

## Notice of Meeting

# Council

A meeting of the Test Valley Borough Council will be held on

**Date:** Wednesday 26 January 2022

**Time:** 5.30 pm

**Venue:** Crosfield Hall, Broadwater Road, Romsey, Hampshire, SO51 8GL

when your attendance is required to consider the business set out in the agenda.



Head of Legal and Democratic Services

**For further information or enquiries please contact:**

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**Legal and Democratic Service**

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**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.*

**Council**

Wednesday 26 January 2022

**AGENDA**

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

- 1 Prayers**
- 2 Apologies**
- 3 Public Participation**
- 4 Declarations of Interest**
- 5 To approve the minutes of the meeting of the Council held on 10 November 2021**
- 6 Mayor's Announcements**
- 7 To receive and adopt Committee reports 4 - 203**

To receive and, where necessary, adopt reports of Committees.
- 8 Questions under Rule 11.1**
- 9 Questions under Rule 11.2**
- 10 Test Valley Borough Local Plan, Regulation 18 Stage 1 Public Consultation 204 - 315**

To approve for public consultation the Council's proposed Local Plan 2040 Regulation 18 Stage 1.
- 11 Community Governance Review - Valley Park and other issues 316 - 328**

To consider a Community Governance Review in relation to Valley Park.

**12 Notice of Motion - Rule 12**

## **ITEM 7      To receive and, where necessary, adopt reports of Committees**

(Some reports may involve the disclosure of exempt information. If the Council wishes to debate them, for each individual case the Council will need to adopt a suitable motion).

### **7.1      To receive the minutes of the following meetings:**

- 7.1.1      Southern Area Planning Committee – 2 November 2021
- 7.1.2      Overview and Scrutiny Committee – 3 November 2021
- 7.1.3      Southern Area Planning Committee – 23 November 2021
- 7.1.4      Cabinet – 8 December 2021
- 7.1.5      Northern Area Planning Committee – 9 December 2021
- 7.1.6      Overview & Scrutiny Committee – 15 December 2021
- 7.1.7      Northern Area Planning Committee – 6 January 2022
- 7.1.8      Southern Area Planning Committee – 11 January 2022
- 7.1.9      General Purposes Committee – 12 January 2022
- 7.1.10     Cabinet – 12 January 2022
- 7.1.11     Overview & Scrutiny Committee – 19 January 2022

(Note: in relation to 7.1.11, these minutes are not included in the minute book and will be presented at the next Council meeting but members are able to ask questions on resolved items.)

### **7.2      To adopt recommendations from the following:**

- 7.2.1      Cabinet – 8 December 2021
- 7.2.1.1     Asset Management Plan Update (APPENDIX A)

Consideration was given to a report of the Finance and Resources Portfolio Holder which provided an update on the approved 2021/22 Asset Management Plan (AMP) and recommended projects to be included in the 2022/23 budget.

The Plan provided an update on the financing of AMP projects, including a forecast of the balance on the Asset Management Reserve at 31 March 2023.

Having considered the options and for the reasons set out in the report, Cabinet agreed the following:

**Recommended:**

- 1. That the revised 2021/22 and original 2022/23 Asset Management Plan, as shown in Annexes 1 and 2 to the report, be approved.**
- 2. That the Head of Finance and Revenues, after consultation with the Finance & Resources Portfolio holder and Head of Service responsible for any project, be authorised to amend the Asset Management Plan during the year, as discussed in paragraph 7.3.**

7.1.1.2 Capital Programme Update 2021/22 to 2023/24 (APPENDIX B)

Consideration was given to a report of the Finance and Resources Portfolio Holder which provided an updated on the Capital Programme 2021/22 to 2023/24.

The Capital Programme update included a summary of the progress of the existing 2021/22 Capital Programme as well as forecast changes to its timescale and total cost.

Proposals for new capital schemes recommended to be added to the Capital Programme over the period 2021/22 to 2023/24 were included. The total cost of new projects recommended for inclusion in the Capital Programme was £1.10M. After taking into account external funding, the net cost of these bids was £100,000 and recommended to be funded from the Capital Receipts Reserve.

Having considered the options and for the reasons set out in the report, Cabinet agreed the following:

**Recommended:**

- 1. That the new capital schemes with a total cost of £1,100,000 as shown in Annex 2 to the report, be added to the 2021/22 to 2023/24 Capital Programme.**
- 2. That the revised estimates and financing for the 2021/22 to 2023/24 Capital Programme as shown in Annex 1 to the report, be approved.**

### 7.2.1.3 Platinum Jubilee Celebrations (APPENDIX C)

Consideration was given to a joint report of the Community, Leisure and Tourism and the Democracy and Governance Portfolio Holders which proposed a number of local initiatives to mark the Queen's Platinum Jubilee.

Her Majesty The Queen would celebrate her Platinum Jubilee, seventy years of service, during an extended bank holiday weekend of events and activities from 2–5 June 2022.

Alongside promotion of national schemes to communities across the borough, it was proposed that a series of local initiatives and events be encouraged and supported along with a number of activities promoted by the Borough Council to complement the broader programme of events to allow the communities of Test Valley to honour The Queen and her years of service.

Having considered the options and for the reasons set out in the report, Cabinet agreed the following:

#### **Recommended:**

- 1. That the proposed programme of events to celebrate Her Majesty's Platinum Jubilee as set out in section five of the report be approved.**
- 2. That £200,000 be added to the Capital Programme for two public art commissions to commemorate Her Majesty's Platinum Jubilee, to be funded from New Homes Bonus Reserve.**
- 3. That the application fee for a temporary road closure for public events be waived for those applications that demonstrate that their event is for the purposes of celebrating Her Majesty's Platinum Jubilee from 2 June 2022 through to 5 June 2022.**

### 7.2.2 Cabinet – 12 January 2022

#### 7.2.2.1 Council Tax Support Scheme 2022/23 (APPENDIX D)

Consideration was given to a report of the Finance and Resources Portfolio Holder which presented the Council Tax Support Scheme for 2022/23.

The Council was required to have a Council Tax Support scheme to assist residents with their liability to pay Council Tax. Given the ongoing Covid 19 pandemic and the financial uncertainty this brings to many families, no significant changes were proposed to

Test Valley Borough Council's Council Tax Support Scheme for the forthcoming 2022/23 financial year.

Having considered the options and for the reasons set out in the report, Cabinet agreed the following:

**Recommended:**

1. **That the Council Tax Support scheme for 2022/23, as shown in Annex 1 to the report, be approved.**
2. **That the Head of Finance and Revenues, in consultation with the Finance & Resources Portfolio Holder, be authorised to make any necessary changes to the Scheme that are required by the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2022 when they are confirmed by the Department for Levelling Up, Housing & Communities.**
3. **In the event that further temporary uplifts to Universal Credit are introduced, the Head of Finance and Revenues, in consultation with the Finance Portfolio Holder, be authorised to disregard the increase in income as part of a national response to the Covid-19 pandemic.**

7.2.2.2 Appointment of External Auditors (APPENDIX E)

Consideration was given to a report of the Finance and Resources Portfolio Holder which presented details of arrangements for the provision of external audit services.

The Council's current contract for external audit services was procured through a national exercise undertaken by Public Sector Audit Appointments Ltd and is due to expire at the end of the 2022/23 financial year.

It was recommended that the Council sign up to the national procurement exercise to appoint a new external auditor in order to provide certainty that the procurement requirements could be achieved within the statutory timescale and to deliver value for money to the Council over the contract period.

Having considered the options and for the reasons set out in the report, Cabinet agreed the following:

**Recommended:**

1. **That the Council opts in to the national scheme for external auditor appointments being administered by Public Sector Audit Appointments Ltd.**
2. **That the Head of Finance and Revenues be authorised to complete all matters necessary to implement a new auditor appointment at the conclusion of the PSAA procurement exercise.**

7.2.2.3 Capital Programme Update – addition of Andover BMX track floodlighting project (APPENDIX F)

Consideration was given to a report of the Community, Leisure and Tourism Portfolio Holder which set out details of an Andover BMX track floodlighting project that was proposed to be added to the Capital Programme.

The Andover BMX Club, with support from the Council, had been successful in raising £75,000 of external funding to deliver the scheme at the Charlton Leisure centre site.

The floodlighting of the track would increase the hours of use and the clubs ability to host midweek events and races with the potential to develop a BMX coaching hub for the southern region. Andover would be the only track outside of London and the midlands with floodlights. It was noted that the project would require planning permission which would be sought in the usual way.

Having considered the options and for the reasons set out in the report, Cabinet agreed the following

**Recommended:**

**The project described at paragraph 6.1 of the report is added to the Council's capital programme.**

7.2.3 Overview & Scrutiny Committee – 19 January 2022

Recommendations to follow (if any)

## Asset Management Plan Update

Report of the Finance and Resources Portfolio Holder

### Recommended:

1. That the revised 2021/22 and original 2022/23 Asset Management Plan, as shown in Annexes 1 and 2 to the report, be approved.
2. That the Head of Finance and Revenues, after consultation with the Finance & Resources Portfolio holder and Head of Service responsible for any project, be authorised to amend the Asset Management Plan during the year, as discussed in paragraph 7.3.

### Recommendation to Council

#### SUMMARY:

- The report provides an update on the approved 2021/22 Asset Management Plan (AMP) and recommends the projects to be included in the 2022/23 budget.
- It provides an update on the financing of AMP projects, including a forecast of the balance on the Asset Management Reserve at 31 March 2023.

## 1 Introduction

- 1.1 The Council's Asset Management Strategy details the approach to identifying the assets it is responsible for maintaining and the methods used in prioritising necessary works to ensure assets remain operationally effective.
- 1.2 Since the approval of the strategy, the Council's approach has been to review annually its asset management requirement for the forthcoming financial year and report on that as a part of the budget setting process.
- 1.3 This report provides an update on the current year's progress; explains reasons for variations from the approved plan and proposes an Asset Management Plan (AMP) for 2022/23.

## 2 Background

- 2.1 The Council's approach to Asset Management has developed with the experience gained since the approval of the Asset Management Strategy.
- 2.2 The Council is responsible for the ongoing maintenance and replacement of a wide range of operational assets with an estimated value of £107M. In order to make the AMP more manageable, it is split into three categories. The categories are:
  - Land and Buildings
  - Vehicles and Plant
  - IT infrastructure

- 2.3 Condition surveys are carried out on all land and buildings on a rolling five year cycle. The results of the surveys are used to allocate each building into a priority category for works to be undertaken. This, combined with a review of how long the Council expects to retain individual properties, informs the development of the land and buildings' element of the AMP.
- 2.4 All vehicles and plant are regularly serviced by the Council's internal vehicle workshop. The effectiveness of all vehicles is monitored as part of the servicing programme. Among other things, this includes identifying where vehicles' workloads are different to that expected which may alter the timing of their replacement and identifying vehicles with higher / lower than expected servicing costs. Service users also keep the number of vehicles / items of plant required to deliver services under regular review.
- 2.5 The IT Service has a register of all hardware and major software systems used by the Council with profiles of their expected useful lives. From this it is possible to plan when IT infrastructure will need to be replaced. For hardware this tends to be between once every three to five years whereas software packages tend to last longer.

### **3 Corporate Objectives and Priorities**

- 3.1 In order to deliver the key priorities identified in the Corporate Plan it is essential that the Council's underlying asset base is sufficiently maintained to be fit for purpose.
- 3.2 The Council has a significant land and property holding generating income that is a key part of the Council's revenue budget. Maintaining and improving this income stream will be a significant factor in the Council's financial strategy in the future and this has a clear link to the maintenance of the land and property assets themselves.

### **4 Consultations/Communications**

- 4.1 Relevant Heads of Service have been consulted with regard to the investment required to maintain those assets for which they are responsible.

### **5 2021/22 AMP update**

#### Land and Buildings

- 5.1 Expenditure to the end of October shows works to the value of £941,000 have been committed or completed against an original budget for the year of £2.389M.
- 5.2 There have been some changes to the budget requirement during the year as shown in Annex 1a:
- The cost of the stonework repairs to the Guildhall required an additional £27,000 and the boiler at London Road Sports Pavilion required an additional £28,000 over the original amounts estimated.

- Electrical works at Portway Depot with a budget of £20,000 have been removed and included within the budget for rewiring in 2022/23.
  - Replacement toilet flooring for Union House at £5,000 is no longer required as the condition is suitable for the life of the building and current tenant use.
  - The budget of £20,000 for a new screen and projector at The Lights is no longer required.
- 5.3 A number of projects totalling £263,000 have been put on hold. This includes projects at Beech Hurst totalling £223,000 which have been put on hold due to the agile working review, and projects at Crosfield Hall and The Lights due to the regeneration projects for Romsey and Andover.
- 5.4 A number of schemes have been delayed as a result of staff resources being directed to other priorities, and the budget is recommended to be carried forward. The total value of items to be carried forward is £199,000 and is shown in Annex 1a and cross referenced in Annex 2a.
- 5.5 Taking into account these adjustments, the AMP requirement for the year is now expected to be £499,000 less than originally estimated at £1.890M as shown in Annex 1a.
- 5.6 Maintenance and asset management linked to the Council's ownership of the Chantry Centre are not included in this report. Separate arrangements are in place for the centre to ensure tenants' service charges are accurately allocated.

#### Vehicles and Plant

- 5.7 The total requirement for 2021/22 was originally set at £1.499M against which actual spend and commitments at the end of October are £584,000.
- 5.8 There have been a few budget changes during the year. Five items marked with an asterisk (\*) are no longer required, but two new items marked with a double asterisk (\*\*) will be purchased instead. The balancing amount of £18,000 (marked with a triple asterisk (\*\*\*) will remain in the budget until the end of the financial year to cover any additional costs that may arise when the remaining items are tendered.
- 5.9 A breakdown of the costs related to the 2021/22 AMP which remains at £1.499M is shown in Annex 1b.

#### IT Infrastructure

- 5.10 Completed and committed expenditure for the year to October is £64,000 against an original estimate of £631,000.
- 5.11 There have been a number of changes to the budget for 2021/22. One item, Asset Explorer, an asset management tool, has been added at a cost of £13,000. Five items are to be taken out, either because they are no longer required, or because they are being deferred beyond 2022/23.

5.12 Five projects totalling £70,000 are requested to be carried forward until 2022/23.

5.13 Taking into account these changes, the requirement for 2021/22 is now estimated to be £361,000 and is shown in Annex 1c.

## **6 2022/23 AMP programme**

### Land and Buildings

6.1 The land and buildings' element of the AMP is managed across two Services; Property & Asset Management and Community & Leisure.

6.2 The recommended budget for works in 2022/23 is £1.451M (including £199,000 brought forward from 2021/22) and is recommended to be fully funded.

6.3 It is recommended that the works for the Playgrounds at a total cost of £316,000 be funded from the New Homes Bonus as these are projects that will benefit the community.

6.4 A summary of the items included in the AMP for 2022/23 is shown in Annex 2a.

### Vehicles and Plant

6.5 The recommended budget for the replacement of vehicles and plant in 2022/23 is £788,000.

6.6 A summary of the items included in the AMP for 2022/23 is shown in Annex 2b.

### IT Infrastructure

6.7 The IT AMP requirement for 2022/23 is £449,000 including the items brought forward from 2021/22. A breakdown of the costs is shown in Annex 2c.

6.8 In addition, a new telephony system is identified as a known project, but at this stage, there is no budget allocated against it. This will be reviewed and investigated during 2022/23 and a separate report brought forward in due course.

## **7 Options**

7.1 There are many possible ways of prioritising the individual assets that require maintenance and the extent to which work is carried out.

7.2 The amounts included in the annexes and recommended for inclusion in the AMP are based on the professional advice of officers from the Services concerned in the operation and management of the Council's assets.

- 7.3 If, during the year, it becomes apparent that items need to be added to the AMP as a result of unexpected deterioration of an asset or for operational expediency it is recommended that the Head of Finance and Revenues, after consultation with the Finance & Resources Portfolio Holder and the Head of Service responsible for the item, be authorised to procure such works as are necessary from the AMP reserve (see paragraph 9.4) to the extent that the reserve has funds available. It may also be the case that there are good reasons for approved projects to be temporarily deferred and Heads of Service should also have the capacity to postpone items where they consider it appropriate. Any such approvals will be agreed with the Finance & Resources Portfolio Holder and reported to Cabinet as part of the following AMP update.

## **8 Risk Management**

- 8.1 A risk assessment has been completed in accordance with the Council's Risk management process and has identified the following significant (Red or Amber) residual risks that cannot be fully minimised by existing or planned controls or additional procedures.
- 8.2 There is a risk that the projects included in the AMP will not be delivered as scheduled leading to assets falling into disrepair. This will be monitored by regular progress reviews of the AMP by responsible officers and update reports to Cabinet.
- 8.3 There is a risk that there will be insufficient funds available to meet AMP requirements. The current level of the AMP reserve is just sufficient to fund the programme included in this report; however, there continues to be the need to seek sustainable funding for the AMP.
- 8.4 There is a risk of claims resulting from loss or injury caused by / contributed to as a result of poorly maintained Council owned property. This will be monitored by regular progress reviews of the AMP by responsible officers and update reports to Cabinet.

## **9 Resource Implications**

- 9.1 The projected costs of the AMP in 2021/22 and 2022/23 are discussed in sections five and six above and are shown in more detail in annexes 1 and 2. These costs will be met in the majority from a specific reserve created to fund asset management costs.

### Financing the AMP

- 9.2 It is not practical to build a base budget for AMP costs against individual services due to the highly changeable requirement from year to year. The Council's approach to funding the AMP is to hold an earmarked reserve that is allocated each year to budgets where expenditure is to be incurred.

9.3 The AMP is funded as follows:

- An annual contribution from the revenue budget. This contribution is currently £1.6M per annum. This includes a contribution of £100,000 for vehicle maintenance costs which is recommended to be transferred back into the Environmental Service revenue budget in 2022/23, thereby reducing the annual contribution to £1.5M.
- Where the Council has a revenue variance at the end of the year an element of this can be used to top-up the reserve. However, this option cannot be relied upon as a sustainable source of funding.
- An additional contribution to the AMP reserve might be recommended where there is additional pressure on the reserve. The contribution agreed for 2022/23 per the Medium Term Financial Strategy includes an additional £306,000.

9.4 At 31 March 2021 the Council's AMP reserve balance stood at £3.222M. The forecast movement in the reserve up to 31 March 2023 is shown in the table below.

	£'000
<b>Asset Management Reserves at 31 March 2021</b>	<b>3,222</b>
Transfer from revenue budget – 2021/22	1,600
Transfer from revenue budget – 2022/23	1,500
Additional contribution to reserve from revenue budget in respect of the financial management system upgrade	52
Additional transfer from revenue budget as per the Medium Term Financial Strategy – 2022/23	306
Contribution from New Homes Bonus re playgrounds	366
Plug-in grants re purchase of electric vehicles	10
Sale of vehicles replaced as part of 2021/22 AMP	38
Land and Buildings Requirement 2021/22 – Annex 1a	(1,890)
Vehicle and Plant Requirement 2021/22 – Annex 1b	(1,499)
IT Infrastructure Requirement 2021/22 – Annex 1c	(361)
Land and Buildings Requirement 2022/23 – Annex 2a	(1,451)
Vehicle and Plant Requirement 2022/23 – Annex 2b	(788)
IT Infrastructure Requirement 2022/23 – Annex 2c	(449)
<b>Forecast Asset Management Reserves at 31 March 2023.</b>	<b>656</b>

- 9.5 The proposed AMP items comprise both revenue and capital expenditure. Expenditure is classified as capital when the total cost is over £10,000 and it is for the purchase of a new asset, materially lengthens the useful life of an existing asset or adds value to the asset being modified. All other expenditure on the routine maintenance and repair of assets will be treated as revenue expenditure. Once approved, the costs of the AMP will be kept in the Asset Management Reserve and drawn down as and when required.

## 10 Legal Implications

- 10.1 Those tenants occupying Council owned properties for which the Council is responsible for maintenance could, in the event of their property falling into disrepair, take action against the Council as their landlord. This is covered in the risk assessment (paragraph 8.4).

## 11 Climate Change Implications

- 11.1 The Council has set up a number of Climate Change Work Streams in response to the Council Motion on 4 September 2019, “That the Council declares a ‘Climate Emergency’ and commits to investigating clear and effective options to become a carbon-neutral organisation.”

Three of these Work Streams are relevant to the Asset Management Plan:

- a) Premises and Asset Management – to review the management of the Council’s premises and assets to identify areas where we can reduce energy demand, improve energy efficiency and convert to renewable, low or zero carbon technologies for energy and heat needs;
  - b) Transport, Fleet and Plant – to bring forward measures to improve the fuel efficiency and move towards lower emission fuel sources;
  - c) Digital and smart working – to investigate how the Council can make best use of available technology and how this could help change the way the Council does business.
- 11.2 The Property & Asset Management Service do and will continue to explore all options when upgrading or replacing property assets. Part of this exploration will always include a review of alternative technologies and solutions.
- 11.3 A regular assessment of alternative technologies is always undertaken in relation to the procurement of replacement vehicles and plant. The Environmental Service has deployed a number of electric vans in recent years and will continue to do so where appropriate. Other technologies are emerging, particularly around grounds maintenance functions, where electrically powered plant and hand held equipment is gradually coming onto the market. For larger vehicles the alternative technology available is a mixed and evolving picture. For waste collection vehicles there is now the option to consider the deployment of electrically powered alternatives onto the fleet but the cost of doing so is currently prohibitive with the electric version costing more than twice that of a traditionally diesel powered version. The situation will be kept under continual review where it is anticipated that prices will reduce over time and it is important to note that all new vehicles meet the required low emissions standards at the time of purchase.

**12 Equality Issues**

- 12.1 An EQIA screening has 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.

**13 Other Issues**

- 13.1 There are no other issues.

**14 Conclusion and reasons for recommendation**

- 14.1 All Council land, vehicle and IT assets have been reviewed to ensure that those included on the draft programme are the most appropriate at this time.
- 14.2 For this reason it is recommended that the items shown in Annex 1 are included in the revised AMP for 2021/22 and the items shown in Annex 2 are included in the AMP for 2022/23.
- 14.3 Asset management needs to have flexibility due to the difficulty of knowing exactly when an item will need repair or replacement. In order to ensure that operational efficiency is not impaired it is recommended that controlled safeguards are built in to the financing of the AMP to ensure that unforeseen works can be undertaken without undue delay.

<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 and Resources) Councillor M Flood			
Officer:	Jenni Carter	Ext:	8236
Report to:	Cabinet	Date:	8 December 2021

**LAND & BUILDINGS**  
**ASSET MANAGEMENT REQUIREMENT 2021/22**

<u>Property Name</u>	<u>2021/22 Budget</u> £	<u>Budget changes</u> £	<u>Actual spend to date</u> £	<u>On hold</u> £	<u>Carry forward to 2022/23</u> £	<u>Budget remaining</u> £
<u>Property &amp; Asset Management</u>						
18 Market Place	36,259				(36,259)	0
Abbotswood Sports Pavilion	7,000		2,620			4,380
Andover Bus Station	9,000		1,238			7,762
Beech Hurst	298,298		37,153	(223,423)		37,722
Bourne House	3,000					3,000
Broadwater Road Public Convenience	1,500	(1,300)				200
Bus Shelters	10,000		5,075			4,925
Charlton Cemetery Mess Room	1,000	(825)				175
Charlton Sports Centre	30,000					30,000
Churchill Bungalow	20,000		7,736			12,264
Crosfield Hall	10,000			(10,000)		0
Guildhall	218,471	27,000	241,689			3,782
The Lights	30,000			(30,000)		0
London Road Sports Pavilion	51,000	27,730	78,449			281
Portway Depot	224,237	(20,000)	5,851			198,386
St Mary's Churchyard	38,983					38,983
Stockbridge Public Conveniences	1,000	(870)				130
Union House	5,000	(5,000)				0
Various car parks	5,000		5,643			(643)
Various - Management Information System	5,000	(5,000)				0
Various - site surveys	47,124	(38,250)	8,874			0
Various sites - EPC outcome works	150,000				(150,000)	0
Walworth Enterprise Centre	64,826		33,617		(12,500)	18,709
<b>Total Property &amp; Asset Management</b>	<b>1,266,698</b>	<b>(16,515)</b>	<b>427,945</b>	<b>(263,423)</b>	<b>(198,759)</b>	<b>360,056</b>
<u>Community &amp; Leisure</u>						
Cemeteries / Memorials	15,608					15,608
Green Spaces	640,597		141,414			499,183
The Lights	32,114	(20,000)	4,859			7,255
Playgrounds	50,000		49,640			360
Sports Facilities	384,194		316,805			67,389
<b>Total Community &amp; Leisure</b>	<b>1,122,513</b>	<b>(20,000)</b>	<b>512,718</b>	<b>0</b>	<b>0</b>	<b>589,795</b>
<b>Total Land &amp; Buildings Requirement for 2021/22</b>	<b>2,389,211</b>	<b>(36,515)</b>	<b>940,663</b>	<b>(263,423)</b>	<b>(198,759)</b>	<b>949,851</b>
<u>Reserve list - Scheduling to be agreed:</u>						
<u>Property &amp; Asset Management</u>						
Beech Hurst	15,000					15,000
Former Magistrates Court, Romsey	35,000					35,000
Picket Twenty Sports Pavilion	10,000					10,000
Various sites - condition survey outcomes	150,000					150,000
<b>Total Property &amp; Asset Management Reserve List</b>	<b>210,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>210,000</b>

**VEHICLES & PLANT - ASSET MANAGEMENT REQUIREMENT 2021/22**

<u>Unit</u>	<u>Type of Asset</u>	<u>2021/22 Budget</u>	<u>Budget changes</u>	<u>Actual spend to date</u>	<u>On order but not yet received</u>	<u>Carry forward to 2022/23</u>	<u>Budget remaining</u>
		£	£	£	£	£	£
Grounds Maintenance	Van	22,000					22,000
Grounds Maintenance	Cultivator/chain harrow	3,000					3,000
Grounds Maintenance	Roller	2,000					2,000
Grounds Maintenance	Trailer	* 1,200	(1,200)				0
Grounds Maintenance	Tractor	95,000					95,000
Grounds Maintenance	Cylinder mower	3,700					3,700
Grounds Maintenance	Chain harrow	2,500					2,500
Grounds Maintenance	Trailer	3,000					3,000
Grounds Maintenance	Cylinder mower	20,000					20,000
Waste Collection	Refuse vehicle	180,000					180,000
Charlton Cemetery Mess Ro	Refuse vehicle	180,000					180,000
Waste Collection	Refuse vehicle	180,000					180,000
Grounds Maintenance	Specialist equipment	* 2,500	(2,500)				0
Grounds Maintenance	Flail mower	* 16,000	(16,000)				0
Grounds Maintenance	Flail mower	* 16,000	(16,000)				0
Vehicle Workshop	Charging stations x 2	**	14,000				14,000
Balancing amounts		***	16,318				16,318
Vehicle Workshop	Depot Equipment	35,000					35,000
Grounds Maintenance	Trailer	* 4,000	(4,000)				0
Grounds Maintenance	Cut & collect unit	**	7,700				7,700
Grounds Maintenance	Rotary mower	25,000					25,000
Grounds Maintenance	Rotary mower	25,000					25,000
Grounds Maintenance	Flail mower	25,000					25,000
Vehicle Workshop	Vehicle Maintenance	100,000		25,000			75,000
Grounds Maintenance	Rotary Mower	18,100		18,100			0
Grounds Maintenance	Rotary Mower	18,100		18,100			0
Grounds Maintenance	Rotary Mower	18,100		18,100			0
Grounds Maintenance	Rotary Mower	23,750		23,750			0
Street Cleansing	Tipper	39,250			39,250		0
Street Cleansing	Tipper	39,250			39,250		0
Street Cleansing	Tipper	39,250			39,250		0
Waste Collection	Tipper	50,936			50,936		0
Waste Collection	Tipper	50,936			50,936		0
Grounds Maintenance	Trailer	1,383		1,383			0
Grounds Maintenance	Trailer	3,675		3,675			0
Grounds Maintenance	Trailer	3,675		3,675			0
Grounds Maintenance	Van	21,266	811	22,077			0
Grounds Maintenance	Van	21,266	811	22,077			0
Street Cleansing	Tipper	31,632	10	31,642			0
Street Cleansing	Tipper	31,632	10	31,642			0
Street Cleansing	Tipper	31,632	10	31,642			0
Street Cleansing	Tipper	31,632	10	31,642			0
Street Cleansing	Tipper	31,632	10	31,642			0
Street Cleansing	Tipper	31,632	10	31,642			0
Vehicle Workshop	Fleet Management System	19,000		19,000			0
<b>Total Vehicles &amp; Plant Requirement 2021/22</b>		<b>1,498,630</b>	<b>0</b>	<b>364,789</b>	<b>219,622</b>	<b>0</b>	<b>914,219</b>

