

Notice of Meeting

Cabinet

- Date:** Wednesday 13 January 2021
- Time:** 5.30 pm
- Venue:** Being held virtually by Microsoft Teams. The public can listen to a live stream here:
<http://www.audiominutes.com/p/player/player.html?userid=tvbc>

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This is formal notice under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that part of this meeting may be held in private because the agenda and reports for the meeting may contain exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it.

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Cabinet

MEMBER

WARD

Councillor P North (Chairman)

Bourne Valley

Councillor N Adams-King (Vice-Chairman)

Blackwater

Councillor P Bundy

Chilworth, Nursling & Rownhams

Councillor D Drew

Harewood

Councillor M Flood

Anna

Councillor I Jeffrey

Mid Test

Councillor A Johnston

Mid Test

Councillor T Tasker

Andover Romans

Cabinet

Wednesday 13 January 2021

AGENDA

**The order of these items may change as a result of members
of the public wishing to speak**

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Minutes of the meeting held on 2 December 2020**
- 6 Recommendations of the Overview and Scrutiny Committee: None**
- 7 Interim Economic Development Strategy 5 - 25**

Planning Policy and Economic Development
To consider the Test Valley Interim Economic Development Strategy.
- 8 2021/22 Budget Update 26 - 42**

Finance
To consider the update on the budget setting process for 2021/22 and proposals to close the budget gap.
- 9 Council Tax Support Scheme 2021/22 43 - 188**

Finance
To consider changes to the Council's Council Tax Support Scheme for 2021/22.

ITEM 7 Test Valley Interim Economic Development Strategy Preparing for recovery - playing to our strengths

Report of the Economic Portfolio Holder

Recommended:

- 1. That the Test Valley Interim Economic Development Strategy, as shown in Annex 1 to the report, be approved.**
- 2. That the Economic Development Officer, in consultation with the Economic and Tourism Development Portfolio Holder and the Head of Planning Policy & Economic Development, be authorised to make minor amendments to Annex 1 to the report.**

SUMMARY:

- The report explains the need for and background to an Interim Economic Development Strategy for the next two years;
- It describes the main impacts that the Coronavirus Pandemic is having on Test Valley's economy and the Council's Local Economic Recovery Action Plan; and
- It provides an update of the key aspects of the 2019 Economic Development Strategy action plan.
- The Interim Strategy will be published in due course.

1 Introduction

- 1.1** The *Test Valley Economic Development Strategy 2017-19 and beyond* provided a vision for delivering economic development in the Borough. The current strategy was approved by Council in February 2017 under the previous corporate plan (Investing in Test Valley 2015-19) and based on the 2015 Test Valley Economic Assessment. Since that time the Council's corporate plan has been revised and the economic baseline has been superseded.
- 1.2** In addition, and more fundamentally, given the current level of economic uncertainty, which reflects both the pandemic and end of the Brexit transition period, the ability to undertake a comprehensive update of the strategy is difficult.
- 1.3** Therefore this interim Test Valley Economic Development Strategy describes the initial impact of the pandemic on the Borough's economy; identifies what the Council can do to help lessen that impact; and updates progress on the actions contained within the current Economic Development Strategy.

2 Background

2.1 The key priorities of an economic development strategy are to articulate our growth priorities and identify actions to achieve them. These actions remain at the core of helping to support the economy of Test Valley. However, the implications of the pandemic and the end of the Brexit transition period have required the Council to refocus on a supporting role.

2.2 In July 2020 Cabinet approved a COVID 19 recovery plan in order to provide the strategic framework to guide the work of the council in the coming months as the organisation and our communities move from response to recovery. The recovery plan contained the strategic aim of “*restoring the economic and social wellbeing of our communities in Test Valley*”. One of the priorities to achieve was ‘economic recovery’ in order to “*support, adapt and grow the economy of Test Valley as we recover from the COVID-19 pandemic*”.

2.3 This interim strategy brings together the shared actions of how we can help support and strengthen our economy.

2.4 The Local Economy Recovery Action Plan contains a number of new initiatives that were introduced in response to the Pandemic and lockdowns. Examples on business support include:

- A “wrap around” advice and support service to complement the Business Incentive Grant aimed at start-ups, existing small businesses and those facing redundancy
- In collaboration with four other Hampshire local authorities, sponsoring the Pop Up Business School to host a week-long online training session for potential start ups
- An online business directory for those hospitality businesses that had to switch from face to face service to click and collect and delivery
- In collaboration with Hampshire County Council and EM3 LEP contributing to the University of Southampton Science Park’s Catalyst business accelerator to enable two cohorts of tech start-ups to become commercially successful over 2021/22 and 2022/23

Examples on supporting the local workforce include:-

- New initiatives include the kick start scheme to provide work placements for 16-24 year olds who are claiming Universal Credit
- Working with 3 other Hampshire councils to bid to DWP for a Youth Hub which will enable Jobcentre work coaches to operate in the community helping 16-24 year old claimants

3 Corporate Objectives and Priorities

- 3.1 Economic development is the thread that runs throughout the corporate plan Growing Our Potential and many of its priorities are reflected in the interim strategy.

4 Consultations/Communications

- 4.1 The current Economic Development Strategy was produced following consultation with members and influenced by evidence based studies. As this is an interim document no widespread consultation has been undertaken.
- 4.2 The actions contained within the strategy have and will continue to be communicated to the boroughs businesses.

5 Options

- 5.1 The option to consider is whether or not to approve an interim economic development strategy.

6 Option Appraisal

- 6.1 Publishing an interim strategy is recommended as it is important for the Council to provide a clear and accessible statement of its initial economic response to the Pandemic.
- 6.2 To undertake a comprehensive review of the strategy at this time is not recommended. It would be difficult to make detailed forecasts, consider their implications and be able to respond with proposed action with any degree of certainty. A comprehensive review will be undertaken once the future economic environment is a little more certain.

7 Resource Implications

- 7.1 The implications for additional resources including the upgrade of the Independent Retailer Grant and possible use of the Government Additional Restrictions Grant for wider business support are being incorporated into the Council's 2021/22 budget.

8 Legal Implications

- 8.1 Economic Development is a concessionary rather than statutory duty. Therefore approval of the Strategy involves no legal implications. Equality Issues.
- 8.2 The EQIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.

9 Other Issues

- 9.1 Community Safety – None.

- 9.2 Environmental Health Issues – None.
- 9.3 Sustainability and Addressing a Changing Climate – None.
- 9.4 Property Issues – None.
- 9.5 Wards/Communities Affected – All.

10 Conclusion

10.1 The interim update of the Economic Development Strategy is a hybrid document, prepared in a time of change and uncertainty. It brings together: our current assessment of the impact of the Coronavirus Pandemic and successive lockdowns on the Test Valley economy; our policy responses to date; and reviews the original strategy’s actions. However, it also acknowledges the important of the Climate Emergency Action Plan, the importance of economic activity at the community level and has regard to EM3 LEP’s recovery and renewal priorities – most of which apply strongly to Test Valley. The Council’s economic development response will continue through the short and medium terms and, as the report notes, certain key initiatives have been put in place, notably the town centre masterplans, in order to ensure Test Valley is in a competitive position for a sustainable economic recovery in the longer term.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1		
(Portfolio: Economic)	Councillor D Drew		
Author:	D Gleave	Ext:	8309
File Ref:	N/A		
Report to:	Cabinet	Date:	13 January 2021

**Test Valley Borough Council
Interim Economic Development Strategy
Preparing for Recovery - Playing to our Strengths**

SUMMARY:

- The report explains the need for and background to an Interim Economic Development Strategy for the next two years;
- It describes the main impacts that the Coronavirus Pandemic is having on Test Valley's economy;
- It sets out the Council's Local Economy Recovery Action Plan; and
- Provides an update of the key aspects of the 2019 Economic Development Strategy action plan.
- The Interim Strategy will be published in due course.

Foreword by Cllr Drew

I am delighted to write the foreword to this interim economic development strategy as we begin 2021 - a year of recovery. We face a level of uncertainty rarely experienced: Test Valley is in Tier 4 lockdown but vaccinations are taking place in Andover and Romsey and we have a trade deal with the EU.

The interim strategy describes our understanding of how Covid-19 and the lockdowns are affecting our residents and businesses and sets out the Council's response. The Council will support its residents and businesses to help provide the resilience that our community and economy will require for the longer term. We will continue to deliver business grants as well as many other forms of support and over the longer the Council has put in place the building blocks to enable our town centres to recover to serve their communities.

1. Introduction

This Interim Economic Development Strategy has been prepared against the Coronavirus (COVID-19) Pandemic and the end of the Brexit transition period on 1st January 2021. The level of economic uncertainty means for at least the next year or so it would be inappropriate to make detailed forecasts, consider their implications for the local economy and potential policy responses with any certainty as to the outcome.

The report looks at the short and medium term implications of the Pandemic, uses the Local Economy Recovery Action Plan as the basis for our interim response (Appendix 1) and re-visits the 10 actions from the current Economic Development Strategy.

The Local Economy Recovery Action Plan already demonstrates how the Council has been proactive in seeking to achieve a more resilient economic base moving forward. In establishing masterplans for Andover and Romsey town centres in a

timely fashion it has put in place the building blocks to enable the centres to be able to take advantage of the economic recovery whatever the nature of those centres will be in the future.

2. Background

Economic development is the thread that runs throughout the corporate plan and many of its priorities relate back to the Economic Development Action Plan.

The *Test Valley Economic Development Strategy 2017-19 and beyond*ⁱ was approved by Council in February 2017 and its Action Plan approved by Cabinet in March 2018.

Although the strategy was prepared under the previous corporate plan (Investing in Test Valley 2015-19) and based on the 2015 Test Valley Economic Assessment its themes remain fully consistent with the four priorities of the current corporate plan (Growing our Potential 2019-23). In particular:-

- Growing the potential Town Centres – will remain a priority over the long term
- Growing the potential of Communities – through community enterprise and through Test Valley “being open for business”
- Growing the potential of People – by raising aspirations and skills and access to jobs
- Growing the potential of the Environment – by creating attractive places for residents and visitors alike.

3. Why an Interim Strategy?

The Economic Development Strategy covers the period 2016 to 2019. The level of uncertainty caused by COVID 19 and its economic impact means it is difficult to predict how the changes either instigated or accelerated by the Pandemic will evolve and therefore what the best solutions could be.

Furthermore there are the continuing economic effects of the end of the Brexit transition period on 1 January 2021ⁱⁱ

In addition to Economic Development, the Interim Strategy must acknowledge:-

- the green recovery and climate emergency action planⁱⁱⁱ;
- the importance of local community enterprise, in building a sustainable base for local businesses to recover; and
- EM3 LEP’s Revive and Renew – Economic Recovery and Renewal Action Plan^{iv} which was introduced in response to Covid19.

The EM3 Recovery and Renewal Action Plan identifies 6 inter-related priorities all of which are relevant to Test Valley’s economic recovery:

- Job creation and skills for employment
- Digitisation and ultra-fast digital infrastructure for business resilience, innovation and growth
- Growth in the low carbon economy
- New Transport & Smart Mobility

- Town centres and Housing Supply – reimagined and fit for the future
- Supporting business-led innovation, entrepreneurship, high tech , scale-up business and international trade

However, whilst this strategy covers an interim period that is not to say that the Council won't be looking to support the economy in the longer term.

The Local Plan Review has already begun with consultation on Issues and Options, work is underway to prepare the evidence base for policies and proposals and work also continues to deliver the two Masterplans.¹

4. Economic life in the Borough – emerging economic effects of the pandemic

The economy will swing from contraction to growth, following successive lockdowns and stimulation, through initiatives such as Eat Out to Help Out until a vaccine becomes widely available in 2021.

The basic structure of Test Valley's economy has not changed in the past year but the Coronavirus Pandemic and lockdowns have profoundly disrupted it at an unpredictable pace. Specific business sectors and sections of the workforce are being affected in different ways. At the same time new opportunities are being opened for some. The combination of impact and opportunity is changing all the time.

During the first lockdown community facilities not only acted as volunteer hubs but switched to delivering local produce. The increase in working from home and demand for local services is also likely to be of longer term importance.

Strengths: Test Valley has a number of factors in its favour:

- A diverse business base which is not heavily dependent on certain sectors or a small number of very large employers
- Located in the south east region with good connectivity to London, south coast ports and other concentrations of economic activity. Test Valley's location gives it good access to economic opportunities.
- A relatively highly qualified and affluent resident working population, especially in the rural and southern areas, many in managerial/professional occupations, who have been able to switch from longer distance commuting to working from home
- Low overall deprivation levels – albeit with pockets in specific kinds of deprivation
- Lower vulnerability to redundancy when furlough ends: the proportion of Test Valley employees on furlough (27%) is below the Hampshire average (30%), as is those self-employed on furlough (72% compared with 75% in Hampshire)

¹ Andover <https://www.testvalley.gov.uk/news/2020/sep/new-era-for-andover-as-masterplan-published>

Romsey <https://www.romseyfuture.org.uk/the-masterplan>

- An attractive environment and accessible to people able to visit; tourism businesses are already investing heavily in the borough ready to contribute to a 2021/22 recovery in the hospitality sector

Weaknesses:

- Some Andover neighbourhoods have relatively high Education/Skills and Income Deprivation where the increase in Universal Credit claimants is focused. There is an associated effect in terms of workers having to switch from sectors shedding labour to other sectors and into casual employment (involuntary zero hours, “gig” economy etc.) which could worsen income deprivation
- The Pandemic and lockdowns have accelerated longstanding trends in the composition of town centres, more so Andover, as customers have switched to online shopping
- Exposure to impact on sectors employing a lot of workers involved in face to face customer contact and where furloughing is highest including hospitality, arts and recreation and leisure, tourism, wholesale and retail. The volume of business grants which have and are being awarded for these customer facing sectors demonstrates the scale of impact in Test Valley.
- Possible impact on the manufacturing sector caused by the Pandemic, the end of the Brexit transition period, policies on trade with China and the decline in aviation, aerospace and oil and gas through the disruption to global supply chains

5. Unemployment

One obvious impact of the Pandemic and lockdowns so far has been the rise in unemployment which could grow to levels not seen in recent decades.

Test Valley’s UC claimant rate rose by 170% between January 2020 and October 2020, from 1,010 to 2,720. 48% of this increase was among Andover residents who make up less than 40% of the borough population.

Overall though Test Valley’s claimant rate of 3.8% is below Hampshire (4.4%) and the UK (6.5%).

Just over 10% of this increase was among 16-24 year olds (from 125 to 310 in 8 months). Test Valley’s youth unemployment rate of 5.7% remains below Hampshire’s 5.9% and significantly below the UK’s 7.4%. (October 2020)

In two of Andover’s 6 wards the claimant rate for 16-24 year olds exceeds the national average and in a further two it is the same.

Individual businesses have been significantly affected: EM3 data Test Valley has experienced more start-ups than liquidations between March and June 2020. Businesses have been forced to adapt by reducing costs and finding new markets. This has inevitably includes reducing headcount and laying off staff.

The Local Economic Recovery Plan highlights a need for additional support for training to enable workers to transition from sectors that have been hit hardest, by acquiring higher value skills, in to those which will grow in the future.

6. Next Steps – Test Valley Local Economy Recovery Action Plan

The Council's current response to the economic impact of the Coronavirus Pandemic and lockdowns is set out in the Local Economy Recovery Plan (Appendix 1).

The following section outlines the Council's role in relation to that of the Government. Finally, the report offers a brief update in relation to the actions from the original Economic Development Strategy.

7. The Council's role in economic development

It is important for local authorities such as Test Valley Borough Council to support and promote economic development activity because businesses and the investment and jobs they bring for residents are essential to help create healthy and sustainable communities. Without jobs our centres would become dormitories dependent on areas beyond our boundaries for their livelihoods.

The Council's contribution to economic development comes in many forms from the long term such as the local plan allocation of employment land through to much more immediate business support e.g. business and training grants.

The Council's budget for proactive business support (e.g. grants, promoting tourism etc.) is about £350,000 which is tiny in comparison to the level of Government investment during the pandemic.

7.1 Government Investment

The Council's relationship with both residents and businesses is fundamental: its regulatory responsibilities (including: determining planning applications, licensing business premises - and as the administration of Government COVID grants best illustrates - business rates award) means that the Council is constantly working with businesses.

Since March 2020 Government has invested approximately £164m. into the Test Valley economy through:-
 £31.086m. in business grants
 £16.15m. in additional business rate relief
 an estimated £116.2m (to November) on furlough
 £0.4m. on other grants.

However, the Council also has a vitally important economic development role in disseminating information, connecting businesses to the most appropriate advice and support and with working through comprehensive networks.

7.2 Andover and Romsey town centres

The health of our town centres is a corporate priority. Town centres have and will be meeting places where people come together to celebrate, interact and do business. Our town centres and the businesses that give them life need to be supported as they evolve to meet future challenges and opportunities including people working from home for more of the time.

Lockdowns and the pandemic have accelerated town centres' vulnerability to longstanding trends including competition from neighbouring centres, out of centre stores and online.

Our town centres and the businesses that give them life need to be supported as they evolve to meet future challenges and opportunities including people working from home for more of the time.

The Council is looking to work with EM3 to establish a flexible business hub to support local entrepreneurs and employees who want to continue to work from home but within a convivial supportive business environment in Andover town centre.

The Council's work to develop masterplans for Andover and Romsey town centre, the acquisition and pro-active management of The Chantry Centre in Andover and the broader community leadership support of Andover Vision and Romsey Future represent strategic decisions which place both town centres in a strong position to take advantage of the economic recovery.

The challenges to our town centres, Andover in particular, reinforce the need to progress these long term ambitions and to enable both centres to continue to adapt and thrive over the next 30 years.

In terms of town centre management the establishment of a BID in April 2019 was a critical step in bringing the town centre businesses together on a formal and resourced footing. After the creation of a number of membership services and negotiating the successive lockdowns 2021 will be the opportunity for the BID to begin to deliver on larger ambitions.

In Romsey the Town Centre Manager has embarked on a new set of initiatives to support her members. The Council works closely and supports both through a variety of means.

7.3 Footfall

Town centre footfall is declining nationally as more people shop online rather than visit their local centre. Andover's town centre footfall fell by more than a quarter between 2013-19. Due to the pandemic, the 2020 figure is estimated to be just 52% of what it was in 2019.

Romsey's town centre footfall fell 12% between 2013-19. The 2020 estimate is 62% of what it was in 2019.

7.4 Retail Vacancies

Andover's primary shopping area vacancy rate rose from 10.09% in 2012 to 15% in 2013 and after falling has now risen to 17% (October 2020).

Romsey's vacancy rate followed a similar pattern in that it rose from 6% in 2010 to 8.2% in 2013. It then fell to just 4.8% in 2018 and now stands at 5.9%. The national vacancy rate 12.4%.

The economic impact points to the need to support centres and their businesses now and through the medium and long-term.

The attached recovery plan (Appendix 1) refers to a number of initiatives including upgrading the Council's Independent Retailer Grant from £1,000 to £1,200 and encouraging recipients to develop an online presence to complement their bricks and mortar premises.

As noted above, over the medium term there is an opportunity to retain those who are working from home instead of making long commutes by public transport by attracting flexible co-working space in town centres.

The opportunity to retain some of those who previously commuted long distances by public transport is part of a wider trend set in play in which homes with gardens in market towns such as Romsey and Andover have become more attractive than inner city flats.

In the medium term EM3 is looking to work with central Government and partners on spatial development plans which support sustainable economic growth.

In the longer term the masterplans will enable the comprehensive evolution of centres in line with contemporary economic behaviours.

7.5 Stronger relations with EM3

The medium term priorities in this strategy closely reflect those of EM3's Recovery Strategy.

The Council is working closely with EM3 on a number of issues including the Andover Masterplan; Town Mills Environmental Enhancement; the EM3 5G Digital Connectivity Group and ongoing developments at the University of Southampton Science Park such as jointly supporting its Catalyst programme for the next two years and the Future Towns Innovation Hub.

One impact highlighted by EM3's Recovery Plan which closely reflects Test Valley's practice is the need for upskilling. As certain sectors contract and opportunities arise in others, workers need the encouragement and support to re-train to switch directions. In particular, there is a need to improve skills from level 2 to levels 3, 4 and 5. The Council has deployed a wide range of initiatives on education, learning and skills training but more is needed as we move through the crisis.

7.6 Promoting and strengthening the Tourism offer

The original action plan identified the visitor economy as a key sector for Test Valley and it is one that has perhaps been affected most in terms of closures, job cuts and furlough.

However it is resilient and already there are major signs of recovery in the medium terms with many businesses in Test Valley investing significantly in their future.

The recent consultants' review of how the Council supports tourism, the move towards more online marketing and the exceptional opportunity to attract "staycation" visitors in 2021/22 augurs well for the recovery of the visitor economy in Test Valley from 2021 onwards.

7.7 **Supporting economy in our rural communities**

Rural facilities such as village and community shops and local suppliers have played a key role in both supporting their communities through lockdown by offering delivery services and community support but also by providing jobs.

It is key, moving forward, that such facilities are able to remain resilient, including an online presence and through the shop local and t local initiative. There must be opportunities to reinforce the importance of local enterprises as more commuters continue to work from home.

It is hoped that following the immense success of the LEADER Programme that the Shared Prosperity Fund recognises the vital importance of our rural businesses.

7.8 **Broadband**

Closely related to realising the potential of our rural businesses and for residents working from home is the need for high quality and affordable broadband throughout Test Valley.

There have been a series of schemes to deliver better broadband but Test Valley is predominantly rural and there remains a small but stubborn proportion of premises with a poor quality service.

- Supporting the roll-out of Virgin Media's "Test Town" fibre to the premises across central Test Valley <https://tvneed4speed.co.uk/>
- Promoting awareness of/supporting Gigabit Rural Vouchers² for rural communities to access high bandwidth broadband; and
- Hampshire County Council/BT Openreach "Hampshire Superfast Broadband" programme³ is coming to an end

7.9 **Climate Emergency – Growth in the low carbon economy**

The Council's Climate Emergency Action Plan sets out short, medium and long term ambitions. EM3's Recovery Plan also refers to a range of actions designed to achieve a low carbon economy including more business support through a clean growth business support service.

It is evident that progress towards achieving a low carbon economy is happening through business innovation and investment and through our changing behaviour, encouraged and guided by legislative change. The Coronavirus pandemic has accelerated this process through, for example,

² <https://gigabitvoucher.culture.gov.uk/>

³ <https://www.hampshiresuperfastbroadband.com/>

working and shopping from home and, in turn, “clean growth” will also contribute to business reliance (e.g. town centre retail) and innovation, as witnessed at the University of Southampton Science Park.

The Council is one of several Hampshire local authorities to sign up to the EU business energy reduction programme <https://locase.co.uk/> which though delayed is due to start before the end of the year.

The Council is also working closely with another EU funded energy reduction scheme called Green Tech South <https://greentechsouth.com/> based at Portsmouth University which has delivered thousands of pounds of grant to Test Valley businesses.

Working with Kier to deliver the Walworth Business Park Extension:
The Walworth Extension has the benefit of planning consent and Kier are actively promoting the site to potential occupiers.

7.10 Using Procurement to deliver social and economic benefits

The Public Services (Social Value) Act requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits.

The Council’s Climate Emergency Action Plan includes procurement as one of its delivery mechanisms.⁴

7.11 University of Southampton Science Park

Test Valley is a mid-sized economy at £3.3.bn. (2018) of which USSP is estimated to make up 15%!

The USSP benefits from a bespoke planning policy which identifies additional development opportunities. USSP has supported TVBA for the past 10 years. The Council has awarded the Business Incentive Grant to 7 start-up businesses in the Catalyst Centre within the Innovation Centre at USSP

8. Conclusion

This interim update is a hybrid document. We are still in the middle of both a health and economic emergency which will continue in 2021 but should ease. The strategy sets a benchmark of both our current understanding of the economic impact – which will change – and the Council’s response. The Council’s economic development actions will continue through the short and medium term. The report also highlights critically important initiatives which are well-placed to put Test Valley in a competitive position for a sustainable economic recovery in the longer term.

⁴ <https://www.gov.uk/government/publications/social-value-act-information-and-resources/social-value-act-information-and-resources>

<https://www.testvalley.gov.uk/business/doingbusiness/procurement-strategy>

ⁱ <https://www.testvalley.gov.uk/business/businessgrantsandsupport/test-valley-economic-development-strategy-2016-19>

ⁱⁱ https://www.gov.uk/transition?utm_campaign=transition_p3g&utm_medium=cpc&utm_source=seg&utm_content=ala_act0&gclid=CKSy9e7F-uwCFcN0GwodA9AAnQ

ⁱⁱⁱ <https://www.testvalley.gov.uk/aboutyourcouncil/corporatedirection/environmentandsustainability/climate-emergency-action-plan>

^{iv} <https://enterprisem3.org.uk/hub/revive-and-renew-recovery-and-renewal-action-plan#:~:text=Revive%20and%20Renew%20-%20The%20Recovery%20and%20Renewal,Renewal%20Action%20Plan%20for%20the%20Enterprise%20M3%20>

**Covid-19:
Local Economy Recovery Action Plan**

Scope - to support, adapt and grow the economy of Test Valley

Key areas of focus:-

- **Assess the structure of the local economy, and its vulnerability to Coronavirus impacts**
- **Identify local initiatives to mitigate the immediate impacts and promote recovery**
- **Promote the competitive advantages of the local economy in the 'new normal' national and global economies**

The Economic Recovery Workstream will reflect and inform preparation of an interim update of the Economic Development Strategy

<https://www.testvalley.gov.uk/business/businessgrantsandsupport/test-valley-economic-development-strategy-2016-19> pending a more comprehensive review in line with the review of the Test Valley Local Plan.

Key Priorities:

3 Main key areas of focus have been identified. Running through this is the process for how the Council delivers on these priorities and identified where resources are required

The Local Economy Recovery work needs to be set within context of national policy because the scale of the problem is so extensive that only Government can make a significant difference nationally and to a large degree locally. Therefore the scope for the Council’s role focusses on where possible helping meet local gaps in provision and market failure and on facilitation. Such a response builds upon our existing range of provision. Whilst Government has invested much in supporting businesses and the economy to date – and more will be needed – the economic recovery will effectively be largely delivered through private investment which needs to be encouraged and managed by public agencies. There is already strong evidence of this resurgence in Test Valley’s leisure and hospitality sector.

<p>Place (4,5,)</p>	<ul style="list-style-type: none"> • assess impact of COVID on our local economy • identify measures which will help our town centres, through the support of our businesses and to continue to attract visitors. • support the rural economy and its business community. • continue to emphasise the importance of the TV economy and its businesses
<p>People (2)</p>	<ul style="list-style-type: none"> • understand and promote access to local support programs to boost resident’s employability.
<p>Business (1,3,6)</p>	<ul style="list-style-type: none"> • promotion tourism • review of Hospitality & Manufacturing sectors which have greater potential for unemployment. • review the interim Business Incentive Grant process and Independent Retailer Grant? • work with partners – (EM3 LEP, Solent LEP, HCC, PUSH, Andover BID, Chamber of Commerce) to identify and implement recovery actions.

	1. Supporting the Borough's Businesses (BUSINESS)
Impact Assessment Ref No.	Action Required
1.	<p>Continue to deliver the National Lockdown Grant Schemes through to March 2021 which could include business support activities. https://www.testvalley.gov.uk/business/covid-19-national-lockdown-business-grant-schemes</p> <p>Make a one-off contribution of £20,000 to support the University of Southampton Science Park Catalyst business accelerator programme to enable high growth-potential tech start ups to become commercially successful in two cohorts during 2021/222 and 2022/23.</p> <p>Seek to retain existing businesses through estates management, Andover Skills Training Fund, other business connections (e.g. recruitment, B2B opportunities) etc.</p> <p>Promote inward investment opportunities through Kier for Walworth Business Park and commercial agents. https://www.testvalley.gov.uk/business/land/invest-in-andover</p> <p>Work with EM3, Hampshire County Council and DIT to promote Test Valley (especially Andover) as a place for business investment.</p> <p>Liaise with local business networks e.g. FSB, Chamber etc.</p> <p>Promote local businesses e.g. Test Valley Online Business Directory, Hampshire Fare "Stay Local Stay Local" https://www.hampshirefare.co.uk/news-events/news/stay-loyal-stay-local promotion of TVBC procurement opportunities – ongoing.</p> <p>Retain, support, and promote village facilities (e.g. shops, pubs etc) as economic and community hubs.</p> <p>Continue to support businesses with BIGs and IRGs</p> <p>Promote local businesses through loyalty schemes such as Lifestyle card & B2B for Andover Town Centre</p> <p>Review eligibility criteria and procedure for offering and administering Business Incentive Grant to those setting up a new business.</p> <p>Support and advise SMEs with partner agencies (DIT, EM3, Make UK etc) on both investment plans and challenges (recession/Brexit etc) and promoting Test Valley for inward investment.</p>

Creating an online Start Your Own Business in Test Valley guide

	2. Supporting the Borough's Workforce (PEOPLE)
Impact Assessment Ref No.	Action Required
2.	Support and work with Test Valley Skills Zone members to refer clients for employability/training advice and support. Two Andover Wards youth unemployment higher than national average e.g. claimant count in young people in parts of the Borough. Between January-September 2020 the number of benefit claimants in Andover rose by 890 and in Romsey by 275. https://www.testvalley.gov.uk/business/learningeducationandskills/test-valley-employment-skills-zone
	Investigate, with Eastleigh BC, Winchester CC, New Forest DC and DWP, the possibility of a Youth Hub to address youth unemployment.
	Refer clients to free expert advice and guidance on starting and running a business from Enterprise First (new service arranged by TVBC from 1 July 2020).
	Need to prepare wider re-training/skills grant that includes all of Test Valley. https://www.localgov.co.uk/Ten-ways-for-councils-to-rebuild-local-economies-post-Covid-19/50665
	Support and enforce Employment and Skills Plans with developers (working with schools/colleges on careers/work placements).
	Work with Lidl to extend the CNR Skills training fund to include North Baddesley.
	Promoting apprenticeship opportunities with employers including TVBC.
	Promote Government Kickstart Scheme internally within TVBC and also externally to Test Valley businesses. https://www.gov.uk/government/collections/kickstart-scheme
	Promotion of Skills toolkit free resource https://theskillstoolkit.campaign.gov.uk/
	Pop-up Business School online event – Promote through TVBC comms and intranet to encourage as many people to participate from Test Valley. 500 virtual spaces available across several authorities.

	Get Inspired Careers Event week beginning 24 April 2021, working with https://www.ebpsouth.co.uk/ and Simplyhealth.
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	3. Risks to local manufacturing/engineering sector (35% fall in GDP Q2 2020 compared with 55% fall in manufacturing sector) (BUSINESS)
Impact Assessment Ref No.	Action Required
3.	Resume activities of Manufactured in Andover Group. https://www.testvalley.gov.uk/business/businessgrantsandsupport/localbusinessinformation/manufactured-in-andover
	Promote Manufacturing Growth Programme.
	Work with Make UK through HCC Resilience (Economic Recovery) Group.
	Promote Andover Skills Training Fund.

	4. Town Centres - Enhancing attractiveness and viability (PLACE)
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Impact Assessment Ref No.	Action Required
4.	Work closely with Romsey Town Centre Manager and Romsey Future Groups; and Andover BID manager; and Stockbridge Business Association.
	Review Town Centre Local Plan policies with view to providing interim guidance in line with government planning policy changes.
	Identify pedestrian and cycle improvements with partners to allow better access to the town centres and information for residents (e.g points from meeting)
	Working to retain and attract retailers (encourage flexible office space in the town centre). <i>Vacancy rate in Andover is 17% which is higher than national average, Romsey is lower with 5.4%.</i>
	Public realm and environmental improvements across towns to improve attractiveness and footfall. Footfall data July: Andover 2020: 25568, 2019 51633 (50% decline in 2020) Romsey 2020: 38229, 2019 68974 (45% decline in 2020)

5. Town Centres - Master planning (PLACE)	
Impact Assessment Ref No.	Action Required
5.	Complete Town Mills Riverside Project
	Continue to deliver the Andover Master planning and Romsey South of Town Centre proposals
	Implementing early phases of Masterplans.

	6. Impact on hospitality/leisure/tourism sector, including events, markets, fairs - need for business to adapt online (BUSINESS)
Impact Assessment Ref No.	Action Required
6.	<p>Continue to deliver the National Lockdown Grant Schemes through to March 2021 which could include business support activities. https://www.testvalley.gov.uk/business/covid-19-national-lockdown-business-grant-schemes</p> <p>Work through Romsey VIC this year and emphasize as part of 2021/22 contract: the use of social media platforms to market Test Valley and its tourism businesses, working closely with partner agencies (The Marketing Collective, freelance PR consultant, TSE HQ) and HCC www.visit-hampshire.co.uk)</p> <p>Encourage and support best practice for digital transformation (online events- Trout 'n About 2020 24th July – 8th August) Investigate support for village shops to develop online capacity. Using digital transformation for a virtual walking/heritage trail.</p> <p>Promote “shop local” campaign e.g. Test Valley Online Business Directory, Hampshire Fare “Stay Loyal Stay Local” https://www.hampshirefare.co.uk/news-events/news/stay-loyal-stay-local</p> <p>Continue to promote Loddon & Test LEADER while funds are available.</p> <p>Supporting applicants claim EAFRDs (EU grant)</p> <p>Promote Test Valley tourism “staycation” opportunity, working with partner agencies such as Enjoy Summer Safely.</p>

ITEM 8

2021/22 Budget Update

Report of the Finance Portfolio Holder

Recommended:

1. That the savings options, income generation proposals and budget pressures, shown in Annexes 1 – 3 to the report, be noted.
2. That the forecast budgetary impact of coronavirus, shown in Annex 4 to the report, be noted.
3. That the budget position for 2021/22 and Medium Term Financial Forecast, shown in Annex 5 to the report, be noted.

SUMMARY:

- This report updates Cabinet on changes to the 2021/22 budget forecast since the Medium Term Financial Strategy was presented in December. This includes; the provisional Local Government Finance Settlement, New Homes' Bonus provisional allocations, the impacts of coronavirus and changes to revenue savings and pressures.
- It also provides an updated Medium Term Financial Forecast covering 2021/22 to 2023/24.
- In order to achieve a balanced budget, it will be necessary to close the remaining gap of £577,100 before figures are finalised in February 2021.

1 Introduction

- 1.1 The initial budget strategy and forecast for 2021/22 were presented to Cabinet on 2 December 2020.
- 1.2 Since that time, work has been carried out to revise the current year estimates, prepare original estimates for 2021/22 and update the Medium Term Financial Forecast.
- 1.3 The purpose of this report is to;
 - Provide the latest available information on the provisional Local Government Finance Settlement and how it affects Test Valley.
 - Review the impact that coronavirus is expected to have on Council budgets in the current year and 2021/22.
 - Provide an update on the latest savings options, income generation proposals and revenue pressures.
 - Update the Medium Term Financial Forecast after considering the above.

- Outline the remaining stages of the budget process.

1.4 Assuming no changes to the figures presented in this report, the Council has to close a gap of £577,100 in order to achieve a balanced budget for 2021/22.

2 2020/21 Revised Forecasts

2.1 Work is progressing well in preparing the revised forecasts for 2020/21. Some of the more significant factors, including the estimated impact that coronavirus is expected to have on forecasts, are explained below.

2.2 The original budget for 2020/21 assumed there would be no change in the level of general reserves. This remains the same and general reserves are expected to remain at £2.6M at the end of the year.

2.3 Cabinet received a mid-year budget monitoring report on 4th November that highlighted significant budget variances in the first half of the financial year. The report identified net additional costs of £508,000 in Services and a £98,000 reduction in income from cash investments to the end of September.

2.4 It is anticipated that the effects of coronavirus will result in a net deficit on the revenue budget when the revised forecast is completed. Provision for funding this deficit will be identified when the final figures are prepared in February.

Coronavirus

2.5 Coronavirus has had a major impact across the budgets of all the Council's services. The impacts of lost income and increased costs experienced to date and forecast to the end of the financial year are shown in the following table.

2.6 Please note that these figures were prepared before the Prime Minister's announcement on Monday 4 January 2021.

	£'000
Additional expenditure (contractual commitments; remote working infrastructure etc.)	1,671
Reduction in budgeted income (car parking; leisure facilities; planning fees etc.)	4,305
Total Pressure on 2020/21 Budget	5,976
Government Grant received in four tranches	(1,571)
Sales, Fees & Charges scheme	(2,098)
Coronavirus Job Retention Scheme	(187)
New Burdens Grants	(308)
Net Pressure on 2020/21 Budget	1,812

- 2.7 The above table includes the impact on general fund income and expenditure. It does not include impacts from the Collection Fund (Council Tax and Business Rates) as the accounting arrangements require that any variances in the current year are not accounted for until 2021/22 or later.
- 2.8 The government has recently announced a separate funding scheme that will help Councils cover the cost of irrecoverable Council Tax and business rates losses. Details of how this fund will operate are awaited; however, the Council's provisional allocation under this scheme is £95,000.

Service Estimates

- 2.9 Detailed work on preparing the revised forecast for all Services is progressing well. Whilst final figures are not yet available, it is clear that there will be some areas where savings have been achieved in the year that can offset the above forecast deficit.
- 2.10 These variances are primarily in salaries savings arising from vacancies and transport costs due to very limited amounts of travel being undertaken in the year. Current indications are that this variance will be in the region of £600,000.
- 2.11 Taking the combined forecast impact of coronavirus and the provisional service estimate figures, it is expected that there will be a revenue pressure of £1.2M in the year.

3 2021/22 Budget Forecast

- 3.1 As part of the budget setting process for 2021/22, work has been undertaken to separate the estimated effect that coronavirus will have on service budgets in the short term from the underlying budget gap that needs to be closed to set a sustainable budget.
- 3.2 Final decisions on the budget will not be made until February 2021 when the overall budget will be set. This report shows separately the current position of these two areas insofar as the budget setting process has developed to date.

Impact of Coronavirus

- 3.3 The table in paragraph 2.5 shows the expected impact that coronavirus will have on the Council's budgets in 2020/21. In most cases, the additional costs of responding to the pandemic have been incurred in the current financial year. However, there are some costs that will continue into 2021/22 and there will be a number of income streams that will continue to be affected.
- 3.4 The following table shows the net deficit that is currently forecast for 2021/22 as a result of coronavirus. More detail is provided in Annex 4. It is assumed that any impacts of coronavirus will affect 2021/22 only. If long-term changes to the base budget are required, they will be considered in the MTFS update next autumn.

	£'000
Net service pressures	2,249
Less: Tranche 5 of government support to local authorities	(533)
Less: Lower Tier Council Services Grant	(574)
Less: Estimated sales, fees & charges claim for Q1 2021/22	(374)
Estimated net pressure arising from coronavirus	768

- 3.5 The budget pressures largely continue to reflect the position in 2020/21, with the biggest factors being reductions in parking income, leisure-related income and building control fees. There are some compensating savings relating mostly to reduced travel costs and savings in supplies & services.
- 3.6 The government has announced a fifth tranche of non-ring-fenced funding to help reduce the effect of coronavirus on local authorities' budgets in 2021/22. The provisional allocation for TVBC is £533,000.
- 3.7 The LGFS included a new Lower Tier Services Grant, with a national budget of £111M. Its purpose is to ensure that no local authorities see a reduction in their core spending power following the LGFS. This isn't strictly new funding to support local government as it has been funded from undistributed amounts of New Homes Bonus. It is expected that this will be for one year only. As it is not a sustainable source of income, it is being shown as netting off the impact of coronavirus rather than being used to close the budget gap for next year.
- 3.8 It has been announced that the sales, fees & charges compensation scheme will be extended to 30 June 2021. The figure in the table is the amount of the claim that is forecast to be made for the first three months of the year.
- 3.9 Savings Options, Income Generation Proposals and Budget Pressures

This report identifies a number of savings, increased income streams and budget pressures. These have been identified by Heads of Service, budget holders and Service Accountants as the estimates for next year have been progressed.

Annex 1 shows the savings options that have been proposed. The total of these items is £95,300.

Annex 2 follows the same format as Annex 1 and shows income generation proposals with a total annual income of £111,500.

Annex 3 shows the total growth requirement in budgets. The total amount identified is £862,400 which is partly offset by draws from ring-fenced earmarked reserves of £234,700. The net pressure included in Annex 3 is £590,400.

3.10 Budget Forecast 2021/22

As with the revised forecast figures for 2020/21, the original estimate figures for 2021/22 are being worked on and there may be further changes before the final budget is presented in February.

When the budget forecast was presented in December 2020 there was a budget gap of £688,000. The current budget estimates include some major variances and shows that the gap has reduced to £577,100. A reconciliation of the movement in this gap is shown in the table below.

	£'000
Budget gap per November report	688
Lower tax base than forecast – para 3.13	56
Government grant to offset impact of increased Council Tax Support – para 3.13	(95)
Increased Council Tax Annexe Discount grant	(58)
Increase in retained business rates income – para 3.14	(168)
Reduction in inflation assumption – para 3.16	(231)
Savings proposals – Annex 1	(95)
Income generation proposals – Annex 2	(111)
Pressures – Annex 3	591
Current Budget gap	577

There are a number of factors that will impact on the completion of the estimates for 2021/22 that still retain a degree of uncertainty. These are discussed in the following paragraphs along with explanation of the figures shown in the table.

3.11 Local Government Finance Settlement

The provisional Local Government Finance Settlement (LGFS) was announced on 17 December 2020 and has provided the headline grant figures that the Council can expect to receive in core funding in 2021/22.

The Medium Term Financial Strategy presented to Cabinet on 2 December made assumptions about the Finance Settlement. The impact of any changes needed to those assumptions is explained in the following paragraphs.

3.12 Council Tax Increase – Referendum Threshold

The Budget Strategy assumed that the Band D level of Council Tax would increase by £5 from £146.41 to £151.41 for 2021/22. The details in the provisional settlement confirm that a £5 increase for 2021/22 would be allowable and would not trigger a referendum.

When the Cabinet next meets on the 10 February, the final Local Government Finance Settlement figures will have been announced. Members will then have the opportunity to consider options for Council Tax levels to recommend to Full Council on the 26 February.

As in previous years, no Council Tax referendum principles will be applied to parish and town councils.

3.13 Council Tax Support (CTS) Scheme

A report elsewhere on this agenda recommends that the current CTS scheme is continued into 2021/22 with modifications only in respect of inflationary uplifts. There is also a recommendation that any changes to allowances or income thresholds announced by the government during the year can be incorporated into the scheme.

One of the reasons for this is that the trend over recent years of a reducing CTS caseload has been reversed by the effects of the pandemic. It is likely that the caseload will continue rising over the next year, particularly when the coronavirus job retention and self-employed income support schemes are withdrawn.

The amount of CTS that is included in the estimates has a direct bearing on the amount of Council Tax that is forecast to be collected – the greater the amount of CTS in payment, the fewer effective properties there are to collect Council Tax from.

The Head of Finance and Revenues has set the tax base for 2021/22 at 50,316, which is 406 less than the 50,722 that was assumed in the MTFs. The overall number of properties in the borough has increased over the past year, but the effect of that increase is partially offset by the additional cost of the CTS scheme.

The government has recognised the rapid growth in CTS claims across the country and has announced a grant scheme with a national budget of £670M aimed at helping Councils maintain CTS to their most vulnerable households. The provisional allocation for this Council is £94,828.

Exact details of how this grant should be used have not been released. This report assumes it can be used to offset the additional cost of the existing scheme and it is therefore shown as being set against the budget gap for 2021/22.

3.14 Localisation of Non-Domestic Rates (NDR)

The Business Rates Retention Scheme was introduced in 2013/14. This scheme incentivises local authorities to deliver growth in NDR by enabling them to retain a share of income collected above a pre-determined baseline level.

The table below shows how the baseline level was originally determined in 2013 and how it has increased, broadly in line with inflation, over the intervening years. The provisional LGFS has frozen the baseline at 2020/21 levels and reflects the announcement that the provisional multipliers used to calculate NDR bills will also be frozen in 2021/22.

	£	Comments
Area Business Rates	44,475,312	Average collectable over last 2 years
Less: Govt. share	<u>(22,237,656)</u>	Represents 50% of amount collectable
Local Business Rates Baseline	22,237,656	Represents 50% of amount collectable
TVBC BR Baseline	17,790,125	
Less: Tariff paid to Govt.	<u>(15,709,857)</u>	
TVBC Baseline Funding 2013/14	2,080,268	Represents 80% of above figure
TVBC Baseline Funding 2014/15	2,120,774	Retained share of Business Rates
TVBC Baseline Funding 2015/16	2,161,298	
TVBC Baseline Funding 2016/17	2,179,309	Retained share of Business Rates
TVBC Baseline Funding 2017/18	2,223,802	Retained share of Business Rates
TVBC Baseline Funding 2018/19	2,290,611	Retained share of Business Rates
TVBC Baseline Funding 2019/20	2,343,104	Retained share of Business Rates
TVBC Baseline Funding 2020/21	2,381,281	Retained share of Business Rates
TVBC Baseline Funding 2021/22	2,381,281	Retained share of Business Rates Provisional share of Business Rates

Work is being carried out to estimate levels of income, appeals by ratepayers, discounts and reliefs, collection rate changes due to coronavirus etc.. By the end of January 2021, it is hoped that the Council will have a better understanding of the likely financial position compared with the baseline funding announced by the Government shown above.

The increased certainty in the provisional LGFS of the baseline level together with a stabilisation of receipts in the current year has led to an increase in the forecast amount of retained business rates income that can be included in the budget for 2021/22 and amounts to £168,000.

There is expected to be a full re-set of the Business Rates Retention Scheme that may come into effect from April 2022. The Council has benefitted from the accumulated growth in rates income since 2013; however, there remains a risk that this growth will be lost depending on how the re-set is undertaken. For that reason, all accumulated business rates growth is shown as income for 2021/22 only with only the baseline figure shown in the medium term.

3.15 Revenue Support Grant

Revenue Support Grant (RSG) is a central government grant given to local authorities which can be used to finance revenue expenditure on any service. The amount of Revenue Support Grant to be provided to authorities is established through the LGFS.

Test Valley Borough Council's RSG was reduced to £nil in 2019/20. Using the formulae to determine RSG levels, the Council would have a negative RSG. The budget strategy assumed that the government would continue to meet the cost of the negative RSG and the draft LGFS includes this commitment.

For this Council, the actual and provisional figures are as follows:

2013/14	£3.127m
2014/15	£2.445m = 21.8% reduction year on year
2015/16	£1.696m = 30.6% reduction year on year
2016/17	£1.012m = 40.3% reduction year on year
2017/18	£0.417m = 58.8% reduction year on year
2018/19	£0.056m = 86.6% reduction year on year
2019/20	£Nil = 100% reduction year on year
2020/21	£Nil
2021/22	£Nil

3.16 Inflation

As work has progressed on the preparation of the detailed estimates for 2021/22 it has been possible to reassess the amount of inflationary pressure on the Council's budget for the year.

Inflation levels are very low at present, with CPI at 0.3%. Forecasts published on gov.uk suggest that this will increase during 2021 closer to the target level of 2%.

Taking the above into account, the total amount of inflation required in the budget for 2021/22 has been reduced by £231,000.

3.17 Investment Income

The income that the Council earns from its investment portfolio is dependent on three key factors; the prevailing base interest rate, the level above or below the base rate that the Council can invest at and the size of the investment portfolio.

The MTFs took into account the reduction in the base interest rate to 0.1% earlier in the year. The prospects of an increase in this base rate over the medium term are low, therefore there is no change to the estimated investment income for 2021/22.

3.18 New Homes Bonus

When the Budget Strategy was presented in December, the forecast income from the New Homes Bonus (NHB) in 2020/21 was £1.575M. The provisional figures for 2021/22 have now been announced and the Council can expect to receive £2.568M – some £993,000 more than forecast.

The total of £2.568 confirms the known legacy payments from previous years of £1.575 and introduces a new year 11 payment of £993,000. At the time the Budget Strategy was written it was unclear whether there would be a continuation of the scheme into 2021/22 beyond the legacy payments already committed.

The provisional LGFS makes clear that the year 11 payment will be for 2021/22 only and that there will be no ongoing legacy payments in the medium term.

This grant will be transferred into the New Homes Bonus reserve where it will be used in accordance with the Budget Strategy.

4 Medium Term Financial Forecast

- 4.1 The Medium Term Financial Forecast has been updated to reflect the above changes and the latest version is shown in Annex 5. The position in respect of 2021/22 is addressed in section 3 above.
- 4.2 The figures for 2022/23 and 2023/24 assume that all savings to close the remaining budget gap for 2021/22 are sustainable and will continue in the medium term.
- 4.3 Current forecasts indicate a deficit of £1.697M in 2022/23. A further £300,000 is then expected to be needed to close the forecast budget gap for 2023/24.

5 External Consultation on the Budget

- 5.1 The Council consulted the Test Valley business community through the Hampshire Chamber of Commerce (to which branches in Andover, Romsey and Stockbridge belong or are affiliated) and the Federation of Small Business which has strong links with Test Valley.
- 5.2 The responses are generally supportive of the approach taken to setting the budget for 2021/22 and recognise the particular difficulties that are currently being faced.
- 5.3 The responses focus on the Council's interaction with the local business community and the support that the Council can provide, both in terms of the grant schemes that are operated and as a leader for change – particularly to help small businesses develop online capacity.
- 5.4 Looking forward, the responses encourage the Council to show leadership in the delivery of the Masterplans to deliver the needs of businesses of the future, including flexibility, connectivity, community and skills.

- 5.5 There was also positive feedback for the way in which the Council has managed the various grant schemes that the government has introduced in response to the pandemic.

6 The Next Steps in the Budget Process

- 6.1 The Budget Panel of the Overview & Scrutiny Committee will review the latest budget forecast at its meeting on 11 January 2021. Any recommendations from the panel will be considered by OSCOM on 20 January, whose recommendations will be considered by Cabinet on 10 February when the final budget report will be presented.

- 6.2 The final budget will be considered by Council on 26 February.

7 Risk Management

- 7.1 A risk assessment has been completed in accordance with the Council's Risk management process and has identified some significant (red and amber risks). These are detailed in the Medium Term Financial Strategy report presented to Cabinet on 2 December 2020.

8 Resource Implications

- 8.1 The resource implications of the 2021/22 budget process and the Medium Term Financial Forecast have been discussed throughout the report.

9 Equality Issues

- 9.1 This report is for information purposes, so the Council's EQIA process does not need to be applied.

10 Conclusion and reasons for recommendation

- 10.1 This report provides an update on the budget strategy that was approved in December 2020. It takes into account the latest developments that will affect the budget process and forecasts a budget gap of £577,100 for 2021/22.

- 10.2 The final budget report will be presented to Cabinet on 10 February 2021.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	5	File Ref:	N/A
(Portfolio: Finance) Councillor M Flood			
Officer:	Carl Whatley	Ext:	8540
Report to:	Cabinet	Date:	13 January 2021

SUMMARY OF SAVINGS OPTIONS

Service / Ref	Service	Function	Savings Option Proposed	2021/22 £	2022/23 £	2023/24 £
PAM01	Property & Asset Management	Beech Hurst	Savings in gas costs due to new boilers	7,800	7,800	7,800
PAM02	Property & Asset Management	Car Parking	Savings in collection fees	66,000	66,000	66,000
C&L01	Community & Leisure	The Lights	Sundry savings	6,900	6,900	6,900
IT01	IT	Telephony	Savings from SIP project	14,600	14,600	14,600
Total Savings Options				95,300	95,300	95,300

SUMMARY OF INCOME GENERATION PROPOSALS

Service / Ref	Service	Function	Savings Option Proposed	2021/22 £	2022/23 £	2023/24 £
ENV01	Environmental Services	Green Waste	Additional garden waste income (offsets cost of additional round)	84,500	84,500	84,500
ENV02	Environmental Services	Street Cleansing	Additional income from shopping trolley returns	10,000	10,000	10,000
ENV03	Environmental Services	Waste Collection	Net increase in income from bulky waste offset by small reduction in income from sales of bins	6,000	6,000	6,000
ENV04	Environmental Services	Technical	Recycling income	11,000	11,000	11,000
Total Income Generation Proposals				111,500	111,500	111,500

SUMMARY OF REVENUE PRESSURES

Service / Ref	Service	Item	2021/22 £	2022/23 £	2023/24 £
CORP01	ALL	Anticipated increase in insurance premiums	111,500	111,500	111,500
PAM03	Property & Asset Management	Increase in business rates liability due to vacancies	22,300	22,300	22,300
CORP02	Corporate & Democratic	Increases in supplies & services to align with actuals for postage, printing, software, bank charges & subscriptions	17,500	17,500	17,500
PPED01	Planning Policy & Economic Development	Increase in contribution for the Hampshire Economic Partnership	10,000	10,000	10,000
PPED02	Planning Policy & Economic Development	Project consultancy & staffing costs to be funded from the Local Development Reserve	221,700	0	0
PPED03	Planning Policy & Economic Development	Extend Independent Retailer Grants scheme to be funded from the New Homes Bonus Reserve	13,000	0	0
ENV01a	Environmental Services	Additional garden waste round (offset by additional income)	84,500	84,500	84,500
ENV05	Environmental Services	Increase in supplies & services	19,000	19,000	19,000
PAM04	Property & Asset Management	Net reduction in rental income from Corporate Properties	256,500	256,500	256,500
C&L02	Community & Leisure	Net reduction in cemeteries income to realign with actuals	18,000	18,000	18,000
HEH01	Housing & Environmental Health	Re-align insect call out income to actuals	9,700	9,700	9,700
IT02	IT	Net increases in annual maintenance and support costs and licenses	26,400	26,400	26,400
L&D01	Legal & Democratic	No government grant expected for register of electors	15,000	15,000	15,000
Total Pressures			825,100	590,400	590,400

Draw from reserves to offset pressures:

SUMMARY OF REVENUE PRESSURES

Service / Ref	Service	Item	2021/22 £	2022/23 £	2023/24 £
PPED02a	Planning Policy & Economic Development	Draw from LDF reserve to finance consultancy & staffing costs	(221,700)	0	0
PPED03a	Planning Policy & Economic Development	Draw from New Homes Bonus reserve to fund independent retailer grants	(13,000)	0	0
			(234,700)	0	0
Total of Pressures Net of Transfers from Reserves			590,400	590,400	590,400

SUMMARY OF COVID IMPACTS

Item	2021/22 £	2022/23 £	2023/24 £
Additional Costs			
Housing & Environmental Health - B&B costs	26,500	0	0
	26,500	0	0
Loss of Income			
Community & Leisure including The Lights	1,608,900	0	0
Housing & Environmental Health	13,800	0	0
Legal & Democratic - land charges, licensing	69,300	0	0
Planning & Building - building control fees	139,500	0	0
Property & Asset Management including car parking	522,400	0	0
	2,353,900	0	0
Possible savings - premises, travel, supplies & services	(131,200)	0	0
	2,249,200	0	0
Total COVID pressure			
Offset by:			
Sales, Fees & Charges compensation Q1 estimate	(373,700)	0	0
COVID support grant (tranche 5)	(533,400)	0	0
Lower Tier Services grant	(573,700)	0	0
	(1,480,800)	0	0
Total Net COVID Pressure	768,400	0	0

MEDIUM TERM FINANCIAL PLAN

	Original Estimate 2021/22 £'000	Base Changes £'000	Budget Forecast 2022/23 £'000	Base Changes £'000	Budget Forecast 2023/24 £'000
<u>Service Requirements</u>					
Chief Executive's Office	(886.8)		(886.8)		(886.8)
Community & Leisure	2,581.0	(371.3)	2,209.7	36.8	2,246.5
Environmental Service	5,586.1	424.0	6,010.1		6,010.1
Finance	(97.8)		(97.8)		(97.8)
Housing & Environmental Health	3,936.9		3,936.9		3,936.9
I.T.	10.9		10.9		10.9
Legal & Democratic	14.1		14.1		14.1
Planning & Building	2,079.6		2,079.6		2,079.6
Planning Policy & Economic Development	1,305.3		1,305.3		1,305.3
Property & Asset Management	(6,013.5)		(6,013.5)		(6,013.5)
Revenues	1,574.3		1,574.3		1,574.3
Strategy & Innovation	751.5		751.5		751.5
Inflation	269.2	600.0	869.2	600.0	1,469.2
	11,110.8	652.7	11,763.5	636.8	12,400.3
<u>Other Requirements</u>					
Net Cost of Benefit Payments	(200.0)		(200.0)		(200.0)
Corporate & Democratic Core	2,044.3		2,044.3		2,044.3
Net Cost of Services	12,955.1	652.7	13,607.8	636.8	14,244.6
<u>Corporate Requirements</u>					
Contingency Provision	377.7		377.7		377.7
Depreciation Reversal & Capital Charges	(5,250.0)		(5,250.0)		(5,250.0)
Investment Income	(214.7)		(214.7)		(214.7)
Borrowing Costs	156.5	(5.2)	151.3	(6.2)	145.1
Minimum Revenue Provision	195.5	4.4	199.9	4.5	204.4
Small Business Rate Relief	(591.1)	591.1	0.0		0.0
Other Government Grants	(205.9)	94.8	(111.1)		(111.1)
New Homes' Bonus	(2,567.9)	1,767.3	(800.6)	800.6	0.0
Provision for NDR Levy	2,083.3	(2,083.3)	0.0		0.0
100% retention of NDR from Renewable Energy	(419.7)	(16.9)	(436.6)		(436.6)
Net General Fund Expenditure	6,518.8	1,004.9	7,523.7	1,435.7	8,959.4
Transfer to Earmarked Reserves	2,866.9	(1,517.3)	1,349.6	(800.6)	549.0
Transfer to Asset Management Reserves	1,217.1		1,217.1		1,217.1
Transfer to Capital Reserves	2,502.9		2,502.9		2,502.9
Total General Fund Expenditure	13,105.7	(512.4)	12,593.3	635.1	13,228.4
Revenue Pressures	590.4	0.0	590.4	0.0	590.4
Savings Options	(95.3)	0.0	(95.3)	0.0	(95.3)
Income Generation Proposals	(111.5)	0.0	(111.5)	0.0	(111.5)
Revised Net Budget	13,489.3	(512.4)	12,976.9	635.1	13,612.0
FURTHER SAVINGS TO BE IDENTIFIED	(577.1)	(1,696.8)	(2,273.9)	(300.3)	(2,574.2)
General Fund Requirements	12,912.2	(2,209.2)	10,703.0	334.8	11,037.8

ITEM 9 Council Tax Support Scheme 2021/22

Report of the Finance Portfolio Holder

Recommended:

- 1. That the Council Tax Support scheme for 2021/22, as shown in Annex 1 to the report, be approved.**
- 2. That the Head of Finance and Revenues, in consultation with the Finance Portfolio Holder, be authorised to make any necessary changes to the Scheme that are required by the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2021 when they are confirmed by the Ministry for Housing, Communities & Local Government.**
- 3. In the event that the temporary uplift to Universal Credit continues, the Head of Finance and Revenues, in consultation with the Finance Portfolio Holder, be authorised to continue to disregard the increase in income as a national response to the Covid-19 pandemic.**

Recommendation to Council

SUMMARY:

- Given the ongoing Covid 19 pandemic and the financial uncertainty this brings to many families, no significant changes are proposed to Test Valley Borough Council's Council Tax Support Scheme for the forthcoming year (2021-22).
- A review of the scheme is planned to be undertaken in spring/summer of 2021

1 Introduction

- 1.1 The Council is required to have a Council Tax Support (CTS) scheme to assist residents with their liability to pay Council Tax.
- 1.2 The scheme must, as a minimum, meet the prescribed requirements published by Central Government for pensioner claimants. The scheme must also make provision for residents liable to Council Tax who are of working age.
- 1.3 This report considers the options available to the Council for its CTS scheme for the financial year 2021/22.

