in cases of novation or CSO Contract Standing Order 4.01 in cases that warrant the re-letting of the contract(s).

11.02. The decision to terminate a contract early in all other circumstances must be approved by a Director.

11.03. In all cases of contract termination for whatever reason where the awarded contract value was £500,000 (five hundred thousand pounds)

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or more a report must be presented at the earliest opportunity to Cabinet.

12. Schools

In accordance with the requirements of the Council's Scheme for Financing Schools, and the Financial Regulations for Schools, where a school acts as an agent for the Council, these Contract Standing Orders apply to all schools within the London Borough of Haringey with the exception of Academy and Trust Schools. A school's governing body shall have the powers and duties of the Cabinet specified in these Contract Standing Orders, except in relation to waivers (CSO 10.01).

13. Care Contracts for Individuals

Subject to Regulation 74 of the Public Contract Regulations and Regulation 19 of the Concession Regulations as applicable, Adults & Housing Services and the Children & Young People's Service care contracts may be 'block' contracts (where a number of beds, places or services are provided by the contractor at pre-agreed pricing schedules, to which the Council may refer users over the contract period) or 'spot' contracts (one-off contracts meeting an individual user's needs, or contracts where a number of beds, places or services are provided by the contractor without pre-agreed prices, such prices to be agreed upon each referral of a user over the contract period). The Directors of the Adult & Housing Services and the Children & Young People's Service will seek to optimise overall best value for the Council. The following provisions shall apply to the Adults & Housing Services and the Children & Young People's Service care contracts:

- a) All Contract Standing Orders apply to block contracts;
- ~~b) CSO 8.03 (in relation to quotation procedures) shall not apply to spot contracts;~~
- ~~c) The Directors of the Adult & Housing Services and the Children & Young People's Service may award all spot contracts, which shall be reviewed at least annually as part of the review of whether the service provided continues to demonstrate value for money and meet the needs of the service user;~~
- b) Where a spot contract has an estimated value of less than £160,000 (one hundred and sixty thousand pounds), CSO 8.02 and CSO 8.03 shall not apply, and the relevant Director should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.

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c) Where a spot contract has an estimated value of £160,000 (one hundred and sixty thousand pounds) or more, CSO 9.01 shall apply.

14. Alexandra Palace and Park

These Contract Standing Orders apply to the procurement of works, goods and services by or on behalf of Alexandra Palace and Park Charitable Trust on the following basis:

- a) The Chief Executive of APPCT shall have the powers and duties of a Director specified in Contract Standing Orders;
- b) The Alexandra Palace and Park Board and Panel shall have the powers and duties of the Cabinet and a Cabinet Member specified in these Contract Standing Orders;
- c) In the event of any conflict, the requirements of the Charities Act 1993, any regulations made under that Act or charity law in general shall prevail over the provisions of Contract Standing Orders.

15. Disposal of assets

15.01. Where Council assets (other than land & buildings) are to be disposed of because they are surplus to requirements, damaged or obsolete, reasonable endeavours must be undertaken to realise the residual value of the assets.

15.02. Assets having little or no realisable value may be disposed of as waste with the approval of the relevant Head of Business Unit, provided that the disposal shall be in favour of recycling wherever possible.

15.03. In respect of assets to be disposed of having an estimated value of less than £510,000 (fiveten thousand), the Director concerned should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.

15.04. Assets recommended for disposal with an estimated value of £510,000 (fiveten thousand pounds) or more–, shall be disposed of in such a manner as to secure best value.

15.05. Disposal of assets valued at £250,000 (two hundred and fifty thousand pounds) or more must be reported to the Cabinet.

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15.06. Under no circumstances shall disposal of Council assets be made to employees or Members of the Council without the prior approval of the [relevant](#) Director.

16. Urgent Decisions/Decisions Required in-between Cabinet Meetings

16.01. These provisions apply where action needs to be taken between meetings of the Cabinet or in cases of urgency and that action would be outside the powers given to a Director under these Contract Standing Orders.

16.02. Decisions reserved to members under these Contract Standing Orders will ordinarily be taken at [the](#) Cabinet meeting. Notwithstanding this, the Leader may take any such decision between meetings of the Cabinet, including decisions that have become urgent, and the Leader may also allocate any such decision whether urgent or not to the Cabinet Member having the relevant portfolio responsibilities, or to a Committee of the Cabinet.

16.03 The provisions of the Access to Information Procedure Rules at Part 4 of this Constitution will apply. All key decisions should be listed on the forward plan accordingly. Where a decision is ['urgent'](#), rules 16 and 17 within the Access to Information Procedure Rules will apply.

17. Application of CSOs to Grants

Approval for Receipt of Grants [to](#)by the Council from External Bodies

17.1 Where the Council receives a grant from an external body, the process for approving [that or varying the agreement for the](#) grant shall be the same as that set out in CSO 9.~~0607~~ (i.e. the Director may approve receipt of a grant valued less than £500,000. For approval of receipt of grants valued at £500,000 or more, a Cabinet decision is required).

17.2 The Council's requirements in respect of execution of contracts as deeds (CSO 9.~~0708~~.9) shall not apply in respect of grants which the Council receives, and subject to the requirements of the funder, they may be signed by the relevant Director and Head of the Business Unit [or authenticated by Approved Electronic Means](#).

Approval for Payment of Grants from the Council to External Bodies

17.3 Where the Council awards a grant to an external body, the process for approving [that or varying the agreement for the](#) grant shall be the same

PART FOUR – RULES OF PROCEDURE

Section J– Contract Procedure Rules

as that set out in CSO 9.07 (i.e. the Director may approve awards of grants valued less than £500,000. For approval of award of grants valued at £500,000 or more, a Cabinet decision is required).

Report for: Full Council, 21 November 2016

Item number:

Title: Overview and Scrutiny Annual Report 2015/16

Report authorised by: Bernie Ryan, Assistant Director, Corporate Governance

Lead Officer: Christian Scade, Principal Scrutiny Officer,
020 8489 2933, christian.scade@haringey.gov.uk

Ward(s) affected: All

**Report for Key/
Non Key Decision:** N/A

1. Describe the issue under consideration

- 1.1 Each year Haringey's Overview and Scrutiny Annual Report is produced as required by the Council's Constitution.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 That Full Council notes the Overview and Scrutiny Annual Report 2015/16.

4. Reasons for decision

- 4.1 The Council's Overview and Scrutiny Committee must report annually to full Council as set out in Part 2 (Article 6) of the Constitution.

5. Alternative options considered

N/A

6. Background information

- 6.1 The Overview and Scrutiny Annual Report (Appendix A) details the work of the five scrutiny bodies in Haringey, and the North Central London Joint Health OSC.

7. Contribution to strategic outcomes

- 7.1 The issues included within the 2015/16 scrutiny work programme were prioritised following consideration of Haringey's Corporate Plan 2015-2018.

- 7.2 Items selected for scrutiny review were based on their potential to contribute to strategic outcomes relating to “Outstanding for All”, “Clean and Safe” and “Sustainable Housing, Growth and Employment”.

8. Statutory Officers comments

Finance

- 8.1 There are no financial implications arising from this report.

Legal

- 8.2 As set out in Part 2 (Article 6) of the Constitution, the Overview and Scrutiny Committee must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

Equality

- 8.3 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard 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 share those characteristics and people who do not.

- 8.4 Overview and Scrutiny has addressed these duties by considering them in work plan development, as well as individual pieces of work. This has included looking at:

- How policy issues impact on different groups within the community, particularly those that share the nine protected characteristics;
- Whether the impact on particular groups is fair and proportionate;
- Whether there is equality of access to services and fair representation of all groups within Haringey;
- Whether any positive opportunities to advance equality of opportunity and/or good relations between people, is being realised.

9. Use of Appendices

Appendix A – Overview and Scrutiny Annual Report 2015/16

10. Local Government (Access to Information) Act 1985

N/A

Overview and Scrutiny

Annual Report 2015/16

Foreword

Welcome to the Haringey Overview and Scrutiny Committee Annual Report for 2015/16.

This was my first year as Chair; many thanks to my fellow committee members Councillors Connor, Hearn, Jogee and Ayisi for their support, and also to the officer team; Christian Scade, Martin Bradford, Rob Mack, Natalie Layton and Felicity Foley, working hard, and effectively, throughout the year.

The difficult times we are living through in local government are putting pressure on all services, and the scrutiny function is no exception. So it's been important over the year to establish clear parameters for our work, based around the council's corporate priorities and the governance systems in place to deliver on those priorities.

We've worked closely with performance and finance teams to ensure that scrutiny is getting accurate, real time performance information (also now available on the council website) and regular updates from Cabinet members and senior officers, so that accountability via scrutiny is now increasingly embedded in the decision-making process. At the same time, our question and answer sessions with the Cabinet are better informed, and more focused on interrogation of key priorities and outcomes.

We've also given attention to important areas of service delivery, particularly child protection and adult safeguarding. We looked closely at the Finsbury Park events policy, making recommendations which contributed to event management this year, and began a broad look at social inclusion, to highlight what will be needed to make the council's "fair and equal borough" commitment a reality.

Scrutiny is all about improving provision for local people, albeit within the severe constraints local services are working under. I hope as many agencies, community organisations and residents as possible will take an interest in what we are doing, and get involved. Please see page 32 for details.

Councillor Charles Wright
Chair, Overview and Scrutiny Committee

The Overview and Scrutiny Committee 2015/16



Cllr
Charles Wright (Chair)



Cllr Pippa Connor
(Vice Chair)



Cllr Eugene Ayisi



Cllr Kirsten Hearn



Cllr Adam Jogee

Co-opted Members of the Overview and Scrutiny Committee:

Church Representatives

- Yvonne Denny
- Chukwuemeka Ekeowa

School Governors

- Luke Collier
 - Kefale Taye
-

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Appendix 1: The functions and service areas covered by scrutiny (2015/16)

Scrutiny in Haringey

1. What is scrutiny?

“Overview and Scrutiny is...the principal democratic means, between elections, of ensuring that decisions made by the council and its partners are held to account. It also provides a vital means of ensuring all councillors can take part in the development of council policy.” (Councillor’s Guide 2012/13: LGA)

- 1.1 Overview and Scrutiny was brought into being by the Local Government Act 2000. A requirement of the act is for a local authority with executive arrangements to have one or more Overview and Scrutiny Committees.
 - 1.2 This scrutiny committee is able to scrutinise the decisions or actions taken by the Council or partner organisations or indeed, assess any matter that affects people living in the borough.
 - 1.3 In this context, the primary role of the Committee is to hold local decision makers to account and to help improve local services. The Committee has a number of distinct functions:
 - To review and challenge decisions taken by the Council and its partners (e.g. NHS, police);
 - To undertake investigations into services or policy areas which are of interest or concern to local people;
 - To make evidence based recommendations to improve services provided by the Council and partner organisations.
 - 1.4 Given these functions, Overview and Scrutiny plays an important role in local democracy through: enhancing local accountability of services; improving transparency of decision making; and enabling councillors to represent the views of local residents.
-

2. What is effective scrutiny?

- 2.1 The careful selection and prioritisation of work is essential if the scrutiny function is to be successful, achieve added value and retain credibility. A summary of what needs to be done to ensure an effective scrutiny function is in operation is outlined below:

An effective scrutiny work programme should reflect a balance of activities

- Holding the Executive to account
- Policy review and development – reviews to assess the effectiveness of existing policies or to inform the development of new strategies

- Performance management – identifying under-performing services, investigating and making recommendations for improvement
- External scrutiny – scrutinising and holding to account partners and other local agencies providing key services to the public
- Public and community engagement – engaging and involving local communities in scrutiny activities and scrutinising those issues which are of concern to the local community

Key features of an effective work programme

- A member led process, short listing and prioritising topics – with support from officers – that:
 - reflects local needs and priorities – issues of community concern as well as Corporate Plan and Medium Term Financial Strategy priorities
 - prioritises topics for scrutiny that have most impact or benefit
 - involves local stakeholders
 - is flexible enough to respond to new or urgent issues

3. The structure of scrutiny in Haringey

3.1 In Haringey there is one over-arching Overview and Scrutiny Committee, which is supported in its work by four standing scrutiny panels which scrutinise the following service areas: Adults and Health; Children and Young People; Environment and Community Safety; and Housing and Regeneration.

Overview & Scrutiny Committee and Scrutiny Panels

3.2 The Overview and Scrutiny Committee is made up of five councillors who are not members of the Cabinet (the decision making body of the Council). Membership of Overview & Scrutiny Committee is proportional to the overall political makeup of the Council.

3.3 Scrutiny panels are made up of between 3 and 7 councillors who are not members of the Cabinet. Scrutiny panels are chaired by members of the Overview and Scrutiny Committee and membership is politically proportionate as far as possible.

3.4 Both the Overview and Scrutiny Committee and scrutiny panels oversee discrete policy areas and are responsible for scrutinising services or issues that fall within these portfolios.

3.5 A number of scrutiny functions are discharged by both the Overview and Scrutiny Committee and the individual panels. This includes: Questioning relevant Cabinet members on areas within their portfolio; Monitoring service performance and

making suggestions for improvement; Assisting in the development of local policies and strategies (e.g. through local project work); Monitoring implementation of previous scrutiny reports; and Budget monitoring.

- 3.6 As the 'parent' committee, the Overview and Scrutiny Committee is required to approve work programmes and to ratify reports and recommendations developed by scrutiny panels. The Overview and Scrutiny Committee also retains a number of distinct scrutiny functions not undertaken by panels. This includes:
- **Call-ins:** where there is a challenge to decision taken by the Cabinet or individual Cabinet member or a key decision taken by an officer under delegated authority.
 - **Councillor call for action:** where local councillors can refer matters of genuine and persistent concern which have not been possible to resolve through usual council processes.
- 3.7 A list of service areas covered by the Overview and Scrutiny Committee and Scrutiny Panels, during 2015/16, is provided at **Appendix 1**.
-

4. Review of 2015/16

- 4.1 Last year, as part of the 2015 Scrutiny Cafe, it was agreed that the scrutiny work programme would have succeeded if work:
- Was aligned with corporate priorities, objectives and outcomes, complimenting work of the Council and its partners;
 - Didn't duplicate work being undertaken elsewhere;
 - Reflected wider community's concerns;
 - Was practical and produced positive and beneficial impacts;
 - Was focused on areas where greatest practical assistance could be provided;
 - Was managed so its scrutiny processes were commensurate with desired outcomes (e.g. a one-off report or a more in depth investigation).
- 4.2 In order to assess the impact of last year's work programme each of the Panel Chairs, from 2015/16, were invited to a short de-briefing session with the Chair of the Overview and Scrutiny Committee and the Performance, Programme and Scrutiny leads for the particular corporate priority that their Panel covered. These reviewed progress in the last year and flagged up matters requiring further attention. For example, there was an opportunity to look at how the priority dashboards had been used to shape the scrutiny work programme and how these could be used moving forwards.

Summary of Achievements 2015/16

Corporate Priorities

- Regular briefings agreed for panel chairs, with priority, performance and finance leads, to support strategic understanding with work programme planning linked to corporate priorities.
- In-depth project work, linked clearly to the corporate priorities, concerning: Finsbury Park Events; Social Inclusion; Community Infrastructure Levy; Viability Assessments; Cycling; Community Safety in Parks; and Dis-proportionality in the Youth Justice System which have resulted in practical and achievable recommendations being made.

Positive and Beneficial Impact

- Thorough sessions on adult and children's safeguarding, plus briefing sessions for members and now joint work planning in hand with adults and children's safeguarding boards.
- Effective budget scrutiny with positive recommendations fully agreed by Cabinet, and forward planning to formalise budget monitoring at panels.
- More focussed Cabinet member Q&As, with questions/KLOE determined in advance.
- New ways of working e.g. "scrutiny review in a day" sessions (Community Infrastructure Levy and Viability Assessments), and a range of site visits meeting staff and service users, including long-term unemployed people, young offenders, and adult service users. Members also gained first-hand experience of issues relating to cycling by touring the Borough on bikes.
- Rapid response e.g. review of Finsbury Park events with agreed recommendations developing policy and addressing resident concerns; review of action taken on various adult care concerns.

Wider Concerns / Practical Assistance

- Improved engagement with partners including police, CCG, and other NHS bodies; and a wide range of agencies, including key policy makers across London, such as the Mayor's Cycling Commissioner.
- Improved engagement with the public, both in developing the work programme and evidence gathering e.g. the Call for Evidence in relation to Finsbury Park Events.
- Learning from best practice from other local authorities through visits to Cambridge and Waltham Forest and witnesses who have attended scrutiny evidence gathering sessions (e.g. from Greenwich, Islington, Lambeth, Tower Hamlets and Southwark).
- Improved communication with local stakeholders, including press releases, coordinated through regular meetings with the Assistant Director of Communications.
- Improved engagement and involvement with wider scrutiny bodies such as the London Scrutiny Network.

- 4.3 Despite these positive developments issues remain, in some areas, in terms of prioritising, developing and maintaining an effective work programme.
 - 4.4 As a result, the Overview and Scrutiny Committee on 6 June 2016 agreed, that to make greatest and most constructive input, the careful selection and prioritisation of work is essential if scrutiny is to be successful, gain buy in from senior officers and Cabinet, retain credibility and achieve added value.
 - 4.5 Moving forwards, this will require using performance and financial information, on a regular basis, to help shape and inform the future scrutiny work programme.
-

The Work of Overview and Scrutiny in 2015/16

5. Overview and Scrutiny Committee

Councillors: Charles Wright (Chair), Pippa Connor (Vice-Chair), Eugene Ayisi, Kirsten Hearn and Adam Jogee.