**VEHICLES & PLANT - ASSET MANAGEMENT REQUIREMENT 2021/22**

<u>Unit</u>	<u>Type of Asset</u>	<u>2021/22 Budget</u>	<u>Budget changes</u>	<u>Actual spend to date</u>	<u>On order but not yet received</u>	<u>Carry forward to 2022/23</u>	<u>Budget remaining</u>
		£	£	£	£	£	£

**Reserve list - Scheduling to be agreed:**

Grounds Maintenance	Tractor	65,000					65,000
Grounds Maintenance	Tractor	65,000					65,000
<b>Total Vehicles &amp; Plant Reserve List</b>		<b>130,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>130,000</b>

**IT INFRASTRUCTURE - ASSET MANAGEMENT REQUIREMENT 2021/22**

<u>Description</u>	<u>2021/22</u> <u>Budget</u>	<u>Budget</u> <u>changes</u>	<u>Actual</u> <u>spend to</u> <u>date</u>	<u>Carry forward</u> <u>to 2022/23</u>	<u>Budget</u> <u>Remaining</u>
	£	£	£	£	£
Desktop Refresh	111,019		56,510		54,509
Servers - 3 VM Hosts	79,200				79,200
Network Refresh	65,911		2,493		63,418
Citrix upgrade	5,000				5,000
IDOX upgrade	10,000		1,900		8,100
Asset Explorer	0	13,121			13,121
CCTV	16,500			(16,500)	0
Info @ work	17,000	(400)		(16,600)	0
Apps - other migrations	31,000	(16,000)		(15,000)	0
Remote working investments	15,000				15,000
Charlton Cemetery Mess Room	130,000	(130,000)			0
ArcServe Backup	5,000				5,000
Ipads (Members & HoS)	25,000	(25,000)			0
Meeting Room Comms Equipment	10,000		3,091	(6,909)	0
Richmond upgrade	2,500				2,500
Door system	57,000	(42,000)		(15,000)	0
Financial Management System upgrade	51,000				51,000
<b>Total IT Infrastructure requirement 2021/22</b>	<b>631,130</b>	<b>(200,279)</b>	<b>63,994</b>	<b>(70,009)</b>	<b>296,848</b>

**LAND & BUILDINGS**  
**ASSET MANAGEMENT REQUIREMENT 2022/23**

**ANNEX 2a**

<u>Property Name</u>	<u>Estimated cost</u> £	<u>Brought forward from 2021/22</u> £	<u>2022/23 Budget</u> £
<u>Property &amp; Asset Management</u>			
18 Market Place		36,259	36,259
Abbottswood Sports Pavilion	5,000		5,000
Beech Hurst	35,000		35,000
Bus Shelters	10,000		10,000
FMC	200,000		200,000
Italianate Chapel, Romsey	50,000		50,000
Portway Depot	100,000		100,000
Charlton Cemetery Mess Room	10,000		10,000
Various car parks	5,000		5,000
Various sites - EPC outcome works	0	150,000	150,000
Walworth Enterprise Centre		12,500	12,500
<b>Total Property &amp; Asset Management</b>	<b>415,000</b>	<b>198,759</b>	<b>613,759</b>
<u>Community &amp; Leisure</u>			
Green Spaces	404,500		404,500
The Lights	30,000		30,000
Playgrounds	316,000		316,000
Sports Facilities	86,500		86,500
<b>Total Community &amp; Leisure</b>	<b>837,000</b>	<b>0</b>	<b>837,000</b>
<b>Total Land &amp; Buildings Requirement for 2022/23</b>	<b>1,252,000</b>	<b>198,759</b>	<b>1,450,759</b>

**VEHICLES & PLANT - ASSET MANAGEMENT REQUIREMENT 2022/23**

<u>Unit</u>	<u>Type of Asset</u>	<u>Estimated cost</u>	<u>Brought forward from 2021/22</u>	<u>2022/23 Budget</u>
		£	£	£
Grounds Maintenance	Cylinder mower	4,500		4,500
Grounds Maintenance	Rotary mower	4,500		4,500
Grounds Maintenance	Rotary mower	5,000		5,000
Grounds Maintenance	Cylinder mower	5,000		5,000
Vehicle Workshop	Depot equipment	5,003		5,003
Vehicle Workshop	Depot equipment	5,500		5,500
Street Cleansing	Washers / cleaners	5,800		5,800
Grounds Maintenance	Flail mower	6,500		6,500
Vehicle Workshop	Depot equipment	7,000		7,000
Street Cleansing	Gritter	10,000		10,000
Charlton Cemetery Mess Ro	Gritter	10,000		10,000
Building maintenance	Van	25,000		25,000
Street Cleansing	Sweeper	15,000		15,000
Street Cleansing	Sweeper	15,000		15,000
Street Cleansing	Sweeper	15,000		15,000
Waste Collection	Van	22,000		22,000
Street Cleansing	Van	22,000		22,000
Vehicle Workshop	Van	22,000		22,000
Grounds Maintenance	Washers / cleaners	25,000		25,000
Car Parks	Van	22,000		22,000
Car Parks	Van	22,000		22,000
Street Cleansing	Van	18,000		18,000
Street Cleansing	Van	18,000		18,000
Street Cleansing	Van	18,000		18,000
Street Cleansing	Van	18,000		18,000
Grounds Maintenance	Van	19,000		19,000
Grounds Maintenance	Van	19,000		19,000
Parks & Open Spaces	Van	19,000		19,000
Vehicle Workshop	Depot equipment	25,000		25,000
Waste Collection	Refuse vehicle	180,000		180,000
Waste Collection	Refuse vehicle	180,000		180,000
<b>Total Vehicles &amp; Plant Requirement 2022/23</b>		<b>787,803</b>	<b>0</b>	<b>787,803</b>

**IT INFRASTRUCTURE - ASSET MANAGEMENT REQUIREMENT 2022/23**

<u>Description</u>	<u>Estimated cost</u>	<u>Brought forward from 2021/22</u>	<u>2022/23 Budget</u>
	£	£	£
Desktop Refresh	101,400		101,400
Network (WiFi, LAN) refresh	50,000		50,000
UPS Upgrade/replacement	20,000		20,000
ArcServe Backup/replacement	48,000		48,000
Richmond service desk exploration	2,500		2,500
Meeting Rooms Hybrid set up	20,000	6,909	26,909
EFIN server upgrade/replacement	10,000		10,000
Exchange / 2012 upgrade	5,000		5,000
Citrix / 2012 upgrade	15,000		15,000
Website upgrade - Redesign/accessibility	60,000		60,000
Charlton Cemetery Mess Room	10,000		10,000
Iken upgrade - Legal	6,000		6,000
Public Access upgrade	4,000		4,000
Info@work upgrade	0	16,600	16,600
Room booking upgrade	2,000		2,000
Mod.gov upgrade	7,000		7,000
CCTV	0	16,500	16,500
Door system	0	15,000	15,000
Idox upgrade	10,000		10,000
SharePointOnline exploration	5,000		5,000
Apps - other migrations	0	15,000	15,000
Capita system updates/change requests	3,000		3,000
<b>Total IT Infrastructure requirement 2022/23</b>	<b>378,900</b>	<b>70,009</b>	<b>448,909</b>

Known projects without budget allocation

New telephony system

## Capital Programme Update 2021/22 to 2023/24

Report of the Finance and Resources Portfolio Holder

### Recommended:

1. That the new capital schemes with a total cost of £1,100,000 as shown in Annex 2 to the report, be added to the 2021/22 to 2023/24 Capital Programme.
2. That the revised estimates and financing for the 2021/22 to 2023/24 Capital Programme as shown in Annex 1 to the report, be approved.

### Recommendation to Council

#### SUMMARY:

- This report provides an update on the progress of the existing 2021/22 Capital Programme and includes forecast changes to its timescale and total cost.
- It also puts forward proposals for new capital schemes recommended to be added to the Capital Programme over the period 2021/22 to 2023/4.
- The total cost of new projects recommended for inclusion in the Capital Programme is £1.10M. After taking into account external funding, the net cost of these bids is £100,000.
- The net cost of the capital bids is recommended to be funded from the Capital Receipts Reserve.

## 1 Introduction

- 1.1 The progress of the Capital Programme is reported to Councillors each year, usually in May, November and February.
- 1.2 The last update was presented on 23 June 2021 and gave details of the overall expenditure and financing of the Capital Programme for 2020/21 to 2022/23.
- 1.3 This report provides an update on the Capital Programme approved at that meeting, together with proposals for new projects to be added to the programme. It also examines how the costs of the proposed new programme will be financed.

## 2 New Capital Bids

- 2.1 All Services were invited to submit bids for new projects to be added to the Capital Programme. The summary shown in Annex 2 shows that only a small number of bids were received. These all relate to the continuation of existing grant and loan schemes.

**Report to Cabinet – 8 December 2021****APPENDIX B**

2.2 All new capital schemes are considered with regard to their relative merits in continuing the Council's priorities, legislative requirements, sustainability and a number of other factors including the level of financing available.

2.3 All projects that were submitted are recommended to be included in the Capital Programme.

**3 Proposed Capital Programme 2021/22 to 2023/4**

3.1 The 2021/22 to 2022/23 Capital Programme approved in June (2020/21 outturn) had a total cost of £38.51M. There have been some changes since that time and these are summarised below.

	<b>£'000</b>
<b>Approved Budget for 2020/21 to 2021/22</b>	<b>38,512.6</b>
Changes to Asset Management Plan Requirement	1,317.9
Community Asset Fund	(0.5)
Andover War Memorial	8.0
Leisure Contract	(865.3)
Approved CIL projects	1202.8
Charlton Leisure Centre Car Park upgrade	(8.0)
Wheelchair swing	25.7
Pocket Park, Town Mill Access & Environmental Enhancement	1.5
Generator - Business Continuity	(40.0)
Property Purchase	(175.0)
Project Enterprise – Schemes to be identified to 2022/23	3,000.0
Discretionary Grants/Loans	500.0
Renovations & Minor Works Grants	(70.0)
<b>Sub-total – movements in the existing Capital Programme</b>	<b>43,409.7</b>
Cost of new bids for inclusion in programme. See Annex 1	1,100.0
<b>Updated Estimate for 2021/22 to 2023/24</b>	<b>44,509.7</b>

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- 3.2 An Asset Management Plan (AMP) update report is also on the agenda for this meeting. That report provides an update on the current year's programme and recommended projects for 2022/23. The capital element of the report's recommendations is built in to the figures above.

Community & Leisure Projects

- 3.3 Community Asset Fund – there is a time limit on applications for funds and periodically grants are written off as they have exceeded the time limit - this year to date £500 has been written off.
- 3.4 Andover War Memorial – the delay in obtaining faculty permission from Winchester has resulted in an increase of the cost of materials and contract costs from Scottish and Southern Electricity of £8,000. The additional cost will be funded by a saving to be found in the Charlton Leisure Centre Car Park upgrade project.
- 3.5 Andover Leisure Centre – the remaining potential capital expenditure on this project has been reduced following a review of the maximum potential amounts that remain outstanding in the contract. The main reason for the reduction is that items for which capital provision was made at the time the project was approved, have been reclassified as revenue expenditure and will not, therefore, be shown in the capital programme. The overall combined revenue and capital cost will remain within the approved budget level.
- 3.6 CIL projects – six projects have been added that were approved by Cabinet on the 18 August 2021 (minute 140). These are funded by the Community Infrastructure Levy.
- 3.7 A wheel chair swing was installed at Picket Twenty being fully funded by a contribution from Persimmon Homes. Following a query by a resident regarding the inclusiveness of the play offering on the development, the resident subsequently contacted the developer about the provision at the play area. The developer agreed to fund a wheelchair swing which was installed by Test Valley Borough Council.

Property & Asset Management Service

- 3.8 Pocket Park/Town Mills Enhancement – this project is being managed by Hampshire County Council (HCC) with contributions from Test Valley Borough Council's New Homes Bonus reserve and S106 contributions. TVBC also applied for and received £513,000 of Local Enterprise Funding. The small over spend showing in the capital programme is relevant to ancillary expenditure for legal costs and permissions.
- 3.9 Generator, Business Continuity – following a review of the original business case for purchasing a generator, it is now recommended that it would be more economical to pay a retainer for the use of a generator, if required, and as such it has been removed from the Capital programme.

**Report to Cabinet – 8 December 2021**

**APPENDIX B**

- 3.10 Property purchase - following negotiations for the purchase of a property in Andover that had fallen into disrepair, the vendor decided to sell privately. Therefore this project has been removed from the programme.

HEH

- 3.11 There have been fewer applications for Renovations and Minor Works Grants than anticipated, therefore, this budget has been reduced by £70,000 to £30,000. An additional sum of £100,000 has been added to the programme for discretionary grants and loans for the current year. These are funded by the Better Care Fund which was agreed in a report to Cabinet on 26 May 2021(minute 16.2).

Slippage in the Existing Capital Programme

- 3.12 Picket Twenty pavilion/pitch changes - a wider range of sites are currently being appraised following the adoption of the Sports and Recreation Strategy, so this project will slip into the next financial year.
- 3.13 Picket Twenty Phase 4 – the first of these projects has been completed and the remaining work is currently at the planning stage so is likely to slip into 2022/23.
- 3.14 Four public art projects have been affected by Covid resulting in a total slippage of £53,500 to 2022/23.
- 3.15 Property Investment – the first stage of this project is nearing start on site but the majority of expenditure is likely to slip into the next financial year.

**4 New Capital Projects**

- 4.1 The total cost of new bids recommended to be added to the Capital Programme is £1.1M. After taking into account external funding the net cost of bids for consideration is £100,000.
- 4.2 Annex 1 shows a summary of capital projects by Service. The projects recommended to be added to the Capital Programme are included in this.
- 4.3 Annex 2 shows a summary of all new capital projects together with an explanation of the project and its key deliverables.

**5 Financing the Capital Programme**

- 5.1 It is recommended that the new capital projects are financed from Government grants and the Capital Receipts Reserve.

Resource Implications

- 5.2 The level of capital spending is entirely dependent on the resources that are available to finance the programme. The ability to add new schemes to the programme is influenced by forecasts of future resources. However, once a scheme is in the programme it is assumed that it will be completed and financed irrespective of whether or not resource forecasts are entirely accurate.

**Report to Cabinet – 8 December 2021****APPENDIX B**

- 5.3 The maximum use of grants and contributions from external bodies and other internal reserves has been taken into account in the proposed financing of the Capital Programme.
- 5.4 The level of capital resources as at outturn for the capital programme is compared to those for the current programme in the following table:-

	<b>Outturn 2020/21</b>	<b>November 2021</b>
<b>Capital Programme</b>	<b>£'000</b>	<b>£'000</b>
Balance Capital Receipts Reserve (CRR) as at 1 April 2021	10,817.1	10,817.1
Total Capital Expenditure 2021/22 – 2023/24	(19,710.6)	(25,707.7)
Total Capital Financing 2021/22 – 2023/24	17,846.8	23,030.5
<b>Capital Receipts Reserve Forecast as at 31 March 2024</b>	<b>8,953.3</b>	<b>8,139.9</b>

- 5.5 The table shows that the forecast Capital Receipts Reserve is expected to reduce from a balance of £10.8M to £8.1M over the life of the existing programme.

**6 Revenue consequences of the Capital Programme**

- 6.1 The ongoing revenue impact of the capital projects will be built into Service estimates for 2022/23 and will be included in the next budget update in January 2022.

**7 Corporate Objectives and Priorities**

- 7.1 The capital programme enables capital investment to support the Council's priorities and to maintain its assets so that services may continue uninterrupted in the future.

**8 Risk Analysis**

- 8.1 The schemes laid out in the proposed capital programme for the coming years are reliant on future capital receipts – the timing and extent of which are by no means certain. This risk is mitigated by cautious valuations of receipt values and through cash flow management to ensure schemes are not delayed for financial reasons.
- 8.2 Each individual project will have specific risks attached to it. These will be identified by the responsible officer at the start of each project.
- 8.3 The Capital Programme presented for approval takes into account all known future capital receipts.

**Report to Cabinet – 8 December 2021**

**APPENDIX B**

**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 or negative impact has been identified, therefore a full EQIA has not been carried out.

**10 Consultations**

10.1 Heads of Service and project managers were consulted in the update of the 2021/22 to 2023/24 Capital Programme.

**11 Conclusion and reasons for recommendation**

11.1 This report identifies new capital bids with a total cost of £1.10M (net cost of £100,000 allowing for funding from external sources). These bids will help to deliver the Council's key priorities and are recommended to be added to the Capital Programme.

The report also provides an update on the existing approved Capital Programme.

<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 and Resources) Councillor M Flood			
Officer:	Laura Berntsen	Ext:	8204
Report to:	Cabinet	Date:	8 December 2021

**CAPITAL PROGRAMME AND FINANCING****Approved Projects**

	Outturn			November 2021			
	2021/22 £'000	2022/23 £'000	Total £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £'000
<b>CAPITAL EXPENDITURE</b>							
Asset Management Projects	2,533.1	0.0	2,533.1	2,070.5	1,780.5	0.0	3,851.0
Community & Leisure	4,172.0	202.5	4,374.5	3,253.9	1,733.3	0.0	4,987.2
Property & Asset Management	2,444.0	0.0	2,444.0	2,230.5	0.0	0.0	2,230.5
Project Enterprise	20,151.0	4,000.0	24,151.0	6,349.0	17,802.0	0.0	24,151.0
Housing & Environmental Health	950.0	0.0	950.0	980.0	1,250.0	0.0	2,230.0
Affordable Housing	810.0	0.0	810.0	810.0	0.0	0.0	810.0
<b>Total</b>	<b>31,060.1</b>	<b>4,202.5</b>	<b>35,262.6</b>	<b>15,693.9</b>	<b>22,565.8</b>	<b>0.0</b>	<b>38,259.7</b>
<b>CAPITAL FINANCING</b>							
Capital Grants	850.0	0.0	850.0	950.0	1,150.0	0.0	2,100.0
Capital Receipts	6,042.0	1,156.0	7,198.0	6,483.7	1,156.0	50.0	7,689.7
Internal Borrowing	14,802.0	4,000.0	18,802.0	1,000.0	17,802.0	0.0	18,802.0
Capital Contributions	8,231.5	1,317.3	9,548.8	7,515.4	4,628.6	846.8	12,990.8
<b>Total</b>	<b>29,925.5</b>	<b>6,473.3</b>	<b>36,398.8</b>	<b>15,949.1</b>	<b>24,736.6</b>	<b>896.8</b>	<b>41,582.5</b>
Contribution (to) / from balances	1,134.6	(2,270.8)	(1,136.2)	(255.2)	(2,170.8)	(896.8)	(3,322.8)
<b>Total Financing</b>	<b>31,060.1</b>	<b>4,202.5</b>	<b>35,262.6</b>	<b>15,693.9</b>	<b>22,565.8</b>	<b>0.0</b>	<b>38,259.7</b>

**CAPITAL PROGRAMME AND FINANCING**

**Schemes yet to be identified**

	Outturn				November 2021			
	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £'000
<b>CAPITAL EXPENDITURE</b>								
Community & Leisure	250.0			250.0		250.0		250.0
Project Enterprise	3,000.0		0.0	3,000.0	3,000.0	3,000.0	0.0	6,000.0
<b>Total</b>	<b>3,250.0</b>	<b>0.0</b>	<b>0.0</b>	<b>3,250.0</b>	<b>3,000.0</b>	<b>3,250.0</b>	<b>0.0</b>	<b>6,250.0</b>
<b>CAPITAL FINANCING</b>								
Capital Contributions	250.0			250.0		250.0	0.0	250.0
<b>Total</b>	<b>250.0</b>	<b>0.0</b>	<b>0.0</b>	<b>250.0</b>	<b>0.0</b>	<b>250.0</b>	<b>0.0</b>	<b>250.0</b>
Contribution (to) / from balances	3,000.0			3,000.0	3,000.0	3,000.0		6,000.0
<b>Total Financing</b>	<b>3,250.0</b>	<b>0.0</b>	<b>0.0</b>	<b>3,250.0</b>	<b>3,000.0</b>	<b>3,250.0</b>	<b>0.0</b>	<b>6,250.0</b>

**ASSET MANAGEMENT PROJECTS**  
**CAPITAL PROGRAMME**

Ref	Scheme	Outturn				November 2021			
		2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £000
1	Land and Property Projects	808.1			808.1	541.6	775.0		1,316.6
2	Vehicle and Plant Projects	1,368.0			1,368.0	1,355.7	739.0		2,094.7
3	IT Equipment Projects	357.0			357.0	173.2	266.5		439.7
<b>Total AMP Capital Programme</b>		<b>2,533.1</b>	<b>0.0</b>	<b>0.0</b>	<b>2,533.1</b>	<b>2,070.5</b>	<b>1,780.5</b>	<b>0.0</b>	<b>3,851.0</b>

**COMMUNITY & LEISURE  
CAPITAL PROGRAMME**

Ref	Scheme	Outturn				November 2021			
		2021/22	2022/23	2023/24	Total	2021/22	2022/23	2023/24	Total
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£000
1	Community Asset Fund - New projects 2021/22				0.0	250.0			250.0
1A	Community Asset Fund - O/s projects	145.5			145.5	145.0			145.0
2	Andover War Memorial	30.0			30.0	38.0			38.0
3	East Anton Public Art	2.5			2.5		2.5		2.5
4	Leisure Contract	1,565.3			1,565.3	700.0			700.0
5	Fishlake Meadows	88.8			88.8	88.8			88.8
6	Ganger Farm - Sports & Recreation	128.0			128.0	128.0			128.0
7	Ganger Farm - Sports & Recreation enhancement	103.9			103.9	103.9			103.9
8	Boundary fencing & hedging - land purchase	2.5	2.5		5.0	2.5	2.5		5.0
9	Picket Twenty - Pavilion/pitch changes	1,400.0			1,400.0		1,400.0		1,400.0
10	Picket Twenty - Phase 4 play area	146.3			146.3	69.0	77.3		146.3
11	SANG - Sherfield English	30.0			30.0	30.0			30.0
12	Ampfield Recreation Ground	1.8			1.8	1.8			1.8
13	Plaza Theatre Stage House Rebuild		200.0		200.0		200.0		200.0
14	Valley Park Community Centre	3.9			3.9	3.9			3.9
15	Stockbridge Travel to School	95.0			95.0	95.0			95.0
16	King Johns House and Signage	36.5			36.5	36.5			36.5
17	Trojan Sports Club					350.0			350.0
18	Monxton Village Hall					345.0			345.0
19	Broughton Sports Pavilion					200.0			200.0
20	Abbots Ann Clubhouse					250.0			250.0
21	N. Baddesley Fitness Equipment					40.0			40.0
22	Kings Somborne Traffic Calming					17.8			17.8
23	Charlton Leisure Centre Car Park upgrade	200.0			200.0	192.0			192.0
24	Abbotswood Public Art	46.0			46.0	46.0			46.0
25	Picket Piece Public Art	27.0			27.0	25.0	2.0		27.0
26	Picket Twenty Public Art	69.0			69.0	60.0	9.0		69.0
27	Public Art Andover Town Centre	50.0			50.0	10.0	40.0		50.0
28	Wheelchair Swing Picket 20					25.7			25.7
<b>Total Approved Projects</b>		<b>4,172.0</b>	<b>202.5</b>	<b>0.0</b>	<b>4,374.5</b>	<b>3,253.9</b>	<b>1,733.3</b>	<b>0.0</b>	<b>4,987.2</b>
Community Asset Fund Projects - yet to be identified		250.0			250.0		250.0		250.0
<b>Total C&amp;L Capital Programme</b>		<b>4,422.0</b>	<b>202.5</b>	<b>0.0</b>	<b>4,624.5</b>	<b>3,253.9</b>	<b>1,983.3</b>	<b>0.0</b>	<b>5,237.2</b>

**PROPERTY AND ASSET MANAGEMENT SERVICE**  
**CAPITAL PROGRAMME**

Ref	Scheme	Outturn				November 2021			
		2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £000
1	Hampshire Community Bank	125.0			125.0	125.0			125.0
2	Pocket Park, Town Mill Access & Environmental Enhancement	207.6			207.6	209.1			209.1
3	Romsey Flood Alleviation Scheme	235.0			235.0	235.0			235.0
4	Generator - Business Continuity	40.0			40.0				0.0
5	Footpath link - Smannell to Augusta	164.0			164.0	164.0			164.0
6	Strategic purchase	65.6			65.6	65.6			65.6
7	Multi Storey Car Park Lighting Refurbishment	20.6			20.6	20.6			20.6
8	Chantry Centre Roof(area 20)	30.2			30.2	30.2			30.2
9	Southampton Rd, Pedestrian & Cycle Route	247.3			247.3	247.3			247.3
10	Property Purchase	175.0			175.0				0.0
11	Chantry House Works 4/5 floors	218.7			218.7	218.7			218.7
12	Strategic Land purchase	915.0			915.0	915.0			915.0
<b>Total P &amp; AM Capital Programme</b>		<b>2,444.0</b>	<b>0.0</b>	<b>0.0</b>	<b>2,444.0</b>	<b>2,230.5</b>	<b>0.0</b>	<b>0.0</b>	<b>2,230.5</b>

**PROJECT ENTERPRISE  
CAPITAL PROGRAMME**

Ref	Scheme	Outturn				November 2021			
		2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £000
1	Portersbridge Properties	72.0			72.0	72.0			72.0
2	Walworth Business Park Investment	5,277.0			5,277.0	5,277.0			5,277.0
3	Property Investment	14,802.0	4,000.0		18,802.0	1,000.0	17,802.0		18,802.0
<b>Total Approved Projects</b>		<b>20,151.0</b>	<b>4,000.0</b>	<b>0.0</b>	<b>24,151.0</b>	<b>6,349.0</b>	<b>17,802.0</b>	<b>0.0</b>	<b>24,151.0</b>
	Purchase of Investment properties - yet to be identified	3,000.0			3,000.0	3,000.0	3,000.0		6,000.0
<b>Total PE Capital Programme</b>		<b>23,151.0</b>	<b>4,000.0</b>	<b>0.0</b>	<b>27,151.0</b>	<b>9,349.0</b>	<b>20,802.0</b>	<b>0.0</b>	<b>30,151.0</b>

**HOUSING & ENVIRONMENTAL HEALTH SERVICE**  
**CAPITAL PROGRAMME**

Ref	Scheme	Outturn				November 2021			
		2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £000
1	Renovations and Minor Works Grants	100.0			100.0	30.0	100.0		130.0
2	Disabled Facilities Grants/Loans	850.0			850.0	850.0	750.0		1,600.0
3	Discretionary Grants/Loans					100.0	400.0		500.0
<b>Total H &amp; EH Capital Programme</b>		<b>950.0</b>	<b>0.0</b>	<b>0.0</b>	<b>950.0</b>	<b>980.0</b>	<b>1,250.0</b>	<b>0.0</b>	<b>2,230.0</b>

**AFFORDABLE HOUSING  
CAPITAL PROGRAMME**

Ref	Scheme	Outturn				November 2021			
		2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £000
1	<u>Testway Covenant</u> Nightingale Lodge	810.0			810.0	810.0			810.0
<b>Total A H Capital Programme</b>		<b>810.0</b>	<b>0.0</b>	<b>0.0</b>	<b>810.0</b>	<b>810.0</b>	<b>0.0</b>	<b>0.0</b>	<b>810.0</b>

**Summary of New Capital Projects November 2021**

Disabled Facilities Grants	Grants to provide essential housing modifications to enable people to remain in their homes.	This budget is necessary to ensure that the Council fulfils the legislative requirement to provide people with financial assistance for making necessary adaptations to their property. Government funding is confirmed to cover this.	750,000	0
Housing Renewal Grants	To provide targeted financial help, in the form of grant and loan assistance, to residents living in private sector housing.	This budget helps to ensure that the Council fulfils its commitments within the Housing Strategy by providing people with financial assistance for making necessary repairs, improvements and adaptations to their property. This budget is split between grants and loans.	100,000	100,000
Community Grants	To provide grants to schemes brought forward under the Community Asset Fund scheme.	Continuation of the current Community Asset Fund that has been successfully delivered for several years. This represents the estimated capital element of a combined revenue and capital grants scheme. Funding to come from the New Homes Bonus reserve.	250,000	

<b>Total of New Capital Bids:</b>	<b><u>£ 1,100,000</u></b>
<b>Financed by:</b>	
<b>Government Grants</b>	<b>£ 750,000</b>
<b>New Homes Bonus</b>	<b>£ 250,000</b>
<b>Capital Receipts Reserve</b>	<b>£ 100,000</b>
	<b><u>£ 1,100,000</u></b>

## Platinum Jubilee Celebrations

Report of the Community Leisure & Tourism Portfolio Holder and The Governance & Democracy Portfolio Holder

### Recommended:

1. That the proposed programme of events to celebrate Her Majesty's Platinum Jubilee as set out in section five of the report be approved.
2. That £200,000 be added to the Capital Programme for two public art commissions to commemorate Her Majesty's Platinum Jubilee, to be funded from New Homes Bonus Reserve.
3. That the application fee for a temporary road closure for public events be waived for those applications that demonstrate that their event is for the purposes of celebrating Her Majesty's Platinum Jubilee from 2 June 2022 through to 5 June 2022.