2 Background

History to CTS

- 2.1 CTS was introduced on 1 April 2013 to replace the old Council Tax Benefit scheme.

- 2.2 Government funding for the new CTS was reduced by 10%, yet the pre-existing maximum support offered to pensioners was required to continue. Some Councils covered the shortfall by immediately introducing minimum charges to Working Age residents. Some, like Test Valley, took the decision to review their scheme once the actual impact of Universal Credit was more fully understood.
- 2.3 The Council was able to avoid introducing minimum charges in the early years of CTS as a result of making additional charges for long-term empty properties and a reducing CTS caseload.
- 2.4 However, from 1 April 2019 the point was reached where the cost of the CTS scheme could no longer be contained within its existing budget.
- 2.5 The Council consulted on a range of options to take effect from 1 April 2019 and encouraged Council Tax payers, local partners, groups and organisations to submit a response.
- 2.6 This resulted in a major change to the Council's scheme from 1 April 2019, with the introduction of a minimum charge for most working age claimants of 10%. Other changes were also introduced at that time and included an increase to the minimum CTS payment and a £30 per week earnings tolerance for changes in circumstances. At the same time, the Council was able to continue offering up to 100% CTS for the most vulnerable members of our community.
- 2.7 An initial review of the impact of those changes was reported and discussed at the OSCOM panel meeting in August 2019. It was recommended that further major changes to the CTS scheme are not considered until the impact of previous changes could be fully evaluated.
- 2.8 A number of comparatively minor proposals aimed at simplifying the scheme for residents and reducing the administrative burden of the scheme were implemented on the 1 April 2020.
- 2.9 There are no proposals to amend the current scheme with the exception of uprating allowances in accordance with government instructions for other means tested benefits.

2021/22 CTS

- 2.10 Options for changes to the current scheme were considered in the spring of 2020. This included consideration of a new way of determining eligibility through a banded or grid-based method.
- 2.11 However, given the unfolding pandemic and the Council's commitment to assist residents and businesses at this uncertain time, it was considered inappropriate to undertake major changes to the Council's scheme.
- 2.12 Not only could any changes have affected economically vulnerable households in a negative manner, the caseload was rising and government support to help working-age claimants through the pandemic would have had a significant impact on the design, effectiveness and affordability of a new scheme.

- 2.13 Were changes to have been proposed, a public consultation would have needed to be undertaken during the summer 2020 to meet the required timescales.

Regulations

- 2.14 Each year the government makes amendments to the Council Tax Reduction Schemes (Prescribed Requirements) Regulations. These Regulations provide definitions of new types of income / benefits and how they must be treated for the pension-age element of Council Tax Support schemes. In many cases this will also affect the working-age element of the Council's scheme.
- 2.15 The 2021 Regulations have not yet been published but must be incorporated into the final CTS scheme. It is therefore recommended that the Head of Finance and Revenues, in consultation with the Finance Portfolio Holder, be authorised to make any amendments necessary to the Council's CTS scheme when the Regulations are published.

3 Corporate Objectives and Priorities

- 3.1 A CTS scheme is a legislative requirement, however the Council is able to design and maintain a scheme which supports its own objectives and priorities.
- 3.2 The Corporate Plan 2019 to 2023, "Growing Our Potential", includes priorities to ensure people are able to live well and fulfil their aspirations. Maintaining the current levels of support within our CTS scheme helps protect the incomes of some of our most vulnerable residents.

4 Consultations/Communications

- 4.1 A statutory consultation with regard to our CTS scheme has been undertaken with our major preceptors (Hampshire County Council, Police & Crime Commissioner and Fire Authority). They have confirmed their support for the proposals contained in this report.

5 Options

- 5.1 It is a legal requirement for the Council to approve its CTS scheme in advance of the start of each financial year. The options are:
- Option 1 – recommend the 2021/22 CTS scheme (Annex 1 to the report) for approval (recommended)
 - Option 2 – make minor changes to the drafted CTS scheme of a nature that would not require full public consultation.

6 Option Appraisal

- 6.1 Any changes to the CTS scheme require a public consultation exercise to be carried out. As explained in paragraphs 2.10 – 2.13, the economic uncertainty caused by coronavirus and the consequential increases to the caseload meant that any changes would be incredibly difficult to implement.

6.2 It is therefore recommended that the Council's existing scheme is continued in 2021/22, after allowing for inflationary uplifts in scheme parameters and any changes that are required by The Council Tax Reduction Schemes (Prescribed requirements) Regulations 2021.

6.3 Options for the future of the Council's scheme will be explored in spring 2021.

7 Resource Implications

7.1 CTS is a discount that is applied to the Council Tax charge of eligible customers, reducing the amount of Council Tax payable.

7.2 An estimate of the amount of CTS that will be awarded each year is included in the annual Council Tax base calculation. This is the calculation that sets the expected income that the Council will generate from Council Tax each year.

7.3 When the tax base was set for 2020/21, the total estimated CTS for the year was £4.760M. This was based on the new rules being applied from 1 April 2020 and took into account the current trend of a reducing caseload.

7.4 The Covid-19 pandemic has reversed the trend of falling caseloads. Although less impacted than some Local Authorities, Test Valley has seen an increase in claims for Council Tax Support (2,654 work-age claims in November 2019 increasing to 2,777 in November 2020).

7.5 A forward look supports an expectation of a continued increase in the number of people receiving Council Tax Support in the coming year. The ending of the Coronavirus Job Retention Scheme (furlough) and the Self Employed Income Support Schemes will place an increased financial burden on those affected.

7.6 The actual amount of CTS that was included in the annual Council Tax bills and the latest position are shown in the following table. The total cost of CTS is shared with other preceptors (HCC, Hampshire PCC and Hampshire Fire). TVBC's share of the total cost in 2020/21 is 10.7%.

	Total Cost £'000	TVBC share £'000
2020/21 forecast CTS in Council Tax base	4,760 (4,677)	510 (502)
Total amount of CTS reflected in bills in March 2020	4,824 (4,860)	516 (522)
Current estimated cost of 2020/21 CTS scheme as at 30 October 2020	5,445 (4,675)	583 (502)

7.7 The figures show that the effects of the Covid-19 pandemic have seen an increase in the cost of TVBC's CTS scheme (previous year's figures are shown in brackets). The changes made in 2019/20 have mitigated some of this increased cost.

7.8 The Government's Covid-19 Hardship scheme provided £573,710 of support to those of Working Age on the lowest incomes. This resulted in bills of these claimants being reduced by up to £300. In many cases this reduced residents' Council Tax liability to nil. To date, the Council has provided CTS to 2,320 working-age households from this funding.

- 7.9 The Chancellor announced in the 2020 Spending Review that £670M will be made available to local councils to help offset the budgetary impact that will be faced from increased CTS caseload levels. The table above shows that this impact is expected to be £73,000 in 2020/21 (£583,000 - £510,000).
- 7.10 The cost of the scheme is expected to reduce in future years when the current situation recedes and the economy recovers.

8 Legal Implications

- 8.1 The Council has a legal responsibility to create, maintain and renew its CTS scheme on annual basis. These powers are contained in Section 13A of the Local Government Finance Act 1992 as amended.

9 Risk Management

- 9.1 An evaluation of the risks indicate that the existing controls in place mean that no significant risks have been identified at this time.

10 Equality Issues

- 10.1 An Equalities Impact Assessment has been carried out in relation the proposed changes to the Council's CTS scheme and is attached at Annex 2.

11 Other Issues - Wards/Communities Affected

- 11.1 All wards and communities are affected by the Council's CTS scheme.

12 Conclusion and reasons for recommendation

- 12.1 The Covid 19 pandemic has created many challenges across Test Valley for the council and residents. Providing some stability with this policy will enable the future of the TVBC scheme to be carefully considered in an environment that is more predictable and will enable any impacts to be understood, costed and consulted upon.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	2	File Ref:	N/A
(Portfolio: Finance) Councillor M Flood			
Officer:	Michael Fisher	Ext:	8563
Report to:	Cabinet	Date:	13 January 2021



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

1.0	Introduction to the Council Tax Reduction Scheme.....	7
2.0	Interpretation – an explanation of the terms used within this scheme.....	14
3.0	Definition of non-dependant	22
4.0	Requirement to provide a National Insurance Number	23
5.0	Persons who have attained the qualifying age for state pension credit	23
6.0	Remunerative work.....	23
7.0	Persons treated as not being in Great Britain and Persons Subject to Immigration Control	24
	Persons subject to immigration control	26
7A.0	Transitional provision.....	26
8.0	Temporary Absence (period of absence)	26
	Sections 9 - 11	29
	The family for Council Tax Reduction purposes	29
9.0	Membership of a family	30
10.0	Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.	30
11.0	Circumstances in which a child or young person is to be treated as being or not being a member of the household	31
	Sections 12 – 14 & Schedule 1.....	32
	Applicable Amounts for Council Tax Reduction purposes.....	32
12.0	Applicable amounts.....	33
13.0	Polygamous marriages	33
14.0	Applicable amount: persons who are not pensioners who have an award of universal credit	33
	Sections 15 – 32 & Schedules 3 & 4.....	35
	Definition and the treatment of income for Council Tax Reduction purposes.....	35
15.0	Calculation of income and capital of members of applicant’s family and of a polygamous marriage	36
16.0	Circumstances in which capital and income of non-dependant is to be treated as applicant’s	37
17.0	Calculation of income on a weekly basis.....	37
18.0	Treatment of child care charges.....	37
19.0	Average weekly earnings of employed earners	41
20.0	Average weekly earnings of self-employed earners	42
21.0	Average weekly income other than earnings.....	42
22.0	Calculation of average weekly income from tax credits	42
23.0	Calculation of weekly income	43
24.0	Disregard of changes in tax, contributions etc.....	43
25.0	Earnings of employed earners.....	43
26.0	Calculation of net earnings of employed earners	44
27.0	Earnings of self-employed earners.....	45
28.0	Calculation of net profit of self-employed earners	46
Test Valley - Council Tax Reduction Scheme 2021/22		2

29.0	Deduction of tax and contributions of self-employed earners	47
30.0	Calculation of income other than earnings	48
31.0	Capital treated as income	50
32.0	Notional income	50
	Sections 33 – 42 & Schedule 5	53
	Definition and the treatment of capital for Council Tax Reduction purposes	53
33.0	Capital limit	54
34.0	Calculation of capital	54
35.0	Disregard of capital of child and young person	54
36.0	Income treated as capital	54
37.0	Calculation of capital in the United Kingdom	54
38.0	Calculation of capital outside the United Kingdom	55
39.0	Notional capital	55
40.0	Diminishing notional capital rule	56
41.0	Capital jointly held	59
42.0	Not Used	59
	Sections 43 - 56	60
	Definition and the treatment of students for Council Tax Reduction purposes	60
43.0	Student related definitions	61
44.0	Treatment of students	64
45.0	Students who are excluded from entitlement to Council Tax Reduction	64
46.0	Calculation of grant income	65
47.0	Calculation of covenant income where a contribution is assessed	66
48.0	Covenant income where no grant income or no contribution is assessed	67
49.0	Student Covenant Income and Grant income – non disregard	67
50.0	Other amounts to be disregarded	67
51.0	Treatment of student loans	67
51A.0	Treatment of fee loans	69
52.0	Treatment of payments from access funds	69
53.0	Disregard of contribution	69
54.0	Further disregard of student’s income	69
55.0	Income treated as capital	69
56.0	Disregard of changes occurring during summer vacation	70
	Sections 57 – 63	71
	The calculation and amount of Council Tax Reduction	71
57.0	Maximum council tax reduction	72
57A.0	Minimum Award Value	72
58.0	Non-dependant deductions	72
Test Valley - Council Tax Reduction Scheme 2021/22		3

59.0 Council tax support taper (applies to persons defined within Class E)	74
60.0 Extended reductions: movers into the authority's area	74
62.0 - 63.0 Not used	74
Sections 64 – 67.....	75
Dates on which entitlement and changes of circumstances are to take effect	75
64.0 Date on which entitlement is to begin	76
65.0 Tolerances for Changes in circumstances.....	76
66.0 Not Used.....	76
67.0 Date on which change of circumstances is to take effect	76
Sections 68– 74A	78
Claiming and the treatment of claims for Council Tax Reduction purposes	78
69.0 Procedure by which a person may apply for a reduction under the authority's scheme	80
70.0 Submission of evidence electronically	83
71.0 Use of telephone provided evidence	83
72.0 Information and evidence	83
73.0 Amendment and withdrawal of application	84
74.0 Duty to notify changes of circumstances	85
Sections 75- 90	87
Decisions, decision notices and awards of Council Tax Reduction.....	87
75.0 Decisions by the authority.....	88
76.0 Notification of decision	88
77.0 Time and manner of granting council tax reduction	89
78.0 Persons to whom reduction is to be paid	89
79.0 Shortfall in reduction.....	90
80.0 Payment on the death of the person entitled.....	90
81.0 Offsetting	90
82.0 Payment where there is joint and several liability	90
83.0 – 90.0 Not used.....	91
Sections 91 – 94.....	92
Collection, holding and forwarding of information for Council Tax Reduction purposes	92
91.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC).....	93
92.0 Collection of information	93
93.0 Recording and holding information	93
94.0 Forwarding of information	93
Sections 95 – 98.....	94
Revisions, Written Statements, Termination of Council Tax Reduction.....	94
95.0 Persons affected by Decisions.....	95
96.0 Revisions of Decisions	95
97.0 Written Statements.....	95

98.0 Terminations	95
Section 99	96
Appeals against the authority’s decisions	96
99.0 Procedure by which a person may make an appeal against certain decisions of the authority	97
Section 100	98
Procedure for applying for a discretionary reduction	98
100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act	99
Section 101 – 106A	100
Electronic Communication	100
101.0 Interpretation.....	101
102.0 Conditions for the use of electronic communication	101
103.0 Use of intermediaries.....	101
104.0 Effect of delivering information by means of electronic communication	101
105.0 Proof of identity of sender or recipient of information	102
106.0 Proof of delivery of information.....	102
106A.0Proof of content of information.....	102
Section 107	103
Counter Fraud and Compliance	103
107.0 Counter Fraud and compliance	104
Schedule 1	105
Applicable Amounts	105
Personal Allowance	106
Family Premiums	106
Premiums	107
Disability Premium	107
Additional Condition for the Disability Premiums	107
Severe Disability Premiums	107
Enhanced Disability Premium.....	107
Disabled Child Premium	107
Carer Premium	107
Persons in receipt of concessionary payments	107
Persons in receipt of benefit for another	108
Amounts of Premium	108
The components.....	109
Transitional Addition	109
Amount of transitional addition	109
Schedule 2	110
Not used	110
Test Valley - Council Tax Reduction Scheme 2021/22	5

Schedule 3	111
Sums to be disregarded in the calculation of earnings	111
Schedule 4	117
Sums to be disregarded in the calculation of income other than earnings.....	117
Schedule 5	128
Capital to be disregarded	128

1.0 Introduction to the Council Tax Reduction Scheme

1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period from 1st April 2021.

1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2021 for a period of one financial year.

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

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

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

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

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

The three prescribed classes are as follows;

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

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

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the

- c. day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- c. who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- d. whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 9 and Schedule 2 of the Local Government Finance Act 1992;
- e. not have capital savings above £16,000; and
- f. who has made an application for a reduction under the authority's scheme.

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

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

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

Class C: alternative maximum Council Tax Reduction

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

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

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

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

- a. is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
- b. is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- c. is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes

- of discount; or
- (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- d. is not a person who, jointly with the applicant, falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- e. is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Disregard of certain incomes

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

The provisions outlined above, enhance the Central Government's scheme.

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

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

Class D

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit¹; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or

¹ Section 5 of this scheme

- an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
 - d. is not deemed to be absent from the dwelling;
 - e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
 - f. be somebody in respect of whom a maximum Council Tax Reduction² amount can be calculated;
 - g. not have capital savings above £6,000³;
 - h. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*⁴ is **less** than their *applicable amount*⁵ or the applicant or partner is in receipt of income support, jobseekers allowance (income based) or employment and support allowance (income related); and
 - i. has made a valid application for reduction⁶.

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

Class E

To obtain reduction the individual (or partner) must:

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

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

² Sections 57 to 63 of this scheme

³ Sections 33 to 42 and Schedule 5 of this scheme

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

⁵ Sections 12 to 14 and Schedule 1 of this scheme

⁶ Sections 68 to 74a of this scheme

⁷ Section 5 of this scheme

⁸ Sections 57 to 63 of this scheme

⁹ Sections 33 to 42 and Schedule 5 of this scheme

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

¹¹ Sections 12 to 14 and Schedule 1 of this scheme

¹² Sections 68 to 74a of this scheme

Class F

To obtain reduction the individual must:

- a. have not attained the qualifying age for state pension credit¹³; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance or on an income-related employment and support allowance or in receipt of an award universal credit;
- c. be liable to pay council tax in respect of a dwelling in which they are solely or mainly resident;
- d. is not deemed to be absent from the dwelling;
- e. who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- f. be somebody in respect of whom a maximum Council Tax Reduction¹⁴ amount can be calculated;
- g. have made a valid application for reduction¹⁵;
- h. be somebody who has at least one second adult living with them who is not his partner, not somebody who pays rent, and who is on a *prescribed* low wage and/or *prescribed* benefit, as set out in within sections 62 and 63 and schedule 2 of this scheme.

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

¹³ Section 5 of this scheme

¹⁴ Sections 57 to 63 of this scheme

¹⁵ Sections 68 to 74a of this scheme

Council Tax Reduction Scheme

Details of reduction to be given for **working age applicants** for the financial year 2021/22

Sections 2- 8
Definitions and interpretation

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

2.1 In this scheme–

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

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

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

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

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

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

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

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

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

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

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

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

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

‘attendance allowance’ means–

(a) an attendance allowance under Part 3 of the Act;

(b) an increase of disablement pension under section 104 or 105 of the Act;

(c) a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to the Act;

(d) an increase of an allowance which is payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to the Act;

(e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or

(f) any payment based on need for attendance which is paid as part of a war disablement pension;

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

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

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

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

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

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

Improvement and Regulation) (Northern Ireland) Order 2003 or a residential care home within the meaning of Article 10 of that Order;

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

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

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

'the Children Order' means the Children (Northern Ireland) Order 1995;

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

'claim' means a claim for council tax reduction;

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

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

'the Consequential Provisions Regulations' means the Housing Benefit and Council tax reduction (Consequential Provisions) Regulations 2006;

'contributory employment and support allowance' means an 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;

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

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

'council tax reduction scheme' has the same meaning as **'council tax reduction or reduction'**

'council tax reduction' means council tax reduction as defined by S13a Local Government Finance Act 1992 (as amended);

'couple' means;

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

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

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

'designated authority' means any of the following;

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

'designated office' means the office designated by the authority for the receipt of claims for council tax reduction;

- (a) by notice upon or with a form approved by it for the purpose of claiming council tax reduction; or
- (b) by reference upon or with such a form to some other document available from it and sent

by electronic means or otherwise on application; or

(c) by any combination of the provisions set out in sub-paragraphs (a) and (b) above;

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

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

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

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

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

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

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

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

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

‘employment zone’ means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and 2014 and an **‘employment zone programme’** means a programme established for such an area or areas designed to assist applicants for a jobseeker’s allowance to obtain sustainable employment;

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

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

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

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

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

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

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

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

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

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

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

‘independent hospital’–

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

75(1)(b)(ii) of those Regulations;

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

'non-dependant' has the meaning prescribed in section 3;

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

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

(a) meeting, or helping to meet an immediate short-term need;

(i) arising out of an exceptional event or exceptional circumstances, or

(ii) that needs to be met to avoid a risk to the well-being of an individual, and

(b) enabling qualifying individuals to establish or maintain a settled home, and—

(i) 'local authority' has the meaning given by section 270(1) of the Local Government Act 1972 ;and

(ii) 'qualifying individuals' means individuals who have been, or without the assistance might otherwise be:

(aa) in prison, hospital, an establishment providing residential care or other institution, or

(bb) homeless or otherwise living an unsettled way of life; and 'local authority'

means a local authority in England within the meaning of the Local Government Act 1972;

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

'occupational pension scheme' has the same meaning as in section 1 of the Pension Schemes Act 1993

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

'partner' in relation to a person, means

(a) where that person is a member of a couple, the other member of that couple;

(b) subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or

(c) where that person is polygamously married and has an award of universal credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

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

'payment' includes part of a payment;

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

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

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

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

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

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

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

'personal pension scheme' means—

a. a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;

b. an annuity contractor trust scheme approved under section 620 or 621of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of

- paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004¹⁶;
- 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;
 - d. a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;
 - e. Back to Work scheme;

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

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

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

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

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

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

'qualifying contributory benefit' means;

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

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

'qualifying income-related benefit' means

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

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

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

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

'relevant authority' means an authority administering council tax reduction;

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

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

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

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

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

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

'second adult' has the meaning given to it in Schedule 2;

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

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

¹⁶ As amended by the Finance Act 2014

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

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

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

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

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

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

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

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

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

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

'student' has the meaning prescribed in section 43;

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

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

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

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

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

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

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

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

'Universal Credit' means any payment of Universal Credit payable under the Welfare Reform Act 2012, the Universal Credit Regulations 2013, The Universal Credit (Consequential,

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

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

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

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

'war pension' means a war disablement pension, a war widow's pension or a war widower's pension;

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

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

'water charges' means;

(a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,

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

'week' means a period of seven days beginning with a Monday;

'Working Tax Credit Regulations' means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended¹⁷; and

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

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

¹⁷ The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013; The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2015

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).

- 2.4A For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or
 - (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.

2.5 For the purposes of this scheme, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.

2.6 In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

3.0 Definition of non-dependant

3.1 In this policy, 'non-dependant' means any person, except someone to whom paragraph 3.2 applies, who normally resides with an applicant or with whom an applicant normally resides.

3.2 This paragraph applies to;

- a. any member of the applicant's family;
- b. if the applicant is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
- c. a child or young person who is living with the applicant but who is not a member of his household by virtue of section 11(membership of the same household);
- d. subject to paragraph 3.3, any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under sections 6, 7 or 75 of the 1992 Act (persons liable to pay council tax);
- e. subject to paragraph 3.3, any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
- f. a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

3.3 Excepting persons to whom paragraph 3.2 a) to c) and f) refer, a person to whom any of the following sub-paragraphs applies shall be a non-dependant–

- a. a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either;
 - i. that person is a close relative of his or her partner; or
 - ii. the tenancy or other agreement between them is other than on a commercial basis;
- b. a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of the council tax 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 authority is satisfied that the change giving rise to the new liability was not made to take advantage of the reduction scheme.

4.0 Requirement to provide a National Insurance Number¹⁸

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

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

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

4.3 Paragraph 4.2 shall not apply–

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

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

5.1 This scheme applies to a person if:

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

6.0 Remunerative work

6.1 Subject to the following provisions of this section, a person shall be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.

6.2 Subject to paragraph 6.3, in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over;

- a. if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);

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

- b. in any other case, the period of 5 weeks immediately prior to that date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately,

- 6.3 Where, for the purposes of paragraph 6.2 a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.
- 6.4 Where no recognisable cycle has been established in respect of a person's work, regard shall be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.
- 6.5 A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph 6.1 if the absence is either without good cause or by reason of a recognised customary or other holiday.
- 6.6 A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week shall be treated as not being in remunerative work in that week.
- 6.7 A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.
- 6.8 A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which;
 - a. a sports award has been made, or is to be made, to him; and
 - b. no other payment is made or is expected to be made to him.

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

Persons treated as not being in Great Britain

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

- 7.4A For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—
- (a) article 3 (grant of leave to EEA and Swiss nationals) of the Immigration (European Economic Area Nationals) (EU Exit) Order 2019 made under section 3A of that Act;
 - (b) Appendix EU to the immigration rules made under section 3(2) of that Act; or
 - (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act.
- .
- 7.5 A person falls within this paragraph if the person is—
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
 - (b) a family member of a person referred to in sub-paragraph (a) 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 1971¹⁹ 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; or
 - (ha) in receipt of an income-based jobseeker's allowance and has a right to reside other than a right to reside falling within paragraph (4).
- 7.6 A person falls within this paragraph if the person is a Crown servant or member of Her Majesty's forces posted overseas.
- 7.7 A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of Her Majesty's forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.
- 7.8 In this regulation—
"claim for asylum" has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
"Crown servant" means a person holding an office or employment under the Crown;
"EEA Regulations" means the Immigration (European Economic Area) Regulations 2006; and
and the The Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014;
and
"Her Majesty's forces" has the same meaning as in the Armed Forces Act 2006.

¹⁹ As amended by the Immigration Act 2014 and the Immigration Act 2014 (Commencement No. 2) Order 2014

Persons subject to immigration control

- 7.9 Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- 7.10 A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph 7.9
- 7.11 "Person subject to immigration control" has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

7A.0 Transitional provision

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

- (a) is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority's scheme established under section 13A(2) of the Act; and
- (b) is entitled to an income-based jobseeker's allowance, until the first of the events in paragraph 7A.2 occurs.

7A.2 The events are—

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

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

8.0 Temporary Absence (period of absence)

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

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

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

- a. a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as;
 - i. the person resides in that accommodation;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,

where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;

- b. a period of absence not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as;
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let; and
 - iii. that period is unlikely to exceed 13 weeks; and
- c. a period of absence not exceeding 52 weeks, beginning with the first whole day of absence, where and for so long as
 - i. the person intends to return to the dwelling;
 - ii. the part of the dwelling in which he usually resided is not let or sub-let;
 - iii. the person is a person to whom paragraph 8.4 applies; and
 - iv. the period of absence is unlikely to exceed 52 weeks or, in exceptional

circumstances, is unlikely substantially to exceed that period.

- 8.4 This paragraph applies to a person who is;
- a. detained in custody on remand pending trial or required, as a condition of bail, to reside;
 - i. in a dwelling, other than the dwelling referred to in paragraph 8.1, or
 - ii. in premises approved under section 13 of the Offender Management Act 2007 as amended by the Offender Rehabilitation Act 2014, or, detained in custody pending sentence upon conviction;
 - b. resident in a hospital or similar institution as a patient;
 - c. undergoing, or his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
 - d. following, in the United Kingdom or elsewhere, a training course;
 - e. undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
 - f. undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;
 - g. in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
 - h. a student;
 - i. receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or
 - j. has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.
- 8.5 This paragraph applies to a person who is;
- a. detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 (as amended by the Mental Health (Discrimination) Act 2013), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986; and on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989
- 8.6 Where paragraph 8.5 applies to a person, then, for any day when he is on temporary release—
- a. if such temporary release was immediately preceded by a period of temporary absence under paragraph 8.3 b) or c), he shall be treated, for the purposes of paragraph 8.1, as if he continues to be absent from the dwelling, despite any return to the dwelling;
 - b. for the purposes of paragraph 8.4 a), he shall be treated as if he remains in detention;
 - c. If he does not fall within sub-paragraph a), he is not considered to be a person who is liable to pay Council Tax in respect of a dwelling of which he is resident
- 8.7 In this section;
- ‘medically approved’ means certified by a medical practitioner;
 - ‘patient’ means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution; ‘residential accommodation’ means accommodation which is provided;
 - a. in a care home;
 - b. in an independent hospital;
 - c. in an Abbeyfield Home; or
 - d. in an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;
 - ‘training course’ means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of,

Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

Sections 9 - 11

The family for Council Tax Reduction purposes

9.0 Membership of a family

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

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

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

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

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

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

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

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

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

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

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

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

- a. placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
- b. placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
- c. placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002²⁰ or the Adoption Agencies (Scotland) Regulations 2009.

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

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

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

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

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

²⁰ The Adoption and Children Act 2002 (Commencement No. 12) Order 2014

Sections 12 – 14 & Schedule 1

Applicable Amounts for Council Tax Reduction purposes

12.0 Applicable amounts

12.1 Subject to sections 13 and 14, an applicant's weekly applicable amount shall be aggregate of such of the following amounts as may apply in his case;

- a. an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 as the case may be, of Schedule 1 of this scheme;
- b. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme in respect of any child or young person who is a member of his family;
- c. if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of Schedule 1 (family premium);
- d. the amount of any premiums which may be applicable to him, determined in accordance with paragraphs 4 to 16 of Schedule 1 of this document (premiums).
- e. the amount of either the
 - i. work-related activity component; or
 - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 of this document (the components)
- f. the amount of any transitional addition which may be applicable to him in accordance with paragraph 19 to 20 of Schedule 1 of this scheme (transitional addition).

13.0 Polygamous marriages

13.1 Subject to section 14, where an applicant is a member of a polygamous marriage, his weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case;

- a. the amount applicable to him and one of his partners determined in accordance with paragraph 1 of Schedule 1 of this scheme as if he and that partner were a couple;
- b. an amount equal to the lowest amount within paragraph 1 of Schedule 1 of this scheme in respect of each of his other partners;
- c. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme (applicable amounts) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
- d. if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in paragraph 3 of Schedule 1 of this scheme (family premium);
- e. the amount of any premiums which may be applicable to him determined in accordance with paragraphs 4 to 16 of Schedule 1 of this scheme (premiums).
- f. the amount of either the;
 - i. work-related activity component; or
 - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 (the components).
- g. the amount of any transitional addition which may be applicable to him in accordance with paragraphs 19 and 20 of Schedule 1 of this scheme (transitional addition)

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

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

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

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

14.2 The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12

and divide the product by 52.

- 14.3 In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012

Sections 15 – 32 & Schedules 3 & 4

Definition and the treatment of income for Council Tax Reduction purposes

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

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

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

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

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

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

15A.1 In determining the income of an applicant

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

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

15A.2 The authority must adjust the amount referred to in sub-paragraph (1) to take account of (a) income consisting of the award of universal credit, determined in accordance with subparagraph (3);

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

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

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

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

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

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

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

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

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

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

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

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

17.0 Calculation of income on a weekly basis

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

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

17.2 The conditions of this paragraph are that;

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

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

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

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

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

18.0 Treatment of child care charges

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

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

<p>following their sixteenth birthday; or</p> <ul style="list-style-type: none">b. by a child care provider approved in accordance with by the Tax Credit (New Category of Child Care Provider) Regulations 1999;c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; ord. 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; ore. by;<ul style="list-style-type: none">i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010;orii. local authorities registered under section 8(1) of that Act, where the care provided is child minding or daycare within the meaning of that Act; orf. by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 org. by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; orh. 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; ori. 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; orj. 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; ork. by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; orl. by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; orm. by a person who is not a relative of the child wholly or mainly in the child's home. <p>18.9 In paragraphs 18.6 and 18.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.</p> <p>18.10 Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.</p> <p>18.11 For the purposes of paragraph 18.1 c) the other member of a couple is incapacitated where</p> <ul style="list-style-type: none">a. the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work- related activity component on account of his having limited capability for workb. the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;c. the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support
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- Allowance Regulations 2008 or 2013 as appropriate;
- d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
 - e. the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
 - f. there is payable in respect of him one or more of the following pensions or allowances—
 - i. long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the Act;
 - ii. attendance allowance under section 64 of the Act;
 - iii. severe disablement allowance under section 68 of the Act;
 - iv. disability living allowance under section 71 of the Act;
 - v. personal independence payment under the Welfare Reform Act 2012;
 - vi. an AFIP;
 - vii. increase of disablement pension under section 104 of the Act;
 - viii. a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (v) above;
 - ix. main phase employment and support allowance;
 - g. a pension or allowance to which head (ii), (iv), (v) or (vi) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this section shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of social security (Hospital In-Patients) Regulations 2005.
 - h. an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
 - i. paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
 - j. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

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

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

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

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

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

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

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

19.4 For the purposes of this section the applicant's earnings shall be calculated in accordance with sections 25 and 26 or, where the applicant is in receipt of Universal Credit, the authority may use the determination of earnings provided by the Department for Work and Pensions.

20.0 Average weekly earnings of self-employed earners

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

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

21.0 Average weekly income other than earnings

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

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

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

22.0 Calculation of average weekly income from tax credits

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

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

22.3 Where the instalment in respect of which payment of a tax credit is made is;
a. a daily instalment, the period is 1 day, being the day in respect of which the instalment is

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

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

23.0 Calculation of weekly income

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

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

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

24.0 Disregard of changes in tax, contributions etc.

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

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

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

25.0 Earnings of employed earners

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

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

- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
 - i. travelling expenses incurred by the applicant between his home and his place of employment under arrangements made for the care of a member of his family owing to the applicant's absence from home;
 - ii. 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);
- g. 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);
- h. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
- i. 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;
- j. 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;
- k. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended²¹.

25.2 Earnings shall not include—

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

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

26.0 Calculation of net earnings of employed earners

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

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

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

- a. any amount deducted from those earnings by way of
 - i) income tax;
 - ii) primary Class 1 contributions under the Act;
- b. one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- c. one-half of the amount calculated in accordance with paragraph 26.5 in respect of any qualifying contribution payable by the applicant; and

²¹ Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

	<p>d. where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted for those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the Act.</p> <p>26.4 In this section ‘qualifying contribution’ means any sum which is payable periodically as a contribution towards a personal pension scheme.</p> <p>26.5 The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying contribution shall be determined—</p> <p>a. where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;</p> <p>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.</p> <p>26.6 Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 19 (average weekly earnings of employment earners), his net earnings shall be calculated by taking into account those earnings over the assessment period, less—</p> <p>a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;</p> <p>b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and</p> <p>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.</p> <p>27.0 Earnings of self-employed earners</p> <p>27.1 Subject to paragraph 27.2, ‘earnings’, in the case of employment as a self- employed earner, means the gross income of the employment any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.</p> <p>27.2 ‘Earnings’ shall not include any payment to which paragraph 27 or 28 of Schedule 4 refers (payments in respect of a person accommodate with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant’s care) nor shall it include any sports award.</p> <p>27.3 This paragraph applies to—</p> <p>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</p> <p>b. any payment in respect of any—</p> <p>(i) book registered under the Public Lending Right Scheme 1982; or</p>
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(ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book of work concerned.

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

28.0 Calculation of net profit of self-employed earners

28.1 For the purposes of section 20 (average weekly earnings of self-employed earners) the earnings of an applicant to be taken into account shall be

- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
- b. in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—
 - i. an amount in respect of income tax and of national insurance contributions payable under the Act calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - ii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.

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

28.3 For the purposes of paragraph 28.1 a) the net profit of the employment must, except where paragraph 28.9 applies, be calculated by taking into account the earnings for the employment over the assessment period less

- a. subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
- b. an amount in respect of;
 - (i) income tax, and
 - (ii) national insurance contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
- c. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.

28.4 For the purposes of paragraph 28.1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of the employment.

28.5 Subject to paragraph 28.6 no deduction shall be made under paragraph 28.3 a) or 28.4, in respect of—

- a. any capital expenditure;
- b. the depreciation of any capital asset;
- c. any sum employed or intended to be employed in the setting up or expansion of the employment;
- d. any loss incurred before the beginning of the assessment period;
- e. the repayment of capital on any loan taken out for the purposes of the employment;

	<ul style="list-style-type: none">f. any expenses incurred in providing business entertainment, andg. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.
28.6	<p>A deduction shall be made under paragraph 28.3 a) or 28.4 in respect of the repayment of capital on any loan used for—</p> <ul style="list-style-type: none">a. the replacement in the course of business of equipment or machinery; andb. the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.
28.7	<p>The authority shall refuse to make deduction in respect of any expenses under paragraph 28.3 a. or 28.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.</p>
28.8	<p>For the avoidance of doubt—</p> <ul style="list-style-type: none">a. deduction shall not be made under paragraph 28.3 a) or 28.4 in respect of any sum unless it has been expended for the purposes of the business;b. a deduction shall be made thereunder in respect of—<ul style="list-style-type: none">i. the excess of any value added tax paid over value added tax received in the assessment period;ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;iii. any payment of interest on a loan taken out for the purposes of the employment
28.9	<p>Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of</p> <ul style="list-style-type: none">a. income tax; andb. national insurance contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); andc. one-half of the amount calculated in accordance with paragraph 28.1 in respect of any qualifying contribution.
28.10	<p>For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.</p>
28.11	<p>The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined</p> <ul style="list-style-type: none">a. where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and divided the product by 365;b. in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.
28.12	<p>In this section, 'qualifying premium' means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.</p>
29.0	Deduction of tax and contributions of self-employed earners
29.1	<p>The amount to be deducted in respect of income tax under section 28.1b) i), 28.3 b) i) or 28.9 a) i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the</p>

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

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

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

29.3 In this section 'chargeable income' means—

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

30.0 Calculation of income other than earnings

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

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

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

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

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

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

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

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

$A - (B \times C)$

D

Where

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

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

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

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

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

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

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

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

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

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

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

whichever of those dates is earlier

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

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

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

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

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

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

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

paragraph 30.1

- a. any payment to which paragraph 25.2 (payments not earnings) applies; or
- b. in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act.

31.0 Capital treated as income

- 31.1 Any capital payable by instalments which are outstanding at the date on which the claim is made or treated as made, or, at the date of any subsequent revision or supersession, shall, if the aggregate of the instalments outstanding and the amount of the applicant's capital otherwise calculated in accordance with sections 33 to 42 of this scheme exceeds £6,000, be treated as income.
- 31.2 Any payment received under an annuity shall be treated as income.
- 31.3 Any earnings to the extent that they are not a payment of income shall be treated as income.
- 31.4 Any Career Development Loan paid pursuant to section 2 of the 1973 Act shall be treated as income
- 31.5 Where an agreement or court order provides that payments shall be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital), shall be treated as income.

32.0 Notional income

- 32.1 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of reduction or increasing the amount of that reduction.
- 32.2 Except in the case of—
 - a. a discretionary trust;
 - b. a trust derived from a payment made in consequence of a personal injury;
 - c. a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
 - d. any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a);
 - e. any sum to which paragraph 48(a) of Schedule 5 refers;
 - f. rehabilitation allowance made under section 2 of the 1973 Act;
 - g. child tax credit; or
 - h. working tax credit,
 - i. any sum to which paragraph 32.13 applies;any income which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

32.3 – 32.5 Not used

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

	<p>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;</p> <p>b. to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in sub-paragraph a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;</p> <p>c. to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.</p> <p>32.7 Paragraph 32.6 shall not apply in respect of a payment of income made—</p> <p>a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);</p> <p>b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);</p> <p>c. pursuant to section 2 of the 1973 Act in respect of a person's participation—</p> <p>(i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations;</p> <p>(ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;</p> <p>(iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;</p> <p>(iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;</p> <p>(v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;</p> <p>d. in respect of a previous participation in the Mandatory Work Activity Scheme;</p> <p>e. 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—</p> <p>(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;</p> <p>(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and</p> <p>(iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.</p> <p>32.8 Where an applicant is in receipt of any benefit (other than council tax reduction) under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possession such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority shall select to apply in its area, to the date on which the altered rate is to take effect.</p> <p>32.9 Subject to paragraph 32.10, where—</p> <p>a. applicant performs a service for another person; and</p> <p>b. that person makes no payment of earnings or pays less than that paid for a comparable employment in the area, the authority shall treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.</p> <p>32.10 Paragraph 32.9 shall not apply—</p>
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- a. to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
- b. in a case where the service is performed in connection with—
 - (i) the applicant's participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker's Allowance Regulations, other than where the service is performed in connection with the applicant's participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or
 - (ii) the applicant's or the applicant's partner's participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme ; or
- c. to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

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

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

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

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

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

Sections 33 – 42 & Schedule 5

Definition and the treatment of capital for Council Tax Reduction purposes

33.0 Capital limit

33.1 For the purposes of this scheme, the prescribed amount is £6,000 and no reduction shall be granted when the applicant has an amount greater than this level

34.0 Calculation of capital

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

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

35.0 Disregard of capital of child and young person

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

36.0 Income treated as capital

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

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

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

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

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

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

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

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

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

37.0 Calculation of capital in the United Kingdom

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

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

38.0 Calculation of capital outside the United Kingdom

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

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

39.0 Notional capital

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

39.2 Except in the case of

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

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

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

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

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

- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
- (b) pursuant to section 2 of the 1973 Act in respect of a person's participation
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the

	<p>Jobseeker's Allowance Regulations;</p> <ul style="list-style-type: none">(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; <p>(bb) in respect of a person's participation in the Mandatory Work Activity Scheme; Enterprise Scheme;</p> <p>(bc) in respect of an applicant's participation in the Employment, Skills and Enterprise Scheme;</p> <p>(c) 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—</p> <ul style="list-style-type: none">(i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980;(ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and(iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.
39.5	<p>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</p> <ul style="list-style-type: none">a. the value of his holding in that company shall, notwithstanding section 34 (calculation of capital) be disregarded; andb. he shall, subject to paragraph 39.6, be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.
39.6	<p>For so long as the applicant undertakes activities in the course of the business of the company, the amount which, he is treated as possessing under paragraph 39.5 shall be disregarded.</p>
39.7	<p>Where an applicant is treated as possessing capital under any of paragraphs 39.1 to 39.2 the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital, which he does possess.</p>
40.0	Diminishing notional capital rule
40.1	<p>Where an applicant is treated as possessing capital under section 39.1 (notional capital), the amount which he is treated as possessing;</p> <ul style="list-style-type: none">a. in the case of a week that is subsequent to<ul style="list-style-type: none">(i) the relevant week in respect of which the conditions set out in paragraph 40.2 are satisfied; or(ii) a week which follows that relevant week and which satisfies those conditions, shall be reduced by an amount determined under paragraph 40.3;b. in the case of a week in respect of which paragraph 40.1(a) does not apply but where<ul style="list-style-type: none">(i) that week is a week subsequent to the relevant week; and(ii) that relevant week is a week in which the condition in paragraph 40.4 is satisfied, shall be reduced by the amount determined under paragraph 40.4.
40.2	<p>This paragraph applies to a reduction week or part-week where the applicant satisfies the conditions that</p> <ul style="list-style-type: none">a. he is in receipt of council tax reduction; and

- b. but for paragraph 39.1, he would have received an additional amount of council tax reduction in that week.
- 40.3 In a case to which paragraph 40.2 applies, the amount of the reduction for the purposes of paragraph 40.1(a) shall be equal to the aggregate of
- a. the additional amount to which sub-paragraph 40.2 (b) refers;
 - b. where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 49(1) of the Housing Benefit Regulations (notional capital);
 - c. where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 51(1) of the Income Support Regulations (notional capital);
 - d. where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations (notional capital) and
 - e. where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of reduction week to which paragraph 40.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations (notional capital).
- 40.4 Subject to paragraph 40.5, for the purposes of paragraph 40.1(b) the condition is that the applicant would have been entitled to council tax reduction in the relevant week but for paragraph 39.1, and in such a case the amount of the reduction shall be equal to the aggregate of
- a. the amount of council tax reduction to which the applicant would have been entitled in the relevant week but for paragraph 39.1; and for the purposes of this sub-paragraph is the amount is in respect of a part-week, that amount shall be determined by dividing the amount of council tax reduction to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;
 - b. if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the reduction week which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number equal to that number of days in the part-week and multiplying the quotient so obtained by 7;
 - c. if the applicant would, but for regulation 51(1) of the Income Support Regulations, have been entitled to income support in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income support to which he would have been so entitled by the number equal to the number of days in the part- week and multiplying the quotient so obtained by 7
 - d. if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations, have been entitled to an income-based jobseeker's allowance in respect of the reduction week, within the meaning of this scheme, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this

- sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7; and
- e. if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations, have been entitled to an income-related employment and support allowance in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount must be determined by dividing the amount of the income-related employment and support allowance to which he would have been so entitled by the number equal to the number of days in that part-week and multiplying the quotient so obtained by 7.
- 40.5 The amount determined under paragraph 40.4 shall be re-determined under that paragraph if the applicant makes a further claim for council tax reduction and the conditions in paragraph 40.6 are satisfied, and in such a case—
- a. sub-paragraphs (a) to (d) of paragraph 40.4 shall apply as if for the words 'relevant week' there were substituted the words 'relevant subsequent week'; and
- b. subject to paragraph 40.7, the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.
- 40.6 The conditions are that
- a. a further claim is made 26 or more weeks after
- (i) the date on which the applicant made a claim for council tax reduction in respect of which he was first treated as possessing the capital in question under paragraph 39.1;
- (ii) in a case where there has been at least one re-determination in accordance with paragraph 40.5, the date on which he last made a claim for council tax reduction which resulted in the weekly amount being re-determined, or
- (iii) the date on which he last ceased to be entitled to council tax reduction, whichever last occurred; and
- b. the applicant would have been entitled to council tax reduction but for paragraph 39.1.
- 40.7 The amount as re-determined pursuant to paragraph 40.5 shall not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount shall continue to have effect.
- 40.8 For the purposes of this section
- a. 'part-week'
- (i) in paragraph 40.4(a) means a period of less than a week for which council tax reduction is allowed;
- (ii) in paragraph 40.4(b) means a period of less than a week for which housing benefit is payable;
- (iii) in paragraph 40.4 (c),(d) and (e) means—
- aa. a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
- bb. any other period of less than a week for which it is payable;
- b. 'relevant week' means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of section 39.1
- (i) was first taken into account for the purpose of determining his entitlement to council tax reduction; or
- (ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax reduction;
- and where more than one reduction week is identified by reference to heads (i) and (ii)

of this sub-paragraph the later or latest such reduction week or, as the case may be, the later or latest such part-week;

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

41.0 Capital jointly held

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

42.0 Not Used

Sections 43 - 56

Definition and the treatment of students for Council Tax Reduction purposes²²

²² Amounts shown in sections 43 to 56 will be uprated in line with the Housing Benefit Regulations 2006 (as amended)

43.0 Student related definitions

43.1 In this scheme the following definitions apply;

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

'access funds' means;

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

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

'contribution' means;

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

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

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

'education authority' means a government department, a local education authority as defined in section 12 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 Island, Isle of Man or any other country outside Great Britain;

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

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

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

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

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

'grant income' means

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

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

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

'period of study' means—

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

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

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

Jobseeker's Allowance Regulations;

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

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

'standard maintenance grant' means—

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

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

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

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

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

44.0 Treatment of students

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

45.0 Students who are excluded from entitlement to Council Tax Reduction

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

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

45.3 Paragraph 45.2 shall not apply to a student

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

(b) who is a lone parent;

(c) whose applicable amount would, but for this section, include the disability premium or severe disability premium;

(d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;

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

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

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

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

(i) who is;

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

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

(j) in respect of whom

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

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

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

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

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

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

on account of his disability by reason of deafness.

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

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

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

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

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

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

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

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

46.0 Calculation of grant income

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

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

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;

- (f) intended to meet the cost of books and equipment;
 - (g) intended to meet travel expenses incurred as a result of his attendance on the course;
 - (h) intended for the child care costs of a child dependant.
 - (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.
- 46.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.
- The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).
- 46.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.
- 46.5 Subject to paragraphs 46.6 and 46.7, a student's grant income shall be apportioned;
- (a) subject to paragraph 46.8, in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;
 - (b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.
- 46.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.
- 46.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither paragraph 46.6 nor section 50 (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.
- 46.8 In the case if a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.
- 47.0 Calculation of covenant income where a contribution is assessed**
- 47.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to paragraph 47.3, the amount of the contribution.
- 47.2 The weekly amount of the student's covenant shall be determined—

- (a) by dividing the amount of income which falls to be taken into account under paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
- (b) by disregarding from the resulting amount, £5.

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

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

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

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

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

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

49.0 Student Covenant Income and Grant income – non disregard

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

50.0 Other amounts to be disregarded

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

51.0 Treatment of student loans

51.1 A student loan shall be treated as income.

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

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;

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

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

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

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

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

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.

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

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

51A.0 Treatment of fee loans

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

52.0 Treatment of payments from access funds

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

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

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

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

53.0 Disregard of contribution

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

54.0 Further disregard of student's income

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

55.0 Income treated as capital

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

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

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

56.0 Disregard of changes occurring during summer vacation

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

Sections 57 – 63

The calculation and amount of Council Tax Reduction

57.0 Maximum council tax reduction

57.1 Subject to paragraphs 57.2 to 57.4, the amount of a person's maximum council tax reduction in respect of a day for which he is liable to pay council tax, shall be 90 per cent, of the amount A divided by B where;

- (a) A is the amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; and
- (b) B is the number of days in that financial year, less any deductions in respect of non-dependants which fall to be made under section 58 (non-dependant deductions).

57.1A Where the applicant or their partner is in receipt of:

- (a) The support component of Employment and Support Allowance; or
 - (b) the Limited Capability for Work Related Activity element within Universal Credit
- then the percentage shown in paragraph 57.1 above shall be 100 per cent.

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

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

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

57A.0 Minimum Award Value

57A.1 Where any council tax reduction entitlement would be less than £1 per week, no reduction shall be payable whatsoever.

58.0 Non-dependant deductions²³

58.1 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 57 (maximum council tax reduction) shall be £4.00 x1/7.

58.2 Not used

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

58.4 Not used.

58.5 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

²³ The amounts shown within this section shall be updated in line with the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2012

- council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouses and civil partners); and
- c. the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.
- 58.6 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is—
- a. blind or treated as blind by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
- b. receiving in respect of himself:
- attendance allowance, or would be receiving that allowance but for:
 - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - ii. an abatement as a result of hospitalisation; or
 - the care component of the disability living allowance, or would be receiving that component but for:
 - i. a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - ii. an abatement as a result of hospitalisation; or
- c. the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
- d. an AFIP, or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- 58.7 No deduction shall be made in respect of a non-dependant if:
- a. although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
- b. he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
- c. he is a full time student within the meaning of section 44.0 (Students); or
- d. he is not residing with the applicant because he has been a patient for a period of excess of 52 weeks, and for these purposes;
- e. 'patient' has the meaning given within this scheme, and
- f. where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods;
- g. he is not residing with the claimant because he is a member of the armed forces away on operations
- 58.8 No deduction shall be made in respect of a non-dependant;
- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance;
- (b) to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers;
- (c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.”;
- For the purposes of sub-paragraph (c), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.
- 58.9 In the application of paragraph 58.2 there shall be disregarded from his weekly gross income:

- a. any attendance allowance, disability living allowance or 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 section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
- c. any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

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

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

60.0 Extended reductions: movers into the authority's area²⁴

60.1 Where;

- a. an application is made to the authority for a reduction under its scheme, and
- b. the applicant or the partner of the applicant, is in receipt of an extended reduction from;
 - (i) another billing authority in England; or
 - (ii) a billing authority in Wales,the current authority must reduce any reduction to which the applicant is entitled under its Council Tax Reduction scheme by the amount of that extended reduction.

62.0 - 63.0 Not used

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

Sections 64 – 67

Dates on which entitlement and changes of circumstances are to take effect

64.0 Date on which entitlement is to begin

64.1 Subject to paragraph 64.2, any person to whom or in respect of whom a claim for council tax reduction is made and who is otherwise entitled to that reduction shall be so entitled from the reduction week following the date on which that claim is made or is treated as made.

64.2 Where a person is otherwise entitled to council tax reduction and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his claim is made or is treated as made, he shall be so entitled from that reduction week.

65.0 Tolerances for Changes in circumstances

65.1 Where any change of circumstances occurs which would result in an increase or decrease in the claimant's income of less than £30 per week, no change in council tax reduction will be effected until such time as the total changes cumulatively amount to at least £30 per week. Where this occurs, the change will be effective from the date of the last change.

66.0 Not Used

67.0 Date on which change of circumstances is to take effect

67.1 Except in cases where section 24 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph, a change of circumstances which affects entitlement to, or the amount of, a reduction under the authority's scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.

67.2 Subject to paragraph (3), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.

67.3 Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 12 of that Act, it shall take effect from the day on which the change in amount has effect.

67.4 Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

67.5 Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

67.6 If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with paragraphs (1) to (5) they take effect from the day to which the appropriate paragraph from (2) to (5) above refers, or, where more than one day is concerned, from the earlier day.

67.7 Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the Act, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

67.8 Without prejudice to paragraph (7), where the change of circumstances is the payment of

income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

Sections 68– 74A

Claiming and the treatment of claims for Council Tax Reduction purposes

68.0 Making an application²⁵

68.1 In the case of a couple or 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.

68.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;

- (a) a deputy has been appointed by the Court of Protection with power to 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.

68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and 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 the authority's scheme and to receive and deal on his behalf with any sums payable to him.

68.4 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).

68.5 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 terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

68.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned 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.

68.7 The authority must;

- (a) inform any person making an application of the duty imposed by paragraph 9(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.

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

69.0 Procedure by which a person may apply for a reduction under the authority's scheme²⁶

69.1. Paragraphs 2 to 7 apply to an application made under the authority's scheme.

69.2. An application may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance with Part 4 of this Schedule, or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone; or
- (d) by any notification from the Department for Work and Pensions of any award of Universal Credit.

69.3 (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.

69.4 (1) 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 approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,
the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

(2) An application made on a form provided by the authority is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.

69.5. (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.

69.6. 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.

69.7 (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.

69.8 Notwithstanding other paragraphs within this section, the authority will determine the method by which claims are to be made as well as where claims should be sent or delivered.

69.9 Where an applicant ('C')—

- (a) makes a claim which includes (or which C subsequently requests should include) a period

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

- before the claim is made; and
- (b) from a day, in that period, up to the date when C made the claim (or subsequently requested that the claim should include a past period), C had continuous good cause for failing to make a claim (or request that the claim should include that period), the claim is to be treated as made on the date determined in accordance with paragraph 69.10

69.10 The date is the latest of–

- (a) the first day from which C had continuous good cause;
- (b) the day 6 months before the date the claim was made;
- (c) the day 6 months before the date when C requested that the claim should include a past period.

69A.0 Date on which an application is made

69A.1 Subject to sub-paragraph (7), the date on which an application is made is;

- (a) in a case where;
 - (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
 - (ii) the application for a reduction 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 he occupies as his home, and
 - (iii) the application 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 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) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and
 - (ii) the applicant makes an application for a reduction under that 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 an 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 an application is received at the designated office.

69A.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.

69A.3 Where there is a defect in an applications 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 the application.

69A.4 The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.

69A.5 The conditions are that—

(a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or

(b) where an application is not on approved form or further information requested by authority applies;

(i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;

(ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,

in either case, within such longer period as the authority may consider reasonable; or

(c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

69A.6 Except in the case of an application made by a person treated as not being in 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 that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.

69A.7 Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under the authority's 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 its 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.

69A.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 of income support, a job seekers allowance or an employment and support allowance.

70.0 Submission of evidence electronically

70.1 The authority may accept such evidence, documents and certificates to support the claim electronically where it feels that this would be acceptable given the nature of the claim

71.0 Use of telephone provided evidence

71.1 The authority may accept such evidence to support the claim by telephone where it feels that this would be acceptable given the nature of the claim

72.0 Information and evidence²⁷

72.1 Subject to sub-paragraph (3), a person who makes an application for a reduction under an authority’s 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.

72.2 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.

72.3 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.

72.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority’s scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or

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

any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its 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.

72.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.

72.6 Where the authority makes a request under sub-paragraph (4), it must;
(a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 (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 9, 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 must be notified.

72.7 This sub-paragraph applies to any of the following payments;
(a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation the London Emergencies Trust, the We Love Manchester Emergency Fund, or the London Bombings Relief Charitable Fund;
(b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);
(c) a payment which is disregarded under paragraph 58.9.

72.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;
(a) the name and address of the pension fund holder;
(b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

73.0 Amendment and withdrawal of application²⁸

73.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.

73.2 Where the application was made by telephone the amendment may also be made by telephone.

73.3 Any application amended is to be treated as if it had been amended in the first instance.

73.4 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.

73.5 Where the application was made by telephone, the withdrawal may also be made by telephone.

73.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

73.7 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

²⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

delivered or sent to the designated office.

74.0 Duty to notify changes of circumstances²⁹

- 74.1 Subject to sub-paragraphs (3), (6) and (7), an 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 the authority's scheme) including at any time while the applicant is in receipt of such a reduction.
- 74.2 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 the authority's 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 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.
- 74.3 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 the authority's scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 74.4 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.
- 74.5 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.
- 74.6 Not used
- 74.7 A person who has been awarded a reduction under the authority's 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.
- 74.8 In addition to the changes required to be reported under sub-paragraph (7), a person whose state pension credit comprises only a savings credit must also report—

²⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- (a) changes affecting a child living with him which may result in a change in the amount of reduction under the authority's 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; or
 - (ii) a person to whom their partner is treated as member of the household,and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the applicant.

74.9 A person who is entitled to a reduction under the authority's scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (7) and (8).

74.10 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the happening of the event or change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the authority will use the Monday following the date of notification as the effective date.

Sections 75- 90

Decisions, decision notices and awards of Council Tax Reduction

75.0 Decisions by the authority³⁰

75.1 The authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and section 69 being satisfied, or as soon as reasonably practicable thereafter.

76.0 Notification of decision³¹

76.1 The authority must notify in writing any person affected by a decision made by it under its scheme;

(a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;

(b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

76.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement;

(a) informing the person affected of the duty imposed by paragraph 9(1);

(b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and

(c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

76.3 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.

76.4 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 the authority's scheme relating to the procedure for making an appeal.

76.5 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.

76.6 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.

76.7 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

76.8 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(3) 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,

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

³¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

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 to act for a person unable to act.

77.0 Time and manner of granting council tax reduction³²

77.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;

(a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or

(b) where;

(i) such a reduction is not possible; or

(ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or

(iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

77.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

77.3 In a case to which paragraph (1)(b) refers;

(a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;

(i) must be paid to that person if he so requires; or

(ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;

(b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter

(c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

77.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

78.0 Persons to whom reduction is to be paid³³

78.1 Subject to section 80 (payment on death) and paragraph (2), any payment of the amount

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

³³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

of a reduction must be made to that person.

78.2 Where a person other than a person who is entitled to a reduction under this authority's scheme made the application for the reduction and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

79.0 Shortfall in reduction³⁴

79.1 Where, on the revision of a decision allowing a reduction under the authority's scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either;

- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the chargeable financial year until that shortfall is made good; or
- (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonable practicable, as soon as possible afterwards.

80.0 Payment on the death of the person entitled³⁵

80.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

81.0 Offsetting

81.1 Where a person has been allowed or paid a sum of council tax reduction under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

82.0 Payment where there is joint and several liability³⁶

82.1 Where;

- (a) a person is entitled to a reduction under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
- (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(7) refers would be inappropriate,

it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.

³⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³⁶ Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

82.2 Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

82.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an appointment under paragraph 4(3) or is treated as having been so appointed by virtue of paragraph 4(4), the amount of the reduction may be paid to that person.