Co-optees: Ms Y Denny, Mr C Ekeowa, Mr L Collier and Mr K Taye

Overview

- 5.1 As well as overseeing the work of the four scrutiny panels (section 6 onwards), 2015/16 was a busy year for the Overview and Scrutiny Committee itself.
- 5.2 A common theme throughout the year was scrutiny of the authority's performance and strategic direction. The Committee also led budget monitoring and budget scrutiny exercises (outlined in section 11) and recently took part in a seminar to consider how non executive members could better engage with and scrutinise the council's financial planning and annual budget setting process.
- 5.3 The Committee also considered a range of one-off reports on various issues affecting the borough, including: Learning from the Lessons of Rotherham (Implications for Scrutiny and Safeguarding); Strategic Enforcement; Welfare Reform; Haringey's Workforce Plan; Business Infrastructure; The Customer Services Transformation Programme; and the Treasury Management Partnership with the Greater London Authority.
- 5.4 By reviewing the council's efficiency and transformation programme throughout the year the Committee has been able to review policy options to ensure they fit with the Council's priorities and commissioning arrangements.

Cabinet Q&A

- 5.5 Cllr Kober, Leader of the Council, attended in June 2015 to outline her priorities for the year in her annual State of the Borough address. Members were able to discuss and question the Leader and the Deputy Chief Executive on these priorities. The Leader also attended in January 2015 to respond to questions within her portfolio.
- 5.6 As per the scrutiny protocol, Cllr Arthur, Cabinet Member for Resources and Culture, and Cllr Goldberg, Cabinet Member for Economic Development, Social Inclusion and Sustainability both attended meetings during 2015/16. The session with Cllr Goldberg, in November 2015, was particularly productive and resulted in a scrutiny project being set up to look at ways to promote a "Fair and Equal Borough" (details below).

Project Work

- 5.7 The Committee undertook two projects during 2015/16, both of which involved gathering evidence from a wide range of stakeholders.

Finsbury Park Events

- 5.8 Over the summer of 2015, the Committee agreed to investigate recent events in Finsbury Park, specifically to look at:

- Planning and organisation;
- Facilities;
- Policing, security and crowd control;
- Noise and complaints;
- Transport, ingress and egress;
- Damage and arrangements for remediation; and
- Community engagement

- 5.9 During August and September, the Committee met with a range of interested parties, including event organisers, police, Transport for London and members of the Finsbury Park Events Stakeholder Group. The Committee also invited comments from local residents and members of the public as part of the review. In addition the Committee visited Finsbury Park and observed events taking place there.

- 5.10 Members of the Committee considered all evidence presented to them and produced a report detailing its conclusions and recommendations which was agreed on 17 October 2015.

- 5.11 Cllr Charles Wright, Chair of Overview and Scrutiny Committee, said:

“Our review highlighted the fact that management of the large events at Finsbury Park continues to improve, with better co-ordination between the various agencies involved. These improvements need to continue.

“It also identified that work needs to be done on communication, complaint management, and stakeholder engagement.

“We hope that Cabinet will take on board the recommendations and work will continue to minimise the impact of events on local people and ensure there is more transparency around the vital income it brings in.

“We could not have made these recommendations without the input of the hundreds of local people who took part in the review and we are hugely grateful to everyone who took the time to respond.”

- 5.12 A response to the review, detailing how scrutiny recommendations would be taken forward, was considered by Cabinet in December 2015 and an update on how the Council was implementing the recommendations was presented to OSC in March 2016.

- 5.13 The Committee was pleased the majority of their recommendations had been taken forward and, in view of events taking place during 2016, have asked for an update during autumn 2016.

Social Inclusion

- 5.14 A Fair and Equal Borough is one of four cross-cutting themes within the Council's Corporate Plan and sets out the Council's aim to tackle "the underlying factors of poverty, discrimination and exclusion". Through the Q&A session with the Cabinet Member for Economic Development, Social Inclusion and Sustainability, the Committee was made aware that the Fair and Equal Borough Delivery Plan was being reviewed.
- 5.15 In this context it was agreed the Overview and Scrutiny Committee could support this review through a series of evidence gathering sessions that would help develop a more localised definition of social inclusion and develop associated priorities for action. In January, the Committee agreed to address the following objectives as part of its review:
- To assess why certain areas and certain communities within the borough have not benefitted as much from London-wide improvements in outcomes;
 - To assess whether disadvantaged communities within the borough see themselves as excluded and what do they feel are the key barriers to getting ahead?
 - To identify what success may look like for disadvantaged communities;
 - To identify what works in supporting disadvantaged communities and helps them to get on;
 - To review existing plans to ensure that they are focussed on the right areas to tackle the issues these communities are facing?
 - To assess what can be learnt from other boroughs facing similar issues?
- 5.16 In meeting these objectives it was agreed a case study approach would be adopted as this would provide an opportunity to explore how issues are playing out in some of the most disadvantaged parts of the borough. In discussion with officers and the Committee it was agreed with local councillors that the Campsbourne Estate (Hornsey) would be used to provide illustrative case study material to support the review. This area was selected for a number of reasons, including a recent Index of Multiple Deprivation analysis suggesting deprivation in this part of the borough has deteriorated, contrary to the borough-wide trend.
- 5.17 In the period February to April 2016, the Committee held a number of evidence gathering sessions. This included input from: other local authorities; Hornsey ward councillors; Homes for Haringey officers; local GPs; neighbourhood policing representatives; and a local primary school.

5.18 [An interim report was considered by the Committee in June](#). This highlighted a number of emerging themes:

- Ensuring children have the best start in life;
- Access to housing;
- Post 16 transitions;
- Mental health – support to improve community participation;
- Social inclusion and access to opportunities.

5.19 The Committee has now agreed a plan of work to complete this project during 2016/17.

6. Adults and Health Scrutiny Panel

Chair's Introduction

"Last year was a busy year, with six formal meetings taking place. The Panel also undertook a review of adult safeguarding with the dual intention of improving the procedure for those adults undergoing safeguarding, and secondly, to improve councillor scrutiny in the process. Final recommendations will be put forward this coming year with "Making Safeguarding Personal" a key initiative in ensuring safeguarding is working for our vulnerable adults. In addition, we held a special meeting in February focusing on the financial performance of services relating to Adult Social Care, Commissioning and Public Health. As chair, I wish to thank all the Panel members, Cabinet members, Officers, Stakeholders and, not least, the members of the public who made positive contributions to meetings throughout the year." (Cllr Pippa Connor)

Councillors: Pippa Connor (Chair), Gina Adamou, Charles Adje, David Beacham, Stephen Mann, Peter Mitchell and Felicia Opoku

Co-optee: Ms H Kania

Adult Safeguarding

- 6.1 The Panel considered various issues in relation to safeguarding and Haringey's ambition to develop a community wide partnership approach to quality assurance. This included meeting with the Care Quality Commission who presented an overview of inspections carried out in the borough, drawing out key trends and lessons regarding the quality of care delivered in the borough.
- 6.2 Members of the Panel also met informally with Dr Adi Cooper, the Independent Chair of Haringey's Safeguarding Adults Board (SAB). This gave an opportunity to learn more about the roles and responsibilities of the SAB, and to consider the SAB's Annual Report. Following this, the Panel met to provide collective feedback on the SAB's Strategic Plan 2015-2018 Consultation Document.
- 6.3 The Panel also considered updates on specific cases where concern about quality of care had been highlighted, and sought assurance that particular concerns were being addressed and arrangements were in place to learn lessons.
- 6.4 In addition, various member development activities, including site visits, briefings and conferences, took place to help develop the future scrutiny work programme. These activities helped the Panel to consider the role of scrutiny in this complex area and to learn from safeguarding best practice. Moving forwards, scrutiny activity in this area will focus on *"what does good look like for an adult at risk?"*

Primary Care

- 6.5 The Panel received several updates from the CCG on Primary Care, covering estates, access and prevention. In addition, and with NHS England responsible for commissioning primary care (recognising there are now co-commissioning

arrangements in place), the Panel invited NHS England to attend their November meeting. This enabled the Panel to consider: plans being developed out of Haringey's Strategic Premises Plan; plans for Tottenham Hale; and the Primary Care Infrastructure Fund.

Changes to Adult Care Services

- 6.6 During the course of the year the Panel considered issues concerning changes to adult care services. This included looking at the principles and methodologies that were used to support the consultation and co production processes for changes to services. Following the consultation, the Panel reviewed how the process had been conducted. The Panel also received an update on the Project Plan for Day Opportunities Transformation. These issues will be kept under close review during 2016/17.

Better Care Fund

- 6.7 Following an update on progress with the implementation of the Better Care Fund in October, the Panel invited the Commissioning Lead for the Better Care Fund to their January meeting. This allowed findings from "deep dives" concerning both Care Homes, and Falls, to be considered along with non-elective admissions targets.

Haringey Foot Care Services

- 6.8 In January, following suggestions from members of the public, the Panel received an update on foot care. This included:
- Consideration of services provided in Haringey by both statutory and voluntary health and social care organisations;
 - Issues with the performance of the Whittington Health Podiatry and Foot Health Service, and how these were being addressed; and
 - The communication channels used to notify residents about local services.
- 6.9 Before the meeting, and in order to gain a better understanding of the issues, the Panel met with service users and carers, including representatives from the Hornsey Pensioners Action Group. Feedback was also received from users of the Bridge Renewal Trust's Foot Care Plus service.
- 6.10 During the discussion it was agreed further evidence gathering should take place. As a result, meetings took place with commissioners and providers in the spring, while further interviews will take place during summer. The final recommendations of the Panel will be made once this work is completed in the autumn.

Cross Cutting Issues

- 6.11 In addition, the panel also considered a number of cross cutting briefs, including:

- Haringey's Mental Health and Wellbeing Framework. This included a general update in November while issues concerning Child and Adolescent Mental Health Services were considered in March. This allowed monitoring of previous scrutiny recommendations to take place.
- Issues arising for the Council in relation to promoting a sustainable and diverse market place in light of the Care Act and following the Commissioning for Better Outcomes Peer Review undertaken in the borough.
- The work taking place to address social isolation for those needing, or likely to need, interventions from health or from adult social care as part of a preventative approach. This involved interviewing representatives from HAGA and Groundwork who had been commissioned to deliver a Neighbourhoods Connect service across the borough.

Cabinet Q & A

- 6.12 The year concluded with an opportunity to question Cllr Peter Morton, Cabinet Member for Health and Wellbeing, on his portfolio. Cllr Morton attended meetings throughout the year and the Q&A session in March was both an opportunity to reflect on the year and to prioritise areas for scrutiny involvement moving forward.

Joint Scrutiny

- 6.13 A summary of joint scrutiny work undertaken in relation to the North Middlesex University Hospital NHS Trust and the Barnet, Enfield and Haringey Mental Health NHS Trust is provided in section 10.
-

7. Children and Young People Scrutiny Panel

Chair's Introduction:

"The Children and Young People's Scrutiny Panel covers, amongst other things, safeguarding and education improvements, which are high priorities for both residents and the Council. The Panel has aimed to focus on the key issues in these areas and the items below were included within our work during the year." (Cllr Kirsten Hearn)

Councillors: Kirsten Hearn (Chair), Mark Blake, Clive Carter, Toni Mallett, Liz Morris, Reg Rice and Charles Wright

Co-optees: Ms Y Denny, Mr C Ekeowa, Mr L Collier and Mr K Taye

Panel Project on Youth Transition

- 7.1 The Panel completed the second part of its review on young people at risk of becoming a NEET and interventions that could be made to address this. A number of recommendations were made by the Panel, including;
- Setting a specific target for narrowing the gap in the percentage of young people entering Russell Group universities between the borough's two constituencies;
 - Developing effective monitoring of the take up and success rate of apprenticeships and making this a key Corporate Plan performance indicator; and
 - For the Council to take a lead role in developing a strategic borough wide plan for young people to develop and pursue their career aspirations.

Disproportionality within the Youth Justice System

- 7.2 The Panel has been undertaking a review on the disproportionate percentage of young people from some communities within the youth justice system, which is particularly pronounced within the black community. Data shows that 47% of the caseload for the Youth Justice Service comes from the black community, despite them representing only 28% of the population. The review is looking at the reasons for this and what can be done to address this. It is scheduled to report its findings early in 2016-17.

Corporate Plan, Priority 1: Best Start in Life

- 7.3 The Panel considered a report on the outcome measures and performance targets for the next three years under the Council's Corporate Plan Priority 1; Best Start in Life. The aim was that these would help to clarify what "good" looked like. Ambitious targets had been set and it was intended that progress against these would be measured in an open and transparent way, including publication on the Council's website.

School Places

- 7.4 The Panel received evidence that the birth rate in London had stabilised and was now predicted to fall and that this would have an impact on future demand for school places and had been reflected in projections of demand for primary school places, especially in the Crouch End and Muswell Hill areas. However, there was still likely to be additional demand in areas of the borough where regeneration was taking place and there was also currently a need for additional capacity at secondary level.

Children's Safeguarding

- 7.5 Sir Paul Ennals, Independent Chair of the Local Safeguarding Children's Board reported on arrangements for effective safeguarding. Although there were no immediate issues, he highlighted a number of issues of concern;
- Gangs and engagement with girls at risk of child sexual exploitation (CSE);
 - Children missing from care; and
 - Engagement with schools.
- 7.6 The Panel noted that good progress was being against each of these. In addition, the Panel and other non Executive Members participated in a training session on scrutiny of safeguarding that focussed on how the issue could be scrutinised effectively, including potential sources of evidence.

Current Developments in Adoption and Permanency

- 7.7 The Panel considered developments in adoption, fostering and special guardianship, including recruitment of in-house foster carers and other performance issues, planned reforms under the Education and Adoption Bill and how the voice of the child is taken into account.
-

8. Environment and Community Safety Scrutiny Panel

Chair's Introduction:

*"This panel has a wide portfolio that includes the environment, crime, litter collections, refuse and recycling. We want to continue to examine our communities and to help improve our environment by providing evidenced based projects, which can help inform the debate about how to make this a clean and safe borough to live."
(Cllr Adam Jogee)*

Councillors: Adam Jogee (Chair), Patrick Berryman, John Bevan, Barbara Blake, Bob Hare, Sarah Elliott and Sheila Peacock.

Co-optee: Mr I. Sygrave (Haringey Association of Neighbourhood Watches)

Cycling

- 8.1 The Panel undertook a piece of in-depth work on increasing the use of cycling for travel. It made a number of recommendations regarding, including:
- The development of a transformational vision for cycling and promoted as part of a wider "Living Streets" strategy;
 - That the overriding priority of the cycling content of the Council's Cycling and Walking Strategy be to create a high quality cycle network that is segregated from traffic; and
 - That cycle infrastructure projects be piloted in the first instance in order to provide the necessary flexibility to amend them if necessary.

Community Safety in Parks

- 8.2 A review on community safety in parks was also undertaken by the Panel. This has looked at how crime and fear of crime can be addressed within parks and open spaces.
- 8.3 Amongst the issues that have been considered are:
- Rough sleeping and drinking;
 - Anti social behaviour; and
 - How crime can be "designed out".
- 8.4 The review is scheduled to report its findings early in 2016/17.

Haringey Safer Communities Partnership - Performance Statistics and Priorities

- 8.5 The Panel received a report from the Police Service on the crime statistics for the borough. There had been an increase in violence with injury but it was likely that this had been influenced by changes to reporting procedures. There were also issues with robbery, confidence levels and the re-emergence of knife enabled crime. However, there had been an overall reduction in crime of 20.1%.

Update on progress: Interim scrutiny report on strategic parking issues ahead of the Tottenham Hotspur redevelopment

- 8.6 The Panel received a report on progress with the implementation of recommendations arising from the interim scrutiny report on strategic parking issues ahead of the Tottenham Hotspur redevelopment. The Panel noted that the Special Event Day (SED) scheme that had been set up had so far raised circa £25,000. Whilst this was below the anticipated amount, the number of bays was due to be increased as part of phase 2 of the scheme.

Violence Against Women and Girls

- 8.7 The Strategic Violence Against Women and Girls Lead reported on progress with the implementation of the recommendations of the Panel's review on violence against women and girls. She reported that a lot of progress had been achieved to date and that the recommendations had been helpful, constructive and challenging. She highlighted the fact that a new approach, entitled Change that Lasts, was being explored with national Women's Aid as part of the development of the violence against women and girls strategy and it was hoped that Haringey might be a pilot site.

Team Noel Park Pilot

- 8.8 The Panel considered the Team Noel Pilot, which is a prototype for a new partnership approach with the local community, built around shared ambitions to improve the local environment and tackle crime/improve community safety. Through active engagement, it was intended to build a shared understanding of the community's priorities and a consensus on how to improve outcomes under the principle that we can achieve more when we work together.

Street Cleansing and Waste and Recycling Performance

- 8.9 The Panel received regular updates on performance levels in respect of street cleansing and recycling.

9. Housing and Regeneration Scrutiny Panel

Chair's Introduction:

"A broad programme of work was undertaken by the panel in 2015/16 and it has scrutinised a range of housing and regeneration issues to support the delivery of corporate objective of the council.

This year, the panel trialled a new approach to scrutiny, in which evidence gathering is collected from informed stakeholders in a day-long conference event. There was a consensus among the panel that this approach provided improved continuity and focus to evidence gathering and should be utilised further across the service.

In addition, panel members were very appreciative of the opportunities provided by officers to tour and inspect local services and sites. Such visits, where combined with the opportunity to talk with front line staff, greatly contributed to members understanding and scrutiny of issues under consideration.

I would like to thank members, officers and other local stakeholders, who have contributed to the work of the panel in this year." (Cllr Eugene Ayisi)

Councillors: Eugene Ayisi (Chair), Gail Engert, Tim Gallagher, Eddie Griffith, Makbule Gunes, Emine Ibrahim, Martin Newton.

9.1 There were five formal meetings of the Housing & Regeneration Scrutiny Panel in 2015/16. In addition to these, there were two informal scrutiny in-a-day events to assist evidence gathering sessions for panel projects.

Cabinet Q & A

9.2 Two Cabinet members portfolios sit within the remit of this panel and both attended twice in the year to respond to questions from the panel.