### Recommended to Council

#### SUMMARY:

- Her Majesty The Queen will celebrate her Platinum Jubilee, seventy years of service, during an extended bank holiday weekend of events and activities from 2–5 June 2022.
- Alongside promotion of national schemes to communities across the borough, a series of local initiatives and events will be encouraged and supported. It is also proposed that a number of activities be promoted by the Borough Council to complement the broader programme of events to allow the communities of Test Valley to honour The Queen and her years of service.
- In doing so, it is proposed that as well as smaller scale and one-off events, a long standing tribute and lasting legacy be developed to mark the historic milestone for generations to come.

### 1 Introduction

- 1.1 In 2022, Her Majesty The Queen will become the first British Monarch to celebrate a Platinum Jubilee, seventy years of service, having acceded to the throne on 6 February 1952 when Her Majesty was 25 years old.
- 1.2 There are a range of national schemes for individuals, schools, community groups and larger organisations to become involved with to mark the occasion.
- 1.3 As well as national schemes that the Council will play a role in encouraging local communities to consider through appropriate communications, there are range of activities proposed which the Council may lead on.

## Report to Cabinet – 8 December 2021

## APPENDIX C

### 2 Background

- 2.1 Throughout 2022, Her Majesty and members of the Royal Family will travel around the country to undertake a variety of engagements to mark this historic occasion culminating with the focal point of the Platinum Jubilee Weekend in June.
- 2.2 An extended bank holiday, from Thursday 2 to Sunday 5 June, will provide an opportunity for communities and people throughout the United Kingdom to come together to celebrate the historic milestone. The four days of celebrations will include public events and community activities, as well as national moments of reflection on The Queen's 70 years of service.
- 2.3 In order to complement national events and allow the communities of Test Valley to express their appreciation of The Queen and her service to the country, a programme of Council-lead initiatives is proposed alongside provision of support for local organisations and groups who wish to mark the occasion in their own way.

### 3 Corporate Objectives and Priorities

- 3.1 The Council's Corporate Plan 2019-2023 Growing Our Potential, includes four strategic aims for the Council over the Plan's four-year period and beyond. The focus of the priorities is growing the potential of town centres, communities, people and the local environment. The programme of events set out in this report supports all of the objectives in the corporate plan, bringing communities together to celebrate an historic occasion of national significance.

### 4 Consultations/Communications

- 4.1 Initial discussions have taken place with Andover Town Council, the BID and Romsey Town Council, to ensure that planned events across the bank holiday weekend are coordinated and complement each other.
- 4.2 Going forward it is proposed that the Council will continue to work with these and other stakeholders to coordinate events and offer support where it can.
- 4.3 Appropriate communications will be developed to promote both national and local initiatives to communities across the borough.

### 5 Options

- 5.1 There are a number of projects and initiatives set out below that it is suggested the Council leads to mark the Platinum Jubilee and bring communities together in celebration as well as creating a lasting legacy.
- 5.2 As well as leading a bespoke programme of events the Council had already begun working with, and will continue to work closely with partners and communities, to ensure that events planned across the borough are coordinated and complement each other.

**Report to Cabinet – 8 December 2021**

**APPENDIX C**

- 5.3 This approach will ensure that communities are able to take forward their plans with support from the Council and that as many people as possible are able to join in local events and celebrate the historic milestone.

**Specific proposals for consideration include;**

Flag Flying

- 5.4 Flags bearing the official Platinum Jubilee Emblem will be flown on all four Test Valley Borough Council flag poles over the bank holiday weekend.

Jubilee Church Service

- 5.5 The Annual Civic Service hosted by the Mayor of Test Valley will be held during the Jubilee Bank Holiday weekend. The service will be followed by a reception and will be an opportunity to honour Her Majesty's service.

Mayor's Tea Party

- 5.6 The Mayor will host an afternoon tea party or number of tea parties. The invitation for these events will be aimed at residents from the borough who remember the coronation.

School Competition

- 5.7 A competition will be held across Test Valley Schools inviting entries from school children to design an official card which will be sent to the Queen from The Mayor on behalf of all residents in the borough.

Tree Planting

- 5.8 The national Queen's Green canopy is a scheme to honour the monarch's 70-year reign. <https://queensgreencanopy.org/> The scheme encourages individuals and groups to plant trees and the creation of platinum jubilee copses on council land in order to honour Her Majesty.

Planting schemes

- 5.9 The Council's existing hanging baskets and troughs will be coloured appropriately to mark the Jubilee for the year 2022. In addition to existing vibrant displays, prominent locations will include purple planting to marry with the official jubilee emblem.

Road Closures

- 5.10 To help the neighbourhoods and communities facilitate local celebrations such as street parties, road closure fees shall be waived for those applications that can demonstrate that they are holding a local event for the purposes of marking the Platinum Jubilee over the extended bank holiday weekend.

## Report to Cabinet – 8 December 2021

## APPENDIX C

### Beacon Lighting Ceremony

- 5.11 On Thursday 2 June, the United Kingdom's long tradition of celebrating Royal Jubilees, Weddings and Coronations with the lighting of beacons will be continued to mark the Platinum Jubilee. Communities will be encouraged to join in the celebrations by lighting existing permanent or temporary beacons at 9.15pm on 2 June 2022.

### Public Art Dedication

- 5.12 To commission two bespoke and inspiring public art works to commemorate the Queen's Platinum Jubilee in 2022. The artworks will celebrate the theme of seventy years of service and the Queens connections to Test Valley. Artworks will be located in Andover and Romsey, the locations proposed are Pocket Park in Andover and War Memorial Park in Romsey.
- 5.13 Artists from across the country will be invited to apply and a commissioning panel of stakeholders will work together through a staged process to select appropriate artists for each town. The commissioning panel will review applications against the Artist Brief (see appendix 1) including the aims of the TVBC Public Art Strategy which are; accessibility, aesthetic integrity, relationship to place and people and inclusivity.
- 5.14 The funding of £200,000 (£100,000 per commission) to be allocated from the New Homes Bonus Reserve. This includes fees for stage 2 artist applications, then lead artists' time in planning and research, design and fabrication. It also includes an allocation of fees towards any required permissions, community workshops and unveiling events.
- 5.15 The timescales are set out in the brief and on approval we would launch the commission at the start of the Platinum Jubilee year February 2022. Allowing 3 months for the full two stage recruitment process. Artists will be contracted in summer 2022 and the aim is to install the artworks in the spring of 2023.

## **6 Options and Option Appraisal**

- 6.1 Option one is to approve the proposed programme of events as set out in section 5 of the report along with the associated costs. This is the recommended option.
- 6.2 The proposed projects and initiatives have been developed in order to provide a coordinated and complementary programme of events that align with national initiatives and proposed projects being taken forward by local stakeholders.
- 6.3 The proposed programme will allow communities across the borough to take forward their own plans with support from the Council to mark the occasion how they wish as well as offering them the opportunity to be part of broader Council initiatives that aim to bring groups together to celebrate.
- 6.4 Option two is to not approve the proposed programme of events as set out in section 5 of the report. This is not recommended.

**Report to Cabinet – 8 December 2021**

**APPENDIX C**

6.5 The proposed programme of events aims to allow communities to better access events, express their appreciation of Her Majesty and feel they are part of a nationally historic occasion.

6.6 Option three is to approve some but not all of the proposed programme of events as set out in section 5 of the report or to approve other proposals for projects. This is not recommended.

6.7 Should other projects be put forward for consideration, further work would be required to understand the practicality, associated risks and any legal and/or financial implications of any such projects before the Council would be able to commit to them.

**7 Risk Management**

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

**8 Resource Implications**

8.1 The projects set out in paragraphs 5.4 through to 5.11 can be accommodated through existing budgets.

8.2 Temporary road closures for public events. It is unclear what the level of take up from communities who wish to apply for a temporary road closure will be. It is anticipated that resources required to administer any temporary road closures specifically for Her Majesty's Platinum Jubilee from 2 June 2022 through to 5 June 2022 will be managed through existing budgets.

8.3 Public art. The funding of £200,000 (£100,000 per commission) is recommended to be allocated from the New Homes Bonus. Ongoing maintenance costs will be requested as part of the successful artist's proposals but cannot be estimated at this stage. These costs are currently unbudgeted and will create a budget pressure that will be built into the budget at the appropriate time.

**9 Legal Implications**

9.1 No legal implications have been identified.

**10 Equality Issues**

10.1 No equalities issues have been identified.

**11 Other Issues**

11.1 Community Safety – None.

11.2 Environmental Health Issues – None.

11.3 Sustainability and Addressing a Changing Climate – None.

**Report to Cabinet – 8 December 2021**

**APPENDIX C**

- 11.4 Property Issues – None.
- 11.5 Wards/Communities Affected – All.

**12 Conclusion and reasons for recommendation**

12.1 In order to complement national events and allow the communities of Test Valley to express their appreciation of The Queen and her service to the country, a programme of Council-lead initiatives is proposed alongside provision of support for local organisations and groups who wish to mark the occasion in their own way.

<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	File Ref:	N/A
(Portfolio: Community, Leisure & Tourism and Governance & Democracy) Councillors D Drew and I Jeffrey			
Officer:	Emma Horbury and Dave Tasker	Ext:	8001/8801
Report to:	Cabinet	Date:	8 December 2021



## ARTIST BRIEF

### Queen's Platinum Jubilee Public Art Commissions 2022

#### Our Vision

To commission two bespoke and inspiring public art works to commemorate the Queen's Platinum Jubilee in 2022.

The artworks will celebrate the theme of seventy years of service and the Queens connections to the Test Valley, artworks will be located in Andover and Romsey.

Artists from across the country will be invited to apply and a commissioning panel of stakeholders will work together to select and support the chosen artists for each location.

#### The work

The main theme will be the seventy years of service and the Queens connections to the borough of Test Valley.

We are interested to see what form the artwork could take in terms of its functionality. We are open to ideas around sculptural work, performance areas or artwork incorporating lighting for example but applications shouldn't be restricted to these ideas alone.

The application should address what materials the work will be made with and consideration given to the use of robust sustainable materials and processes.

We would like artist to think about what the legacy of the artwork will be for future generations and how residents of Test Valley will continue to enjoy and engage with it. The artwork should be accessible and inclusive in design.

In support of our Test Valley Borough Council Public Art Strategy the commissioning panel will also review applications against the aims of the strategy which are; accessibility, aesthetic integrity, relationship to place and people and inclusivity.

**Artist's Roles & Responsibilities**

The chosen artist will be responsible for:

- The design, fabrication and installation of the art work, including hard and soft landscaping of site.
- Providing detailed working drawings and designs for the commissioner
- Supplying the relevant information and drawings required for any appropriate planning permissions in partnership with TVBC
- Effectively managing the available budget with the steering group
- Attending regular meetings with the Arts Officer to provide updates for TVBC officers and Councillors on progress, timescales and budget
- Delivery of a suitable programme of community engagement
- Providing a full maintenance schedule and instructions
- Supplying information required for press releases and promotion

The artist will hold and provide evidence of relevant public liability insurance and professional indemnity insurance, and take responsible for any third party contractors.

**Community Engagement**

In line with our Public Art Strategy we aim that all our public art projects involve community consultation and participation to contribute towards the collection and development of ideas and artworks. Our aim through this process is that residents and local stakeholders are fully involved in the creation of their environments and have a sense of ownership over the places in which they live. We would like to know what ideas you could bring for this element of the commission.

**The location (TBC)**

The location are initially identified as Pocket Park in Andover and War Memorial Park in Romsey.

**Maintenance**

The chosen artist will be expected to provide a full maintenance manual on completion of installation with clear guidelines as to the best way to maintain the artwork and any specialist treatment/knowledge that is necessary. The artist should also indicate the anticipated life span of the work and any decommissioning procedures that should be applied.

**The Commissioning Panel**

The commissioning panel will include partners and stakeholders in each locations including

- Arts, Community and Countryside Officer
- Ward Cllr/ Portfolio Holder/ Leader
- Artist representative
- Andover College/ Romsey School Sixth Form
- Residents
- Business Rep or stakeholder from Andover Vision and Romsey Futures.

### Budget

This commission is funded through the New Homes Bonus. The project includes:

(\*This can be removed when advertising)

£90,000 per commission (To cover all Artist's Roles and Responsibilities see above)

£5,000 community workshops and events with young people

£2,500 Artist concept fees (£500 x 5)\*

£1000 planning applications (TBC)\*

£1,500 unveiling events and commissioning panel fees\*

£95,000 is available to cover the full Artists commission and it should be noted that this includes:

- Artist time for design and drawings
- Community events and engagement
- Meetings with steering group and relevant agencies
- Fabrication, transport, installation, ground works and landscaping

### Timescales and deadlines

Due to the nature and profile of the commission the proposal is to manage the commission in two stages.

**Stage 1** – Artists are invited to express their interest with their concept and explain their own links to Test Valley

**Stage 2** – A shortlist of 5 artists will be invited to further develop ideas and concepts and present to the commissioning panel.

A fee of £500 will be made available to these artists to complete the detailed proposals.

The selected artists will be required to deliver the project by March 2023

Project Timetable outline

Action	Date or due by
Launch Commission and Call for Artists (6 weeks)	February 2022
Stage 1 application deadline	14 March 2022
Longlist decided (Arts Officer)	25 March 2022
Commissioning panel meet and decide on stage 2	31 March 2022
Invite Stage 2 applications (4 weeks)	30 April 2022
Commissioning panel meet and interview stage 2 artists	13 May 2022
Award Artist contract	20 May 2022
Contract Artist	June 2022
Artwork delivered and installed by	March 2023

## How to apply

### Stage 1

- One page of your concept for the commission
- 4 examples of previous work/ CV/ Website
- A covering letter about your links to our community and why you would like to be awarded the commission

You must present:

- A track record in commissions for the public realm and notable commissions
- Experience of community engagement within public art projects
- Experience of working within a creative team
- Evidence of the ability to produce high quality works of art
- A clear understanding of the challenges and sensitivities of the project

### Stage 2:

The five successful applicants will be required to submit the following:

- A detailed project proposal, workshop plan and timeline
- A detailed budget and contingencies
- A method statement, risk assessment
- Visualisations and other project concept aids
- An approach to engaging people across the borough
- Any outline permissions required (When required)
- An ongoing maintenance schedule

Applications should be sent by email to:

Faye Perkins, Arts Officer, [fperkins@testvalley.gov.uk](mailto:fperkins@testvalley.gov.uk)

Please call 01264 368844 if you have any questions

### **Equal Opportunities**

Test Valley Borough Council is committed to providing and promoting equal opportunities in employment and service provision, eliminating discrimination, and encouraging diversity amongst the workforce. A full copy of our equal opportunities policy is attached.

### **Linked documents**

1. TVBC Public Art Strategy  
<http://www.testvalley.gov.uk/resident/communityandleisure/artsandculture/publicart/public-art-strategy/>
2. Equal Opportunities Policy  
<http://www.testvalley.gov.uk/aboutyourcouncil/corporatedirection/equality---diversity/equalities/>
3. SPUD Report (Available on request or found on council website)

## Council Tax Support Scheme 2022/23

Report of the Finance & Resources Portfolio Holder

### Recommended:

1. That the Council Tax Support scheme for 2022/23, as shown in Annex 1 to the report, be approved.
2. That the Head of Finance and Revenues, in consultation with the Finance & Resources Portfolio Holder, be authorised to make any necessary changes to the Scheme that are required by the Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2022 when they are confirmed by the Department for Levelling Up, Housing & Communities.
3. In the event that further temporary uplifts to Universal Credit are introduced, the Head of Finance and Revenues, in consultation with the Finance Portfolio Holder, be authorised to disregard the increase in income as part of a national response to the Covid-19 pandemic.

### Recommendation to Council

#### SUMMARY:

- The Council is required to approve its Council Tax Support scheme ahead of each financial year.
- 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 2022/23 financial year.

### 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 2022/23.

## Report to Cabinet – 12 January 2022

## APPENDIX D

### 2 Background

#### History to CTS

- 2.1 CTS was introduced on 1 April 2013 to replace the former 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, the point was eventually reached where the cost of the CTS scheme could no longer be contained within its existing budget and a range of options were consulted on to take effect from 1 April 2019.
- 2.5 This resulted in 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.

#### Regulations

- 2.6 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.
- 2.7 The 2022 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 & Resources 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 As no material changes to the CTS scheme are proposed, it has not been necessary to carry out a consultation exercise.

**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 2022/23 CTS scheme shown in (Annex 1) 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 significant changes to the CTS scheme require a public consultation exercise to be carried out.
- 6.2 It is therefore recommended that the Council's existing scheme is continued in 2022/23, after allowing for inflationary uplifts in scheme parameters and any changes that are required by The Council Tax Reduction Schemes (Prescribed Requirements) Regulations 2022.
- 6.3 Officers will continue to review the effectiveness of the current scheme and investigate alternate delivery options at the appropriate time.

**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 tax base calculation. This is the calculation that sets the expected income that the Council will generate from Council Tax each year.
- 7.3 The coronavirus pandemic has had wide-ranging impacts on the global and local economy. One element of this that directly affects the Council is the volatility that has been caused in the CTS caseload.
- 7.4 The amount of CTS together with the number of band D equivalent properties that relates to is shown in the following table. The total cost of CTS is shared with other preceptors (HCC, Hampshire PCC and Hants & IoW Fire & Rescue). TVBC's share of the total cost in 2022/23 is approximately 10.4% (2021/22 – 10.7%).

## Report to Cabinet – 12 January 2022

## APPENDIX D

	2020/21	2021/22	2022/23
Tax base for the year	49,855	50,316	<b>51,338</b>
CTS deduction to arrive at tax base	2,827	3,129	<b>2,871</b>
CTS as % of tax base	5.67%	6.22%	<b>5.59%</b>
Total CTS included in budget (£'000)	4,760	5,493	<b>5,283</b>
TVBC share of budgeted CTS (£'000)	510	588	<b>549</b>

- 7.5 The figures show that there was a sharp increase in CTS caseload assumed in the budget for 2021/22 and that this is returning to more usual levels from 2022/23.
- 7.6 Most of the additional costs faced in 2021/22 were met by a one-off government Covid-19 Hardship grant. That scheme provided £573,710 of support to those of Working Age on the lowest incomes (TVBC share £61,000).
- 7.7 The estimated cost to the Council of £549,000 has been built into the tax base for the 2022/23 financial year and can therefore be accommodated within budget.

## 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 respect of the recommended 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 pandemic has created many challenges across Test Valley for the council and residents.

**Report to Cabinet – 12 January 2022**

**APPENDIX D**

12.2 One of the direct budgetary impacts is in the CTS caseload, which has seen a significant change in demand during the coronavirus pandemic. As a result of this volatility, it is not recommended that any significant changes are made to the Council’s working-age scheme for the coming year.

<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 & Resources) Councillor M Flood			
Officer:	Carl Whatley	Ext:	8540
Report to:	Cabinet	Date:	12 January 2022



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

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**1.0 Introduction to the Council Tax Reduction Scheme**

**1.1** The following has been adopted by the Council and details the Council Tax Reduction scheme for the period from 1<sup>st</sup> April 2022.

**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 1<sup>st</sup> April 2022 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;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021; 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 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 credit<sup>1</sup>; or

<sup>1</sup>Section 5 of this scheme

- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. is not deemed to be absent from the dwelling;
- e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- f. be somebody in respect of whom a maximum Council Tax Reduction<sup>2</sup> amount can be calculated;
- g. not have capital savings above £6,000<sup>3</sup>;
- 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*<sup>4</sup> is **less** than their *applicable amount*<sup>5</sup> 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 reduction<sup>6</sup>.

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 credit<sup>7</sup>; 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 Reduction<sup>8</sup> amount can be calculated;
- h. not have capital savings above £6,000<sup>9</sup>;
- 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*<sup>10</sup> is **more** than their *applicable amount*<sup>11</sup>;
- j. have made a valid application for reduction<sup>12</sup>;
- 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

<sup>2</sup> Sections 57 to 63 of this scheme

<sup>3</sup> Sections 33 to 42 and Schedule 5 of this scheme

<sup>4</sup> Sections 15 to 32 and Schedules 3 and 4 of this scheme

<sup>5</sup> Sections 12 to 14 and Schedule 1 of this scheme

<sup>6</sup> Sections 68 to 74a of this scheme

<sup>7</sup> Section 5 of this scheme

<sup>8</sup> Sections 57 to 63 of this scheme

<sup>9</sup> Sections 33 to 42 and Schedule 5 of this scheme

<sup>10</sup> Sections 15 to 32 and Schedules 3 and 4 of this scheme

<sup>11</sup> Sections 12 to 14 and Schedule 1 of this scheme

<sup>12</sup> 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 credit<sup>13</sup>; 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 Reduction<sup>14</sup> amount can be calculated;
- g. have made a valid application for reduction<sup>15</sup>;
- 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.

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<sup>13</sup> Section 5 of this scheme

<sup>14</sup> Sections 57 to 63 of this scheme

<sup>15</sup> 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 2022/23

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

**‘net earnings’** means such earnings as are calculated in accordance with section 26;

**‘net profit’** means such profit as is calculated in accordance with section 28;

**‘the New Deal options’** means the employment programmes specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations 1996 and the training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

**‘new dwelling’** means, for the purposes of the definition of ‘second authority’ and sections 60C,

and 61C the dwelling to which an 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 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004<sup>16</sup>;

<sup>16</sup> As amended by the Finance Act 2014

- 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;
- '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 amended<sup>17</sup>; and

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

**2.2** In this scheme, references to an applicant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.

**2.3** In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.

**2.4** For the purpose of this scheme, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day;

(a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker's allowance is not payable); or

(b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker's Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;

(c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker's allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;

(d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 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

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

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 Number<sup>18</sup>**

**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);
- 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,

<sup>18</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- 6.3** Where, for the purposes of paragraph 6.2 a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.
- 6.4** Where no recognisable cycle has been established in respect of a person's work, regard shall be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.
- 6.5** A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph 6.1 if the absence is either without good cause or by reason of a recognised customary or other holiday.
- 6.6** A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week shall be treated as not being in remunerative work in that week.
- 6.7** A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.
- 6.8** A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which;
- a. a sports award has been made, or is to be made, to him; and
  - b. no other payment is made or is expected to be made to him.
- 7.0 Persons treated as not being in Great Britain and Persons Subject to Immigration Control**
- Persons treated as not being in Great Britain**
- 7.1** Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.
- 7.2** Except where a person falls within paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.
- 7.3** A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless the person has a right to reside in one of those places.
- 7.4** For the purposes of paragraph (3), a right to reside does not include a right, which exists by virtue of, or in accordance with—
- (a) regulation 13 of the EEA Regulations;
  - (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
    - (i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or
    - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
  - (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (5) of that regulation of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).

7.4A For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—

- (a) (Removed by the Council Tax Reductions Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021
- (b) Appendix EU to the immigration rules made under section 3(2) of that Act;
- (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or
- (d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.

7.4B Paragraph (4A)(b) does not apply to a person who—

- (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
- (b) would have a right to reside under the EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b)

7.5 A person falls within this paragraph if the person is—

- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
- (b) a family member of a person referred to in sub-paragraph (a);
- (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
- (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
- (cb) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;
- (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971
- (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971<sup>19</sup> 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;

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

- (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 the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020  
 "EEA national" has the meaning given in regulation 2(1) of the EEA Regulations;  
 "family member" has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and (5)(ca);  
 "relevant person of Northern Ireland" has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971; and  
 "Her Majesty's forces" has the same meaning as in the Armed Forces Act 2006.

#### **Persons subject to immigration control**

7.9 Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.

7.10 A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph 7.9

7.11 "Person subject to immigration control" has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

#### **7A.0 Transitional provision**

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

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

7A.2 The events are—

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

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

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

#### **8.0 Temporary Absence (period of absence)**

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

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

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

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

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

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

**8.4** This paragraph applies to a person who is;

- a. detained in custody on remand pending trial or required, as a condition of bail, to reside;
  - i. in a dwelling, other than the dwelling referred to in paragraph 8.1, or
  - ii. in premises approved under section 13 of the Offender Management Act 2007 as amended by the Offender Rehabilitation Act 2014, or, detained in custody pending sentence upon conviction;
- b. resident in a hospital or similar institution as a patient;
- c. undergoing, or his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
- d. following, in the United Kingdom or elsewhere, a training course;
- e. undertaking medically approved care of a person residing in the United Kingdom or elsewhere;
- f. undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care of medical treatment;
- g. in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation;
- h. a student;
- i. receiving care provided in residential accommodation other than a person to whom paragraph 8.3a) applies; or

- j. has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.

**8.5** This paragraph applies to a person who is;

- a. detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983 (as amended by the Mental Health (Discrimination) Act 2013), or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995) or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986; and 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**

<b>9.0</b>	<b>Membership of a family</b>
<b>9.1</b>	<p>Within the reduction scheme adopted by the Council 'family' means;</p> <ol style="list-style-type: none"> <li>a. a married or unmarried couple;</li> <li>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;</li> <li>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);</li> <li>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),</li> <li>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;</li> <li>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;</li> </ol> <p>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:</p> <ul style="list-style-type: none"> <li>• they are aged 16, have left 'relevant education' or training, and 31 August following the sixteenth birthday has not yet been passed;</li> <li>• 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';</li> <li>• 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;</li> <li>• 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);</li> <li>• they have left 'relevant education' or 'approved training' but have not yet passed their 'terminal date'.</li> </ul>
<b>9.2</b>	<p>Paragraph 9.1 the definition of child or young person shall not apply to a person who is;</p> <ol style="list-style-type: none"> <li>a. on income support ;</li> <li>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</li> <li>c. a person to whom section 6 of the Children (Leaving Care) Act 2000 applies.</li> </ol>
<b>9.3</b>	<p>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</p> <p>.</p>
<b>10.0</b>	<b>Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.</b>
<b>10.1</b>	<p>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</p>
<b>10.2</b>	<p>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;</p> <ol style="list-style-type: none"> <li>a. the person who is receiving child benefit in respect of him; or</li> <li>b. if there is no such person; <ol style="list-style-type: none"> <li>i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or</li> <li>ii. in any other case the person who has the primary responsibility for him.</li> </ol> </li> </ol>

- 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;
- 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
  - placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
  - placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002<sup>20</sup> 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—
- is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
  - has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
  - 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;
- that child or young person lives with the applicant for part or all of that reduction week; and
  - 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.

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<sup>20</sup> 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

- following their sixteenth birthday; or
- b. by a child care provider approved in accordance with by the Tax Credit (New Category of Child Care Provider) Regulations 1999;
  - c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
  - d. by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; or
  - e. by;
    - i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010; or
    - ii. local authorities registered under section 8(1) of that Act, where the care provided is child minding or daycare within the meaning of that Act; or
  - f. by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 or
  - g. by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
  - h. by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
  - i. by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
  - j. by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
  - k. by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering or kinship carer is looking after; or
  - l. by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
  - m. by a person who is not a relative of the child wholly or mainly in the child's home.
- 18.9 In paragraphs 18.6 and 18.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.
- 18.10 Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.
- 18.11 For the purposes of paragraph 18.1 c) the other member of a couple is incapacitated where
- a. the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work
  - b. the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;
  - c. the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support

- Allowance Regulations 2008 or 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.

