

NOTICE OF MEETING

FULL COUNCIL

**Monday, 4th December, 2017, 7.30 pm - Civic Centre, High Road,
Wood Green, N22 8LE**

Members: Councillors Stephen Mann (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, Zena Brabazon, Clare Bull, Gideon Bull, Vincent Carroll, Clive Carter, Joanna Christophides, Pippa Connor, Ali Demirci, Isidoros Diakides, Natan Doron, Joseph Ejiofor, Sarah Elliott, Gail Engert, Tim Gallagher, Joe Goldberg, Eddie Griffith, Makbule Gunes, Bob Hare, Kirsten Hearn, Emine Ibrahim, Adam Jogee, Claire Kober, Toni Mallett, Jennifer Mann, Stuart McNamara, Liz McShane, Peter Mitchell, Liz Morris, Martin Newton, Felicia Opoku, Ali Gul Ozbek, James Patterson, Sheila Peacock, Lorna Reith, Reg Rice, Viv Ross, Raj Sahota, Anne Stennett, Alan Strickland, Noah Tucker, Bernice Vanier, Ann Waters, Elin Weston and Charles Wright

Quorum: 15

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 24 JULY (PAGES 1 - 10)

6. TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL (PAGES 11 - 14)

7. APPOINTMENT OF THE CHIEF EXECUTIVE (PAGES 15 - 16)

To consider the report of the Staffing and Remuneration Committee.

8. TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE

9. TO RECEIVE THE REPORT OF THE MONITORING OFFICER

10. TO MAKE APPOINTMENTS TO OUTSIDE BODIES (PAGES 17 - 18)

To consider appointments to outside bodies.

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

12. TO RECEIVE REPORTS FROM THE FOLLOWING BODIES

- (a) Report from Standards Committee - Planning Protocol

To consider the inclusion of the Planning Protocol in the Council's Constitution.

- (b) Report from Overview and Scrutiny Committee - Scrutiny Annual Report 2016/17

To consider the Overview and Scrutiny Committee's Annual Report for 2016/17.

- (c) Report from Corporate Committee - Treasury Management Strategy Statement

To consider the Council's Treasury Management Strategy Statement –
REPORT TO FOLLOW

13. COUNCIL TAX REDUCTION SCHEME (PAGES 87 - 328)

To consider a Council Tax Reduction Scheme for 2018-19

14. HIGH ROAD WEST - APPLICATION FOR CONSENT FOR DISPOSAL OF HRA LAND (PAGES 329 - 446)

To consider an application for consent for disposal of HRA land

15. HARINGEY DEBATE: HARINGEY'S SOCIAL AND AFFORDABLE HOUSING CRISIS

16. ANNUAL CARBON REPORT AND ZERO BY 2050 COMMISSION (PAGES 447 - 548)

To consider the Annual Carbon Report and the response to the Zero by 2050 Commission's report

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

Oral question one

Cllr Amin to the Cabinet Member for Communities:

Do you share my concerns about the level of discrimination and anti-Muslim hate faced by Muslim communities across the UK as reported by the Runnymede Trust in their publication last month 'Islamophobia, still a Challenge for us all'

Oral question two

Cllr Engert to the Cabinet Member for Environment:

How many residents have signed up to the charged green waste collection service?

Oral question three

Cllr Brabazon to the Cabinet Member for Environment:

Would the Cabinet Member like to tell us about her proposals for improving conditions for tenants in private rented housing in the borough?

Oral question four

Cllr Morris to the Cabinet for Children and Families:

Do you agree that is unacceptable that 67% of schools in the borough have been given a nil or limited assurance rating by the auditors this year, what actions are being taken to improve support to schools?

Oral question five

Cllr B Blake to the Cabinet Member for Adult Social Care and Culture:
Could the Cabinet Member update the Council about the work undertaken across the borough which led to Haringey achieving the White Ribbon Local Authority Award?

Oral question six

Cllr Newton to the Cabinet Member for Communities:
Moped crime is increasing in Haringey, with a number of serious attacks recently in Highgate and Crouch End, what are the council and police doing to combat this problem?

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

Motion D: Crown Post Offices

Proposer: Cllr J Mann

Seconder: Cllr Elliott

Over the course of a year, the Post Office announced the franchise (privatisation) of 99 Crown Offices in 3 “Tranches”.

Tranche 1 – January 2016

39 Crown Offices to be franchised

3 actual closures

The proposed franchised Crown Offices in tranche 1 include those in Crouch End and Muswell Hill.

Tranche 2 – July 2016

A further 40-50 Crowns to be franchised which could include other Haringey offices.

Tranche 3 – January 2017

37 Crown Offices to be franchised

Altogether placing up to 1,000 Post Office employee jobs at risk.

This Council believes:

- Closure and franchising of our High Street Crown Post Offices is detrimental to our local communities.
- The plan to move Post Offices into shops such as WH Smiths will mean a worsening of services, a potential loss of experienced staff and a possible deterioration of workers conditions such as pay and pensions.

This Council resolves:

- To support local residents and community groups and businesses, the Communication Workers Union and other relevant local unions' who are campaigning to save the Haringey Crown Post Offices and helping to protect decent local jobs.
- To write to Margot James, Department for Business, Energy and Industrial Strategy Minister stating the council's opposition to the Crown Post Office closure and franchising programme.
- To write to local MPs informing them of our position and encouraging them to oppose the Crown Post Office closure and franchising programme.

Motion E: Tackling Moped Crime

Proposer: Cllr Morris

Seconder: Cllr Newton

This council believes that the Labour Mayor of London should be doing more to tackle the scourge of moped crime on Haringey streets.

This council notes that:

- thieves on scooters and pedal cycles are committing up to 50,000 criminal offences in London each year
- thefts involving mopeds or motorcycles are currently running at 13,000 over the past 12 months, a 41% increase over the previous period

This council also notes that:

- there has been a significant increase in moped crime in North London and in particular in Haringey, Camden and Islington, with a huge rise in phone and handbag snatches by moped gangs
- police statistics show that between February and March, Haringey saw a 21% rise in "theft of person" crimes
- that gangs have stepped up the level of violence, with the use of hammers, acid and other weapons
- that a number of local residents have been seriously injured by moped gangs stealing property
- This council is concerned that:
- a moped gang attacked Gail's bakery on Highgate High Street, smashing the windows with a hammer, stealing property and injuring a resident
- a moped gang attacked a delivery driver in Tottenham where the victim had a corrosive substance sprayed in his face
- a moped gang forcibly entered a restaurant in Crouch End and tried to steal a laptop

This council is further concerned that the Labour Mayor of London has recently chosen to close Hornsey police station and Wood Green front counter, leaving only 1 police station open in the entire borough.

This council believes that it is unacceptable that Muswell Hill, Alexandra, Fortis Green, Hornsey, Crouch End, Stroud Green, Highgate and Wood

Green wards will be left with no police counter and no police contact point, as a result of the Labour Mayor of London's decision.

This council calls on the Mayor of London to:

- improve co-ordination and co-operation between the different borough police teams in London
- enable boroughs across London to use dedicated police on motorbikes (with the sole objective of pursuing moped-enabled criminals), as they already do in Camden
- increase the tagging of motorbikes so that stolen bikes can be tracked and picked up so they are not used by the gangs
- keep Haringey's police stations and counters open
- pay for CCTV and increased police presence in moped crime hotspots
- consider restrictions on pillion riders of moped vehicles, such as a ban, or encouraging the Metropolitan Police to use their stop and search powers on pillion riders

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Friday, 24 November 2017

MINUTES OF THE MEETING OF THE FULL COUNCIL HELD ON MONDAY, 24TH JULY, 2017, 7.30 - 10.00 pm

PRESENT:

Councillors: Stephen Mann (Mayor), Gina Adamou, Charles Adje, Peray Ahmet, Kaushika Amin, Eugene Ayisi, Dhiren Basu, David Beacham, John Bevan, Barbara Blake, Mark Blake, Zena Brabazon, Clive Carter, Joanna Christophides, Pippa Connor, Natan Doron, Joseph Ejiofor, Sarah Elliott, Gail Engert, Tim Gallagher, Joe Goldberg, Eddie Griffith, Bob Hare, Emine Ibrahim, Claire Kober, Toni Mallett, Jennifer Mann, Liz McShane, Peter Mitchell, Liz Morris, Martin Newton, Felicia Opoku, Ali Gul Ozbek, James Patterson, Sheila Peacock, Lorna Reith, Reg Rice, Viv Ross, Raj Sahota, Anne Stennett, Alan Strickland, Noah Tucker, Bernice Vanier, Ann Waters, Elin Weston and Charles Wright

17. FILMING AT MEETINGS

The Mayor drew attendees' attention to the notice on the summons regarding filming at meetings.

18. TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Arthur, Berryman, Clare Bull, Gideon Bull, Carroll, Demirci, Diakides, Gunes, Hearn, Jogee and McNamara.

19. 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 interim Chief Executive requested that responses to written questions be admitted at item 13 as tabled, explaining they were unavailable earlier given the time required to research and prepare answers.

20. DECLARATIONS OF INTEREST

No declarations of interest were made.

21. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 22 MAY 2017

The minutes of the meeting of the Council held on 22 May 2017 were agreed.

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

The Mayor drew the meeting's attention to information tabled at the meeting about some of the sixty engagements he had undertaken since his inauguration as Mayor. He drew particular attention to the celebrations of success at schools held recently, and congratulated all those that participated in the General Election in June, where he had declared the results for the borough's two parliamentary constituencies.

The Mayor welcomed the family and loved ones of Leon Joseph, who had served as an officer of the Council for many years and had passed away in March. Councillors Kober, Engert, Rice, Reith, J Mann, Basu, Ibrahim, Ahmet Vanier shared their memories of Leon, and spoke of his contribution to the Council and the communities of Haringey. The Mayor then led the Council in a round of applause in tribute to Leon Joseph.

23. TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE

The interim Chief Executive referred the Council to two decisions taken between meetings, one relating to the temporary arrangements for the Council's section 151 officer, and the second making appointments to outside bodies.

She then drew Members' attention to the recommendations in the report on the Designation of the Council's Chief Finance Office, which were then moved by the Chief Whip and agreed by Council.

RESOLVED

That Full Council:

- 1) Note the previous urgent action of the interim Chief Executive in consultation with the Mayor, in accordance with Part 3 Section E, Section 1 of the Constitution, to designate the interim Deputy Chief Executive as s151 officer from 12th June 2017 to 24th July 2017, being this meeting of the Full Council
- 2) In accordance with Article 11.01 (d), agree that the interim Deputy Chief Executive be designated as the Council's section 151 officer pursuant to s 151 Local Government Act 1972 with immediate and continuing effect and until such time as the post of Chief Finance Officer is recruited to in accordance with 3 below, expected to be during August 2017
- 3) Agree that upon appointment to the post of Chief Finance Officer by a suitably qualified accountant (expected to be during August 2017), that the post of Chief Finance Officer be designated as the Council's section 151 officer pursuant to s 151 Local Government Act 1972 and article 11.01 (d) of the Constitution. The Monitoring Officer, in accordance with Article 14 of the Constitution, will make all necessary changes to the Constitution to give this effect.

- 4) Agree that in the event that the Chief Finance Officer recruitment is delayed, the interim Deputy Chief Executive will continue to be designated as the Council's s151 officer.

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

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

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

No deputations or petitions had been accepted for this meeting.

26. TO RECEIVE REPORTS FROM THE FOLLOWING BODIES

27. REPORT FROM STANDARDS COMMITTEE - CONSTITUTIONAL CHANGES

Cllr Amin, Chair of the Standards Committee, moved that her Committee's recommendations be agreed.

RESOLVED

That Full Council:

- 1) Note the establishment of a joint sub-committee of the Health and Wellbeing Board with Islington Council and consequently, agree the following amendments to the Constitution:
 - a) Part 2, 'Articles' at paragraph 4.02 (v) and 10.09 (Appendix 6 of the report);
 - b) Part 3, Section B 'Responsibility for functions: Full Council and Non-Executive Bodies' at Section 1 paragraph 1(v) and Section 2 paragraph 8.1 (Appendix 1)
- 2) Note the removal of the Council and Employees Joint Consultative Committee at Part 3, Section B 'Responsibility for functions: Full Council and Non-Executive Bodies' at Section 3 paragraph 1 (Appendix 1); and associated amendment at Part 4, Section B 'Committee Procedure Rules' rule 58 (Appendix 7), following the decision of the Staffing and Remuneration Committee to dissolve this sub-committee;
- 3) Approve changes to Statutory, Proper and Specified Officer functions within the Officer Scheme of Delegation together with minor amendments, for clarification purposes, as set out at:
 - a) Part 3, Section E Officer Scheme of Delegation at Section 3 'Delegations to the Chief Executive and Statutory Officers' (Appendix 2);
 - b) Part 3, Section E Officer Scheme of Delegation at Section 4 'Proper Officer and Specified Officer Functions' (Appendix 3);
- 4) Approve minor amendments to the Constitution for clarification purposes, as set out at:
 - a) Part 2, 'Articles' (Appendix 6);
 - b) Part 3, Section B 'Responsibility for functions: Full Council and Non-Executive Bodies' at Section 1 paragraph 1(g) and Section 3 (Appendix 1);

- c) Part 3, Section D 'Responsibility for functions: Local Choice Functions' at point 16 (Appendix 4);
- d) Part 3, New Section DA 'Responsibility for functions: Joint Committees and arrangements', to record such arrangements entered into by the Council where these joint committees carry out functions on behalf of the authority (Appendix 5);
- e) Part 4, Section B 'Committee Procedure Rules' (Appendix 7)

28. REPORT FROM CORPORATE PARENTING ADVISORY COMMITTEE - ASPIRE PLEDGE

Cllr Weston, Cabinet Member for Children and Families, moved a report as Chair of the Corporate Parenting Advisory Committee, recommending the Council adopt a pledge in respect of looked after children and care leavers. The Cabinet Member introduced two members of the Aspire group, who had led on the drafting of the Corporate Parenting Pledge, to set out some background for Councillors.

RESOLVED

That Councillors and the Council as corporate parent endorse and adopt the Corporate Parenting Pledge attached as Appendix 1 in respect of looked after children and care leavers.

29. REPORT FROM CABINET - ADOPTION OF THE LOCAL PLAN

The Leader moved the report from Cabinet on the Local Plan, and drew Members' attention to the changes made in the current version of the current plan and the letter from the Assistant Director of Planning that had been tabled at the meeting.

RESOLVED

That Full Council:

- 1) Notes the outcome of the independent Examination in Public of the Alterations to the Strategic Policies 2013, the Site Allocations DPD, the Development Management DPD, and the Tottenham AAP, as set out in the Inspector's Report and its corresponding schedules of modifications (attached at Appendices A-E).
- 2) Notes that non-material clerical amendments are still to be made to the desktop versions of the Local Plan documents to ensure they are fully consistent with the Inspector's schedule of recommended main modifications (as set out in Appendices B-E) and other minor modifications (i.e. editorial). This includes amending pages 66 and 67 of the Tottenham AAP to appropriately reflect extant/lapsed planning permissions (as per Appendix H and Appendix J).
- 3) Adopts the Local Plan Documents (Alterations to the Strategic Policies 2013, the Site Allocations DPD, the Development Management DPD, and the Tottenham AAP) incorporating non-material clerical amendments and the changes recommended by the Planning Inspector (attached at Appendices F-I) and the changes to pages 66-67 of the Tottenham AAP set out in Appendix H and Appendix J.

30. REPORT FROM CORPORATE COMMITTEE - TREASURY MANAGEMENT OUTTURN REPORT

Cllr Barbara Blake, Chair of the Corporate Committee, moved her Committee's report and the recommendations that it contained.

RESOLVED

That Full Council:

- 1) Notes the Treasury Management activity undertaken during the year to 31st March 2017 and the performance achieved; and
- 2) Notes that all treasury activities were undertaken in line with the approved Treasury Management Strategy: in particular the prudential indicators with fixed limits shown in Appendix 1 of the appended report.

31. MEMBERSHIP OF COMMITTEES

The Chief Whip moved a report containing recommendations on the membership of committees.

RESOLVED

That councillor Mallett be replaced on the Corporate Committee by Councillor Ali Gul Ozbek

32. HARINGEY DEBATE: VIOLENT CRIME: EFFECTS ON YOUNG PEOPLE

The Mayor invited Councillor Ayisi, Cabinet Member for Communities, to introduce the topic of the debate.

After setting out the importance of the issue of violent crime and its effects on young people, Cllr Ayisi introduced his three speakers. The first, Detective Superintendent Des Fahy, Deputy Borough Commander, gave the Council information on the nature and extent of violent crime involving youth, and the action being taken by the Metropolitan Police. The second, Yvonne Lawson of the Godwin Lawson Foundation, set out her personal experience and the work of the foundation that she had established in memory of her son that had been killed in 2010. Finally, Ricky of Project Future, gave his perspective as a young person previously involved in crime who had benefited from the work of Project Future, who he now volunteered for.

The Mayor then introduced the debate. Cllr Elliott gave her views as a parent, and about the long-term effects that victims of crime can face.

Cllr Newton stressed the high risk of young people being victims of crime or participating in crime locally, and the borough's high rate of reoffending and the importance of an accessible police presence, which could be threatened by the potential closure of police counters that he urged Council to resist.

Cllr Sahota outlined a recent experience of a young person that residents had apprehended on the street, and the need to think about why young people reached

the point of committing crime to tackle causes rather than just the symptoms. He also felt centres for young offenders should be considered, following a recent report on their conditions.

Cllr Morris mentioned the recent work of the Children and Young People's Scrutiny Panel, including the issue of automatic exclusion from school for young people if discovered with knives, which could have detrimental effects for young people, and the alternative approach taken by Gladesmore School. She urged support for the continuation of Project Future.

Cllr Wright also mentioned the issue of exclusions and his experience of youth offending centres as an employee of the National Offender Management Service. He mentioned how a young person's experience of crime can lead to long-term alienation.

Cllr Ross recently saw a knife amnesty bin being emptied, and felt his shock at the number of knives being collected was perhaps misplaced, given that Haringey had the fourth largest stabbings in London. He hoped action would be taken by the Council to tackle knife crime.

Cllr Weston felt the various causes of crime and loss of opportunity for young people had to be considered needed to be borne in mind. The Pupil Referral Unit had had a positive Ofsted inspection recently, and work was underway with schools to reduce exclusions. She hoped partnership working could help reduce incidence of youth crime.

Cllr Mark Blake set out that stop and search was not a successful approach to tackling crime, and felt there was a need to build consensus on the social determinants of youth crime, and increase opportunities for young people.

Cllr Barbara Blake thanked the speakers, and regretted that young people lived inhibited lives because of the fear of crime and asked what councillors could do to help reduce young people's fear of crime and enhance community courage.

Cllr Bevan noted that there were now fewer youth projects running in the borough as a consequence of reduced funding, which he hoped could be reversed in the future.

Responding to the debate, Cllr Ayisi thanked all Members for their participation in the debate. He reflected on the relationship between deprivation and crime, and the fact that fear of crime often encouraged criminality. He noted the issue had been exacerbated by the reduction in public expenditure, and argued that engagement with young people was key to tackling it.

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

The Mayor accepted the admission of responses to written questions as late items of business, as the answers to questions had needed to be researched and prepared after the summons had been dispatched.

Oral questions one to six were then asked and responded to.

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

The Mayor invited Cllr Hare to propose his motion, who gave some information on the requirements for adequate fire suppression in tower blocks, the situation in Haringey and neighbouring boroughs and some actions that the Council could take to given the concerns of residents about fire safety.

Cllr Morris formally seconded the motion, and welcomed that there were broad areas of agreement between the two parties. She was keen that there be retrofitting of sprinkler systems in high rise buildings, as would be required for new buildings.

Moving an amendment to the motion, Cllr Strickland referred to recent updates circulated on fire safety provided to Members and the desire in the amendment to thank officers for their efforts following the Grenfell fire and to consider fire safety measures in a broader sense.

Following Cllr Jennifer Mann's formal seconding of the amendment, Cllr Reith moved that the motion be now put, which was agreed.

Following a vote, where there were 39 votes in favour and 8 abstentions, the amendment was CARRIED.

The motion as amended was then put to the vote, where it was AGREED unanimously.

The Mayor then invited Cllr Kober to move the second motion. In so doing, Cllr Kober referred to the Government's encouragement of authorities adopting this definition, which had been done by other neighbouring boroughs. She felt the motion was timely given the recent rise in hate crime.

In seconding the motion, Cllr Engert set out that she was satisfied that the motion did not impinge on free speech, which she knew was a concern of some people.

Cllr Reith moved that the motion be now put, given the late hour. This was agreed, and the motion put to the vote where it was AGREED unanimously.

RESOLVED

MOTION B – GRENFELL TOWER AND FIRE SAFETY IN HARINGEY

This Council is very concerned by the events at Grenfell Tower and offers it condolences to those who lost family members and loved ones in the fire.

This Council notes that since the fire, the cladding in many tower blocks across the county have failed fire safety and flammability tests.

This Council notes that testing of the 12 council owned high-rise blocks with external cladding has shown that all have fire resistant cladding

This Council further notes that at least five tower blocks in Haringey do have faulty cladding and welcomes the steps taken by Newlon Housing Association to make the buildings safe for residents.

This Council further notes and commends the rapid work of Homes for Haringey staff in conducting checks of all Council blocks of six stories or more, within 24 hours, to ensure they were in full compliance with fire safety requirements

This Council recognises that reassuring tenants and leaseholders at this distressing time is key and welcomes Homes for Haringey's work to provide advice and listen to concerns, including holding drop-in sessions in high rise blocks, meeting with 60 resident champions and providing additional fire safety information

This Council commits to acting promptly to implement any relevant recommendations from the forthcoming public inquiry into the Grenfell Tower fire.

This Council also commits to ensuring that every building built and maintained by the Council, Homes for Haringey and the Haringey Development Vehicle:

- Does not have flammable cladding
- Meets all fire safety requirements and building regulations
- Has working fire and smoke alarms
- Has appropriate fire safety measures, in accordance with the updated regulations

This Council also commits to ensuring that all schools in the borough have the appropriate range of fire safety and fire fighting equipment.

This Council calls on the Conservative Government to strengthen building and fire regulations and to ensure that in future, fire checks of buildings are completed by the Fire Brigade.

MOTION C: INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE DEFINITION OF ANTISEMITISM

This Council expresses alarm at the rise in antisemitism in recent years across the UK. This includes incidents when criticism of Israel has been expressed using antisemitic tropes. Criticism of Israel can be legitimate, but not if it employs the tropes and imagery of antisemitism.

This Council therefore welcomes the UK Government's announcement on December 11th 2016 that it will sign up to the internationally recognised International Holocaust Remembrance Alliance (IHRA) guidelines on antisemitism which define antisemitism thus:

This Council notes that:

Antisemitism is a certain perception of Jews, which may be expressed as hatred

toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

To guide IHRA in its work, the following examples may serve as illustrations:

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that levelled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for —why things go wrong. It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavour.
- Applying double standards by requiring of it behaviour not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries). Criminal acts are antisemitic when the targets of attacks, whether they are people or property — such as buildings, schools, places of worship and cemeteries — are selected because they are, or are perceived to be, Jewish or linked to Jews.

Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.

This Council welcomes the cross-party support within the Council for combating antisemitism in all its manifestations.

This Council hereby resolves to adopt the above definition of antisemitism as set out by the International Holocaust Remembrance Alliance and pledges to combat this pernicious form of racism.

This Council also condemns all forms of racism, islamophobia, homophobia and sexism and we commit to fighting against them.

CHAIR:

Signed by Chair

Date

MAYOR'S COMMUNICATIONS – 4 December 2017

Below are a few of my engagements since the last Full Council meeting in July. I would like to thank the Deputy Mayor and the Former Mayors for their support and their commitment to the Borough.

On **Tuesday 1 August**, Haringey Fire Cadet Pass Out Ceremony in Tottenham where I met young people who work alongside fire fighters and community volunteers to gain a BTEC qualification in fire and rescue service qualification.

Saturday 5 August, attended Hornsey Police Station Open Day

Sunday 6 August, I visited the Om Shakhivel Temple for its 5th Yearly Chariot Festival where I met various people from different places from around the world

Tuesday 8 August, I attended the Crutch First Anniversary (Citizen Advice) Community lunch

Thursday 10 August, I was invited to an Open evening at the Shine Enterprise Centre to promote the establishment of the community café, SHINE ART CAFÉ.

Sunday 13 August, I attended the celebrations of 125 Years of Bruce Castle

Tuesday 15 August, I attended the celebration of the Dormition of our Lady & Luncheon at St Mary's Greek Cathedral, Trinity Road

Monday 28 August, I attended the Tottenham Soundscape Music Event at All Hallows' Church in Tottenham

On **Friday 1 September** I joined a number of Councillors at the funeral of former councillor Nilgun Canver and paid my respects and thanks on behalf of the Council.

Saturday 2 September, I attended Children's Fun Day, I attended a community fun day at Citizens Advice in N17 and then went on to a Children's Fun Day in Chestnut Park with Yvonne Denny and handed out awards to some of the children

Sunday 3 September, I attended the GCAA Annual Show where I met with the GCAA represents members from the Golf Course Allotments and gave out awards and prizes

Wednesday 6 September, I attended the annual London Borough Mayors' Service and Evensong event held at St Paul's

Friday 8 September, I visited the Foreign and Commonwealth office

Saturday 9 September, I attended Holy Innocent Church for a gospel choir

Saturday 16 September, I invited an Open House Day for London and Whittington Health with the Mayor of Islington and then went on to Tottenham Ploughman Riverfest celebrating Tottenham and highlighting the state of our rivers with our 7 pledges, from there went on to Northumberland Park where I attended an Organ Donation event focusing on African Caribbeans and finally went to the Lordship Hub for the Tottenham Flower & Produce Show.

Sunday 17 September, I attended the Mosque open Day event in Tottenham

Saturday 30 September, I attended 100th birthday party for Daisy L'Olive

Tuesday 3 October, I attended the Councils Shared Services "Bring a dish" fundraising event for the Mayor's Special Fund and then went on to open the Travel Lodge in Wood Green and then went on to The North London Hospice to help celebrate their 25 years of providing a service event in Totteridge

Friday 6 October, I formally launched my Winter Gala event and had a discussion event with local employers on mental health in the workplace.

Sunday 8 October, attended World Mental Health Day Fundraising Lunch in Highgate then went on to the Mr & Miss West Indies UK Pageant in the Selby Centre

Thursday 12 October, in the morning I visited the West Green Primary School for School Democracy Week and then went on to the Lord's Taverners Disability Cricket Championships Awards Evening in Lord's Cricket Ground and then on to Bohem Brewery Launch in Middleton Road

Friday 13 October, I attended Mind in Haringey's Employer in Mind Launch event, which took place in the week of mental health day. This year the focus was on thriving in the workplace, through improved wellbeing at work. I then went on to the Launch evening for new gym development at YMCA North London Fitness Centre.

Sunday 15 October, attended the Annual Civic Service in Westminster and from there I went on to the Launch of National Hate Crime and Awareness at St Paul's Cathedral.

Tuesday 17 October, I attended the Mayor of Brent's Civic Service

Thursday 19 October, I attended The Speaker of Hackney's Quiz night

Friday 20 October, I attended the Education Achievement Awards in Tottenham Town Hall

Saturday 21 October, I was invited to the African Market in Seven Sister and I met with the organisers who were holding a fair to increase the awareness of the Black & Minority Ethnic blood donor register, then went to an Annual Display of Cadets in Tottenham and then on to the Hornsey Carnival Presentation event

Tuesday 24 October, I attended the Mayor of Hillingdon's Tour of RAF

Friday 27 October, I attended Halfords refit launch in Tottenham Hale, then back to Civic Centre for Citizenship and later attended Marcus Garvey Library for the closing of Black History Month

Sunday 29 October, I attended a street party to celebrate the end of community led improvements to Quernmore Road Parade

Friday 3 November, I met with Flt Lt Will Brooke and his team working on a project with the Royal British Legion, Tottenham Hotspur FC to clean the war memorial at Wood Green for Armistice and Remembrance Day. Where we were also joined by one of the Tottenham First League players.

Saturday 5 November, I attended the Remembrance Service at Muswell Hill

Friday 10 November, I attended Remembrance Service at City Hall

Saturday 11 November, Lord Mayor of London's Outward Procession in the City, I then went on to Highgate to attend a blue plaque for Cy Grant and later went on to attend Inspiring Edge Fashion Show at the Irish Centre

Thursday 16 November, I attended Lordship Lane Primary School and then went on to greet to the borough the HRH The Earl of Wessex at the London Academy of Excellence LilyWhite Tottenham House in Tottenham for the Duke of Edinburgh's Award

Saturday 18 November, I attended Civic Service at Muswell Hill Synagogue and then I went on to attend a Diwali Celebration at 8 Caxton Road

Sunday 19 November, I attended a 24th World Day of Remembrance for Road Traffic Victims in Piccadilly

Monday 20 November, I attended Earlsmead Primary School

Tuesday 21 November, I hosted a visit of school children from Woodside School in the Parlour, then went on to the first new Anglican church in London for 40 years event in Tottenham Hale and then later that evening attended a Rewarding Resident Volunteers is an event to celebrate the voluntary work that our residents perform within the borough

Wednesday 22 November, I attended a Poetry Competition in Earlham Primary School

Thursday 23 November, I attended the Official Opening of the London Academy of Excellence Tottenham at LilyWhite Tottenham and then went on to hand out certificates at Somerford Adventure Playground Northumberland Park

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**REPORT OF STAFFING & REMUNERATION COMMITTEE
No. 01/2017-18**

FULL COUNCIL 4 DECEMBER 2017

Chair: Councillor Raj Sahota

Vice-Chair: Councillor Zena Brabazon

APPOINTMENT OF THE CHIEF EXECUTIVE

We received a report from the Interim Director Transformation and Resources and on the appointment to the position of Chief Executive and Head of Paid Service, in accordance with the Local Authorities Standing Orders (England) Regulations 2001 and Part 4 Section K of the Council's Constitution. We also considered the recommendation of the interview that took place immediately prior to the Committee convening.

We agreed to recommend to Full Council that it appoint Zina Etheridge, who was appointed interim Head of Paid Service by Full Council on 27 February 2017, to the post of Chief Executive and Head of Paid Service. The Officer Employment Procedure Rules and regulations above provide that the Council may appoint provided no objections have been received from any member of the Cabinet. No such objection has been received.

Accordingly, the Committee recommend Full Council confirm the offer of a permanent employment contract for the post of Chief Executive to Zina Etheridge.

The Pay Policy Statement 2017/18, agreed by Council in February 2017, included a pay range of £175,400 to £203,900 for the Chief Executive role.

The starting salary for Ms Etheridge has been determined as £186,850, which is the median salary for a Chief Executive in a London borough and is in the lower half of the range, as recommended by the Pay Policy Statement.

WE RECOMMEND

That Zina Etheridge be appointed Chief Executive as outlined above.

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Report for: Full Council, 4 December 2017

Title: Appointments to 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 nominate Councillor Jennifer Mann to sit as a Trustee on Hornsey Parochial Charities and Councillor Lorna Reith to sit on the Board of Walthamstow Wetlands.

2. Cabinet Member Introduction

N/A

3. Recommendations

That Full Council agree:

- 1) That Councillor Jennifer Mann be the Council's representative on Hornsey Parochial Charities until the appointment comes up for renewal in May 2021.
- 2) That Councillor Lorna Reith be the Council's representative on Walthamstow Wetlands until the appointment comes up for renewal in May 2018.

4. Reasons for decision

- 4.1 A vacancy has arisen for a Trustee on Hornsey Parochial Charities and Councillor Jennifer Mann has agreed to fill the vacancy. Walthamstow Wetlands is a new body and Cllr Reith has agreed to sit on the body as our representative.

- 4.2 Under the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990, Council Committees should be proportionate as far as possible in accordance with the Council's political balance. This is not affected by this change, as both Members are from the same political group.

5. Background information

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

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

None

9. Local Government (Access to Information) Act 1985

a. Haringey Council's Constitution

REPORT OF STANDARDS COMMITTEE**FULL COUNCIL 4 DECEMBER 2017**

Chair: Councillor Amin

INTRODUCTION

At our meeting of 14 September, we considered the report at Annex A, which recommended including the Planning Protocol into the Council's Constitution.

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, in accordance with Article 14.03 (Changes to the Constitution).

Including the Protocol in the Constitution would provide it greater weight and support efficient, open, accountable and lawful-decision making by the Planning Sub-Committee.

Following a discussion by Members, it was agreed that the Committee recommend to Full Council the Planning Protocol be included in the Constitution.

WE RECOMMEND

That Full Council adopt the Planning Protocol as part of the Constitution.

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Report for: Standards Committee

Title: Adoption of Planning Protocol (2017) into the Constitution

Report

authorised by : Emma Williamson – Assistant Director Planning x5507

Lead Officer: Ben Burgerman – Regeneration Lawyer, x4631

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, in accordance with Article 14.03 (Changes to the Constitution).

1.2 This report proposes change to the Constitution by the addition of the Planning Protocol.

1.3 This report asks members to agree this change and to recommend that Full Council resolve to adopt the Planning Protocol as part of the Constitution.

2. Cabinet Member Introduction

Not applicable

3. Recommendations

3.1 That the Standards Committee recommend Full Council adopt the Planning Protocol as part of the Constitution.

4. Reasons for decision

4.1 The proposed change to the Council Constitution seeks to ensure that:

- a) by becoming part of the Constitution the Planning Protocol will carry greater weight and will enable efficient, open, accountable and lawful decision-making by the Planning Sub-Committee;
- b) the Planning Sub-Committee procedures will be more transparent; and
- c) it will be easier for members and the public to find the Planning Protocol and understand how it operates in relation to the rest of the Constitution and in particular the Members' Code of Conduct

4.2 Councils are required to have and maintain a Constitution. Failure to make this change to keep the Constitution up to date could lead to confusion around the procedures, processes and authority for Planning Sub-Committee decisions and those decisions being challenged in court.

5. Alternative options considered

5.1 The option of making no change was considered i.e. leaving the Planning Protocol outside the Constitution. However, since it is important that the governance and processes of the Council are transparent and understood by those making the decisions and those impacted by them this alternative option was not considered appropriate.

6. Background information

6.1 Consistency, fairness and transparency are essential in maintaining public confidence in any regulatory function, The purpose of the Planning Protocol is to:

- (a) state how members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties;
- (b) ensure a consistent and proper approach by all members in the exercise of the planning functions;
- (c) ensure applicants and their agents, residents and other third parties are dealt with by members consistently, openly and fairly
- (d) ensure probity of planning transactions and the highest standards of conduct expected in public office;
- (e) ensure planning decisions are made openly, fairly and in the public interest, in accordance with legislation and guidance; and
- (f) state how the Planning Sub-Committee meeting runs including speaking arrangements.

6.2 The Planning Protocol is intended to be supplementary to the Members' Code of Conduct (Part Five of the Constitution). The purpose of the Protocol is to provide more detailed guidance as to the how the standards of conduct expected of members apply within a planning context, for instance detailing interaction between members of the Planning Sub-Committee and developers and objectors to planning applications.

6.3 Given the complexities of and many changes to planning law it has been necessary to update the Planning Protocol nearly every year. This year very minor changes were made to it as endorsed by the Regulatory Committee at meetings on 6 and 31 July 2017. The length and procedures of the Planning Protocol remain unaffected by these changes. These changes made the existing procedures clearer and included deleting an erroneous reference to a separate complaints procedure as such a procedure is in fact the same as used for the Members' Code of Conduct, to which the Planning Protocol is subordinate. Several typos and out of date references were also corrected.

6.4 It is expected that if included within the Constitution the Planning Protocol will remain subject to regular review, with the changes having to be approved and adopted by Full Council as part of its regular constitutional review and update.

6.5 As the Planning Protocol was not part of the Constitution there has been some confusion as to its actual status and the weight it should be accorded. There has been the problem that as it is not listed on the Council's Constitution webpage it has been difficult to find.

6.6 It is also noted that most other authorities have their equivalent of the Planning Protocol included as part of their constitutions. It is important that the governance and processes of the Council are transparent and understood both by those making the decisions and those impacted by them. Therefore, as best practice and in light of the above, it is recommended that the Planning Protocol be adopted by Full Council as part of the Constitution.

7. Contribution to strategic outcomes

7.1 The Council's Constitution supports the governance of the Council and its decision making thereby assisting the Council to meet its strategic outcomes.

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

8.1 Finance and Procurement

8.2 No financial implications arise from this report.

8.3 Legal

8.4 The Assistant Director of Corporate Governance has been consulted on and involved in the preparation of this report with assistance from officers in departments. Legal comments are included in the body of the report where appropriate.

8.5 Equality

8.6 There are no equality matters in this report, given it relates to how the Constitution sets out the Council's structure and operations.

9. Use of Appendices

9.1 The Appendix below sets out the Planning Protocol (2017), with agreed insertions shown as underlined and highlighted text, and proposed deletions shown as struck through.

Appendix 1 – Planning Protocol (2017).

10. Local Government (Access to Information) Act 1985

10.1 The Council Constitution which can be found at;

<http://www.haringey.gov.uk/local-democracy/about-council/council-constitution>

Planning Protocol 2017

1. PURPOSE OF THE PROTOCOL

- 1.01. This Protocol has been adopted by Haringey Council to ensure the highest standards of probity in the performance of its planning function.
- 1.02. Consistency, fairness and openness are important qualities for any regulatory function in the public eye and they are vital to the conduct of a planning committee. Adherence to the Protocol is intended to build public confidence in the Council's planning system.
- 1.03. The purpose of the Protocol is:
- (a) to state how the Members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties;
 - (b) to ensure a consistent and proper approach by all Members to the exercise of planning functions;
 - (c) to ensure applicants and their agents, residents and other third parties are dealt with by Members consistently, openly and fairly;
 - (d) to ensure the probity of planning transactions and the high standards expected in public office; and
 - (e) to ensure planning decisions are made openly, fairly and in the public interest, in accordance with legislation and guidance.
- 1.04. This Protocol relating to planning matters is intended to be supplementary to The Members' Code of Conduct (Part Five Section A of the Council's Constitution). The Localism Act 2011 sets out a duty for each local authority to promote and maintain high standards of conduct by councillors and to adopt a local code of conduct. The Council adopted a Code of Corporate Governance in July 2008 which was updated in July 2013 and contains 6 key principles based on the Nolan Committee on Standards in Public Life. The provisions of the Code of Conduct continue to have full force and effect. The purpose of this Protocol is to provide more detailed guidance on the application of the guidance in relation to planning matters.

- 1.05. Copies of this Protocol will be made publicly available online and will be kept under review.

2. BACKGROUND TO THE COUNCIL'S PLANNING FUNCTIONS

Determination of Applications

- 2.01. The planning process is governed by legislation, both primary and secondary, and in particular the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"), the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"), the Planning Act 2008 and the Localism Act 2011. The National Planning Policy Framework ("NPPF") together with Government guidance set out in the National Planning Practice Guidance provides a policy context for the preparation of statutory plans and the discharge of a Local Planning Authority's functions. In addition, the Courts have also provided a large body of "case law" in respect of planning matters.
- 2.02. Planning law requires the Local Planning Authority ("LPA") to determine all planning applications "in accordance with the development plan unless material planning considerations indicate otherwise" (Section 38(6) 2004 Act). The development plan in Haringey comprises the London Plan together with the Council's local plan and when adopted further local plan documents (e.g. area action plans) and if applicable neighbourhood development plans (together "the Development Plan"). In cases of development involving works within a conservation area, or where the development is likely to affect the setting of a listed building, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 contains a duty on the Council to the desirability of preserving the listed building or its setting and Section 72 of that Act requires LPAs to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In accordance with paragraph 197 of the NPPF, in assessing and determining development proposals, LPAs should apply the presumption in favour of sustainable development.
- 2.03. The responsibilities of the LPA must be performed without undue influence or consideration of a personal interest. When determining planning applications Members must only take into account the Development Plan and any material planning considerations. The Members of the authority are elected to represent the interests of the whole community in planning matters. Views relating to material planning considerations expressed by neighbouring occupiers, local residents and any other third parties must be taken into account but local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission.

- 2.04. The planning system does not exist to protect the private interests of one person against the activities of another. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other impacts as a result of a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

Enforcement

- 2.05. The purpose of the planning enforcement provisions is to protect the integrity of the planning system and the development control process. Whether to take enforcement action in any particular case and what action to take in the circumstances are matters for the authority's discretion. The existence of a breach of planning control is not in itself grounds for the institution of enforcement action. Paragraph 207 of the NPPF provides that "Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and LPAs should act proportionately in responding to suspected breaches of planning control. LPAs should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so".
- 2.06. Haringey Council has published a guide to planning enforcement (July 2012) which sets out the Council's approach to the enforcement of breaches of planning control. This will be regularly reviewed and used to guide decisions in respect of planning enforcement by officers and, where required, Members.

Appeals to the Secretary of State

- 2.07. An applicant who has not received a determination within the requisite period of time; has been refused planning permission or other approval; or who is unhappy with conditions attached to a permission granted, and those responsible for developments the subject of enforcement action, have a right of appeal to the Secretary of State for Communities and Local Government ("the Secretary of State"). If it is shown that the Council's conduct in dealing with the matter was unreasonable, the appellant's costs may be awarded against the Council. The most frequent example of unreasonable behaviour is a failure to substantiate an authority's decision on the relevant planning grounds in the particular case.

Other Powers of the Secretary of State

- 2.08. The Secretary of State possesses a range of powers which could be exercised where a LPA appears to be making inconsistent decisions or decisions which are seriously in conflict with national and Development Plan policies. This could involve use of the power to "call in" applications, so the application would be determined by the Secretary of State following a public inquiry. A permission granted by the Council can in special circumstances be revoked, modified or discontinued. Such decisions may be subject to compensation payable by the Council.
- 2.09. In addition there is the power in Section 62A 1990 Act (inserted by Section 1 of the Growth and Infrastructure Act 2013) which allows certain applications to be made directly to the Secretary of State, where the LPA for the area has been designated for this purpose. Designation can occur in circumstances where the LPA's performance in terms of its decision making falls short of pre-determined criteria for the timeliness or quality of decisions in respect of major applications. These criteria will be kept under review by the Secretary of State and any changes thereto will be laid before Parliament.

Powers of the Mayor of London

- 2.10. The Mayor of London possesses a range of planning powers with regards to developments taking place in London. For strategic developments¹, the Mayor has the power to allow the LPA to determine the application itself, direct refusal of the planning application or to take over the application for determination. The London Plan sets out the Mayor's policies and guidance for development taking place within London, in particular major developments or those with London wide significance. The Mayor can in certain circumstances prevent developments going ahead that are inconsistent with the London Plan.

Administration of Planning Functions in Haringey

- 2.11. The performance of the Council's planning function is largely delegated to the Planning Sub-Committee, and to officers of the Council pursuant to arrangements made under Section 101 of the Local Government Act 1972. Approximately 9 out of 10 planning decisions in Haringey are made by officers, through authority delegated to them by the Council. This level of delegated decision making is consistent with other Councils across the Country and allows the majority of planning decisions to be determined promptly, allowing Members of the committee to focus on the most significant and controversial proposals.

¹ The Town and Country Planning (Mayor of London) Order 2008 sets out the range of applications on which the Mayor should be consulted. These include development of more than 150 dwellings, development of more than 15,000 square metres and buildings over 30 metres high

- 2.12. Many decisions are made under delegated powers by the Assistant Director, Planning or Head of Development Management in accordance with a scheme of delegation. (See the Terms of Reference of the Planning Sub-Committee in the Constitution).

Planning Applications by Councillors or Officers of the Council

- 2.13. When a planning application is submitted by a serving councillor; or more senior officers (tier 3 or above); or officers within the planning directorate; or by a close relative or a close friend of either an officer or Councillor; or by a councillor acting as agent for the applicant, the councillor or officer concerned will:
- take no part in the processing and determination of the application; and
 - advise the Monitoring Officer and the Assistant Director, Planning/Head of Development Management of the application.
- 2.14. All such applications will be reported to the Planning Sub-Committee and determined by the Sub-Committee and not by an officer under delegated powers.
- 2.15. The report of the Assistant Director, Planning/Head of Development Management will include confirmation from the Monitoring Officer that these requirements have been met.

Planning Applications by the Council

- 2.16. Subject to the provisions of the Town and Country Planning General Regulations 1992 planning applications made by or on behalf of the Council will be treated in the same way as those made by or on behalf of private applicants.

Delegation to Officers

- 2.17. All Planning applications can be decided under delegated powers save for those reserved in the Constitution for determination by Planning Sub-committee.
- 2.18. Where officers are determining applications under their delegated powers, an officer report will be completed which must record the material planning considerations that have been taken into account in the decision making process.
- 2.19. The Planning Sub-Committee will receive, for its information, a regular report identifying the planning applications which have been determined by officers under the scheme of delegation, and the decisions thereon.

Referring applications to the Planning Sub-Committee

- 2.20. All members of the Council receive copies of the weekly list detailing the applications that have been received.
- 2.21. If a Member wishes an application to go before the Planning Sub-Committee rather than be determined through officer delegation, he/she should make this request as soon as possible (and within the 21 day neighbour notification period) and ensure that any such request states the planning grounds on which it is based. The Assistant Director, Planning/Head of Development Management in consultation with the Chair of the Sub-Committee will consider such requests and whether the application should be referred to the Sub-Committee. The criteria to be used for determining such requests will include:
- whether the proposal is a significant development which has caused substantial local interest;
 - where the officer recommendation is for approval contrary to policy in the Development Plan or other adopted guidance; and
 - whether the application is recommended for approval. Applications that are to be refused will not normally be determined at planning committee.
- 2.22. The Assistant Director, Planning is responsible and accountable to the Council for the Planning and Development Service which deals with the administration of all planning matters. The Head of Development Management is responsible and accountable to the Assistant Director, Planning for the immediate management of the Council's development management function.

3. APPLICATION OF THE PROTOCOL

- 3.01. The Protocol applies to the conduct of Members in relation to all applications for permission/approval under planning legislation. The Protocol also applies to decisions to take or not to take planning enforcement action. The principles (below) would also apply where consideration was to be given to the inclusion or otherwise of specific proposals within the statutory local plan even when the Sub-Committee was being consulted informally rather than making the final decision.
- 3.02. The Protocol also applies to any other item before the Sub-Committee. This can include the lists of major applications and delegated decisions. For these, as with all items, Members should ensure that all comments they make are appropriate for the Sub-Committee forum, and relate to a Council wide issue or concern that is not better dealt with by raising directly with officers outside of Sub-Committee.

- 3.03. In the following sections references to determination of planning applications should be taken as referring also to all these other matters.

4. THE MEMBERS' CODE OF CONDUCT

- 4.01. The Members' Code of Conduct ("the Code of Conduct") applies to Members of the Planning Sub-Committee as to all Members of the Council. The parts of the Code of Conduct on personal and prejudicial interests, the register of those interests and receipt of gifts and hospitality are particularly relevant. Members of the Sub-Committee should also have regard to the general principles of conduct when exercising their planning functions.

5. CONDUCT OF MEMBERS OF PLANNING SUB-COMMITTEE

Training

- 5.01. The Council will ensure that all Members of the Planning Sub-Committee have undertaken appropriate training on planning legislation and relevant matters prior to their participation in the work of the Sub-Committee. The Council will make available regular updates/training for Planning Members, and will encourage all other Members of the Council to take part in planning training.
- 5.02. For Planning Sub-Committee Members and substitute Members of the Planning Sub-Committee there is a requirement to undertake training prior to sitting on the Committee. Ongoing training is required and each Member should undertake at least 5 hours of training per annum.

General Principles

- 5.03. This section of the protocol applies solely to Members of the Council's Planning Sub-Committee when determining planning applications or considering the inclusion of local plan proposals or resolving to take planning enforcement action. It is intended to ensure that the integrity of the decision making process is not impaired, either in reality or in perception, through a lack of openness in decision-making, or through the lobbying of those Members who will make decisions.
- 5.04. This part of the protocol is also designed to ensure that, wherever possible, representations made to Members form part of the public information leading to any decision.

- 5.05. The conduct of Members of the Council who are not Members of the Planning Sub-Committee is governed by the next section of the protocol, where greater flexibility is permitted, and where those Members are given greater freedom to discharge their role as representatives of the local community within a clear framework.
- 5.06. The Council (which unless otherwise stated means acting as LPA) has a responsibility to make decisions with knowledge of the relevant Development Plan policies, taking into account all other material considerations and any representations, applying the appropriate weight to each. In addition, it is important that elected Members receive open and impartial professional advice from their Planning Officers. Members should make planning decisions by reference to a written officers' report.
- 5.07. This can only be done at the Sub-Committee. Conclusions reached in advance of the Sub-Committee risk being on partial facts, without the relevant advice, and without the ability to view all the material considerations before applying appropriate weight. They are therefore open to misunderstanding, and possibly, to legal challenge on the grounds that the right things have not been taken into account, or immaterial things have been taken into account, or that the Members concerned have been subject to "bias" or "pre-determination".
- 5.08. For these reasons Members should not reach or express any firm conclusion on an application prior to the relevant Sub-Committee meeting. If, for any reason a Member decides, in advance of the Sub-Committee meeting, to express a firm and final view on the development, he or she shall not take part in the deliberations of the Sub-Committee but may exercise the rights below.
- 5.09. Where any Member makes representations to the 'Planning Service', in writing or orally, in relation to any application, those representations will be recorded for inclusion in the officers' report. Where these representations constitute a firm and final view on the development, the Member will not take part in the deliberations of the Sub-Committee but may exercise the rights below.

Open and fair decisions

- 5.10 At the London Borough of Haringey decisions on controversial planning applications are taken in public by the Planning Sub-Committee.

For a decision to be open and fair:

- Those taking the decision should not be biased or have pre-determined how they will decide;

- Those taking the decision should not have a disclosable pecuniary interest or prejudicial interest (see below for further information about these) in the outcome;
- The decision should be consistent with others taken previously unless there are good reasons to decide otherwise; and
- The reasons for the decisions should be clearly set out.

Bias or predetermination

- 5.11 It is entirely permissible for Planning Sub-Committee Members, who are democratically accountable decision makers, to be predisposed towards a particular outcome. Nonetheless they must address the planning issues before them fairly and on their merits. That means they can have a view on the application or matter but must not make up their minds on how to vote before formally considering the application and any representations. Planning Sub-Committee Members must have an open mind to the merits of a proposal before it is formally considered at the Sub-Committee meeting and they must be prepared to be persuaded by a different view in the light of any detailed arguments or representations concerning the particular matter under consideration.
- 5.12. If the Sub-Committee's decision on a planning application is challenged in the High Court by way of judicial review on the grounds that some of the Sub-Committee Members were biased, or had predetermined the application, the court will assess the case on the basis of what a fair-minded observer, knowing the relevant facts would think.
- 5.13. Section 25 of the Localism Act 2011 provides that a decision maker is not to be taken to have had, or appeared to have had, a closed mind when making the decision just because:
- the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take, in relation to a matter; and
 - the matter was relevant to the decision.
- 5.14. This provision does not change the law on bias and pre-determination which means that Sub-Committee Members must still take planning decisions with an open mind and having taken into account all relevant material planning considerations. What s.25 does provide is that statements made by Members cannot be used in court as evidence that the Member in question had or appeared to have a closed mind. Other evidence or any evidence that a Member has taken into account irrelevant considerations, however, is not so restricted by s.25.
- 5.15. Notwithstanding the s.25 provisions, the safest course is for Sub-Committee Members to avoid making public statements (including expressing views in emails) as to their support for or opposition to any application which would indicate they had made up their minds before

the formal consideration of the application at the meeting. If a Sub-Committee Member has made such a statement they must be satisfied that they can still consider the application with an open mind and are prepared to take into account any new matters or any new arguments in favour of or against the proposed development until the decision is made otherwise they should not take part in any decision on the application in question. In which case it is to be treated the same as any other prejudicial interest, as will cases of perceived bias, and the Member shall declare this interest and leave the room for the item in question as set out below.

Declaring an interest

- 5.16. It is important that Sub-Committee Members should not be influenced or perceived to be influenced by any interests that they, their family or close associates may have in a particular application. To this end at the start of every Sub-Committee meeting Sub-Committee Members will be asked to declare any interests they may have in relation to the matters before them. As outlined in the Code of Conduct, “disclosable pecuniary interests” are prescribed by law and are entered in the register of interests maintained by the Council’s Monitoring Officer. The Code of Conduct also provides for the disclosure of other interests at meetings in certain circumstances. It is not sufficient for a Member to only state they have ‘an interest’. When declaring an interest the Member must describe what the interest in question actually entails.

Disclosable pecuniary interests

- 5.17. ‘Disclosable pecuniary interests’ are prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and are set out in Appendix A to the Code of Conduct. The categories of disclosable pecuniary interests include employment or office, interests in land in the Borough and contracts with the Council.
- 5.18. An interest is a ‘disclosable pecuniary interest’ if it is of a type described above and it is an interest of the Member or of their spouse or civil partner, a person with whom they are living as husband and wife or a person with whom they are living as if they were civil partners and the Member is aware of the interest. Members should note the criminal sanctions for failure to comply with these requirements (as outlined in Appendix B of the Code of Conduct).

Other interests

- 5.19. A Sub-Committee Member may have other interests such as ‘Personal’ or ‘Prejudicial’ interests which, whilst not falling within the legal definition of disclosable pecuniary interests should, it is strongly advised, be declared in the public interest. For example, such an interest may arise where the Sub-Committee Member resides near a development which is the subject of the planning application under

consideration. While it is for the Sub-Committee Member to judge, a useful rule of thumb is “will my enjoyment of my property be affected either positively or negatively by this application?” If the answer is in the affirmative, it would be advisable for the Sub-Committee Member to declare such an interest.

- 5.20. A prejudicial interest would also arise, for example, if the affected property were to be owned by a company of which the Sub-Committee Member is a director.
- 5.21. Advice is given below regarding what Sub-Committee Members and non-Sub-Committee Members should do if they have a disclosable pecuniary interest or other interest in an application due to be considered at a Sub-Committee meeting.
- 5.22. It is important to note that the rules relating to declarations of interest apply equally to non-Sub-Committee Members who may from time to time wish to attend a Sub-Committee meeting and speak on a particular matter. Each Member who attends a meeting must make an assessment of whether they have an interest in the matters under discussion, whether they intend to participate in proceedings or not.

Consistency

- 5.23. Decisions will not be seen as fair if they are different from those taken on previous similar cases without good reason. The Sub-Committee report will set out the relevant considerations and will draw attention to decisions on any other similar cases where appropriate.

Reasons

- 5.24. Fair and open decision making requires the reasons for the decision to be clear. This is particularly important when the Sub-Committee’s decision differs from that recommended in the report.
- 5.25. Members will want to actively and positively engage with planning decisions. All Members can:
 - advise objectors/applicants/others on planning processes and how to get involved;
 - give advice about adopted planning policies and local priorities
 - direct lobbyists, applicants or objectors to the relevant planning officer so that their opinions can be included in the officer’s report;
 - lead on local discussions in the preparation of the development plan documents, area action plans and supplementary planning documents;
 - provide input into the preparation of planning briefs and guidance;

- receive and pass on information, for example weekly lists and briefings from officers on key proposals;
- attend Development Management Forum meetings, ask questions there; and
- raise issues important to local people and to the developers.

5.26. To ensure that Members and the Council are not open to challenge Members should:

- preface relevant discussions with a disclaimer; the nature of this will depend on their role within the authority in the context of planning;
- clearly indicate that any discussions with them are not binding on the Council;
- be clear about the distinction between giving advice and engaging in negotiation so only engaging in the former;
- involve officers where this will help to safeguard transparency and the appearance of bias;
- be aware of relevant policies included in the Council's adopted plans but give consideration to other matters relevant to planning; and
- seek the advice of the Monitoring Officer when they are unsure of what they are able to do and in relation to any potential "interest".

5.27. Members should not:

- expect to lobby and actively support or resist an application/decision and subsequently vote at committee or Cabinet; or
- seek to put undue pressure on officers or Members of a deciding committee to support a particular course of action in relation to a planning application or other planning decision.

This does not mean that a Councillor may not question robustly or argue forcefully for a particular course of action.

Pre-Committee procedures

Developer's briefings to Planning Sub-Committee

5.28. Enabling a Developer to brief and seek the views of elected Members about planning proposals at an early stage (usually pre-application or where this is not possible, very early in the formal application period) is important in ensuring that new development is responsive to and reflects local interests/concerns where possible. Early member engagement in the planning process is encouraged and supported by the NPPF. Haringey proposes to achieve this objective through formal briefings of the Planning Sub-Committee in accordance with procedures set out in this

Protocol. No decision will be taken at such meetings and the final applications will be the subject of a report to a future meeting of the Sub-Committee. These meetings are held in public and are webcast although there are no public speaking rights.

5.29. The purpose of briefings are:

- To enable Members to provide feedback that supports the development of high quality development through the pre-application process, and avoid potential delays at later stages;
- To ensure Members are aware of significant applications prior to them being formally considered by the Planning Sub-Committee;
- To make subsequent Planning Sub-Committee consideration more informed and effective;
- To ensure issues are identified early in the application process, and improve the quality of applications; and
- To ensure Members are aware when applications raise issues of corporate or strategic importance.

5.30. What sort of presentations would be covered in the briefings?

- Presentations on proposed large-scale developments of more than 50 dwellings, or 5,000 sq m of commercial or other floorspace or which includes significant social, community, health or education facilities, or where the Assistant Director, Planning/Head of Development Management considers early discussion of the issues would be useful; and
- Presentations on other significant applications, such as those critical to the Council's regeneration programmes, significant Council developments, or those requested by the Chair of the Sub-Committee.

5.31. Frequency and timings of meetings

Once a month or by agreement with the Chair and Assistant Director, Planning/Head of Development for all Members of the Planning Sub-Committee plus Cabinet Members and Ward Members – supported by Assistant Director, Planning/Head of Development Management and other relevant officers.

5.32. Format of the meetings

- The meeting will be chaired by the Chair of the Planning Sub-Committee who will ask Members attending to disclose any relevant interests; and
- The Developer will supply all presentation materials including any models, and these will be displayed in the meeting room;
- Officers to introduce the proposal and advise of issues arising from the Development Management Forum (where this has taken place):
 - The Developer and agents will be invited to make a presentation of up to 15 minutes;

- Ward Members will have the opportunity to give their views for a maximum of three minutes each.
- The Cabinet Members will have the opportunity to give their views for three minutes.
- Members of the Planning Sub-Committee will be able to ask questions to the Developer and officers. These questions will be restricted to points of fact or clarification and must be structured in a way that would not lead to a member being perceived as taking a fixed position on the proposals;
- Comments of Members of the Planning Sub-Committee; and
- Summary of the comments raised.

5.33. A short note of the meeting summarising Members' comments would be made.

Other matters

5.34. Developer participation in the Developers' briefings would not normally happen prior to a Development Management Forum or other public meeting or public consultation being held relating to the site or prior to attendance at the Quality Review Panel subject to programming and scheduling pressures.

5.35. Comments and questions can be raised, and this can also include positive engagement about the proposed development. However, Members should ensure that they are not seen to pre-determine or close their mind to any such proposal as otherwise they may then be precluded from participating in determining the application.

Development Management Forum

5.37. The Council has established a Development Management Forum to facilitate the discussion of large-scale or contentious planning proposals. The forum does not reach a decision about a proposal. Its purpose is to allow participants to raise issues of concern and obtain answers to questions about the particular application. The aim is to allow early discussion by Members and members of the public on planning issues related to these planning proposals and to explore the scope for agreement between all parties in a positive and constructive way prior to the later decision being made at the Planning Sub-Committee. Forum meetings will usually take place prior to the submission of an application but can take place at an early stage of the formal process before the Planning Sub-Committee meeting. They do not remove the opportunity for objectors, supporters and applicants to address the Planning Sub-Committee when an application is to be determined or the holding of exhibitions and or public meetings where these are considered appropriate.

What applications does the forum consider?

5.38. Applications that may be considered by the forum include major applications and those of significant local interest. It is not possible to prescribe the exact type of proposals but they may include the following:

- Applications which involve more than 10 residential units or over 1,000 sq m of floor space;
- Those applications that involve a major departure from the Council's planning policy; or
- Those applications that involve high buildings i.e. over 5 storeys.

5.39. Applications that will not generally be considered by the forum include:

- Minor planning applications to alter or extend houses;
- Applications to confirm whether a use of land or buildings needs planning permission (a 'lawful development certificate');
- Applications to put up advertisements;
- Amendments to applications or those which have already been the subject of a forum discussion; or
- Applications where there will be a recommendation for refusal.

5.40. A forum meeting will be held when:

The Assistant Director, Planning/Head of Development Management, in consultation with the Chair of the Planning Sub-Committee, considers that a forum would be beneficial in resolving issues on a particular planning proposal. For development management forum meetings held at the pre application stage site notices and emails to local groups and councillors will be sent advising them of a proposed meeting. For those meetings held following the submission of a planning application consultees will be advised in accordance with the Council's consultation policy as set out in the Council's SCI in force at the time as part of the consultation on the planning application.

Who can attend?

5.41. Meetings are open to all Members, local businesses and residents. Normally one application or proposal will be considered at each forum to allow for effective discussion. To assist the running of the meeting an agenda is prepared and a short briefing note on the proposal is available.

5.42. The format of the meeting is as follows:

- A senior planning officer chairs the forum. They ensure that all planning issues arising from the proposal are raised but that there is no discussion on the merits of the proposal. The applicant is invited to make a presentation of the proposal for a maximum of 15 minutes.

- Local residents and organisations have an opportunity to present their views either for or against the proposal.
- Planning officers provide information on the progress of the proposal.
- The applicant responds to questions from Members of the Planning Sub-Committee, ward councillors and local business and residents.

5.43. An attendance record is kept, the discussion is recorded and a note of the meeting is made which is reported to the Planning Sub-Committee when any subsequent proposal is submitted for determination.

All Members: Haringey's Development Management Forum

5.44. All Members can attend Development Management Forum meetings which are called to promote early exploration of issues relevant to a particular development. They do not seek to reach any decision about the likely outcome of an application.

5.45. The particular role that Members can play at the meetings is dependent on whether or not they have a formal role within the planning system of the authority, for example are a member of Planning Sub-Committee or the Cabinet, but all Members will need to take account of the generic guidelines for example, publicly clarifying their particular role.

5.46. All Members can:

- use the meeting to understand the development, the issues important to local people and to the developers, and how the relevant policies are being applied by asking questions;
- give advice about adopted planning policies and local priorities and clarify or seek clarification of policies and priorities;
- give advice about planning processes or direct those present to relevant officers or other sources of advice and information both present or outside the meeting;
- refer local objectors or supporters to ward colleagues who are in a position to take a wider role if theirs is limited and further Member assistance is required; and
- seek advice from officers as to the process to be followed, issues being reviewed and the likely policy position.

5.47. Members should not use the forum to undertake negotiations or appear to put undue pressure on the officers in relation to any future decision on the scheme. Members are however entitled to robustly question developers and officers in order to fully understand issues before the forum.

Ward Members: Development Management Forum

5.48. Ward Members who are not on the Planning Sub-Committee can greatly assist this process by taking an active part in the forum

meeting, asking questions, commenting on planning policies and local priorities, and advising on the planning process. They can usefully draw attention to local circumstances and issues, and comment on the appropriate weight to be given to those. It will be important that Ward Members ensure that their remarks and advice are based on adopted Council planning policies as far as possible. This is important to avoid creating any confusion in the minds of developers or local people about who speaks for the Council in negotiations or about the Council's negotiating position.

Quality Review Panel

- 5.49. As part of the pre-application process for major and /or sensitive applications, the Council encourages applicants to present their proposals to the Quality Review Panel. The panel is a group of independent and objective experts, including experienced architects and other built environment professionals, who meet on a regular basis. The Panel's advice is provided for the benefit of the Planning Sub-Committee. The advice will also be used to help officers and the developer to improve upon the quality of the scheme as it evolves.
- 5.50. The best design outcomes generally occur when schemes are presented to the panel at the pre-application stage, as this allows applicants sufficient time to amend proposals following panel feedback.
- 5.51. Discussions and negotiations while the application is current but prior to determination:
- 5.52. Once an application has been submitted, officers are working to strict deadlines to ensure that the application can be efficiently and properly determined. They may, during that period, enter into discussions, and sometimes negotiations, with the applicant or their agent in order to clarify aspects of the scheme or to ensure that the applicant is aware of the council's policy requirements. Sometimes such discussions will also convey to an applicant the views of third parties or consultees.
- 5.54. At this stage it is not appropriate for Members, whether or not they are on the Planning Sub-Committee, to enter into direct discussions and /or negotiations with applicants or consultees. Members should recognise the clear distinction between negotiation and listening without prejudice to views which may be expressed to them (see the section on Lobbying below). For Members to enter into negotiations whilst an application is current at best sends a confused message to applicants and consultees about who is officially speaking on behalf of the Council, and at worst will without doubt result in the Member appearing to show bias or pre-disposition. However, this does not prevent Members at this stage asking officers for information about an application, or from passing on the views of constituents or others, indeed this would be a proper area of

Member activity. Members should at the same time ensure that any requests for advice or interpretation are passed to officers.

Briefings/interim reports

- 5.55. An effective way of building a degree of certainty into pre-application or post submission discussions is for officers to engage with Members at an appropriate stage in negotiations. Officers may prepare a committee report, briefing note or a site visit in order to identify the key issues that have emerged during discussion, and, where necessary, seek member endorsement to the approach that is being pursued, or simply to present the scheme as an information item to Members. This provides the opportunity for committee Members to raise questions of their own or seek further information regarding the proposed development.

Approaches by applicants

- 5.56. Members of the Planning Sub-Committee will discourage any applicant or agent, or other interested party such as a landowner from approaching them directly in any way in relation to planning proposals. If an approach is received, the Member will take care not to give any commitment, or the impression of a commitment that he or she holds any particular view on the matter.

- 5.57. If an approach is received by a Member of the Planning Sub-Committee from an applicant or agent or other interested party in relation to a particular planning application, then the Member will:

- (a) Inform the applicant that such an approach should be made to Officers of the Council;
- (b) Keep an adequate written record so as to enable the Member to disclose the fact of such an approach if and when the application or proposals is considered by the Planning Sub-Committee; and
- (c) Disclose the fact and nature of such an approach at any relevant meeting of the Planning Sub-Committee.

In this context an approach should be noted where the discussion extends beyond simple information to the merits or demerits of the particular proposals.

- 5.58. Where a Member of the Planning Sub-Committee receives written representations directly in relation to a planning application, the Member will pass the correspondence to the Assistant Director, Planning/Head of Development Management in order that those representations may be taken into account in any report to the Planning Sub-Committee.

The Sub-Committee meeting

5.59. Planning sub-committee meetings generally start at 7.00pm and the Council's standing orders provide that they will end at 10.00pm except that discussion of the specific item or case in hand at 10.00pm may continue thereafter at the discretion of the Chair. There are 11 Members of the Sub-Committee. The quorum for making a decision as set out in the Council's constitution is at least one quarter of the whole number of voting Members are present. Where notified in advance to the Sub-Committee Clerk and subject to them having attended the mandatory training, substitute Members may attend in place of a Planning Sub-Committee member, pursuant to the Committee Procedure Rules. Substitutes will be from the same political party, to maintain the political balance at Sub-Committee and will be subject to clearance from the group's Chief Whip. The substitute will be for the duration of the entire agenda and will not be used for individual items.

Lobbying and representations

5.60. The proper place for objectors to raise their concerns is in writing in response to public consultation on a planning application or by making representations at a Sub-Committee meeting. Sub-Committee Members may nevertheless receive lobbying material through the post or by email from either the applicant or the objectors or be approached personally by interested parties. In dealing with such approaches, it is important for Sub-Committee Members not to do or say anything that could be construed as bias or pre-determination.

5.61. Where Sub-Committee Members receive lobby material through the post or by email they should forward it to the Assistant Director, Planning/Head of Development Management. If Sub-Committee Members feel it is necessary to acknowledge receipt of or comment on the correspondence, they should consider the advice on bias or predetermination in this Protocol and should send a copy of their response to the Assistant Director, Planning/Head of Development Management.

5.62. If a Sub-Committee Member is approached by an individual or an organisation in relation to a particular planning application they may listen to what is said but they should explain that because they are a member of the Sub-Committee they must keep an open mind until they have seen all the material before the Sub-Committee. A Sub-Committee Member might suggest that the individual or organisation should:

- Where an application is not yet on a Sub-Committee agenda, write to the Planning Officer responsible for the particular case who will

take into account any material planning considerations raised in the representations when preparing a report for the Sub-Committee; or

- If the application is already on a Sub-Committee agenda contact the Sub-Committee Clerk to make a request to speak at the Sub-Committee meeting.

5.63. In either case contact another Member who is not a Sub-Committee Member to seek their support. Generally speaking this should be the Ward Councillor for the Ward within which the application is made.

5.64. If a Sub-Committee Member does decide to become involved in organising support for or opposition to a planning application or has offered an opinion on a planning application then that Sub-Committee Member must take into account the advice on bias or predetermination in this Protocol. If after considering that advice the Sub-Committee Member comes to the view that on an objective assessment they cannot sit on the Sub-Committee and decide the application with an open mind, they should not be part of the Sub-Committee that decides the application. They can however attend the Sub-Committee meeting and speak on their constituent's behalf and adopt the role of local member rather than decision taker.

'Decision Maker' role

5.65. A Councillor who is a member of the Planning Sub-Committee or a suitably trained substitute and who takes part (or who intends to take part) at a meeting of the Planning Sub-Committee in the determination of particular Planning Application will for the purposes of this Protocol be a "Decision Maker" in relation to such Planning Application.

5.66. A Councillor who is a Decision Maker shall comply with the provisions of the Code of Conduct generally.

'Local Member' role of a Planning Sub-Committee member

5.67. Where a Planning Sub-Committee member wishes to make representations on behalf of his/her constituent(s), for the purposes of this Protocol he/she will be a "Local Member" in relation to that planning application. He/she may attend a meeting of the Planning Sub-Committee to make representations about the planning application on behalf of their constituents

5.68. A Councillor who is a Local Member shall comply with the Public Speaking Provisions and the Code of Conduct generally. Further provisions relating to the "Local Members" role are also contained in the next following section.

Non Planning Sub-Committee /Local Ward Member role

5.69. Subject to the provisions of the Code of Conduct generally a Councillor who is not a Member of the Planning Sub-Committee (whether or not he/she plays or intends to play the role of “Local Member”) will be free to:

- discuss any planning application with the applicant / agent / objector / lobby group;
- attend any locally organised meeting concerning the application;
- attend any meeting concerning the application and speak about the application (including expressing a view either for or against the application relay relevant information about the application to a planning officer;
- seek information/clarification about the application from a planning officer; and
- should follow the rules on lobbying in accordance with this Protocol.

Effect of Prejudicial etc Interests

5.70. Where a Member of the Planning Sub-Committee has had any personal involvement with an applicant, agent or interested party, whether or not in connection with a particular application before the Planning Sub-Committee, or any other personal interest which an observer knowing the relevant facts would reasonably regard as so significant that it was likely to prejudice the member's judgement of the public interest, then the Member will declare a prejudicial interest in accordance with the provisions of the Code of Conduct (Part 5 Section A of the Council's Constitution). The Member must abstain from discussion and voting on the matter and leave the room while that application or other matter is under discussion except as provided below. The Member must also avoid any attempt to influence the decision improperly.

5.71. A Member declaring a prejudicial or any other interest that precludes their determination of an item may attend during that item but only for the purposes of making representations about the matter, answering questions or giving evidence about it and then only when the meeting is open to the public. Otherwise the Member must leave the room while that application or other matter is under consideration.

Social Contacts

5.72. Members of the Planning Sub-Committee will minimise their social contacts with known developers and agents and refrain altogether from such contacts when developments are known to be contemplated or applications are being proposed, or where controversial decisions are likely to be needed.

Hospitality

- 5.73. Members of the Planning Sub-Committee will reject any offers of gifts, hospitality or future favours made personally or by way of deals for the Council or the community, from lobbyists. Any such improper approach will be reported immediately to the Chief Executive.

Residents/Local Groups/ Other Occupiers

- 5.74. If a Member of the Planning Sub-Committee is approached by local residents, business or other occupiers in relation to an application, which the residents or others wish to object to or support, the Member will listen to the views but will take care not to give any commitment, or the impression of a commitment that they hold any particular final view on the application.

- 5.75. Members of the Planning Sub-Committee will:

- (a) Encourage the interested party to contact another Ward Member or other elected Member who is not a Member of the Planning Sub-Committee;
- (b) In the case of significant meetings on planning matters keep an adequate written record so as to enable the Member to disclose the fact of such an approach if and when the application or proposals is considered by the Planning Sub-Committee; and
- (c) Disclose the fact and nature of significant discussions at and relevant meeting of the Planning Sub-Committee.

In this context "significant" would include any meetings or discussions which consider the merits or demerits of the particular proposals extended beyond simple information.

- 5.76. Meetings and discussions with constituents are an important part of a Ward Member's functions, and this Protocol is not intended to harm those contacts unnecessarily. Members of the Planning Sub-Committee should avoid taking an active role in meetings to promote residents' objections to applications. Nothing in this Protocol prevents Members from listening to local concerns, giving factual information about an application or the planning process, or from directing residents to other sources of information or assistance.
- 5.77. Where a Member of the Planning Sub-Committee receives written representations directly in relation to a planning application, the Member will pass the correspondence to the Assistant Director, Planning/Head of Development Management in order that those

representations may be taken into account in any report to the Planning Sub-Committee.

At Committee

- 5.78. The responsibilities of Members of the Planning Sub-Committee in considering planning matters are set out above. At the Sub-Committee, Members will, in particular, avoid expressing any view on the matters under consideration until the report has been presented, any other relevant advice is given, and all oral representations have been heard. In order to participate and determine an item, Members must be present for the entire duration and not miss any part of that item.

Decisions contrary to officer recommendation and/or the Plan

- 5.79. Decisions on planning proposals have to be taken in accordance with the development plan unless material considerations indicate otherwise. In determining planning and other applications the Committee is entitled to decide the weight to be attached to the various planning considerations which are relevant to the application. This can lead to a decision which is contrary to the recommendation of the Officers. The Committee can for example decide:

- to refuse planning permission where officers have recommended approval;
- agree with officers that permission should be refused but for different reasons; or
- grant permission subject to different conditions or legal requirements than those recommended.

- 5.80. Where any Members are proposing to put forward a motion contrary to the officer recommendation, the Committee Chair will ensure that the planning reasons are apparent before a vote is taken. In order to do this the Chair will ensure that:

- The planning officer/legal officer is given an opportunity to explain to the Sub-Committee the implications of their decision; and
- Where the Sub-Committee wish to add or amend conditions the planning officer is given the opportunity to draft the condition(s) and refer to appropriate Members, for approval.

When the Planning Sub-Committee makes a decision which is contrary to the recommendation of the planning officers, whether the decision is one of approval or refusal, a detailed minute of the Sub-Committee's reasons for its decision will be made. A copy of the minute will be kept on the application file.

- 5.81. When a decision is made which is contrary to the Plan the material considerations which led to this decision and the reason(s) why they

are considered to override the development plan will be clearly identified and minuted.

Council Owned Land

- 5.82. The Planning Sub-Committee from time to time considers applications involving land owned or recently owned by the Council. Members will consider carefully whether they should take part in the deliberations of the Sub-Committee on an application, involving that land, where they took part in any decision of the Cabinet or other Council body in relation to the land. They will take into account whether an observer with knowledge of all the relevant facts would suppose that there might be any possibility that the involvement in the decision on the land could amount to reaching prior conclusions on the planning issues, or other-wise adversely affect the Member's judgement in any way.
- 5.83. Any Member, whether or not a Member of the Cabinet, will take great care in the consideration of applications, or local plan proposals, affecting land owned or recently owned by the Council to ensure that the planning decision is made and seen to be made solely on planning grounds.

Legal Advice

- 5.84. The Assistant Director of Corporate Governance and Monitoring Officer will ensure that a suitably experienced legal officer is present at all Sub-Committee meetings to give legal, governance and procedural advice.
- 5.85. Members need to be mindful of the rules on declarations of interests and if Sub-Committee Members or other Members require advice about possible disclosable pecuniary interests or other interests or if Sub-Committee Members are in any doubt as to whether they have expressed a view that could give rise to the appearance of bias or that they have pre-determined a matter they may seek advice from the Monitoring Officer in advance of the Sub-Committee meeting. If that has not proved possible they should seek advice from the legal officer to the Sub-Committee before the meeting starts. Once advice has been given, it is up to the Member to make their own decision on whether or not they have a declarable interest and whether or not they can participate in the decision.

6. MEMBERS NOT ON PLANNING SUB-COMMITTEE

- 6.01. The Code of Conduct applies to all Members of Council. The parts of the Protocol which will be particularly kept in mind as a

general context for the exercise of planning functions are set out above.

- 6.02. Where any Member submits representations in writing or orally in relation to any matter before the Sub-Committee those representations will be recorded for inclusion in the officer's report.
- 6.03. Councillors who are not Members of the Planning Sub-Committee may attend meetings of the Sub-Committee, and may address the Sub-Committee, the Committee Procedure Rules (Part 4 Section B of the Council's Constitution) will apply. This requires the Member to give written notice to the Chair of the Sub-Committee of his/her attendance, preferably before the meeting but in any event as soon as the Member arrives at the meeting. In order to promote efficient business of the Sub-Committee, and in order to give certainty to the applicant of the time available for speaking, Members are asked to register their intentions to speak by midday on the working day prior to committee with the Committee Clerk.
- 6.04. Where a Councillor who is not a Member of the Planning Sub-Committee has had any personal involvement with an applicant, agent or interested party, whether or not in connection with a particular application before the Planning Sub-Committee, or has any other personal interest which an observer knowing the relevant facts would reasonably regard as so significant that it was likely to prejudice the Member's judgement of the public interest then the Member will declare a prejudicial interest in accordance with the provisions of the Code of Conduct. The Member may only attend the meeting as provided in paragraph 6.05 below. The Member must also avoid any attempt to influence the decision improperly.
- 6.05. A Member declaring a prejudicial interest may attend the meeting but only for the purposes of making representations for or against the relevant application, answering questions or giving evidence about it and only when the meeting is open to the public. Otherwise the Member must leave the room while that application or other matter is under consideration.
- 6.06. Where an approach has been received by an elected Member (not being a Member of Planning Sub-Committee) from an applicant, agent or other interested party in relation to a planning application, that Member will, in any informal discussions with any Member of the Planning Sub-Committee, disclose the fact and nature of such an approach and have regard to the matters set out at paragraph 7.01 below.