9.3 Key issues discussed with the Cabinet Member for Housing and Regeneration included;

- The use of Right to Buy receipts to support affordable housing;
- Implications of the Housing & Planning Bill for the provision of affordable housing;

9.4 Key issues discussed with the Cabinet Member for Planning included:

- Strategies to retain and recruit planning staff;
- Analysis of planning appeals data.

Tottenham Regeneration Programme

- 9.5 As one of the Corporate Programmes and a priority for the Council, an update on the Tottenham Regeneration Programme is received annually by the panel. This year, ahead of the update, panel members and local ward councillors undertook a site visit to three key development sites: High Road West, Tottenham Hotspur FC stadium and Northumberland Park to help guide and inform scrutiny of this issue.
- 9.6 Examination of the programme at panel focused on the community consultation and engagement processes that underpin regeneration and how the strategic need for both employment space and housing are balanced within regeneration plans.

Haringey Housing Strategy

- 9.7 The consultation on the draft Haringey Housing Strategy was presented to the panel and members were able to formally comment and respond. The panel were concerned as to how the implications of the Housing & Planning Bill would impact on the ambitions of the strategy which were noted by officers. The finalised strategy is due to be considered at Cabinet in the autumn of 2016.

Temporary accommodation

- 9.8 The panel undertook a site visit to Apex House Customer Care Centre and Housing Service to understand how homelessness applications are received and processed through the council. In addition, the panel received update reports on plans to prevent homelessness and increase the supply of homes that could be used for temporary accommodation.

Selective Licensing

- 9.9 The panel looked at council plans to introduce a borough wide Selective Licensing Scheme for all rented properties. It was noted that whilst there was evidence to support the introduction such a scheme in 12 of the 19 wards locally, it would be unlikely to proceed given that new regulations would restrict the total area (20%) in which such a scheme could apply.
- 9.10 It was also noted new regulations could also extend the use of the current Mandatory Licensing Scheme to include both 2 storey properties and self contained flats. If introduced in Haringey, this would significantly increase the housing units that could be licensed (in excess of 12,000 properties). A further update is planned for the panel in 2016/17.

Panel Projects

- 9.11 The panel undertook two projects during 2015/16, both of which were undertaken in a 'scrutiny in a day' format, where evidence was collected from a number of contributors in a conference style event.

Community Infrastructure Levy (December 2015)

The panel held a scrutiny in a day evidence gathering session in to assist the council in developing governance arrangements to support the distribution of the community element of the Community Infrastructure Levy.

Developers, Neighbourhood Forums and local planning officers contributed to evidence gathering process. With independent guidance and advice from the Planning Officers Society, the panel produced a number of recommendations, all of which were agreed or partially agreed by Cabinet in May 2016.

Viability Assessments (April 2016)

A second scrutiny in a day session was held to examine the viability assessment process in delivering affordable housing and other planning gains. Representatives from other local authorities, developers and specialist viability assessors all gave evidence to the panel.

The panel is currently developing conclusions and recommendations from this work which it is hoped will go to Cabinet in autumn of 2016.

Other issues

9.12 In addition to the above issues, the panel also scrutinised a number of issues at these meetings including:

- Measures to bring empty homes back into use;
 - The Preferred Partnership Agreement between the council and 6 local registered providers; and
 - The review of the Supported Housing Programme.
-

10a. North Central London Joint Health OSC

10.1 Haringey participates in a Joint Health Overview and Scrutiny Committee (JHOSC) covering the boroughs of Barnet, Enfield, Camden, Haringey and Islington. Each borough has two representatives on the Committee. Haringey's representatives were Cllrs Pippa Connor (Vice-Chair) and Charles Wright. The Committee was established to scrutinise health issues common to all of the five boroughs.

10.2 Amongst the issues discussed this year at the JHOSC were:

Specialist Cancer and Cardiovascular Services - Update on Implementation of Reconfiguration

10.3 The Committee received an update on the implementation of changes to specialist cancer and cardiovascular services in the north central London area. It was noted that the revised arrangements had resulted in an improved level of care and the provision of a 7 day service.

Procurement of Integrated Urgent Care (111/Out of Hours)

10.4 The process for the procurement of the integrated NHS 111 Services and Out of Hours Services in the area was discussed in detail by the Committee with CCG officers as well as local patient and public representatives. The Committee was able to influence effectively the design of the process, which led to the award of the contract to a GP led not-for-profit organisation.

Lower Urinary Tract Symptoms (LUTS) Clinic

10.5 The Committee considered the circumstances which led to the suspension of services at LUTS Clinic at the Whittington Hospital. Concerns regarding this had been expressed by a large number of patients of the clinic. The Committee heard evidence on the issue from patients and clinicians and noted that the future commissioning of the clinic would be considered further following an Independent Review.

Joint Action by NHS Acute Trusts, CCGs, Local Authorities and Other Organisations to Reduce A&E Attendance

10.6 The Committee received a report on joint strategic planning by the CCGs in the area to reduce A&E attendance and noted that there were likely to be significant challenges. In particular, demand had been higher than expected across the whole of London. It commented on the key role that local authorities could potentially take in this as well as the need for close work with care homes. It was felt that the focus needed to be more on helping patients to avoid getting into the system rather than dealing with them quicker.

Stroke Pathways

10.7 The Committee welcomed Professor Anthony Rudd, the National Clinical Director for Stroke, He reported that overall performance was good and that there had been

significant improvement to the quality of stroke care being delivered. There were nevertheless areas where improvements could be made, such greater involvement of local authorities, a closer working relationships between local authorities and their respective CCGs and quicker discharge of patients. The lack of an early support discharge team in Haringey and poor 6 month follow up across all areas, especially for patients from North Middlesex, was highlighted.

New Model for Child and Adolescent Mental Health Services (CAMHS)

- 10.8 The Committee received an overview of the new model for CAMHS. It noted that there were currently a variety of providers of CAMHS across north central London, which had resulted in a complex overall picture. Individual Boroughs were currently working on Transformation Plans to develop more coherent services. Some services operated as shared services across Boroughs, for example, those for Eating Disorders. Boroughs in these cases were therefore working together to ensure the right level and parity of investment.

GPs in Care Homes

- 10.9 The Committee received a presentation that highlighted the differences in primary care provision for care homes between the boroughs. This was influenced, to some extent, by the differences between the number of care homes in different boroughs. The Committee particularly welcomed the model that multi disciplinary model that was used by Enfield CCG.

Whittington Hospital - Development of Estates Strategy

- 10.10 The Chief Executive of Whittington Health reported to the Committee on proposals to develop an estates strategy. This was aimed at providing a modern estate that was designed to deliver clinical services and enables the Trust to provide care where and when people needed it, as well as being fit for the provision of modern healthcare services.

10b. Barnet, Enfield and Haringey Sub Group

- 10.11 In addition to work carried out by the “parent” JHOSC, representatives from Haringey worked closely with colleagues from Barnet and Enfield to address concerns relating to North Middlesex University Hospital NHS Trust and Barnet, Enfield and Haringey Mental Health NHS Trust.
- 10.12 During the period May 2015 – May 2016 two formal Sub Group meetings were held. In addition scrutiny members, from the sub group and Haringey’s Adults and Health Scrutiny Panel, attended briefings, meetings and seminars, to better understand performance issues for both Trusts.

Barnet, Enfield and Haringey Mental Health NHS Trust

- 10.13 In May 2015 the Sub Group met to provide feedback on the Trust’s Draft Quality Account for 2014/15 and to receive an update on the contracting and funding

arrangements between the commissioning Clinical Commissioning Groups (CCGs) and the Trust for 2015/16.

10.14 Following this meeting, and through 2015/16, the Sub Group were updated on a range of issues, including:

- Outcomes from the Carnall Farrar report;
- Issues and challenges in relation to the Trust's CQC Inspection;
- The Trust's financial position and the contracting and funding arrangements between the CCGs and BEH Mental Health Trust for 2016/17;
- St Ann's redevelopment and the estates plan for NCL.

10.15 The positive work and information provided by the Trust was commended by Members. These updates were especially useful ahead of the Sub Group's meeting in May 2016. At this point, Member noted that concerns raised within the Trust's Quality Account (2015/16) were often underpinned by the issues of a poor ward environment, high inpatient bed occupancy and staffing levels. Members were pleased to hear of the positive plans to address staff retention and it was noted the poor ward environment was being picked up as part of the Sustainability and Transformation Plan for NCL. Members also agreed suitable funding was very important, not only in funding inpatient stays but in developing more robust care within the community setting. Moving forwards, the Sub Group were interested to learn of plans to tackle these issues and will be scrutinising the CQC report/action plan in the coming year to see if improvements have been achieved.

10.16 In addition to providing comments on the Trust's Quality Account (2015/16), the meeting in May 2016 provided an opportunity for the Sub Group to consider a variety of issues. The following will be kept under review during 2016/17:

- The Transformation and Sustainability Plan for NCL
- Concerns about the delays in approval of the plans for the redevelopment of St Ann's Hospital
- Contracting and funding arrangements between the CCGs and the Trust

North Middlesex University Hospital NHS Trust

10.17 Following the Trust's 2014/15 CQC inspection, scrutiny members took a keen interest in the North Middlesex during 2015/16, especially in terms of A&E performance.

10.18 In order to gain a better understanding, members from Haringey and Enfield were invited to two performance briefings, held at the hospital, in August and February. In addition, the Chair of Enfield's Health Scrutiny Committee invited members from Haringey to contribute to a formal meeting focusing on the continuing challenges and issues for the hospital in terms of A&E.

10.19 Following these sessions, the Sub Group held a formal meeting in May 2016 to consider the Trust's Quality Account (2015/16). A&E performance was raised as a particular worry and in view of the Chief Inspector of Hospitals publishing a report, in July, raising concerns that urgent and emergency care services at the hospital were "inadequate" these issues will be kept under close review during 2016/17.

11. Budget Scrutiny

- 11.1 Overview & Scrutiny Committee is required to assist annually in the budget setting process, which is defined by an agreed protocol. In previous years Overview & Scrutiny Committee has tasked individual Scrutiny Panels with reviewing and providing comments on budget proposals relevant to their areas, with the Overview & Scrutiny Committee taking a lead role for those areas not covered by a specific panel and overarching comments to Cabinet on the draft budget proposals.
- 11.2 In 2015/16 however, following the approval of the Council's three year Medium Term Financial Strategy (MTFS) in February 2015, it was agreed that scrutiny of the 2016/17 budget, part of the approved MTFS 2015-2018, would be undertaken only by OSC as there were no new emerging savings or investment proposals. This took place in January 2016.
- 11.3 From these deliberations, the Committee made 6 recommendations:
- That Cabinet should ensure sufficient flexibility in adult care budgets to support the outcomes of co-production exercises;
 - That Cabinet should ensure a comprehensive financial risk register is maintained and updated, and considered at Cabinet on a quarterly basis;
 - That as part of financial risk management, Cabinet should consider and confirm a strategy to ensure adequate levels of reserves across the MTFS period;
 - That Cabinet should confirm arrangements for reviews of savings plans in 2016/17 and ensure that OSC is consulted on the outcome of those reviews and any proposals made;
 - That Cabinet should consider opportunities to maximise income from all sources and report and update OSC and Scrutiny Panels on income maximisation as appropriate;
 - That individual Scrutiny Panels should monitor budgets in their priority areas through 2016/17, and report formally to OSC after Q2; and that OSC should formally consider overall budget performance after Q2 and make recommendations as appropriate.
- 11.4 The recommendations above were agreed by Cabinet in February 2016 and will be kept under review by OSC during 2016/17.
-

12. How to get involved

- 12.1 Public engagement and involvement is a key function of scrutiny and local residents and community groups are encouraged to participate in all aspects of scrutiny from the development of the work programme to participation in project work. For this purpose all formal meetings of the Overview and Scrutiny Committee and the four scrutiny panels are held in public and everyone is welcome to attend.
- 12.2 As well as attending a scrutiny meeting, there are a number of ways in which local people can be actively involved in the scrutiny process.

Suggest a topic for review

- 12.3 Members of the public and community groups can suggest topics for possible scrutiny review. Please use the [scrutiny suggestion form \(Word, 52KB\)](#) to suggest a topic for inclusion within the scrutiny work programme.

Being a witness

- 12.4 Like parliamentary select committees, a range of individuals may be asked to give evidence to support scrutiny reviews. This may include service users and community stakeholders, as well as service providers, policy makers, managers and people who have some knowledge or expertise of the area under consideration.
- 12.5 The ways in which evidence is collected will vary, but may include online surveys, focus groups or public meetings. Details of current scrutiny projects and how you can participate can be viewed on the [scrutiny consultation page](#).

Asking questions

- 12.6 The Overview and Scrutiny Committee or scrutiny panels may call a Member of the Cabinet and chief officer (such as a service Director) to answer questions on the performance, policy plans and targets for their portfolio or service. The Committee or relevant scrutiny panel may also call local NHS executives to account for policy and performance issues in the health sector. Representatives from other local public services (for example, police service, fire service, housing associations or Jobcentre Plus) may also be invited to scrutiny meetings where appropriate.
- 12.7 Members of the public can also raise questions about a subject being scrutinised and can submit questions in writing to be asked of executive councillors and chief officers called before the Overview and Scrutiny Committee or panels.
- 12.8 Questions should be sent in writing at least 5 clear working days in advance of the meeting. Questions can be sent by email or post to the Democratic Services Manager, or the appropriate committee or panel support officer.
-

Appendix 1: The function and service areas covered by scrutiny (2015/16)

Scrutiny body	Membership – as of March 2016	Scrutiny function	Policy areas
Overview & Scrutiny Committee	<p>Cllr Wright (Chair) Cllr Ayisi; Cllr Connor (Vice Chair); Cllr Hearn, Cllr Jogee</p> <p>Plus the statutory education representatives</p> <p>Ms Denny, Mr Ekeowa, Mr Collier, Mr Taye</p>	<ul style="list-style-type: none"> ➤ Cabinet Q&A ➤ Scrutiny work programme ➤ Ratifying reports of panels ➤ Financial Scrutiny ➤ Borough wide/cross cutting issues ➤ Call-In ➤ Councillor Call for Action ➤ Updates on previous scrutiny reviews ➤ Updates from scrutiny panels 	<p>Growth and inward investment; Commissioning; Communications; External partnerships; Council performance; Corporate policy and strategy; Economic Development, Social Inclusion and Sustainability; Tackling unemployment and worklessness; Financial inclusion; Social inclusion; Post 16 education; Increased job opportunities; Adult Learning and skills; Carbon Reduction and Haringey 40:20; Customer services and Customer Transformation Programmes; Corporate Infrastructure programme; Information Technology; Procurement and commercial partnerships; Council budget; Council tax, benefits and taxation; Human resources and staff wellbeing; Governance services (inc Member Enquiries); Arts and Culture / Libraries; Equalities; Community engagement; St Ann’s Hospital redevelopment.</p>
Adults & Health Scrutiny Panel	<p>Cllr Connor (Chair), Cllr Adamou, Cllr Adje, Cllr Beacham, Cllr Mann, Cllr Mitchell, Cllr Opoku, Ms Kania (Non-Voting Co-optee)</p>	<ul style="list-style-type: none"> ➤ Cabinet Q&A ➤ Performance ➤ Policy and strategy ➤ Financial Scrutiny ➤ Updates on previous scrutiny reviews ➤ Substantial variations (health) 	<p>Adult social care; Public health; Safeguarding adults; Health and social care integration and commissioning; Disabilities; Voluntary sector engagement; Working with CCG and NHS; Children to adult social care transition.</p>

Scrutiny body	Membership – as of March 2016	Scrutiny function	Policy areas
Children & Young People Scrutiny Panel	<p>Cllr Hearn (Chair), Cllr M Blake, Cllr Carter, Cllr Mallett, Cllr Morris, Cllr Rice, Cllr Wright</p> <p>Plus the statutory education representatives:</p> <p>Ms Denny, Mr Ekeowa, Mr Collier, Mr Taye</p>	<ul style="list-style-type: none"> ➤ Cabinet Q&A ➤ Performance ➤ Policy and strategy ➤ Financial Scrutiny ➤ Updates on previous scrutiny reviews 	<p>Outstanding for all - schools and learning; Safeguarding children; Early years and child care; Adoption and fostering; Looked-after children; Children with disabilities or additional needs; Haringey 54,000 programme; Youth and Youth Offending Services.</p>
Environment & Community Safety Scrutiny Panel	<p>Cllr Jogee (Chair), Cllr Berryman, Cllr Bevan, Cllr B Blake, Cllr Elliott, Cllr Hare, Cllr Peacock, Mr I. Sygrave (Non-Voting Co-optee)</p>	<ul style="list-style-type: none"> ➤ Cabinet Q&A ➤ Performance ➤ Policy and strategy ➤ Financial Scrutiny ➤ Updates on previous scrutiny reviews 	<p>Streets and Highways; Parking and traffic management; Recycling, waste and street cleaning; Licensing (except HMOs); Environmental health and enforcement; Parks and open spaces; Leisure and Leisure Centres; Community Safety; Engagement with the Police; Tackling antisocial behaviour.</p>
Housing & Regeneration Scrutiny Panel	<p>Cllr Ayisi (Chair), Cllr Engert, Cllr Gallagher, Cllr Griffith, Cllr Gunes, Cllr Ibrahim, Cllr Newton</p>	<ul style="list-style-type: none"> ➤ Cabinet Q&A ➤ Performance ➤ Policy and strategy ➤ Financial Scrutiny ➤ Updates on previous scrutiny reviews 	<p>Tottenham regeneration programme; Borough-wide regeneration; Corporate property and investment; Housing investment programme; Housing policy; Homelessness; Homes for Haringey and social landlords; Planning policy; Planning applications and development management; Building Control; Planning Enforcement; Houses of Multiple Occupation.</p>

Further information

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Overview and Scrutiny

5th Floor

River Park House

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N22 8HQ

Report for: Full Council

Item number:

Title: Sixth Annual Carbon Report

Report authorised by : Joe Baker, Head of Carbon Management

Lead Officer: Alice Lovell, 0208 489 5266, Alice.Lovell@haringey.gov.uk

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Non Key Decisions

1. Describe the issue under consideration

1.1. As a borough, Haringey has made an ambitious commitment to reduce carbon emissions 40% from the 2005 levels by 2020; whilst delivering growth and increasing prosperity. This is referred to as Haringey 40:20. The 40:20 initiative arose from recommendations by the Carbon Commission, a team of sustainability experts brought together to address how Haringey could reduce emissions and inequality. The Annual Carbon Report provides year on year progress towards this target. This is the fifth year we have reported on our progress.