18.12 AFor 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

<p>paid;</p> <p>b. a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;</p> <p>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;</p> <p>d. a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.</p> <p><b>22.4</b> For the purposes of this section ‘tax credit’ means child tax credit or working tax credit.</p> <p><b>23.0 Calculation of weekly income</b></p> <p><b>23.1</b> 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;</p> <p>a. does not exceed a week, the weekly amount shall be the amount of that payment;</p> <p>b. exceeds a week, the weekly amount shall be determined–</p> <p style="padding-left: 20px;">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;</p> <p style="padding-left: 20px;">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.</p> <p><b>23.2</b> 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.</p> <p><b>24.0 Disregard of changes in tax, contributions etc.</b></p> <p><b>24.1</b> In calculating the applicant’s income the appropriate authority may disregard any legislative change</p> <p>a. in the basic or other rates of income tax;</p> <p>b. in the amount of any personal tax relief;</p> <p>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);</p> <p>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;</p> <p>e. in the maximum rate of child tax credit or working tax credit,</p> <p>for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.</p> <p><b>25.0 Earnings of employed earners</b></p> <p><b>25.1</b> 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–</p> <p>a. any bonus or commission;</p> <p>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;</p> <p>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;</p> <p>d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;</p>
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- 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 amended<sup>21</sup>.

**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

<sup>21</sup> Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

- d. where those earnings include a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted for those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the Act.

**26.4** In this section 'qualifying contribution' means any sum which is payable periodically as a contribution towards a personal pension scheme.

**26.5** The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying contribution shall be determined—

- a. where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
- b. in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.

**26.6** Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 19 (average weekly earnings of employment earners), his net earnings shall be calculated by taking into account those earnings over the assessment period, less—

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

#### **27.0 Earnings of self-employed earners**

**27.1** Subject to paragraph 27.2, 'earnings', in the case of employment as a self-employed earner, means the gross income of the employment any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.

**27.2** 'Earnings' shall not include any payment to which paragraph 27 or 28 of Schedule 4 refers (payments in respect of a person accommodate with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant's care) nor shall it include any sports award.

**27.3** This paragraph applies to—

- a. royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
- b. any payment in respect of any—
- (i) book registered under the Public Lending Right Scheme 1982; or

(ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book of work concerned.

**27.4** Where the applicant's earnings consist of any items to which paragraph 27.3 applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction 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;

<p>f. any expenses incurred in providing business entertainment, and</p> <p>g. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.</p> <p><b>28.6</b> 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> <p>a. the replacement in the course of business of equipment or machinery; and</p> <p>b. the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.</p> <p><b>28.7</b> 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> <p><b>28.8</b> For the avoidance of doubt–</p> <p>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;</p> <p>b. a deduction shall be made thereunder in respect of–</p> <p>i. the excess of any value added tax paid over value added tax received in the assessment period;</p> <p>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;</p> <p>iii. any payment of interest on a loan taken out for the purposes of the employment</p> <p><b>28.9</b> 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> <p>a. income tax; and</p> <p>b. national insurance contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and</p> <p>c. one-half of the amount calculated in accordance with paragraph 28.1 in respect of any qualifying contribution.</p> <p><b>28.10</b> 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> <p><b>28.11</b> 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> <p>a. where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and divided the product by 365;</p> <p>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.</p> <p><b>28.12</b> 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> <p><b>29.0 Deduction of tax and contributions of self-employed earners</b></p> <p><b>29.1</b> 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>
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assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.

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

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

**29.3** In this section 'chargeable income' means—

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

### **30.0 Calculation of income other than earnings**

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

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

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

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

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

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

- 30.7** Paragraph 30.8 and 30.9 apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.
- 30.8** Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph 30.7 applies, shall be calculated by applying the formula—  

$$\frac{A - (B \times C)}{D}$$
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.

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

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

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

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

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

**Sections 33 – 42 & Schedule 5**

**Definition and the treatment of capital for Council Tax Reduction purposes**

<p><b>33.0 Capital limit</b></p> <p><b>33.1</b> 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</p> <p><b>34.0 Calculation of capital</b></p> <p><b>34.1</b> 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).</p> <p><b>34.2</b> There shall be disregarded from the calculation of an applicant's capital under paragraph (34.1), any capital, where applicable, specified in Schedule 5.</p> <p><b>35.0 Disregard of capital of child and young person</b></p> <p><b>35.1</b> 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.</p> <p><b>36.0 Income treated as capital</b></p> <p><b>36.1</b> 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.</p> <p><b>36.2</b> 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.</p> <p><b>36.3</b> Any holiday pay which is not earnings under section 25(1)(d) (earnings of employed earners) shall be treated as capital.</p> <p><b>36.4</b> 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.</p> <p><b>36.5</b> 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.</p> <p><b>36.6</b> 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.</p> <p><b>36.7</b> 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.</p> <p><b>36.8</b> Any arrears of subsistence allowance which are paid to an applicant as a lump sum shall be treated as capital.</p> <p><b>36.9</b> Any arrears of working tax credit or child tax credit shall be treated as capital.</p> <p><b>37.0 Calculation of capital in the United Kingdom</b></p> <p><b>37.1</b> Capital which an applicant possesses in the United Kingdom shall be calculated at its current market or surrender value less—</p> <ol style="list-style-type: none"><li>where there would be expenses attributable to the sale, 10 per cent.; and</li><li>the amount of any encumbrance secured on it;</li></ol>
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**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 sub-paragraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

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

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

<p>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>(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> <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><b>39.5</b> 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> <p>a. the value of his holding in that company shall, notwithstanding section 34 (calculation of capital) be disregarded; and</p> <p>b. he shall, subject to paragraph 39.6, be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.</p> <p><b>39.6</b> 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> <p><b>39.7</b> 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> <p><b>40.0 Diminishing notional capital rule</b></p> <p><b>40.1</b> Where an applicant is treated as possessing capital under section 39.1 (notional capital), the amount which he is treated as possessing;</p> <p>a. in the case of a week that is subsequent to</p> <p>(i) the relevant week in respect of which the conditions set out in paragraph 40.2 are satisfied; or</p> <p>(ii) a week which follows that relevant week and which satisfies those conditions, shall be reduced by an amount determined under paragraph 40.3;</p> <p>b. in the case of a week in respect of which paragraph 40.1(a) does not apply but where</p> <p>(i) that week is a week subsequent to the relevant week; and</p> <p>(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.</p> <p><b>40.2</b> This paragraph applies to a reduction week or part-week where the applicant satisfies the conditions that</p> <p>a. he is in receipt of council tax reduction; and</p>	
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- 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

	<p>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</p> <p>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.</p>
<b>40.5</b>	<p>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—</p> <p>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</p> <p>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.</p>
<b>40.6</b>	<p>The conditions are that</p> <p>a. a further claim is made 26 or more weeks after</p> <p>(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;</p> <p>(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</p> <p>(iii) the date on which he last ceased to be entitled to council tax reduction, whichever last occurred; and</p> <p>b. the applicant would have been entitled to council tax reduction but for paragraph 39.1.</p>
<b>40.7</b>	<p>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.</p>
<b>40.8</b>	<p>For the purposes of this section</p> <p>a. 'part-week'</p> <p>(i) in paragraph 40.4(a) means a period of less than a week for which council tax reduction is allowed;</p> <p>(ii) in paragraph 40.4(b) means a period of less than a week for which housing benefit is payable;</p> <p>(iii) in paragraph 40.4 (c),(d)and(e) means—</p> <p>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</p> <p>bb. any other period of less than a week for which it is payable;</p> <p>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</p> <p>(i) was first taken into account for the purpose of determining his entitlement to council tax reduction; or</p> <p>(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;</p> <p>and where more than one reduction week is identified by reference to heads (i) and (ii)</p>

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 purposes<sup>22</sup>**

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<sup>22</sup> 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.

<p><b>44.0 Treatment of students</b></p> <p><b>44.1</b> The following sections relate to students who claim Council Tax Reduction</p> <p><b>45.0 Students who are excluded from entitlement to Council Tax Reduction</b></p> <p><b>45.1</b> 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.</p> <p><b>45.2</b> 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 abroad).</p> <p><b>45.3</b> Paragraph 45.2 shall not apply to a student</p> <p>(a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;</p> <p>(b) who is a lone parent;</p> <p>(c) whose applicable amount would, but for this section, include the disability premium or severe disability premium;</p> <p>(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;</p> <p>(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;</p> <p>(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.</p> <p>(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;</p> <p>(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;</p> <p>(i) who is;</p> <p>(i) aged under 21 and whose course of study is not a course of higher education, or</p> <p>(ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);</p> <p>(j) in respect of whom</p> <p>i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;</p> <p>(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;</p> <p>(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;</p> <p>(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</p> <p>(v) a supplementary requirement has been determined under paragraph 9 of</p>
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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.

- 45.3 A 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 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).

57.1 A 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 deductions<sup>23</sup>**

**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

<sup>23</sup> 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 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 area<sup>24</sup>**

**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**

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<sup>24</sup> 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 application**<sup>25</sup>
- 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.
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69.0	<b>Procedure by which a person may apply for a reduction under the authority's scheme<sup>26</sup></b>
69.1.	Paragraphs 2 to 7 apply to an application made under the authority's scheme.
69.2.	<p>An application may be made;</p> <ul style="list-style-type: none"> <li>(a) in writing,</li> <li>(b) by means of an electronic communication in accordance with Part 4 of this Schedule, or</li> <li>(c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone; or</li> <li>(d) by any notification from the Department for Work and Pensions of any award of Universal Credit.</li> </ul>
69.3	<ul style="list-style-type: none"> <li>(1) An application which is made in writing must be made to the designated office on a properly completed form.</li> <li>(2) The form must be provided free of charge by the authority for the purpose.</li> </ul>
69.4	<ul style="list-style-type: none"> <li>(1) Where an application made in writing is defective because— <ul style="list-style-type: none"> <li>(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</li> <li>(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,</li> </ul> <p>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.</p> </li> <li>(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.</li> </ul>
69.5.	<ul style="list-style-type: none"> <li>(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.</li> <li>(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.</li> </ul>
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	<ul style="list-style-type: none"> <li>(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.</li> <li>(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.</li> </ul>
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	<p>Where an applicant ('C')—</p> <ul style="list-style-type: none"> <li>(a) makes a claim which includes (or which C subsequently requests should include) a period</li> </ul> <hr/>

- 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 evidence<sup>27</sup>**

**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

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 application<sup>28</sup>**
- 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
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delivered or sent to the designated office.

**74.0 Duty to notify changes of circumstances<sup>29</sup>**

**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—

(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 authority<sup>30</sup>**

**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 decision<sup>31</sup>**

**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,

<sup>30</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>31</sup> 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 reduction<sup>32</sup>**

**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 paid<sup>33</sup>**

**78.1** Subject to section 80 (payment on death) and paragraph (2), any payment of the amount

<sup>32</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>33</sup> 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 reduction<sup>34</sup>**

**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 entitled<sup>35</sup>**

**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 liability<sup>36</sup>**

**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.

**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.

<sup>34</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>35</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>36</sup> Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

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 requirements<sup>37</sup>.

**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.

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<sup>37</sup> 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 authority<sup>38</sup>**
- 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 Act<sup>39</sup>.

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<sup>38</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

<sup>39</sup> 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 Act<sup>40</sup>**

- 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.

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<sup>40</sup> Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

**Section 101 – 106A<sup>41</sup>**  
**Electronic Communication**

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<sup>41</sup> 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 Amounts<sup>42</sup>**

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<sup>42</sup> <sup>42</sup> The amounts shown within this schedule shall be updated in line with the Housing Benefit Regulations 2006 as amended

## Report to Cabinet - 12 January 2022

## ANNEX 1

**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;	£77.00
a) is entitled to main phase employment and support allowance	
b) is aged not less than 25	£77.00
c) is aged not less than 18 but less than 25	£61.05
2. Lone Parent	£77.00
3. Couple;	£121.05
a) Where the applicant is entitled to the main phase of employment and support allowance	
b) Where one member is aged not less than 18	£121.05
c) Polygamous Addition	£42.70

For the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if;

- a. Paragraph 17 or 18 is satisfied in relation to the applicant; or
- b. The applicant is entitled to a converted employment and support allowance

- 2 (1) The amount specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of the main scheme

Column 1 Child or Young Person	Column 2
Person in respect of the period–	£70.80
(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;	
(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.	£70.80

(2) In column (1) of the table in paragraph (1), "the first Monday in September" means the Monday which first occurs in the month of September in any year.

**Family Premiums**

3. (1) The amount for the purposes of this scheme in respect of a family of which at least one member is a child or young person shall be
- a. where the applicant is a lone parent to whom sub-paragraph (3) of Schedule 3 of the Housing Benefit Regulations 2006 applies, £22.20;
  - b. in any other case, £17.85;

**Premiums**

4. Except as provided in paragraph 5, the premiums specified 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 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
<b>Disability Premium</b>	£36.20
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	£51.60
<b>Severe Disability Premium</b>	£69.40
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	£69.40
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	£138.80
<b>Disabled Child Premium</b>	£68.04 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
<b>Carer Premium</b>	£38.85 in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
<b>Enhanced Disability Premium</b>	(a) £27.44 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) £17.75 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) £25.35 where the applicant is a member of a couple or a polygamous marriage and the

Premium	Amount
	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 £30.60. The amount of the support component is £40.60.

**Transitional Addition**

- 19. The applicant is entitled to the transitional addition calculated in accordance with paragraph 30 of Schedule 3 of the Housing Benefit Regulations 2006 where the applicant or the applicant's partner meets the conditions contained within paragraphs 27 – 29 of Schedule 3 of the Housing Benefit Regulations 2006

**Amount of transitional addition**

- 20. The amount of any transitional addition is calculated in accordance with paragraphs 30 and 31 of Schedule 3 of the Housing Benefit Regulations 2006

**Schedule 2**

**Not used**

**Schedule 3**

**Sums to be disregarded in the calculation of earnings<sup>43</sup>**

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<sup>43</sup> 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 earnings<sup>44</sup>**

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<sup>44</sup> 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. (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
- (2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
53. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
54. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
- 55 (1) Any payment which is
- (a) made under any of the Dispensing Instruments to a widow, widower or
  - (b) surviving civil partner of a person;
    - (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
    - (ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.
- (2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).
- 55A. Any council tax reduction or council tax benefit to which the applicant is entitled.
56. Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10
- 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. (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person–
- (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;

- (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity, in respect of which such assistance is or was received.
- (2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account
59. (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).  
 (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.  
 (3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
60. Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.
61. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
62. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
63. (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.  
 (2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
64. Not used
65. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
66. Any payment of child benefit.
67. Any 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 disregarded<sup>45</sup>**

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<sup>45</sup> Any amounts shown in this schedule will be uprated in line with the Housing Benefit Regulations 2006 as amended

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 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.	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— <ul style="list-style-type: none"> <li>(a) to purchase premises intended for occupation as his home; or</li> <li>(b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,</li> </ul> for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
39.	Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
40.	(1) Any payment or repayment made— <ul style="list-style-type: none"> <li>(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);</li> <li>(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);</li> <li>(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),</li> </ul> but only for a period of 52 weeks from the date of receipt of the payment or repayment. (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in subparagraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.
41.	Any payment made to such persons entitled to receive benefits as may be determined by or

under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.

- 41A.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
- 42.** Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
- 43.** Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
- 44.** Not used
- 45.** Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
- 46.** 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

<b>Service:</b>	Finance & Revenues
<b>Officer(s) completing the assessment:</b>	Darren Everett
<b>Date:</b>	13 December 2021
<b>Name of service, strategy, policy, project or function being assessed:</b>	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>The scheme was last fundamentally reviewed in 2019/20 when the 90% CTS cap for most working-age claimants was introduced. This was a significant change that 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>Since that time, the CTS caseload has been materially impacted by the effects of the pandemic, with 2020 being the first year with a rise in eligible households for a decade.</p> <p>With the volatility in caseload and ongoing global impact of the pandemic, there are no proposals to make any changes to the Council Tax Support Scheme that was approved by Council in January 2021 apart from increasing allowances in line with statutory uplifts.</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 &amp; 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 <b>positive impacts</b> for the protected groups (see above)? Are any particular groups more affected and why?	No changes are being proposed
5.	What are the likely <b>negative impacts</b> 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?	No consultation has been undertaken as no changes are proposed.
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

<b>What course of action does this EQIA suggest that you take? (tick one of the following options)</b>	
<b>Outcome 1: No major change required</b> The EQIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.	X

<p><b>Outcome 2: Adjust the policy</b> to remove barriers identified by the EQIA or better promote equality. Are you satisfied that the policy adjustments will remove the barriers identified?</p>	
<p><b>Outcome 3: Continue the policy</b> 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</p>	
<p><b>Outcome 4: Stop and rethink</b> the policy when the EQIA shows actual or potential unlawful discrimination</p>	

<p><b>Summary of your proposals - copy and paste into any report for Cabinet, Council or General Purposes Committee</b></p> <p>What are the key impacts - positive and negative?</p> <p>What course of action are you advising as a result of this EQIA?</p> <p>Are there any particular groups affected more than others?</p>	
<p>It is proposed that the current Council Tax Support scheme for working age continues with effect from 1 April 2021 as follows:</p> <ol style="list-style-type: none"> <li>1. That the Council Tax Support Scheme for 2022/23 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.</li> <li>2. That the Head of Finance and Revenues, in consultation with the Finance &amp; Resources Portfolio Holder, be authorised to disregard temporary increases 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.</li> </ol>	

<p><b>Head of Service sign off (name):</b></p>	<p>Carl Whatley Head of Finance and Revenues</p>
<p><b>Date:</b></p>	<p>13 December 2021</p>

## Appointment of External Auditors

Report of the Finance & Resources Portfolio Holder

### Recommendations:

1. That the Council opts in to the national scheme for external auditor appointments being administered by Public Sector Audit Appointments Ltd.
2. That the Head of Finance and Revenues be authorised to complete all matters necessary to implement a new auditor appointment at the conclusion of the PSAA procurement exercise.

### Recommendation to Council

#### SUMMARY:

- The current contract for external audit services is due to expire at the end of the 2022/23 financial year.
- This report considers options for procuring external audit services commencing from the 2023/24 financial year.

## 1 Introduction

- 1.1 The Council's current contract for external audit services is due to expire at the end of the 2022/23 financial year.
- 1.2 This report considers the options available to the Council to ensure that a new contract is put in place ahead of 1 April 2023.

## 2 Background

- 2.1 The Council's current contract for external audit services was procured through a national exercise undertaken by Public Sector Audit Appointments Ltd (PSAA). PSAA is an authorised Appointing Person for principal local government bodies.
- 2.2 PSAA's role extends beyond that of merely appointing auditors on behalf of local authorities. They also provide an independent review of fee scales (including requests for fee variations during a contract period) as well as oversight of auditor compliance.
- 2.3 PSAA have again invited all local authorities to take part in a national procurement exercise which they will lead.

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- 2.4 A decision to sign up to the national procurement exercise will require approval by Full Council ahead of the deadline of 11 March 2022.
- 2.5 The requirements on external auditors have changed over the period since the current contract was let. This follows, in part, some high profile failures of a small number of local authorities and the recommendations of Sir Tony Redmond’s independent review into the oversight of local audit and the transparency of local audit reporting.
- 2.6 These additional requirements affect the risk focus, substantive testing and reporting to those charged with governance by auditors. This is particularly focused on each Council’s going concern status (that is its ability to demonstrate financial stability to continue delivering its services without external intervention).
- 2.7 Given these additional requirements and the scarcity of suitably qualified audit firms with the necessary local government expertise, it is expected that the level of fees charged for audit services will increase in the new contract.

**3 Options**

- 3.1 The Council is required to appoint an external auditor in advance of the 2023/24 financial year.
- 3.2 The options are therefore limited to the procurement process of the auditor and are:
  - Option 1 – Independently procure external services by a stand-alone tendering exercise.
  - Option 2 (Recommended) – Join the PSAA national procurement scheme.

**4 Option Appraisal**

- 4.1 The advantages and disadvantages of the two options are shown in the following table:

Option	Advantages	Disadvantages
Stand-alone appointment	Could achieve an audit more directly suited to TVBC.	Significantly greater resource pressure for procurement process.  Auditors bidding for national contracts at the same time may not wish to be part of a single-lot bid. High risk of not appointing a suitably skilled auditor.  Loss of independence gained through PSAA

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		Potential for higher price through lost economy of scale.
Sign up to national scheme	<p>PSAA will lead the procurement process, guaranteeing to appoint an auditor for all bodies.</p> <p>Likely to achieve best prices through economy of scale.</p> <p>Reduced officer and Member resource in procurement.</p> <p>PSAA provide independent assessments in areas such as fee reviews where audit scope changes mid-contract.</p>	

**5 Risk Management**

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

**6 Resource Implications**

- 6.1 Following recent high profile failures of a small number of Councils across the country, there has been a greater emphasis on the quality of external audit reporting.
- 6.2 It is therefore expected that the overall cost of external audit services will be higher for the new contract period. However, it is not possible to estimate the level of unavoidable budget growth until such time as the procurement process is concluded.
- 6.3 To provide some context, the final audit fee payable in 2019/20 was £78,610. The 2020/21 external audit has not been concluded and so a more recent comparison is not available yet.

**7 Legal Implications**

- 7.1 The report's recommendation is that the Council joins the PSAA national auditor appointment scheme. The Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt in must be made by Full Council.
- 7.2 The process as set out above and the recommendation will ensure compliance with the Local Audit and Accountability Act 2014.

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**APPENDIX E**

**8 Equality Issues**

8.1 No equality issues have been identified in the preparation of this report.

**9 Conclusion and reasons for recommendation**

9.1 The Council is required to have in place arrangements for the provision of external audit services.

9.2 The recommended option provides the greatest certainty that the procurement requirements can be achieved within the statutory timescale. It is also considered that the recommended option is more likely to deliver value for money to the Council over the contract period.

Background Papers (Local Government Act 1972 Section 100D)

PSAA prospectus - [Final Prospectus 2023 and beyond – Page 5 – PSAA](#)

Sir Tony Redmond independent review into the oversight of local audit and the transparency of local audit reporting - [Redmond Review.pdf](#)  
([publishing.service.gov.uk](http://publishing.service.gov.uk))

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:	0	File Ref:	N/A
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(Portfolio: Finance & Resources) Councillor M Flood

Officer:	Carl Whatley	Ext:	8540
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Report to:	Cabinet	Date:	12 January 2022
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## Capital Programme Update – addition of Andover BMX track floodlighting project

Report of the Community, Leisure and Tourism Portfolio Holder

### Recommended:

The project described at paragraph 6.1 of this report is added to the Council's capital programme.

### Recommendation to Council

#### SUMMARY:

- Andover BMX track is located at Charlton Sports Centre. The track is a well-used community asset and is home to Andover BMX Club.
- Formal track use is limited to British summer time with casual use and club coaching and racing between October and April limited to weekends only.
- With support from the Council, Andover BMX club have raised £75,000 to floodlight the track. This would allow an expanded programme of use throughout the winter period and help increase physical activity.
- Community and Leisure will lead on the delivery of the project (subject to planning consent being granted). In order to proceed Council authority is required to allocate the funding and for the project to be added to the capital programme.

## 1 Introduction

- 1.1 Andover BMX track is located at Charlton Sports Centre in the ward of Charlton and the Pentons. The track is open to the community and is home to Andover BMX Club. The club have grown considerably over the last 5 years with riders ranging in ages from 2 to 60+ years, active and using the track.
- 1.2 This report outlines the club and council's ambition to floodlight the track to increase the number of hours of use for training and racing. The Club with support from the Council have been successful in raising £75,000 of external funding to deliver the scheme. Council authority is required for the project to be added to the capital programme and is recommended before progressing with a planning application.

## 2 Background

- 2.1 BMX is a sport growing in popularity which has been helped with the Great Britain team success in the 2020 Olympics with gold and silver medals. The development of BMX as a sport is included in the Council's Sports Facilities Strategy which specifically references supporting the development of both council BMX tracks at the Charlton Leisure centre site and Knightwood Leisure Centre.

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- 2.2 The Andover BMX track is a well-used community sporting asset, is popular for informal use and is home to the Andover BMX Club. The club welcomes people from age 2 to 60+ years and provides activities suitable for all generations to ride and race bikes together in a safe environment. The club provides the necessary equipment to get started or “have a go” and promote being “fit for life” through weekly training and fun welcoming activities for all ages and abilities. This includes grass roots participation to elite competitive racing in preparation for world championship events, community outreach, balance bike, women only, and learn to ride sessions.
- 2.3 The current seasonal limitation of the track mean that mid-week coaching and training sessions are restricted to British summer time. With support from the Council, the club have been successful in obtaining £75,000 external funding to floodlight the track with grants from British Cycling, a grant to the club from Persimmon Homes, the council’s Community Asset Fund and club fund raising.
- 2.4 The project has been tendered with the preferred supplier (subject to planning permission) being the company, Midstream. The project would see 6, 12 metre columns with highly efficient LED lights surrounding the track. Specific attention has been made to avoid light spill and is consistent with how the wider Charlton Sports Centre is used with floodlighting on the neighbouring Andover Football Club, all weather pitch and athletic track.
- 2.5 The floodlighting of the track will increase the hours of use and the clubs ability to host midweek events and races with the potential to develop a BMX coaching hub for the southern region. Andover would be the only track outside of London and the midlands with floodlights.
- 2.6 The project will require planning permission which will be sought in the usual way. We would expect that the lights would not be used beyond 10pm but this will be determined as part of the consenting process. The delivery of the project would be managed by Community and Leisure as the track is a TVBC asset.
- 2.7 Subject to Council approval and planning consent, it is anticipated that the works would commence March/April 2022. The project will be coordinated with the resurfacing improvements at the Charlton Sports Centre overflow car park which is located adjacent to the track.

**3 Corporate Objectives and Priorities**

- 3.1 The Councils Corporate 2019 - 2023 Plan Growing Our Potential sets four priorities action, Town Centres development, Empowering Communities. People, and the Local Environment. The floodlighting project would deliver against the People priority by supporting the community with infrastructure and accessibility to meet the needs of a changing population.

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### 4 Consultations/Communications

- 4.1 Colleagues in the Council's Environmental Services and Planning and Building team have been informally consulted about the project to date. Andover BMX club have undertaken extensive community consultation as part of the Community Asset Fund grant application.
- 4.2 The future planning application will be subject to community consultation and scrutiny.

### 5 Options

- 5.1 **Option 1** – Make provision for the works to the Council's Capital Programme utilising the external funding referenced above and commence with the planning application/project delivery to floodlight the track.
- 5.2 **Option 2** – Do not commence with the project. This would maintain the status quo and track usage would remain low during the winter.

### 6 Option Appraisal

- 6.1 **Option 1 – Add the project to the Council's Capital programme utilising the £75,000 external funding and commence with the planning application/project delivery to floodlight the track.** This project is externally funded through funds raised by the Andover BMX Club which demonstrates a commitment to the local cycling community. The use of the track will be increased along with the ability for the community to become physically engaged. This project is listed in the Sports Facilities Strategy which was approved by Cabinet in July 2020.
- 6.2 **Option 2 – Do not add the project to the Capital Programme.** This would mean the status quo and track usage would remain low during the winter. The external funding from British Cycling and the Community Asset Fund is tied to the floodlighting project and cannot be repurposed therefore it will be lost if the project does not proceed. There is potential for poor public perception if we do not proceed to the planning application stage that the Council is not committed to sport and club development.
- 6.3 Based on the option appraisal Option 1 is considered low risk and therefore is recommended.

### 7 Risk Management

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

### 8 Resources

- 8.1 The project has been tendered with the company Midstream being the preferred supplier. The contract award is subject to planning consent.

8.2 Andover BMX club have been successful in achieving £75,000 of external funding with £30,000 from British Cycling Places to Ride scheme, £20,000 from Andover BMX club fund raising and £25,000 from the Community Asset Fund.

8.3 Project management and delivery will be managed by the Community and Leisure Service. The budget does allow for contingency.

## 9 Legal Implications

9.1 The project has been tendered following the Council procurement procedure as set out in the Council's Contract Standing Orders. Implementation of the project is subject to obtaining planning permission.

## 10 Equality Issues

10.1 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.

## 11 Other Issues

11.1 **Community Safety.** Low level anti-social behaviour has occurred over the last 12 months at the track. Increasing public use will help to deter this activity.

11.2 **Environmental Health Issues.** The operation of the lights will be subject to scrutiny with respect of positioning and timing of use as part of any future planning application.

11.3 **Property Issues.** The BMX track is a TVBC asset.

11.4 **Wards/Communities Affected.** The track is located in the Charlton and the Pentons ward.