7. OTHER CONDUCT OUTSIDE COMMITTEES

7.01. In discussions between Members generally and Members of the Planning Sub-Committee (at party group meetings or other informal occasions) Members will have regard to: -

- (a) the principles governing the conduct of Members set out in the Code of Conduct.
- (b) the principles governing the conduct of Members of Planning Sub-Committee set out in this Protocol.
- (c) the obligations placed on Members of the Planning Sub-Committee not to give commitments in relation to any planning application prior to consideration of the full officer report, advice and representations at the Sub-Committee meeting dealing therewith.

8. SANCTIONS

8.01. Please refer to the Complaints Against Members Protocol for the complaint procedure against Members and possible sanctions where there is an alleged breach of this Protocol and the Code of Conduct.

9. MEMBERS AND OFFICERS OF THE COUNCIL

The role of elected Members

9.01. In respect of any planning application Members will:

- declare any pecuniary or non-pecuniary interest and take no part or a restricted part, as appropriate, in the processing and determination of the planning application;
- act impartially and honestly;
- approach each application with an open mind;
- take into account and carefully weigh up all relevant issues;
- determine each application on its own merits and in accordance with the requirements of planning law and the guidance of planning policy;
- avoid inappropriate contact with interested parties (see also the section on lobbying); and
- ensure the reasons for their decision are recorded in writing.

The role of officers

9.02. Officers in their role of advising and assisting elected Members in their determination of planning applications will provide:

- impartial and professional advice;
- consistency of interpretation of the planning policies; and
- complete written reports which will include:
 - a clear and accurate analysis of the issues in the context of the relevant development plan policies and all other material considerations;
 - the substance of the representations, objections, and views of all those who have been consulted;
 - a clear written recommendation of action and where that recommendation is contrary to the development plan, the material considerations which justify the departure; and
 - all necessary information for the decision to be made.

9.03. Members should not put any pressure on officers for a particular recommendation and, as required by the Code of Conduct or the Protocol on Member/ Officer Relations (Part Five section B of the Council's Constitution), should not do anything which compromises, or is likely to compromise, their impartiality. Members should recognise that officers are part of a management structure and should address any concerns which they may have about the handling of a planning application to a departmental manager at the appropriate level of seniority. In general, however, officers and Members should adopt a team approach to the determination of planning proposals, and should recognise and respect each other's different roles

9.04. In common with Members generally, all Members of the Planning Sub-Committee may contact the relevant Planning Officer to seek information in relation to any planning application.

9.05. Members of Planning Sub-Committee will not attempt in any way to influence the contents of the Officer's report or the recommendation made on any matter. Representations made by Members whether or not in writing will be recorded by the relevant officer and included in the report.

9.06. Any criticism of Planning Officers by Members of the Planning Sub-Committee shall be made in writing, to the Director of Regeneration, Planning and Development or the Assistant Director, Planning and not to the Officer concerned. Members will endeavour to avoid any public criticism of officers but this does not prevent Members asking officers proper questions.

Contact between Members and officers

- 9.07. Involving Members early and throughout the application and determination process leads to better committee meetings, better decisions and better developments. Pre-committee meetings between officers and the Chair and other senior Members can enable strategic applications to be highlighted and procedural committee issues agreed. Other contact is described elsewhere in this protocol including planning committee briefings.

10. PROTOCOL FOR HEARING REPRESENTATIONS AT PLANNING SUB-COMMITTEE

General Principles

- 10.1. The Planning Sub-Committee will operate this Protocol with two particular aims regarding representations:
- (a) to allow those who have applied to make representations to be heard by the Sub-Committee on items on the agenda for the meeting; and
 - (b) to get through the agenda expeditiously to avoid delay to applications and wasted journeys by the public.
- 10.2. Objectors or supporters, including Ward or other Members where possible, should advise the Council by noon on the working day immediately prior to the Sub-Committee meeting (for a Monday meeting this would be by noon on the Friday prior to the Sub-Committee) in order to allow appropriate administrative arrangements to be put in place. The number of speakers will usually be limited to two speaking against the proposal with a time limit of 3 minutes each i.e a maximum of 6 minutes. Members will have a time limit of 3 minutes each. Those supporting a proposal will be given the same time as those speaking against (including time taken by any Members objecting less any time by Members supporting).
- 10.3. Speaking should take place immediately before the Sub-Committee debates a particular application (see running order for the sub-committee) and after the planning officer has set the scene and updated the meeting on any late matters not dealt with in the published report.
- 10.4. The circulation of materials will not normally be accepted during the meeting. If new or further material is to be allowed following the publication of the Sub-Committee papers it should be received in advance of the meeting so that it can be circulated to Members of the Sub-Committee.
- 10.5. Speakers should not be allowed to engage in discussion with Members of the Sub-Committee during public speaking or the Sub-Committee deliberations, to avoid any risk of accusation of bias or personal interest.

The procedure for addressing the Sub-Committee

- 10.6. Although the Committee Procedure rules allow for Members not on the Planning Sub-Committee, or officers outside the Planning Service who wish to address the Sub-Committee, to give written notice of their attendance to the Chair of the Sub-Committee rather than inform the committee clerk by 12 noon on the working day prior to committee Members and Council Officers are asked to inform the committee clerk by 12 noon on the working day prior to committee where possible.
- 10.7. The Chair will allow those persons outside the Council completing the form to address the Sub-Committee except where there are several people applying to speak, in which case there will be a limit as shown below. The right to speak shall be on a first come first served basis.
- 10.8. For any issue which is within the Sub-Committee's terms of reference, but for which there is not a report on the agenda, members of the public may use the Deputations Procedure in accordance with the Committee Procedure Rules to make their representations to the Sub-Committee.
- 10.9. With respect to Petitions, for this Sub-Committee the requirement in the Council Procedure Rules for 5 days' notice will not apply so that members of the public may submit petitions (without addressing the meeting) on any issue which is within the Sub-Committee's terms of reference at any meeting without giving due notice.

Running order for planning applications

- 10.10. Declarations of interest will be taken at the start of the meeting (Members will be invited to *clearly state their interest in an item and whether they believe it to be personal, prejudicial (including bias and predetermination) or pecuniary. To include whether they will leave, stay, refrain from debate and whether they will vote*).

(a)	Announce application and give description.
(b)	Name the public speakers.
(c)	<i>Advise the meeting of the declarations of interest that have been made in relation to the item</i>
(d)	Local Member declaration to represent their constituents or vote (<i>Where a local Member sits on the Sub-Committee they should state whether they intend to vote on the application or instead to represent their constituents. If representing their constituents they should move to the area reserved for speakers and remain there as applicable e.g. until the end of their contribution subject to then leaving the room</i>).

(e)	Planning officer presents case including update of any late representations or new issues, with possible supplementary presentation from other officers.
(f)	Speaking arrangements Objectors - up to 2 speakers with a total time of 3 minutes each.
(g)	Any interested Councillors who have informed the committee clerk or the Chair in advance of the meeting may address the Sub-Committee for up to 3 minutes each.
(h)	The Applicant and any supporters of the proposal will have the right to speak if there are any speakers against the proposal and then will be allowed to speak for an equivalent length of time as given to those objecting to the application i.e. maximum of 6 minutes (subject to any Members' speaking time) the total time to be divided between them. For each speaker clarification questions from Members should be made through the Chair and should be points of fact relating to material planning considerations only. Questions regarding policy or guidance or law and its interpretation should only be dealt with by Council officers. It is expected that most speakers will require no clarification.
(i)	Debate – Members through Chair with support from officers / legal providing clarification. Sub-Committee Members debate the case and consider the recommendation including conditions.
(j)	Summing up – Chair brings discussion to conclusion and seeks a decision on the recommendation/alternative recommendation proposed.
(k)	Vote and explicitly record decision s), taking vote(s) as necessary. Following the vote, there will be no further discussion of the item.
(For certain cases the procedure may be varied to allow for adjournments for confidential legal advice.)	
The Sub-Committee will be aware that some parties listed as "objectors" can be overall in support of a development but be looking, for example, for some amendment or condition to protect their amenity.	

For applications which are considered but deferred

10.11 Normally, the Sub-Committee will hear representations on both / all sides before they make a decision to defer for any reason. When the application is re-submitted to the Sub-Committee, further representations will normally only be allowed if some fresh matter has arisen since the first Sub-Committee meeting. If this further submission is exceptionally allowed, the number of people speaking will be limited to one objector for a further 3 minutes. The applicant/supporter will have a right to reply of 3 minutes.

For larger or more contentious applications

10.12. (a) In relation to larger and/or more controversial applications (as agreed by the Sub-Committee), the Chair may allow double the number of speakers, with double the total length of time to be divided between them).

- (b) For example: in relation to para. 10.2 above this would be four speakers with a total of 12 minutes divided between them.
- (c) The applicant and any supporters will normally have a right to reply of the same length of time as taken by the objectors.

10.13. The Sub-Committee will aim to deal with all applications, except those of exceptional significance, within one hour, and the Chair will take active steps to keep to these time-scales in the interests of all participants. Members will also act to deal fairly and expeditiously and will therefore commit not to repeat questions. It is expected that there will be a maximum of 30 minutes of questions and comments for any one application.

Equal Opportunities

10.14. The adoption and publication of a Protocol giving clear information about planning procedures and getting involved in decisions would improve access to the system by all communities in the Borough, as well as potential investors. Arrangements will be put in place to make the policy principles within this protocol available in pamphlets in different languages and in larger print.

11. CODE OF CONDUCT FOR MEMBER SITE VISITS

Background

11.01. At the Sub-Committee meeting site maps, scheme drawings and sometimes photographs are on display and available. Officers' reports describe relevant site characteristics, following their own site visits. Officer visits are not routinely made to the homes / premises of objectors, as adequate technical assessments can usually be made from maps, drawings and by visiting the application site.

11.02. This site knowledge and information will usually be sufficient for the Sub-Committee to reach a decision on applications and accompanied Committee site visits will not automatically be required for all items. .

11.03. The Assistant Director, Planning/Head of Development Management, in consultation with the Chair of the Sub-Committee, will decide which cases require a site visit according to the criteria set out below: Examples where a site visit would not normally be appropriate include where:

1. purely policy matters or issues of principle are at issue;
2. the report, together with drawings, photographs and other material is sufficient to provide the context; or

3. where Councillors have already visited the site within the last 12 months.

11.04. Site visits where required will be normally be scheduled during daylight hours for the week before the Sub-Committee meeting at which the application is to be discussed.

The purpose of site visits

11.05. The purpose of such site visits is for the Members of the Sub-Committee to see the site in order to reach an informed decision. It is not intended to provide a separate opportunity for objectors, supporters, applicants or others to lobby the Members, to argue their case or discuss the merits of the application.

11.06. It is essential that fairness and probity are safeguarded in all the proceedings of the Planning Sub-Committee. This means preventing even the appearance of undue or unfair influence, or biased behaviour.

11.07. In accordance with the Protocol, Members must avoid being involved in lobbying for or against an application, or reaching a firm view on an application before final determination at Sub-Committee. The proper place for discussion and presentation of views is therefore at the Sub-Committee meeting itself.

11.08. On site, without some safeguards, there is a serious risk of breaching the principles of fair hearings. Individual Members can hear different arguments from different people, and all sides are not heard equally.

11.09. To ensure fairness and probity, therefore the Sub-Committee will observe the following Protocol for site visits. The on-site procedures are based on those followed by the national Planning Inspectorate.

Site Visit Protocol

11.10. Access to the site will be arranged with the site owners or their agent. In some cases arrangements will also have to be made with adjoining properties which have to be entered.

11.11. Procedure on Site: The planning officer(s) will show the Members round the site(s) / area, showing relevant scheme drawings, and pointing out significant features. Some practical assistance from the owner / agent may be necessary. Members may ask officers or others factual questions, but will not otherwise discuss the application. An attendance list of the site visit should be recorded.

11.12. In a few cases the Assistant Director, Planning/Head of Development Management, in consultation with the Chair of the Sub-Committee, may decide to invite particular local residents or objectors / supporters to attend a site visit for the purpose of ensuring access, pointing out

specific matters or answering factual questions. Normally, neither objectors nor supporters will be invited to site visits.

- 11.13. If a site visit becomes the occasion for lobbying by numbers of people or for demonstrations, the visit may have to be adjourned and rearranged as a more private visit.
- 11.14. As a result of the visit, the Members of the Sub-Committee may ask the officers to address some specific issue in the presentation to the Sub-Committee.
- 11.15. Any Member of the Sub-Committee who is unable to attend the official site visit should endeavour to visit the site him / herself before the meeting and will avoid any discussion of the merits of the application while at the site.
- 11.16. Members of the Sub-Committee have to come to an independent view on an application, taking into account all relevant facts and views. If a Member of the Sub-Committee is unable to attend the site visit, this does not disqualify him / her from taking part in the final decision. The Member will, however, listen very carefully to the views of those Members who benefited from the visit. In some cases the Member may decide it would be better not to take part in the decision.

Site visits by individual Members of the Planning Sub Committee

- 11.17. Many Members will already be familiar with sites which are subject to applications but not in all cases. It is normal and proper for Members in these circumstances to visit a site themselves before the committee meeting. Where individual Members of the committee wish to undertake their own site inspection, prior to the committee meeting, these should be conducted unannounced and from a public vantage point. Members of the committee should not arrange to meet applicants/agents or third parties for the purpose of a site inspection
- 11.18. If a committee member is approached on site by any applicant/agent, objector or other third party interest they should seek to avoid discussion of the application and should ensure they do not give any indication of their views or the likely decision of committee. Where it is not practical to avoid some discussion the member should note that it took place and pass the information to the officers, so that it can be recorded at Sub-Committee.

12.0 REVIEW OF THE PROTOCOL

12.01. The protocol will be regularly reviewed to take account of:

- new planning legislation;
- changes to national codes of conduct; and
- emerging examples of good practice.

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REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE**FULL COUNCIL 4 DECEMBER 2017**

Chair: Councillor Wright

Vice Chair: Councillor Pippa Connor

INTRODUCTION

At our meeting of 16 October we considered and agreed the attached Annual Report for 2016/17.

The report covers the activity of the Overview and Scrutiny Committee, the Adults and Children Scrutiny Panel, the Children and Young People Scrutiny Panel, the Environment and Community Safety Panel, the Housing and Regeneration Scrutiny Panel and the North Central London Joint Health Overview and Scrutiny Committee.

The Council's Overview and Scrutiny Committee must report annually to full Council as set out in Part 2 (Article 6) of the Constitution.

WE RECOMMEND

That Full Council notes the Overview and Scrutiny Annual Report 2016/17.

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Overview and Scrutiny

Annual Report 2016/17

Haringey's Overview and Scrutiny Committee 2016/17



Cllr
Charles Wright (Chair)



Cllr Pippa Connor (Vice Chair) Cllr Makbule Gunes Cllr Kirsten Hearn Cllr Emine Ibrahim

Co-opted Members of the Overview and Scrutiny Committee:

Church Representatives

- Yvonne Denny
- Chukwuemeka Ekeowa

Parent Governor Representatives

- Luci Davin
- Uzma Naseer

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 - 9a. North Central London Joint Health OSC
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Appendix 1: The functions and service areas covered by scrutiny (2016/17)

Scrutiny in Haringey

1. What is scrutiny?

“**Scrutiny** is based on the principle that someone who makes a decision...should not be the only one to review or challenge it. **Overview** is founded on the belief that an open, inclusive, member-led approach to policy review...results in better policies in the long run.”

Jessica Crowe, former Executive Director, Centre for Public Scrutiny

- 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 – 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

2.2 Depending on the topic, and planned outcomes, scrutiny work is carried out in a variety of ways, using various formats. In accordance with the [scrutiny protocol](#), areas of enquiry have been drawn from the following:

- Performance Reports
- One off reports on matters of national or local interest or concern
- Issues arising out of internal and external assessment
- Reports on strategies and policies under development
- Issues on which Cabinet or officers would like scrutiny views or support
- Progress reports on implementing previous scrutiny recommendations

2.3 In addition, in-depth scrutiny work, including task and finish projects, are an important aspect of Overview and Scrutiny and provide opportunities to thoroughly investigate topics and to make improvements. Through the gathering and consideration of evidence from a wider range of sources, this type of work enables more robust and effective challenge as well as an increased likelihood of delivering positive outcomes.

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 2016/17, is provided at **Appendix 1**.
-

The Work of Overview and Scrutiny in 2016/17

4. Overview and Scrutiny Committee

Councillors: Charles Wright (Chair), Pippa Connor (Vice-Chair), Makbule Gunes, Kirsten Hearn and Emine Ibrahim

Co-optees: Luci Davin, Yvonne Denny, Chukwuemeka Ekeowa and Uzma Naseer

Overview

- 4.1 There were eleven meetings of the Overview and Scrutiny Committee in 2016/17. In addition to the three meetings to consider call-in requests, and the two meetings to undertake budget scrutiny (set out below), the Committee undertook some inquiry work under its remit.
- 4.2 In addition to the issues set out below, the Committee continued to monitor the Council's performance as set out in the Corporate Plan Priority Dashboards, and held a Q&A session with the Leader of the Council and then Chief Executives on their priorities for the year ahead

Social Inclusion

- 4.3 In June 2016, the Committee published an interim report for our inquiry into social inclusion, where we focussed on the Campsbourne Estate in Hornsey Ward as a case study.
- 4.4 This work concluded with a joint session with the Housing and Regeneration Panel in February 2017, where we considered four policies: the Homelessness Strategy and Delivery Plan, the Tenancy Strategy, the Allocations Policy and the Intermediate Housing Policy. This was an opportunity for the Committee to apply its findings from the inquiry into social inclusion to policies being developed by Cabinet, and to consider the issues raised in consultation. The Committee made recommendations, which were taken into account in the finalisation of these policies.

Complaints

- 4.5 The Committee received an update in November 2016 on Complaints against the Council, including response times. The Committee were keen that the complaints process is better understood by Members, and encouraged officers to work with Members to ensure issues were directed at the most appropriate channel to enable Members to get best results for their residents. The Committee were also keen that the Council learned from the complaints it received to improve processes and services to Members, and looks forward to receiving an update on this point in the future.

Welfare Reform

- 4.6 The Committee noted in November 2016 how the Government's welfare reform programme was affecting residents, and the action being taken by the Council to mitigate the impact. Members appreciated the developed understanding of the impact, and the Committee will receive a further update in the future.

Customer Services

- 4.7 The Committee heard at its March 2017 meeting how the Council's Customer Service Transformation Programme was developing, which it had recognised as a key area in the budget-setting scrutiny for future savings and different delivery models. This gave the Committee opportunity to voice some concerns heard from residents on how changes to customer services were being received. The Committee sought a further update on this, to be delivered in 2017/18.

Corporate Parenting

- 4.8 Following the Jay Report into child sexual exploitation in Rotherham, the Committee has been particularly mindful of the need to ensure the Council's scrutiny function is alert to matters of child safety exploitation, and this programme of work has continued for a number of years. In 2016/17, the Committee heard from the Cabinet Member for Children and Families how the Council was undertaking its Corporate Parenting role, and how Scrutiny could better hold the Council to account in the fulfilment of that duty. The Committee also agreed that refresher training ought to be provided to all Members, and that the Committee receive a regular update on Corporate Parenting.

Hornsey Town-Hall Call In

- 4.9 The Committee considered two call-in requests for the Cabinet decision on the Preferred Bidder to Secure the future of Hornsey Town Hall at a special meeting on 8 November. The Committee heard from the two lead Members for the Call-ins, Councillors Engert and Ejiofor, and in a deputation from the Hornsey Town Hall Appreciation Society. Upon consideration of the issues raised the Committee agreed to refer the decision back to Cabinet, as the decision-maker, with 10 recommendations.
- 4.10 These recommendations sought to provide assurance to the public about access to the Hornsey Town Hall site, to seek to increase the level of affordable housing on the site, and to try and ensure the future oversight of the future use of the building to ensure commitments were observed.
- 4.11 Cabinet re-considered its decision at its meeting in November 2016, and responded generally positively to the Committee's recommendations.

Kerswell Close Call In

- 4.11 At a special meeting on 6 December, the Committee considered a call-in request for the Cabinet Decision on the Sale of Land at Kerswell Close to a developer of intermediate housing. Following consideration of the issues raised by Councillor

Tucker, who had led the Call-in request, the Committee decided to not refer the decision back to Cabinet, meaning it was implemented immediately.

Haringey Development Vehicle Call-In

- 4.12 The Committee heard two call-in requests at a special meeting in March 2017 pertaining to the Cabinet's decision to appoint Lendlease as the Preferred Bidder for the Haringey Development Vehicle. In addition to the introductions from the two Members that led the Call-in requests, Councillors Hare and McNamara, the Committee heard deputations from Defend Council Housing and the Haringey Leaseholders Association, and from the Unite and GMB unions.
- 4.13 Following consideration of the issues raised by the call-ins, the Committee agreed to refer the decision back to Cabinet, as the decision-taker, along with six recommendations. These included requests for commitments to Equalities Impact Assessment, for a guaranteed right to return for residents and leaseholders from sites that would go into the HDV immediately, and that there be exploration of past allegations of poor industrial relations and improved training provision in the future.
- 4.14 Cabinet re-considered its decision at a special meeting in March 2017, where the Cabinet responded positively to the Committee's recommendations.

5. Adults and Health Scrutiny Panel

Chair's Introduction

"During the year, a broad programme of work has been undertaken. The Panel scrutinised a range of public health, adult social care and safeguarding issues to support the delivery of strategic priorities.

The Panel also undertook an in-depth piece of work focusing on physical activity for older people. This project was set up because recent studies have shown many older people don't get enough exercise – despite the fact that keeping active can reduce risks of ill-health including dementia, cardio-vascular disease, diabetes and some forms of cancer, as well as reducing social isolation. Our recommendations included a range of proposals to get older people active including:

- *Greater co-ordination between health professionals, leisure providers, charities and volunteers to encourage more older people to take up physical activities;*
- *Further promotion of existing schemes aimed at older people, such as free access to leisure centres for over-65s; the Haringey Walks campaign, and the 'Better with Age' programme;*
- *Promoting ways to increase physical activity among older people living in council - run care homes and sheltered housing, such as regular dance classes.*

Underpinning the recommendations, and important in its own right, is the work being led by the Bridge Renewal Trust on "mapping" activities across the borough. We recognise both residents and front line workers need to be able to access this information in order to make choices that suit them.

I am pleased the response, [considered by Cabinet in June 2017](#), has been positive. These issues will be kept under close review during 2017/18.

As Chair, I would like to thank members, officers and stakeholders, and, not least, members of the public who made positive contributions to meetings throughout the year."

Cllr Pippa Connor, Chair

Councillors: Pippa Connor (Chair), Gina Adamou, Charles Adje, David Beacham, Patrick Berryman, Eddie Griffith and Peter Mitchell

Co-optee: Helena Kania

Overview

- 5.1 There were six formal meetings of the Adults and Health Scrutiny Panel in 2016/17. In addition, various evidence gathering sessions took place to assist in-depth project work on physical activity for older people and to better understand issues outlined in the work programme. For example, site visits to Ermine Road Day Centre and the Haynes Centre provided the Panel with greater insight into the transformation processes underway to develop and implement a new model of day opportunities.

Key issues of concern

- 5.2 Throughout the year the Panel focused their input on areas of concern, including: General Practice in Haringey; Addressing Community Wellbeing; Foot Care Services; Day Opportunities; The Home Care Market across Haringey; and Osbourne Grove Nursing Home. Key lines of enquiry, across the Panel's work programme, focused on the significant funding and demand challenges and the guiding principles for service transformation, including scrutiny of Haringey's target operating model.

Adult Safeguarding

- 5.3 As in previous years, the Panel considered a wide range of issues in relation to adult 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.
- 5.4 The Panel also met with Dr Adi Cooper, the Independent Chair of Haringey's Safeguarding Adults Board (SAB), to receive an update in Making Safeguarding Personal (MSP), a sector led initiative that aims to enhance choice, control and quality of life. As a result of work in this area, a number of important actions have been taken forward to ensure a greater sense of responsibility for adult safeguarding amongst all Councillors' and an improved system of reporting back to scrutiny which allows oversight of how MSP is working for the people it is place to protect.

Financial Scrutiny

- 5.5 The Panel also kept an overview of the financial performance of services managed by the Director of Adult Social Services and the Adults focussed services managed by the Director of Public Health and the Assistant Director of Commissioning. This was done by holding a special single issue meeting in November which allowed consideration of the Corporate Plan Priority 2 Budget position.
- 5.6 As part of the Council's formal budget scrutiny process, during December, the Panel also contributed to the development of the new medium term financial strategy (2017/18 – 2021/22) by providing recommendations on various savings proposals. Further information about Budget Scrutiny can be found in Section 10.

Cabinet Member Q & A

- 5.7 The year started and concluded with opportunities to question Cllr Jason Arthur, Cabinet Member for Finance and Health, on his portfolio. Cllr Arthur attended meetings throughout the year while the Q&A sessions in July and March provided opportunities to hold the Cabinet Member to account across his portfolio.

Joint Scrutiny

- 5.8 A summary of joint scrutiny work undertaken in relation to the North Middlesex University Hospital NHS Trust and the Barnet and Haringey Mental Health NHS trust is provided in Section 9.

6. Children and Young People Scrutiny Panel

Chair's Introduction

- 6.1 *"The Children and Young People's Scrutiny Panel covers, amongst other things, safeguarding and education improvement, 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 following were included within its work during the year."*

Cllr Kirsten Hearn, Chair

Councillors: Kirsten Hearn (Chair), Mark Blake, Toni Mallett, Liz Morris and Reg Rice

Co-optee: Ms Y. Denny (Church of England representative), Mr C. Ekeowa (Catholic Diocese representative), Ms L. Davin (Parent Governor) and Ms. U. Naseer (Parent Governor)

Review on Child Friendly Haringey

- 6.2 The Panel undertook a piece of in-depth work on how the Council could best incorporate the principles within the United Nations Convention on the Rights of the Child into strategic priorities and embed it within everything that the Council does.

Update on Recommendations from the OFSTED Single Inspection Framework Report on Services for Children in Need of Help and Protection, Children Looked After and Care Leavers and Review of the Effectiveness of the Local Safeguarding Children Board

- 6.3 At a special meeting, the Panel looked in detail at the progress that has been made in implementing the recommendations of the OFSTED inspections of 2014 and received reports on this from the Chair of the Haringey Local Safeguarding Children Board and the Director of Children's Services.

Scrutiny of the Draft Medium Term Financial Strategy (MTFS)

- 6.4 The Panel looked in detail at proposals within the MTFS plan affecting services for children and young people and made recommendations regarding the level of detail provided within the proposals and risk modelling.

Child obesity; 2016 Update

- 6.5 It was reported to the Panel that Haringey had adopted a "whole systems" approach to addressing child obesity and that this was focussed principally on sugar reduction and physical activity. A range of initiatives were taking place including work to encourage schools to increase the length of PE lessons to two hours and the "Daily Mile" programme.

Haringey Children's Centres - The Impact of Closures

- 6.6 The Panel received a report on action that had been taken to mitigate the effect of the reductions in the number of Children's Centres from 16 to 9. Despite this, the

number of children registered had increased slightly. The benchmark for children registered had been set at 65% of those eligible and this had been met

Haringey Youth Zone

- 6.7 The Cabinet Member for Communities reported to the Panel on proposals to develop a Haringey Youth Zone. This would bring in additional funding to develop youth provision in the borough. The Panel expressed concerns at the “one size fits all” model and felt that the process would have benefitted from earlier engagement.
-

7. Environment and Community Safety Scrutiny Panel

Chair's Introduction

- 7.1 *“This Panel has a wide portfolio that includes the environment, crime, litter collections, refuse and recycling. The Panel has aimed to continue to focus on the issues that are most important to Haringey residents and, through this, help to 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 Makbule Gunes, Chair

Councillors: Makbule Gunes (Chair), Barbara Blake, Bob Hare, Clive Carter, Stephen Mann and Anne Stennett

Co-optee: Ian Sygrave, Haringey Association of Neighbourhood Watches

Fear of Crime

- 7.2 The Panel undertook a piece of in-depth work on addressing fear of crime. It made a number of recommendations including:
- There being a stronger focus on reducing fear of crime by the Community Safety Partnership;
 - That actions plans be adaptable to local conditions and concerns; and
 - That, where necessary, ward budgets be used to help fund accommodation costs for neighbourhood watches.

Haringey Safer Communities Partnership

- 7.3 The Panel received a report from the Police Service on the crime statistics for the Borough. The Panel noted that there had been increases in hate crime, knife enabled crime and serious youth violence. However, there had also been a large reduction on burglary.

Waste, Recycling and Street Cleansing Performance

- 7.4 The Panel received regular updates on performance levels in respect of waste, recycling and street cleansing performance.

Implementation of 20 mph Speed Limit

- 7.5 The Panel received a report on the progress that had been undertaken with the introduction of the 20 mph speed limit in residential roads. It noted that the scheme had gone live in February 2016 and that enforcement had taken place on roads where problems had occurred.

Prevent Strategy Update

- 7.6 The Panel received an update on progress with the Prevent initiative that had been set up to address violent extremism. This involved a wide range of work including providing support for schools and for parents, through training on internet usage and on-line safety.

Medium Term Financial Strategy 2017/18 - 2021/22

7.7 The Panel considered the proposals relating to Priority 3 within the Council's Medium Term Financial Strategy (MTFS) and made recommendations on a number of issues, including;

- Charging for bulky household waste and replacement wheelie bins;
- Rationalisation of parking visitor permits;
- The new parking operating model; and
- Relocation of parking/CCTV Processes and appeals

Haringey's Sustainable Transport Programme

7.8 The Panel received a report on the Council's Sustainable Transport Programme. The Panel felt that positive news, such as the installation of cycle hangars, needed to be promoted strongly. Although no car developments were increasing in number, housing estates were not making the same level of progress and there was still some way to go to bring about culture change.

8. Housing and Regeneration Scrutiny Panel

Chair's Introduction

"The residents of our borough have high expectations with respect to the delivery of council services. It is our duty to act as a "critical friend" to ensure these expectations are met.

With this in mind, it has been a busy year with Panel's work programme dominated by the Haringey Development Vehicle (HDV). During 2016/17 we established, and completed, projects on both governance and the design and operation of the HDV. At the same time, we have ensured other issues, including areas of concern, have been kept under review.

The manner in which the Panel has operated shows the positive contribution Overview and Scrutiny can make. I would like to thank members, officers and other stakeholders, who have contributed to our work."

Cllr Emine Ibrahim, Chair

Councillors: Emine Ibrahim (Chair), John Bevan, Gail Engert, Tim Gallagher, Martin Newton, Zena Brabazon and Stuart McNamara

Haringey Development Vehicle

- 8.1 On 10 November 2015, Cabinet approved the business case for establishing the HDV, a joint venture between the Council and a private partner to drive the development of housing and employment space, and wider regeneration, on Council-owned land.
- 8.2 In this context, at the start of the municipal year, the Panel agreed to look carefully at the governance arrangements for the HDV as it was agreed such arrangements would be critical to ensure the operation of the HDV is transparent and accountable and operates in the interest of the council and the residents it serves.
- 8.3 In developing its report on governance, the Panel held a number of evidence gathering sessions and received evidence from local stakeholders including council officers, community group representatives, other local authorities, Investment Partners in other joint ventures and expert independent opinion via the Chartered Institute of Housing.
- 8.4 In January 2017, the Panel made a number of recommendations, including that further scrutiny of the proposals for the establishment of the proposed HDV be undertaken before summer 2017. The recommendations on governance were considered by Cabinet on 14th February 2017.

[Recommendation on Governance with Cabinet Response \(14 February 2017\)](#)

- 8.5 At the same meeting, Cabinet agreed to proceed to the Preferred Bidder Stage with Lendlease as its preferred bidder, a decision that was "Called-In" and studied by OSC on 2nd March 2017. OSC referred this decision back to Cabinet, with recommendations. On 7th March 2017 Cabinet re-considered and confirmed its original decision, subject to further commitments in response to the Call-In.

- 8.6 During spring, following the interim report on governance and the Call-In, further scrutiny work was undertaken by the Panel, concerning the design and operation of the HDV. The Panel held six evidence gathering sessions, meeting stakeholders with a wide range of knowledge and experience. This included local witnesses, such as council officers and community group representatives, as well as external contributors.
- 8.7 A number of themes emerged from the investigation. These relate, primarily, to: the business case; audit and risk; the scale of the proposed HDV, officer capacity; and concerns about the financial modelling and timing of the decision.
- 8.8 These findings were used to develop a number of recommendations based on important principles, including: protecting the Council's financial position; anticipating and managing risk; protecting residents' rights, the provision of affordable housing; advancing equality; ongoing democratic control and accountability; and ensuring transparency and probity.
- 8.9 The final recommendations from this in-depth scrutiny investigation were considered by Cabinet at its 3rd July meeting. The response from Cabinet to all recommendations can be found via the link below:

[Scrutiny Recommendations with Cabinet Response \(3 July 2017\)](#)

Supported Housing Review – Older People

- 8.10 In addition to the HDV, the Panel hosted a scrutiny in-a-day event, focusing on older people, to assist evidence gathering for the Council's Supported People Review. Supported Housing is funded by two council departments, Housing and Social Care, and is a preventative provision designed to reduce homelessness and social exclusion and address social care needs. The work of scrutiny, focusing on older people, allowed input into the development of the Housing Support Transformation Framework and the principles that will guide the design and delivery of Haringey's refreshed housing support offer.
- 8.11 Findings from the review were considered in February and the Panel highlighted that much of the change recommended for supported housing was obvious and overdue, with much of the discussion focusing on improving working practices in supporting older people. The Panel was also keen that sheltered housing tenants should be actively involved in shaping any changes to their service. These issues will be kept under review during 2017/18

Monitoring

- 8.12 As well as performance monitoring, throughout the year the Panel kept an overview of the budget position for Priorities 4 and 5 of Haringey's Corporate Plan. In addition, and as part of the Council's formal budget scrutiny process, during December, the Panel contributed to the development of the new medium term financial strategy (2017/18 – 2021/22) by providing comment on various savings proposals. Further information about Budget Scrutiny can be found in Section 10.

Cabinet Member Q & A

- 8.13 Two Cabinet member portfolios sit within the remit of this panel and both attended during the year to respond to questions:

- 8.14 In addition to the HDV, a wide range of issues were discussed with the Cabinet Member for Housing Regeneration and Planning, including: The impact of the Housing and Planning Act; The level of planning applications being approved; The Council's infill house building scheme; The Housing Revenue Account; Housing Zone funding; Pressures within temporary accommodation; and the delivery of 250 new council homes within the administration (2014-2018).
- 8.15 Key issues discussed with the Cabinet Member for Economic Development, Social Inclusion and Sustainability included: The work that was taking place to establish a District Energy Network for North Tottenham; Regeneration in Wood Green, including the investment framework and Area Action Plan; The development of BIDs in partnership with local businesses; The importance of bringing new activities, cultural events and entertainment to Wood Green.

Other Issues

- 8.16 In addition to the issues above, the panel also scrutinised a number of issues at meetings, including: Viability assessments; Use of right-to-buy receipts; An update on additional, mandatory and selective licensing; Tottenham and Wood Green Regeneration Programmes, including consideration of lessons learnt; Updates on two previous scrutiny projects concerning Council Led Development and governance arrangements for the Community Infrastructure Levy; Supporting engagement and involvement in the local planning system.
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9a. North Central London Joint Health OSC

North Central London Joint Health Overview & Scrutiny Committee (JHOSC)

- 9.1 Haringey is a part of a joint health overview and scrutiny committee 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. Amongst the issues discussed this year at the JHOSC were the following:

North Central London Sustainability and Transformation Plan

- 9.2 The most significant issue for the Committee in the past year has been the Sustainability and Transformation Plan (STP) for North Central London, which it has examined in detail. This is a comprehensive plan that has been developed by health and social care partners in the area and which sets out how local services in the area will be transformed and become sustainable over the next five years. In particular, it aimed to address the potential shortfall in funding of £800 million if no action is taken. The Committee has considered both the plan and the process for developing it and made recommendations to health and social care partners on a range of issues including;

- Transparency, engagement and governance;
- Finance;
- Adults social care;
- Digital services;
- Mental health; and
- Estates

Whittington LUTS Clinic

- 9.3 The Committee has continued to work with patients from the Lower Urinary Tract Services (LUTS) clinic at Hornsey Clinic and as Whittington Health, who provide the service, to re-establish the service following its temporary closure in 2015. In addition, it also considered measures to ensure its continuation following the retirement of its consultant.

Whittington Estates Strategy

- 9.4 The Committee has looked in detail at plans by Whittington Health to rationalise and develop estates to ensure that all of its sites are fit for purpose and able to meet future needs. In particular, the Committee considered and made comments on engagement with the local community, transparency and the need to ensure that plans complement those within the STP.

London Ambulance Service (LAS) Report on Hospital Handover Times

- 9.5 The Committee considered ambulance handover times for north central London. Concern was expressed at long waits that some patients could experience in waiting for an ambulance and delays in transferring them to a hospital. There were also issues arising from ambulances from the East of England being diverted to hospitals in the area.

Review of Adult Immunisation and Screening Programmes

- 9.6 The Committee received a report on the adult immunisation and screening programmes in North-Central London in response to concerns at the low levels in the sub-region. The concerns were echoed by officers, who outlined actions that were being made to remedy this including measures to increase take up of diabetic eye screening, influenza vaccination and bowel and breast cancer screening.

Royal Free - Relationship with North Middlesex

- 9.7 The Committee considered the development of a partnership between the North Middlesex Hospital and the Royal Free Group. It noted the concerns that had been expressed by Enfield Councillors at the potential long term implications for the A & E service at the hospital and their wish that key performance indicators be provided for each of the individual sites within the Royal Free Group.

9b. Barnet, Enfield and Haringey Sub Group

- 9.8 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.
- 9.9 During the year one formal sub group meeting was held. In addition, representatives from the sub group and members from Haringey’s Adults and Health Scrutiny Panel attended briefings, meetings and seminars to better understand issues across both Trusts.

Barnet, Enfield and Haringey Mental Health NHS Trust

- 9.10 In May the sub group met to provide feedback on the Trust’s Draft Quality Account for 2016/17. [It was evident from the meeting on 5th May that priorities highlighted by the Trust](#) built upon those identified in previous years. Members were also pleased that previous comments from the sub group had been adopted and included. It was noted that the Development Action Plan, produced following a CQC inspection was reflected in the documents and by reducing agency costs from £1.2m to £700,000, it was acknowledged a greater continuity of staff now existed.
- 9.11 In addition to providing comments on the structure and content of the account itself, the sub group noted, with concern, the current financial deficit of £12m. Savings proposals include a further reduction in agency costs, rationalisation of estates, a review of procurement processes and a review of back-office functions in conjunction with the Mental Health Trust Alliance. Comments from the Lead Commissioner, Enfield CCG, highlighted an equally challenging financial position.
- 9.12 The sub group meeting also provided an opportunity to scrutinise specific funding relating to the redevelopment of the St Ann’s site, along with issues associated with Delayed Transfers of Care (DToC). The predominant reasons for DToC are access to housing and access to social care. With this in mind, it was agreed that the issue of DToC should be subject to discussion at the wider JHOSC, with figures provided for each borough.

North Middlesex University Hospital NHS Trust

- 9.13 Following an unannounced inspection by the CQC, the Chief Inspector of Hospitals published a report in 2016 concerning urgent and emergency care services at North Middlesex University Hospital, with services being rated as inadequate.
- 9.14 With this in mind, scrutiny members took a keen interest in these issues during 2016/17, especially in terms of A&E performance. Following an initial update at the Adults and Health Scrutiny Panel in July, and in order to gain a better understanding, members from Haringey were invited to attend, and take part in, two meetings hosted by Enfield Council. Various issues were considered in response to actions taken by the Trust. These are summarised in minutes from meetings held during 2016/17, available via the links below:
- [Haringey's Adults and Health Scrutiny Panel \(11 July 2016\)](#)
 - [Enfield's Health Scrutiny Standing Panel \(5 October 2016\)](#)
 - [Enfield's Health Scrutiny Standing Panel \(5 January 2017\)](#)
- 9.15 During the year representatives from Haringey also took part in workshops relating to the Trust's Quality Account. Scrutiny members agreed that the Trust's theme of "Consistency and Sustainability" was appropriate in order to underpin priorities for 2017/18. In addition, consideration was given to a range of issues including patient safety, clinical effectiveness, patient experience and staff experience.
- 9.16 The issues above will be kept under close review during 2017/18.
-

10. Budget Scrutiny

- 10.1 Over the past year, the Overview and Scrutiny Committee undertook efforts to ensure effective financial scrutiny at each of the three stages – budget setting, expenditure monitoring, outturn reviewing. These efforts included training for Members, scrutiny of in-year expenditure and the positive response of Cabinet to scrutiny recommendations in the setting of the new Medium Term Financial Strategy (MTFS).
- 10.2 As part of the Council's governance arrangements for the development of the new MTFS, Overview and Scrutiny considered savings proposals that were presented to the December 2016 Cabinet.
- 10.3 Following consideration by Cabinet, all four Scrutiny Panels met in December to scrutinise the draft budget proposals that fell within their portfolio areas:
- Children and Young People Scrutiny Panel (Priority 1)
 - Adults and Health Scrutiny Panel (Priority 2)
 - Environment and Community Safety Scrutiny Panel (Priority 3)
 - Housing and Regeneration Scrutiny Panel (Priority 4 and Priority 5)
- 10.4 In addition, the Overview and Scrutiny Committee met on 17 January to consider proposals relating to Priority X (Enabling).
- 10.5 Cabinet Members, senior officers and finance leads were in attendance at each meeting to present proposals and to respond to questions from members. For some of the proposals, additional information was requested. This was considered by the Overview and Scrutiny Committee on 30 January, along with emerging recommendations from each Panel, ahead of final recommendations being agreed and referred to Cabinet.
- 10.6 Key recommendations from scrutiny included removal of the following savings proposals:
- Proposal 2.3 - Fees & Charges – Disability Related Expenditure – saving of £129k for 2017/18;
 - Proposal 2.3 - Fees & Charges – Transport Day Opportunity with a saving of £61k for 2017/18;
 - Proposal 3.10 - New Parking Operating Model - saving of £920k for 2018/19;
 - Proposal 6.6 - Reduce Opening Hours in our six branch libraries to 36 hours per week – saving £150k for 2017/18
- 10.7 The final recommendations from the Overview and Scrutiny Committee, were considered by Cabinet at its 14 February meeting. The response from Cabinet to all recommendations can be found via the link below:

[Scrutiny Recommendations with Cabinet Response \(14 February 2017\)](#)

11. How to get involved

- 11.1 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.
- 11.2 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

- 11.3 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

- 11.4 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.
- 11.5 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

- 11.6 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.
- 11.7 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.
- 11.8 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.
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Appendix 1

Overview & Scrutiny Remits and Membership 2016/17

Scrutiny Body	Areas of Responsibility	Cabinet Links
Overview & Scrutiny Committee Cllr Charles Wright, Chair	Communications; Corporate policy and strategy; Council performance; External partnerships; Strategic transport; Growth and inward investment; Capital strategy	Cllr Claire Kober, Leader of the Council
	Libraries; Customer Services; Customer Transformation Programme; Culture	Cllr Bernice Vanier, Deputy Leader, and Cabinet Member for Customer Services and Culture
	Council finances and budget	Cllr Jason Arthur, Cabinet Member for Finance and Health
	Equalities; The voluntary sector; Community Strategy	Cllr Eugene Ayisi, Cabinet Member for Communities
	Corporate programme; Council IT shared services; Procurement & commercial partnerships; Corporate governance; Shared Service Centre; Council HR & staff wellbeing; Accommodation Strategy; Community buildings; Corporate property	Cllr Ali Demirci, Cabinet Member for Corporate Resources
	Growth strategy delivery; Social inclusion	Cllr Joe Goldberg, Cabinet Member for Economic Development, Social Inclusion and Sustainability
Adults & Health Scrutiny Panel Cllr Pippa Connor, Chair	Public Health; Health devolution pilots; Safeguarding adults; Adults with disabilities and additional needs; Adult social care; Health and social care integration and commissioning; Working with CCG and NHS	Cllr Jason Arthur, Cabinet Member for Finance and Health
	Tackling unemployment and worklessness; Adult learning and skills	Cllr Joe Goldberg, Cabinet Member for Economic Development, Social Inclusion and Sustainability
Children & Young People Scrutiny Panel	Schools and education; Safeguarding children; Early years and child care; Adoption and fostering; Looked-after children; Children with disabilities and additional needs; Children to adult social care transition	Cllr Elin Weston, Cabinet Member for Children and Families

Scrutiny Body	Areas of Responsibility	Cabinet Links
Cllr Kirsten Hearn, Chair	Post 16 education	Cllr Joe Goldberg, Cabinet Member for Economic Development, Social Inclusion and Sustainability
	Youth services and youth offending	Cllr Eugene Ayisi, Cabinet Member for Communities
Environment & Community Safety Scrutiny Panel	Recycling, waste and street cleaning; Highways; Parking; Parks and open spaces; Leisure and leisure centres; Licensing (environmental and HMO); Enforcement (environmental and planning)	Cllr Peray Ahmet, Cabinet Member for Environment
Cllr Makbule Gunes, Chair	Community safety; Engagement with the Police; Tackling antisocial behaviour; Violence Against Women and Girls	Cllr Eugene Ayisi, Cabinet Member for Communities
Housing & Regeneration Scrutiny Panel	Regeneration in Tottenham; Planning policy; Planning applications and development management; Building Control; Housing Investment Programme; Housing strategy and delivery; Partnerships with Homes for Haringey and social landlords	Cllr Alan Strickland, Cabinet Member for Housing, Regeneration and Planning
Cllr Emine Ibrahim, Chair	Regeneration in Wood Green; Sustainability and carbon reduction	Cllr Joe Goldberg, Cabinet Member for Economic Development, Social Inclusion and Sustainability

Further information

Overview and Scrutiny Committee

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Overview and Scrutiny

5th Floor

River Park House

Wood Green

London

N22 8HQ

Report for: Full Council 4th December 2017

Title: Approval of Haringey Council Tax Reduction Scheme (CTRS) for 2018/19

Report

authorised by : Clive Heaphy, Chief Finance Officer and s151 Officer

Lead Officer: Oladapo Shonola, Lead Officer – Budget & MTFS Programme,
Oladapo.shonola@haringey.gov.uk / 020 8489 3726

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 CTRS 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) 2017/18 and the recommendations for Haringey's CTRS for 2018/19 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 2018, even if the scheme remains unchanged ready for implementation on the 1st April 2018. The purpose of this report is to seek approval from Cabinet to take these recommendations forward to Full Council on 4th December 2017.

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% has caused increased hardship for individuals and families on low incomes in Haringey.
- 2.2 The Government claim that the removal of council tax benefit forces the poorest into work and off benefits. However, the local CTRS which replaced council tax benefit system does not tackle the real barriers residents face when looking for jobs or developing their skills.

- 2.3 The Council is continuing to face severe financial pressures due to significant cuts in funding from central government over the past several years, therefore, it is right to maintain the existing minimum payment scheme (for claimants). Reducing the minimum payments further will require the council to cover this cost through 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 as reserves can only be used once whereas the cost of funding any new council tax discount is likely to be ongoing.
- 2.4 The scheme will continue to protect pensioners and those receiving certain disability benefits. The council has put in place additional measures such as the discretionary council tax discount scheme 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 As part of the Council's commitment to providing relief for the most vulnerable of our residents where possible, Cabinet recently approved the Care Leavers Relief Scheme, which will enables care leavers in Haringey who are council tax payers to receive 100% discount on their council tax bill. This is in addition to assistance currently provided to council tax payers that are experiencing financial hardship due to extenuating circumstances.
- 2.6 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

- 3.1 That Council:
- i. Agrees to adopt the CTRS 2018/19 as contained in **Appendix C** and as summarised in **Appendix C** which retains the same level of support as agreed since 2013/14 and which remains unchanged from 2017/18 for: pensioners claimants to continue to receive support for the payment of council tax.
 - ii. Agrees claimants in receipt of certain disability benefits to continue to receive support for the payment of council tax.
 - iii. Agrees all working age claimants Council Tax Support to continue to be capped at 80.2% of council tax liability.
 - iv. Notes that an Equalities Impact Assessment (**Appendix E**) has been undertaken in relation to the CTRS and that the findings of this EIA must be taken into account when making a decision regarding the Scheme for 2018/19.

- v. Authority to be given to the Chief Finance Officer and the 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 2018/19. Maintaining the current scheme ensures that these protected claimants will not be further disadvantaged.
- 4.3 The Council has had its overall centrally government funding reduced by over 43% in the last several years. This has meant that the Council has had to implement significant service reductions and efficiency savings. Given the level of funding cuts that the Council has had to manage and also that further cuts have been confirmed for future years, 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
 - Protect certain vulnerable groups in addition to those in receipt of certain disability benefits, these include but are not limited to:
 - i. Households with children
 - ii. Households with a child under one
 - iii. Households with a child under five
 - iv. Households with more than three children
 - v. 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
 - 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.

- 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 does 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 CTRS was first set up. Several grants, including council tax benefit support funding being consolidated within the overall Revenue Support Grant (RSG), which makes the proportion allocated to each area harder to identify. RSG funding to the Council continues to face steep reduction - by 2017/18 overall government funding including RSG would have falling by over 43% equating to approximately £75m reduction in real terms since 2011.

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 athis are still being considered by central government. Haringey may need to make further changes to its CTRS to reflect any new decisions made by government in response to the independent review. 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 several years. A full breakdown of 2017/18 schemes is provided in **Appendix B** and some summary points are shown below:

- One London Borough (Enfield) changed their scheme this year – the discount rate was reduced to 73.5% from 75%.

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

5.8 Haringey's scheme 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. At the same time, funding for council tax benefit was cut by 10% as part of the move to local council tax support system.

6.2 Haringey's scheme broadly mirrors the old council tax benefit system 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 reached 85% in 2017, 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 or decrease going forward. Additionally the marginally better collection for CTR cohort does little

to make up for the significant decreases in overall grant funding as mentioned earlier.

Table 1 – CTRS Collection Figures

	Number of Residents in receipt of CTR	Total amount billed (£)	Actual sum collected (£)	Shortfall (£)
2013/14	34,208	6,987,431	5,793,842 (84% collection rate)	-1,193,589
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	5,827,772 (84% collection rate)	-1,110,052
2017/18 (As at 30.09.17)	26,911	6,517,208	2,769,813 (42.5% of total billed collected)	-3,747,395 Assuming the collection rate increases by year end to match current years this figure will reduce to -997,582

6.6 Support continues to remain in place for those claimants who had not 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. Council tax collection in 2017/18 is expected to match last year's collection rate. However, it is not expected that council tax collection from CTR recipients will match the overall collection rate for the Council. For this

reason, the scheme is proposed to continue for another year, as the Council still faces an overall net loss in funding when council tax and other external grant funding including core central government grant are considered together.

6.8 Now that we have the analysed data from the operation of the scheme from the current year (2017/18) and historically from previous years, we are proposing that the scheme continues unchanged for 2018/19. 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.

6.10 The Equalities Impact Assessment included at **Appendix E** has addressed the issues that may affect some customers, and we have strong options in place to assist those who are struggling to pay. These include the use of discretionary powers to provide relief for residents that are experiencing financial difficulty and care leavers, a group of people that are considered one of the most vulnerable to council tax debt.

6.11 The Council's financial position is challenging, and Council funding is under continuing pressure. We have not managed to fully collect the deficit in former funding, and remain under pressure to continue to improve collection.

6.12 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 2018, approved by Full Council and taking into account the results of an equality impact assessment.

6.13 The report proposes a continuation of the current CTRS which includes the application method, entitlement criteria, ways to appeal, how to deal with changes of circumstances and notification styles.

6.14 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, the Council has lost £75m in RSG funding placing service provision to our residents under severe pressure. Further funding cuts are scheduled for 2018/19 and beyond, so the Council will need to continue to make significant savings over the next medium term financial planning period, potentially putting even priority service provision at further risk of funding reduction.
- 8.2 It was highlighted in paragraph 5.5 that CTRS funding is paid as part of the core RSG, and cannot now be separately distinguished. However it is a known fact that Central Government grant funding overall is reducing (RSG funding will fall by a further £8m in 2018/19) and will likely disappear altogether by the end of the current MTFS planning period (and with it therefore the CTRS element). This will force local authorities to become even more reliant on 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 revenue funding. Reserves are a one-off, finite sources of funding and their use to underpin an on-going revenue shortfall is not sustainable or appropriate and contrary to good financial practice. Once these reserves have been exhausted, the underlying shortfall would still be there to be met, ultimately by service reductions or raising additional income. The use of reserves to meet ongoing 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 2017 agreed a Medium Term Financial Strategy covering the years 2017/18 -2021/22, this was based on the Council

anticipating the successful delivery of significant savings/service remodelling. The financial challenges have continued, and at period 5, the 2017/18 forecast outturn is for a significant overspend of £6.6m. Based on the continuing serious financial pressures faced by the Council and in the light of the on-going funding cuts, the Chief Finance Officer recommends that no changes are made to the scheme for 2018/19.

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 2017/18, 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 2018 for the Council Tax year 2018/19.
- 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 for 2018/19, 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. Use of Appendices for Final Report

- Appendix A – Summary of Scheme Rules
- Appendix B – Summary of other London LA Schemes 2017/18
- 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 2017/18

Local Authority	LA area	Minimum council tax payment
Harrow	Outer London	30.0%
Wandsworth	Inner London	30.0%
Enfield	Outer London	26.5%
Bromley	Outer London	25.0%
Barking & Dagenham	Outer London	25.0%
Ealing	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 Reduction Schemes (Default Scheme) (England) Regulations 2012 (SI 2012/2886) and incorporates the statutory obligations detailed in the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (SI 2012/2885).

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 2018 and come into force on **[INSERT DATE]**. 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 **[INSERT DATE]** 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;

"member of the work-related activity group" means a claimant who has or is treated as having limited capability for work under either--

- (a) Part 5 of the Employment and Support Allowance Regulations 2008 other than by virtue of regulation 30 of those Regulations; or
- (b) Part 4 of the Employment and Support Allowance Regulations 2013 other than by virtue of regulation 26 of those Regulations;

"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;

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

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

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

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

(aa) a person who is being consulted by or on behalf of—

(i) the Secretary of State in relation to any of the Secretary of State's functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or

(ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions,

in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or

(b) the carer of a person consulted as described in sub-paragraph (a) or (aa) 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 $2\frac{6}{7}$ per cent of the difference between his income for the relevant week and his applicable amount, and
- (g) who has made an application.

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 reduc-

tion 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 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: pensioners

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 in Great Britain 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) subject to sub-paragraph (2B), a period of absence within Great Britain 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;

(c) subject to sub-paragraph (2D), a period of absence within Great Britain 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; and

(d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain 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 resides is not let or sub-let; and
- (iii) the period of absence from Great Britain is unlikely to exceed 4 weeks.

(2A) The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.

(2B) Where—

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,

then any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

(2C) The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.

(2D) Where—

- (a) a person returns to Great Britain after a period of absence from Great Britain (period A);
- (b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and
- (c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,

then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

(2E) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(2F) If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of—

- (a) the person's partner or a child or young person for whom the person or the person's partner is responsible;
- (b) the person's close relative;
- (c) the close relative of the person's partner; or
- (d) the close relative of a child or young person for whom the person or the person's partner is responsible,

then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in sub-paragraph (iii) of that paragraph to a

period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).

(3) This sub-paragraph applies to a person who--

- (a) is a person to whom sub-paragraph (3A) applies;
- (b) is resident in a hospital or similar institution as a patient;
- (c) is undergoing, or whose partner or dependent child is undergoing medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- (d) is following a training course;
- (e) is undertaking medically approved care of a person;
- (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 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.

(3A) This sub-paragraph applies to a person ("P") who is—

- (a) detained in custody on remand pending trial;
- (b) detained pending sentence upon conviction; or
- (c) as a condition of bail required to reside—
 - (i) in a dwelling, other than a dwelling P occupies as P's home; or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007,

and who is not also detained in custody following sentence upon conviction.

(3B) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a member of Her Majesty's forces posted overseas, a mariner or a continental shelf worker;
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3C) Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;

- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.

(3D) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of sub-paragraph (3);
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3E) Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(3F) This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of sub-paragraph (3);
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

(3G) Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as—

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

(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—

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

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

“medically approved” means certified by a medical practitioner;

“member of Her Majesty's forces posted overseas” means a person who 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 from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty's regular forces or reserve forces;

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;

“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.

Periods of absence from a dwelling: persons who are not pensioners

19A

(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.

Transitional provision

19 B

- (1) Subject to paragraph (2), paragraph 19 shall not apply in respect of a person who is temporarily absent from Great Britain on 1st April 2017 until the day that person returns to Great Britain.
- (2) Paragraph (1) does not apply to a person who, on 1st April 2017, is temporarily absent from Great Britain and is—
 - (a) a member of Her Majesty's forces posted overseas;
 - (b) absent in the capacity of a continental shelf worker; or
 - (c) absent in the capacity of a mariner.
- (3) In this regulation—

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

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

“member of Her Majesty's forces posted overseas” means a person who 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 from the dwelling that the person normally occupies as his home because the person has been posted outside of Great Britain to perform the duties of a member of Her Majesty's regular forces or reserve forces; and

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998.

Part 5

Classes of Person Excluded from this Scheme

Classes of person excluded from this scheme

20

The classes of person described in paragraphs 21 to 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, $\text{£}11.55 \times \frac{1}{7}$;
- (b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, $\text{£}3.80 \times \frac{1}{7}$.

(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 $\text{£}196.95$, the deduction to be made under this paragraph is that specified in sub-paragraph (1)(b);
- (b) not less than $\text{£}196.95$ but less than $\text{£}341.40$, the deduction to be made under this paragraph is $\text{£}7.65 \times \frac{1}{7}$;
- (c) not less than $\text{£}341.40$ but less than $\text{£}424.20$, the deduction to be made under this paragraph is $\text{£}9.65 \times \frac{1}{7}$.

(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, £10.95 x 1/7;

(b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, £3.65 x 1/7.

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

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

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

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

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

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

(5) Where in respect of a day--

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

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

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

- (a) blind or treated as blind by virtue of paragraph 10 of Schedule 3 (additional condition for the disability premium); or
- (b) receiving in respect of himself--
 - (i) attendance allowance, or would be receiving that allowance but for--
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for--
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of the SSCBA; or
 - (bb) an abatement as a result of hospitalisation; or
 - (iii) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients); or
 - (iv) an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.

(7) No deduction is to be made in respect of a non-dependant if--

- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
- (b) he is in receipt of a training allowance paid in connection with youth training established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) he is a full-time student within the meaning of Part 11 (students); or
- (d) he is not residing with the applicant because he has been a patient for a period in excess of 52 weeks, and for these purposes--

- (i) "patient" has the meaning given in paragraph 19(6), and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he is to be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.
- (8) No deduction is to be made in respect of a non-dependant--
- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance; or
 - (b) to whom Schedule 1 to the 1992 Act applies (persons disregarded for purposes of discount) but this paragraph does not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers.
- (9) In the application of sub-paragraph (2) there is to be disregarded from the non-dependant's weekly gross income--
- (a) any attendance allowance, disability living allowance, personal independence payment or an AFIP received by him;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which, had his income fallen to be calculated under paragraph 54 (calculation of income other than earnings: persons who are not pensioners), would have been disregarded under paragraph 28 of Schedule 8 (income in kind); and
 - (c) any payment which, had his income fallen to be calculated under paragraph 54, would have been disregarded under paragraph 41 of Schedule 8 (payments made under certain trusts and certain other payments).

Part 8

Alternative Maximum Council Tax Reduction for the Purposes of Calculating Eligibility for a Reduction Under this Scheme and Amount of Reduction

Alternative maximum council tax reduction under this scheme: pensioners and persons who are not pensioners

31

- (1) Subject to sub-paragraphs (2) and (3), the alternative maximum council tax reduction in respect of a day where the conditions set out in paragraph 15 (alternative maximum council tax reduction: pensioners) or 18 (alternative maximum council tax reduction: persons who are not pensioners) are fulfilled, is the amount determined in accordance with Schedule 4 (amount of alternative council tax reduction).
- (2) Subject to sub-paragraph (3), where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons, in determining the alternative maximum council tax reduction in his case, the amount determined in accordance with Schedule 4 must be divided by the number of persons who are jointly and severally liable for that tax.
- (3) Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, solely by virtue of section 9 of the 1992 Act (liability of spouses and civil partners), sub-paragraph (2) does not apply in his case.

Part 9
Amount of Reduction Under this Scheme

Amount of reduction under this scheme: Classes A to F

32

- (1) Where a person is entitled to a reduction under this scheme in respect of a day, the amount of the reduction to which he is entitled is as follows.
- (2) Where the person is within class A or D, that amount is the amount which is the maximum council tax reduction in respect of the day in the applicant's case.
- (3) Where the person is within class B or E, that amount is the amount found by deducting amount B from amount A, where "amount A" and "amount B" have the meanings given in paragraph 14(f) or 17(f), as the case may be.
- (4) Where the person is within class C or F, that amount is the amount which is the alternative maximum council tax reduction in respect of the day in the applicant's case.
- (5) Sub-paragraph (6) applies where both--
 - (a) sub-paragraph (2) or sub-paragraph (3), and
 - (b) sub-paragraph (4),

apply to a person.

- (6) The amount of the reduction to which the person is entitled is whichever is the greater of--
 - (a) the amount of the reduction given by sub-paragraph (2) or sub-paragraph (3), as the case may be, and
 - (b) the amount of the reduction given by sub-paragraph (4).

Part 10
Income and Capital for the Purposes of Calculating Eligibility for a Reduction Under this Scheme and Amount of Reduction

Chapter 1
Income and Capital: General

Calculation of income and capital: applicant's family and polygamous marriages

33

- (1) The income and capital of--
 - (a) an applicant; and
 - (b) any partner of that applicant,

is to be calculated in accordance with the provisions of this Part.

- (2) The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.

(3) Except where paragraph 37 applies, where an applicant or the partner of an applicant is married polygamously to two or more members of his household--

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

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

34

(1) Sub-paragraph (2) applies where it appears to the authority that a non-dependant and an applicant have entered into arrangements in order to take advantage of this scheme and the non-dependant has more income and capital than the applicant.

(2) Except where--

- (a) the applicant is a pensioner and is on a guarantee credit, or
- (b) the applicant is not a pensioner and is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance,

the authority must treat the applicant as possessing income and capital belonging to that non-dependant and, in such a case, any income and capital which the applicant does possess is to be disregarded.

(3) Where an applicant is treated as possessing income and capital belonging to a non-dependant under sub-paragraph (2) the income and capital of that non-dependant must be calculated in accordance with the following provisions of this Part in like manner as for the applicant and, except where the context otherwise requires, any reference to the "applicant" is to be construed for the purposes of this Part as if it were a reference to that non-dependant.

Chapter 2

Income and Capital: Pensioners in Receipt of Guarantee Credit or Savings Credit

Applicant in receipt of guarantee credit: pensioners

35

In the case of an applicant who is a pensioner and who is in receipt, or whose partner is in receipt, of a guarantee credit, the whole of his capital and income must be disregarded.

Calculation of applicant's income and capital in savings credit only cases: pensioners

36

(1) In determining the income and capital of an applicant who is a pensioner and who has, or whose partner has, an award of state pension credit comprising only the savings credit, subject to the following provisions of this paragraph, the authority must use the calculation or estimate of the applicant's or as the case may be, the applicant's partner's income and capital made by the Secretary of State for the purpose of determining the award of state pension credit.

(2) Where the calculation or estimate provided by the Secretary of State includes the amount taken into account in that determination in respect of net income, the authority may only adjust that amount so far as necessary to take into account--

- (a) the amount of any savings credit payable;
 - (b) in respect of any dependent children of the applicant, child care charges taken into account under paragraph 57(1)(c) (calculation of income on a weekly basis);
 - (c) the higher amount disregarded under this scheme in respect of--
 - (i) lone parent's earnings; or
 - (ii) payments of maintenance, whether under a court order or not, which is made or due to be made by--
 - (aa) the applicant's former partner, or the applicant's partner's former partner; or
 - (bb) the parent of a child or young person where that child or young person is a member of the applicant's family except where that parent is the applicant or the applicant's partner;
 - (d) any amount to be disregarded by virtue of paragraph 10(1) of Schedule 5 (sums disregarded from applicant's earnings: pensioners);
 - (e) the income and capital of any partner of the applicant who is treated as a member of the applicant's household under paragraph 8, to the extent that it is not taken into account in determining the net income of the person claiming state pension credit;
 - (f) paragraph 34 (circumstances in which capital and income of a non-dependant is to be treated as applicant's), if the authority determines that that provision applies in the applicant's case;
 - (g) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable);
 - (h) any amount to be disregarded by virtue of paragraph 6 of Schedule 5 (exempt work).
- (3) Paragraphs 39 to 46 (calculation of income: pensioners) and 57 to 61 (calculation of income: pensioners and persons who are not pensioners) do not apply to the amount of the net income to be taken into account under sub-paragraph (1), but do apply (so far as relevant) for the purpose of determining any adjustments to that amount which the authority makes under sub-paragraph (2).
- (4) If sub-paragraph (5) applies, the authority must calculate the applicant's capital in accordance with paragraphs 63, 65 to 68 and 70 (calculation of capital: pensioners).
- (5) This sub-paragraph applies if--
- (a) the Secretary of State notifies the authority that the applicant's capital has been determined as being £16,000 or less or the authority determines his capital as being £16,000 or less;
 - (b) subsequent to that determination the applicant's capital rises to more than £16,000; and
 - (c) the increase occurs whilst there is in force an assessed income period within the meaning of sections 6 and 9 of the State Pension Credit Act 2002.

Chapter 3 Income and Capital Where there is an Award of Universal Credit

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

37

- (1) In determining the income of an applicant--
 - (a) who has, or

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

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

(2) The authority must adjust the amount of the income referred to in sub-paragraph (1) by multiplying the amount by 12 and dividing the product by 52.

(3) The authority may only adjust the amount of the income as adjusted in accordance with sub-paragraph (2) so far as necessary to take into account--

- (a) the amount of the award of universal credit, determined in accordance with sub-paragraph (3);
- (b) paragraph 34 (circumstances in which income and capital of non-dependant is to be treated as applicant's), if the authority determines that the provision applies in the applicant's case;
- (c) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).

(4) The amount for the award of universal credit to be taken into account for the purposes of sub-paragraph (3)(a) is to be determined by multiplying the amount of the award of universal credit by 12 and dividing the product by 52.

(5) Paragraph 34 (income and capital of non-dependant to be treated as applicant's) applies for the purpose of determining any adjustments which fall to be made to the figure for income under sub-paragraph (3).

(6) In determining the capital of an applicant--

- (a) who has, or
- (b) who (jointly with his partner) has,

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

Chapter 4 **Income: Other Pensioners**

Calculation of income and capital where state pension credit is not payable: pensioners

38

Where neither paragraph 35 (applicant in receipt of guarantee credit: pensioners) nor 36 (applicant in receipt of savings credit only: pensioners) applies in the applicant's case, his income and capital is to be calculated or estimated in accordance with paragraphs 39 to 46 and 57 to 62 (calculation of income) and Chapter 7 of this Part (calculation of capital).

Meaning of "income": pensioners

39

(1) For the purposes of classes A to C in this scheme, "income" means income of any of the following descriptions--

- (a) earnings;
- (b) working tax credit;
- (c) retirement pension income within the meaning of the State Pension Credit Act 2002;
- (d) income from annuity contracts (other than retirement pension income);
- (e) a war disablement pension or war widow's or widower's pension;
- (f) a foreign war disablement pension or war widow's or widower's pension;
- (g) a guaranteed income payment;
- (h) a payment made under article 29(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, in any case where article 31(2)(c) applies;
- (i) income from capital other than capital disregarded under Part 1 of Schedule 9;
- (j) social security benefits, other than retirement pension income or any of the following benefits--
 - (i) disability living allowance;
 - (ii) personal independence payment;
 - (iii) an AFIP;
 - (iv) attendance allowance payable under section 64 of the SSCBA (entitlement to attendance allowance);
 - (v) an increase of disablement pension under section 104 (increase for constant attendance) or 105 of that Act (increase for exceptionally severe disablement);
 - (vi) child benefit;
 - (vii) any guardian's allowance payable under section 77 of the SSCBA (guardian's allowance);
 - (viii) any increase for a dependant, other than the applicant's partner, payable in accordance with Part 4 of that Act (increases for dependants);
 - (ix) any--
 - (aa) social fund payment made under Part 8 of the SSCBA (the social fund), or
 - (bb) occasional assistance;
- (x) Christmas bonus payable under Part 10 of that Act (Christmas bonus for pensioners);
- (xi) housing benefit;
- (xii) council tax benefit;
- (xiii) bereavement payment;
- (xiv) statutory sick pay;
- (xv) statutory maternity pay;
- (xvi) ordinary statutory paternity pay payable under Part 12ZA of the SSCBA;
- (xvii) additional statutory paternity pay payable under Part 12ZA of the SSCBA;
- (xviii) statutory adoption pay payable under Part 12ZB of that Act (statutory adoption pay);
- (xix) any benefit similar to those mentioned in the preceding provisions of this paragraph payable under legislation having effect in Northern Ireland;

- (k) all foreign social security benefits which are similar to the social security benefits mentioned above;
- (l) a payment made--
 - (i) under article 30 of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006 (award for children who have reached the child's age limit), in any case where article 30(1)(b) applies; or
 - (ii) under article 12(8) of that Order (unemployability allowances: children who have reached the child's age limit), in any case where sub-paragraph (b) of that article applies;
- (m) a pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
- (n) payments under a scheme made under the Pneumoconiosis etc (Worker's Compensation) Act 1979;
- (o) payments made towards the maintenance of the applicant by his spouse, civil partner, former spouse or former civil partner or towards the maintenance of the applicant's partner by his spouse, civil partner, former spouse or former civil partner, including payments made--
 - (i) under a court order;
 - (ii) under an agreement for maintenance; or
 - (iii) voluntarily;
- (p) payments due from any person in respect of board and lodging accommodation provided by the applicant;
- (q) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;
- (r) any payment in respect of any--
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982;
- (s) any payment, other than a payment ordered by a court or made in settlement of a claim, made by or on behalf of a former employer of a person on account of the early retirement of that person on grounds of ill-health or disability;
- (t) any sum payable by way of pension out of money provided under--
 - (i) the Civil List Act 1837,
 - (ii) the Civil List Act 1937,
 - (iii) the Civil List Act 1952,
 - (iv) the Civil List Act 1972, or
 - (v) the Civil List Act 1975;
- (u) any income in lieu of that specified in paragraphs (a) to (r);
- (v) any payment of rent made to an applicant who--
 - (i) owns the freehold or leasehold interest in any property or is a tenant of any property;

- (ii) occupies part of the property; and
 - (iii) has an agreement with another person allowing that person to occupy that property on payment of rent;
 - (w) any payment made at regular intervals under an equity release scheme;
 - (x) PPF periodic payments within the meaning of section 17(1) of the State Pension Credit Act 2002.
- (2) Where the payment of any social security benefit referred to in sub-paragraph (1) is subject to any deduction (other than an adjustment specified in sub-paragraph (4)) the amount to be taken into account under sub-paragraph (1) is to be the amount before the deduction is made.
- (3) Where an award of any working tax credit or child tax credit is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- (4) The adjustments specified in this sub-paragraph are those made in accordance with--
- (a) the Social Security (Overlapping Benefits) Regulations 1979;
 - (b) the Social Security (Hospital In-Patients) Regulations 1975;
 - (c) section 30DD or section 30E of the SSCBA (reductions in incapacity benefit in respect of pensions and councillor's allowances);
 - (d) section 3 of the Welfare Reform Act 2007 (deductions from contributory employment and support allowance in respect of pensions and councillor's allowances) and regulations made under it.
- (5) In sub-paragraph (1)(w), "equity release scheme" means a loan--
- (a) made between a person ("the lender") and the applicant;
 - (b) by means of which a sum of money is advanced by the lender to the applicant by way of payments at regular intervals; and
 - (c) which is secured on a dwelling in which the applicant owns an estate or interest and which he occupies as his home.

Calculation of weekly income: pensioners

40

- (1) Except in a case within sub-paragraph (2), (3A), or (4A) or (5), 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.
- (3A) Income calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—
- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
 - (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or
 - (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date the applicant's earnings from employment change so as to require recalculation under this paragraph, and the first day of each reduction week thereafter,
- regardless of whether those earnings were actually received in that reduction week.
- (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.
- (4A) An applicant's earnings from employment as an employed earner not calculated pursuant to sub-paragraphs (2) and (3) must be taken into account—
- (a) in the case of an application, on the date on which the application was made or treated as made, and the first day of each reduction week thereafter;
 - (b) in the case of an application or a reduction under a scheme where the applicant commences employment, the first day of the reduction week following the date the applicant commences that employment, and the first day of each reduction week thereafter; or
 - (c) in the case of an application or a reduction under a scheme where the applicant's average weekly earnings from employment change, the first day of the reduction week following the date of the change, and the beginning of each reduction week thereafter,

regardless of whether those earnings were actually received in that reduction week.

(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, or in the case of a Scottish taxpayer, the Scottish basic rate, of tax applicable to the assessment period less only the personal reliefs to which the applicant is entitled under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007 as are appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate, or the Scottish basic rate, of tax is to be applied and the amount of the personal reliefs 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

(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

- (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 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.

(6) Where the earnings of an applicant are estimated under paragraph 47(2)(b) (average weekly earnings of employed earners: classes D to F), his net earnings is to be calculated by taking into account those earnings over the assessment period, less--

(a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;

- (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
- (c) one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

Earnings of self-employed earners: persons who are not pensioners

53

- (1) Subject to sub-paragraph (2), "earnings", in the case of employment as a self-employed earner of a person who is not a pensioner, means the gross income of the employment.
- (2) "Earnings" does not include any payment to which paragraph 31 or 32 of Schedule 8 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant's care) nor does it include any sports award.
- (3) This paragraph applies to--
 - (a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
 - (b) any payment in respect of any--
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982,

where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.

- (4) Where the applicant's earnings consist of any items to which sub-paragraph (3) applies, those earnings must be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by--
 - (a) the amount of reduction under this scheme to which the applicant would have been entitled had the payment not been made, plus
 - (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 7 (sums disregarded in the calculation of earnings: persons who are not pensioners) as appropriate in the applicant's case.

Calculation of income other than earnings: persons who are not pensioners

54

- (1) For the purposes of paragraph 49 (average weekly income other than earnings: persons who are not pensioners), the income of an applicant who is not a pensioner which does not consist of earnings to be taken into account must, subject to sub-paragraphs (2) to (8), be his gross income and any capital treated as income under paragraph 55 (capital treated as income: persons who are not pensioners).
- (2) There is to be disregarded from the calculation of an applicant's gross income under sub-paragraph (1), any sum, where applicable, specified in Schedule 8.

- (3) Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under sub-paragraph (1) must be the gross amount payable.
- (4) Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- (5) Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under sub-paragraph (1) is to be the amount of working tax credit or child tax credit awarded less the amount of that deduction.
- (6) Sub-paragraphs (7) and (8) apply where--
- (a) a relevant payment has been made to a person in an academic year; and
 - (b) that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

(7) Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula--

$$(A - (B \times C)) / D$$

Where

- (a) A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 81(5) (costs of travel, books and equipment);
- (b) B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;
- (c) C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 81(2) (treatment of student loans) had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to a reduction under this scheme immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;
- (d) D = the number of reduction weeks in the assessment period.

(8) Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of sub-paragraph (1) in respect of a person to whom sub-paragraph (7) applies, is to be calculated by applying the formula in sub-paragraph (8) but as if--

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 81(5).

(9) In this paragraph--

"academic year" and "student loan" have the same meanings as in Part 11 (students);

"assessment period" means--

- (a) in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course

and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;

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

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

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

whichever of those dates is earlier;

"quarter" in relation to an assessment period means a period in that year beginning on--

(c) 1st January and ending on 31st March;

(d) 1st April and ending on 30th June;

(e) 1st July and ending on 31st August; or

(f) 1st September and ending on 31st December;

"relevant payment" means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 76(7) or both.

(10) For the avoidance of doubt there must be included as income to be taken into account under subparagraph (1)--

(a) any payment to which paragraph 41(2) or 51(2) (payments not earnings) applies; or

(b) in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

Capital treated as income: persons who are not pensioners

55

(1) Any capital payable by instalments which are outstanding at the date on which the application is made or treated as made, or, at the date of any subsequent revision or supersession, must, if the aggregate of the instalments outstanding and the amount of the applicant's capital otherwise calculated in accordance with Chapter 7 of this Part exceeds £10,000, be treated as income.

(2) Any payment received under an annuity is to be treated as income.

(3) Any earnings to the extent that they are not a payment of income is to be treated as income.

(4) Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 is to be treated as income.

(5) Where an agreement or court order provides that payments must be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly,

by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital by virtue of this Part), is to be treated as income.

Notional income: persons who are not pensioners

56

(1) An applicant who is not a pensioner is to be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to a reduction under a council tax reduction scheme or increasing the amount of the reduction.

(2) Except in the case of--

- (a) a discretionary trust;
- (b) a trust derived from a payment made in consequence of a personal injury;
- (c) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
- (d) any sum to which paragraph 50(2)(a) of Schedule 10 (capital disregards: persons who are not pensioners) applies which is administered in the way referred to in paragraph 50(1)(a);
- (e) any sum to which paragraph 51(a) of Schedule 10 refers;
- (f) rehabilitation allowance made under section 2 of the Employment and Training Act 1973;
- (g) child tax credit;
- (h) working tax credit, or
- (i) any sum to which sub-paragraph (11) applies,

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

(3) Any payment of income, other than a payment of income specified in sub-paragraph (4), made--

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

(4) Sub-paragraph (3) does not apply in respect of a payment of income made--

- (a) under or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
 - (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
 - (c) pursuant to section 2 of the Employment and Training Act 1973 in respect of a person's participation--
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - (d) in respect of a person's participation in the Work for Your Benefit Pilot Scheme;
 - (e) in respect of a person's participation in the Mandatory Work Activity Scheme;
 - (f) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;
 - (g) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where--
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in sub-paragraph (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
- (5) Where an applicant is in receipt of any benefit under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority must treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority selects, to the date on which the altered rate is to take effect.
- (6) Subject to sub-paragraph (7), where--
- (a) an applicant performs a service for another person; and
 - (b) that person makes no payment of earnings or pays less than that paid for a comparable employment in the area,
- the authority must treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.
- (7) Sub-paragraph (6) does not apply--

- (a) to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
 - (b) in a case where the service is performed in connection with--
 - (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations 1996, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations; or
 - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or
 - (c) to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.
- (8) In sub-paragraph (7)(c) "work placement" means practical work experience which is not undertaken in expectation of payment.
- (9) Where an applicant is treated as possessing any income under any of sub-paragraphs (1) to (8), the foregoing provisions of this Part apply for the purposes of calculating the amount of that income as if a payment had actually been made and as if it were actual income which he does possess.
- (10) Where an applicant is treated as possessing any earnings under sub-paragraph (6) the foregoing provisions of this Part apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph 42(2) or 52(3) (calculation of net earnings of employed earners: pensioners and persons who are not pensioners, respectively) do not apply and his net earnings are to be calculated by taking into account those earnings which he is treated as possessing, less--
- (a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 35 to 37 of the Income Tax Act 2007 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph is to be calculated on a pro rata basis;
 - (b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the SSCBA in respect of those earnings if such contributions were payable; and
 - (c) one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.
- (11) Sub-paragraphs (1), (2), (3) and (6) do not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant's participation in a service user group.