1.2 The report includes:

- Official Carbon Emissions, published by the Department of Business, Energy and Industrial Strategy (DEBIS) in 2016, relating to emissions between April 2005 and March 2014.
- The position of National Government Policy influencing Haringey 40:20.
- Information on key projects which have contributed to reducing emissions between October 2015 and October 2016.
- Future projects and ongoing projects to reduce emissions from October 2016.

2. Cabinet Member Introduction

- 2.1 This is the 6th Annual Carbon Report produced for Haringey and was devised to track the borough's performance from 2005 to 2014. It highlights the work and outcomes over the last year, and the work to deliver our targets for the remaining 6 years of this project, achieving the target of a 40% reduction in carbon emissions. I am proud to present this report at our Full Council as the delivery of carbon reduction has benefitted our community and continued to demonstrate Haringey's leadership. However, I am saddened that Haringey are still the only authority that publishes its carbon emissions at Full Council.
- 2.2 The borough's 40:20 ambition is a challenging target for the Council and the community. Based on the latest data, it is unfortunate to be ever so slightly behind in the borough's overall carbon reduction target, but we have delivered a 26% reduction since 2005 and we now have a lower carbon footprint than our neighbouring boroughs. And in terms of per capita reduction of carbon emissions, the borough has succeeded in meeting and is exceeding its targets.
- 2.3 In the last year, the Paris Agreement set out the scientific requirement for countries to reduce carbon emissions and manage the risk of a changing climate. This global agreement underlines the urgency and necessity for action at an international, national and local level.
- 2.4 There is much to praise in this year's report. The Smart Homes project has delivered, and has been recognised nationally after being shortlisted for multiple awards. Smart Business have supported local companies in cutting costs and carbon, the partnership with Durham University has supported the Council to improve residents access to energy efficiency projects and the Council continues to develop a 'Decentralised Energy Strategy' for a low carbon heat network. The Council secured funding to increase measures for those in fuel poverty, and alongside this we have seen the benefits of the 40:20 grants which delivered carbon reduction projects designed by the community.
- 2.5 While the borough has shown leadership and delivered results, it is sad to see the government failing to show the same level of commitment. Disappointingly,

this year we saw the government department of Energy and Climate Change disbanded and, in light of BREXIT, the government has yet to commit to delivering the carbon reduction targets and legislative requirements which are set out through the European Union. In addition, the UK is one of a few remaining countries yet to ratify the Paris Agreement on Climate Change¹.

2.6 In the last year, Haringey has continued to demonstrate leadership in working towards the next stage of carbon reduction. Alongside the Mayor of London, the leader of Haringey Council Cllr Clare Kober has agreed to work towards the borough becoming a Zero Carbon authority by 2050 which will supersede the 2020 target. To help us achieve this, the Council is working with a panel of experts to deliver a set of recommendations for actions and is due early 2017. The borough will need to make choices now to embed these into projects as we work towards this long term target. Ensuring we continue to promote sustainable economic growth by creating new jobs, saving money and delivering carbon reduction.

2.7 In conclusion, we are moving in the right direction to deliver the borough's ambition for 40:20, and would not have achieved this success without the support of residents, community groups and businesses. I thank all of those who contributed to reducing carbon emissions and who made this report possible.

Councillor Joe Goldberg

Cabinet Member for Economic Development, Social Inclusion and Sustainability

¹ United Nations Framework Convention On Climate Change 'Paris Agreement – Status of Ratification' 2015
http://unfccc.int/paris_agreement/items/9444.php

3. Recommendations

It is recommended that:

- 3.1 The Annual Report is made publically available, to engage residents in the Haringey 40:20 initiative.
- 3.2 Councillors engage with the initiative and lead action in their community, promoting the importance of reducing carbon emissions whilst increasing prosperity.
- 3.3 The future projects outlined on pages 46 to 50 are implemented and further opportunities are identified, subject to the availability of external funding and grants.
- 3.4 Haringey continues to report annually on our progress to reduce emissions 40% by 2020, delivering growth and increasing prosperity.

4. Reasons for decision

- 4.1 In 2009, the Council endorsed the recommendations of the Carbon Commission, which are to:
 - 4.1.1 Create business models which reinvest wealth back into the borough through community energy and a retrofit cooperative network.
 - 4.1.2 Build a low carbon economy, establishing a green enterprise hub and creating training opportunities.
 - 4.1.3 Boost innovation in the borough through cutting-edge low carbon technological, social and financial solutions.
 - 4.1.4 Invest in low-carbon transport, including Dutch style cycling provision and alternative fuel vehicles.
 - 4.1.5 Strengthen community organisations, supporting the transition to a sustainable way of living, by sharing best practice and working together to deliver Haringey 40:20.
- 4.2 The Annual Carbon Report provides year on year progress towards the achievement of the recommendations, and the wider aim to reduce emissions 40% by 2020, whilst increasing prosperity in the borough.

5. Alternative options considered

5.1 N/A

6. Background information

6.1 In 2009, Haringey Council set an ambitious target to reduce carbon emissions in the borough, 40% by 2020, referred to as Haringey 40:20. To achieve this goal, the 'Carbon Commission', a team of sustainability experts examined how Haringey could achieve the reduction in emissions, whilst increasing prosperity and reducing inequality within the borough. The Annual Carbon Report provides year on year progress towards Haringey 40:20.

6.2 Reducing carbon emissions in the borough also works towards achievement of the wider London and National climate change targets:

- Section 5 of the London Plan 'London's Response to Climate Change' commits to achieving a 60% reduction in London's CO₂ by 2025 and ensuring 25% of London's energy is delivered through decentralised energy networks by 2025.
- The Climate Change Act 2008 established a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% (from the baseline of 1990 levels) by 2050.
- The European Union's (EU) Climate and Energy Policy Framework aims to make the EU's economy and energy systems more competitive, secure and sustainable. The framework incorporates binding targets to reduce EU greenhouse gas emissions at least 40% (based on 1990 levels) by 2030, and to increase the share of renewable energy to at least 27% of the EU's energy consumption by 2030.

7. Contribution to strategic outcomes

7.1 The Haringey 40:20 initiative forms part of Priority 4. This is to drive growth and employment from which everyone can benefit. The Annual Carbon Report falls into the fourth objective detailed in the Corporate Plan 2015-18 under Priority 4. This states:

“We will manage the impact of growth, by reducing carbon emissions across the borough with the aim of meeting our 40:20 goal, while growing the green economy.”

- 7.2 The role of the Council within this objective is to take active steps to reduce the Council’s own emissions, lead efforts to reduce emissions across the borough, and support green business. The Annual Carbon Report provides information on projects which have supported these priorities.

8. Statutory Officers comments

Comments of the Chief Finance Officer and Financial Implications

- 8.1 The costs of preparing this report and undertaking the key completed projects contained within it have been met from approved budgets, which includes both Council funded budget allocations and grants received from external Organisations including the Department for Business Energy and Industrial Strategy who have replaced the Department for Energy and Climate Change. In looking forward the Council is aware of the changing funding landscape, with both the Council’s own resources reducing and the level of external grants likely to be limited in the future. Therefore projects are only committed to once full funding has been identified and secured.

Comments of the Assistant Director of Corporate Governance and Legal Implications

- 8.2 There are no specific legal implications arising out of this report. All initiatives and projects carried out as part of the Carbon Plan will need to comply with domestic and European legislation.

Equalities and Community Cohesion Comments

- 8.3 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard 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 share those characteristics and people who do not.

8.4 Haringey 40:20 is not just about reducing emissions, it is about increasing prosperity in the borough and reducing inequality. The projects outlined in the report aim to help vulnerable residents, providing access to affordable energy and reducing fuel poverty. Projects which focus on the installation of energy efficiency measures in domestic properties, such as the Smart Homes project and Decent Homes programme, help to improve the quality of housing for residents, increasing efficiency and reducing energy bills. Encouraging green technology and skills also provides local job opportunities, with local installers used to complete Council led projects, where possible.

8.5 The 40:20 agenda is also about tackling health inequalities. Air pollution, poor quality housing and carbon emissions has been shown to have a negative impact on public health, and is attributed to causing a range of respiratory conditions. There are significant health inequalities within the borough; for example, those living in the east of the borough have a 7 year shorter life expectancy than those living in the west.

8.6 We will continue to analyse and monitor the impact of the Haringey 40:20 projects on improving health outcomes and reducing fuel poverty among different groups of residents, including those that share protected characteristics.

9. Use of Appendices

9.1 Appendix 1 - The Sixth Annual Carbon Report

10. Local Government (Access to Information) Act 1985

10.1 Background documents:

10.1` The Carbon Commission Report

http://www.haringey4020.org.uk/index/about4020/carbon_commission/report.htm

10.2 The Annual Carbon Reports (First, Second, Third, Fourth and Fifth)

http://www.haringey4020.org.uk/index/about4020/annual_carbon_report.htm

10.3 Statistics from the Department of Energy and Climate Change, the “subset

dataset” <https://www.gov.uk/government/statistics/uk-local-authority-and-regional-carbon-dioxide-emissions-national-statistics-2005-2014>

The Sixth Annual Carbon Report 2015 – 2016



Foreword

This is the 6th Annual Carbon Report produced for Haringey and was devised to track the borough's performance from 2005 to 2014. It highlights the work and outcomes over the last year, and the work to deliver our targets for the remaining 6 years of this project, achieving the target of a 40% reduction in carbon emissions. I am proud to present this report at our Full Council as the delivery of carbon reduction has benefitted our community and continued to demonstrate Haringey's leadership. However, I am saddened that Haringey are still the only authority that publishes its carbon emissions at Full Council.

The borough's 40:20 ambition is a challenging target for the Council and the community. Based on the latest data, it is unfortunate to be ever so slightly behind in the borough's overall carbon reduction target, but we have delivered a 26% reduction since 2005 and we now have a lower carbon footprint than our neighbouring boroughs. And in terms of per capita reduction of carbon emissions, the borough has succeeded in meeting and is exceeding its targets.

In the last year, the Paris Agreement set out the scientific requirement for countries to reduce carbon emissions and manage the risk of a changing climate. This global agreement underlines the urgency and necessity for action at an international, national and local level.

There is much to praise in this year's report. The Smart Homes project has delivered, and has been recognised nationally after being shortlisted for multiple awards. Smart Business have supported local companies in cutting costs and carbon, the partnership with Durham University has supported the Council to

improve residents access to energy efficiency projects and the Council continues to develop a 'Decentralised Energy Strategy' for a low carbon heat network. The Council secured funding to increase measures for those in fuel poverty, and alongside this we have seen the benefits of the 40:20 grants which delivered carbon reduction projects designed by the community.

While the borough has shown leadership and delivered results, it is sad to see the government failing to show the same level of commitment. Disappointingly, this year we saw the government department of Energy and Climate Change disbanded and, in light of BREXIT, the government has yet to commit to delivering the carbon reduction targets and legislative requirements which are set out through the European Union. In addition, the UK is one of a few remaining countries yet to ratify the Paris Agreement on Climate Change¹.

In the last year, Haringey has continued to demonstrate leadership in working towards the next stage of carbon reduction. Alongside the Mayor of London, the leader of Haringey Council Cllr Clare Kober has agreed to work towards the borough becoming a Zero Carbon authority by 2050 which will supersede the 2020 target. To help us achieve this, the Council is working with a panel of experts to deliver a set of recommendations for actions and is due early 2017. The borough will need to make choices now to embed these into projects as we work towards this long term target. Ensuring we continue to promote sustainable economic growth by creating new jobs, saving money and delivering carbon reduction.

In conclusion, we are moving in the right direction to deliver the borough's ambition for 40:20, and would not have achieved this success without the support of

¹ United Nations Framework Convention On Climate Change 'Paris Agreement – Status of Ratification' 2015 http://unfccc.int/paris_agreement/items/9444.php

residents, community groups and businesses. I thank all of those who contributed to reducing carbon emissions and who made this report possible.

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List of Abbreviations

- ALMO** - Arms Length Management Organisation
- BPL** – Blue Point London
- CHP** – Combined Heat and Power
- CO₂** – Carbon Dioxide
- DBEIS** - Department of Business, Energy and Industry Strategy
- DECC** – Department of Energy and Climate Change
- EVCP** - Electric Vehicle Charging Points
- GLA** – Greater London Authority
- GULCS** - Go Ultra Low City Scheme
- KT** – Kilo tonnes to measure amounts of carbon
- LIP** – Local Implementation Plan
- MHSG** – Muswell Hill Sustainability Group
- MSE** - Medium sized Enterprises
- NoF** - Neighbourhood of the Future
- OLEV** - Office of Low Emission Vehicles
- SAP** – Standard Assessment Procedure to measure energy efficiency
- TFL** – Transport for London
- 40:20** – Reducing carbon emissions by 40% from 2005 to 2020



Introduction

This report outlines why addressing local carbon emissions is important. It shows the progress Haringey has made since 2005 on reducing carbon emissions and highlights the work that the Council and partners are doing to decrease carbon emissions.

The aim of this report is to showcase the levels of progress achieved in business, domestic, transport and the Councils corporate estate within the last year in order to reduce CO₂ in Haringey. Additionally, predictions for future steps and projects are presented in this report which is designed to help meet the borough's target of 40% less CO₂ by 2020.

The main data source within this report was sourced from the Department of Energy and Climate Change (DECC) which, due to a change in government structures, has now merged with Department of Business, Innovation, and Skills (BIS) forming the Department of Business, Energy and Industry Strategy (DBEIS). For the purposes of this report, this data source will be referred to as DBEIS. Other information was located from the London Data Store, Haringey Council's Carbon Management Team and The Association for Decentralised Energy to name a few.

The data shown is from the 2014 statistics published in 2016 on carbon emissions. This is the most recent information. Therefore, there is no correlation between this data and the projects, schemes and campaigns that occurred within the last year.

It is important to note that, whilst every effort has been made to ensure statistical and data collection on carbon emissions in this report are as accurate as possible, they are in many cases estimations. Variables such as changes to resident behaviour throughout the year, differing data collection methods for CO₂ reduction projects, change in economic factors and the inability to account for all forms of carbon emissions within the borough will have an impact on the data in this report.

Background

In order to understand the significance of this report, it is important to gauge the importance of carbon emissions and their effects are on the environment.

Carbon dioxide equivalent (CO₂e) is a universal unit of measurement used to assess the global warming potential of a greenhouse gas, expressed in terms of the global warming potential of one unit of carbon dioxide (CO₂)².

CO₂ is produced naturally and through human action such as burning fossil fuels. The increased CO₂ in the atmosphere has created a 'greenhouse effect' around the earth, trapping the Sun's energy and causing the planet to increase in temperature³. This rise in global temperatures correlates with polar icecaps melting, rising sea levels and more extreme weather conditions throughout the world.

For this reason it has become important to monitor how much carbon we, as a nation and as a local community, produce annually so that a year-on-year comparison of our progression towards more sustainable means of generating energy can be

²Department of Energy and Climate Change 'Guidance on how to measure and report your greenhouse gas emissions' 2009 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69282/pb13309-ghg-guidance-0909011.pdf

³ GOV.UK 'Climate Change Explained' 2014 <https://www.gov.uk/guidance/climate-change-explained>

tracked. We need to link our performance against projects and programmes that will reduce our emissions.

By continually assessing Haringey's efforts to decrease the borough's carbon emissions, it is expected that the feasibility and realistic expectation to achieve a zero carbon environment by 2050 becomes more attainable. Further to this, the annual reporting on carbon emissions within the borough allows us to compare our data with the National performance. This demonstrates whether the borough is on track to provide a more sustainable environment for Haringey's community.

The carbon emission data used in this report incorporates the CO₂ emissions of the borough which are within the scope of influence by Haringey Council and is divided into three main sources:

- Business
- Transport
- Domestic

Regional CO₂ Reduction

The role of the London Mayor

In May 2016, Sadiq Khan was elected the new mayor of London. One of his ambitions is to set up a not-for-profit company to be called Energy for Londoners aimed at London producing more of its own, low carbon energy.

Energy for Londoners aims to provide a comprehensive range of energy services to help Londoners generate more low carbon energy and increase their energy efficiency, support local and community energy enterprises. It will buy clean energy generated across the city, using it to power Greater London Authority (GLA) and Transport For London (TFL) facilities.

Sadiq Khan has also made the ambitious objective of making London a Zero Carbon capital by 2050. These commitments include a measure to retrofit London's homes with energy efficiency measures, develop a city-wide strategy for solar panels, develop a distributed energy network in London and scale up investment in London transport. The Mayor hopes that these measures will promote economic growth in London, creating jobs, saving money and improving health and life expectancy. A report on the requirements and actions that need to be taken in order to deliver this target will be released early in 2017.

Over the next year the Major of London and the GLA will be reviewing the London Plan. This document will set the policy framework for major development across London. It has the ability to set energy standards in new development and push up standards in refurbishments and push the uptake of community energy networks.