## 12 Conclusion and reasons for recommendation

12.1 The report outlines the project to floodlight the Andover BMX track which is located at Charlton Sports Centre. The project is externally funded with money raised by Andover BMX club. The proposed works will make changes to a TVBC owned asset therefore the project will be managed by the council's Community and Leisure service. Council authority is required to add the project to the capital programme.

**Report to Cabinet – 12 January 2022****APPENDIX F**

<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: Community, Leisure and Tourism) Councillor D Drew			
Officer:	Kevin Harrington	Ext:	8815
Report to:	Cabinet	Date:	12 January 2022

## **ITEM 10 Test Valley Borough Local Plan – Regulation 18 Stage 1 Public Consultation**

Report of the Planning Portfolio Holder

### **Recommended:**

- 1. That the Test Valley Borough Local Plan 2040 Regulation 18 Stage 1, attached as the Annex to the report, be published for public consultation.**
- 2. 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, or to improve the presentation in the Annex to the report prior to publication.**

### **SUMMARY:**

- The purpose of this report is to seek approval for public consultation on the Council's proposed Local Plan 2040 Regulation 18, Stage 1 document.

### **1 Introduction**

- 1.1 The Local Plan is a key policy document of the Council, setting out the planning framework for the Borough together with implementing the spatial aspects of the Council's priorities, as included in the Corporate Plan. It also seeks to reflect the aspirations of our communities.
- 1.2 The current Local Plan was adopted in January 2016 and covers the period up to 2029. The Council approved an updated Local Development Scheme (LDS) in September 2021, setting out the future timetable for preparing the next Local Plan. The Regulation 18 Stage 1 is the latest stage of plan preparation.
- 1.3 The Council has undertaken two stages of non-statutory public consultation:
  - Issues and Options document. Public consultation was undertaken between 6 July and 14 September 2018. This consultation sought views on issues that the Borough, and those that live and work in Test Valley will face in the future, together with how best to deal with them. This has helped us to better understand what our communities see as the key planning issues going forward.
  - Refined Issues and Options document. Public consultation was undertaken between 3 July and 28 August 2020. This consultation sought to build upon the outcomes of the Issues and Options consultation and to recognise and take account of recent key changes and trends through presenting more detailed and specific policies and proposals. The comments received have informed the detailed policies and proposals set out in the Regulation 18 Stage 1 document.

- 1.4 The purpose of this report is to seek approval for the first statutory stage of the Local Plan 2040, the Regulation 18, Stage 1 to be published for public consultation.

## **2 Background**

- 2.1 The Borough Local Plan is the statutory document that provides the spatial vision for the future of Test Valley in land use and planning terms. It will set out the level of new homes, jobs and infrastructure to be provided to support the Borough's communities and meet their future needs, whilst also protecting the local environment. It will also set out planning policies that will be used as the starting point for determining planning applications. The Local Plan is therefore a key policy document for the Council, setting out the planning framework for the future of the Borough. It also helps implement the spatial aspects of the Council's priorities and delivery of infrastructure, as set out in the Corporate Plan and the Climate Emergency Action Plan.
- 2.2 This stage is the first statutory step in preparing a draft Local Plan, and there is considerable flexibility open to local planning authorities in how they carry out this stage. However, it has to comply with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in relation to how the Council consults along with complying with the Council's Statement of Community Involvement. The Statement of Community Involvement was adopted in December 2017 and an Addendum was approved in June 2020 to take account of changes to consultation when coronavirus restrictions are in place.
- 2.3 The Council is undertaking this first statutory step in two stages. This approach was agreed by Cabinet on 29 September 2021. This two-stage approach provides the opportunity to present a clearer stepped approach to proposals. Strategic matters are set out at this stage (Stage 1). These will be refined and updated at the next stage (Stage 2) along with providing our draft site allocations and Development Management policies. Stage 2 will therefore be a full draft Local Plan document. This approach and timescale enable an iterative plan making process to be undertaken, ensuring evidence led approach along with ensuring engagement and consultation outcomes can be considered and reflected in the Local Plan.
- 2.4 The structure of the Local Plan allows the Council to continue to work collaboratively with our communities and wider stakeholders in preparing the Local Plan alongside meeting the requirements of Government policy as set out in national planning guidance. The consultation responses received on both previous stages of consultation have also influenced the content. Officers have also engaged with key external stakeholders and neighbouring authorities on the content of this Local Plan.

- 2.5 In August 2020, the Government published 'Planning for the Future' White Paper, which sought views on a number of packages regarding proposals for reform of the planning system in England, to streamline and modernise the planning process. A Planning Bill was confirmed in the Queen's speech in May 2021 to take forward these changes. However, the full extent of the reform is currently unknown, as is the timetable for any changes that result from the future Planning Bill. At the same time, the Government is also encouraging local planning authorities to continue to review and update their local plans with a Government's target for all local planning authorities to have an up-to-date plan in place by the end of 2023.
- 2.6 Over the timeframe of preparing the Local Plan, there is the risk that national legislation will change and have an impact on the Local Plan. This does present a risk as changes to national legislation could lead to need to halt plan preparation and consider implications on the Local Plan. If this were to take place, there may be need to pause plan preparation and consider any implications for the preparation of the Local Plan.

### 3 Corporate Objectives and Priorities

- 3.1 The Local Plan is a key policy document for the Council in respect of delivering our corporate objective set out within the Corporate Plan 2019-2023 'Growing our Potential' approved in April 2019, setting our vision and four strategic priorities. The Local Plan 2040 plays a key role in:
- Providing a long-term strategic overview of what is needed in our **town centres**, within an ever-changing environment, putting in place the mechanisms to enable regeneration with the Adopted Masterplans for the respective Town Centres being key to delivery of this.
  - Strengthening our **community**-led approach to spatial planning so that people can play an active part in shaping their communities.
  - Supporting our communities to ensure that the right infrastructure at the right scale is secured that delivers homes and employment growth, enabling **people** to access a job, live in a decent home and fulfil their aspirations.
  - Identifying opportunities to increase access to the **local environment** including countryside and green spaces for Test Valley residents.
- 3.2 Since the latest Corporate Plan was approved, the Council declared a climate emergency in September 2019 and approved its first Climate Emergency Action Plan (CEAP) in 2020. The CEAP concentrates on what the Council can do to make a difference. The Local Plan is a mechanism to address and counter our changing climate and is embedded in the Local Plan. It will help to minimise the impact of new development relating to many matters, from design and layout of building to nature-based solutions.

## **4 Consultations/Communications**

- 4.1 The draft Local Plan (Annex to the report) has been drafted with the aim of providing clarity to the process and direction of travel of the Council with a wide range of communities, third parties and interest levels but balanced with the need to use technical language to demonstrate the Local Plan will meet Government tests for Local Plans. Inevitably, given the range of issues that the Borough faces and the content the Local Plan needs to cover, the document is lengthy.
- 4.2 The draft Local Plan does look different to the previous documents. This is the first document that identifies draft policies and approach focussing on our strategic priorities. We are seeking comments on the draft policies and approaches set out in the Local Plan. We have set out specific queries where we are seeking views on specific matters to assist in refining our policies and / or evidence.
- 4.3 In drafting the Local Plan Regulation 18 Stage 1 Local Plan, officers have built upon the feedback received in the responses made to the previous two stages of consultation. The Statement of Consultation sets out the methods we have used to undertake public consultation, the main issues arising from consultation comments and a large schedule that summarises all consultation comments with officer responses. The latter is set out in an Appendix to the Statement of Consultation.
- 4.4 As explained above, public consultation of the draft Local Plan needs to be in conformity with the statutory requirements and the processes and methods set out in the Council's Statement of Community Involvement in Planning 2017 (SCI) and Addendum (2020) if coronavirus restrictions are in place. Section 5 of the SCI sets out the requirements for consulting on the local plan documents, including notifications and publishing details on websites/local media. At present, there are no coronavirus restrictions in place that would affect our ability to undertake our statutory consultation measures however, we will keep this under review depending on the coronavirus restrictions in place at the time of public consultation.
- 4.5 Consideration will need to be given about the ability to attend face to face meetings dependent on the coronavirus position at the time of consultation. This is at odds with our community focussed approach. In order to address this issue and in taking account of our Public Sector Equality Duty and other requirements of the Equality Act 2010, additional or enhanced consultation methods will be undertaken through the greater use of social media and the use of digital and virtual tools where possible. We will also look to see how we can best engage with community and voluntary groups who. Planning officers will work with our Communities Team to establish the most effective methods to undertake.

## **5 Options**

- 5.1 The options to consider are whether or not to publish the draft Local Plan Regulation 18 Stage 1 for public consultation.

## 6 Option Appraisal

- 6.1 The merits of undertaking a two-stage process for the Regulation 18 Local Plan was outlined in the September 2021 Cabinet report. The content of the Stage 1 document is based on current guidance, evidence and the outcome of previous consultations.
- 6.2 The Stage 1 document is focussed on strategic matters which address the strategic priorities for Test Valley. This is split into four chapters:
- **Vision and Objectives:** The Vision summarises the Council's aspirations for the Borough over the plan period. The Objectives set out our planning priorities for Test Valley reflecting the challenges we face and the issues that resonate with our communities. The 10 Objectives provide the connection between how we will deliver the Vision through providing specific priorities for the plan's policies.
  - **Spatial Strategy:** The Spatial Strategy sits alongside the Objectives and sets out the overarching direction of the location, types and shape of development. It identifies where and what sustainable development looks like for our communities in Test Valley.
  - **Strategic Policy Framework:** This sets out a strategic policy framework to guide development reflecting our economic, social and environmental priorities for Test Valley as set out in our Objectives. They address our corporate priorities such as regeneration of our town centres, and the need to counter climate change. They also address the delivery of high-quality development, conserving and enhancing Test Valley's high quality natural, historic and built environment. Not all strategic policies have been set out at this stage, reflecting where our evidence is still emerging or where national policy is significantly evolving. Where this is the case, we have set out the next steps for drafting these policies.
  - **Meeting our Needs:** A key part of delivering a sustainable pattern of development, is meeting the development needs of our Borough. This stage of the Local Plan identifies our housing needs. It sets out the next steps to identifying our employment needs and the needs of the Gypsy, Traveller and Travelling Showpeople community as we are currently undertaking evidence to identify these needs. We will be assessing our needs for retail, leisure and other uses, for the next stage of the Local Plan, Regulation 18 Stage 2.
- 6.3 There are a number of appraisals or assessments that are critical to inform the preparation of the Local Plan. These include the Sustainability Appraisal, Habitats Regulations Assessment, Equalities and Health Impact Assessments. These appraisals or assessments ensure sustainability is embedded within the Local Plan, as well as ensuring the impacts from the proposals or policies in the Local Plan on protected habitats, equality and health are fully considered and reflected in the Plan.

- 6.4 Those that have been undertaken include a Sustainability Appraisal and an Equalities and Health Impact Assessment. The outcomes of these have informed the draft policies. A Habitats Regulations Assessment will be produced alongside the preparation of the next stage of the Local Plan. This will assess if the draft Local Plan as a whole, could have significant harm on the designated features of a European Site.
- 6.5 This stage of the local plan process introduces complex and challenging issues particularly around the scale and overarching distribution of housing that the Borough will need to accommodate. The draft document represents the culmination of various pieces of research, appraisal and assessment undertaken within the context of the planning framework and case law. The Council could decide to undertake a different strategic approach to the draft Local Plan prior to consultation. However, alterations to the core strategic direction would need to be carefully considered and justified and as such are not recommended. The consultation does provide the opportunity to receive feedback from our communities and other interested parties on the proposal and give the Council the ability to review, consider and make amendments, where justified and appropriate.
- 6.6 It is proposed that the plan period for the Local Plan starts in 2020 and although it was previously suggested an end date of 2036 in our Refined Issues and Options document, we are now proposing an end date of 2040. The plan period has been amended to reflect the change in the timescale to prepare the Local Plan (as set out in the updated LDS September 2021) and the need to be in conformity with national policy. National planning policy is clear that the Council needs to look ahead over a minimum 15 years from the date of adoption of the plan and as the adoption of the Local Plan is expected to take place in 2025, the Local Plan end date is proposed to be 2040.
- 6.7 In recommending the publication of the draft Local Plan for consultation the Council is mindful of the current circumstances caused by coronavirus and a need to consider the most suitable way to proceed reflecting this. A balance needs to be struck between continuing to make progress, whilst mindful of how public consultation can be appropriately conducted without groups being at a disadvantage or put at risk.
- 6.8 There are also likely to be national government announcements regarding the next steps for planning reform in 2022, as initially identified in the Planning for the Future White Paper (August 2020) and confirmed in the Queen's Speech in May 2021 however the timescale and extent of reforms is currently unknown. This risk is outside of our control and will apply to all local authorities. It could lead to the need to halt plan preparation and consider implications however we will continue to monitor the progress of any changes and future proof the Local Plan as appropriate.
- 6.9 However, at the same time, the Government is also encouraging local planning authorities to continue to review and update their local plans and not await the outcome of the planning reforms. The Government's target remains for all local planning authorities to have an up-to-date plan in place by the end of 2023.

- 6.10 The recommended approach is to proceed with public consultation on the draft Local Plan, Regulation 18 Stage 1, in order to demonstrate progress and maintain momentum, in accordance with government advice. The Council may not be meeting the Government target however it would have made significant progress with a final draft of the Local Plan 2040 (Regulation 19 stage) being published by the end of 2023. This timescale will ensure we have time to listen and consider the views of our communities and our evidence in preparing the Local Plan. Also, whilst the Local Plan 2040 is being prepared, the Council's existing Adopted Local Plan 2029 still provides a robust basis for decision making on planning applications. This was demonstrated through the Council's five-year review of the Adopted Local Plan 2029 (Cabinet 10 March 2021).
- 6.11 Public consultation will need to be undertaken in a manner which as is reasonably practical, adapted to take account of the coronavirus circumstances at present. The Council will utilise the digital methods available to maximise opportunities to undertake public consultation and consider how best to reach groups at a disadvantage through these means.
- 6.12 The alternative is not to proceed with public consultation in the present circumstances. However, it is unclear when national legislation changes will take place and it is not known how long the impact of the coronavirus will have on our ability to undertake face to face engagement. In light of Government advice to proceed with plan preparation and the need to make progress in line with the LDS along with our ability to maximise appropriate forms of engagement. This alternative option is not recommended. The option as described in paragraphs 6.1-6.11 above and as set out in the recommendation at the beginning of this report is therefore the recommended option.

## **7 Risk Management**

- 7.1 Failure to agree and implement up to date strategic and local planning documents is recorded as a risk in the Council's Corporate Risk Register. A factor affecting this risk is the timetable for producing the Local Plan including undertaking the necessary evidence and the methods of public consultation. To minimise this risk, we are preparing the Local Plan in accordance with the approved Local Development Scheme (September 2021) and undertaking public consultation in accordance with the approved Statement of Community Involvement and Addendum.

## **8 Resource Implications**

- 8.1 The proposed recommendation can be met from existing resources.

## **9 Legal Implications**

- 9.1 The Council is required to prepare a local plan and for this to be kept up to date, with its policies reviewed at least every five years post adoption. The public consultation on the draft Local Plan needs to comply with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

## 10 Equality Issues

- 10.1 An EQIA has been undertaken and potential impacts have been evaluated.
- 10.2 Community Safety – N/A.
- 10.3 Environmental Health Issues – N/A.
- 10.4 Sustainability and Addressing a Changing Climate – Sustainability is a fundamental element of the planning system and is incorporated within any future planning decision. Both mitigation of the impact of development on climate change, and adaption to the impacts of climate change, are key issues addressed in the Local Plan. The draft Local Plan seeks to reflect this throughout, and address as relevant to the policies.
- 10.5 Property Issues – N/A.
- 10.6 Wards/Communities Affected – All.

## 11 Conclusion and reasons for recommendation

- 11.1 The report seeks the approval to publish the Local Plan 2040 Regulation 18 Stage 1 document for public consultation.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Test Valley Local Development Scheme 2021			
Statement of Consultation and Appendices			
Sustainability Appraisal			
Equalities Impact Assessment			
Health Impact Assessment			
<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	File Ref:	pp1.2
(Portfolio: Planning) Councillor P Bundy			
Officer:	Clare Roberts	Ext:	8110
Report to:	Council	Date:	26 January 2022

# **Draft Test Valley Local Plan 2040 Regulation 18 Stage 1**

**January 2022**

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## Chapter 1: Introduction

- 1.1 The context for preparing the Test Valley Local Plan 2040 (LP40) is a challenging one, as there have been recent changes to how we live, work and what is considered important to our communities. Countering our changing climate, uncertainty of planning reforms, and evolving national legislation on protecting and improving our environment will need to be taken account of and will significantly shape the Local Plan 2040. So will the impact of the Coronavirus pandemic, which is affecting us all.
- 1.2 Our evidence base will need to take account of the impacts of the pandemic and there may be longer term changes into the future, for example, to working patterns, travel and consumer behaviour. Addressing the impacts of the pandemic will be a challenge as they are still emerging, and the Council will need to take into account the most up-to-date information at each stage of the Local Plan.
- 1.3 Alongside this, and fundamental to preparing the Local Plan, are consideration of the local issues and challenges that are specific to Test Valley which we will need to address. Test Valley is one of the larger Boroughs in Hampshire and is predominantly rural in character. The market towns of Andover and Romsey provide key centres in the north and south of the Borough for our communities. They are surrounded by countryside with a dispersed variety of villages and settlements. At the centre of the Borough is Stockbridge, on the River Test, which acts as a centre for many of our more rural communities.
- 1.4 There is a strong economy in Test Valley which our rural and visitor economy plays a key role. Test Valley has a rich variety of high-quality landscapes and habitat, including farmland, woodlands, chalk downland and river valleys. Test Valley also includes part of the North Wessex Area of Outstanding Natural Beauty, to the North of Andover and numerous rivers, tributaries, rivulets and chalk streams across the Borough.

### What is a Local Plan

- 1.5 The Test Valley Local Plan 2040 will provide a planning policy framework for the future of the Borough, and more specifically how we intend to deliver sustainable development, which is at the heart of the planning process. It will set out planning policies which will be used as the starting point for determining planning applications. On Adoption, it will replace the Revised Local Plan 2029.
- 1.6 The Local Plan 2040 will set out the level of new homes, jobs and infrastructure to be provided to support the Borough's communities and meet their future needs, whilst also protecting the local environment. This relates to both strategic issues, such as the amount of growth proposed, how it is distributed, and how the Borough moves towards achieving net zero carbon, through to more detailed issues, such as the design and layout of new development and how environmental assets are to be protected. It will also help to implement the spatial aspects of the Council's priorities and delivery of infrastructure, as set out in the Corporate Plan.
- 1.7 Following Adoption of the Local Plan 2040, we will seek to deliver the Local Plan 2040 however this can be influenced by many factors. Partnership and collaborative working with many stakeholders including both public agencies and private sector will be necessary. There are delivery risks that are outside of our control. Such as in recent years, we have seen the effects of the economic crisis and the consequences of the Coronavirus are unknown. In preparing the Local Plan 2040, we will consider how we can incorporate flexibility and resilience into our strategy and policies.
- 1.8 The Local Plan is part of our Development Plan. A Development Plan comprises of planning policies which guide decision making on development (planning applications). The Development Plan also comprises any other relevant Development Plan Documents such as documents relating to minerals and waste and made Neighbourhood Plans which are prepared by our parishes and their local communities.
- 1.9 The Test Valley Development Plan is currently comprised of the Adopted Revised Local Plan 2029, which will be replaced by the Local Plan 2040 on Adoption, along with the Adopted Hampshire Minerals and Waste Local Plan 2013 and a number of made Neighbourhood Plans. See Figure 1.1.
- 1.10 The Local Plan 2029 reached the five-year anniversary of its adoption on 27 January 2021. The Council is legally required to review its local plan five years from adoption to ensure that policies remain relevant. This does not mean that a new local plan needs to be adopted within five years, but that the review should either be underway or triggered, depending on the issue. We therefore

undertook a review of the Adopted Local Plan 2029 to ensure its policies remain effective and to identify any areas which need to be reviewed.

- 1.11 The review concluded that the spatial strategy is considered to remain sound, and plan polices remain up to date and continue to provide a robust basis for decision making in the determination of planning applications. The review was approved by the Council's Cabinet on 10 March 2021. This demonstrates that whilst the new Local Plan 2040 is being prepared, the Council's existing Adopted Local Plan 2029 still provides a robust basis for decision making on planning applications.

Figure 1.1: Test Valley Development Plan  
*To be added before public consultation*

- 1.12 A small area of the Borough is within the New Forest National Park. The New Forest National Park Authority is responsible for planning of this part of the Borough, with the Adopted New Forest National Park Local Plan 2016-2036 forming the Development Plan for this area.
- 1.13 Neighbourhood Plans provide an opportunity for parishes and local communities to plan for their local community and reflect their aspirations for their area. Neighbourhood Plans must be prepared in general conformity with the strategic policies currently set out in the Adopted Revised Local Plan 2029 however this will change to the Local Plan 2040 once adopted. The Council will continue to provide support for communities wishing to prepare a neighbourhood plan.
- 1.14 Other local planning policy documents can be prepared by the Council, such as Supplementary Planning Documents (SPDs) and Village Design Statements. Supplementary Planning Documents can help to provide further guidance regarding strategic policies set out in a Local Plan. The Council already has several SPDs in place and these will remain in use if they are based on a strategic policy in the Local Plan 2040 on Adoption, if not the Council may seek to review these SPDs. Village Design Statements can be prepared by parishes and residents in consultation with the Council, to provide guidelines for developments to be in keeping with the village's essential character.

### **How the Local Plan fits with the Corporate Plan**

- 1.15 Our Corporate Plan 2019-2023 'Growing Our Potential' was approved in April 2019, setting our vision and strategic priorities for 2019-2023. This includes for our:

- a. **Town centres** to adapt and be attractive, vibrant and prosperous places;
- b. **Communities** to be empowered, connected and able to build upon their strengths;
- c. **People** to be able to live well and fulfil their aspirations; and our
- d. **Local environment** working together to care for and maintain our outstanding natural and built assets in Test Valley.

1.16 The Corporate Plan is important in the Council's overall strategic planning framework as the Local Plan 2040 has a central role in the delivery of the spatial aspects of actions under each of the Corporate Plan's priorities. This includes:

- Town Centres: Providing a long-term strategic overview of what is needed in our town centres, within an ever-changing environment, putting in place the mechanisms to enable delivery.
- Communities: Strengthening our community-led approach to spatial planning so that people can play an active part in shaping their communities. This will include our ongoing commitment to undertake the preparation of the Local Plan 2040 in an inclusive way, and support communities who will benefit from developing a Neighbourhood Plan or Village Design Statement to do so. More specifically, the Local Plan 2040 will explore opportunities to deliver more new affordable homes in urban and rural areas.
- People: Supporting our communities to ensure that the right infrastructure at the right scale is secured that delivers homes and employment growth, enabling people to access a job, live in a decent home and fulfil their aspirations.
- Local Environment: Identifying opportunities to increase access to the countryside and green spaces for Test Valley residents.

1.17 During the course of the production of the Local Plan 2040 the Council's Corporate Plan will be reviewed and a new version will be adopted. The Local Plan 2040 is key in the delivery of the Council's priorities, and we will need to ensure we reflect the priorities in the updated Corporate Plan in the Local Plan 2040.

### **How the Local Plan fits with the Climate Emergency Action Plan**

- 1.18 Climate change is one of the greatest challenges which we face. The Government has set a statutory target for the country to achieve net zero carbon emissions by 2050. Reflecting this and since the latest Corporate Plan was approved, the Council has declared a climate emergency in September 2019 and approved its first Climate Emergency Action Plan<sup>1</sup> (CEAP) in 2020. The Climate Emergency Action Plan concentrates on what the Council can do to make a difference. It will ensure we meet the targets identified by Government but also exceed these where we can. The Local Plan is a mechanism to deliver this and move towards neutrality and help promote more sustainable living.
- 1.19 Central to this Local Plan, is addressing and countering our changing climate through minimising impact of new development and adaptation as set out in our CEAP. This relates to many of the matters that will be addressed in the Local Plan 2040, from the location, design and layout of building to using nature-based solutions. The Council is committed to working with communities and partners to reduce emissions and support adaptation to reduce the effects of a changing climate.

### **How does this fit with the Town Centre Masterplans**

- 1.20 To deliver our Corporate Priority of adapting our town centres to be attractive, vibrant and prosperous places, Masterplans have been approved by the Council for Andover and South of Romsey Town Centres. These Masterplans set out objectives and specific projects to aid regeneration of the town centres. Both Masterplans have an emphasis on introducing a wider range of mixed uses within the town centres and were informed by extensive public engagement and consultation.
- 1.21 Future proofing Andover and Romsey Town Centres to create cultural, adaptable, diverse and vibrant centres is a key matter to be addressed in the Local Plan 2040. The Local Plan 2040 will be a mechanism to help set out and deliver our long-term strategic overview of what is needed to regenerate these town centres. The respective Masterplans are mechanisms to aid delivery of specific projects and will be supported by ongoing co-operation with key partners and delivery bodies.
- 1.22 Both towns have established partnerships between residents, community groups, businesses and public bodies; these are Andover Vision and Romsey

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1 Available:

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

Future. The Council will continue to engage with Andover Vision and Romsey Future regarding the delivery of regeneration.

### **How the Local Plan fits with the Statement of Community Involvement**

- 1.23 Effective engagement and consultation are key to ensuring the Local Plan 2040 takes account of what is important to our communities and stakeholders. To do this, our communities and stakeholders need to understand how to get involved and express their views. Our Statement of Community Involvement (SCI) (2017) describes how they can get involved in the plan making process. This includes Local Plans and Neighbourhood Plans, and the various methods the Council will use and consider in undertaking public consultation.
- 1.24 The consultation undertaken for the Local Plan 2040, has to be undertaken in accordance with the SCI, as this is a legal requirement. The Coronavirus pandemic restrictions have had an impact on how we consult and the ability of our communities and stakeholders to get involved. We have produced an Addendum (2020) to our SCI setting out the changes that would be needed regarding the methods we use to consult when restrictions are in place to take account of this but still ensure we provide opportunities for our communities to get involved. These methods are evolving, and the use of various digital means is becoming helpful in reaching parts of our communities and stakeholders.
- 1.25 There is a national requirement for SCIs to be reviewed within five years of their Adoption. Our Statement of Community Involvement was adopted in 2017. We will need to review the SCI by the end of 2022. The preparation of the Local Plan 2040 will need to be in accordance with any changes made to the SCI.

### **Progress of the Local Plan 2040**

- 1.26 The current Local Plan 2029 was adopted in January 2016. The Council has commenced preparation of the Local Plan 2040, with two informal stages of public consultation having already taken place.
- 1.27 The first stage of public consultation was undertaken on an 'Issues and Options' document in summer 2018 which aimed to seek views on issues that the Borough, and those that live and work in Test Valley will face in the future, together with how best to deal with them. This has helped us to better understand what our communities see as the key planning issues going forward.

- 1.28 The second stage of public consultation was a ‘Refined Issues and Options’ document in summer of 2020 which sought to build upon the outcomes of the initial consultation and to also recognise and take account of recent key changes and trends through presenting more detailed and specific policies and proposals. The comments received are helping us to develop and draft more detailed policies and proposals.
- 1.29 The next step is our Regulation 18 public consultation which will be undertaken in two stages. The first stage (Stage 1) of our Regulation 18 public consultation provides more detailed proposals than that presented in our previous consultation documents and focusses solely on strategic matters. The second stage (Stage 2) of our Regulation 18 public consultation will include all draft proposals, including all strategic matters set out in the Stage 1 of our Regulation 18 Local Plan, which will have been developed taking into account your comments and further evidence. Stage 2 will also include detailed proposals for our site allocations and development management policies.
- 1.30 Our approach to preparing the Local Plan builds upon the Council’s commitment to greater engagement and partnership working with local communities. The timetable for the preparation of the Local Plan, in particular the two stage Regulation 18 public consultation, enables focus on our strategic priorities and aspirations. We can seek the communities’ views upon this first which can feed into the detailed assessment of sites and development management policies.
- 1.31 The timetable for the Local Plan is set out in Figure 1.2, which is also set out in our Local Development Scheme.

Figure 1.2.: Local Plan 2040 Timescale.