Chapter 6

Income: Further Provisions Applying to Pensioners and Persons Who are Not Pensioners

Calculation of income on a weekly basis

(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: pensioners

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 on account of the other member having limited capability for work or the other member of the couple would be a member of the work-related activity group 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 subparagraph (ii), (iv), (v) or (vii) above;
 - (ix) main phase employment and support allowance;
- (i) a pension or allowance or payment to which subparagraph (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.

Treatment of child care charges: persons who are not pensioners

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(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

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- (1) This paragraph applies where an applicant receives a tax credit.
- (2) Where this paragraph applies, the period over which a tax credit is to be taken into account is the period set out in sub-paragraph (3).
- (3) Where the instalment in respect of which payment of a tax credit is made is--

- (a) a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
- (b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;
- (c) a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
- (d) a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

(4) For the purposes of this paragraph "tax credit" means child tax credit or working tax credit.

Disregard of changes in tax, contributions etc

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

- (a) in the basic or other rates of income tax;
- (aa) in the Scottish basic or other rates of income tax;
- (b) in the amount of any personal tax reliefs under Chapters 2, 3, and 3A of Part 3 of the Income Tax Act 2007;
- (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 profits threshold in relation to Class 2 contributions);
- (d) in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the 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

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(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

(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, or in the case of a Scottish taxpayer, the Scottish basic rate, of tax applicable to the assessment period less only the personal reliefs to which the applicant is entitled under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007 as are appropriate to his circumstances.

(2) But, if the assessment period is less than a year, the earnings to which the basic rate, or the Scottish 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(2) or, as the case may be, 11(8) 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 profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year 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 Skip-ton 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

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) £159.35;
(b) aged 65 or over.	(b) £172.55.
(2) Couple--	(2)
(a) both members aged under 65;	(a) £243.25;
(b) one or both members aged 65 or over.	(b) £258.15.
(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) £243.25;
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £83.90.
(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) £258.15;
(b) for each additional spouse who is a member of the same household as the applicant.	(b) £85.60.

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>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;	(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 —

- (a) is £17.45 in respect of a reduction week which begins in the period beginning with 1st April 2016 and ending with 30th April 2016;
- (b) is nil in respect of a reduction week which begins after 1st May 2016.

Transitional provision**3 A**

(1) Subject to paragraph (2), paragraph 3 does not apply to a person who, on 30th April 2016, is liable to pay council tax at a reduced rate by virtue of a council tax reduction under the authority's scheme established under section 13A(2) of the Act and is—

- (a) a member of a family of which at least one member is a child or young person; or
- (b) a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.

(2) Paragraph (1) does not apply if—

- (a) sub-paragraph (a) or (b) of that paragraph ceases to apply; or

(b) the person makes a new application for a reduction under the authority's scheme under section 13A(2) of the Act.

(3) For the purposes of this paragraph—

(a) “the Act” means the Local Government Finance Act 1992;

(b) “child”, “family”, “partner”, “polygamous marriage” and “young person” have the meanings given by Part 2 ('Interpretation') of this scheme.

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 liv-

ing 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 under section 70 of the SSCBA or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013 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 or has an award of universal credit that includes the carer element 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 or has such an award of universal credit 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 or having an award of universal credit which includes the carer element 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 or have such an award of universal credit.

(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) a reference to a person being in receipt of a carer's allowance or as having an award of universal credit which includes the carer element include reference to a person who would have been in receipt of that allowance or had such an award of universal credit 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) £62.45;
(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 who has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013 or if he or any partner satisfies that condition only by virtue of paragraph 6(7);	(i) £62.45;
(ii) in a case where there is no-one in receipt of such an allowance or such an award of universal credit.	(ii) £124.90.
(2) Enhanced disability premium.	(2) £24.78 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) £60.90 in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied
(4) Carer Premium.	(4) £34.95 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 support allowance;	(a) £71.70;
(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**

(1) <i>Second adult</i>	(2) <i>Alternative maximum council tax reduction</i>
(a) Where the second adult or all second adults are in receipt of income support, an income-related employment and support allowance or state pension credit or are persons on an income-based jobseeker's allowance;	(a) 25 per cent of the council tax due in respect of that day;
(b) where the gross income of the second adult or, where there is more than one second adult, their aggregate gross income disregarding any income of persons on income support, an income-related employment and support allowance, state pension credit or an income-based jobseeker's allowance--	(b)
(i) is less than £194.95 per week;	(i) 15 per cent of the council tax due in respect of that day;
(ii) is not less than £194.95 per week but less than £252.50 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.

Table 2

Persons who are not pensioners

(1) <i>Second adult</i>	(2) <i>Alternative maximum council tax reduction</i>
<p>(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;</p> <p>(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--</p> <p>(i) is less than £183.00 per week;</p> <p>(ii) is not less than £183.00 per week but less than £239.00 per week;</p> <p>(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.</p>	<p>(a) 25 per cent of the council tax due in respect of that day;</p> <p>(b)</p> <p>(i) 15 per cent of the council tax due in respect of that day;</p> <p>(ii) 7.5 per cent of the council tax due in respect of that day;</p> <p>(c) 100 per cent of the council tax due in respect of that day.</p>

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 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 family includes at least one child or young person; 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 family includes at least one child or young person, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by the applicant's spouse, civil partner, former spouse or former civil partner or the applicant's partner's spouse, civil partner, former spouse, or former civil partner.

(2) For the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments must be aggregated and treated as if they were a single payment.

21

Except in a case which falls under paragraph 10 of Schedule 5, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10.

22

Where the total value of any capital specified in Part 2 (capital disregarded only for the purposes of determining deemed income) of Schedule 9 does not exceed £10,000, any income actually derived from such capital.

23

Except in the case of income from capital specified in Part 2 of Schedule 9, any actual income from capital.

24

Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker's allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No 3) Regulations 1999 as in force at that date, the whole of his income.

SCHEDULE 7

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

Paragraph 53

1

In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged--

(a) where--

(i) the employment has been terminated because of retirement; and

(ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,

any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;

(b) where before the first day of entitlement to a reduction under this scheme the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except--

(i) any payment of the nature described in--

(aa) paragraph 51(1)(e) (retainer), or

(bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and

(ii) any award, sum or payment of the nature described in--

(aa) paragraph 51(1)(g) or (i) (compensation etc relating to employment), or

(bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),

including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;

(c) where before the first day of entitlement to a reduction under this scheme--

(i) the employment has not been terminated, but

(ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph (b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc).

2

In the case of an applicant who, before the first day of entitlement to a reduction under this scheme--

(a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and

(b) has ceased to be engaged in that employment, whether or not that employment has been terminated,

any earnings paid or due to be paid in respect of that employment except--

(i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);

(ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 51(1)(j) (statutory sick pay etc).

3

In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain, would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment, any earnings derived from that employment except earnings to which paragraph 53(3) and (4) (earnings of self-employed earners) apply.

4

(1) In a case to which this paragraph applies and paragraph 5 does not apply, £20; but notwithstanding paragraph 33 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it does not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.

(2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component under Schedule 3 (applicable amounts: persons who are not pensioners).

(3) This paragraph applies where--

(a) the applicant is a member of a couple and his applicable amount includes an amount by way of the disability premium under Schedule 3; and

(b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.

5

In a case where the applicant is a lone parent, £25.

6

(1) In a case to which neither paragraph 4 nor paragraph 5 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium under Schedule 3 (applicable amounts: persons who are not pensioners), £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with paragraph 14(2) of that Schedule as being in receipt of carer's allowance.

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

7

Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment--

(a) specified in paragraph 9(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 6 exceed £20;

(b) other than one specified in paragraph 9(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.

8

In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to

an applicant it must not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.

9

(1) In a case where paragraphs 4, 6, 7 and 9 do not apply to the applicant, £20 of earnings derived from one or more employments as--

- (a) a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
- (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
- (c) an auxiliary coastguard in respect of coast rescue activities;
- (d) a person engaged part-time in the manning or launching of a life boat;
- (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it must not apply to his partner except to the extent specified in sub-paragraph (2).

(2) If the applicant's partner is engaged in employment--

- (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
- (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.

10

Where the applicant is engaged in one or more employments specified in paragraph 9(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment, so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 9 exceed £20.

11

In a case to which none of the paragraphs 4 to 10 applies, £5.

12

(1) Where--

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 14 does not apply,

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

(2) Where this paragraph applies, paragraphs 4 to 11 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 5, then paragraph 5 applies instead of this paragraph.

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

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

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

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

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

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

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

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

13

Any amount or the balance of any amount which would fall to be disregarded under paragraph 23 or 24 of Schedule 8 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

14

Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.

15

Any earnings derived from employment which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

16

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

17

Any earnings of a child or young person.

18

(1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 4 to 12 must be increased by £17.10.

(2) The conditions of this sub-paragraph are that--

(a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 applies; or

(b) the applicant--

(i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or

(ii) is a member of a couple and--

(aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and

(bb) his applicable amount includes a family premium under paragraph 4 of Schedule 3; or

(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or

(iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and--

(aa) the applicant's applicable amount includes a disability premium under paragraph 9, the work-related activity component under paragraph 21 or the support component under paragraph 22 of Schedule 3 respectively;

(bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in paragraph (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; or

(c) the applicant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.

(3) The following are the amounts referred to in sub-paragraph (1)--

- (a) the amount calculated as 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.

29B

Any payments to an applicant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments).

Part 2

Capital Disregarded Only for the Purposes of Determining Deemed Income

30

The value of the right to receive any income under a life interest or from a life rent.

31

The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

32

The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

33

Where property is held under a trust, other than--

- (a) a charitable trust within the meaning of the Charities Act 1993; or
- (b) a trust set up with any payment to which paragraph 16 applies,

and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the applicant or the applicant's partner, or both, that property.

SCHEDULE 10
CAPITAL DISREGARDS: PERSONS WHO ARE NOT PENSIONERS

Paragraph 63

1

Any payment made to the applicant in respect of any child care, travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Work for Your Benefit Scheme but only for 52 weeks beginning with the date of receipt of the payment.

2

Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.

3

Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme but only for 52 weeks beginning with the date of receipt of the payment.

4

The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, but, notwithstanding paragraph 33 (calculation of income and capital of members of applicant's family and of a polygamous marriage), only one dwelling is to be disregarded under this paragraph.

5

Any premises acquired for occupation by the applicant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.

6

Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.

7

Any premises occupied in whole or in part--

- (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
- (b) by the former partner of the applicant as his home; but this provision does not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.

8

Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.

9

Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.

10

Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

11

(1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

(2) The assets of any business owned in whole or in part by the applicant where--

(a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but

(b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business,

for a period of 26 weeks from the date on which the application for a reduction under this scheme is made, or is treated as made, or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(4) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

12

(1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of--

(a) any payment specified in paragraphs 11, 13 or 14 of Schedule 8;

(b) an income-related benefit under Part 7 of the SSCBA;

(c) an income-based jobseeker's allowance;

(d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;

- (e) working tax credit and child tax credit;
- (f) an income-related employment and support allowance,

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as "the relevant sum") and is--

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) has effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the period of an award of a reduction under this scheme, for the remainder of that period if that is a longer period.

(3) For the purposes of sub-paragraph (2), "the period of an award of a reduction under this scheme" means--

- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant--
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

13

Any sum--

- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
- (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home,

which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

14

Any sum--

- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 as a condition of occupying the home;
- (b) which was so deposited and which is to be used for the purchase of another home,

for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.

15

Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to a reduction under this scheme or to increase the amount of that reduction.

16

The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

17

Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.

18

(1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.

(2) But sub-paragraph (1)--

(a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;

(b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);

(c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;

(d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.

(3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.

(4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).

19

The value of the right to receive any income under a life interest or from a life rent.

20

The value of the right to receive any income which is disregarded under paragraph 15 of Schedule 7 or paragraph 29 of Schedule 8.

21

The surrender value of any policy of life insurance.

22

Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.

23

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

24

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

(2) Sub-paragraph (1) applies only where A--

- (a) was formerly in the applicant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the applicant.

25

Any--

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

26

Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.

27

Any capital which by virtue of paragraph 55 or 81 (capital treated as income: persons who are not pensioners, treatment of student loans) is to be treated as income.

28

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

29

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

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

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

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

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

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

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

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

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

(4) Sub-paragraph (3) does not apply if--

(a) the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced, or

(b) where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death.

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

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

(b) the payment is made either--

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

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

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

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

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

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

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

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

30

(1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph "dwelling" includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

31

Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

32

Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

33

Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

34

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

35

The value of the right to receive an occupational or personal pension.

36

The value of any funds held under a personal pension scheme.

37

The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.

38

Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).

39

Any payment made pursuant to section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.

40

Any payment in consequence of a reduction of council tax under section 13 of the 1992 Act (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.

41

Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used--

- (a) to purchase premises intended for occupation as his home; or
- (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,

for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.

42

Any arrears of supplementary pension which is disregarded under paragraph 54 of Schedule 8 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 55 or 56 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.

43

(1) Any payment or repayment made--

- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
- (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
- (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No 2) Regulations 2003 (travelling expenses and health service supplies),

but only for a period of 52 weeks from the date of receipt of the payment or repayment.

(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers which is analogous to a payment or repayment mentioned in sub-paragraph (1), but only for a period of 52 weeks from the date of receipt of the payment or repayment.

44

Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

45

Any payment made under Part 8A of the SSCBA (entitlement to health in pregnancy grant).

46

Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.

47

Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.

48

Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.

49

- (1) Subject to sub-paragraph (2), where an applicant falls within class F (alternative maximum council reduction: persons who are not pensioners), the whole of his capital.
- (2) Sub-paragraph (1) does not apply where an applicant falls within class E and class F.

50

- (1) Any sum of capital to which sub-paragraph (2) applies and--
 - (a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
 - (b) which can only be disposed of by order or direction of any such court; or
 - (c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.
- (2) This sub-paragraph applies to a sum of capital which is derived from--
 - (a) an award of damages for a personal injury to that person; or
 - (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

51

Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from--

- (a) award of damages for a personal injury to that person; or
- (b) compensation for the death of one or both parents where the person concerned is under the age of 18.

52

Any payment to the applicant as holder of the Victoria Cross or George Cross.

53

In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on

the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.

54

- (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- (3) For the purposes of sub-paragraph (2) "food" does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

55

- (1) Any payment--
 - (a) by way of an education maintenance allowance made pursuant to--
 - (i) regulations made under section 518 of the Education Act 1996;
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
 - (b) corresponding to such an education maintenance allowance, made pursuant to--
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and the Welsh Ministers to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
 - (c) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to--
 - (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992,

in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

56

In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

57

Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

58

Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of--

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

59

(1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is--

- (a) a diagnosed person;
- (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.

(2) Where a trust payment is made to--

- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending two years after that date;
- (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph applies for the period beginning on the date on which the trust payment is made and ending--
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person--
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,

whichever is the latest.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is--

- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
- (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
- (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death,

but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.

(4) Where a payment as referred to in sub-paragraph (3) is made to--

- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
- (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending two years after that date; or
- (c) person referred to in sub-paragraph (3)(c), that sub-paragraph applies for the period beginning on the date on which that payment is made and ending--
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person--
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,

whichever is the latest.

(5) In this paragraph, a reference to a person--

- (a) being the diagnosed person's partner;
- (b) being a member of a diagnosed person's family;
- (c) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death includes a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbey-field Home or an independent hospital on that date.

(6) In this paragraph--

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

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

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

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.



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.

1. 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 level 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 2017/18 budget of approximately £7m if the current year's MTFS savings are delivered in full. Unless the Council is able to adopt additional mitigating measures, this financial pressure is likely to continue into 2018/19 and beyond.

Increasing or providing 100% protection to working age claimants would result in monies having to be found from other sources namely

- i. Cutting services
- ii. Using reserves
- iii. Increasing Council Tax

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

- i. Cutting services would have a negative impact on residents who could potentially suffer from reduced services as a result. A decision to either increase or provide 100% support on council tax will add to the underlying MTFS/budget shortfall.
- ii. The total estimated level of reserves at end of March 2017 is £63m, £48m (76%) of these are restricted or earmarked with only £15m (24%) estimated for general use. This general reserve is held to cover unexpected (one-off) liabilities and risks, it is 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.
- iii. There are financial pressures being managed in the current 2017/18 financial year associated with delivering the approved savings/budget as a result of sustained reduction in central government funding. Further significant savings are required in 2018/19 and beyond, therefore any increases in council tax support will translate to additional savings being needed to balance the budget.

2. Decrease the overall level of Council Tax Support

If we reduced the level of support (so customers pay more) we could increase the amount of council tax collected by the Council, which will have a positive impact on the Council's budget. However, this is likely to be detrimental to residents that would have to pay a higher amount in council tax and for this reason this option is not recommended.



3. Protecting Additional Vulnerable Groups

In addition to protecting those in receipt of certain disability benefits, other groups were considered for 100% protection within the current funding envelope for CTRS as listed below. The figures below show the additional amount remaining claimants would have to pay if any of the following options were implemented. The below exemplifications are based on current average weekly payment of £8.71 by claimants.

i. Households with children

- This option would leave the remaining claimant paying an average additional amount of £4.91 per week

ii. Households with a child under one

- This option would leave the remaining claimant paying an average additional amount of £3.33 per week

iii. Households with a child under five

- This option would leave the remaining claimant paying an average additional amount of £3.93 per week

*iv. Households with **more than** three children*

- This option would leave the remaining claimant paying an average additional amount of £3.06 per week

v. Households with a lone parent

- This option would leave the remaining claimant paying an average additional amount of £3.49 per week

4. Protecting band A-C properties

This option would leave the remaining claimant paying an average additional amount of £11.75 per week

5. Protecting claimants who are working but on low income.

This option would leave the remaining claimant paying an average additional amount of £5.37 per week

6. Protecting claimants in receipt of Single Person's Discount

This option would leave the remaining claimant paying an average additional amount of £11.53 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.



7. Absorb shortfall from restoring level pre-CTRS level of support

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 £2.3m for 2017/18.

We also 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 increased scheme costs of £0.56m to the Council.

8. Increase council tax

Finally, the Council is allowed to increase council tax by up to 2% only without triggering a referendum which would be costly both in terms of time and financial resources and may not be approved. The freezing of council tax has had the effect of moving Haringey down the league table of highest tax authorities in London. However, in 2017/18 the Council still had the 8th highest council tax in London – any increase will likely move the Council up the table.

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Equality Impact Assessment

Name of Project	Council Tax Reduction Scheme for 2018/19	Cabinet meeting date <i>If applicable</i>	14 th November 2017
Service area responsible	Corporate Finance		
Name of completing officer	Oladapo Shonola	Date EqIA created	September 2017
Approved by Director / Assistant Director	Clive Heaphy	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	Oladapo Shonola	5.	
2. Equalities / HR	Paul Green	6.	
3. Legal Advisor	Gina Clarke	7.	
4. SSC	Rupinder Shergill / Helen Kent	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 2018/19, 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 2018/19, it is expected that people will be similarly affected as at present, so we will continue to use existing support mechanisms for our residents, and will seek to build upon these. We will routinely check our progress with those residents 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 Local Housing Allowance 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 September 2017 there are a total of 26,000 households receiving Council Tax Support, of which 11,300 are not protected and as a result have an amount to pay.

Approximately 58% 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 25% of current claimants receive support for Council Tax payments capped at 80.2%. Families are particularly affected with almost 24% having at least one dependent under 16.

The table at Appendix A shows the available breakdown of claimants as at September 2017.

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:

- 48% 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
- 37% are lone parents
- 62% are women

53% of those with ethnicity recorded are non white and 47% 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.

Age, Disability, Gender, Ethnicity, responsibility for children

This data is shown in this document as Appendix A

**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.**

Sex	Positive	Negative	Details	None – why?
		More women (62%) will be affected than men.	4,194 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 48%, followed by the age range 45 – 59, with 42%		
Disability	Disabled people will continue to be protected from any proposed changes if they are in receipt of certain disability related benefits.		There are no plans to change the protection for disabled people	
Race & Ethnicity	26% of recipients of CTRS are in receipt of these disability related benefits			
Sexual Orientation		Of the information we hold, it appears that non white British would be most affected (53%)	Of the information we hold, 47% of CTR recipients are either white British or white (other)	The data does not reflect the complete picture as this information is not a mandatory part of the 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. 1,016 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.

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">• 48% 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	<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	

<p>the changes. It could also impact adversely on child poverty</p>	<ul style="list-style-type: none"> ➤ More generous Applicable Amounts for 'non-passported', working-age and pensioner lone parents are given ➤ There is no change to the level of non-dependant deduction amounts. ➤ There is no change to the application of the deduction exemption for non-dependant students ➤ There is no change to Second Adult Rebate <ul style="list-style-type: none"> 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"> 26% 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 and remained unchanged since. It is recommended that this protection continue for the 2018/19 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

	<ul style="list-style-type: none"> • Mobility Allowance • Mobility Supplement • Severe Disablement Allowance • WTC – Disability element
Protected characteristic: Race (formerly ethnicity)	<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>
<ul style="list-style-type: none"> • Of those who declared their ethnicity, 53% are Black and Minority Ethnic groups combined; 47% are White British and Other White category 	
Protected characteristic: Pregnancy and maternity	<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>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 1,016 claimants (9%) have children under one, as such we can assume this group of people will have been impacted by maternity leave.</p>	<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>10% 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 BME children (national data shows that poverty rates are higher for all BME groups than for white families) Our records show that 3,008 CTRS claimants (27%) have children under five 	<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 targeted borough-based child and family activities. 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>
Households with dependent children	
<ul style="list-style-type: none"> Over 32% of households have at least one child. 7% of claimants have 3 or more dependents Approximately 37% 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.
Unemployed (on maximum CTR entitlement)	

<p>The continuation of the scheme will impact more on claimants who are currently not in work and claim maximum CTRS, this constitutes approximately 60%.</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> <p>Claimants will continue to be signposted to employment and skills training programmes to enhance their employment opportunities.</p>
<p>Claimants by area of residence (east/west of the borough)</p> <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. 	<p>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.</p>
<p>Homelessness</p> <p>Of those accepted as being unintentionally homeless and being in priority housing need in 2013/14:</p> <ul style="list-style-type: none"> • 40% were young people aged 16 – 30; • 43% were Black or Black British; • Just over 63% 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>
<p>Armed Forces Covenant - war pension and Armed Forces Compensation payment</p> <ul style="list-style-type: none"> • 14 people in Haringey are in receipt of war disablement pension and are protected under the scheme. 	<p>Income received from a war pension will continue to be disregarded when calculating entitlement</p>

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>Other changes will begin to take effect from April 2017 and later.</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>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>
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 2018/19 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>
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Stage 8 - Final impact analysis

We recommend that the Council Tax Reduction Scheme continues unchanged for 2018/19. 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 42% of Council Tax Reduction claimants will be expected to pay towards their Council Tax – an average of £8.71 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



Date of review

31/10/17

Review approved by Director / Assistant Director



Date of review



Stage 10 – Publication

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

Category	All Council Tax Reduction Scheme claimants	Impacted by Scheme (excluding pensioners and those in receipt of premiums)	% All Council Tax Reduction Scheme claimants	% Impacted by Scheme (excluding pensioners and those in receipt of premiums)
Households	25,002	14,000	1,000	
Borough of Haringey (where applicable)				

Those with dependants aged 1 and under	Those with dependants aged 5 and under	Those with dependants aged under 16	Those with more than 3 dependants	Count of all lone parents with dependants	10% (Census 2001)
1,442	3,463	8,014	951	5,318	37%
1,016	3,008	6,268	747	4,194	20%
5%	13%	30%	3%		7%
9%	27%	56%			21%

Nomis (Feb 2014)

No	20,002	11,290	74%	100%	97%	3%
Yes	6,925		26%			
Gender						
Male	10,629	3,988	39%	35%	50%	50%
Female	15,658	6,986	58%	62%	50%	
Unknown	640	316	Excluded (2%)	Excluded (3%)		
Ethnicity	(12,000 records had an ethnicity recorded in the 2011 Census)					
White British	990	455	4%	4%	35%	
Other White	1,285	667	5%	6%	23%	
Non White	2,160	1,288	8%	11%	42%	
Unknown	22,492	8,879	Excluded (83%)	Excluded (79%)		

* Source: i-World (Revenue and Benefits IT system) September 2017

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 for: Full Council

Title: High Road West Regeneration Scheme – Approval to seek Secretary of State Consent to dispose of housing land

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

Lead Officer: Sarah Lovell
Sarah.lovell@haringey.gov.uk
0208 489 2025.

Ward(s) affected: Northumberland Park Ward

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

1. Describe the issue under consideration

- 1.1 The purpose of this report is to seek approval under Article 4 of Part Two of the Council's Constitution for an application to be made to the Secretary of State for Communities and Local Government ("Secretary of State"), for approval under section 32 of the Housing Act 1985, for the disposal of Council owned land held with the High Road West Regeneration area, to facilitate the delivery of the High Road West Regeneration Scheme ("Scheme").
- 1.2 This recommendation is the next substantive decision in delivering the Scheme. The Scheme has received significant support from residents who have been closely involved in the development of the Scheme and has been agreed and progressed through Cabinet decisions in 2013, 2014 and 2015 and is supported by the adopted Tottenham Area Action Plan.
- 1.3 Most recently, on the 12th September 2017, Cabinet gave approval to appoint Lendlease Europe Holdings Limited ("Lendlease") as its preferred bidder for the Scheme, to enter into a Development Agreement ("DA") with Lendlease and to dispose of Council owned land within the High Road West site (subject to the approval of full Council to make the application to the Secretary of State as set out in the Constitution). The 12th September Cabinet report can be found at Appendix 1. This Cabinet decision was subject to a call in from Overview and Scrutiny Committee and subsequently agreed at a Special Cabinet Meeting held on the 9th October 2017. The October Cabinet Report can be found at Appendix 2 and the Overview and Scrutiny Report can be found at Appendix 3.
- 1.4 It is a condition of the DA with Lendlease that the Council seek the necessary consents from the Secretary of State to dispose of its land where required.

The Council's land within the High Road West Area is shown coloured green (land held within the Housing Revenue Account) and red (land held within the General Fund) on the Site Plan attached at Appendix 4. As shown on the Site Plan, the majority of land is held within the Housing Revenue Account. Disposal of Council land held within the Housing Revenue Account requires the consent of the Secretary of State under section 32 of the Housing Act 1985. The Council's land will be disposed of on a phased basis, only once all residents have been moved. For secure tenants and resident leaseholders, that may be to a home within the Scheme or elsewhere in the borough according to their particular choice.

1.5 Securing Secretary of State consent to dispose of the housing land will facilitate the delivery of the Scheme, which will deliver the following benefits for the borough:

- Over 2,500 high-quality, sustainable homes.
- At least 750 affordable homes (a net increase of 539), which will meet the Council's housing strategy on affordability, ensuring that the homes will be affordable for local people.
- 191 high quality, safe, replacement homes for council tenants and resident leaseholders which meet resident aspirations as set out in the Resident Charter and will be built to new fire and safety standards. These homes will be owned by the Council and managed by Homes for Haringey.
- Over £10m of funding for social and economic support for both businesses and residents, including a contribution of c.£8m for supporting the Tottenham People Priority overall commitments.
- A cutting edge new Library and Learning Centre and a refurbished Grange Community Hub which will provide improved community facilities early in the scheme.
- 143,500 sqft of green spaces for the community including a large new linear community park with an outdoor gym, children's play area and Grange Gardens; a safe, central green space for local people.
- A welcoming new civic square which will be an important focus of local events and activities, bringing the community together, promoting cultural activities and enhancing activity and safety at night.
- Over 130,000sqft of commercial, retail and leisure space throughout the scheme providing a wide range of leisure, employment space, shops, cafes and restaurants around a new civic square.
- £500k of investment in the town centre and also a £500k fund for events and activities, as well as meanwhile uses which will revitalise the local centre during construction and afterwards.
- Over 3,300 construction jobs and more than 500 end-user jobs once the development is complete.
- High quality new industrial and maker/artisan space to support businesses from the existing Peacock Industrial Estate.

2. Cabinet Member Introduction

2.1 The recommendation within this report is an important step in the Council's decision making process for High Road West- a scheme, which I have

ensured has been developed with and supported by residents, has been through several Cabinet decisions and has been supported and adopted through the Council's planning policy.

- 2.2 Making this decision will ensure that Love Lane residents, who overwhelmingly supported (70%) the demolition of the Love Lane Estate and the Council remaining the landlord of the replacement homes (c.100%), and who are now eagerly awaiting the construction of their new homes- will be a step closer to having them delivered.
- 2.3 They will also be a step closer to ensuring that their living environment, which has been plagued by anti-social behaviour for a number of years, will be vastly improved and will become a safe and welcoming place to live and work. It will also ensure that they will see the delivery of a new public square, community park and a cutting edge Library and Learning Centre, which they have been instrumental in developing the proposals for.
- 2.4 Not only will the Scheme deliver residents' aspirations and contribute significantly to the borough's housing and growth needs, the delivery of 191 Council owned homes, managed by Homes for Haringey, will mean that the Council has a supply of new, high quality homes built to the highest safety standards in a significantly improved environment. There is also, through the planning process, the possibility of the number of council homes increasing further.
- 2.5 This Scheme and the minimum of 191 new Council homes, will be the single largest development of council housing in the borough in over 25 years. This is something all Members are asked to support.

3. Recommendations

- 3.1 It is recommended that Full Council:
 - i. Gives approval for the Director of Regeneration to submit an application under section 32 of the Housing Act 1985 to the Secretary of State for consent to dispose (as agreed by Cabinet on the 12th September and the 9th October 2017) of the land belonging to the Council situated within the High Road West Area and held within the Housing Revenue Account, as shown on the Site Plan shaded green and accompanying property list at Appendix 4 of this report.

4. Reasons for decision

- 4.1 The recommendation above will support the delivery of the Scheme. The Scheme is critical in supporting the Council in delivering all of its Corporate Priorities. It will address issues of deprivation which have long characterised the Northumberland Park Ward and will set a benchmark for future regeneration across the borough.

4.2 Securing permission to dispose of land is the next step in delivering the Council and local communities' vision to transform High Road West into a vibrant, attractive and sustainable new residential neighbourhood with a blend of housing, and support the creation of a premier leisure destination for London, alongside the Tottenham Hotspur Football Club development.

4.3 Delivering this vision offers a unique opportunity to tackle the entrenched deprivation that has characterised the Northumberland Park Ward and meets the Council's Corporate Priorities:

- **Priority 1: Enable every child and young person to have the best start in life, with high quality education-** The Scheme will help ensure that children and young people have the best start in life, by providing a high quality living environment and world class community facilities, such as the new Library and Learning Centre. This will go some way in tackling the 4% (national average of 3.1%.) of 16 and 17 year olds living in the Northumberland Park Ward who are not in employment, education or training (NEET).
- **Priority 2: Enable all adults to live healthy, long and fulfilling lives -** The Scheme will help all residents to live healthy, long and fulfilling lives by providing, and giving easy access to a range of services by delivering a healthy neighbourhood with ample public space, such as a large new community park with play and gym equipment and food growing as well as, a new public square for public events and encouraging community cohesion. All of which will seek to address the issue of life expectancy, which is demonstrably worse in the east of the borough compared to the west of the borough: on average the difference between parts of the east and parts of the west is 7 years. It will also address the obesity amongst children and the mental health challenges which are significant, and stubborn.
- **Priority 3: A clean, well maintained and safe borough where people are proud to live and work-** The Scheme will deliver a clean, well maintained and safe welcoming environment for residents, businesses and visitors alike where people are proud to live and work. This will be delivered through high quality inclusive design, placemaking and responding to the needs of the area and community. It will be maintained by one inclusive, transparent estate management regime, that will be responsible for the management and maintenance of the high quality, affordable environment. The management regime will seek to train and support residents and businesses and community partners to once ready will be able to run the management and maintenance of the area, fostering long-term civic pride and community ownership.
- **Priority 4: Drive growth and employment from which everyone can benefit-** Critically, the Scheme will deliver economic growth which is not only essential to residents and businesses of the borough and the wider region but also the Council. The new employment and commercial space will provide significant opportunities for training, jobs and employment and will go some way to address unemployment (at 26%) in Northumberland Park, which is almost double the rate across the whole borough and three times the national average. The improved environment and the creation of

a new leisure destination in London will bring thousands of visitors who will contribute to the local economy and support local businesses.

- **Priority 5: Create homes and communities where people choose to live and are able to thrive**-The Scheme will deliver over 2500 new high quality homes, which residents will be involved in designing, in a mix of tenures ensuring that residents' housing choice is maximised. 2500 new homes are a significant contribution to meeting the boroughs housing demand. Meeting the housing demand will lead to more and more families being able to afford a home in the borough, either to rent or buy, alleviating the current difficulties faced by local people. It will also help to drive down levels of homelessness, so fewer households find themselves in crisis, and the relieve some of the significant pressure on the council budget through increased temporary accommodation costs. The Scheme will build on the strengths of the existing local residents and businesses to create an even stronger sustainable community where people don't only live, they thrive.

5. Alternative options considered

Delivery approach and procurement process

- 5.1 Throughout the development of the Scheme, the Council has explored alternative options.
- 5.2 In 2013 the Council consulted on three masterplan options for the High Road West area, these options had varying levels of intervention and development. Following the consultation feedback, which showed significant support for comprehensive regeneration, the Council's Cabinet agreed to develop a comprehensive masterplan for the High Road West area.
- 5.3 In December 2015 Cabinet noted the business case setting out the preferred delivery approach for High Road West. That business case identified and robustly assessed three alternative options for achieving the Council's bespoke objectives for the Scheme. The options are detailed in paragraphs 6.12-6.16 of the 12th September 2017 Cabinet report.
- 5.4 If the Council does not make an application to the Secretary of State for consent to dispose of land, then the Council will not be able to dispose of the land held within the Housing Revenue Account. If the Council cannot dispose of its land, it will not be able to deliver the Scheme. This means that the Council will not deliver residents' aspirations for the area, will not deliver the benefits of the scheme listed in paragraph 1.4 above and will not be able to support the delivery of the Council's Corporate Priorities as set out in paragraph 4.3 above. As such, this report is seeking approval from Full Council as required under the Council's Constitution to make an application to the Secretary of State under section 32 and/or section 43 of the Housing Act 1985 for consent to dispose of its land holdings within the High Road West Area.

6.0 Background and summary information

Background

6.1 Paragraphs 6.1–6.141 of Appendix 1 provide detailed background information on the Scheme, however, some of the key decisions relating the Scheme are set out below:

- 2014 Cabinet – Following three years of extensive community engagement and consultation the Council's Cabinet agreed the High Road West Masterplan Framework and the Love Lane Secure Tenant, Leaseholder and Private Tenant Guide, the Love Lane Resident Charter and the Business Charter – all of which set out the Council's commitments to those affected by the Scheme.
- 2015 Cabinet – The Cabinet noted the business case produced by Bilfinger GVA and agreed to commence a Competitive Dialogue procedure under the Public Contract Regulations 2015, to procure a Development Partner to deliver the Scheme.
- 2016 Cabinet – The Cabinet agreed to enter into an Overarching Borough Agreement with the GLA to secure c.£60m of Housing Zone funding to support the delivery of the High Road West Scheme.
- 2017 Cabinet – The Cabinet agreed Lendlease as preferred bidder for the High Road West Scheme, agreed to dispose of land (subject to Full Council and Secretary of State approval) and gave delegations for Officers to enter into the Developmnet Agreement and associated legal documentation.

Housing Revenue Account Land- The Love Lane Estate

- 6.2 The housing land within the High Road West Site mainly comprises of the Love Lane Estate which is c.30% of the land within the High Road West area. The Estate was built in the 1950's and 60's and suffers from design flaws typical of estates built at this time, including poor permeability throughout the estate and poorly utilised open space, which has contributed to anti-social behaviour issues.
- 6.3 The Estate comprises 297 properties. Before the rehousing process commenced on the Love Lane Estate, in December 2014 there were 212 Council-owned properties and 85 leaseholders.
- 6.4 In December 2014, with the approval of Cabinet, the rehousing process began. All secure Council tenants have the guarantee of a new home in the regeneration area, however, the rehousing process also gave tenants the opportunity to be re-housed in another part of the borough if they chose to exercise this choice.
- 6.5 To support rehousing, the Council established a successful and effective Rehousing Team that offers residents much more than rehousing advice. The team offer support to residents, identify needs and vulnerabilities and sign post or refer residents to ensure they receive the support and services they require. Where residents are being rehoused this is in-line with the

commitments within the tenant guides, which were agreed by Cabinet in 2014. The commitments outlined in the guides, predate the Estate Renewal Rehousing and Payments Policy (“ERRP”), but meet and in some areas exceed the commitments within the ERRP. The commitments within the resident guides included the following:

- All secure Council Tenants will:
 - Be offered a new home in the redevelopment area, with the aim of one move only;
 - Continue to pay a social rent;
 - Be offered a new home to meet their housing need - to tackle overcrowding and under-occupancy;
 - Be able to move to a council tenancy elsewhere in the Borough if they wish;
 - Be given Home Loss compensation and have the costs of the move paid
 - Be able to under-occupy by one bedroom if they are currently under occupying their property
- All resident leaseholders will:
 - Be offered market value for their home;
 - Be offered 10% of the market value as home loss compensation;
 - Be offered the opportunity to purchase a shared equity or shared ownership home in the new redevelopment;
 - Be compensated for legal, valuation and reasonable costs.
- All private Tenants will:
 - Be offered timely re-housing advice so that they are aware of all of their options.

6.6 As mentioned above, the Council has assured secure Council tenants that they will have a new home in the regeneration area if they wish. Despite this assurance, some residents have chosen to exercise their right to move early. 29 residents from the Love Lane Estate chose to move to Ambrose and Mallory Court within the Newlon Housing Association development, which is located just north of the masterplan boundary. Altogether, 120 tenants have exercised their choice to be rehoused elsewhere in the borough. The majority (70%) have chosen to remain in the N17 area.

6.7 The Rehousing Team do not only support tenants, they have also been working hard to engage leaseholders on the Love Lane Estate and understand their individual financial and housing needs. To date, the Council has acquired 11 of the 85 leasehold properties and have agreed terms to acquire a further 2. The Council is also working with residents to build on the Leasehold Guide and Council Estate Renewal, Rehousing and Repayments Policy and develop a bespoke, detailed leasehold offer for Love Lane Leaseholders. This will include determining the minimum equity share percentage which resident leaseholders will need to contribute towards the acquisition of a new property in the development area. The Council will

undertake a 6-week consultation with leaseholders on the offer, the results of which will be considered at Cabinet.

- 6.8 The current breakdown of tenures on the Love Lane Estate is detailed in the table below¹.

Love Lane Property Tenure Type	Number of Properties
Resident Leaseholder	31
Non-resident leaseholder	43
Secure tenant	63
Temporary Accommodation (Council owned)	160
TOTAL	297

- 6.9 In addition to the properties on the Love Lane Estate, the HRA land also includes the Coombes Croft Library, which is due to be replaced with a larger cutting edge Library and Learning Centre within the Scheme, the vacant British Queen pub and residential unit, garages, car parking and Love Lane estate grounds.

Resident Engagement and consultation

- 6.10 There has been extensive resident engagement and consultation over the past five years on the Scheme as it has developed, particularly with Love Lane residents.
- 6.11 This has included two consultations under Section 105 ("s105") of the Housing Act with secure Council tenants on the Love Lane Estate. The first s105 consultation took place in September-October 2014 and sought views on the masterplan/regeneration proposals and the Secure Tenant Guide, which set out the Council's rehousing commitments to the Love Lane residents. A full analysis of this consultation feedback was produced and considered by Cabinet in December 2014, when the Cabinet considered the masterplan and Resident Guides. The consultation demonstrated that 70% of the Love Lane residents who responded to the consultation agreed that the Love Lane Estate should be demolished and homes replaced.
- 6.12 The second s105 consultation took place in March-May 2017 and sought views on the ownership and management of the replacement homes being built for Love Lane residents within the Scheme. Again a full analysis of this consultation feedback was produced, which demonstrated that residents overwhelmingly (close to 100%) felt that the Council should own and manage the replacement housing. This was then the recommendation by officers in the 12th September 2017 Cabinet report, which sought a decision on ownership of the replacement housing.

¹ Please note that due to secure council tenants exercising their right to move elsewhere in the borough and leaseholders asking the Council to acquire their properties- this number is subject to change.

- 6.13 Further detail relating to the consultation and engagement undertaken to date can be found in the High Road West Engagement Log, Appendix 9 of the 12th September 2017 Cabinet Report (Appendix 1).

Why is Secretary of State Consent Required?

- 6.14 To deliver the Scheme, the Council and Lendlease will enter into a Development Agreement (DA) and a Compulsory Purchase Order Indemnity Agreement ("CPOIA"). These agreements set out the obligations of both parties in delivering the Scheme and associated timescales.
- 6.15 The Council's key obligations are in relation to securing the land required for delivery of the Scheme. This will involve securing the necessary statutory consents to dispose of the Council land within the High Road West Regeneration area. The Council land set out in Appendix 4 (i.e. the Love Lane Estate) is held within the Housing Revenue Account and as such the Council must obtain the consent of the Secretary of State under section 32 of the Housing Act 1985 before it can dispose of the land. There are no secure tenants in any Council land not held for housing purposes therefore consent under section 43 of the Housing Act 1985 will not be required.
- 6.16 The obligation to secure the necessary Statutory Consents to dispose of the land is a site wide condition of the DA to be entered into with Lendlease. If the Council does not secure the necessary consent the DA will not become unconditional and the Scheme will not be delivered.

What are the benefits to the Council of disposing of the land?

- 6.17 By disposing of its land holdings the Council will secure all of the benefits listed in paragraph 1.5 which will support the Corporate Priorities listed in paragraph 4.3. There are several elements that come together to form the main pillar of the commercial deal with Lendlease. The principal elements include:
- 191 new council properties to replace those being demolished. Of these, 145 will be new socially rented homes and 46 will be prioritised for resident leaseholders who wish to remain in the area.
 - A guaranteed minimum fixed payment for Phase 1 (subject to abnormals)
 - A residual land value payment for each subsequent phase of development, calculated prior to each phase transfer
 - 100% indemnity to cover the Council's land assembly costs
 - Fixed developer profit rates throughout the course of development
 - 100% of finance risk carried by Lendlease
 - 50% share for the Council in any in-phase revenue overage (private sale and private rent disposals), subject to upward only in-phase build cost indices review
 - Delivery of new Council facilities (including the library learning centre and Decentralised Energy Network energy centre shell and core) at zero capital cost to the Council.

- 6.18 Through the procurement process the Council sought a fixed minimum payment from Lendlease for Phase 1 of the Scheme so that value would be a major factor during the competitive dialogue procurement process and to provide certainty as to the minimum level of the first land payment to be received from the development partner.
- 6.19 The land payment for subsequent phases will be calculated once the phase has planning permission. The financial model will be used to generate a residual land value for the phase, which if agreed by the Council will be paid as the land premium.
- 6.20 As the DA is structured on an open book basis, the Council will have full visibility of all of the costs and assumptions within the financial model and will be able to test and challenge their robustness.

Best consideration

- 6.21 Section 123 of the Local Government Act 1972 (“s123”) and section 233 Town and Country Planning Act 1990 (“s233”) provides that local authorities may dispose of land as they see fit and that they must seek the best consideration reasonably obtainable (“best consideration”).
- 6.22 The letter from the Council’s commercial advisors GVA, included as part of Appendix 12 in the exempt part of the 12th September 2017 Cabinet Report (Appendix 1), sets out GVA’s assessment of the Council’s commercial position in the commercial deal. This is partly to confirm that the Council is receiving best consideration for its assets under s123 Local Government Act 1972 and s233 Town and Country Planning Act 1990.
- 6.23 The central conclusions within the letter are:
- The decision to appoint Lendlease was made following a thorough and detailed marketing process via Competitive Dialogue, which enabled the Council to drive the strongest possible commercial deal for itself.
 - That the commercial terms agreed with Lendlease for the formation of a development partnership to deliver the regeneration of the High Road West area represent the best consideration reasonably obtainable as per s123 Local Government Act 1972 and s233 Town and Country Planning Act 1990.
 - That the market value of the Council’s interest if offered on the open market unfettered would be lower than that which Lendlease are offering (assuming a Day 1 Land Payment). It should be noted that given the presence of third party interests such a sale might be difficult to secure.

7. Contribution to strategic outcomes

- 7.1 As set out in section 4 above, the delivery of the High Road West Scheme will support the Council in delivering all of its Corporate Priorities, as well as

supporting the progression of objectives in the London Plan to support regional growth in north London.

- 7.2 The regeneration at High Road West will help to enhance the area in relation to each of the Council's five priorities: -
- (i) Enable every child and young person to have the best start in life, with high quality education
 - (ii) Enable all adults to live healthy, long and fulfilling lives
 - (iii) A clean, well maintained and safe borough where people are proud to live and work
 - (iv) Drive growth and employment from which everyone can benefit
 - (v) Create homes and communities where people choose to live and are able to thrive
- 7.3 This is developed further through the themes and specific actions highlighted in the Tottenham Strategic Regeneration Framework, which describes as one of its actions, to "Deliver the High Road West regeneration scheme – creating a new residential neighbourhood, major leisure destination and hundreds of new jobs". The adopted Tottenham Area Action Plan DPD, identifies High Road West as "Masterplanned, comprehensive development creating a new residential neighbourhood and a new leisure destination for London. The residential led mixed-use development will include a new high quality public square and an expanded local shopping centre, as well as an uplift in the amount and quality of open space and improved community infrastructure", providing indicative quantum of development which has informed the bidders' proposals.
- 7.4 With the delivery of over 2,500 new homes the Scheme will in particular, be instrumental in taking forward the first objective of Priority 5, but the effect of an integrated masterplan and proposals ensure that the positive impact of this extends far beyond this into the other Corporate Priorities. The Council's requirements for bidders has focussed on ensuring that proposals provided an integrated response to the masterplan, which ensured that the design of the site provided inherent improvements to issues such as health, education and personal safety. Working in partnership with colleagues from the Council's Public Health Team, Economic and Employment Team and Highways / Sustainable Transport Teams the Council has ensured that proposals have complied with the principles of standards such as the Town and Country Planning document "Planning Healthy Weight Environments", promoted inclusive design and healthy streets principles, recognised the opportunities provided through the masterplan in promoting active travel and community activities which promote community cohesion, education and training and health benefits.
- 7.5 As well as this, the Council has recognised the need to support economic growth through its Economic Development and Growth Strategy. The major new leisure and commercial quarter located around Moselle Square and the new work spaces being created as part of the Scheme, will deliver an

increase in employment in the area and attract significant visitor spend ensuring that the Council meets the objectives of Priority 4.

- 7.6 The Scheme will provide 'high street' and business employment spaces for new and existing businesses, aimed at both reinforcing the north Tottenham Local Centre as well as providing vital local employment. The High Road West scheme will manage delivery of space within the site to optimise the potential for growth related to the scheme, while supporting local people to access education, training and employment opportunities through funded and dedicated schemes, matching local requirements.
- 7.7 This growth in the local economy will harness the opportunities provided by the new THFC stadium, while recognising the needs of the Conservation Area and needs of the centre as a Local Centre for convenience goods and as a place for local community congregation. Based on the infrastructure of a strong masterplan and governance structure, investment into socio-economic benefits and town centre / business development will make sustainable and significant enhancements to the area.
- 7.8 The Scheme will build for sustainability, helping achieve the Council's 40:20 goal and will be the home to the Council's first District Energy Centre which will provide affordable energy to residents across north Tottenham.
- 7.9 In addition to the thousands of new homes and commercial space mentioned above the Scheme will see much needed investment in community infrastructure for local residents including a new Library and Learning Centre, a new public park and civic square and a new community theatre. Alongside this, funding will be made available to invest in skills support and training for local residents and there will be a construction framework that will deliver a range of benefits including a contractual obligation to pay the London Living Wage; jobs for local people; training and apprenticeships; and investment both in terms of money and time to engage with our local communities.
- 7.10 The Scheme will work towards an agreed set of socio-economic outcomes, grouped under the four impact themes below:
 - (i) **Create better prospects** -This theme focuses on the connectivity between education and employment. It explores how to capture opportunities from the physical development and businesses to:
 - Motivate, inspire and support people with their learning and development
 - Provide opportunities to progress to higher education and into employment
 - Address key barriers to finding and sustaining employment
 - (ii) **Enable healthy and safe lives** - This theme looks at improving community safety and creating opportunities and supporting people to make choices that improve their health and wellbeing. It explores how to capture opportunities from the physical development and how to enhance services to:

- Embed health and community safety within regeneration plans and service delivery
- Empower people to improve their own health and wellbeing, enabling people and families to participate in sport, leisure and physical activities
- Develop community-led solutions that address obesity, mental health and community safety issues and manage demand on services by focusing on prevention

(iii) Build community capacity- This theme underpins strands 1 and 2 by looking at ways to enable people to engage with and support the regeneration programme and to shape and access services that will improve their education, health, employment and community safety. It explores how to capture opportunities from the physical development and how to enhance services to:

- Develop local ownership and civic pride by enabling people to shape the planning, design and operations of spaces and community facilities
- Enable local people to identify the needs of their community and to work with them to co-design and co-produce services
- Connect people and organisations to a range of opportunities that support individual or organisational development and growth

7.11 The Scheme will significantly contribute to these outcomes through the delivery of its Tottenham People Priority Strategy which puts these outcomes at the heart of delivery of all aspects of the Scheme. This includes the design and construction of new homes, neighbourhood and public spaces and new community facilities. The types of uses and commercial and creative operators who will be allowed to occupy space in the Scheme and through targeted funding and interventions which will, for example, provide local residents (including young people and those furthest from the employment market) with additional support, in order to be able to take advantage of the new opportunities on offer.

7.12 The delivery of these outcomes will ensure that the Council Priorities 1-3 are supported through the delivery of the Scheme.

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

Finance

8.1 GVA have been providing commercial advice to the Council through negotiating the Development Agreement and associated legal documentation. As mentioned above, the Council has received a signed best consideration letter from GVA.

- 8.2 As part of the Secretary of State application the Council will need to provide a current valuation report.. The Council will ensure that this report is obtained and included as part of the application.
- 8.3 Further commentary on the valuation and commercial terms of the DA and the apportionment of consideration between the Housing Revenue Account and the General Fund can be found in section 8 of the 12th September 2017 Cabinet Report (Appendix 1).

Legal

- 8.4 The Cabinet agreed on 12 September 2017 and (following a call in) on 9th October 2017 to dispose of the Council's sites within the High Road West area. The land mentioned in this report is held for housing purposes and the Council has authority under section 32 of the Housing Act 1985 to dispose of the properties held in the Housing Revenue Account in any manner it wishes but must first obtain the consent of the Secretary of State.
- 8.5 However an application to the Secretary of State in respect of a disposal under section 32 (and/or section 43) of the Housing Act 1985 must be referred to Full Council for approval first in accordance with Article 4 of Part Two of the Council's Constitution and pursuant to Regulation 4 (6) of The Local Authorities Executive Arrangements (Functions and Responsibilities) (England) Regulations 2000. The function of making the application lies with the executive of the Council under Regulation 4(5). In addition, prior to making any decision by Cabinet to dispose, the Council needed to carry out a statutory consultation in accordance with section 105 of the Housing Act 1985. Under that section the Council must consult with the secure tenants affected on matters concerning the management, maintenance, improvement or demolition of dwelling-houses let by the authority under secure tenancies, or the provision of services or amenities in connection with such dwelling-houses. The Council has conducted the necessary statutory consultation.

Equality

- 8.6 The Council is subject to the Public Sector Equality Duty under the Equality Act 2010, which requires the Council to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act
 - Advance equality of opportunity for those with "protected characteristics" and those without them
 - Foster good relations between those with "protected characteristics" and those without them.
- 8.7 The protected characteristics are: age, disability, gender reassignment pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

- 8.8 An Equality Impact Assessment (EqIA) was undertaken for the following Cabinet decision related to the High Road West Regeneration Scheme made at the Cabinet meetings held on 16th December 2014, 15th December 2015 and 12th September 2017, as well as for the Housing Strategy 2017-2022, which was approved by Cabinet on 18th October 2016.
- 8.9 The EqIA for the 12th September 2017 Cabinet Report built on the previous EqIAs to inform Cabinet of the likely equality implications of the decisions within the Cabinet report, which included a decision to dispose of the housing land belonging to the Council and situated within the High Road West Area held within the Housing Revenue Account (subject to the approval of full Council to make the application to the Secretary of State and the consent of the Secretary of State).
- 8.10 The Cabinet carefully considered this EqIA before it reached its decision on 12th September 2017. However, the Secretary of State's consent is required to enable disposal of the Council's housing land within the High Road West Area as a condition of the DA. As a result this same EqIA (found at Appendix 5) needs to be considered with equal care by the Full Council before it decides whether or not to give approval to make an application to the Secretary of State.
- 8.11 This EqIA highlighted a range of implications including the following:
- Housing (such as, rehousing residents and providing a significant increase in new homes to the area)
 - Employment and Businesses (such as relocation of some existing businesses and new jobs and employment opportunities)
 - Healthy and safer communities (such as creating new public spaces, parks, community buildings)
- 8.12 These will impact on all protected groups in some ways, but in particular older people, younger people, women, BAME communities, disabled people and people of different faiths or religions.
- 8.13 Mitigating actions have been identified in the EqIA to minimise the negative impacts of this decision, where this has been possible. This will help achieve wider socio-economic benefits for the local community, as well as meet the housing needs in Haringey, as identified in the Housing Strategy EqIA.
- 8.14 A Design Code will be developed for the Scheme to ensure that properties and the development are designed to the highest standard. Homes will be designed to meet the needs of residents and adaptations for example hand rails and walk-in showers will be undertaken for residents.
- 8.15 The Scheme will include a new Library and Learning Centre which will have particular benefits for the local community in regards to education and job opportunities, it has been designed to ensure it is fully accessible.

9. Use of Appendices

9.1 The table below details the appendices relevant to this report:

Appendix	Document
Appendix 1	12 th September 2017 Cabinet Report
Appendix 2	9 th October Special Cabinet Report
Appendix 3	2 nd October Overview and Scrutiny Report
Appendix 4	Site Plan
Appendix 5	12 th September 2017 EqlA

10. Local Government (Access to Information) Act 1985

10.1 Background Papers:

- 10th October 2016, Cabinet – EqlA for Adoption of the Housing Strategy 2017-2022
<https://www.minutes.haringey.gov.uk/documents/s88250/Housing%20Strategy%20App3%20EqlA%20v1%200.pdf>
- 13th September 2016 Cabinet Report- Tottenham Housing Zone Phase 2- North Tottenham
- 15th December 2015 Cabinet Report- High Road West Regeneration Scheme Update and Next Steps
- 15th December 2015 Cabinet Report EqlA
<http://www.minutes.haringey.gov.uk/documents/s82602/Appendix%203-%20EqlA.pdf>
- 16th December 2014 Cabinet Report- High Road West Regeneration Scheme- Masterplan and Next Steps
- 16th December 2014 Cabinet Report
<http://www.minutes.haringey.gov.uk/documents/s56687/Appendix%2011-%20Final%20High%20Road%20West%20Masterplan%20Framework%20EQIA.pdf>
- 15th July 2014 Cabinet Report- High Road West Regeneration Scheme Consultation.
- 28th November 2013- High Road West Regeneration Project - Master Plan Option Consultation Feedback and Next Steps.

Report for: CABINET

Item number: 10

Title: High Road West Regeneration Scheme – appointment of a preferred bidder and next steps

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

Lead Officer: Sarah Lovell
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Ward(s) affected: Northumberland Park Ward

Report for Key/
Non Key Decision: Key Decision

1. Describe the issue under consideration

- 1.1 The purpose of this report is to advise Cabinet of the outcome of the Competitive Dialogue procedure under the Public Contract Regulations 2015 authorised by Cabinet on 15th December 2015, to procure a Development Partner to deliver the High Road West Regeneration Scheme (the “Scheme”).
- 1.2 The recommendations within this report follow the previous Cabinet decisions in December 2014 and December 2015, which agreed the High Road West masterplan, the commencement of the rehousing process for Love Lane residents, the demolition of the Love Lane Estate and noted the business case for the preferred delivery structure for the Scheme. The substantive recommendations within this report will finalise the strategy and planning stage and will ensure that the Scheme can now move into construction and delivery.
- 1.3 Cabinet is asked to approve the selection of the preferred and reserve bidders, to approve the next stage of work to refine and clarify the preferred bidder’s proposal and to agree the disposal of the Council’s land within the High Road West Regeneration Area (shown edged blue on the Site Plan at Appendix 1).
- 1.4 Cabinet’s attention is in particular drawn to some of the most significant elements of the preferred bidder’s proposed arrangements:
 - Over 2,500 high-quality, sustainable homes.
 - At least 750 affordable homes (a net increase of 539), which will meet the Council’s housing strategy on affordability, ensuring that the homes will be affordable for local people.

- 191 high quality, safe, replacement homes for council tenants and resident leaseholders which meet resident aspirations as set out in the Resident Charter and will be built to new fire and safety standards.
- Over £10m of funding for social and economic support for both businesses and residents, including a contribution of c.£8m for supporting the Tottenham People Priority overall commitments.
- A cutting edge new Library and Learning Centre and a refurbished Grange Community Hub which will provide improved community facilities early in the scheme.
- 143,500sqft of green spaces for the community including a large new linear community park with an outdoor gym, children's play area and Grange Gardens; a safe, central green space for local people.
- A welcoming new civic square which will be an important focus of local events and activities, bringing the community together, promoting cultural activities and enhancing activity and safety at night.
- Over 130,000sqft of commercial, retail and leisure space throughout the scheme providing a wide range of leisure, employment space, shops, cafes and restaurants around a new civic square.
- £500k of investment in the town centre and also a £500k fund for events and activities, as well as meanwhile uses which will revitalise the local centre during construction and afterwards.
- Over 3,300 construction jobs and more than 500 end-user jobs once the development is complete.
- High quality new industrial and maker/artisan space to support businesses from the existing Peacock Industrial Estate.

2. Cabinet Member Introduction

- 2.1 From the outset, I promised to put residents at the heart of the High Road West Regeneration Scheme. This is why we completed a three-year consultation on the masterplan proposals and worked to create a shared vision for the area. This is why residents have been trained and have developed key design documents to shape the regeneration proposals and this is why residents have been instrumental to the procurement process to select a development partner for High Road West. This is also why I am recommending that the Council own the replacement homes build as part of the Scheme.
- 2.2 This involvement has been crucial in ensuring that the Regeneration Scheme delivers the right outcome for existing residents and the local community in addition to supporting the Council's strategic priorities in terms of housing growth, jobs and employment and high quality social infrastructure.

Delivering the shared vision

- 2.3 Previous consultation, including the masterplan options consultation which took place in 2013 and the masterplan consultation which took place in autumn 2014, has shown that residents want comprehensive change across the High Road West Regeneration area. It has shown that residents want new high quality homes, a better mix of shops and restaurants, they want world

class community facilities including a new Library and Learning Centre, they want safe and welcoming open and play space for their children and they want more training and employment opportunities.

- 2.4 In December 2015, Cabinet noted the business case which recommended that the best delivery option for securing this comprehensive change, was to undertake a procurement exercise to find a development partner and enter into a contractual development agreement. The development agreement would ensure that the shared vision for High Road West, the new homes, the new Library and Learning Centre, the high quality public realm and new community park would all be delivered but would minimise the Council's exposure to financial and delivery risk.
- 2.5 The process to select a development partner began in May 2016. Throughout the procurement process, the Officers leading the procurement and the Resident Procurement Panel- a group of tenants and leaseholders selected by the Resident Design Panel to represent resident interests throughout the procurement process- have met and worked with bidders to shape their proposals, maximise the community, social and economic benefits and ensure that resident aspirations are met.
- 2.6 This has included the Resident Procurement Panel visiting the bidders' existing estate regeneration schemes to understand the quality of their developments, working with the bidders to ensure their proposals provide not only high quality housing, but housing which meets the bespoke needs of Love Lane residents and encouraging bidders to enhance their affordable housing offer to Love Lane resident leaseholders. It has also included pushing bidders to think creatively about how they could support businesses affected by the regeneration scheme. This for example, has resulted in creative design and significant industrial, maker and artisan space being provided within the Scheme to relocate some existing businesses, including businesses within the Peacock Industrial Estate. It has also resulted in a significant funding and resource package to support affected businesses and reinvigorate the High Road.
- 2.7 In addition, it has ensured that the estate management regime put in place to manage the whole High Road West site, including the new community parks and public spaces will be managed by a Board comprising representatives from each residential tenure, retail and commercial representatives ensuring that the community can run the estate themselves, fostering long term civic pride and community ownership.
- 2.8 The outcome of the competitive procurement process is that we have a solid preferred bidder, who has sought to respond to the residents' various documents, listened to their aspirations and has responded to the Council's requirements. As such, the preferred bidder has put forward an exciting and deliverable proposal for the High Road West area which meets our shared vision, delivers our shared outcomes, delivers the key social infrastructure

early in the development programme and continues to put residents at the heart of the regeneration scheme.

Ownership of the replacement homes

- 2.9 From the outset, Love Lane residents have been clear that their preference was for the Council to own the replacement homes. In 2014, when we agreed the 101 commitments set out in the Love Lane Resident Charter, I was clear that we would seek to test whether this was possible through the procurement process. Officers have now tested options for the final ownership of the replacement homes and have concluded that this is the best way forward.
- 2.10 The recommendations within this report set out the key decisions which will support the delivery of this world class regeneration scheme. By agreeing the recommendations, the Cabinet will be ensuring that we are one step closer to delivering the scheme and securing significant benefits for the local community.

3. Recommendations

3.1 It is recommended that Cabinet:

- i. Notes the outcome of the Competitive Dialogue Procedure under the Public Contracts Regulations 2015 as outlined in this report.
- ii. Agrees the selection of Lendlease Europe Holdings Limited ("Lendlease") as the preferred bidder with whom the Council will enter into a Development Agreement to deliver the Scheme.
- iii. Agrees to the selection of a reserve bidder as set out in the exempt part of this report.
- iv. Agrees to proceed to the Preferred Bidder Stage ("PB Stage") so the preferred bidder's proposal can be refined and optimised, in particular to finalise the Development Agreement (Appendix 2, within the exempt part of this report), Compulsory Purchase Indemnity Agreement, (Appendix 3, within the exempt part of this report) the lease (Appendix 4 within the exempt part of this report) and any associated legal documentation following the preferred bidder stage.
- v. Agrees to the disposal of:
 - a. (Subject to the approval of full Council to make the application to the Secretary of State and the consent of the Secretary of State) the properties belonging to the Council and situated within the High Road West Area held within the Housing Revenue Account and listed in Section 1 of Appendix 5 of this report; and
 - b. The properties belonging to the Council situated within the High Road West Area held for planning and general fund purposes and

listed in Section 2 of Appendix 5 and any other properties belonging to the Council within the High Road West Area and shown coloured pink on the site plan attached at Appendix 1.

And that these properties be included within the Development Agreement.

- vi. Gives Delegated Authority to the s151 Officer and the Director of Regeneration, after consultation with the Cabinet Member for Housing, Regeneration and Planning, to approve the final Development Agreement, Compulsory Purchase Indemnity Agreement, the lease and any associated legal documentation following the preferred bidder stage.
- vii. Notes that if the Development Agreement and ancillary documents required to be agreed at the preferred bidder stage cannot be agreed with the preferred bidder, a further report will be brought back to Cabinet to seek permission to enter into the preferred bidder stage with the reserved bidder.
- viii. Notes and considers the results of the High Road West ownership and management of replacement homes feedback report, which can be found at Appendix 6. This includes the statutory consultation under Section 105 ("s105") of the Housing Act undertaken with secure council tenants living on the Love Lane Estate.
- ix. Agrees that the 145 replacement social rented units and 46 shared equity which will be delivered by Lendlease will be acquired by the Council for housing purposes and be held in the Housing Revenue Account and gives delegated authority to the s151 Officer and the Director of Regeneration, after consultation with the Cabinet Member for Housing, Regeneration and Planning, to approve the final terms of the option in the Development Agreement .
- x. Arrives at its decisions above having considered and had regard to the Equalities Impact Assessment (Appendix 7).

4. Reasons for decision

- 4.1 All of the recommendations detailed above will support the delivery of the High Road West Scheme. The Scheme will support the Council in delivering all of its Corporate Priorities, will address issues of deprivation which have long characterised the Northumberland Park Ward and will set a benchmark for future regeneration across the borough.

Supporting the Corporate Priorities and tackling deprivation

- 4.2 The selection of a preferred bidder is the next step in delivering the Council and local communities' vision to transform High Road West into a vibrant, attractive and sustainable new residential neighbourhood with a blend of housing and support the creation of a premier leisure destination for London, alongside the Tottenham Hotspur Football Club development.
- 4.3 Delivering this vision offers a unique opportunity to tackle the entrenched deprivation that has characterised the Northumberland Park Ward and meet the Council's Corporate Priorities:
- **Priority 1: Enable every child and young person to have the best start in life, with high quality education-** The Scheme will help ensure that children and young people have the best start in life, by providing a high quality living environment and world class community facilities, such as the new Library and Learning Centre. This will go some way in tackling the 4% (national average of 3.1%.) of 16 and 17 year olds living in the Northumberland Park Ward who are not in employment, education or training (NEET).
 - **Priority 2: Enable all adults to live healthy, long and fulfilling lives -**The Scheme will help all residents to live healthy, long and fulfilling lives by providing, and giving easy access to a range of services by delivering a healthy neighbourhood with ample public space, such as a large new community park with play and gym equipment and food growing as well as, a new public square for public events and encouraging community cohesion. All of which will seek to address the issue of life expectancy, which is demonstrably worse in the east of the borough compared to the west of the borough: on average the difference between parts of the east and parts of the west is 7 years. It will also address the obesity amongst children and the mental health challenges which are significant, and stubborn.
 - **Priority 3: A clean, well maintained and safe borough where people are proud to live and work-** The Scheme will deliver a clean, well maintained and safe welcoming environment for residents, businesses and visitors alike where people are proud to live and work. This will be delivered through high quality inclusive design, placemaking and responding to the needs of the area and community. It will be maintained by one inclusive, transparent estate management regime, that will be responsible for the management and maintenance of the high quality, affordable environment. The management regime will seek to train and support residents and businesses and community partners to once ready will be able to run the management and maintenance of the area, fostering long-term civic pride and community ownership.
 - **Priority 4: Drive growth and employment from which everyone can benefit-** Critically, the Scheme will deliver economic growth which is not only essential to residents and businesses of the borough and the wider region but also the Council. The new employment and commercial space will provide significant opportunities for training, jobs and employment and

will go some way to address unemployment (at 26%) in Northumberland Park, which is almost double the rate across the whole borough and three times the national average. The improved environment and the creation of a new leisure destination in London will bring thousands of visitors who will contribute to the local economy and support local businesses.

- **Priority 5: Create homes and communities where people choose to live and are able to thrive**—The Scheme will deliver over 2500 new high quality homes, which residents will be involved in designing, in a mix of tenures ensuring that residents' housing choice is maximised. 2500 new homes are a significant contribution to meeting the boroughs housing demand. Meeting the housing demand will lead to more and more families being able to afford a home in the borough, either to rent or buy, alleviating the current difficulties faced by local people. It will also help to drive down levels of homelessness, so fewer households find themselves in crisis, and the relieve some of the significant pressure on the council budget through increased temporary accommodation costs. The Scheme will build on the strengths of the existing local residents and businesses to create an even stronger sustainable community where people don't only live, they thrive.

Development Delivery Methodology

- 4.4 In bringing forward significant development opportunities across Tottenham and Wood Green assessments have been made in each case to ensure that appropriate delivery mechanisms are used.
- 4.5 In December 2015 a business case setting out the preferred delivery approach for the High Road West Scheme was presented to Cabinet. The business case recommended that the Scheme should be delivered through a contractual development agreement as this delivery option best met the Council's objectives and reduced exposure to risk. The Cabinet noted the business case and agreed to commence a Competitive Dialogue Procedure under the Public Contracts Regulations to procure a commercial partner to deliver the Scheme.
- 4.6 In May 2016 the procurement process was launched. Following a compliant procurement process, which has been validated by an independent auditor (Appendix 8), the preferred bidder is recommended in this report. Through the procurement process the development agreement and supporting legal documentation (explained in detail at paragraphs 6.32-6.55 below) have been developed and refined over the course of the competitive dialogue process.
- 4.7 By approving the recommendations to enter into the final stage of work with a single preferred bidder and paving the way for refining the Development Agreement, Cabinet will be taking the next vital step in unlocking the considerable growth potential of the Council's own land and meeting a number of core Council ambitions.

Ownership of the replacement homes

- 4.8 The Cabinet is being asked to make a decision on the ownership and management of the replacement homes within this report so that the Development Agreement can be finalised and thus delivery of the Scheme can progress following the conclusion of the preferred bidder stage of the procurement process. Making a decision now, will also help residents on the Love Lane Estate in making their rehousing choices.
- 4.9 The rationale for recommending that the Council acquire the replacement homes is set out in paragraphs 6.107-6.124 below.

5. Alternative options considered

Delivery approach and procurement process

- 5.1 In December 2015 Cabinet noted the business case setting out the preferred delivery approach for High Road West. That business case identified and robustly assessed three alternative options for achieving the Council's bespoke objectives for the Scheme. The options are detailed in paragraphs 6.12- 6.16 below.

Ownership and management of the replacement homes

- 5.7 The Council has carefully considered two options relating to the ownership and management of the 191 replacement homes. The two options are:
- Option 1: The preferred bidders RP partner acquires the replacement homes
 - Option 2: The Council acquires the replacement homes.

6.0 Background and summary information

Background

- 6.1 The Council has a major commitment to both housing and employment growth through the Council's Corporate Plan 'Building a Stronger Haringey together', and through its contribution to the London Plan's housing and jobs targets. The nature and scale of these ambitions are further set out in the Council's Economic Development and Growth Strategy and in the Housing Strategy. More specifically for Tottenham, the Strategic Regeneration Framework (SRF) - a landmark 20-year vision for the future - sets out the need to deliver at least 10,000 new homes and 5,000 new jobs in Tottenham over the next twenty years.

The High Road West Masterplan- Cabinet decision 2014

- 6.2 The agreement of the High Road West Masterplan, in December 2014, was a major first step in realising the Council's regeneration and growth ambitions

and meeting the targets set out in the SRF.

- 6.3 The Masterplan was agreed only after an extensive community engagement and consultation programme over a three-year period, please see Appendix 9 which gives further detail of the engagement which has taken place to date. Through this programme, three masterplan options were developed and consulted on and a preferred option selected. The preferred option was then developed further through engagement with the local community. Once refined, the preferred option was subject to a 6 week public consultation held in September- October 2014, which included an initial statutory s105 consultation for secure Council tenants living on the Love Lane Estate (the results of which were considered by Cabinet in December 2014). This extensive consultation and engagement has ensured that a shared vision for High Road West has been developed.
- 6.4 The agreed Masterplan sought to deliver:
- A minimum of 1200 new homes of different size and tenure to meet the needs of the community, in a new safe and attractive neighbourhood set around a new community park;
 - A stronger business economy delivering hundreds of new jobs and training opportunities through the provision of modern, flexible workspaces in addition to new leisure, sports and culture related business and employment opportunities;
 - A safe and welcoming gateway to north Tottenham through the provision of a high quality public square, which will provide an important new link between a realigned and improved White Hart Lane station entrance and the High Road. This spacious, high quality outdoor space will be the focus of community, cultural and leisure activities – bringing together existing and new residents, visitors and businesses;
 - Improved quality of life and life chances of existing and future residents through provision of high quality community and leisure facilities to match the best facilities across London;
 - An increase in the amount and the quality of both public and private open spaces ensuring that all residents have access to both public and private space; and
 - Provides for an improved High Road with a wider range of shops and an improved environment.
- 6.5 The principles set out in the agreed Masterplan have been embedded into the Tottenham Area Action Plan – a statutory planning document which will guide future development in Tottenham. The AAP along with accompanying Local Plan documents were adopted in July 2017. The adoption of the AAP marks an important step forward in securing the delivery of the masterplan principles, as it has put in place the planning policy and guidance required to bring forward the Scheme.
- 6.6 At the same time as agreeing the Masterplan, the Cabinet agreed the resident guides, which set out the Council's rehousing commitments to the Love Lane residents. These guides formed part of the s105 Housing Act 1985

consultation on the masterplan proposals in September-October 2014. The commitments outlined in the guides, predate the existing and draft for consultation Estate Renewal Rehousing and Payments Policy (“ERRP”) documents. The commitments within the guides, however, meet and in some areas exceed the commitments within the ERRP. The commitments within the tenant guides included the following:

- All secure Council Tenants will:
 - Be offered a new home in the redevelopment area, with the aim of one move only;
 - Continue to pay a social rent;
 - Be offered a new home to meet their housing need- to tackle overcrowding and under-occupancy;
 - Be able to move to a council tenancy elsewhere in the Borough if they wish;
 - Be given Home Loss compensation and have the costs of the move paid
 - Be able to under-occupy by one bedroom if they are currently under occupying their property
- All resident leaseholders will:
 - Be offered market value for their home;
 - Be offered 10% of the market value as home loss compensation;
 - Be offered the opportunity to purchase a shared equity or shared ownership home in the new redevelopment;
 - Be compensated for legal, valuation and reasonable costs.
- All private Tenants will:
 - Be offered timely re-housing advice so that they are aware of all of their options.

6.7 Significant progress has been made with the rehousing of Love Lane residents, since the rehousing process commenced in December 2014. The Council has established a successful and effective Rehousing Team that offers residents much more than rehousing advice. The team offer support to residents, identify needs and vulnerabilities and sign post or refer residents to ensure they receive the support and services they require.

6.8 The Council has assured secure Council tenants that they will have a new home in the regeneration area if they wish. Despite this assurance, some residents have chosen to exercise their right to move early. 29 residents from the Love Lane Estate choose to move to Ambrose and Mallory Court within the Newlon Housing Association development, which is located in the north of the masterplan boundary. 118 tenants have exercised their choice to be rehoused elsewhere in the borough. The majority (70%) have chosen to remain in the N17 area.

6.9 The Rehousing Team do not only support tenants, they have also been working hard to engage leaseholders on the Love Lane Estate and understand their

individual financial and housing needs. To date, the Council has acquired 9 of the 85 leasehold properties and have agreed terms to acquire a further 4.

- 6.10 Following the selection of the preferred bidder the Council will be working with leaseholders to provide more detail on the leaseholder offer. This will include determining the minimum equity share percentage which resident leaseholders will need to contribute towards the acquisition of a new property in the development area. The Council will undertake a 6-week consultation with leaseholders on the offer the results of which will be considered at Cabinet later in the year.

High Road West Business Case- Cabinet Decision 2015

- 6.11 Following the agreement of the Masterplan, officers sought to determine how to deliver the Scheme. The Scheme's objectives raised a number of bespoke challenges, including substantial land assembly and large infrastructure costs which resulted in significant viability challenges for the Scheme.

- 6.12 In February 2015, Bilfinger GVA (GVA) were appointed as the Council's commercial advisors and were commissioned to work with the Council and its external legal advisors to develop a preferred delivery structure for Scheme given the bespoke challenges referred to above. This resulted in a business case being developed and presented to Cabinet in December 2015. The business case identified and robustly assessed three alternative options for achieving the Council's objectives for the Scheme. The options explored are detailed below:

- Option 1- A contractual development agreement
This structure passes development and financial risks onto the development partner and as a consequence somewhat limits the control and rewards the Council will receive. However, the contractual arrangements will protect the Council's interests and will set out how the Council can take a share in any value or profits made by the scheme.
- Option 2- A partnership development agreement
This structure enables the lead developer to deal with site preparation, planning and infrastructure to enable the development and create the 'development platform' that works alongside the Council and agrees to enable other specialist developers to participate in downstream development.
- Option 3- A joint venture entity
This structure presumes that the Council and the partner contribute land and funding and by which the JV becomes the developer with a (e.g.) 50/50 decision making and development management arrangement with the partner.

- 6.13 The business case included a financial review and a strategic review of the three options referred to above. As part of the strategic review, the options were given

scores against how well they met the Council's objectives for High Road West. The Council's objectives included ensuring the council maintained influence and control, above and beyond planning powers, to deliver the maximum possible public value. Given the viability issues of the Scheme, a key objective was to ensure that the Council did not take any direct delivery risk and ensuring the structure leveraged external forms of public funding to support viability.

6.14 The business case concluded that Option 1, a contractual development agreement was the best option for achieving the Council's objectives for High Road West. This is because this option would:

- Allow the Council to work with a single well-financed lead partner with the capacity, resources and necessary funding to drive the complex development in an expedient manner – thus minimising Council resources and cost.
- Minimise financial and delivery risk exposure to the Council, whilst also ensuring that the Council still had controls over key issues such as meeting assurances to affected residents/businesses, masterplanning and design quality, the specifications of the community facilities-replacement homes and Library and Learning Centre and some controls over the timing and delivery of the scheme.
- Present a delivery structure which was well understood and well known to the market and would attract the most amount of bidder interest
- Would expedite the masterplanning process, as bidders would need to crystallise a scheme through the procurement process.

6.15 All of which were vitally important given the scale of the Scheme, the viability challenges presented by the Scheme and the need to expedite the delivery of the Scheme following three years of consultation with the local community.

6.16 It should be noted that consideration was given as to whether Scheme should be included as part of the Haringey Delivery Vehicle (HDV). However, it was concluded that the Scheme should be delivered independently, because the Scheme was far more advanced than the other regeneration sites identified for inclusion within the HDV. After three years of consultation with the community the Scheme had a masterplan, set objectives and a clear mandate, as such, the Council was keen to accelerate delivery. Including the Scheme in the HDV may have affected the pace of delivery (the anticipated date for the bidder to be on site is 2018/19). It was also the case that Scheme had viability challenges and at the time when the Council was considering the sites to include in the HDV, Housing Zone funding to support the Scheme viability had not yet been secured. Including a site which had a significant funding gap within the HDV may have affected the overall delivery of the HDV.

Housing Zone Funding- Cabinet decision 2016

6.17 As set out in the December 2015 Cabinet, the financial model developed by GVA had shown that the Scheme had a significant funding gap due to the substantial upfront costs associated with land assembly and infrastructure. To

address the funding gap officers had engaged HM Treasury and the Greater London Authority (“GLA”) to seek public sector funding to support the Scheme.