RE:NEW

It is estimated that around 11% of London households are deemed to be fuel poor yet the level of retrofit activity to increase energy efficiency has continued to fall within recent years⁴. From 2014-2015, government-tracked retrofit to homes in Great

⁴ Department of Energy and Climate Change 'Local Authority Carbon Dioxide Emissions Estimates 2014- Statistical Release' https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/533670/Local_Authority_CO2_Emissions_Statistical_Release_2014.pdf

Britain fell by 44 per cent which is suggested to have been influenced by a lack of funding from the energy companies under the Energy Company Obligation.

RE:NEW, was established in 2009 by the previous Mayor of London to help make London's homes more energy efficient. By implementing retrofit projects and alleviating fuel poverty, the programme has helped improve around 120,000 homes within London and a further 450,000 through receipt of the main subsidies. A total saving of 40,300 tonnes of CO₂ per annum has been approximated and an estimated cost saving is, in excess of, £4m over a 20 year period.

RE:FIT

The Mayor of London's RE:FIT programme seeks to facilitate retrofit to public sector workplaces and in future private businesses. The GLA has met the programme's main targets for each year of its operation. In the next year this programme will target schools and support them as they more schools move towards independent academies.

This programme has been signed up to by Haringey Council, and the Council has benefited through this scheme to deliver carbon reduction in its main buildings.

Haringey's response to CO₂

Reduction progress

The following data demonstrates the progress Haringey have made both within the last year and since 2005 which is the baseline year. To achieve the 40% reduction the borough would need to reduce the borough's carbon emissions by 616.92kt

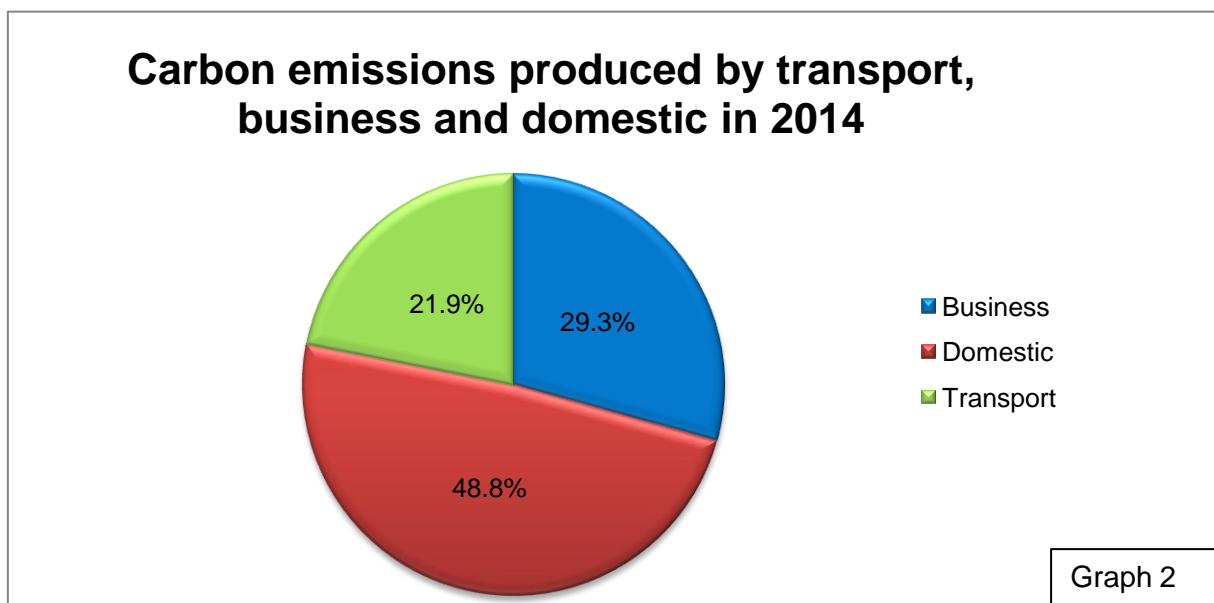
within the 15 year period. In order to know where Haringey sit in terms of local and national carbon emission reduction efforts, information has been compared to neighbouring boroughs, Greater London and the UK.

The most recent emissions data from DBEIS in this publication includes emissions from 2013-2014. This 2016 publication uses this data set and this is used to measure Haringey's performance.

It is important to note that the information used in this report is the 'subset data' which eliminates any carbon emissions that cannot be influenced by Haringey Council.

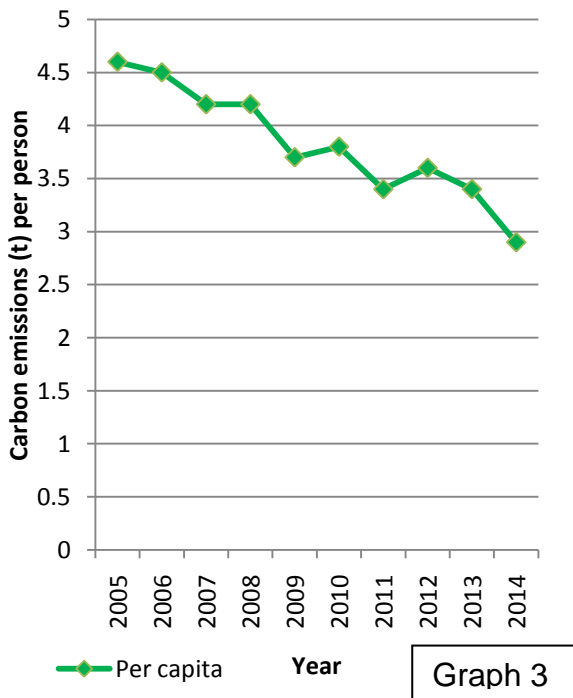
Total Carbon Emissions for Haringey

Since the baseline of 2005, the total reduction of carbon emissions in the borough that can be influenced by council action is 26%. Haringey's total carbon emissions for 2014 were 770.8kt. From 2013 to 2014 a reduction of 11.8% was made resulting in this year the largest decrease per annum in Haringey since 2005.

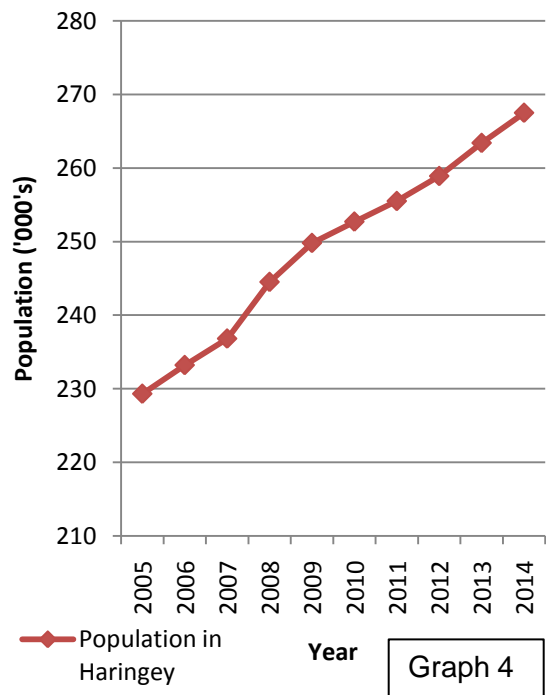


The pie chart (graph 2) above shows the three main sources of the borough’s CO₂ emissions for this 2014 from businesses, domestic and transport sources. The data collected for Industry and Commercial carbon emissions totalled 295.5kt in 2005 and, by 2014 this has decrease by 23.5%. Carbon emissions from the domestic sector have reduced by 30% between 2005 and 2014 and Transport saw CO₂ emissions decrease by 18%.

Haringey carbon emissions per capita from 2005-2014



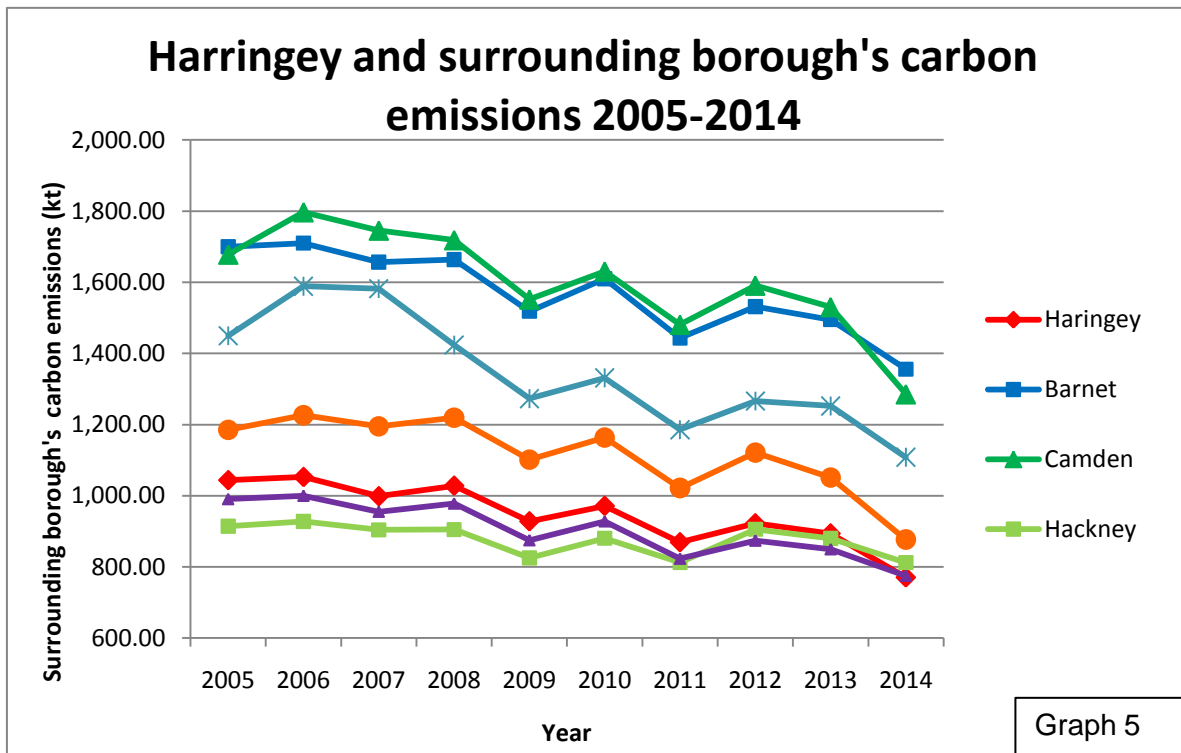
Population of Haringey 2005-2014



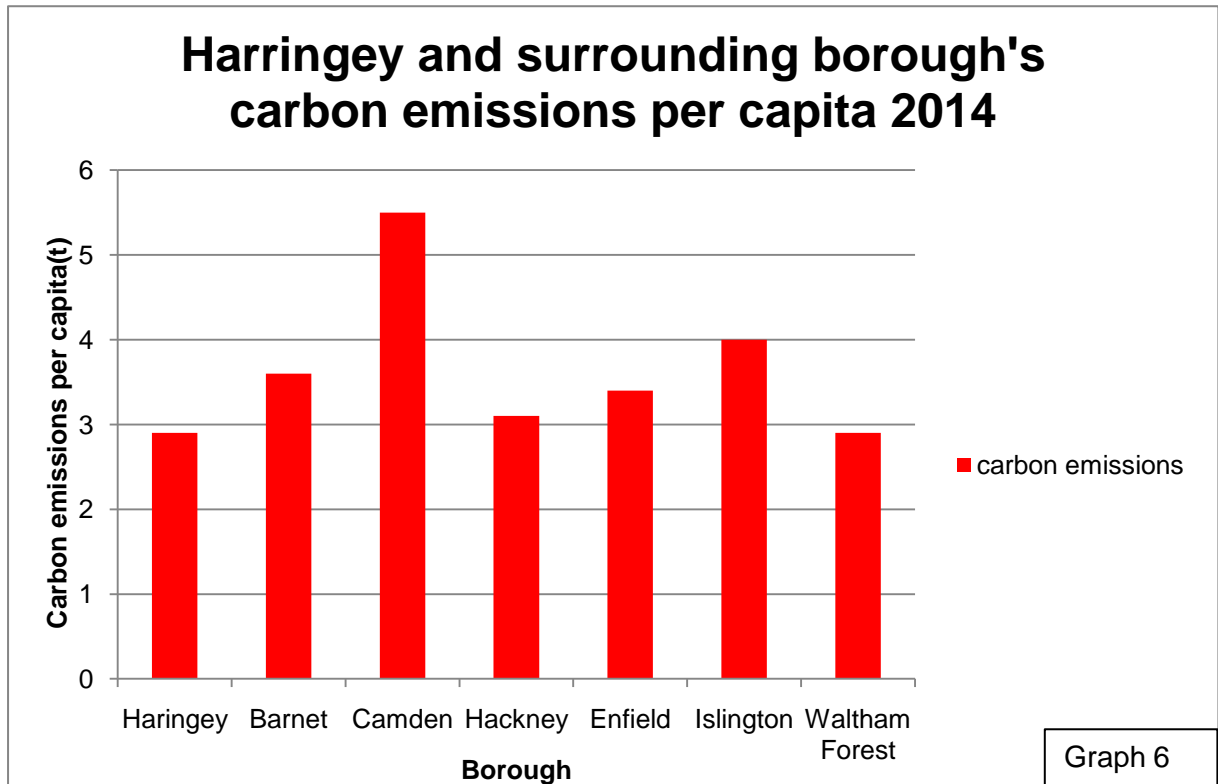
Against this since 2005 Haringey’s population has increased by 14% from 2005 to 267,600 people in 2014. This has resulted in carbon emission data per capita being affected. By 2014, 37% (1.7 tonnes) of CO₂ emissions per capita were saved, with a 0.5t reduction per capita since 2013. This information is demonstrated in graph 3 and graph 4 below.

Haringey in comparison to surrounding boroughs

Graph 5 demonstrates carbon emissions for Haringey and its surrounding boroughs from 2005-2014. It can be seen that Haringey has one of the lowest carbon emissions in north London along with Hackney and Waltham Forest. Camden appears to follow a similar reduction trend but has the highest amount of CO₂ during this period. However, the boroughs vary in population size and this variation is likely to impact the overall CO₂ emitted per borough.



Graph 5 shows Haringey and neighbouring borough's steady reduction of carbon emissions from 2005-2014. Haringey has consistently had one of the lowest carbon emissions in this grouping since the baseline year off 2005. Compared with surrounding boroughs, Haringey has the lowest per capita carbon emission dataset in 2014 as demonstrated in graph 6.

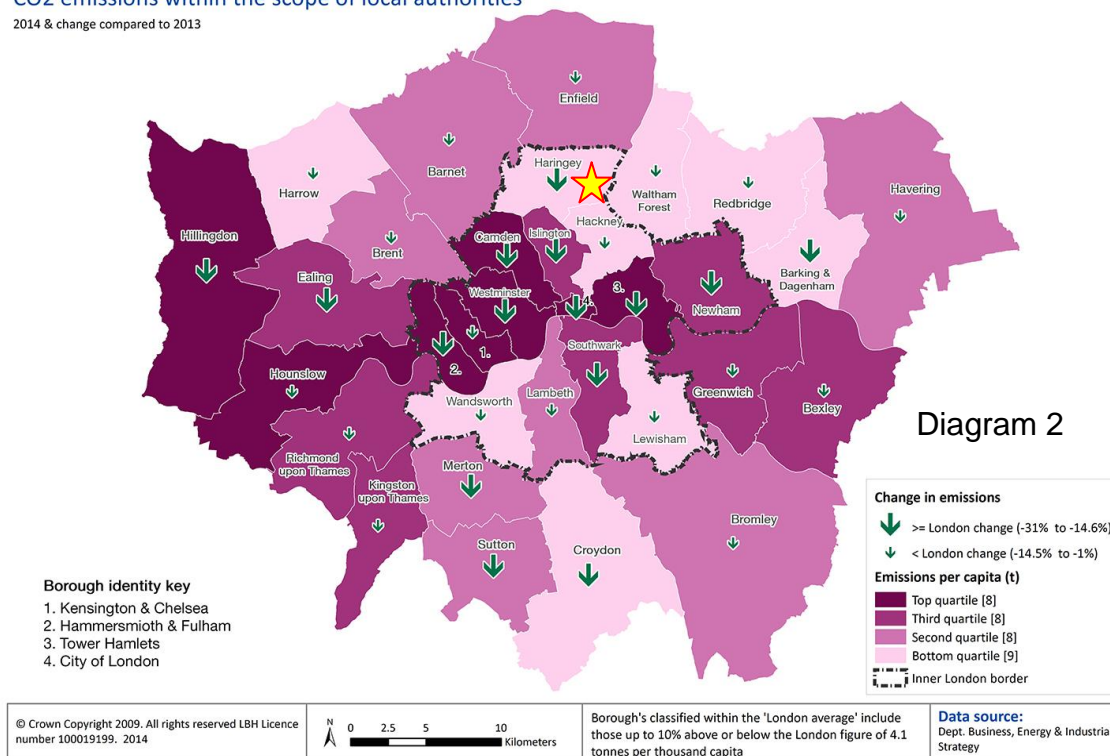


Haringey in comparison with Great London

When comparing Haringey to the rest of Greater London, 27 out of the 33 boroughs are either equivalent or below the national carbon emission average for the UK, Haringey being one of them. This is positive for the borough's ambitious target of reducing their CO₂ emissions 40% by 2020.