83.0 – 90.0 Not used

Sections 91 – 94

Collection, holding and forwarding of information for Council Tax Reduction purposes

91.0 Use of information from and to the Department of Work and Pensions (DWP) and Her Majesty's Revenues and Customs (HMRC)

91.1 The authority will use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements³⁷.

92.0 Collection of information

92.1 The authority may receive and obtain information and evidence relating to claims for council tax reduction, the council may receive or obtain the information or evidence from—

- (a) persons making claims for council tax reduction;
- (b) other persons in connection with such claims;
- (c) other local authorities; or
- (d) central government departments including the DWP and HMRC

92.2 The authority may verify relevant information supplied to, or obtained.

93.0 Recording and holding information

93.1 The authority may

- (a) may make a record of such information; and
- (b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering council tax reduction.

94.0 Forwarding of information

94.1 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax reduction to which the relevant information relates, being

- (i) a local authority;
- (ii) a person providing services to a local authority; or
- (iii) a person authorised to exercise any function of a local authority relating to council tax reduction.

³⁷ Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

Sections 95 – 98

Revisions, Written Statements, Termination of Council Tax Reduction

95.0 Persons affected by Decisions

95.1 A person is to be treated as a person affected by a relevant decision of the authority where that person is;

- a. an applicant;
- b. in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
 - (i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or reduction on his behalf,
 - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit or reduction appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
- c. a person appointed by the authority under this scheme;

96.0 Revisions of Decisions

96.1 Subject to the provisions in this scheme, a relevant decision ('the original decision) may be revised or further revised by the authority, which made the decision where the person affected makes an application for a revision within;

- (i) one month of the date of notification of the original decision; or
- (ii) such extended time as the authority may allow.

96.2 The authority may revise or further revise that original decision at any time. Where further information is required from the person affected, the authority shall request such information and evidence as it feels is reasonable. Such information must be supplied within;

- i) one month of the date of notification of the additional information; or
- (ii) such extended time as the authority may allow

97.0 Written Statements

97.1 Subject to the provisions in the scheme, the authority may upon a written request issue a written statement to a person affected to further explain the decision of the authority in relation to Council Tax Reduction. The request must be received within one month of the date of the notification being issued by the authority.

98.0 Terminations

98.1 The authority may terminate reduction in whole or in part the Council Tax Reduction where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to Council Tax Reduction are or were fulfilled; or
- b. a decision as to an award of such a reduction should be revised or superseded.

98.2 The authority may terminate, in whole or in part the Council Tax Reduction where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to Council Tax Reduction are or were fulfilled; or
- b. a decision as to an award of such a reduction should be revised or superseded.

Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax

Section 99

Appeals against the authority's decisions

99.0 Procedure by which a person may make an appeal against certain decisions of the authority³⁸

- 99.1 A person who is aggrieved by a decision of the authority, which affects;
- (a) the person's entitlement to a reduction under its scheme, or
 - (b) the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 The authority must
- (a) consider the matter to which the notice relates;
 - (b) notify the aggrieved person in writing;
 - (i) that the ground is not well founded, giving reasons for that belief; or
 - (ii) that steps have been taken to deal with the grievance, stating the steps taken.
- 99.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act³⁹.

³⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³⁹ As amended by the Tribunal Procedure (Amendment No 3) Rules 2014

Section 100

Procedure for applying for a discretionary reduction

100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act⁴⁰

- 100.1 An application to the authority for a reduction under section 13A(1)(c)(1) 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 purpose of receiving such applications, by telephone.
- 100.2 Where;
- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
 - (b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).
- 100.3 An application to the authority for a reduction not in accordance with paragraph 1 on the grounds of Exceptional Hardship under this scheme must be made:
- (a) in writing,
 - (b) by any means acceptable to the authority.

⁴⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Section 101 – 106A⁴¹
Electronic Communication

⁴¹ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

101.0 Interpretation

101.1 In this Part;
“**information**” includes an application, a certificate, notice or other evidence; and
“**official computer system**” means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

102.0 Conditions for the use of electronic communication

102.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.

102.2 A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

102.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

102.4 The second condition is that the person uses an approved method of;

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any application or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

102.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.

102.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

102.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

102.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

103.0 Use of intermediaries

103.1 The authority may use intermediaries in connection with;

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

104.0 Effect of delivering information by means of electronic communication

104.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed;

- (a) by this section; and
- (b) by or under an enactment,

are satisfied.

104.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

104.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

105.0 Proof of identity of sender or recipient of information

105.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of—
(a) the sender of any information delivered by means of an electronic communication to an official computer system; or
(b) the recipient of any such information delivered by means of an electronic communication from an official computer system,
the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

106.0 Proof of delivery of information

106.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;

(a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or

(b) any such information has been delivered by the relevant authority, if the delivery of that information has been recorded on an official computer system.

106.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case, if that information delivered to the relevant authority has not been recorded on an official computer system.

106.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

106A.0 Proof of content of information

106A.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

Section 107
Counter Fraud and Compliance

107.0 Counter Fraud and compliance

107.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of Council Tax Reduction;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases

107.2 The authority believes that it is important to minimise the opportunity for fraud and;

- a. will implement rigorous procedures for the verification of claims for council tax reduction;
- b. will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
- c. will actively tackle fraud where it occurs in accordance with this scheme;
- d. will co-operate with the Department for Work and Pensions (DWP), Her Majesty's Revenues and Customs and take part in joint working including prosecutions; and
- e. will in all cases seek to recover all outstanding council tax.

107.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph 107.1 and 107.2 can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

Schedule 1
Applicable Amounts⁴²

⁴² ⁴² The amounts shown within this schedule shall be uprated in line with the Housing Benefit Regulations 2006 as amended

Personal Allowance

- 1 The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes the main scheme;

Column 1 Person or Couple	Column 2
1. A Single applicant who; a) is entitled to main phase employment and support allowance	£74.70
b) is aged not less than 25	£74.70
c) is aged not less than 18 but less than 25	£59.20
2. Lone Parent	£74.70
3. Couple; a) Where the applicant is entitled to the main phase of employment and support allowance	£117.40
b) Where one member is aged not less than 18	£117.40
c) Polygamous Addition	£42.45*

- To be confirmed

For the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if;

- Paragraph 17 or 18 is satisfied in relation to the applicant; or
- The applicant is entitled to a converted employment and support allowance

- 2 (1) The amount specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of the main scheme

Column 1 Child or Young Person	Column 2
Person in respect of the period– (a) beginning on that person’s date of birth and ending on the day preceding the first Monday in September following that person’s sixteenth birthday;	£68.60
(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.	£68.60

(2) In column (1) of the table in paragraph (1), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

Family Premiums

3. (1) The amount for the purposes of this scheme in respect of a family of which at least one member is a child or young person shall be
- where the applicant is a lone parent to whom sub-paragraph (3) of Schedule 3 of the Housing Benefit Regulations 2006 applies, £22.20;
 - in any other case, £17.65;

Premiums

4. Except as provided in paragraph 5, the premiums specified in this Schedule shall, for the purposes of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs 4 to 16 in respect of that premium.
5. Subject to paragraph 6, where an applicant satisfies the conditions in respect of more than one premium in this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.
6. (1) The following premiums, namely—
 - a. severe disability premium to which paragraph 10 applies;
 - b. an enhanced disability premium to which paragraph 11 applies;
 - c. a disabled child premium to which paragraph 12 applies; and
 - d. carer premium to which paragraph 13 applies,may be applicable in addition to any other premium which may apply under this Schedule
7. (1) Subject to sub-paragraph (2), for the purposes of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for
 - a. in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
 - b. any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the 1973 Act or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under or section 2 of the Enterprise and New Towns(Scotland) Act 1990 for any period during which he is in receipt of a training allowance.(2) For the purposes of the carer premium, a person shall be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of the personal independence payment under the Welfare Reform Act 2012 or an AFIP.

Disability Premium

8. The condition (s) to be met is contained in Schedule 3 (12) Housing Benefit Regulations 2006

Additional Condition for the Disability Premiums

9. The condition (s) to be met is contained in Schedule 3 (13) Housing Benefit Regulations 2006

Severe Disability Premiums

10. The condition (s) to be met is contained in Schedule 3 (14) Housing Benefit Regulations 2006

Enhanced Disability Premium

11. The condition (s) to be met is contained in Schedule 3 (15) Housing Benefit Regulations 2006

Disabled Child Premium

12. The condition (s) to be met is contained in Schedule 3 (16) Housing Benefit Regulations 2006

Carer Premium

13. The condition (s) to be met is contained in Schedule 3 (17) Housing Benefit Regulations 2006

Persons in receipt of concessionary payments

14. For the purpose of determining whether a premium is applicable to a person under paragraphs 8 to 13, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

15. For the purposes of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

Amounts of Premium

16. For the purposes of this Schedule, the following amounts shall apply;

Premium	Amount
Disability Premium	£35.10
a. where the applicant satisfies the condition in paragraph 12(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 12(b) of Schedule 3 Housing Benefit Regulations 2006	£50.05
Severe Disability Premium	£67.30
a. where the applicant satisfies the condition in paragraph 14(2)(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 14(2)(b) of Schedule 3 Housing Benefit Regulations 2006	£67.30
i. in a case where there is someone in receipt of carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 14(5);	
ii. in a case where there is no one in receipt of such an allowance	£134.60
Disabled Child Premium	£65.94 in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Carer Premium	£37.70 in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Enhanced Disability Premium	(a) £26.67 in respect of each child or young person in respect of whom the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied; (b) £17.20 in respect of each person who is neither— (i) a child or young person; nor (ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 15 are satisfied; (c) £24.60 where the applicant is a member of a couple or a

Premium	Amount
	polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied in respect of a member of that couple or polygamous marriage.

The components

- 17. The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006 as amended by the Social Security (Miscellaneous Amendments) Regulations 2013
- 18. The amount of the work-related activity component is £29.70. The amount of the support component is £39.40.

Transitional Addition

- 19. The applicant is entitled to the transitional addition calculated in accordance with paragraph 30 of Schedule 3 of the Housing Benefit Regulations 2006 where the applicant or the applicant’s partner meets the conditions contained within paragraphs 27 – 29 of Schedule 3 of the Housing Benefit Regulations 2006

Amount of transitional addition

- 20. The amount of any transitional addition is calculated in accordance with paragraphs 30 and 31 of Schedule 3 of the Housing Benefit Regulations 2006

Schedule 2

Not used

Schedule 3

Sums to be disregarded in the calculation of earnings⁴³

⁴³ All amounts within this schedule will be amended in line with the Housing Benefit Regulations 2006 (as amended)

- 1.** In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged—
- (a) where—
 - (i) the employment has been terminated because of retirement; and
 - (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,
any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
 - (b) where before the first day of entitlement to council tax reduction the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except—
 - (i) any payment of the nature described in
 - (aa) paragraph 25.1(e), or
 - (bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
 - (ii) any award, sum or payment of the nature described in
 - (aa) paragraph 25.1(g) or (h), or
 - (bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),
including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;
 - (c) where before the first day of entitlement to council tax reduction—
 - (i) the employment has not been terminated, but
 - (ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), or (j).
- 2.** In the case of an applicant who, before first day of entitlement to council tax reduction;
- (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
 - (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,
any earnings paid or due to be paid in respect of that employment except;
 - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
 - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), (i) or (j).
- 2A.** In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain would have been so engaged and who has ceased to be so employed, from the date of the cessation

of his employment any earnings derived from that employment except earnings to which paragraph 27.3 and paragraph 27.4 (earnings of self-employed earners) apply.

3. (1) In a case to which this paragraph applies and paragraph 4 does not apply, £20; but notwithstanding section 15 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.
- (2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component.
- (3) This paragraph applies where
 - (a) the is a member of a couple and his applicable amount includes an amount by way of the disability premium; and
 - (b) the or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.
- (4)–(5) Not used
4. In a case where the applicant is a lone parent, £25.
5. (1) In a case to which neither paragraph 3 nor paragraph 4 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium, £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with this scheme as being in receipt of carer's allowance.
- (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £20 of the aggregated amount.
6. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment;
 - (a) specified in paragraph 8(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 5 exceed £20;
 - (b) other than one specified in paragraph 8(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
7. In a case where paragraphs 3, 5, 6 and 8 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.
8. (1) In a case where paragraphs 3, 4, 5 and 6 do not apply to the applicant, £20 of earnings derived from one or more employments as–
 - (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
 - (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section

1 of the Fire (Scotland) Act 2005(a)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;

- (c) an auxiliary coastguard in respect of coast rescue activities;
- (d) a person engaged part-time in the manning or launching of a life boat;
- (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except to the extent specified in sub-paragraph (2).

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

9. Where the applicant is engaged in one or more employments specified in paragraph 8(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 8 exceed £20.

10. In a case to which none of the paragraphs 3 to 9 applies, £5.

10A. (1) Where;

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 12 does not apply, the amount specified in sub-paragraph (7) ('the specified amount').

(2) Where this paragraph applies, paragraphs 3 to 10 do not apply; but in any case where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 4, then paragraph 4 applies instead of this paragraph.

(3) Notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ('A') it shall not apply to the other member of that couple ('B') except to the extent provided in sub-paragraph (4).

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

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

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

(6) 'Exempt work' means work of the kind described in;

(a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations; or (as the case may be)
(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,
and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

- (7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).
- 11.** Any amount or the balance of any amount which would fall to be disregarded under paragraph 19 or 20 of Schedule 4 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.
- 12.** Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.
- 13.** Any earnings derived from employment, which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.
- 14.** Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.
- 15.** Any earnings of a child or young person.
- 16.** (1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10A of this Schedule shall be increased by £17.10.
- (2) The conditions of this sub-paragraph are that—
- (a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies; or
- (b) the applicant—
- (i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or
- (ii) is a member of a couple and
- (aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and
- (bb) his applicable amount includes a family premium; or
- (iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or
- (iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and;
- (aa) the applicant's applicable amount includes a disability premium, the work-related activity component or the support component ;
- (bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in sub-head (aa) above and is engaged in remunerative work for on average not less than 16 hours per week; 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 Regulations (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 3 to 10A of this Schedule;
 - (b) the amount of child care charges calculated as deductible under paragraph 17(1)(c); and
 - (c) £17.10
- (4) The provisions of section 6 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that section were a reference to 30 hours.

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

Schedule 4

Sums to be disregarded in the calculation of income other than earnings⁴⁴

⁴⁴ Any amounts shown in this schedule will be uprated in line with the Housing Benefit Regulations 2006 as amended

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
- A2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment in respect of any expenses incurred or to be incurred by an applicant who is–
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).
- 2A. Any payment in respect of expenses arising out of the applicant’s participation as a service user
3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
4. Where an applicant is on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance the whole of his income.
5. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker’s allowance, the whole of the applicant’s income.
6. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker’s allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
7. Any disability living allowance or personal independence payment
8. Any concessionary payment made to compensate for the non-payment of;
 - (a) any payment specified in paragraph 7 or 10;
 - (b) income support;
 - (c) an income-based jobseeker’s allowance.
 - (d) an income-related employment and support allowance.
9. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
10. Any attendance allowance.
11. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
12. (1) Any payment–
 - (a) by way of an education maintenance allowance made pursuant to;
 - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);

- (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
 - (iii) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
 - (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
 - (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 13.** Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 14**
- (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
 - (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
 - (b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
 - (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- 15**
- (1) Subject to sub-paragraph (2), any of the following payments;
 - (a) a charitable payment;
 - (b) a voluntary payment;
 - (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
 - (d) a payment under an annuity purchased;
 - (i) pursuant to any agreement or court order to make payments to the applicant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
 - (e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of

any personal injury to the applicant.

- (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by—
 - (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant's family.
- 16.** 100% of any of the following, namely
 - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow's pension or war widower's pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria;
 - (h) Armed Forces Compensation scheme payment.
- 17.** Subject to paragraph 35, £15 of any;
 - (a) widowed mother's allowance paid pursuant to section 37 of the Act;
 - (b) widowed parent's allowance paid pursuant to section 39A of the Act.
- 18.** (1) Any income derived from capital to which the applicant is or is treated under section 41 (capital jointly held) as beneficially entitled but, subject to sub- paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28 of Schedule 5.
(2) Income derived from capital disregarded under paragraphs 2, 4 or 25 to 28 of Schedule 5 but only to the extent of—
 - (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.
(3) The definition of 'water charges' in paragraph 2(1) shall apply to sub-paragraph (2) of this paragraph with the omission of the words 'in so far as such charges are in respect of the dwelling which a person occupies as his home'.
- 19.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—
 - (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998(c), that student's award;
 - (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
 - (c) the student's student loan,an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

- 20.** (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;
- (a) is not in receipt of any award, grant or student loan in respect of that education; or
 - (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,
- and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student's term.
- (2) For the purposes of sub-paragraph (1), the amount shall be equal to—
- (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),
- whichever is less.
- 21.** Any payment made to the applicant by a child or young person or a non- dependant.
- 22.** Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 21 or 23 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family—
- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
 - (b) where the aggregate of any such payments is £20 or more per week, £20.
- 23.** (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to—
- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;
 - (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.
- (2) In this paragraph, 'board and lodging accommodation' means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.
- 24.** (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to 'income in kind' does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
- 25.** Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

- 26.** (1) Any payment made to the applicant in respect of a person who is a member of his family–
- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978**(b)** (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)
 - (b) not used
 - (ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child’s maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child’s maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 27.** Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made
- (a) by a local authority under–
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
 - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
- 28.** Any payment made to the applicant or his partner for a person (‘the person concerned’), who is not normally a member of the applicant’s household but is temporarily in his care, by–
- (a) a health authority;
 - (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (c) a voluntary organisation;
 - (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
 - (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006
- 29.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 29A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995(local authorities’ duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person (‘A’) which A passes on

- to the applicant.
- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
- 30.** (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
 - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—
- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
 - (b) meet any amount due by way of premiums on—
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
- 31.** Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.
- 32.** Any social fund payment made pursuant to Part 8 of the Act (the Social Fund) or any local welfare provision as defined by the Social Security (Miscellaneous Amendments) Regulations 2013
- 33.** Any payment under Part 10 of the Act (Christmas bonus for pensioners).
- 34.** Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 35.** The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 15.2 (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 47.2(b) and paragraph 48.1(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 51(2) (treatment of student loans), paragraph 52(3) (treatment of payments from access funds) and paragraphs 16 and 17 shall in no case exceed £20 per week.
- 36.** (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a

member and who is a member of the applicant's family.

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

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

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

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

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

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

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

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

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

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

37. Any housing benefit.

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

39. - 40. not used

- 41.** Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.
- 42.** Not used
- 43.** Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
- 44.** Not used
- 45.** (1) Any payment or repayment made—
(a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
(b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
(c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).
(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in sub-paragraph (1).
- 46.** Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).
- 47.** Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
- 48.** (1) Where an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, other than child maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.
(2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments such be aggregated and treated as if they were a single payment.
(3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).
- 48A.** (1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the applicant's family, except where the person making the payment is the applicant or the applicant's partner.
(2) In paragraph (1) 'child maintenance' means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under;
(a) the Child Support Act 1991;
(b) the Child Support (Northern Ireland) Order 1991;
(c) a court order;
(d) a consent order;
(e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books;
'liable relative' means a person listed in regulation 54 (interpretation) of the Income Support (General) Regulations 1987, other than a person falling within sub-paragraph (d) of that

	definition.
49.	Not used
50.	Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
51.	Any guardian's allowance.
52.	<p>(1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.</p> <p>(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.</p>
53.	Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
54.	In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
55.	<p>(1) Any payment which is</p> <ul style="list-style-type: none">(a) made under any of the Dispensing Instruments to a widow, widower or(b) surviving civil partner of a person;<ul style="list-style-type: none">(i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and(ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006. <p>(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).</p>
55A.	Any council tax reduction or council tax benefit to which the applicant is entitled.
56.	Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10
56A.–56B.	Not used
57.	Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
58.	<p>(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–</p> <ul style="list-style-type: none">(a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
Test Valley - Council Tax Reduction Scheme 2021/22	
126	

- (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity, in respect of which such assistance is or was received.
- (2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account
- 59.** (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
- 60.** Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
- 61.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
- 62.** Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
- 63.** (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
- 64.** Not used
- 65.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
- 66.** Any payment of child benefit.
- 67.** Any payments disregarded for Housing Benefits under the Social Security (*Emergency Funds*) Amendment) Regulations 2017.
- 68.** Any Bereavement Support payments made under the Bereavement Support Payment Regulations 2017.

Schedule 5
Capital to be disregarded⁴⁵

⁴⁵ Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
- A2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills and Enterprise Scheme or Back to Work Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
2. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
4. Any premises occupied in whole or in part—
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. 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.
6. 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.
7. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub- leases or sub-tenancies.
8.
 - (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 - (2) The assets of any business owned in whole or in part by the applicant where—
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax reduction is made, or is treated as made, or, if it is unreasonable to expect him to become engaged

or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

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

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

9. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
 - (b) an income-related benefit under Part 7 of the Act;
 - (c) an income-based jobseeker's allowance;
 - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (e) working tax credit and child tax credit
 - (f) an income-related employment and support allowance

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

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

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

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

- (3) For the purposes of sub-paragraph(2), 'the award of council tax reduction' means–
- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
 - (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant;
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum, or was that person's partner at the date of his death.

10. Any sum
- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
 - (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

- 11.** Any sum—
- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;
 - (b) which was so deposited and which is to be used for the purchase of another home, for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.
- 12.** Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax reduction or to increase the amount of that reduction.
- 13.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 14.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 14A.** (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.
- (2) But sub-paragraph (1)
- (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
 - (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
 - (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
 - (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.
- (3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.
- (4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
- 15.** The value of the right to receive any income under a life interest or from a life rent.
- 16.** The value of the right to receive any income, which is disregarded under paragraph 13 of Schedule 3 or paragraph 25 of Schedule 4.
- 17.** The surrender value of any policy of life insurance.
- 18.** Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
- 19.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 19A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the

applicant.

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

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

- 20.** Any social fund payment made pursuant to Part 8 of the Act.
- 21.** Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
- 22.** Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
- 23.** Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 24.** (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.

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

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

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

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

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

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

(i) to that person's parent or step-parent; or
(ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,
but only for a period from the date of the payment until the end of two years from that person's death.

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

(a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and

(b) the payment is made either;

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

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

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

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

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

25. (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

26. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

27. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

28. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

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

	entitlement to housing benefit.
30.	Not used
31.	The value of the right to receive an occupational or personal pension.
32.	The value of any funds held under a personal pension scheme
33.	The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
34.	Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
35.	Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
36.	Not used.
37.	Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
38.	<p>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—</p> <ul style="list-style-type: none">(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, <p>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.</p>
39.	Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
40.	<p>(1) Any payment or repayment made—</p> <ul style="list-style-type: none">(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), <p>but only for a period of 52 weeks from the date of receipt of the payment or repayment.</p> <p>(2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in subparagraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.</p>
41.	Any payment made to such persons entitled to receive benefits as may be determined by or

under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

- 41A.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
- 42.** Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
- 43.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 44.** Not used
- 45.** Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
- 46.** Not used
- 47.** (1) Any sum of capital to which sub-paragraph (2) applies and
(a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 (as amended by the Civil Procedure (Amendment No. 7) Rule 2013) or by the Court of Protection;
(b) which can only be disposed of by order or direction of any such court; or
(c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.
(2) This sub-paragraph applies to a sum of capital which is derived from;
(a) an award of damages for a personal injury to that person; or
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 48.** Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from
(a) award of damages for a personal injury to that person; or
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
- 49.** Any payment to the applicant as holder of the Victoria Cross or George Cross.
- 50.** Not used
- 51.** In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.
- 52.** (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).

(2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that

applicant or member is liable.

(3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.

- 53.** (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to—
 - (i) regulations made under section 518 of the Education Act 1996;
 - (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act ;

or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.

- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).

53A.-53B. Not used

54. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.

55. Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.

56. Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of—

- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, £10,000.

- 57.** (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
 - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at

- the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person—
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is—
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to—
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
 - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending—
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,whichever is the latest.
- (5) In this paragraph, a reference to a person—
- (a) being the diagnosed person's partner;
 - (b) being a member of a diagnosed person's family;
 - (c) acting in place of the diagnosed person's parents,
- at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.
- (6) In this paragraph— 'diagnosed person' means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;
'relevant trust' means a trust established out of funds provided by the Secretary of State

in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions; 'trust payment' means a payment under a relevant trust.

- 58.** The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner
- (a) was a slave labourer or a forced labourer;
 - (b) had suffered property loss or had suffered personal injury; or
 - (c) was a parent of a child who had died,
- during the Second World War.
- 59** (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
- (2) For the purposes of sub-paragraph (1) 'local authority' includes in England a county council.
- 60.** Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).
- 61.** Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 62.** Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).
- 63.** Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
- 64.** Any payments disregarded for Housing Benefits under the Social Security (*Emergency Funds*) Amendment) Regulations 2017.
- 65.** Any Bereavement Support payments made under the Bereavement Support Payment Regulations 2017.

Equality Impact Assessment

Service:	Finance & Revenues
Officer(s) completing the assessment:	Michael Fisher
Date:	9 th December 2020
Name of service, strategy, policy, project or function being assessed:	Council Tax Support Scheme for Working Age Applicants

1.	<p>What are the aims, objectives, outcomes, purpose of the service, strategy, policy, project or function that you are assessing?</p>	<p>The Council Tax Support (CTS) scheme provides support for certain taxpayers who have a low income. Where entitled, the scheme provides a reduction in liability for Council Tax.</p> <p>2019/20 saw the introduction of a 90% CTS cap for most working-age claimants. This was a significant change that has resulted in a number of households being asked to pay an element of their Council Tax charge, where previously they had not been required to do so.</p> <p>These changes were, in effect, neutralised by the introduction Council tax COVID-19 hardship fund. This fund enabled the Council to reduce the liability of all working-age recipients of Council Tax Support by £300. This meant many residents had no council tax to pay 2020/21.</p> <p>There are no proposals to make any changes to the Council Tax Support Scheme that was approved by Council in January 2020 apart form increasing allowances in line with with other government benefits.</p>
2.	<p>Who implements or delivers the service, strategy, policy, project or function?</p> <p>State if this is delivered by more than one service or team, including any external partners.</p>	<p>Finance & Revenues Service</p>

3.	Who will be affected by the service, strategy, policy, project or function?	The scheme affects working-age CTS claimants. There are no material changes to the scheme therefore the impact of renewing the current scheme will be neutral. Pension Age applicants are protected under the Central Government Prescribed Scheme
4.	What are the likely positive impacts for the protected groups (see above)? Are any particular groups more affected and why?	No changes are being proposed
5.	What are the likely negative impacts for the protected groups (see above)? Are any particular groups affected more and why?	No changes are being proposed
6.	What consultation and engagement has taken place (or is planned) with the affected groups and other interested parties?	Major preceptors have been consulted (Hampshire CC/ Police/ Fire) and are content with the proposed approach.
7.	What plans do you have in place, or are developing, to mitigate the likely negative impacts, i.e. how will you reduce the impact on the protected groups?	The Council will use existing policies to alleviate potential hardship.
8.	Please summarise or provide links to the information, data, research used in this assessment	N/A

What course of action does this EQIA suggest that you take? (tick one of the following options)	
Outcome 1: No major change required The EQIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.	X

Outcome 2: Adjust the policy to remove barriers identified by the EQIA or better promote equality. Are you satisfied that the policy adjustments will remove the barriers identified?	
Outcome 3: Continue the policy despite potential for adverse impact or missed opportunities to promote equality identified. You should ensure that the EQIA clearly sets out the justifications for continuing with the policy. You should consider whether there are sufficient plans to reduce negative impact and/or plans to monitor the actual impact	
Outcome 4: Stop and rethink the policy when the EQIA shows actual or potential unlawful discrimination	

Summary of your proposals - copy and paste into any report for Cabinet, Council or General Purposes Committee

What are the key impacts - positive and negative?

What course of action are you advising as a result of this EQIA?

Are there any particular groups affected more than others?

It is proposed that the current Council Tax Support scheme for working age continues with effect from 1st April 2021 as follows:

1. That the Council Tax Support Scheme for 2021/22 be approved, subject to required changes arising from the Council Tax reduction Schemes (Prescribed requirements) Regulations. The scheme is largely unchanged from the current scheme.
2. In the event that the temporary uplift to Universal Credit continues, the Head of Finance and Revenues, in consultation with the Finance Portfolio Holder, be authorised to continue to disregard the increase in income as a national response to the Covid-19 pandemic. This will enable any nationally determined support to be incorporated into the Council's scheme during the year.

Head of Service sign off (name):	Carl Whatley Head of Finance and Revenues
Date:	10 th December 2020

ITEM 10 Climate Emergency Member Champion

Report of the Leader of the Council

Recommended:

- 1. That the role of Climate Emergency Member Champion be established.**
- 2. That Councillor N Gwynne be appointed to this role for the remainder of year ending June 2021.**

SUMMARY:

- This report proposes that a new role of Climate Emergency Member Champion is established and that Councillor Gwynne is appointed to that role for the remaining year ending June 2021.

1 Introduction

- 1.1 In 2017, Cabinet established a Member Champions scheme in order that it could benefit from the experience, knowledge and interests of non-Cabinet members in particular specialist areas.

2 The Role of TVBC Member Champions

- 2.1 Member Champions act in an advisory capacity to Cabinet in respect of specific areas of responsibility and, in particular, in the development of ideas that will help deliver the aims of the Council's Corporate Plan and Corporate Action Plan. Cabinet will commission Member Champions within their particular area of responsibility to:

- Research good practice in other Councils and organisations.
- Liaise with external bodies such as the Local Government Association (LGA) to identify relevant research and ideas that could help further the Council's corporate aims.
- Consider what impact any proposed changes to Council policy and or, services might have on their specific area of responsibility. This might involve liaising with relevant groups within the Borough.

3 How the role works in practice

- 3.1 Cabinet members, in consultation with their Cabinet colleagues, have the ability to request that a Member Champion undertakes work, as described in paragraph 2 above, on behalf of Cabinet.

- 3.2 If a Member Champion wishes to instigate a piece of work, the matter will be first discussed with the Leader and the relevant Portfolio Holder. If they are in support of the proposal, the Portfolio Holder will discuss the merits of the proposal with the Head of Service (or Corporate Director where there is no Head of Service lead) and then present the idea to Cabinet members for consideration and discussion.
- 3.3 If endorsed by Cabinet members the Member Champion, Portfolio Holder and relevant Head of Service will meet to discuss a way forward.
- 3.4 The Member Champion roles were established specifically to support Cabinet although the Champions themselves need not necessarily come from the ruling group. The roles should not encroach on the independent scrutiny role of OSCOM or indeed into the role of Cabinet members. Member Champions do not have the authority to commit resources on behalf of the Council or to instruct officers to undertake work on their behalf.

4 Member Champion Thematic Areas 2020/21

- 4.1 In June 2020, Member Champions were appointed to following areas, for the year to June 2021:

Armed Forces

Community Safety and Resilience

Culture and Heritage

Equality and Diversity

Member Development/Community Councillor Role

5 Proposed additional Member Champion Role

- 5.1 Test Valley Borough Council declared a Climate Emergency in 2019. The OSCOM-endorsed Climate Emergency Action Plan was adopted by Council in June 2020.
- 5.2 The Action Plan has been achieved through the joint work of officers and cross party members. The differing experience and disciplines of both officers and Councillors have helped shape the objectives and maintain progress. It is proposed that the role of Climate Emergency Member Champion is established in order to further inform and assist with the on-going Climate Change work. It is proposed that Councillor Gwynne, who took an active role in the drafting of the Action Plan is appointed to this role for the remaining 2020/2021 period.

6 Resource Implications

- 6.1 There are no resourcing implications arising from this report.

7 Legal Implications

7.1 There are no legal implications arising from this report.

8 Equality Issues

8.1 No equality issues have been identified in adopting the recommendations arising from the report.

9 Other Issues

9.1 No other issues are identified.

10 Conclusion

10.1 It is proposed that a specific Climate Emergency Member Champion role be established to further enhance the Council's work in this field and that Councillor N Gwynne is appointed to this role.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	0	File Ref:	N/A
(Portfolio: Leader) Councillor P North			
Officer:	Karen Dunn	Ext:	8401
Report to:	Cabinet	Date:	13 January 2021

ITEM 11 Community Transport Funding - 2021/22

Report of the Planning Portfolio Holder

Recommended:

That the Community Transport contract be extended for one year (2021/22) and that funding of £19,458 is provided.

SUMMARY:

- This report seeks the agreement to extend the Community Transport contract for 2021/22.

1 Introduction

- 1.1 This report seeks agreement to extend the Community Transport contract with Unity for the year 2021/22 and provide funding of £19,458 from within existing budget.

2 Background

- 2.1 The Test Valley Community Transport Scheme has existed in Test Valley since 2001 and is an essential service for those without a car, with mobility issues or suffering from social isolation. It is operated by Unity and comprises two elements; dial a ride (Call'n'Go) and the community minibus hire scheme. Funding is shared between Hampshire County Council and TVBC.
- 2.2 HCC /TVBC last tendered the community transport contracts in the autumn of 2018 so that new contracts would be in place for 1 April 2019. These contracts were for an initial 2 year period (2019/20 and 2020/21) with the option to extend for up to a further 4 years (six year term in full). This, along with the Council's financial contribution of £37,505 for the 2 year period, was agreed by Cabinet on 10 October 2018.
- 2.3 The impact of the COVID-19 pandemic has meant that funded organisations have had to respond and adjust their services and the way that they are delivered. The Community Transport model in Test Valley has been affected severely, both in terms of patronage, hire and in maintaining volunteers. This pandemic has come during the last of the two year contract period where a decision needs to be made on triggering the extension to the current contract and for what period.
- 2.4 In September 2020, as part of considering whether to extend the current funding arrangement for organisations which receive funding through the Council's Revenue Grant programme, Cabinet agreed that the decision of extending the Community Transport funding after March 2021 would be considered separately in co-ordination with HCC as primary funder.

3 Corporate Objectives and Priorities

- 3.1 The Council's Corporate Plan 'Growing Our Potential' was approved in 2019. Helping to fund community transport helps support the residents of the Borough to live well and support the most vulnerable access services.

4 Consultations/Communications

- 4.1 No consultation is required. Communications between the Council, Hampshire County Council and Unity continue.

5 Options

- 5.1 The option to consider is whether to extend the contract for an additional year and provide the necessary funding.

6 Option Appraisal

- 6.1 The impact of the pandemic on service provision and the ongoing uncertainty makes the decision of whether to extend the contract, and for what length, a complex one. Ordinarily, at this time the two Councils would be considering the possibility of extending the contract from 1 April 2021. As part of this process officers would be reviewing service provision and monitoring patronage and forecasting future demand and requirements. However, given the current situation there remains uncertainty about what the key needs of the service users might be. This makes an effective review to guide funding for the next four years particularly difficult. To end the contract is not a realistic option because of the impact this would cause on those members of the community who rely on the service. Also, as community groups rebuild their offer it is important that there is some degree of functioning community transport model in place ready to meet their demand, although recognising that the level of demand may not be there in the short term.
- 6.2 The existing contract is worded to allow funders the ability to not agree to trigger the full four year extension. There is the option of agreeing an extension to the current contract for part of the four year extension. Given the level of uncertainty with forecasting and to give Unity the ability to respond to a potentially different model of delivery it is proposed to extend the contract for a single year (2021/22). This would also give the Councils time to decide what is needed post 2021/22, if required. A one year extension would also be consistent with the approach the Council has applied to other grant recipients. Hampshire County Council as co-funders of community transport are supportive of this approach.
- 6.3 The Council's proportion of funding for 2021/22 would be £19,458. This would comprise £11,503 for Call n' Go; £4,601 for Group Hire and £3,354 towards vehicle maintenance.

7 Resource Implications

- 7.1 The proposed recommendation can be met from within existing budget.

8 Legal Implications

8.1 There are no legal implications for the Council in the recommendations.

9 Equality Issues

9.1 An EQIA screening had been completed in accordance with the Council's EQIA methodology and no potential for unlawful discrimination or negative impact has been identified, therefore a full EQIA has not been carried out.

10 Other Issues

10.1 Community Safety - none

10.2 Environmental Health Issues – none

10.3 Sustainability and Addressing a Changing Climate – the potential to reduce trips by private car.

10.4 Property Issues – none

10.5 Wards/Communities Affected – all

11 Conclusion

11.1 The pandemic has affected the community transport service within the Borough. The pandemic has come during the last of the two year contract period where a decision needs to be made on triggering the extension to the current contract and for how long.

11.2 Given the level of uncertainty with forecasting future requirements and to be consistent with the approach the Council has applied to other grant recipients it is recommended that the contract be extended for one year. This is to be funded from existing budgets.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	0		
Author:	G Smith	Ext:	8141
File Ref:	Pt7		
Report to:	Cabinet	Date:	13 January 2021

ITEM 12 Romsey Conservation Area Review

Report of the Planning Portfolio Holder

Recommended:

- 1. That the proposed revised boundaries to the Romsey Conservation Area be approved as shown in Annex 2 (Boundary Amendment Report, November 2020 prepared by Purcell on behalf of the Council) to the report.**
- 2. That the plan on page 6 of the same report and also included as Annex 4 to the report be approved as the definitive plan.**
- 3. That the Conservation Area Appraisal and Management Plan (CAAMP) document (Annex 1 to the report) be approved.**

SUMMARY:

- This report seeks approval for proposed amendments to the Conservation Area boundaries, and the approval of the revised Conservation Area Appraisal and Management Plan for the Romsey Conservation Area. The final documents have been produced following public consultation on a consultation version. The responses to the consultation have been reviewed, and, where appropriate, amendments were made to both the CAAMP and the boundary.

1 Introduction

- 1.1 The Council is required by Section 69 (2) of the Listed Buildings and Conservation Areas Act, 1990 to periodically review Conservation Areas. Section 71 of the same requires Councils to draw up and publish proposals for the preservation and enhancement of said Conservation Areas (i.e. appraisals and management plans). If the Conservation Area boundaries are not reviewed the Local Planning Authority could be criticised by Historic England, Stakeholders, members of the public etc. for failing to comply with the requirements of the Act or for relying on outdated Conservation Area policy documents, making it difficult to defend conservation policies effectively at appeal.
- 1.2 The NPPF at Para 185 also sets out how Plans should set out a positive strategy for the conservation of the Historic Environment.
- 1.3 Para 186 of the NPPF directs that Local Planning Authorities should ensure an area justifies its status because of its special architectural or historic interest, and that the concept of conservation should not be devalued through inclusion of areas which lack special interest. It is taken that this should also apply to the retention of previously included parts of the Conservation Area which no longer met the criteria for designation.

2 Background

- 2.1 The Romsey Conservation Area was designated in 1970 and extended in 1983.
- 2.2 The Council have engaged Purcell, conservation specialists, to carry out a review of the Conservation Area and its boundary.
- 2.3 As part of the review process the Conservation Area Character Appraisal and accompanying Management Plan have been reviewed in accordance with current best practice guidance published by Historic England.
- 2.4 The first stage was to check the boundaries to see if there were any anomalies – did they still make sense or has anything on the ground changed that meant areas no longer reflected the reasons for designation? Additionally, are there areas which would no longer meet the criteria for designation when weighed against current guidance?
- 2.5 The second stage was to determine whether buildings or features within the Conservation Area made a positive contribution to its character or not. Positive features include listed buildings, non-designated heritage assets, historic parks (such as the War Memorial Park), and public realm, green and open space. Features/buildings which do not make a positive contribution relates to buildings of limited architectural or historic interest or which could be found anywhere.
- 2.6 The Conservation Area boundary was then reassessed against these criteria and in accordance with the Historic England guidance. It is recommended that the boundary should be revised to retain the historic core of the town with removal of those areas which fail to meet the criteria for retention within the Conservation Area. Some additional areas were also assessed and considered worthy for inclusion within the designated area.
- 2.7 When the revised Conservation Area document went out for public consultation (see section 4) the proposed consultation boundary amendments included the removal of the Newton Lane car park. Concerns were raised about this from various parties, including the Ward Members and Romsey Town Council as this was formerly the site of the cattle market, thus it contributes positively to the historic significance of the town. Following the public consultation it was decided that this area should be retained in the designated area.
- 2.8 Following comments raised during the public consultation the proposed boundary has also been amended so it will now end at No. 77 Station Road (on the south side) (see Annex 3).
- 2.9 It is also recommended that the following areas be removed from the Conservation Area: The detailed reasoning for their removal are set out in the report at Annex 2 (These are unchanged from the consultation version):
 - Riverside Gardens
 - Stephens Court and Homemead House

- Nos.3-25 Newton Lane
- Bus and Coach Station, Broadwater Road Car
- Park and Eastwood Court
- Edwina Mountbatten House
- Cressey Road

2.10 In addition it is also recommended the following areas be included in the Conservation Area: The detailed reasoning for their inclusion are set out in the report at Annex 2 (Again, there are no changes to these following public consultation).

- The of whole of the Cromwell Arms property boundary
- War Memorial Park and Rivermead House
- Nos.70-84 Greatbridge Road
- The buildings on the south side of Station Road, up to and including No.77, and the County Library on the north side
- Plaza Theatre and Nos.51-83 Winchester Road on the south side of the street

2.11 In addition to the amendments to the boundary, a Conservation Area appraisal and Management Plan has been produced. This is included as Annex one. It sets out what is significant about the Conservation Area and the reasons for designation.

2.12 Section five of the document is a management plan which sets out how and why change in the Conservation Area is controlled, advice on alterations and extensions and good practice advice on repair and maintenance.

3 Corporate Objectives and Priorities

3.1 The review has been carried out as Town Centres are a Corporate Plan priority allowing them to adapt and be attractive, vibrant and prosperous places.

4 Consultations/Communications

4.1 Section 71 (2) & (3) of the Listed Building and Conservation Area Act, 1990 requires proposals for the preservation and enhancement of Conservation Areas to be submitted for consideration to a public meeting in the area in which they relate and that the LPA shall have regard to any views concerning the proposals expressed. Due to the Covid-19 pandemic it has not been possible to hold a conventional public meeting to fulfil the requirement of Section 71. However, use has been made of other means of engaging with the public, as is detailed in this report.

- 4.2 The Test Valley Borough Council Statement of Community Involvement (SCI) (2017) also stresses the importance of public involvement and sets out how this shall be done. Para 3.2 states that planning has a direct impact on the daily lives of residents and the business community therefore it is very important that development proposals are transparent and that people have the opportunity to have a say in the planning decisions made by the Council. The public has a right to get involved and the only way that the Council will understand what people's views are is if they are told by the public.
- 4.3 There has been extensive public consultation on the Romsey Conservation Area review within the limitations of the current Covid-19 pandemic.
- 4.4 An early-stage stakeholder engagement exercise was carried out in Spring 2020 in the form of a questionnaire circulated to key representatives such as the Ward Members, the Town Council, Romsey and District Society, Romsey Future and LTVAS. This was in lieu of a planned face-to-face meeting, which had to be cancelled due to the pandemic. The results of the questionnaire were fed into the review process.
- 4.5 The consultation boundary amendments, Conservation Area Appraisal and Management Plan were made available for public inspection and comment for a six-week period from September 25 – November 6 (This is longer than the SCI's 4-week requirement). The consultation document and associated maps were accessible on the Council's website, and hard copies were provided to anyone who requested them. It was not possible to have hard copies available in the Council receptions due to Covid-19 safety concerns (see addendum to SCI June 2020).
- 4.6 The consultation was widely advertised including a piece in the Romsey Advertiser, on the Council's website, and posters in locations round the town (including the library, at Crossfield Hall, in local businesses, and in the parking meter shelters). Notification was also posted to all the houses proposed for inclusion in the revised boundary.
- 4.7 Use was also made of the Council's social media, with regular updates posted on the consultation posted, particularly on the Romsey News and Information Facebook page.
- 4.8 Under normal circumstances an in-person public meeting/exhibition would have been held in the town, as per Section 71 of The Act (see above) as well as face-to-face meetings for Ward Members and Stakeholders. Due to the pandemic, such meetings were not possible (see Addendum SCI). Virtual meetings were held for Ward Members and for Stakeholders on October 20.
- 4.9 A video of the presentation which would have been made at an exhibition/public meeting under normal circumstances was recorded and published on the Council's website on a page dedicated to the Conservation Area review. A link and QR links to this page were included on the promotional material.

- 4.10 The progress on the Conservation Area review has also been put before meetings of Romsey Future on a number of occasions.
- 4.11 A questionnaire was also produced and made available from the Council's website to enable people to provide their responses. This questionnaire was presented alongside the video. It was also possible for written comments to be submitted and a postal address was provided on the webpage.
- 4.12 The consultation exercise is the opportunity to receive feedback on the proposed amendments to the boundary and the consultation version Management Plan and Conservation Area Appraisal and to tap into local knowledge about the area. 22 responses were received in response to the early stakeholder consultation. 18 responses were received for the draft document consultation in addition to the feedback given at the virtual meetings. These responses were forwarded to the consultants following the close of the consultation period.
- 4.13 A summary of the comments received as a result of the consultation exercise with comments from the consultants is provided in Annex 3 of this report.
- 4.14 Following consideration of comments received during the consultation exercise, revisions have also been made to the consultation documents and the revised boundary and these are included in Annex 2 to the report.
- 4.15 Some additional areas, such as additional parts of Winchester Road, Albany Road and the Station were suggested for inclusion, however, such additions would require either a convoluted boundary, or result in the inclusion of intervening buildings which are not of sufficient architectural or historic merit, thus risking diluting the reasons the Conservation Area is special.
- 4.16 The main concerns raised in response to the consultation were from homeowners whose properties would fall in the newly designated areas. These concerns centred around whether the controls can be used retrospectively, the additional controls on alterations and possible impacts on property value. The consultants have responded to these concerns in the document included at Annex 3. As is noted in 5.2 of the Management Plan controls cannot be applied retrospectively. With regards property value: There is good evidence that Conservation Area designation increased property values – see research conducted annually by Historic England (<https://historicengland.org.uk/research/heritage-counts/>). Where changes are proposed these should be judged on the merits of the scheme and whether they will preserve or enhance the character and appearance of the Conservation Area. Property values are not a planning matter, and not a reason to include/exclude areas from designation.
- 4.17 Other issues were raised with regards responding to climate change in the future. These are also addressed by the consultants (see Annex 3).

5 Options

- 5.1 The option to consider is whether or not to approve the Romsey Conservation Area Appraisal and Management Plan (CAAMP).

- 5.2 Members also need to consider whether or not to approve the revised Conservation Area boundary.
- 5.3 It is possible for only one of the items to be approved without the other. However, this would not be good practice, and would be likely to lead to issues in the future.
- 5.4 The options are to either approve the documents, or decline to approve them.

6 Option Appraisal

- 6.1 The Council is required to periodically review Conservation Areas. If the Conservation Area boundaries are not reviewed the Local Planning Authority could be criticised for failing to comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. Retention of areas which do not merit inclusion could devalue the credibility of the Conservation Area. If the reviews are not carried out the Council could be criticised for failing to review Conservation Area boundaries on a regular basis or for relying on outdated Conservation Area policy documents, making it difficult to defend conservation policies effectively at appeal.
- 6.2 The Conservation Area Appraisal and Management plan are needed in order to set out what is significant about the Conservation Area, why it merits designation, and to set out how it should be appropriately managed in order to preserve or enhance its special interest.
- 6.3 If approved, the CAAMP would be a material consideration of great weight in determining planning applications. (see para 37 of the Historic England document: *Conservation Area Appraisal, Designation and Management: Historic England Advice Note 1 (Second Edition)*).
- 6.4 Members could choose not to approve the CAAMP. This would leave the existing 1983 designation document in place. However, it would mean that Romsey still would not have an up-to-date appraisal and management document for the conservation area in place. As stated above, this would not meet the requirements of the Listed Buildings and Conservation Areas Act, 1990 (Section 71) to periodically formulate and publish proposals for the preservation and enhancement of Conservation Areas. Without an up-to-date document it is more difficult and time consuming for Officers to advise owners, developers and stakeholders and it is harder to defend decisions at appeal.
- 6.5 The revised document should ensure appropriate management of change in the Romsey Conservation Area in order to preserve and enhance its special interest for this and future generations. (see para 184, NPPF).
- 6.6 Members could also choose not to approve the boundary changes as set out in Annex 2. This would mean that the areas recommended for inclusion would not be subject to the protection afforded by designation. It would also leave in the areas which are no longer considered to merit designation, which could dilute the effectiveness of the Conservation Area. It would also mean the requirement of Section 69 of the Listed Buildings and Conservation Areas Act had not been met.

6.7 Conversely if Members approve the proposed boundary, the Romsey Conservation Area will have robust and up-to-date designation which is not weakened by areas not worthy of inclusion, and which includes some areas which were not previously designated, but which are considered to warrant preservation. The Conservation Area will be compliant with the 1990 Act and with the guidance of the NPPF.

6.8 Likewise, approval of the CAAMP will ensure the requirements of the Act are met. It will also facilitate the appropriate management of the designated area based on a better understanding of its significance.

7 Resource Implications

7.1 The proposed recommendation can be met from within existing budget.

8 Legal Implications

8.1 The Council has a statutory obligation under the Planning (Listed Buildings and Conservation Areas) Act 1990 to review Conservation Areas and produce documents for their management.

8.2 Section 69 of the Act deals with the designation of boundaries. There is no requirement to carry out public consultation for this, though the Council has done so.

8.3 Section 71 of the Act deals with the formulation and publication of proposals for preservation and enhancement of conservation areas. This includes a requirement for the proposals to be submitted for consideration to a public meeting in the area to which they relate. Due to Covid-19 it has not been possible to hold a public meeting. However, consultation has been carried out as set out in chapter 4 above.

9 Equality Issues

9.1 An EQIA screening has been completed in accordance with the Council's EQIA methodology and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore a full EQIA has not been carried out.

10 Other Issues

10.1 Community Safety – None.

10.2 Environmental Health Issues – None.

10.3 Sustainability and Addressing a Changing Climate – None.

10.4 Property Issues – None.

10.5 Wards/Communities Affected – Romsey Abbey Ward and Tadburn Ward.

11 Conclusion

- 11.1 The Conservation Area Review (with the revised conservation area boundaries) and the Character Appraisal (prepared within the published guidelines) will provide a robust and up to date framework within which to determine future planning applications in the Romsey conservation area, and development which might affect its setting. It can also be used in providing guidance to owners and stakeholders at pre-application stage.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	4	File Ref:	N/A
(Portfolio: Planning) Councillor N Adams-King			
Author:	M Bennett	Ext:	8469
Report to:	Cabinet	Date:	13 January 2021

ROMSEY CONSERVATION AREA APPRAISAL
AND MANAGEMENT PLAN
DECEMBER 2020



Page 203

Test Valley Borough Council - Cabinet - 10 January 2021

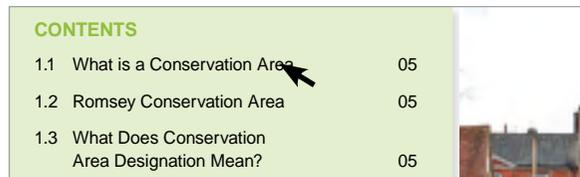
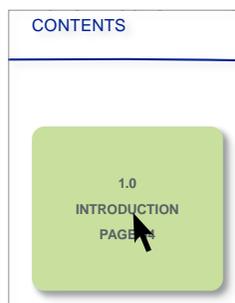
HOW TO USE THIS DOCUMENT

For ease of use this document has been produced to be read on-screen. It contains a series of features that make it easier to use and navigate between the sections.

Page 204

Contents

The contents page allows users to navigate directly to the required section by clicking on the section heading. The first page of each section also has an individual contents page for navigation within that section.



1.1 WHAT IS A CONSERVATION AREA?
 A conservation area is defined as an “area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.”⁰¹

Navigation

The buttons along the bottom of each page allow you to jump to a specific section. Once you’ve clicked on a section, it will turn bold so you know which section you are in.



You can also use the buttons in the top right hand corner to jump to the contents, appendices, further information, or back to the page you were previously on.



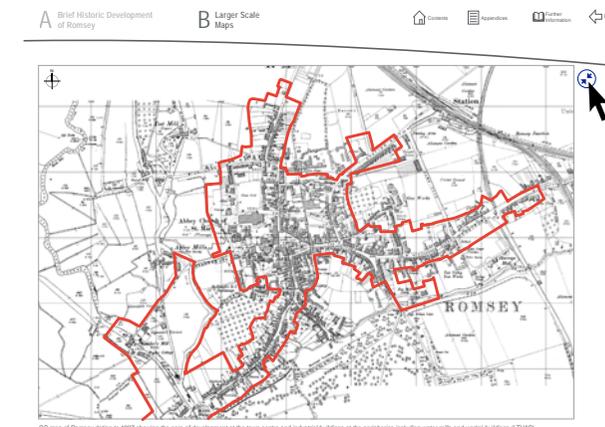
Plans



When you see this icon, click to see a full-sized version of the plan (located in [Appendix B](#)).



Click on this icon and it will take you back to the original plan within the document.



Test Valley Borough Council - Cabinet - 13 January 2021

ROMSEY CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN CONTENTS

Page 205

1.0
INTRODUCTION
PAGE 04

3.0
CHARACTER
ASSESSMENT
PAGE 14

5.0
MANAGING
CHANGE
PAGE 84



2.0
SUMMARY OF
SPECIAL INTEREST
PAGE 08

4.0
ISSUES AND
OPPORTUNITIES
PAGE 74

FURTHER
INFORMATION
PAGE 97

APPENDICES
PAGE 101

1 INTRODUCTION

This section gives an overview of Romsey Conservation Area, provides information about what conservation area designation means and its implications for development, what the purpose of the Conservation Area Appraisal and Management Plan is and outlining the consultation process that has been undertaken to prepare it.

CONTENTS

Page 206	1.1	What is a Conservation Area	05
	1.2	Romsey Conservation Area	05
	1.3	What Does Conservation Area Designation Mean?	05
	1.4	Purpose and Scope of the Conservation Area Appraisal	07
	1.5	Consultation and Engagement	07



1.1 WHAT IS A CONSERVATION AREA?

A conservation area is defined as an “area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.”⁰¹

Designation of a conservation area recognises the unique quality of the heritage of that area as a whole. This quality comes not only from individual buildings but also other features, including (but not limited to) topography, materials, thoroughfares, street furniture, open spaces and landscaping. These all contribute to the historic character and appearance of an area, resulting in a distinctive local identity and sense of place.

The extent to which a building, or group of buildings / structures, positively shape the character of a conservation area is derived from their exteriors, principally those elevations which are street-facing but also side and rear elevations, the integrity of their historic fabric, overall scale and massing, detailing and materials. Open spaces can be public or private, green or hard-landscaped and still contribute to the special interest of

an area. Furthermore, the spaces between buildings, such as alleys, streets and paths all contribute to appearance and character.

1.2 ROMSEY CONSERVATION AREA

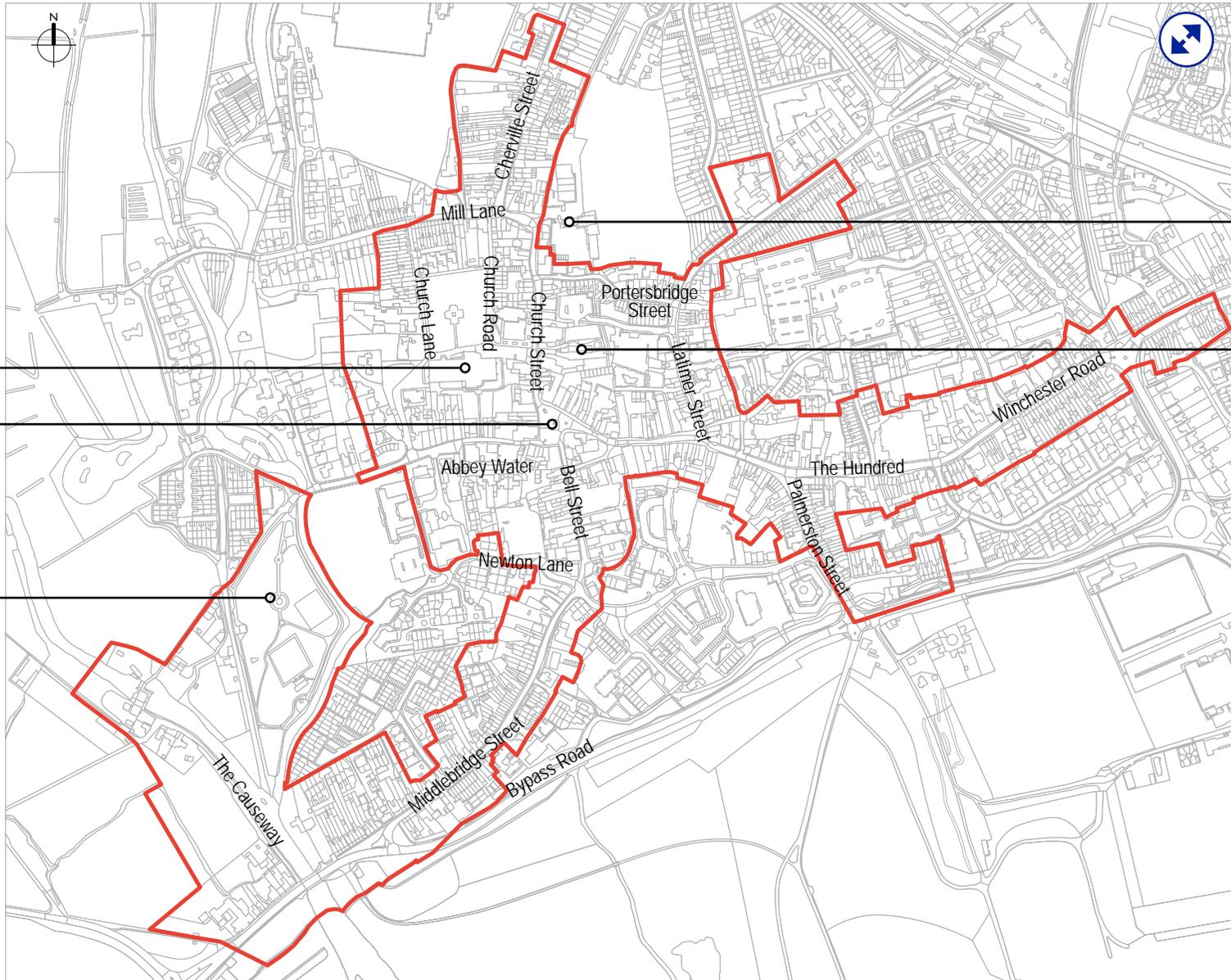
Romsey Conservation Area was first designated in 1970 and its boundaries have been amended since this time, most recently in November 2020. Plan 1 overleaf shows the current boundary of Romsey Conservation Area.

The Conservation Area covers the core of the historic town centre with Romsey Abbey and the Market Place at its heart. It also includes the important historic approaches to the town centre, The Hundred, Palmerston Street, Middlebridge Street and Cherville Street, which retain their burgage plot pattern and also show subsequent Georgian and Victorian expansion. The Causeway alongside the River Test is also part of the designation with several surviving mill buildings and structures which were an important part of Romsey’s past.