- 6.18 In early 2016, following a successful bid to the GLA, the Council secured over £60m of Housing Zone funding to support the delivery of the Scheme. This was the largest allocation of Housing Zone funding across London. The Housing Zone Funding package included:
- Affordable Housing Grant which will ultimately be paid to the developer to ensure Affordable Housing is delivered on the site.
 - Housing Zone Grant to support the Council’s acquisition and related borrowing costs
 - Mayoral Regeneration Funding which is existing monies for the delivery of Energy and Transport infrastructure.
- 6.19 In September 2016, the Council’s Cabinet agreed to enter into an Overarching Borough Agreement with the GLA to secure the funding.

North Tottenham District Energy Network (DEN) – Cabinet Decision 2017

- 6.20 Cabinet agreed in January 2017 to a District Energy Network (DEN) for the North Tottenham area to support regeneration and carbon reduction, and to establish a Council owned Special Purpose Vehicle (SPV) and commence a procurement process to procure a DEN contractor. The DEN at North Tottenham shall include a central low-carbon energy centre which will be located within the High Road West Scheme and will deliver hot water (heat) to High Road West, Tottenham Hotspur Football Club and Northumberland Park regeneration for the space heating and hot water needs. Alongside carbon reduction and local energy generation, a DEN can also deliver wider social and economic benefits to the community.

Resident involvement

- 6.21 Since agreeing the Masterplan, the Council has kept its assurance to put residents and their aspirations at the heart of the High Road West Regeneration Scheme.
- 6.22 Throughout 2015 and 2016, the Council worked with residents and the Independent Tenant and Leaseholder Advisor (“ITLA”) for the Love Lane Estate, to create a Resident Design Panel, as was agreed in the Resident Charter. The purpose of the Design Panel was to involve residents in all design aspects of the High Road West Regeneration Scheme.
- 6.23 After an extensive programme of community consultation and research undertaken by the Resident Design Panel facilitated by the ITLA and Council officers, which included; visits to other estate regeneration schemes, specialist training in design from the Design Council/CABE and dedicated workshops in key areas, such as housing and community facilities, the Resident Design

Panel produced the High Road West Resident Design Guide (“Resident Design Guide”).

- 6.24 The purpose of the Resident Design Guide is to inform the design and development of the regeneration proposals for the High Road West area and the detailed designs for the new properties, public spaces and facilities. It builds upon the initial design principles established in the Residents Charter and articulates the design priorities for residents, drawing upon what they like and dislike about their present homes and the Love Lane Estate. It presents their design aspirations for the regeneration scheme. The document condenses the above into three broad topic headings:
- Neighbourhood Character
 - Public Realm
 - Design of Homes
- 6.25 To ensure that residents’ aspirations for the area were clear to Bidders from the outset, the Design Guide was sent to Bidders early in the procurement process- allowing Bidders to use the Design Guide to shape their proposals. As the residents have written within the document, the Resident Design Guide “exemplifies good practice in engaging a community over a sustained period on the key design issues facing any housing regeneration scheme.”
- 6.26 Members of the Resident Design Panel were elected (by other members of the Panel) to form the Love Lane Resident Procurement Panel. These members have been involved throughout the duration of the procurement process. They have met with the bidders at each stage and have provided critical feedback on their proposals.
- 6.27 They have also had the opportunity to have a tour of a current estate regeneration scheme being developed by each of the three short listed bidders. Following the conclusion of the recent s105 consultation and resident leaseholder’s consultation on the ownership and management of the replacement homes (detailed in paragraphs 6.98-6.106 below), the Procurement Panel had a dialogue session with each bidder and their Registered Provider partner and gave their feedback from the s105 and leaseholder consultation. Residents also had the opportunity to challenge and question the bidders on their approach to providing genuine affordable housing with affordable rents and service charge and on their offer to resident leaseholders.

Businesses

- 6.28 The Council engaged with businesses throughout the development of the High Road West Masterplan. As a result of this work and alongside the approval of the Masterplan, the Council committed to a Business Charter, which set out the following commitments in accordance with feedback from the businesses:

- ensure businesses are able to participate in the regeneration proposals and are fully supported throughout the process,
- enable businesses to remain as viable as possible during the planning period and the subsequent regeneration, to enable individual traders to exercise real choice regarding their current and future options,
- a fair and equitable valuation and compensation process,
- endeavouring to keep the businesses and jobs within the area, or within the borough.

6.29 The Council has continued to engage with businesses on both an informal and formal basis throughout the procurement, with specific engagement events and activities focussed on projects such as the Tottenham Heritage Initiative, which is investing £2.25m to provide new frontages and business support for businesses in the North Tottenham Conservation Area and White Hart Lane station and public realm work engagement. Businesses have been provided with regular updates through newsletters, had access to training opportunities through the Council and in co-ordination with its partners and have had access to professional advice through the Business Property Manager.

6.30 The Council has recently employed the services of Retail Revival who have a successful reputation in supporting and developing businesses. They will be helping to ensure that the Council has the capacity to meet the commitments in the Residents' Charter while also helping to reinforce the economic sustainability of individual businesses and the local centre as a whole. Working with the Tottenham Traders Partnership, they will be providing training, business development advice, including access to a small grants pot, addressing vacant premises through, for instance, use of meanwhile activities from the local area and beyond and advising on initiatives which will address specific issues such as the temporary departure of Tottenham Hotspur Football Club and employment requirements in the local area.

6.31 Retail Revival will also be providing an essential intelligence gathering and monitoring role, which will provide the information necessary for the Council to best support the business community around High Road West. It is expected that there will be a smooth transition between this service and any service provided by the preferred bidder, by ensuring that activities are focussed on business need based on dialogue between businesses and the Council, aimed at developing a good level of trust and continuity for the business community in north Tottenham.

The procurement process

6.32 As previously stated, Cabinet gave approval in December 2015 to commence a Competitive Dialogue Procedure under the Public Contracts Regulations 2015. Cabinet also gave delegated authority to the Strategic Director of Regeneration, Planning and Development, after consultation with the Cabinet Member for Housing and Regeneration to agree all documentation required to support the procurement process, to also deselect bidders, in line with the evaluation criteria, throughout the procurement process and to return to

Cabinet for approval of the preferred bidder following the conclusion of the procurement process.

Launch of the procurement process and Pre-Qualification Questionnaire stage

- 6.33 The procurement process was launched by the publication of the OJEU Notice on 31st May 2016. This publication followed the Strategic Director of Regeneration, Planning and Development, after consultation with the Cabinet Member for Housing and Regeneration, approving the procurement documents (OJEU Notice, Pre-Qualification Questionnaire with Guidance Notes and scoring matrix and Memorandum of Information) in line with the delegation granted at Cabinet.
- 6.34 To introduce bidders to the Council and the Council's aspirations and provide the details of the procurement process, a well-attended 'Bidder Day' was held on 13th June 2017 at Tottenham Town Hall.
- 6.35 The Pre-Qualification Questionnaires were returned on 11th July 2016 and evaluated in accordance with pre-determined criteria. The evaluation panel was formed of the Council's lead officers from Finance, Legal, Regeneration Housing and Library Services, together with internal and external advisers (Bilfinger GVA and Pinsent Masons) (the 'Evaluation Panel'). The evaluation process was moderated by the Council's Construction Procurement Manager. The top six bidders received an Invitation to Participate in Dialogue ('ITPD') and an Invitation to Submit Outline Solutions ('ISOS'), in accordance with the delegation.

ITPD/ISOS Stage

- 6.36 Those bidders proceeding to the ISOS stage were announced and notified on 4th August 2016 and the relevant documents were issued on 26th August 2016, following approval by the Strategic Director of Regeneration, Planning and Development in consultation with the Cabinet Member for Housing and Regeneration, in accordance with the delegation.
- 6.37 During the ISOS stage, five sessions of dialogue were held with each bidder, this included a dialogue session with the Resident Procurement Panel, which focused on masterplanning and design and a dialogue session with Tottenham Hotspur Football Club ("THFC"), which focused on crowd safety issues. Queries and clarifications were dealt with through the Council's procurement portal. Bidders then submitted their outline solutions to the Council on 25th November 2017.
- 6.38 Submissions were evaluated by the Evaluation Panel in accordance with the guidance issued at the ISOS stage. On 13th January 2017, the Strategic Director of Regeneration, Planning and Development, following consultation with the Cabinet Member for Housing and Regeneration, approved three successful bidders to proceed to the Invitation to Continue Dialogue (ITCD)

stage. On 20th January 2017, it was announced that the following three bidders had been invited to proceed to the ITCD stage:

- BDW Trading Limited (Barratt London)
- Lendlease Europe Holdings Limited
- BY Development “Linkcity” (Bouygues)

ITCD stage

- 6.39 Documentation for this stage was approved and issued on 20th February 2017, including updated draft legal documents again with the necessary approvals in accordance with the delegation.
- 6.40 The selected bidders then engaged in producing detailed solutions and draft Invitation to Submit Final Tender (‘ISFT’) questions were sent to Bidders on the 5th April 2017 to facilitate the development of the detailed solutions.
- 6.41 To ensure that the bidders were developing the best possible proposals ten dialogue sessions were held with each bidder during the ITCD stage. This included two dialogue sessions with the Resident Procurement Panel and one dialogue session with THFC which focused on crowd safety. Additional financial and sustainability dialogues were also held with the three bidders. The Resident Procurement Panel also attended a tour of a development scheme being delivered by each of the bidders. Queries and clarifications during the ITCD stage were dealt with through the procurement portal.

Final Tender Stage

- 6.42 The Invitation to Submit Final Tender (‘ISFT’) was issued on the 9th June 2017. The issue of this document brought dialogue to a close, meaning that negotiations and discussions on detailed solutions were at an end.
- 6.43 Final tenders of the detailed solutions were received from the three bidders on 30th June 2017. These were evaluated by the Evaluation Panel between the 19th July 2017 and 8th August 2017 in accordance with the evaluation methodology and criteria as set out below.
- 6.44 The Council’s Construction Procurement Manager, again performed a moderating role, and both internal and external legal advisers were in attendance when required.

Requirements of bidders

- 6.45 The detailed requirements of the final tender documents, including the evaluation methodology and criteria, are set out in the Appendix 10 in the exempt part of this report.
- 6.46 To make the final tenders as meaningful as possible, to enable effective

evaluation, and to facilitate the preferred bidder and the expedient delivery of the High Road West Regeneration Scheme, the bidders were asked to submit:

- A masterplan for the High Road West area and their approach to a design code
- A detailed socio-economic strategy- a response to the Tottenham People Priority
- A detailed proposal and cost plan for the Library and Learning Centre
- An affordable housing strategy
- A replacement homes proposal
- A phasing approach and programme
- A land assembly strategy
- An overarching estate management strategy
- A commercial strategy
- A sustainability and energy strategy

6.47 In addition each bidder was required to:

- Submit a final mark-up of all the draft legal contractual documents that had been initially prepared by the Council and its legal advisers, reflecting each bidder's positions reached during dialogue; and
- A financial offer, which included completing a financial template which had been developed by GVA

Evaluation Methodology and Criteria

6.48 The evaluation criteria is set out in Appendix 10 which is part of the exempt report. In summary the available marks for assessment are split between quality (70%) and cost (30%). The available marks for quality are split between:

- Masterplan and design (18%)
- Community, social and economic benefits (15%)
- Deliverability (17%)
- Legal structure and risk (20%)

6.49 All bids were required to achieve a minimum (or 'floor score') of 40% for each individual score under the headings above.

The preferred bidder

6.50 The recommended preferred bidder is Lendlease on the basis that this bidder received the highest overall score across all the criteria from the Evaluation Panel, and satisfied the minimum (or 'floor score') requirement across all five criteria set out above.

6.51 The key elements of the preferred bidder's proposal are:

- A depth of experience, strong team and track record of delivering similar schemes – including housing estate renewal in a London context.
- A legal and commercial structure which allows the Council to have necessary control but minimises financial and delivery risk exposure. Including a 100% indemnity for the Council's land acquisition costs.
- A high quality masterplan proposal which will deliver 2,500 new homes and 200,000 sqft of commercial space, significant green spaces for the community including a large new linear community park, a welcoming new civic square which will be an important focus of local events and activities, bringing the community together, promoting cultural activities and enhancing activity and safety at night.
- A considered and efficient phasing and delivery programme, which will see 1,300 homes in delivery by 2021 and over 2,500 homes delivered by 2027, enabling those Love Lane residents who want to remain to have one move only into a new home within the Scheme and that delivers new homes and the Library and Learning Centre all in phase 1.
- A robust site assembly strategy and significant experience in both strategic land assembly and the CPO process should this be required. Human and financial resources to work closely with the Council and all key stakeholders to develop and deliver a strategy that meets the needs of the affected residents and businesses, maximises on site relocation and unlocks the High Road West scheme.
- An inclusive, transparent single estate management regime, responsible for the management and maintenance of the high quality, affordable environment. The management regime will seek to train and support residents and businesses and community partners so that once ready, they will be able to run the management and maintenance of the area, fostering long-term civic pride and community ownership.
- Over £10m of funding for social and economic support for both businesses and residents, including a contribution of c.£8m for supporting the Tottenham People Priority overall commitments.
- A new Library and Learning Centre, which will provide a striking design centrepiece for High Road West. Delivered early for maximum community benefit, the library will deliver a significant social return on investment, supported by a sustainable business case for generations to come.
- A balanced housing strategy which delivers a mix of tenures and a robust replacement homes proposal which meets the needs of Love Lane residents.

6.52 The key commercial elements of the preferred bidder's proposal are set out in paragraph 6.93 below and in further detail in the exempt part of this report. The reasons for this information being in the exempt part of the report are set out in section 10 below.

The reserve bidder

6.53 A reserve bidder is also recommended. This bidder came second in the overall scoring. Hence, this bid is held in reserve and could be reactivated in the event

that it is not possible to reach final agreement with the preferred bidder. The reserve bidder is named in the exempt part of this report. The reasons for this information being in the exempt part of the report are set out in section 10 below.

Scoring of bids

- 6.54 All bids were scored out of 100 according to the evaluation criteria set out above. The preferred bidder scored 72.02% overall.
- 6.55 Appendix 11 in the exempt part of this report sets out the detailed scoring of bids, and therefore provides the reasons for choosing the preferred bidder over the other bidders, and for choosing the reserve bidder. The reasons for this information being in the exempt part of the report are set out in section 10 below.

Structure of the deal

- 6.56 The Council and the selected Development Partner will enter into a Development Agreement (“DA”) and a Compulsory Purchase Order Indemnity Agreement (“CPOIA”) which will set out the obligations of both parties in delivering the High Road West Regeneration Scheme and associated timescales.

Governance and Steering Group

- 6.57 To oversee the operation of the DA and CPOIA and the successful delivery of the Scheme, a Steering Group will be established following completion and signing of the DA. The Steering Group will have equal representation from both the Council and Development Partner comprising 3 members from each organisation with each organisation having one collective vote.
- 6.58 The role of the Steering Group is to make key decisions, review the progress and agree strategies pertaining to the DA and CPOIA. These strategies include the Business Plan, the Stakeholder and Resident Engagement Strategy and the Socio Economic and Skills Strategy, Marketing and Letting Strategy, the Vacant Possession Strategy and the Design Code for the Scheme. The Steering Group will also receive information and monitor the progress and financial performance of the development. This information will be provided by the Development Partner on an open book basis to ensure cost transparency and value for money.

Council control

- 6.59 As well as having a 50% say in the Steering Group decisions, a number of matters will be reserved exclusively to the Council as landowner. These include approval of the Land Premium, the Resident Rehousing Strategy, the detailed masterplan for delivery of development, the form of the planning applications for each phase prior to submission to the Council’s Planning Authority and any changes to the specification for the Energy Centre Shell, the

Library and Learning Centre and the Replacement Homes from the specification that will be annexed to the DA.

Development Agreement & Commercial Arrangements

6.60 The DA is the overarching legal document which sets out how the Scheme will be delivered and the obligations on the parties. The objectives of the Scheme are enshrined in the DA. These are the overriding project objectives which the parties intend the Scheme to achieve. Progress towards achieving the objectives will be monitored by the Steering Group. The objectives are:

- Deliver comprehensive regeneration of the Site that creates a vibrant, attractive and sustainable neighbourhood and supports the delivery of a new sports and leisure destination for London;
- Regenerate the Love Lane Estate, ensuring that all current secure tenants are re housed within the area in high quality and high performing homes built to the London Mayor's Design Guide Standards;
- Deliver a broad mix of tenures including innovative new affordable housing products and (potentially) private rented sector in a tenure blind development;
- Create a new attractive, vibrant and economically successful local centre within the south of the Site, which supports both the future community and the creation of a leisure destination alongside planned development at THFC, whilst also measurably increasing employment opportunities;
- Deliver new community infrastructure that meets the needs of an increased population, including a new library and learning centre and if necessary health and educational facilities;
- Secure wider social and economic benefits for the local community, including employment, education, health and community safety benefits as set out in the Tottenham People Programme;
- Deliver high quality design which will create a healthy, safe and economically active neighbourhood and high quality architecture that responds to the existing character and heritage of the area;
- Significantly increase the amount and quality of public space in the area, including delivering a new high quality public square, which is activated with community and other uses, to link White Hart Lane station to the High Road;
- Ensure that environmental sustainability is designed into the scheme addressing urban challenges such as climate change adaption, noise pollution and air quality; and
- Ensure that the Council is able to recover its costs in relation to the Scheme.

6.61 In addition to the objectives, the DA also sets out the Council's minimum 'Core Requirements' to be delivered in the Scheme, which are:

- 1,400 new high quality homes;

- 30% (by unit number) affordable housing including a total of 145 new high quality social rent homes and 46 shared equity homes;
- A minimum of:
 - 4,800 sq. m GIA of A1, A3 and A4 retail space;
 - 3,000 sq. m GIA of D2 leisure space;
 - 1,000 sq. m GIA of B1 business space;
- a new 1,400 sq. m library (GIA) and learning centre (including fit out);
- improvements to the landscape and public realm including a major new link between an enhanced White Hart Lane Station and THFC; and
- shell and core for a new energy centre sized to accommodate all necessary combined heat and power and energy plant and equipment to supply heat to the High Road West development and the wider north Tottenham area in accordance with the DEN Specification;
- Suitable infrastructure to be installed within all Units within the Site to ensure compatibility with the DEN Specification in accordance with the Secondary Network Specification

The Council's obligations and role

- 6.62 In addition to the roles outlined above, the Council will play a key role in securing the land required for delivery of the Scheme. The land within the High Road West area falls into two categories; land owned by the Council and land owned by third parties.
- 6.63 The Council's land within the High Road West Area is shown coloured pink on the Site Plan attached at Appendix 1. The properties listed in Section 1 of Appendix 5 and are held within the Housing Revenue Account. These properties are occupied by both secure tenants, as temporary accommodation and the rest of these properties are owed by leaseholders. The list in Section 1 of Appendix 5 contains information of their occupation. The properties listed Section 2 of Appendix 5 are held for planning purposes and general fund. It will be the responsibility of the Council to obtain vacant possession of these properties prior to the leases being granted in accordance with the phasing agreed in the Development Agreement. The secure tenants will be moved in accordance with the commitments set out in paragraph 6.6 of this report.
- 6.64 As mentioned in the site wide conditions below, the Council will need to seek and obtain the necessary statutory consents to dispose of land. This will include securing Secretary of State's Consent to dispose of housing land (i.e, the Love Lane Estate).
- 6.65 The Council will also have responsibility for acquiring all land currently owned by third parties and securing vacant possession of land ahead of leases being granted to the Development Partner. The Council's role in acquiring land and securing vacant possession is set out in detail in the CPOIA and is summarised in para 6.85 below. Where there are businesses these will be dealt with in accordance with the commitments set out in paragraphs 6.28 of this report.

- 6.66 For each phase the Council will prepare and provide the Development Partner with a form of lease tailored to the phase, based on the template form of lease attached to the DA.

The Development Partner's Role

- 6.67 The DA places obligations on the Development Partner in relation to the implementation and delivery of the Scheme. Its obligations include securing the necessary planning consents, constructing the development, marketing and letting the new residential and commercial properties and putting in place an estate management regime for the regeneration area. The Development Partner's role also includes delivering the replacement affordable homes for Love Lane residents, the new Library and Learning Centre and elements of the DEN. The Development Partner's obligations are guaranteed by a third party guarantor who is also a party to the DA.

Site wide and phase conditions

- 6.68 The DA contains three site wide conditions which must be satisfied before the DA becomes unconditional. These are:
- The Steering Group agreeing and adopting all of the required strategies to guide the Scheme;
 - The Council obtaining the necessary Statutory Consents to dispose of the land; and
 - The Development Partner securing an outline planning permission for the whole site.
- 6.69 The DA also contains a number of phase specific conditions which must be met before the land in a phase can be drawn down by the Development Partner and developed. The phase specific conditions include:
- The Pre and Post Planning Viability Conditions (for phases after phase 1 and only if the phase contains Private Sale Homes) - These conditions are satisfied when the Steering Group approves a viability assessment for the phase either pre or post planning;
 - The Planning Condition - This condition will be satisfied when the Development Partner has secured planning permission for the phase free of defined unacceptable planning conditions;
 - The Vacant Possession Condition - This condition will be satisfied when the Council has secured vacant possession of the land within the phase;
 - the Socio Economic Output Condition - This condition will be satisfied when the Council agree that certain social and economic benefits have been delivered or are in delivery; and
 - The Delivery Methodology Condition - This condition will be satisfied when the Council is satisfied that the phase can be delivered in a way which minimises disruption to the local community.

- 6.70 Once all of these conditions have been met and once the Council has agreed the Land Premium – the money it will receive for the land - the Council will grant the Development Partner a lease of the land within the relevant phase. The lease will be for a term of 250 years and will include the land within the phase that is to be developed.

Agreeing the Land Premium

- 6.71 The Land Premium will be paid to the Council by the Development Partner on the grant of each lease. A financial model will be attached to the DA and will form the basis for the calculation of each Land Premium.
- 6.72 The Land Premium for each phase (save Phase 1 which is explained in paras 6.74 and 6.745 below) will be calculated once the phase has planning permission. The financial model will be used to generate a residual land value for the phase, which if agreed by the Council will be paid as the Land Premium.
- 6.73 As the DA is structured on an open book basis, the Council will have full visibility of all of the costs and assumptions within the financial model and will be able to test and challenge their robustness.

Phase 1 Land Premium

- 6.74 Through the procurement process the Council has sought a fixed minimum Land Premium from the Development Partner for Phase 1 of the Scheme. By requesting a fixed minimum Land Premium for the first phase the Council has been able to drive value through the competitive procurement process and will have certainty as to the minimum level of the first land payment received from the Development Partner.
- 6.75 The DA will set out the minimum figure and the mechanism by which it can increase. Following planning permission having been granted for Phase 1, the financial model will be updated. If the updated financial model shows that the Residual Land Value for phase 1 is higher than the figure used to calculate the minimum Land Premium, then the Council will receive a sum based on the higher updated Residual Land Value. If the updated figure is lower than the Council will still receive the fixed minimum Land Premium. The minimum Phase 1 Land Premium on offer from the preferred bidder is contained in the exempt part of the report.

Dispute Resolution

- 6.76 The DA sets out a mechanism for the resolution of matters that cannot be agreed between the Council and the Development Partner at the Steering Group or elsewhere. The parties' first tier officers must use reasonable endeavours to resolve the matter, referring to the parties' second tier officers to do so if agreement cannot be reached.
- 6.77 If the second tier officers are also unable to agree, and the parties agree to do so, the matter is referred to an independent expert for determination. The

identity of the expert will vary depending on the nature of the matter for consideration. The expert will notify the parties of its decision.

Termination

- 6.78 The DA sets out the circumstances in which the DA can be terminated either entirely or in relation to the phase(s) on which the circumstances giving rise to the ability to terminate have arisen. These include insolvency of the Development Partner or its guarantor and material breach of the Development Partner's obligations which have not been remedied within a reasonable period of time. Before it can terminate, the Council must give notice to the Partner's approved funder who may either step in to the Development Partner's role or nominate a suitable party to do so.
- 6.79 If the DA is terminated, the Development Partner can be required to surrender leases of phases where development works have not reached a specified point, and no further phases can be drawn down.

Ensuring Value for Money

- 6.80 Ensuring that value for money is achieved by the Development Partner is important as the costs that they anticipate incurring in delivery of the Scheme will affect the Land Premium that is paid to the Council.
- 6.81 The DA requires that works related to the Scheme will be procured in line with a procurement strategy agreed at the Steering Group. This will help to ensure that value for money and social value is being driven through the supply chain and all construction/building contracts. In addition, an independent verification consultant will also be employed by the Council, at the Development Partner's expense, which will assist the Council to challenge and verify costs.
- 6.82 It is also the case that value for money will be achieved through the £10m of investment in socio-economic programmes that Lendlease will deliver over the lifetime of the Scheme, which will be captured and monitored through the DA. This key investment is likely to have a positive impact across many Council budgets due to the rise in increase economic activity, the jobs, employment and training opportunities, the funded community facilities and the health and wellbeing initiatives.

Ensuring Design Quality

- 6.83 The quality of the design through the lifetime of the Scheme has been a key priority for the Council. As such the DA includes specific mechanisms to ensure design quality. This includes the development of a Design Code, following signing of the DA. The Design Code will be agreed by the Steering Group and it will encapsulate the key principles of the Scheme to ensure that it retains quality throughout any future challenges which might arise over the duration of the scheme development. As mentioned in Para 6.59 above, the DA also ensures that the Council acting in its capacity as a landowner will be

involved in the development of each planning application and will approve the application before it is submitted to the Planning Authority.

- 6.84 The DA ensures that the Development Partner must retain their original bidder design team, until at least to the end of Phase 1, with any changes thereafter, requiring the approval of the Council.

CPOIA structure

- 6.85 Whilst it is called a CPO Indemnity Agreement, the Council will only seek to utilise its CPO powers as a last resort. The CPOIA sets out the roles and responsibilities of both parties in securing all of the land within the High Road West regeneration area for development. It also sets out who will cover land assembly costs, and how and when the Council will be repaid these costs. In addition, the document ensures that the assurances given to Love Lane residents regarding re-housing, and assurances given to businesses within the High Road West Business Charter, are adhered to.

Responsibilities for and costs of land assembly

- 6.86 Under the CPOIA the Council will acquire all the land required within the regeneration area. However, the Council will only be responsible for negotiating to acquire the land interests within the Love Lane Estate. The Development Partner will be responsible for negotiating to acquire all interests outside of the Love Lane Estate. All parties will be required to utilise the property cost estimate as a basis for making offers on property/land interests. The property cost estimate will set out the market value and compensation in line with the CPO code.
- 6.87 Whilst the Council will initially pay for all of the land interests acquired and the costs of the land assembly process (using the Housing Zone funding mentioned in Para 6.18 above), it will be reimbursed for 100% of these costs, on a phased basis over the duration of the High Road West Regeneration Scheme.
- 6.88 The indemnity for the land assembly costs will usually kick in prior to the Council incurring the costs. Repayments to the Council are though, as noted above, generally phased in accordance with the development phasing, with payments on grant of the Phase lease and afterwards. The Council will manage the cash flow implications of this by concentrating on acquisitions relating to forthcoming Phases where possible, seeking to acquire interests by way of options and through the use of a property cost estimate agreed with the Development Partner.
- 6.89 The CPOIA provides for a Land Assembly Working Group which is a forum for discussing the assembly of the land required for the Scheme between the Council and the Development Partner. It is not a decision-making body.
- 6.90 The Development Partner's obligations in the CPOIA are guaranteed by a parent company.

Use of statutory powers including CPO

- 6.91 In the event that it is not possible to acquire all interests in the relevant Phase by agreement, the Development Partner has the ability (subject to progress on certain Phase conditions under the DA) to ask the Council to consider using its powers of compulsory acquisition. The Council will consider whether to do so at the appropriate time, taking into account all the relevant statutory and policy tests including ensuring that the CPO is the last resort. If a CPO is confirmed, the CPOIA sets out the circumstances in which it may or must be implemented so as to achieve vacant possession.

Termination

- 6.92 The CPOIA can be terminated in the event that the DA is terminated, if the Development Partner becomes insolvent, or if there is a material breach of the CPOIA. In the event of termination, the obligations of the CPOIA fall away. However, where the Council has acquired land, thus paid the market value and compensation for the land, and not yet transferred land to the developer, the Council will retain the land (and will be able to sell it in the future to recover the market value element of the cost) and will be reimbursed the disturbance compensation and transaction costs elements from the Development Partner.

Overall commercial structure

- 6.93 There are several elements that come together to form the main pillar of the commercial deal with Lendlease. The principal elements include:
- A guaranteed minimum fixed payment for phase 1 (subject to abnormals)
 - A residual land value payment for each subsequent phase of development, calculated prior to each phase transfer
 - 100% indemnity to cover the Council's land assembly costs
 - Fixed developer profit rates throughout the course of development
 - 100% of finance risk carried by Lendlease
 - 50% share for the Council in any in-phase revenue overage (private sale and private rent disposals), subject to upward only in-phase build cost indices review
 - Delivery of new council facilities (incl. library learning centre and Decentralised Energy Network energy centre shell and core) at zero capital cost to the Council
- 6.94 Further details on the commercial deal are set out in the exempt part of this report.

Best consideration

- 6.95 Section 123 of the Local Government Act 1972 and Section 233 Town and Country Planning Act 1990 provides that local authorities may dispose of land as they see fit and that they must seek the best consideration reasonably obtainable ("best consideration").

6.96 The letter from the Council's commercial advisors GVA, included as part of Appendix 12 in the exempt part of this report, sets out GVA's assessment of the Council's commercial position in the commercial deal. This is partly to confirm that the Council is receiving best consideration for its assets under section 123 and Section 233.

6.97 The central conclusions within the letter are:

- The decision to appoint Lendlease was made following a thorough and detailed marketing process via Competitive Dialogue, which enabled the Council to drive the strongest possible commercial deal for itself.
- That the commercial terms agreed with Lendlease for the formation of a development partnership to deliver the regeneration of the High Road West area represent the best consideration reasonably obtainable as per s123 Local Government Act 1972 and s233 Town and Country Planning Act 1990.
- That the market value of the Council's interest if offered on the open market unfettered would be less than what Lendlease are offering (assuming a Day 1 Land Payment). It should be noted that given the presence of third party interests such a sale might be difficult to secure.

Ownership and Management of the replacement homes

6.98 As set out in the December 2014 Cabinet report, it has been the Council's ambition to own the replacement social housing and shared equity housing delivered as part of the High Road West Scheme. As also set out in the Cabinet report the Council could not make a firm commitment to this until more detail on the funding of the Scheme was known and until options on ownership and management had been further explored.

6.99 During the procurement process the Council has robustly explored with bidders the following options:

- the Council owning and managing the replacement homes; and
- a Registered Provider owning and managing the replacement homes.

6.100 The Council has also undertaken another statutory consultation pursuant to section 105 of the Housing Act 1985 with secure council tenants living on the Love Lane Estate to seek their views on the ownership and management of the replacement homes and at the same time undertook a consultation with resident leaseholders on the principles of the shared equity offer and their views on the ownership and management. Further detail on the consultation and the procurement process is detailed below.

6.101 The purpose of the consultation was to use the feedback to inform the ongoing dialogue with the three bidders involved in the procurement process to select a development partner and to help the Council's Cabinet make a decision on

the ownership of the 191 replacement homes. A detailed feedback report can be found at Appendix 6.

6.102 The consultation took place between 27th March 2017 ended on the 5th May 2017. The Council received the following responses:

- From secure council tenants there was a 51% response rate. 44 forms were received in total (2 online) from a total of 86 secure council tenants.
- From resident leaseholders there was a 36% response rate. 9 feedback forms (2 online) and one email response from a total of 28 resident leaseholders.

Feedback Summary

6.103 The feedback from secure council tenants demonstrated which statutory rights, tenancy terms and services are most important to them. As detailed in the table above this has included protecting rent levels, having secure parking and having CCTV.

6.104 The feedback from resident leaseholders has shown that they agree and or strongly agree with the principles the Council has developed for the shared equity homes and has shown that efficient and quality cleaning and refuse is the most important service to them.

6.105 The feedback was fed to the three bidders by the Resident Procurement Panel. The feedback will also be utilised to further develop the preferred bidder's proposals and the planned future engagement on services and future consultation on the detailed leasehold offer.

6.106 There is clear feedback from both secure council tenants and resident leaseholders that they would prefer the council to own the replacement housing built as part of the High Road West Regeneration Scheme.

Making a decision on ownership

6.107 Notwithstanding the results of the consultation which clearly favour council retaining ownership of the replacement homes, in making a decision the council needs to consider the bespoke nature of this particular estate renewal scheme as well as several other factors:

- The financial impact on the viability of the Scheme
- The financial impact on the Council's Housing Revenue Account and General Fund and availability of funding
- Alignment with the Council's housing strategy/objectives
- Meeting assurances given in regard to tenancy terms and statutory rights
- Resident statutory and non-statutory consultation

The financial impact on the viability of the Scheme

6.108 To help officers consider the financial impact of the two housing and management options on the viability of the Scheme, Bidders submitted two versions of a completed ISFT Financial Template. One of the templates assumed that the replacement housing is acquired by the bidders' RP partner (Option 1) and the other assumed that the Council buy back the replacement housing (Option 2). In the latter version of the Financial Template Bidders were told to assume the following values (paid 100% on practical completion of the units in question):

- £64,200 for social (target) rented properties; and
- £190,400 for shared equity properties.

6.109 The returned financial templates have shown that Option 1 provides a higher revenue contribution to the Scheme than Option 2. However, Option 2 still produces a viable and deliverable scheme and a healthy residual land value to the Council.

The financial impact on the Council's Housing Revenue Account

6.110 To help the Council to understand the implications of Option 1 and Option 2 on the Council's HRA, a specialist HRA consultant was engaged. The consultant noted that in both Option 1 and 2 there would be an impact on the HRA as there would be a net loss of rental income (due to the demolition of the existing properties) but that there will be savings in management, maintenance and depreciation costs as well as a reduction in repairs liabilities.

6.111 Apart from the above, Option 1 has no significant financial impact on the Council's HRA as there is no capital or borrowing required to acquire the new homes.

6.112 Option 2 however, has considerably more impact. The consultant reviewed and considered the capital and revenue implications of the Council acquiring the replacement homes and concluded:

- In principle, the borrowing costs can be met from the additional revenue but it will be important to develop a clear process for incorporating new stock into the current HfH fee and associated budgets.
- There will also be an initial capital cost associated with the acquisition of the shared equity stock of around £8.8m but it is assumed, that this will be met in due course from the subsequent sale to current / former leaseholders. Any additional value over and above the current valuations will be of potential benefit to the Council.

6.113 It also the case that the preferred bidder's financial proposal generates a healthy residual land value for the Council. As the HRA holds c. 30% of the land within the High Road West Scheme, it is anticipated that it will receive

30% of the residual land value generated. This can be utilised to pay down/off any initial borrowing incurred when acquiring the properties.

Alignment with the Council's housing strategy/objectives

- 6.114 The Council's housing strategy seeks to drive up the quality of housing for all residents. This includes both improving the quality and management of homes owned by the Council and by Housing Associations.
- 6.115 Under Options 1 and 2 the Council would agree the specification of the new homes and would therefore be seeking to drive up the physical quality and performance of the homes.
- 6.116 The Council would not have as much control over the management and maintenance of the homes in Option 1 as it would do in Option 2. However, a management and maintenance agreement could be agreed between the Council and the preferred bidder's RP partner, which would control both the level of performance of the management and maintenance of the properties, as well as the ongoing costs to residents.

Approach to tenancy terms and statutory rights and resident leaseholders

- 6.117 To facilitate the consideration of Options 1 and 2 on the approach to tenancy terms and statutory rights, during the procurement process bidders' RP partners were asked to confirm their approach to the Council's tenancy terms and to tenant's statutory rights. Further, as part of the Final Tender submission bidders were requested to set out their proposals to tenants and leaseholders in both options.
- 6.118 This has demonstrated that in Option 1, the existing tenancy terms and statutory rights would be protected and that the leaseholder offer would go further than the offer currently set out within the draft ERRP (including the addition of an equity share offer for properties off the new estate).
- 6.119 Option 2 would require no change in the tenancy terms and statutory rights of existing secure council tenants. The detailed leaseholder offer under this option, is still to be developed and will only be agreed following further consultation with resident leaseholders on the Love Lane Estate and following Cabinet approval of the ERRP, which will set out a minimum offer.
- 6.120 It is worth noting that in both options, as secure tenants would retain their Right to Buy, there is a risk that social housing will be lost.

Resident statutory and non-statutory consultation

- 6.121 Officers have considered the feedback of the s105 consultation undertaken with secure council tenants living on the Love Lane Estate and the feedback received from the consultation with resident leaseholders living on the Love Lane Estate on the ownership and management of the replacement homes,

which is summarised in paragraphs 6.103- 6.106 above and is detailed in Appendix 6.

- 6.122 The feedback from both secure council tenants and resident leaseholders is a clear preference for the Council to own the replacement housing.

Conclusion

- 6.123 After giving due consideration to all of the issues detailed above and having tested financial options through the procurement process, officers have found that:

- A financially viable scheme can still be delivered were the Council to exercise its option to acquire;
- Financial capacity exists within the HRA to acquire the 191 properties based on independent modelling of the HRA;
- The option to acquire fits with the Council's strategy to maximise affordable rented housing under the control of the local authority;
- Acquisition assists with meeting the guarantees made to existing tenants and there is a clear preference from the tenants themselves to retain the same landlord (the Council).

- 6.124 As a result, this report recommends that the council does go ahead and acquire the 191 replacement homes.

Risk

- 6.125 As set out in the business case considered by Cabinet in December 2015, including an assessment of the balance between control and risk (particularly the financial risk posed by this particular scheme) it was agreed that the Scheme was best delivered through a contractual Development Agreement. This method gave the Council the required level of control and responsibility. This includes control of key aspects of the development and the opportunity to share in any future additional value created through uplift in the land value from obtaining planning permission and overage arrangements but exposed the Council to the least amount of development and financial risk and the lowest ongoing revenue costs. It is accepted that in order to deliver the Scheme and its benefits the Council remains exposed to some risks. These risks are set out in Appendix 13 and can be considered in three categories:

- Procurement/JR challenge risk- There are risks associated with challenges to the Council and procurement processes.
- Delivery risks- There are some delivery risks such as the Council not securing SOS consent to dispose of housing land, the Council not securing vacant possession of land within a phase and the Council not procuring an operator for the DEN within the required timescales.

- Financial risks - There are some financial risks associated with the Scheme. For example, the Council is cash flowing the site assembly and acquisitions of third party interests utilising the Housing Zone funding and there is a risk that the Council may not recover all its costs within a phase, if the phase does not progress and in a termination scenario. There is a risk that changes to market conditions such as increased construction costs, could affect the anticipated land premiums for phases that follow phase 1.

6.126 The approach to risk management can be summarised as follows:

- The Council maintain a Council High Road West risk register, owned by the Tottenham Regeneration Programme. This is a tool which allows the Tottenham Regeneration Programme gain assurance on, and where necessary, actively manage risks.
- The Steering Group will also maintain a High Road West risk register which will monitor all risks associated with the delivery of the project.

Next Steps

Finalise Preferred Bidder Stage

6.126 The next stage of the procurement process is the Preferred Bidder stage to finalise the legal documentation with the preferred bidder in preparation for financial close. The principal activities within this stage will include the finalisation of the contract documents, the completion of the due diligence activities, such as deducing title for all of the land. A key activity within this stage will also be agreeing the transaction for the acquisition of the replacement homes. The key areas for refinement are set out in the exempt part of this report.

6.127 This report seeks Delegated Authority to the S151 Officer and the Director of Regeneration, after consultation with the Cabinet Member for Housing, Regeneration and Planning, to approve the legal documentation following the Preferred Bidder Stage.

6.128 If the Officers mentioned above cannot not agree the Development Agreement and all ancillary documents required to be agreed at the preferred bidder Stage with the preferred bidder, a further report will be brought back to Cabinet to seek permission to enter into the Preferred Bidder Stage with the reserved bidder.

Finalise strategies

6.129 Once the DA has been entered into the Council and Lendlease will work to finalise the strategies referred to in paragraph 6.58 above. These strategies will be fundamental to the delivery of the Scheme, providing direction and a tool to which the delivery can be monitored.

Design Code, planning applications and ensuring design quality

- 6.130 An early task following entering into the DA will be to develop the Design Code for the Scheme. The Design Code will be agreed by the Steering Group and will be an important tool for securing consistent high quality design throughout the Scheme.
- 6.131 The Council will also, in line with the DA, work with the preferred bidder to influence and then subsequently approve the hybrid planning application for the whole site and the detailed planning application for Phase 1.

Consultation and engagement with the community

- 6.132 The Council and Lendlease will implement the community engagement strategy which will build on, and further develop, the successful engagement that has happened to date. This will include refurbishing the Grange and transforming it into an Interactive Digital Tech Hub (IDT Hub), whilst retaining the existing services offered from the building. The IDT Hub will enable local people to engage with the regeneration project by offering them the opportunity to gain education and skills in the design and planning processes through a series of courses and qualifications delivered in partnership with a suitable learning provider.
- 6.133 Virtual reality, design software and game consoles, will offer the community the opportunity to interact with the scheme in a digital capacity, as well as access to the computerised BIM system we use to design our 'virtual' developments. This will motivate, inspire and support people by empowering them to help co-design HRW and raise their interest in digital working.

Consultation and engagement with Love Lane residents

- 6.134 Following the selection of a preferred bidder, the Council will continue to lead all consultation and engagement with Love Lane residents. The next step in engagement will be to issue a newsletter to Love Lane residents updating them on the procurement process and selection of a preferred bidder and inviting them to drop-in events where they can talk to residents about the Scheme's next steps.
- 6.135 The next 6 -9 months will see engagement focused on the phasing plan and the finer details of the replacement homes, such as the level of service and service charge for the properties and the kitchen, bathroom and colour choices which will be available to residents. The Council will also be undertaking a consultation with resident leaseholders on the Love Lane Estate on the detailed leaseholder offer.
- 6.136 Residents will be extensively engaged in the development of the planning application for the site, so they continue to have a sense of ownership in the Scheme.

Supporting local businesses

- 6.137 Lendlease have set out a robust proposal for supporting existing businesses. This includes providing 130,000ft² of commercial, retail and leisure space and providing significant opportunities to retain and relocate existing businesses within the Scheme, such as a new Maker's Yard concept which will support businesses from the existing industrial estates and foster a creative energy and entrepreneurial spirit. As a next step the Council and Lendlease will engage affected businesses to gain an understanding of their relocation requirements and engage them in the design proposals for the Scheme.
- 6.138 Lendlease will also initiate their High Road Revitalisation Programme, which will ensure businesses on the High Road benefit from specialist advice to improve their operations. This includes:
- Help with business support and grants to improve shop fronts, layouts and merchandising
 - A high street design guide to set out the principles of retail regeneration
 - Helping to improve the online presence of businesses so that they begin to have wider visibility, a less local source of sales, and draw in visitors from outside the area
 - Helping businesses to understand the essential marketing tools of social media, e.g. peer reviews and getting the attention of online influencers

Securing resources

- 6.139 To implement the DA and CPOIA the Council will need to ensure that it has the necessary resources and specialist advisors in place. This will include the following:
- Design support
 - Specialist valuation and property support
 - Specialist legal advice to support land assembly
 - Commercial support to interrogate the financial model
 - Cost consultant support to benchmark construction costs
- 6.140 Some of the resources will be paid for either directly by Lendlease or through the CPOIA, others such as design support will need to be paid for by the Council.
- 6.141 On signing the DA the Council will receive a £250k deposit from Lendlease. It is recommended that the deposit is used to secure and cash flow the required resources to deliver the Scheme.

7. Contribution to strategic outcomes

- 7.1 As set out in section 4 above, the delivery of the High Road West Scheme will support the Council in delivering all of its Corporate Priorities, as well as

supporting the progression of objectives in the London Plan to support regional growth in north London.

7.2 The regeneration at High Road West will help to enhance the area in relation to each of the Council's five priorities: -

- (i) Enable every child and young person to have the best start in life, with high quality education
- (ii) Enable all adults to live healthy, long and fulfilling lives
- (iii) A clean, well maintained and safe borough where people are proud to live and work
- (iv) Drive growth and employment from which everyone can benefit
- (v) Create homes and communities where people choose to live and are able to thrive

7.3 This is developed further through the themes and specific actions highlighted in the Tottenham Strategic Regeneration Framework, which describes as one of its actions, to "Deliver the High Road West regeneration scheme – creating a new residential neighbourhood, major leisure destination and hundreds of new jobs". The adopted Tottenham Area Action Plan DPD, identifies High Road West as "Masterplanned, comprehensive development creating a new residential neighbourhood and a new leisure destination for London. The residential led mixed-use development will include a new high quality public square and an expanded local shopping centre, as well as an uplift in the amount and quality of open space and improved community infrastructure", providing indicative quantum of development which has informed the bidders' proposals.

7.4 With the delivery of over 2,500 new homes the Scheme will in particular, be instrumental in taking forward the first objective of Priority 5, but the effect of an integrated masterplan and proposals ensure that the positive impact of this extends far beyond this into the other Corporate Priorities. The Council's requirements for bidders has focussed on ensuring that proposals provided an integrated response to the masterplan, which ensured that the design of the site provided inherent improvements to issues such as health, education and personal safety. Working in partnership with colleagues from the Council's Public Health Team, Economic and Employment Team and Highways / Sustainable Transport Teams the Council has ensured that proposals have complied with the principles of standards such as the Town and Country Planning document "Planning Healthy Weight Environments", promoted inclusive design and healthy streets principles, recognised the opportunities provided through the masterplan in promoting active travel and community activities which promote community cohesion, education and training and health benefits.

7.5 As well as this, the Council has recognised the need to support economic growth through its Economic Development and Growth Strategy. The major new leisure and commercial quarter located around Moselle Square and the new work spaces being created as part of the Scheme, will deliver an increase

in employment in the area and attract significant visitor spend ensuring that the Council meets the objectives of Priority 4.

- 7.6 The Scheme will provide ‘high street’ and business employment spaces for new and existing businesses, aimed at both reinforcing the north Tottenham Local Centre as well as providing vital local employment. The High Road West scheme will manage delivery of space within the site to optimise the potential for growth related to the scheme, while supporting local people to access education, training and employment opportunities through funded and dedicated schemes, matching local requirements.
- 7.7 This growth in the local economy will harness the opportunities provided by the new stadium, while recognising the needs of the Conservation Area and needs of the centre as a Local Centre for convenience goods and as a place for local community congregation. Based on the infrastructure of a strong masterplan and governance structure, investment into socio-economic benefits and town centre / business development will make sustainable and significant enhancements to the area.
- 7.8 The Scheme will build for sustainability, helping achieve the Council’s 40:20 goal and will be the home to the Council’s first District Energy Centre which will provide affordable energy to residents across north Tottenham.
- 7.9 In addition to the thousands of new homes and commercial space mentioned above the Scheme will see much needed investment in community infrastructure for local residents including a new Library and Learning Centre, a new public park and civic square and a new community theatre. Alongside this, funding will be made available to invest in skills support and training for local residents and there will be a construction framework that will deliver a range of benefits including a contractual obligation to pay the London Living Wage; jobs for local people; training and apprenticeships; and investment both in terms of money and time to engage with our local communities.
- 7.10 The Scheme will work towards an agreed set of socio-economic outcomes, grouped under the four impact themes below:
 - (i) **Create better prospects** -This theme focuses on the connectivity between education and employment. It explores how to capture opportunities from the physical development and businesses to:
 - Motivate, inspire and support people with their learning and development
 - Provide opportunities to progress to higher education and into employment
 - Address key barriers to finding and sustaining employment
 - (ii) **Enable healthy and safe lives** - This theme looks at improving community safety and creating opportunities and supporting people to make choices that

improve their health and wellbeing. It explores how to capture opportunities from the physical development and how to enhance services to:

- Embed health and community safety within regeneration plans and service delivery
- Empower people to improve their own health and wellbeing, enabling people and families to participate in sport, leisure and physical activities
- Develop community-led solutions that address obesity, mental health and community safety issues and manage demand on services by focusing on prevention

(iii) **Build community capacity-** This theme underpins strands 1 and 2 by looking at ways to enable people to engage with and support the regeneration programme and to shape and access services that will improve their education, health, employment and community safety. It explores how to capture opportunities from the physical development and how to enhance services to:

- Develop local ownership and civic pride by enabling people to shape the planning, design and operations of spaces and community facilities
- Enable local people to identify the needs of their community and to work with them to co-design and co-produce services
- Connect people and organisations to a range of opportunities that support individual or organisational development and growth

7.11 The Scheme will significantly contribute to these outcomes through the delivery of its Tottenham People Priority Strategy which puts these outcomes at the heart of delivery of all aspects of the Scheme. This includes the design and construction of new homes, neighbourhood and public spaces and new community facilities. The types of uses and commercial and creative operators who will be allowed to occupy space in the Scheme and through targeted funding and interventions which will, for example, provide local residents (including young people and those furthest from the employment market) with additional support, in order to be able to take advantage of the new opportunities on offer.

7.12 The delivery of these outcomes will ensure that the Council Priorities 1-3 are supported through the delivery of the Scheme.

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

Finance

8.1 This report asks Cabinet to approve the selection of the preferred and reserve bidders, to approve the next stage of work to refine and clarify the preferred bidder's proposal and to agree the disposal of the Council's land within the High Road West Regeneration Area.

Housing Zone Funding

- 8.2 The Housing Zone funding was secured in the form of an Overarching Borough Agreement, which was agreed by Cabinet in September 2017. The Housing Zone funding has been critical in supporting the viability of the Scheme and allows the Council to cash flow the significant costs associated with land assembly. The Housing Zone Funding package of £62m is made up of the following:
- Affordable Housing Grant which will ultimately be paid to the developer to ensure Affordable Housing is delivered on the site.
 - Housing Zone Grant to support the Council's acquisition and related borrowing costs
 - Mayoral Regeneration Funding which is existing monies for the delivery of Energy and Transport infrastructure.
- 8.3 The Council has also been offered the opportunity to join the Group Investment Syndicate. This would allow the Council to borrow monies at a beneficial rate of interest to support cash flow at a low rate of interest.

Evaluating the Final Tenders

- 8.4 As part of the procurement process, the three bidders were asked to provide:
- A fixed land offer for Phase 1
 - A land offer for the rest of the development site
 - Fixed required returns
 - Justification and evidence to support the cost and revenue assumptions, and;
 - proposed percentage of Gross Development Revenue (GDR) overage committed to sharing with the Council.

Land Offers

- 8.5 In undertaking evaluation of the bids it is important to note that the fixed land offer for phase 1 is subject to abnormals and that the land offer for the rest of the development site is based on forecasts and projections. The projections represent the best estimate at a point in time of what could be received and are not a fixed figure. The actual Land Premium the Council will receive will be determined on a phase basis and will be determined after the post planning viability assessment has been calculated.

Variables to be considered

- 8.6 The Land Premiums received on the transfer of land at each phase will be dependent on variables such as construction costs and house prices in the future which cannot be known at this point, along with other factors such as the final level of external grant received for areas like affordable housing, where bidders were asked to model on the basis of assumptions given to them by the Council, £16.2m (this figure is a minimum grant figure agreed within the Housing Zone bid), to ensure comparability of bids. In practice the actual level

of grant available over the lifetime of the Scheme will vary as Government policy and funding changes, indeed the level of affordable housing grant available per property is now higher than when the Housing Zone funding was agreed, so more funding could be made available.

8.7 It is also important to note, that the existing financial projections are based on the scheme designs and masterplans that bidders have submitted. These plans will inevitably undergo change as design, planning and the phases move through the development.

8.8 Examples of such variables would include:

- The profit level that the partner would expect from each discreet type of asset i.e. market sale, private rented sale and the affordable homes across the development or phase of development. This profit would help determine the residual land value to the Council and would influence the viability of individual phases and hence the pace of development.
- Each Phase will be independently valued at points using a residual value approach. Firstly, at the point at which initial planning is submitted for the phase i.e. a pre-planning viability test and second post planning viability test at the point of lease drawdown on the phase once all conditions precedent has been met. Between these times the value of the phase may have changed due to the activity of the Development Project, contracts being let and movements in market value.
- Funding offer and related interest rate risk as the project will last for the best part of 10 years, so any changes in funding cost i.e. LIBOR can affect the land offer from the developer.

8.9 By assessing these and other similar variables, the Council and its advisors were able to make a judgement of which bids were the most robust.

Fixed financial elements

8.10 In addition to reviewing the projected returns from the bidders the financial analysis also focused on the fixed elements of the bids from the prospective development partners, as these would be prime determinants of what final land offer would actually be received. This includes the required returns they are seeking to take from the development.

Funding strategy

8.11 The bidders were also requested to submit a funding strategy, so that there was transparency relating to the costs of financing which would inevitably be required on a scheme of this size. As set out in the exempt report, the preferred bidders funding strategy risk significantly de-risks the project from a Council position and makes the delivery of the phases and overall development more robust and at the same time removes a significant cost risk to the Council.

Land assembly costs

- 8.12 In order to enable the Scheme to be delivered the Council will need to provide vacant possession of the land in each phase before it is transferred to the preferred bidder.
- 8.13 The costs of assembling the land and securing vacant possession of the site are considerable. This cost is part of the reason the Scheme had viability challenges and why Housing Zone funding was secured to overcome these challenges and why in June 2016, a maximum budget of £98m for the necessary acquisitions was recommended by Cabinet for Council approval.
- 8.14 In addition to costs associated with purchasing all property interests and undertaking any future CPO processes, the Council will need to cash flow the other costs associated with securing vacant possession, this includes the costs of holding, securing, managing and marketing and letting (temporarily) land interests. The Council will be able to draw on its agreement with the GLA to cashflow these costs. These costs will be fully indemnified and paid by the preferred bidder.
- 8.15 As part of the procurement process bidders were asked to use figures provided by the Council to estimate the likely costs of providing vacant possession based on their specific masterplans and the amount of land they were including within their Scheme, along with predicted timescales of when the Scheme expected to draw the land down. The procurement process also sought to determine the level of reimbursement the bidders would provide the Council for these costs and the timescales for reimbursement.
- 8.16 The preferred bidder has agreed to reimburse the Council 100% of the costs of securing vacant possession. This means that whilst the Council will cash flow the vacant possession costs, 100% of the costs (even if the cost exceed the estimated costs) will be reimbursed to the Council by the preferred bidder.
- 8.17 It is expected that these estimates will be further refined at preferred bidder stage and thus the Capital Strategy should be updated at the point the HRW is established.

Accounting Treatment

- 8.18 The Council's land holdings that transfer to the preferred bidder are held in both the Housing Revenue Account i.e. Love Lane Estate and the General Fund i.e., all third party land interests acquired for planning purposes to support the delivery of the Scheme. In allocating income received from the Scheme between the General Fund and Housing Revenue Account, the Council will need to ensure it follows the appropriate Accounting regulations which will ensure both the General Fund and Housing Revenue Account are appropriately compensated for the loss of these assets.

Socio- economic financial contributions

- 8.19 The Council is also likely to benefit financially due to the socio-economic activities of the Scheme. The interventions proposed by the preferred bidder are dealt with elsewhere in this report, but can be expected to have a beneficial impact across many Council budgets and Corporate Plan objectives due to increases in economic activity, improvements in Education and Health services and wider economic growth benefits.

Tax

- 8.20 Grant Thornton, acting as our tax advisors, have reviewed the HRW documentation. Their advice goes on to suggest that there may be areas of complexity around the payment of Stamp Duty Land Tax (SDLT) on future transactions which will need to be identified for each phase with decisions about treatment at each stage.
- 8.21 This will be especially so with the land acquisition costs and the link to making a CPO. The need and timing of the CPO claim for relief is key to minimising any SDLT for the Council on initial acquisition. Whilst noting that the Council is fully indemnified by the Developer for these costs, but what will be focused on is to ensure that there is no double cost of SDLT i.e. once when the Council acquires and once when the Developer is transferred the land/asset from the Council. As any inefficiency in this process basically reduced any land value to the Council. Hence the need to focus on the CPO relief claim and treatment at each stage.
- 8.22 In terms of VAT, implications for the Council relate to the land transactions and the potential impact on the Council's VAT partial exemption (PE) threshold. It will be very important in future to ensure that the VAT implications on HRW transactions are captured and fed into the work on the PE threshold.
- 8.23 For the Library and Learning Centre the Council shall retain the land interest over the new centre, such that the Developer would only obtain a short building lease over this part of the site. As such this should not represent an acquisition by the Council and no SDLT would be charged. It is also felt that the Developer would prefer this to allow them to claim SDLT relief for the value of the construction works.
- 8.24 For the DEN project there are a number of tax matters that will again require more detailed review as the DEN project progresses, especially as a Company owned by the Council. The key issues being granting of a lease in order to lease the Energy Centre Shell back from the Developer who will have a long lease over the site, excluding the Library and Learning Centre, and this would be expected to be at no premium and for a peppercorn rent.

- 8.25 A further piece of tax review work will be procured from GT for the financial close process to set out and clarify for both Council and the HRW Developer's proposals the latest position on the issues above.

The HRA- Love Lane Estate and ownership and management of the replacement homes

- 8.26 There are financial implications for the HRA arising from the disposal of vacant dwellings to the Development Partner and the potential impact of buying the replacement dwellings. The calculations below are based on a number of assumptions as at the time of this Cabinet report, but shall require a fuller accounting review and final calculation based on actual data at the time of transfer.
- 8.27 The financial impact of disposal of 212 vacant dwellings is a net cost of £291k per annum as summarised in the table below:

	£000
Loss of rent	948
Less: saving in HFH management fee	(102)
Less: saving in Revenue Repairs Budget	(306)
Less: saving in Depreciation	(249)
Net impact cost	291

- 8.28 The net cost of £291k can be further mitigated by a reduction in capital financing costs, revenue contributions to capital and additional savings.
- 8.29 The financial impact of buying back 145 social rented dwellings is a net annual income of £372k, please see below.
- 8.30 The capital cost of acquiring these units is estimated at £9.3m.

	£000
Rental income	648
Less: saving in HFH management fee	(70)
Less: saving in Revenue Repairs Budget	(36)
Less: saving in Depreciation	(170)
Net impact income	372

The financial impact of buying 46 Shared Equity Properties

- 8.31 In addition to the social rented stock the Council is also considering the acquisition of 46 shared equity dwellings. The development bids considered a provision of £190,400 per dwelling. It is therefore expected to be a maximum of £6.4m assuming the properties are bought with a minimum of 25% shared equity and a minimum of £2.1m if 75% equity share is applied.

- 8.32 For simplicity, capital financing costs have been excluded from the above three calculations as the Scheme will be funded from a mixture of reserves and borrowing.

Land receipt to the HRA

- 8.33 The HRA will receive a capital receipt for the Love Lane Estate, which is c. 30% of the land within the High Road West Scheme. It is anticipated that the HRA will receive 30% of the total residual land value generated for the Scheme. Noting that the guaranteed land value for Phase 1 primarily relates to HRA assets. The preferred bidders anticipated land value to the Council is set out in the exempt part of this report. Whilst the total residual land value may change over time, any receipt can be offset against the balance sheet value of the HRA assets and/or utilised to pay down/off any initial borrowing incurred when acquiring the properties.
- 8.34 In summary, the HRA will be able to fund these acquisitions using a combination of HRA reserves and borrowing where necessary. The HRA will receive a land receipt. Noting that the cost of acquiring a further 145 units is estimated at £9.3m. The cost of acquiring 45 shared equity properties based on a very conservative value for each property of £190,400 could be in the between £2.1m- £6.4m, but more detailed and accurate calculations will be required at the time of transfer. A value of c.£250,000, which could be nearer the market value with 75% equity would fully repay the cost of acquiring these properties.

Ongoing revenue costs

- 8.35 To ensure the successful implementation of the Scheme, it will need to have the necessary financial and staff resource in place.

Procurement

- 8.36 Strategic Procurement (SP) were fully engaged by the Project Lead throughout the procurement process which culminated in the submission of the final tender responses from the 3 bidders that remained in the competition.
- 8.37 SP did not participate at any stage in the dialogue on the proposed final solutions with the 3 bidders but was kept informed of progress by the Project Lead.
- 8.38 SP acted as moderator for the assessment of the final tender responses and is satisfied that the advertised award criteria was applied to select the tender that is the most economically advantageous.

Legal

- 8.39 The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments are detailed below.

- 8.40 On 15 December 2015 Cabinet agreed to the commencement of a Competitive Dialogue Procedure in accordance with the Public Contracts Regulations 2015 and the Assistant Director of Corporate Governance has been consulted throughout the procurement process and during dialogue and the lead legal officer was also on the Evaluation Panel.
- 8.41 The report seeks authority from members to select the preferred bidder and proceed to the PB stage as outlined in section 6 of this report under 'Next steps'. Members should note the matters referred to in that part of the report, and that the legal documentation (i.e. the DA and the CPOIA) will be finalised at the PB Stage provided that this does not materially modify the essential aspects of the tender or the procurement and does not risk distorting competition or causing discrimination.
- 8.42 The Council will be entering into a DA which is a conditional sale agreement with development obligations. The Council will therefore be contracting to dispose of its properties within the High Road West Regeneration area once the conditions precedents mentioned in this report have been complied with. The properties set out in Section 1 of Appendix 5 of the report are held by the Council in the Housing Revenue Account. 65 of these properties are occupied by secure tenants. The Council must rehouse these tenants and the Development Agreement ensures that they will be rehoused within a phase.
- 8.43 The Council has the authority under Section 32 of the Housing Act 1985 to dispose of the properties held in the Housing Revenue Account in any manner it wishes but must first obtain the consent of the secretary of state. However an application to the Secretary of State in respect of a disposal under Section 32 (and or Section 43 of the Housing Act 1985) must be referred to full Council for approval first. In addition, prior to making any decision to dispose the Council needed to carry out a statutory consultation in accordance with Section 105 of the Housing Act 1985. Under that section the Council must consult with the secure tenants affected on matters concerning the management, maintenance, improvement or demolition of dwelling-houses let by the authority under secure tenancies, or the provision of services or amenities in connection with such dwelling-houses. The Council has conducted the necessary statutory consultation and must now conscientiously take the results of the consultation into account in taking its decision regarding ownership and management of the replacement homes.
- 8.44 The Council also has authority to dispose of land held for planning purposes under section 233 of the Town and Country Planning Act 1990. The Council must obtain best consideration and may dispose of the land to such person, in such manner and subject to such conditions as appear to be expedient in order: (a) to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on it (whether by the Council or by any other person), or (b) to secure the erection, construction or carrying out on it of any buildings or works appearing to them to be needed for the proper planning of the area of the authority. The Council

will be entering into a Development Agreement that would secure the redevelopment of the whole High Road West Area.

- 8.45 The Council also has the power under section 123 of the Local Government Act 1972 to dispose of land held under General Funds. The Council may dispose of land held by it in any manner it wishes but must obtain best consideration otherwise the consent of the secretary of state is required .
- 8.46 The report seeks authority to also acquire the replacement homes to be constructed on the High Road West Regeneration Area, the Council has authority under section 120 of the Local Government Act 1972 to acquire land by agreement for the purposes of any of its functions under the 1972 Act or any other enactment. The Council will be acquiring the replacement homes for housing purposes.

Equality

- 8.47 The Council has a public sector equality duty under the Equality Act 2010 to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity for those with “protected characteristics” and those without them
 - Foster good relations between those with “protected characteristics” and those without them.
- 8.48 The protected characteristics are: age, disability, gender reassignment pregnancy/maternity, race, religion/fait, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 8.49 EqlAs were undertaken for the Cabinet decisions related to the High Road West Regeneration Scheme made at the Cabinet meetings held on 16 December 2014 and 15 December 2015 The EqlA for this decision (Appendix 7) has built on these to inform Cabinet of the likely equality implications. It has highlighted a range of implications including the following:
- Housing (such as, rehousing residents and providing a significant increase in new homes to the area)
 - Employment and Businesses (such as relocation of some existing businesses and new jobs and employment opportunities)
 - Healthy and safer communities (such as creating new public spaces, parks, community buildings)
- 8.50 These will impact on all protected groups in some way, but in particular older people, younger people, women, BAME communities, disabled people and people of different faiths or religions.
- 8.51 Mitigating actions have been identified in the EqlA to minimise the negative impacts of this decision, where this has been possible. This will help achieve

wider socio-economic benefits for the local community, as well as meet the housing needs in Haringey, as identified in the Housing Strategy EqIA.

- 8.52 The selected preferred partner will work with residents to develop a Design Code to ensure that properties are designed to the highest possible standard.
- 8.53 In the selection of a preferred partner, the Council have undergone standard equality and diversity requirements in order to prevent any harassment, victimisation or discrimination based upon the protected characteristics. This includes the business support service.
- 8.54 The selection of the partner will include a new Library and Learning Centre which will have particular benefits for the local community in regards to education and job opportunities. Consideration will be needed to ensure it is fully accessible.

9. Use of Appendices

- 9.1 The table below details the appendices relevant to this report:

Appendix	Document
Appendix 1	High Road West Site Plan
Appendix 2	Draft Development Agreement- EXEMPT
Appendix 3	Draft CPOIA - EXEMPT
Appendix 4	Draft Lease- EXEMPT
Appendix 5	List of properties to be disposed
Appendix 6	High Road West ownership and management of replacement homes consultation feedback report
Appendix 7	Equalities Impact Assessment
Appendix 8	Grant Thornton independent procurement review letter
Appendix 9	High Road West Engagement Log
Appendix 10	Final Tender – EXEMPT
Appendix 11	Bidders' scores- EXEMPT
Appendix 12	GVA Best Consideration Letter - EXEMPT
Appendix 13	Risk Assessment

10. Local Government (Access to Information) Act 1985

10.1 Background Papers:

- 13th September 2016 Cabinet Report- Tottenham Housing Zone Phase 2- North Tottenham
- 15th December 2015 Cabinet Report- High Road West Regeneration Scheme Update and Next Steps
- 16th December 2014 Cabinet Report- High Road West Regeneration Scheme- Masterplan and Next Steps
- 15th July 2014 Cabinet Report- High Road West Regeneration Scheme Consultation.

- 28th November 2013- High Road West Regeneration Project - Master Plan Option Consultation Feedback and Next Steps.

Report for: Cabinet 9 October 2017

Title: **High Road West Regeneration Scheme – appointment of a preferred bidder and next steps**

Report

Author: Councillor Charles Wright, Chair of Overview and Scrutiny Committee

Ward(s) affected: N/A

Report for Key/

Non Key Decision: Key decision

1. Describe the issue under consideration

This report sets out the outcome of the Overview and Scrutiny Committee's consideration of the Cabinet decision of 12 September 2017, 'High Road West Regeneration Scheme – appointment of a preferred bidder and next steps', following its referral to the OSC under the Call-In process (as described in Part 4 Section H of the Council's Constitution).

2. Introduction

The Overview and Scrutiny Committee considered the Cabinet's decision at a special meeting on 3 October. The Committee heard from two deputations, one led by Paul Burnham and the other by Faruk Tepeyurt of the Peacock Industrial Estate. The Committee also heard from Councillor Carter, the lead signatory of the call-in request and other backbench members.

The Committee did not find that the decision reached fell outside the Budget or Policy Framework.

The Committee agreed to refer the decision back Cabinet, as the decision-maker, for reconsideration. To assist with this, the Committee makes a number of recommendations to Cabinet, as follows.

3. Recommendations

The Overview and Scrutiny Committee makes the following recommendations in respect of the decision taken by Cabinet on 12 September:

- a) That the number of replacement council homes available at social rent within the proposed arrangements be at least equal to the current provision;
- b) That there be more engagement with council leaseholders and that Cabinet outline the steps they will take to satisfy the reasonable expectations of leaseholders including replacement homes and succession rights;
- c) That more work be carried out to support businesses affected, and that any business currently based on the site be able to remain within the masterplan area, should they wish to do so.

4. **Background**

The papers considered by the Overview and Scrutiny are attached to provide the background to this paper. They are:

- Copy of the Call-in request
- Excerpt from the draft minutes of the Cabinet Meeting held on 12 September 2017
- Report to Cabinet 12 September 2017 – High Road West Regeneration Scheme – appointment of a preferred bidder and next steps
- EXEMPT report to Cabinet 12 September 2017 – High Road West Regeneration Scheme – appointment of a preferred bidder and next steps
- Report of the Monitoring Officer and Chief Finance Officer
- Report of the Strategic Director of Regeneration, Planning and Development

Report for: Special Overview and Scrutiny Committee
Item number:

Title: Call-in of Cabinet's decision on the High Road West Regeneration Scheme ("the Scheme") – appointment of a preferred bidder and next steps

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

Lead Officer: Sarah Lovell, Head of Area Regeneration
Sarah.lovell@haringey.gov.uk
0208 489 2025.

Ward(s) affected: Northumberland Park Ward

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

1. Describe the issue under consideration

1.1 On 12th September 2017, the Council's Cabinet resolved:

- To approve Lendlease Europe Holdings Limited ("Lendlease") as the preferred bidder with whom the Council will enter into a Development Agreement to deliver the Scheme.
- To proceed to the preferred bidder stage of the procurement process for the appointment of a development partner for the Scheme.
- To give Delegated Authority to the s151 Officer and the Director of Regeneration, after consultation with the Cabinet Member for Housing, Regeneration and Planning, to approve the final Development Agreement, Compulsory Purchase Indemnity Agreement, the Lease and any associated legal documentation following the preferred bidder stage.
- To agree the disposal of (subject to the approval of full Council to make the application to the Secretary of State and the consent of the Secretary of State) the properties belonging to the Council and situated within the High Road West Area held within the Housing Revenue Account and the properties held for planning and general fund purposes.
- To acquire the 145 replacement social rented units and 46 shared equity which will be delivered by Lendlease and to give delegated authority to the S151 Officer and the Director of Regeneration, after consultation with the Cabinet Member for Housing, Regeneration and Planning, to approve the final terms of the option to acquire these properties in the Development Agreement.

- 1.2 Following a call-in of that decision made in accordance with Council procedures, this report provides further information to support the Overview and Scrutiny Committee's consideration of the issues raised in the call-in.

2. Cabinet Member Introduction

- 2.1 My introduction to the original report considered by Cabinet on 12th September 2017 set out the case as I see it for that decision. This report deals with the specific points raised in the call-in, and I have nothing to add beyond a clear confirmation that nothing raised in the call-in or set out in this report changes my view that the decision taken on 12th September 2017 was the right one.

3. Recommendations

- 3.1 It is recommended that the Committee take into account the information in this report when considering its decision on this matter.

4. Background

The decision and the call-in

- 4.1 On 12th September 2017, Cabinet approved the recommendations set out in a report entitled 'High Road West Regeneration Scheme – appointment of a preferred bidder and next steps.' The decision and the report are available on the Council's website, at the link given in section 10 below.
- 4.2 Following the issuing of the draft minutes for the Cabinet meeting, a call-in of that decision was received and validated, in line with agreed Council procedures. Accordingly, the matter is now to be considered by the Overview and Scrutiny Committee.
- 4.3 Section 5 of this report describes and responds to each of the reasons given for the call-in, and the variations of action proposed.

5. Call in

Reasons for the Call-in

- 5.1 Reason 1: "***We are concerned that the commitment to affordable and social housing is weak with only 30% affordable homes on what is currently a council-owned site.***"
- 5.2 Through the procurement process and the negotiation of the Development Agreement, the Council has guaranteed the delivery of 30% affordable housing as a minimum across the High Road West Site (not just the Love Lane Estate). This is a core requirement set out in the Development

Agreement and will ensure the delivery of a minimum 751 affordable homes, which is a net increase of 539.

- 5.3 The actual percentage of affordable housing delivered by the Scheme will be tested through the planning process but will not be less than the 30% set out in the Development Agreement.
- 5.4 Through the planning process an increase in the percentage of affordable housing may prove possible, as the Local Planning Authority will seek to test the Scheme and maximise affordable housing.
- 5.5 Reason 2: ***“We are concerned that a number of leaseholders on the Love Lane Estate do not feel they are getting a fair deal.”***
- 5.6 The Council has been working with Leaseholders on the Love Lane Estate for the past 5 years. This has included developing the Leaseholder Guide and the Resident Charter, which both set out the principles for a fair offer to leaseholders and were agreed at Cabinet in 2014 following extensive engagement and consultation.
- 5.7 The Council has also successfully worked with 11 leaseholders to acquire their properties and is currently in negotiation to acquire a number of leaseholders on the estate.
- 5.8 As set out in the Cabinet report, the Council has agreed a process to develop a more detailed leaseholder offer with leaseholders on the Love Lane Estate, once the Estate Renewal, Rehousing and Payments Policy (“ERRP”)¹ is agreed at Cabinet. This detailed offer will build on the principles, in the Love Lane Resident Charter and the Love Lane Leaseholder Guide and the Council’s ERRP- which has been subject to a public consultation exercise.
- 5.9 Engagement with leaseholders on the detailed offer, will commence in November 2017, with a number of leaseholder workshops. The information gathered at the workshops will be utilised to help develop the offer, which will be subject to a 6-week consultation process with leaseholders. The Council has agreed to work with the leaseholders to co-design the consultation process. The draft detailed offer and the feedback received from leaseholders will be brought back to Cabinet for Cabinet to consider.
- 5.8 Reason 3: ***“We are concerned about council tenants’ right to return on similar terms.”***
- 5.9 The recommendation within the 12th September 2017 Cabinet report for the Council to acquire the replacement homes (recommendation ix), ensures that existing Council tenants who choose to move to these new homes, will be

¹ The ERRP sets out the Council’s guarantees to leaseholders and tenants (and freeholders) across the whole borough. These include a clear guarantee of a right to return, for all residents who choose to do so, and clear commitments about the terms on which such a return will take place, as well as a range of other commitments and clear explanation of the options available to each category of household. Consultation on the policy has closed and Cabinet will be asked to approve the policy in due course.

given a new secure Council tenancy-meaning the terms will remain in line with Council policy.

- 5.10 Reason 4: ***“We are concerned that the council will no longer be the landlord of the Love Lane Estate and we have concerns about the long lease being given to Lend Lease (250 years).”***
- 5.11 The Council will remain the landlord of the social housing and will retain the freehold of the whole of the High Road West site, granting a number of 250-year leases to Lendlease as and when each phase within the site becomes unconditional under the Development Agreement. Access rights for the Council and people living on the estate will be protected through the Lease terms. An inclusive, transparent single estate management company will be responsible for the management and maintenance of high quality public realm.
- 5.12 The management company will include representatives from each tenure and business area and will seek to train and support residents, businesses and community partners so that once ready, they will be able to run the management and maintenance of the area, fostering long-term civic pride and community ownership.
- 5.13 Without more detail on the specific concerns, it is not possible to respond in greater detail on this point.
- 5.14 Reason 5: ***“We are concerned that there are fewer council homes/homes for social rent than originally planned.”***
- 5.15 The Scheme will deliver 145 new high quality, safe and appropriately designed social rented homes. This is in addition to the 29 social rented properties that the Council specifically negotiated and Newlon provided in the north of the High Road West area, to rehouse residents from the Love Lane Estate. 29 families from the Love Lane Estate moved to these properties in 2014.
- 5.16 The Scheme will provide, as a minimum, a net increase of 539 genuinely affordable homes and 751 affordable homes in total. This includes:
- 191 high quality, safe, replacement homes for council tenants and resident leaseholders which meet resident aspirations as set out in the Resident Charter and will be built to new fire and safety standards
 - 155 London affordable rent properties, which is a genuinely affordable rental product introduced by the Mayor of London. Once let, the rent paid for these properties will follow the target rent formula, which are currently being reduced by 1% a year.
 - 405 ‘lower cost’ shared ownership properties, which will be affordable to local people, with the cost of owning the home, not exceeding 45% of the net income received by the owner and affordable to households with a gross household income of £40k.

- 5.17 Following Cabinet approval on the 12th September, the Council will also be acquiring a further 29 affordable homes on the 500 White Hart Lane site, which will provide further rehousing options for Love Lane residents.
- 5.17 Reason 6: ***“We are concerned about density, size and quality of homes on the regeneration site, given the dramatic increase in the number of homes proposed (up from 1,400 to 2,500).”***
- 5.18 The High Road West masterplan principles, which were enshrined in the Tottenham Area Action Plan referred to the scheme delivering a minimum of 1400 new homes.
- 5.19 Through the procurement process for the selection of a development partner for the Scheme the Council has been able to work with bidders to develop their proposals to provide the benefits and community facilities making up a successful new neighbourhood. Increasing the number of homes from the minimum number provides more benefits to the community, while providing an attractive, successful and sustainable residentially led scheme. The number of homes will help to meet the demand for more affordable and market rate homes for residents of our borough and will also help support the local businesses and community facilities in the area.
- 5.20 The Council has sought expert advice throughout the development of the design proposals from London Design Council and have ensured that issues such as daylight and sunlight are considered and that public spaces are of the highest quality, based on design guidance (including that developed with the Resident Design Panel) and planning policy documents so that the Scheme delivers a place where people will want to live, work and socialise.
- 5.21 The eventual number, the density, the size and quality of the homes will all be robustly tested through the planning process and the planning applications will be decided by the Planning Committee.
- 5.22 Reason 7: ***“We are concerned that local businesses will be moved out of the Peacock Industrial site when as yet there is no clear plan for their return.”***
- 5.23 Through the procurement process for the selection of a development partner for the Scheme, bidders were tested on their approach to site assembly and the support they will be offering local businesses, particularly the businesses that will need to be relocated.
- 5.24 Lendlease have a robust site assembly strategy, which sets out their approach for engaging, supporting and working with existing businesses. This strategy includes re-providing new commercial space within the Scheme and a phasing plan which seeks to minimise disruption to businesses. The phasing strategy seeks to maximise opportunities for businesses relocating within High Road West to have one move only. To formalise these commitments, the Development Agreement requires that a relocation strategy be agreed before development can commence, to include the timing of

delivery of new commercial units for existing commercial operators and for the number and size of commercial units to meet occupiers' specific needs.