CO₂ emissions within the scope of local authorities

2014 & change compared to 2013

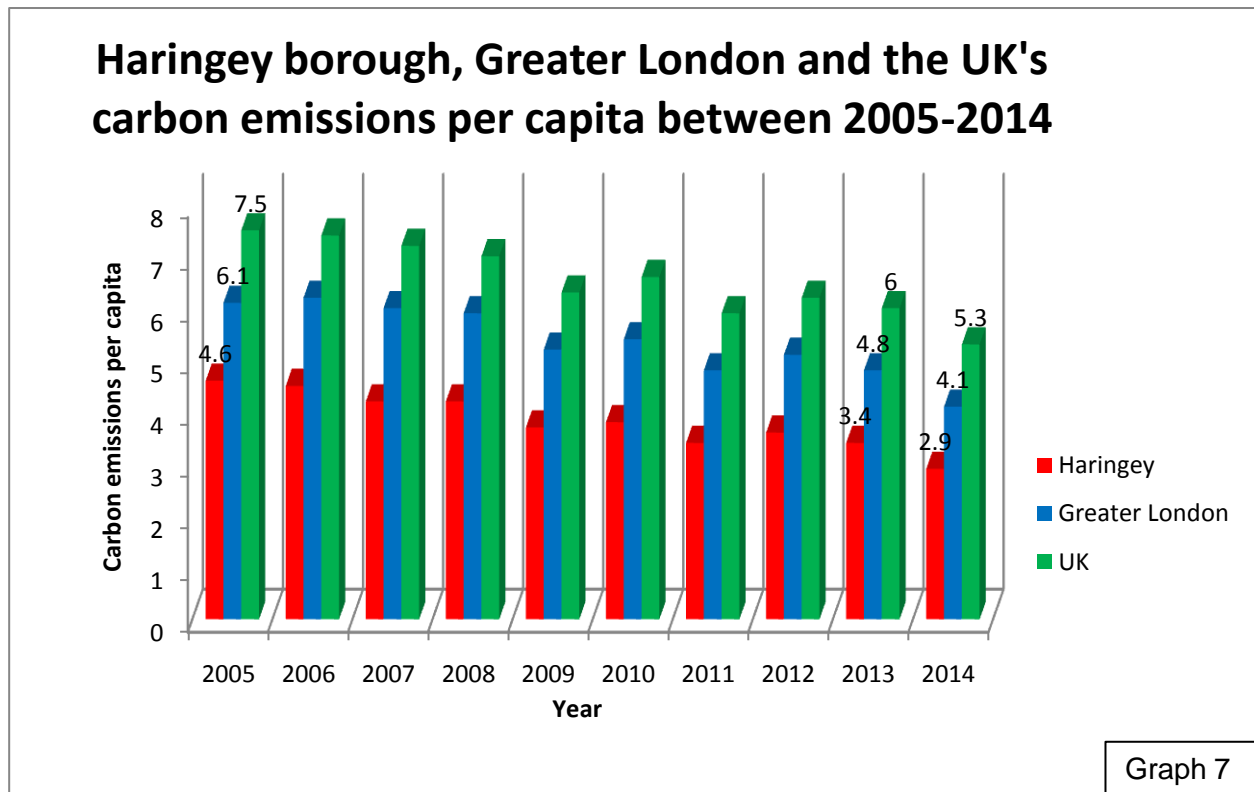


The above map (diagram 2) demonstrates the reduction of carbon emissions per borough between 2013 and 2014 in relation to one another. The larger arrows signify a greater reduction in carbon emissions (between -31% to -14.6%) and the smaller arrows resembles a lesser reduction (between -14.5% to -1%). The map also signifies what quartile each borough falls into depending on how much carbon per capita they produced between 2013 and 2014. As Haringey, highlighted by the

yellow star, has a large arrow there has been a significant decrease in CO₂ emissions relative to the Greater London during this year. Additionally, Haringey is one of 9 boroughs with the lowest per capita carbon emissions within London.

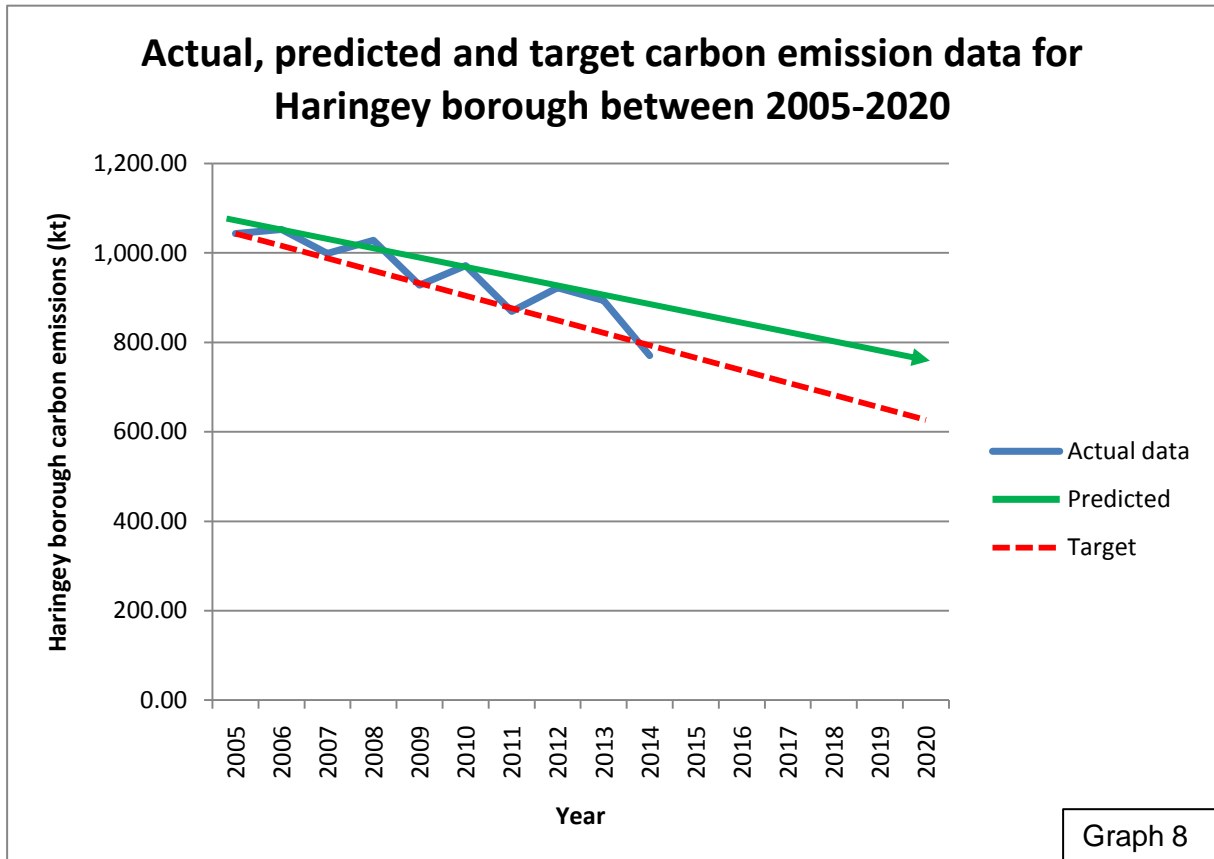
Greater London in comparison with the UK

As well as comparing Haringey's CO₂ emissions with Greater London, it is important to know where the borough's progress sits with the rest of the UK regarding reducing carbon emissions. As can be seen from graph 7, carbon emissions per capita in Haringey is below the average for Greater London by 1.2t CO₂ per capita and 2.4t CO₂ lower compared to the whole of the UK by 2014.



The main drivers of the decrease in UK emissions in 2014 were a decrease in the use of coal for electricity generation and a reduction in the use of natural gas for space heating⁵.

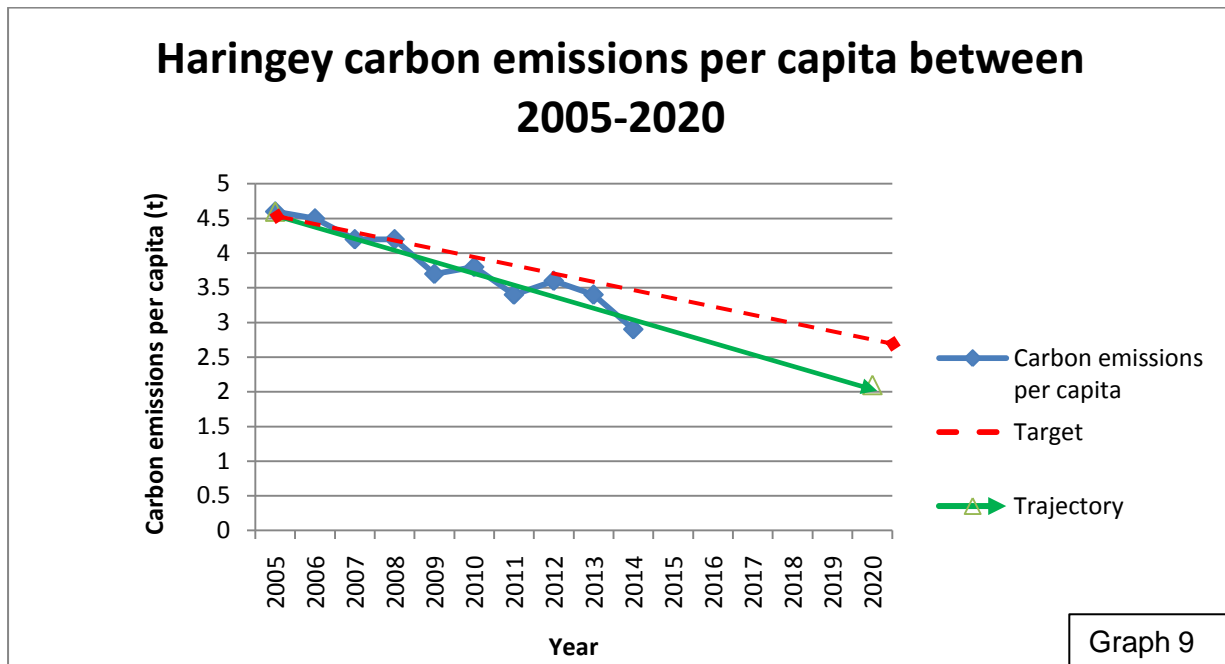
Haringey borough's annual Progress



To assess whether Haringey will achieve the 40:20 target, graph 8 has been drawn to exhibit its progress from 2005-2014. The blue line demonstrates the current carbon emission data from 2005-2014 which shows an overall decline. By analysing the amount of carbon saved during this period, a trajectory can be made for further carbon emission savings. The green line demonstrates the progress Haringey is predicted to make if the borough continues to reduce carbon emissions at the rate it has done since 2005. The red line provides a guideline for the borough to follow if the 40:20 target is to be achieved.

Based on the trajectory it can be seen that Haringey will not meet the required overall reduction in carbon emissions of 40% by 2020 at the current rate and, instead, are likely to have reduced emissions by 27%.

It is important to consider population size when discussing carbon emission data as this is a large factor that can significantly impact the overall results. Per capita information on how Haringey residents have decreased their CO₂ from 2005-2014 is demonstrated in graph 9 below.



Graph 9 signifies per capita carbon emission data for Haringey will not only meet the target of 40% less by 2020, but exceed it. The 55% predicted decrease is assuming the efforts made by residents and the council to reduce their carbon footprint will continue.

The influential projects and schemes implemented to reduce CO₂ emissions within Haringey provide a benchmark or platform for additional developments to take place to reduce carbon emissions even further. Those that have taken place between 2015 and 2016 are outlined below.

Key projects since 2015

There have been many projects, schemes and organisations that worked both independently and as a multi-agency to reduce Haringey's carbon emissions within the last year. Below are some key ones that have significantly contributed to the aim of reducing the borough's carbon footprint.

The National Picture on CO₂

A new Government Energy Department

Following the change of Prime Minister in June, the Department of Energy and Climate Change (DECC) has been disbanded. The main functions from this department have now merged with Department of Business, Innovation, and Skills (BIS) forming the Department of Business, Energy and Industry Strategy (DBEIS).

The newly created Department represents an opportunity to put carbon reduction at the heart of jobs and prosperity. However, the loss of a dedicated climate change department has the potential to send the wrong leadership messages.

Reports from the Committee on Climate Change

The Climate Change Act 2008 established a target for the UK to reduce its emissions by at least 80% from 1990 levels by 2050⁵. Since The Climate Change Act 2008 was passed, a UK, five-yearly carbon budget has been required to make sure the country meet the target, with the first four budgets set in to UK law as displayed in table 1.

Table 1- Shows the carbon reduction targets expected in each of the four UK carbon budgets.

Budget	Carbon budget level	% reduction below base year
1st Carbon budget (2008-12)	3,018 MtCO ₂ e	23% by 2010
2nd Carbon budget (2013-17)	2,782 MtCO ₂ e	29% by 2015
3rd Carbon budget (2018-22)	2,544 MtCO ₂ e	35% by 2020
4th Carbon budget (2023-27)	1,950 MtCO ₂ e	50% by 2025

Performance is monitored by the Committee on Climate Change who, alongside data analysis, provide a report on the progress to date. Their 2016 report states that in the UK there has been good progress in reducing emissions. In 2015, emissions fell by 3% and they are now 38% below 1990 levels. Much of the progress, has been achieved through carbon reductions in the energy sector.

Alongside this, in the last 12 months the Committee issued reports on the latest impact of a changing climate on the UK. Giving the most up-to-date and comprehensive analysis of the risks and opportunities posed by climate change to the UK. Alongside this they have undertaken analysis on options to decarbonise District Energy Networks and commentary on the flood risk and river management across the UK.

⁵ Climate Change Act 2008 <http://www.legislation.gov.uk/ukpga/2008/27/contents>

Global Climate Agreement

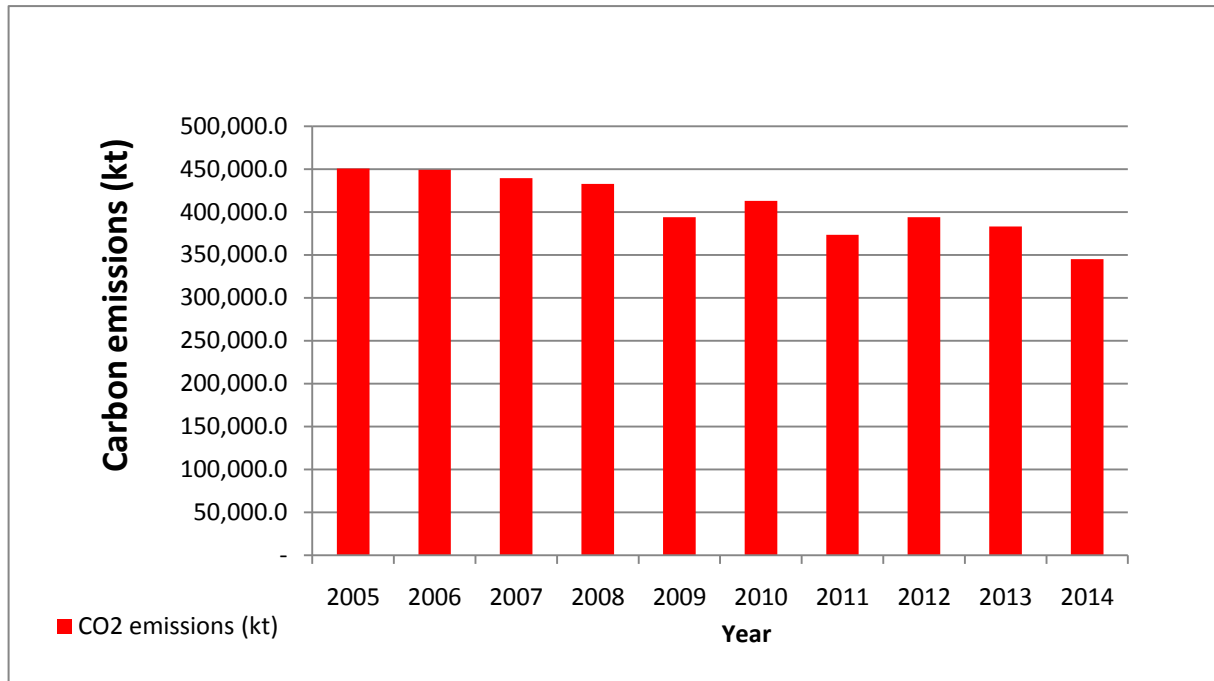
In December 2015, the United Nations Climate Change Conference (COP21 or CMP 11) was held in Paris, Which introduced a global agreement to reduce carbon emissions. Representatives from 196 countries agreed to cut their green house gas emissions and prevent the global temperature rising above 2°C with an aim of a zero carbon environment by 2050.

As of October 2016, 192 members agreed to the treaty with 92 of which having ratified it, the UK has not yet signed the agreement. After the European Union ratified the agreement in October 2016, there were enough countries that had ratified the agreement that produce enough of the world's greenhouse gases for the agreement to enter into force. The agreement will take effect on 4 November 2016. The United Kingdom has yet to ratify the Paris agreement.



PARIS2015
UN CLIMATE CHANGE CONFERENCE
COP21·CMP11

Graph 1 below outlines the UK carbon emission levels from 2005 to 2014 and shows a decrease of 23.4%.



Graph 1- UK national CO2 emissions measured in kt from 2005 - 2014

EU influences

In June 2016, Britain held a referendum which resulted in the country deciding to exit the European Union⁶. This outcome raises the issue of changes within the financial, economic, political and social sectors, many unforeseen. This alteration has resulted in many areas of Britain being uncertain as to what will happen once we are no



longer bound by EU law and governance.

This statement may be of particular importance for environmentalists as some carbon emission reducing legislation was enforced by the EU body⁵.

⁶ GOV.UK 'EU Referendum'

<http://webarchive.nationalarchives.gov.uk/20160815143715/https://www.gov.uk/government/topical-events/eu-referendum>

It has been suggested that the exit of Britain from the EU will have no impact on UK energy policy due to The Climate Change Act. This imposes more stringent requirements for cutting carbon emissions on the UK compared to EU restrictions.

At this time we are unable to predict, what will happen to particular areas of UK law, it has been suggested that one important piece of legislation is in danger of being altered in relation to carbon emission reduction⁷.

The UK could repeal this law once we have left the EU resulting in no foreign enforcement or sanctions⁵. This could impact on Britain's progress to reduce levels of carbon within a particular timeframe, leaving local authorities to decide where this matter sits in relation to other issue with high priority for local government.