1.3 WHAT DOES CONSERVATION AREA DESIGNATION MEAN?

Conservation area designation aims to preserve or enhance the character and appearance of an area which is of special architectural or historic interest. In order to ensure this, in the conservation area changes to the external appearance of a building may require planning permission from the Council that is not required elsewhere as some permitted development rights are curtailed. For example, demolition or substantial demolition of a building will require planning permission and planned work to a tree must be notified to the Council six weeks in advance. Under the National Planning Policy Framework (NPPF) conservation areas are designated heritage assets and their conservation is to be given great weight in planning permission decisions. Further details can be found in Section 5.0

01 Section 69 (1), Planning (Listed Buildings and Conservation Areas) Act 1990



Plan 1: Boundary of Romsey Conservation Area with key landmarks for orientation

1.4 PURPOSE AND SCOPE OF THE CONSERVATION AREA APPRAISAL

Understanding the character and significance of conservation areas is essential for managing change within them. It is therefore a requirement under the *Planning (Listed Buildings and Conservation Areas) Act 1990* that all Councils “formulate and publish proposals for the preservation and enhancement” of conservation areas within their jurisdiction, and conservation areas are periodically reviewed.⁰²

The proposals are normally presented in the form of a Conservation Area Appraisal and Management Plan (CAAMP), which defines and records the special interest of a conservation area, (see [Section 2.0](#)), analyses the characteristics that make it special (see [Section 3.0](#)), as well as setting out a plan for managing change to ensure its on-going protection and enhancement (see [Section 5.0](#)).

This CAAMP has been prepared in line with current best practice guidance published by Historic England, the public body who manage the care and protection of the historic environment.

The document is intended to be comprehensive, however, omission of any building, structure, feature or space does not imply that the element is not significant or does not positively contribute to the character and special interest of the Conservation Area. The protocols and guidance provided in [Section 5.0](#) are applicable in every instance.

The assessments which provide the baseline information for this CAAMP have been carried out utilising publicly available resources and thorough on-site analysis from the publicly accessible parts of the Conservation Area.

1.5 CONSULTATION AND ENGAGEMENT

It is a statutory requirement under the *Planning (Listed Buildings and Conservation Areas) Act 1990* for conservation area

guidance produced by or on behalf of the Council to be subject to public consultation, including a public meeting, and for the local authority to have regard of the views expressed by consultees.⁰³

A draft of this CAAMP underwent public and stakeholder consultation between the 25th September and 6th November 2020. During and prior to the statutory consultation, engagement with the local community was undertaken using a digital questionnaire, recorded presentation and Q&A sessions.⁰⁴ This engagement was intended to raise awareness of the Conservation Area review, utilise local knowledge of the area’s special interest and gather feedback on the opportunities for enhancing this special interest and changes proposed to the Conservation Area boundary. The results of this consultation have informed the preparation of this document.

⁰² Section 71 (2) and (3), *Planning (Listed Buildings and Conservation Areas) Act 1990*

⁰³ Section 71 (1), *Planning (Listed Buildings and Conservation Areas) Act 1990*

⁰⁴ The consultation of stakeholders was undertaken virtually due to the Covid-19 pandemic.

2 SUMMARY OF SPECIAL INTEREST

This section provides a summary of what is significant about Romsey Conservation Area in terms of its history, appearance, character and setting.

CONTENTS

2.1	General Statement of Special Interest	09
2.2	Assessment of Special Interest	10



2.1 GENERAL STATEMENT OF SIGNIFICANCE

The special interest of Romsey is derived from it being a quintessential, historic English market town set within a rural, agricultural landscape. This special interest manifests itself in the historic character and appearance of the town including its buildings and open spaces. This includes the evidential value of the medieval core of the town with narrow streets leading to the central Market Place and the Norman Abbey precinct adjacent.

In addition to the layout, the narrow burgage plot boundaries and historic buildings, ranging in date from medieval to the Victorian period, also contribute to the special interest of the area. The Abbey is one of the most important buildings in the town. Its contribution to the conservation area is largely derived through glimpsed and fleeting views and it is only visually dominant at close quarters. More recent buildings also contribute to the Conservation Area, generally in terms of their use, if not their appearance. Special interest is also drawn from the continued use of Market Place and adjoining Corn Market for thrice weekly markets.

Away from the core of the town, the suburbs and approaches routes also contribute to the Conservation Area's special interest. The nature and appearance of the ribbon development along Middlebridge Street, Cherville Street and Winchester Road, namely a mixture of older villas and Victorian terraces, is of special interest for demonstrating the evolution of the town. Special interest is also derived from Romsey's War Memorial Park, gifted to the town after the First World War, drawn from its historic and communal value.

The River Test, which has several branches running through the town, also contributes to the special interest of the Conservation Area. The river represents the industries, such as woollen cloth making and brewing, which allowed the town to prosper and continues to have social, ecological and amenity value. The historic mill buildings, which survive on the river banks, are testament to the industrial past of the town and, from these, further special interest is derived.



The ancient Market Place continues to be the commercial and social heart of Romsey

2.2 ASSESSMENT OF SPECIAL INTEREST

The special interest of Romsey is derived from centuries of evolution, first rising to prominence in the 10th century with the establishment of a Benedictine nunnery, Romsey Abbey. The Abbey's wealth and royal connections led to the present, monumental Romanesque building being constructed in the 11th century and the building remains one of the most important in the town. Although highly significant in its own right, recognised by its Grade I listing, the Abbey also contributes to the special interest of the conservation area as it has been so important in the evolution and growth of Romsey. As well as the landmark building itself, the positioning and setting of the Abbey contribute to the area's special interest, slightly set apart from the rest of the historic urban core within a tranquil, publicly accessible church yard (also known as the north and south garths). The Abbey precincts would once have been much larger, and it is likely that there are buried archaeological remains associated with this nationally important monument that are as yet undiscovered and from which further understanding of Romsey's evolution and special interest may be derived.

Page 212



Romsey Abbey, the most significant building in the Conservation Area

The Conservation Area contains many other ancient buildings of high significance that contribute to its special interest. Romsey saw considerable growth and prosperity in the medieval period with the layout of the core of the town essentially surviving from this period. The visible evidence of this period therefore contributes greatly to the special interest of the conservation area. The narrow fronted, medieval plot patterns survive within the historic core of the town and several timber-framed medieval buildings are also extant including King John's House, which dates to the 13th century, and the White Horse Hotel in the Market Place and the Manor House in Palmerston Street, both dating to the 15th or 16th centuries. Other buildings are thought to contain medieval structures behind more recent facings.

Page 213

Today, the overriding architectural character of the historic core of Romsey is that of the 18th and early 19th centuries, when many buildings in the town were either replaced or refronted with genteel Georgian elevations. This appearance contributes to the special interest of the Conservation Area as it demonstrates the period during which Romsey evolved into a busy coaching town, owing to its location at the intersection of major roads

leading to settlements such as Southampton and Salisbury. The survival of many former coaching inns, many of which remain in hospitality use, reinforces this aspect of the special interest of the town.

Also making a considerable to the special interest of the town is the Market Place, so important to the commerce and status of the town. It is positioned at the heart of the historic town core, with all the important approach

roads converging on it and remains the centre of the town, commercially and socially. The Market Place is demonstrative of Romsey flourishing as a busy market town, facilitated by its position on the River Test, of which there are many branches and tributaries in the Conservation Area. Also indicative of the industry, trade and commerce of the town are the surviving mills along the river, which although now converted to other uses, contribute to the special interest of the area.



Sadler's Mill, one of Romsey's surviving historic mills located on the main branch of the River Test

Test Valley Borough Council - Cabinet - 13 January 2021

The evolution of Romsey continued through the 19th century, following the arrival of the railways. This phase of expansion also contributes to the special interest of the Conservation Area, manifested in the rows of Victorian terraced housing along the approaches routes to the town and new roads such as Station Road. Prior to this the outer edges of the town centre consisted of mainly large, detached dwellings, some of which survive and also contribute to the special interest of the area. The historic core of the town centre also expresses the Victorian phase of evolution with many shop fronts and features of this period surviving and contributing to the overall appearance of the town centre. The town's civic buildings, nonconformist chapels and schools, mainly constructed or renewed in the Victorian period, also contribute to the special interest of the area by serving diversify the town and added visual interest to the street scene.

Whilst there is interest and variety in the appearance of Romsey, which is important to its special interest, certain themes exist in terms of materiality and detailing and these are the most important in terms of the

character and appearance of the Conservation Area. Red brick is the most common building material, being available locally, along with clay tiles for roofs. Other brick tones and some stone and flint are used but these are generally reserved for higher-status houses and important civic and religious buildings.

Higher-status buildings likewise have greater architectural detailing and decoration with classical doorcases, turrets, decorative gables and other features. For other buildings, decoration is often more modest taking the form of brickwork bands and cornices, rendered lintels or bargeboards.



The view along Middlebridge Street, one of the principal residential streets in the Conservation Area

Green public spaces are also an important part of what makes Romsey special. The largest and one of the most important is War Memorial Park gifted to the town after the First World War. The park is surrounded on three sides by branches of the Test and is therefore a good place to experience these important waterways which criss-cross the town. The Abbey garths are also important green spaces in the core of the historic town and provide a historic setting for the Abbey.

Page 215

Although further expansion of the built up area took place in the post-war period, this has been to the north and east of the town owing to the presence of the River Test to the west and the Broadlands Estate to the south. This suburban expansion contributes to the understanding of Romsey as a town which has continued to evolve. However, the rural setting of Romsey to the south and west makes a greater contribution to its special interest, by retaining its historic green setting.



Test Valley Borough Council - Cabinet - 13 January 2021

War Memorial Park, the most important green space in the town and containing the towns war memorials

3 CHARACTER ASSESSMENT

This section provides analysis and assessment of the character and appearance of Romsey Conservation Area and the way in which this contributes to its special interest. The first part (3.1) identifies and assesses the different character areas within the conservation area and the following parts (3.2 onwards) look at the conservation area as a whole, covering different elements of character including spatial analysis, material and architectural details, public realm, important views and setting.

Page 216

CONTENTS

3.1	Area by Area Assessment	15
3.2	Location, Topography and Geology	41
3.3	Important Views and Landmark Buildings	43
3.4	Setting of the Conservation Area	54
3.5	Townscape and Spatial Analysis	58
3.6	Listed Buildings	66
3.7	Materials and Detailing	68
3.8	Activity and Movement	71
3.9	Archaeology	72



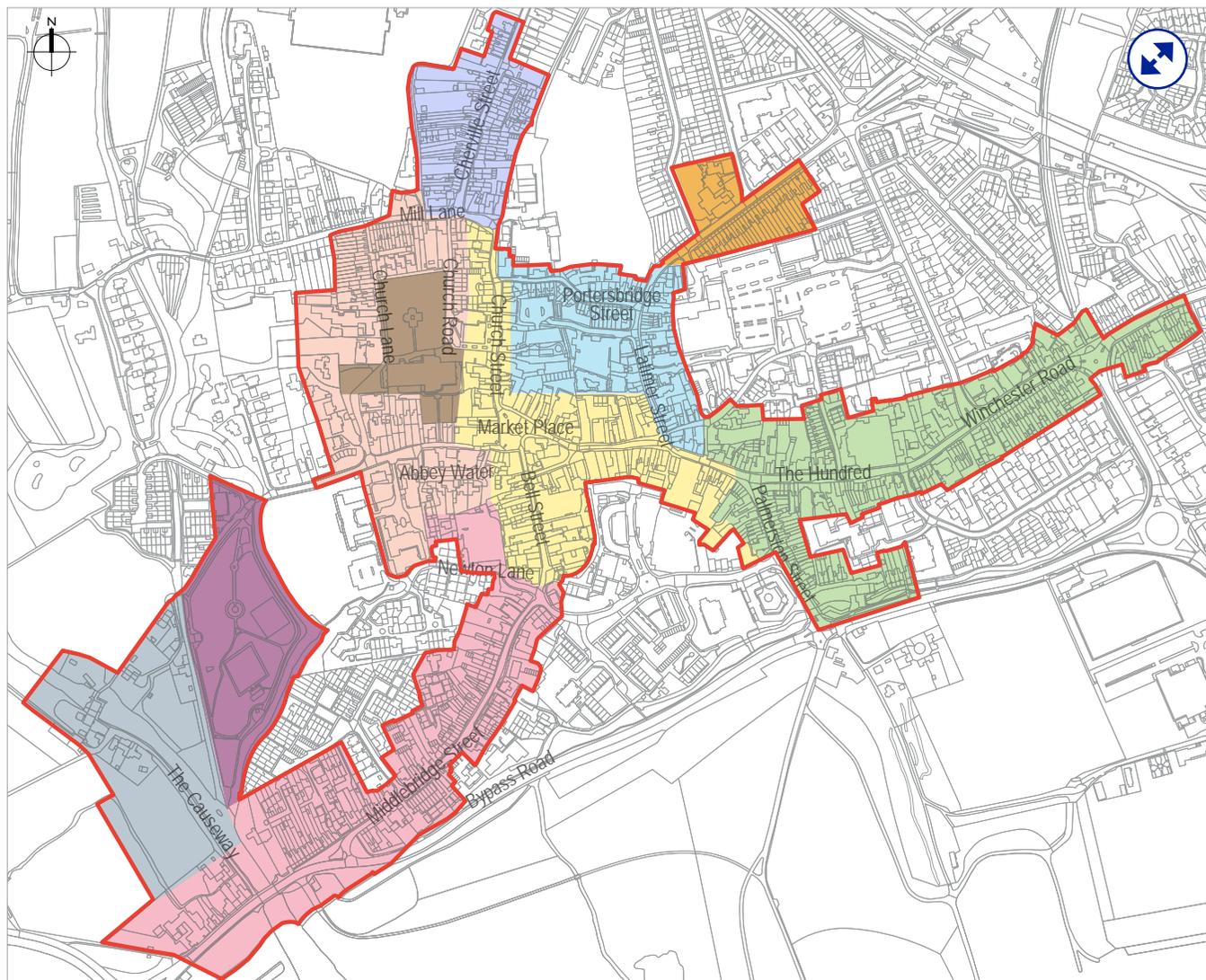
3.1 AREA BY AREA ASSESSMENT

Romsey Conservation Area covers much of the town centre, as such there are areas within it which are of differing character. This section identifies and describes the different character areas within the Conservation Area, which are shown on **Plan 2**.

Page 217

- Conservation Area Boundary
- Area 1: The Abbey
- Area 2: Residential Streets around the Abbey
- Area 3: Market Place and Historic Core
- Area 4: The Hundred and Palmerston Street
- Area 5: Latimer Street and Portersbridge Street
- Area 6: Cherville Street
- Area 7: Middlebridge Street
- Area 8: The Causeway
- Area 9: Station Road
- Area 10: War Memorial Park

This plan is not to scale



Plan 2: Map showing the different character areas within Romsey Conservation Area

Test Valley Borough Council - Cabinet - 13 January 2021

3.1.1 AREA 1: THE ABBEY

Building Uses

- This character area contains the Norman Abbey, the continued religious use of which makes an important contribution to the area and wider town.

Street and Plot Pattern

- The plot pattern in this character area is derived from the ancient layout of the Abbey.
- The Abbey lies within generous open space, formed largely by its north and south garths, which historically were the location of the Abbey's cloister and later the church graveyard. The cloisters were located on the south side of Abbey and the graveyard on the north side. The graveyard burials remain with the stones relocated to form the path and setting to the cross.
- The precinct would have once been larger extending at least as far as Mill Lane to the north and Abbey Water to the south.
- The precinct today is bounded by streets and residential development.

Building Scale and Massing

- The Abbey is the largest and tallest building in the Conservation Area but the layout and density of the surrounding streets means it is only visible from certain viewpoints beyond its close surroundings. The glimpsed and close views should be preserved.

Building Materials and Architectural Details

- The Abbey is one of the most important and high status buildings in the Conservation Area.
- This is demonstrated through the stone material (Chilmark, Quarr and Binstead stone) and wealth of Romanesque style architectural detail including turrets, large buttresses, crenelated parapets, tracery windows, hood moulds and blind arcading.



Streets within this Character Area

- Abbey Precincts (including north and south garths and parking area to west)



Romsey Abbey from the north garth, its church yard

AREA 1: THE ABBEY

Boundary Treatments

- The boundary treatments of the Abbey garths, the north hedged and the south railed and walled, which bound the present day precinct are not of particular historic interest but do contribute to the appearance of the character area.

Public Realm and Open Space

- The Abbey garths are an important area of green public space in the Conservation Area and contain several mature trees.
- They are not only of amenity value but present the best viewpoints within the Conservation Area for experiencing and appreciating the Abbey.

Special Interest

- The special interest of this character area is derived from the presence of Romsey Abbey. The building is one of the most important in conservation area and it was around this building that the town grew and prospered.
- The Abbey itself is of considerably special interest and is best viewed from close proximity within its north and south garths. Its stone materiality and Romanesque detailing demonstrate its high status and are of special interest.
- The Abbey garths are important public spaces close to the town centre and have important amenity value, their green and treed character is of special interest.



The south garth



View across the north garth

3.1.2 AREA 2: RESIDENTIAL STREETS AROUND THE ABBEY

Building Uses

- This character area primarily consists of residential uses. In addition to these residential uses, there is a convent located in a collection of buildings on The Abbey (road) and the United Reformed Church is in a prominent building forming a gateway to The Abbey (road).
- The area also includes the former vicarage (Folly House) and Romsey Abbey Church of England Primary School.

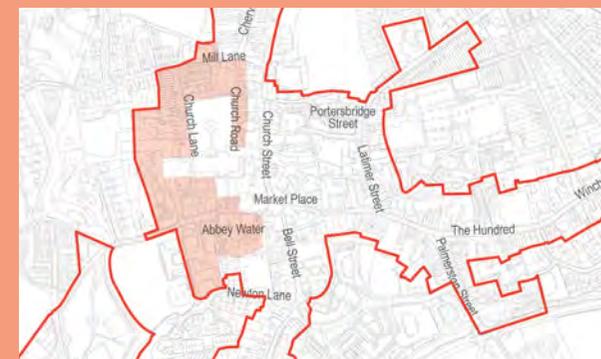
Street and Plot Pattern

- The layout of the streets in this character area was formed by the boundaries of the Abbey precinct which once extended further north and south, likely along Mill Lane and Abbey Water respectively.
- The plots are generally small, slightly more generous in The Abbey (road) and Abbey Water.

- Those in Mill Lane and Church Lane are narrow-fronted and deeper plots.
- To the west of the Abbey are larger and more irregular plots.

Building Scale and Massing

- The buildings in this character area are typically fine-grained terraced cottages with a small number of more generous detached and semi-detached dwellings to its south and west in The Abbey (road) and Abbey Water.
- Buildings are generally two storeys, but some are of grander scale and so are taller in appearance. The older cottages in Church Lane are three storeys but are very diminutive stature.



Streets within this Character Area

- Church Lane
- Church Road
- Mill Lane (south side)
- The Abbey
- Abbey Water

AREA 2: RESIDENTIAL STREETS AROUND THE ABBEY (cont'd)

Building Materials and Architectural Details

- There is a wider range of building materials in this area than elsewhere in the Conservation Area.
- Residential buildings are generally red brick but some, including the Regency-style houses on The Abbey (road), are rendered or painted white or pale tones.
- The United Reformed Church, the vicarage and school are in stone; the United Reformed Church being in knapped flint.
- Roofs are clay-tiled or slated and pitched.
- There is also range of architectural styles in the area, including the classical and refined Regency houses on the north side of The Abbey (road), the gothic perpendicular style United Reformed Church and the modest workers cottages in Mill Lane.

- Modest buildings have limited architectural detail restricted to contrasting brick banding and simple round arched doors.
- Windows are typically timber-framed sashes or casements but the United Reformed Church has leaded windows.
- The grander dwellings have greater architectural detail including classical porches, tall chimneystacks and more decorative windows. The United Reformed Church also has greater architectural detail including turrets, crenelated parapets and tracery windows. This serves to emphasise the higher status of these buildings.

Boundary Treatments

Walled boundaries are typical in this character area, both higher-status and for the terraces, however some have simple fences or railed boundaries.

In Mill Lane in particular, but also elsewhere, historic boundaries have been lost, with some front gardens given over to car parking which is eroding the historic character of the area and should be prevented in the future.



The Folly House and Romsey Abbey Primary School from the north garth



View along The Abbey (road) to the arched passage below the United Reformed Church

AREA 2: RESIDENTIAL STREETS AROUND THE ABBEY (cont'd)

Public Realm and Open Space

- There are some trees within the public realm, particularly in Church Lane and The Abbey (road) and extensive trees and other greenery in private gardens giving the area a verdant character.
- There is a small former graveyard adjacent to the United Reformed Church, which forms the only public open space in the character area.

Special Interest

- The special interest of this character area is derived from its relationship with Romsey Abbey, both directly and by proximity.
- There is more variety in terms of the appearance of buildings in this area than elsewhere, which contributes to its special interest.
- There is a greater use of stone, particularly flint, for important buildings such as the United Reformed Church and those which have a direct relationship with the Abbey. There is also interest derived from the Regency-style buildings and the more diminutive cottages.

- The presence of street trees, green private gardens and the watercourse in Abbey Water all contribute to the verdant,

residential character of the area, despite its close proximity to the town centre.



Church Lane



Abbey Water



Regency Houses in The Abbey (road)



Terraced houses in Mill Lane

3.1.3 AREA 3: MARKET PLACE AND APPROACHES

Building Uses

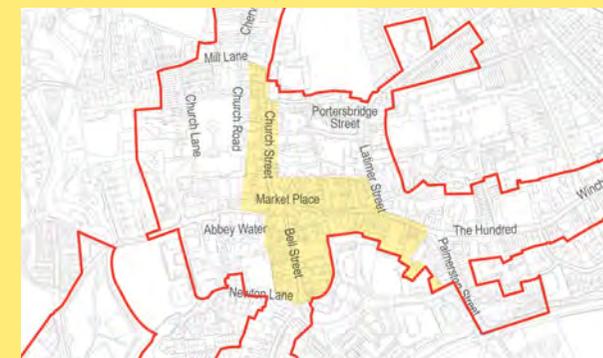
- As the commercial heart of Romsey, this character area is almost wholly in commercial uses including retail, hospitality (hotels, inns and restaurants) sometimes extending to the upper levels of buildings, although these sometimes remain in residential use.
- The character area also contains important civic uses including the Town Hall in the Market Place and Council offices in the Former Magistrates Court.
- There are a number of former historic coaching inns, mainly remaining in hospitality use.
- King John's House in Church Street is a museum and a Baptist Church in Bell Street.

Street and Plot Pattern

- The Market Place is at the heart of the town with all the principal approach roads converging on it, Church Street from the north, Bell Street from the south, The Abbey (road) from the west and The Hundred from the east.
- These streets are all relatively narrow which contrasts with the openness of the Market Place and adjacent Corn Market.
- The streets and the Market Place retain their medieval plot pattern of narrow fronted, deep plots. Some plot amalgamation has taken place which gives variety to frontage widths.



Looking south down Bell Street



Streets within this Character Area

- Market Place
- Church Street
- Bell Street
- Corn Market
- The Hundred (western half up to junction with Palmerston Street)

AREA 3: MARKET PLACE AND APPROACHES (cont'd)

Building Scale and Massing

- The scale of buildings is three storeys around and closest to the Market Place but decreases to two storeys slightly further out along Bell and Church Streets.
- There is a very fine-grain, with few gaps between buildings, which are almost all terraced although they date to different periods and so there is variety in actual building height, width and appearance.
- Some buildings retain carriage arch passages but many have been infilled.
- The small number of detached buildings include the Council offices, King John's House and the Baptist Church, but these are atypical for the town centre.

Building Materials and Architectural Details

- Buildings are generally fronted in red brick or are rendered or painted white.
- Roofs are pitched and use clay or slate tiles, some buildings have parapets.

- Many of the medieval timber-framed buildings were replaced or refronted in the 18th and 19th centuries giving the impression of a genteel Georgian and Victorian market town centre today.
- Decorative features are relatively modest comprising simple classical detailing including moulded cornice bands, stone pilasters, quoining, contrasting brick banding and window architraves.
- The turret on the corner of No.6 and the tower of the Abbey are particularly prominent features from the Market Place and the former Corn Exchange terminates views along The Hundred.
- Timber-framed sash windows are typical, most often square but some are round- or segmental-arched.
- Ground floors are occupied by shopfronts, most of which are traditional in their appearance



Varied building height in Church Street, looking south towards the Market Place



View north along Bell Street

AREA 3: MARKET PLACE AND APPROACHES (cont'd)

Boundary Treatments

- The majority of buildings are positioned hard against the pavement giving the area a comparatively urban feel.
- The detached buildings are set back from the pavement with the Baptist Church having a walled boundary.

Public Realm and Open Space

- The Market Place and the Corn Market are the principal public open spaces in this character area, both are of considerable historic interest.
- They are hard-landscaped and have level access for pedestrians.
- The Corn Market is home to a thrice weekly market.
- The Market Place has the important statue of Lord Palmerston at its centre.
- To the rear of King John's House is a small physic garden; the only green public space in this area.

- There are few trees or greenery in this area which adds to its more urban character.

Special Interest

- The special interest of this character area derives from it being the commercial, social and civic heart of the town, both historically and today.
- The general historic appearance of the buildings, the medieval plot layout and the public spaces of the Market Place and Corn Market all contribute to this special interest.
- Specific landmark buildings, such as the former Corn Exchange and the Town Hall make a specific contribution, but the majority of buildings contain traditional architectural and decorative features, in particular show fronts, which all contribute to the overall special interest of the area.



The Market Place



View along the Hundred to the former Corn Exchange

3.1.4 AREA 4: THE HUNDRED AND PALMERSTON STREET

Building Uses

- The area contains a mix of uses although is primarily residential.
- There are some retail and restaurant uses, although these generally sensitively located within historically residential buildings and has not changed the residential character of the area. There is also a church, a pub, petrol station and a police station, which are all in purpose-designed buildings.
- Historically, there was some industry in the area in the form of Fox's Mill, at the southern end of Palmerston Street, which is positioned on the Tadburn Stream (a tributary of the river Test); it is now in residential use.

Street and Plot Pattern

- Winchester Road and The Hundred form the main approach from Winchester and remains an important approach to the town centre.

- The importance of Palmerston Street has changed over time as traffic was rerouted first around the Broadlands Estate in the mid-19th century and then around the town centre in the 1930s.
- Plot sizes vary as the streets were developed in a piecemeal fashion.
- Palmerston Street has small, narrow plots, which are also typical of the south side of The Hundred.
- The remainder of The Hundred retains some of its historic larger plots, which have been partly infilled and curtailed by rows of Victorian terraced cottages.
- Until the Victorian period, there remained significant gaps in the street frontage of The Hundred and during the 19th and early 20th century infill development and the replacement of larger detached houses with rows of terraces took place.



Streets within this Character Area

- Palmerston Street
- The Hundred (eastern half up to junction with Palmerston Street)
- Linden Road
- Winchester Road

AREA 4: THE HUNDRED AND PALMERSTON STREET (cont'd)

Building Scale and Massing

- Buildings are generally two to three storeys, with the taller structures generally closer to the town centre, particularly the north end of Palmerston Street.
- The majority of buildings on the south side of The Hundred are rows of 19th and early 20th century terraced cottages. The north side is characterised by larger, detached villas, dating to the 18th and early 19th centuries, although considerably curtailed from their historic extents. These include Linden House, Beauchamp House and Wykeham House (all Grade II listed). Between the villas and at the eastern end of the street are terraces similar to those on the south side.
- Some older properties survive, although altered, including the Manor House and the Tudor House, both 16th century.
- There is a varied appearance to the street with different widths and heights of buildings and different roof forms.

Building Materials and Architectural Details

- The typical building material is red brick, sometimes rendered or painted in white or pale tones.
- There are also examples of other colours of brickwork, both historic and modern, and the former police station is flint, which is not typical for this character area.
- Typically buildings have modest detailing but due to the diversity of building ages and uses there are a number which possess grander architectural detailing. Some interesting features include the decorative gable to the former British School (English Court) and the timber-framed, jettied Manor House in Palmerston Street.
- The many humble terraces have simple banding or no applied decoration at all.
- Grander buildings generally have greater architectural detailing including classical doorcases and quoining.



West side of Palmerston Street



Residential properties in east side of Palmerston Street

AREA 4: THE HUNDRED AND PALMERSTON STREET (cont'd)

- Roofs within the area are varied but are mainly pitched or hipped and in slate or clay tile.
- Most buildings retain their original timber-framed sash windows.

Boundary Treatments

- The older detached houses and the buildings designed to be in public use, such as the church and police station, are set back from the pavement with front gardens or forecourts respectively.
- The terraces are generally positioned hard against the pavement closest to the town centre but have front gardens further east.
- Boundary treatments are mixed, and some have unfortunately been lost along with front gardens as a result of being given away to parking.
- Historic boundaries are railings or brick walls.

Public Realm and Open Space

- Whilst there are no street trees in The Hundred or Palmerston Street, there are plenty within private front gardens, as well as shrubbery and planting which provide some greenery to the street scene.
- Mature trees line the Tadburn Stream forming a buffer to the busy By-Pass adjacent.

Special Interest

- The special interest of this character area is derived from it being two of the principal approaches to the town and its development as a suburb.
- The varied nature of the residential development, detached Georgian villas and infill Victorian terraces, contributes to the special interest of the area.
- The continued residential use of the area is of interest however the few commercial uses, nearest the town centre also add interest to the street scene.
- Green front gardens and the buffer of mature trees along the Tadburn Stream contribute to the appearance and more suburban character of this area.



Terraced houses on south side of The Hundred



Wykeham House, one of the larger villas on the south side of The Hundred

3.1.5 AREA 5: LATIMER STREET AND PORTERSBRIDGE STREET

Building Uses

- This character area contains a mix of uses but is principally residential with some shops, a pub and two car parks.
- Latimer Street was historically mainly residential, but the growth of the retail town centre has seen the conversion of many residential buildings into shops at ground floor; the rest of the area is principally residential although there are some former industrial buildings in Portersbridge Street.

Street and Plot Pattern

- Latimer Street is the principal street in this character area with the others branching off it.
- Although the street pattern existed early in the town's development the street frontages have continued to be developed through the Victorian period and 20th century.
- Open space has always existed to the rear of the street frontages, formerly as gardens and yards and today as municipal car parking, which is screened by planted hedges to reduce its visual impact.

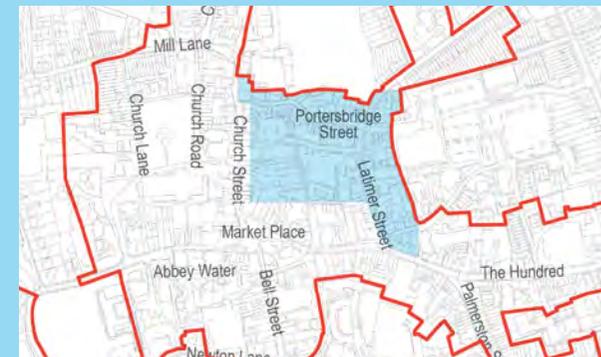
- Plots along the street frontages are narrow-fronted and were historically deep, sometimes now curtailed by the modern car parks and some infill housing development, such as Holt Court.

Building Scale and Massing

- Almost all buildings in the area are terraced and two storeys, although the exact height varies leading to an interesting roofscape.

Building Materials and Architectural Details

- The most common building material is red brick, although some of the modern infill uses other tones, which are less compatible with the historic character of the area.
- There are a small number of historic rendered or painted buildings, mainly white or pale tones.
- Buildings are generally modest with little architectural detail, although there are examples of simple recessed porches, contrasting banding and rendered lintels.



Streets within this Character Area

- Latimer Street
- Love Lane
- Lortemore Place
- Portersbridge Street
- Station Road

AREA 5: LATIMER STREET AND PORTERSBRIDGE STREET (cont'd)

Boundary Treatments

- Buildings are generally positioned hard against the pavement, with some in Portersbridge Street set back behind small walled front gardens, although these boundaries are not historic.

Public Realm and Open Space

- There are no significant public spaces in the area, however a public alley follows the partly open Holbrook Stream creating a pleasant, treed route; this route also has an entrance to King John's Garden.

Special Interest

- This character area derives its special interest from the supporting role it plays to the town centre, developing as a residential suburb in the Victorian period, although the road layout is much older.
- The present day mix of residential, retail, hospitality and infrastructure (car parks) uses is of special interest as is the retained residential appearance of buildings.



Southern end of Latimer Street



Residential and retail properties in Latimer Road



Portersbridge Street

Test Valley Borough Council - Cabinet - 13 January 2021

3.1.6 AREA 6: CHERVILLE STREET

Building Uses

- The area is almost wholly residential, with only The Star Inn in Horsefair being in non-residential use.

Street and Plot Pattern

- Cherville Street is the continuation of Church Street, via Horsefair, and was, historically, the principal approach to Romsey from the north.
- The distinctive alignment of the route through this area, taking two sharp right angle turns at the end of Church Street and beginning of Cherville Street, is thought to be the result of the ancient boundary of the Abbey precincts which followed the line of Mill Lane.
- The character area generally deep, narrow-fronted plots, particularly to the west side of Cherville Street.
- Horsefair has larger plots that are less deep.

Building Scale and Massing

- Buildings are almost all two storeys with the exception of Clive House, No.5 Horsefair and a small number of other buildings which are three storeys.
- Most buildings in the character area are short rows of terraced cottages developed in the Victorian and Edwardian periods.
- Some larger dwellings survive, for example with Clive House and No.54 (both Grade II listed) and No.84, which all date from the 18th or early 19th centuries; their detached nature has been lost by later infill development.
- The Star Inn is prominent, today holding an important corner position at the junction of Horsefair and Cherville Street.
- The large former Strong & Co's brewery site forms the immediate setting of this part of the Conservation Area, with the surviving buildings, particularly the six-storey Horsefair Tower visible from Horsefair.



Streets within this Character Area

- Horsefair
- Cherville Street



View south along Cherville Street

AREA 6: CHERVILLE STREET (cont'd)

Building Materials and Architectural Details

- Almost all buildings in this area are finished in red brick, with only a small proportion rendered or painted, including the Star Inn.
- Buildings in this character area are unpretentious, with little decoration beyond some contrasting brick banding, rendered lintels, classical doorcases and bay windows.
- Roofs are pitched or hipped and are mostly clay-tiled or slated.
- There is variety to the eave and rooflines as different buildings and rows of terraces have slightly different proportions.
- Most buildings retain their original timber-framed windows but there has been some replacement with uPVC.

Boundary Treatments

- As is typical for terraced streets, the majority of buildings are positioned hard against the pavement with no front boundary treatments.
- The larger houses are set back from the buildings line, but their formerly railed boundary treatments have been degraded or lost to all but Clive House.
- The few in-fill post-war buildings are set even further back from the street, disrupting the historic building line and impacting the formerly enclosed character of the street; there are not formal boundary treatments to the front gardens of these properties.

Public Realm and Open Space

- Other than within a small area of public space adjacent to the Star Inn, the only trees and shrubs are those in the few front gardens and for this reason the street generally has a more urban feel than other residential streets in the Conservation Area.



Terraced properties in Cherville Street



The Star Inn in Horsefair

AREA 6: CHERVILLE STREET (cont'd)

Special Interest

- The alignment of Cherville Street is of very historic origins and derives its special interest in part from being a historic route and the principal approach to the town from the north.
- The urban character and fine-grain of the primarily Victorian terraced residential street contributes to its special interest.
- The few surviving Georgian villas, demonstrative of the pre-Victorian character of the street, also contribute to the special interest of the area, as does the landmark building of the Star Inn.

Page 233



Clive House in Cherville Street, one of few 18th century villas to survive in the street



Fine-grained Victorian housing in Cherville Street

Test Valley Borough Council - Cabinet - 13 January 2021

3.1.7 AREA 7: MIDDLEBRIDGE STREET

Building Uses

- Although principally in residential use this area also contains the Elim Pentecostal Church and two historic pubs - The Three Tuns and The Cromwell Arms, the former on Middlebridge Street and the latter positioned on the By-Pass, west of the river.
- Middlebridge Street historically also contained some industrial uses including mills, a tannery and timber yard which utilised the Tadburn Stream (a tributary of the River Test) which runs to its south aligned with the present By-Pass and the Holbrook Stream which flows along Middlebridge Street itself.

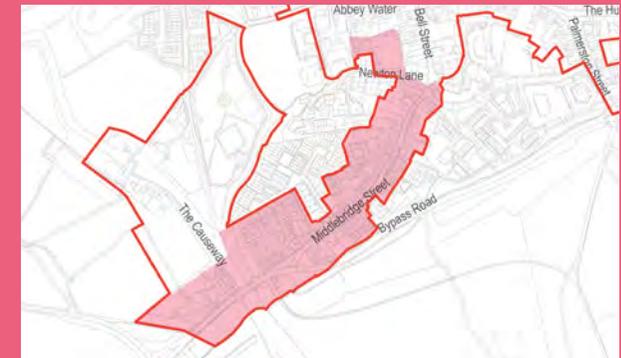
Street and Plot Pattern

- Historically Middlebridge Street important route into Romsey from Southampton passing over the River Test at Middle Bridge (Grade II* listed) and leading to Bell Street.
- Construction of the By-Pass in the 1930s reduced the importance of this route and today it has a quieter residential character.

- The street is fairly generous in width and includes a small branch of the Test, the Holbrook Stream, which runs parallel with the road and assists in the sense of spaciousness.
- Plot sizes vary, with historic deep, narrow-fronted typical of the north side of the street and larger and more irregular plots slightly more common on the south side due to both the historic industry and more recent development of this side.

Building Scale and Massing

- The street has been developed in a piecemeal fashion with short rows of terraces, both historic and more recent, filling in spaces between more historic detached buildings.
- Buildings are generally in short rows of terraced cottages, although there are more frequent gaps between buildings than within the denser historic core of the town centre.



Streets within this Character Area

- Middlebridge Street
- By-Pass Road



The Three Tuns pub in Middlebridge Street

AREA 7: MIDDLEBRIDGE STREET (cont'd)

- Historic detached properties include Clarendon House, No.42 Middlebridge Street and Broadwater House.
 - Although entirely residential in scale, generally two storeys, there are a number of slightly taller, three storey buildings, mainly the grander detached houses and former mill and warehouse buildings such as Watermill Studios.
 - There is a varied appearance to the street with different widths and heights of buildings and different roof forms.
 - The south side of the street contains more modern buildings and is more varied in its building form; it includes several post-war flat blocks, which are proposed for removal from the Conservation Area.
- Building Materials and Architectural Detail**
- Buildings are mainly of brick construction, typically red brick but some recent buildings are in other tones which are not characteristic.
 - Quite a number of buildings have been rendered or painted, mostly white.
 - There are a number of buildings with hung tiled façades.
 - Roofs are pitched or hipped and are mostly clay-tiled or slated, with the exception of Nos.133-135 which retain their traditional thatch.
 - Detailing is modest, limited to contrasting brick or rendered banding and a small number of decorative panels such as in the gable of No.15 Middlebridge Street.
 - One distinct building is Bath House, which has highly decorative moulded rendering, showcasing the skills of its historic owner.
 - The grander houses have classical doorcases but otherwise doorcases are very modest.
 - Many historic buildings retain their original timber-framed sash windows but there has unfortunately been some replacement with uPVC.



North-east end of Middlebridge Street



View south-west along Middlebridge Street

AREA 7: MIDDLEBRIDGE STREET (cont'd)

Boundary Treatments

- Buildings along the north side of the street are generally positioned hard against the pavement, those which have small front gardens, towards the western end, are generally bounded by low fences or railings.
- The south side has a more varied frontage line, the stream is bounded by modern metal railings and this is also the most common boundary treatment for the houses, some retain their historic railings.

Public Realm And Open Space

- There are no street trees, however hedges and trees within private gardens, particularly Nos.8-12 at the eastern end, provide some greenery to the street scene.
- At the western end of the street, at the junction with the By-Pass, is a small lawned and treed public space and the houses on the north side have a dense hedged frontage, both providing a buffer between the residential street and the By-Pass.
- The mature treed boundary of Broadlands, south of the By-Pass, also provides a green presence within the setting of the area.

Special Interest

- The special interest of this character area is derived from its development as an important historic approach road and suburb, which has retained its historic appearance due to the introduction of the By-Pass in the 1930s. The quieter residential nature of the street today also contributes to its special interest.
- The mix of uses beyond just residential, both historically to today, are important to the special interest of this area, in particular the two historic pubs.
- The piecemeal development and mix of uses has lead to a more varied appearance to buildings in this area which contributes to its special interest.
- The streams and main branch of the River Test, which flow through the area are of interest, historically used for industry and have important amenity and biodiversity value today.



Terraced cottages on north side of the By-Pass Road



Broadwater House

3.1.8 AREA 8: THE CAUSEWAY

Building Uses

- This character area is comprises residential use. It contains an enclave of 18th century residential and mill buildings (Sadler's Mill) converted to residential use adjacent to the main branch of the River Test, two rows of cottages along the public footpath to The Meads and a cluster dwellings along a further branch of the Test.

Street and Plot Pattern

- The layout of this area is defined by the river branches which run through it.
- The Causeway runs parallel to the main branch with a footpath at connecting it to The Meads.
- The building plots are irregular but generous.

Building Scale and Massing

- Sadler's Mill is the most prominent building in the area, due to its height of nearly four storeys, its long, linear massing and its position astride the River Test and at the termination of The Causeway.

- Other buildings in the character area are generally two storeys.
- Sadler's Mill is detached but other buildings are generally semi-detached or short terraces of cottages.

Building Materials and Architectural Details

- All buildings, historic and modern, are in red brick with clay-tile or slate roofs.
- Buildings in this character area have a modest vernacular appearance and therefore there is little by way of decoration or ornament.
- Some contrasting coloured brickwork and brick banding.
- Timber-frames sash windows are most typical although Sadler's Mill and No.7 The Causeway have leaded windows.



Streets within this Character Area

- The Causeway
- Footpath between The Causeway and The Meads



Residential enclave along the Causeway

AREA 8: THE CAUSEWAY (cont'd)

Boundary Treatments

- The public footpath has a fenced boundary to the fields beyond and hedges softening the walled or railed boundaries to the residential properties.
- Other boundaries are typically brick walls of varying height.

Public Realm and Open Space

- The area has a rural character, accentuated by the open agricultural setting of Romsey, which is best appreciated from this part of the Conservation Area.
- The open space consists of the gardens, which include stretches of the river bank, which although in private ownership, present pleasant views from the publicly accessible causeway and footpath to The Meads.

Special Interest

- The special interest of this character area is derived from it being a semi-rural residential enclave, distinct from the other town centre and suburban parts of the conservation area.
- The landmark Sadler's Mill building makes a particular contribution, demonstrating the historic industrial use of the area and the River Test.
- The river, the relatively sparsely developed character and generous gardens and tree coverage all contribute greatly to the appearance of the area as does its edge of settlement nature and rural setting.



Terrace of cottages on the footpath to The Meads



Sadler's Mill



View of the River Test and the Causeway from Sadler's Mill

3.1.9 AREA 9: STATION ROAD

Building Uses

- This character area is a Victorian residential suburb and remains principally in residential use.
- The former National School has been converted to a library and brings a secondary civic use to the area.

Street and Plot Pattern

- The alignment of the street is derived from the construction of Romsey Railway Station, with Station Road connecting it to the town centre.
- The south side of the street comprises narrow-fronted, terraced plots with deep rear gardens.
- The library is on a generous plot on the north side of the street.

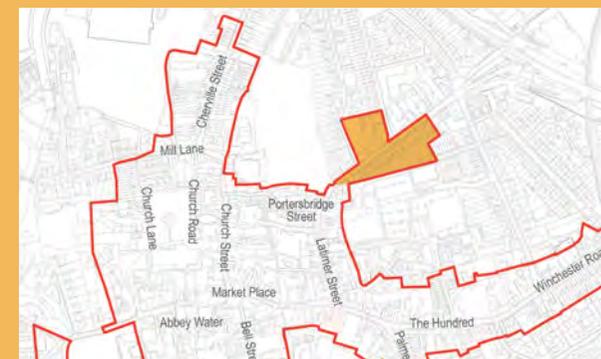
Building Scale and Massing

- Buildings in the character area are no more than two storeys.

- The library is a large, detached building ranging from one to two storeys with tall pitched roofs giving it more dominance within the street scene.
- The north side of the street comprises a continuous, fine-grained, terraced row with a consistent roofline although some variation in the articulation of front elevations and chimneys.

Building Materials and Architectural Details

- The predominant building material in this character area is red brick.
- There is variety to the modest architectural detailing of the terraced south side of the street with short runs of terraces bearing the same appearance, which adds interest to the street scene.
- Within the street there is use of gables, bay windows, rendered and stone quoins, contrasting brick banding and lintels and a variety of porch types. Historic windows are timber sashes and roofs are pitched with slates.



Streets within this Character Area

- Station Road



View north-east along Station Road

AREA 9: STATION ROAD

- The library uses a similar palette of materials and architectural features, brick with stone details, gables and pitched roofs, but also has decorative hung tiles, carved reliefs, tall, moulded brick chimneys and a bell tower which serve to give the building a grander appearance.

Boundary Treatments

- Boundaries to the residential terraces are mixed but generally comprise low brick walls, with some metal railings, enclosing small front gardens. There would have historically been railings atop many of the low walls.
- The library has a low brick wall surrounding its street boundary and is set back from the road within landscape gardens. The boundary wall is unlikely to be historic and had a municipal character.

Public Realm and Open Space

- The library is set within publicly accessible gardens along the Station Road side with mature trees which provide a pleasant green character to the area.
- The private front gardens bring further green shrubbery to the street scene.

Special Interest

- The special interest of this character area is drawn from its development as a Victorian suburb demonstrating the expansion of the town following the arrival of the railway.
- The residential character, terraced houses with modest detailing contribute to the special interest of the area.
- The former school, now a library, adds variety to the area in terms of its use, larger massing and grander appearance.



The County Library, formerly the National School



Victorian terraced houses lining Station Road

3.1.10 AREA 10: WAR MEMORIAL PARK

Building Uses

- This character area comprises the War Memorial Park, the largest public open space in the town and conservation area. It contains public amenities including a café and play areas.
- It also contains Rivermead House, a Georgian villa remaining in residential use as flats.

Street and Plot Pattern

- The layout of the park is defined by branches of the River Test, which form three sides of its diamond shape.
- The Meads forms the fourth side and connects the town centre with the Causeway.

Building Scale and Massing

- There are few buildings in this character area, the principal building, Rivermead House is a grand, two storey detached villa.
- Other structures in the Park, such as the bowling pavilion and café, are single storey.

Building Materials and Architectural Details

- There is no dominant material or architectural style in the character area.
- Rivermead House is a white-rendered, Italianate-style villa and possesses classical detailing including pedimented porch and cornice.
- Buildings within the park are municipal in style, generally brick.
- The bandstand is metal-framed and the War Memorial is stone.

Boundary Treatments

- Boundaries, both around the park and to Rivermead House, are metal railings, the latter decorative and on a low brick wall.
- The park has more municipal-style railings with two entrances from The Meads. The principal entrance has decorative masonry gate piers.



Streets within this Character Area

- The Meads
- War Memorial Park



View across War Memorial Park

AREA 10: WAR MEMORIAL PARK (CONT'D)

Public Realm and Open Space

- The area contains extensive public space in the form of the War Memorial Park, which although large, is not really visible from the surrounding area other than The Meads.

Special Interest

- The special interest of this character area is derived from its important community use and origins as a gift to the town following the First World War.
- The park is an important community amenity and contains memorials of considerable social value, such as the War Horse and War Memorials.
- The river has particular presence in this character area which contributes to its special interest.



War Memorial Park



Romsey War Memorial in War Memorial Park



War Horse sculpture in War Memorial Park



Rivermead House

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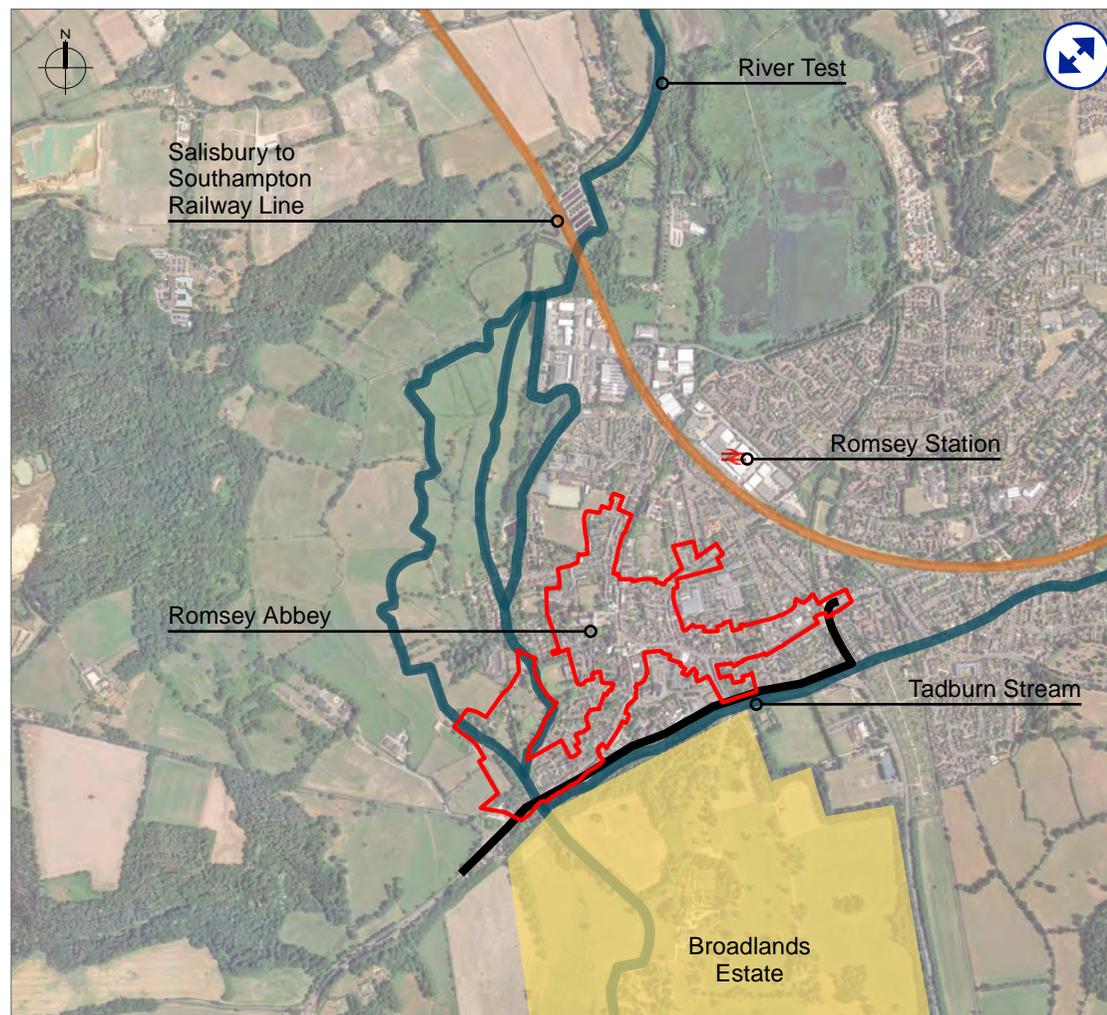
Page 242

3.2 LOCATION, TOPOGRAPHY AND GEOLOGY

3.2.1 LOCATION OF ROMSEY

Romsey is one of the principal towns in the Borough of Test Valley and is located at its southern end. It is about seven miles north-west of Southampton and nine miles south-west of Winchester. Andover is about 18 miles north. The town is well-connected with the M27 motorway to the south and M3 to the east and served by the Salisbury to Southampton railway line. The town is set within a pastoral landscape known for its agriculture, fisheries and other countryside pursuits. Forming the southern boundary of the town is Broadlands, an important aristocratic estate and seat of the Earls of Mountbatten. The Conservation Area covers the historic core of the town, which today has suburbs extending to the north and east. The boundary of the Romsey Conservation Area in relation to its surroundings is shown on **Plan 3**.

Page 243



Plan 3: Location of Romsey Conservation Area with key features identified to aid orientation

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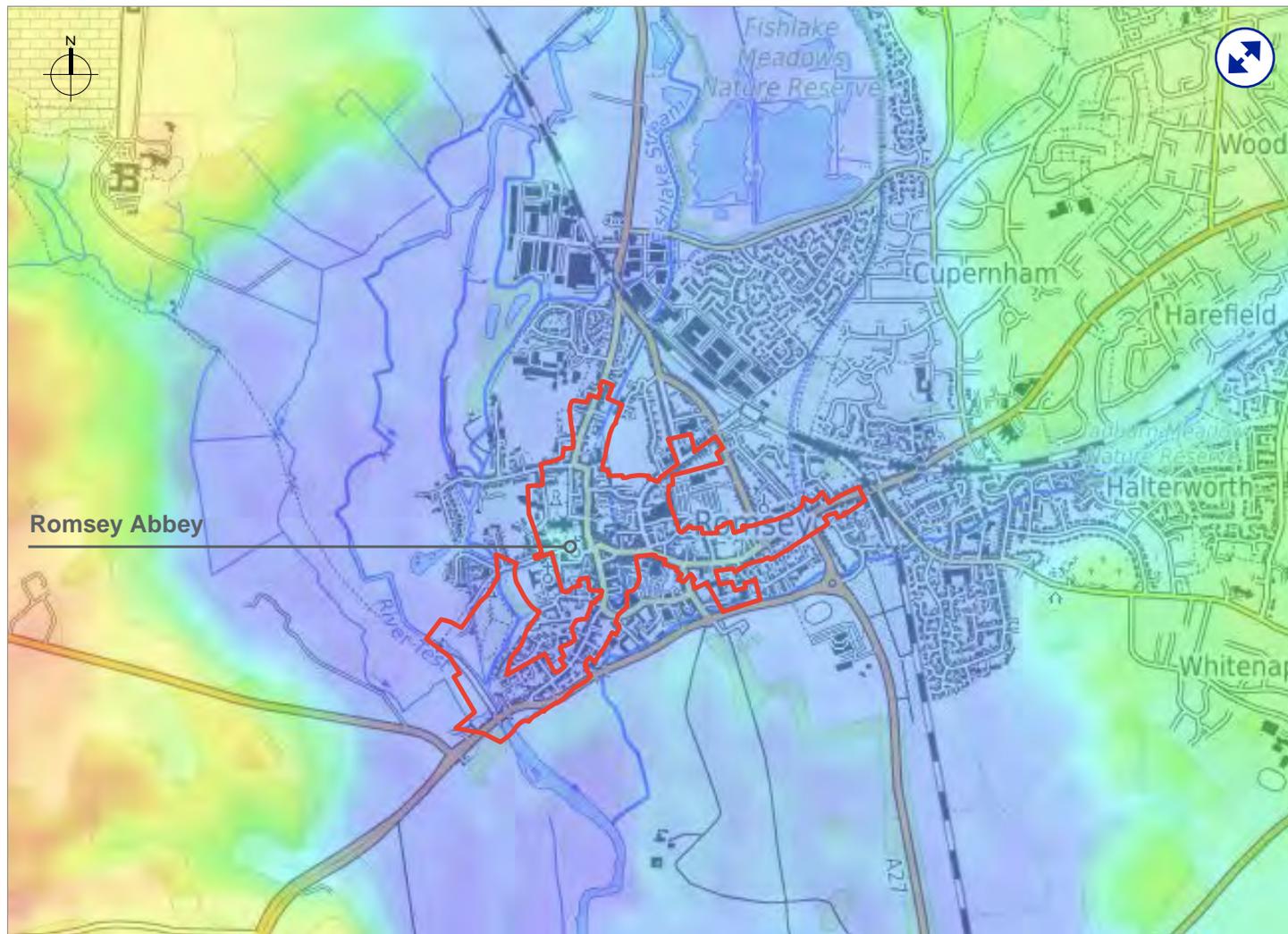
3.2.2 TOPOGRAPHY

Romsey is located in the valley bottom of the River Test and as such the topography is relatively level across the Conservation Area. The topography of the Conservation Area and its surroundings are shown on **Plan 4**. The Abbey is positioned at the highest point in the Conservation Area, at c.70-80ft (c.21-24m) above sea level. This, along with the Market Place and Corn Market, are likely the location of the island of Rum's Island from which the name Romsey is derived. The lowest lying areas in the Conservation Area are to the west of the Abbey, along the River Test where the important water mills are located, lying at around 35ft (10m). The remainder of the Conservation Area is around 50-60ft (15-18m) with only gentle gradients.

Page 244

3.2.3 GEOLOGY

Due to its river valley location, Romsey's geology is sand, silt and clay with deposits of gravel. This has formed the basis of the rich agricultural landscape and in creating an environment desirable for settlement and industries to thrive.



Plan 4: Topography of Romsey, the boundary of the Conservation Area is shown in red

Ground Level Lowest Highest

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3.3 IMPORTANT VIEWS AND LANDMARK BUILDINGS

3.3.1 IMPORTANT VIEWS

Romsey has evolved over the centuries and as such it does not contain any specifically designed vistas. The Conservation Area is experienced through incidental, kinetic and transitional views, constantly changing as one moves along the street and through the town. These include views along those historic streets, those which take in the many waterways within the Conservation Area and glimpses of the Abbey.

Page 245

All views which take in the historic buildings, listed or not, and general historic environment of the area are important and contribute to the understanding and experience of the Conservation Area. As a consequence, the views considered in this section are only an indicative selection and not intended to be a comprehensive set of the important views in the Conservation Area. When proposals for change are being considered a detailed study of the views important for any given site and the contribution they make to the Conservation Area will be necessary.

Street Views

Most of Romsey's streets are gently winding which means that views along them are generally short and are continually changing moving along them. Within the historic core where buildings are slightly taller and the streets are narrower, views are generally more channelled, sometimes terminating with a specific building such as the view along The Hundred to the former Corn Exchange. The Market Place is more open and allows excellent views in all directions across it, taking in the statue of Lord Palmerston and the varied historic buildings which surround the open space. The residential streets generally have a more spacious, and often greener, character which is appreciable in the street views along them. Across the Conservation Area the buildings are varied in age and appearance and there are some more landmark buildings (see [Section 3.2.2](#)) all of which adds interest to views of the street scene.

Adjacent and overleaf are an illustrative selection of the street views within the Conservation Area.



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View along The Hundred to the former Corn Exchange



View north along Bell Street



View west along The Hundred



View north along Palmerston Street



View north-east along Middlebridge Street



View south along Church Street

Views of the waterways and mills

The River Test and the industries it supported are an important and integral part of Romsey's history and remain a special part of its appearance today. There are many minor branches, or braided channels, of the river passing through the town centre and the main branch forms the boundary of the town to the west. Views, both glimpsed and more prolonged of the waterways within the town contribute to it the special interest of the Conservation Area as a reminder of the importance of this natural feature which has shaped the town. In addition to the main branch of the river, which can be appreciated from the Middle Bridge and the Causeway, the War Memorial Park is bounded by waterways and is a good location from which to gain views. There were once many mills along the waterways of the town although only a small number survive today, one of the most prominent in views is the 18th century Sadler's Mill which straddles the main branch of the River Test.