- 5.25 It should be noted that it may not be appropriate for some businesses, and some businesses may choose not to be relocated within the Scheme. Lendlease's approach confirms that they will work with each individual business to understand their needs and aspirations and come up with a clear plan to meet that business's needs.
- 5.26 Reason 8: ***"We are concerned that the whole scheme depends on the ability of the council to secure a very large number of Compulsory Purchase Orders."***
- 5.27 The Council will be seeking to acquire all third party interests through negotiation. If acquisition through negotiation is not possible the Council will as a last resort consider use of its Compulsory Purchase Order (CPO) powers.
- 5.28 At this stage, the Council does not know with any certainty if and how many CPOs may be required.
- 5.29 Reason 9: ***"We are also concerned that the so called third-party guarantee is in fact being provided by another Lend Lease company."***
- 5.30 The guarantor for Lendlease is their Australian parent company, Lendlease Corporation Limited. The financial status and standing of the guarantor was assessed at Pre Qualifying Questionnaire stage of the procurement process and officers are satisfied that the guarantor is financially sound and would be able to meet its potential liability.
- 5.31 The Council will also complete checks of the financial status and standing of the guarantor ahead of entering into the legal documentation.
- 5.32 Reason 10: ***"We are concerned that the 100% indemnity offered by Lend Lease would not be enforceable if Lend Lease were to collapse or cease trading."***
- 5.33 It is not unusual to have a parent company acting as guarantor for legal agreements in circumstances such as this. Prior to entering into the Development Agreement and the CPOIA, confirmation will be obtained from a firm of lawyers operating within the Australian jurisdiction that the guarantor is able and has the necessary authority to enter into the agreements and that their obligations will be enforceable under Australian Law. This will give the Council assurance that the indemnity is enforceable.
- 5.34 Reason 11: ***"We are concerned that the council does not have a majority on the steering group."***
- 5.35 The Council and Lendlease will be members of the Steering Group. The Steering Group will oversee and make decisions throughout the

implementation of the Scheme. The Steering Group will have equal representation from both the Council and the preferred bidder comprising three members from each organisation with each organisation having one collective vote. The Steering Group is to be chaired by the Council or Lendlease on an annually rotating basis. No party has a casting vote therefore the Council has the ability to veto matters that it cannot agree. Detailed minutes are to be taken of each meeting, providing an audit trail for decision-making. To allow a way forwards if the parties are not agreed at Steering Group, the Development Agreement contains a mechanism for escalation to first and then second senior representatives of each organisation, following which there is allowance for suitable matters to be referred to an independent expert for determination.

- 5.36 Key decisions which the Council wanted a high degree of control over, including approval of the Resident Relhousing Strategy and the Commercial Occupier Relocation Strategy, approval of changes to the specification for the Energy Centre Shell, the Library and Learning Centre and the Replacement Homes specifications may be discussed at the Steering Group as to their content, but approval is reserved exclusively to the Council as landowner, acting reasonably. Separately to the Steering Group process, the Council is to approve planning applications before submission to the Local Planning Authority. acting reasonably, where the application accords with amongst other things the objectives, core requirements and agreed specifications for the Scheme.
- 5.37 Reason 12: ***“We believe that overall the risk of the proposed actions outweighs the suggested benefits.”***
- 5.38 Understanding, managing and mitigating the risks associated with the Scheme has been a key priority for the Council since work on the Scheme began.
- 5.39 The Council has sought to minimise risk through; undertaking an extensive community consultation which has led to the development of a shared vision for the area; through deliberately pursuing a development agreement approach, which minimises risk to the Council and through securing c.£60m of Housing Zone funding which minimises any financial and cash flow risks.
- 5.40 The lengthy 15-month procurement (carried out using the Competitive Dialogue procedure) and negotiation process which has led to the recommendation of a preferred bidder has included the development of detailed legal agreements where the Council’s principal objective has been to manage its exposure to risks associated with Scheme, whether those be financial risks, reputational risks or risks that jeopardise the achievement of key outcomes.
- 5.41 The risks of not securing growth on Council land – of inadequate housing and economic opportunity for Haringey residents – have also been a major consideration in the decision to proceed with the High Road West proposals as have the risks of not delivering the following benefits for the community:

- Over 2,500 high-quality, sustainable homes of which at least 30% (approx. 750) will be affordable, in accordance with the requirements of the Council's housing strategy on affordability. This will include 191 high-quality, safe, replacement homes for council tenants and resident leaseholders which meet resident aspirations as set out in the Resident Charter and will be built to new fire and safety standards.
- A cutting edge new library and learning centre and a refurbished Grange Community Hub which will provide improved community facilities early in the scheme.
- 13,361.81m² of green spaces for the community including a large new linear community park with an outdoor gym, children's play area and Grange Gardens; a safe, central green space for local people.
- A welcoming new civic square which will be an important focus of local events and activities, bringing the community together, promoting cultural activities and enhancing activity and safety at night.
- Over 200,000ft of commercial, retail and leisure space throughout the scheme providing a wide range of leisure, employment space, shops, cafes and restaurants around a new civic square.
- Over 3,300 construction jobs and more than 500 end-user jobs once the development is complete.

5.42 The subject of risk is addressed in more detail in the report to 12th September 2017 Cabinet. In the interests of transparency, the Council has also published its High Road West risk register at Appendix 13 to the 12th September Cabinet report.

5.43 Without more detail on the specific risks that are of concern, it is not possible to respond in greater detail on this point.

5.44 Reason 13: ***"We are concerned by the choice of Lendlease as the development partner for the following reasons:***

1. ***The Heygate Estate renewal by Lendlease in Southwark, has in our view, not led to good outcomes for local residents or the council. A large council estate was replaced with many homes for sale and only a small number of social homes on site.***
2. ***Lendlease have been sued by unions for blacklisting construction workers.***
3. ***Lendlease has admitted it overbilled clients for more than a decade and has agreed to pay \$56 million in fines and restitution in the United States of America."***

5.45 In respect of affordable housing, the approach to replacement of social rented homes at the site of the former Heygate estate (now known as Elephant Park) was agreed between Southwark Council and Lendlease in line with the terms of Southwark Council's procurement specification. Elephant Park is one part of Southwark Council's wider provision of affordable housing across the Elephant & Castle opportunity area. Given these locally specific circumstances, the former Heygate estate has no bearing on the choice of Lendlease as partner for the High Road West Scheme.

- 5.46 On blacklisting, the issue concerns historical activity of a company subsequently acquired by Lendlease. This is addressed by Lendlease on its website at: <http://www.lendlease.com/uk/expertise/what-we-do/construction/>. This matter has no bearing on the current contractual relationships of Lendlease and its employees, or on choice of Lendlease as partner for the High Road West Scheme.
- 5.47 On alleged over-charging, the issue concerns the historical practices of a US construction subsidiary of Lendlease, where guaranteed overtime hours for the best site foremen were charged to its clients. The charge was then paid out to the relevant foremen, and not retained by the subsidiary. Lendlease Corporation Ltd and the senior management of Lendlease Americas co-operated fully with the investigation by the US Attorney's office and undertook numerous remedial actions. In 2012, the subsidiary entered into a Deferred Prosecution Agreement (whereby a prosecutor agrees to suspend prosecution in exchange for a defendant agreeing to fulfil certain requirements) and all charges were dismissed in May 2014. This matter has no bearing on the choice of Lendlease as partner for the High Road West Scheme.
- 5.48 The Council knows of no reason that the position on these three topics has changed since that report was published, and no further evidence is offered in this call-in to suggest that new information or evidence has come to light.
- 5.49 Reason 14: ***"We are concerned that the development partner for this major £1 billion scheme is the same company as the council's HDV partner with whom they have recently entered into a £2 billion agreement. It is vitally important that councils work with different development partners to reduce risk. We believe this also raises concerns about the bidding process and how the council chooses their development partners."***
- 5.50 The HDV development and the High Road West development have been subject to separate procurement processes led by different officers within the Council. Both procurement processes have been subject to robust internal and external audits, which have demonstrated that the procurements were conducted in a sound manner. The ability of all three bidders taken forward to dialogue stage in the High Road West development was tested at the PQQ stage of the process, with all three showing that they had the required capacity to undertake the development. Any bidder who did not have the requisite capacity would have been excluded at the PQQ stage. The PQQ set out the qualification criteria for the High Road West development, which Lendlease passed. The Council cannot preclude them now by applying different qualifying criteria based on the ability to deliver both development schemes.
- 5.51 Having followed the procurement process and evaluated final tender submissions, Lendlease proved themselves to be the best bidder, achieving the highest overall score across a range of evaluation criteria set by the Council and communicated to the market, which tested the quality of their

masterplan proposals, their proposals to support the Tottenham People Priority, their proposals for community facilities, including the replacement homes and the Library and Learning Centre, their proposals for site assembly and estate management and their legal and commercial offer.

- 5.52 It would be wholly inappropriate for the Council to stop the procurement process at this stage on the grounds of perceived increased risk due to the identity of the winning bidder. The proposed award of the contract to Lendlease follows the outcome of a robust, open and transparent procurement process, which included assessment of their ability to undertake the development at PQQ stage. Stopping the procurement at this stage on these grounds would expose the Council to serious risk of legal challenge under the Public Contract Regulations 2015.

Variation of action proposed

- 5.53 Action 1: ***“Halt the current proceedings and not choose Lend Lease as a preferred bidder. We do not believe the scheme should proceed as proposed. There are clearly other ways to deliver regeneration and build new council and affordable homes.”***
- 5.54 The report considered by Cabinet on 12th September 2017 clearly sets out why the other possible options for delivering the Council’s objectives were rejected in favour of the contractual Development Agreement and undertaking a Competitive Dialogue procedure under the Public Contract Regulations 2015. The consideration of that analysis, and the decision to pursue this option, was made by Cabinet in December 2015. As set out above, without further information about the specific risks, benefits or protections which it is felt have not been satisfactorily addressed, it is not possible to respond in greater detail on this point.
- 5.55 It should however, be noted that If the Council decided to halt the current procurement process it would be under a statutory obligation to provide bidders with reasons for its decisions in terms of Regulation 55 of the Public Contracts Regulations 2015. Should those reasons indicate that the Council has failed to take account of relevant matters or has taken irrelevant matters into account in making its decision – as it appears would be the case if the Council were to not appoint the bidder based on the bidders identity, the Council is exposed to serious risk of legal challenge.

6. The scope of this call-in

- 6.1 Members should note that the scope of this call-in procedure is limited to the decision taken at 12th September 2017 Cabinet which was to appoint Lendlease as the preferred bidder and enter into the Development Agreement with them, dispose of Council owned land in the High Road West area and acquire 191 replacement homes. Several of the matters raised in this call-in notice relate to previous or future decisions, most notably:

- The approval of the delivery option for the High Road West Scheme (approved at Cabinet in December 2015).
- The decision to pass Lendlease at PQQ stage as having sufficient capacity to undertake the development and to take them forward to dialogue stage.
- The detailed leaseholder offer, which will be subject to the approval of the revised draft Estate Renewal, Rehousing and Repayments Policy, which establishes the commitments to tenants, leaseholders and freeholders affected by estate renewal projects and the approval of the Love Lane Leaseholder Offer both of which will be agreed at Cabinet.

6.2 These decisions cannot be reviewed through this call-in procedure.

7. Contribution to strategic outcomes

7.1 The contribution of the decision in question to strategic outcomes was set out in the report to Cabinet on 12th July 2017.

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

Finance

8.1 The Chief Finance Officer has been consulted in the preparation of this report.

Procurement

8.2 The Head of Procurement has been consulted in the preparation of this report.

Legal

8.3 The Assistant Director of Corporate Governance has been consulted in the preparation of this report and comments are detailed below.

8.4 The Council carried out a Competitive Dialogue procedure pursuant to the Public Contracts Regulations 2015. Lendlease has been selected as the preferred bidder on the basis of the evaluation carried out in accordance with the procedure, the Council must not in making its selection seek to distort competition. The Council must treat the bidders equally, without discrimination and act in a transparent and proportionate manner.

8.5 The Council may halt the procurement process and choose not to select Lendlease as the preferred bidder, however the Council runs the risk of being subject to legal action.

8.6 Members should note that at the preferred bidder stage the legal documentation (i.e. the DA and the CPOIA) will be finalised provided that this does not materially modify the essential aspects of the tender or the procurement and does not risk distorting competition or causing discrimination.

Equality

8.7 N/A.

9 Use of Appendices

9.1 N/A

10 Local Government (Access to Information) Act 1985

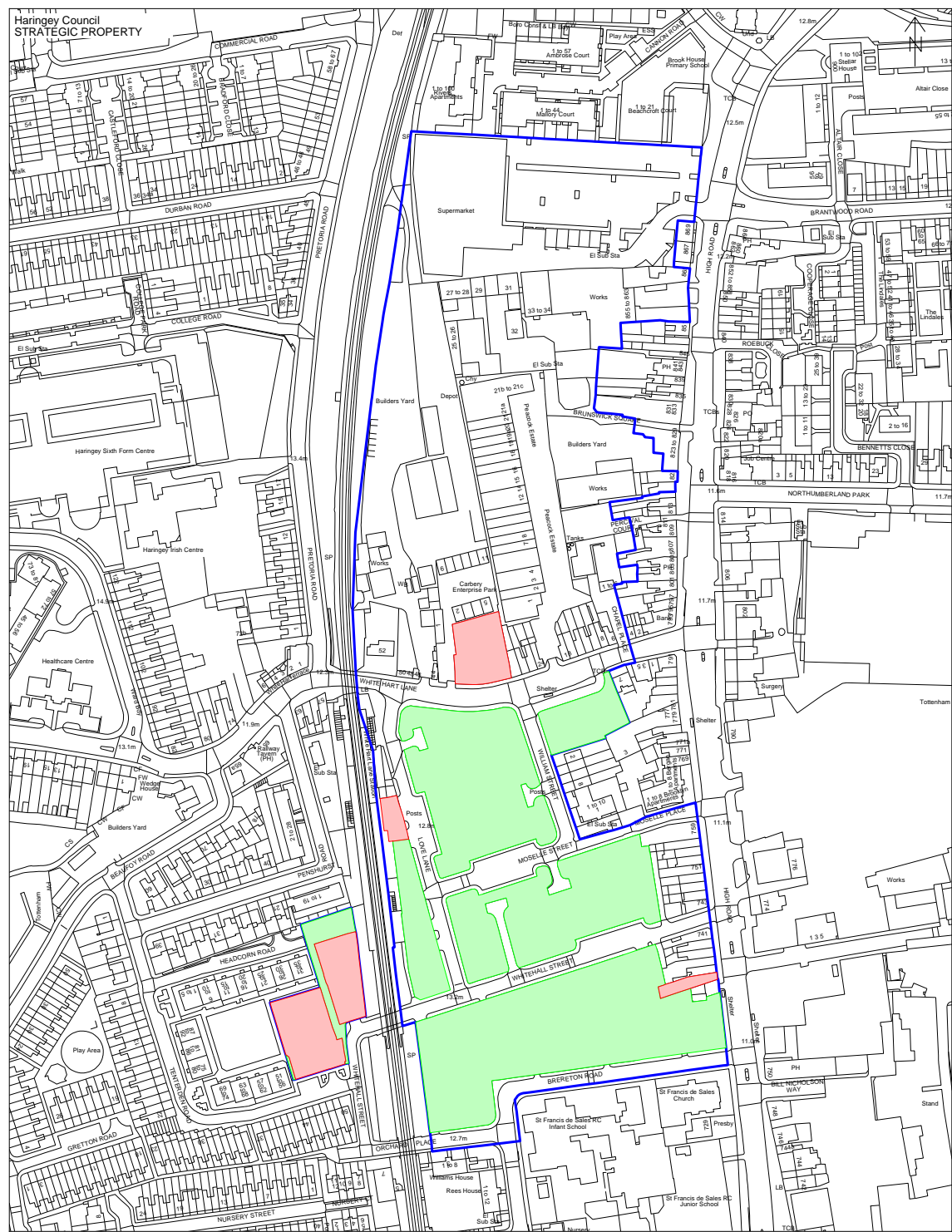
10.1 The report to the 12th September 2017 Cabinet to which this report relates can be found on the Council website at: <http://www.minutes.haringey.gov.uk/ieListDocuments.aspx?CId=118&MId=8289&Ver=4>

10.2 Previous decisions of Cabinet relevant to the decision in question were set out in the report to 3 July Cabinet. They include:

- 13th September 2016 Cabinet Report- Tottenham Housing Zone Phase 2- North Tottenham
- 15th December 2015 Cabinet Report- High Road West Regeneration Scheme Update and Next Steps
- 16th December 2014 Cabinet Report- High Road West Regeneration Scheme- Masterplan and Next Steps
- 15th July 2014 Cabinet Report- High Road West Regeneration Scheme Consultation.
- 28th November 2013- High Road West Regeneration Project - Master Plan Option Consultation Feedback and Next Steps.

Appendix 4: Site Plan

Please see key at bottom of plan



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Housing Revenue Account & General Fund Land

High Road West
Tottenham
LONDON
N17

- Blue verging - High Road West boundary
- Green shading - Haringey Council HRA land
- Red shading - Haringey Council GF land

Site Area (hectares) :

Scale 1:2000

BVES Drawing No. BVES A3 0406

Overlay : PropTerLive + RegenJAD
Plan produced by Janice Dabinett on 16/11/2017

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EQUALITY IMPACT ASSESSMENT

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to the need to:

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

This is known as the **Public Sector Equality Duty**.

In addition, the Council complies with the Marriage (Same Sex Couples) Act 2013.

Stage 1 – Screening

Please complete the equalities screening form. If screening identifies that your proposal is likely to impact on protect characteristics, please proceed to stage 2 and complete a full Equality Impact Assessment (EqIA).

Stage 2 – Full Equality Impact Assessment

An EqIA provides evidence for meeting the Council's commitment to equality and the responsibilities under the Public Sector Equality Duty.

When an EqIA has been undertaken, it should be submitted as an attachment/appendix to the final decision making report. This is so the decision maker (e.g. Cabinet, Committee, senior leader) can use the EqIA to help inform their final decision. The EqIA once submitted will become a public document, published alongside the minutes and record of the decision.

Please read the Council's Equality Impact Assessment Guidance before beginning the EqIA process.

1. Responsibility for the Equality Impact Assessment	
Name of proposal	High Road West Regeneration Scheme
Service area	Regeneration
Officer completing assessment	Clare Askew
Equalities/ HR Advisor	Paul Green, Policy and Equalities Officer
Cabinet meeting date (if applicable)	12 th September 2017
Director/Assistant Director	Helen Fisher, Director of Regeneration

2. Summary of the proposal

Please outline in no more than 3 paragraphs

- *The proposal which is being assessed*
- *The key stakeholders who may be affected by the policy or proposal*
- *The decision-making route being taken*

The High Road West (HRW) Regeneration Scheme (“the Scheme”) has been developed over five years with continuous resident and community consultation and engagement.

The key Cabinet decisions relating to the Scheme have been:

- 16th December 2016- Tottenham Housing Zone Phase 2- North Tottenham
- 15th December 2015 Cabinet Report- High Road West Regeneration Scheme Update and Next Steps
- 16th December 2014 Cabinet Report- High Road West Regeneration Scheme- Masterplan and Next Steps
- 15th July 2014 Cabinet Report- High Road West Regeneration Scheme Consultation.
- 28th November 2013- High Road West Regeneration Project - Master Plan Option Consultation Feedback and Next Steps.

The Scheme will deliver the comprehensive regeneration of the HRW area. The area covers 11 hectares of land including Love Lane Estate, which is south of White Hart Lane, and then extensive light industrial land to the north.

The recommendations within the Cabinet report relate to the disposal of land and the selection of a preferred bidder, who will eventually deliver a range of measures for the identified and surrounding areas. The following have significant equality implications:

- The disposal of housing land
- Over 2,500 high-quality, sustainable homes being built
- At least 750 affordable homes (a net increase of 539) being built
- 191 high quality, replacement homes for council tenants and resident leaseholders which meet resident aspirations as set out in the Resident Charter and will be built to new fire and safety standards
- £10m of funding for social and economic support for both businesses and residents, including a contribution of c.£8m for supporting the Tottenham People Priority overall commitments
- A cutting edge new library and learning centre and a refurbished Grange Community Hub which will provide improved community facilities early in the Scheme
- 143,500sqft of green spaces for the community including a large new linear community park with an outdoor gym, children’s play area and Grange Gardens; a safe, central green space for local people
- A welcoming new civic square which will be an important focus of local events and activities, bringing the community together, promoting cultural activities and enhancing activity and safety at night

- Over 130,000sqft of commercial, retail and leisure space throughout the Scheme providing a wide range of leisure, employment space, shops, cafes and restaurants around a new civic square
- £500k of investment in the town centre and also a £500k fund for events and activities, as well as meanwhile uses which will revitalise the local centre during construction and afterwards
- Over 3,300 construction jobs and more than 500 end-user jobs once the development is complete
- High quality new industrial and maker/artisan space to support businesses from the existing Peacock Industrial Estate.

3. What data will you use to inform your assessment of the impact of the proposal on protected groups of service users and/or staff?

Protected group	Service users	Staff
Sex	<ul style="list-style-type: none"> ▪ Ward profile data (Census 2011; ONS Indices of Multiple Deprivation) ▪ Tenant and Leaseholder demographic information held by the Council's housing management data system (HfH) and by the HRW Rehousing Team ▪ Haringey JSNA ▪ HaringeyStat, June 2016 	N/A
Gender Reassignment	We do not hold this data. The Equality and Human Rights Commission have published a national estimate.	N/A
Age	<ul style="list-style-type: none"> ▪ Ward profile data (Census 2011; ONS Indices of Multiple Deprivation) ▪ Tenant and Leaseholder demographic information held by the Council's housing management data system (HfH) and by the HRW Rehousing Team ▪ Haringey JSNA 	N/A
Disability	<ul style="list-style-type: none"> ▪ Ward profile data (Census 2011; ONS Indices of Multiple Deprivation) ▪ Tenant and Leaseholder demographic information held by the Council's housing management data system (HfH) and by the HRW Rehousing Team ▪ Haringey JSNA 	N/A

	<ul style="list-style-type: none"> ▪ Mosaic 2015 segmentation, (ESA Mental Health claimants/Depression) ▪ HaringeyStat, June 2016 	
Race & Ethnicity	<ul style="list-style-type: none"> ▪ Ward profile data (Census 2011; ONS Indices of Multiple Deprivation); ▪ Tenant and Leaseholder demographic information held by the Council's housing management data system (HfH) and by the HRW Rehousing Team ▪ Haringey JSNA 	N/A
Sexual Orientation	<ul style="list-style-type: none"> ▪ ONS Annual Population Data 2016 	N/A
Religion or Belief (or No Belief)	<ul style="list-style-type: none"> ▪ Ward profile data (Census 2011; ONS Indices of Multiple Deprivation) ▪ Tenant and Leaseholder demographic information held by the HRW Rehousing Team 	N/A
Pregnancy & Maternity	<ul style="list-style-type: none"> ▪ Census; ▪ Data based upon households containing a female parent with a dependent child aged 0-1 years old claiming Housing Benefit or Council Tax Relief, 15/06/2016-14/06/2017. ▪ Tenant and Leaseholder demographic information held by the HRW Rehousing Team 	N/A
Marriage and Civil Partnership	<ul style="list-style-type: none"> ▪ Ward profile data (Census 2011; ONS Indices of Multiple Deprivation) ▪ Tenant and Leaseholder demographic information held by the HRW Rehousing Team 	N/A
<p>Outline the key findings of your data analysis. Which groups are disproportionately affected by the proposal? How does this compare with the impact on wider service users and/or the borough's demographic profile? Have any inequalities been identified?</p> <p><i>Explain how you will overcome this within the proposal.</i></p> <p><i>Further information on how to do data analysis can be found in the guidance.</i></p>		
<p>This section will cover two areas:</p> <ul style="list-style-type: none"> • Demographics of Northumberland Park ward • Wider socio-economic benefits and issues from the HRW area and the Scheme <ul style="list-style-type: none"> ○ Housing 		

- Employment and Business
- Healthier and Safer Communities

Demographics

The Scheme sits within the Northumberland Park Ward. In order to assess the impact of the Scheme, it is important to understand the demographics of the local area to ensure that inequalities are addressed throughout its implementation.

- Sex

The percentage of males in Northumberland Park has increased to 49.8%, the percentage of females has reduced to 50.2%. This is reflective of local and national trends.

There are 1057 lone parent households with dependent children, of which 972 are women. This makes up 92% of all lone parent households being led by a woman, and 8% are led by men. This is 18.8% of all households compared to the borough average of 10.5%.

- Gender Reassignment

We do not hold data on the number of people who are seeking, receiving or have received gender reassignment surgery, and there is not national data collected for this protected characteristic. The Equality and Human Rights Commission estimate that there are between 300,000-500,000 transgender people in the UK¹. We will need to consider the inequalities and discrimination experienced for this protected group. For the purposes of this EqlA, we will use the inclusive term Trans* in order to represent the spectrum of transgender and gender variance.

- Age

0-19 year old profile by ward²

¹ <https://www.equalityhumanrights.com/en/trans-inequalities-reviewed/introduction-review>

² Census 2011

Ward	All ages	0-4	5-9	10-14	15-19	Total 0-19	%
White Hart Lane	13431	1009	1148	1268	1107	4532	33.7%
Northumberland Park	14429	1333	1200	1127	1066	4726	32.8%
Seven Sisters	15968	1464	1421	1225	958	5068	31.7%
Tottenham Hale	15064	1231	1025	1089	1163	4508	29.9%
Bruce Grove	14483	1125	1034	919	1008	4086	28.2%
Alexandra	11795	860	811	730	647	3048	25.8%
Tottenham Green	14580	1083	858	878	891	3710	25.4%
Fortis Green	12488	829	800	864	658	3151	25.2%
West Green	13372	854	809	807	776	3246	24.3%
Noel Park	13939	875	818	823	853	3369	24.2%
Woodside	14514	1017	812	819	769	3417	23.5%
Bounds Green	13725	922	750	732	711	3115	22.7%
St Ann's	14638	1004	795	721	728	3248	22.2%
Hornsey	12659	806	751	598	622	2777	21.9%
Muswell Hill	10784	633	586	596	522	2337	21.7%
Stroud Green	11758	705	518	582	493	2298	19.5%
Crouch End	12395	815	574	477	408	2274	18.3%
Highgate	11632	694	516	506	385	2101	18.1%
Haringay	13272	853	549	473	488	2363	17.8%

Northumberland Park has the second highest proportion of 0-19 year olds in the borough, and with a particularly high number of 0-4 year olds.

In particular, the 2011 Census found 835 households in Northumberland Park with dependent children and no adult in employment. This is 14.8% of all households and compares with 7.2% for households in Haringey. This is the highest proportion of all Haringey wards. Therefore, not only does the ward have a young population, it also has a disproportionate number of them living in workless households.

Age profile of Haringey by ward³

³ Census 2011

Ward	All ages	0-19	%	20-64	%	65+	%
Alexandra	11795	3048	25.8%	7575	64.2%	1172	9.9%
Bounds Green	13725	3115	22.7%	9341	68.1%	1269	9.2%
Bruce Grove	14483	4086	28.2%	9183	63.4%	1214	8.4%
Crouch End	12395	2274	18.3%	9013	72.7%	1108	8.9%
Fortis Green	12488	3151	25.2%	7965	63.8%	1372	11.0%
Harringay	13272	2363	17.8%	9909	74.7%	1000	7.5%
Highgate	11632	2101	18.1%	8175	70.3%	1356	11.7%
Hornsey	12659	2777	21.9%	8845	69.9%	1037	8.2%
Muswell Hill	10784	2337	21.7%	7143	66.2%	1304	12.1%
Noel Park	13939	3369	24.2%	9391	67.4%	1179	8.5%
Northumberland Park	14429	4726	32.8%	8565	59.4%	1138	7.9%
St Ann's	14638	3248	22.2%	10149	69.3%	1241	8.5%
Seven Sisters	15968	5068	31.7%	9730	60.9%	1170	7.3%
Stroud Green	11758	2298	19.5%	8653	73.6%	807	6.9%
Tottenham Green	14580	3710	25.4%	9675	66.4%	1195	8.2%
Tottenham Hale	15064	4508	29.9%	9384	62.3%	1172	7.8%
West Green	13372	3246	24.3%	8854	66.2%	1272	9.5%
White Hart Lane	13431	4532	33.7%	7769	57.8%	1130	8.4%
Woodside	14514	3417	23.5%	9864	68.0%	1233	8.5%

With regards to the wider population, Northumberland Park has the second lowest proportion of 20-64 year olds and third lowest 65+ year olds. This means that Northumberland Park has a young population so the Scheme will have a greater impact on children and young people aged 0-19.

- Disability

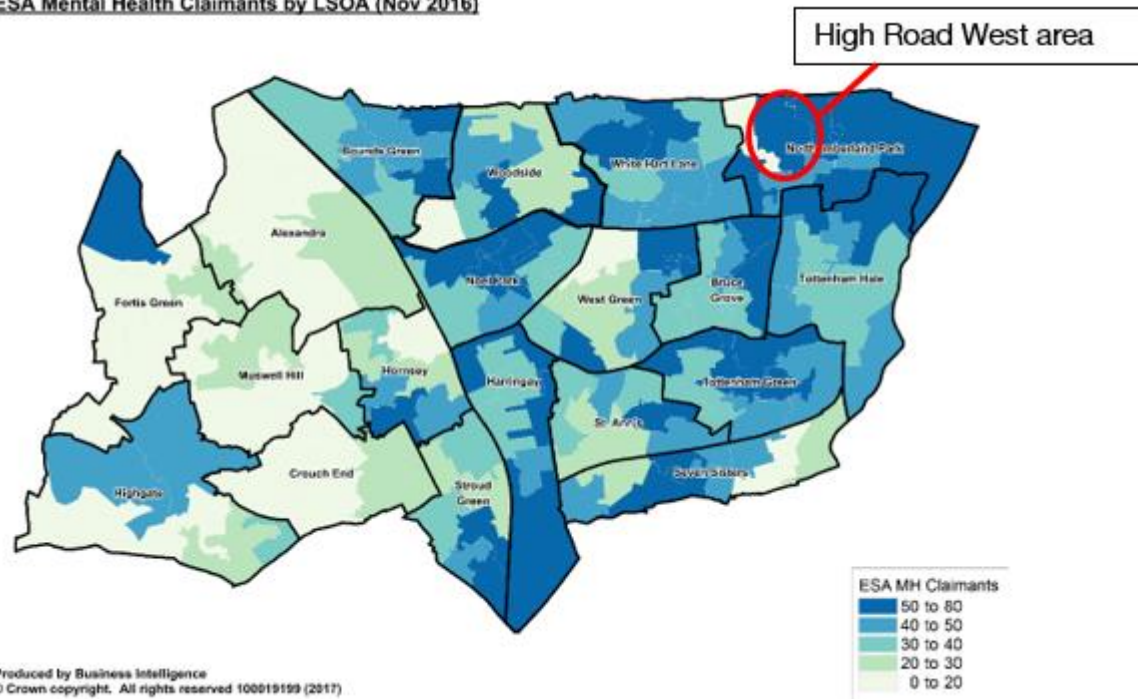
In the 2011 Census, the following was reported in regards to those who experience limitations on day-to-day activities as a result of a disability or disabilities:

Activity level	Northum-berland Park	Haringe y	London	England and Wales
Day-to-day activity limited a lot	8.1%	6.8%	6.7%	8.3%
Day-to-day activity limited a little	8.6%	7.2%	7.4%	9.3%
Day-to-day activity not limited	83.3%	86.0%	85.8%	82.4%
Day-to-day activity limited a lot: Age 16-64	5.0%	3.8%	3.4%	3.6%
Day-to-day activity limited a little: Age 16-64	5.9%	4.6%	4.2%	4.6%
Day-to-day activity not limited: Age 16-64	54.2%	62.4%	61.5%	56.5%

Northumberland Park has proportionally more residents who have impairments that impact on their ability to do day-to-day tasks. In particular, the ward has the highest proportion of residents in Haringey who have impairments which limit their abilities to do day-to-day tasks a little. We are not able to determine the types of disability from this data, but will need to consider the needs of different disabled people, including the type

of reasonable adjustment provided. This includes physical impairments, sensory impairments, mental health issues and Learning Disabilities.

ESA Mental Health Claimants by LSOA (Nov 2016)



Northumberland Park have a disproportionately high level of ESA Mental Health Claimants and therefore people with mental health issues or conditions are likely to be disproportionately impacted by the Scheme.

- Race/Ethnicity⁴**

Racial/Ethnic group	Northumberland Park	Haringey	London	England
White; English/Welsh/Scottish/N.Irish/British	16.59%	34.68%	44.89%	79.75%
White Irish	1.66%	2.75%	2.15%	0.98%
White; Gypsy or Irish Traveller	0.12%	0.15%	0.10%	0.10%
White; White Other	20.73%	22.97%	12.65%	4.58%
Mixed; White and Black Caribbean	2.68%	1.90%	1.46%	0.78%
Mixed; White and Black African	1.65%	1.02%	0.80%	0.30%
Mixed; White and Asian	0.92%	1.47%	1.21%	0.63%
Mixed; Other mixed	2.06%	2.10%	1.45%	0.53%
Asian/Asian British; Indian	1.34%	2.33%	6.64%	2.62%
Asian/Asian British; Pakistani	0.51%	0.75%	2.74%	2.10%
Asian/Asian British; Bangladeshi	1.50%	1.73%	2.72%	8.23%
Asian/Asian British; Chinese	0.99%	1.47%	1.52%	0.72%
Asian/Asian British; Other Asian	3.45%	3.19%	4.88%	1.55%
Black African	22.00%	9.04%	7.02%	1.8%
Black Caribbean	13.54%	7.10%	4.22%	1.1%

⁴ Census 2011, rounded to 2 decimal figures

Black Other	4.80%	2.63%	2.08%	0.52%
Other Ethnic group; Arab	0.93%	0.87%	1.30%	0.42%
Other Ethnic group	4.53%	3.85%	2.14%	0.62%

Northumberland Park has a lower proportion of residents who define themselves as White British, compared to Haringey, London and the national average. There are 20.73% defined as 'White Other', which is likely to include East European communities. This is lower than the Haringey average of 22.97% but significantly more than the London and national average. It is likely that this population has also grown since the 2011 census. There are also significant Black African, Caribbean and Black British communities in the ward, and officers know of Turkish communities. This is compared to the borough, London and the national average. Delivering the Scheme will likely impact on these communities disproportionately.

- Sexual Orientation

We do not hold ward or borough level data on sexual orientation, and it is not collected nationally through the Census. However, the ONS estimates that 3.7% of Haringey's population are lesbian, gay or bisexual (LGB), which is the 15th largest LGB community in the country.⁵ We will need to ensure that the inequalities and discrimination experienced by LGB people are considered throughout this EqIA.

- Religion⁶

	<i>Northumberland Park</i>	<i>Haringey</i>	<i>London</i>	<i>England and Wales</i>
Christian	50.6%	45.0%	48.4%	59.3%
Buddhist	1.0%	1.1%	1.0%	0.4%
Hindu	1.1%	1.8%	5.0%	1.5%
Jewish	0.2%	3.0%	1.8%	0.5%
Muslim	24.2%	14.2%	12.4%	4.8%
Sikh	0.2%	0.3%	1.5%	0.8%
Other religion	0.3%	0.5%	0.6%	0.4%
No religion	13.2%	25.2%	20.7%	25.1%
Religion not stated	9.2%	8.9%	8.5%	7.2%

Northumberland Park has a comparatively high proportion of Christians, higher than Haringey and London. There is also a larger Muslim population than the rest of Haringey, London and national averages. Consultation processes to develop firm plans for the area will need to have due regard to diversity issues relating to these communities (including how we engage with women in certain communities).

- Pregnancy and maternity

⁵<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/articles/subnationalsexualidentityestimates/uk2013to2015#introduction>

⁶ Census 2011

	Births (No.)	Crude Live Birth rate		
	Haringey numbers	Haringey	London	England
2002	3731	17.2	14.7	11.4
2003	3890	17.3	15.0	11.8
2004	4017	17.9	15.4	12.1
2005	4026	17.9	15.6	12.1
2006	4076	18.2	16.1	12.5
2007	4325	19.2	16.7	12.8
2008	4289	19.0	16.6	13.0
2009	4193	18.6	16.7	12.9
2010	4456	19.8	17.0	13.2
2011	4227	16.5	16.2	13.0
2012	4209	16.3	16.2	13.0

Haringey has a higher birth rate compared to London and England. As Northumberland Park has the second highest number of 0-4 year olds in the borough, it is likely that the birth rate is disproportionately higher in Northumberland Park. Based upon total claimant data, the number households where a female has a dependent child aged between 0-1 years old, Northumberland Park has 74 claimants, the second highest ward claimants in the borough⁷

Therefore, the Scheme will need to consider the needs of pregnant women and mothers with young children as they are likely to be disproportionately affected.

- Marriage and civil partnership

In 2011 there were 10 couples in a civil partnership in Northumberland Park. This is compared to 1,651 marriages (which was only available to heterosexual couples at the time). All elements of the Scheme will need to ensure all couples in a civil partnership are treated exactly the same as couples in a marriage.

Wider socio-economic data

Set out below are three themes underpinning the Scheme alongside key data sets and how the development and delivery of the Scheme will impact on key characteristics and actions to mitigate any negative impacts. The three themes that the Scheme will help tackle inequalities are:

- Housing
- Employment and businesses
- Healthier and Safer Communities

Housing

Additional information on data sources:

⁷ Data based upon households containing a female parent with a dependent child aged 0-1 years old claiming Housing Benefit or Council Tax Relief, 15/06/2016-14/06/2017.

Secure Council tenants' information comes from the HRW Rehousing Team database and all lead tenants' data has been recorded. Resident leaseholders' information also comes from the HRW Rehousing Team database and 14 out of 34 tenants' data has been recorded. It should be noted that gathering leaseholder data can be more challenging and so there are more 'unknown' with both the HRW Rehousing Team database, and the Homes for Haringey (HfH) data return for Love Lane. For TA and private tenants, we do not have equality data so rely on the demographics of the estate as a whole which comes from the HfH data return.

The following table outlines the number of residents on the Love Lane Estate directly affected by the Scheme based upon tenure:

TENURE TYPE	NUMBER
secure council tenancies	65
resident leaseholds	31
non-resident leaseholds	45
temporary accommodation tenancies	156

(This is based on number of homes not number of tenants)

Rehousing offer to tenants and leaseholders on Love Lane

At the same time as agreeing the Masterplan, the Cabinet agreed the resident guides, which set out the Council's rehousing commitments to the Love Lane residents. The commitments outlined in the guides, predate the existing and draft for consultation Estate Renewal Rehousing and Payments Policy ("ERRP") documents. The commitments within the guides, however, meet and in some areas exceed the commitments within the ERRP. The commitments within the tenant guides included the following:

- All secure Council Tenants will:
 - Be offered a new home in the redevelopment area, with the aim of one move only;
 - Continue to pay a social rent;
 - Be offered a new home to meet their housing need- to tackle overcrowding and under-occupancy;
 - Be able to move to a council tenancy elsewhere in the Borough if they wish;
 - Be given Home Loss compensation and have the costs of the move paid;
 - Be able to under-occupy by one bedroom if they are currently under occupying their property;
 - Have a dedicated Rehousing Officer;
- All resident leaseholders will:
 - Be offered market value for their home;
 - Be offered 10% of the market value as home loss compensation;
 - Be offered the opportunity to purchase a shared equity or shared ownership home in the new redevelopment;
 - Be compensated for legal, valuation and reasonable costs;
 - Have a dedicated Rehousing Officer.

- All private Tenants will:
 - Be offered timely re-housing advice so that they are aware of all of their options.

In addition to the above, following the selection of the preferred bidder the Council will be working with resident leaseholders living on the Love Lane Estate to provide more detail on the leaseholder offer. This will include determining the minimum equity share percentage which resident leaseholders will need to contribute towards the acquisition of a new property in the development area. The Council will undertake a 6-week consultation with leaseholders on the offer the results of which will be considered at Cabinet later in the year. Furthermore, the Council will review each case on its merits to provide the most suitable housing offer that the resident can afford. This will ensure that residents whose financial circumstances have changed will be able to be adequately rehoused within the regeneration area.

The Council will also be working with residents to understand the level of service they require in the replacement homes and the service charge. This is to ensure that the services meet residents' aspirations and are affordable. In developing the leaseholder offer and estate management plan with the preferred bidder, due regard to the Public Sector Equality Duty will need to be made.

Significant progress has been made with the rehousing of Love Lane residents, since the rehousing process commenced in December 2014. The Council has established a successful and effective Rehousing Team that offers residents much more than rehousing advice (which includes the need to move close to existing neighbours and support networks, the need to be rehoused near to schools or childcare facilities, the need to be near familiar shops and services).

The team offer support to residents, identify needs and vulnerabilities and sign post or refer residents to ensure they receive the support and services they require. They also complete a post-move visit to check-up with all residents to ensure they have settled into their new homes and to see if they have any concerns that can be addressed. If a resident is having adjustment problems, the Rehousing Officer will allocate additional support for them. The Scheme aims to ensure that disruption is minimised by offering residents one move only where possible.

- **Sex**

On the Love Lane Estate, 53% of secure council tenants are female and 47% are male, which is roughly representative of the population of the ward. For resident leaseholders, 29% are female, 12% are male and 59% are unknown. The estate wide demographic information, for tenants 68.3% female and 31.3% male and for leaseholders 24.1% female, 61.4% male and 14.5% unknown. In TA, women tend to be more vulnerable to becoming homeless and are therefore more likely to use TA.

There are 11 known single parents amongst the secure tenants and leaseholders, which are likely to be women are significantly more likely to be heads of single parent households. This is also likely to be the case amongst temporary accommodation tenancies as there are a disproportionate number of single parent households in Northumberland Park, and this is likely to be represented on the Love Lane Estate.

The Scheme will impact on women and female led single parent households, including those in temporary accommodation, as being rehoused causes disruption and impacts on day-to-day living. There is the potential of an increase in the service charge but should this occur, due regard to the Public Sector Equality Duty will need to be made.

The Council will continue to mitigate the negative impacts of moving, through the dedicated Rehousing Team working on the Estate.

The Scheme will provide the Council an opportunity to build 2500 new homes, including 145 replacement social units and 45 shared equity units. Along with other regeneration schemes, this will help reduce the pressure on the availability of housing which will contribute to reducing those in temporary accommodation, which women are disproportionately represented.

Men are disproportionately represented amongst leaseholders (although the data is partial) and therefore will be impacted by the decision. The Council will need to acquire all leasehold properties and will need to support resident leaseholders in accessing a new home as set out above.

- **Gender Reassignment**

We do not have data on the number of Trans* tenants or leaseholders on the estate.

We do not envisage a disproportionate impact as a result of the rehousing process for this protected group. There may be a cohort of young Trans* people in temporary accommodation because they can be vulnerable to homelessness. This will be considered when information is provided to TA tenants about rehousing.

We are aware that Trans* people can experience discrimination and harassment and will therefore ensure equality policies are followed to minimise this occurring.

- **Age**

age range	secure council		resident leaseholders		HRW output		Northumberland Park ward	
	tenants				areas			
	total	%	total	%	total	%	total	%
0-4	no data	0.0%	no data	0.0%	22	10.3%	1,333	9.2%
5-7	no data	0.0%	no data	0.0%	12	5.6%	752	5.2%
8-9	no data	0.0%	no data	0.0%	5	2.3%	448	3.1%
10-14	no data	0.0%	no data	0.0%	8	3.7%	1,127	7.8%
15	no data	0.0%	no data	0.0%	1	0.5%	242	1.7%
16-17	no data	0.0%	no data	0.0%	0	0%	431	3%
18-19	no data	0.0%	no data	0.0%	9	4.2%	393	2.7%
20-24	no data	0.0%	no data	0.0%	24	11.2%	993	6.9%
25-29	3	4.3%	0	0.0%	17	7.9%	1,166	8.1%
30-34	3	4.3%	2	5.9%	50	23.4%	3,604	25%
35-39	3	4.3%	1	2.9%				
40-44	12	17.1%	2	5.9%				
45-49	8	11.4%	0	0.0%				
50-54	14	20.0%	1	2.9%	41	19.2%	2,344	16.2%
55-59	5	7.1%	3	8.8%				

60-64	6	8.6%	2	5.9%	7	3.3%	458	3.2%
65-69	4	5.7%	2	5.9%	15	7%	650	4.5%
70-74	4	5.7%	0	0.0%				
75-79	6	8.6%	0	0.0%	3	1.4%	375	2.6%
80-84	2	2.9%	0	0.0%				
85-89	0	0.0%	1	2.9%	0	0%	65	0.5%
90+	0	0.0%	0	0.0%	0	0%	48	0.3%
Unknown	0	0.0%	20	58.8%	0	0.0%	0	0.0%
Grand Total	70	100.00%	34	100.00%	214	100.00%	14429	100.00%

This data does not represent children and young people for Love Lane residents up to the age of 19 years old because they do not hold the tenancies themselves. However, we expect a large proportion of the 20-64-year old age groups to have children because, as outlined above, Northumberland Park has a comparatively younger population. In addition to this, there is a disproportionate number of female headed lone parent families.

The Council does not hold information relating to the age of leaseholders, but we expect them to be older, because they have had more opportunities to purchase properties and obtain private financial support in doing so. The Council will mitigate the impact of acquiring resident leaseholders' homes with the measures outlines above.

There is also an over representation of 40-64 year olds in the secure tenants' population and therefore will be impacted by the rehousing. Through the rehousing needs assessment process, we will ensure the needs of families and housing needs of different age groups are considered. If residents want more services in the new homes, there could be an increase in the service charge but the Council will be engaging residents on service charges before these are set. Should service charges increase, due regard to the PSED will need to be made.

Based upon the data collected from the High Road West Rehousing Team, 9 households require extra bedrooms and is likely to be for additional children. The Council will be able to provide additional housing as the Scheme will provide 2500 additional houses including 145 replacement social housing units which will meet residents' needs.

- **Disability**

disability	Secure tenants		Council		Resident Leaseholders	
	total	percentage	total	percentage	total	percentage
mental health	5	6.41%	0	0.00%		
physical	19	24.36%	2	5.88%		
unknown	3	3.85%	20	58.82%		
none	51	65.38%	12	35.29%		

The data in the table above is taken from Rehousing Officers' needs assessments of the disability of a tenant (the HRW Rehousing Team database), primarily in order to check whether there was a requirement for an occupational therapy assessment (in order to then make alterations to a new home). This means that there has been a focus on physical

disabilities in order to make sufficient adaptations and should explain why there is a larger than expected proportion of residents with a physical disability according to this data set.

We are aware that Northumberland Park Ward has a disproportionately high level of people with some form of limiting impairment or disability. This includes people with mental health issues or conditions, and is likely to be represented on the Estate.

Rehousing can be disruptive for all people, but particularly disabled people. There may be issues in regards to packing and unpacking for people with physical disabilities and there may be a need to ensure that the new homes are adapted to meet particular needs.

People with learning disabilities or sensory impairments may be reliant on fixed paths and routines which may be disrupted by being rehoused. In addition, those with mental health conditions or issues could experience anxiety or stress as a result of being rehoused. There is the potential of an increase in the service charge but should this occur, due regard to the Public Sector Equality Duty will need to be made.

The Council will continue to mitigate the negative impacts of moving, through the dedicated Rehousing Team working on the Estate. Dedicated Rehousing Officers undertake a needs assessment which considers the needs of every household effected, including those related to disabilities and support residents through every step of the move process. Rehousing Officers refer individuals needing adaptations to Occupational Therapy (OT) assessments and consideration whether disabled tenants need to be rehoused near to existing support networks and or neighbours. The Scheme also aims to ensure that households will only move once, thereby reducing the impact of more than one move.

- **Race and Ethnicity**

The ethnic profile tenants roughly reflect the population of Northumberland Park, although there is a slightly disproportionate number of White Other.

ethnicity	council		resident leaseholders		Northumberland Park ward	
	total	percentage	total	percentage	total	percentage
Asian	3	3.85%	1	2.94%	1,124	8%
black	32	41.03%	4	11.76%	5,821	40%
White British/ Irish/ Gypsy	11	14.10%	2	5.88%	2,651	18%
White Other	19	24.36%	7	20.59%	2,991	21%
Mixed	no data	0.00%	no data	0.00%	1,055	7%
Other	no data	0.00%	no data	0.00%	787	5%
Unknown	13	16.67%	20	58.82%	0	0%
Grand Total	78	100.00%	34	100.00%	14429	100%

We expect that this trend would also apply to leaseholders, as 58.82% of leaseholders' have not disclosed their ethnicity so we are unable to determine this. We will assume that within the temporary accommodation population, there will be a large proportion of residents of BAME communities.

language severity	barrier	secure council and resident leaseholder tenants
none		55
low/ moderate		3
severe		17

Based upon feedback from Rehousing Officers, there are particular needs for translation and interpretation services. The data above shows that language barrier, specifically with a large Turkish-speaking population, could be a barrier for us to communicate effectively with Love Lane residents, and this is likely to be the case for many impacted by this decision. We will continue to use translation and interpretation services when appropriate to ensure communication is maximised and appropriate housing is provided.

There is the potential of an increase in the service charge but should this occur, due regard to the Public Sector Equality Duty will need to be made. There is also the potential that BAME households will be rehoused away from their communities.

The Council will continue to mitigate the negative impacts of moving, through the dedicated Rehousing Team working on the Estate which considers links to cultural ties in the local area in the move process.

The Scheme will provide the Council an opportunity to build 2500 new homes, including 145 replacement social units and 45 shared equity units. Along with other regeneration schemes, this will help reduce the pressure on the availability of housing which will contribute to reducing those in temporary accommodation, which BAME communities are likely to be disproportionately represented.

- **Sexual Orientation**

We do not have data on the sexual orientation of tenants and leaseholders on the estate.

We do not envisage a disproportionate impact as a result of the rehousing process on this protected group. There may be a cohort of young LGB people in temporary accommodation because they can be vulnerable to homelessness. This will be considered by the Rehousing Officers as part of the needs assessment process when relevant.

We are aware that LGB people can experience discrimination and harassment and will therefore ensure equality policies are followed to minimise this occurring, including treating a same sex couple, whether cohabitating, married or civil partnered, the same as a heterosexual couple.

- **Religion and Faith**

The data below is from the HRW Rehousing Team Database, from assessments by the Rehousing Officers.

religion	Secure Council tenants		Resident Leaseholders	
	total	percentage	total	percentage
Christian	6	7.69%	7	20.59%
Muslim	5	6.41%	6	17.65%
none or prefer not to say	2	2.56%	1	2.94%
unknown	65	83.33%	20	58.82%
Grand Total	78	100.00%	34	100.00%

With secure Council tenants, the number of unknowns regarding religion. For resident leaseholders we can see that there are a significant proportion who are Christian or Catholic, but this is in line with the ward and Borough profile of circa 50%. Otherwise the religious profile of the HRW residents is in line with the ward.

For all Love Lane Council tenants, which will include TA residents, 9.1% are Christian, 5.3% are Muslim but for 79.8% their religion isn't known. Rehousing individuals and families could have impact on access to local religious places of worship. However, Rehousing Officers consider this as part of their needs assessment where required. It is also the case that the choice-based lettings system allows residents to choose whether to bid on properties, therefore they can choose to bid on properties which have close proximity to their place of worship.

- **Pregnancy and Maternity**

Only one resident is known to be pregnant at present, and we expect more to be in temporary accommodation. However, due to the nature of this protected characteristic, this could change over the course of the Scheme.

This decision will impact on women and female led single parent households, including those in temporary accommodation, as being rehoused causes disruption and impacts on day-to-day living.

The Council will continue to mitigate the negative impacts of moving, through the dedicated Rehousing Team working on the Estate. Dedicated Rehousing Officers undertake a needs assessment which considers the needs of every house hold effected, including child care and any health needs and support residents through every step of the move process. The Scheme aims to ensure that households will only move once, thereby reducing the impact of more than one move. The Council has already introduced a midwifery support service for tenants and leaseholders on the estate, which have supported over 160 women with housing, feeding and language support. There will also be a new childcare facility which will benefit all parents, particularly single mothers.

The Scheme will provide the Council an opportunity to build 2500 new homes, including 145 replacement social units and 45 shared equity units. Along with other regeneration Schemes, this will help reduce the pressure on the availability of housing which will contribute to reducing those in temporary accommodation.

- **Marriage and Civil Partnership Status**

civil status	secure council tenants and resident leaseholders	
	total	percentage
married	26	28.26%
un-married	57	61.96%
unknown	9	9.78%

Of the secure Council tenants and resident leaseholders, there are no tenants in a civil partnership. Should it be established that there are any, they will be treated the same as a married couple.

A) Employment and Businesses

- **Employment**

Employment and unemployment⁸

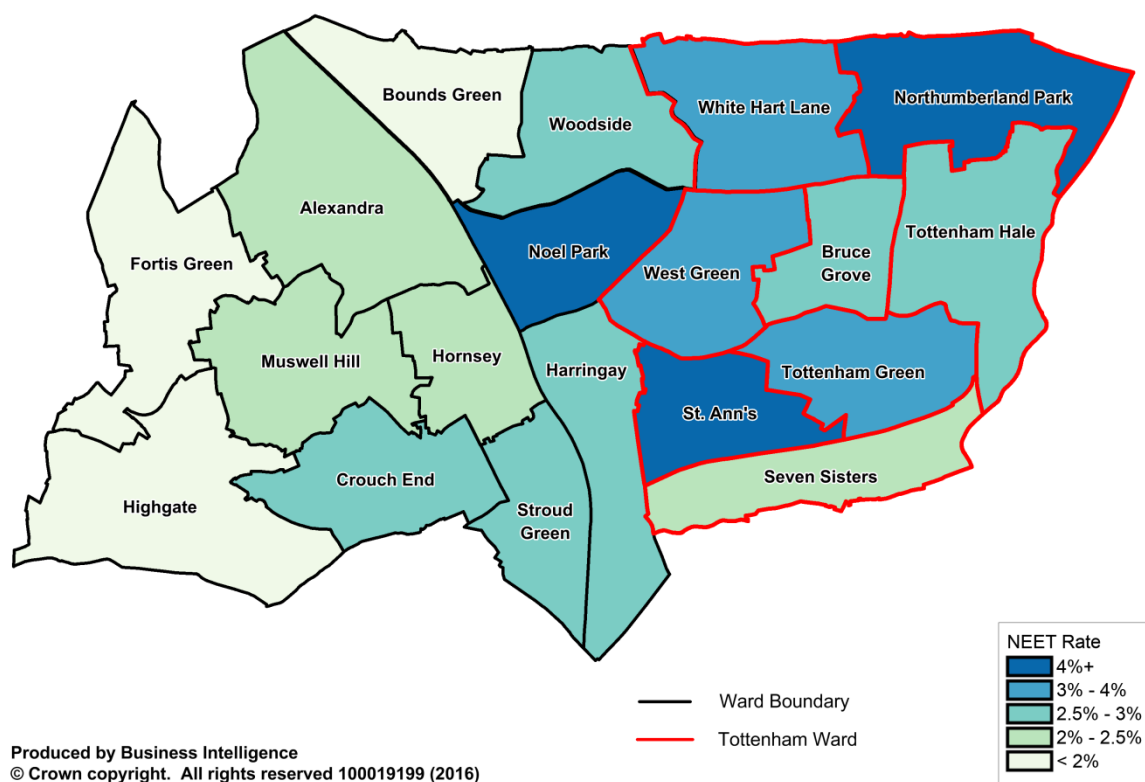
	Northumberland Park	Haringey	England and Wales
Economic Active	65.1%	75.2%	76.8%
Males	71.7%	80.1%	82.0%
Females	58.7%	70.2%	71.7%
In Employment	52.3%	67.5%	71.0%
Males	56.8%	71.6%	75.1%
Females	48.0%	63.5%	66.9%
Unemployment	19.6%	10.2%	7.6%
Males	20.8%	10.6%	7.6%
Females	18.2%	9.7%	6.8%

As demonstrated above using the Census data, Northumberland Park residents are significantly less likely to be economically active (65.1% compared to 75.2% for the borough) or in employment (52.3% compared to 67.5% for the borough average)⁹.

There is a particular inequality experienced by women with women less likely to be economically active (58.7% compared to 71.7% for men) and less likely to be in employment (48% of women in Northumberland Park are in employment while 56.8% of men are in employment). Based upon the data in the demographics section, this is likely to include a disproportionate number of lone parent households headed by women.

Proportion of 16-17 year olds Not in Employment, Education or Training (NEETs) by Ward as at December 2015

⁸ Census 2011



Northumberland Park has some of the highest level of NEETs in the borough. This is likely to reflect the younger population that live in Northumberland Park. In addition to this, it is likely to be an inequality that is experienced by particular BAME communities who live in the borough, as well as disabled people and people of different religions or faiths as identified in the demographics section.

To overcome these inequalities, the Scheme will help tackle this by providing £10m of funding for social and economic support for both businesses and residents, including a contribution of around £8m for supporting the Tottenham People Priority overall commitments. Over 3,300 construction jobs and 500 end user jobs are likely to be created as well as a library and learning centre developed. These are likely to benefit the groups which experience unemployment and deprivation.

Consideration will be needed to ensure that any Schemes are fully accessible to these groups, such as offering reasonable adjustments for disabled people, and support groups vulnerable to unemployment access support.

- **Businesses**

We do not have equalities information for the individual business owners but we do have a profile of the business typologies that will be directly and indirectly impacted by the proposals according to the current proposed masterplan and phasing. This could have an impact on different communities who are service users or customers of the businesses impacted.

Directly affected:

- 731-757 Tottenham High Road (odds) = retail e.g. fast food, beauty salon...
- 759 Tottenham High Road = GP practice.
- 6-18 White Hart Lane (evens) = retail e.g. tattooist, café.
- Peacock Industrial Estate = automotive and service e.g. mechanic, scrap, repairs, vehicle rental, glazing, textile, steelworks...
- Carbery Enterprise Park = service e.g. electrician, recruitment...
- Chapel Place = services e.g. banking, church...

Indirectly affected:

- 767-859 Tottenham High Road (odds) = retail e.g. hairdresser, fast food restaurant and takeaway, mini-market...
- Surrounding area e.g. White Hart Lane, Park Lane = retail e.g. newsagents, restaurant

As the Council does not hold equalities information for these businesses it is unable to determine the equalities impacts on businesses. However, the Council will be seeking to secure further equalities information through engagement with businesses and will seek to identify mitigation measures if any equalities impacts are identified. These mitigation measures will build on the measures already outlined in the High Road West Business Charter, which includes giving businesses a fair and equitable valuation and compensation process, providing a dedicated contact and business support and advice. The Scheme will also be providing new, high quality commercial space within the Scheme which will allow some businesses to relocate within the area.

Age:

If businesses move from the area, there could be a short term impact on people job opportunities in the local area. In the longer term, the Scheme will help generate jobs through economic development. This may specifically help younger people who are more likely to experience unemployment in the local area.

There may also be an impact on young people and older people who work within the businesses which need to be relocated. The Council will seek mitigate this impact by supporting the business to relocate and by supporting the businesses to respond to their employee's needs, where suitable.

There are also public functions which could be impacted, such as the use of the GP practice, which may be used by older people and children and young people disproportionately. The Council will try and ensure that this remains in the local area to minimise the disruption.

The Grace Centre will also be relocated, which is used by older people. Consideration will be needed to ensure that it is done so in an accessible place.

Disability:

If local businesses move, this could impact on some disabled people not being able to access goods and services as accessibly and locally as before.

There may also be an impact on disabled people who work within the businesses which need to be relocated. The Council will seek mitigate this impact by supporting the business to relocate and by supporting the businesses to respond to their employee's needs, where suitable.

There are also public functions which could be impacted, such as the use of the GP practice, which is likely to be used more by disabled people. The Council will try and ensure that this remains in the local area to minimise the disruption and remains accessible place.

Race and Ethnicity:

Some businesses are intended to serve particular racial and ethnic communities such as the Turkish community or the East European community. It is likely that business owners will reflect the ethnicities of the local community. These businesses provide a cultural and social hub for these communities as well as opportunities for other communities to embrace cultural diversity, thereby fostering good relations between different communities.

There may be some impact on particular ethnicities who work within the businesses which need to be relocated. The Council will seek mitigate this impact by supporting the business to relocate and by supporting the businesses to respond to their employee's needs, where suitable.

Religion and Faith:

Similar to race and ethnicity, some businesses serve a particular religious community. There are halal butchers that cater for Muslims and a banqueting hall that provides the space and services for very large religious ceremonies. If these are relocated or even closed, those communities' needs must be considered.

There is a Church in Chapel Place and this will be protected by the Scheme and its surroundings improved with higher quality public realm.

There may be some impact on particular religious or faith groups who work within the businesses which need to be relocated. The Council will seek mitigate this impact by supporting the business to relocate and by supporting the businesses to respond to their employee's needs, where suitable.

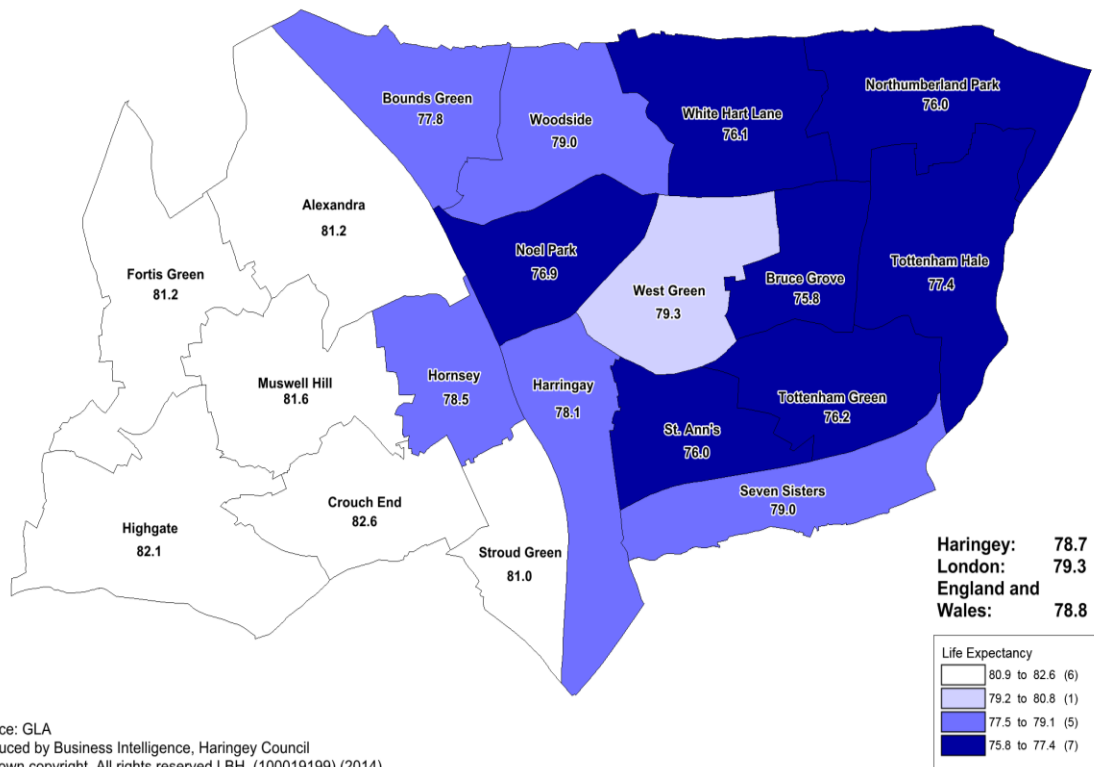
Sex/Pregnancy and Maternity:

The GP practice will be used by pregnant women and mothers and the Council will try and ensure remains in the local area to minimise the disruption.

For sexual orientation, gender reassignment and marriage and civil partnership status, we do not envisage a disproportionate impact based upon these protected groups

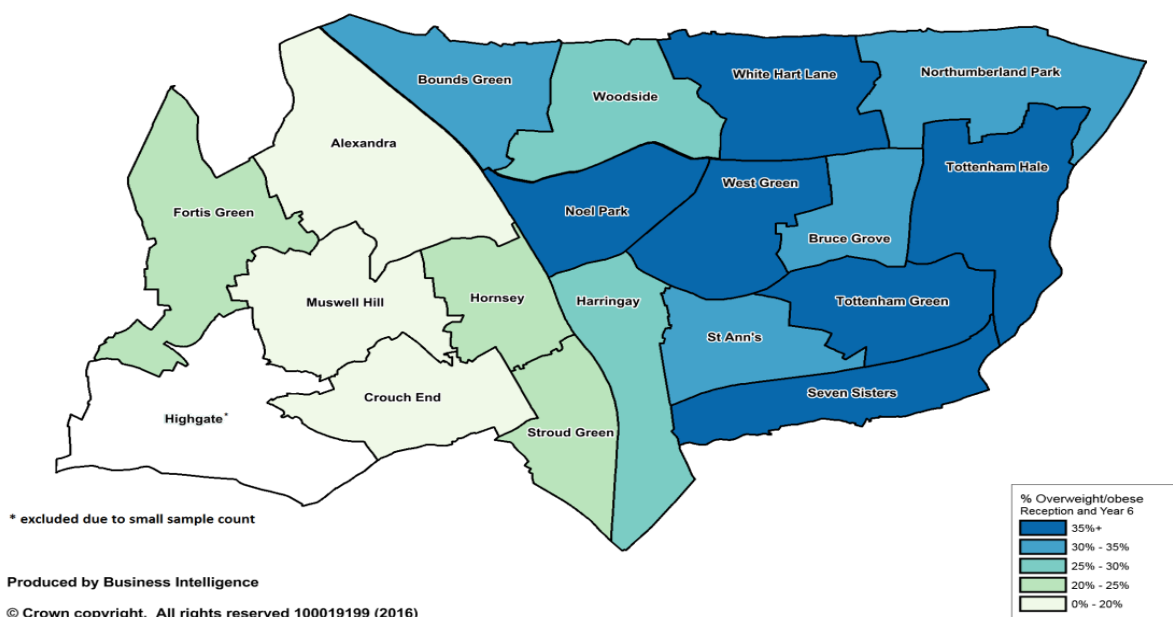
B) Healthier and Safer Communities

- Health



Haringey has a lower life expectancy (78.7 years) than the rest of London (79.3 years) and England and Wales (78.8 years). However, there is a significant difference between the east of the borough to the west of the borough, where there is greater social deprivation and greater ethnic diversity. We therefore expect that there is an inequality for BAME communities living in the east of the borough, in particular Northumberland Park.

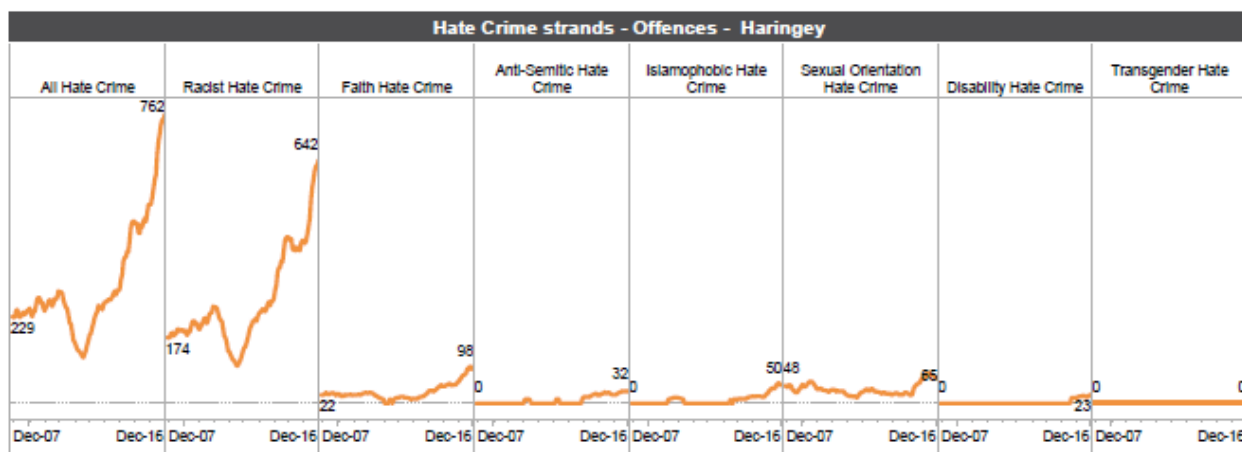
National Child Weight Measurement Programme 2015/16
Haringey Reception and Year 6 Students



A year 6 child living in the east is 2.5 times more likely to be overweight or obese than a peer living in the west. Due to the ethnic profile of the Borough, we therefore expect for particular BAME communities to be more likely to experience childhood obesity, therefore creating wider health inequalities as they get older. Northumberland Park has one of the higher rates of childhood obesity in the borough.

By providing green, open and welcoming spaces, with facilities for play and a community outdoor gym, we will help tackle local health inequalities.

- Community Safety



Source:
Hate crime offences - MPS / Crime % change against the previous financial year - Home Office - Data for FY 2014/15 & 2015/16

Please note that hate crimes are any offences which are flagged as having a hate element when recorded by police. To avoid unintentional disclosure any counts of less than 10 have been reduced to 0. A crime can have more than one hate flag attached to it. Adding up all the hate crime categories may result in multiple counting of a single offence and will not equal the All Hate Crime total.

There has been an increase of all recorded hate crime based upon race, faith (including Anti-Semitic and Islamophobic), sexual orientation and disability across Haringey. The data for transphobic hate crime is too small but we are aware that Trans* people can be vulnerable to hate crime. By making streets safer and designing out crime, this will help reduce hate crime and the fear of hate crime. In addition, more space and areas to foster good relations between different communities will also help reduce hate crime.

There is not Northumberland Park ward level data on hate crime, nor the Love Lane Estate level.

4. a) How will consultation and/or engagement inform your assessment of the impact of the proposal on protected groups of residents, service users and/or staff?

Please outline which groups you may target and how you will have targeted them

Further information on consultation is contained within accompanying EqIA guidance

There has been extensive consultation and engagement with all stakeholders regarding the regeneration proposals for High Road West over the past 5 years. Further information regarding the engagement and consultation can be found at Appendix 9 of the main Cabinet report, including methods of engagement and key stakeholders.

The key consultations and engagement activities are summarised below:

High Road West Masterplan options consultation

The 'High Road West Masterplan Options' consultation took place between April and June 2013. The consultation sought the community's views on the council's proposal for the High Road West area. This included seeking views on the Council's proposal to move White Hart Lane Station south and create a new open space linking the High Road and three masterplan options which showed varying levels of change and development in the High Road West area. The consultation included extensive engagement with stakeholders through drop in sessions, one-to-one meetings, door knocking and briefing sessions. Both qualitative and quantitative feedback was received as part of the consultation. Over 435 feedback forms were received as part of this consultation. The feedback was considered at Cabinet on 28th November 2013.

High Road West Regeneration Proposals Consultation/s105 consultation

Between the 13th September and the 25th October 2014 the Council and Arup undertook a 6-week consultation on the High Road West Regeneration proposals. For secure Council tenants living on the Love Lane Estate this consultation process was a statutory consultation process which met the Council's statutory duty to consult under s105 of the Housing Act 1985. During the consultation the Council sought the local communities' views on the following documents:

- The High Road West Masterplan Framework- the final Masterplan for the High Road West area, developed by Arup and the Council through consultation with the community
- The proposals for White Hart Lane Station- the proposals developed by architects Landolt+Brown which develop plans for the station, arches and public realm
- The Tenant, Leaseholder and Private Tenant Guides- guides which set out assurances regarding rehousing and compensation, which will be applicable for residents living on the Love Lane Estate if the High Road West Masterplan is agreed
- The Business Charter- a charter setting out commitments to businesses which will be applicable if the High Road West Masterplan is agreed
- The High Road West Masterplan Framework Equalities Impact Assessment- an assessment of the impact of the Masterplan on the protected characteristics within the High Road West area.
- Ambrose and Mallory Court Draft Local Lettings Policy- a policy setting out the council's proposals on how 30 properties will be allocated, prioritising secure council tenants living on the Love Lane Estate.

301 responses were received as part of this consultation. The feedback was considered at Cabinet on 16th December 2014.

Resident Design Panel and Resident Design Guide engagement

Throughout 2015 and 2016, the Council worked with residents and the Independent Tenant and Leaseholder Advisor ("ITLA") for the Love Lane Estate, to create a Resident Design Panel, as was agreed in the Love Lane Resident Charter. The purpose of the Design Panel was to involve residents in all design aspects of the High Road West Regeneration Scheme and the resulting panel is diverse which reflects the residents.

After an extensive programme of community consultation and research undertaken by the Resident Design Panel facilitated by the ITLA and Council officers, which included; visits to other estate regeneration Schemes, specialist training in design from the Design Council/CABE and dedicated workshops in key areas, such as housing and community facilities, the Resident Design Panel produced the High Road West Resident Design Guide.

To ensure that residents' aspirations for the area were clear to Bidders from the outset, during the High Road West procurement process to select a development partner, the Design Guide was sent to Bidders early in the procurement process- allowing Bidders to use the Design Guide to shape their proposals. As the residents have written within the document, the Resident Design Guide "exemplifies good practice in engaging a community over a sustained period on the key design issues facing any housing regeneration Scheme.

Resident Procurement Team

In 2016 members of the Resident Design Panel were elected (by other members of the Panel) to form the Love Lane Resident Procurement Panel. These members have been involved throughout the duration of the procurement process. They have met with the bidders at each stage and have provided critical feedback on their proposals.

Businesses

The Council engaged with businesses throughout the development of the High Road West Masterplan. As a result of this work and alongside the approval of the Masterplan, the Council committed to a Business Charter, which set out the following commitments in accordance with feedback from the businesses:

- ensure businesses are able to participate in the regeneration proposals and are fully supported throughout the process,
- enable businesses to remain as viable as possible during the planning period and the subsequent regeneration, to enable individual traders to exercise real choice regarding their current and future options,
- a fair and equitable valuation and compensation process,
- endeavouring to keep the businesses and jobs within the area, or within the borough.

The Council has continued to engage with businesses on both an informal and formal basis throughout the procurement, with specific engagement events and activities focussed on projects such as the Tottenham Heritage Initiative, which is investing £2.25m to provide new frontages and business support for businesses in the North Tottenham Conservation Area and White Hart Lane station and public realm work engagement. Businesses have been provided with regular updates through newsletters, had access to training opportunities through the Council and in co-ordination with its partners and have had access to professional advice through the Business Property Manager.

The Council has recently employed the services of Retail Revival who have a successful reputation in supporting and developing businesses. They will be helping to ensure that the Council has the capacity to meet the commitments in the Residents' Charter while also helping to reinforce the economic sustainability of individual businesses and the local centre as a whole. Working with the Tottenham Traders Partnership, they will be providing training, business development advice, including access to a small grants pot, addressing vacant premises through, for instance, use of meanwhile activities from the local area and beyond and advising on initiatives which will address specific issues such as the temporary departure of Tottenham Hotspur Football Club and employment requirements in the local area.

Consultation on ownership and management of the replacement homes

Between the 27th March 2017 and the 5th May 2017 the Council undertook another statutory consultation pursuant to section 105 of the Housing Act 1985 with secure council tenants living on the Love Lane Estate to seek their views on the ownership and management of the replacement homes. At the same time the Council undertook a consultation with resident leaseholders on the principles of the shared equity offer and their views on the ownership and management.

The purpose of the consultation was to use the feedback to inform the ongoing dialogue with the three bidders involved in the procurement process to select a development partner and to help the Council's Cabinet make a decision on the ownership of the 191 replacement homes.

4. b) Outline the key findings of your consultation / engagement activities once completed, particularly in terms of how this relates to groups that share the protected characteristics

Explain how will the consultation's findings will shape and inform your proposal and the decision making process, and any modifications made?

The consultation and engagement which has been undertaken over the past five years has been instrumental in developing the proposals for the Scheme.

The previous Cabinet decisions and the accompanying Equalities Impact Assessments relating to the Scheme demonstrate how this engagement and consultation has shaped the proposals, particularly the Cabinet decisions below:

Cabinet Decision	How consultation and engagement shaped the proposal
28 th November 2013- High Road West Regeneration Project – Master Plan Option Consultation Feedback and Next Steps.	This consultation demonstrated that there was considerable support for comprehensive regeneration across the High Road West area and that residents wanted new homes, more jobs, new community facilities and a wider variety of shops and businesses. It also demonstrated that businesses affected by the Scheme were not supportive of the requirement to be relocated. Following the feedback from this consultation the Council's Cabinet agreed to develop a comprehensive masterplan for the High Road West area.
15 th July 2014 Cabinet Report- High Road West Regeneration Scheme Consultation.	This decision agreed the consultation and engagement approach for comprehensive change in HRW. This included the continued development of the HRW Residents' Charter and the HRW Business Charter through workshops and one-to-one meetings with residents and businesses to set out their concerns, priorities and aspirations.
16 th December 2014 Cabinet Report- High Road West Regeneration Scheme- Masterplan and Next Steps	<p>The qualitative and quantitative data from this consultation has shown that there is substantial support from the local community for the principles within the High Road West Masterplan Framework. The quantitative data demonstrated that all of the Masterplan principles received at least 60% support from the local community and 18 of the 29 Masterplan principles received at least 70% support or over. The qualitative data demonstrated that the most common written theme was 'Support for the regeneration proposals'</p> <p>This significant support for the Masterplan principles was a reflection of the fact that the Masterplan has</p>

	<p>emerged and been developed through two years of consultation and engagement with the local community. There was however, still opposition to the regeneration proposals predominantly from residents in the wider area and from affected local businesses.</p> <p>Following the feedback from this consultation the Council's Cabinet agreed the High Road West Masterplan Framework, Resident Guides, Resident and Business Charters and agreed to commence the rehousing process on the Love Lane Estate. The consultation also fed into the equalities Impact assessment which accompanied this Cabinet decision.</p>	
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Consultation on ownership and management of the replacement homes

The feedback from the most recent consultation undertaken between the 27th March 2017 and the 5th May 2017 on the Love Lane Estate is detailed in Appendix 6 to the main Cabinet report.

A summary of the findings is detailed below:

- The feedback from secure council tenants demonstrated which statutory rights, tenancy terms and services are most important to them, this has included protecting rent levels, having secure parking and having CCTV.
- The feedback from resident leaseholders has shown that they agree and or strongly agree with the principles the Council has developed for the shared equity homes and has shown that efficient and quality cleaning and refuse is the most important service to them.
- There is clear feedback from both secure council tenants and resident leaseholders that they would prefer the council to own the replacement housing built as part of the Scheme.
- The consultation has confirmed that the management and maintenance services and corresponding service charge is a major concern for residents. We will therefore, ensure that there is ongoing engagement with residents about this as the proposals are detailed by the development partner.
- The consultation has also confirmed that resident leaseholders are concerned about the equity share they will be required to own and the ability for this to be bought or gifted over time.

The recommendation for the Council to own the replacement homes within the regeneration area, will be a significant step in addressing the issues and concerns raised during this consultation in relationship to ownership and management.

The Council will also be working closely with Love Lane residents to further develop the proposals and address their specific concerns as the projects evolves, this includes engaging residents on the level of services and service charge in the new Scheme, working

with resident leaseholders to further develop the detailed leaseholder offer and the details of the shared equity arrangement.

As the Scheme moves into delivery the Council will continue to use the successful engagement and consultation methods it has employed to date to engage the community to ensure the detailed proposals meet the communities' needs. It will also have a greater focus on engaging business and developing further detail relating to equalities.

Full consideration will be needed to ensure that all persons with protected characteristics take part in the future consultation and engagement involved in delivering the HRW Scheme.