Consultation on Regulation 18, Stage 1 (2022 Q1) (highlight this is the current stage)

Consultation on Regulation 18, Stage 2 (2022 Q4)

Consultation on Regulation 19 (2023 Q4)

Submission (2024 Q3)

Examination (2024 Q4)

Adoption (2025 Q3)

- 1.32 The Local Plan 2040 Regulation 18, Stage 1 focuses solely on strategic matters, setting our draft policies, proposals, and future challenges. These strategic matters seek to address the strategic priorities for Test Valley firstly by setting out our draft vision and objectives which guide the Local Plan's policies and proposals. It then sets out our draft spatial strategy which is our overall strategy to guide the distribution and type of development. Following on from this, our draft strategic proposals are explained, including achieving high quality of design, a net zero carbon future, supporting regeneration of our town centres, ensuring sufficient provision to meet our needs for housing, employment, infrastructure alongside conserving and enhancing the natural, built and historic environment.
- 1.33 The Local Plan 2040 Regulation 18, Stage 2 will be a comprehensive Local Plan which will include all of our draft proposals. This will include the strategic matters set out in the Local Plan 2040 Stage 1 Regulation 18 document which will have been further refined to take account of your comments and further evidence. The document will set out draft proposals on our site allocations and non-strategic matters including development management policies. These policies will be used to determine planning applications and will cover topics such as the provision of specific infrastructure and the conservation and enhancement of the natural environment.
- 1.34 Following public consultation of our Local Plan 2040 Regulation 18, Stage 2, we will consider your comments and undertake and collate further evidence where needed, to inform and prepare our final draft of the Local Plan 2040. This will be our Regulation 19 document. All comments made on the Local Plan 2040 at the Regulation 19 stage will be collated and submitted alongside the Local Plan 2040 to the Secretary of State for Examination.
- 1.35 Some of our draft policies and proposals will require to be illustrated geographically on our Policies Maps. At this stage, there are only a couple of draft policies which propose geographical boundaries, which we have shown in this document, and thus a draft Policies Map has not been produced. We will produce a draft Policies Map to accompany our Local Plan 2040 Regulation 18, Stage 2 and we would welcome your comments on the draft Policies Map at that stage.

### **Plan Period**

- 1.36 The plan period is the timescale that the local plan policies cover, particularly in terms of the amount of development needed. Adopted local plans are reviewed before the end of their plan period and therefore we cannot start the

timeframe for this Local Plan 2040 at the end of the plan period of the current Adopted Local Plan 2029, as we need to make sure there is an overlap in timescales, otherwise there will be a gap in the planning framework.

- 1.37 The current Local Plan (adopted January 2016) covers a plan period of 2011-2029. We are proposing the plan period for the Local Plan 2040 starts in 2020. Although we have previously suggested an end date of 2036 in our Refined Issues and Options Local Plan, we are now proposing an end date of 2040. The plan period has been amended to reflect the change in the timescale to prepare the Local Plan and the need to be in conformity with national policy. National planning policy is clear that the Council needs to look ahead over a minimum of 15 years from the date of adoption of the plan. As the adoption of the Local Plan is expected to take place in 2025, the Local Plan end date is proposed to be 2040.

### **Evidence Base**

- 1.38 The evidence base<sup>2</sup> is used to help understand the background of any issues which a Local Plan needs to address. The evidence base is an important element for the justification for the Council's policies and proposals and will evolve throughout the preparation of the Local Plan 2040. Where appropriate, evidence base studies have and will be prepared jointly with neighbouring authorities.
- 1.39 The time period for the production of our evidence base is dependent upon available data both in regard to the start base date and reliability of future forecasts. Ideally a consistent base date (start date) will be used for evidence base studies, which will be consistent with the start date of the plan period, of 2020. As we get further into the future, it can become more difficult to set out the level of certainty for our development needs.
- 1.40 The Council has prepared some evidence base studies to inform the policies and proposals within this Local Plan 2040, while some studies are still in preparation. To ensure our policies and proposals are justified, we have outlined the next steps for those strategic matters where this is the case rather than pre-empt the outcomes of our evidence base studies. In addition, the Council has prepared a series of Topic Papers to explain how the Council has derived the draft proposals and policies in the Local Plan 2040. These Topic Papers will be updated as the Local Plan 2040 progresses.

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<sup>2</sup> Available at: <https://testvalley.gov.uk/planning-and-building/planningpolicy/evidence-base>

- 1.41 There are a few appraisals or assessments that are critical to inform the preparation of the Local Plan 2040. These include the Sustainability Appraisal, Habitats Regulations Assessment, Equalities and Health Impact Assessments. These appraisals or assessments ensure sustainability is embedded within the Local Plan 2040, as well as ensuring the impacts from the proposals or policies in the Local Plan 2040 on protected habitats, equality and health are fully considered and reflected in the Plan.
- 1.42 The Sustainability Appraisal assesses the policy options that have been considered and sets out the main impacts that are expected to result from each of these options, including on the environment, communities and the economy. This helps to identify the preferred draft options that have then been incorporated into the Local Plan 2040. To assess these options, a sustainability framework has been prepared, informed by gathering background information about the area, so that key issues could be identified. From this, sustainability objectives have been established which are set out in the Sustainability Framework. These are different to the objectives for the Local Plan 2040 itself.
- 1.43 The Council published a Scoping Report<sup>3</sup> in 2020 which sets out our Sustainability Framework. This is the Sustainability Framework which has and will be used to assess our policy options for inclusion in the Local Plan 2040. We have undertaken a Sustainability Appraisal<sup>4</sup> to inform the Local Plan 2040, which has considered and assessed potential policy options to inform our draft policies. Only policy options which have been considered reasonable for Test Valley have been assessed. The preferred policy options have been taken forward in the Local Plan 2040. The Sustainability Appraisal Report has been made available alongside the Local Plan 2040 and is part of the public consultation, along with the Equalities Impact Assessment and Health Impact Assessment.
- 1.44 The Council is also required to undertake a Habitats Regulations Assessment on the Local Plan 2040. This will assess if the Local Plan 2040 proposals could significantly harm the designated features of protected sites identified by the Conservation of Habitats and Species Regulations 2017 (as amended) which comprise of Special Areas of Conservation and Special Protection Areas. The Council will shortly be procuring consultants to undertake this assessment which will inform the preparation of draft policies and proposals for inclusion in the Local Plan 2040 Regulation 18 Stage 2.

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3 Available at: <https://testvalley.gov.uk/planning-and-building/planningpolicy/evidence-base/sustainability-appraisal>

4 Sustainability Appraisal Main Report for the Test Valley Local Plan: Regulation 18 Stage 1

## **How to Comment**

- 1.45 We are inviting and would welcome comments on the draft policies and proposals set out in the Local Plan 2040 Regulation 18 Stage 1. This will help us to refine these policies and proposals and to inform the more detailed matters which will all be included in the Local Plan 2040 Regulation 18 Stage 2.
- 1.46 In addition, if you have any comments on other planning policy matters that will help us to develop the Local Plan 2040 Regulation 18, Stage 2, then please provide these as well.
- 1.47 Comments on the Local Plan 2040 are invited during a X-week period, which runs from **XX to XX 2022**. Comments should be submitted to the Planning Policy and Economic Development Service. They need to be made in writing and directed to:
- Email: [planningpolicy@testvalley.gov.uk](mailto:planningpolicy@testvalley.gov.uk)
- Post: Planning Policy and Economic Development Service  
Test Valley Borough Council  
Beech Hurst  
Weyhill Road  
ANDOVER  
SP10 3AJ
- 1.48 If you have any queries on the content of this document, please contact the Planning Policy and Economic Development Service using the above email address or via 01264 368000.
- 1.49 In your response, please provide your name, and postal or email address. If you are responding on behalf of someone else, please also provide the name of the individual or organisation.
- 1.50 If you respond to this consultation, we will keep you informed of future consultation stages unless you advise us that you want to opt out of such communications.
- 1.51 All consultation responses will be made publicly available in due course following the end of the consultation. If you are responding as an individual, rather than as an organisation, we will not publish your contact details (email/postal address and telephone number) or signatures.

- 1.52 Some of the content of this document goes into a level of detail or uses phrases which planners need to cover in order to refer to the correct technical terminology. If you are uncertain about the meaning of any anything, or wish for further explanation of the meaning, please contact us.

**Next Steps**

- 1.53 Following public consultation on the Local Plan 2040, we will process and review the consultation outcomes and comments to inform the preparation of the Local Plan 2040 Regulation 18, Stage 2. We are continuing to develop our evidence base to support proposals and policies to be included in the Local Plan 2040 Regulation 18, Stage 2. We will be consulting on our Local Plan 2040 Regulation 18, Stage 2 by the end of 2022.

## **Chapter 2: Vision, Key Challenges and Objectives**

### **Introduction**

- 2.1 Central to preparing the Local Plan is understanding the key challenges and opportunities facing the Borough and our communities, which in turn informs the Plan's Vision and Objectives. Part of this, is the changing national and regional policy context which preparation of the Plan must take account of.
- 2.2 The Vision summarises the Council's aspirations for the Borough and projects this over the plan period. It describes the broad overarching and ambitious philosophy of the plan.
- 2.3 The Objectives set out our planning priorities for Test Valley reflecting the challenges we face and the issues that resonate with our communities, as identified in consultation responses. They provide the connection between how we will deliver the Vision through providing specific priorities for the plan's policies.
- 2.4 Alongside the Vision and Objectives, is our Spatial Strategy which is set out at Chapter 3. The Spatial Strategy provides the overarching direction on where development will be supported in the Borough including the type and shape.

### **National Planning Policy and Guidance**

- 2.5 We must frame our Local Plan, and our Vision and Objectives against national planning guidance. The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) provide guidance for the preparation of local plans. They set out key national priorities that must be taken into account in the preparation of local plans and when determining planning applications. The NPPF requires that all development needs are met in the Local Plan, in terms of housing, economic growth, the provision of new infrastructure, facilities and services.
- 2.6 At the heart of the NPPF is a presumption in favour of sustainable development. This reflects the requirement, in the Planning and Compulsory Purchase Act 2004 (as amended), that Local Plans are prepared with a view to '*contributing to the achievement of sustainable development*'<sup>5</sup>. It confirms that the planning system has three overarching and interdependent objectives; economic, social and environmental. The NPPF definition of sustainable development states that '*sustainable development is development that meets the needs of the present without comprising the ability of future generations to meet their own needs*'.<sup>6</sup>
- 2.7 The Government identifies the tests which the Local Plan will be assessed against. The tests ensure Local Plans can be considered 'sound' and thus Adopted. For the Local Plan 2040 to be 'sound', we must demonstrate the following tests have been met:
- Positively prepared and based on a strategy which seeks to meet objectively assessed development and infrastructure requirements for its area, including any unmet requirements from neighbouring authorities, and that is consistent with achieving sustainable development.
  - Justified in that it must set out an appropriate strategy (when considered against reasonable alternatives) which is based on proportionate evidence.
  - Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
  - Consistent with national policy to enable the delivery of sustainable development in accordance with the policies in the NPPF.
- 2.8 In August 2020, the Government published 'Planning for the Future' White Paper which sought views on a number of packages regarding proposals for reform of the planning system in England, to streamline and modernise the planning process. A Planning Bill was confirmed in the Queen's speech in

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5 Planning and Compulsory Purchase Act 2004 (as amended) Section 39(2).

6 Brundtland Commission definition as per Resolution 442/187 of the United Nations General Assembly and referenced at paragraph 7 in the NPPF

May 2021 to take forward these changes. However, the full extent of the reform is currently unknown, as is the timetable for any changes that result from the future Planning Bill.

- 2.9 Potential changes from the Planning Bill, and any other potential changes to legislation such as relating to the future Levelling Up White Paper and the recently enacted Environment Act 2021, present significant risk that national legislation is likely to change during the preparation of the Local Plan 2040 and will have an impact on it. If this were to take place, we may need to pause plan preparation and consider any implications for the Local Plan 2040.
- 2.10 At the same time as progressing potential planning reforms, the Government is encouraging local planning authorities to continue reviewing and updating their local plans and to not await the outcome of the reform proposals. The Government's target remains for all local planning authorities to have an up-to-date local plan in place by the end of 2023.
- 2.11 We want to ensure the preparation of the Local Plan 2040 is informed by appropriate evidence, which takes time to collate, and understand and provide plenty of opportunities for public consultation to gain the views of our communities. It is important that we listen and consider the views of our communities and evidence to ensure the Local Plan 2040 reflects these but at the same time ensuring we can meet the tests to demonstrate a 'sound' Local Plan. Nonetheless, we will have made significant progress towards a final draft Local Plan 2040 (which is the Regulation 19 stage) which we are aiming for public consultation by the end of 2023.
- 2.12 Whilst the Local Plan 2040 is being prepared, the Council's existing Adopted Local Plan 2029 still provides a robust basis for decision making on planning applications. This was demonstrated through the Council's five-year review of the Adopted Local Plan 2029.
- 2.13 Following the United Kingdom withdrawing from its membership of the European Union on 31 January 2020, the relationship between UK and EU law has changed. EU law as of 31 December 2020 is now 'retained EU law' as part of domestic legislation. The UK now has separate and independent policies in areas such as the environment, whilst maintaining a commitment to broad equivalence in environmental standards. It is not yet clear what specific implications there might be for the Local Plan 2040, or the wider planning system and the framework in which it operates, in the future. The uncertainty of this presents a challenge to the preparation of the Local Plan 2040, and one we will need to monitor.

- 2.14 The recently enacted Environment Act 2021 became law on 10 November 2021 and covers a range of topics linked to the protection and improvement of the natural environment. The preparation of the Local Plan 2040 will need to accord with this Act with many of the topics needing to be addressed in the Local Plan 2040, such as water resources, air quality and biodiversity, and nature recovery. Addressing the requirements in the Act will be a challenge as further legislation and guidance will be evolving alongside the progression of the Local Plan 2040. The timescale to address these may be limited or we may need to consider a change in the Local Plan 2040 timescale.
- 2.15 We are preparing the Local Plan 2040 at a time where the Coronavirus pandemic is affecting us all. We will need to take account of any potential changes arising from the pandemic on the way we live and work, as these emerge and noted in Chapter 1.

### **Regional Context and the Duty to Cooperate**

- 2.16 National policy places a duty on local planning authorities to co-operate with external organisations and stakeholders on strategic matters that cross over boundaries, such as transport corridors, infrastructure projects, or housing needs.
- 2.17 We are engaging with external organisations and stakeholders, including statutory consultees, such as Hampshire County Council and Natural England through the preparation of the Local Plan 2040. This will help to ensure the Local Plan 2040 is informed by the expertise, priorities and requirements of other key agencies and authorities on strategic or cross boundary matters. It also provides opportunities for coordinated delivery of projects, policy and infrastructure.
- 2.18 We are also engaging with our neighbouring authorities. Our neighbouring authorities are shown in Figure 2.1. The Council works with authorities across South Hampshire, including Hampshire County Council, through the Partnership for South Hampshire (PfSH) voluntary partnership<sup>7</sup> on a range of strategic planning matters, including on a joint evidence base. The joint Statement of Common Ground (SoCG) in preparation by PfSH will look forward to 2040, with a possible long-term vision to 2050. This will replace the Spatial Position Statement (SPS) for the sub-region for the period to 2034, with some of its evidence covering the period to 2036.

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<sup>7</sup> Test Valley is part of the PfSH Partnership together with East Hampshire, Eastleigh, Fareham, Gosport, Hampshire County, Havant, New Forest, Portsmouth, Southampton, and Winchester Councils and New Forest National Park

- 2.19 The Council is also working closely with Basingstoke and Deane, Rushmoor and Hart councils and a collective narrative for North Hampshire was endorsed by the Council Cabinet on 27 October 2021. This identifies each authority's existing plans for growth and identifies opportunities and issues to achieve those aspirations. It demonstrates joint commitment by the Council and the other authorities on co-operation at a strategic level on planning matters and sets out joint support for any future bids for external funding that may arise.

Figure 2.1: Map showing Neighbouring Authorities



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2.20 The Council is jointly working with neighbouring authorities and agencies on a range of wider strategic, cross boundary environmental matters that will need to be addressed in the Local Plan. These include:

- addressing and mitigating the recreational impact of new residential development on the New Forest international nature conservation designations;
- mitigating the impacts of recreational pressures on the Special Protection Area designations around the Solent, through the 'Bird Aware Solent' scheme; and
- mitigating the impacts of nutrients from new development on the environmental designations, within and around the Solent.

## Vision

- 2.21 The **Vision** summarises the Council's aspirations for the Borough looking towards the end of the plan period, to 2040. It describes the broad overarching and ambitious aim of the plan. It provides a balance of being aspirational, whilst also being realistic and distinctive to Test Valley Borough.

### **By 2040, Test Valley Borough's communities will be prosperous and resilient by:**

**Providing access to good quality homes that will meet a range of needs and aspirations, including affordable housing. Countering our changing climate through mitigation and adaptation and delivering well designed developments to a high standard that encourage inclusivity, health and security. High quality of life will be experienced by our communities, and they will enjoy a strong sense of identity. Development will take place in sustainable locations and support the delivery of infrastructure.**

**The Borough's economy will be thriving and supported by a skilled workforce. The economy will experience sustainable growth across a range of sectors, including the high technology and green industries and the visitor economy. Residents will have access to training, education and work opportunities and enjoy well-connected working environments. The Borough will continue to be known for its varied, green and distinctive landscapes, heritage and rich ecology.**

**Our natural, built and cultural resources will be safeguarded for future generations to enjoy. The character of our individual settlements will be maintained and their sense of place enhanced. The market towns of Andover and Romsey will have thriving town centres, offering high quality connected green and public spaces and a mix of leisure, shopping and cultural facilities and homes, with sustainable transport connections. The smaller local centres will provide for the needs and aspirations of residents and visitors. The vibrancy of our rural**

**communities will have been retained through sustaining access to facilities and services they need to support healthy, active lifestyles and wellbeing and enjoy access to our diverse and outstanding countryside.**

- 2.22 The Vision identifies the need to deliver the homes, employment and supporting infrastructure that will be needed to support our community's needs, whilst balancing the protection and enhancement of our precious and unique natural assets and distinctive heritage which our communities highly value. It includes our corporate priorities of countering climate change and regeneration and enhancement of our town centres, and support for the Borough's local centres. It sets out the need to facilitate and support healthy active lifestyles with high quality design playing a key role in achieving this.
- 2.23 We are seeking your comments on the Vision, in particular are there any other local priorities that you consider should be highlighted in the Vision.

### **Objectives and Challenges**

- 2.24 The starting point for developing our objectives has been to identify and consider the key challenges and opportunities Test Valley faces. Addressing these in our objectives will ensure a framework is provided for our policies to collectively help address these. We have also considered what is important to our communities and how we meet their needs, through consideration of consultation responses, along with local priorities set out in the Council's Corporate Plan and national policy priorities.
- 2.25 The draft objectives are set out by theme. They focus on what could be improved about living and working in Test Valley and our aspirations for the future of the Borough.

### Climate Change

***Countering climate change through transition to a net zero carbon future, where new development and local environments are adaptable and resilient to the changing climate. Seek to reduce emissions from new development, facilitate more sustainable living, and manage the risks of flooding, whilst seeking to protect our water resources.***

- 2.26 Climate change is one of the greatest challenges which we face. The Government's statutory target for the country to achieve net zero carbon emissions by 2050 and requirements in national planning policy for Local Plans to mitigate climate change emphasise the importance of Local Plans playing a fundamental role in addressing this challenge. The Council's Climate Emergency Action Plan (CEAP) confirms this, in establishing the key

role the Local Plan 2040 can make to influencing our impact on our changing climate. It is likely national policy will evolve over the preparation of the Local Plan 2040, which we will need to take account of.

- 2.27 The Local Plan 2040 will have an impact on cutting our emissions through minimising the impact development has on emissions and adaptation to manage impacts. It is fundamental this objective is embedded in the Local Plan 2040. Consultation responses have confirmed that this is a priority for our communities. The Local Plan 2040 influences the location of development, shape, design and orientation of development. It will facilitate and support sustainable transport modes, sources of energy used, reduce our vulnerability to weather conditions, integrate nature-based solutions and aid the transition to a low carbon economy. Collectively these can have a significant impact on reducing our emissions.

### Our Communities

***Deliver and strengthen sustainable, cohesive and healthy communities in our towns and villages. Secure enhancements to social, green, health, educational and other local infrastructure through new development in sustainable locations. Support the viability of the Borough's town and local village centres in meeting many of the daily needs of our communities and residents.***

- 2.28 The sustainability of our communities is linked to their ability of having easy and safe access (by active or sustainable modes of transport, where possible) to facilities, services and amenities to serve economic and social needs, including shopping, recreation, education, and employment.
- 2.29 Our Market Towns provide central hubs in the north and south of our Borough to meet many of the needs of our communities through having a range of infrastructure, services and facilities. There is an opportunity to strengthen and enhance the roles of our Market Towns and ensure further growth is integrated. Whereas in our rural areas, sustainable access and the level of facilities and service varies between settlements. It can be a challenge to help sustain the range of existing facilities and infrastructure and to facilitate the enhancement of them is an even bigger challenge.
- 2.30 This objective is seeking to sustain and where possible, strengthen the sustainability of our communities. The Local Plan 2040 will be able to identify the location of new development and the resultant increase in population can help to sustain the vibrancy of our rural communities through helping to keep existing facilities and services to meet daily needs. Meeting our daily needs is

considered to be through access to key services and facilities such as a food store, place of worship, community hall or meeting place, recreation ground or park, a public house and a primary school.

- 2.31 The Local Plan 2040 will play a role in helping to provide and facilitate new infrastructure that supports a healthy lifestyle. This includes access to digital infrastructure (including high speed broadband connectivity) and infrastructure to facilitate the use of electric vehicles.
- 2.32 The opportunity exists for the Local Plan 2040 to seek to strengthen the role of community led planning through supporting communities in bringing forward Neighbourhood Plans, Village Design Statements, and locally driven schemes. These can deliver community benefits and support the delivery of more affordable housing in our communities. This have been highlighted as important to our communities through the consultation responses.

### Town Centres

***Create cultural, adaptable, diverse and vibrant town centres in Romsey and Andover, including through regeneration schemes, and by securing high quality design and accessible mixed-use development that will increase vitality, whilst protecting and enhancing their historic and green assets.***

- 2.33 The market towns of Andover and Romsey are unique, attractive and distinctive. Both town centres offer a mix of shopping, leisure, entertainment, employment, services, culture, open spaces, and heritage. They both have a wealth of listed buildings and benefit from conservation areas and river frontages. However, they also include areas (and in the case of Andover, some highway infrastructure) that are undervalued and under used, or which could be enhanced and better integrated within the town centre.
- 2.34 Across the Country, the role of town centres is changing, and the retail sector in particular is facing challenges. Shopping activity and retail businesses have been impacted by the pandemic. On-line shopping and the growth in home delivery services, for example, have impacted footfall and shopping behaviour in many towns. Andover and Romsey will need to adapt over the plan period in order to maintain their vitality and prosperity, and likely in different ways. This presents both challenges and opportunities for the Local Plan 2040.
- 2.35 There is also growing evidence that people increasingly visit town centres to enjoy wider leisure and social experiences rather than solely for shopping or necessity purposes. Our high streets can build in resilience and capitalise on these changing behaviours, by offering a more varied mix of uses and

activities than they might have in the past. Digital innovation and technology may also play a larger role in how people interact with their town centres and retail providers in future.

- 2.36 Enabling our town centres to adapt and to be attractive, vibrant and prosperous places, is a corporate priority<sup>8</sup> with the Local Plan being a key mechanism to deliver this. The future of our town centres was identified as a key theme in our consultation responses.
- 2.37 Regeneration of the town centres in line with the respective Andover and South of Romsey Town Centre Masterplans has already begun. The Masterplans are being delivered proactively, with our partners, key agencies and landowners. A key opportunity for the Local Plan 2040 is to help guide and enable the regeneration process over the lifetime of the plan.

#### Built, Historic and Natural Environment

***Conserve and enhance the built, historic and natural environment within Test Valley, including local character, identity, cultural heritage, the variety of local landscapes and the special landscape character of the Borough.***

- 2.38 The built environment and rich heritage within our towns, villages and rural areas is of a high quality, often enhanced by the attractive and varied wider landscape setting. The Borough has many chalk streams and wide green river valleys and floodplains, pockets of ancient and managed woodland, undulating chalk downland, and expanses of attractive farmland. There are 36 designated Conservation Areas, just under 2,100 listed buildings, 96 scheduled monuments<sup>9</sup> and 8 registered local historic parks and gardens<sup>10</sup>.
- 2.39 These many and varied characteristics mean that the Borough's built and natural environment is highly desirable and valued, as highlighted through consultation responses. There is an opportunity for the Local Plan 2040 to deliver a positive strategy to protect, conserve and enhance the environment. However, there is always the challenge and pressure to meet the development needs of our communities and the impact this may have on the built and natural environment.

8 Test Valley Borough Council Corporate Plan 2019-2023: Growing Our Potential, 2019 (available: <https://testvalley.gov.uk/aboutyourcouncil/corporatedirection/corporate-plan-for-2019-to-2023>).

9 The Hampshire Archaeology & Historic Buildings Record (Hampshire County Council)

10 The National Heritage List for England (Historic England)

- 2.40 The impact of nutrients on internationally designated nature conservation sites in and around the Solent is a challenge. The high levels of nitrogen and phosphorus entering the water environment has resulted in dense mats of green algae. This is having an impact on a wider scale than just Test Valley. Natural England have advised that new homes and overnight accommodation within the River Test catchment area should achieve nutrient neutrality. This will ensure new development does not add to the existing nutrient levels. Ensuring mitigation solutions are available to support the development needs of our communities will be a challenge for the Local Plan 2040.
- 2.41 Some areas of the Borough have experienced periods of localised flooding, often associated with rising groundwater. This presents risks to the safety of residents and communities, businesses, wellbeing, ecology and habitat (for example, when associated with pollution to rivers or groundwater). This objective will seek to conserve and protect the natural environment and mitigate the risk of flooding and ensure a sufficient water supply.

#### Ecology and Biodiversity

***Conserve and enhance biodiversity, by taking opportunities to promote, and secure clear and measurable improvements to habitats and biodiversity. Enhance the connectivity, quantity and quality of ecological and green infrastructure networks, to help maintain and enhance the condition of protected nature conservation sites, protected species and the resilience of biodiverse environments to the changing climate.***

- 2.42 The Borough has numerous areas of special ecological or habitat value and supports a wealth of species of flora and fauna, some of which have legal protection. There is a pressing need to maintain and enhance our rich and varied biodiversity, particularly in the light of climate change, and the gradual loss of species and habitat that has taken place in the UK over several decades.
- 2.43 The recently passed Environment Act 2021 introduces various changes to the legal framework for a range of environmental matters and sets out requirements for new development. The Act will require that new development both minimises any impacts on biodiversity and habitat and ensures that measurable biodiversity net gains are delivered. This will have very significant implications for biodiversity. This presents a challenge for the Local Plan 2040 in meeting these new requirements along with responding to evolving legislation.

- 2.44 There will be opportunities for the Local Plan 2040 to encourage nature and increased biodiversity within many of our landscapes, streets, public spaces, parks, leisure facilities and open spaces. This will not only have benefits for ecological reasons but also for the health and wellbeing of our communities, and in helping to contribute towards climate change resilience and mitigation<sup>11</sup>.
- 2.45 The Local Plan 2040 will recognise the importance of local biodiversity as set out in the Environment Act 2021. Enhancement of resilient ecological networks, including all forms of green and blue infrastructure will be supported. Existing designated habitats need to be preserved, protected from harm and relieved of recreational pressures in order to support and maintain biodiversity.

#### Health, Wellbeing, Culture, Leisure and Recreation

***Encourage active lifestyles and enhance health and wellbeing, by providing opportunities for recreational, cultural and community activities, through the provision of open spaces, access to the countryside, sports, leisure and other community facilities and services. Work with the Council's partners to secure access to healthcare for all, including the Borough's most vulnerable residents.***

- 2.46 Health and wellbeing in Test Valley is generally better than the national average, although there are some variations across the Borough. The importance of our health and wellbeing has been heightened due to the Coronavirus pandemic.
- 2.47 As a whole, the Borough is not deprived, ranking in the 20% least deprived areas in the country<sup>12</sup>. The Borough has an ageing population with 22% of the resident population estimated to be aged 65 and over<sup>13</sup> compared to the national average of 19%. This will increase pressure on health and social care infrastructure. This is a not just a local challenge but a national one too. Supporting our ageing population will require places that are accessible to all and ensure people living in our community have access to the services and facilities they need to reduce social isolation.