Interestingly, the many regional and national projects on CO₂ reduction are co-funded by the Intelligent Energy Europe Programme of the European Union. These projects on local energy security and energy efficiency begs the question of whether projects such as retrofitting and other energy efficient schemes connected with the European Union will be affected once the UK withdraws from Europe.

Conversely, as noted earlier, the changing relationship between Britain and the EU may have little or no impact on UK carbon emission reduction strategy and it would be unrealistic to predict the implications of such disaffiliation with the Union.

⁷ The Telegraph 'What would Brexit mean for Britain's green targets?' <http://www.telegraph.co.uk/news/2016/06/13/what-would-brexit-mean-for-britains-green-targets/>

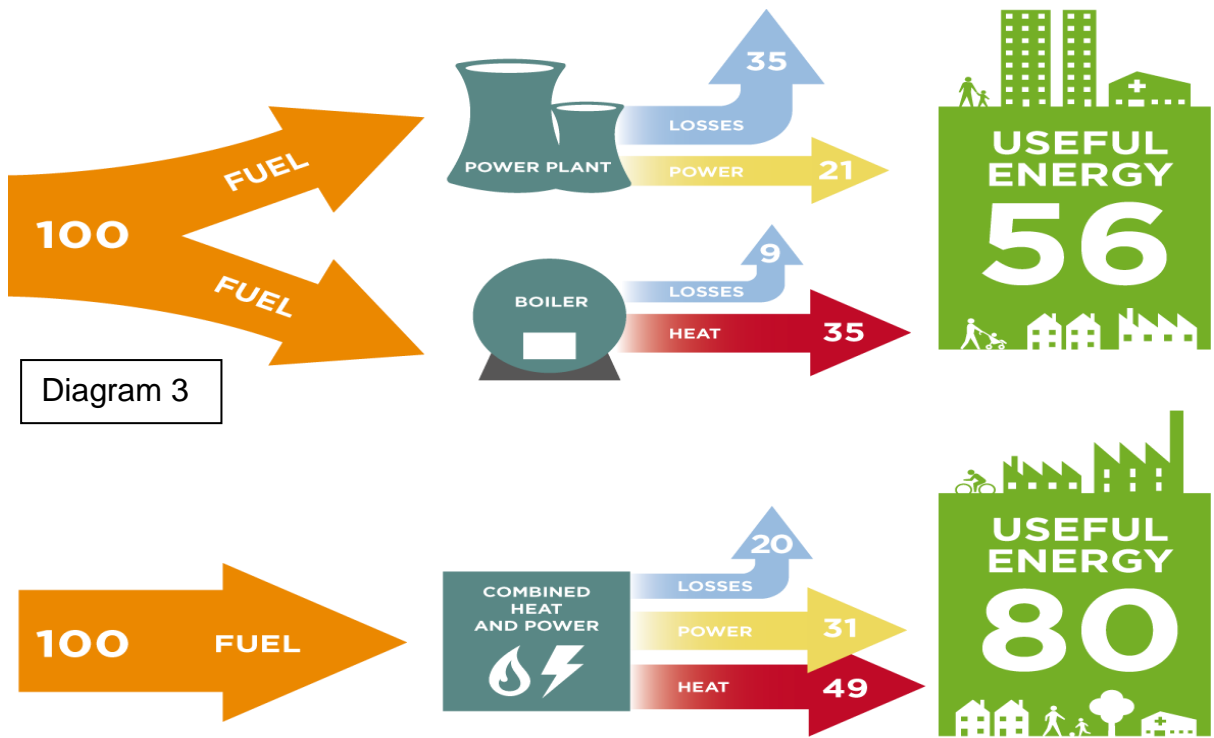
Decentralised Energy

Haringey Council's bid to reduce CO2 within the borough has resulted in the uptake of decentralised energy. Centralised energy is the main source of energy provision for the UK and is inefficient and costly to residents and businesses⁸.

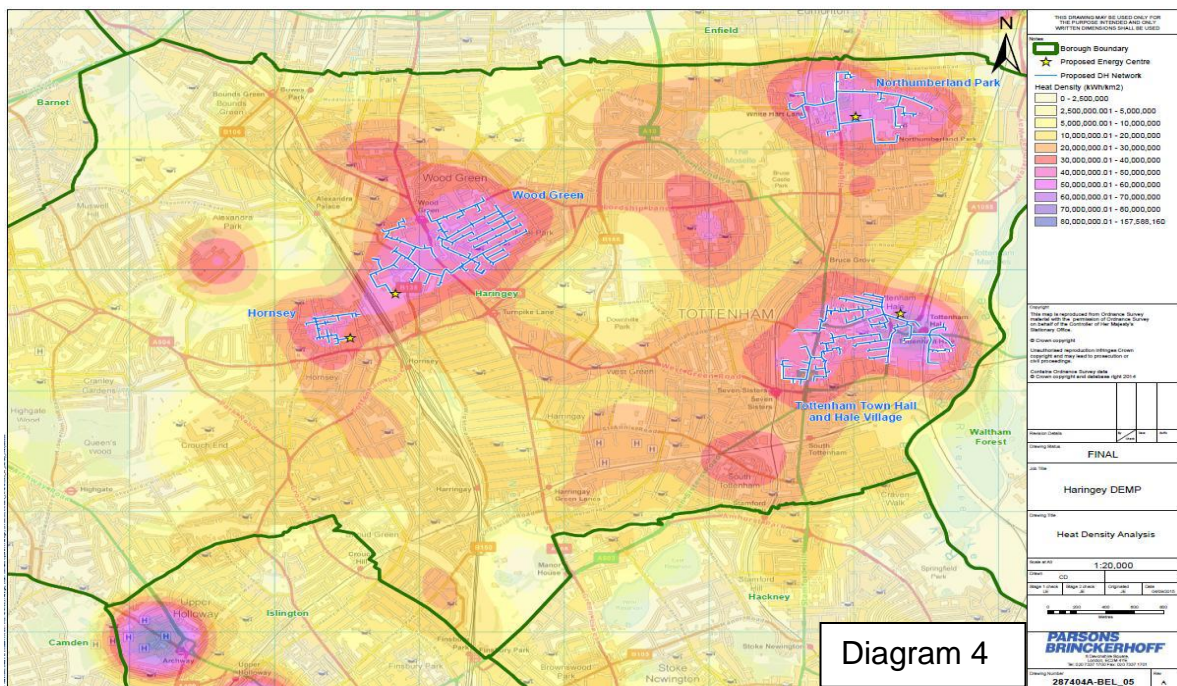
The Council proposes a new system, District Energy Network, to be adopted. These networks run on 'Combined Heat and Power' (CHP) which integrates the production of usable heat and power (electricity), in one single, efficient process. These also operate at a local level ensuring increased security of supply and reduction in transmission losses. Conventional methods of generating electricity wastes vast amounts of heat, losing up to two thirds of the overall energy consumed.

Diagram 3⁷ demonstrates the difference in efficiency between the two methods of generating electricity. The district heating scheme then distributes heat through a network of insulated pipes. The distribution network is technology agnostic which means future, innovative and energy efficient heat sources could replace gas CHP.

⁸ The Association for Decentralised Energy 'What is the demand side?' <http://www.theade.co.uk/what-is-the-demand-side-1915.html>



In terms of implementing this energy efficient system within Haringey, borough wide heat mapping (diagram 4) identified 3 decentralised energy opportunity areas in the borough: North Tottenham, Tottenham Hale and Wood Green. The below map was created using heat detection and highlights these three areas in pink due to their higher levels. The Council is currently working towards the district energy networks delivery framework.



Smart Homes

Smart Homes was a scheme set up and managed by Haringey Council in 2014 that ran until August 2016 with the aim of tackling energy efficiency across six London boroughs. This project focussed on owner occupiers, the private rented and non-



domestic sector as it was estimated that 50% of carbon emissions were a result of inefficient building stock.

The DECC awarded £6.5 million to Smart Homes in 2014 which allowed the council to offer residents grants of up to £6,000 for solid wall insulation or £3,000 for other measures such as heating and window upgrades as long as residents provided a minimum of 25% contribution to the total cost.

There were 1,250 energy efficient installation measures installed throughout Haringey, Camden, Islington, Enfield, Hackney and Waltham Forest. A further breakdown of the data shows:

- The private home owner domestic sector received 728 installations
- The private rented sector receiving 450 installations
- The non-domestic sector receiving 72 installations

As a result, lifetime carbon emission savings of the Smart Homes programme was estimated at 42,338 tonnes, with an average CO₂ savings per household of 1.02 tonnes. In terms of cost savings over the same period, an estimated £9,226,491 is expected to be saved on household energy bills, amounting to a household annual saving of £222 or 19%. The average annual carbon emissions expected to be saved

expected to be 1.05tonnes per household within Haringey borough, amounting to 289.53tonnes overall. Within Haringey, the total amount spent on the Smart Homes project is outlined in table 2 below.

	Smart Homes Grant Funding Amount	ECO Funding Amount	Green Deal Finance Contribution	Customer Contribution	VAT	Total Cost incl VAT	Total ex vat
Haringey	£1,155,000	£39,000	£8,000	£682,000	£139,000	£1,864,000	£1,726,000

Case study on Smart Homes

A Haringey resident joined the Smart Homes project and with their finance and grant spent £7,800 to upgrade their end terraced house that was built in 1894. The external wall insulation was applied which resulted in improving energy efficiency within the home and reducing energy bills.



We are getting tremendous benefits from it - Resident

“The External Wall Insulation has made an immense difference, as has the under floor actually. They're both remarkably good changes. I'm really pleased that we did them” - Resident

“The actual feel of the house is better” - Resident

The Smart Homes project was subsequently shortlisted for the Shift (Sustainable Housing Index For Tomorrow) Award - Best Retrofit Project which aims to promote and highlight best practise, provide a route-map for improvement and allow organisations to compare performance against their peers in the Housing sector. The project was also awarded the Green Apple Award during this year to commemorate the great progress and success achieved.

Smart Businesses

Smarter Businesses followed the same model as Smarter Homes however focussed on local businesses with inefficient buildings instead of residential housing.

The target was to retrofit 72 non-domestic properties

over 6 different boroughs; Haringey, Camden, Islington, Enfield, Hackney and Waltham Forest. A total of 68 were completed by the end of the project, 44 of these properties were in Haringey. Data on the amount of cost and energy saved for a sample of businesses in Haringey are set out in table 3 below.



Table 3

Business name	Location	Retrofit measures installed	Cost and energy benefit
Selby Centre	Selby	LED lighting	Saved approximately £5,800 per year
Mr Klass	Tottenham High Road	LED lighting and new energy efficient heaters	Saved approximately 25% of the energy previously used

Green Rooms	Wood Green	LED lighting and zoned heating and hot water system	Increased SAP rating from an F to a B
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The success of the project can be measured by the amount of businesses that benefited but by the feedback from owners and staff. Quotations from a few have been included below.



“We have been thoroughly enjoying our new lighting and the energy costs reductions that have come as a result.”

“Just to say that one point of feedback from our completion meeting today was how helpful it has been to have your support in enabling the Smart Business Grant.”



“Thank you also for commissioning Retrofit Works who have worked so well with our senior managers to get this project completed on budget and on time.”



“The lighting looks fantastic and has led to very positive feedback from licences, including those who are now interested in seeing further improvements.”

“If you do hear of any more energy efficiency improvements that are possible for non-domestic buildings, do let us know.”

Fuel poverty intervention

From 2015-2016, Haringey Council provided energy efficient measures to those at risk from fuel poverty. Within the last year, 15 inefficient boilers were replaced with new combination boilers. Combination boilers are more efficient for households as there is no requirement for hot water storage due to hot water being produced on demand. Energy used to heat an entire cylinder of water is, instead, only used to heat the required amount.

This scheme received funding from central government to not only reduce the carbon emissions for residential dwellings but increase the quality of life for service users and decrease the amount of energy used to heat their homes.

Transport infrastructure

Electric cars

One key project Haringey, and many other London boroughs, are in the process of conducting is to install Electric Vehicle Charging Points (EVCP). This will enable residents to invest in more efficient means of



transportation. The Local Implementation Plan (LIP) has set aside £30,000 for the new charging points in 2016/2017.

The Go Ultra Low City Scheme (GULCS) is a consortium of London Borough representatives, Transport for London (TFL) and other organisations that are involved in the installation of EVCP. The scheme was successfully awarded £13 million funding from Office of Low Emission Vehicles (OLEV) in order to expand London's electric vehicle charging network and Haringey are involved with this.

Currently, there is no specific figure set for how many new charging points will be introduced into the borough. The council is in the process of signing Blue Point London (BPL) variation agreement. BPL will take over responsibility and costs for maintenance, repairs, upgrades and electricity use of the Haringey network, removing the cost burden from the Council. BPL will fund the expansion of the Source London charging network in Haringey and plan to install over 6000 charging points across the London network by 2018.

By installing more EVCP in Haringey, the aim is to encourage electric vehicle uptake so that air quality is improved within the borough, health related issues are reduced and carbon emissions and noise pollution are decreased due to the transition from petrol/diesel cars to electric. Already, the



numbers of recharging points are increasing and there are now 18 electric vehicle charging points in the Sainsbury's car park in Northumberland Park.

Car clubs

Haringey is expanding the car club network to increase accessibility and choice of car club services for residents. On average one car club car replaces over 20 private cars, reducing carbon, helping to reduce traffic jams and free up parking spaces (TFL reference). Haringey Council intend to utilise the GULCS funds to electrify existing and new car club bays across the borough.



As part of the new multi-operator networks being introduced in the borough from spring 2017, there is a requirement for operators to have the capability to introduce 100% electric powered or electric hybrid vehicles into their Haringey fleets, in preparation of bay electrification.



Haringey Low Carbon Innovation Hub

The innovation hub was set up to design new technologies that assist the borough in reducing CO₂ emissions. To date, the hub has reviewed in detail over 50 emerging

technologies. Fifteen of these have been presented to Hub members for further development. Some of the key, innovative designs are listed below:

- Heat Recovery from Sewers
- Gas boiler optimisation
- combined PV/solar thermal collector
- Modular social housing
- passive ventilation
- pollution reducing pavement

The majority are in active discussion, with one or more members keen to move forward with certain projects in the borough.

Durham University relationship Durham University

Haringey Council have formed a relationship with Durham University to help research possible CO₂ reduction strategies for the borough. Research completed within the last year is listed below.

Examining domestic retrofit systems and governance in Haringey:

Research into the delivery of Smart Homes and Smarter Businesses within Haringey borough was conducted to understand the positive outcomes, potential improvements and the impact these two projects had. The report outlined the importance of retrofitting, improving energy efficiency by reducing energy use.

The research found many positives of the user journey in energy efficiency measures. A positive was providing service users with a good understanding of the complex social issues around retrofitting and user motivations being involved.

However, one significant challenge that arose was installers felt the subsidies provided by Smart Homes and other sources negatively impacted on an 'emerging market' as residents who were prepared to pay for retrofitting before the scheme was introduced then expected free installations. This limitation is argued to have wider implications on Haringey's growing economy.

Assessing energy vulnerability within Haringey:

This research assessed the inefficiencies of community organisations when addressing energy vulnerability within Haringey. The study suggests that the inadequate and inconsistent support from central government has resulted in programmes being constantly shut down due to lack of funding. The reinitiating of similar but new programmes creates difficulties in staying connected with vulnerable people and is inefficient.

A second issue raised is funds made available for energy vulnerable residents tend to be directed to material interventions such as installing new boilers and solid wall insulation rather than supporting the community infrastructure and ensures technologies reach those most in need. As central government steer local authority funding towards implementing these material programmes, often education and community needs are not always met.

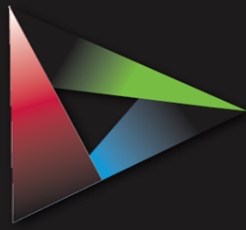
Impact Acceleration Account Research:

This research is ongoing and is assessing the different approaches to delivering energy efficiency services for vulnerable households. The project will document the delivery pathway(s) offered to residents and consider the impact some options may have on the health and wellbeing as well as energy use and costs.

The findings will assist the design of delivery mechanisms for future schemes on delivering energy efficiency services in the borough. Data for how much carbon emissions can be saved by creating more energy efficient homes within Haringey will also be documented.

Planning Policy Sustainability

Planning policy is essential for providing strict guidelines for developers, one of which is designed to reduce carbon emissions, enabling the borough to grow in a sustainable and economical manner. In 2015-2016, Haringey Council secured £40,000 worth of carbon offset payments from four development schemes that did not meet the carbon reduction requirement set by the council. This money will support future carbon reduction projects in the borough.



Haringey Design Awards 2016

www.haringey.gov.uk/designawards

www.haringey.gov.uk/designawards

The Haringey Design Awards showcased some of the best schemes built in the borough and reflected the Council's commitment to working with the public and other stakeholders in delivering high quality, sustainable development.

With over 100 nominations across 7 categories that recognise schemes demonstrating exemplary sustainable design and construction techniques, the Crouch End Picture House created by Architects Panter Hudspith in conjunction with Picturehouse Cinemas Ltd. won the Best Green Design category. The 1950's factory and office building was converted into an art house cinema and included a wide range of sustainability features such as a unique pipe system which enables excess heat generated from cinema equipment (such as projectors) to be used to heat other parts of the building.





Other notable schemes recognised with commendations were:

- ***Albion Knitting Factory by Floyd & Field***

Ltd – A new high tech knitting factory bringing cutting edge textile manufacturing to Haringey

- ***Lodge by Cachado and Muna Dawoodi*** –

A residential development including techniques for passive and sustainable design

- ***Lordship Rec Ecohub by Anne Thorne***

Architects – A centrepiece for the historic Lordship Recreation Ground designed to exemplary sustainable standards

- ***Passivhaus by Metropolitan and Anne Thorne Architects*** – A Passivehaus-inspired refurbishment of an Edwardian terraced property.