5. What is the likely impact of the proposal on groups of service users and/or staff that share the protected characteristics?

Please explain the likely differential impact on each of the 9 equality strands, whether positive or negative. Where it is anticipated there will be no impact from the proposal, please outline the evidence that supports this conclusion.

Further information on assessing impact on different groups is contained within accompanying EqlA guidance

1. Sex

Below summarises the impact on sex of the Scheme:

Women and girls:

Women are over represented as tenants on the Love Lane Estate and there will be positive and negative impacts for people with this characteristic:

- A short term negative impact of rehousing which will be mitigated through the rehousing process outlined in the data analysis section (consideration will be given if a woman is pregnant, consideration will be given to childcare, schooling needs and the need to be rehoused near to existing support networks).
- A short term negative impact of rehousing TA which are more likely to be women will be mitigated with timely re-housing advice so that they are aware of all of their options.
- An unknown impact from moving the GP which women are more likely to need to use which will be mitigated by moving it nearby or within the Scheme if possible.
- A positive impact from a safer public realm which may reduce violence against women and girls.
- A long term positive impact from a renovated Grange Community Hub which will continue to deliver community services such a weekly midwife surgery to help mothers with needs such as help with feeding, housing, English as a second language and childcare.
- A positive impact from a new house of the appropriate size will reduce overcrowding which is more likely to affect single mothers.
- A long term positive impact from delivering the Scheme with a new nurse facility, with reduced rates for low income families.

Men and boys:

Male leaseholders are over represented in those impacted by rehousing there will be positive and negative impacts for people with this characteristic:

- A short term negative impact of rehousing which will be mitigated by the continued co-development of the leaseholder offer with residents.
- A positive impact in the longer term from a healthy public realm for men and boys who are more likely to have a mental health issue or condition, single men from BAME communities are particularly vulnerable.

The Scheme will provide longer term positive impacts for the 'Sex' protected characteristic. This includes 2500 more houses to tackle the demand for housing, employment opportunities and a healthier and safer public realm. In developing these benefits, consideration will be needed to ensure discrimination does not occur and equality of opportunity is advanced.

Positive	X	Negative	X	Neutral impact		Unknown Impact	X
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2. Gender reassignment

We do not have local data regarding this protected characteristic, but there is consideration for this protected group in the EqIA.

People who are Trans* will benefit from an increasingly safe public realm which may reduce transphobic hate crime or fear of such crime.

We do not envisage any other inequalities based upon this protected characteristic as a result of the Scheme.

Positive	X	Negative		Neutral impact		Unknown Impact	
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3. Age

Below summarises the impact on age of the Scheme:

Children and young people:

Residents of the High Road West area have a comparatively young population. There are also a disproportionate number of 16-17 year old NEETs in Northumberland Park and the ward has one of the highest rates of childhood obesity in the borough. There will be positive and negative impacts for people with this characteristic:

- A short term negative impact of rehousing which will be mitigated through the rehousing process outlined in the data analysis section (consideration will be given to preventing overcrowding, childcare and schooling needs).
- A positive impact through the creation of new jobs and delivery high quality new community facilities, such as the Library and Learning Centre which will help develop skills. There will also be bespoke programmes and projects for 'young leaders' aimed at providing volunteering, training and work experience opportunities for 16-18-year-old NEETs.

- A long term positive impact for overweight children of increased opportunities for physical activity, through the outdoor gym and green open space and through a programme of sports and activity aimed at tackling obesity and this inequality.
- A long term positive impact from delivering the Scheme with a new nurse facility, with reduced rates for low income families.
- An unknown impact from moving the GP which children and young people are more likely to need to use which will be mitigated by moving it nearby or within the Scheme if possible.

Older people:

Older people are over represented as tenants on the Love Lane Estate and are likely to be over represented amongst leaseholder population. There will be positive and negative impacts for people with this characteristic:

- A short term negative impact on rehousing leaseholders, because they may not be able to access to financial services such as mortgages which will be mitigated by the continued co-development of the leaseholder offer with residents.
- A short term negative impact of rehousing which will be mitigated through the rehousing process outlined in the data analysis section (consideration will be given whether older residents require an OT assessment or need to be rehoused near to existing support networks and or neighbours).
- A short term negative impact of relocating the Grace centre, used by older people which should be moved to a continually accessible location.
- A short-term negative impact of relocating local businesses may cause older people to lose access to familiar amenities. The Scheme will seek to mitigate the number of High Street businesses impacted (which residents are more likely to use than the industrious businesses) and will seek to relocate businesses where possible. The increase in commercial space will provide more choice and variety to residents.
- An unknown impact from moving the GP which older people are more likely to need to use which will be mitigated by moving it nearby or within the Scheme if possible.
- A long term positive impact of delivering more high quality community facilities and public realm such as the Library and Learning Centre which will provide a place to socialise and engage for older people who are more likely to experience social isolation.
- A positive impact for older people who are more likely to need assistance at home through the delivery of bespoke schemes offering support, such as professional advice to enhance home heating and signpost services and a handyman services.

The Scheme will provide longer term positive impacts for the 'Age' protected characteristic. This includes 2500 more houses to tackle the demand for housing, employment opportunities and a healthier and safer public realm. In developing these benefits, consideration will be needed to ensure discrimination does not occur and equality of opportunity is advanced.

Positive	X	Negative	X	Neutral impact		Unknown Impact	X
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4. Disability

Below summarises the impact on disability of the Scheme:

Residents of the estate are more likely to have a physical impairment or mental health issue than the rest of Haringey or London. There will be positive and negative impacts for people within this protected characteristic, this includes:

- A short term negative impact of rehousing which will be mitigated through the rehousing process outlined in the data analysis section (consideration will be given whether disabled residents require an OT assessment or need to be rehoused near to existing support networks and or neighbours).
- A short term negative impact of relocating the Grace centre, used by people with dementia which should be moved to a continually accessible location.
- A short term negative impact of relocating local businesses may cause disabled people to lose access to familiar amenities. The Scheme will seek to mitigate the number of High Street businesses impacted (which residents are more likely to use than the industrious businesses) and will seek to relocate businesses where possible. The increase in commercial space will provide more choice and variety to residents.
- An unknown impact from moving the GP which disabled people are more likely to need to use which will be mitigated by moving it nearby or within the Scheme if possible.
- A long term positive impact through improvements in public realm, street design and community facilities which will make the environment and facilities more accessible for disabled people and will also support the reduction in the extent of disability related hate crime.
- A long term positive impact through the delivery of high quality lifetime homes and the 10% wheelchair accessible homes which can be adapted to meet the bespoke needs of residents as well as an inclusive and accessible environment that allows residents to access community and local facilities. The Library and Learning Centre will help support skill development for disabled people.
- There will be a positive impact through greater employment opportunities through job creation in particular through extending the vocational offer and training programmes. In the Scheme there is a stated ambition for disabled people to be 5% of construction workforce (3,352) and 22% of end-use workforce (550).

The Scheme will provide longer term positive impacts for the 'Disability' protected characteristic. This includes 2500 more houses to tackle the demand for housing, employment opportunities and a healthier and safer public realm. In developing these benefits, consideration will be needed to ensure discrimination does not occur and equality of opportunity is advanced.

Positive	X	Negative	X	Neutral impact		Unknown Impact	X
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5. Race and ethnicity

Below summarises the impact on race and ethnicity of the Scheme:

The High Road West area and Northumberland Park ward is one of the most diverse wards in the borough and has large Black African, Black Caribbean, Turkish, Kurdish and East European communities. In addition to this, there are a range of inequalities, for these communities, often as a result of poverty and deprivation. There will be positive and negative impacts for people within this protected characteristic, this includes:

- A short term negative impact of rehousing which will be mitigated through the rehousing process outlined in the data analysis section (consideration will be given to providing translation & interpretation services, as well as maintain links with their communities).
- A short term negative impact of relocating local businesses may cause ethnic minorities to lose access to shops and services catering to their specific cultural needs. The Scheme will seek to mitigate the number of High Street businesses impacted (which residents are more likely to use than the industrious businesses) and will seek to relocate businesses where possible. The increase in commercial space will provide more choice and variety to residents.
- A long term positive impact through the creation of a healthier environment with high quality open space and public realm with measures to tackle obesity which some BAME communities are more likely to experience.
- A positive impact through the creation of a safe, welcoming environment which will reduce gang and youth violence along with hate crime – people from particular BAME communities are more likely to experience hate crime and be victims of crime in general.
- A positive impact through increased employment opportunities, job creation and educational resources. BAME people are intended to be 32% of construction workforce (3,352) and 32% of end-use workforce (550) and the Learning and Library Centre providing educational space for all.

The Scheme will provide longer term positive impacts for the 'Race' protected characteristic. This includes 2500 more houses to tackle the demand for housing, employment opportunities and a healthier and safer public realm. In developing these benefits, consideration will be needed to ensure discrimination does not occur and equality of opportunity is advanced.

Positive	X	Negative	X	Neutral impact		Unknown Impact	
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6. Sexual orientation

We do not hold data at the national, borough or ward levels. However, we are aware there is a significant LGB population in Haringey compared to other places in England (see pages 7-8, 23 and 25).

There may be some benefits for lesbian, gay and bisexual people in the High Road West area, such as increase community safety which may reduce homophobic and biphobic hate crime through a healthier and safer public realm.

Any same sex couple who are cohabitating, married or in a civil partnership living in the estate will be treated the same as a heterosexual couple in any future rehousing.

We do not envisage any direct inequalities based upon this protected characteristic. Engagement processes should encourage the participation of LGB people and ensure there are no barriers to them taking part.

Positive	X	Negative		Neutral impact		Unknown Impact	
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7. Religion or belief (or no belief)

Below summarises the impact on religion of the Scheme:

There is limited data on religion and faith within the High Road West area. However, we understand that Northumberland Park has large Christian and Muslim communities, especially compared to the rest of Haringey, and this is likely to be the case here. There will be positive and negative impacts for people within this protected characteristic, this includes:

- A short term negative impact of rehousing which will be mitigated through the rehousing process outlined in the data analysis section (consideration will be given to proximity to places of worship and religious communities).
- A short term negative impact of relocating local businesses may cause religious people to lose access to shops and services catering to their specific religious needs. The Scheme will seek to mitigate the number of High Street businesses impacted (which residents are more likely to use than the industrious businesses) and will seek to relocate businesses such as food and beverage businesses related to different cultures and food nationalities where possible. The increase in commercial space will provide more choice and variety to residents.
- A positive impact with new and improved public realm to increase community safety will have a positive impact in regards to tackling Islamophobic, Anti-Semitic and other religious hate crime.
- A positive impact on this characteristic through delivery of the Design Code (developed with residents) which included responding to cultural requirements as requested by residents in the High Road West Resident Charter e.g. layout of homes to suit local cultural needs such as provision of serving space, storage requirements, design of bedrooms to suit multiple needs and design of safe accesses and separate kitchen (all with windows) and living rooms ample storage.
- A positive impact on community cohesion from new community facilities which will provide greater opportunity for engagement between specific communities.
- A positive impact from the Scheme enhancing the environment around local religious buildings – chapel in Chapel Place and improved setting to the St Francis Salles Church.

The Scheme will provide longer term positive impacts for the 'Religion or belief (or no belief)' protected characteristic. This includes 2500 more houses to tackle the demand for housing, employment opportunities and a healthier and safer public realm. In developing these benefits, consideration will be needed to ensure discrimination does not occur and equality of opportunity is advanced.

Positive	X	Negative	X	Neutral impact		Unknown Impact	
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8. Pregnancy and maternity

Below summarises the impact on pregnancy and maternity of the Scheme:

Northumberland Park has a disproportionate number of younger people as well as lone parent households which are headed by women. There will be positive and negative impacts for people within this protected characteristic, this includes:

- A short term negative impact of rehousing which will be mitigated through the rehousing process outlined in the data analysis section (consideration will be given if a woman is pregnant, consideration will be given to childcare, schooling needs and the need to be rehoused near to existing support networks).
- A short term negative impact of rehousing TA which are more likely to be single mothers will be mitigated with timely re-housing advice so that they are aware of all of their options.
- An unknown impact from moving the GP which mothers are more likely to need to use which will be mitigated by moving it nearby or within the Scheme if possible.
- A long term positive impact from a renovated Grange Community Hub which will continue to deliver community services such a weekly midwife surgery to help mothers with needs such as help with feeding, housing, English as a second language and childcare.
- A positive impact from a new house of the appropriate size will reduce overcrowding which is more likely to affect single mothers.
- A long term positive impact from delivering the Scheme with a new nursery facility, with reduced rates for low income families.

The Scheme will provide longer term positive impacts for the 'pregnancy and maternity' protected characteristic. This includes 2500 more houses to tackle the demand for housing, employment opportunities and a healthier and safer public realm. In developing these benefits, consideration will be needed to ensure discrimination does not occur and equality of opportunity is advanced.

Positive	X	Negative	X	Neutral impact		Unknown Impact	X
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9. Marriage and Civil Partnership

Couples who are being rehoused and are in a civil partnership will be treated the same as if they were in a marriage.

Positive		Negative		Neutral impact	X	Unknown Impact	
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10. Groups that cross two or more equality strands e.g. young black women

The Scheme aiming to tackle multiple issues, including building 2500 homes and creating a significant number of jobs. As a result, there will be significant intersectional inequalities and impacts which will cross different protected characteristics. In particular, the protected groups of sex, disability, ethnicity, religion and age are particularly significant.

Outline the overall impact of the policy for the Public Sector Equality Duty:

- Could the proposal result in any direct/indirect discrimination for any group that shares the protected characteristics?
- Will the proposal help to advance equality of opportunity between groups who share a protected characteristic and those who do not?
This includes:
 - a) Remove or minimise disadvantage suffered by persons protected under the Equality Act
 - b) Take steps to meet the needs of persons protected under the Equality Act that are different from the needs of other groups
 - c) Encourage persons protected under the Equality Act to participate in public life or in any other activity in which participation by such persons is disproportionately low
- Will the proposal help to foster good relations between groups who share a protected characteristic and those who do not?

The Scheme will attempt to tackle inequalities relating to housing, employment, health and community safety. There will be some short term disruption caused by rehousing rehousing residents and acquiring and relocating businesses. However, the Scheme has mitigation measures in place to minimise the impact. Further mitigation measures will be developed as further equalities information, such as equalities data for affected businesses and as further feedback, such as consultation feedback from resident leaseholders on the detailed Love Lane Leaseholder offer is collated.

The Scheme will provide opportunities to foster good relations between different groups by providing a safer and more welcoming public realm and allowing mixed tenure communities.

Mitigating actions have been incorporated within the proposal to prevent discrimination, harassment and victimisation, as well as advance equality of opportunity and foster good relations. These are detailed in the table below.

6. a) What changes if any do you plan to make to your proposal as a result of the Equality Impact Assessment?

Further information on responding to identified impacts is contained within accompanying EqlA guidance

Outcome	Y/N
No major change to the proposal: the EqlA demonstrates the proposal is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken. <u>If you have found any inequalities or negative impacts that you are unable to mitigate, please provide a compelling reason below why you are unable to mitigate them.</u>	
Adjust the proposal: the EqlA identifies potential problems or missed opportunities. Adjust the proposal to remove barriers or better promote equality. Clearly <u>set out below</u> the key adjustments you plan to make to the policy. If there are any adverse impacts you cannot mitigate, please provide a compelling reason below	Y (where further information regarding equalities impacts is gathered the Council will develop further mitigation measure)
Stop and remove the proposal: the proposal shows actual or potential avoidable adverse impacts on different protected characteristics. The decision maker must not make this decision.	

6 b) Summarise the specific actions you plan to take to remove or mitigate any actual or potential negative impact and to further the aims of the Equality Duty

Impact and which protected characteristics are impacted?	Action	Lead officer	Timescale
Rehousing of Love Lane residents disruption (Women, older people, children and young people, disabled people, religious people and BAME communities)	Continued delivery of the rehousing strategy, in line with the HRW Resident Charter, which has carried out need assessments and offers a choice based allocation system where residents can choose where to live based on their own needs.	David Clark	Ongoing
Relocation of businesses and the Grace Centre = Impact of relocation on businesses, loss of amenity for; older people, disabled people, religious people and ethnic minorities.	Delivery of the renewed business engagement strategy in line with the HRW Business Charter which will support existing business through the regeneration process in order that they can remain viable, and where	Clare Askew	Autumn 2017 – Retail Revival to start carrying out business needs assessments Winter 2017 – bespoke business training

	businesses are required to relocate, for this to be as nearby as possible.		programme to commence Ongoing engagement with business
Development of detailed leaseholder offer for Love Lane residents.	Engagement with residents in order to develop the HRW leaseholder offer, using the borough-wide offer as a baseline	Sarah Lovell / David Clark	Leaseholder offer to be agreed by the end of 2017.

Please outline any areas you have identified where negative impacts will happen as a result of the proposal but it is not possible to mitigate them. Please provide a complete and honest justification on why it is not possible to mitigate them.

None

6 c) Summarise the measures you intend to put in place to monitor the equalities impact of the proposal as it is implemented:

Rehousing:

Data:

- The equalities information has been collected for all secure Council tenants and for resident leaseholders willing to engage.

Monitoring:

- Satisfaction surveys are carried out which will identify if there are issues relating to inequality.

Business relocation:

Data:

- The business support work due to commence in September will seek to re-engage all businesses and will collect equalities data on all of those willing to provide it.

Monitoring:

- A database to monitor the business profile relating to protected characteristics is set up and will be maintained.
- Regular engagement with business will seek to identify where there are issues relating to inequality.

7. Authorisation

EqlA approved by Helen Fisher

Date 4th September 2017

8. Publication

Please ensure the completed EqlA is published in accordance with the Council's policy.

Y

Please contact the Policy & Strategy Team for any feedback on the EqlA process.

Report for: Full Council

Item number:

Title: Seventh Annual Carbon Report

Report

authorised by: Joe Baker, Head of Carbon Management

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Ward(s) affected: All

Report for Key/

Non Key Decision: Non Key Decisions

1. Describe the issue under consideration

1.1. Haringey has made an ambitious commitment to reduce carbon emissions 40% from the 2005 levels by 2020; whilst delivering growth and increasing prosperity. 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 seventh 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 2017, relating to emissions between April 2005 and March 2015
- Information on key projects which have contributed to reducing emissions between October 2016 and October 2017
- The position of National Government Policy influencing Haringey 40:20
- Future and ongoing projects to reduce emissions from October 2016

2. Cabinet Member Introduction

2.1 This is the Seventh Annual Carbon Report produced to track the borough's performance in reducing emissions from 2005 to 2015. It highlights the work and outcomes delivered over the last year, and the work to deliver our targets for the remaining 5 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.

2.2 The borough's 40:20 ambition is a challenging target for the Council and the community. We lead by example – delivering a 3% reduction in emissions since the last Annual Carbon Report ([Sixth Annual Carbon Report, 2015-2016](#)), and a 29% reduction since 2005 when we started this work. But remarkably when we take into account Haringey's population growth, our emissions per head population have already reduced by 40%.

2.3 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, the government has yet to show leadership on committing to and delivering on climate change adaption.

2.4 Since the last Annual Carbon Report, the Council has received the report of the Zero by 2050 Commission. This panel of regeneration experts made practical, realistic and supportive recommendations to show the Council what could be achieved to deliver a low carbon and sustainable borough while still delivering growth. One of the first tasks recommended for the Council is to prepare a route map for the borough to achieve Zero Carbon by 2050, to start delivery once the 40:20 ambition is delivered. The Council is committed to working with partners such as the GLA to deliver this new ambition and build on existing carbon reduction successes.

2.5 Alongside this other highlights of the year include activities and events being delivered in the Neighbourhoods of the Future project. This will see the introduction of rapid charging infrastructure to spur the transition from fossil fuel based vehicles to electric vehicles.

2.6 In addition, the number of large scale solar panel installations in the borough increased by 5 in the last year. We now have 2,220 panels that generate over 540,000kWh of electricity for the council.

2.7 In addition, in January 2017, the council decided to take forward a Council-owned District Energy Network to support carbon reduction while delivering growth

and regeneration in North Tottenham. And I am proud to say the number of large scale solar panel installations in the borough increased again in the last year. We now have 2,220 panels that generate over 540,000kWh of electricity for the council.

2.8 In conclusion, we are moving in the right direction to deliver our ambition for 40:20, and would not have achieved this success without the support of residents, community groups and businesses. I want the borough to continue this ambition and build on this to deliver the Zero by 2050 ambition. Haringey is a leader in this field and I want it to continue to lead and deliver a step change in carbon reduction across the borough, showing the rest of London and the UK what can be achieved by a local authority that shows commitment and determination to tackle climate change. It is a legacy our borough should be proud of.

Councillor Joe Goldberg

Cabinet Member for Economic Development, Social Inclusion and Sustainability

3. Recommendations

It is recommended that:

- The Annual Report is made publically available, to engage residents in the Haringey 40:20 initiatives.
- Councillors engage with the initiative and lead action in their community, promoting the importance of reducing carbon emissions whilst increasing prosperity.
- The future projects, in the last pages of the report, are implemented and further opportunities are identified, subject to the availability of external funding and grants.
- Haringey continues to report annually on our progress to reduce emissions 40% by 2020, and increase prosperity.

4. Reasons for decision

4.1 In 2009, the Council endorsed the Carbon Commission's recommendations:

- Create business models which reinvest wealth back into the borough through community energy and a retrofit cooperative network.
- Build a low carbon economy, establishing a green enterprise hub and creating training opportunities.
- Boost innovation in the borough through cutting-edge low carbon technological, social and financial solutions.

- Invest in low-carbon transport, including Dutch style cycling provision and alternative fuel vehicles.
- 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 No other options were considered.

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 this emissions reduction while increasing prosperity and reducing inequality. The Annual Carbon Report reports 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 sits in 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.”

7.3 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 There are no financial implications arising from the recommendations of this report.

All initiatives and projects carried out as part of the Carbon Management Plan are anticipated to be delivered within budget via both core Haringey and external funding sources, and will need to comply with the relevant legislations, both domestic and others.

8.2 In light of this financial year - 2017/18, the Carbon Management revenue and capital budget provision amounts to £0.24k and £2.2m respectively.

Comments of the Assistant Director of Corporate Governance and Legal Implications

8.3 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 including the statutory provisions set out in section 6 of this Report.

Equalities and Community Cohesion Comments

8.4 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act

- 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.

The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

8.5 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. Children and young people; older people, and residents in low- income households or in receipt of welfare benefits are among those who are impacted the most by these issues and will therefore benefit. Projects which focus on the installation of energy efficiency measures in domestic properties, such as the Green Doctor Programme, Warm Homes and the 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.

8.6 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.

8.7 We will continue to analyse and monitor the impact of the Haringey 40:20 projects on improving health outcomes and reducing fuel poverty across the whole population and tackling issues affecting specific groups.

9. Use of Appendices

9.1 Appendix 1 - The Seventh Annual Carbon Report

10. Local Government (Access to Information) Act 1985

11. Background documents:

- The Carbon Commission Report
http://www.haringey4020.org.uk/index/about4020/carbon_commission/report.htm
- The Annual Carbon Reports (First, Second, Third, Fourth and Fifth)
http://www.haringey4020.org.uk/index/about4020/annual_carbon_report.htm
- 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>

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Cover – to be designed by Haringey Comms

Foreword



Seven years ago we committed to publishing Haringey's carbon emissions, yearly at full council – to document and highlight the borough's efforts to reduce the impact of rising emissions. We did this because in politics we never achieve things unless we make ourselves accountable for them. Making commitments in public life needs to be backed up by action – or they just become empty promises that deliver nothing and only erode trust in our treasured institutions. It is why I am proud that we have been trailblazing in our efforts to be transparent and accountable in tackling climate change, and reducing emissions and making clear what it we set out to do, recording what we have achieved so far – and laying down tangible means that demonstrate we are serious about our ambitions.

Setting a borough wide commitment to deliver a 40% reduction in carbon emissions by 2020 was extremely ambitious. This ambition has not been thwarted by the lack of action from the government, who in the wake of Brexit, have shown limited leadership or appetite to make the most of moving to a low carbon and independent energy supply for the UK. Nor have they shown leadership to address the impending economic, ecological and humanitarian crises that will ensue should temperatures rise, and should we fail to maintain this rise below two degrees centigrade.

I am very proud of Haringey's continued progress in achieving the [40:20 target](#) in the face of reduced funding, and limited policy direction. We lead by example – delivering a 3% reduction in emissions since the last Annual Carbon Report ([Sixth Annual Carbon Report, 2015-2016](#)), and a 29% reduction since 2005 when we started this work. But remarkably when we take into account Haringey's population growth, our emissions per head of population have already reduced by 40%.

Since the last Annual Carbon Report, the Council has received the report of the Zero by 2050 Commission. This panel of regeneration experts made practical, realistic and supportive recommendations to show the Council what could be achieved to deliver a low carbon and sustainable borough while still delivering growth. One of the first tasks recommended for the Council is to prepare a route map for the borough to achieve Zero Carbon by 2050, to start delivery once the 40:20 ambition is delivered. The Council is committed to working with partners such as the GLA to deliver this new ambition and build on existing carbon reduction successes.

Alongside this other highlights of the year include activities and events being delivered in the Neighbourhoods of the Future project. This will see the introduction of rapid charging infrastructure to spur the transition from fossil fuel based vehicles to electric vehicles.

In addition, in January 2017, the council decided to take forward a Council-owned District Energy Network to support carbon reduction while delivering growth and regeneration in North Tottenham. And I am proud to say the number of large scale solar panel installations in the borough increased again in the last year. We now have 2,220 panels that generate over 540,000kWh of electricity for the council.

We have seen crowdfunding through En10ergy to deliver solar panels on Woodside High School in Wood Green. And Muswell Hill Sustainability Group has raised awareness through its thermal image survey carried out on 20 local homes, helping residents identify heat loss in their homes. These projects and others show that carbon reduction is really a borough ambition and that we support each other to deliver carbon reduction.

In conclusion, we are moving in the right direction to deliver our ambition for 40:20, and would not have achieved this success without the support of residents, community groups and businesses. I want the borough to continue this ambition and build on this to deliver the Zero by 2050 ambition. Haringey is a leader in this field and I want it to continue to lead and deliver a step change in carbon reduction across the borough, showing the rest of London and the UK what can be achieved by a local authority that shows commitment and determination to tackle climate change. It is a legacy our borough should be proud of.

I thank all those who contributed to reducing Haringey's carbon emissions and who made this report possible.

Councillor Joe Goldberg, Cabinet Member for Economic Development, Social Inclusion and Sustainability

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Summary

Within the last year Haringey Council, along with residents and community groups within the borough, have sought to reduce carbon emissions even further than previous years - to reach the 40% emissions reduction target by 2020.

In terms of the overall decrease in CO₂, Haringey borough has achieved a 29% carbon reduction since 2005. This compares to a 28% decrease recorded by our neighbouring boroughs and across the UK, and a 30% reduction seen in Greater London. However, taking into account population growth the level of per capita emissions has decreased in Haringey by 40%, since 2005. This is a larger decrease than the 33% reduction across the UK but consistent with our neighbouring boroughs. During this period Haringey has the third largest decrease in per capita emissions in London, behind Islington and Camden.

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.

Alongside the Mayor of London, the leader of Haringey, Cllr Claire Kober has stated Haringey's ambition to become a [Zero Carbon authority by 2050](#). This will supersede the 2020 target. To help us achieve this, Haringey worked with a panel of experts to deliver a set of recommendations for action – now set out in the report of the [Zero 50 Commission](#). The Council and its partners will need to make choices now to embed these recommendations into their work, ensuring we continue to promote sustainable economic growth by creating new jobs, saving money and delivering carbon reduction.

Introduction

The Annual Carbon Report highlights the work the council and partners have delivered to decrease CO₂ levels in Haringey's business, domestic, and transport sectors. This is the Seventh Annual Carbon Report which reports on Haringey's ambitions to deliver 40% reductions on carbon emissions by 2020. The Leader of the Council, Cllr Claire Kober, recently stated Haringey's ambition to become a Zero Carbon borough by 2050. This will supersede the 40:20 target.

The report includes:

- Recent changes to National Government Policy influencing Haringey 40:20.
- Official Carbon Emissions Data, published by the Department of Business, Energy and Industry Strategy (DBEIS) relating to emissions in 2015
- Information on key projects which contributed to reducing emissions between April 2016 and March 2017
- Future and ongoing projects to reduce emissions from April 2017

Background

Greenhouse gas emissions from human activity are the highest in history and there is clear empirical evidence concerning our impact on the Earth's climate systems. The atmosphere and oceans have warmed, snow and ice cover has diminished, and sea levels are rising. Extreme weather events will increase in frequency and intensity as a result of rising temperatures, which could lead to heavier rainfall and more frequent heat waves. These will impact the borough and the services Haringey provides to residents, which is why the Council is taking action to reduce energy use and carbon emissions, while adapting to our changing climate.

Key Policy Changes – International and National

There has been limited recent change to National Policy in the field of carbon reduction. Recent developments in the national and international arena include:

Energy Company Obligation (ECO) Transition Period

The Energy Company Obligation (ECO) transition period will see funding extended for an 18-month period (April 2017 – September 2018). The funding is targeted at households in fuel poverty, and on lower incomes, who are struggling with heating and other bills. Eligibility will also be extended to social housing in EPC bands E, F or G. Local authorities have a role in identifying eligible homes through the 'flexible eligibility' mechanism.

United States of America withdraws from Paris Climate Accord

In August, the United States of America become the first country to formally withdraw from the Paris Climate Accord. The Accord was agreed in Paris in December 2015. Over 190 countries agreed to cut their greenhouse gas emissions to prevent global temperature rising above 2°C, and achieve a zero carbon environment by 2050.

SAP (2016) Updates

The Standard Assessment Procedure (SAP) is a calculation tool that enables designers and developers to assess carbon emissions, and verify compliance with Part L of the Building Regulations 2013. It compares the Target Emissions Rate (TER) for a "notional" equivalent dwelling to the actual Dwelling Emission Rate (DER).

SAP 2016 is an update of the data assumptions in the existing calculation methodology. There are 18 amendments, the sum of the impacts is significant. The 5 key changes are:

- **Reduced grid carbon factor:** Grid electricity carbon factor reduced by 23% from 513 g/kWh to 399 g/kWh
- **Distribution Loss factors:** Increase in DLF for heat networks, the existing values were unrealistically low.
- **Lighting improvements:** Low energy lighting tick box replaced with the details of lighting system load
- **Thermal bridges:** Increase in the default value from 0.15-0.2
- **Hot water calculations:** Base hot water demand on estimated load and fitting selection

Key Policy Changes – Regional and Local

London Environment Strategy

The Mayor of London, Sadiq Khan published the draft [London Environment Strategy](#) which sets out a range of actions to improve London's environment. Toxic air, noise pollution, the threat to London's green spaces, and the adverse effects of climate change, all pose major risks to the health and wellbeing of Londoners. This is the first strategy to bring together every aspect of London's environment. It is divided into the following areas:

- Air quality
- Green infrastructure
- Climate change mitigation and energy
- Waste
- Adapting to climate change
- Ambient noise

It commits London to becoming a Zero Carbon capital by 2050 and leading the global community. To do this the Mayor asks for the boroughs to support and share this ambition.

Zero by 2050 Haringey

The leader of Haringey, Cllr Claire Kober has stated Haringey's ambition to become a Zero Carbon borough by 2050. This will supersede the 2020 target. To help us achieve this, Haringey worked with a panel of experts,

the Zero by 50 Commission, to deliver a set of recommended actions. This panel of regeneration experts made practical, realistic and supportive recommendations to show the Council what could be achieved to deliver a low carbon and sustainable borough while still delivering growth. The Council is committed to working with partners such as the GLA to deliver this new ambition and build on our existing success in carbon reduction. One of the first tasks recommended for the Council is to prepare a route map for the borough to achieve Zero Carbon by 2050, to start delivery once the 40:20 ambition is delivered.

Haringey's Performance

2015 Emissions

The data within this report was sourced from DBEIS. Other information was located from the London Data Store, Haringey Council's Carbon Management Team and The Association for Decentralised Energy. The data shown is from the 2015 carbon emissions statistics published in 2016. There is no correlation between this data and the projects, schemes and campaigns that occurred within the last year (2016).

Emissions trend 2005 – 2015

Haringey's overall emissions decreased by 3% in since 2014 – falling from 772 kilo tonnes (Kt) to 749 Kt. A similar trend was seen nationally - 83% of UK Local Authorities (LAs) recorded an overall decrease in emissions. Across Greater London, a third of boroughs saw a decrease in emissions less than 5%, a further third recorded decreases between 5% and 10% and four boroughs failed to record a decrease since 2014.

Since 2005 total emissions in Haringey have decreased by 29%. This is aligned with the 28% decrease recorded by our neighbouring boroughs and across the UK, while there has been a 30% reduction seen in Greater London. The City of London saw the largest overall decrease in emissions since 2005, at 48%.

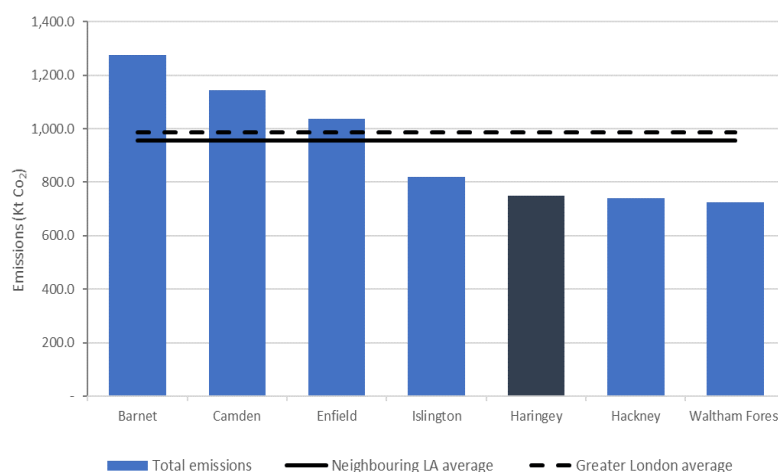


Figure 1 - 2015 Carbon dioxide emissions for Haringey and neighbouring boroughs

Haringey has the third lowest emissions in the group comprising Haringey and our six neighbouring boroughs, and the third lowest level of emissions of any Inner London borough. Figure 1 summaries total carbon dioxide emissions in Haringey compared to neighbouring LAs, Greater London, the South East, England and the UK.

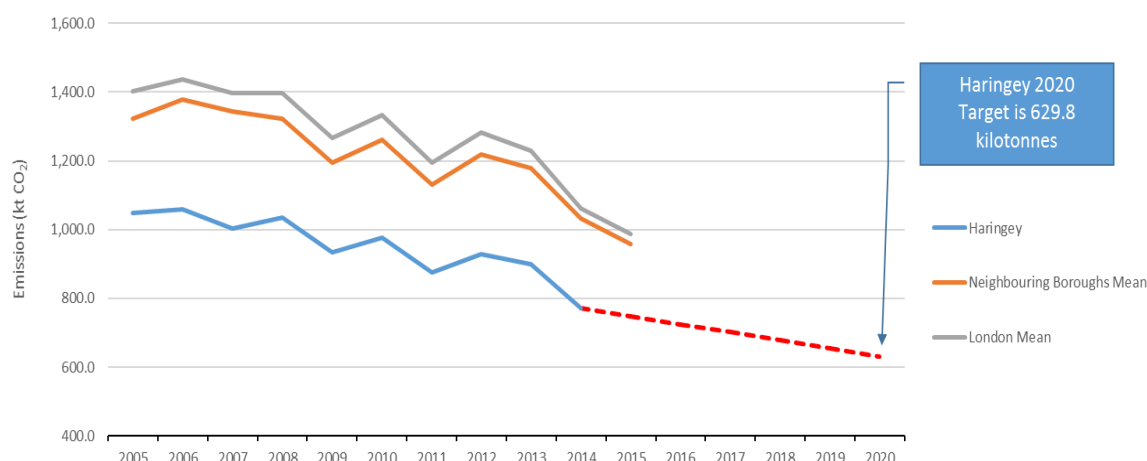


Figure 2 - 2005 - 2015 Carbon dioxide emissions trend

2015 Performance

To deliver our 40:20 target, Haringey's emissions need to decrease by a further 16% - an average of 24 Kt annually over the remaining five years (from 2015-2020). This is a challenging but achievable target given that overall emissions in Haringey have decreased by 14% over the previous five years - an average of 46 Kt/yr. This included significantly above average emissions reductions of 102 and 126 Kt in 2011 and 2014, respectively.

Local Authority and regional emissions per capita

Since 2005 the level of per-capita emissions decreased in Haringey by 40%, from 4.6 to 2.7 tonnes per person. This is a larger decrease than the 33% reduction across the UK but consistent with our neighbouring boroughs. Population growth has increased by 19% over the same period, demonstrating how Haringey continues to meet the ambitious 40:20 commitments to reduce carbon emissions whilst delivering growth.

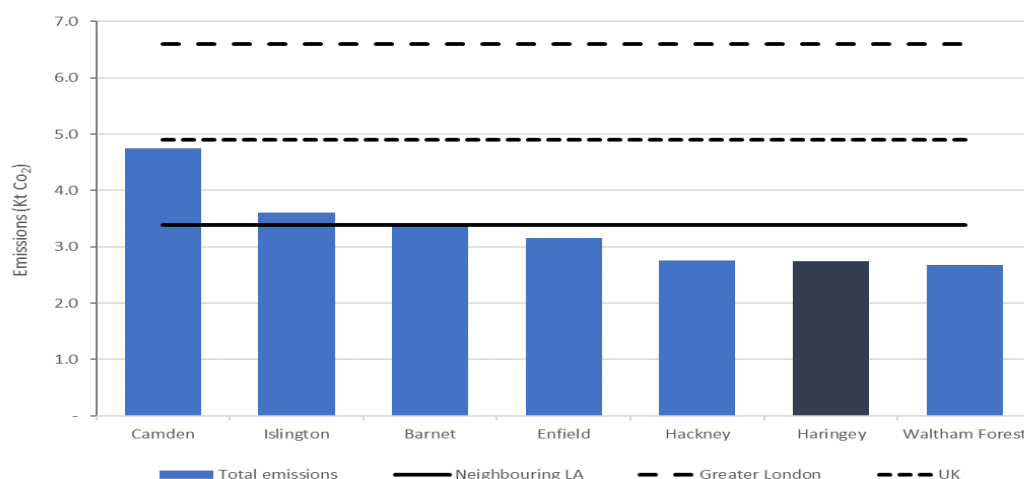


Figure 3 - 2015 Carbon dioxide emissions per capita for Haringey and neighbouring boroughs (t CO₂ per person)

Haringey has the lowest emissions per capita, 2.7 tCO₂/capita, in the group comprising Haringey and our six neighbouring boroughs. Waltham Forest recorded a similar emissions/capita figure. Haringey's tonnes per capita figure is at a considerably lower level than Greater London, at 3.8 tCO₂/capita, and the UK, at 4.7 tCO₂/capita. This is attributed to lower emissions from the Industrial and Commercial sector in Haringey, at 0.8, and Waltham Forest, at 0.7. Figure 3 shows the level of carbon emissions per capita (tCO₂/capita). These

figures are useful measure for domestic emissions, but emissions from industry and transport are driven by factors often outside the borough's control.

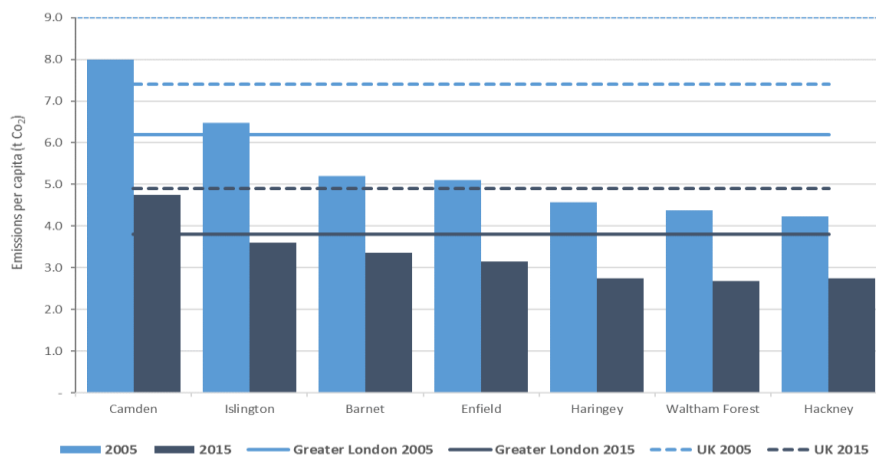


Figure 4 - 2005 - 2015 Carbon dioxide emissions per capita for Haringey and neighbouring boroughs

Emissions by sector 2015

In Haringey the level of emissions for all three sectors has reduced since 2005, but the proportion contribution has not changed. Domestic emissions as a percentage of all emissions in Haringey, at 49%, is substantially greater than in both London, at 37% and the UK, at 33%, in addition to being the joint highest among our neighbouring boroughs (joint highest with Barnet). The percentage of Transport emissions in Haringey, at 23%, is in line with Greater London, at 22%, and our neighbouring boroughs, at 21%, but lower than the UK, at 30%. The Industry and Commercial sector accounts for 28% of all emissions in Haringey, which is lower than our neighbouring boroughs, at 39%, Greater London, at 40% and the UK, at 37%.

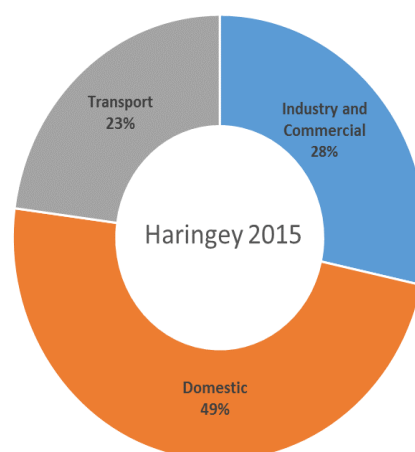


Figure 5 - 2015 Proportion of carbon dioxide emissions

Sector Emissions 2005 – 2015

1. Domestic sector

In 2015, Haringey's Domestic sector emissions were 365 Kt - 3% lower than in 2014. Almost all UK LAs recorded a decrease for this period. The main reason is the reduced use of coal for electricity generation.

Looking at longer-term trends, Haringey's emissions from the domestic sector have also decreased substantially since 2005, with the same being true for all LAs. Haringey's reduction of 33% is lower than our neighbouring Local Authorities, at 30%, London, at 29% and the UK, at 30%.

2. Industrial and Commercial sector

The level of carbon emissions in Haringey's Industry and Commercial sector decreased by 5% to 213 Kt in 2015. A similar trend was seen across the UK, with 84% of LAs experiencing a decrease in emissions since 2014. This is consistent with national trends where emissions fell due to reduced coal use in electricity generation.

Despite two notable increases in emissions in 2006 and 2008, the overall level of emissions in Haringey has decreased by 28% since 2005. While this is positive, larger reductions were seen among our neighbouring Local Authorities, at 31%, in London, at 35% and in the UK, at 36%. But this needs to be set against a loss of the industrial sector, rather than just carbon reduction. Nationally, all but 6 boroughs failed to record a decrease in emissions from this sector between 2005 and 2015.

3. Transport sector

Haringey recorded a decrease of 0.2%, to 171 Kt, for Transport emissions in 2015. At the national level Transport emissions showed a small increase, 1.4%, in 2015, with more than three-quarters of boroughs experiencing an increase in emissions.

Despite small gains between 2014 and 2015, since 2005 Haringey Transport emissions have decreased by 20%. This is in line with the rate seen in London, at 19%; our neighbouring boroughs, at 16% and the UK, at 10%, have showed slower reductions. It is worth noting that these decreases are in the face of an increase in both the number of passenger vehicles and the vehicle kilometres travelled during the same time period. This has been possible due to lower petrol consumption by passenger cars and improvements in fuel efficiency.

London maps - 2015 CO2 emissions per capita at Local Authority level

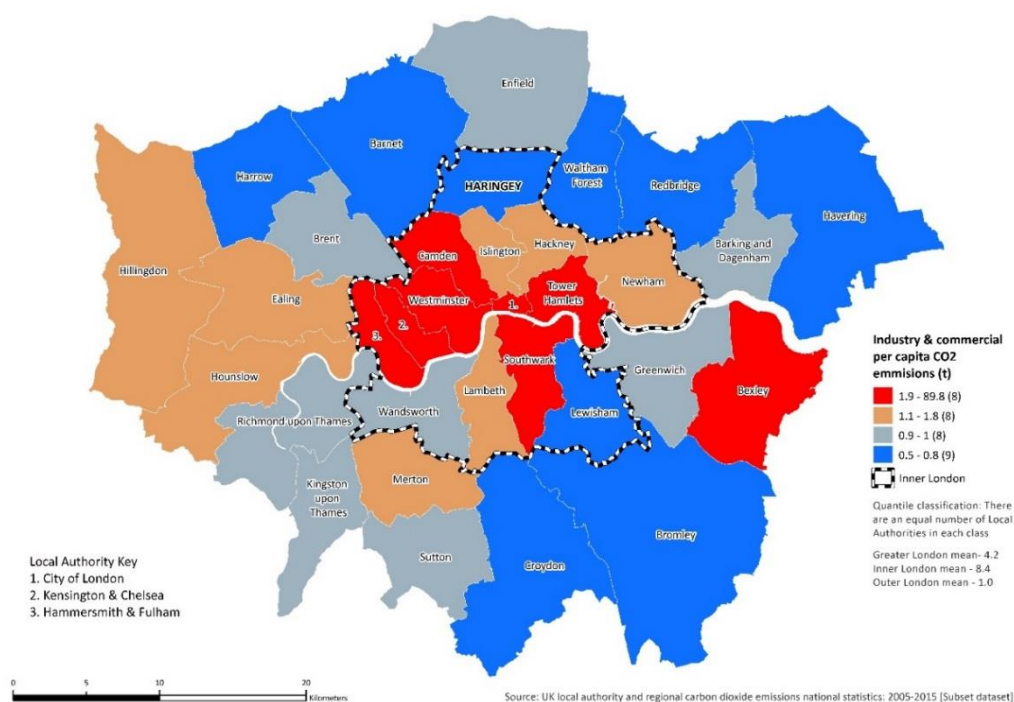


Figure 6 - Industrial and commercial per capita CO2 emissions by Local Authority (tonnes CO2 per capita) for 2015

Key Projects Since 2016

Zero by 2050 Commission

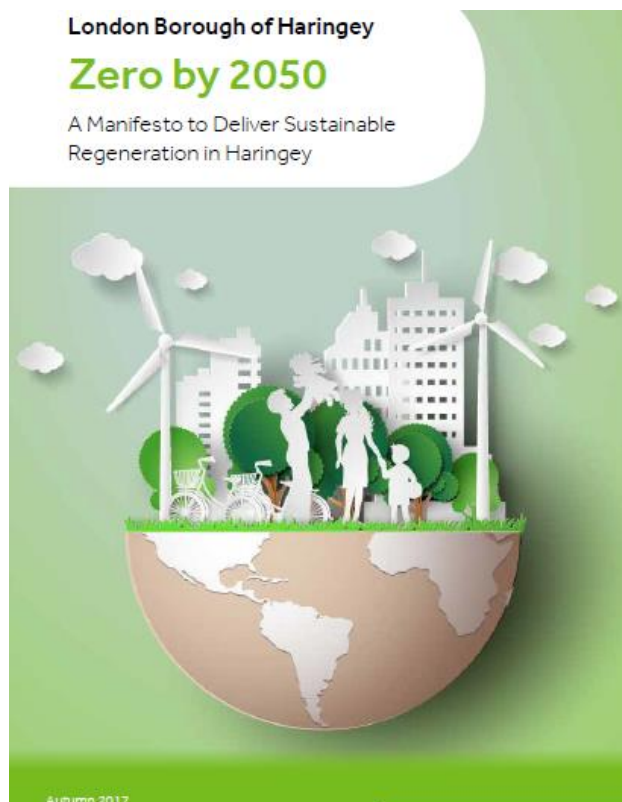
Haringey Council commissioned a panel of experts to consider how the borough's regeneration ambitions and pioneering measures could be a catalyst for carbon reduction. This panel produced a report, with key recommendations on how to improve schemes and deliver environmentally sustainable and socially inclusive regeneration plan for the 21st century.

[Haringey Zero by 2050](#) builds on the work of the pioneering [Haringey Carbon Commission](#) in 2009, which recommended a measures to reduce Haringey's carbon footprint, and set out the 40:20 target.

The Zero by 2050 Commission goes further, with ambitions for new developments to be carbon neutral and the borough to be a leader in innovative renewable energy and climate change “future proofing”.

The seven overarching recommendations:

- Improve the health and wellbeing of the community by creating a natural environment through greening of outdoor spaces and mitigating the urban heat island effect
- Create a climate change adaptation and resilience plan to future-proof and reduce vulnerability
- Deliver a zero-carbon and net energy positive Haringey by 2050
- Abolish waste to landfill to zero and increase recycling rates by 2020
- Drive the uptake of clean technology across Haringey's built environment, targeting new developments
- Ensure that low and zero carbon buildings are delivered
- Set a strategy for connecting communities, work places and high streets through walking and cycle paths, reducing transport emissions by 20 percent by 2020



Each overarching recommendation is underpinned by a series of specific recommended actions. The council is working on a detailed action plan to show how some of the recommendations could be met.

We need the strong support of boroughs, businesses and Londoners to work towards the Mayor's ambition of making London zero carbon by 2050. This report shows that boroughs like Haringey can become zero carbon and we look forward to more boroughs making this commitment.

Shirley Rodrigues, Deputy Mayor of London for Environment and Energy

[Haringey Built Environment Innovation Hub](#)

The [Haringey Innovation Hub](#) has been awarded £100k (€102) from [Climate KIC](#) - EU's Knowledge and Innovation Community for climate innovations - to continue its work for a further 18 months. The Innovation Hub supports emerging technologies from universities and start-ups in the clean tech sector. After assessing their business model these technologies are promoted to developers and property owners in a “Dragons Den” format. Constructive feedback on the technology is given to the entrepreneur on areas of improvement and market understanding. And if the developers or property owners are keen they will agree to undertake field trials of the technology. In the last year over 20 new technologies have been supported in this way and several have been brought forward to extensive trials with property owners. These trials have demonstrated a reduction in carbon through improvements in operations and management of systems such as community heating networks, and clear solar panels for windows.

Over the next year with this new funding, and alongside GLA support in this sector, the project will move from a Haringey focus to a wider London network. It will be managed by Knight Frank on behalf of the Council. The expanded focus reflects market interest in this project from developers from outside Haringey.

Council Emissions

Haringey is working towards a 10% electricity reduction in our Corporate estates by 2018 – and we are on track to exceed this target. To date we have reduced electricity consumption by over 35% from a 2014/15 baseline saving over 2,400 tCO₂. Moving out and disposing of buildings we no longer need, alongside reviewing our lighting and boiler controls through the GLA RE:FIT programme, has resulted in electricity reductions of 8% compared to 2014. In addition, we have a partnership arrangement with an energy community organisation, en10ergy, that is installing community-led solar panels in schools (see below).

Solar Panels in Haringey

The council has 43 solar installations consisting of over 2,200 panels - in 2016, we added another 5 installations. These generate over 540,000kWh of electricity for the council.

New solar installation feasibility studies have been undertaken for the new waste depot at Marsh Lane, Hornsey Library and Winkfield Centre with potential electricity generations of 122,000kWh, saving an extra 90t CO₂ per year.

Working in partnership with En10ergy, a community energy group, we supported their Solar PV installation programme at Woodside School, a 49.8kWp system. It is predicted this installation will generate 44,598 kWh in first year, and save 20 tCO₂ a year CO₂ annually. Currently we are reviewing a potential installation at Hornsey School, which could hold a 30-60kWp system, and save over 10tCO₂ annually.

GLA RE:FIT Programme

In the last year this programme supported the installation of energy efficiency measures in public buildings to reduce emissions. It has resulted in year on year electricity reductions with 90 tCO₂ saved. Installed energy efficiency measures included cavity wall insulation, LED lighting and boiler controls, as well as an innovative heat recovery system for Haringey's data centre.

Waste

In 2016/2017 Haringey's household waste recycling rate was 36.1%. This means 7,734 tonnes of food and green waste was composted and 21,558 tonnes of recyclables were diverted from the general waste stream.

An intensive fly-tipping engagement programme was delivered in the Bruce Grove area, whereby the Outreach Team door knocked residents in the area to educate and inform them of how to dispose of their waste correctly. Further intensive, localised fly-tipping projects are currently being planned in 2017/2018.

Currently 80% of schools have signed up to the food waste collections service. Our Education Officer is engaging with the remaining 20% of schools to encourage them to sign up to the service as well.

Across Haringey we have exceeded our emissions reduction target of 40% reduction from waste contract operations. We achieved 54% carbon reduction in 2016/2017 against the 2011/12 baseline.

Air Pollution

Air Quality Health Engagement project

Throughout 2016 the Council held 4 public information Air Quality stands at various locations around the borough; 2 in Wood Green shopping area, 1 in Crouch End and 1 in the Tottenham area. In addition to this 2000 postcards were designed and printed to promote low pollution walking routes. Airtext was used to encourage modal shift by discouraging vehicle use in favour of cycling, walking, scooting and public transport, and leaflets were distributed to 9 libraries in Haringey.

Air Quality Action Day

In October 2016 the action day promoted no-idling outside two schools, with the aim of increasing awareness and reducing car exhaust fumes. Officers spoke, gave advice and handed out leaflets to those dropping and picking up their children, particularly focussing on drivers who left their engines running.

Energy Efficiency

SHINE London

In 2017 Haringey signed up to a pilot project with Islington SHINE, running until May 2018. SHINE London is a *one-stop-shop* aimed at tackling fuel poverty, reducing seasonal deaths and hospital admissions. SHINE takes a holistic approach, with one referral leading to an assessment for almost 30 different services, including energy efficiency improvements, benefit checks, falls assessments, fire safety checks, medicines use reviews, enablement and befriending services, telecare etc. Residents are referred by third parties such as local health, social care, housing services and voluntary sector organisations or can directly contact SHINE themselves. The scheme is funded through the the Warm Home Discount Industry Initiatives. To date over 90 residents have benefited from this service. Residents seeking access the ECO flexible eligibility – eligibility criteria to be developed by Haringey to help identify those most in need of support - will need to be referred through SHINE London:

- Telephone: 0300 555 0195
- Email: contact@shine-london.org.uk
- Online: www.shine-london.org.uk

National Energy Action (NEA) and Haringey

1. Warm and Healthy Homes Scheme



Action for Warm Homes

The Council secured over £190,000 of funding from the NEA, to provide grants for residents with long term health conditions to install insulation and energy efficiency measures. Haringey Council installed:

- 4 insulation installations – including Cavity wall, loft and solid wall insulation
- 61 heating system installations – including heating systems upgrades, controls, boilers and storage heaters

Case Study: Mrs G is 71 and lives with her son. The family were eligible for help from Warm and Healthy Homes as Mrs G is recovering from cancer, her son has a disability and they have a low household income. The home was not very comfortable in the cold months and proved expensive to heat using electric heaters. Under the Warm and Healthy Homes fund a new central heating system was installed including a combi boiler with seven radiators, thermostatic radiator valves and a room thermostat.

Since the interventions the EPC rating has increased from F to D, they are feeling much more comfortable in their home and have hot water whenever it is needed. Their energy bills have reduced considerably.

2. Referral Project

The Council have secured in kind support from the NEA to develop a community focussed referral system to help identify and refer vulnerable householders to relevant support services, such as SHINE London. NEA will assist Haringey Council develop a referral model to include:

- producing a comprehensive community directory/listing identifying a wide range of local agencies/groups/organisations/clubs etc. who will be invited to participate
- delivering a programme of localised community training/awareness sessions to stakeholders who will:
 - a. cascade their learning to others in their organisation and/or
 - b. make referrals to the programme
 - c. develop training/awareness sessions and any associated resources

3. Schools Education Programme

NEA are delivering a primary school education programme offering an introduction to energy efficiency and sustainability for children in Key Stage 2 (KS2). Four schools are taking part; sessions include:

- a school or key stage assembly presentation, focusing on sustainability and energy efficiency;
- an interactive half day of activities for classes, involving students in discussions and drama;
- learning activities linked to the KS2 curriculum involving science, numeracy, speaking and listening, leading to an understanding of how energy can be used efficiently in the home;
- opportunities for parental involvement.

Green Doctor Scheme (WARMTH - Groundwork)

WARMTH, funded by British Gas Energy Trust, ran from February 2016 until February 2017. It offered a Green Doctor visits - a home visit to assess resident's needs and match them to relevant services. The home visit established current housing condition, facilities, heating and insulation levels and provided practical solutions to problems, such as damp, mould or how to make savings to energy bills. The project achieved:

- **185** Home energy and well-being visits
- **1,053** energy saving measures installed
- **£9,657.25** was saved through installation of measures and fuel switching
- **£3,080** saving in Warm Home Discount applications.
- **1,843,503 litres** of water saved from installation of water saving measures
- **14.8 tonnes of CO₂** avoided from installation of energy saving measures.
- **£9,833** and **39 tonnes of CO₂** saved as a result of behaviour change interventions
- **41 households** were signed up on the Priority services

Case Study: Mrs T is 86 years old and living on her own in a 3 bedroom privately owned home and suffers anxiety. The Green Doctor was able to identify that Mrs T had an extremely old heating system (boiler and radiators); a referral was made directly to the Warm and Healthy Homes Scheme where she was eligible to receive a new boiler and two new radiators. She complained of her draughty front door and so the Green Doctor fitted draught proofing to keep her more comfortable in the house. The Green Doctor was also able to identify the high water bills (>£600/year), so a representative from the water board was arranged to visit the home and fill out the form with Mrs T, and at the time of this visit, they agreed on having a water meter installed as Thames Water have estimated for one person the bills are likely to reduce to £100/year, saving Mrs T almost £500/year. Water saving measures were also installed eg a water saving shower head and save-a-flush bag. She received a stay warm pack which included a blanket, socks and gloves which gave her great comfort especially when her heating system failed her during the period of waiting for the new boiler. The Green Doctor was able to provide additional support in linking Mrs T to Haringey Neighbourhoods Connect who was able to inform her of the local services/activities in which she can participate in to overcome isolation.

WARMTH ran alongside the NEA's Warm and Healthy Homes Scheme. These two schemes complemented one another as residents who were

not eligible for the Warm and Healthy Homes scheme, were still eligible for WARMTH. In addition, some extremely vulnerable residents were identified through WARMTH which meant they could be referred to Warm and Healthy Homes Scheme for grant funding.

Decentralised Energy Network (DEN)

District Energy Networks (DENs) run on 'Combined Heat and Power' (CHP), integrating the production of usable heat and power (electricity), in one single, efficient process. It can deliver more efficient, lower carbon energy. Networks operate at a local level which increases security of supply and reduces transmission losses. Conventional methods of generating electricity waste vast amounts of heat - losing up to two thirds of the overall energy generated.

Heat mapping in Haringey identified three decentralised energy opportunity areas in the borough: North Tottenham, Tottenham Hale and Wood Green. In January 2017, the council decided to take forward a Council-owned District Energy Network to support carbon reduction while delivering growth and regeneration in North Tottenham. Amongst the many benefits potential are:

- Reducing distribution losses and therefore carbon emissions by locally generating heat for Haringey residents,
- Supporting future regeneration in Tottenham and measures to reduce resident exposure to high and volatile fossil fuel prices,
- Delivering wider social benefits such as setting energy tariffs for residents,
- Setting up a local company to support local apprentices and skills development, and reinvesting local spend on energy on service delivery and other improvements in the borough
- Making a significant contribution to the Council's carbon budget and revenue budget as the Council would benefit from 100% of the distributable profit from the entity

Haringey's Local Plan

[Haringey's Local Plan](#) sets a new planning policy framework for Haringey. It replaces the old Unitary Development Plan, and sits alongside the Mayor's London Plan as the statutory development plan for the Borough. It will help Haringey deliver the planned future growth of approximately 20,000 new homes and 12,000 new jobs with sustainability and carbon integrated into the development process.

The Local Plan includes policies focussed on climate change adaptation and mitigation. In particular, the plan requires developments to fully exploit sustainable design and construction techniques to minimise energy use to meet, and exceed London Plan targets. Where these targets cannot be achieved there is now scope for the Council to secure carbon offset payments. Further details on carbon offsetting will be set out in an updated Planning Obligations Guidance Supplementary Planning Document (SPD), due to be adopted in 2018.

Informed by Haringey's Decentralised Energy Masterplan, the Local Plan also establishes the policy basis for delivering DE networks within the Borough. Specifically, the plan introduces new local requirements for major development types to optimise the delivery of communal energy systems and prioritise connections to existing or planned DE networks in the Tottenham and Wood Green areas. This includes requirements for proposals on selected strategic sites to fully investigate opportunities for DE network development, as set out in the [Site Allocations DPD](#) and the [Tottenham AAP](#).

The Local Plan also includes a range of policies aimed at retaining and increasing green infrastructure. It introduces the concept of the Haringey Green Grid programme, which seeks to make the most of our parks and open spaces by creating better linkages between space, removing barriers to improve accessibility and increasing the quality of the space. These green initiatives deliver on carbon reductions as well as improving air quality, health and wellbeing.

Planning Policy, Zero Carbon Standard and Carbon Offset Fund

Since October 2016, all new residential development must achieve zero carbon on-site emissions in line with London Plan Policy 5.2. In Haringey, we encourage carbon reductions to be sought on-site, in most cases through design features to the development. Where it is clearly demonstrated that emission targets cannot be fully achieved on-site, measures to make up the shortfall to zero carbon may be implemented off-site. In addition, developers can make an in-lieu cash payment which will be used by the Council to fund measures, projects or programmes to deliver carbon reductions in the borough.

This cost has been agreed for Haringey - based on the cost of steps to reduce emissions on the scale required here - at £2,700 per tonne, based on £90 tCO₂ over 30 years lifetime of carbon. To date, over £123,000 has been secured and is in the process of being collected.

Homes for Haringey Property Services

Decent Homes Programme

Decent Homes Standard is a Government funded programme aimed at improving council housing, and bring homes up to a minimum standard. Measures installed to improve a dwellings energy performance between April 2016-March 2017:

	No Dwellings
Boiler renewal	364
Loft/Roof Insulation	35
Cavity Wall Insulation	214
Windows (Double Glazed)	707

Decent Homes Plans for 2017/18 onwards

Homes for Haringey will continue to deliver home improvements such as loft and roof insulation, energy efficient boilers and double glazed windows through its major works programme. The Government's transition period ECO scheme (ECO2t) runs from 1st April 2017 to 30th September 2018. Homes for Haringey are working with Keepmoat Regeneration Ltd to claim ECO funding for eligible works carried out in the major works programme over this period. Qualifying works include roof/loft insulation and double glazing. Any ECO funding received will be ring-fenced for future investment in further energy efficiency improvements to the stock.

Local Energy Advice Programme (LEAP): The Energy and Money Saving Service

This is a service for Homes for Haringey residents that can help residents save money and keep their home warm and cosy. Since set up, in April 2016, over 160 home visits to help residents have taken place.



For more information, contact: 0800 060 7567, or email helpdesk@projectleap.org.uk

Transport

Wood Green Neighbourhoods of the Future

Haringey has been awarded funding, by TFL, for a [Neighbourhoods of the Future](#) project in Wood Green to increase the uptake of electric vehicles – a total of



£600,000 has been secured to fund the project until March 2020. Progress so far includes:

1. Rapid Taxi Rank Installation

A rapid recharging unit is proposed to be installed on the Gladstone Avenue taxi rank. Designs and feasibility studies have been carried out and the installation is expected early 2018.

2. Planning Guidance /Area Action Plan

A policy proposal was included within the Wood Green Area Action Plan (Policy WG11) stating that '*All parking for new development requires the provision of electric vehicle charging points.*' This is greater than the 20% required in the London Plan. Guidance documentation is being drafted to support this policy.

3. Business and Resident Engagement

Free electric vehicle reviews are available for businesses. These reviews are delivered by the Energy Saving Trust and provide advice on how electric vehicles might work from an operational and financial perspective. Four organisations are currently taking part.

4. Electric Vehicle Trials

Free trials, of up to one week, are available for Wood Green businesses and residents. So far over 25 residents have signed up for a trial. Vehicles for trial currently include:

- Nissan Leaf and NV200
- Citroen Berlingo Electric
- Peugeot Partner Electric
- BMWi3 through DriveNOW

5. Events

During September 2017 we held a seminar for the Wood Green Business Forum – Electric Vehicles unplugged. Guest speakers included the Energy Saving Trust and Source London. Further events are planned for 2018. An electric vehicle display was held on the Wood Green High Road. Vehicles on display included: *BMW i3, BMW C Evolution Scooter, Citroen C-Zero, Peugeot Partner van, Mitsubishi Outlander PHEV, Bluecity, Zipcar with the Volkswagen Golf GTE, Nissan Leaf, Vmoto scooter*. Over 100 people took a look around the vehicles and asked questions about electric vehicles and recharging.



Electric Vehicle Charging

a. Go Ultra Low Cities (GULCS) funded Electric Vehicle Charging Points

Haringey was awarded £105,000 funding to install pillar chargers and lamp column chargers. The council plans to install a total of 25 standard and lamp column charging points in 2017/2018.

b. Rapid Electric Vehicle charging points

Transport for London (TfL) announced in April 2017 £18million of investment for rapid charging points that recharge vehicles within 30 minutes. These will be installed in London for black taxis and other vehicles to encourage drivers to go electric and help clean up London's air. At least 6 rapid charging points will be installed in Haringey in 2017/2018. Council officers are liaising with TfL to identify suitable locations (on-street and off-street) for these charging points.

Car Clubs

A car club scheme is one of several parking policies used to influence travel behaviour. By providing residents with a convenient alternative to car ownership we can reduce car ownership, reduce local parking pressures, reduce traffic congestion, improve road safety and encourage the use of more sustainable forms of transport.

To meet the growing demand for car club services from residents and maximise the potential benefits - reducing car dependency and parking pressures, providing access to cleaner vehicles and accommodating growth - the council will be introducing additional car clubs in 39 locations in 2017/2018 which will be operated by Enterprise Car Club, Ubeeqo and E-Car Club.

Controlled Parking Zones

The Council introduced 6 additional Controlled Parking Zone areas in 2016/2017 - making 70% of the borough controlled parking. These zones reduce commuter parking and reduce vehicles traveling into the borough. It aims to encourage the use of more sustainable forms of transport. i.e. buses, trains.

Smarter Travel



The Smarter Travel programme, funded by TfL, aims to change the behaviour of those living, working and travelling within Haringey to encourage more people to travel sustainably and safely. This year, the Smarter Travel team led a number of projects to improve the health of residents, encourage active travel and enhance air quality. These projects have also contributed to reducing transport emissions in the borough.

1. Cycling

- 1852 pupils received cycle training (including those learning to ride)
- 558 bikes were serviced as part of regular Dr Bike sessions in Finsbury Park, Priory Park, Lordship Recreation Ground and at events across the borough.
- 65 residents attended a basic cycle maintenance class.
- 12 residents attended an intermediate cycle maintenance class.

2. Festival of Cycling

In June 2017, Hackney, Haringey and Islington Councils joined together for the fifth time to host an inter-borough cycling and walking festival. Over 1,500 people across London attended the event on the day.

3. Cycle Ride for Schools

On 14th June 2017 144 pupils from 12 Haringey Schools took part in a cycle ride around Haringey. The ride was supported by the police who rode with us throughout the day.

4. Community Funding

During the year, funding was allocated to community organisations with projects supporting residents to walk or cycle, rather than drive a car. Funding recipients included Tottenham Hotspur Foundation, Selby Trust, Living Under One Sun, the Parents Forum, Step by Step, the Markfield Project and Haringey Play Association.

5. HARI Bear

A walking relay organised during International Walking Month in October 2016, as part of the Haringey Walks Campaign saw our Hari (Healthy, Active, Responsible, Independent) bear saw over 46 primary schools, including 719 pupils, parents and teachers walk a total of 903.4 miles.

6. Cycle Maintenance Project

As part of the Mayor's Air Quality Fund (MAQF), 'No 2 NO₂' programme the Council was awarded £1,600 to deliver a cycle maintenance project. A training programme was developed to teach children the basics of bike maintenance and to put into practice what they had learnt.

- Alexander Park School Cycling instructor trained 20 pupils
- Stamford Hill primary Cycling Instructor trained 12 pupils

- Homes for Haringey youth club Cycling Instructor trained 48 children

"Thank you very much for the cycle workshops. Our young people really enjoyed the sessions and we have had lots of positive feedback. Diageo and Digger were brilliant with our young people and really engaged them." Dionne Lennon – Homes for Haringey

"I can finally fix my bike!" Chris aged 11 (Stamford Hill School)

"I want to be a bike mechanic" Nicola aged 12 (Alexander Park School)



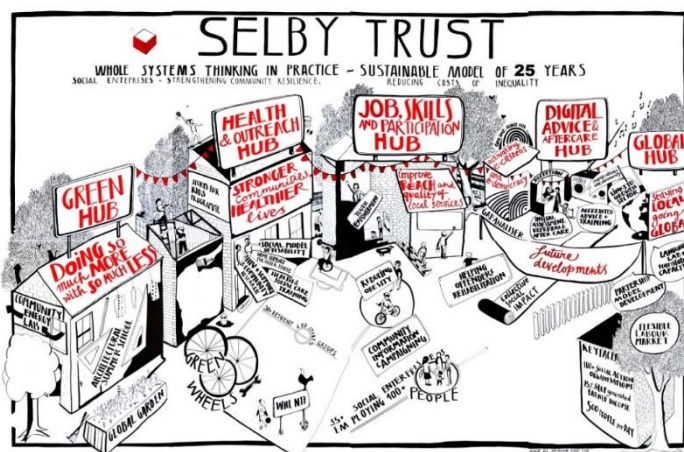
7. Personal Travel Planning and Walk Zones

The project, funded by Smarter Travel and the Mayor's Air Quality Fund, delivered a total of 1,800 Personal Travel Plans and 6 ten-minute Walk Zones with 6 primary schools per year between May and November 2017.

Community Projects

Selby Trust

[The Selby Centre](#) is used by over 500 visitors a day accessing programmes either run by the Selby Trust, or delivered by the 100+ social enterprises, environmental projects, charities, not-for-profits, sports groups, employability support organisations, and faith groups that use the Centre regularly. The Selby Trust badged its environmentally focused projects under a Green Hub and delivered:



a. Sun Dials Project

Aimed at creating excitement about renewables with local people through workshops on how to make a solar panel charger in a day – this was funded by [Haringey 40:20 Community Grant Funding](#). Three day-long workshops, with an attendance of 28 people, to make solar panel chargers were delivered. Each learner acquired skills to make a solar panel phone charger that they could take home.



b. Green Wheels

Green Wheels, supported by Smarter Travel, delivered bike maintenance workshop to include:

- bike maintenance
- safe cycling for women

- walking

c. Big Energy Saving Network

The Trust raised £8,000 external funding in partnership with London Sustainability Exchange to enable 2 Community Organisers to deliver the Big Energy Saving Network project, offering fuel poverty advice. This involved raising awareness of domestic users about switching to more cost effective energy companies. One success story resulted in an end user, wiping out debt of over £2,500.

"The Green Wheels project at the Selby Trust taught me how to fix my bicycle when it has broken down. Michael taught me how to fix a puncture, adjust my brakes and gears. I can also repair or change the cables. I visited the repair workshop many times and it is very helpful for me. My bicycle is working as it should and it feels very nice to ride. Thank you Green Wheels."

Ana Astvdillo

d. New Approaches to Sustainability through Green Hub Projects

The Trust now benefits from donated office furniture from corporate organisations. It sells furniture on at budget prices to local community groups and residents from our charity Ebay Shop. The Global Garden was recently showcased at City Hall, sharing his learning of the Global Garden's crowd funding campaign, undertaken in partnership with Spacehive and local volunteers.

[Friends of the Earth](#) local groups (Tottenham and Wood Green and Hornsey and Muswell Hill) have continued to lobby the Council pension committee to invest in more carbon neutral stocks and shares. They also campaigned to reduce air pollution by asking the Council for better facilities for pedestrians and cyclists in the Borough and to shift to electric vehicles. They are also urging the North London Waste Authority to include a sorting facility to remove recyclable plastic from the residual waste stream before incineration in the proposed new Edmonton plant. Find out more: [Tottenham and Wood Green friends of the earth](#)

Haringey 40:20 Community Grant Funding - LED in Northumberland Park community

The project was conducted in March 2016. The focus was to raise awareness of the LED energy bulbs and fit the energy efficient LED bulbs in resident's homes in the Northumberland community.

160 bulbs were fitted in 80 homes - 91% of these were fitted by the trained professional, 6% of residents fitted their own bulbs. A number of residents refused the installation saying they were not comfortable using the LEDs.

Using LED bulb emissions figures from London Electric Design, a LED bulb of 19.7 W used for 10h per day will emit 78KG CO₂ in a year. The project reduced emissions from lighting by 30,208 KG CO₂/Year in Northumberland community.

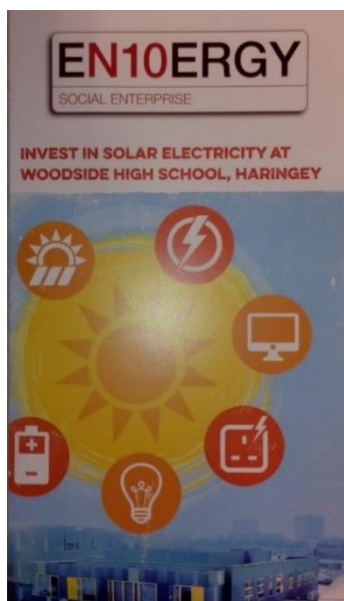
Transition Crouch End

This group holds bi-monthly film shows with discussion to raise awareness of climate issues. These are attended by 30-40 people. Films this year include How to Change the World (about Greenpeace), A Plastic Ocean and Cowspiracy. In November 2016 a Green Christmas Fair showcased locally made and recycled gifts, about 300 people attended. In March 2017 there was the Alternative Clothes Show, attended by 300 people, raising awareness of the environmental consequences of the clothing industry. The Meadow Orchard community project welcomes around 10 volunteers each Saturday to carry out food growing and conservation tasks. Find out more [here](#)

Muswell Hill Sustainability Group (MSHG) (with en10ergy)

MSHG continues to hold speaker meetings to raise awareness about climate issues- hosting 30 people. Topics this year included, smart meters, electric cars and the London Assembly environmental plans for London.

Two Green Open Home events were held where local residents who have carried out energy saving improvements to their homes, showcase what they have done. Over 60 visitors attended each event.



In January 2017, a thermal image survey was carried out on 20 local homes to help residents identify heat loss areas in their houses. The group has received funding from the Climate Forum to purchase a thermal image camera and carry out more surveys.

En10ergy, MSHGs community energy enterprise held a share offer this year to place 300 solar photovoltaic panels (100kWp) on Woodside High School. This will provide cheap electricity to the school and save roughly 40,000 tCO₂/year. The income from its current solar pv panel array continues to fund carbon saving projects in the Borough. Find out more [here](#)

Sustainable Haringey Waste Group

This group organised 4 visits to the Edmonton incinerator to see where Haringey's waste is treated – approximately 10 people attended on each visit. There was also a visit to the Bunhill combined heat and power project in Islington.

Growing in Haringey

This group continues to host regular green gardener's lunches in the Lordship Rec Hub and Tottenham Green Sunday market stalls to talk to local residents about food growing. The Urban Harvest Group continue to help out local residents by picking fruit that might otherwise go to waste. A seed swap was held in October 2017.

Friends of Parks Forum

This group continued to work hard with Council officers at its bimonthly meetings to improve maintenance of the Borough's green spaces. A review of parks provision by the Council is now underway. Find out more [here](#)



Trust for Conservation Volunteers

Based in Railway Fields nature reserve, this national body organises local volunteers to carry out conservation work on green spaces in the Borough.

Tottenham Trees

This group campaigned to get as many signatures as possible on the Tree Charter – a charter for trees, woods and people. It also organised a poetry event and tree planting. Find out more [here](#)

Future plans

Decentralised Energy

The ongoing project to decentralise energy from the national grid and make Haringey more energy efficient will continue into 2018. Haringey promotes opportunities in new developments. The current plan will see several district energy networks delivered alongside the growth and regeneration agenda in the Wood Green, North Tottenham and Tottenham Hale areas.

Electric Vehicles

Haringey's Neighbourhoods of the Future project runs until 2020. Next year will see the expansion of charging infrastructure and a ramping up of business and resident engagement.

Solar

Haringey are reviewing the potential installation at Hornsey School for Girls as well which has a potential 30-60kWp system saving over 10tCO2 annually.

Fuel Poverty

Haringey in partnership with LB Islington, Enfield and Barnet have applied for funding from the National Grid to deliver an Affordable Warmth project from 2018-2019. The Warm Homes Fund project will be aimed at households in fuel poverty. It will involve the installation of new gas heating systems to provide space heating and domestic hot water. It may also include installing insulation measures to bring homes from EPC band E, F and G to EPC Band C. Haringey aim to secure approximately £375,000 through the Warm Homes Fund and an additional £375,000 through Energy Company Obligation Funding – increasing the impact of our fuel poverty service in Haringey.



Zero Carbon Haringey by 2050 route map

Haringey is working in partnership with Ove ARUP and Partners to deliver a route map and implementation plan to show how the borough can achieve its ambition to be [zero carbon by 2050](#). This work will review current projects being delivered, and look at key action areas to deliver zero carbon. The Zero50 implementation plan will enable Haringey to leverage in external funding to deliver projects. External funders increasingly require firm evidence of the commitment to carbon reductions.

Report for: Full Council

Title: Zero by 2050 Commission: The Council's response to an independent sustainability review of the Council's regeneration programme

Report authorised by : Lyn Garner - Strategic Director of Reeneration, Planning & Development

Lead Officer: Joe Baker – Head of Carbon Management
(x3976) joe.baker@haringey.gov.uk

Ward(s) affected: All

Report for Key/
Non Key Decision: Non-key decision

1. Describe the issue under consideration

- 1.1 The Zero by 2050 Commission was an independent group of experts established to review the regeneration schemes of the borough to ensure that key environmental objectives and best practice were being delivered.
- 1.2 The outcome of this work is the Zero by 2050 Commission Report, published in September 2017, which makes 7 headline recommendations to the Council to improve the sustainability of the regeneration of the borough, with a total of 71 recommended actions under those headings.
- 1.3 The full list of recommendations and actions have been considered by officers from across the Council. This report describes the recommendations and actions and sets out the Council's response to them. It describes whether the Council proposes to accept the actions (and therefore work towards their implementation), partially accept the action (work towards the objective but deliver through other means or work with partner organisations), or cannot accept the action. This is all set out in Appendix 2.