Adjacent are an illustrative selection of the waterway views within the Conservation Area.

Page 247



A branch of the river to the rear of King John's House



Sadler's Mill located on the main branch of the River Test



The main branch of the River Test viewed from the Middle Bridge



A branch of the river runs along the length of Middlebridge Street, seen here next to the Three Tuns pub

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Views of the Abbey

The Abbey is one of the most important buildings in the Conservation Area, however views towards it are relatively restricted due to the density and layout of the historic core of the town. The best views are from the immediate setting of the Abbey, from the north and south garths, forming the church yard, and the entrances to the east and west. The large open space of the north garth, once a graveyard, is the best place to appreciate the full scale and grandeur of the Abbey.

The tower appears above the roofline from the Market Place and there are glimpses from further afield in the Conservation Area including from Cherville Street, The Hundred and the Middle Bridge. These are made special by their rarity and fleetingness. There are also some more distant views of the Abbey, from beyond the Conservation Area boundary, including from the Anglican Mortuary Chapel in the Botley Road Cemetery and from Salisbury Road (A27).

Adjacent and overleaf are an illustrative selection of the views of the Abbey from within the Conservation Area.



The best views of the Abbey are from its north garth



The tower and roof of the Abbey glimpsed from Cherville Street



The Abbey tower visible above the roofline from the junction of The Hundred with Palmerston Street



The Abbey tower from the Market Place

Page 248

Test Valley Borough Council - Cabinet - 13 January 2021

3.3.2 LANDMARK BUILDINGS AND STRUCTURES

The special interest of the Conservation Area is often best experienced visually by taking in the historic buildings and spaces of the area. Nearly all the buildings and spaces in the Conservation Area contribute to the understanding of its special interest. However, there are individual buildings and structures which play a more important role in establishing the character of the area. These are considered to be landmarks and are identified on **Plan 5** overleaf and described on this and the following pages. Their landmark quality may be derived from their relative height, for prominent features, such as the turret on the United Reformed Church and the pediment on the former Corn Exchange, their position within the street scene or their role in wayfinding and creating a sense of place.

Page 249

01: Romsey Abbey

The Abbey is the most significant building in Romsey, its reason for being, and is also the tallest. However, due to the nature of the surrounding streets it is only visible when in close proximity or in glimpsed views from further afield.



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KEY FOR LANDMARK BUILDINGS AND STRUCTURES ON FOLLOWING PAGE

- Landmark Buildings and Structures
- Conservation Area Boundary
- 01 Romsey Abbey
- 02 Former Corn Exchange
- 03 Nos.27-28 Market Place (Natwest Bank)
- 04 Romsey Town Hall
- 05 United Reformed Church
- 06 No.6 Market Place (TSB Bank)
- 07 Statue of Lord Palmerston
- 08 Broadwater House
- 09 Middle Bridge
- 10 Sadler's Mill
- 11 Rivermead House
- 12 Bandstand in War Memorial Park
- 13 Romsey War Memorial
- 14 County Library
- 15 Horsefair Tower (Outside CA Boundary)

Notes:

Horsefair Tower (15) is outside the Conservation Area boundary, however, it is included here as it makes an important contribution to the immediate setting of the Conservation Area.

This plan is not to scale

Plan 5: Landmark buildings and structures in the Romsey Conservation Area

02: Former Corn Exchange

This building occupies an important position at the western end of The Hundred and overlooks the important open space of the Corn Market. The classical appearance, stuccoed materiality and pediment of this building make it prominent within the street scene.

03: Nos.27-28 Market Place (Natwest Bank)

The distinctive curved frontage and projecting nature of this early 19th century building into the Market Place, make this building a particularly prominent landmark within the open space. The building is also interesting for its use of mathematical tiles.

04: Romsey Town Hall

Although the only building around the Market Place which is not listed, this Victorian town hall has a distinctive appearance including large round-arched windows and stone pilasters and detailing. It is slightly taller than its neighbours and holds an important position at the corner of Bell Street, making it a prominent building within the Market Place.



05: United Reformed Church

This is a relatively unique building in Romsey in that it is constructed in flint. It straddles The Abbey, one of the approaches to the Market Place, and is topped by a high stone turret and cupola, making it a landmark from both the Market Place and The Abbey (road) to the west.



06: No.6 Market Place (TSB Bank)

This bank building holds an important corner of the Market Place with its rounded corner and surmounting turret.



07: Statue of Lord Palmerston

This bronze statue of the important Victorian prime minister is the most important piece of historic public sculpture in Romsey. Palmerston lived at Broadlands and was an important benefactor of the town's churches and institutions. His statue has been pride of place at the centre of the Market Place since the mid-19th century.



08: Broadwater House

This grand 18th century house is, at three storeys, generally taller than the surrounding buildings. Its detached nature, and positioning overlooking the junction of Bell Street, Broadwater Road and Middle Bridge Street means that it has landmark quality.

09: Middle Bridge

This bridge forms an important entry into the town from the west and whilst not very noticeable when in a vehicle, it is appreciable by pedestrians and provides a good vantage point for views of the Broadlands landscape to the south and the mills upstream on the Test to the north. The best place to appreciate the bridge itself is from the Causeway.

10: Sadler's Mill

The largest of the surviving former mills on the River Test, Sadler's Mill dates to the 18th century although has been greatly altered. Its long elevation sits astride the river making it prominent in views upstream from the Causeway in particular.

Page 253



Test Valley Borough Council - Cabinet - 13 January 2021

11: Rivermead House

This early 19th century grand house is on the site of the historic Abbey Mills. The white stuccoed, classical appearance of the house make it a prominent landmark along The Meads and at the entrance to the War Memorial Park.

12: Bandstand in War Memorial Park

The bandstand is a central feature of the War Memorial Park, itself an important amenity and feature within the Conservation Area. It was erected in 2002 funded by a charitable donation. The bandstand is visible from across the park, including the entrance from The Meads and is positioned in the centre of the park at the junction of its main paths.

13: Romsey War Memorial

Romsey's War Memorial is one of the most important features in the War Memorial Park located prominently on the central path and clearly visible from the entrance to the park. It was unveiled in 1921 shortly after the park opened.

Page 254



Test Valley Borough Council - Cabinet - 13 January 2021

14: County Library

This building, designed as a school by renowned architect William Nesfield, is now a library. The detached building set in spacious grounds has a distinctive roofline, bell tower and tall chimney stacks which make it particularly visible and prominent within the street scene of Station Road.



Page 255

15: Horsefair Tower (outside CA boundary)

Although just outside the Conservation Area boundary, the Horsehair Tower is visible from numerous places within the Conservation Area due to its height and is therefore an important part of its setting. The building was historically part of the Strong's & Co Brewery, an important industry within Romsey, but was converted to residential use following its closure.



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3.4 SETTING OF THE CONSERVATION AREA

3.4.1 INTRODUCTION

The setting of a conservation area often makes a contribution to the special interest of the area. Setting is the surroundings in which the conservation area is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive, negative or neutral contribution to the special interest of the conservation area.

Views are often used to define the extent and importance of setting. However, whilst views of the areas surroundings play an important role in the way the setting of the conservation area is experienced there are other factors which contribute, including but not limited to, the pattern and appearance surrounding townscape, the noise, ambience and use of the surrounding area and the historic relationships between the conservation area and its surroundings.

The following analysis of the setting of Romsey Conservation Area is not exhaustive but highlights some of the important components of the area's setting which assist in the understanding, legibility and appreciation of what is special about the Conservation Area. When proposals are being developed within the setting of the Conservation Area, specific analysis should be undertaken to understand the contribution a specific site or building makes to the special interest of the Conservation Area and how the proposals may impact upon this contribution and the special interest of the Conservation Area as a whole.

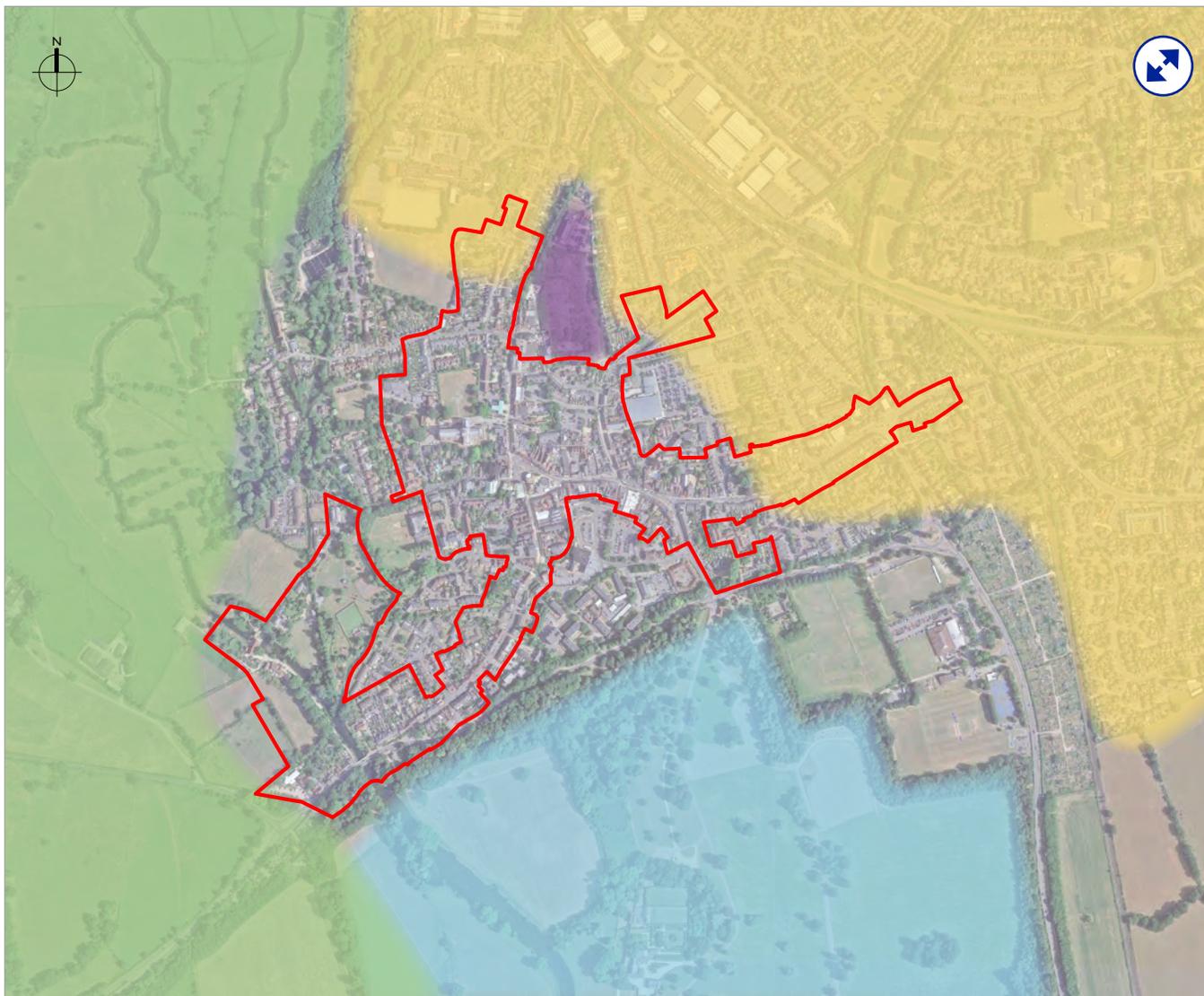
Plan 6 overleaf identifies the key elements of the setting of the Conservation Area which are described over the following paragraphs.

3.4.2 RURAL SETTING

The meandering River Test and its many subsidiary branches and tributaries have made the land to the west of the town unsuitable for expansion and this area remains as water meadow, in agricultural and recreational use. The rural setting of the Conservation Area is no more apparent than on this side where the historic residential suburbs and industrial mills end abruptly in open fields. The rural nature of the setting of the Conservation Area contributes significantly to its special interest as it provides a glimpse into how the town would have been historically.



View of the open countryside setting of Romsey from the path between The Meads and Sadler's Mill



- Conservation Area Boundary
- Broadlands Estate
- Residential Suburbs
- Strong & Co's Brewery Site
- Rural Setting

This plan is not to scale

Baseplan © GoogleEarth 2020

Plan 6: Plan showing the different elements of the setting of Romsey Conservation Area.

3.4.3 BROADLANDS ESTATE

Expansion of the town has always been curtailed to the south due to the ownership of the land by the Broadlands Estate. Broadlands is an ancient estate, the northern boundary of which forms the southern boundary of the Conservation Area, and indeed the town centre. The estate and its owners have long had an important role within Romsey. However, the estate has always been private and is screened from the town by its boundary wall meaning that inter-visibility is relatively limited. Appreciation of the Capability Brown landscape, within which the 18th century house lies, is possible from the Middle Bridge in winter and the boundary wall is appreciable along the by-pass and the southern end of Palmerston Street. Although limited in visibility from the Conservation Area itself, the estate forms a historic and attractive part of the wider green setting of the Conservation Area.

Page 258



The boundary wall of the Broadlands Estate forms a visual and physical barrier between the estate and the Conservation Area



There are glimpses of the Broadlands landscape and the house itself in winter from the Middle Bridge

3.4.4 RESIDENTIAL SUBURBS

Following the construction of the railway line to the east of the historic core of Romsey in the mid-19th century, the town began to expand north and eastwards, first as far as the elevated railway line then beyond. The closest parts of the setting of the Conservation Area therefore comprise streets of Victorian, Edwardian and inter-war suburbs which in many ways are similar to the outer fringes of the Conservation Area itself. These suburbs were the first purpose-built residential streets which began filling the open fields between the ribbon developments along the town's historic approach roads. Although not of sufficient special interest to be included in the Conservation Area itself, these residential areas contribute to the special interest of the Conservation Area by illustrating how the town grew and evolved. The wider 20th century development likewise contributes but to a much lesser degree.

Test Valley Borough Council - Cabinet - 13 January 2021



Page 259

Early 20th century suburban housing just outside the Conservation Area boundary on Greatbridge Road

3.4.5 STRONG & CO'S BREWERY SITE
 One specific site which immediate adjoins the Conservation Area is the former Strong & Co's brewery, lying between Station Road and Cherville Street. The redundant site has approved extant planning permission for new residential development. Before its closure, the brewery was a major employer in Romsey

and one of several industries present in the town due to the benefits of the River Test. Its buildings would have been an important part of the town with Horsefair Tower remaining a landmark. However, the majority of the site is vacant and overgrown which is having a negative impact on the Conservation Area immediately adjacent.



Although parts of the Strong & Co's Brewery have been refurbished or redeveloped such as the Horsefair Tower (left), the majority of the site remains vacant

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3.5 TOWNSCAPE AND SPATIAL ANALYSIS

3.5.1 STREET AND PLOT PATTERN

Until the pressure for expansion in the 19th century, Romsey remained a small and contained town, centred around the Norman Abbey and the Market Place. The wealth and security that the Abbey would have brought to the area, prior to its dissolution, led the town to grow up around it. The Abbey therefore has been an important feature in the development of the layout and street pattern of the town with the main roads within the Conservation Area all lead towards the Abbey precinct, Bell Street from the south, Church Street from the north, The Hundred from the east. Today, these routes converge in the Market Place, which quickly established adjacent to the Abbey, and remains the commercial and social heart of the town. Adjacent is the secondary open space of the Corn Market, where Romsey's thrice weekly market continues to this day.

Page 260

Aside from the Abbey, which lies in the openness of its north and south garths (the church yard), the grain of the historic core of the town centre is fine. Historic burgage plots, which are narrow and relatively deep, survive around the Market Place, along Bell Street, Church Street and The Hundred. However, inevitably some plots have been amalgamated in order to accommodate larger 18th or 19th century buildings, often with a civic or institutional function such as the Town Hall.

Within this framework of arterial roads, are several other ancient streets including Latimer Street, Portersbridge Street, Love Lane and Newton Lane. These were less densely developed than the main streets until well into the 19th century. There was also very little backland development until the 20th century so buildings both in the main and secondary streets had large gardens and yards to their rears. Some of the backland development has been in the form of surface car parking which means some sense of the openness which formerly existed is retained.



View along Bell Street showing the historic, narrow-fronted burgage plot pattern



The more varied plot widths of Middlebridge Street, outside the historic core of the town centre

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Beyond the core of the town centre, streets were built up in a more piecemeal fashion over the centuries which has led to a looser grain and more varied plot pattern; these include Middlebridge Street, Cherville Street and The Hundred. Development patterns are relatively dense today but there are some detached buildings and larger plots such as in Love Lane and the eastern end of The Hundred.

New roads such as Broadwater Road and the bypass, just outside but part of the close setting of the conservation area have relieved the historic streets of traffic and allowed the historic layout of the town to survive.

Page 261



Detached buildings in larger plots sit alongside denser rows of terraces in the more varied areas outside the town centre, as shown in in the eastern end of The Hundred.



Latimer Street only began to be densely developed in the 19th century



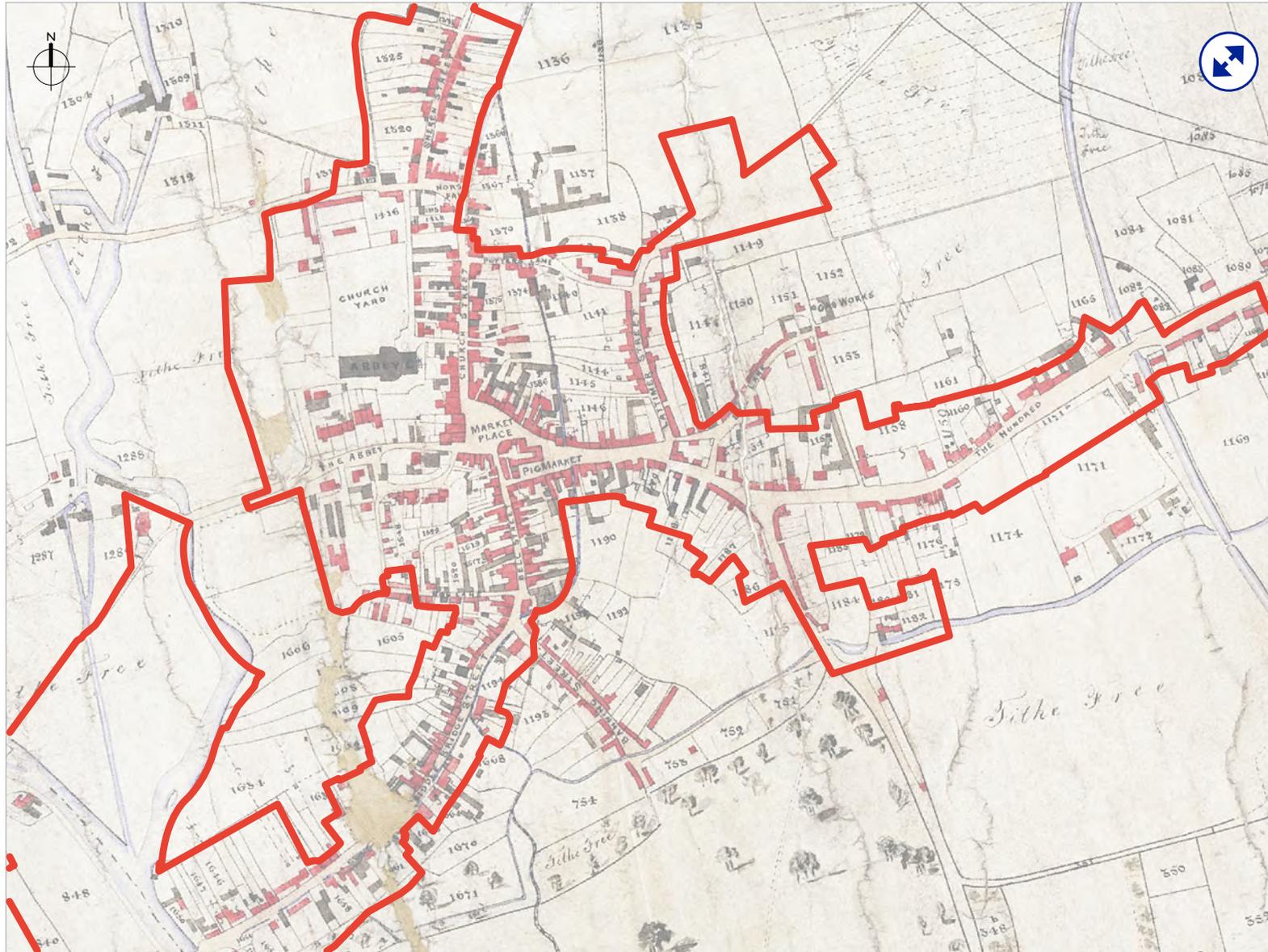
The Market Place, the civic and social focus of the town, into which all the principal roads converge



Market Place

Map showing the survival of the deep and narrow burgage plots which survive in the historic core of the town centre

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Tithe Map of the Parish of Romsey, 1845 (LTVAS copy, original held at the National Archives: IR 30-31-212) showing that open space remained in the town centre at this time. This space was gradually infilled with development, sometimes in the form of surface car parking

3.5.2 BUILDING SCALE AND MASSING

Aside from the Abbey, all buildings within the Conservation Area are between one and four storeys with the majority being between two and three storeys. Beyond the Conservation Area boundary there are also no tall buildings with the exception of the Horsefair Tower of the former Strong & Co Brewery, which is a notable landmark within the town. Those around the Market Place and within the historic core of the town centre, tend to be three storeys, particularly the civic buildings, and often have a larger footprint than the residential buildings beyond the immediate town centre. Most buildings have visible pitched roofs, some with dormer windows, some have parapets concealing hipped or pitched roofs, which give an increased impression of height.

Elsewhere, beyond the core of the town centre, buildings are generally two storeys except for the grander, detached houses, such as Broadwater House, and those which were constructed as industrial buildings such as the four-storey Sadler's Mill. Other taller buildings are churches, including the Methodist's Church in the Hundred and the United Reformed Chapel next to the Market Place. These buildings contribute to the area in part due to their more prominent height and

therefore maintaining this prominence should be a consideration with regards to any new development or change. Modern developments are also sometimes taller and less fine-grained massing than their immediate surroundings including Cherville Court. This type of building is not characteristic of the Conservation Area.

The relative density and historic plot pattern means that buildings are generally terraced, particularly in the town centre. However, grander houses, such as Broadwater House, and some non-residential buildings such as pubs and mills, for example Sadler's Mill, are sometimes detached and generally have larger footprints. Some more modern buildings, such as the former Magistrates Court, are similarly generous in plan.

The largest and most significant building in the town is the Abbey; its large plan, height and distinctive roofline and tower make it visible from various points in the Conservation Area. The Horsefair Tower, although just outside the Conservation Area boundary, rises to six storeys, meaning it is significantly taller than its surroundings and as such is a particularly prominent part of its setting glimpsed from several places in the Conservation Area but particularly from Portersbridge Street and The Horsefair.



Much of the Conservation Area consists of two storey buildings such as these diminutive Victorian terraces in Cherville Street.



Buildings within the core of the town centre, the commercial heart, are generally slightly taller than the surrounding residential areas, as demonstrated by this view along The western end of The Hundred

3.5.3 BUILDING USES

The use of different buildings and areas is an indicative part of the nature and character of the Conservation Area, contributing to the understanding of the place. As a thriving market town, Romsey contains the appropriate mix of uses for its economic and social sustainability including commercial, civic, religious and residential uses. This mix of uses is similar to that historically except with the addition of heavy industry which until the mid-20th century occupied mill buildings along the branches of the River Test and Strong & Co's brewery, just outside the current Conservation Area boundary.

Page 264

Within this historic core of the town centre, uses are predominantly commercial, a mixture of retail, hospitality (pubs, hotel and restaurants) with some office use at upper levels. There would once have been more residential accommodation within the town centre, with shopkeepers living above their shops. Some remain in this use whilst some have are in use as office space or are an extension of the ground floor retail or restaurant uses. Also within the town centre, are a number of institutional or civic buildings including the town hall and the former magistrates court (now Council offices).

Outside this inner core, the principal use is residential, including most of Middlebridge Street, Cherville Street and Mill Lane. This is similar to the historic use of these area, however there would also have been industrial uses in the past. The residential uses are interspersed with pubs, churches, libraries and schools, giving variety to the street scene and use pattern.

The town originally grew due to its adjacency to Romsey Abbey. The Abbey and churches of other denominations, mainly nonconformist chapels which were developed as industry grew in the town in the 19th century, continue to contribute to the community and social life of the town's residents.

To the east of the Conservation Area, along the Causeway and the footpath connecting with The Meads, is an enclave of more rural residential buildings. Some of these are former mills, converted to residential use but still retaining their industrial vernacular character.

The continued use of many historic buildings within the Conservation Area for their original purpose as well as the retention of a similar mix of uses that would have been present historically, with the exception of heavy industry, contributes to the special interest of the area.



This view of The Horsefair, which connects Church Street with Cherville Street, shows the residential parts of the Conservation Area are interspersed with other uses, such as pubs



The core of the town centre is the commercial heart of Romsey and contains mainly retail and restaurant uses, as show by this view along Bell Street

3.5.4 PUBLIC REALM, OPEN SPACES AND TREES

Page 265

North and South Abbey Garths (the church yard)

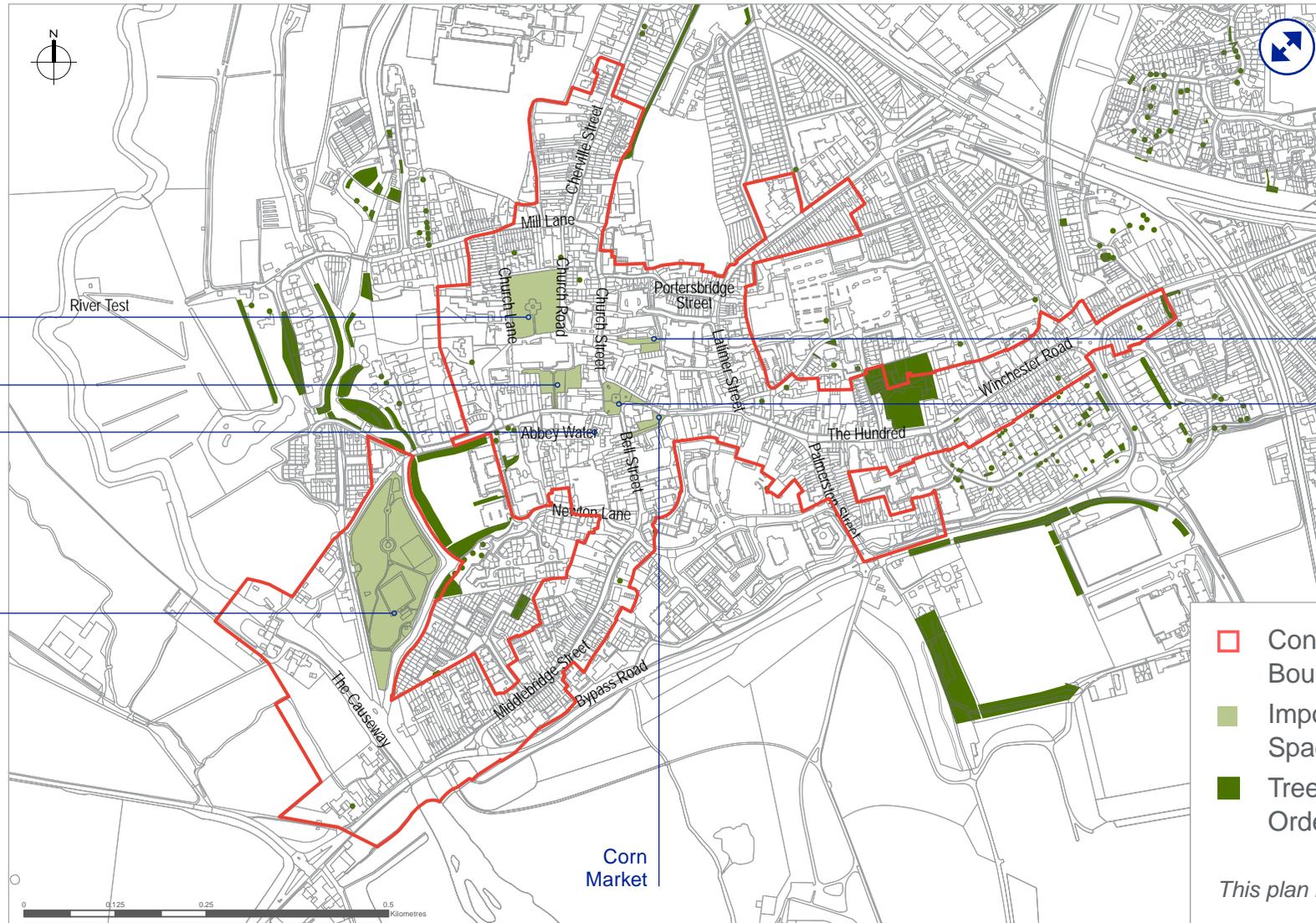
Former Burial Ground of the United Reformed Church

War Memorial Park

King John's Garden

Market Place

Corn Market



- Conservation Area Boundary
- Important Open Spaces
- Tree Preservation Orders

This plan is not to scale

Plan 7: Plan showing Public Spaces and Tree Preservation Orders

Romsey contains a number of important public open spaces which provide amenity for residents and visitors including the Market Place, War Memorial Park and Abbey garths. **Plan 7** (on the previous page) shows these key spaces and the trees which are subject to Tree Preservation Orders. All trees above a certain size are protected within the Conservation Area, see **Section 5.3** for details.

The principal public open space in Romsey is the War Memorial Park to the south-west of the town centre and is bounded on three sides by branches of the River Test. The park is the largest green open space in the town and is well used and valued by the community. The War Memorial Park was laid out by the river as a memorial to those who had died in the First World War and contains the town's War Memorial, a Japanese Second World War gun and recent war horse memorial. It also contains amenities such as tennis courts, a bandstand, a bowling green and pavilion, a children's playground and a café .

The other significant green space is around the Abbey, formed by the historic north and south garths. The garths would once have contained other elements such as the cloister. Today they form the churchyard and each has its



A view across the War Memorial Park, the largest green public space in the Conservation Area, showing the bandstand, tennis courts and war memorial in the background



The north garth of the Abbey, the gravestones have been laid down to form a pathway to the cross memorial at its centre

own character. The north garth is a large open lawned space and contains the best views of the Abbey. The south garth is a more intimate garden with trees, planting and seating. These spaces are form the historic setting of the Abbey and form a tranquil and appropriate setting to one of the most important buildings in the Conservation Area.

Other smaller green spaces include King John's Garden, a tranquil physic garden, and the small former burial ground adjacent to the United Reformed Church. These pockets provide relief from the more urban character of the town centre.

The Market Place is also one of the most important spaces within the Conservation Area, both historically and today. It grew up close to the Abbey precinct, due to the wealth and security the Abbey brought prior to its dissolution, and is the node where the most important streets converge. As a result, it is an important meeting place and is surrounded by the most important civic and commercial buildings. The public realm has recently been upgraded providing a level surface for pedestrians and vehicles and increased pedestrian priority within the space. In the centre is the important statue of Lord

Palmerston, associations with whom are prized by the local community. Close to the east of the Market Place is the Corn Market, a slightly smaller and more secondary public open space and the location of the regular market and therefore also of considerable importance to the special interest of the Conservation Area.

In general streets within the Conservation Area are narrow, as in The Abbey (road), which contributes to the historic character but means that pavements are often narrow and, in some cases, non-existent for example in Abbey Water. The public realm improvements within the Market Place extend

Page 267



View across the Market Place from Church Street

to the surrounding streets with durable and historically appropriate materials such as stone sets and pavers and granite kerbs used. Traditional materials are also used within the Abbey garths. However, elsewhere tarmac and concrete pavers are common.

Shared surfaces and traffic management within the historic core of the Conservation Area, around the Market Place, Corn Market, Bell Street and The Hundred mean that cars do not disrupt pedestrian movement, which is given priority. Surface car parking is generally subtle when located within the Conservation Area, screened from view behind street frontages or hedges, which means they do not intrude greatly on the historic street scene.

There is a variety of street furniture within the Conservation Area, some that are historically sympathetic and some that are less so. There are historic-style lamp standards in The Hundred for example and high-quality timber benches within the Abbey garths.

The presence of waterways, braided channels of the Test, in Romsey contributes to the picturesque quality of the town. Although



Fishlake in Abbey Water

many branches of the River Test have been culverted, those which are visible, including that known as Fishlake, in Abbey Water, and Chavy Water in Middlebridge Street, help create the impression of broader, more open streets. The stream known as Tadburn Lake, lined with mature trees, follows the southern boundary of the conservation area and forms a green and blue buffer to the busy bypass. The main branch of the River Test runs parallel with the Causeway and lends a particularly rural character to this part of the conservation area, which would have once been busy with mill industries.

3.6 LISTED BUILDINGS

Romsey is a town of ancient origins and therefore contains many historic buildings and structures, which are significant in their own right as well as collectively contribute to the overall character and special interest of the Conservation Area. Buildings and structures of sufficient special and architectural interest are added to the National Heritage List for England. There are over 150 entries for Romsey on the list, many of which cover more than one building, such as a whole terraced row and therefore a high density of listed buildings within the Conservation Area.

Listing is a statutory designation and listed buildings are protected under the *Planning (Listed Buildings and Conservation Areas) Act 1990*. The criteria for listing are defined by DCMS and the list is administered by Historic England. Listing ranges from Grade I (the highest level of protection) through to II* and II (the most common level).⁰¹

Within Romsey Conservation Area, there are three Grade I listed buildings, the Abbey, Middle Bridge and King John's House and five listed at Grade II* including the former Corn Exchange and White Horse Hotel. The majority

of listed buildings are concentrated around the important spaces of the Market Place and Corn Market and along the historic approaches of Middlebridge Street, Palmerston Street and The Hundred.

The location of all the listed buildings in the Conservation Area is shown on **Plan 8** and their list entries can be found on the National Heritage List for England.

Outbuildings and subsidiary structures associated with listed buildings are likely to be within their 'curtilage'. That is, a building or structure which is associated with a listed building and has been so since before July 1948. In case of curtilage listing, the curtilage listed structure has the same level of protection

as the main listed building and will be subject to the same Listed Building Consent procedures.

Alterations, additions or demolitions to listed buildings require Listed Building Consent, which allows the Council to make decisions that have been informed by an understanding of the building or the site's significance. Information on Listed Building Consent can be found on the Planning Portal and the Council also have a Pre-Application Advice service, details for both can be found in **Further Information**.

Furthermore, national and local planning policies also recognise that changes to other buildings or sites in the setting of a listed building can affect its special interest. Preserving or enhancing the setting of a listed building is a material consideration in planning decisions.

Page 268

Test Valley Borough Council Cabinet - 13 January 2021

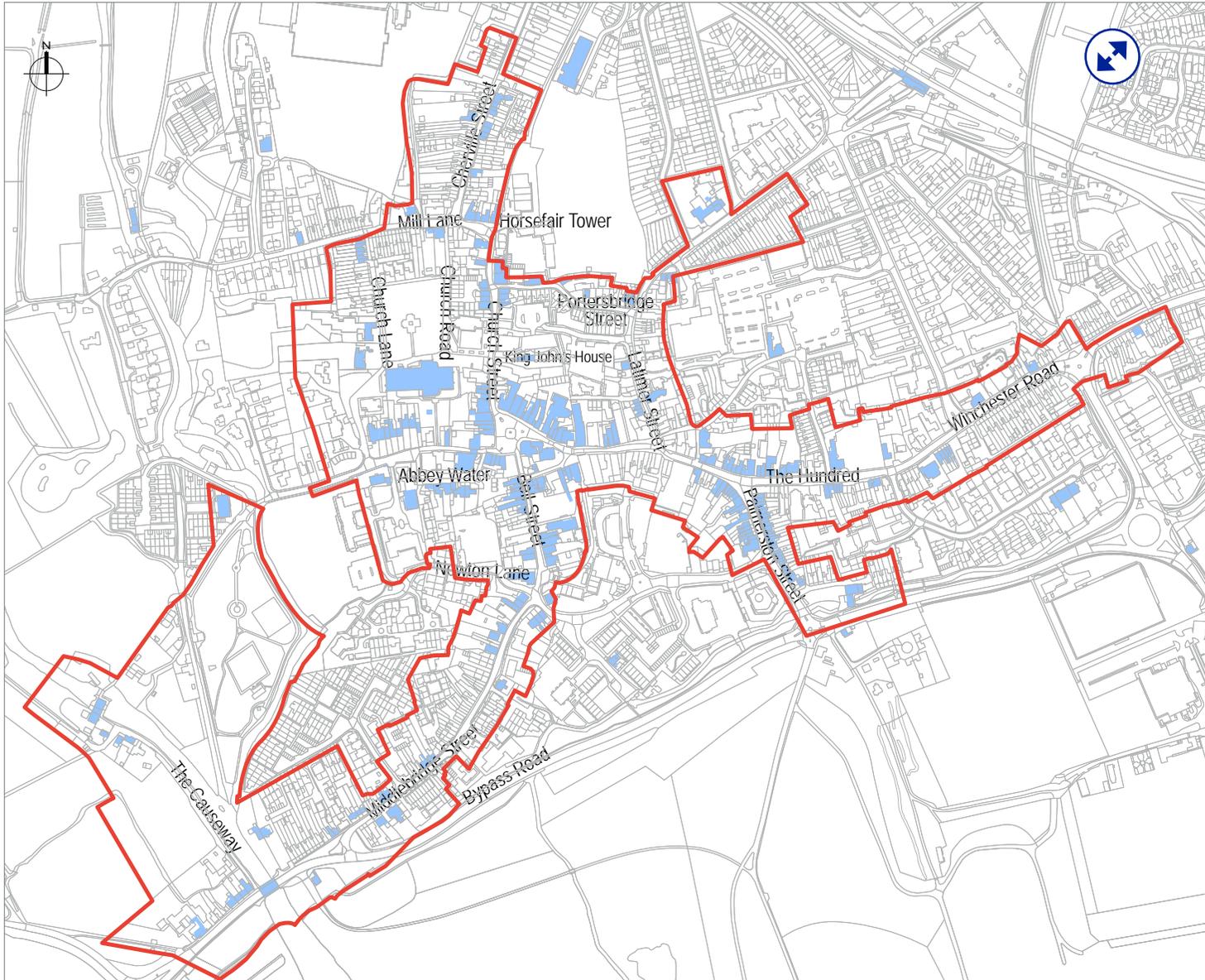


Romsey Abbey, is perhaps the most significant building in the Conservation Area, and one of only three which is Grade I listed, the highest level of designation.



Almost all the buildings around the Market Place are listed, including those shown here which are all designated at Grade II

⁰¹ Grade I and II* listed buildings together comprise around 7% of all listed buildings, with the remainder being Grade II.



- Listed Buildings
- Conservation Area Boundary

This plan is not to scale

Plan 8: Map showing the statutorily listed buildings within Romsey Conservation Area

3.7 MATERIALS AND DETAILING

3.7.1 BUILDING MATERIALS

Historically, the dominant character of buildings in Romsey would have been timber-framed and jettied with pitched roofs and gables. However, these were largely replaced or refronted in the 18th and 19th century as a result of changing fashions and the general cycle of building replacement and upgrade. Where it remains, medieval timber-framing is largely limited to buildings' inner cores; however, the Manor House on Palmerston Street is an extant example of timber-framing on the external elevation.

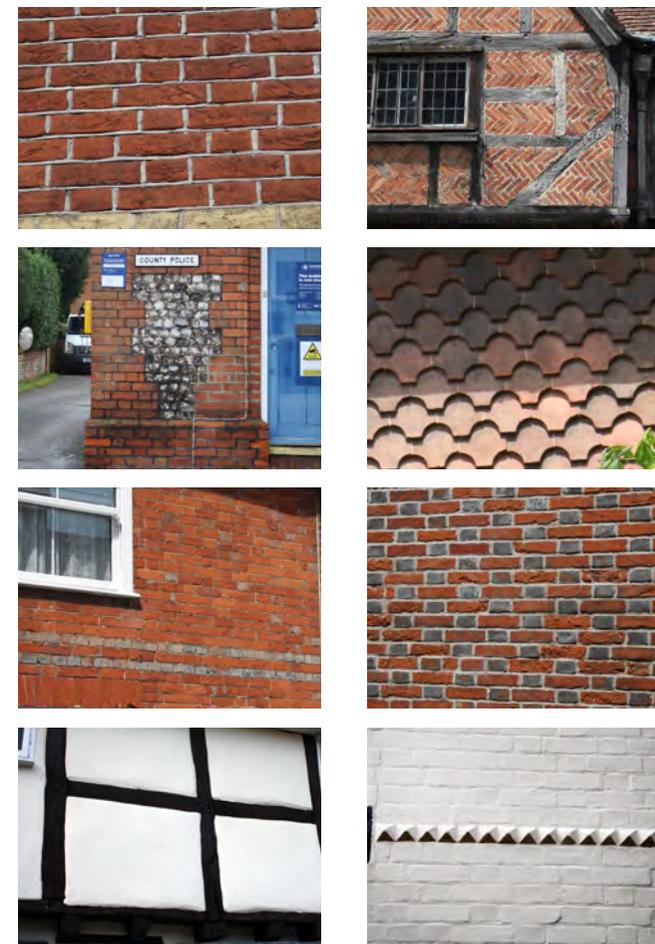
Red brick is the predominant building cladding material in Romsey, whilst yellow brick is also present but much rarer. Brickwork is sometimes painted and render and stucco are also a common finishes, painted either white or pale, pastel shades. Hung tiles often feature to the upper floors of brick buildings, sometimes decoratively shaped, and there are two examples of mathematical tiles on 27 and 28 Market Place and 13 Middlebridge Street.

Hampshire has limited natural stone so only the higher status buildings were traditionally stone-built. The Abbey is built in (relatively) local Chilmark, Quarr and Binstead stone and King John's House is flint and stone. Stone is also used in slightly more recent, 19th century buildings, when the transportation of stone became easier; the Vicarage and Abbey C of E Primary School, are both built in squared rubble stone in courses and several banks and the Town Hall feature stone elements. Knapped flint is not common but is used in a small number of buildings, including some which are not high status. Flint buildings include the United Reformed Church and the police station in The Hundred.

Modern buildings are often built in a brighter orange or other colours of brick than the vernacular, which makes their appearance regrettably stand out.

Roofs tend to be clad in local hand-made clay tiles, and since the arrival of the railways, Welsh slates. Some roofs would have traditionally been thatched, although there are very few remaining in the Conservation Area today.

Sample of the Building Materials used within Romsey Conservation Area



These thumbnails show the typical finishes for buildings in the Conservation Area, mainly red brick with some contrasting brick decoration, timber framing, painted render and hung tiles.

3.7.2 ARCHITECTURAL STYLE AND DETAILS

There are a variety of architectural features and levels of decorative to buildings within the Conservation Area which add interest and a sense of longevity to the street scene.

The most modest buildings are simply detailed using patterns in brick to form cornice details and string courses or scalloped hung tiles. Grander 18th and 19th century buildings exhibit elegant decorative features including brick string coursing, rendered window lintels and surrounds and dentilled cornices. Victorian terraces are often enlivened with ornamental ridge tiles, decorative bargeboards, date or name plaques and polychromatic brickwork elevations or alternating coloured brickwork detailing picks out quoining, window and door surrounds and string coursing.

Page 271



Example of the simple brick detailing present on many buildings in the Conservation Area

Characteristic red brickwork is sometimes articulated with stone detailing picking out architraves, tracery, banding and window surrounds, with examples at the Methodist Church in The Hundred and the bank at 6 Market Place. Stone is not a local material and its use demonstrates the status of the buildings rather than being characteristic to the local area.



Higher status buildings such as the Town Hall have stone detailing

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The Abbey displays a unique Norman architectural style with typical Romanesque characteristics including massive solidity of wall fabric, with some standing buttresses, punctuated by round arches and openings as well as later Gothic elements such as pointed arches.

Other, larger buildings of civic or institutional function often employ a classical architectural language with features including giant pilasters, capitals, entablatures, pediments, rusticated quoining, for example the former Corn Exchange at the Corn Market and the Town Hall on the Market Place.

Page 272

Doors often feature round-arched entrances or classical door cases comprising pilasters, entablatures and pediments. Simpler doors feature a pediment alone or a plain lintel. The majority of windows in the Conservation Area are timber-framed sashes some featuring decorative lintels or surrounds. Terraces on residential streets sometimes have ground floor bay windows and there are also examples of historic attic dormer windows. Certain houses have unique Regency-style windows, with balconies.

There is good survival of historic shopfronts, mainly from the Victorian period, which greatly add to the character of these streets. There are many examples of later shopfronts, which are also sensitive to the historic nature of the Conservation Area. Historic shopfront features include fascia boards, pilasters and consoles, retractable canopies, recessed doorways and stall risers. Bell Street and Church Street in particular have good survival of historic shopfronts. There are also examples of less sensitive modern shopfronts, particularly within The Hundred.

Historic or traditional signage and advertising adds character to the street scene. Public houses are noticeable for their decorative pub

signs and other buildings feature large historic advertisements for local industries and wares painted on brickwork.

Modern buildings feature much simpler and more sparse decorative features, with ornament generally limited to hung tile cladding.



Example of a traditional shopfront in Church Street, containing many historic features such as pilasters, stall risers and fascia board and using timber and glass materials.

3.8 ACTIVITY AND MOVEMENT

The way in which we experience and appreciate the character of an area in part depends on the level and type of activity and movement which is taking place within it. This can change depending on the time of day or time of year.

Romsey is a busy market town, its town centre full of activity particularly on market days. The Market Place is the centre of this activity with main road routes in the conservation area converging on it and carrying both pedestrian and vehicular movement. Public realm works have reduced the dominance of cars and delivery and service vehicles are limited to certain times of the day. Collectively, this has reduced the visual and noise impact vehicles on the historic core of the town centre.

The Market Place is a pedestrian dominated environment both for people passing through on route to other parts of the town and those using its amenities, the shops, restaurants and public buildings. Although the buildings and occupiers have changed over time, the town centre remains similar in its atmosphere to how it would have been historically.

Unsurprisingly, the Market Place and the rest of the historic core of the town centre are less busy outside of retail hours, however the restaurants, hotels and services at the Abbey have longer operating hours, extending activity in the town centre into the evening.

Beyond the core of the town centre, the residential areas are less busy with both vehicles and people and as such tend to be more tranquil, which reinforces their residential character. The exception to this is the eastern arm of The Hundred and Winchester Road, which is often busy with traffic and is often noisy as a consequence; this can detract from the appreciation of the historic character of the street.

The Causeway and footpaths along and over River Test in the western part of the Conservation Area give a glimpse into its rural setting and are particularly tranquil. The mills would once have been busy with industry, but now only the buildings, rather than the activity, remain as evidence of this important element of Romsey's past.

The bypass, which forms the southern boundary of the Conservation Area, is a busy and noisy route. Whilst detracting from the appreciation of the town's historic character, the construction of the bypass in 1931 has been of considerable benefit as it has allowed the town centre to have retained its historic layout and has not been compromised, as many towns have, by road-widening and other road improvement schemes of the post-war period. Today, it allows the Conservation Area to be free from all but local traffic which is of considerable importance revealing its historic character.



The Market Place is often busy with pedestrians

3.9 ARCHAEOLOGY

Although not always a visible part of the Conservation Area, archaeological remains can contribute considerably to our understanding of how the area has developed and where visible contributes to the character and appearance of the area.

The ancient origins of Romsey, the wealth and importance of the Abbey and the survival of the town's historic street plan and many of its buildings means that there is a wealth of both built and buried archaeological evidence within the conservation area. Romsey is one of the most intensively studied of the small market towns in Hampshire and there is a mass of archaeological data which has broadened and strengthened the understanding of how the town has evolved and how past residents lived their lives.

Although there are no designated Scheduled Monuments within the conservation area, the Abbey precinct and King John's House are Nationally Important Remains, as well as being Grade I listed buildings.⁰² These, and the many other historic buildings within the Conservation Area contribute to its special interest by visually demonstrating the historic origins and evolution of the town.

There is also potential for archaeological remains that have not yet been uncovered which could reveal more about the evolution and past of Romsey. The historic core of the town centre, including the Market Place, Corn Market, Bell Street, Church Street, Church Road and Portersbridge Street are Areas of High Archaeological Potential with Cherville Street, Middlebridge Street, Latimer Street, Love Lane and The Hundred also being Archaeologically Important Areas.

These designations, shown on **Plan 9**, reflect the likely potential for archaeological remains, which would add further understanding about the evolution of the town core which developed alongside, and in association with, the Abbey.

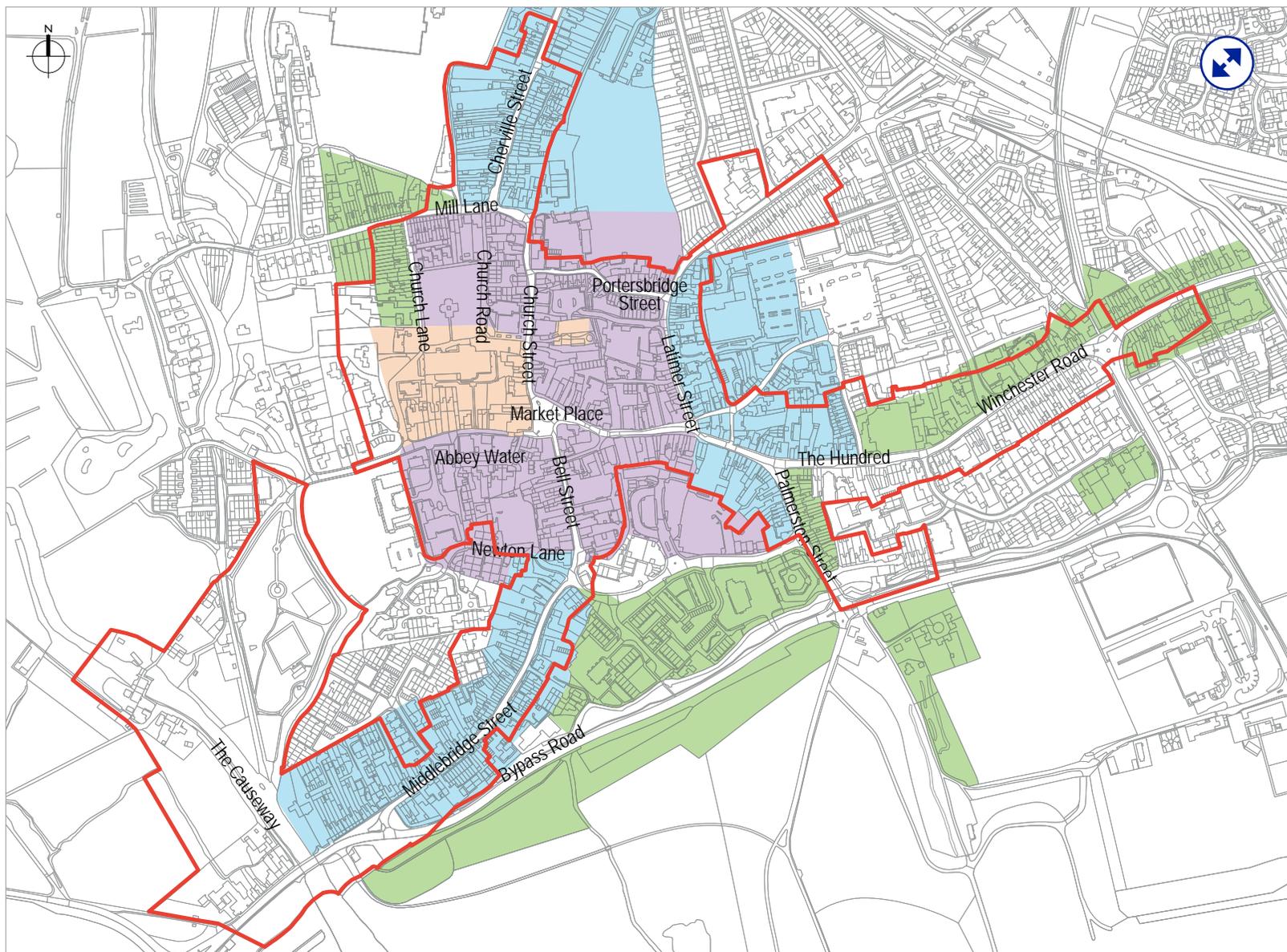
Ground-intrusive investigation or development in areas of archaeological potential (covering most of the Conservation Area) has the potential to disturb or destroy archaeological remains. As specified in local planning policy, development which would involve ground disturbance in areas of known archaeological potential should be sensitively designed and located. A desk based archaeological assessment, and in certain circumstances a field evaluation, will be required. Where appropriate, archaeological remains should be preserved in situ with

development being sensitively designed and located to allow their retention or minimise harm to them. Where this is not possible or feasible the Council will require a programme of archaeological investigation, excavation and recording prior to commencement.

Further information about known archaeological remains within the town can be found by consulting the Hampshire Historic Environment Record (HER).



King John's House is a Nationally Important Remain and is Grade I listed



- Conservation Area Boundary
- Nationally Important Remains (unscheduled)
- Areas of High Archaeological Importance
- Archaeologically Important Areas
- Areas of Limited Archaeological Importance

This plan is not to scale

Plan 9: Map showing the different levels of archaeological potential across the Romsey Conservation Area. This map is a reproduction of Map E of the Romsey Extensive Urban Survey.

4 ISSUES AND OPPORTUNITIES

This part of the document provides analysis of the current issues and opportunities facing Romsey Conservation Area following detailed site surveys and initial public consultation.

CONTENTS

4.1	Detracting Features and Buildings	75
4.2	Public Realm	78
4.3	Boundary Treatments	80
4.4	Shopfronts	81
4.5	Interpretation and Raising Awareness	82
4.6	Setting of the Conservation Area	82
4.7	Maintenance and Repair of Buildings	83
4.8	Sustainable Development and Climate Change	83



4.1 DETRACTING FEATURES AND BUILDINGS

The overall appearance and quality of buildings in the Conservation Area is very high, however there are a number of detracting features and buildings which it would be beneficial to alter or replace to enhance the special interest of the Conservation Area. This ranges from whole buildings, such as a number of post-war infill buildings to small scale features within individual buildings.

Page 277

4.1.1 DETRACTING BUILDINGS

The majority of buildings in the Conservation Area are historic, some are listed and many more make a positive contribution to the historic character and appearance of the Conservation Area. However, there are several post-war buildings within the Conservation Area which detract from the historic character due to their scale, massing, materiality or detailing. These include Nos.13-13a and 60-62 The Hundred, Cherville

Court and Nos.23-33 Cherville Street. If the opportunity to alter or replace these buildings becomes available, there is the potential to enhance the Conservation Area by ensure proposals are sensitively-designed and respond better to the character and appearance of the Conservation Area.



Cherville Court is a post-war residential block which is detracts from the Conservation Area



Nos.60-62 The Hundred detracts from the historic appearance of this street

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4.1.2 WINDOWS, DOORS AND DRAINAGE GOODS

Across the Conservation Area, there has unfortunately been some unsympathetic replacement of traditional timber windows in historic buildings with uPVC units. uPVC doors and plastic gutters and drainpipes also appear within some historic buildings in the Conservation Area. This not only has a detrimental impact on the appearance of the Conservation Area as plastic features are modern, alien additions to the historic environment but also often constitutes loss of original or historic fabric. Furthermore, the use of plastic windows and doors reduces the breathability of traditionally constructed buildings, by preventing moisture from egressing the building.

There are opportunities to return windows back to their traditional material and appearance where they have been altered and there is potential for an Article 4 Direction to be implemented to better control these types of change in the future.

There have been a small number of instances of front skylight being installed into historic buildings in the Conservation Area, including within the Victorian terraces in Cherville Street. Skylights are modern features which break up the appearance of pitched roofs in historic buildings detracting from the historic character and appearance of the Conservation Area. An Article 4 Direction is recommended to restrict this permitted development right to allow better control of this type of change occurring.

4.1.3 UNSYMPATHETIC FEATURES

Unsympathetic modern features have been added to buildings across the Conservation Area and detract from its historic character and appearance.

Pigeon deterrents including spikes over doors and windows and areas of netting are present on some buildings, particularly in the historic core of the town centre. These have a detrimental visual impact and there are opportunities to investigate alternative forms of deterrent for the areas of the town centre.



Example of visually prominent pigeon netting which detracts from the appearance of the Conservation Area

Satellite dishes and television aerials are modern, alien features within a historic streetscape and therefore cause a significant visual intrusion. Often dishes and aerials remain on walls and roofs even after they become redundant which leads to there being an even greater number visible. There are opportunities to remove redundant dishes and consider relocating others to more discreet locations. It is recommended that installation of any new devices is to the rear of buildings rather than front and side elevations, and therefore not visible from the public realm. Planning permission is required for the installation of telecoms equipment on walls and roofs visible from the public domain.

Page 279



Visually prominent satellite dishes in Linden Road

Overhead wires are highly visible in some street, particularly Mill Lane, these are modern features and distract from views along the historic streets. If opportunities arise to relocate cables below ground this would be beneficial to the appearance of the Conservation Area and historic street scene.



Overhead wires in Mill Lane

Whilst bins cause very little issue in the Conservation Area with both domestic and commercial bins generally stored out of sight and away from the principal public realm, there are a small number of instances where larger commercial bins are stored on the pavement. These both visually detract and can hinder movement and so it is recommended that in such instances, bins be relocated to less intrusive locations, where possible.



Commercial wheelie bins next to the Corn Exchange building

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4.2 PUBLIC REALM

There have been significant improvements to the public realm of the Conservation Area in recent years including improving pedestrian access within the Market Place and reducing the dominance of cars. However, there are areas, even within relatively recently installed areas of public realm where there is degradation and damage to surface treatments, largely resulting from vehicles.

This includes granite kerbs in Latimer Street and stone sets in the Corn Market and the Abbey forecourt off Church Street. In addition, tarmacked areas outside the historic core of the town centre, particularly in Winchester Road and the eastern end of The Hundred, are patched and uneven. Damaged surfaces cause not only a negative visual impact, are also trip hazards and hinder movement through the Conservation Area. Opportunities

to repair damaged surfaces and install high-quality, sympathetic and durable finishes where these do not currently exist would be beneficial. Traditional and durable materials such as granite sets and kerbstones, Yorkstone paving would be appropriate and could be used in combination with more contemporary materials.

Page 280



Examples of areas of damaged and patched surface treatments

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Whilst planting in the public realm is a positive part of the Conservation Area, some of the planters have become dated and are thus unsympathetic in style, including those around the junction of the Hundred and Palmerston Street. Replacement of such planters would be beneficial. The use of restrained designs and traditional, durable materials would be most appropriate in ensuring the longevity of any new installations.

Page 281 The green spaces in the Conservation Area are high quality, however, there are opportunities to improve way-marking and interpretation along these routes.