Council corporate CO₂ emissions

A number of local schools have participated in a project to install solar panels over the last few years and in 2015-2016, two schools estimated a potential yield of 36,901kWh combined from the installations. The Council now has 43 solar installations, of over 2,200 panels, after another 5 installations were added at the end of 2015. These now have the ability to generate approximately 537,000kWh of electricity for the Council.

The project has been successful, with energy savings helping to achieve the Council target of reducing emissions 40% by 2015/16. It will further support the Council's new Corporate Plan objective of a further 10% reduction by 2018.

In 2015, solar panels were installed on Tetherdown School, Haringey borough, achieving an annual electric consumption saving of 28,916 kWh and an annual cost saving of £2,099.19 (14% decrease).



Zero Carbon by 2050 Commission

In April 2016, Haringey Council commissioned a panel of experts to work alongside the council with the aim of helping the borough achieve zero carbon emissions by 2050 and improve the borough's environmental performance. This panel has a range of skills and backgrounds, including public bodies, developers, building designers, academics, engineers, and local residents. Following discussions and site visits around the borough the panel will report back to the Council in late 2016.

This report will advise the Council on how to improve schemes and deliver environmentally sustainable and socially inclusive regeneration plan for the 21st

century. This will include case studies of best practice from which the Council can visit and learn from.

Zero Carbon developments

The London Plan is the strategic plan that sets out London's environmental, economic, transport and social framework for the city until 2030. Policy 5.2 within this plan sets out a requirement for all new building developments to provide detailed energy assessments. The aim of this policy is to decrease London carbon emissions so that the objective of zero by 2050 is more attainable.

In October 2016, Haringey Council and the GLA created a mandatory requirement for all major commercial developments to demonstrate they have delivered a 35% carbon reduction (relative from 2013 Building Regulations). For dwellings, zero carbon is required. Developers unable to achieve on site planning policy, requirements in terms of reducing carbon emissions, must pay into an offset fund relative to the remaining emissions.

This is designed to incentivise developers to meet the required targets for new buildings and compensate for carbon emissions produced. The money paid into this fund will be £90 per tonne of carbon produced until the target is achieved for that particular building. A team of experts are liaising with Haringey Council to compile a report outlining the specific requirements for the Zero Carbon objective which is due to be published early 2017.

Smarter Travel

Funding for community projects that help to reduce carbon emissions is available within Haringey provided by TFL. The Active Travel Community Projects that were successful in their application for 2016 grants for active travel projects are listed in table 4 below:

Group Name	Project	Main Outputs
Living Under One Sun (LUOS)	<i>Cycling for healthier and closer communities</i>	Cycling and walking sessions and bicycle maintenance
Selby Trust	<i>Green Wheels</i>	Family bicycle training classes, bicycle maintenance classes and local rides and walks
St Michael's Church	<i>Bike Loan Scheme</i>	Providing bikes for hire for parishioners and church attendees.

Step by Step	<i>Get Set Go</i>	Enabling up to 24 disabled children to cycle to and from school, and Sunday cycle sessions.
The Rockstone Community Foundation	<i>Cycling Project</i>	Bike maintenance workshop and cycling activities.
Markfield Project	<i>Markfield Travel Training Scheme</i>	Offering travel training by expert trainers, plus leading 18 group walks
Tottenham Hotspur Foundation	<i>Cycle Fun</i>	Weekly rides to encourage vulnerable local people to overcome personal difficulties relating to mental health, addictions etc.
Parents Forum Resource Group	<i>Walking and promotion</i>	8 weeks walking and talking sessions for 23 - 30 people.
Friends of Lordship Rec	<i>Haringey Walking Weekend</i>	Creating a book of Haringey Walks and marketing materials aiming at 5000 participants in the October walking weekend.
Table 4		

Case study on Smarter Travel

Smarter Travel organised the Council's first cycling conference to help Haringey become one of the most cycling and pedestrian friendly boroughs in London. Attended by nearly 150 delegates, the conference was a great success with a host of local, national and international speakers including:

- *Marianne Weinreich, Head of Mobility*
- *President of the Cycling Embassy of Denmark*
- *VEKSØ, Denmark*

"Thank you for having me speak at the Haringey Cycling Conference, I really enjoyed it" - **Dr Rachel Carey, UCL**

"It was an excellent event with good residents' participation and excellent speakers"
- **Catherine West, Member of Parliament**



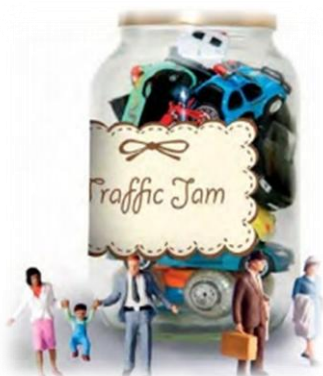
*“A great conference,
there were some
really useful
presentations” -
David Shannon,*

Personal Travel Planning

Since June 2016, a team of Travel Advisors have been placed in the Seven Sisters and Tottenham Green neighbourhoods as well as attending events in Tottenham Hale and St Ann’s in order to provide free travel advice and planning for local residents until October 2016. The Travel Advisors spent time talking about the different options for getting around the city, working out a personalised travel plan and providing you with

On average, a four mile trip in London takes:

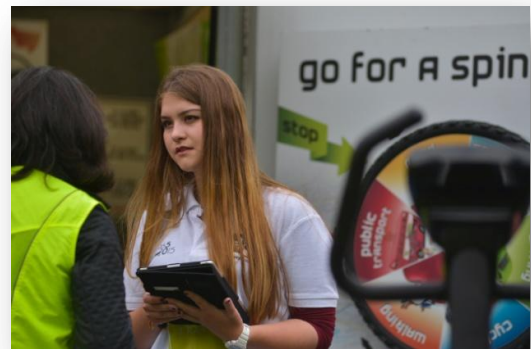
- **40** Minutes by car
- **30** Minutes by public transport
- **22** Minutes by **bike!**



information on walking, cycling, public transport, car clubs and efficient driving techniques to help residents reduce their carbon footprint.

The aim of this project is to contact up to 5,000 residents and encourage them to consider the full range of travel options within London and, specifically, Haringey in order to decrease fuel bills, improve people's health, reduce congestion within the borough as more people will be cycling or walking as well as creating a less polluted environment.

A follow-up survey revealed that **23%** of Haringey participants and **13%** of St Ann's participants provided with travel advice had changed one or more of their regular journeys to a sustainable mode in the past two months.



40:20 Climate Change Forum

The 40:20 initiative was introduced in 2009 when Haringey council committed to reducing CO2 emissions by 40% before 2020, the first local authority to do so. This initiative is co-owned by the Council and the Community. In 2015 the partnership awarded a total of £3,969.50 to *two community projects* that focussed on ways to reduce carbon emissions within Haringey. These are community led schemes that are owned and delivered by Haringey residents.

The Edible Landscapes Project - Given a grant of £1069.50 to test the suitability for growing food crops in their garden and found elevated levels of lead and other metals in the soil. As a result, imported cleaner soil so that growing local produce can commence as well as seeking to put in place raised beds to solve this problem. If successful, this project could grow produce that can be sold locally in salad bags. The benefits of doing so will result in preserved and enhanced soil which is proven to be very useful for the environment as well as reducing CO₂ emissions.

The JAN Trust - Awarded a grant of £2900 to deliver energy efficiency workshops with Black and Minority Ethnicity (BAME) women so that more Haringey residents can be more informed on how to reduce the borough's carbon emissions. The feedback regarding these workshops was that there appeared to be a lack of basic knowledge about energy efficiency amongst the target BAME women audience. The workshops were very well received and people were keen to implement changes in their own homes as well as to talk to others in their community regarding these changes.

Divestment

Towards the end of 2015 a borough wide campaign was launched to request the Council move its pension funds and other investments away from fossil fuels.

After reviewing the petition and all options. In January 2016 the Pensions Committee agreed to move 33% of its share portfolio into a low-carbon indexed fund. This low-carbon index fund had been shown to offer a greater financial reward to investors. This new fund will continue to be monitored and assessed to compare its performance against other funds. And if a business case can be demonstrated the

remaining investment portfolio will reviewed about whether to invest further into this low carbon index.

Homes for Haringey

Homes for Haringey is an Arms Length Management Organisation (ALMO), set up in April 2006, to manage Haringey's council housing. There are approximated to be 16,000 tenants and 4,500 leasehold properties managed by the organisation. Between 2015-16, 1,300 boilers were replaced to increase energy efficiency within the housing stock and decrease carbon emissions.

Community engagement projects

Sustainable Haringey – Is a network of

local volunteers, set up in 2007, to tackle environmental issues within Haringey such as recycling, sustainable energy policies and local

production of food to name just a few. Within the last year, Sustainable Haringey, along with another sustainability group EN10ERGY, organised several projects that helped reduce the borough's carbon footprint. They arranged visits to the Eco Park in order to demonstrate to residents how residual waste is incinerated to make electricity and garden and food waste made into compost.



Bi-annual compost free giveaways were set up so residents could meet other like-minded individuals, swap gardening advice and take home some eco-mud! In addition, Muswell Hill Sustainability Group set up a stall at the Compost Giveaways to publicise their energy-saving projects.

- 100 local shareholders that generates electricity from solar panels on the roofs
- The money that the society earns from its Feed in Tariff is used to carry out carbon reduction projects in the N10 postcode
- Green-a-Neighbour project- Aimed to reach people who had not previously got involved in energy saving projects
- Hot Tips for Warm Homes - Event to help residents be more energy efficient

EN10ERGY



- Part of the Sustainable Haringey network and brings together groups in the Borough to promote local food growing.
- Organised two seed swaps at the Old School House on Tottenham Green
- This year we have had plant stalls at various local events including Tottenham Green Sunday market, and Lordship Rec produce show

Growing in Haringey



- Organised information events to inform residents on home energy saving ideas
- Open home events allowed attendees to see how local energy-efficient homes are made
- Outreach programmes such as festival stalls helped to raise MHSB profile in community
- MHSB members took part in the Climate Change March that took place before the Paris Summit
- Organised a film night showing film on climate change and had over 30 attendees

Muswell Hill Sustainability Group



- The transition movement is an international network of communities that are looking beyond the fossil fuel age, to build resilient, sustainable, low carbon communities.
- Hosted film events focussing on sustainability with speakers and discussion ever 2 months
- Holds an Annual Apple Day event with over 200 guests to celebrate fruit harvest
- Supports a number of local food growing areas by volunteering
- Worked with other sustainable groups to lobby the Council to divest its pension fund from fossil fuel investments.

Transition Crouch End



Future plans

Decentralised Energy

The ongoing project to decentralise energy from the national grid and make Haringey borough more energy efficient will continue into 2017 as well as promote other opportunities when they arise. The current plan is to deliver several district energy networks alongside the growth and regeneration agenda.

Smart Homes

There are currently no future plans for Smart Homes due to a lack of funding. However, during 2016-2017 there will be a review of the learning outcomes and successes of the project in order to build a business plan for a similar, self-funded development scheme.

Smart Businesses

Smart Businesses are currently working with the Carbon Trust to promote their grant scheme, the Green Business Fund. They are also co-hosting alongside Smart2Act workshops for Small to Medium sized Enterprises (SMEs) and young businesses (less than 5 years old) to raise awareness of ways to be more energy efficient.

Additionally, they are looking to develop a new scheme around the Private Rented (Non-Domestic) Minimum Energy Performance Regulations to encourage landlords to retrofit their properties and comply with legislation.

Fuel Poverty

There are currently 12 application approvals for new combination boilers to be installed in homes where fuel deprived residents live and an estimated 30 more properties are being reviewed as potential sites for retrofitting.

Transport Infrastructure

Haringey Council are awaiting confirmation on their Neighbourhood of the Future (NoF) application submitted to Transport for London (TFL) regarding funding for a number of projects that are listed below:

- Increase the number of electric vehicles in Car Clubs in Wood Green
- Offering electric vehicles trials to businesses and residents
- Business Engagement on electric vehicles
- Planning Guidance through the Area Action Plan to increase recharging infrastructure
- Rapid Taxi Rank
- Work with the Driving School to increase knowledge of electric vehicles
- Physical Regeneration Project which will integrate wider environmental messages (Air Quality / Carbon) to electric vehicles recharging

An announcement should be made later this year as to whether these projects will be implemented within the borough.

Innovation Hub

The majority of the technologies discussed previously are in active discussion with members of the Hub in order to take these projects forward. Suez Environment and Thames Water are liaising with the Hub regarding the development of sewer heat recovery units and further updates on these discussions will be provided early next year.

Durham University

Haringey Council's relationship with Durham University is ongoing and the proposed research into the way people access energy efficiency advice and the easiest method to do is due to be carried out. This will include looking at how to access advice, either through phoning up the Council directly or contacting the Energy Saving Trust, which is the easiest method and what is the pathway from first contact through measures being installed. The outcome of this research is expected to be published in 2017.

Planning Policy and Sustainability

Haringey's emerging Local Plan documents (including the Alterations to Strategic Policies, Development Management, Site Allocations and Tottenham Area Action Plan) were submitted to the Secretary of State for independent examination in May 2016. Examination hearings were subsequently conducted during August and September. Subject to being found sound by the Planning Inspector, it is expected that these Local Plan documents will be adopted by the Council in 2017.

The Council are currently preparing two Area Action Plans (AAPs) for Tottenham and Wood Green, which will form part of the Council's Local Plan. These documents will set out further detailed planning policy requirements and guidance for identified strategic sites which will help facilitate the development of Decentralised Energy networks within the Borough. The Plans are being informed by Haringey's Decentralised Energy Master plan.

Reducing corporate CO₂

Following policy changes regarding the feed-in-tariffs (FITs) of solar panels, there are currently no plans to widen the programme at this time.

In 2017, it is proposed that the Council will undertake a review of its corporate estate to deliver further carbon reduction. This includes developing schools programme looking at energy efficiency measures. The number of schools involved with this review will be determined toward the end of 2016.

Smarter Travel

During 2017 the drafting of Haringey's new Transport Strategy and accompanying cycling, walking and public transport strategies will focus on delivering sustainable transport schemes which deliver low carbon transport schemes.

One main objective for future projects is to encourage the use of low carbon transport alternatives to ensure the transport sector is making the necessary contribution to achieving a 40% carbon reduction by 2020 and a 60% reduction by 2025 within Haringey.

40:20 future plans

The 2016-17 grants programme is funding a solar energy and energy efficiency workshops programme at the Selby Centre and a project to enhance domestic recycling in the Noel Park area, so reducing emissions from waste and from associated vehicle movements.

Other key community engagement projects

The Edible Landscape Project - The project is now seeking to put in place raised beds with imported clean soil to solve the problem of high levels of lead in the soil making the area unfit for growing produce.

Summary

Within the last year, Haringey Council and community groups within the borough have sought to reduce carbon emissions even further than the previous year in order to reach the end target of 40% less by 2020. In terms of the overall decrease in CO₂, Haringey borough has achieved a 26% carbon reduction since 2005, amounting to 770.8kt by 2014. Using this data, the current trajectory proposes the 40:20 will not be achieved at this pace for overall carbon emissions.

However, taking into account population growth, per capita carbon emissions have decreased by 37% with a predicted percentage of 55% reduction by 2020. This not only meets the 40:20 target but exceeds it, suggesting Haringey are on track to accomplish a zero carbon borough by 2050.

Ongoing and future projects aim to decrease carbon emissions in the borough even further in order to meet these targets as well as addressing other issues such as fuel poverty, traffic congestion and a lack of awareness surrounding the impact of carbon emissions within the community.

For further information on the projects or organisations discussed in this report please see the list of contacts overleaf.

List of contacts

Organisation/Group/Project	Name of department and contact	Contact details
Decentralised Energy	Carbon Management Team – Simone Sullivan	Simone.Sullivan@haringey.gov.uk
Smart Homes	Carbon Management Team – Sadhbh Ni Hogain	Sadhbh.NiHogain@haringey.gov.uk
Smart Businesses	Carbon Management Team – Gill Cox	Gillian.Cox@haringey.gov.uk
Fuel Poverty Intervention	Carbon Management Team – John Mathers	John.Mathers@haringey.gov.uk
Electric car charging points	Carbon Management Team -	Joe.Baker@haringey.gov.uk
Car Clubs	Drive Now – City Car Club – Zip Car	https://uk.drive-now.com/ https://www.enterpriseclub.co.uk/ http://www.zipcar.co.uk/
Innovation Hub	Carbon Management Team – Christopher Lee	Christopher.Lee@haringey.gov.uk
Durham University Research	Carbon Management Team – Christopher Lee	Christopher.Lee@haringey.gov.uk
Planning Policy and Sustainability	Planning Policy – Erik Nilsen	Erik.nilsen@haringey.gov.uk
Corporate Carbon Management	Carbon Management Team – Kamar Zaman	Kamar.Zaman@haringey.gov.uk
Zero Carbon Developments	Carbon Management Team – Joe Baker	Joe.Baker@haringey.gov.uk
Smarter Travel/Personal Travel Planning	Traffic Management – Denise Adolphe	Denise.Adolphe@haringey.gov.uk
Edible Landscape Project/JAN Trust	Community resident – Quentin Given	Quentin.Given@btinternet.com
40:20 initiative grants	Haringey 40:20	http://haringey4020.org.uk/offers-grants/community-fund/hcf4020@gmail.com
Homes for Haringey	Homes for Haringey –	Jacinta.Walters@homesforharingey.or

	Jacinta Walters	g
Sustainable Haringey	Community Resident - Joyce Rosser	JRosser@gmail.com
Growing in Haringey/EN10ERGY/ Transition in Crouch End	Community Resident – Pamela Harling	PJHarling@hotmail.com
Muswell Hill Sustainability Group	Community Resident – Mary Blake	Mary@MHSGroup.org