2. Cabinet Member Introduction (Councillor Joe Goldberg, Cabinet Member for Economic Development, Social Inclusion and Sustainability)

- 2.1 Haringey is now well established as a leading local authority in delivering sustainability and in particular carbon reduction. This is a position we are determined to maintain, reflecting both the Council's and the community's ambition for the borough. That's why I am particularly proud that the Council has invited the robust and wide-ranging challenge presented by our Zero by 2050 Commission, to help us set a direction for our own borough and offer a template for others who have ambitions similar to our own.
- 2.2 I am also proud that we are proposing to accept the challenge of delivering on the large majority of the Commission's recommendations – 49 out of 71. Work is already underway to incorporate many of them into emerging policy and

projects. Where the Council already has the policy in place, we will confidently promote it, using this work to highlight the case studies and best practice examples. And where necessary we will now start the work of building the case for further action and intervention.

- 2.3 A further sixteen recommendations have been partially accepted, as the Council has similar processes already in place, or cannot deliver them without the support of others, which means taking a slightly different approach than that recommended by the Commission, but with the same goals in mind. There are sadly six recommendations which right now the Council cannot accept. This is not because we disagree with the Commission's overarching ambition and vision, but rather because the Council cannot deliver on its own and depends on larger scale action, changes in national policy, or resources which are simply unavailable at this time.
- 2.4 This bold step forward in Haringey's sustainability ambition would not have been possible without the leadership of Councillor Natan Doron, the skilled chairmanship of Andrew Gould, and the generous efforts of our expert commissioners. Their work has left us not simply with a list of challenges, but with detailed constructive advice to the Council on how we can support our residents to live healthier lives, tackle issues like fuel poverty, grow a greener economy, and reduce both our contribution to climate change and its impact on us. Without these leaders advising us, and without our community leaders who champion and deliver so much of our efforts in this field, we could never deliver this shared ambition for the borough. I thank them for their support and involvement, and I know that future generations will do the same.

3. Recommendations

It is recommended that Full Council:

- 3.1 notes the response to recommendations made by the Zero by 2050 Commission; and
- 3.2 notes the initial proposals to integrate 49 of them into Council work plans.

4. Reasons for decision

- 4.1 Environmental sustainability – and in particular the reduction of carbon emissions – is a key element of the Council's strategy as defined in the Corporate Plan. By responding positively to the report of the Commission, the Council has the opportunity to use the advice of industry experts to improve the environmental performance of the its regeneration programme and a range of other operational practices across the Council.
- 4.2 It is appropriate for Full Council to note the Council's response at the same time as it considers the Annual Carbon Report.

5. Alternative options considered

- 5.1 *Accept none of the recommendations* – this was discounted as by not accepting the Commission report we would not be support the Council's and the community's aspirations.
- 5.2 *Highlight key recommendations and only respond to those* – this was discounted as the recommendations overlap and have not been presented in a hierarchy or prioritised. Therefore, the Council would have to prioritise these, which would mean leaving several key issues behind.

6. Background information – The Commission and the Council's Response

The Commission

- 6.1 The Zero by 2050 Commission was an independent review of the regeneration schemes of the borough to ensure that key environmental objectives and best practice were being delivered.
- 6.2 The objective of this work was to bring together an independent panel of environmental and regeneration experts, gathered from London and European developers, environmental experts (such as Health and Transport), and a local environmental champion. The panel was asked to review Haringey's regeneration programmes and assess how they would impact on the borough's future environment. The Commissioners then made a set of forward-thinking recommendations to address the environmental challenges of the borough, which could be implemented through Haringey's regeneration and environmental policies and programmes. These are presented alongside case studies that had delivered similar outcomes to demonstrate deliverability. The study involved site visits and conversations with members, officers and the community.
- 6.3 The Zero by 2050 Commission Report (attached at Appendix 1) was launched on the 16th October, with developers, community and GLA present. This report makes 7 headline recommendations under which there are 71 actions. The headline recommendations are:
 - 1) Improve the health and well-being of the community by creating a natural environment through greening of outdoor spaces
 - 2) Create a climate change adaptation and resilience plan to future-proof and reduce vulnerability
 - 3) Deliver a Zero Carbon & Net Energy Positive Haringey by 2050
 - 4) With the North London Waste Authority reduce waste to landfill to zero and increase recycling rates
 - 5) Drive the uptake of clean technology across Haringey's built environment targeting new development
 - 6) Ensure that low and zero carbon buildings are delivered
 - 7) Deliver a clear strategy for connecting communities, work places, and high streets through walking and cycle paths, reducing transport emissions

The full list of 71 actions – grouped under these seven headings – is set out in the Commission's report (at Appendix 1) and also in the Council's response (at Appendix 2).

The Council's response

- 6.4 Following the finalisation of the Commission's report, a range of Council officers gave advice and responded to recommendations and actions put forward by the Commission. This included feedback from teams in: Carbon Management; Planning and Transportation; Regeneration; Economic Development; Parks Commissioning; Waste Services; Smarter Travel; Sustainable Transport; Air Quality; Public Health; and the Council's central Policy Team.
- 6.5 Of the 71 actions put to the Council, it is proposed that 49 be accepted, 16 partially accepted, and 6 not accepted. It is important to stress that this breakdown – and the detailed response that underpins it as set out in Appendix 2 – represents the Council's initial proposed response to the Commission's recommendations. Significant further work and decisions – including some decisions for Cabinet – would be necessary before some of these proposed responses can be fully implemented, either through incorporation into formal Council policy or through the delivery of specific projects and programmes. Detailed business cases and funding proposals will be essential before some of those decisions can be taken.
- 6.6 The 49 actions proposed for acceptance will be integrated into existing work streams, and incorporated into the development of strategic policies which have already been agreed.
- 6.7 Many of these 49 recommendations proposed for acceptance are already found in the Council's planning policies. To improve the outcomes achieved by these policies, further promotion and enforcement of them would be needed, with an acceptance that - in some situations – other outcomes also defined in Council planning policies would have to be correspondingly deprioritised. An example of this is the Council's requirement for Zero Carbon Developments. The Council has policy requiring this, but its deliverability is often challenged by developers based on the impact of additional costs on the overall viability of the scheme. Assuming the Council accepts the overall position on viability, it then has to weigh the requirement for Zero Carbon Developments against other policy requirements - including (but not limited to) affordable housing – and decide the relative priority it places on the different outcomes in order to settle on a package of benefits which it feels strikes the most appropriate balance between those priorities.
- 6.8 The Commission has also highlighted best practice which it recommends should be considered in emerging policy. Where these recommendations are accepted, the promotion of these policies, how the Council would like to see these policies delivered, and how this links to development that has already been delivered, will be set out in a Planning Advice Note (PAN).
- 6.9 The Council's development of a PAN will offer further guidance on the planning policies of the Council and offer developers a stronger sustainability steer. It has been agreed that the development of this PAN can include health and

wellbeing guidance giving it a broader impact while linking it to the environmental agenda. Alongside this it has been identified that training should be delivered with the Development Management Team on key issues, such as air quality, wellbeing, and climate change adaption.

- 6.10 Recommendations will also be integrated into the following policy and strategy documents as they are developed:
- Regeneration programmes including the emerging Design Frameworks;
 - The emerging Green and Open Spaces Strategy;
 - The developing Transportation Strategy;
 - New planning policies (at time of review and refresh c2023); and
 - The emerging Borough Plan.
- 6.11 Some of the 49 actions that the Council has initially proposed to agree, will require further working up. This may include some decisions for approval by Cabinet. Such approval would be necessary before these proposed responses can be fully implemented, either through incorporation into formal Council policy or through the delivery of specific projects and programmes. Detailed business cases and funding proposals will have to be developed as the basis for such approvals.
- 6.12 The Council has an particular opportunity to deliver on these recommendations where it has degree of control that goes beyond the influencing ability of the planning authority. This is seen in schemes where the Council owns the land or a building, such as the new Civic Building, or where there is a long term partnership in place, such as in the High Road West development.
- 6.13 For the 16 partially accepted actions, the Council agrees with the overarching objectives, but may take a different view from the Commission on the grounds that it already has processes in place that deliver similar strategic outcomes. Therefore, developing new policies or processes is not seen as appropriate. Alongside this there are several instances which the Council's officers have welcomed the actions and will work with developers and strategic partners to work towards delivery, but the Council cannot deliver the actions on its own.
- 6.14 The reasons why 6 actions have not been accepted are based on the market place analysis (such as there being no educational institute appetite to deliver a new qualification in waste management), and resource implications. Many of the actions would require the development of and access to new datasets in building materials; for the planning service to adopt a more prescriptive approach rather than negotiation; and require local dataset to be developed rather than use national / regional datasets. To overcome these technical barriers would require a considerable resource, which on balance the Council does not feel able to consider committing at this time. The Council will therefore work with regional and nation policy makers to deliver the aspirations of the actions, but the Council is not in a position to deliver them itself now.

7. Contribution to strategic outcomes

- 7.1 This Commission Report directly supports the delivery of Priority 4 objective 4: 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 Alongside the wider ambitions set out in the recommendations and actions of the Commission supports the delivery of Priority 3 “A clean, well maintained and safe borough where people are proud to live and work,” Priority 4 “Sustainable Housing, Growth and Employment”, and Priority 5 “Creating homes and communities where people choose to live and are able to thrive”.

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

Finance

- 8.1 The proposals to integrate 49 recommendations into Council plans fall into two categories – those that are within existing plans and those that are additional.
- 8.2 For those recommendations and actions which are already embedded into existing work plans, financial implications (where there are any) are have been incorporated into existing budgets and forecast.
- 8.3 Where new projects and policies are proposed, no funding currently existing and the inclusion of the recommendation will be subject to a business case, developed and brought forward through the Cabinet process. Financial implications will be considered as part of the assessment and formal adoption process for each proposal.

Procurement

- 8.4 Whilst the Public Procurement Regulations are focused on delivery of Best Value for Money it is important that sustainability is considered in the Procurement decision making process.
- 8.5 Procurement will support the outcome delivery of the Zero by 2050 Commission by working with the Services to ensure a Sustainable Impact Assessment is fed through the Procurement decision making process for appropriate procurements. Greater consideration and support for SMEs through education on sustainability and use of local providers to reduce logistics will support the Zero Carbon objective.
- 8.6 Procurement will also support the development and drive for effective innovations for the Zero Carbon transition.

Legal

- 8.7 The recommendations set out in this report cover a range of matters governed by range of legislation which the Council is required to comply with. Legal advice must be obtained when delivering these work streams to ensure that the Council’s legal requirements are met.

Equality

- 8.8 The Council has a Public Sector Equality Duty (PSED) under the Equality Act (2010) to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - 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.
- 8.9 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty. It is not anticipated that the decision to accept or partially accept some of the Zero by 50 Commission's recommendations will have a negative impact
- 8.10 Overall adopting these recommendations will deliver an improvement to all Haringey residents. These include improvements in air quality, addressing fuel poverty, improvements in wellbeing and health. This is outlined in greater detail by the Commission's report.
- 8.11 Recommendations and actions set out in Appendix 2 that bring together existing policies will be embedded into existing work plans which have already been agreed to be delivered. These policies will have undergone equality assessments at their adoption by Cabinet.
- 8.12 New projects and policies recommended by the Zero by 50 Commission and agreed by the Council will be developed in to business cases and brought forward through the Cabinet process. Equality assessments will be made as part of the formal decision making process for each of these.

9. Use of Appendices

Appendix 1 – The report of the Zero by 2050 Commission

Appendix 2 – The Council's response to the Commission's recommendations

10. Local Government (Access to Information) Act 1985

Background Papers

Zero By 2050 – A Manifesto to deliver Sustainable Regeneration In Haringey (2017) (see -

http://www.haringey.gov.uk/sites/haringeygovuk/files/haringey_zero_by_2050_commission_report.pdf)

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London Borough of Haringey

Zero by 2050

A Manifesto to Deliver Sustainable
Regeneration in Haringey



Foreword from Andrew Gould, Chair

It takes a major slice of courage for a leading local authority to put its sustainable development vision and credentials up for review by a group of built environment experts. Yet that is exactly what Haringey Council has done. This report sets out the findings of a group of eminent professionals who comprised a commission, brought together with the aim of challenging and assisting Haringey Council to set an ambitious vision for sustainable development across the borough. The commission was set up early in 2016 and through a series of study tours, workshops and review sessions with Officers and Members produced this report, with support from the Sustainably Advisory team at Knight Frank.

The panel the Council brought together has been simply outstanding: it combines deep and world class expertise in just about every facet of urban sustainable development. The range and detail of this report is down to their generous and unstinting commitment to the review process over a six-month period and we owe them a huge thank-you.

This Commission set out not to create a theoretical analysis, but to produce a report that was grounded in the practical challenges Haringey faces, with a clear set of priorities and a route map to address them. The key issues and themes that emerged are set out clearly and each has a set of actions and milestones. The themes it identifies are cross cutting and broad. They go to the heart of the issues: health, wellbeing, prosperity in a world of rapid technical change, and addressing climate threats and adaptation. These threats are very real - but the possibilities that open up for the borough are immense. The Council has already adopted a leadership position in relation to these issues and if it can drive through its serious commitment into practical action it will create real opportunities for those who live and work here.

The Commission has been challenging and aspirational - and for that reason has sub-titled this report "a manifesto to deliver sustainable regeneration". This report challenges the Council and Borough through the process of regeneration, and commend the officers and members for being open and receptive to that. As an independent panel the Commissioners have also said that they would be prepared to "hold the Council's feet to the fire" on the implementation of these recommendations, against regular monitoring of progress. Alongside this several of the Commissioners are keen to work with the Council to provide support and advice to ensure that the recommendations and actions are delivered.

We look forward to seeing the sustainable future of Haringey being delivered.

Andrew Gould – Chair

Foreword from Cllr Natan Doron

Haringey faces a range of challenges: we need to build more, better housing for a range of different people at different points of the affordability scale and in various tenancy types; we need to create more jobs for a range of different people at various points in their career and on the income scale; and we need decarbonise our local economy and create cleaner, greener ways of living and travelling.

We cannot ignore these challenges. We must face them all at the same time. And we must focus on solutions, not just what looks good in a textbook but what works and makes an impact in the real world.

The scale of planned regeneration in Haringey is our biggest environmental threat but crucially, our biggest opportunity too.

Haringey holds the pen on a key chapter in the story of London's regeneration, but no regeneration can be done by a local authority in isolation. That's why our future here is underwritten by big investment by the local authority it is also supported by the Mayor of London and the private sector. Haringey's Housing Zone status and new infrastructure such as Crossrail 2 will accelerate the opportunities to regenerate and build.

If we and our partners both public and private plough ahead with regeneration that recreates older, high-carbon ways of living, we would have failed in our responsibility to the people of Haringey – both those living here now and future residents in decades to come.

For this reason I brought together a Commission to support our ambition and to aid Haringey in delivering a more sustainable borough. This Commission represents the main output of my work as Cabinet Adviser on Carbon Reduction. The Commission was designed to be a group of independent experts with experience in delivering green buildings, sustainable master-planning, community development, transportation, landscaping, health and welfare, and addressing the challenges around Climate Change. I asked them to review the Regeneration Programme for the borough and ensure that the future environmental challenges are being addressed. To set out recommendations for the Council and borough that will help us deliver our ambition. And to build on the success the borough is already delivering.

The Commission have achieved this. They have considered the challenges facing the borough, and understood the ambition we have set ourselves. They have set out 7 recommendations and associated actions, alongside the justification to deliver on them. They have given us examples of where this is being delivered to show and support our own delivery plans. To ensure action, they have said that they will monitor our progress, and to support us they have said we can call upon them in the future for advice.

In receiving these recommendations and actions the Council will consider them and report back. The Council will publish our response and then work with our partners to deliver on them. I thank the Commissioners and all who have been involved in this report and all those who will support our delivery on this work. I would also like to thank hardworking and brilliant Haringey officers Joe Baker, Zoe Sellers, Beth Kay, Dan Hawthorn, Emma Williamson, Stephen McDonnell, Erica Ballman, Sally Lowe, Dionne Maxwell, Joe McBride and Matt Brenan for their work in supporting this Commission up till now and the work they will do in future to implement new policies and practice that brings the vision of this report to life.

Cllr Natan Doron

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Executive Summary

In 2012, Haringey Council published the report of its Carbon Commission, setting a clear roadmap to deliver its ambition – unique among London's local authorities – to reduce the borough's carbon emissions by 40% by 2020. Since then the original 40:20 commitment has been incorporated in the Council's Corporate Plan, and the Annual Carbon Report has followed every year since as a way of transparently reporting on progress. At the same time, the Council has continued to test the limits of what a local authority can do to lead a local carbon reduction effort, for example through its pioneering partnership with Durham University to drive innovation and research in local carbon reduction, and by leading a six-borough partnership to tackle the poor energy efficiency of north London's homes and business premises.

Two years later, after the 2014 local elections and, at the request of the Leader of the Council, this work was initiated: to consider what else could be done to keep Haringey at the cutting edge of local leadership in carbon reduction. Keen to give this work some specific focus, and with Haringey's regeneration plans increasing apace, we decided to focus specifically on the challenge of making Haringey's significant growth and regeneration as low carbon as possible.

The time is right for this work. The new Mayor of London has stated his ambition for London to be zero carbon by 2050. Haringey is clear in its determination to take a lead among London boroughs in delivering that vision. At the same time, the Council is in the early stages of a major development and regeneration programme, most notably in Tottenham and Wood Green. This work comprises development and regeneration on Council-owned land, including major housing estate renewal – much of which will be driven by the Haringey Development Vehicle (HDV), a joint venture between the Council and Lend Lease – as well as major investment by the private sector and registered housing providers. The result will be thousands of new homes and jobs in Haringey over the next 25 years.

We have badged this work as the 'Haringey Zero-Fifty Commission', reflecting both the Mayor's ambition, and the timescale of Haringey's regeneration plans. Our primary aim was always to make practical but ambitious recommendations to Haringey Council and its partners; we know some will be harder to deliver than others, and that some will take time to enact, and we make no apology for that. We also think the potential impact of our findings could be much wider. We hope any local authority with growth ambitions and a commitment to sustainability – whether in or out of London – will take a close look. As the Mayor of London formulates his own plans for a Zero Carbon London, we hope our findings might be of interest to him and his team. Last but not least, we hope there is something here for any private developer or registered housing provider who wants to differentiate their offer by getting ahead of the game on carbon reduction and sustainable development.

We were delighted and honoured to have been joined on the Commission by such a breadth and depth of expertise in the fields of development and sustainability, and would like to record our sincere thanks to our Commissioners who gave so much time and energy to make this project a success. Thanks also to the team at Knight Frank that facilitated the Commission and helped prepare this report, and to the officer team at Haringey Council who have done so much to bring this work to the brink of publication.

The borough has extreme contrasts: areas in the west, such as Highgate, Muswell Hill and Crouch End are among the most prosperous in the country; in the east of the borough some wards are classified as being among the most deprived 10% in the country. From the wooded high ground around Highgate and Muswell Hill, at 426.5 feet (130.0 m), the land falls sharply away to the flat, open low-lying land beside the River Lea in the east. The borough includes large areas of green space, which make up more than 25% of its total area.

The Council has set out its ambition for the future: including skills, economic development and growth, through its Economic Development and Growth Strategy, and local Planning Documents. These strategies ensure that the regeneration happening in Haringey will translate into greater opportunity and prosperity for the borough's residents, and that growth is delivered in a responsible manner in line with local ambitions.

Haringey is an exceptionally diverse and fast-changing borough. It has a population of 267,540 according to 2014 Office for National Statistics Mid-Year Estimates. Almost two-thirds of its population, and over 70% of young people, are from ethnic minority backgrounds, and over 100 languages are spoken in the borough. Its population is the fifth most ethnically diverse in the country.

The population of Haringey is growing, and GLA figures (2015) show that the borough's population is estimated to reach 286,900 by 2020, an increase of 5.9%. By 2025, Haringey's population is estimated to reach 300,600, an increase of 10.9% from 2015. This population growth locally is due to higher birth rates, and immigration, driven by high levels of international immigration.



Panel sessions

The Council put together the Zero-Fifty Commission, to review and identify priorities and actions for ensuring that the physical and economic regeneration of the borough is low carbon, environmentally sustainable, low pollution, and supports the green spaces of the borough.

This expert panel, over the course of three half-day sessions, worked to define and articulate the ways in which Haringey could drive regeneration whilst ensuring economic dynamism and social equity, whilst also making a major contribution to reducing carbon emissions locally.

Specifically, the panel was tasked to:

- Understand the challenges faced by Haringey and its regeneration, economic development and environmental ambition;
- Analyse key thematic strands that impact on major regeneration programmes;
- Agree high level recommendations for the Council to deliver sustainable regeneration fit for the 21st century.

In undertaking this work the Commissioners were asked to:

- Be independent of the Council;
- Actively seek out and listen to a range of views, building on existing knowledge and networks from across the Council, to offer a challenge to the Council to improve;
- Draw conclusions and recommendations based upon analysis of evidence, sought from a wide range of sources.

The Commissioners met three times over the course of a six month period and engaged with each other outside the sessions to formulate their recommendations.

During the sessions the Commissioners heard from local politicians, community leaders, and Council officers about the challenges and opportunities within Haringey. They were also given the opportunity to visit the major proposed regeneration sites.

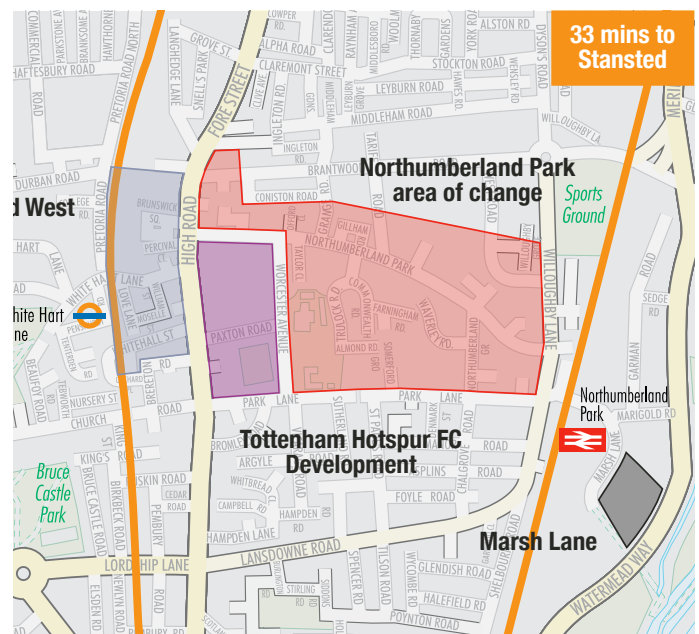
1.1

Meeting One: Tottenham Town Hall

Council leader Cllr Claire Kober, and former Chief Executive of the Council, Nick Walkley, set out the terms of the Commission and its importance in informing the work of the Council. They encouraged the Commissioners to challenge and set targets for the Council to work towards.

Cllr Natan Doron outlined how Haringey is committed to reduce CO₂ emissions 40% by 2020, and aims to become zero carbon by 2050. Highlighting that regeneration can be a risk for these targets, he tasked the Commissioners with thinking about how Haringey could regenerate the urban environment and reduce carbon at the same time.

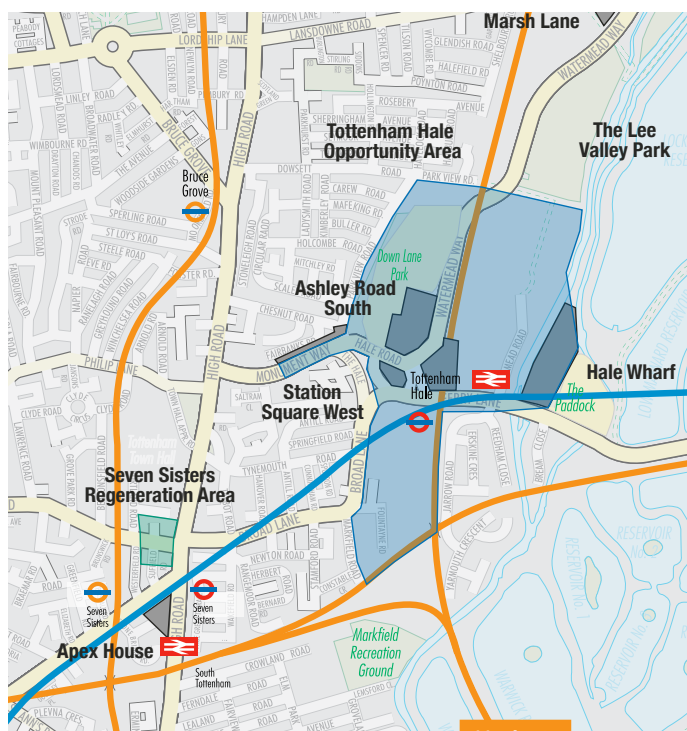
Northumberland Park Regeneration Area



Cllr Joe Goldberg conveyed the importance to Haringey of keeping true to its responsibilities towards its constituents, as well as protecting its history and core values. He highlighted the clear divide in the quality of life between west and east in the borough. He also highlighted that Tottenham was historically a community of artisans and that the regeneration needed to ensure this was not lost. He talked about

the importance of density, jobs, and local amenities for residents, to ensure Haringey did not lose its character and become a dormitory town.

Tottenham Hale Regeneration Area



The Commissioners identified key themes that would structure the challenges and deliver a report that the Council would be able to publish and implement. The recommendations would be based around these 7 themes:

- Mental Health & Physical Wellbeing;
- Climate Change & Resilience;
- Carbon Reduction & Energy;
- Waste & Recycling;
- Clean Technology;
- New Build & Retrofit; and
- Transport & Connectivity.

Andrew Gould, the Commission Chair, stressed that the Commission would challenge Haringey and highlighted the interest in reconvening in a few years' time to assess how the Council had implemented the recommendations of the report. Nick Walkley agreed and stated it was right and proper to have a mechanism to hold the Council to account.

1.2 Meeting Two: Wood Green

During the second session the Commissioners debated and agreed upon the general principles of the report.

With a key driver of this work being the regeneration opportunities in the borough the Commission discussed at length the importance of fostering property developer appetite and enthusiasm to deliver low carbon properties. And the need for Haringey Council and residents to be bold in asking property developers to raise their game and break out from the usual development norms.

- **Vision:** Explain the zero carbon vision of the Council in a way that people understood, ensuring people bought into the vision;
- **Cross-cutting:** For the Commission report to cross-cut Council activities and to include all departments within the Council;
- **Value:** The benefits of low/zero carbon development (including Mental Health and Physical Wellbeing benefits) should be mapped within the development areas, and go beyond the red line boundary of an individual site, to show the overall positive impact on the broader area;
- **Procurement:** There is a need to influence Council procurement to help achieve the report's recommendations and to understand what could be practically included in tenders;
- **Leadership:** The Council should ensure that all buildings Haringey Council own or occupy meet the highest standards, as set out in the report's recommendations, and lead by example;
- **Co-design:** The commission discussed the need for co-design processes to work with the community, involving residents in a transparent way, not excluding them and making urban design the privileged activity of distant architects, designers and developers;
- **Transparency:** The Council to transparently report the recommendations of the panel, to highlight confidence and ambition, and maximise the recommendations impact potential;
- **2050:** The report and recommendations need to be seen as both long-term and short-term. Decisions made today need to have 2050 in mind, but it is only one generation away and action and leadership have never been more urgent.

Conclusion

The Commissioners concluded it was important to demonstrate that the themes recommended were interconnected, and that the Zero-Fifty report should apply to the whole borough, not just the regeneration areas. The Council needs to support the community in challenging property developers and heightening development aspirations, not settling for the status quo.

1.3 Meeting Three: Alexandra Palace

At the final Commission meeting at Alexandra Palace the Commissioners focused upon three main areas:

1. How to embed recommendations within the mind-set of Council officers, and to challenge the Council as to how they will achieve the recommendations;
2. Create a high level narrative within the Council and the community to get buy in;
3. Provide detail on the Council's level of aspiration for low carbon regeneration.

The Commissioners felt that the upside of sustainability would be an overall increase in value rather than a cost, and that the Council needed to focus on this point to increase buy in and create a positive environment for change.

This report creates "A Manifesto for the Next Generation Haringey" focusing upon the outcomes that the Commissioners felt Haringey should aim for.

The report should also focus upon how the Council would achieve these outcomes through a "Matrix of Actions": focusing on the short, medium and long term. The Commissioners felt that the Council would need to take these recommendations away and develop a project plan for each action and an overall route map that coordinated all of them.

The message the Council needs to impart is that they are prepared to "Invest in the Future."



Commissioners

The Commissioners were chosen and invited to join the panel because of their skills and experience in delivering regeneration projects in and around London, and their work within the Sustainable Regeneration sector. The Commission included:

Andrew Gould (Chair)

Andrew is a leading figure in the real estate and built environment sector. His business Genr8 Developments, a leading urban regeneration company, delivers sustainable urban renewal projects in UK Cities. Andrew was formerly UK CEO of Jones Lang LaSalle.



Andrew was educated at the University of Wales, the University of Cambridge, where he was awarded his PhD, and at London Business School.

Andrew Chairs the UK Green Building Council, which leads the campaign for a more sustainable built environment. He is a Fellow of Hughes Hall, University of Cambridge, a member of the governing Council of University College London and a Fellow of the RSA.

Dan Epstein

Before founding Useful Projects, Dan was the Head of Sustainable Development and Regeneration for the London 2012 Olympic Delivery Authority (ODA).



A recognized thought leader in this area he regularly speaks on major platforms around the world and is highly regarded for the way in which he manages to develop and deliver imaginative and practical sustainability solutions.

Noel Farrer

Noel is a landscape architect and urban designer who has run his own award winning practice for 20 years, delivering projects ranging from large scale residential master-planning, to housing, education, parks and public realm. He is recent Past President and Fellow of the Landscape Institute, where he campaigns for landscape-led place-making.



As a passionate advocate for the social importance of high quality landscapes, he is a member of the Government's (DCLG) Design Advisory Panel for Housing, CABE's Infrastructure and Design Panel, as well as other regional panels.

David Ubaka

David is an independent project implementation, and design consultant. He has clients in both the public and private sectors advising on: Housing, Transport, Commercial, Retail, Hotel, Public Realm and Urban Regeneration projects.



Prof Sarah Wigglesworth MBE

Sarah is director of her own London-based architectural practice. She has extensive expertise in green and sustainable design and master-planning. Working in the educational sector, community projects, master-planning, and cultural and housing sectors, her practice draws on engagement with communities to create places that are loved by their occupants, simple to use, and economical to run and maintain. Sarah was awarded a MBE for her services to Architecture and appointed Royal Designer for Industry by the RSA in 2012.



Prof Derek Clements Croome

Professor Emeritus Derek Clements-Croome at Reading University worked in the building design and contracting industry before entering university life to research and teach in the area of architectural engineering.

He now offers strategic advice to clients, designers and facilities managers on attaining and managing healthy and sustainable environments in buildings of all types.

Derek is a Commissioner on air quality for the borough of Hammersmith and Fulham. He is also Building Environmental Expert for CABE; and a Fellow of the BRE Academy.



Polly Billington

Polly Billington has 15 years' experience as a journalist and is a professional campaigner committed to shifting the UK economy to clean energy, establishing the UK100 - a network of cities and authorities committed to 100% clean energy.

She was a special adviser to Ed Miliband when the Department of Energy and Climate Change (DECC) was established, and as Leader of the Opposition. She was Director of Communications for Sadiq Khan's campaign to be Labour's candidate for London Mayor, and influential in getting the Mayor to commit to adopting 100% clean energy.



Quentin Given

Quentin has been active in local environmental issues for 25 years. As environmental health manager he helped develop Camden's first climate action plan. As a local Friends of the Earth activist he has long argued for tougher environmental planning policies. He helped secure Haringey's commitment to cutting emissions by 40% by 2020, and most recently the decision to shift over £200m of its pension fund into a low carbon index.



Linda Thiel

Linda Thiel is a London-based Scandinavian architect with 20 years' experience in architecture, including urban development, residential, mixed-use, public buildings and commercial offices. All of the projects Linda has worked on have focused on environmental, economic and social sustainability as an integral part of design.



Tom Armour

Tom is a Director and Leader of Global Landscape Architecture at Arup, developing it into an internationally award-winning business. He plays a key role in developing Arup's research and thought leadership in the field of landscape architecture, green infrastructure, resilience, and well-being, particularly in relation to contemporary issues facing urban environments.

Tom holds leadership roles in the delivery of the landscape design for two of the biggest UK projects in recent years, the London Olympic Park (South) and High Speed 1 rail link.



Martin Townsend

Martin joined BRE (Global) as Director of BREEAM in 2008 to drive BREEAM forward, not just in the UK market but also internationally. Martin works closely with the construction industry bringing sustainability issues alive, across the Social, Economic and Environmental agendas.



Yates Buckley

Yates Buckley is a founding partner at unit9, bridging the technology to creativity gap in award winning digital production work over the last fifteen years. His focus is on balanced perspectives in technology transfer: new enabling tools and expressive media with effective reach. Yates is interested in the diverse boundaries of technical experience, the area of neuroscience and game-design, especially as a motivator for health and human computing problems.



The Outcomes from the Commission

The Commissioners have produced a set of clear and specific recommendations, and examples to demonstrate that change can be delivered with strong leadership alongside focused action.

These are formed around the following seven themes:

1. Mental Health & Physical Wellbeing;
2. Climate Change & Resilience;
3. Carbon Reduction & Energy;
4. Waste & Recycling;
5. Clean Technology;
6. New Build & Retrofit; and
7. Transport & Connectivity.

These are expanded in individual chapters in this report, alongside recommendations in each chapter for the Council to consider and respond to.

Alongside the 7 key themes above, there are several cross-cutting themes and actions that the Commissioners ask the Council to consider.

These are:

- That the Council delivers leadership in the community. By leading through example and demonstrating positive actions and outcomes, the Council can inspire the community and empower the delivery of sustainability in the borough;
- That the Council uses its procurement and purchasing powers to deliver improved sustainability outcomes in Haringey. The Council purchases a range of goods and services, from energy, to the construction of new housing, these procurement activities need to take on board the recommendations of the Commission and use their purchasing power to deliver wider benefits to the local community;
- That progress of delivery against the recommendations of this Commission report should be monitored and reported upon;
- That the Council communicates and champions the recommendations and outcomes of the report in order to accelerate the delivery of sustainable regeneration in Haringey.



The Key Themes

Recommendation 1

Improve the health and well-being of the community by strengthening Haringey's natural environment; greening of outdoor spaces, and mitigating the urban heat island effect

Health and well-being are terms used to encompass a range of related and complex issues. Health encapsulates physical and mental health, whilst well-being addresses broader feelings or perceptions of satisfaction and happiness. The Commissioners discussed at length the requirement to improve local health in the borough, and highlighted the opportunities and challenges of the built environment and regeneration in improving mental health and well-being.

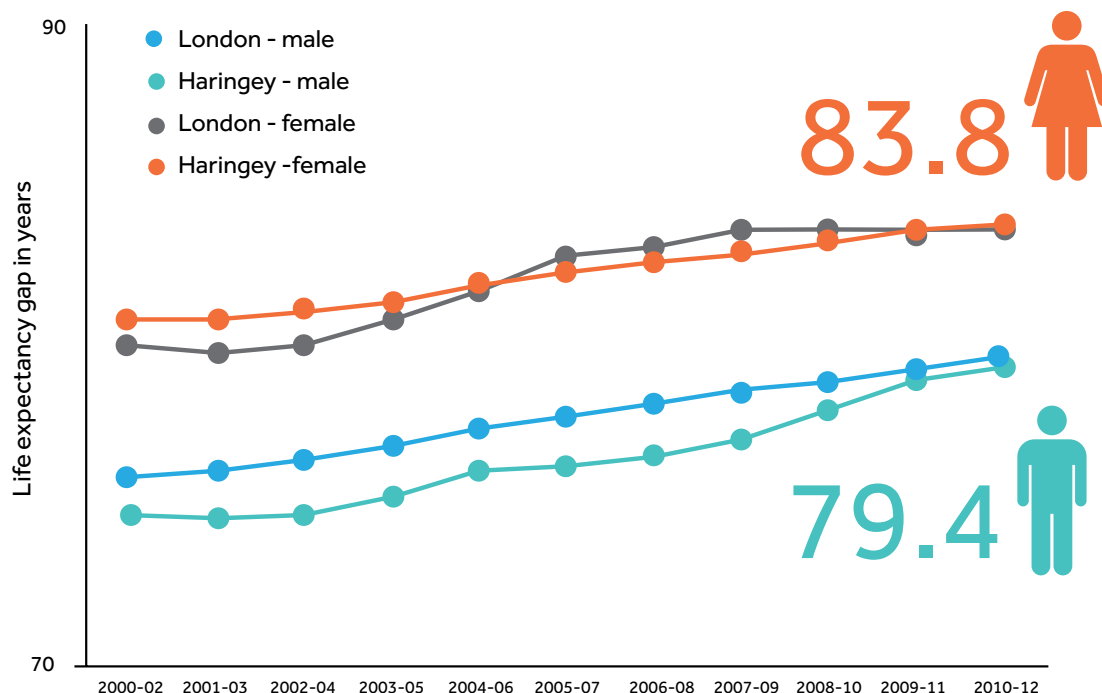
The built environment is not just the physical structures (buildings) where people work, live, play, worship and socialise. It is the connections between these spaces, including the built infrastructure (streets, cycle-ways, highways), natural features (parks, open spaces, green spaces, allotments) and spaces where people can mix and meet (stations, parks and public spaces). If well-

designed and linked across the borough as a 'green infrastructure network' all of these structures, spaces and routes have significant opportunity to add years to a life, alongside the ability to increase the well-being and happiness of residents and workers and to reduce fear.

Research shows the fundamental role that the natural environment plays, in the form of open spaces, green streets and public realm, in engendering well-being and positive mental health, particularly in urban areas but the natural environment is consistently undervalued in decision-making and in the planning and design of property projects. It therefore needs to be re-thought as 'critical infrastructure' across the borough with the planning and design of green space, and connections between them, being considered as an equal partner with other infrastructure requirements.

The natural environment in the form of a connected green and blue infrastructure network can provide a multitude of benefits not only for health, well-being, and biodiversity, but to also help combat the effects of climate change and build resilience across the borough into the future.

This includes integrating flood storage/increased run-off, reducing air pollution, reducing the urban heat island effect, reducing noise, and improving local micro-climates.



1.1 The Challenge

Life expectancy in females in Haringey (83.8 years) is the same as in London as a whole, and higher than the current average female life expectancy for England (83.0 years). Life expectancy for males in Haringey (79.4 years) is now slightly higher than the life expectancy average in England (79.2 years) but lower than the London average (79.7 years). In addition, men in Haringey only live 75.4% of their lives in good health, and for women the proportion of life spent in good health is only 71.8%. This compares poorly with London and England as a whole. So whilst life expectancy in Haringey over the last few years has shown improvement, a large proportion of that extended life is spent in poor health. (Haringey JSNA, 2015.)

The main causes of death for residents were disease of the circulatory system and cancer, which accounted for 62% of all deaths followed by respiratory disease (11%). The Commissioners drew upon international case studies where through behavioural changes and the design of the built environment urban areas have successfully addressed issues such as air quality, access to healthy food, and increasing physical activity. These are measures that could address some of the main causes of deaths in the borough and long term conditions. e.g. diabetes.

Alongside physical health impacts, the rates of severe and enduring mental illness in Haringey are high compared to London and England averages, and these tend to be concentrated in the east of the borough (Community Mental Health Profile, 2013). To improve the mental well-being of the community the Commissioners highlighted the need for social networks, physical activity encouragement, increased learning options, and engaging across the wider community. The Commissioners pointed to the work

the Welsh Government have done on 'Planning for Future Generations', as referenced in Appendix A.

The regeneration of an area can have major impacts upon local well-being, during all phases of development. Lack of local community control and involvement in the decision-making process has been found to have negative effects on mental health. Demolition noise and dust has particularly negative impacts on the elderly, whilst relocation has been linked to an increase in self-reported stress, anxiety and depression. In the longer term once new communities are built, with the inclusion of new safe green spaces, increased dwelling sizes, and wider community cohesion, they will deliver positive outcomes. A neighbourhood's physical characteristics may promote health by providing safe places for children to play, and for adults to exercise, that are free from crime, violence and pollution.

The Commissioners recognised that healthy urban planning in many ways is already delivered by the Council's planning and regeneration teams, through promoting sustainable development, enhancing green spaces, reducing pollution, and protecting residential amenity.

However, with increasing population densities and climate change there will be increased pressure on green spaces, and the impacts of noise are likely to increase. Alongside this is the pressure of smaller residential units, it was discussed that children living in overcrowded homes are up to 10 times more likely to contract meningitis and three times more likely to have respiratory problems. Over a lifetime, overcrowded homes have been linked with slow growth in children which correlates with an increased risk of heart disease as an adult. The pressure of limited land supply also increases pressure to develop next to pollution sites, such as next to major roads, which could impact on local health and well-being.



1.2 Measures

The Commission have suggested below a number of short, medium, and long term recommendations that the Council should consider.

It is recommended that progress against these recommendations should be measured through:

- Benchmarking NHS records of mental health and obesity;
- Benchmarking NHS records of respiratory illnesses;
- Benchmarking how 'happy' people are;
- Measuring the reduction in crime and fear of crime;
- Measuring the reduction in sick days taken;
- Listening to residents views in the borough.

1.3 Principal aims

Strong design and good planning can help reduce healthcare costs over time by preventing ill-health from risks attributed to urban planning, including air pollution, road injuries, mental and physical exercise, worklessness, and poor housing.

In reviewing the process and the opportunities associated with the three main regeneration areas of the borough (Wood Green, Tottenham Hale, North Tottenham) the Commissioners saw opportunities alongside the challenges, including the scale of the development opportunities, strong transport links and regionally significant parks on our door-step. Alongside increasing land values, it was proposed that the Council should be confident in asking for a higher design standard from property developers and to secure wider health and well-being benefits.

When reviewing and developing proposals the Council should push for lower car ownership levels and developments designed for pedestrians and communities rather than vehicles. This could involve making bold changes, such as those that have been seen through the closure of Wightman Road, which has created a positive local environment and increased local cycling rates.

There are opportunities to create new pedestrian and green links between new communities and destinations, alongside getting the most out of the

existing open spaces such as Alexandra Palace and the Lea Valley Park.

With the Mayor of London highlighting health concerns from poor air quality, there is a need for new places and space to address this concern through limiting the levels of pollution in the borough through tighter emissions standards, and reduced exposure rates.

A healthy home needs to have sound structure, be free of hazards, provide adequate facilities for sleeping, hygiene, be an environment for relaxation, for privacy and quiet, and to provide the facility for social exchange with community networks. Work by CABE has highlighted how additional space in homes results in broad health, wellbeing and quality of life benefits. It allows for families to stay within their communities longer, offering wider social well-being benefits.

Alongside the measures that will improve health and well-being for home occupiers, the Commissioners highlighted a 2013 World Green Building Council (WGBC) report entitled 'The Business Case for Green Building'. This framed research which demonstrated that green buildings could enhance health, wellbeing and productivity for their working occupants. This was linked to increased productivity of workers and increased spend profiles in retail areas. These economic drivers can therefore be the basis for better designed buildings whilst simultaneously growing the economic strength of the borough.

With the issue of health and wellbeing not yet seen as mainstream by the property development industry the Commissioners highlighted that to deliver this will take strong and confident leadership and partnership working.

1.4

Actions & Milestones to improve Mental Health & Physical Activity

Short Term

1. Set a standard for the amount of linked green/ natural space and connecting routes that must be within the curtilage of a development area, in accordance with World Health Organisation (WHO) standards.
2. Discourage private gated space, and ensure that the majority of green space and connections within new development is open to the public. Ensure green space is well connected, as part of green networks across the borough.
3. Explore the feasibility of calculating the net temperature increase resulting from a new development, and requiring the development to mitigate this gain through 'carbon sink' natural spaces.
4. Establish the 'Borough Green Grid'.

Medium Term

1. Formalise design criteria for public spaces that consider the importance of clear lines of sight, light, and greenery, for not just appearance but also safety and mental health.
2. Provide policy guidance to developers on how to consider Health and Wellbeing in design and construction.
3. Increase social cohesion by using infrastructure in open spaces that enable communities to mix and maximise open space use.
4. Haringey to set a target of open spaces by 2030, being managed and maintained by the communities they serve.

Long term

1. Set up a review process to continually develop the 'Borough Green Grid'.
2. Install air quality monitoring systems including encouraging people to use wearable air quality monitors to collect data/inform behaviour.



Recommendation 2

Create a climate change adaptation and resilience plan to future-proof and reduce vulnerability

Scientists, politicians, and the media have been engaged in lengthy debates about global climate change. Today the question is not whether human activity is causing climate change, but what we can do to prepare our homes, businesses and lifestyles for it.

2.1 The Challenge

The UK Climate Projections 2009 (UKCP09) have informed London's response to a changing climate. These projections show how the UK's climate is likely to change over the next century, but also provide greater detail regarding London's future temperature, rainfall and seasonal changes. They point to warmer and drier summers, and wetter winters, with appreciable changes seen by the 2020s.

UKCP09 suggests that London could:

- By the 2020s, see an increase in summer mean temperatures of 1.5 degrees Celsius, a decrease in average summer rainfall of 6%, and an increase in mean winter rainfall of 6%, all from a 1961–1990 baseline.
- By the 2050s, see an increase in mean summer temperature of 2.7 degrees, an increase in mean winter rainfall of 15% and a decrease in mean summer rainfall of 18%.
- By the 2080s, see an increase in mean summer temperature of 3.9 degrees, an increase of 20% in mean winter rainfall and a decrease in mean summer rainfall of 22%.

In response to these facts the built environment should be designed for the warmer wetter winters, and hotter drier summers that Haringey will experience over the lifetime of the buildings now being built. They should be designed to withstand the possible extreme natural hazards (such as heatwaves, flooding, and droughts) that may occur.

2.2 Challenge: Surface Water

These risks will undoubtedly impact Haringey, and at the first meeting in Tottenham it was highlighted that the borough slopes which means that water will run from west to east. Therefore the east of the borough (including Tottenham) is at greater risk from surface water flooding. At this time there are more businesses located in this area than in the west, which if flooded would have a major economic impact. If in the future this land is used for housing then there could be an increased risk to health and life. Alongside neighbouring authorities, all development should integrate flood water storage and management into their design, and most importantly the greatest possible quantum of porous surfaces.

2.3 Challenge: Open Spaces

Increased warmer and dry weather will increase outdoor activity. This could be beneficial for the borough through the increase in outdoor lifestyle choices, but during these periods there are often increased demands for Environmental Services to address issues such as noise and anti-social behaviour. Local authorities must work with the Department for Environment, Food and Rural Affairs (DEFRA) to implement the Government's Noise Action Plan and address the future challenges of noise pollution.

The Commission highlighted that parks and green spaces play an important role in addressing inequality. A 2007 survey of the UK public found that 83% of respondents believed that parks and green spaces provided a focal point for their local communities. This University of Sheffield research revealed that many of the focus group participants identified green spaces as "the hub or the spirit of their community". The Commissioners also highlighted the economic value of green open spaces, referencing an assessment of London house prices by the GLA in 2010, where it was found that property prices were boosted by local quality green spaces. The study estimated that property located less than a kilometre from quality urban park added up to 5% to the total property value.

2.4 Challenge: Overheating

Historically UK building design has been driven by the need for indoor thermal comfort in winter and by a desire for energy efficiency. There is evidence that some buildings, such as highly insulated lightweight buildings and buildings with heavily glazed facades, are vulnerable to summer overheating. Use of materials such as glass should be restricted and their use justified in order to avoid overheating.

Hotter, drier summers will exacerbate risks for all building types. Without planned adaptation to implement appropriate passive cooling measures, there is the further risk that the 'Urban Heat Island effect' would be exacerbated. Streets need shade and 'greening' to provide cooling, improve air quality, and mitigate noise. It is known that in 2003 the French heatwave caused the premature death of 14,800 people, according to official figures due to overheating.

2.5 Challenge: Community

The Commissioners spoke about studies undertaken by Government that show the impact that heat-waves have on society and communities, including a rise in mortality and ill-health, and a rise in social disturbance. Historic social unrest in Haringey has occurred in the warmer summer months, in periods of prolonged heat.

The 2008 'Better Haringey Survey' showed that 80% of respondents said that climate change posed a problem, with 54% saying it was a big problem. This was not just internationally, where people felt that London had a leadership role to play, but also in the local Haringey communities.

2.6 Measures

The Commission have suggested below a number of short, medium, and long term recommendations that the Council should consider.

It is recommended that the enacting of these recommendations should be measured through:

- Comparing statistics on the amount of green and open space in the borough over time;

- Collating user views on the value of green spaces in the borough;
- Measuring the number of developments undertaking thermal modelling for future climates;
- Measuring the number of SUDs in the borough.

2.7 Principal Aims

The Commissioners highlighted that with an increase in new buildings and hard standing, it is likely to increase risks around the urban heat island effect, and place increased demand upon green space in the borough. They recognised the cost of delivering green infrastructure, but there was overall agreement that the long-term need to reduce the need for cooling, alongside other benefits (outdoor space, biodiversity, mental health, surface water management, etc) were significant and that a visually "green" development delivers a higher return.

These new green spaces should not be limited to ground level only, and that they can be integrated into the design of new buildings. The commissioners highlighted schemes that had minor interventions (see appendices for the greening measures being retrofitted at Queen Caroline Estate in Hammersmith and Fulham) through to major green infrastructure designs into the buildings (Bosco Verticale, Milan for building integrated green infrastructure). They also sign-posted green infrastructure projects with multiple purposes (Victoria Park Green Bridge, Mile End). The Commissioners stressed that this infrastructure improves the local environment, changes perceptions, and delivers a return to developers.

To manage surface water flood risk it was highlighted that all parts of the borough can and should deliver localised water retention and storage, and that the borough had started to deliver this already. The 'Love the Lea' campaign has already opened rainwater gardens at Boyton Road to reduce surface water run-off. It has been delivered with the local community, to raise awareness and improve the local environment. The Commissioners highlighted that this campaign offered multiple positive outcomes for the borough.

To address the over-heating risk in new built environment, the Commissioners discussed building on the positive work that Haringey has done in delivering climate change resilience. The design of new buildings must integrally mitigate the effects of overheating through consideration of orientation, amount of glazing, the incorporation of thermal mass, and natural ventilation. Narrow plan forms are essential to assist cross-ventilation. Air conditioning in offices must be

minimised, with new typologies and forms employed to replace outdated building typologies that can only function with the use of expensive, energy-intensive systems. Planning policies to deliver this are in place and should be given greater priority.

The Commissioners referenced a number of times "GreenClimateAdapt" (Appendix A) which incorporates solutions that deal with many of the potential issues and challenges cities will be faced with over the course of the coming years in terms of climate change adaptability. It is a Green Infrastructure initiative in Malmo, Sweden where a number of innovative environmental management tools were tested to show how urban areas can adapt to climate change.

2.8

Actions & Milestones to address a Changing Climate and Deliver Resilience

Short Term

1. Design buildings that accommodate a more Mediterranean type environment for summer months and can cope with wetter winters. Encourage property developers to look at old architectural methods (Chinese and Arabic) that incorporate shading, courtyards, use of green spaces, etc.
2. Update planning policy so property developers assess the thermal density of materials that can cope with cool and warm weather conditions to adapt to future climate change.
3. Produce a Haringey strategy for 'living buildings', including integrated green walls for façades, green roofs, and green spaces within the public congregational areas of buildings.
4. Set a fixed % of green space area, including wildlife, flora and fauna, biodiversity and eco-systems, related to GIA, that all new developments must meet.
5. Set a borough-wide target for increased tree planting
6. Produce a 'Green Infrastructure Plan' for the borough that reflects the ambition of the 'All London Green Grid' (London Plan) in creating a designed network of green infrastructure across the borough to provide flood protection, shade, biodiversity, space for cycling, walking and recreation, with benefits also for building resilience.

7. Ensure that public and community buildings are designed to remain cool in heatwaves, and can act as a refuge in these times.

Medium term

1. Develop a policy and strategy for reducing the number of mechanically ventilated buildings in the borough, promoting natural ventilation and hybrid ventilation.
2. Establish a 'Haringey Climate Change Adaptation Fund' that requires developers to not just address climate change adaptation within their developments but also to contribute to climate change adaptation projects across the borough.

Long term

1. Expand the Durham University partnership to include for research into climate resilience and adaptation innovation which could be trialled in the borough.
2. Integrate the Haringey 'Living Buildings' strategy into planning guidance.
3. Set borough-wide targets for bio diversity, water management and micro climate improvement through tree planting. To be incorporated into planning policy.

Recommendation 3

Deliver a Zero Carbon & Net Energy Positive Haringey by 2050

The challenge of carbon reduction is well known, and local authorities have an absolutely crucial role to play. Haringey has taken steps to deliver clear carbon reduction targets, pursue strategic projects and demonstrate improvement. This work was highlighted by the Commissioners as strong leadership, and a positive programme that others should follow.

H A R I N G E Y



3.1 The Challenge

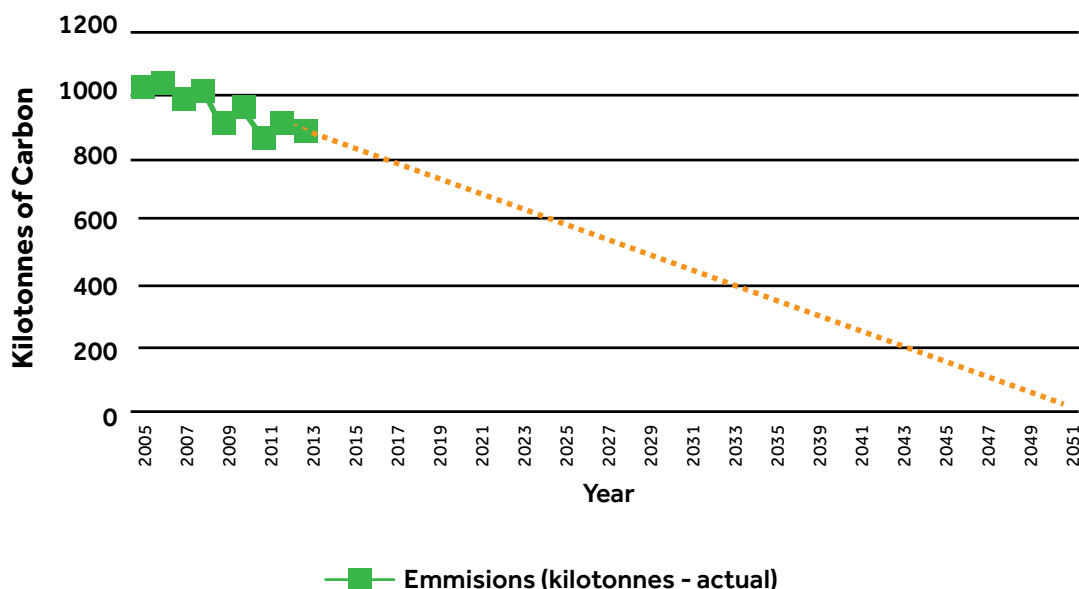
Action is needed to address rising energy costs and manage supply and security against the threat of climate change. The Government and the Mayor of London are seeking to change the UK's ageing energy infrastructure and improve energy efficiency. Haringey

has a leading role to play in supporting these ambitions. Haringey was the first local authority in the UK to sign the Friends of the Earth pledge to reduce borough-wide emissions by 40% by 2020. The Commission recognised that the costs of climate change will impact on the poorest the hardest, and that the required changes can have strong economic benefits: alleviating the core social and economic challenges in Haringey and delivering a route to greater prosperity and opportunity for all.

The 2012 Carbon Commission identified practical steps that can be taken – using existing resources, technology, and policy – to deliver a cut of 40 per cent in carbon emissions by 2020. Improvements in transport, housing, energy and financial innovation have all helped the local economy, improved the lives of local people, and protected against high and volatile energy prices, while reducing carbon.

Since the Carbon Commission Haringey's carbon emissions have fallen by 37% (since 2005) and are well on the way to achieving the target of a 40% reduction. Although Haringey's carbon emissions are falling at a faster rate than London as a whole, they are not falling as fast as the national level. It is also noted that emissions have not fallen year on year: in some years the borough's emissions have demonstrated an increase. This has been put down to a local economic upturn. But the borough's emissions per capita, that measure carbon emissions based on the average emissions per person, have dropped. Since 2005 Haringey's population has increased by 14.8%, while carbon emissions have fallen by 24% from 4.5 kilotonnes to 3.4 kilotonnes per person. This demonstrates that carbon emissions are falling at a significant rate, faster than population growth.

Carbon Emissions since 2005 and the Route to Zero by 2050



Between 2005 and 2013, carbon emissions in each of the Transportation, Housing, and Commercial sectors have fallen. The reduction in transport emissions has had the largest impact since 2005, falling by 16.4%. The Housing sector has decreased at a similar rate to transport, but still accounts for the majority of the borough's emissions (approx. 52%). Business emissions have generally decreased at a slower rate, but have benefitted from a large reduction in emissions (5.9%) between 2012 and 2013.

The challenge of becoming a zero carbon borough by 2050 is a big one. A zero carbon borough is defined as an area with zero net energy consumption. This means that the amount of energy used by the area on an annual basis is equal to the amount of energy generated by renewable energy sources. Haringey may at times consume non-renewable energy, that produces greenhouse gases, but at other times will over-produce renewable energy and therefore offset the greenhouse gas emissions.

To deliver this ambition Haringey will need to reduce energy consumption across the borough, and increase the energy generated in the borough from renewable technologies. While the 2050 target may seem a long way off, projects and policies agreed now will take time to implement and gain traction/have impact.

3.2 Measures

The Commission have suggested below a number of short, medium, and long term recommendations that the Council should consider.

It is recommended that the enacting of these recommendations should be measured through:

- Tracking the number of zero carbon developments in the borough (including via the HDV);
- Measuring the amount of energy consumed in Council buildings;
- Measuring the reduction in CO2 levels across the borough;
- Measuring the amount of renewable energy generated in the borough.

3.3 Principal Aims

The first recommendation from the Commission was to collect and promote more information on energy consumption across the borough. For actions to be measured and impact proven the Commissioners recommend that real time data is collected wherever possible and communicated. The Council can lead through its own buildings, but should also work with developers to measure building performance and advertise energy efficiency and on-site energy generation.

Improved energy efficiency standards in new and existing buildings will reduce carbon emissions and energy costs from heating and electricity. It is essential for growth to address increasing energy costs, particularly in poor quality buildings. The Council can demonstrate leadership through improving energy efficiency in its social housing and corporate buildings. The Council can also play an influencing role, such as lobbying to secure a fair deal for energy efficiency funding. A Department of Energy and Climate Change (DECC) (2014) public poll showed that 73% of people felt that civic leaders must tackle climate change and emissions from energy generation.

Efficient use of energy contributes positively to economic growth, through reducing operating costs for businesses. Energy management can help create new economic opportunities and energy generation will support the development of smart grids. The growth of the retro-fitting sector offers job creation opportunities. Efficient development alongside non-polluting energy is needed to meet Government targets and for the growth of Haringey.

The Council should embrace and enforce planning policy targeted at energy efficiency and renewable generation. The Commissioners referenced the work completed at the Millennium Village in Greenwich, despite being over a decade old it is still considered a leader and exemplar development in reducing carbon and saving energy (refer to Appendix A for more detail).

Electricity infrastructure must become more efficient, alongside local generation. Local energy and heat networks can contribute to capacity and these, alongside new emerging technologies, such as energy storage, and the development of smart grids, will support the borough in managing its future demand for power. Heat networks and energy storage should be investigated and where appropriate integrated into the regeneration areas and developer plans.

Haringey's carbon emissions mainly come from the built environment. The majority of this energy demand and associated carbon emissions comes from domestic dwellings (approx. 50%) and commercial uses (approx. 32%).

The Commissioners highlighted that through enforcing existing planning policy and expanding retrofit projects the borough can significantly reduce its carbon emissions, and that close cooperation with business and homeowners was needed. The recommendations on engagement and funding support should be considered.

The Commission advised that the Council should develop a mechanism to address this unmeasured carbon and in closing recommended the following actions:

- The Council should build a "Carbon Map" for the borough. This would include embedded and indirect carbon emissions;
- The Council should deliver business plans to bring forward carbon reduction in the borough, addressing the key aspects identified in the "Carbon Map." This should link to the existing political ambition of the borough and align with the Council's Corporate Plan;
- The Council should set out a strong narrative to deliver the message and gather community engagement through a Communications Plan: "Haringey's Zero Carbon Future: A manifesto for a clean, smart and healthy borough."
- The Council should work towards the delivery of a Haringey exemplar project within the borough to act as a beacon for others to follow and the community to engage with.

3.4

Actions & Milestones to deliver carbon reduction

Short Term

1. The Council should set out a route map to be being zero carbon by 2050. This needs to be hard-wired into planning and legal contractual agreements for borough wide regeneration joint ventures, i.e. the HDV.
2. The Council should identify a site and work with its selected development partners to deliver an exemplar zero carbon development. This should be zero carbon in operation and construction, and deliver a step change in embodied carbon.

3. Produce a map of energy storage opportunities in the borough. This will act to reduce energy wastage in the medium term and improve the deployment potential of stochastic renewables.
4. A review of the Council's own assets (office buildings, schools, libraries, museums, etc) and put in place an action plan to reduce Council run assets emissions and achieve zero net carbon emission buildings by 2025, i.e. leading by example.
5. Set targets for new development to not just reduce CO₂ emissions but to actually sequester CO₂ through materials and technologies used.
6. Maximise community owned renewable installations through establishing a community renewable energy fund.

Medium Term

1. The Council to work with private building owners to draw up plans for achieving at least 40% cuts in net energy usage by 2025, and achieving carbon neutrality by 2050. This could focus initially on big users, e.g. supermarkets, industrial and commercial estates, housing associations, utilities, etc.
2. Require the installation of energy displays in all new build and retrofit residential, commercial and mixed-use properties, encouraging residents to observe and control their own energy usage and highlight the savings achievable.
3. Require developers of new properties to actively engage with new and evolving façade treatments, such as solar integrated façades.
4. Maximise community-owned renewable installations through a community renewable energy fund/company.

Long term

1. Enforce Air Quality Neutral standards across the borough for new developments.
2. Create a policy to deliver carbon positive developments.
3. Deliver large scale renewable technologies in the borough to act as a beacon for action and increase local energy generation.

Recommendation 4

With the North London Waste Authority reduce waste to landfill to zero and increase recycling rates

Waste affects all of us and with an ever growing population our waste production increases with it. As a society we need to care about how products are made and how to deal with them once they are of no use anymore. If not, with increasing land-fill costs we will not only increase our overheads but we will also have a much larger negative impact on our environment.

The UK generated 200 million tonnes of total waste in 2012. Half of this was generated by construction. Commercial & Industrial activities generated almost

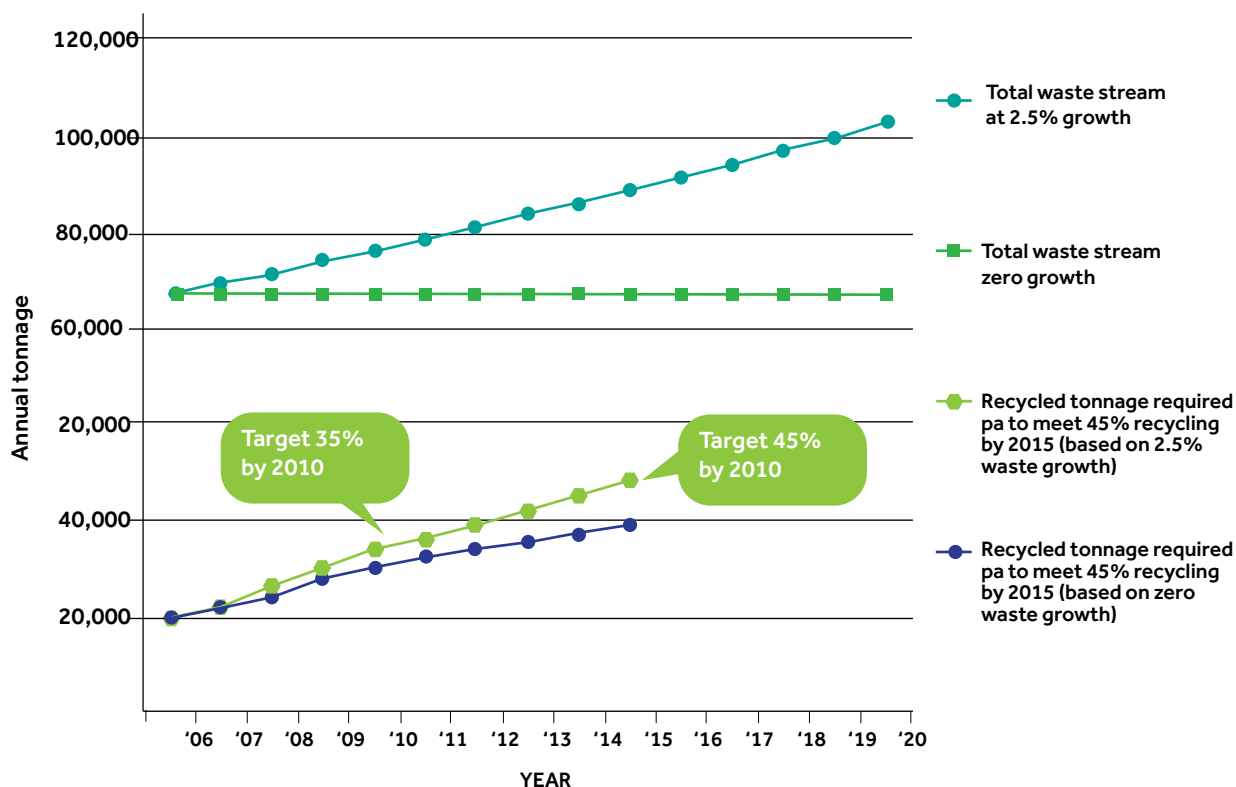


a quarter, with households responsible for 14%. In Haringey nearly 85,000 tonnes of household waste are produced each year, equivalent to nearly a tonne of waste per household.

4.1 The Challenge

The amount of waste produced in North London has been climbing steadily at an annual rate of 2.5% over recent years. There are tough recycling targets in place for Local Authorities to ensure that as more waste is produced, there is an increased emphasis on recycling. With no attempt to combat this problem by 2020 an extra 36,000 tonnes of waste will be produced each year. This is equivalent to a 40% growth in waste between 2006 and 2020.

Waste and Recycling Growth till 2020



In order to ensure waste and recycling targets are met and that that Haringey can be seen as an exemplar across London, the Commission identified that communication and engagement with different communities was a key requirement to deliver waste reduction targets.

The graph above illustrates the forecast increase in waste to 2020, and shows the amount of recyclables that will need to be captured to meet recycling targets as set by Government, and as agreed with the North London Waste Authority (NLWA).

4.2 Measures

The Commission have suggested below a number of short, medium, and long term recommendations that the Council should consider.

It is recommended that the enacting of these recommendations should be measured through:

- Measuring the reduction of waste exported from the borough;
- Measuring the reduction in waste going to landfill;
- Charting increased employment opportunities and job creation in the circular economy.

4.3 Principal Aims

Haringey Council's vision is to improve the quality of life for everyone in the borough – putting people first, being bold in dealing with issues for the benefit of all. The Council's aim is for no waste to be sent to landfill, thus ensuring that waste is transformed into usable useful materials or energy. Last year, more than 86% of waste materials were either recycled or turned into energy in Haringey.

The Council operates a number of waste sites providing a safe and secure alternative to landfill. They also operate Reuse and Recycling Centres (RRCs) for household materials. These regulated facilities are integral to London's resource-economy; recovering energy from waste - enough to power more than 70,000 homes throughout the year - and providing reuse and recycling services.





Food waste is a topic that rightly receives a great deal of attention, with food waste accounting for over 20% of the UK's GHG emissions. Also, in today's economic climate the focus has moved to the hospitality and food retail markets where organisations donate less than 10% of perfectly edible and in-date food to the homeless and charities. The Commission referenced a scheme in Lisbon where a charity works with retailers to redistribute in-date food that would otherwise become waste (refer to Appendix A). In London the Felix Byam Shaw Foundation is working with retailers to redistribute waste food to charities and the homeless.

Reducing, reusing and recycling waste is the best solution for dealing with waste financially and environmentally. Currently 38% of all waste collected in Haringey is recycled, with the North London Waste Authority (NLWA) having set a target of 50% by 2020, and the London Plan working towards 0% by 2030. Although Haringey is well on its way to achieving this target there is still a large opportunity to substantially increase the reuse and recycling rates.

4.4 Actions & Milestones to improve Waste & Recycling

Short Term

1. Set clear policy and targets that ensure Haringey reduces landfill to 0% by 2030.
2. Empower local waste & recycling Champions within the community, to increase awareness in their own areas and encourage others to change behaviour.
3. Develop a Further Education waste & recycling qualification, in partnership with local colleges and waste businesses.
4. Conduct a feasibility study into the potential for integrating micro-scale waste to energy solutions into new developments. Considering primarily anaerobic digestion or pyrolysis of non-recyclable waste.
5. Commission a study to establish what is the difference in uptake of recycling between different socio-economic areas in the borough, and what can be done to improve recycling rates across these areas.

Medium Term

1. Create recycling stations for old furniture (restoration and repair) to provide inexpensive recycled products to residents.
2. Work with supermarkets to redistribute food that would have gone to waste to local shelters, disadvantaged households, and charities.
3. Set policy and targets around waste from demolition and construction on development sites.

Long term

1. Create a cluster of recycling industries alongside the North London Eco Park.

Recommendation 5

Drive the uptake of clean technology across Haringey's built environment targeting new development

The growth in the clean tech sector has been prodigious. Wind power has seen an increase of on average 30% pa over the last 5 years, and solar PV 60% over the same period (Bloomberg.) According to the IEA renewables accounted for 18% of global energy consumption in 2010 and this is expected to grow to 60% by 2035.

The growth of clean technology has transformed many sectors from vehicles to lighting to construction materials. It is essential that Haringey embraces this seismic industrial shift and positions itself to benefit

to the maximum extent from the economic and CO₂ reduction benefits that are becoming increasingly manifest.

5.1 The Challenge

The challenge for Haringey is how to drive the uptake of clean technology within the borough within a fiscally constrained environment and within a context of rapid regeneration and urban development, which will lean towards proven technological solutions that can be delivered cheaply and quickly.

This is an area in which Haringey needs to be bold, and to build upon the ground-breaking work already commenced with the University of Durham and with the Innovation Hub.



The clean technology revolution is creating thousands of new jobs in London and hundreds of new businesses that require office and light industrial space though incubator hubs. Haringey can benefit from this employment growth whilst at the same time helping to develop the technologies of the future that will assist with meeting the borough's zero carbon ambition.

5.2 Measures

The Commission have suggested below a number of short, medium, and long term recommendations that the Council should consider. It is recommended that the enacting of these recommendations should be measured through:

- Charting the inclusion of clean technology in refurbishments and new build;
- Measuring the reduction in energy consumption and CO₂ levels;
- Charting the increase in jobs in the Clean Tech sector in Haringey;
- Charting the increase in start-ups in the Clean Tech sector in Haringey.

5.3 Principal Aims

By 2030 demand for water and energy in Haringey is estimated to have increased by approximately 50%. With Haringey setting a target CO₂ reduction of 40% by 2020 the need for clean technology cannot be ignored.

Clean technology, and in particular renewables, help reduce the cost of energy and reduce CO₂ emissions. A good example that has worked well is the Milton Keynes Offset Fund, where developers pay into a fund if their developments do not deliver agreed CO₂ reduction targets. (Further details can be found in Appendix A).

Under Haringey's 'Going Green' strategy the aim is to develop sustainable and renewable energy sources as part of a physical regeneration programme. The Council has already analysed the capacity and potential for promoting decentralised energy infrastructure and renewable energy in Haringey, and continues to promote this.



5.4 Actions & Milestones to increase the use of Clean Technology

Short Term

1. All major developers in the borough should be required to join the Haringey Innovation Hub.
2. Develop a strategy to encourage energy storage technology within new developments. Consider energy sharing across red line site boundaries.
3. Set strategy and goals to ensure developers integrate clean tech into developments.
4. Assess the feasibility of developers and/or the development vehicle contributing to a fund for trialling new technologies in some of Haringey's new developments.
5. Develop a Haringey "Smart City Smart Borough" strategy: a guide to how digital technology can help make Haringey an even better place in which to live, work and invest.

Medium Term

1. Extend the short-term clean tech trialling in new developments to commercial-scale demonstrators.
2. Target a number of Haringey supported clean tech start-ups that have been able to test their products and grow by being given opportunities in new developments. Target start-up number to be agreed.
3. Haringey to develop a support centre to encourage the use of clean technology and to provide advice and assurance on tried and tested technologies that can be used to lower bills and be greener.

Long term

1. Develop a 'clean tech cluster' in Haringey where businesses can co-locate in a synergistic environment.

Recommendation 6

Ensure that low and zero carbon buildings are delivered

Sustainable buildings are designed and constructed to high environmental standards. They minimise energy use, reduce water consumption, use materials which are of low environmental impact, reduce wastage, conserve/enhance the natural environment and safeguard human health and well-being.

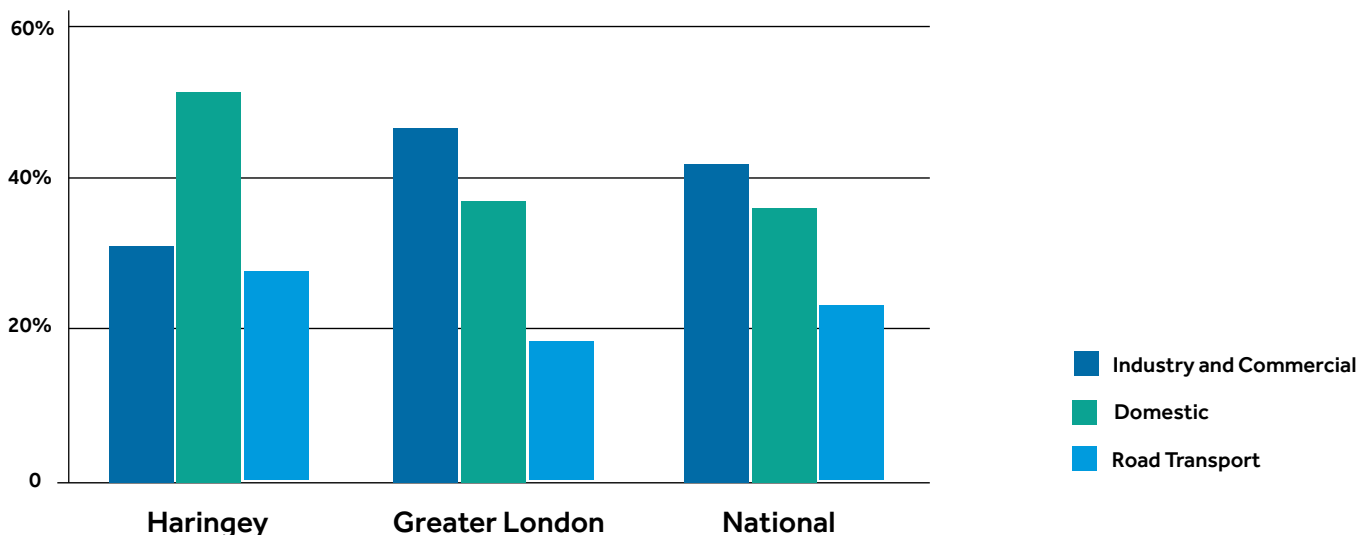
Across the globe, the built environment accounts for 40-50% of natural resource use, 20% of water use, 30-40% of energy use and around a third of CO₂ emissions. The new buildings being designed now are an opportunity to make sure that the built environment makes a positive contribution to the environment, economy and our quality of life.

The refurbishment of our buildings is one of the greatest challenges we face in reducing carbon emissions. The majority of the UK's existing stock requires some level of retrofit to enable us to live and work more sustainably. The UK's housing stock is amongst the least energy efficient in Europe, and is responsible for nearly a quarter of our annual carbon emissions.

6.1 The Challenge

The Standard Assessment Protocol (SAP) is a Government rating system to measure the energy efficiency of housing, where 100 is excellent. On average all existing domestic housing in Haringey had a SAP score of 62.3 in 2014 (the last full year for which data is available). This is slightly higher than the national average (which was 61 in 2014) and slightly lower than the average suburban residential sector in the UK which is 62.4. Although no regional data is available, from discussions with neighbouring boroughs we know that the Haringey housing stock is below standard and has scope to improve.

CO₂ in Haringey, London and the UK



The Commissioners highlighted that improving energy efficiency, and the SAP scores, was one of the largest challenges for the borough. They referenced a study by the Technology Strategy Board (TSB) which stated that up to 85% of existing housing in the UK will still be in use by 2050. The UK therefore needs to refurbish 4 homes a minute every working day from now until 2050 in order to reach the 80% carbon reduction target set

by the Government (Chartered Institution of Building Service Engineers - CIBSE).

To improve the energy efficiency of these homes will require measures such as external wall insulation, double or triple glazing, new heating systems, and renewable energy installations. Barriers such as finance and planning will need to be overcome to deliver the required standard.

Alongside existing buildings, the London Plan (2016) requires Haringey to construct at least 1,502 new homes per year till 2025. These new buildings will be around for decades and the Haringey community will be shaped by the standards and design of these new developments. With sustainable design standards being required to be demonstrated through the National Planning Policy Framework (NPPF), the Council can continue to require new developers to deliver local environmental improvement. The Greater Manchester Retrofit Strategy was referenced as a good case study to review with its aim to achieve 55% Carbon Reduction of domestic properties on 1990 figures, details of which can be reviewed in Appendix A.

6.2 Measures

The Commission have suggested below a number of short, medium, and long term recommendations that the Council should consider.