In general street furniture within the Conservation Area is sympathetic to the historic character of the area, however there are opportunities to install a more sympathetic set of litter bins. Consideration could also be given to an overall reduction in the amount of traffic signage, including for example around the junction of The Hundred and Winchester Road. This would need to be undertaken in consultation with the Highways Department to ensure it could be achieved in a safe manner.

Cars can sometimes still be an issue within the historic core of the town centre and consideration could be given to restricting

access to vehicles except during specific hours, such as for deliveries to the shops and restaurants.



Unsympathetic planters at the junction of Palmerston Street and The Hundred

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4.3 BOUNDARY TREATMENTS

In Middlebridge Street, Mill Lane and some other residential parts of the Conservation Area, there has been some alteration and loss of historic boundary treatments. Boundaries would traditionally have comprised low brick walls or, occasionally low picket fences, surrounding soft landscaped front gardens. Some properties have had their front gardens replaced with hardstanding and are used as driveways, resulting in the loss of boundary demarcation. This has begun to erode the historic character and appearance of these streets. There are also associated works which can further detract from the character of the Conservation Area, including the loss of trees and shrubbery and increasing hard-landscaping which change the historic appearance of the streetscene. In addition, some historic boundary treatments have been replaced with lower quality or less appropriate types of boundary.

Page 282

A targeted Article 4 Direction is recommended to restrict changes to low level boundary treatments (changes to those which are above a metre already require planning permission) to allow better control of changes to boundaries, including demolition.



Loss of historic boundary treatments to residential properties in the Conservation Area



Boundaries to properties in The Hundred have been incrementally replaced reducing the consistency of the historic appearance of the terrace

4.4 SHOPFRONTS

Retail trade has long been an important part of Romsey’s economy and remains so today. Whilst there are a considerable number of historic shopfronts surviving and other more recent ones which are designed in a traditional manner, some have been unsympathetically altered or replaced over the years. This has particularly taken place in The Hundred and Latimer Street and has a detrimental affect on the special interest of the Conservation Area.

Page 283

Oversized, poorly positioned and internally-lit fascia signs and the use of metal or plastic materials are particular issues. Shopfronts have also had their traditional glazing and stall riser arrangements replaced with large full height windows which have no subdivision or their traditional stall risers replaced with squat brick versions. The colour, design and corporate branding of some shop signage does not respect the character of either the building in which they are located or the character of the historic townscape as a whole.

Whenever opportunities arise, shopfronts and their signage should be returned to a more traditional appearance or utilise design features or patterns that are in keeping with historic shopfront design and materiality.



Examples of inappropriate shopfronts including those with large areas of glazing and oversized fascia signage

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4.5 INTERPRETATION AND RAISING AWARENESS

There are a number of information boards and plaques within the Conservation Area as well as a heritage walk around the town which giving information about its history and buildings. However, there are opportunities to improve dissemination of the town's history and special interest in particular in relation to the continued presence and importance of the waterways within the town centre.

Greater awareness of the industrial uses of the River Test in the past and its importance to wildlife and biodiversity today are themes which could be explored. Information about buildings and places in the town other than the Abbey would also be beneficial, for example information in the Market Place about the central role this space has played through the centuries. Innovative ways of disseminating information could be explored such as the use of digital media, as well as traditional forms of interpretation. Public art could also be used as a means of interpreting the history of the area.

Page 284

4.6 SETTING OF THE CONSERVATION AREA

The setting of Romsey Conservation Area makes a considerable contribution to its special interest and while the positive elements of the setting should be preserved, there are opportunities for enhancement.

The principal example is the former Strong & Co brewery site, which although partly redeveloped remains largely as vacant wasteland which has a detrimental impact on the Conservation Area. The Brewery site has an extant planning permission for residential development but has only been part enacted. There is considerable potential for this site to make a better contribution to the setting of the Conservation Area, drawing on its historic use and role within the town. In addition, the Broadwater Street Car Park and the bus station are proposed for removal from the Conservation Area. They form part of the South of Town Centre Masterplan, which has considerable potential to enhance this part of the close setting of the Conservation Area.

It is also very important for the positive elements of the setting of the Conservation Area to be preserved to ensure that they continue to contribute to its special interest. This is particularly the case with the rural setting of the Conservation Area, both immediately adjacent to the west and also the wider countryside setting of the town.

Any development within the setting of a conservation area has to take into consideration its special interest and be of high-quality and sensitive design.



This view from the edge of the Conservation Area into the vacant Strong & Co brewery site demonstrates the detrimental impact it has on the setting of the Conservation Area

4.7 MAINTENANCE AND REPAIR OF BUILDINGS

Although the overall condition of buildings in the Conservation Area is good, there are some buildings where some elements are in need of maintenance or repair. This includes foliage and other greenery growth, particularly around eaves, parapets and chimney stacks. Foliage growth can cause problems to the structural integrity of buildings as well as potentially causing water ingress. Peeling paintwork, particularly to timber windows but also some elevations, is also sometimes an issue and results in water ingress and decay and rot to timberwork. Some of the railings, such as those edging the bridge over the Tadburn Stream at Palmerston Street are also peeling and are in need of repainting. Maintenance of lead flashings is also needed to some buildings, again to prevent water ingress. Finally, some low level stall risers of shopfronts require cleaning and repainting as they are suffering from algae growth. As well as having an impact on the physical building fabric, these maintenance and repair issues harms the appearance of both the individual buildings and the wider Conservation Area. There are opportunities to improve the special interest of the Conservation Area by undertaking the necessary repairs to buildings and raising awareness amongst local owners

Page 285

and occupiers of the importance of building maintenance to prevent degradation.

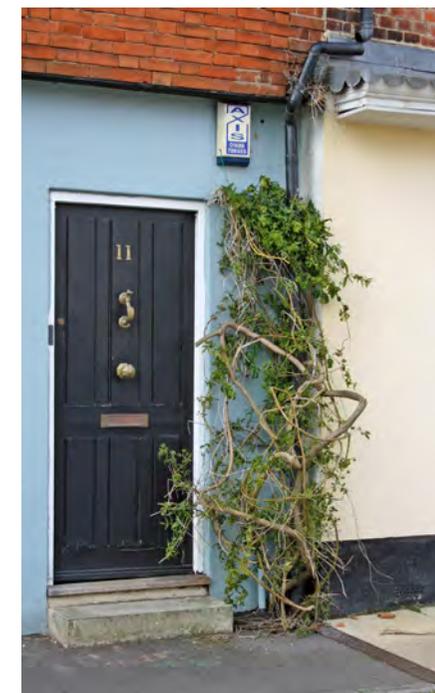
4.8 SUSTAINABLE DEVELOPMENT AND CLIMATE CHANGE

Maintaining and continued use of historic buildings is inherently sustainable. However, there is likely to be pressure over the coming decades to improve the energy efficiency of Romsey's historic building stock in order to reduce carbon emissions, particularly from heating which uses fossil fuel sources.

Physical changes to buildings in this context need to be carefully considered so as to mitigate against harm to the significance of both individual buildings and the conservation area. This might include improvements to thermal efficiency and changing sources of heating. Historic England has prepared extensive advice regarding energy efficiency and historic buildings, see [Further Information](#) for details.



Examples of foliage and algae growth, peeling paintwork and rotting timber all of which are preventable through routine maintenance



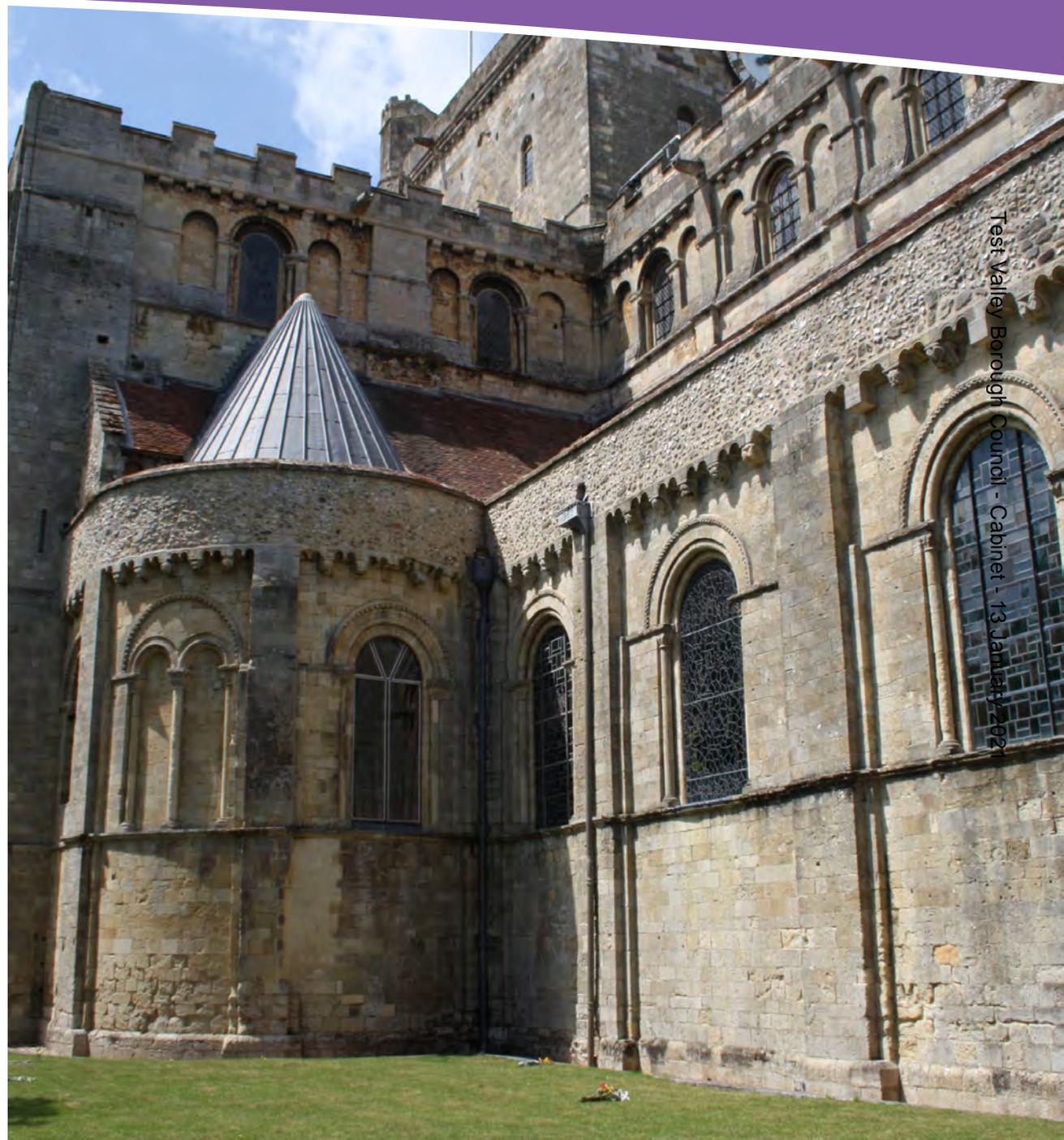
5 MANAGING CHANGE

This section sets out how change within Romsey Conservation Area should be managed to ensure its special interest is preserved or enhanced.

CONTENTS

5.1	Introduction	85
5.2	Planning Legislation, Policy and Guidance	85
5.3	Control Measures Brought About by Conservation Area Designation	86
5.4	Advice on Conservation and Repair of Buildings	88
5.5	Advice on Design and New Development	89
5.6	Specific Recommendations	95

Page 286



Test Valley Borough Council - Cabinet - 13 January 2021

5.1 INTRODUCTION

The Management Plan part of this document sets out the vision for the future of Romsey Conservation Area and a framework to guide change. The overarching ambition for the Conservation Area is to preserve and enhance what is special about the Conservation Area and it is the statutory duty of the Council to ensure this happens. Preserving and enhancing the special interest of the Conservation Area is achieved by ensuring that change and development take place in a considered and sympathetic way and raising awareness and promoting shared responsibility for looking after the Conservation Area.

The long-term objectives are to phase out ill-considered change and additions and ensure new development is of high quality and responds to the special character of the Conservation Area. This applies from very small changes such as reinstating lost historic features to proposals for new buildings both within the Conservation Area and within its setting. In addition, regular maintenance of buildings is a vital part of ensuring the special interest is preserved as well as the physical fabric of individual buildings. Repairs can often

be necessary, ensuring that these are done in the most sensitive and least impactful ways possible is an important part of looking after historic buildings and the Conservation Area as a whole.

The following sections set out how and why change within the Conservation Area is controlled, good practice advice on maintenance and repair and specific guidance on alterations, extension and new development. Specific recommendations are within [Section 5.6](#).

5.2 PLANNING LEGISLATION, POLICY AND GUIDANCE

Planning Legislation, Policy and Guidance is utilised when considering development or other changes within the Romsey Conservation Area. This is to ensure that proposals seek to preserve or enhance the areas special interest including the contribution made by its setting.

The primary legislation governing conservation areas is Planning (Listed Buildings and Conservation Areas) Act 1990. This is the key tool for Councils in fulfilling their duty to manage their conservation areas

and ensuring that proposals for change preserve and enhance their special interest.

Below this national-level legislation lies national and local planning policy which support this legislation in the protection and enhancement of conservation areas. See the Council's website for details of current national and local Test Valley Borough Council planning policy, links can be found in [Further Information](#).

In addition to legislative and policy requirements there is a wealth of best practice guidance and advice available from Historic England and the British Standards Institute, see [Further Information](#) for details.

When changes are being considered to buildings in Romsey Conservation Area, or perhaps where new development is proposed, it is often helpful to use the Council's Pre-Application Advice service to gain early guidance on proposals and highlight any constraints or opportunities; details can be found on the Council's website.

5.3 CONTROL MEASURES BROUGHT ABOUT BY CONSERVATION AREA DESIGNATION

5.3.1 RESTRICTIONS ON PERMITTED DEVELOPMENT

In order to protect and enhance Romsey Conservation Area, any changes that take place must conserve, respect or contribute to the character and appearance which makes the Conservation Area of special interest.

Permitted Development Rights, as defined by *The Town and Country Planning (General Permitted Development) (England) Order 2015*, are works which can be undertaken without the need to gain planning permission. Permitted Development Rights are different in a conservation area, meaning that planning permission is needed for works which materially affect the external appearance of a building.

This includes, but is not restricted to:

- The total or substantial demolition of buildings or structures (including walls of over 1m in height, gate piers and chimneys);

- Other partial demolition including new openings in external elevations;
- Works to trees with a diameter of 75mm or greater, measured at 1.5m from soil level;
- Changes to the external finish of a building (including rendering, pebble dash or other cladding);
- Changes to the roof shape including installation of new dormer windows and chimneys;
- Any extension other than a single storey rear extension of 4 metres or less (3 metres or less if the house is detached or semidetached);
- Extensions to the side of buildings;
- Any two storey extensions;
- Erection of an outbuilding to the side of a property;
- Aerials and satellite dishes on chimneys or elevations visible from the street;

- Putting up advertisements and other commercial signage (Advertising Consent may also be required);
- Changing the use of a building (e.g. from residential to commercial); and
- Installing solar panels that are wall-mounted on a wall or roof facing the highway.

For further information and advice about when planning permission is required within a conservation area, see the guidance on the Government's Planning Portal or contact the Planning and Building Department.

It is acknowledged that some changes may have legitimately taken place to buildings prior to their inclusion in the conservation area. Consent will not be retrospectively required for these works and reversal will not be required.

Proposals which affect listed buildings, including changes to their setting, may also require Listed Building Consent.

5.3.2 ARTICLE 4 DIRECTIONS

The Council can develop bespoke controls to ensure that specific elements of a conservation area are protected from harmful change. This is done through the application of an Article 4 Direction. These provide additional control by specifically revoking certain permitted development rights meaning that Planning Permission needs to be sought before work can be undertaken.

Page 289 There are currently no Article 4 Directions in place within Romsey Conservation Area. Given the importance of the Conservation Area, the following Article 4 Directions are recommended in order to better control its appearance:

Revoke the permitted development of the alteration or replacement of existing timber windows and doors (including frames, sashes and other joinery) in elevations and roofs visible from the public realm, principally front and side elevations.

Reason: To control changes to fenestration and other openings and to restrict the replacement of historic and traditional timber windows and doors with uPVC units which erodes the special character and appearance of the Conservation Area.

Revoke the permitted development of the construction of new openings in elevations and roofs visible from the public realm, principally front and side elevations.

Reason: To control changes to fenestration which erodes the special character and appearance of the Conservation Area.

Revoke the permitted development of the erection, construction, demolition or alteration of gates, fences and walls or other means of enclosure where visible from the public realm, principally front and side elevations.

Reason: To control changes to boundary treatments, particularly front boundary treatments to ensure that inappropriate boundary treatments are not installed.

Revoke the permitted development of demolition of boundary walls where walls are less than 1m in height (walls over 1m in height already require Planning Permission)

Reason: To restrict the conversion of front gardens into driveways for parking, which is causing the loss of boundary demarcation and leading to the erosion of the special character and appearance of the Conservation Area.

Where the recommended Article 4 Directions affect buildings and properties, these are proposed to cover buildings, structures and properties which are not protected by another statutory designation, specifically listing, as these already benefit from additional planning controls.

Should the Council choose to do so, the process of implementing these proposed Article 4 Directions will be undertaken at a future date, separate from the adoption of this CAAMP.

5.4 ADVICE ON CONSERVATION AND REPAIR OF BUILDINGS

All buildings require maintenance and repair regardless of their age, designation (or lack therefore) or significance. In conservation areas, it is important that such works are carried out sensitively to protect the historic fabric of buildings and respect and preserve the established character of the wider area.

In addition to the advice in the following sections, Historic England, and other heritage bodies such as the Society for the Protection of Ancient Building (SPAB), provide a wide range of advice and guidance on how to care for and protect historic places, including advice on the maintenance and repair. See [Further Information](#) for details.

5.4.1 MAINTENANCE

Maintenance is defined as routine work necessary to keep the fabric of a place in good order. It differs from repair in that it is a pre-planned, regular activity intended to reduce the instances where remedial or unforeseen work is needed. Regular

maintenance ensures that small problems do not escalate into larger issues, lessening the need for repairs and is therefore cost effective in the long-term. In general maintenance work does not require consent from the Council, however some maintenance works may require consent.

Regular inspection of building fabric and services will help identify specific maintained tasks relevant to each building. These could include but are not limited to:

- Regularly clearing gutters and drain grilles of debris, particularly leaves;
- Clearing any blockages in downpipes;
- Sweeping of chimneys;
- Removal of vegetation growth on or abutting a building; and
- Repainting or treating timber windows and other external timberwork.

5.4.2 REPAIR

Repair is defined as work that is beyond the scope of maintenance, to remedy defects caused by decay, damage or use, including minor adaptation to achieve a sustainable outcome, but not involving alteration or restoration.

Identification of repairs may arise during regular inspection of buildings or following extreme weather events and could include repairing damage to roof coverings, repointing of brickwork or repairs to windows. It is important to understand the cause of the damage or defect both to ensure that the repair is successful and to limit the work that is required. It is also important to understand the significance of the built fabric affected in order to minimise harm when enacting a repair. As with maintenance consent may be required for some types of repair work, it is advisable to discuss with the Council before any work is undertaken.

The following should be considered when planning repair works:

- Repairs should always be considered on a case-by-case basis. A method of repair which is suitable for one building may not be suitable for another.
- Use materials and construction techniques to match the existing to maintain the appearance and character of the building. The exception to this is when existing materials or techniques are detrimental to the built fabric, e.g. cement pointing on a historic brick building.
- Repair is always preferable over the wholesale replacement of a historic feature.
- If replacement of a historic feature is required, as it has degraded beyond repair, the replacement should be carried out on a like-for-like basis using the same materials and construction techniques. The replaced element should be the same as the original in terms of material, dimensions, method of construction and finish (condition notwithstanding) in order to be classed as like-for-like.

- Like-for-like replacement should not be applied in cases where a historic feature has previously been repaired using inappropriate materials or techniques. Where seeking to improve failing modern features or past unsuitable repairs, a traditionally-designed alternative using appropriate materials is preferable such as breathable, lime-based renders and paints. In such cases planning permission and, if a listed building, Listed Building Consent, may be required.
- Only undertaking the minimum intervention required for any given repair.
- Repairs, should, where possible, be reversible as better alternatives may become available in the future.
- Repointing should always be carried out using a lime-based mortar. Within historic and traditionally constructed buildings, cement-based pointing is damaging to brickwork and stonework as it is an impermeable material. Periodic renewal of pointing will extend the lifetime of building fabric.

5.5 ADVICE ON DESIGN AND NEW DEVELOPMENT

5.5.1 ALTERATION, EXTENSION AND DEMOLITION

The appropriateness of demolition, alteration or extension will be considered on a case-by-case basis, as what is appropriate in one location will not necessarily be acceptable in another. In all cases it is vital to consider the impact of the proposed change on the special interest of the Conservation Area ensuring that this is preserved or enhanced.

Demolition of buildings that detract from the Conservation Area may be beneficial. However, gap sites can also detract from the character of the Conservation Area and therefore demolition of whole buildings may only be permitted where rebuilding is proposed, the site was historically open, and this remains appropriate, or an alternative suitable future use for the site is planned.

Alterations should preserve or enhance the character of the Conservation Area. This means that changes should be respectful of the prevailing architectural and visual character of the Conservation Area and the specific character area in which it is located. Alterations may comprise of the removal of

detracting features, such as uPVC windows, and, where appropriate their replacement with more historically appropriate versions. Alterations must therefore use appropriate materials for their context, often those that are typically found within the Conservation Area. This may include timber for windows and doors and brickwork for structural elements. New materials may be appropriate as long as they are complementary to the appearance of the area.

Page 292

Extensions should be subordinate to the existing buildings in their scale, massing and design. Extension to the side and front of buildings is unlikely to be appropriate as this would change the visual appearance of the streetscape, whereas extension to the rear is likely to be more acceptable. All extensions should be of high quality design and construction. Whilst the design may use materials and finishes which are characteristic to the Conservation Area, including local brick, there may be scope for use of a wider, less traditional material palette where these are part of a high quality sensitively-designed extension that complements or enhances the appearance of the original building.

5.5.2 NEW DEVELOPMENT WITHIN THE CONSERVATION AREA

There are several opportunities for new development within the Conservation Area. Although there are very few empty sites, there are a small number of detracting buildings, the sensitive replacement or redevelopment of which would enhance the Conservation Area. There may also be opportunities to redevelop buildings which make a neutral contribution to the Conservation Area. Any new and replacement development needs to take account of, and be sensitive to, the following:

- The significance of any building proposed to be removed;
- The significance of any relationship between any building to be removed and any adjacent structures and spaces;
- The potential to draw inspiration from the historic use and character of a site;
- The significance or contribution of any gap site (i.e. is it a historic gap within the street frontage or does it detract);
- The potential impact of the new design on known or potential archaeological remains;

- The potential impact of the new design on the setting of any neighbouring listed buildings;
- The materials and architectural detailing characteristic of the area should be a key point of reference to inform the choice of materials and detailing of the new design;
- The scale and grain of the surrounding area, including historic plot boundaries;
- Its height in relation to its neighbours and surrounding context; and
- The potential impact on important views and prominence of landmark buildings.

This list is not exhaustive; each location will present its own unique requirements for a sensitive and appropriate new design. In all cases, new development must be of the highest quality of design, construction and detailing. The principal aim of new development should be to preserve and enhance the character of their immediate setting and the Conservation Area as a whole.

5.5.3 NEW DEVELOPMENT IN THE SETTING OF THE CONSERVATION AREA

As well as opportunities for change and new development within the Conservation Area, there are also opportunities for new development within its setting. It is important that such considers the character and appearance of the Conservation Area. It should be sensitive to its location within the setting of the designated heritage asset and enhance rather than harm its special interest.

Any new development within the setting of the Conservation Area should be of the highest quality design and execution, regardless of scale, in order to preserve and enhance the character of the Conservation Area and help phase out ill-considered and unsympathetic interventions from the past.

The rural setting of Romsey Conservation Area, to its south and west, is particularly important in interpreting its special interest and historic character. Selection of sites for new development within the wider setting of the Conservation Area will need to ensure that this green setting can be preserved.

5.5.4 SHOPFRONTS AND SIGNAGE

Retail is an important part of the Conservation Area, particularly in the historic core of the town centre around the Market Place, Corn Market and their approaches. The design and appearance of shop fronts is therefore an important part of the Conservation Area.

Changes to shop fronts will require planning permission, and, if part of a listed building, Listed Building Consent. Changes to signage and advertising will require Advertisement Consent.



Example of a historic shopfront in Bell Street

A shopfront is part of a building as a whole, rather than being a separate entity. The design of shopfronts therefore needs to reflect the style, proportions, vertical or horizontal emphasis and detailing of the rest of the building, particularly the principal elevation. A shopfront needs to sit within the original building framework set by structural and decorative features within the elevation; columns for example should be carried down to ground floor. This is the case for both building which historically contained retail at ground floor and where one has been inserted in a building designed for residential use.

Where historic shopfronts survive or existing shopfronts contribute to the character and appearance of the Conservation Area, these should be retained and enhanced where possible. Any historic shopfront features which survive should be retained, repaired as necessary, and incorporated into new schemes, rather than being replaced. It would be desirable to reinstate historic features, such as corbels and pilasters where these have been lost and the placement of them, or vestiges of their original design, remain.

Where it is appropriate to replace all or parts of a shopfront, traditional styles (or designs that retain the same proportions and materiality) are likely to be most appropriate in historic buildings, but non-traditional, sympathetically designed shopfronts would be appropriate in modern and new buildings. The replacement of inappropriate modern alterations to shopfronts with suitably-designed traditional alternatives is encouraged.

Traditional and characteristic materials, specifically painted timber and glazing, best enhance the historic character of the buildings. It is expected that proposals to alter signage and shop frontages will use these materials. The use of plastic is not considered to be appropriate in historic contexts.

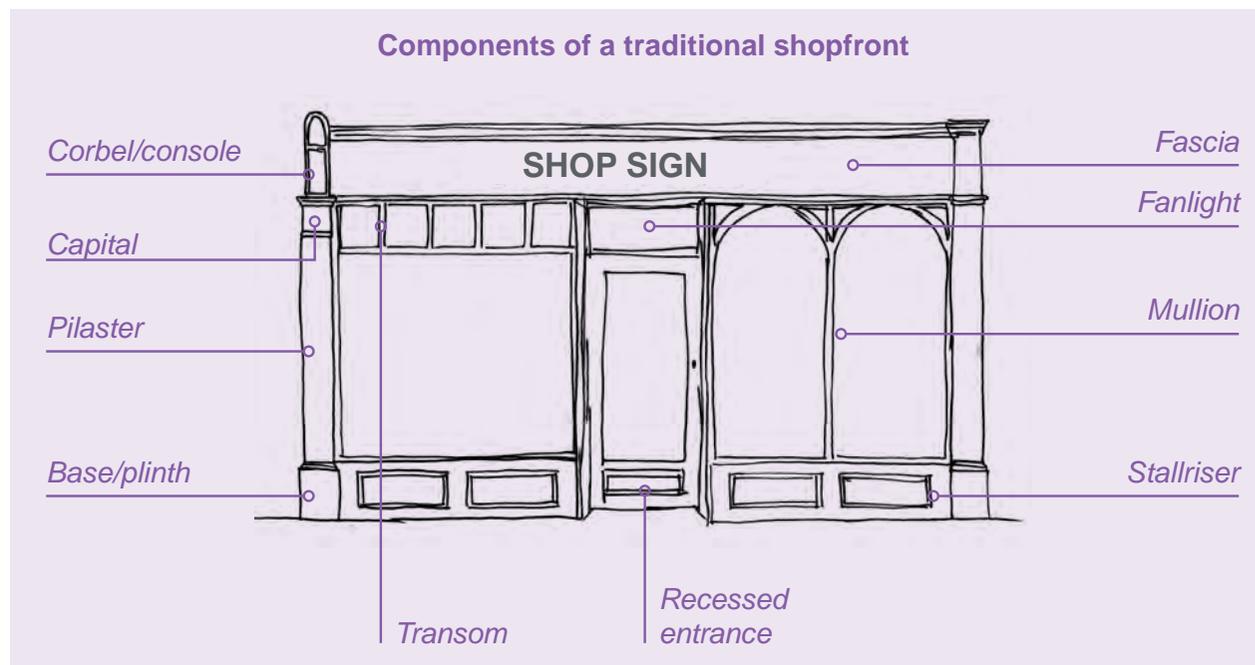
Pilasters, corbels, cornice, fascia and stall risers are all important elements in traditional shopfronts which create the visual proportions of the shopfront. Fascias are of notable importance and should be in proportion to the rest of the shopfront and not overly large. Fascias should not extend above cornice level (or, where there is no such feature, should be well below the sill of the window above), or beyond the corbels on either side.

Full height glazing is a modern feature and does not reflect the character of historic buildings. Smaller windows with stall risers (a plinth under the window), transoms and mullions are typical traditional features and more appropriate in historic contexts.

The design and detailing of advertising and signage content, both on fascias, hanging signs and any free-standing signage, are also important in the Conservation Area. The signage should complement the design of

the shopfront and building, conveying a sense of permanence and quality. Colour palettes, lettering style and illumination need to be considered in the design of a complementary shopfront. With regards to illumination, internally lit signage is inappropriate within the Conservation Area, with subtle external lighting being more appropriate. Careful consideration needs to be given to the appropriateness of free-standing signage such as A-boards as these can cause visual clutter and physical impediment to pedestrian movement.

Page 294



There are a small number of examples of fabric canopies within the Conservation Area, including with The Hundred. Such features can add interest to the street scene if of an appropriate design suitable for use in the Conservation Area. Installation of canopies will be most appropriate where evidence of a historic canopy to a building has been identified. Installation will require consent from the Council. Canopies should avoid obscuring historic features and should be retractable.

There are also some metal roller shutters which have a detrimental effect on the appearance of the Conservation Area. They obscure historic features as well as window displays and internal illumination and should be avoided.

Page 295



Examples of historic and traditional shopfronts within the Conservation Area

Test Valley Borough Council - Cabinet - 13 January 2021

5.5.5 PUBLIC REALM AND STREETScape

The public realm, namely publicly accessible streets and open spaces, is the area from which the majority of people will experience the Conservation Area, preserving and enhancing its character and appearance is therefore of considerable importance for maintaining the special interest of the area. The public realm consists not only of the surfaces but the street furniture, street signs and interpretation.

Page 296

A sensitive and holistic approach needs to be taken to changes and improvements to the public realm within an overarching strategy. Any additions or amendments to the public realm will also need to take account of highways and other relevant regulations.

There are areas where surface finishes are in a poor condition and others which could benefit from replacement with more sympathetic and durable surface treatments, see **Section 4.2**. Public realm features (bins, bollards, seating etc.) can often become dated in appearance quickly. Care should be taken to ensure future public realm works are considered for the longer term and materials

both for the street furniture and surface treatments are durable and high quality. Where historic items of street furniture and surface finishes do survive, these should be retained and repaired in situ.

In addition to street furniture, free-standing shop-signage, interpretation boards, broadband cabinets and items such as inappropriately located café seating can collectively cause excessive clutter within the public realm and detract physically and visually from the pedestrian experience of the Conservation Area. Applications associated with features within the public realm will be carefully considered to ensure that the public streets remain pleasant and attractive places to be whilst ensuring that commercial activities can continue successfully.

5.5.6 BOUNDARY TREATMENTS

Although within the historic core of the town centre and many of the residential streets, buildings are hard against the pavement edge, some buildings are set back behind front gardens. There has been some localised loss of historic boundary treatments, in particular those demarcating front gardens. Where historic boundary treatments have been lost, their reintroduction will be encouraged where the proposed materials and design are appropriate to the character of the Conservation Area. Historically front boundaries would have comprised low boundary walls, sometimes topped with metal railings, although timber picket fencing or full metal railings may also be considered in certain circumstances. In addition to replacing lost boundaries the replacement of inappropriate boundary treatments with appropriate materials is also encouraged. Further detrimental alteration and loss of historic and traditional boundary treatments will be discouraged.

5.5.7 WINDOWS, DOORS AND DRAINAGE GOODS

Whilst the majority of buildings in the Conservation Area contain traditional timber sash or casement windows, there have been instances of replacement with uPVC units. uPVC doors and plastic gutters and drainpipes also appear within some historic buildings in the Conservation Area. Plastic features within historic buildings are not in-keeping with their historic appearance and detract from the special interest of the Conservation Area. Therefore, replacement of historic or traditional windows, doors and drainage goods is strongly discouraged unless they are damaged beyond repair. Where such replacement is necessary this should be in traditional and appropriate materials and styles. Where inappropriate replacement has already been undertaken, returning these features back to their traditional appearance is encouraged.

Page 297

Drainage goods would have historically been painted cast iron or lead; however other metals may be appropriate subject to their detailed design. White-painted timber is likely to be the most appropriate materiality for windows with the proportions and type of window being dependant on the age and style of individual buildings.

For doors, painted timber is also likely to be the most appropriate material, with dark, heritage colours being the most appropriate. Multi-panelled doors and glazed fanlights may also be appropriate within some buildings.

5.5.8 TELECOMS EQUIPMENT

The installation of telecommunications antenna, i.e. television aerials and satellite dishes on a wall, chimney or roof slope that faces onto, and is visible from, the public realm (principally front and side elevations) of the Conservation Area requires planning permission and is discouraged. The visibility of such features harms the appearance of the Conservation Area and therefore care should be taken to locate these items discreetly, ideally to the rear of buildings. The removal of existing visible aerials and dishes is encouraged, as this will enhance the appearance of the Conservation Area.

5.6 SPECIFIC RECOMMENDATIONS

The following recommendations have been developed in response to the issues and opportunities identified and the guidance on managing change provided over the previous pages. These recommendations are designed to ensure the preservation and enhancement of the special interest of Romsey Conservation Area.

- 1 The historic environment of Romsey, in particular that which contributes to the character and appearance of the Conservation Area, is maintained to ensure the town remains a thriving economic centre and tourist destination.
- 2 Proposals for extension, alteration and new development will only be approved where they would preserve or enhance the special interest of the Conservation Area, or where the public benefits would outweigh any harm.
- 3 The design, construction and materials of any new development, extension, alteration or repair should be of the highest quality and respect their local context.

- 4 Due consideration and protection should be given to archaeological remains and potential wherever ground intrusive works are proposed.
- 5 Development within the setting of the Conservation Area should be sympathetic to its special interest in terms of its scale, massing, proportions, materials and detailing; development which harms its special interest will be resisted.
- 6 Heritage Impact Assessment of proposed alterations, extensions, demolition and new development should be undertaken by applicants to ensure impacts are mitigated and the special interest of the Conservation Area is preserved.
- 7 Appropriate enforcement action is undertaken for inappropriate works that do not have consent.
- 8 That awareness is raised regarding the benefits of regular maintenance and sensitive repair, and advice regarding good practice be given when necessary.
- 9 Removal of inappropriate and unsympathetic additions to buildings and the street scene is encouraged.

- 10 Reinstatement of lost historic features, such as timber sash windows or corbels on traditional shop fronts, is encouraged.
- 11 The replacement of uPVC windows and doors with traditional timber units is encouraged.
- 12 Restoring historic boundary treatments where they have been lost to residential properties, often for car parking, is encouraged.
- 13 The replacement of inappropriate modern alterations to shopfronts with suitably-designed traditional or sympathetically designed alternatives is encouraged.
- 14 Historic shopfront signage should be retained and new signage should be appropriately designed for its historic context.
- 15 Historic uses of buildings should be maintained where possible.
- 16 The condition of the Conservation Area should be monitored and reviewed periodically.

FURTHER INFORMATION

CONTENTS

Bibliography	98
Further Sources of Information	98
Legislation and Policy	99
Historic England Guidance	99
Other Guidance	100
Contact Details	100



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Open Domesday for information about Romsey in the Domesday book, available from: <https://opendomesday.org/place/SU1583/swindon/>

National Library of Scotland for Historic Ordnance Survey mapping, available from: <https://maps.nls.uk>

Hampshire County Council, *Romsey Extensive Urban Survey* (2004)

Romsey and District Society and Test Valley Borough Council, *Look at Romsey: Romsey Town Design Statement for Romsey Town and Romsey Extra* (2008)

FURTHER SOURCES OF INFORMATION

For further study, the following archives hold material that may be of relevance to the history and significance of Romsey:

- LTVAS Archives
- Hampshire Record Office
- The National Archives
- Historic England Archives

Other sources include:

The Hampshire Historic Environment Record, which includes information on the archaeological finds within the conservation area: <https://www.hants.gov.uk/landplanningandenvironment/environment/historicenvironment/historicenvironmentrecord>

For further information about the selection of listed buildings, refer to DDCMS, Principles of Selection for Listed Buildings (November 2018): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757054/Revised Principles of Selection 2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757054/Revised_Principles_of_Selection_2018.pdf)

LEGISLATION AND POLICY

NATIONAL PLANNING LEGISLATION AND POLICY

Planning (Listed Buildings and Conservation Areas) Act 1990: <http://www.legislation.gov.uk/ukpga/1990/9/contents>

National Planning Policy Framework (2019): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf

Planning Practice Guidance: <https://www.gov.uk/government/collections/planning-practice-guidance>

Planning Portal: <https://www.planningportal.co.uk>

LOCAL PLANNING POLICY AND GUIDANCE

Test Valley Borough Revised Local Plan DPD (2016): <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/local-development-framework/dpd>

Test Valley Supplementary Planning Documents: <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/supplementary-planning-documents>

Shopfront Design Guide SPD: <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/supplementary-planning-documents/shopfrontdesignguide>

Test Valley Borough Council Pre Application Advice service: <https://www.testvalley.gov.uk/planning-and-building/formsfees/pre-application-advice>

HISTORIC ENGLAND GUIDANCE

Historic England's website contains a range of advice and guidance on conservation best practice, such as Conservation Principles: Policies and Guidance and guides on understanding heritage value, setting and views, to specific guides on types of repairs, energy efficiency and historic buildings or types of buildings. This information can largely be found in the advice area of their website: <https://historicengland.org.uk/advice/>

Links to the most relevant guidance and that used in the preparation of the CAAMP are below.

Conservation Area Designation, Appraisal and Management Historic England Advice Note 1 (Second Edition): <https://historicengland.org.uk/images-books/publications/conservationarea-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/>

FURTHER INFORMATION

Conservation Principles, Policies and Guidance (April 2008):
<https://content.historicengland.org.uk/images-books/publications/conservation-principlessustainable-management-historicenvironment/conservationprinciplespoliciesguidanceapr08web.pdf/>

The Setting of Heritage Assets Good Practice Advice in Planning Note 3 (Second Edition) (December 2017): <https://content.historicengland.org.uk/images-books/publications/gpa3-settingofheritage-assets/heag180-gpa3-settingheritage-assets.pdf/>

National Heritage List for England: <https://historicengland.org.uk/listing/the-list/>

OTHER GUIDANCE

British Standard Institute best practice publication: BS 7913:2013 - Guide to the conservation of historic buildings

The Society for the Protection of Ancient Buildings (SPAB) have advice and guidance for owners of historic buildings on their website: <https://www.spab.org.uk/mills/advice-and-guidance>

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CONTENTS

Appendix A: Brief Historic Development of Romsey	102
Appendix B: Larger Scale Maps	112



This section provides a brief summary of the historic development of Romsey. It identifies the key events, features and associations which make the Conservation Area what it is today. The necessary brevity of the section cannot do justice to the area's complete history and comprehensive histories have been prepared by others. The reader is directed to the **Further Information** section of this document which identifies some of the key works.

A.1 EARLY HISTORY

The present town has evolved from its Saxon occupation, from the 7th and 8th centuries, when considerable ironworking took place here. The name derives from 'Rum's (an important Saxon leader) Island', which was likely to have been located around the Market Place, where the town centre remains today.⁰¹

The town grew up around a Benedictine nunnery, speculated to have had a royal connection and established on the site of the present Abbey church in the early 10th century. A large Saxon church, the remains

of which lies within the fabric of the present church, formed the focal point of the town. The main settlement was located to the south of the Abbey and the Market Place, which at this time was controlled by the Abbey. The nuns at Romsey came from prestigious families; King Alfred's granddaughter Aelflaeda was a 10th century Abbess, whose name is memorialised in the dedication of the present Abbey.⁰² The Abbey's status is indicated in Domesday, which recorded the Manor of Romsey, as a large settlement, comprising 127 households and



An early print of the Abbey Church, view from the north-west across the River Test (LTVAS, 559)

⁰² Phoebe Berrow, Barbara Burbridge and Pat Genge, *The Story of Romsey*, p. 13.

four mills, all under Abbey ownership.⁰³ By 1120 the nuns had begun to replace their Saxon church with a large Romanesque building, demonstrating the Abbey's substantial wealth.⁰⁴

A.2 MEDIEVAL

Following the Norman Conquest, the Abbey continued to be rich and powerful. King John's House on Church Street, built in c.1230, belonged to the Benedictine monastery and today is a museum. The position of the Abbey precinct and the Market Place were instrumental in dictating the plan form of streets that developed in the town as indicated by the 19th century Tithe Map, discussed at **Section A.5**. Romsey's main industries were tanning, agriculture and, most prosperous, the finishing of woollen cloth. The waterways were used to advantage and channelled to power watermills, situated along the River Test to the west of the town, for grinding corn or fulling (a part of the woollen cloth making process). The Abbey was closed in 1539 during the Dissolution of the Monasteries; however, as part of it served as the parish church, it was not demolished but instead was sold to the town for £100.

⁰³ <https://opendomesday.org/place/SU3521/romsey/>

⁰⁴ Barbara Burbridge (ed.), *The History of Romsey*, p. 26.

A.3 SIXTEENTH AND SEVENTEENTH CENTURIES

Several of the buildings we see today in Romsey date to the 16th and 17th centuries, or earlier. These are recognisable by characteristics that include jettied upper floors), timber-framing (infilled with render or brickwork) and thatched roofs. The Manor House on Palmerston Street, pictured adjacent, dates to the 15th/ 16th century, as indicated by its prominent gables, jettied timber-frame structure and small casement windows with diamond mullions and leaded lights. Other examples include the Thatched Cottage on Mill Lane (17th century or earlier) and 19-21 Middlebridge Street (16th or 17th century). However, in other buildings of medieval origin, the original fabric is often concealed behind a newer frontage in brick or render as fashions and tastes changed. The Cross Keys Public House on Bell Street is one such example where the 17th century or earlier timber-framed back range is hidden behind the mid-19th century front range.

The woollen trade continued to flourish throughout the 17th century. William Petty himself, later Sir William Petty, the economist

and founder member of the Royal Society, was born the son of a modest dyer in the early 17th century on the site of what is now No.30 Church Street. Romsey was granted a Royal

Charter by James I in 1607, conferring it with borough status and allowing it to hold a weekly market. The market continues today and is held three days a week in the Corn Market.



The Manor House in Palmerston Street, a surviving 15th to 16th century timber-frame building with brick infilling

A.4 EIGHTEENTH CENTURY

The early 18th century saw the replacement or refacing of medieval timber-framed houses along the Market Place with Georgian brick buildings and façades, which continue to characterise the Market Place today. The cloth trade declined during the early decades of the century, whilst a new paper-making industry emerged, taking over mills in Romsey that could no longer make a living from fulling cloth. Lord Palmerston, who bought Broadlands in 1736, built, amongst other buildings, the present Sadler’s Mill (a grist mill) and mill house in 1748.

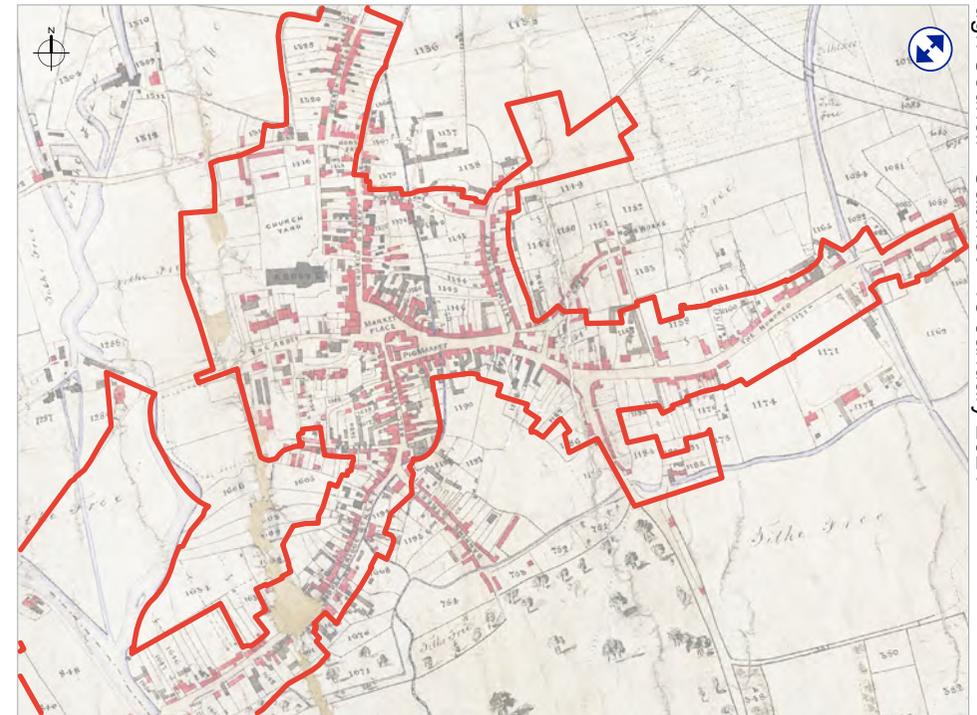
Romsey’s position at the hub of a network of major road links, leading to Southampton, Salisbury and Winchester, was enhanced by the creation of turnpike roads (improved roads funded by tolls). Romsey emerged as an important coaching town and its market was enlarged.⁰⁵ The White Horse was a particularly successful coaching inn, as was the Dolphin (now Bradbeers); both survive today in the Market Place and Corn Market respectively. Of limited commercial success was the 22 mile Andover Canal built in

1794 from Andover to Redbridge through Stockbridge and Romsey. Much of the Canal has been lost but there remains a stretch at Romsey, now the Barge Canal, heading north from the Plaza Theatre.

Several mills and mill houses (still extant but no longer milling) are shown along the River Test to the west of the town centre including Burnt Mill (north), Abbey Mills (middle) and Sadler’s Mill (south).

A.5 NINETEENTH CENTURY

The Tithe Map shows the layout and plot pattern of Romsey in the mid-19th century. As today, the town was centred around the Market Place, the Pig Market (now Corn Market) adjacent and the main roads serving it, namely: Church Street to the north and Bell Street to the south. Streets beyond the immediate core of development such as The Hundred and Palmerston Street were less densely developed than today.



LTVAS copy of Tithe Map of the Parish of Romsey, 1845 (original held at the National Archives: IR 30-31-212) the boundary of the Conservation Area is shown in red

⁰⁵ Barbara Burbridge (ed.), *The History of Romsey*, p. 126.

In 1847, the Bishopstoke to Salisbury railway line was built, with a station at Romsey. The town continued to grow with a number of civic and institutional buildings erected in the 19th century including: the Corn Exchange (1860s) and new Town Hall (1866) in the Market Place, as well as the police station in The Hundred (1840s), all of which remain today. The Wesleyan Methodists built a chapel in 1881 in The Hundred, which is still in use, and the Independent Church, built an ornate flint and stone church close to the Abbey site in 1888,

today's Abbey United Reform Church. A Girls' National School was built in 1851 on Church Lane, now Romsey Abbey School. Later in the century, a new boys' school was built by the renowned architect William Nesfield, which now functions as the Public Library.

Following the death of prominent Victorian prime minister, Lord Palmerston (great-grandson of the 1st Viscount Palmerston), in 1865, a bronze memorial was erected in the Market Place. He was known locally as

'Good Old Pam' and was a valuable patron to the town and benefactor to the Abbey and chapels. The historic photograph below shows the Market Place with the statue of Palmerston and several 19th century civic buildings including the curved corner building to the left (now bank), the Town Hall in the middle seen frontally and the red brick and stone banded building (now bank) on the far right. Besides alterations to public realm, the Market Place today is relatively unchanged.



View of the Market Place showing the newly installed statue of Henry John Temple, 3rd Viscount Palmerston and the Town Hall on the right, 1907 (LTVAS: 280)



View of the Market Place today showing a similar scene to the historic photograph; the historic buildings remain however; the public realm and road surfacing is modernised

The Primitive Methodists built a new chapel in Middlebridge Street in 1893, which they occupied until the inter-war period when they decided to join with the Wesleyan Methodists and share The Hundred chapel. The former Primitive Methodist Chapel remains in religious use and is used by the Elim Pentecostal Church.

Page 308



The late-Victorian Primitive Methodist Chapel, now Elim Pentecostal Church, on Middlebridge Street



Methodist Chapel on The Hundred

Test Valley Borough Council - Cabinet - 13 January 2021

This century also saw an increase in shops and businesses, many extending into formerly, purely residential streets.

The historic photograph of Bell Street below shows early and mid-19th century shopfronts, a pub and an auctioneer, most of which remain today.

Page 309



Bell Street looking south from the Market Place showing early/mid-19th century shopfronts and commercial buildings including Woolley and Wallis Auctioneers, a butcher and the Cross Keys Public House. (LTVAS:450)



Woolley and Wallis Auctioneers on the left still occupy the same building, although the ground floor has been altered, and there is still a butcher at the corner building; the Cross Keys Public House visible on the right also remains today. The Liberal Club building at the end of the street is no longer extant.

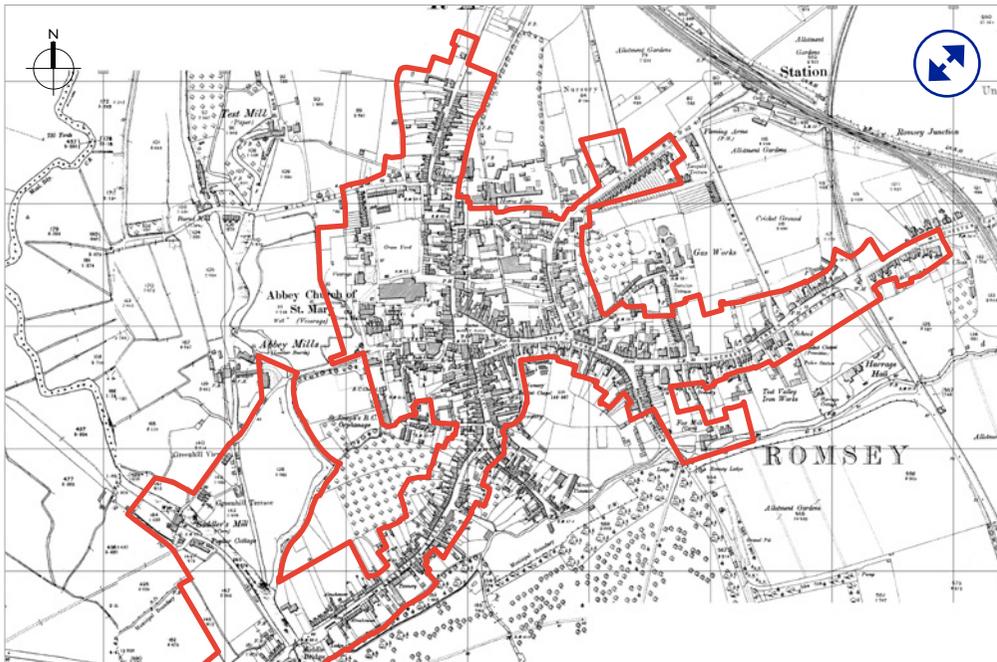
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During the late 19th century, the agricultural depression meant Romsey market was struggling. However, new industries and businesses emerged, maximising the potential of the railway, including the Gas Works at the end of Love Lane and breweries, most notably at Strong & Co.'s large Horsefair site. The historic brewery is memorialised by the

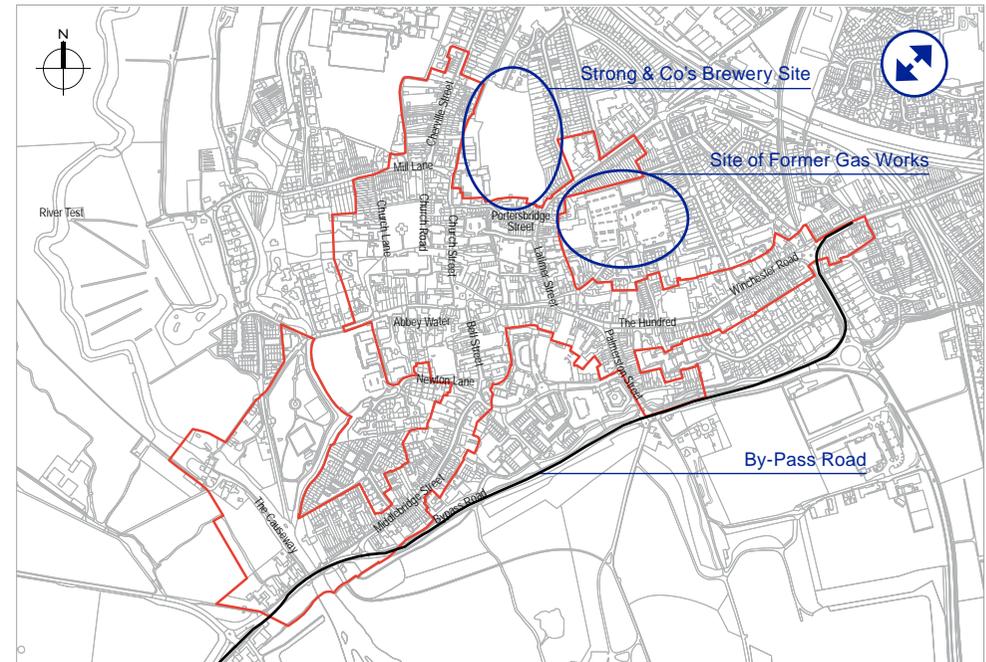
use of historic names for buildings such as Horsefair Tower and Strong House and the 1899 Brew House, which is just outside the Conservation Area boundary. The scale of the brewery is indicated on the 1897 OS map, which also shows the space between the town centre and the railway partly infilled with houses along Station and Alma Roads,

the latter named to commemorate the famous Crimean War Battle. The current map of Romsey reflects the increased expansion of the town in the 20th century, particularly in association with the station, to the north of the town centre.

Page 310



OS map of Romsey dating to 1897 showing the core of development at the town centre and industrial buildings at the peripheries including water mills and works' buildings (LTVAS)



Romsey as it appears today; the space between the town and the station is now entirely infilled with car parking and Waitrose supermarket (on the site of the former gas works) and residential suburbs east of Alma Road

A.6 TWENTIETH CENTURY

The 20th century saw the continued development and infill between the old town and the railway station as shown by the aerial photograph adjacent, illustrating the erection of further terraced houses along Station Road and the construction of new side streets, Princes Road and Duttons Road (top right). Early 20th century industries included corn and animal-feed mills; those remaining include Sadler's Mill near Middlebridge and Burnt Mill in Mill Lane, the former was restored and converted to a family home in 2005. The growing Strong & Co. brewing enterprise remained one of the largest employers in Romsey for the majority of the 20th century, before closure in 1990.⁰⁶ Other industries included the Jam Factory and Test Valley Ironworks both in The Hundred, closed after the Second World War, as well as the Romsey Gas Company and the Berthon Boat Works in Portersbridge Street which closed in 1920. No visible remains of these industries survive aside from limited buildings of the brewery.

Page 311



Test Valley Borough Council - Cabinet - 13 January 2021

Aerial photograph of Romsey (c.1960) showing further development along Station Road but relatively undeveloped land behind Bell Street and Alma Road (later occupied by the bus station and car park), and behind Station Road and Latimer Street (formerly occupied by the Gas Works and later occupied by Waitrose and car parking) (Romsey Local History Society Collection: E01 19736)

⁰⁶ Barbara Burbridge (ed.), *The History of Romsey*, p. 203.

Following the First World War, the War Memorial Park, which remains a valuable public amenity space, was laid out by the river. In 1931, the bypass was built to reduce traffic in the town centre (see map on previous page). Due to the bombing of Southampton during the Second World War, Smith Bradbeer & Co. Ltd moved their department store to the Market Place in Romsey and from 2000 occupied the former Dolphin Hotel. During the interwar and post-war years, modern housing was developed to the north and east of the town centre. Romsey's first supermarket, Waitrose, was opened at the old Jam Factory site in 1969 at No.35 The Hundred (now Aldi); Waitrose now occupies a large purpose-built building off Alma Road. Test Valley Borough Council was formed in 1974, absorbing Romsey Infra and Romsey Extra, which each becoming a parish council.

Page 312

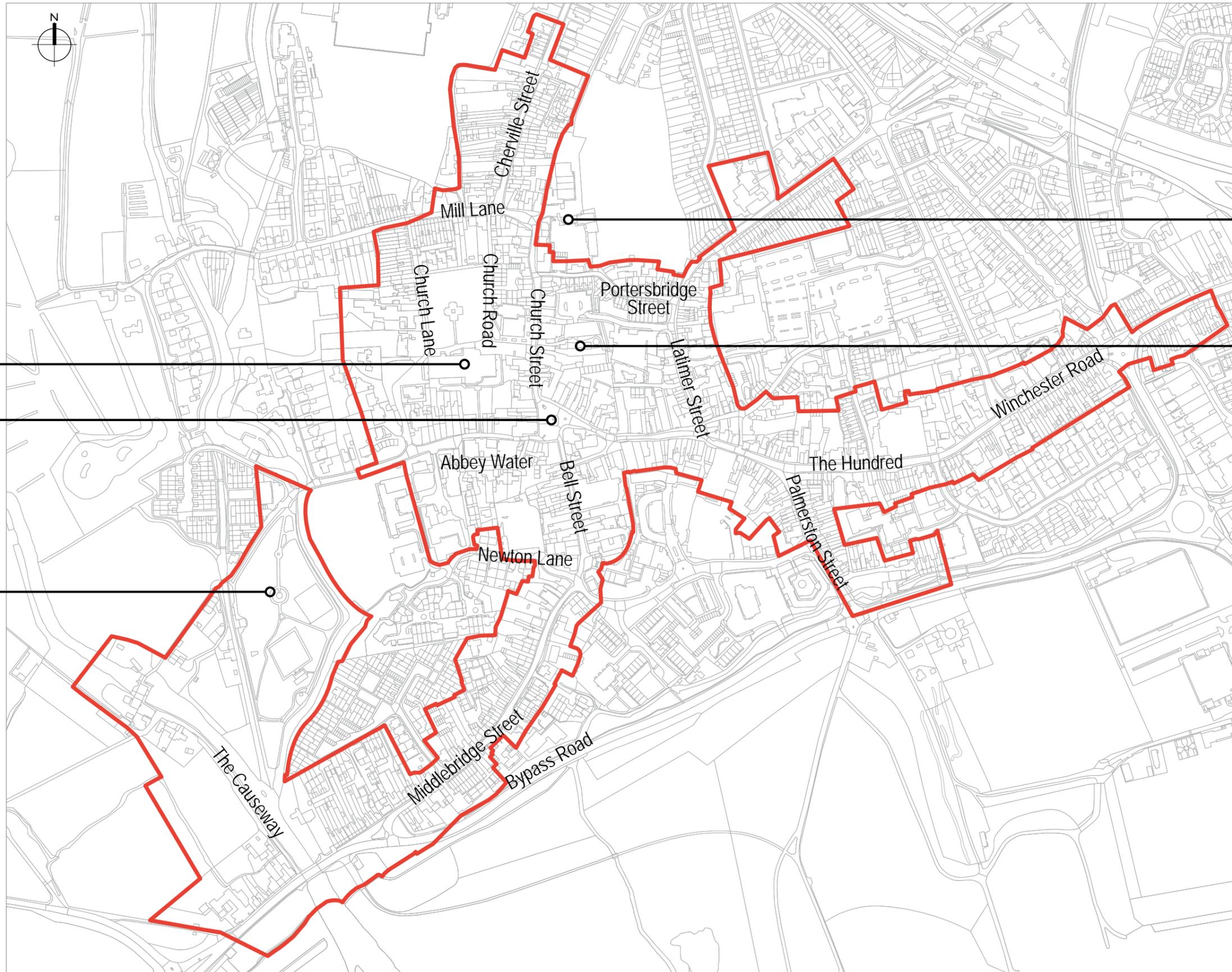
Today Romsey draws tourists to its historic Abbey site, as well as King John's House and Broadlands. Besides a predominantly retail and residential character, there are a few industrial and trading estates at its outskirts.