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11 For example, Building with Nature set out a standard and good practice for delivering greater biodiversity, wildlife and nature within new development and green infrastructure, see <https://www.buildingwithnature.org.uk/about>

12 2019 Indices of Multiple Deprivation assessment, Public Health England

13 2019 data

- 2.48 Test Valley has a vibrant range of arts, cultural and leisure facilities, theatres, galleries, museums and other amenities. Our towns, villages and rural communities host a variety of cultural and creative events which benefit the lives and wellbeing of our residents. The Council's support for cultural and arts provision in the Borough is valued by our communities.
- 2.49 Access to open spaces, the countryside, recreational and sports provisions is important to residents, and the pandemic has further highlighted how vital these provisions are to mental and physical health and wellbeing. The Council's sports and pitch strategies and public open space audits<sup>14</sup> provide detailed evidence about our sports and recreational infrastructure, needs and requirements. There is an opportunity in the Local Plan 2040 to protect and facilitate enhancement of these provisions.
- 2.50 Various emergency provisions and services (including the police and fire brigade) are also essential to the safety, health and wellbeing of our communities and need to be planned for. These are forms of social and health infrastructure that contribute to the social sustainability of the Borough's settlements and communities.
- 2.51 The Local Plan 2040 will help to encourage and facilitate healthy lifestyles. The delivery of health infrastructure will be reliant on partnership working with many other stakeholders, in particular Clinical Commissioning Groups, Hampshire County Council, the National Health Service.

### Design

***Deliver safe, attractive, integrated and well-designed environments that take account of and respond positively to local context and character. Strengthen the sense of belonging and identity within Test Valley by supporting enhancements to the distinctive towns and villages of the Borough. Place-making will be integral to our design approach, helping to strengthen our connections between people and place.***

- 2.52 Test Valley benefits from a rich variety of landscapes, towns, villages and buildings. Development will need to respect and enhance our built and natural environment for future generations to enjoy, whilst contributing to the delivery of healthy, inclusive, and attractive, places. Design plays a key role in tackling these challenges and delivering development that can support and celebrate

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14 The Public Open Space Audit, Playing Pitch Strategy, and Sport Facility Strategy are available at: <https://testvalley.gov.uk/planning-and-building/planningpolicy/evidence-base/evidence-base-leisure>

nature and biodiversity, enhancing and creating high quality accessible places for those who live and work in them and in countering climate change through creating buildings that are durable, flexible and built for life.

- 2.53 In recent years, national policy and guidance has attached increasing weight to the role of good design in planning. The National Design Guide, National Model Design Code and recent reports of the Building Better, Building Beautiful Commission all set out guidance on how to ensure high quality design. This includes through the use of design principles and standards in planning policies and decision making, including through the use of design codes, masterplans and design briefs.

### Housing

***Provide a range of homes that are fit for purpose and designed to meet the needs and aspirations of different groups within the community, including a range of affordable housing and homes that meet the needs of an ageing population.***

- 2.54 National policy requires local housing needs to be planned for within local plans, based on the nationally set 'standard method'. For Test Valley, the local housing need figure is currently 541 homes per annum, which provides the minimum housing need to be identified in the Local Plan 2040. The identification of an appropriate and continuous supply of land for new homes to meet our needs will need to be provided in the Local Plan 2040. A further challenge for the plan is to ensure it offers a resilient strategy to enable delivery of a continuous supply of homes over the plan period as a whole.
- 2.55 Test Valley has an ageing population. There are affordability issues and housing needs vary in the north and south of the Borough. Meeting a range of housing to meet the needs of our communities is a key challenge for the Local Plan 2040.

### Economy, Employment and Skills

***Promote a vibrant and resilient local economy, including the visitor economy, where future sustainable growth and innovation in green, high technology and other sectors can provide for a range of job opportunities and where businesses and individuals can thrive. Support a skilled and diverse workforce so that local people can access learning opportunities and jobs and benefit from greater prosperity.***

- 2.56 Test Valley is part of a wider sub-regional and regional economy. The Borough has benefited from economic growth in recent years. Employment floor space has increased significantly, contributing to meeting both a local and sub-regional need. We have delivered approximately 36 hectares of employment land between 2015/16 and 2020/21. Recent delivery has been strong however the impact of the Coronavirus pandemic nationally on our economy is still unclear going forward.
- 2.57 To support economic sustainability in the local and sub-regional economy, it is important that employment land, including a varied supply of high-quality premises is provided to meet our needs. An opportunity for the Local Plan 2040 will be to seek to build on the current strengths in the local economy and facilitate appropriate future levels of provision at the most suitable and sustainable locations. A challenge is to provide skilled employment and suitable training opportunities, to suit the evolving needs and demands of the local and regional economy, for local people. This will support our communities in providing job opportunities and provide businesses with access to the skilled labour they require.
- 2.58 The Local Plan 2040 will need to take account of the trends in the knowledge-based, green, and higher technology industries, the role of our rural businesses and the visitor economy, and growth in more flexible working, including working from home. This will help our economy and workforce to be prepared to adapt and benefit from future opportunities.
- 2.59 Our key partners in supporting economic development and employment opportunities will play a key role in helping to deliver this objective. The Council will continue to work with the Enterprise M3 Local Enterprise Partnership (EM3 LEP), Hampshire County Council, the Partnership for South Hampshire (PfSH) and other agencies to meet our needs and support business growth.

#### Transport and Movement

***Encourage active and sustainable modes of transport, that are accessible, safe and attractive to use, whilst also seeking to reduce the impact of travel in particular by private car. Ensure new development facilitates improvements to accessibility, safety and connectivity in our transport infrastructure.***

- 2.60 An efficient and integrated transport network is important to help deliver sustainable economic growth, to reduce congestion, and to enable residents and visitors to enjoy good access. Test Valley is well placed in this regard,

enjoying a good strategic road and rail network, access to local airports and ports and a wide range of local bus services. However, some of our rural areas, have limited access to public transport. Car ownership in the Borough is higher than the UK average and most journeys in Test Valley are made by private car.

- 2.61 It is anticipated that transport and movement will evolve in response to the challenges presented by climate change. The transport sector will change dramatically as we approach 2050. In the UK, transport is the biggest contributor to greenhouse gas emissions. By increasing the availability, connectivity and attractiveness of more sustainable modes of transport the Local Plan 2040 can help to contribute to the goal of net zero carbon development.
- 2.62 Facilitating access to public transport, enabling an increase in sustainable movements and use of low carbon transportation along with having large rural areas in the Borough, presents a significant challenge for the Local Plan 2040. Partnership working with key stakeholders will assist in the delivery of this objective including with Hampshire County Council, Network Rail, and public transport providers.
- 2.63 Focusing development in the most sustainable locations can help to reduce the need and impact of travel. It can also promote opportunities for increased use of sustainable modes of transport, including walking and cycling. While walking and cycling infrastructure is improving in Test Valley, including through the Local Cycling and Walking Infrastructure Plans<sup>15</sup> (LCWIPs) currently being prepared by Hampshire County Council and Sustrans, it needs further enhancement throughout the Borough.
- 2.64 We are seeking views on our Objectives and whether they reflect the priorities for the Community.

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<sup>15</sup> An LCWIP is in preparation for Southern Test Valley, and another will be prepared for the Andover area in due course, to promote a series of priority routes and measures for investment, to seek to deliver better, safer and more attractive cycling and walking infrastructure. See <https://hampshirelcwips.commonplace.is/about>

## Chapter 3: Spatial Strategy

### Introduction

- 3.1 We are committed to ensuring the borough's growth is delivered in the most sustainable way which benefits our communities. The Local Plan's Objectives set out the overarching sustainable priorities to guide the Plan's policies. The spatial strategy sits alongside this by setting out the direction for the location, types and shape of development. It identifies where and what sustainable development looks like for our communities in Test Valley. Key to delivering our spatial strategy is a settlement hierarchy which identifies the sustainability and role of settlements by grouping settlements by tiers.

### Sustainable Spatial Strategy

- 3.2 To ensure the overarching sustainable objectives are at the heart of Local Plans and decision making on planning applications, the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development. As set out in the NPPF, sustainable development is meeting the needs of the present without compromising the ability of future generations to meet our own needs and has three overarching objectives. To deliver this, we must balance these objectives; economic, social and environment, which can be challenging.
- 3.3 The spatial strategy sets out an overarching pattern of sustainable development, taking account of our local needs, and character. It has been informed by evidence, which is set out in the Spatial Strategy Topic Paper.
- 3.4 The spatial strategy sets out Test Valley's approach to promoting a sustainable pattern of development:
- It sets out key factors to guide the shape of sustainable development with a focus on ensuring health, high quality design, addressing our changing climate and green networks are at the heart of development
  - Identifies the distribution of development in the Borough setting out where we will meet our various needs, ensuring infrastructure is aligned with development and supporting opportunities for local communities to plan to meet their needs.
- 3.5 Taken as a whole, the spatial strategy and the plan's policies will balance the delivery of the three sustainability objectives and how we positively deliver the presumption in favour of sustainable development for our communities. Reflecting this, we are not proposing to have a policy in this Local Plan 2040 that sets out the presumption in favour of sustainable development. Rather

alongside the national policy requirement, we have expressed what sustainable development looks like for Test Valley in our spatial strategy alongside our objectives. This will ensure there is a golden thread of achieving sustainability throughout the Local Plan 2040.

- 3.6 Since our current Local Plan was Adopted in 2016, there has been a significant change in national policy on Local Plans playing a key role in helping to counter climate change, deliver beautiful places, and improve our natural environment. Our Local Plan 2040 objectives identify how we will tackle and address these factors appropriately for Test Valley. The consultation responses received emphasised the importance of addressing these issues for our communities. Therefore, the spatial strategy identifies key factors that reflect this which are fundamental to maintaining and enhancing a sustainable and attractive Borough.
- 3.7 Alongside this, the spatial strategy sets out the importance of providing infrastructure and sustainable active travel which will ensure integration of new developments with our existing settlements providing opportunities for healthy and active movements.

#### Spatial Options

- 3.8 The previous Issues and Options document put forward several options for the distribution of development. We have developed these options and undertaken a robust assessment. This is set out in the Spatial Strategy Topic Paper and demonstrates assessment of the sustainability of the options. This includes consideration of alignment with national policy, our corporate priorities, resilience of the strategy to deliver over the plan period and meet our housing needs, and whether it is deliverable reflecting the capacity and character of Test Valley.
- 3.9 The assessment resulted in a hybrid of three options presenting the most sustainable option for Test Valley. This has been informed by the Sustainability Appraisal of these options. These options combined, focus on supporting regeneration of Andover and Romsey town centres, supporting growth at our key employment areas along with supporting growth at our larger urban and rural communities throughout the Borough. Overall, this supports focus at our two market towns with a wider distribution of development to a larger number of settlements. Enabling growth at our larger number of settlements including at our rural communities was supported through responses received to the Refined Issues and Options.

- 3.10 The market towns of Andover and Romsey are our largest settlements in the Borough, with the widest range and number of facilities. They are at the core of our spatial strategy and will continue to be a focus for development. Central to this, is the regeneration of the town centres through requiring high quality design and providing a mixture of uses to support day and evening economies which will benefit our communities and attract visitors. The respective Masterplans are delivering this. Development will need to maximise the use of land in the town centres however there will still remain a need to look at greenfield sites at these settlements, however the scale of these will be considered as we prepare the Local Plan 2040 Regulation 18 Stage 2.
- 3.11 Significant growth has already taken place at Andover and Romsey with only one Local Plan allocation outstanding (has no planning permission) at Whitenap, Romsey (1,300 homes). We will consider how we take forward this outstanding allocating at the next stage of the Local Plan 2040.
- 3.12 To support and sustain vibrant and healthy communities, the spatial strategy identifies a wider distribution of development than set out in our current Local Plan 2029. The focus is to support an appropriate level of development at our largest range of sustainable settlements where there are key facilities. Much of the Borough is rural with some villages meeting immediate needs. This strategy will support these rural settlements to develop in a sustainable manner. Our rural areas do face challenges in terms of housing supply and affordability, in which this strategy can help to overcome.
- 3.13 This strategy aligns with national policy in recognising developments, in particular housing, can support opportunities for villages to grow and thrive. This can improve the broader sustainability of rural communities along with providing benefits in sustaining and enhancing facilities and infrastructure and potentially attracting new ones. Communities already have the opportunity to shape their areas through Neighbourhood Plans, Neighbourhood Development Orders and Village Design Statements. This strategy supports communities in identifying and shaping site allocations to meet their local needs.
- 3.14 There is a strong and diverse rural and visitor economy in the Borough and the spatial strategy recognises the need to support this. These types of economies play a crucial role in supporting and sustaining vibrant communities, and the support for a wider distribution of development will enable this to grow, where it is sustainable to do so. In considering site allocations, we will assess whether a balance of homes and employment can be provided in appropriate locations.

- 3.15 For the smaller settlements in the rural area, the spatial strategy identifies that development will be enabled where it supports their role.

### **Test Valley Sustainable Spatial Strategy**

#### **Maintaining and enhancing a sustainable and attractive Borough through:**

- **Reducing our impact on our changing climate and integrating ecological networks and improving biodiversity.**
- **Providing inclusive growth that creates green, safe, and well-designed places**
- **Supporting new or improved infrastructure which positively responds to its setting, local needs, and our changing climate.**
- **Promoting access to the countryside and conserving and enhancing the Borough's diverse landscape character**
- **Providing developments that promote active travel and invest in infrastructure to enable clean travel that reduces our impact from travel.**
- **Working with our communities and organisations to deliver this**

#### **Delivering vibrant and resilient towns at Andover and Romsey through:**

- **Promoting the town centres as destinations through delivering well designed, accessible, mixed-use developments with improvements to our public realm, maximising the use of previously developed land, to support the day and evening economies in accordance with our Masterplans**
- **Being a key focus for sustainable growth along with supporting infrastructure which is integrated with the towns**
- **Working jointly with Andover Vision and Romsey Future to deliver improvements to the town centres**

#### **Sustaining vibrant and healthy communities through:**

- **Maintaining and enhancing the roles of our larger urban and rural settlements through accommodating development that meets the needs of local communities and supports existing accessible facilities.**
- **Supporting our strong and diverse economy including the rural and visitor economy.**
- **Development being supported elsewhere in the Borough to support the role of smaller rural settlements**
- **Providing opportunities for communities to be empowered and plan for new development, through neighbourhood plans.**

### Next Steps

- 3.16 We are seeking comments on the spatial strategy, and these will be taken into account in refining the spatial strategy for the next Local Plan 2040 Regulation 18, Stage 2. This next stage will include our draft site allocations in accordance with this strategy and a series of more detailed policies, as part of the Development Management policies. We have published our Strategic Housing and Economic Land Availability Assessment 2021 (SHELAA) which provides our baseline for our site assessment process. We are seeking for any additional sites or further evidence on the sites already identified in the SHELAA to be submitted during the public consultation on this Plan.
- 3.17 Neighbourhood Plans can play a role in delivering the spatial strategy and allocate sites to help meet the Borough wide and local housing need. We are seeking comments on the role Neighbourhood Plans could play in allocating sites, in particular from Town and Parish Councils. If Neighbourhood Plans do play a role in allocating sites, there would still be a role for the Local Plan to allocate sites, in particular for larger scale sites.
- 3.18 We will be considering a mixture and range of sites in our site assessment. We are required by national policy for a minimum of 10% of our total supply of sites of 1 hectare or less. We will need to ensure we meet this requirement in identifying our draft site allocations at Stage 2.

### **Settlement Hierarchy**

- 3.19 A key part of delivering our spatial strategy is our Settlement Hierarchy. The Settlement Hierarchy identifies and groups together towns and villages based on their sustainability and their role and function. This is identified in terms of the access to services and facilities within each settlement or in nearby larger towns or villages.
- 3.20 The National Planning Policy Framework states that strategic policies should set out an overall strategy for the pattern and scale of development and that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development provides strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided in appropriate locations, with accessible services and open spaces.
- 3.21 National guidance identifies that settlements with a variety of characteristics can play a role in delivering sustainable development, particularly in rural areas. Test Valley is predominantly rural in nature and has a number of smaller settlements. In rural areas, planning policies and decisions should be responsive to local circumstances, support housing developments that reflect local needs and identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one settlement may support services in a settlement nearby. National guidance recognises that people living in rural areas face challenges in terms of housing supply and affordability and new housing can be important for the broader sustainability of rural communities.
- 3.22 The spatial strategy identifies a distribution of development to support and sustain vibrant and healthy communities. The focus is to support an appropriate level of development at our more sustainable settlements both in urban and rural areas where there are key facilities and services.

### **Settlement Assessment**

- 3.23 In order to identify where settlements sit in the settlement hierarchy, we need to undertake an assessment of the sustainability, role and function of our settlements. The more sustainable settlements are located in the higher tiers of the hierarchy as residents are able to access a greater range of services and facilities more easily without the need to travel as far by car. The smaller, less sustainable settlements with fewer facilities are located towards the bottom of the hierarchy.

- 3.24 The ranking of each settlement in the hierarchy does not indicate whether there is suitable land for development in that location, or that environmentally it would be appropriate. Although the Settlement Hierarchy is a key policy to deliver the spatial strategy, it sits alongside a number of other policies which collectively will help deliver the spatial strategy.
- 3.25 In order to collect up to date information on facilities and services, a Rural Facilities Survey was undertaken. This Survey focused on the rural settlements in the Borough, rather than Andover and Romsey, as the services and sustainability of the towns are established. It gathered information about the existing services and facilities e.g. number of facilities such as a food store, primary school and level of bus service, within the rural settlements at a snapshot in time, in order to assess their sustainability and compare the facilities of different settlements.
- 3.26 The survey was sent to all of the rural Parish Councils for them to complete for each of the settlements in their parish. Parish Councils hold the most up to date information on the facilities in their areas. We received 37 responses from our Parish Councils. The Parish Profiles (produced by the Borough Council in 2021), Council officers' knowledge and gathering of desktop information were also used to fill in any gaps. This data was used to establish the list of settlements assessed. A copy of the data collected for each settlement has been provided to the relevant Parish Councils to enable a review process to be undertaken. Further details of the process involved, and the information collated is set out in the Settlement Hierarchy Topic Paper.
- 3.27 The survey gathered data on 19 types of facility. To assess the sustainability and role of our rural settlements, we have identified six that provide 'key facilities' to meet the day to day, basic needs of our communities along with the level of public transport service. These 'key facilities' are:
- Food store;
  - Public house;
  - Primary school;
  - Outdoor sports facility;
  - Community or Village Hall; and a
  - Place of worship.
- 3.28 It is important to note that the assessment of the sustainability of settlements is based on a snapshot in time of services and facilities and may be subject to change in the future. We have identified the key facilities that provide the opportunity for our communities to meet their daily needs sustainability. The behavioural patterns of our communities may differ from this. However, we are aware there are other facilities that are becoming much more important to the

sustainability of settlements and our communities, including infrastructure to support electric vehicles and superfast broadband. At present, the provision of these is evolving and thus has not been included as a key facility. We will keep this under review whilst preparing the Local Plan 2040.

### Settlement Assessment Outcomes

- 3.29 The towns of Andover and Romsey stand out as being the most sustainable, each with a full range and number of services and a high level of accessibility by public transport. These towns also play a key role in supporting the needs of the wider population in Test Valley and potentially beyond the Borough reflecting the high level of services available. For these reasons the two towns are placed in the tier 1 of the settlement hierarchy.
- 3.30 The next sustainable locations provide a range of facilities and services which are not to the level provided in Andover or Romsey but above that provided in our more rural settlements. They also play a role in supporting the needs of nearby communities including those in adjoining authorities. These are Charlton, Chilworth, Hurstbourne Tarrant and Ibthorpe, North Baddesley, Nursling and Rownhams Shipton Bellinger, Stockbridge, Valley Park, Wellow.
- 3.31 Chilworth does score lower than the other settlements in this tier. However the role and function of Chilworth due to its proximity to the University of Southampton Science Park and neighbouring settlement of Eastleigh, Chandler's Ford and Southampton, justifies it being in tier 2. It benefits from accessing the facilities and services at these neighbouring settlements.
- 3.32 The assessment shows that the more rural settlements vary in the amount and type of facilities that they offer. The settlements that have all 6 key facilities and have a good level of public transport<sup>16</sup> have been identified as our more sustainable rural settlements and are identified in tier 3. Settlements that have five or less of each of the key facilities and have a public transport service have been identified in tier 4.
- 3.33 Other rural settlements within the Borough, which have not been identified in the settlement hierarchy, are considered the least sustainable. These will have limited facilities and services and/or public transport service. Therefore, these

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<sup>16</sup> A good level of public transport has a medium or high level of bus service as defined in the Settlement Hierarchy Topic Paper. A medium level includes a daily service to a larger town and a high level includes a public transport service half hourly, hourly or includes a journey to and from key work locations

settlements are not included in the settlement hierarchy table and are considered as part of the countryside.

- 3.34 There are settlements which benefit from and have access to services and facilities within a nearby settlement. This can have an impact on the sustainability of the settlements. Where this exists, we have grouped these settlements together in the assessment.
- 3.35 The scores of the assessment are provided in the Settlement Hierarchy Topic Paper but also a summary table is provided at Appendix 1.

### **Spatial Strategy Policy 1 (SSP1): Settlement Hierarchy**

<b>Tiers</b>	<b>Settlements</b>
Tier 1	Andover and Romsey
Tier 2	Charlton, Chilworth, Hurstbourne Tarrant and Ibthorpe, North Baddesley, Nursling and Rownhams, Shipton Bellinger, Stockbridge, Valley Park, Wellow
Tier 3	Abbotts Ann, Broughton, Goodworth Clatford, Upper Clatford and Anna Valley, King's Somborne, Longparish, Nether Wallop, Middle Wallop and Over Wallop, West Tytherley
Tier 4	Ampfield, Appleshaw, Awbridge, Barton Stacey, Braishfield, Chilbolton, Enham Alamein, Fyfield, Grateley Station, Palestine and Grateley, Houghton, Kimpton, Leckford, Lockerley, Longstock, Michelmersh & Timsbury, Monxton and Amport, Mottisfont and Dunbridge, Penton Grafton / Mewsey, Plaitford, Sherfield English, Tangle, Hatherden, Wildhern and Charlton Down, Thruxton, Vernham Dean, West Dean, Weyhill, Wherwell
Tier 5	Countryside*

*\*this covers all other settlements outside of the above tiers, e.g. hamlets*

Figure 3.1: Settlement Hierarchy Map  
*To be added before public consultation*

Next Steps

- 3.36 We are seeking comments on the proposed Settlement Hierarchy. In particular;
- Whether the identification of existing facilities and services is accurate and up to date, particularly from Parish Councils.
  - Feedback on whether the use of the 6 key facilities and levels of public transport service are appropriate to differentiate our rural settlements in the hierarchy
  - Feedback on how we have assessed settlements that can access services and facilities available in a nearby settlement due to their proximity.
- 3.37 Consultation comments will be taken into account in refining the Settlement Hierarchy for the next Local Plan 2040, Regulation 18 Stage 2. The next stage of the Local Plan 2040 will include our draft site allocations and a series of more detailed policies, as part of the Development Management policies. Additionally, the settlement hierarchy will evolve to include guidance on the level, type and scale of growth appropriate at each of the tiers in the hierarchy.

## Chapter 4: Strategic Policy Framework

### Introduction

- 4.1 Alongside our spatial strategy there is a need to set out a strategic policy framework to guide development reflecting our economic, social and environmental priorities for Test Valley. These strategic policies deliver our priorities as set out in our objectives. They address the regeneration of our town centres, the need to counter climate change, delivery of high quality development, conserving and enhancing Test Valley's high quality natural, historic and built environment. These combined will enhance the quality of life for our communities.
- 4.2 Not all strategic policies have been set out at this stage of the Local Plan 2040. We consider it would be premature to draft strategic policies where our evidence has not been completed or where national policy is significantly evolving. We will be able to take account of this when we draft these policies for the next stage of the Local Plan 2040, Regulation 18 Stage 2.

### Climate Emergency

- 4.3 Climate change is one of the biggest challenges we face. It has implications from an international to local level, and cuts across social, environmental and economic themes. Not only do we need to think about how to significantly reduce greenhouse emissions (referred to as mitigation) but also to ensure we adapt, counter and are resilient to future conditions.
- 4.4 The planning system has an important role to play, as is recognised in the national Net Zero Strategy<sup>17</sup> and the NPPF. Climate change is a key theme running through the Local Plan 2040 in order to ensure it contributes to achieving the commitments at a national level.
- 4.5 There is a duty<sup>18</sup> for Local Plans to include policies that are designed to secure development and use of land that contributes to the mitigation of, and adaptation to, climate change. The Climate Change Act 2008 sets out the legal framework for emissions reduction, as well as the mechanisms for identifying and acting on the risks of a changing climate. It establishes that by 2050 the UK's net emissions need to be 100% lower than the 1990 baseline. Therefore we need to be at net zero emissions by this date and the Council are seeking to do this sooner. That means that the amount of greenhouse gas

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<sup>17</sup> Net Zero Strategy: Build Back Greener, Department for Business, Energy & Industrial Strategy, 2021.

<sup>18</sup> Section 19(1A) of the Planning and Compulsory Purchase Act 2004 (as amended)

- emissions produced is balanced with the amount removed from the atmosphere.
- 4.6 Carbon budgets are established to act as stepping stones on the journey to net zero<sup>19</sup>. Therefore before the end of the plan period (2040) there will need to have been significant changes in the way buildings (including homes) are designed, heated and powered; the way we travel; the way our economy operates; and how we use the environment around us.
- 4.7 National data on carbon dioxide emissions<sup>20</sup> indicates that the average emissions per person occurring in Test Valley are higher than the equivalent figures for Hampshire and England, particularly in relation to transport sources. In part, this will reflect the rural nature of the Borough.
- 4.8 In broad terms, climate change is anticipated to result in a greater chance of warmer, wetter winters and warmer, drier summers across the UK in the future. It is also expected to result in more extreme weather events, including heatwaves, droughts and storms, along with increased incidence of flooding. Test Valley has experienced flooding events, including in 2014 when multiple areas within the Borough were affected. The Borough is also within an area of serious water stress<sup>21</sup>, when considering the needs of the environment and for public water supplies. Additional risks identified at a national level, include implications on health and wellbeing, biodiversity and ecosystems, and food production<sup>22</sup>.
- 4.9 The NPPF sets out some of the ways that the planning system can support the transition to a low carbon future in a changing climate, such as through shaping places in ways to contribute to radical reductions in emissions, minimise vulnerability and improving resilience. The NPPF has recently been updated, with further changes expected in relation to climate change. The preparation of the Local Plan 2040 will need to reflect these changes as they emerge.

#### Test Valley Climate Emergency Action Plan and Evidence

- 4.10 The Council has declared a climate emergency, and in 2020 approved its first Climate Emergency Action Plan<sup>23</sup>. This includes a specific action to ensure that policies in the Local Plan 2040 are written to facilitate the move towards carbon neutrality. The Council is committed to working with communities and

19 For example, for 2033-2037 emissions should have reduced by 78% relative to the 1990 position.

20 UK local authority and regional carbon dioxide emissions national statistics: 2005 to 2019, Department for Business, Energy & Industrial Strategy, 2021.

21 Water Stressed Areas – Final Classification, Environment Agency, 2021.

22 UK Climate Change Risk Assessment, HM Government, 2017.

23 Available:

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

partners to reduce emissions and support adaptation to the effects of a changing climate. The Local Plan 2040 has a role to play in achieving this.

- 4.11 Taking a holistic approach can support wider objectives and maximise other benefits that such actions can deliver. For example, we can also seek to conserve and enhance the environment around us, facilitate the transition to a greener economy and enhance health and wellbeing of those living and working in the Borough. All of these opportunities support the vision and objectives of the Local Plan 2040 and the delivery of the priorities in the Council's Corporate Plan. The approach to the climate emergency is particularly relevant to achieving the objective directly relating to climate change.
- 4.12 While much of the context and evidence on the approach to countering, mitigating and adapting to climate change is available at a national level, there are important resources and evidence available on a more local level.
- 4.13 Some evidence is already available, such as the Renewable and Low Carbon Energy Study<sup>24</sup> and a companion assessment of landscape sensitivity in relation to wind and solar developments<sup>25</sup>. Additional evidence will be collated as part of the preparation of the Local Plan 2040. This includes the updating of evidence in relation to flood risk, to include consideration of risks when accounting for climate change and may also include an additional assessment of the implications of the proposals of the Local Plan 2040 overall.
- 4.14 Key local strategies, policy and evidence in relation to climate change include, but would not be restricted to:
- Strategic Flood Risk Assessment (currently being updated). The Council is currently working with other authorities in south Hampshire to update evidence in relation to flood risk, to include consideration of risks when accounting for climate change.
  - Policies, strategies and guidance on flood risk, including the Lead Local Flood Authority's Local Flood and Water Management Strategy<sup>26</sup>
  - North Solent Shoreline Management Plan (2010)<sup>27</sup> provides the strategic policy approach for the management of the coast, including in relation to coastal flood risk and erosion risk, for a 100-year period. A small area of the Borough, in the vicinity of Nursling, has a strategic policy approach of

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24 Test Valley Renewable and Low Carbon Energy Study, LUC & CSE, 2020.