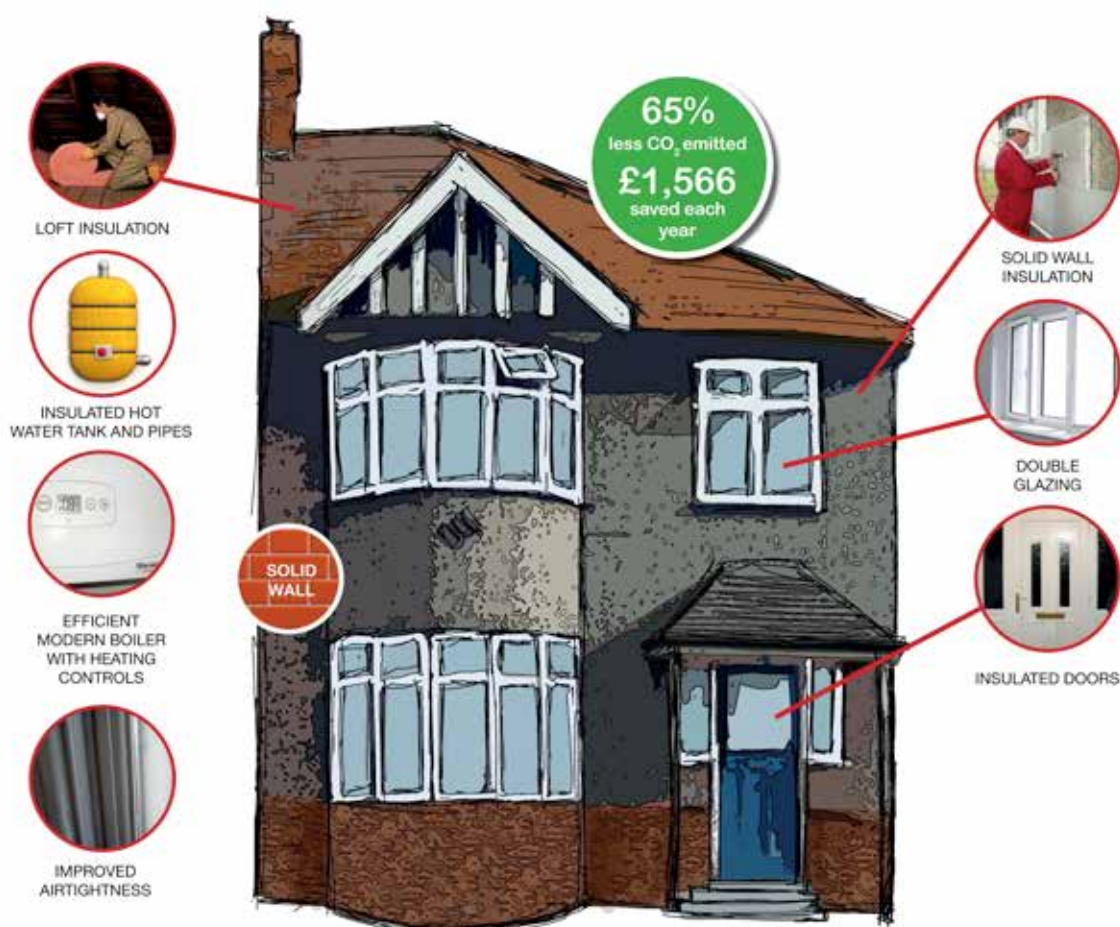
It is recommended that the enacting of these recommendations should be measured through:

- The number of jobs created in the environmental/ retrofit sector;

- The increase in functional and linked green spaces and routes within redevelopments with access to wider cycle and footpath networks;
- Monitoring and demonstrating improvement in EPC ratings of new developments;
- Monitoring and demonstrating improvement in EPC rating of existing buildings;
- Increase in Sustainability Assessments secured through planning.

6.3 Principal Aims

The Council should use data on energy performance of buildings to target the buildings that have the worst environmental performance. The Commissioners highlighted that poorly performing buildings reduced an individual's economic potential due to high spend on energy. In using this data the Council would be able to address a range of local environmental challenges found in Haringey's built environment.



The Commissioners felt that the Council must ensure that it sets a higher standard for its own buildings, both commercial and residential. They highlighted the power of an exemplar development to showcase and share learning, and signal the Council's intention.

The example of a sustainably retro-fitted Alexandra Palace could become an international flagship for others to follow. Through the Council's build programme, including the new Council headquarters and development vehicle, there are opportunities to demonstrate leadership through the design of new buildings.

The Council has the opportunity to develop a leading skills base in this area, by making sure that knowledge is generated, shared, and accumulated over time from the new developments and in partnership with the private sector.

With existing planning policies and strong enforcement of them, the Commissioners believe that the scale and number of new homes and businesses coming to Haringey offers an unprecedented opportunity. This new development can deliver low carbon infrastructure, such as community heating, and an increase in renewable technology deployment. These new homes offer a "once in a lifetime opportunity" for the Council to deliver a dramatic reduction in carbon emissions from housing.

The Built Centre, referenced in Appendix A, was highlighted as an extremely innovative development that could be used as an exemplar of a sustainable building costing 23% more than a normal efficient building however saving 83% on energy and resource costs.

The Commissioners learned about the Council's 'Smart Homes' project, and its impact in delivering comprehensive retrofits for nearly 1,300 homes. The Commissioners advised the Council to build on this local best practice and to fill the gap of a lack of Government policy on sustainable development. The Council would need to secure external funding to realise the level of ambition in the retrofitting agenda, but business models could be constructed that deliver carbon reduction, deliver economic growth, and deliver a return on investment.

6.4

Actions & Milestones for New Build and Retrofitting

Short Term

1. Require all new developments to deliver high levels of energy efficiency, through planning, and if they cannot they are required to offset their emissions into a local fund. To use any offsetting funds collected through the London Plan Policy on energy efficiency in new build to deliver a retrofitting and renewable energy generation programme. Undertake reviews the cost of offsetting to ensure the delivery of meaningful energy projects in the borough.
2. All new builds to demonstrate that they are designed to achieve high sustainable development.
3. Establish a "Zero-Fifty Checklist". An easy to use checklist that assesses whether or not a development is helping or hindering the borough's target to achieve zero net CO₂ emissions by 2050.
4. Build a 'green street' in Haringey, a 'Living Laboratory' with the most efficient and sustainable technologies in the market that can be used as an exemplar for the community and developers. Haringey should set the design standards required for public realm and building design that benefit people's health and well-being, and the Council should work to build climate change resilience into the built environment.

Medium Term

1. Require supply chain carbon foot-printing from new build and refurbishment projects so that the borough can address the challenge of embedded carbon.
2. Create an interactive EPC Map of the Borough for residential and commercial buildings.
3. Require specific % of natural green space within a development. The % could be linked to GIA.

Long Term

1. To work with developers to deliver a major development that is carbon positive (it generates more energy than it uses).

Recommendation 7

Set a clear strategy for connecting communities, work places, and high streets through walking and cycle paths, reducing transport emissions by 20%

The UK's historic preferred mode of transport is the car, due to ease and accessibility. Since 2011 an additional 1.6 million cars have been put on UK roads. In Haringey 55% of the population do not have a car, due primarily to the borough's good public transport links. Data shows that lower income groups make more bus and walking trips, whereas higher income groups make more car, National Rail, Underground, and cycle trips (LTDS, 2014).

Inner London (which includes Haringey) trends in transportation have altered between 2005 and 2014. Public transport use has remained relatively constant over the period, but car driver and passenger mode shares have decreased, by 18 per cent and 3 per cent respectively. Whilst the number of people walking has increased by almost 8 per cent, cycling has seen the biggest increase over the period, up 55 per cent than in 2005 (LTDS, 2014).

7.1 The Challenge

Haringey's deprivation levels and health inequalities can be reduced by improving access to essential services including health, education, employment, social and leisure facilities across the borough.

But local public transport is struggling to cope with the increasing demand from the growing population and the network is in need of expansion. The reason for this congestion is the lack of good links between Haringey's employment and residential areas. As a result of this, congestion has increased and air quality is poor, due to the high levels of standing traffic, which in turn deters the public from walking or cycling. Curitiba in Brazil (Appendix A – Case Study) was used as good example where a city had used master-planning to design how the city would handle the challenges of sustainability in a modern congested city. The city integrated a 'radical linear-branching pattern' to protect density by diverting traffic from the centre and protecting green areas by encouraging industrial development along radical axes.

7.2 Measures

The Commission have suggested below a number of short, medium, and long term recommendations that the Council should consider.

It is recommended that the enacting of these recommendations should be measured through:

- Measuring the reduction in Air Pollution (NOX, PM 10, PM 2.5);
- Measuring the reduction in fossil fuel based transport;
- Charting the increase in car clubs;
- Measuring the reduction in traffic;
- Measuring the increase in pedestrianized links between communities.



7.3 Principal Aims

Haringey's 2nd Local Implementation Plan aims to tackle these issues. It aims to ensure Haringey's transport network can accommodate increases in travel demand by tackling congestion, increasing sustainable transport capacity, encouraging modal shift and reducing the need to travel.

It also intends to facilitate an increase in walking and cycling to improve the health and wellbeing of Haringey's residents, increase transport access and connectivity to and from Haringey's key employment and regeneration areas, including Wood Green town centre, and the growth areas of Haringey Heartlands and Tottenham Hale.

Air quality issues will be tackled and CO₂ emissions reduced from transport through smarter travel measures to reduce car use and encourage the use of low carbon transport alternatives. This will ensure the transport sector makes the necessary contribution to achieving a 40% carbon reduction by 2020 and a 60% reduction by 2025.

The plan aims to ensure that transport protects and enhances Haringey's natural and historic environment, including biodiversity, landscape, townscape, cultural heritage, water resources and land to minimise the effects of unpredictable events arising from climate change on the transport network. The "Road Diet Scheme" (Appendix A – Case Study) has been used in New York (and now being considered for Oxford Street by 2020) to great effect to reduce air pollution, increase social interaction and community cohesion, and redesigning street usage to reduce polluting vehicles in residential areas.

7.4 Actions & Milestones to improve Transport & Connectivity

Short Term

1. Provide a "transport choices health map", showing residents the low carbon transport options available to them whilst also quantifying the health benefits of those choices.
2. Develop a transport masterplan that maps potential car-free routes through the borough and links to existing cycle and footpath networks. Set up a scheme to close roads and create temporary green open spaces to improve air quality and social interaction.

3. Haringey to deliver safe, well lit routes for cycling and walking linking home with services and work destinations.
4. Provide better "homes for bikes" at schools and nurseries to enable more cycling, improving children's cardio vascular fitness, and improving safe routes to walk or cycle to school.

Medium Term

1. Enact temporary road closures where possible to restrict transport emissions and improve air quality. Such closures could be linked to Council run information sessions communicating sustainable transport choices.
2. Set guidelines on sustainable travel for council employees and contractors. Where vehicle use is necessary increase the number of EV/hybrid vehicles used.
3. Use the Council's procurement power to require that deliveries related to Council contracts in the borough are only performed by low/zero carbon vehicles.
4. Develop a borough car-free network plan.
5. Set up transport and delivery hubs for re distributing deliveries from lorries to bikes where possible reducing traffic and pollution in the most urgent areas close to schools.

Long term

1. Establish a car-free network of streets across the borough that connect to wider existing cycle and footpath networks.
2. Create Low Transport Emission Neighbourhoods in the borough through restricting traffic use and creating more cycle and walking routes.
3. Work with partners to get investment into the re-fuelling network for EV's and hydrogen vehicles in the borough.

Conclusion

The Council has been forward thinking and bold in asking for an external independent challenge and review on its regeneration programme. Haringey's regeneration programme is already a market shaper in London due its scale and location close to the centre of London. And if the Council embeds many of the Commission's recommendations within its work streams, we believe that the regeneration of Haringey will raise the bar of sustainability and wellbeing from which many regenerations schemes will follow.

The seven recommendations in this report cover a wide range of environmental, health and community well-being objectives. These will stretch the Council and its partners, but the Commissioners believe that as demonstrated through the case studies and guidance contained in this report these can be delivered in Haringey. These short, medium and long term actions will deliver a healthier, stronger, safer, and more sustainable borough.

As the next steps the Commission hope that the Council will respond on the following three next steps:

1. The Commissioners want the Council to respond to the actions and demonstrate, where they agree, that they will embed these actions into the Council's regeneration programme and wider work.
2. The Commissioners hope that progress against the recommendations will be reported on annually through the Council's Annual Carbon Report, which already tracks the Council's performance on carbon reduction. Reporting back publicly will demonstrate progress, leadership, and encourage others to report on their positive actions.
3. Finally, we ask that where it can the Council broadens the scope of some of the actions to support the wider range of ambitions set out in this report. For example, the Council could explore using its procurement powers to embed complimentary outcomes on issues such as air quality and carbon reduction.

To help the Council deliver on the recommendations, several of the Commissioners are keen to keep in touch and support the work the borough is working on. And collectively the Commissioners will support Haringey's leadership and progress on this work where they can.

Appendix A

Case Studies and Exemplar Projects

Mental Health & Physical Wellbeing

Well-being of Future
Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act recently came into being creating accountability for public bodies' actions and decisions. There are seven well-being goals: prosperity, resilience, health, equality, cohesive-communities, vibrant culture and global responsibility.

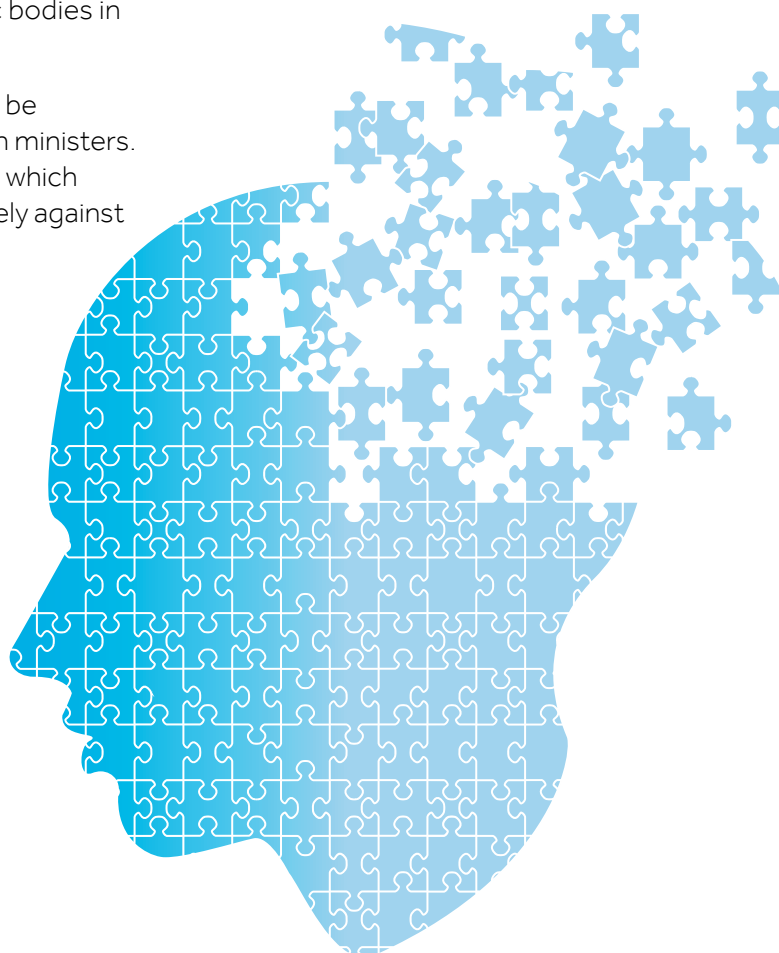
The public bodies must set and publish well-being objectives when undertaking sustainable development, explaining how they intend to meet each of the well-being goals, creating transparency, accountability and responsibility. The act will also create the role of a future generation's commissioner for Wales who will work alongside the public bodies in the Act to achieve the well-being goals.

The achievement of the well-being goals will be measured by national indicators set by Welsh ministers. The indicators must be expressed as a value which can be measured quantitatively or qualitatively against

a particular outcome or milestone. These will be reviewed and revised to stay relevant.

Progress reports will be published at the start of each financial year identifying the progress made over the past year towards the milestones.

<http://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>



Climate Change & Resilience

Malmö, Sweden

GreenClimeAdapt is a Green Infrastructure initiative in Malmö Sweden where a number of innovative environmental management tools were tested to show how urban areas can adapt to climate change. These tools include open storm water management, green roofs and green facades. A storm water management system was designed to greatly reduce flood risk with sedimentation and filtration ponds used to clean run-off water before it was re-used. Moreover water management slows water flow in heavy rain, reducing erosion of rivers and streams. Green facades were used to give buildings natural cooling and they can also increase the effect of photovoltaic solar panels.

The benefits for the city are instant and show the local area what can be done to tackle climate challenges. The project needs to be monitored longer term so that the long term benefits can be fully evaluated to ensure the project's investment is viable and can be replicated. However in the short term by incorporating climate change measures, Malmö is more prepared for changing weather conditions in the future.

http://ec.europa.eu/environment/life/project/Projects/index.cfm?fuseaction=home.createPage&s_ref=LIFE07%20ENV/S/000908&area=2&yr=2007&n_proj_id=3263&cfd=53147&cftoken=82b8cd267ad49c5c-D6BD3777-DC16-0D58-BC63016EEBAE428D&mode=print&menu=false



The system is being employed in a 45 hectare industrial estate in Malmö. The open storm water design successfully resulted in reduced peak-flows and reduced erosion risk for the Riseberga Creek. It now retains 90% of rainfall of a ten year peak event, whilst additionally providing recreational facilities to residents. The green facades showed they cooled the external surface of buildings by 8 °C, while the internal temperatures were reduced by between 1-1.5°C.

Carbon Reduction & Energy

Greenwich Millennium Village, London (GMVL)

Although over a decade old the Greenwich Millennium Village has proven to be a leader in carbon reductions and energy saving. The pioneering techniques have earned the project an Ecohome 'Excellent' rating. The building materials, waste and recycling systems, water savings and the energy savings in the home have been at the forefront of the development and were designed with the fundamental aim of being as sustainable as possible.

Metropolitan and E.ON having the contract to provide the district heating to the growing development, which will incorporate 1,700 new units being built over an eight year period.



With large scale fabric improvements, additional insulation to metal stud wall constructions, roof and ground floors, high performance aluminium composite and timber windows the properties are far more energy efficient. This is a major factor towards the 44% increase in energy efficiency since 1999. Moreover building design allows maximum natural light combined with low energy lighting along with more natural ventilation.

With phases one and two complete 1,100 homes have been finished, which is more than was originally planned. Phases two and three are ready with

E.ON has a partnership to provide heat via Metropolitan (who are already contracted to provide the electricity, water, sewerage and fibre networks) through a District Heat Network to residents. This will provide price protection over the next 50 years and reduce overall carbon consumption by eliminating the need for gas boilers in every property. The advantage of this is that the system can be powered by waste heat derived from other industries or power generation methods using Combined Heat and Power plants (CHP). Incineration can also be used as the power source utilising the heat energy generated which would otherwise be wasted. This further assists GMVL in achieving their carbon-reduction compliance.

http://www.theade.co.uk/metropolitan-and-eon-deliver-lower-carbon-district-heating-to-a-major-london-development_3123.html

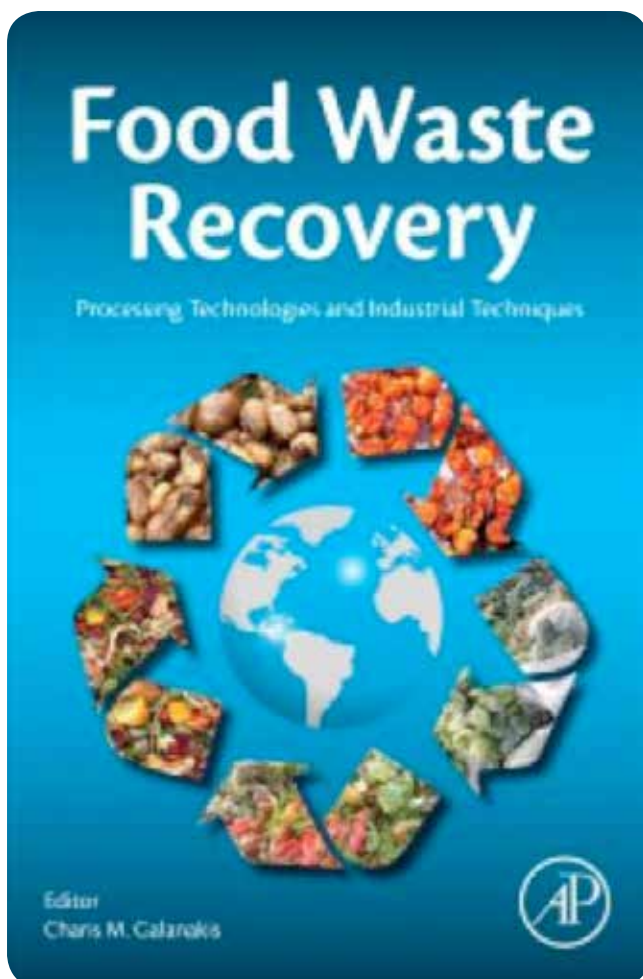
Waste & Recycling

Lisbon, Portugal – Zero Food Waste

Lisbon aims to become the first zero food waste capital in the world. The vision is to ensure food that would be otherwise thrown as waste reaches the city's disadvantaged. Excess pre-prepared foods and leftovers, that are perfectly adequate for consumption, are collected from various private and public entities such as restaurants and canteens. The movement then distributes the food to various charitable institutions.

Now the charity has over 100 active donors with around 60 recipient institutions. This provides food for 2,100 families in need which amounts to around 7,300 people. In the last 20 months the movement has saved close to 900,000 meals from going to waste which has come at zero cost for any of the parties involved. Since 2012 1.5 million meals have been distributed, which would have otherwise gone to waste. This is operating in a country where 360,000 people are thought to be going hungry and 50,000 meals a day are wasted nationally.

<http://www.fao.org/save-food/news-and-multimedia/news/news-details/en/c/240679/>

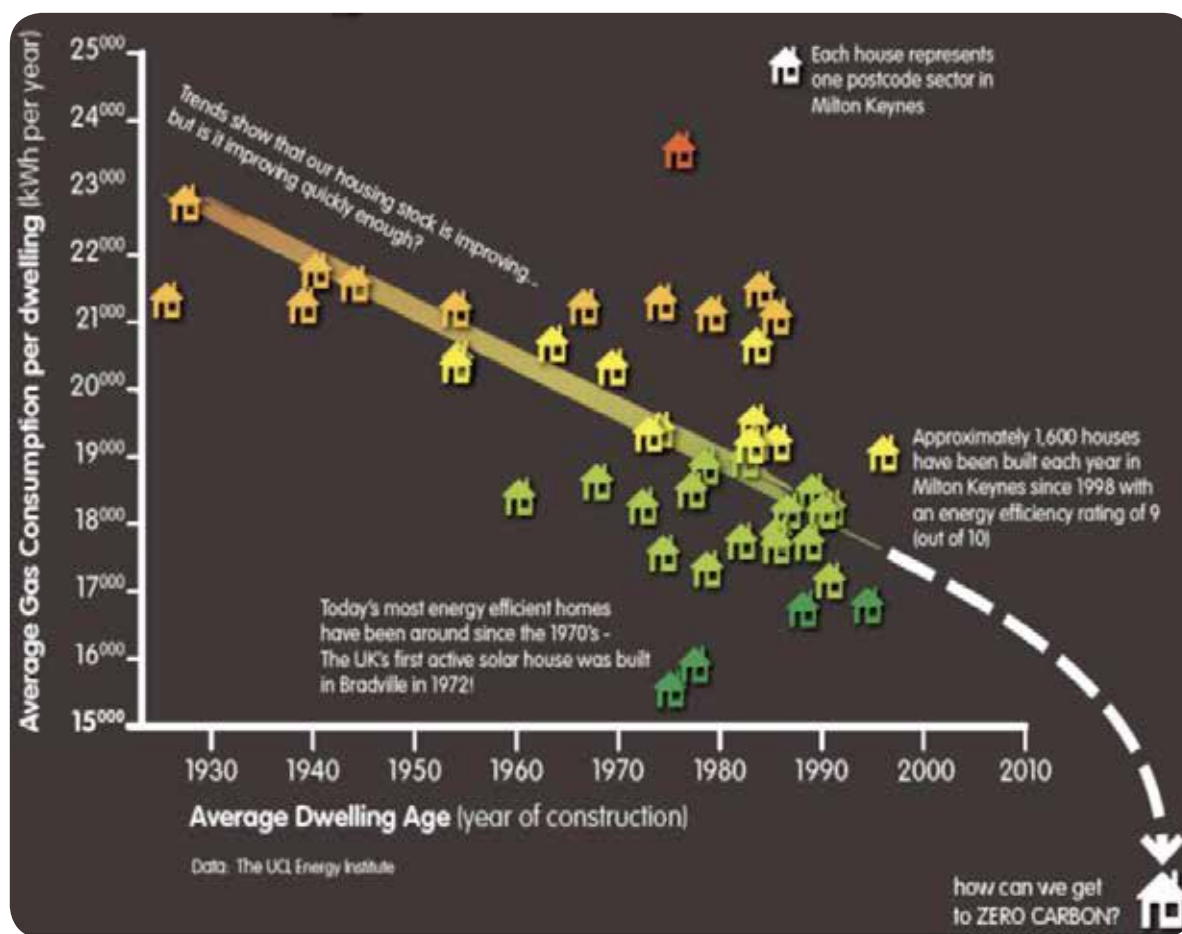


Clean Technology

Milton Keynes, UK – Carbon Offset Fund

Introduced in 2008, a new home's 'as-designed' energy statement was constructed to predict the level of carbon which will be emitted by the property in the first year of its use. The scheme charges the developer for any additional carbon emissions generated. The tax on an average house is around £400, however as the scheme is carbon neutral the developer will pay £0. This money is then used to fund improvements

to domestic properties in the area to further lower carbon emissions across the city. These improvements have shown the potential to be carried out at a carbon price below £176.50 and have a lifespan of 20 years. According to the council £250,000 has been raised which is enough to insulate 1,000 homes and since 2008 8,000 homes have received free energy efficient light bulbs as a result.



The success of the scheme has been outstanding with clear carbon benefits. But the effect has rippled its way out to the social and economic. An example of this is training days for older residents on energy use with the opportunity to receive £70 in kit to help reduce their energy bills. Now in Milton Keynes there is a 'boiler cashback' scheme where a home with a boiler rated at D or lower is replaced with a new A rated one with the occupiers getting £150 subsidy towards the replacement. This has proven extremely popular with occupiers.

The scheme's overriding success has been largely down to the continuous support of the local authorities. Furthermore the scheme generates its

own funding and can be externally managed; it can be adjusted to different areas' requirements and encourages residents to make changes to the energy consumption of their own households. The fund has shown that carbon should be costed and counted but while doing so can benefit the local residents.

<http://www.nef.org.uk/about-us/insights/milton-keynes-pioneering-carbon-offset-fund-six-years-on>

New Build & Retrofit

Greater Manchester, UK,
Retrofit Strategy

The Greater Manchester Retrofit Strategy is a framework to improve energy efficiency. The overall aim is to deliver a 55% carbon reduction on 1990 levels in the domestic sector by 2022. This will be achieved by retrofitting 1.2 million existing properties in Greater Manchester. By 2020 the scheme aims to have cut domestic carbon emissions by 48%. In the longer term the goal is for 90% of the housing stock to have an EPC rating of B, with the remainder achieving an EPC rating of C by 2035.



By working on such a large scale the strategy should create a sense of social acceptance and pressure to comply. Moreover information will be available to homeowners on what they can do to improve their homes and the strategy targets existing dwellings which are in need of the most improvement.

http://www.retrofit2050.org.uk/sites/default/files/resources/WP1_case_study_report_%20manchester_Region.pdf

This strategy helps contribute to the national carbon reduction commitment whilst confirming the conurbation with 'first mover' economic advantages in the emerging North West and UK retrofit market. Moreover it will regenerate neighbourhoods in the Manchester area making them into attractive area to come and live diminishing the levels of poverty.

The strategy creates jobs through an expanding industry for green housing improvements, feeding back into the local economy and community. Total costs are estimated to be around 12 billion pounds up to 2020 and up to 27 billion over the next decade. The success of the strategy relies on public and private sector landlords and owner-occupiers funding. Three broad categories have been identified: Prudential borrowing and bank debt, community and mutual finance and institutional investment.

Bullitt Center

Seattle, Washington

The Bullitt Center is a product of the vision for urban sustainability. Derived from the Bullitt Foundation the development demonstrates urban sustainability using materials available today.



Designed by the Miller Hull Partnership the property is a six storey state of the art green building with more than 44,700 sq ft of lettable office space costing \$32.5 million to build. The property produces all of its electricity on site via its 14,000 sq ft rooftop photovoltaic panels. Water is conserved through a variety of methods such as rainwater harvesting, a green roof and bioswale to treat graywater and composting toilets. The heating and cooling are geothermal and the building itself is made with council certified products that are free of any toxins. The building encourages green travel as it houses no parking spaces however it has an abundance of bicycle parking with shower and changing facilities.

The Bullitt Center demonstrates that sustainable and efficient buildings are achievable. The Bullitt Centre cost in the region of 23% more than an equivalent Grade A office building, yet it is around 83% more energy efficient. It will also last longer with a 250 year projected lifespan and will have negative net costs as on average it produces 60% more energy annually that it uses. Moreover with continuous research and investment in this area the cost of properties of this spec will only decrease.

The Bullitt Centre proves that carbon neutral office space can be delivered without compromise therefore commercially viable and aesthetically pleasing. Evidence is mounting that investing in greener buildings is proving more worthwhile with premiums on both rents and transactional sales.



With increased construction costs sustainable buildings aren't so appealing for a short period such as five years. However for longer term leases, investments or flagships they can provide plentiful benefits.



<http://www.bullittcenter.org/building/building-features/>

Transport & Connectivity

Road Diet Scheme – New York

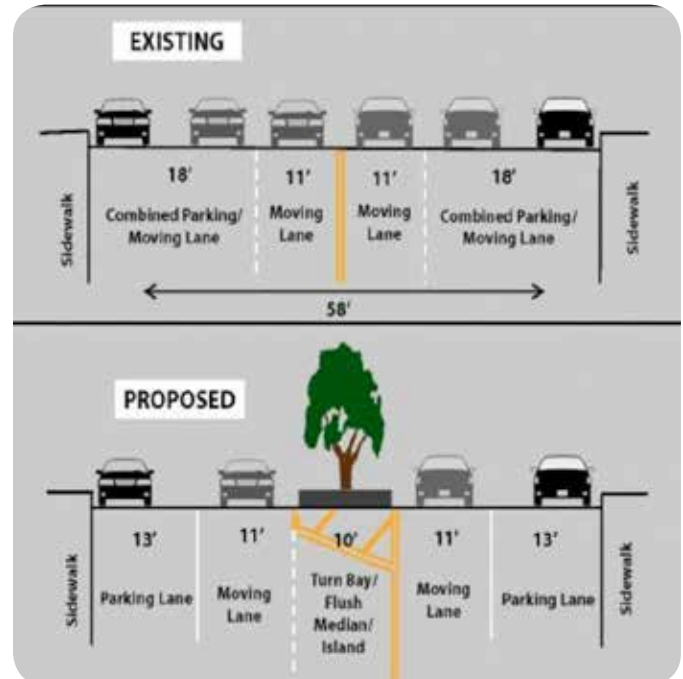
Road Diet schemes have been employed in a number of cities including New York, reconfiguring roads to be more useable and safe for all modes of transport. The New York scheme is run by the Department Of Transport, who design and implement the improvements.

Road Diet schemes typically involve a reduction in lanes with enhanced through lanes, a centre area and more prominent turning areas. Evidence from the USA suggests accident rates are reduced between 19-47% from this. This is due to vehicle's speed being reduced whilst producing a better flow of traffic which increases safety for cyclists and pedestrians. Another benefit of the scheme is that it increases the amount of green open space in urban areas. This promotes cleaner alternative modes of transport such as walking and cycling. For vehicles on the road there are clearer road markings, improved traffic flow therefore reduced commute times. On a wider scale Road Diet schemes improve mobility and quality of life as the streets become more pedestrian friendly and therefore liveable and produce a better overall environmental.

Further advantages of this scheme are that it is relatively low cost compared to the benefits gained as it produces a 'complete street' with an environment that accommodates a variety of transportation.

<http://archpaper.com/2014/01/before-after-24-of-new-york-citys-most-transformative-road-diets/>

http://www.nyc.gov/html/dot/html/pr2008/pr08_022.shtml



Oxford Street

London, UK

By 2020 Oxford Street will be fully pedestrianized over its 1.2 mile route. Cars are already banned from the street between 7am – 7pm everyday apart from Sunday, moreover since 2005 around Christmas the street has had pedestrian only shopping days. Now with over 4 million visitors a week the street will be closed to vehicles permanently. This is also a measure of the mayor of London plan to tackle air pollution.

The change will occur in two stages to ease the process. The first stage will happen to the eastern side between Tottenham Court Road and Oxford Circus, before encompassing the whole 1.2 mile street.

The advantages of this are that pedestrians will be far safer with the constantly increasing footfall, emissions will also be reduced as buses and taxis will no longer be able to operate on the road. With the road being fully opened up to pedestrians business are predicted to benefit as pedestrians will be far less restricted in their movements and will be more free to shop. This transformation is coinciding with the opening of Tottenham Court Road Crossrail station which will further saturate the street.

<http://www.bbc.co.uk/news/uk-england-london-36791485>



Urban Planning

Curitiba, Brazil

Architect and three times Mayor Jaime Lerner made a number of revolutionary changes as part of the Curitiba Master Plan gaining Curitiba global recognition for sustainability and urban planning. Recently the Curitiba Industrial City (CIC) was developed on the west side of the city which has proposed strict environmental regulations in relation to polluting industries. This has produced 200,000 direct and indirect jobs and about 20% of the state's exports now come from this region.



City centre roads have been pedestrianized. Shop owners benefit from increased footfall and the creation of open spaces encourages people to stay and shop in the city centre for longer. Curitiba has more than 50sqm of green space per person, far above the minimum 9sqm the World Health Organisation recommends, achieved through controlling urban sprawl and effectively circling the city with parks and open spaces.

<https://www.theguardian.com/cities/2016/may/06/story-of-cities-37-mayor-jaime-lerner-curitiba-brazil-green-capital-global-icon>



In transport the city has integrated a 'radical linear-branching pattern' to protect density by diverting traffic from the centre and protecting green areas by encouraging industrial development along radical axes. Bus lanes have been favoured over the creation of a subway, saving money and long disruptions from construction; now over 2 million people a day in Curitiba use the Bus Rapid Transit (BRT). The BRT has dedicated lanes making it faster and more efficient than using a car as there is no congestion and less stop time. Around 85% of residents use the system.

Hackney Wick

London, UK

As part of the 2012 Olympic and Paralympic Games preparation and legacy, Hackney Wick has undergone a large physical and social evolution which is planned to continue until at least 2030 with the London Legacy Development Corporation managing the area.

The Local Plan outlined the ideas for re-energising the area whilst maintaining and complementing the existing character. Overall the plan aims to improve the provision of residential, retail, office, workspace and studio/ creative space and provide an improved Hackney Wick Station. By 2030 the development aims to be home to 10,000 new households in five neighbourhoods under the new E20 postcode. A third of the homes will be made affordable whilst each neighbourhood will incorporate play areas, nurseries, schools, health centres, shops and community areas.

Moreover the development will have one of the best transport links into the city including the new Crossrail in 2019.

The plans for Hackney Wick focus not only on improving the offering of the area, but also on maintaining the association with creative industries, media and small businesses. New developments and redevelopments factor in space for start-ups and creative industries as to not force them out. Two of the main priorities set out were: heritage led regeneration and high quality design and creative & productive employment. Therefore there has been a strong focus on maintaining the creative image associated with the area, supporting for small businesses and creative industries and focusing around the station for a community area of independent shops and traders.



<http://queenelizabetholympicpark.co.uk/the-park/homes-and-living/existing-communities/hackney-wick-and-fish-island/hackney-wick-consultation>

Notes



An independent review
and recommendation to
Haringey Council

Haringey
LONDON

Supported by:

 **Knight
Frank**

Appendix 2. Council response to the Zero by 2050 Commission recommendations

The structure of this report (recommendations and actions) uses the format set by the Commissioners in their Zero by 2050 Commission. The time lines indicated are: short term – 1-3 years, medium term – 4 to 6 years, and the long term – 7 to 10 years.

It is important to note that – where a recommendation is marked as ‘accepted’ or ‘partially accepted’ – this does not constitute any formal decision by the Council to amend policy or commit expenditure. Significant further work and decisions, including some decisions for Cabinet, would be necessary before some of these proposed actions can be fully implemented, either through incorporation into formal Council policy or through the delivery of specific projects and programmes. Detailed business cases and funding proposals will be essential before some of those decisions can be taken.

Improve the health and well-being of the community by creating a natural environment through greening of outdoor spaces			Lead	Will the Council accept?
Short Term	1	<p>Set a standard for the amount of linked green/natural space and connecting routes that must be within the curtilage of a development area, in accordance with World Health Organisation (WHO) standards.</p> <p>[WHO suggests providing a minimum of 9 m² of reachable, safe and usable green space per capita (2010). With the ideal amount according to the same organisation, would be 50 m².]</p>	Planning policy / Development Management / Regeneration / Parks Service	<p>Partially accepted. The Council already has measures for monitoring and ensuring accessibility to green and open spaces, in order to demonstrate conformity with the requirements of the London Plan. The Council will continue to use these for ease of process.</p> <p>The Council has agreed to review its Green and Open Spaces Strategy, to inform the development and delivery of green space across the borough. Planning Policy will use the information gathered for the Green and Open Spaces Strategy (such as user numbers, and biodiversity value) as an evidence base to support the development of and access to green spaces as part of the borough’s growth. Distribution of open space across the borough is currently unequal, with the central area suffering deficiencies for all typologies.</p> <p>The Council will work to:</p> <ul style="list-style-type: none"> - Ensure major developments deliver on-site accessible open space provision; - Develop the Haringey Green Grid to create better linkages between open spaces; - Increase accessibility to these spaces; and - Increase the quality of the open space. <p>The Regeneration and Parks teams will seek out funding to deliver projects set out in the Emerging Green and Open Spaces Strategy, which could be found through planning gain, grants, capital, CIL and s106. GLA and other national funding streams are also available. Projects will be subject to the Council’s decision-making processes once a business case has been made.</p>
	2	<p>Discourage private gated space, and ensure that the majority of green space and connections within new development is open to the public. Ensure green space is well connected, as part of green networks across the borough.</p>	Planning Policy / Development Management / Regeneration	<p>Accepted. The Council has planning policy (DM3B) to discourage gated space and ensure new open space provided is accessible for individuals and groups. The Council will continue to promote and enforce this.</p> <p>The Council’s Streetscape Design Guide covers the whole of the borough and addresses issues around “accessibility for all” and “places for people”</p> <p>Private space and accessibility will be picked up in the Urban Design Frameworks (lead by the Regeneration Teams) to support the existing planning policy. These Frameworks will be subject to the Council’s decision-</p>

				making processes.
	3	Explore the feasibility of calculating the net temperature increase resulting from a new development, and requiring the development to mitigate this gain through 'carbon sink' natural spaces.	The Council does not have a Climate Change Adaptation lead.	<p>Not accepted. To deliver this, the Council would require a detailed set of localised weather pattern modelling data to act as the baseline. It would then require the Council to develop a model which predicted the impact of the building design on the local weather and climate pattern. At present this level of detail is not available.</p> <p>But the Council will:</p> <ul style="list-style-type: none"> - lobby the GLA to develop this as the data sets are found at a London level; - continue to deliver green & open space that is designed for extreme weather events, which build in climate change resilience and address increased demand - require overheating analysis of major new developments - develop community infrastructure designed to act as refuges in extreme weather
	4	Establish the 'Borough Green Grid'.	Planning Policy / Parks Service	<p>Accepted. The Council has planning policy setting out the requirement to deliver a borough green grid. The review of the Council's Green and Open Spaces Strategy will inform the development and delivery of the Green Grid Policy across the borough.</p> <p>The Council has a clear objective to increase linkages between spaces and access to the Lea Valley Regional Park, with delivery arrangements set out for example in the Tottenham Hale District Centre Framework. Major schemes (such as High Road West) will include new green and open spaces.</p>
Medium Term	5	Formalise design criteria for public spaces that consider the importance of clear lines of sight, light, and greenery. Not just appearance but also safety and mental health.	Planning Policy / Regeneration / Public Health	<p>Accepted. The Council has planning policy that sets the ambition for high quality public realm, including to promote safety and wellbeing.</p> <p>These policies and guidance will be incorporated into the Urban Design Frameworks and Design Codes for the Growth Areas, and thus promoted to developers. This can also be supported through the Council's Sustainability Planning Advice Note (PAN).</p> <p>The Green and Open Spaces Strategy will address this issue within its objectives and actions. The Council is also reviewing its Streetscape Code which will similarly incorporate aspects of this recommendation.</p>
	6	Provide policy guidance to developers on how to consider Health and Wellbeing in design and construction.	Planning Policy / Public Health / Regeneration	<p>Accepted. The Council has planning policy that requires developers to consider health and wellbeing impacts in the application process. Further guidance will be needed on Health and Wellbeing, and it would be appropriate to include this work within the development of a Sustainability PAN.</p> <p>The number of Health Impact Assessments is increasing, and Haringey Council is working with the Town and Country Planning Association (TCPA) on Health and Planning. It is proposed that Public Health work closer with the Planning and Regeneration services to ensure that their objectives are included at an early stage of policy and scheme development.</p> <p>The Council's emerging design documents for the borough regeneration areas will identify current best practice and include advice on improving health and well-being in regeneration schemes.</p> <p>Along with capital, grant, s106 & CIL, the LIP may also provide a funding source for projects. Integration of public health outcomes could be integrated into new capital projects.</p>

	7	Increase social cohesion by using infrastructure in open spaces that enable communities to mix and maximise open space use.	Parks / Highways / Regeneration	<p>Accepted. The Council has good levels of community engagement around the Borough's parks, and events in green spaces are already used to bring the community together e.g. through Friends of the Park, Finsbury Park Festival and the Tottenham Green Fair.</p> <p>In reviewing its Green and Open Spaces Strategy, the Council will address how to increase access to, and use of, our green and open spaces. This work will include building on projects that have already started including green gyms and food growing, which also help to tackle social isolation.</p> <p>The community are involved in masterplans and design frameworks in growth areas. Increasing access and activities in open spaces will be included as a policy objective in design frameworks in the growth areas of the borough.</p> <p>Council capital, grants, s106 & CIL, the LIP may provide a funding source for projects.</p>
	8	Haringey to set a target of open spaces by 2030, being managed and maintained by the communities they serve.	Planning Policy / Parks / Community	<p>Accepted. There is 5,587,000m² of public green open space in Haringey. This is maintained by the Council with the involvement of the community.</p> <p>Community engagement is necessary with less resource and funding to manage existing and new open spaces across the borough. It also offers an opportunity to improve the local quality and the usability of these spaces. These linkages will be addressed through the emerging Green and Open Spaces Strategy and community upskilling maybe required to ensure long term sustainability.</p>
Long Term Actions	9	Set up a review process to continually develop the 'Borough Green Grid'.	Planning Policy / Parks	<p>Accepted. There is a specific planning policy (DM20) intended to ensure new open space is secured through development and/or connections between existing open spaces. The Council has agreed to review its Green and Open Spaces Strategy to support the strategic delivery of Green Grids.</p> <p>The Council's Planning Policy team will use data from the Strategy as an evidence base to develop policy recommendations and support the delivery of the borough green grid.</p> <p>The Council has a clear objective to increase linkages between spaces and access to the Lea Valley Regional Park, with delivery arrangements set out for example in the Tottenham Hale District Centre Framework. Major schemes (such as High Road West) will include new green and open spaces.</p>
	10	Install air quality monitoring systems including encouraging people to use wearable air quality monitors to collect data/inform behaviour.	Pollution	<p>Partially accepted. It is accepted that more needs to be done to raise awareness and highlight the impact of poor air quality. The Council will continue its schools awareness programme on this topic, and work with the GLA on identifying the schools in areas of high pollution and delivering an action plan to improve the air quality in and around these schools.</p> <p>The cost of mobile monitoring stations is high, and their reliability limited. Personalised mobile air quality monitors are not considered cost effective.</p> <p>A new air quality monitoring centre is proposed in Wood Green as part of TfL's Low Emission Bus Zone, and to monitor the impact of development in the area.</p>

				<p>The Pollution team will:</p> <ul style="list-style-type: none"> • continue to manage the Council's air quality monitoring network, focussing on hotspot areas and sensitive receptors. • continue with its school awareness raising programme. • Continue to promote airtex and walkit.
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Create a climate change adaptation and resilience plan to future-proof and reduce vulnerability		Lead	Will the Council accept?
Short Term Actions	1	Design buildings that accommodate a more Mediterranean type environment for summer months and can cope with wetter winters. Encourage property developers to look at old architectural methods (Chinese and Arabic) that incorporate shading, courtyards, use of green spaces, etc.	Planning Policy / Development Management / Regeneration / Property
	2	Update planning policy so property developers assess the thermal density of materials that can cope with cool and warm weather conditions to adapt to future climate change. [Thermal mass elements assists in the reduction of energy consumed in heating and cooling. It can reduce the energy consumptions, reducing costs, improving comfort, and reduce or eliminate the need for air conditioning. Introducing thermal mass into light weight structures cool structures once the external temperatures increase and ventilation fail to provide comfort. Thermal mass in lightweight structures in winter stores heat to keep buildings warm without energy sources.]	Planning Policy

Partially accepted. The planning service will continue to use its existing policy and work with developers to ensure that buildings are designed not to overheat, deliver open spaces, and manage surface water. The final design of these buildings is down to the applicant.

The Council does not specify a design typology on development. Developers come forward with initial designs which are then reviewed by the Council. The Council requires that new development is designed to address future weather patterns, specifically overheating risks and surface water downpours. Further policy advice on design could be picked up through the development of a Sustainability PAN.

The Council's emerging Urban Design Frameworks for growth areas will include this as a design principle in buildings. It will also recommend creating public spaces which are able to cope with extreme weather as an objective.

Not accepted. The Council uses the London Plan Cooling Hierarchy to help the design of buildings to demonstrate that they do not overheat. The Cooling Hierarchy reports encourages the opening up of thermal mass to help cool buildings down.

Neither the London Plan policy nor the Council set targets for the thermal density of the materials through these reports. However, overheating reports do use the thermal mass of developments to demonstrate that the building does self-cool.

The Council would need to use existing databases on materials to identify their thermal density, and to rate them (positive or negative) and ensure that these were implemented appropriately in schemes. This would require access to datasets which are not in the public domain and resources to implement these in developments. To deliver this action would require specialist training of planning officers. Alongside access to building materials specifications which would increase costs.

The Council can promote this issue to national and regional government.

Medium Term Actions	3	Produce a Haringey strategy for 'living buildings', including integrated green walls for façades, green roofs, and green spaces within the public congregational areas of buildings.	Planning Policy / Regeneration	<p>Accepted. There are policies within the Local Plan that promote green roofs and walls aimed at enhancing biodiversity and helping to improve the thermal performance of buildings. However, the policies fall short of requiring 'living buildings.'</p> <p>Guidance exists across various sources on Living Buildings. The Council will develop a Sustainability PAN and include the case for including living infrastructure into building design. The final design of developments will need to be owned by the developers.</p> <p>The Council's emerging Urban Design Frameworks for growth areas will include this as a design principle in buildings and open space. It will recommend maximising green infrastructure in the urban fabric.</p> <p>Capital, grants, s106 and CIL may provide a funding source for implementation and retrofitting as appropriate.</p>
	4	Set a fixed % of green space area, including wildlife, flora and fauna, biodiversity and eco-systems, related to GIA, that all new developments must meet.	Planning Policy / Regeneration	<p>Accepted. There is currently no policy on this within the Local Plan.</p> <p>But areas of the borough that are deficient in green and open spaces have stronger policy basis to negotiate green and open spaces from development.</p> <p>Guidance around this could be picked up through a Sustainability PAN. Policy could be developed in AAPs and in masterplan areas where areas are identified and could be brought forward to mitigate increases in density numbers. A new policy can only be taken forward at a full or partial review of the Local Plan; this is next due in 2023.</p>
	5	Set a borough-wide target for increased tree planting	Parks / Highways / Development Management / Planning Policy / Regeneration	<p>Accepted. Planning policies are currently concerned with the retention of trees of significant townscape quality or amenity value, such as Grade A and B trees, not necessarily with increasing tree coverage. But increasing tree coverage is a key theme in the Mayor of London's Draft London Environment Strategy.</p> <p>The Council has agreed to review its Green and Open Spaces Strategy, and can address this issue. Increased tree planting can cover parks and residential areas but also commercial estates to improve the environment for business. Tree cover is also an aspect of Green Grid delivery.</p>
	6	Develop a policy and strategy for reducing the number of mechanically ventilated buildings in the borough, promoting natural ventilation and hybrid ventilation.	Planning Policy / Development Management	<p>Accepted. Natural and passive ventilation systems are already promoted in building design through planning policy (LP 5.2, and Local Planning Documents SP:04). But in some instances, mechanical ventilation is required such as areas of poor air quality and noise. Passive ventilation also requires that the air sucked into a building is from a non-pollution background.</p> <p>As the development industry increases the demand for mechanically ventilated and cooled buildings it is accepted that the Council should reviews its policy and put forward an alternative.</p> <p>Further advice could be picked up through the Council's Sustainability PAN. Policy could be developed at the next review of the Local Plan to specifically address cooling strategies.</p>

	7	Establish a 'Haringey Climate Change Adaptation Fund' that requires developers to not just address climate change adaptation within their developments but also to contribute to climate change adaptation projects across the borough.	Planning Policy	<p>Accepted. This is accepted in principle, but cannot be implemented at this time as there is currently no policy basis for doing so. An adaption fund could be developed as part of the Council's future planning policy framework. This would be a leading policy development and would need to pass the statutory tests for planning obligations.</p> <p>The Council can:</p> <ul style="list-style-type: none"> - Review this position when reviewing the Local Plan (c2023); - Propose to the GLA that the emerging London Plan should look at this area for potential policy development; and - Work with industry to test and develop this policy area.
Long Term Actions	8	Expand the Durham University partnership to include for research into climate resilience and adaptation innovation which could be trialled in the borough.	Carbon Management	<p>Accepted. The Durham partnership with Haringey is currently operated on a project-by-project basis. Both parties are engaged on growing this partnership subject to funding and research needs, with a view to agreeing an updated Memorandum of Understanding.</p> <p>Projects and research being proposed include:</p> <ul style="list-style-type: none"> - Electric Vehicle recharging; - Fuel Poverty Project Assessment; - District Energy Network operations.
	9	Integrate the Haringey 'Living Buildings' strategy into planning guidance.	Planning Policy	<p>Accepted. There are planning policies within the Local Plan promoting green roofs and walls aimed at enhancing biodiversity and to helping to improve the thermal performance of buildings. However, the policies fall short of requiring 'living buildings.' Guidance is found in the Council's existing Sustainability SPG.</p> <p>This will be picked up through the Sustainability PAN and can be worked into future planning policy at the next review of this document.</p>
	10	Set borough-wide targets for biodiversity, water management and micro climate improvement through tree planting. To be incorporated into planning policy.	Planning Policy / Central Policy	<p>Accepted. The Council has agreed to review its Green and Open Spaces Strategy, which will address this issue. Longer-term planning policies could be amended to do the same, through a full or partial revision to the Local Plan which would need to be supported by a robust evidence base. This would be monitored through the Annual Monitoring Report undertaken by the planning team.</p>

Deliver a Zero Carbon & Net Energy Positive Haringey by 2050			Lead	Will the Council accept?
Short Term Actions	1	The Council should set out a route map to be being zero carbon by 2050. This needs to be hard-wired into planning and legal contractual agreements for borough wide regeneration joint ventures, i.e. the HDV.	Carbon Management	<p>Accepted. The Carbon Management Team is developing a route map to Zero Carbon by 2050, describing how the Council could deliver the Leader's ambition and align the Council with the Mayor of London's ambition. The Route map is expected to go to Cabinet for consideration towards the end of 2018.</p>
	2	The Council should identify a site and work with its selected development partners to deliver an exemplar zero carbon development. This should	Development Management / Regeneration /	<p>Accepted. The Council has identified sites where this could be delivered as part of its growth ambition in Growth Areas. The Council is exploring options to work up this specification to deliver leading practice on its own sites. This includes Ashley Road North, and Northumberland Park. The Council also has the aspiration for</p>

		be zero carbon in operation and construction, and deliver a step change in embodied carbon.	Carbon Management / Property Services	its own new office building to be zero carbon. Policy to deliver this through planning exists and the Council will continue to push developers to deliver this on privately-led schemes.
	3	Produce a map of energy storage opportunities in the borough. This will act to reduce energy wastage in the medium term and improve the deployment potential of stochastic renewables.	Carbon Management	Accepted. The Carbon Management Team is developing a route map to Zero Carbon by 2050. Energy storage will be a key part of this and a proposed delivery plan will be included. The Council will review this on its own sites on a case by case basis.
	4	A review of the Council's own assets (office buildings, schools, libraries, museums, etc) and put in place an action plan to reduce Council run assets emissions and achieve zero net carbon emission buildings by 2025, i.e. leading by example.	Carbon Management / Property Services	Accepted. A new Council Corporate Carbon Management Plan will be developed in 2018. This will look at Council buildings and other properties where the Council is responsible for the energy bills. This will link into the new requirements under the Housing and Planning Act 2016. The aspiration is for the Council's new office building to be zero carbon.
	5	Set targets for new development to not just reduce CO2 emissions but to actually sequester CO2 through materials and technologies used. [Carbon Sequestration is where carbon emissions are locked into a fixed state rather than as a gas that will cause Climate Change. Some emerging technologies can lock carbon into concrete during manufacture or overtime take it out of the environment over the life of the materials]	Carbon Management / Planning Policy	Not Accepted. There is no policy foundation nor clear way of implementing this. There is emerging policy work on offsetting operational carbon emissions with higher standards of embodied carbon but this would not necessarily sequester additional carbon. The carbon sequestration ability of building materials is not published in the UK. This would be required as a new evidence base support to introduce a new policy requirement, including demonstration of the impact on development viability. It is likely that the technology needed and the cost to deliver this and become a development norm would be challenging if looking at just Haringey. The Council can propose to the GLA that it look at this area in the emerging London Plan.
	6	Maximise community owned renewable installations through establishing a community renewable energy fund.	Community / Carbon Management	Accepted. The borough already has successful and growing community energy companies that have delivered solar panel installations. The Council supports the installation of Community Renewable wherever it can, including through its planning and property services. The Community Company EN10ERGY is seeking funding from the GLA to deliver strategic maps for renewable installations.
Medium Term Actions	7	The Council to work with private building owners to draw up plans for achieving at least 40% cuts in net energy usage by 2025, and achieving carbon neutrality by 2050. This could focus initially on big users, e.g. supermarkets, industrial and commercial estates, housing associations, utilities, etc.	Carbon Management / Economic Development / Regeneration	Partially accepted. The Council will continue to work with businesses to improve their energy efficiency, through a range of mechanisms potentially including the proposed Wood Green Business Improvement District (BID). Measure performance across private building owners would be challenging. The Council could use carbon offsetting contributions and other funding streams to support SMEs to improve their energy performance and costs.
	8	Require the installation of energy displays in all new build and retrofit residential, commercial	Planning Policy / Carbon	Accepted. All new and newly refurbished buildings have this data, which is also collected when buildings are rented or sold. The Council will continue to promote energy efficiency and carbon reduction through its

		and mixed-use properties, encouraging residents to observe and control their own energy usage and highlight the savings achievable.	Management / Communications Team	publications. This issue could also be picked up through the development of the Sustainability PAN. Planning policy could require this in new build, but it would require new policy which could be developed in 2023.
	9	Require developers of new properties to actively engage with new and evolving façade treatments, such as solar integrated façades.	Development Management / Carbon Management / Regeneration	Accepted. The Council does not specify a design typology on development. Developers come forward with initial designs which are then reviewed by the Council. The importance of maximising space for renewable energy generation can be picked up through the development of the Sustainability PAN. Presentations to the Haringey Innovation Hub have already demonstrated the commercial viability of vertical solar power generation integrated with glazing.
Long Term Actions	10	Enforce Air Quality Neutral standards across the borough for all new developments.	Pollution / Development Management	Accepted. The borough of Haringey is a designated Air Quality Management Area (AQMA). Planning Policy DM23 requires all development to identify and mitigate air quality impacts and ensure that new development does not lead to further deterioration of existing poor air quality. Major developments are required to undertake Air Quality Assessments and AQ Neutral assessments. This is also in accordance with the GLA's SPG Sustainable Design & Construction.
	11	Create a policy to deliver carbon positive developments.	Planning Policy / Carbon Management	Accepted. The Council has policy on Zero Carbon Developments that covers all development types and sizes. However, there is no carbon positive policy in the UK. The local planning policies will be reviewed in c2023. By this time, it is expected that the development industry will be delivering on-site zero carbon developments as the norm. Already there are carbon positive developments in the UK. Although technically viable to deliver this, this policy would be subject to viability assessment.
	12	Deliver large scale renewable technologies in the borough to act as a beacon for action and increase local energy generation.	Development Management / Planning Policy / Regeneration / Carbon Management	Accepted. The Carbon Management Team are developing a route map to Zero Carbon by 2050, which will address this issue. There will be a need to identify suitable technologies and locations for these renewables.

With the North London Waste Authority reduce waste to landfill to zero and increase recycling rates		Lead	Will the Council accept?
Short Term Actions	1	Set clear policy and targets that ensure Haringey reduces landfill to 0% by 2030.	Waste Services
			Partially accepted. In line with the waste hierarchy, the Council considers landfill as the last, and least desirable option for the disposal of waste. In 2015/16, 12% of the London Waste Authority (NLWA) waste was sent to landfill with gas collection. The Mayor of London 's London Plan aims for London to "work towards zero biodegradable or recyclable waste to landfill by 2026" – Policy A (c). Haringey has signed up to these targets through the NLWA Waste

				<p>Strategy which sets out how NLWA will work towards these targets.</p> <p>The Council has already committed to minimise the waste stream to landfill and work towards this target. Where landfill is required gas produced is captured to mitigate further environmental impact. The council will work with NLWA to ensure that this target is delivered.</p>
	2	Empower local waste & recycling Champions within the community, to increase awareness in their own areas and encourage others to change behaviour.	Waste Services	<p>Partially accepted. The Council and NLWA continue to support projects which support local champions, including through community grants and awareness raising, but has found that the impact is difficult to quantify. Together, the Council and NLWA promote best practice through a web-based education and engagement service including educational pages, facts on waste, and advice on how to deliver a better local environment.</p> <p>Where a business case can be delivered to demonstrate increased recycling and better waste management this will be put to Cabinet or delivered via NLWA.</p>
	3	Develop a Further Education waste & recycling qualification, in partnership with local colleges and waste businesses.	Waste Services / Economic Development	<p>Not accepted. There is no local qualification in waste / recycling. There are City and Guilds qualifications, and the Institute for Waste Management offers a range of qualifications from basic waste operative skills to an MSc.</p> <p>There is not evidence of demand, or an identified skills gap, for a waste / recycling qualification. The Council will work with its local further education college (CONEL) and others to verify this, and if gaps are identified and demand is verified, we work with them to address the skills need. This would always need to demonstrate that training can lead to jobs and a career pathway.</p>
	4	Conduct a feasibility study into the potential for integrating micro-scale waste to energy solutions into new developments. Considering primarily anaerobic digestion or pyrolysis of non-recyclable waste.	Regeneration / North London Waste Authority (NLWA)	<p>Partially accepted. At this stage there is no work being developed on this. This idea is promoted by groups such as Bioregional and was a policy in a previous London Plan.</p> <p>A developer would have to come forward with this as an option to deliver carbon reduction and waste management. The Council would always consider this, and work with the developer to understand the wider impacts (such as on air quality) and consider any proposals. It is likely that this technology would only be brought forward on significant major development sites, where community heating would also be required.</p>
	5	Commission a study to establish what is the difference in uptake of recycling between different socio-economic areas in the borough, and what can be done to improve recycling rates across these areas.	Waste Services	<p>Not accepted. The Council has data on uptake rates among different parts of the borough's community. This shows that in Haringey's transient populations, and residents in houses of multiple occupancy (HMO's) understanding of waste management is the main barrier to increasing recycling rates.</p> <p>The Council will work with NLWA to improve communications to its communities, but this may not address the transient population issue. The Council will continue to promote recycling through a web-based education and engagement service, alongside events with NLWA, including through targeted messaging to key groups within the borough.</p>
Medium Term Actions	6	Create recycling stations for old furniture (restoration and repair) to provide inexpensive recycled products to residents.	Waste Services	Not accepted. The Council has supported furniture reuse and recycling projects in the past, though this has since been found to not be viable having been replaced by increased use of eBay, Freecycle and other web-based platforms. There is no evidence that residents would prefer recycling stations to these platforms.
	7	Work with supermarkets to redistribute food that would have gone to waste to local shelters,	Regeneration / Economic	Accepted. The Council supported a local food distribution centre in Northumberland Park. This has not been as successful as hoped due to the supply chain and strategic policy barriers.

		disadvantaged households, and charities.	Development / Waste Services	However, supporting such initiatives remains an ambition in the Council's Economic Development and Growth Strategy. The Council and the GLA will work with suppliers and community groups to develop proposals. Any proposal brought forward for approval would need to address risks and be clear on expected outcomes.
	8	Set policy and targets around waste from demolition and construction on development sites.	Planning Policy	Accepted. The Council encourages development to deliver waste management through the use of BREEAM assessments. Demolition waste (not construction, not operational and non-hazardous) of more than 85% from volume diverted from landfill, and construction waste (non-demolition / operational) of more than 85% from volume diverted from landfill are currently seen as best practice by the BRE. The Council will review the development of these targets through the review of the Local Plan in c2023.
Long Term Actions	9	Create a cluster of recycling industries alongside the North London Eco Park.	Regeneration / Planning Policy / Economic Development	Partially accepted. Most of the industrial land in Haringey is well used and successful. Waste industry land is protected in the London Plan. The Council does not have any strategic proposals for industrial estates across the borough. The Council has identified in its Economic Development and Growth Strategy that the Clean-Tech sector as a one of the key sectors that can have the greatest impact on Haringey and deliver the best outcomes. The North London Eco Park is owned and managed by NLWA. The Council will work with them to scope and assess the market appetite for this.

Drive the uptake of clean technology across Haringey's built environment targeting new development		Lead	Will the Council accept?
Short Term Actions	1	All major developers in the borough should be required to join the Haringey Innovation Hub.	Carbon Management / Development Management Accepted. Policy 5.8 of the London Plan expects development to include innovation to deliver carbon reduction. Leading mechanical and design teams and consultants are already members of the Haringey Hub. This policy and this solution can be promoted through pre-application meetings and the Council's Sustainability PAN.
	2	Develop a strategy to encourage energy storage technology within developments. Consider energy sharing across red line site boundaries.	Planning Policy / Carbon Management Accepted. The Council will deliver the headline options for this as part of the borough's emerging Zero Carbon by 2050 Plan. The Council will review delivery options for this and work with developers and investors to deliver this in the borough. If a business case can be made for the Council to make a more active role in delivery, then this will be worked up for approval.
	3	Set strategy and goals to ensure developers integrate clean tech into developments.	Planning Policy / Carbon Management / Development Management Accepted. London Plan Policy 5.8 encourages development to include innovative Carbon Reducing technologies into schemes. This can be promoted through pre-application meetings as the policy basis is already there.
	4	Assess the feasibility of developers and/or the development vehicle contributing to a fund for trialling new technologies in some of Haringey's	Planning Policy / Carbon Management / Accepted. London Plan 5.8 expects major development to integrate innovative technologies to support London's emerging Clean Tech sector.

		new developments.	Development Management / Regeneration	<p>The Council manages the Haringey Innovation Hub which works with developers to match them with emerging technology to suit their needs. The Hub has a long list of technologies keen to trail in Haringey.</p> <p>The Council could work with its development partners, encouraging them to join the Hub and increase the trialling of emerging technology.</p> <p>The Local Plan will be reviewed in c2023. This policy direction can be reviewed and the policy requirements to deliver this can be integrated then.</p>
	5	Develop a Haringey "Smart City Smart Borough" strategy. A guide to how digital technology can help make Haringey an even better place in which to live, work and invest.	Central Policy / Economic Dev. / Transport Policy	Partially accepted. While Smart Cities technology is being investigated in the borough, for example in crowd control at Tottenham Hotspur, at present there are not sufficient resources in the Council to be the driver of this. The proposal can be further investigated as a way to maximise use of public realm and raise awareness on environmental impacts, and opportunities for external funding support explored.
Medium Term Actions	6	Extend the short-term clean tech trialling in new developments to commercial-scale demonstrators.	Regeneration / Development Management	Partially accepted. The Council manages the Haringey Innovation Hub in partnership with Knight Frank. Together we work with developers to match them with emerging technology to suit their needs. With more technologies waiting to trial in Haringey it is hoped that some of these emerging technologies as they grow will locate in the borough, becoming part of Haringey's industrial future. The Council and its partners have the option to extend the programme in future.
	7	Target a number of Haringey supported clean tech start-ups that have been able to test their products and grow by being given opportunities in new developments. Target start-up number to be agreed.	Planning Policy / Carbon Management / Development Management	Accepted. As set out above, the Council manages the Haringey Innovation Hub in partnership with Knight Frank. Currently the Haringey target is for three new technologies per year to be supported by the Council; last year the Council supported four.
	8	Haringey to develop a support centre to encourage the use of clean technology and to provide advice and assurance on tried and tested technologies that can be used to lower bills and be greener.	Economic Development / Carbon Management	<p>Accepted. The Haringey Hub reviews emerging technologies brought forward through the Hub. The Council is also keen to support emerging technologies through meanwhile space in its regeneration areas, for example as demonstrated through the Council's support for WAYRA and the technologies it supports.</p> <p>Support is already offered to these emerging technologies through the Hub to help them become "market ready". If further support is needed and appropriate, the Council and partners will work to develop a business case for extending the programme in future.</p>
Long Term Actions	9	Develop a 'clean tech cluster' in Haringey where businesses can co-locate in a synergistic environment.	Regeneration / Planning Policy / Economic Development	<p>Partially accepted. The Council was unsuccessful in securing GLA funding to deliver a "Clean Tech Cluster" in Wood Green. If other funding becomes available, this bid could be reviewed and updated.</p> <p>The Council will review the delivery of commercial and industrial spaces in the borough, and continue to explore options for supporting a "clean-tech cluster".</p>

Ensure that low and zero carbon buildings are delivered			Lead	Will the Council accept?
Short	1	Require all new developments to deliver high levels of energy efficiency, through planning, and	Planning Policy / Carbon	Accepted. The Council uses Policy 5.2 of the London Plan and Policy SP:04 of the Local Plan to require the delivery of Zero Carbon Developments. This policy is often presented as costing too much to deliver by

		if they cannot they are required to offset their emissions into a local fund. To use any offsetting funds collected through the London Plan Policy on energy efficiency in new build to deliver a retrofitting and renewable energy generation programme.	Management / Development Management	<p>developers given the impact on viability, especially when considered alongside other Council policy priorities such as affordable housing. It is worth noting however that, if integrated into the design process at an early stage, the expected cost increase of achieving zero carbon is less than 1%.</p> <p>Stronger negotiation and education is required for developers to integrate this standard into the design process earlier. If not delivered into the design, then offsetting should be pushed at the developers' cost.</p>
	2	All new builds to demonstrate that they are designed to achieve high sustainable development.	Planning Policy / Carbon Management / Development Management	Accepted. The Council requires Sustainability Assessments (such as BREEAM) when determining planning applications. These are reviewed and conditioned to ensure that the agreed standard can be delivered. The Council will continue to promote this policy and push developers to achieve the highest possible outcome.
	3	Establish a "Zero-Fifty Checklist". An easy to use checklist that assesses whether or not a development is helping or hindering the borough's target to achieve zero net CO2 emissions by 2050.	Planning Policy / Carbon Management / Development Management	<p>Partially accepted. The Council requires Sustainability Assessments (such as BREEAM) when determining planning applications. These are reviewed and conditioned to ensure that the agreed standard can be delivered. Applicants are also required to submit Energy Strategies to demonstrate carbon reduction.</p> <p>The Council already has measures to capture carbon reduction and sustainability improvement through planning, but the strategic impact is not captured. This could be done through the annual monitoring report with support from the Carbon Management Team.</p>
	4	Build a 'green street' in Haringey, a 'Living Laboratory' with the most efficient and sustainable technologies in the market that can be used as an exemplar for the community and developers. Haringey should set the design standards required for public realm and building design that benefit people's health and well-being, and the Council should work to build climate change resilience into the built environment.	Planning Policy / Carbon Management / Regeneration / Smarter Travel	<p>Partially accepted. The Council is preparing a bid to the GLA's Liveability Streets fund. This will include the objectives set out in this recommendation, alongside public health, air quality, highways, carbon management and regeneration.</p> <p>If appropriate technologies are brought forward through the Haringey Innovation Hub, these could be brought into regeneration areas for trials.</p> <p>The Council's emerging Urban Design Frameworks for the borough regeneration areas could pick this up as a design principle in buildings and support the creation of public spaces which design in health as an objective.</p> <p>This issues can also be tackled through the review of the Local Implementation Plan (LIP) due to start in 2019. This will set out a 3-year plan for the borough's transportation schemes and projects.</p>
Medium Term Actions	5	Require supply chain carbon foot-printing from new build and refurbishment projects so that the borough can address the challenge of embedded carbon.	Planning Policy / Carbon Management	<p>Accepted. Embodied Carbon is not within the Council's Planning policy framework at this time. RICS have developed an assessment process for Carbon Foot Printing when developing a site. There are calls to integrate this policy area into the emerging London Plan.</p> <p>There is community support and industry acceptance that this policy area should be developed. The Council can work to integrate this in the development of Local Planning Documents in c2023. The Council can also propose to the GLA that it take this up through the London Plan.</p>
	6	Create an interactive EPC Map of the Borough for residential and commercial buildings.	Carbon Management	Partially accepted. The Council has limited data on this in private sector stock, and there is no single data set on public housing in Haringey. There is also limited data on the commercial buildings. Getting access to this data set would require funding.

Long Term Actions				As more data becomes available – including through the requirement for data on the public estate in the Housing and Planning Act 2016 – it can be integrated into a digital map.
	7	Require specific % of natural green space within a development. The % could be linked to GIA.	Planning Policy / Carbon Management / Regeneration	Accepted. There is currently no policy on this within the Local Plan, though existing policy means that areas that are deficient in green and open spaces have stronger policy basis to negotiate improvements. Guidance around this could be picked up through the development of the Sustainability PAN, and through the Council's Green and Open Spaces Strategy. New policy can only be taken forward at a full or partial review of the Local Plan, which is next due in 2023.
	8	To work with developers to deliver a major development that is carbon positive (it generates more energy than it uses).	Planning Policy / Carbon Management / Regeneration	Accepted. There is currently no work stream or policy position to deliver this. But Council can work on the development of this policy at review of the Local Planning Documents in 2023. The Council can work with major developers to look at (for example) reservoirs, large scale wind, emerging technologies, or heat from the Tube or Cross Rail. The Council's district energy network programme is technology neutral and allows for zero carbon heat sources. The large scale roll-out of micro technologies or small roll-out of macro technologies will be investigated through the Borough's Zero Carbon by 2050 Plan.

Deliver a clear strategy for connecting communities, work places, and high streets through walking and cycle paths, reducing transport emissions		Lead	Will the Council accept?
Short Term Actions	1	Provide a "transport choices health map". Showing residents, the low carbon transport options available to them whilst also quantifying the health benefits of those choices.	Smarter Travel Team / Transport Policy Accepted. The Council has several maps, produced across a number of services, which support and demonstrate sustainable lifestyles. The Council's key map for sustainable transport choices is that provided at the Walkit.com web site. This platform highlights the best route for air quality, carbon reduction, and offers a calorie counter. The Council's Walkit.com map system is working well for users; a mobile app is also available. The Council wants to link this platform into its own web pages to increase promotion and participation. The Council will also increase promotion of this map and app through its own communications. The Council is also preparing an EU funding bid to develop personalised travel plans for employees which will highlight the positive health outcomes of sustainable travel; the result is due in May 2018.
	2	Develop a transport masterplan that maps potential car-free routes through the borough and links to existing cycle and footpath networks. Set up a scheme to close roads and create temporary green open spaces to improve air quality and social interaction.	Transport Policy / Highways / Smarter Travel Accepted. The borough has good cycling and walking maps, produced by TfL, cycling groups and residents, which are well used. The Council has agreed to deliver a Cycling and Walking Action Plan as part of its borough wide transport strategy. The development of car free routes would require the closure of roads to motorised vehicles. Introducing greenery in the place of highways would require area wide consultation and mapping of highways impacts. Any proposals put forward for approval will need to set out how the Council will address "conflict points"

				between various road user groups.
	3	Haringey to deliver safe, well lit routes for cycling and walking linking home with services and work destinations.	Transport Policy / Highways / Smarter Travel	<p>Accepted. The Council has agreed to deliver a Cycling and Walking Action Plan as part of its borough-wide transport strategy. This will set out how the Council will address issues such as “conflict points” between various road users. The development of key cycling and walking routes may require infrastructure upgrades and the closure of roads to motorised vehicles. Introducing greenery and addressing safety concerns in the place of highways would require area wide consultation and mapping of highways impacts. The principles of this objectives are already being taken forward in the borough’s growth areas, where street design and linkages are easier to implement.</p> <p>Capital, grants, s106 and CIL may provide a funding source for implementation as appropriate.</p>
	4	Provide better "homes for bikes" at schools and nurseries to enable more cycling, improving children's cardio vascular fitness, and improving safe routes to walk or cycle to school.	Transport Policy / Smarter Travel / Public Health	<p>Accepted. Currently the Council uses TfL grants for cycling infrastructure around schools. This funding has been put on hold this year. Smarter Travel continues to work closely with schools through other support such as Bike-ability and school travel plans.</p> <p>The Council has used LIP and TfL funding on new on-street provision, which has proven popular with the community. Subject to funding the Council will continue to implement new cycle storage based upon demand, and will work to secure funding for infrastructure alongside softer measures. It is expected that funding will be made available for schools in 2018/19 from TfL.</p> <p>The GLA’s Air Quality work on the 3 worst schools for Air Quality in Haringey will hopefully offer a template for action to improve health outcomes around transport.</p>
	5	Develop a strategy and action plan to deliver low emission vehicles infrastructure (electric vehicles, hydrogen etc) to be used by users including freight and public transport.	Transport Policy	<p>Accepted. The Council currently installs electric vehicle recharging points based on local demand and subject to funding. With the Ultra Low Emission Zone (ULEZ) starting in 2018, payment requirements for combustion engine users are expected to increase demand for electric vehicle recharging and other zero-emitting fuel stations.</p> <p>The Council has signed up to Source London, which is a private delivery agent procured by TfL. This will enable the identification of areas of high demand, for which an infrastructure delivery plan will then be submitted to the Council for approval.</p> <p>The Council will deliver an Alternative Fuelled Vehicles Strategy as part of its Transportation Strategy.</p>
Medium Term Actions	6	Enact temporary road closures where possible to restrict transport emissions and improve air quality. Such closures could be linked to Council run information sessions communicating sustainable transport choices.	Transport Policy / Highways / Smarter Travel	<p>Partially accepted. A Schools Streets project has been adopted by many local authorities to make the road safer and improve air quality around schools; this is a solution Haringey is currently investigating. Alongside this it is expected that the GLA’s air quality schools audit will offer this as a local solution.</p>
	7	Set guidelines on sustainable travel for council employees and contractors. Where vehicle use is necessary increase the number of EV/hybrid vehicles used.	Smarter Travel / Pollution / Procurement	<p>Accepted. The Council will continue to promote and implement its Green Travel Plan and promote the use of Electric Vehicles/Hybrids.</p> <p>The Council will work with partners such as the Energy Saving Trust and TfL to deliver infrastructure and business advice to increase the uptake of electric vehicles. The Energy Saving Trust will undertake free fleet</p>

				analysis and support the development of a business case for lower emitting vehicles on the Council's and Homes for Haringey's fleets.
	8	Use the Council's procurement power to require that deliveries related to Council contracts in the borough are only performed by low/zero carbon vehicles.	Transport Policy / Procurement	<p>Accepted. Council contracts which involve the use of fleet vehicles include as standard the Council policy on emissions, covering air pollutants & carbon.</p> <p>The Energy Saving Trust offers advice for fleet owners on switching from combustion vehicles to electric vehicles. This will be promoted when undertaking procurement exercises with fleet providers.</p>
	9	Develop a borough car-free network plan.	Transport Policy / Highways / Smarter Travel	<p>Accepted. The Council has committed to deliver a new Transport Strategy for the borough. One objective is to increase capacity for walking and cycling, which may limit car networks.</p> <p>The delivery of this ambition may require infrastructure upgrades and would require the closure of roads to motorised vehicles. Introducing greenery and addressing safety concerns in the place of highways would require area wide consultation and mapping of highways impacts. This could be done permanently or using fluid Smart City principles to deliver. Capital, grants, s106 and CIL may provide a funding source for implementation as appropriate.</p> <p>The principles of this objectives are already being taken forward in the borough's growth areas, where street design and linkages are easier to implement.</p>
	10	Set up transport and delivery hubs for re distributing deliveries from lorries to bikes where possible reducing traffic and pollution in the most urgent areas close to schools.	Transport Policy / Economic Development / Regeneration	<p>Partially accepted. There is a freight consolidation centre based in Enfield servicing north London. It has not been as successful as expected. This work requires a lot of business engagement and ownership, to ensure that the model can deliver business, strategic benefits and a sustainable business model.</p> <p>The Council will review this project as part of its Transportation Strategy and its Business Improvement Districts (BID) work. This will discuss the most appropriate and effective ways to deliver cycle storage.</p>
Long Term Actions	11	Establish a car-free network of streets across the borough that connect to wider existing cycle and footpath networks.	Transport Policy / Smarter Travel / Highways / Regeneration	<p>Accepted. The Council has agreed to increase capacity as part of its borough wide transport strategy. This may mean reducing access for one form of transport to support others. Capital, grants, s106 and CIL may provide a funding source for implementation as appropriate. Any projects proposed for approval will need to set out how the Council will address "conflict points" between various road users.</p> <p>The principles of this objectives are already being taken forward in the borough's growth areas, where street design and linkages are easier to implement.</p>
	12	Create Low Transport Emission Neighbourhoods in the borough through restricting traffic use and creating more cycle and walking routes.	Transport Policy / Regeneration	<p>Accepted. Low Emission Bus Neighbourhoods have been proposed by TfL in Seven Sisters and Wood Green High Street. The Council will work with TfL to deliver this ambition. The Council has already started work on delivery of its 'Neighbourhood of the Future' in Wood Green, designed to increase the uptake of electric vehicles. The Council has also submitted a bid to TfL for its Liveability Neighbourhood initiative, focused on Crouch End.</p>
	13	Work with partners to get investment into the re-fuelling network for EV's and hydrogen vehicles in the borough.	Transport Policy	<p>Accepted. The Council has already signed up to Source London which offers private investment to deliver an electric vehicle recharging network to deliver business and residential need. To deal with increased demand, the Council will need to develop a strategy for prioritising areas for new recharging and refuelling infrastructure, setting out the design considerations, management issues, and funding mechanisms.</p>

				The Council will deliver an Alternative Fuelled Vehicles Strategy as part of its Transportation Strategy. This will identify delivery models for this work.
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