The Dolphin Inn is an 18th century coaching inn now part of Bradbeers department store

Test Valley Borough Council - Cabinet - 13 January 2021

Plan 1: Boundary of Romsey Conservation Area



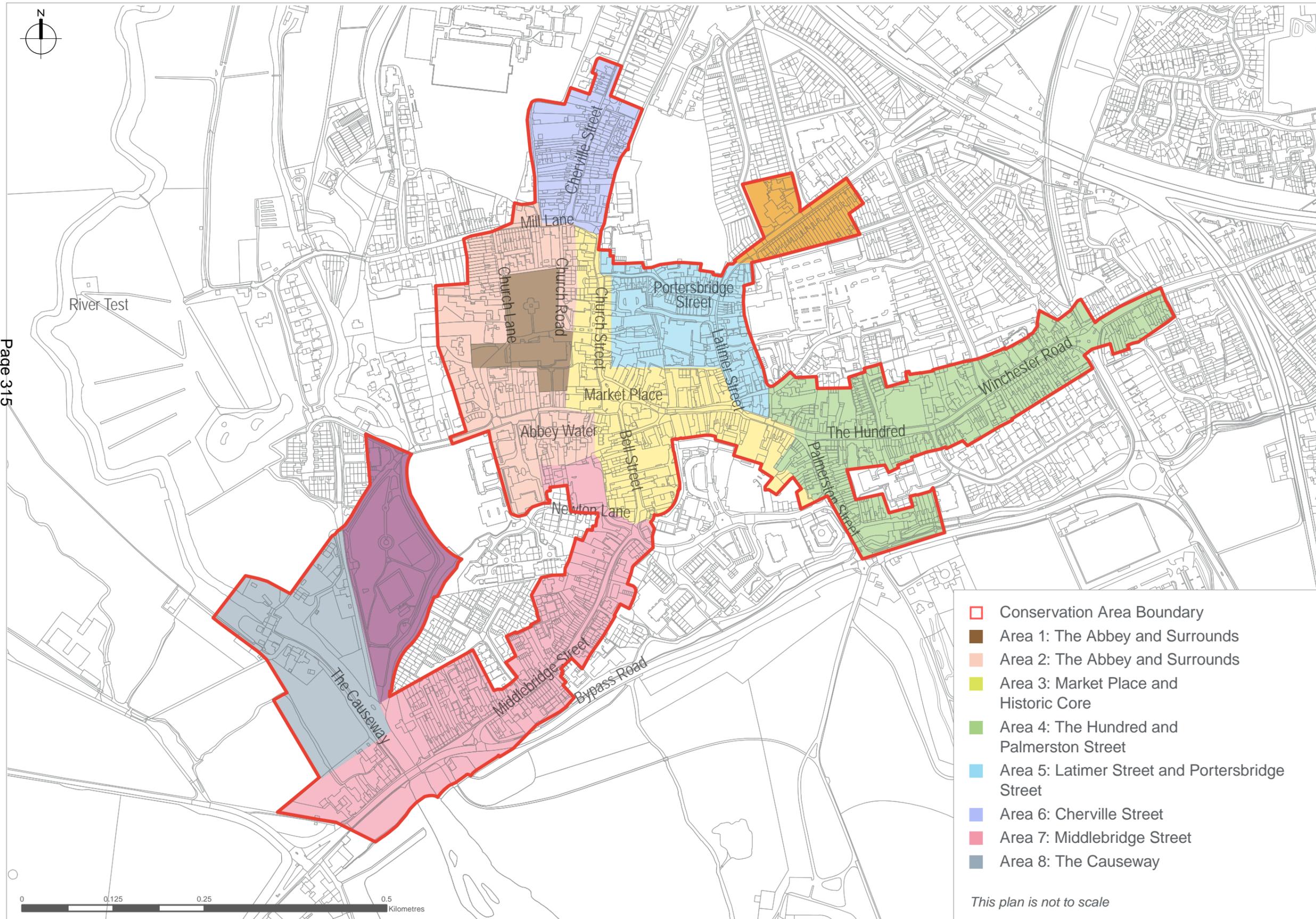
Romsey Abbey
 Market Place
 War Memorial Park

Horsefair Tower
 King John's House

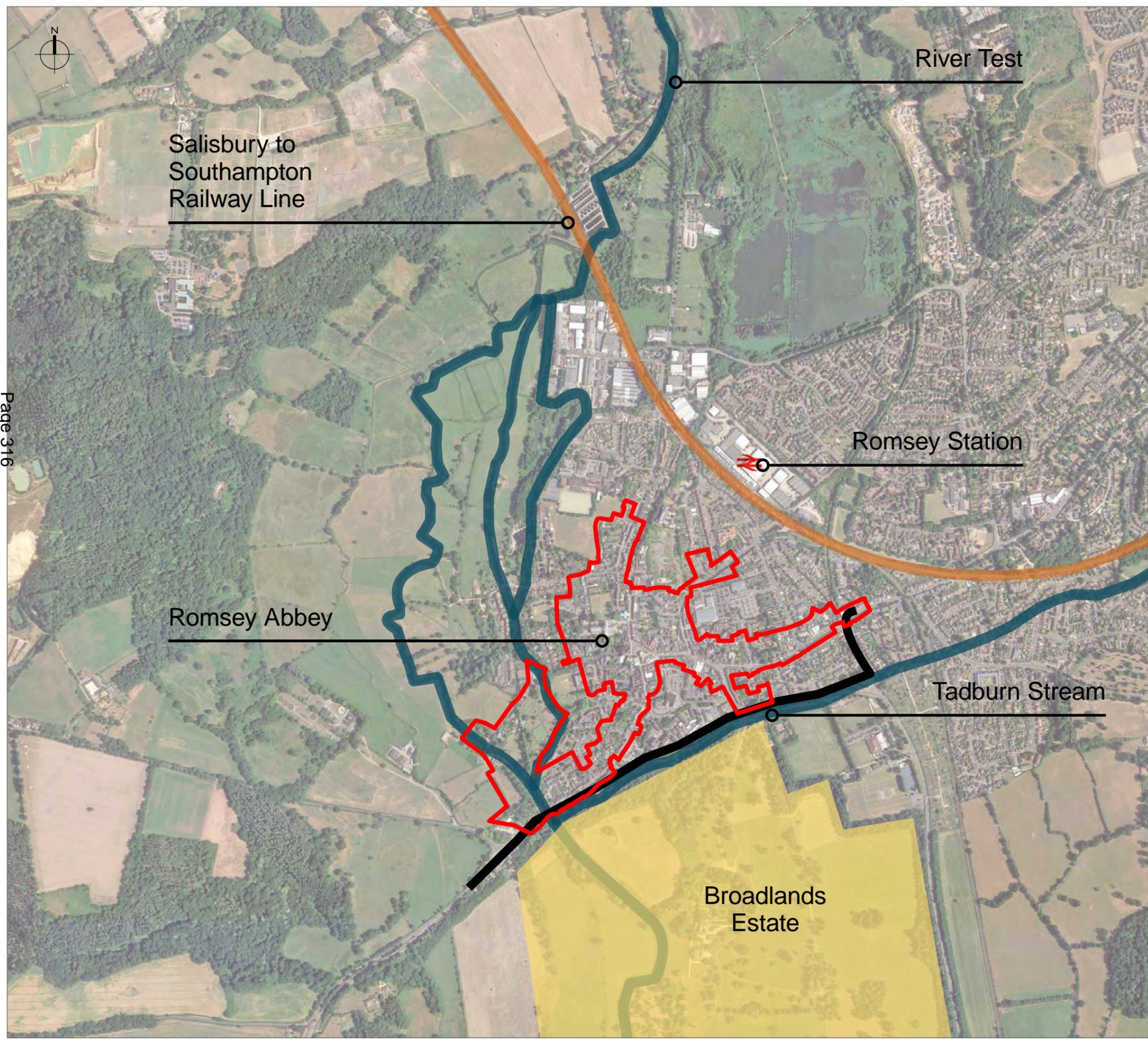
Pages 3/14

Test Valley Borough Council - Cabinet - 13 January 2021

Plan 2: Map showing the different character areas within Romsey Conservation Area



Plan 3: Location of Romsey Conservation Area with key features identified to aid orientation

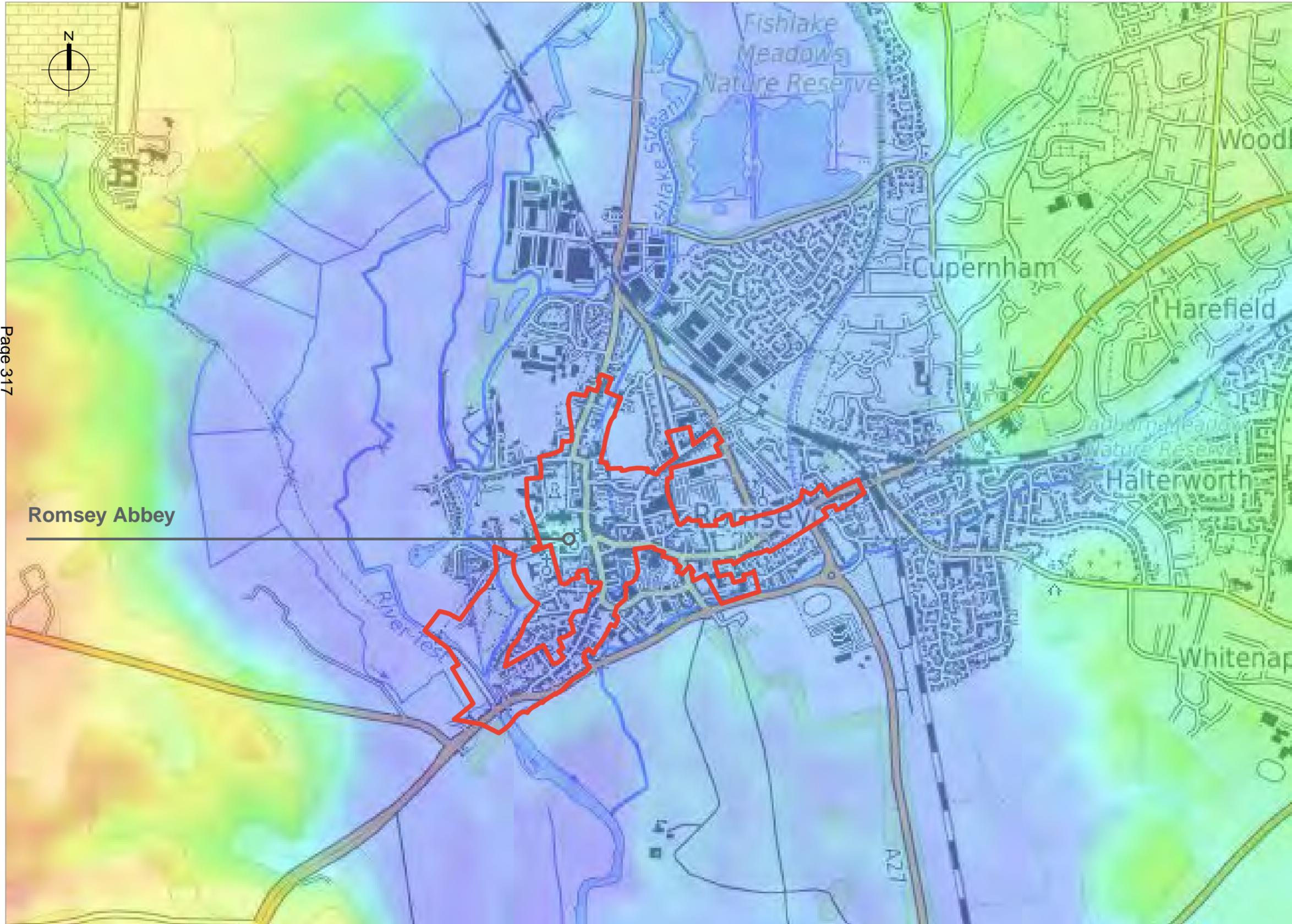


- Rivers and Streams
- Railway Line
- Conservation Area Boundary
- By-Pass Road
- Broadlands Estate Area

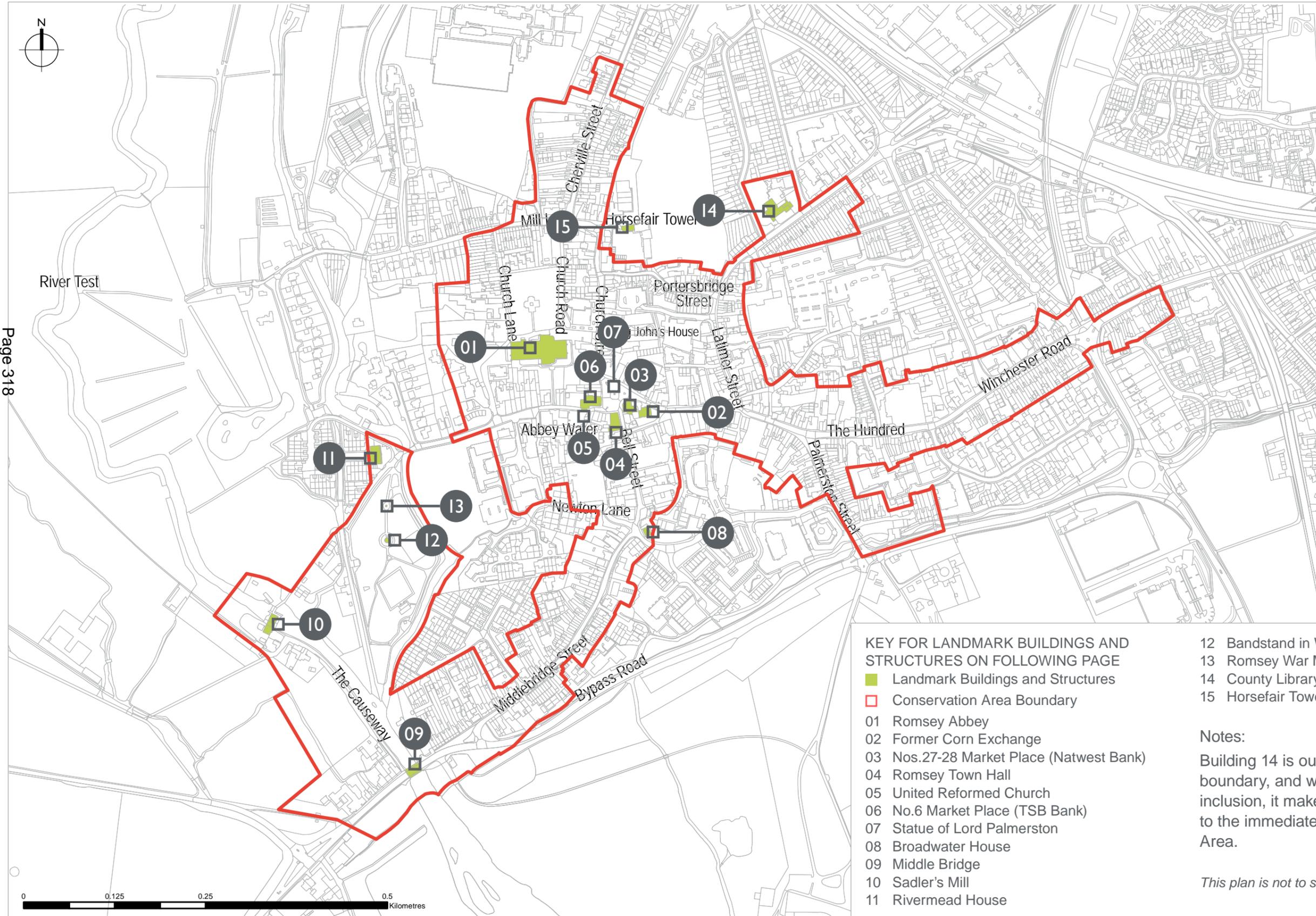
This plan is not to scale

Plan 4: Topography of Romsey, the boundary of the conservation area is shown in red

Ground Level Lowest Highest



Plan 5: Landmark buildings and structures in the Romsey Conservation Area



Page 318

Test Valley Borough Council - Cabinet - 13 January 2021

KEY FOR LANDMARK BUILDINGS AND STRUCTURES ON FOLLOWING PAGE

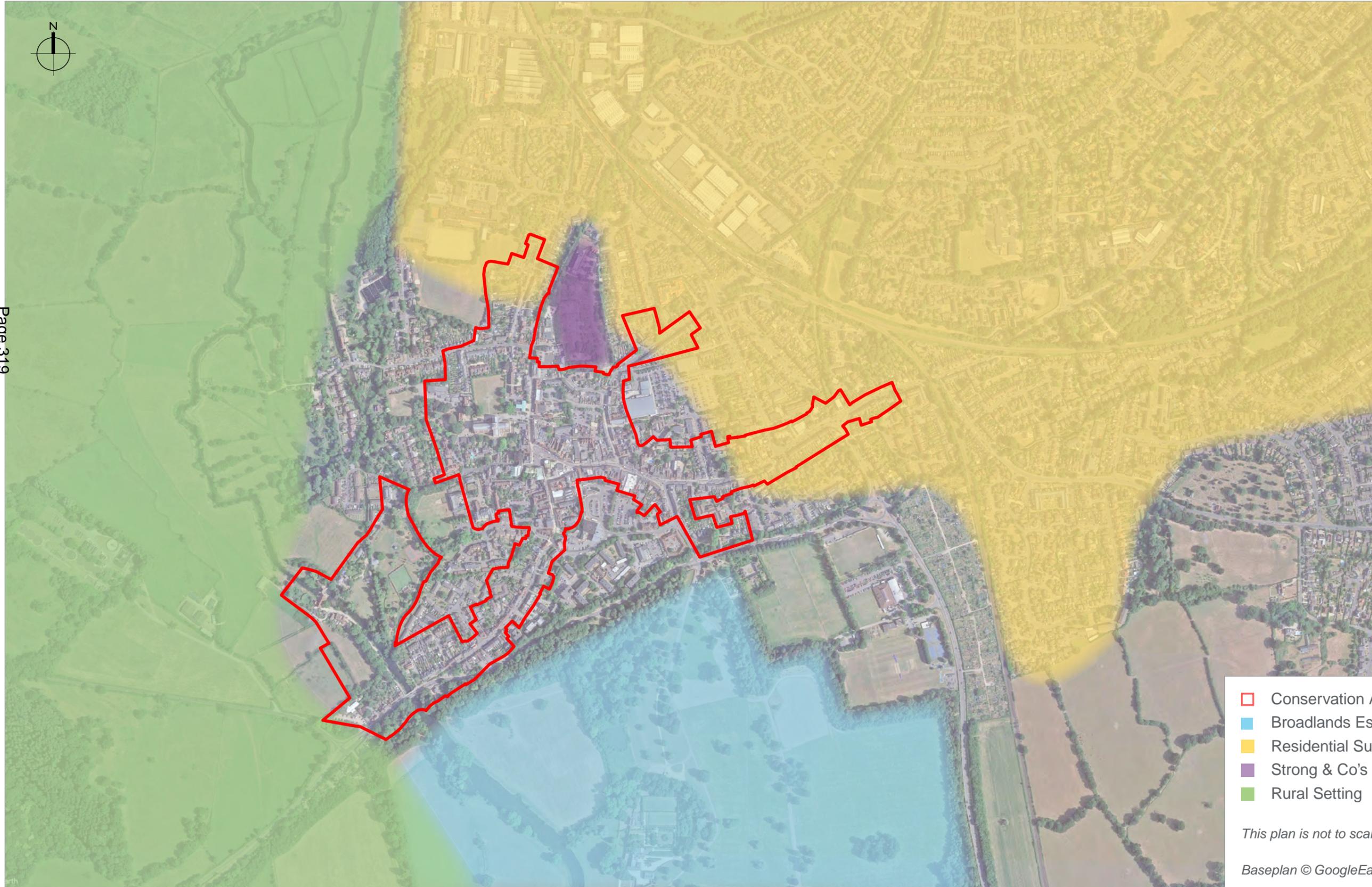
- Landmark Buildings and Structures
- Conservation Area Boundary

<ul style="list-style-type: none"> 01 Romsey Abbey 02 Former Corn Exchange 03 Nos.27-28 Market Place (Natwest Bank) 04 Romsey Town Hall 05 United Reformed Church 06 No.6 Market Place (TSB Bank) 07 Statue of Lord Palmerston 08 Broadwater House 09 Middle Bridge 10 Sadler's Mill 11 Rivermead House 	<ul style="list-style-type: none"> 12 Bandstand in War Memorial Park 13 Romsey War Memorial 14 County Library 15 Horsefair Tower (Outside CA Boundary)
--	--

Notes:
 Building 14 is outside the Conservation Area boundary, and whilst it is not proposed for inclusion, it makes an important contribution to the immediate setting of the Conservation Area.

This plan is not to scale

Plan 6: Plan showing the different elements of the setting of Romsey Conservation Area.

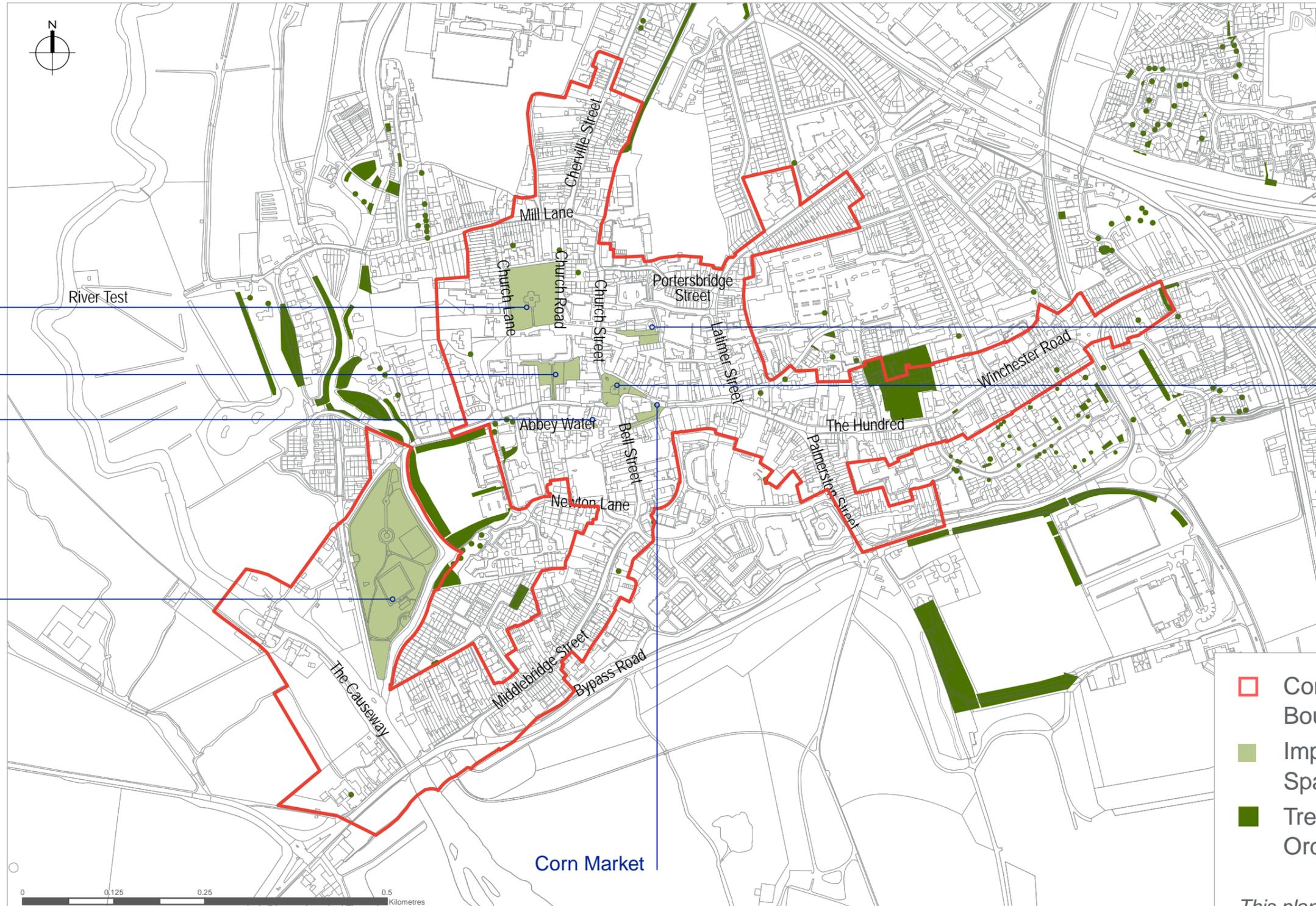


- Conservation Area Boundary
- Broadlands Estate
- Residential Suburbs
- Strong & Co's Brewery Site
- Rural Setting

This plan is not to scale

Baseplan © GoogleEarth 2020

Plan 7: Plan showing Public Spaces and Tree Preservation Orders



North and South Abbey Garths (church yard)

Page 320

Former Burial Ground of the United Reformed Church

War Memorial Park

King John's Garden

Market Place

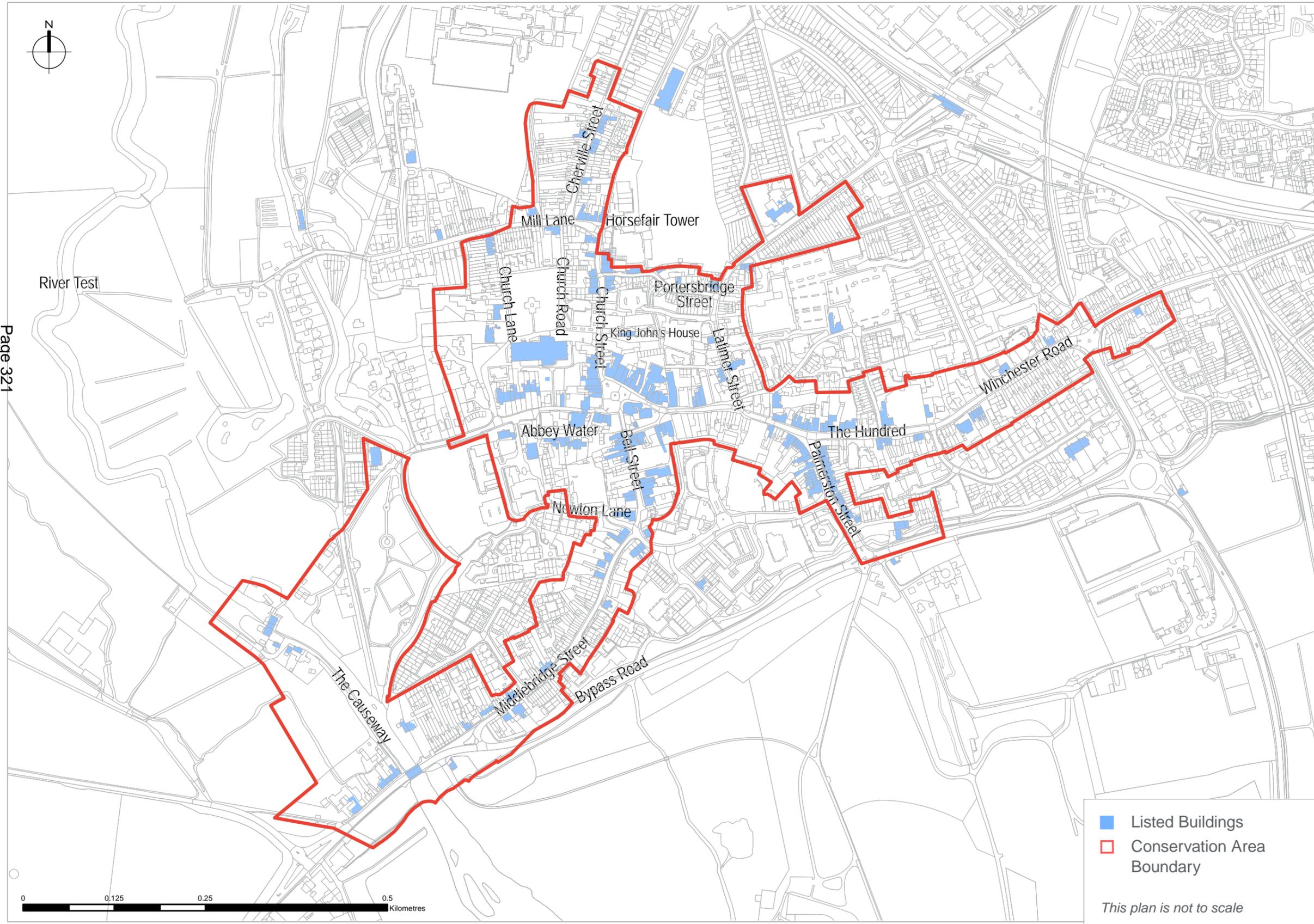
Corn Market

- Conservation Area Boundary
- Important Open Spaces
- Tree Preservation Orders

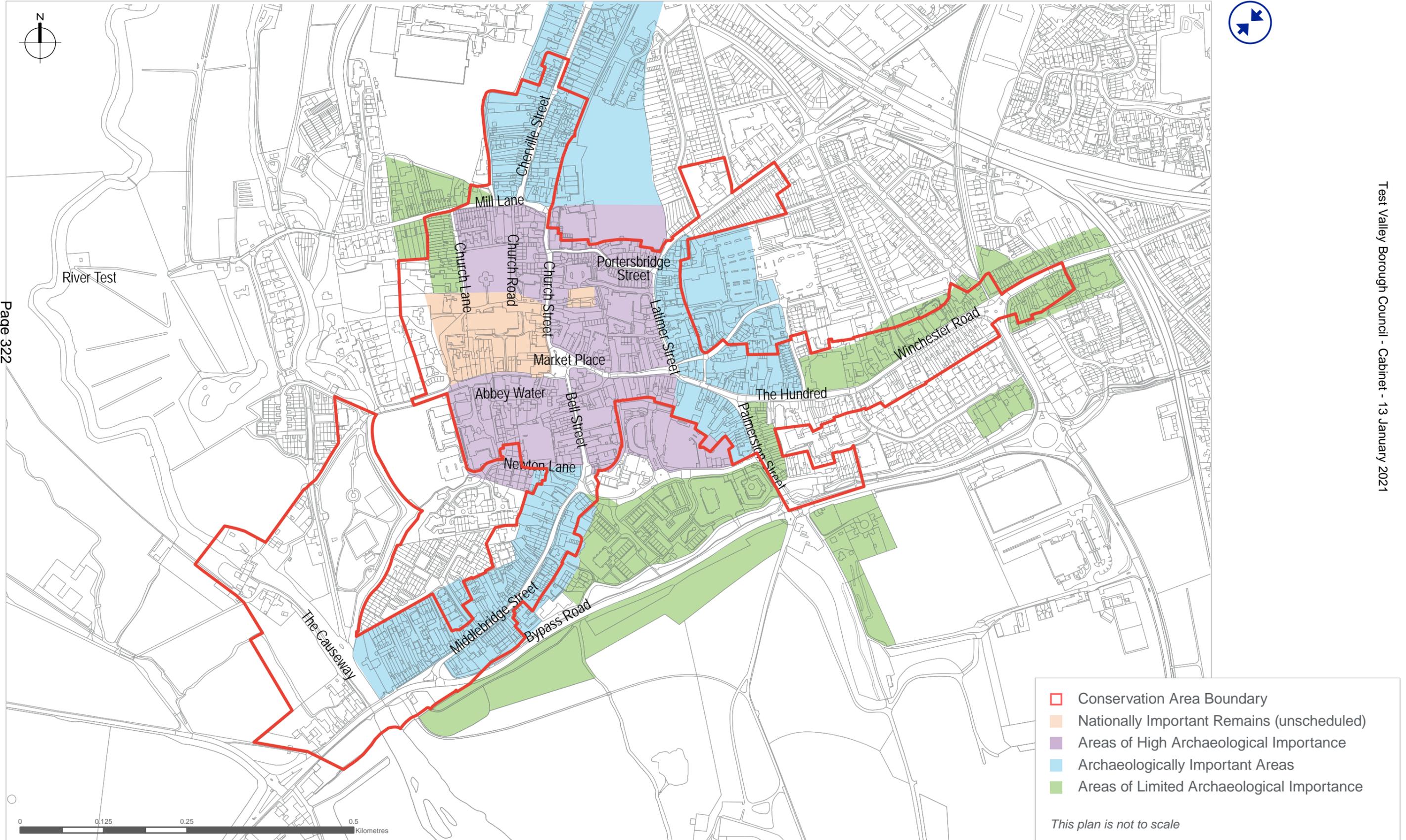
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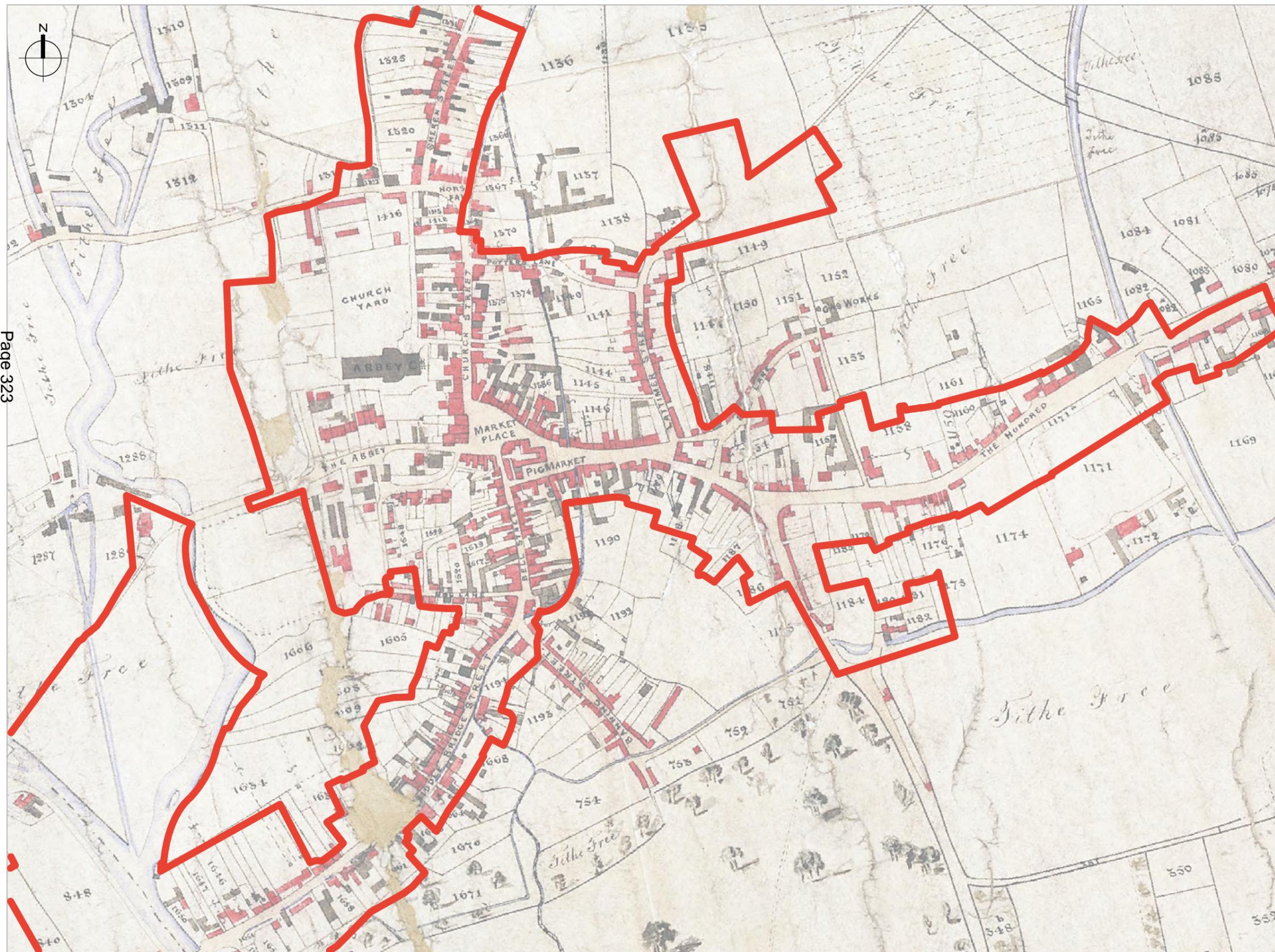
Plan 8: Map showing the statutorily listed buildings within Romsey Conservation Area

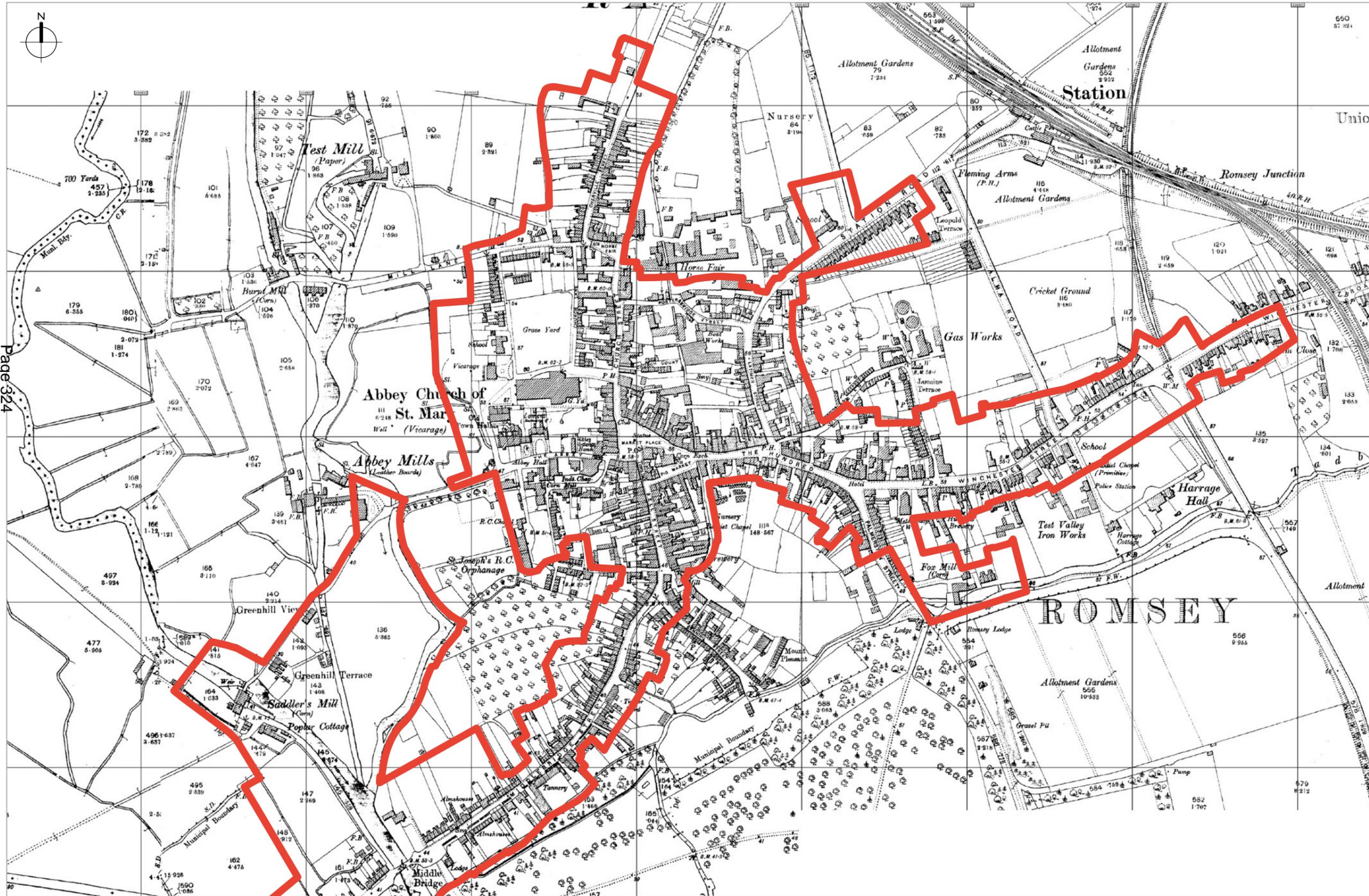


Plan 9: Map showing the different levels of archaeological potential across the Romsey Conservation Area



Tithe Map of the Parish of Romsey, 1845 (LTVAS copy, original held at the National Archives: IR 30-31-212) the boundary of the conservation area is shown in red

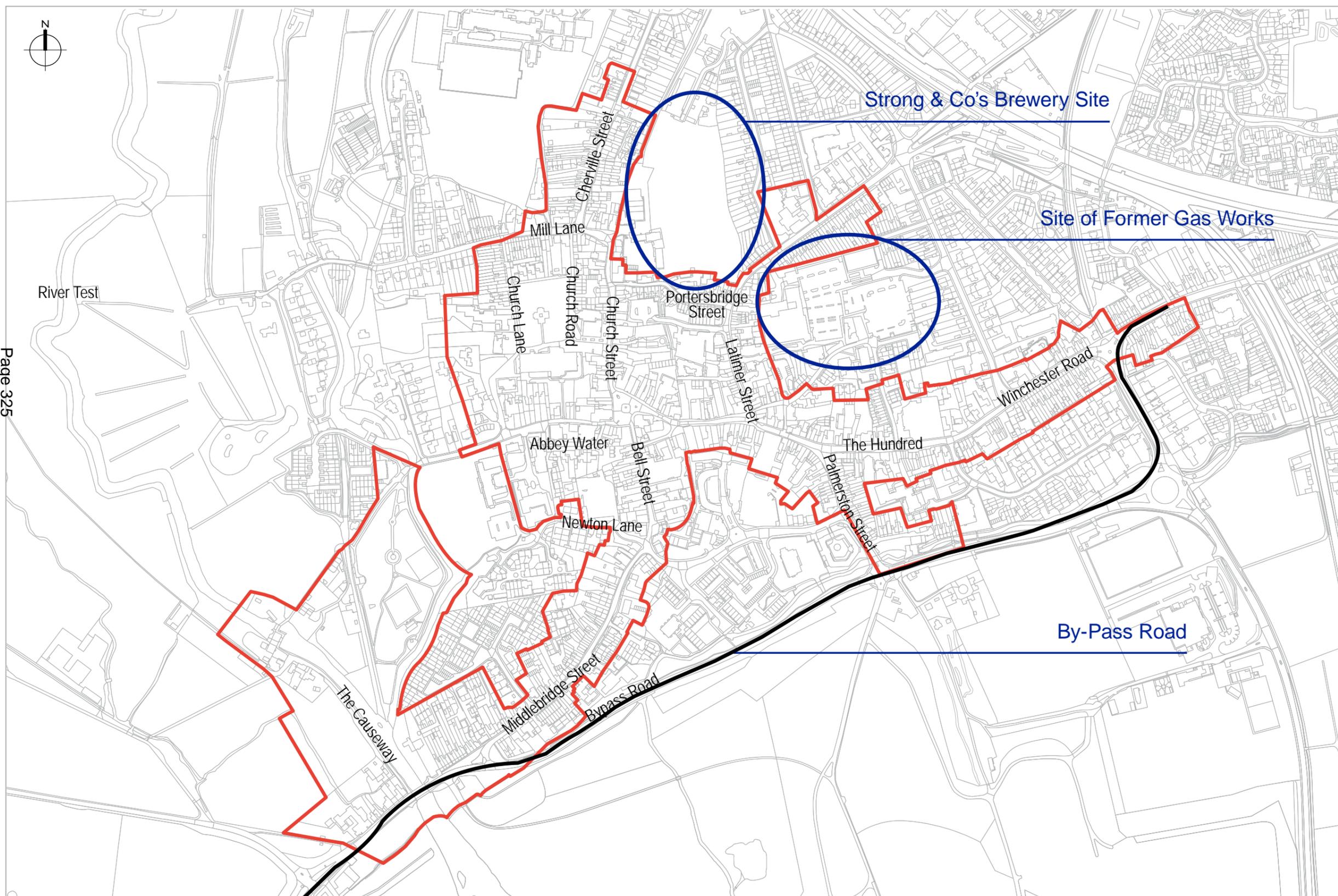




Page 324

Test Valley Borough Council - Cabinet - 13 January 2021

OS map of Romsey dating to 1897 showing the core of development at the town centre and industrial buildings at the peripheries including water mills and works' buildings (LTVAS)



Romsey as it appears today; the space between the town and the station is now entirely infilled with car parking and Waitrose supermarket (on the site of the former gas works) and residential suburbs east of Alma Road

ROMSEY CONSERVATION AREA:
BOUNDARY AMENDMENT REPORT
NOVEMBER 2020



Page 327

Test Valley Borough Council - Cabinet - 10 January 2021

INTRODUCTION TO THE BOUNDARY AMENDMENTS

Over time, conservation areas evolve and the characteristics which underpin their special interest may decrease in their integrity because of gradual alteration. It is therefore important to review and take stock of the character of a conservation area at intervals to ensure designation is still suitable and that the proper management of change is in place. Furthermore, our understanding or appreciation of what is special about an area can change over time, meaning that it is important to review the boundaries of conservation areas and include / exclude buildings and spaces which do / do not contribute to and reinforce the Conservation Area designation.

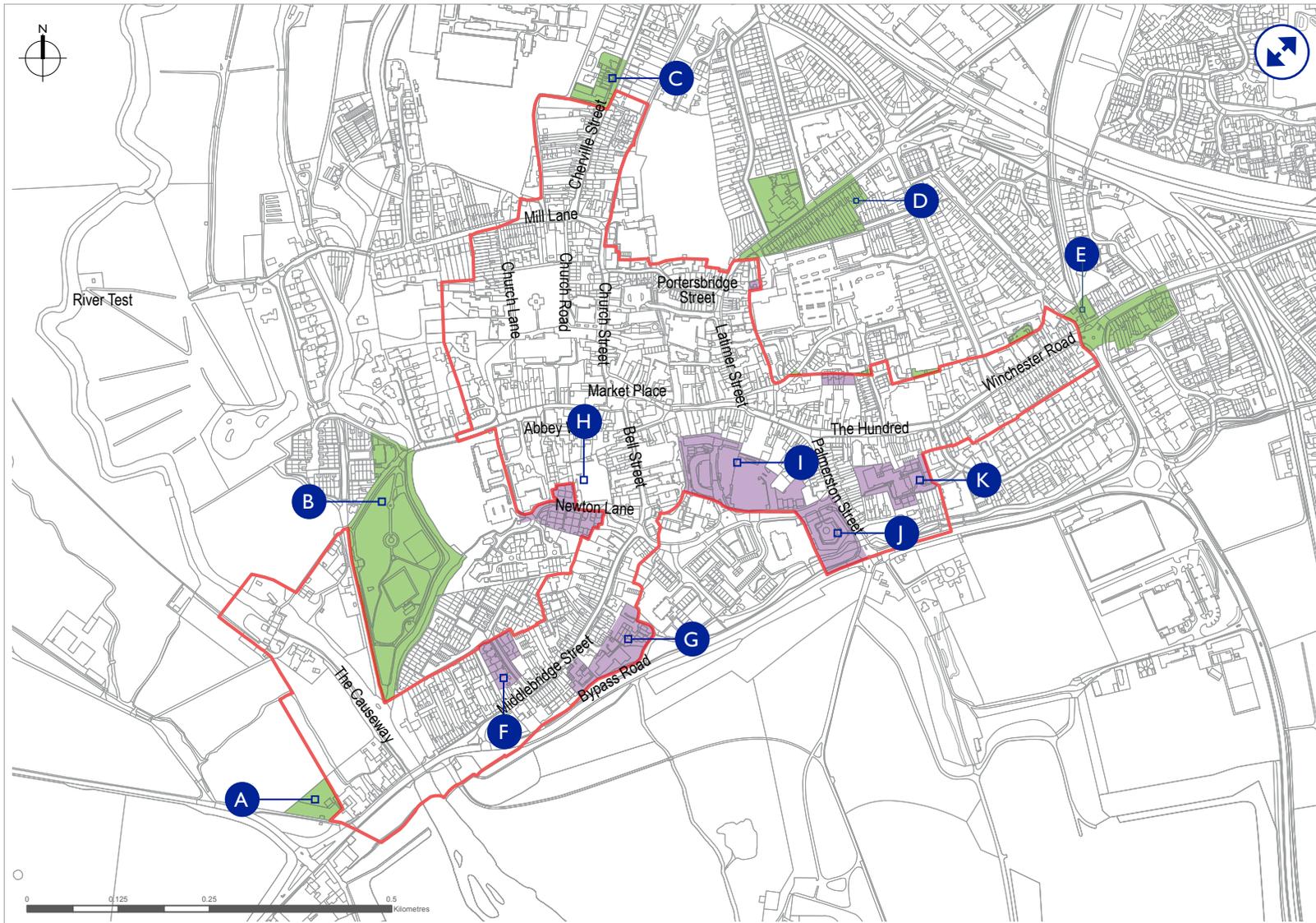
Page 328

As such, best practice prescribes that conservation area boundaries are periodically reviewed to ensure that the original reasons for designation are still relevant and evident. It is recognised that boundaries were historically drawn too widely, tightly or illogically, and it may therefore be appropriate to amend them. The boundaries of Romsey Conservation Area have not been reviewed for many years and this has therefore been undertaken alongside the preparation of a Conservation Area Appraisal and Management Plan (CAAMP) for the area.

These boundary amendments were included with the Boundary Review section of the public consultation draft CAAMP. Following the public consultation, the boundary amendments have been finalised and incorporated into the adoption version of the CAAMP.

It is acknowledged that some changes may have legitimately taken place to buildings prior to their inclusion in the Conservation Area. Consent will not be retrospectively required for these works nor will reversal be required. However reversing inappropriate change is welcomed.

The proposed amendments to the boundary are listed over the following pages, along with justification, and shown on the **Plan** overleaf. It is also proposed to rationalise the boundary of the Conservation Area where the current boundary passes through the middle of a property boundary. These are shown on Plan 10 but are not given specific labels.



□ Conservation Area Boundary
 Proposed for exclusion from Romsey Conservation Area
 Proposed for Inclusion in Romsey Conservation Area

This plan is not to scale

Proposed amendments to the Conservation Area boundary.

PROPOSED ADDITIONS TO THE CONSERVATION AREA

A. Inclusion of whole of the Cromwell Arms property boundary

Justification: Currently the Conservation Area boundary cuts arbitrarily through the building and its grounds. The amendment rationalises the boundary of the conservation area to follow the property boundary of the pub.



The Cromwell Arms pub

B. Inclusion of the War Memorial Park and Rivermead House

Justification: The War Memorial Park is one of the largest green public spaces in Romsey and an important amenity for the community. The land for the park was gifted to the town after the First World War, and therefore is of commemorative and historic value as well as being of amenity value. It contains the town war memorial and other commemorative gifts from the Mountbattens of Broadlands and the recent horse memorial unveiled in 2015. These features are all significant in their own right with Romsey War Memorial being Grade II listed.



War Memorial Park

C. Inclusion of Nos.70-84 Greatbridge Road

Justification: These buildings are of similar date and appearance to those further south already within the Conservation Area boundary. They include Victorian terraces and the detached No.84 indicative of the evolution of this street from one with large dwellings to one more fine-grained as pressure for expansion grew in the 19th century. Inclusion in the Conservation Area would strengthen the character of this part of the Conservation Area as an important ribbon of residential development on the approach to the historic core of the town centre and contribute to the special interest of the Conservation Area as a whole.

Page 331



Nos.72-84 Greatbridge Road

D. Inclusion of buildings on the south side of Station Road, up to and including No.77, and the County Library on the north side

Justification: The County Library is an important institutional building in Romsey, being built as the National School and later becoming the town's library. It is of significant architectural interest in its own right due to its distinctive style and association with prominent Victorian architect William Nesfield. Inclusion in the Conservation Area adds to the understanding of the evolution of Romsey in the Victorian period, which saw the considerable growth of the town. The terraced houses on the south side of Station Road are also indicative of this growth which was the result of the arrival of the railway in Romsey. These terraces are reflective of other Victorian terraces in the Conservation Area and retain many of their original features, inclusion would strengthen this aspect of the Conservation Area's special interest.

Page 332



Terraced houses at the west end of Station Road

Test Valley Borough Council - Cabinet - 13 January 2021

E. Inclusion of the Plaza Theatre and Nos.51-83 Winchester Road on the south side of the street

Justification: The Plaza Theatre, originally a cinema, is a relatively unique building for Romsey in that it uses the Art Deco style. This style is typical of this building type but is not common in Romsey. Inclusion of it in the Conservation Area would further broaden its architectural diversity and demonstrate that the town continues to evolve into the 20th century. The row of terraced houses on the south

side are of similar date and appearance to those further west within the Conservation Area boundary, namely Victorian terraces which were constructed following the arrival of the railways. Fernside House is an example of the larger dwellings which would have existed on the approaches to the town before Victorian expansion. Inclusion would strengthen these aspects of the Conservation Area's special interest.

Page 333



Terraced houses on the south side of Winchester Road, including Fern Side which is Grade II listed



The Plaza Theatre

Test Valley Borough Council - Cabinet - 13 January 2021

PROPOSED REMOVALS FROM THE CONSERVATION AREA

F. Exclusion of Riverside Gardens

Justification: This modern residential street is of no heritage value and does not contribute to the special interest of the Conservation Area.

G. Exclusion of Stephens Court and Homestead House

Justification: These large, modern residential blocks do not reflect the character and appearance of the Conservation Area and do not contribute to its special interest. They are set back from Middlebridge Street and so do not form part of its principal street frontage.

H. Exclusion of Nos.3-25 Newton Lane

Justification: The modern houses in Newton Lane are of no heritage value and do not contribute to the special interest of the Conservation Area.

I. Exclusion of the Bus and Coach Station, Broadwater Road Car Park and Eastwood Court

Justification: The large hard-surfaced bus station and car park detract from the historic character of the Conservation Area and Eastwood Court is a modern building of no heritage value. Being in the close setting of the Conservation Area means that any future change to this area would have to ensure it takes the special interest of the Conservation Area into account.

J. Exclusion of Edwina Mountbatten House

Justification: This building dates to the later 20th century and is of no heritage value. Its larger footprint means it does not reflect the historic character of the area.

K. Exclusion of Cressey Road

Justification: This modern residential street is of no heritage value and does not contribute to the special interest of the Conservation Area.

Romsey Conservation Area Appraisal and Management Plan (CAAMP)**List of Respondents**

Number	Respondent
001	Romsey Ward Councillor
002	Romsey Resident
003	Romsey Resident
004	Romsey Resident
005	Romsey Resident
006	Romsey Resident
007	Romsey Resident
008	Romsey Resident
009	Romsey Resident
010	Romsey Town Council
011	LTVAS
012	Historic England
013	Romsey Town Councillor
014	Romsey Resident

List of Questionnaires

Number	Respondent
015	Romsey Resident
016	Romsey Resident
017	Romsey Resident
018	Romsey Resident

Romsey Conservation Area Appraisal and Management Plan**Schedule of Responses**

In addition to the responses to the questionnaire the following were also received:

- Respondents picked up various typos & minor errors, these have been rectified by the consultants.
- A wealth of background information, particularly relating to Romsey's history and architecture, was received. Where relevant this was used to frame the appraisal. Some of the information, however, fell outside of the scope of the study and was not included.

Summary of Comment
Agree additions A, B, C, and D to the Conservation Area see pages 102 to 104. (001) Agree the exclusions of E, F, H, I, and J see page 105. (001)
Response
None required (NB – references are to the consultation draft, not the final version/boundary amendment document. These are now areas B, C, D, E and F, G, I & K)
Change
None required

Summary of Comment
Do not agree to the exclusion of G. This area is in the CA and should remain so because its open character is inherited from its past use as a cattle holding area. There are also some fine character buildings around its periphery, especially on the west side and their context needs to be preserved and protected. (001)
Response
This area has been reviewed, with the LPA and it has been agreed for the car park and buildings along its western edge to be retained in the conservation area. See page 8 of the Boundary Amendment report (NB – referred to as area 'H' in this document, not 'G').
Change
Amendment to the proposed exclusion to the conservation area boundary to just omit Nos. 3-25 Newton Lane. Justification also updated (see Boundary Amendment report).

Summary of Comment
Comment on of the town's historic development is described (eg only the 3 western bays of the Abbey are of Chilmark Stone; the bulk of the Abbey's structure is of stones from Quarr and Binstead in the Isle of Wight), it appears to cover modern issues pretty thoroughly. (002)
Response
Types of stone within the Abbey acknowledged, this will be updated.
Change

Add Quarr and Binstead stone where Chilmark is mentioned in relation to the Abbey (2 instances).

Summary of Comment

Agree with the report's main criticisms of current practices (eg some garish shop fronts, poor street furniture, pavements, signage). The proposed changes to the current CA boundary appear sensible. (002)

Response

None required

Change

None required

Summary of Comment

If the recommendations are put into practice, it should significantly enhance the attraction of Romsey as a tourist and local shopping/business centre, so improving economic growth and sustainability. (002)

Response

None required

Change

None required

Summary of Comment

One of Romsey's key historic features is the river Test, but unfortunately most of it has very poor public access. Only a tiny section of the main river flows through the extremity of the CA. Only small sections of the Fishlake (a Saxon canal which historically was the main source of water for the town centre) and Tadburn streams run through the CA. Whilst the remaining mill buildings are in private ownership, I think the town should do much more to signpost their historic interest, much like the noticeboards and artwork along the old 19th century canal to the east of the centre. There are many other buildings of historic interest which could benefit from small plaques summarising past uses (eg the NatWest Bank building was the main post office and drapery in Victorian times). (002)

Response

Agreed, this is identified in the opportunities in section 4 relating to raising awareness of the town's significance.

Change

None required

Summary of Comment

<p>Oppose the review of the conservation area boundary at 55 Winchester Road</p> <p>Review is not founded on anything specific, and the changes to potential planning permissions that would be invoked on our property seem unnecessary. (003)</p>
<p>Response</p> <p>The houses along Winchester Road are similar in age, settlement pattern and style to those further west on Winchester Road, The Hundred and other approach roads to the town centre that are currently within the conservation area. The current boundary is relatively arbitrary in this regard and extension to include these properties is considered would strengthen the special interest of the conservation area due to their appearance and character. Guidance on when consent is required for change to properties in a conservation area is included in section 5 of the document. The properties are proposed for inclusion based on their current appearance.</p>
<p>Change</p> <p>None required</p>

<p>Summary of Comment</p> <p>83 Winchester Road should be included within review. The draft document only references 51-81. (004)</p>
<p>Response</p> <p>Correct, this was an error, No. 83 is proposed for inclusion.</p>
<p>Change</p> <p>Wording amended to include No. 83 Winchester Road.</p>

<p>Summary of Comment</p> <p>No objection to the inclusion of Nos. 51-81 Winchester Road (005)</p>
<p>Response</p> <p>None required</p>
<p>Change</p> <p>None required</p>

<p>Summary of Comment</p> <p>Proposal should include properties on both sides of the road, extending from RAODS Theatre to the Botley Road rail bridge, particularly given the terrace houses (7 No) and the shops (5 No) of a conforming design, and the number of substantial houses on the North side of the road. (005)</p>
<p>Response</p> <p>There is greater diversity of building age, appearance and massing on the north side of Winchester Road, beyond the Theatre and is less consistent with the character further west on Winchester Road (within the conservation area). The buildings on this side have generally</p>

been built later than those on the south side, mainly in the 20th century except those closest to the railway line and therefore do not follow the Georgian villa and Victorian terraced infill pattern of those parts of this street that are in the conservation area, or are proposed for inclusion. The buildings beyond No. 83 on the south side are later 20th century and do not merit inclusion for this reason.

Change

None required

Summary of Comment

The provision of landscaping to the general paved area outside ROADS Theatre, and the placing of pavement bollards fronting property Nos 51-75, to discourage pavement parking, would be welcome. (005)

Response

This issue is broadly covered by boundary treatments (see section 4.3 and 5.5.8). It is not proposed to include specific guidance for this site within the document.

Change

None required

Summary of Comment

Object to inclusion of 51-81 Winchester Rd. Will add more restrictions which will make the property harder to sell and reduce its value. (006)

Response

It is acknowledged that the conservation area boundary has not been reviewed for many years. The properties on the south side of Winchester Road are proposed for inclusion as they are similar in age, settlement pattern and style to those further west on Winchester Road, namely Georgian villas with Victorian terraced infill. The current boundary is relatively arbitrary in this regard and extension to include these properties is considered would strengthen the special interest of the conservation area due to their appearance and character. There is good evidence that conservation area designation increased property values – see research conducted annually by Historic England (<https://historicengland.org.uk/research/heritage-counts/>)
Further where changes are proposed these should be judged on the merits of the scheme and whether they will preserve or enhance the character and appearance of the conservation area. Property values are not a planning matter, and not a reason to include/exclude areas from designation.

Change

None required

Summary of Comment

Exercise has more to do with the exclusions than the new inclusions, as all the exclusions happen to be the areas that Test Valley want to develop and this will make planning much simpler for them. (006)

Response

Purcell have been commissioned to undertake an independent review with exclusions based on expert judgement and in consultation with the Council and public. The areas proposed for exclusion do not contribute to the special interest of the conservation area, and in some instances harm this special interest. Future change on these areas will be required to consider the conservation area, as they will be within its very close setting. The setting of heritage assets is protected through national and local planning policy.

Change

None required

Summary of Comment

Comment TVBC 'selective' in approach to conservation e.g. shop fronts have been changed but others refused costing hundreds of pounds in upkeep and wasted heating. (007)

Response

The document is the first full conservation area appraisal and management plan for Romsey since it was designated. The document contains guidance, including in relation to shop front design, on how the appearance and character of the conservation area can be preserved and enhanced. This document will be approved by the Council's cabinet making it a material consideration in decision-taking.

Change

None required

Summary of Comment

Station Road has different styles of windows and doors because people upgrade with what they can afford. If TVBC restricts this it will prevent people from maintaining their houses. Restrictions will drive down the house prices. (007)

Response

This Victorian terrace was developed, at the same time as the National School (now County Library) opposite, following the arrival of the railway in the 1860s. Collectively, they demonstrate this important event in the evolution of the town, the first suburban expansion happening as a direct result of the railway and the necessary amenities (school) required for the growing population. It is acknowledged that changes have been undertaken, legitimately, to the properties in this street, however they are still considered to contribute to the character and appearance of the area to a sufficient degree to merit inclusion in the conservation area. Conservation Area designation is not designed to restrict change, but to ensure it is managed to preserve what is special. There is good evidence that conservation area designation increased property values – see research conducted annually by Historic England (<https://historicengland.org.uk/research/heritage-counts/>) Property values are not a planning matter, and not a reason to include/exclude areas from designation.

Change

None required

Summary of Comment

<p>Comment that permission has been granted to convert shops in Latimer Street but not The Hundred and view the approach is inconsistent. (007)</p>
<p>Response</p> <p>There is nothing within the document which restricts this in any particular location within the conservation area. Where changes are proposed these should be judged on the merits of the scheme and whether they will preserve or enhance the character and appearance of the conservation area.</p>
<p>Change</p> <p>None required</p>

<p>Summary of Comment</p> <p>Suggestion there should be grants to help people maintain houses in conservation areas. Comment on stringency of listed building controls. (007)</p>
<p>Response</p> <p>It is acknowledged that grant funding is not currently available. Listed Building controls are governed by national planning legislation, and are different to Conservation Area controls</p>
<p>Change</p> <p>None required</p>

<p>Summary of Comment</p> <p>Object to Station Rd being included. (007)</p>
<p>Response</p> <p>This Victorian terrace was developed, at the same time as the National School (now County Library) opposite, following the arrival of the railway in the 1860s. Collectively, they demonstrate this important event in the evolution of the town, the first suburban expansion happening as a direct result of the railway and the necessary amenities (school) required for the growing population. It is acknowledged that changes have been undertaken, legitimately, to the properties in this street, however they are still considered to contribute to the character and appearance of the area to a sufficient degree to merit inclusion in the conservation area.</p>
<p>Change</p> <p>None required</p>

<p>Summary of Comment</p> <p>Query inclusion of 81 to 87 Station Road and the block of apartments in conservation area, as they are a row of 4 modern terraced town houses.</p> <p>Query that opposite on the north side of Station Road some detached period properties are not included.</p> <p>(008)</p>
--

<p>Response</p> <p>This proposed extension has been reviewed and it has been agreed that No. 79 (Ashdene Court), Nos. 81-87 and Fleming House on Alma Road will no longer be included in the proposed extension. Fleming House is of historic and architectural value but it is acknowledged that the intervening buildings are not. The houses on the north side of Station Road are more varied and mainly date from the inter-war period, their inclusion would not strengthen the special interest of the conservation area.</p>
<p>Change</p> <p>Amend the proposed extension to the conservation area boundary to end at No. 77 Station Road on the south side (see Boundary Amendment Report map and p. 6)</p>

<p>Summary of Comment</p> <p>Agree with the proposal and hope that it will be actioned in the very near future - soon enough - to stop any visibly offensive changes from being made in the immediate future, prior to its proposal being approved. So the sooner it comes into being the better! (009)</p>
<p>Response</p> <p>None required</p>
<p>Change</p> <p>None required</p>

<p>Summary of Comment</p> <p>RTC supports the addition of areas A and B to the current Conservation Area as shown on the diagram on page 101. (010)</p>
<p>Response</p> <p>None required (NB – the references are to the consultation document. In the Boundary Amendment Report they are referred to as areas B & C)</p>
<p>Change</p> <p>None required</p>

<p>Summary of Comment</p> <p>RTC supports the inclusion of area C but notes that the modern buildings at either end of Station Road should be excluded. (010)</p>
<p>Response</p> <p>This proposed extension has been reviewed and it has been agreed that No. 79 (Ashdene Court), Nos. 81-87 and Fleming House on Alma Road will no longer be included in the proposed extension. Fleming House is of historic and architectural value but it is acknowledged that the intervening buildings are not. Not including the modern semi-detached pair of houses at the southern end would result in a convoluted boundary, which is not desirable, therefore these remain proposed for inclusion. However the specific contribution any building makes is considered as part of any application proposals which come forward. (NB area C has become area D in the final version)</p>

Change

Amend the proposed extension to the conservation area boundary to end at No. 77 Station Road on the south side (see map in Boundary Amendment Report)

Summary of Comment

RTC also recommends Albany Road be included within area C. (010)

Response

It is not desirable to extend conservation area designation too far as this could dilute the reasons why it is special. Whilst inclusion of Station Road is considered justifiable to demonstrate the nature of Victorian expansion following the arrival of the railways, it would not be desirable to include all streets where this expansion took place. Therefore, it is not proposed to include Albany Road in the conservation area as part of the current review.

Change

None required

Summary of Comment

RTC supports the inclusion of area D but would like to see the area between the Plaza Theatre and Plaza Parade included as well numbers 51 to 83 Winchester Road. (010)

Response

There is greater diversity of building age, appearance and massing on the north side of Winchester Road, beyond the Theatre and is less consistent with the character further west on Winchester Road (within the conservation area). The buildings on this side have generally been built later than those on the south side, mainly in the 20th century except those closest to the railway line and therefore do not follow the Georgian villa and Victorian terraced infill pattern of those parts of this street that are in the conservation area, or are proposed for inclusion. The Theatre is a specific building, of communal and aesthetic value which will contribute to the character of the conservation area in a specific way, demonstrating the inter-war period evolution and cinema building-type not found elsewhere in the conservation area. It therefore merits inclusion in isolation from the rest of the north side of the street.
(NB – Area 'D' is now area 'E')

Change

None required

Summary of Comment

RTC supports the exclusion of areas E, F, H, I, and J. (010)

Response

None required
(NB these are all the areas proposed for exclusion. They are now referred to as 'F, G, H, I, J, K')

Change

None required

Summary of Comment

RTC does not agree with the exclusion of Newton Lane Car Park, which should be included due to its historical usage as a cattle market, its proximity to Romsey's town centre and the quality of many of the buildings on the west, north and east side of the car park. (010)
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Response

This area has been reviewed, and it has been agreed for the car park and buildings along its western edge to be retained in the conservation area (see p. 8 of the Boundary Amendment Report and the map)

Change

Amendment to the proposed exclusion to the conservation area boundary

Summary of Comment

RTC suggests that there should be a statement within the CAAMP that the tighter planning restrictions within a Conservation Area should not be applied retrospectively to the newly included areas. (010)

Response

Agreed, this has been added to section 5.2 and the Boundary Amendment Report
--

Change

The following sentence has been added to section 5.2 of the CAAMP and p. 2 of the Boundary Amendment Report: <i>It is acknowledged that some changes may have legitimately taken place to buildings prior to their inclusion in the conservation area. Consent will not be retrospectively required for these works however reversing inappropriate changes is welcomed.</i>

Summary of Comment

I like the thrust of the document,. (011)

Response

None required

Change

None required

Summary of Comment

Suggestion that Winchester Road up to the Sun Arch should be protected. (011)

Response

There is greater diversity of building age, appearance and massing on the north side of Winchester Road, beyond the Theatre and it is less consistent with the character further west

on Winchester Road (within the conservation area). The buildings on this side have generally been built later than those on the south side, mainly in the 20th century except those closest to the railway line and therefore do not follow the Georgian villa and Victorian terraced infill pattern of those parts of this street that are in the conservation area, or are proposed for inclusion. The buildings beyond No. 83 on the south side are later 20th century and do not merit inclusion for this reason.

Change

None required

Summary of Comment

Suggestion bungalows in the Whitenap / Halterworth area need protection as important examples of their genre. (011)

Response

This is beyond the scope of the current review.

Change

None required

Summary of Comment

The general statement of significance in section 2.1 includes both descriptive elements as well as some of the elements that are considered to contribute to significance. This section should focus on those elements which contribute to significance, and be explicit about which these are. (012)

Response

Noted, we have re-drafted this section to emphasis what contributes to the special interest of the conservation area and remove unnecessary description.

Change

Redrafted text for section 2.1 of the CAAMP, content is similar but emphasis shifted to what contributes to special interest.

Summary of Comment

Section 2.2, assessment of special interest, identifies a number of key heritage assets. Feel the text should pay more attention to demarcating descriptiveness from special interest. (012)

Response

Noted, we have re-drafted this section to emphasis what contributes to the special interest of the conservation area and remove unnecessary description.

Change

Redrafted text for section 2.2 of the CAAMP, content is similar but emphasis shifted to what contributes to special interest.

<p>Summary of Comment</p> <p>Sections 3: the area section contains a detailed description of each area, but this is descriptive only and does not articulate explicitly which elements within the area contribute to the special quality of the area. Some of the subsequent sections, e.g. 3.3 and 3.4 do contain more analysis of elements that contribute to significance, however, the document should plainly state which elements are considered to contribute to significance. (012)</p>
<p>Response</p> <p>Noted, we have added a further sub-heading to each character area – special interest</p>
<p>Change</p> <p>Additional sub-heading for each character area in section 3 of the CAAMP</p>

<p>Summary of Comment</p> <p>Consider both the inclusions and exclusions to the boundary have been clearly justified, in respect of why they are special and the contribution they make or do not make to the conservation area. (012)</p>
<p>Response</p> <p>None required</p>
<p>Change</p> <p>None required</p>

<p>Summary of Comment</p> <p>Page 102: Inclusion of 70-84 Cherville Street. These are wrongly addressed and should be 70-84 Greatbridge Road. (013)</p>
<p>Response</p> <p>Noted, this will be updated</p>
<p>Change</p> <p>Street name changed</p>

<p>Summary of Comment</p> <p>Properties that have been modernised and altered over recent decades and may not comply with new regulations regarding conservation areas must not be subject to retrospective requirement to comply. (013)</p>
<p>Response</p> <p>Agreed, this has been added to section 5.2 and the Boundary Amendment Report</p>

Change

The following sentence has been added to section 5.2 and the Boundary Amendment Report p. 2:

It is acknowledged that some changes may have legitimately taken place to buildings prior to their inclusion in the conservation area. Consent will not be retrospectively required for these works however reversing inappropriate changes is welcomed.

Summary of Comment

Surprised at proposed inclusion of the south side of Station Road. The modern properties at each end of the older terraces should not be included in this recommendation.

Many of the older properties have been modernised and altered over recent decades and may not comply with new regulations regarding conservation areas. There must be no retrospective requirement to comply. (013)

Response

This proposed extension has been reviewed and it has been agreed that No. 79 (Ashdene Court), Nos. 81-87 and Fleming House on Alma Road will no longer be included in the proposed extension. Fleming House is of historic and architectural value but it is acknowledged that the intervening buildings are not. Not including the modern semi-detached pair of houses at the southern end would result in a convoluted boundary, which is not desirable, therefore these remain proposed for inclusion. However the specific contribution any building makes is considered as part of any application proposals which come forward.

Regarding retrospective compliance, it is agreed that this should not be the case. This has been made clear in section 5.2 of the CAAMP and Boundary Amendment Report p. 2

Change

Amend the proposed extension to the conservation area boundary to end at No. 77 Station Road on the south side (see map)

The following sentence has been added to section 5.2 of the CAAMP and Boundary Amendment Report (p. 2):

It is acknowledged that some changes may have legitimately taken place to buildings prior to their inclusion in the conservation area. Consent will not be retrospectively required for these works however reversing inappropriate changes is welcomed.

Summary of Comment

Concern about potential for controls over use of rooflights as this could make it more difficult/expensive to modernise/extend. (013)

Response

The recommended Article 4 Direction would need to be implemented separately by the Council. It would not come into effect automatically with the approval of the CAAMP. Further consultation would be undertaken should the any Article 4 Directions be decided to be implemented. Such a measure would not mean that this type of change could not take place, but that planning permission would be required in order to determine whether the special interest of the conservation area would be preserved.

Change

None required

Summary of Comment
Support for position on overhead wires (013)
Response
None required
Change
None required

Summary of Comment
Page 82: boundary treatments: Some owners of properties in the town have made front gardens into parking spaces, for example Mill Lane is quoted. While recognising that this is not ideal, the alternative is street parking which would not be possible for every property and be unsightly. There must be no retrospective requirement to comply with new conditions. (013)
Response
Agreed, this has been added to section 5.2 and the Boundary Amendment Report
Change
The following sentence has been added to section 5.2 of the CAAMP and the Boundary Amendment Report p. 2: <i>It is acknowledged that some changes may have legitimately taken place to buildings prior to their inclusion in the conservation area. Consent will not be retrospectively required for these works however reversing inappropriate changes is welcomed.</i>

Summary of Comment
Environmental and energy considerations such as double glazed windows are encouraged in the wider world and uPVC, now a much improved product, has been a practical and affordable solution – concern Conservation Area controls might prevent measures to improve building efficiency. (013)
Response
Maintaining and continued use of historic buildings is inherently sustainable. However, it is acknowledged that there are likely to be pressure over the coming decades to improve the energy efficiency of Romsey's historic building stock in order to reduce carbon emissions, particularly from heating which uses fossil fuel sources. Physical changes to buildings in this context need to be carefully considered so as to mitigate against harm to the significance of both individual buildings and the conservation area. This might include improvements to thermal efficiency and changing sources of heating. Historic England has prepared extensive advice regarding Energy Efficiency and Historic Buildings, which can be found here: https://historicengland.org.uk/advice/technical-advice/energy-efficiency-and-historic-buildings/
Change
Add the following section on climate change / sustainability to issues and opportunities section of the CAAMP (Section 4.8)

Maintaining and continued use of historic buildings is inherently sustainable. However, there is likely to be pressure over the coming decades to improve the energy efficiency of Romsey's historic building stock in order to reduce carbon emissions, particularly from heating which uses fossil fuel sources.

Physical changes to buildings in this context need to be carefully considered so as to mitigate against harm to the significance of both individual buildings and the conservation area. This might include improvements to thermal efficiency and changing sources of heating. Historic England has prepared extensive advice regarding Energy Efficiency and Historic Buildings, see Further Information for details.

Summary of Comment

Town centre streetscape:
 Page 22: Quote: They are hard-landscaped and have pedestrian priority.
 Page 66: Quote: The public realm has recently been upgraded providing a level and shared surface for pedestrians and vehicles.
 These areas are not 'shared' as shared areas were not permitted for these upgrades. (013)

Response

Noted, these references have been amended to specify that level access has been achieved and that there has also been an increase in pedestrian priority, rather than indicating that this has been fully achieved.

Change

The following amendment have been made
 Page 22: *They are hard-landscaped and level access for pedestrians.*
 Page 66: *The public realm has recently been upgraded providing a level for pedestrians and increase pedestrian priority within the space.*

Summary of Comment

The CAAMP proposals right to mention the unattractive as well as the attractive. However should not conflate unattractive with modern. Stylish modern buildings can work well in historic areas and continue the progression of places into the future. The same for shop fronts. Would not support suggestion that 'old or historic styles' should be the only ones acceptable. Should allow good modern interventions. Pleased that the review also suggests that. (013)

Response

None required

Change

None required

Summary of Comment

If the conservation area rules are operated in a tight and inflexible way I am fairly confident that our great grandchildren will wonder why we stopped our advancement and architectural design progress at about 1900.
 A town is a living place. Romsey is an eclectic mix and that is one of the delights, as it is in many historic areas. We must not stop now! (013)

Response
Agreed, Conservation Area designation is not designed to restrict change, but to ensure it is managed to preserve what is special.
Change
None required

Summary of Comment
<p>Comment on modern changes to Station Road, e.g. 25 of them (81%) have plastic-framed windows; 20 of them (65%) have modern front doors; 12 of them (39%) have modern fascias, and Of the 12 houses with bay windows which feature white pillars, 9 of them (75%) have lost their decorative mouldings. 3 houses near the middle of the terrace no longer have chimneys (they have been replaced with metal flues). This is most clearly seen from the Library (014)</p>
Response
<p>This Victorian terrace was developed, at the same time as the National School (now County Library) opposite, following the arrival of the railway in the 1860s. Collectively, they demonstrate this important event in the evolution of the town, the first suburban expansion happening as a direct result of the railway and the necessary amenities (school) required for the growing population. It is acknowledged that changes have been undertaken, legitimately, to the properties in this street, however they are still considered to contribute to the character and appearance of the area to a sufficient degree to merit inclusion in the conservation area.</p>
Change
None required

Summary of Comment
<p>Comment on the number of HGVs which follow Duttons Road all the way down to Station Road ('indicative of the growth' of road traffic which is confused by the road priority markings at the intersection of Duttons Road and Malmesbury Road: the markings show Duttons Road to be the major road, so truck drivers tend to stay on it rather than turn off onto the 'minor' Malmesbury Road, which is what the road sign suggests). These errant HGVs detract from the conservation merit of Station Road. (014)</p>
Response
<p>The roads noted are beyond the area of the current review and transport issues of this nature are beyond the scope of the document.</p>
Change
None required

Summary of Comment
<p>81% of the original timber-framed windows on the south side of Station Road have been replaced with energy-efficient double-glazed units in PVC frames. These units will eventually</p>

need to be replaced. The documentation suggests that residents will be required to install old-style windows (with wooden frames). Need to balance historic environment conservation with environmental conservation. (014)

Response

It is acknowledged that changes have been undertaken, legitimately, to the properties in this street. The guidance is provided to cover the whole of the conservation area, where this type of change has also taken place. Maintaining and continued use of historic buildings is inherently sustainable. However, it is acknowledged that there are likely to be pressure over the coming decades to improve the energy efficiency of Romsey's historic building stock in order to reduce carbon emissions, particularly from heating which uses fossil fuel sources. Physical changes to buildings in this context need to be carefully considered so as to mitigate against harm to the significance of both individual buildings and the conservation area. This might include improvements to thermal efficiency and changing sources of heating.

Change

None required

Summary of Comment

Originally all the houses in the Victorian terrace of Station Road had boundary walls with wrought iron gates to the road. Six of these walls have been replaced or removed. 13 properties have no gate, and six have modern gates. Some of these boundary walls are in need of repair. Issue raised that in some cases access hindered by telecoms boxes built close to the walls
(014)

Response

It is acknowledged that some changes may have legitimately taken place to buildings prior to their inclusion in the conservation area. Consent will not be retrospectively required for these works however reversing inappropriate changes would obviously be welcomed.

Change

None required

Summary of Comment

Replacing boundary walls is simple and inexpensive compared with re-installing chimneys in the three properties which now have flues. The lack of chimneys is the most obvious sign that this street has changed since Victorian days. Residents in Station Road no longer burn coal fires in four rooms. Where does the desire for "conservation" and "preservation" turn into an insistence on restoration and authenticity? (014)

Response

It is acknowledged that some changes may have legitimately taken place to buildings prior to their inclusion in the conservation area. Despite these changes they are still considered to contribute to the character and appearance of the area to a sufficient degree to merit inclusion in the conservation area. Consent will not be retrospectively required for these works however reversing inappropriate changes would obviously be welcomed.

Change

None required

<p>Summary of Comment</p> <p>The north side of Station Road is dominated by the three-storey Quoyne Court (erected in the last 25 years, and featuring a corner turret which is out of keeping with anything else nearby). Question why residents should be subject to conservation area controls compared to this. (014)</p>
<p>Response</p> <p>This building was permitted in line with Council policy. The setting of heritage assets, including conservation areas is protected through national and local planning policy. Inclusion of Station Road in the conservation area will allow greater protection of its setting in the future. Conservation Area designation is not designed to restrict change, but to ensure it is managed to preserve what is special.</p>
<p>Change</p> <p>None required</p>

<p>Summary of Comment</p> <p>The report places great importance on views which people have from “the public realm”, but the term is not clearly defined. The rear roofs and first floor windows of the houses on the south side of Station Road can be seen from Waitrose’s car park, as well as from the alleyway which runs between Orchard Lane and Albany Road. Do these areas count as “the public realm”. Comment there were historically large buildings – e.g. Gas Works & Jam Factory here (014)</p>
<p>Response</p> <p>Although this does mean anywhere that is publicly accessible, it is principally aimed at preserving front and side elevations which are visible from streets, rather than say car parks and rear alleys, which are semi-private in their nature, unless these views make an important contribution to significance. This will be made clearer within the document.</p>
<p>Change</p> <p>Amend references to public realm in this context (4.1.3, 5.3.2 and 5.7 of the CAAMP) to include ‘<i>principally front and side elevations</i>’</p>

<p>Summary of Comment</p> <p>The document itself is most unhelpful. The first map which shows the extent of the Boundary Review only appears on page 101. No clear summary of how inclusion would affect residents. It is not clear how much leeway will be offered to residents who wish to make changes to their properties, and how much will be down to individual Planning Officer. (014)</p>
<p>Response</p> <p>The Review process is iterative, and the document is therefore set out as such. The character and appearance of the existing conservation area is required to be understood in order to know which areas could be added in order to enhance and reinforce that character and appearance. Once approved, the boundary review section will be omitted and the maps throughout the document updated with the new boundary. The Managing Change section of the document sets out guidance for residents wanting to make change and when consent is required. Further sources of guidance are identified in the Further Information section. Once</p>

approved by the Council's cabinet, this document will be a material consideration in decision-taking.

Change

As intended the Boundary Amendment Report now forms a separate document. The maps of the Conservation Area boundary is included at p. 6 of the CAAMP

Summary of Comment

The maps which are included are especially unhelpful: none of the minor roads is named, even on the large-scale versions which start on page 121. Zooming in on the maps does not give more detail. This is especially important as these boundaries will affect the quality of residents' lives. (014)

Response

Including all the street names and building numbers on the maps would make them difficult to read and interpret. The maps have been included to present specific information about the conservation areas character. Some of the information will be translated onto the Council's interactive map which does contain the street names when zoomed to an appropriate scale.

Change

None required

Summary of Comment

Suggest inclusion of Barge Canal (015)

Response

It is acknowledged to make some contribution to the evolution of the wider town but has not shaped the expansion or development of the town sufficiently to warrant inclusion in the conservation area. A mention of the canal has been added to the historic development appendix but it there is not considered to be strong enough justification for including the canal in the conservation area.

Change

Addition of a mention of the canal to the historic development appendix.

Summary of Comment

The Plaza is not just Art Deco style, its architect is of significance: Mr Robin A. Thomas F.R.I.B.A <https://rathomascinemas.tumblr.com/> (016)

Response

Noted, however this information is not required to justify its inclusion in the conservation area so no amendment is proposed.

Change

None required

Summary of Comment

Mill Lane: if future parking in the front of houses is to be prevented in the future, what provision will be made for residents? There isn't enough on-street parking as it is. Realistically, car ownership is not going to reduce and is more likely to increase (016)

Response

It is acknowledged that some changes may have legitimately taken place to buildings prior to their inclusion in the conservation area. Consent will not be retrospectively required for these works nor will reversal be required.

Change

None required

Summary of Comment

The Brewery site needs sympathetic development, and soon. (016)

Response

Agreed, the setting of heritage assets, including conservation areas is protected through national and local planning policy. Future change on this site will be required to consider the conservation area, as it is within its very close setting.

Change

None required

Summary of Comment

Resident experienced problem switching between map and the area of text they were reading. (016)

Response

Noted, we have included the 'back' button on the map itself to assist with this

Change

Back' button to be added to each large map in appendix

Summary of Comment

The 70's houses in Cherville Street are incongruous in this setting - they belong more to the developments such as Woodley. (016)

Response

Noted, these buildings are acknowledged in the document as being out of character. There are considered opportunities for sensitive change in the future

Change

None required

Summary of Comment
Relocation of bins - there isn't always an alternative location (016)
Response
Noted, 'where possible' will be added to this section.
Change
'Where possible' added to end of section 4.1.3 of CAAMP.

Summary of Comment
Former Magistrates Court - is it really in keeping with Romsey? (016)
Response
The building makes an important contribution to the town both for its former and current use as civic offices. It is acknowledged that its appearance is out of character, however it would not be desirable to omit it from the conservation area. There are considered opportunities for sensitive change in the future.
Change
None required

Summary of Comment
County library, not Country library. Not the North Garth - it is the churchyard. (016)
Response
Noted regarding the Library, this will be amended. Garths are the historic name for these spaces, references to their being the churchyard have been added where appropriate.
Change
'Forming the churchyard' has been added (sometimes in brackets) to the CAAMP where appropriate i.e. to the first reference to garths within a section. Country replaced with County in all cases.

Summary of Comment
No mention of the Test ribboning through Romsey. This is key to the character of the town and should be given more prominence. (017)
Response
This is noted and additional reference to the 'braided channels' of the Test have been added where appropriate.
Change
References to 'braided channels' added to the CAAMP where appropriate – 3.5.4 and 3.3.1

Summary of Comment
Right to include Station Road south side and library. (017)
Response
None required
Change
None required

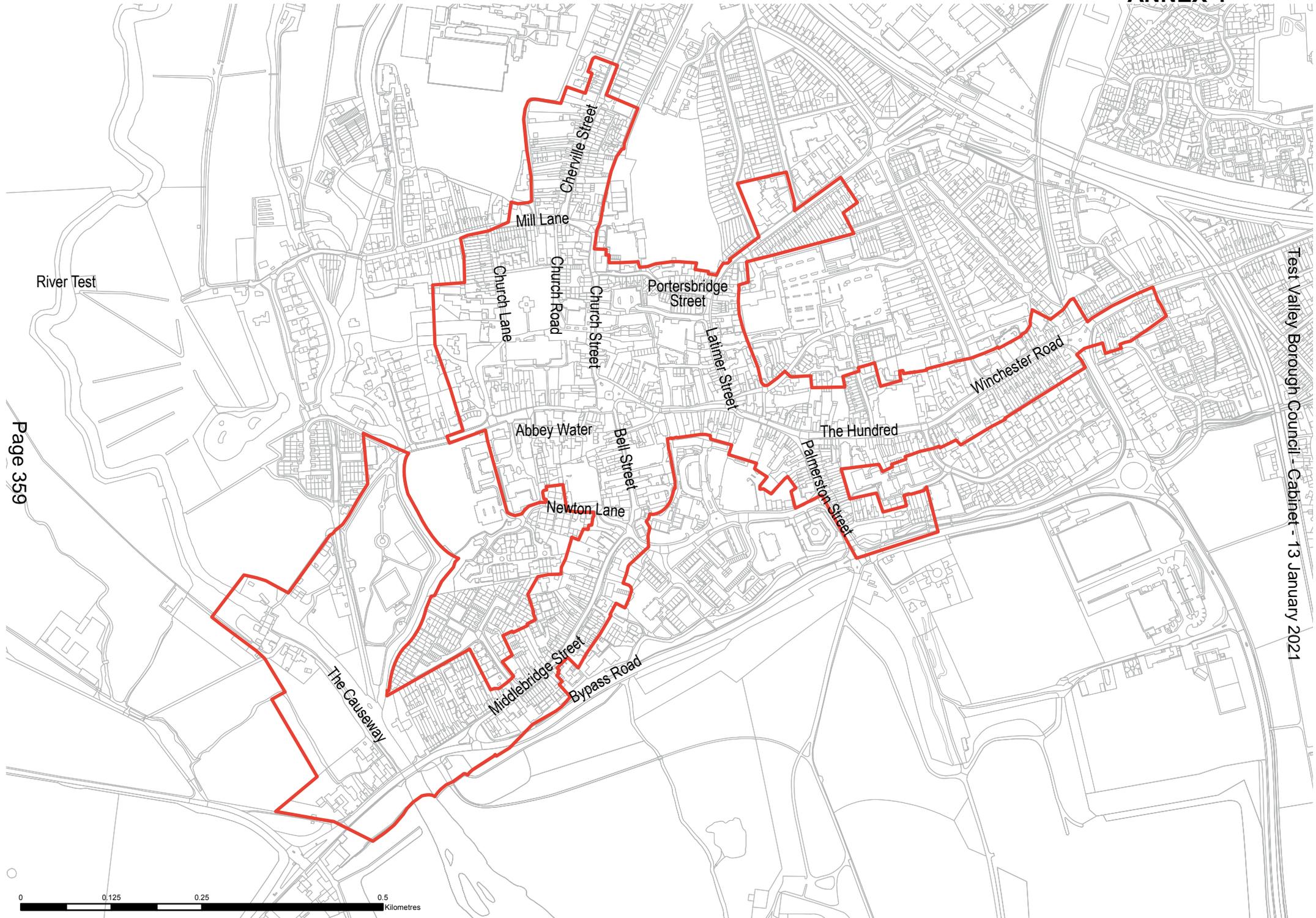
Summary of Comment
Should also include station itself, and buildings at top of Alma Road (Fleming Arms and 60-54) and Albany Road (017)
Response
<p>The station is separated from the proposed extension by modern development and is statutorily listed in its own right. It would not be appropriate to include the intervening modern development nor have an isolated island included. The station is considered to have sufficient protection without inclusion in the conservation area.</p> <p>It is not desirable to extend conservation area designation too far as this could dilute the reasons why it is special. Whilst inclusion of Station Road is considered justifiable to demonstrate the nature of Victorian expansion following the arrival of the railways, it would not be desirable to include all streets where this expansion took place. Therefore, it is not proposed to include Albany Road in the conservation area as part of the current review.</p>
Change
None

Summary of Comment
Proposed changes seem sensible. (018)
Response
None required
Change
None required

Summary of Comment
Include a few properties close to the Cupernham Lane / Fishlake Meadows roundabout. (018)
Response
This area is some distance from the conservation area and it is therefore not possible to include it within the same designation and has not been reviewed as part of this current process.

Change

None required



ITEM 13 Nutrient Neutrality – Off Site Mitigation Financial Contributions Framework

Report of the Planning Portfolio Holder

Recommended:

- 1. That the Council approves a framework for seeking financial contributions to address the adverse effects on the international designated nature conservation sites (SPAs, SACs and Ramsar sites) in and around the Solent from excessive nutrients in the water environment, as set out in the Annex to the report.**
- 2. That the financial contributions be used to secure the use of land, including through the purchase of land and/or credits, to provide off site mitigation solutions in order to achieve nutrient neutral development.**
- 3. That the Head of Planning Policy and Economic Development in consultation with the Planning Portfolio Holder be authorised to make changes of a minor nature to improve the presentation of the Annex to the report and to correct typographical errors prior to publication.**

Recommendation to Council.

SUMMARY:

- The purpose of this report is to seek approval for the Council to seek financial contributions to address the adverse effects on the international designated nature conservation sites (SPAs, SACs and Ramsar sites) in and around the Solent, from excessive nutrients in the water environment. This is in order to provide a mechanism to achieve nutrient neutrality through offsetting the increase in nutrients from wastewater from development.
- The financial contributions would then be used by the Council to secure the use of land, including through the purchase of land and/or credits, to provide off site mitigation, in order for development to achieve nutrient neutrality.

1 Introduction

- 1.1** Following advice¹ from Natural England (NE), in order to comply with the Conservation of Habitats and Species Regulations 2017 (as amended) (referred to as the Habitats Regulations) new development for housing, overnight accommodation and tourist attractions, should achieve nutrient neutrality to avoid an increase in nutrients from wastewater entering the Solent and having an adverse effect on international designated sites².

¹ Advice on achieving nutrient neutrality for new development in the Solent Region, Natural England, June 2020

² Special Protection Areas (SPA) and Special Areas of Conservation (SAC). Some SPA are also Ramsar sites

- 1.2 In light of the NE advice the Council has not permitted any affected planning applications which do not achieve nutrient neutral development since summer 2019. A solution is therefore needed in order to enable such developments to proceed where they are otherwise unable to achieve nutrient neutrality, but are deemed to be acceptable in all other planning respects. The absence of a solution is an impediment to housing delivery.
- 1.3 The purpose of this report is to seek approval for the Council to collect financial contributions (on the basis of a sum per 1 kg of total nitrogen (TN) to be offset) towards off site mitigation provision, to enable nutrient neutral development to be achieved. This would be used by the Council to secure the use of land, including through the purchase of land and/or credits, to provide off site mitigation either directly itself, or through working with other landowners and organisations.
- 1.4 Where possible, opportunities to secure other benefits for nature and people could also be sought additionally alongside e.g. Sites for Alternative Natural Greenspace (SANG) from such land and financial contributions collected for these purposes also used alongside mitigation for nutrients.

2 Background

- 2.1 Excessive levels of nutrients (nitrogen and phosphorus) in the water environment are having an adverse effect on international designated nature conservation sites³ in and around the Solent. These are causing eutrophication, resulting in dense mats of green algae that impact on the protected species and habitats. This must be addressed as required by the Habitats Regulations. This impact of the condition of these sites is relevant in the context of their conservation objectives and achieving favourable conservation status.
- 2.2 Following Court of Justice of the European Union (CJEU) judgements, NE advised in June 2019 that in order to be compliant with the Habitats Regulations, all new residential and overnight accommodation development should be nutrient neutral, due to the uncertainty that new development will not cause further impact and add to existing nutrient loading. This applies to the area of the Borough which falls within the catchments of the River Test and River Itchen and their tributaries, which then flow into the Solent. Essentially this covers the whole Borough, with the exception of a small area around Shipton Bellinger and Cholderton, which falls within the catchment of the River (Hampshire) Avon, which is therefore excluded.

³ This would comprise as a minimum: Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar, Portsmouth Harbour SPA and Ramsar, Solent and Dorset Coast SPA, Solent and Southampton Water SPA and Ramsar, Solent and Isle of Wight Lagoons Special Area of Conservation (SAC), Solent Maritime SAC

- 2.3 NE has advised that there is a likely significant effect on the Solent's international designated sites due to the increase in wastewater from new housing and any new overnight accommodation, such as for tourism, student and care accommodation, and tourist attractions. This applies where the development would discharge into the Solent, whether directly, or indirectly via one of its river catchments. Taking a precautionary approach, there is uncertainty as to whether the increase in such wastewater will have an adverse effect on the Solent's international designated sites and which therefore requires mitigation.
- 2.4 NE therefore recommends that where development will have inevitable wastewater implications, these and all other matters capable of having a significant effect on the Solent designated sites (e.g. recreational disturbance) must be addressed in way required by the Habitats Regulations. It recommends that the wastewater issue is examined within the Habitats Regulations Assessment process and that the existing nutrient and conservation status of the receiving waters be taken into account. The achievement of nutrient neutrality, if scientifically and practically effective, is a means of ensuring that development does not add to existing nutrient levels.
- 2.5 Excessive nutrients come from a number of sources including agriculture (animal faeces and fertiliser), waste water from development, and other background sources. The largest source, potentially 70-80% comes from agriculture. It can take decades for nutrients in the upper reaches of river catchments to reach the sea. However, as the Habitats Regulations apply to planning decisions, there is a legal obligation on considering the impact of new development in order to avoid exacerbating an existing issue, notwithstanding that the impact of this is relatively minor overall. Achieving nutrient neutral development will not address an existing problem, but in order to satisfy the Habitats Regulations, it needs to be established that planning decisions will not make it worse. Any increase in nutrients is deemed significant, however small, due to the in-combination impact and therefore small sites cannot be screened out from the requirements to achieve nutrient neutrality.
- 2.6 The latest version of the NE advice (June 2020) sets out the rationale for their advice together with a recommended approach and a methodology for how nutrient neutral development should be determined taking account of both a development's wastewater and land use change. The advice is accompanied by a non technical summary and a nitrogen budget calculator tool, which are all on the Council's website⁴. The methodology will inform whether the development avoids harm to the designated site, or needs to provide mitigation in order to ensure that there is no adverse effect. In light of the result of the calculation of a development's budget using the calculator tool, if the development results in an increase in total nitrogen then this needs to be offset through the provision of mitigation.

⁴ <https://www.testvalley.gov.uk/planning-and-building/guidance/solent-southampton-water-special-protection-area>

- 2.7 For Test Valley, achieving nutrient neutral development without the provision of off site mitigation solutions is particularly challenging in scale as the amount of nutrient in wastewater is assumed to be higher in the absence of wastewater treatment works (WwTW) having a permit limit for nitrogen discharge and therefore no nitrate stripping at the WwTW taking place. Of the WwTW which serve Test Valley only Millbrook WwTW which serves: Chilworth, North Baddesley and Nursling and Rownhams has such a permit limit There are also rural areas within the Borough which are not served by mains drainage and are therefore reliant on package treatment plants or septic tanks. Collectively this means that other than large scale greenfield development which includes significant open space, developments are unlikely to be able to achieve nutrient neutrality on site.
- 2.8 The issue is affecting a significant number of planning applications for residential and overnight accommodation, which are currently unable to achieve nutrient neutrality without additional mitigation being made available. As at October 2020, there is an estimated backlog of 469 dwelling/units from current planning applications, which are currently expected to receive a favourable officer recommendation of permission, but are not currently expected to achieve nutrient neutrality without additional off site mitigation. Assuming that no other offset is available on site, this backlog equates to an estimated c.1,500kg total nitrogen.
- 2.9 In the absence of practical mitigation solutions being available at present, the focus is on potential land based off-site mitigation in the form of 'nitrate-offsetting' solutions. This concerns taking land out of agricultural production, or significantly reducing the current level of artificial additional nitrogen added to agricultural land from fertiliser and animal waste. This could also include for example creating wildflower meadows, woodland planting and wetland creation. This reduction can then be used as a 'credit' to offset the increased nitrogen from new development so that neutrality is achieved.
- 2.10 The framework for financial contributions (Annex to the report) would be to collect a tariff per kilogram (kg) of total nitrogen from the unmitigated loading from new development. This would be used to secure the use of such off site mitigation land and as such allow nutrient neutral development to be achieved. The NE advice is that for development sites in Test Valley off site mitigation land can be located within the catchments of the River Test, River Itchen or Bartley Water (northern New Forest) taken together. Whilst ideally the mitigation would be located within the Borough, in order to maximise the benefits for both the public and nature, and to make the administration and legal processes easier, mitigation land outside the Borough within these catchments is also suitable in principle, but would be considered on its merits in each case.
- 2.11 Some other affected neighbouring authorities are operating a similar tariff approach to seeking such financial contributions. Winchester City Council has a tariff of £3,500 per kg towards future mitigation, and Eastleigh Borough Council has introduced a tariff of £4,500 per dwelling and £1,800 per room for care homes and tourism development.

- 2.12 In addition to the proposed framework for seeking financial contributions towards off-site mitigation, the Council is also working to explore the potential for strategic solutions, undertaking this jointly with other affected local authorities and partners through the Partnership for South Hampshire (PfSH) and engaging with Government agencies and ministers. Such joint working includes the provision of a temporary Strategic Environmental Planning Officer to take forward a pilot mitigation scheme, which could lead to a strategic sub-regional mitigation solution. Government funding has also recently been secured to support the delivery of mitigation: following a PfSH bid an anticipated £2m loan (from the Getting Building Fund to be channelled through the Solent Local Economic Partnership (LEP) is expected subject to formal approvals and quality assurance processes, to be used for the purchase of land on the Isle of Wight, a loan from DEFRA to the Hampshire and Isle of Wight Wildlife Trust (HIWWT) towards mitigation land purchase, and £3.9m DEFRA funding to set up a pilot online nutrient trading platform.
- 2.13 We are also seeking a review of the nitrogen permit limits which apply to Wastewater Treatment Works (WwTW) and the introduction of these where they are not currently in place on river discharging works, including Fullerton WwTW and Romsey WwTW. The outcome of discussion between NE and the Environment Agency regarding when such a permit review will be instigated is awaited. Voluntary monitoring of nitrogen discharge levels is currently being undertaken by Southern Water at these WwTW and the initial results should be available in spring 2021.

3 Corporate Objectives and Priorities

- 3.1 Whilst the key driver in addressing the nutrient neutrality issue is enabling new development to satisfy the requirements of the Habitats Regulations, the protection of the environment generally and maintaining a high quality of environmental assets and quality of life are key priorities. The provision of mitigation to achieve nutrient neutrality will enable the conservation status of the international designated nature conservation sites to be protected from the adverse effects of excessive nutrients. The provision of mitigation could also potentially deliver wider complementary conservation benefits which could also be sought; for nature such as biodiversity net gain, carbon offsetting etc, and for people through public access e.g. Sites for Alternative Natural Greenspace (SANG).
- 3.2 Meeting local housing need is also a key priority and the absence of mitigation being in place is a barrier to housing delivery. Residential development as part of the town centre masterplans will also require off-site mitigation. Achieving nutrient neutral development through the provision of mitigation is in line with the Council's Corporate Plan priorities of both People in meeting their housing need, and of protecting The Local Environment.

4 Consultations/Communications

- 4.1 The Council has been working on an ongoing basis with the other affected neighbouring authorities through the Partnership for South Hampshire (PfSH), in seeking to address the nutrient neutrality issue and seek strategic mitigation solutions. Engagement has also taken place with NE, the Environment Agency and Southern Water.

- 4.2 The Council will work with landowners and relevant organisations on the delivery of mitigation measures for which the financial contributions made under the framework which would be used to secure nutrient neutral development.

5 Options

- 5.1 The consideration is whether or not the Council should implement a framework for financial contributions towards off setting mitigation solutions to achieve nutrient neutral development. These contributions would be used to secure the use of land, including through the purchase of land and/or credits, to provide off site mitigation to achieve nutrient neutral development.

6 Option Appraisal

- 6.1 The implementation of the framework for seeking financial contributions would provide a mechanism for developments to secure nutrient neutrality through the provision of off-site mitigation, in the absence of alternatives being proposed. In line with NE advice nutrient neutral development is necessary in order to ensure compliance with the requirements of the Habitats Regulations. When a development site cannot achieve nutrient neutrality on site and a developer does not have their own off-site mitigation solution it would enable development to proceed, which is currently not possible. The option of providing a financial contribution is therefore intended as a default option for those who are unable to achieve nutrient neutrality by their own means. Other alternatives for mitigation would remain available, if they can be found.
- 6.2 The option of financial contributions would only be available for the outstanding nutrient budget which cannot be mitigated on site. It will therefore need to be demonstrated that the potential opportunities for on site mitigation have been utilised first, before the Council will consider this for any residual off-site mitigation required to achieve nutrient neutrality. This is considered a sustainable and environmentally sound approach and takes account of the scale of the issue to be addressed. The use of some on site offsetting through change in land use and for non-main drainage where the treatment process would lead to some reduction in the nitrogen discharged, will reduce the scale of off site mitigation needed.

- 6.3 The financial contributions would be in the form of credits purchased (1kg total nitrogen = 1 credit) which would be used to secure the use of land, including through the purchase of land and/or credits, to provide off site mitigation solutions. A figure of £3,000 per 1kg total nitrogen is proposed based upon the amount considered likely to be necessary and appropriate to deliver off-site land based mitigation, and set at a level which it is deemed that the market and development viability will find acceptable. This figure and the methodology will be monitored and kept under review, and be subject to indexation, plus an administration fee of £100, which will also be kept under review. The Council would work with landowners and relevant organisations seeking to bring such land for mitigation forward. Such mitigation would need to be put in place prior to the occupation of the development. There would need to be consideration of the nature of the mitigation scheme, what mitigation it would provide, where it is located, and when it will be delivered to ensure that it complies with the Habitats Regulations and taking account of NE advice. The provision of contributions and the securing of credits will require careful timing. The approach of seeking financial contributions would therefore only be used with the necessary off site mitigation being in place, or agreement in place with the landowner. Opportunities to secure additional environmental and recreation benefits will also be taken into account.
- 6.4 The recommended approach is to proceed with the implementation of a framework for seeking financial contributions as this would provide a default scheme open to all for where nutrient neutral development cannot otherwise be achieved.
- 6.5 The alternative of not to proceed with a framework for seeking such contributions would mean that achieving nutrient neutrality continues to be very difficult, particularly for brownfield sites and for those development which discharge their wastewater to WwTW without a permit limit, or which are reliant upon non-mains drainage. The absence of necessary mitigation has implications for housing delivery and the deliverability of future housing to be provided for in the next Local Plan.

7 Risk Management

- 7.1 A risk management assessment has been completed in accordance with the Council's risk management process and the risk controls seek to minimise the risks.
- 7.2 Failure to agree and implement up to date strategic and local planning documents (including the Local Plan) is recorded as a risk in the Council's Corporate Risk Register. A risk factor is the ability to deliver the housing to be proposed in the next Local Plan, which will require nutrient neutral development. There is also the risk to housing delivery more generally, including the current backlog of applications which are affected by their current inability to achieve nutrient neutral development. There is no readily identifiable alternative mitigation option available at scale, to achieve nutrient neutral development in compliance with the requirements of Habitats Regulations and NE advice. Approval of a framework to seek financial contributions to secure land to provide off site mitigation to enable nutrient neutral development would mitigate this risk, if the land needed to provide the necessary off site mitigation is secured.

- 7.3 There is also a legal risk that the approach of seeking financial contributions towards off site mitigation under the Habitats Regulations and NE advice may be subject to legal challenge, as may the overall approach to achieving nutrient neutral development. There is a potential risk of challenge against the Council for adopting the approach without a confirmed mitigation project being in place due to the level of certainty that the Habitats Regulations require. The Council will therefore continue to work with landowners and relevant organisations on the delivery of mitigation measures for which the financial contributions made under the framework which would be used. The approach of seeking financial contributions would therefore only be used with the necessary off site mitigation being in place, or agreement in place with the landowner.

8 Resource Implications

- 8.1 Implementation of framework for seeking financial contributions towards off-site mitigation to achieve nutrient neutral development will have an impact on the necessary financial, legal and administrative resources as required to secure it from planning permissions and to off-site mitigation. It is expected that much of these can be covered by an administrative charge for the use of the framework and any charges for drawing up the required legal agreements, as per existing practice.

9 Legal Implications

- 9.1 The proposed approach would assist the Council in satisfying its obligations under the Habitats Regulations. The Council is required to comply with the Habitats Regulations through its role as competent authority in taking a decision through the determination of a planning application. The proposed framework for financial contributions approach would provide for the securing of off-site mitigation land to enable nutrient neutral development to be achieved and the requirements of the Habitats Regulations complied with, which would not otherwise be the case, in the absence of alternative solutions.
- 9.2 Legal mechanism will be put in place to appropriately secure any financial contributions made under the framework and to secure off-site mitigation.

10 Equality Issues

- 10.1 The EQIA initial screening has been undertaken and has not identified any potential for discrimination or adverse impacts and all opportunities to promote equality have been taken.
- 10.2 The provisions proposed in this report would apply to anyone seeking to secure permission for relevant development within the area of the Borough that falls within the catchment area, in line with the terms set out in the Annex.

11 Other Issues

- 11.1 Community Safety – N/A

- 11.2 Environmental Health Issues – N/A
- 11.3 Sustainability and Addressing a Changing Climate – Sustainability is a fundamental element of the planning system and is incorporated within any future planning decision. The need to achieve nutrient neutral development is key to protecting the integrity and conservation status of the international designated sites in and around the Solent which are adversely affected by excessive nutrients, together with ensuring the development takes place in a manner which minimises its environmental impacts. Financial contributions towards off-set mitigation solutions will enable this to be achieved. The securing of land to provide for off-site mitigation may also deliver wider environmental benefits.
- 11.4 Property Issues – Applies to Council owned land within the affected area. Relevant development on this land would need to achieve nutrient neutrality and could also potentially be used as off-site mitigation land.
- 11.5 Wards/Communities Affected – All. Small area of the Borough around Shipton Bellinger and Cholderton, which falls within the catchment of the River (Hampshire) Avon is excluded, as this catchment does not drain into the Solent.

12 Conclusion and reasons for recommendation

- 12.1 The report seeks the approval for the Council to seek financial contributions towards off setting mitigation solutions to achieve nutrient neutral development. The financial contributions would then be used by the Council to secure the use of land, including through the purchase of land and/or credits, to provide off site mitigation, in order for development to achieve nutrient neutrality. The approach of seeking financial contributions would only be used with the necessary off-site mitigation being in place, or agreement in place with the landowner.
- 12.2 In light of the NE advice that new development for housing, overnight accommodation and tourist attractions, should achieve nutrient neutrality, the Council has not permitted any affected planning applications which do not achieve nutrient neutral development since late spring 2019. A solution is therefore needed in order to enable such developments to proceed where they are otherwise unable to achieve nutrient neutrality, but are deemed to be acceptable in all other planning respects. The absence of a solution is a current impediment to housing delivery. The framework to seek financial contributions would provide a means support the provision of mitigation solutions, where these can be secured.

Background Papers (Local Government Act 1972 Section 100D)

Advice on achieving nutrient neutrality for new development, Natural England, June 2020

Summary advice on achieving nutrient neutrality for new development, Natural England, June 2020

Nitrogen Budget Calculator, Natural England, June 2020

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	1	File Ref:	pp5.1.1
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(Portfolio: Planning) Councillor N Adams-King

Officer:	Graham Smith/David Bibby	Ext:	8141/8105
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Report to:	Cabinet	Date:	13 January 2021
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Annex to Cabinet Report 13 January 2021
Solent Region SPAs, SACs and Ramsar sites- Nutrient Neutrality
Test Valley Off-Site Mitigation Framework

1. Following Court of Justice of the European Union (CJEU) judgements, Natural England has provided advice on the impacts of nutrients from new development on the group of Special Protection Areas (SPA)¹ and Special Areas of Conservation (SAC) and Ramsar site designations^{2 3}, within and around the Solent. There are high levels of nitrogen and phosphorous entering the water environment and these excessive levels of nutrients are causing eutrophication, resulting in dense mats of green algae impacting on the protected habitats and species.
2. Due to the uncertainty that certain new developments will not cause further impact, and in order to be precautionary, the recommended approach is for certain new development to achieve nutrient neutrality, which is a means of ensuring that new development does not add to existing nutrient loading. Therefore in order to be compliant with the Habitats Regulations⁴, all new residential and overnight accommodation (including care, student and tourist accommodation) and tourism attractions development should be nutrient neutral, due to the uncertainty that new development will not cause further impact and add to existing nutrient loading. The Council is the 'competent authority' under the Habitats Regulations and will undertake an Appropriate Assessment prior to making a planning decision on relevant development.
3. The advice from Natural England applies to relevant development within the area of the Borough which falls within the catchments of the River Test and River Itchen and their tributaries, which then flow into the Solent, with the exclusion of a small area around the settlements of Shipton Bellinger and Cholderton, which falls within the catchment of the River (Hampshire) Avon.
4. A relevant development scheme's nutrient budget should be calculated in line with the methodology provide by Natural England, taking account of both wastewater and land use change. This will inform whether the development avoids harm to the protected designations, or needs to provide mitigation to ensure that there is no adverse effect.
5. Natural England's current advice, including a methodology⁵ to calculate a development's nutrient budget is available on the Council's website. The latest advice (June 2020) has updated and revised the previous versions, which have

¹ Some SPA are also designated as Ramsar sites

² This would comprise as a minimum: Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar, Portsmouth Harbour SPA and Ramsar, Solent and Dorset Coast SPA, Solent and Southampton Water SPA and Ramsar, Solent and Isle of Wight Lagoons Special Area of Conservation (SAC), Solent Maritime SAC

³ Local Plan Policy E5 Biodiversity establishes that development likely to result in a significant effect on such a designation would need to satisfy the Habitats Regulations. This legislation establishes a process for assessing likely significant effects on certain designations including SPAs, SACs and Ramsar sites.

⁴ Conservation of Habitats and Species Regulations 2017 (as amended)

⁵ <https://www.testvalley.gov.uk/assets/attach/9113/Solent%20Nutrients%20V5%20June2020.pdf>

been superseded. The advice is accompanied by a non-technical summary⁶ and a nitrogen budget calculator tool⁷.

6. This framework on achieving nutrient neutrality through off-site mitigation, relates to the approach for planning applications, although proposals for net gains in residential and overnight accommodation, through the prior approval process and as permitted development, will also need to have comply with the requirements of the above legislation and the Natural England advice on achieving nutrient neutrality, as relevant.
7. If additional off-site mitigation is needed for developments in Test Valley in order for them to achieve nutrient neutrality, then this needs to be located within the catchments of the River Test, River Itchen or Bartley Water, taken together. The Council's preference is for off-site mitigation to be located within the administrative area of Test Valley, although it will consider proposals for mitigation within the area of other local planning authorities within these catchments.
8. Where a net gain in residential and overnight accommodation (including care, student and tourist accommodation) and tourism attractions is proposed within the catchment of the River Test, having calculated the development's nutrient budget, one of the below options would need to be used, which would need to be agreed with the Council and be subject to an Appropriate Assessment:
 - a) Evidence through the calculation that the development would not lead to an increase in nutrient loading and would achieve nutrient neutrality on-site.
 - b) Provide and secure in perpetuity a bespoke off-site mitigation package for the development which would enable it to achieve nutrient neutrality.
 - c) Provide a financial contribution of £3,000⁸ per kg of total nitrogen, plus an £100 administration fee, to secure the use of land to provide off-site mitigation measures for the development, which would enable it to achieve nutrient neutrality.
9. The option of providing a financial contributions under option c) is intended as a default option for developers who are unable to achieve nutrient neutrality by their own means. This option will only be available for the outstanding nutrient budget which cannot be mitigated on site. It will therefore need to be demonstrated that the potential opportunities for on-site mitigation have been utilised first, before the Council will consider this option for any off-site residual mitigation required to achieve nutrient neutrality.

⁶ <https://www.testvalley.gov.uk/assets/attach/10069/SolentNutrientAdvice%20-%20Non-Technical%20Summary%20v2.pdf>

⁷ <https://www.testvalley.gov.uk/assets/attach/10070/Nitrogen%20Budget%20Calculator%20-%20v2.xlsx>

⁸ The amount of the financial contribution and the methodology will be kept under review and subject to indexation.

10. Financial contributions under option c) will be used to secure the use of land to provide off-site mitigation solutions in order to achieve nutrient neutral development. This will be in the form of the purchase of land and/or credits derived from the reduced nitrogen load resulting from changes from existing land use from identified sites, for example through the ceasing of agricultural use and the creation of woodland or wetland. This will be used to offset equivalent increased load from the relevant development.
11. In the case of a bespoke off-site mitigation package under option b) the Council would need to agree the proposed approach to mitigation, including the arrangements for long term management and monitoring arrangements. A contribution towards monitoring would be required (payable upon occupation).
12. Section 106 agreements would be the preferred method of securing financial contributions and/or bespoke off-site mitigation provided by the development. Unilateral undertakings can also be used where appropriate. The mechanism would need to be agreed with the Council. The Council does not consider that mitigation measures provided in order to comply with the Habitats Regulations falls within the scope of infrastructure and these are therefore considered separately to the Community Infrastructure Levy (CIL).
13. Contributions towards the mitigation package are to be paid on commencement or occupation of development. This is to enable mitigation measures to be in place in time for occupation (whereupon wastewater effluent will be generated by the development). Any provisions should be provided so as to be available in time for the first occupation of the site. There may be some scope for phasing of mitigation in line with occupation rates for larger sites, this would be considered on a site by site basis.
14. As mitigation measures need to be secured in perpetuity (for at least 80 years) (as required by the legislation), not all of the contributions may be spent in the short term. Therefore, it would not be appropriate for the application of any clawback provisions for contributions.

January 2021