25 Both available at: <https://testvalley.gov.uk/planning-and-building/planningpolicy/evidence-base/evidence-base-environment>

26 Available: <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/strategies>

27 Available at: <https://www.northsolentsmp.co.uk/> - policy unit 5C13 (Lower Test Valley) falls within the Borough

‘no active intervention’. These means that the coastal areas would be allowed to change and evolve naturally.

- Policies and strategies on water management, including abstraction licensing strategies and water resource management plans.
- Renewable and Low Carbon Energy Study and associated assessment of landscape sensitivity in relation to wind and solar developments. This work provides the evidence to inform future planning policies on renewable and low carbon energy developments within the Borough. It includes consideration of the potential for a number of different types of renewable energy resources within Test Valley.
- Local Transport Plan (currently being reviewed by Hampshire County Council<sup>28</sup>). The work to date on the new Local Transport Plan highlighted climate change, both in terms of reducing emissions and ensuring a resilient and reliable transport network, as a key theme.
- Local Ecological Network. The Hampshire Biodiversity Information Centre (HBIC) has prepared a local ecological network on behalf of the Hampshire and Isle of Wight Local Nature Partnership. This mapping can help to identify opportunities to conserve and enhance the biodiversity and ecological connectivity. This mapping will be kept under review.

#### Delivering a Net Zero Carbon Future

- 4.15 The priority of countering climate change by significantly reducing our carbon emissions and ensuring resilience to anticipated future changes, is a key matter for the Local Plan 2040 and it is appropriate to set out a strategic approach. This will also help to set the framework for more detailed policies that will be presented at the next stage of the Local Plan 2040, Regulation 18 Stage 2. This policy also needs to be read alongside other policies and proposals within the Local Plan 2040.
- 4.16 It is essential that all development is designed so as to minimise greenhouse gas emissions, this spans from the location of proposals to the way it is constructed, how it operates and is used throughout its lifecycle. Development will need to be ready for net zero and reduce the needs for retrofitting to achieve this. This relates to new development, the infrastructure that serves it, and the wider environment (including the effective use of land and resources). There is also an opportunity to ensure the links between climate and ecological considerations are accounted for, so as to ensure that new development is planned and designed recognising these connections.

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28 For more information, see:  
<https://www.hants.gov.uk/transport/localtransportplan/visionsandoutcomes>

- 4.17 The energy hierarchy advocates an approach where the reduction in demand for energy (including for heating, cooling and lighting) is prioritised; followed by ensuring that energy is used and supplied efficiently; then looking at renewable and low carbon energy sources to meet the resultant energy needs. Opportunities should also be explored to manage peak energy loads. The energy hierarchy should inform the design, construction and operation of new development. Offsetting any residual emissions should be a last resort, after the energy hierarchy has been followed.
- 4.18 In reducing demand for energy (including in relation to heating and cooling), a 'fabric first' approach should be taken. Ventilation and ways to manage the potential build-up of heat will need to be considered alongside energy and thermal performance. As part of the next step in preparing the Local Plan 2040 we will be considering options for energy performance standards for buildings, with more information set out below on this.
- 4.19 The transport sector is a key source of the carbon dioxide emissions occurring within the Borough. The planning system has a role in promoting more sustainable travel, including through the location of new development and the infrastructure that is secured to support it. Therefore, it is also appropriate to be recognised within the strategic approach to climate change.
- 4.20 The Government has made announcements about the timing of phasing out petrol and diesel vehicles<sup>29</sup>, however there is also a need to reduce travel overall and increase the share of journeys undertaken by walking, cycling and public transport.
- 4.21 The location of development<sup>30</sup>, the way developments are planned (including the mix of uses proposed), laid out and designed, and the infrastructure that supports them, all have the potential to affect transport and travel related emissions. This includes through the patterns of development that enable the prioritisation and encouraging of walking, cycling and the use of public and / or community transport; ensuring appropriate connectivity within and beyond sites; and seeking to minimise the need for unnecessary travel by private vehicles.
- 4.22 It is vital that development, along with the associated facilities and infrastructure that supports it, is designed to be resilient for its anticipated lifecycle, not just the short term. A key consideration will be accounting for the

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29 Net Zero Strategy: Build Back Greener, Department for Business, Energy & Industrial Strategy, 2021.

30 This includes in relation to access to facilities and services, as well as public and community transport links.

implications of the changing climate, but regard also needs to be had to designing in flexibility for changing needs and changing technologies.

- 4.23 Development needs to be designed to respond to locally important matters, such as water management (including the efficient use of water and flood risk), as well as those issues that are likely to apply more broadly, such as risks of overheating.
- 4.24 When designing proposals to avoid risks of overheating (indoor and outdoor), careful consideration will need to be given to the layout, orientation, and design of proposals; the materials used; and the provision or enhancement of green infrastructure and other means of providing shading where appropriate. Where relevant, passive ventilation (and cooling)<sup>31</sup> should be prioritised alongside minimising excess heat generation.
- 4.25 The approaches taken should avoid increasing energy use and greenhouse gas emissions. Where possible, nature-based solutions<sup>32</sup> should be utilised, including in relation to water management.
- 4.26 Green infrastructure can deliver multiple functions, including storing carbon, providing cooling and shading, helping manage flood risk (including through sustainable drainage systems), conserving and enhancing biodiversity, and supporting opportunities for improvement to health and wellbeing. In considering green infrastructure and how it integrates into new development, regard should be had to its extent, quality, the level of connection to the network, and the functions it is delivering.
- 4.27 Ecological networks form part of the green infrastructure network but also need to be considered in their own right. Such networks are important to help conserve biodiversity, enable migration and dispersal of species, and potentially play a role in enabling habitats and species to respond to a changing climate. Factors that will need to be considered in seeking to conserve and enhance coherent and resilient ecological networks, include scale, quality and connectivity. Further detailed policies on the approach to biodiversity, including ecological networks and delivering biodiversity net gain, will be set out in the Local Plan 2040 Regulation 18 Stage 2, which will also take account of the implications of the Environment Act 2021.

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31 Also known as natural ventilation, this approach seeks to avoid the use of mechanical system to provide adequate ventilation levels.

32 Nature based solutions involve the restoration of ecosystems for the long-term benefit of people and nature, this could include natural floodplain management, and habitat restoration that may have consequential benefits for carbon storage.

- 4.28 The promotion of the sustainable use of resources and a circular economy<sup>33</sup> can also be a means of reducing greenhouse gas emissions that are embodied through their production, during construction processes, and at end of life (seeking to maximise opportunities for waste products to be seen and used as a resource). Additionally, land should be used effectively, reflecting on the opportunities and benefits available through appropriate mixed or multi-functional uses, including how proposals are laid out, and taking account of local character. Developments will need to be designed and planned to take these matters into account. Views would be welcome on approaches for demonstrating how such factors can be taken into account in designing proposals.

### **Strategic Policy 1: Countering Climate Change**

**Development will deliver a net zero carbon future through both mitigation and adaptation to a changing climate. In order to achieve this, development will be permitted provided that:**

- a) Greenhouse gas emissions have been minimised in line with the energy hierarchy principles, including reducing energy demand and utilising renewable and low carbon technologies;**
- b) Opportunities have been taken to maximise the potential for active and sustainable travel and minimise unnecessary travel;**
- c) The development, including associated facilities and infrastructure, is designed to be adaptable to changing needs, technologies, and a changing climate;**
- d) It is designed to provide appropriate resilience and reduce vulnerability to extreme weather conditions (including drought), flooding and overheating, and makes efficient use of water;**
- e) It conserves and enhances coherent and resilient ecological networks and green infrastructure networks, while delivering net gains for biodiversity; and**
- f) Appropriate opportunities have been taken to use or reuse land efficiently, minimise the use and promote the sustainable use of resources and promote a circular economy.**

### **Next Steps**

- 4.29 We are seeking comments on this policy. As noted above, it is anticipated that the next stage of the Local Plan 2040, Regulation 18 Stage 2, will include a series of more detailed policies that will support the overarching approach, as

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<sup>33</sup> A circular economy seeks to design out waste, by keeping products and materials in use, including through reusing, repairing and recycling as much as possible.

part of the Development Management policies. Additionally, the above policy on the approach to climate change is likely to evolve as the Local Plan 2040 develops, as changes in national policy or guidance are likely.

- 4.30 Detailed policy matters that are likely to be set out at the next stage are summarised below:
- Application of the energy hierarchy, potentially including through energy performance requirements for new development.
  - Policies relating to applications for renewable and low carbon energy proposals, including supporting infrastructure – this could include criteria-based policies, the identification of suitable areas for specific technologies, and / or other policy approaches.
  - Policies relating to managing movement and sustainable travel, including regarding walking, cycling and public transport, as well as parking and storage provisions including securing electric vehicle charging infrastructure where new parking is to be provided<sup>34</sup>. This is also likely to include our approach to securing travel plans for specific developments.
  - The approach to conserving, enhancing and / or providing high quality green infrastructure; conserving and enhancing ecological networks; securing biodiversity net gain; tree retention and potentially tree canopy cover; prioritising nature-based solutions where possible.
  - Policies relating to the efficient use of water and the approach to flood risk (to include all types of flooding, the application of the sequential and exception tests referred to in the NPPF, and the use of sustainable drainage systems).
- 4.31 A key part of improving the energy performance of buildings is the increase in requirements set out in Building Regulations. The Government has announced proposals to increase the requirements of Building Regulations, working towards the Future Homes Standard and Future Buildings Standard. The Future Homes Standard is due to be in effect from 2025, with an interim increase in energy performance standards coming into effect in 2022.
- 4.32 At present, local authorities have the opportunity to introduce energy performance standards that exceed Building Regulations. Such policy options would be considered as part of the preparation of the next stage of the Local Plan 2040 Regulation 18 Stage 2. Any such policies would be likely to focus on the intended outcomes, rather than specific technologies or approaches. This could include the use of recognised benchmarks or design frameworks /

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<sup>34</sup> In relation to electric vehicle charging infrastructure, the policy approach may depend on provisions introduced through other mechanisms. It is recognised that the Government has announced that legislation will be introduced requiring new homes and buildings to install electric vehicle charging points from 2022.

standards. The focus on outcomes gives greater flexibility as we see innovations in technologies and solutions for reducing emissions, as well as recognising that the options available may depend on the specific proposal.

- 4.33 As the preparation of the Local Plan 2040 progresses, we will be considering whether energy masterplans, whole lifecycle carbon emission assessments, or similar statements would be required in conjunction with certain scales or types of development to demonstrate how this policy has been satisfied. Views would be welcome on taking this approach.
- 4.34 It is recognised that some of these policy proposals may increase costs for delivering development. National planning policy and guidance sets out the approach to considering viability. A viability assessment of the Local Plan 2040 will be undertaken to ensure policies are deliverable. We will also be seeking to ensure that climate change considerations have been embedded throughout the Local Plan 2040 to ensure we counter climate change as much as possible and taking account of the legal duty on this matter.

## Environment

- 4.36 Our community places great value on the protection and enhancement of the Borough's environment including our landscape, countryside and biodiversity. Test Valley's built and natural environment is rich and varied, with parts of the Borough being of international wildlife importance, national landscape importance and important heritage value.
- 4.37 Central to the Local Plan 2040 is to conserve and enhance our environment and is key to the delivery of the environmental objective in achieving sustainable development. Ensuring high environmental standards and addressing wider environmental concerns, particularly in relation to climate change, cuts across the whole of the Local Plan 2040.
- 4.38 The recently enacted Environment Act 2021 (November 2021) introduces various changes to the legal framework for a range of environmental matters. It makes provisions for targets, plans and policies for improving the natural environment; including improvement to environmental protection regarding waste and resource efficiency; air quality; water; nature and biodiversity conservation.
- 4.39 The Act introduces a system of mandatory Biodiversity Net Gain (BNG) in relation to certain planning applications (a minimum of 10% net gain on new schemes). This is over and above the consideration of potential effects on habitats and species of importance. Details on the application of BNG are still to be refined<sup>35</sup>, including how they relate to sites of different scales. It will be essential that Biodiversity Net Gain is considered from a very early stage of development, including consideration of opportunities to meet this requirement on-site where this is appropriate to do so.
- 4.40 There will be lots of legislation that evolves as a result of this Act which the Local Plan 2040 will need to be in accordance with. We have not included strategic policies on environmental matters at this stage of the Local Plan 2040 to reflect the need to appropriately take account of this recent Act and emerging legislation. We will be drafting strategic and detailed development management policies on the environment in the next stage of the Local Plan 2040, Regulation 18, Stage 2.
- 4.41 The key environmental topics which will be addressed further in the next stage of the Local Plan 2040, are as follows:

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35 Biodiversity Net Gain requirements through the Environment Act 2021 are likely to come into effect in autumn 2023, in line with transition arrangements within the legislation.

- **Landscape:** we will need to think about our approach to the protection and enhancement of our valued landscapes. This includes the design of new development to ensure it is in keeping with the character of the local landscape, with regard to its location, siting and design. This includes the approach to conserving and enhancing the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and the setting of the New Forest National Park.
- **Local Gaps:** we will need to consider whether we need local gaps to help conserve the identity and character of communities by retaining space between settlements. We know there is strong support for local gaps from our communities however concern was also raised as to whether they were necessary. If local gaps are to be included, we would need to robustly justify the principle and location as national guidance does not contain specific requirements for local gaps. This includes whether we define boundaries or criteria approach for all development to adhere too.
- **Green Infrastructure:** we will need to consider our approach to the conservation and enhancement of our network of green infrastructure ensuring the multi benefits are maximised for our communities and the environment. We will need to consider the role Green Infrastructure can play in helping to adapt to our changing climate and the role of nature-based solutions to restore our ecosystems, such as expansion of tree and woodland cover.
- **Public Open Spaces:** we will need to think about our approach to the protection, enhancement and increased provision of public open spaces (including for indoor and outdoor sport) as a result of new development.
- **Local Green Spaces:** we will need to consider the role of the Local Plan 2040 in designating Local Green Spaces which are areas that can only be designated in certain circumstances, including that they hold a particular local significance.
- **Biodiversity:** we will need to consider our approach to development minimising impacts on biodiversity and habitats, as well as ensuring the delivery of Biodiversity Net Gain. In addition, we will set out our approach to maintaining and enhancing networks of habitats and the Local Plan's role in contributing to the Nature Recovery Network (NRN) and Local Ecological Network<sup>36</sup>.
- **Protected Sites, Habitats and Species:** we will need to consider our approach to the conservation, enhancement and integrity of internationally, nationally and locally designated wildlife sites, together with ancient woodland, protected species, and priority habitats and

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<sup>36</sup> This has been mapped by the Hampshire Biodiversity Information Centre on behalf of the Hampshire and Isle of Wight Local Nature Partnership. The mapping of the Local Ecological Network, as it relates to Test Valley, can be seen in the Council's Sustainability Appraisal Scoping Report (2020), within Appendix 3.

species. In some cases, this will be based on joint work with other local authorities and partner organisations. Examples include how we are addressing the issues of excess nutrient inputs (notably nitrogen) from new development into the Solent, and in relation to pressures on the New Forest and Solent from recreational use as these affect internationally designated sites.

- **Water Management:** we will consider our approach to planning for the provision of appropriate future water supply and wastewater treatment capacity. This will ensure the necessary water infrastructure can be put in place, whilst ensuring the environment is protected and water quality is conserved. The Council is working with other local authorities on these matters, including as part of PfSH.
- **Historic Environment:** we will need to identify a positive strategy for the conservation and enhancement of the historic environment.
- **Environmental Health:** we will need to consider and address the types of pollution and environmental harm that could arise from development, including land, air and water, as well as noise and light pollution.
- **Minerals and Waste:** we will need to consider the impact of development on minerals and waste planning, which is the responsibility of Hampshire County Council<sup>37</sup>.

4.42 We will need to consider the evidence required to justify our approach on these matters in preparing the next stage of the Local Plan 2040, Regulation 18 Stage 2. We will be undertaking a Habitats Regulations Assessment alongside the preparation of the next stage of the Local Plan 2040 to assess if the Local Plan proposals could significantly harm the designated features of Special Areas of Conservation, Special Protection Areas, and / or Ramsar sites.

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<sup>37</sup> More information available at: <https://www.hants.gov.uk/landplanningandenvironment/strategic-planning/hampshire-minerals-waste-plan>

## Delivery of Sustainable and High-Quality Development

- 4.43 High quality design has many positive benefits for Test Valley and our communities. Design goes beyond the look of an area, but also how it impacts the way places function and how we feel about them. Well-designed places can help us to positively meet our development needs and take advantage of the opportunities brought by development. It enables our communities to be sustainable, healthy, inclusive, and resilient to climate change.
- 4.44 Good design is a key aspect of sustainable development, it creates better places in which to live and work and creates healthy environments for our communities.
- 4.45 The National Planning Policy Framework advises that Local Plans should set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Strategic Local Plan policies need to set the overall strategy for the design quality of places. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, such as design guides and codes.
- 4.46 There is growing national emphasis on good design and the role of design in planning, as set in recent guidance, including the National Model Design Code<sup>38</sup> and National Design Guide<sup>39</sup>. These documents provide more detailed guidance on how places can be designed to achieve healthy and sustainable places. These documents set out guidance on the role and principles of design in planning developments, buildings and places and the use of design codes. It also promotes design that seeks to enhance personal safety and minimise opportunities for crime and anti-social behaviour.
- 4.47 This strategic design policy seeks to ensure development is to a high standard of design and that it reflects the local character of Test Valley. It will be supplemented by detailed Development Management policies on more specific design matters at the next stage of the Local Plan 2040, Regulation 18 Stage 2.

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38 Available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/957205/National\\_Model\\_Design\\_Code.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/957205/National_Model_Design_Code.pdf)

39 Available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/962113/National\\_design\\_guide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962113/National_design_guide.pdf)

- 4.48 This approach to achieving high quality design was supported by a number of your consultation comments which favoured strong policies which are not too prescriptive; taking account of local distinctiveness.

### Design Considerations

- 4.49 The policy incorporates a range of design principles and requirements to guide future development in the Borough. Development will need to respond positively to local context and character through an understanding of the local environment and landscape. This includes the built form, building finishes, materials and styles, street patterns, ecology, history, landscape and land uses. It should also be informed by local and national design guides and the National Model Design Code to demonstrate acceptable and appropriate design principles have been embedded in the proposal.
- 4.50 Test Valley already has examples of well-designed places rich in heritage. Future development will need to reflect this high standard and complement what we already have throughout the Borough. These are the places we enjoy as residents and users and make us feel at home, while others enjoy Test Valley as passers-by and visitors.
- 4.51 Improvements to the public realm ensures areas throughout the Borough from our town centres to our villages are well cared for and respected places. Quality public realm can make a difference in whether our communities will want to spend time in a place. By ensuring development adopts approaches with increased natural surveillance, appropriate boundary treatments and cycle and car parking close to buildings they serve could prevent anti-social behaviour and crime.
- 4.52 Ensuring development is resilient to the changing climate is extremely important. Design of places can have a big impact on our carbon emissions. Sustainable design practices will need to form part of the design process, to improve resource efficiency and to reduce environmental impacts. For many schemes, approaches like building orientation for natural heating and cooling, Sustainable Drainage Systems (SuDS), greywater recycling, and tree or other forms of strategic planting can have a positive impact on reducing carbon emissions. Detailed Development Management policies on these approaches, will be considered at the next stage of the Local Plan 2040, Regulation 18 Stage 2.
- 4.53 Development will need to be designed to maximise access to green and outdoor space. Accessing green and blue spaces and being closer to nature can help improve our mental health and wellbeing. The importance of access

to the outdoors was highlighted more than ever as we were presented with challenges as part of the Coronavirus pandemic.

- 4.54 The policy requires permeable street layout. This can encourage walking and cycling through providing a well-connected environment. Legibility is critical to the quality of a place by ensuring easy and effective navigation within our communities. It will also be important that development takes into consideration accessibility for those who are less physically able, including those who are partially sighted or blind people and people with dementia.
- 4.55 Achieving healthy places is at the heart of this policy; by shaping the built environment so that healthy activities and experiences can be integral to people's everyday lives. Many factors will influence the long-term health and wellbeing of our communities, including the nature of the places that people live, work and spend leisure time.
- 4.56 A masterplan, design code or design and access statement will be a requirement, to support planning applications for major development. The requirements for design codes and supporting statements will vary, depending on the scale and nature of the development and its location.

### **Strategic Policy 2: Delivering Healthy, Well-Designed Development**

**All development will achieve high quality design which will conserve and enrich the character and identity of the Borough's towns, villages and landscape. To achieve this;**

- A. Development will be based on comprehensive design principles, derived from a contextual analysis of the site and its surroundings;**
- B. Development will maintain or enhance the sense of place and distinctive character of the locality, through taking account of the individuality of the Borough's settlements, landscapes, buildings and heritage assets.**
- C. Development will contribute positively to, and not detract from, the distinctive character of the immediate and wider landscape.**
- D. Development will take opportunities, wherever possible, to improve the public realm and minimise opportunities for anti-social behaviour and crime.**
- E. Development will be designed to be resilient to the changing climate by adopting sustainable design practices.**
- F. High quality green and blue infrastructure will provide resilient hard and soft landscaping and integrate biodiversity enhancements.**

- G. The layout of new developments will be permeable and legible allowing for suitable access and movement for all users. Development will need to be designed to prioritise sustainable and active travel.**
- H. Where cycle and car parking infrastructure, utilities and services are required, it will be provided in appropriate and convenient locations for the users and designed to integrate positively**
- I. Major development will need to take account of, and respond positively to, relevant local and national design guidance and codes. Applicants will be expected to produce a masterplan, design code or design and access statement as part of the planning application depending on the nature and scale of development.**

4.57 Early discussion between applicants, the local planning authority and local community about the design of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community will be looked on more favourably.

#### Next Steps

- 4.58 We are seeking comments on this policy. It is anticipated that additional detailed policies within the next stage of the Local Plan 2040, Regulation 18 Stage 2 will be set out as part of the Development Management policies. This is likely to include:
- The quality of green infrastructure within new development;
  - The requirement and standard of private amenity for new development;
  - Movement and access requirements;
  - More detailed guidance on the role and scope of design codes, masterplans and design and access statements;
  - The role of public art;
  - The role of the Local Plan 2040 in identifying Building standards; and
  - The role of the Council's architecture panel, for determining the design of certain applications.
- 4.59 The matter of securing good design and ensuring beautiful places has been a recent priority for the government which could result in more changes, for example to the NPPF. If in the future there are any changes to national policies surrounding design aspects; similarly, should any further design guidance accompanying or making changes to the national design guidance

and national model design code be published, these would need to be taken account of.

- 4.60 Views on our design approach would be welcome at this stage, in order to help inform our policies in the Local Plan 2040, including whether it sets clear expectations for applicants and developers.

## Andover and Romsey Town Centres

- 4.61 Our town centres have evolved primarily as meeting places for people. They are places for social and economic interaction. The role of town centres is constantly changing to meet the habits and needs of their users. The aim of the Local Plan 2040 will be to ensure that Andover and Romsey town centres remain resilient and sustainable and fulfil their vital functions by being the focal points for their local communities. It is important we listen to our communities who use these town centres.
- 4.62 The greatest impact on town centres over recent years has been changing retail habits. The rise of on-line shopping has largely removed the necessity of town centre shopping. This has been exacerbated and accelerated recently by the Coronavirus pandemic, which forced people to stay at home and avoid crowded places. In recovering from the pandemic, and as a response to the convenience of on-line, town centres are being forced to re-evaluate their broader roles as places of entertainment and enjoyment, where people gather out of choice rather than necessity.
- 4.63 Retail will always be an important core offer, as people will still choose to see and feel some of the goods they are buying. This will however be subject to major consolidation and diversification. The demand for retail floor-space has reduced significantly. Many towns are experiencing significant vacancies in units, and this in itself has a detrimental impact on the attractiveness of centres.
- 4.64 As town centres struggle to attract people, two factors will be critical to address as set out in the two strategic policies proposed:
- The quality and diversity of activity that takes place within our town centres and
  - The quality, attractiveness and accessibility of the place
- 4.65 Activity will include provision for food & drink, culture & entertainment, a diverse evening economy, health & community uses, civic functions as well as a consolidated and fit for purpose retail core.
- 4.66 Place-making will include creating attractive, flexible and safe public realm. This will include focussing on heritage, green spaces, movement, spaces for entertainment and spaces to rest. High quality, sensitive and coordinated design and use of materials, lighting, signage etc. will be essential.

- 4.67 In order to ensure that the town centres remain vibrant and relevant to their intended users it will be important to work with, and listen to all those who will shop, live, work or enjoy leisure time there.
- 4.68 Supporting the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation is required by national policy. The Council prioritises town centres in its Corporate Plan. This includes the need for Andover and Romsey town centres to be accessible places where people live, shop, work and spend their leisure time. The Local Plan 2040 will reinforce this and include strategic and detailed policies to safeguard the role of the town centres and enable their ongoing adaptation and improvement.
- 4.69 Romsey and Andover are the two principal market towns in Test Valley and provide a wide variety of existing facilities. Both towns have established partnerships between residents, community groups, businesses and public bodies; these are Andover Vision and Romsey Future. The Council will continue to engage with Andover Vision and Romsey Future regarding the delivery of regeneration.
- 4.70 In 2020, the Council adopted Regeneration Masterplans for both Andover and South of Romsey Town Centres. These masterplans set out ambitious visions for the future of both towns and propose a number of key developments that would ensure the centres remained attractive and sustainable. The delivery of both Masterplans will be a priority for the Council over the plan period.
- 4.71 Two masterplans have been produced respectively for Andover and Romsey which seek to regenerate the town centres. Both have an emphasis on introducing a wider range of mixed uses within the town centres and were informed by extensive public engagement and consultation. We have used these objectives to inform our policies, and we will consider whether further detailed policies are required at the next stage of the Local Plan 2040, Regulation 18 Stage 2.
- 4.72 The objectives of the Andover masterplan are;
- a) Social and inclusive: A town centre that is relevant to its local community. This is accessible to all, by foot, wheelchair, cycle, bus, rail or car. With a range of health services and community facilities to meet the needs of all its residents. With an affordable and diverse housing mix suitable for the elderly, young people and families.
  - b) Green and Ethical: A town centre that addresses the climate emergency, helping to increase its biodiversity and eliminate its carbon footprint. That

recognises the importance of ethical and local trading. That prioritises walking and cycling and encourages electric vehicles.

- c) Creative and Enterprising: Improved facilities and a modern campus for Andover College. A new and improved Lights Theatre in the centre of town, promoting local arts and creative organisations and supporting the evening economy. Sustainable workspace for small businesses and new office space.
- d) Unique and Independent: A town centre that values its heritage assets, placing the Guildhall and St Mary's Church at the centre of civic and community life. That 'curate' local markets and events and designs bespoke stalls, seating and public art.

4.73 Delivery of the Andover Masterplan has begun. Detailed feasibility and design work is currently underway. This will determine the detailed cost and benefit of the measures put forward in the adopted Masterplan. This will ensure both that the investments are attractive and that the benefits to the local community and economy are safeguarded.

- 4.74 The objectives of the South of Romsey Town Centre masterplan are;
- a) Make Romsey an attractive, vibrant centre of excellence including green spaces and wildlife corridors.
  - b) More green spaces in the area to enhance, protect and increase our natural environment, which includes wild animals and plants.
  - c) Well planned, connected and accessible infrastructure (including travel, access, public spaces, education, tech and business) with good flow for transport and pedestrians to encourage business and tourists.
  - d) Improved transport infrastructure to encourage a sense of community – with viable options for moving around.
  - e) Community hub and green spaces that bring people together (across generations).
  - f) Design an integrated transport and parking plan that includes walking, cycling, public transport and cars and think about all the different kinds of people coming into town (accessible parking, but still encourage bus use, especially by younger people).
  - g) Lots of things in town centre that are affordable and accessible for all, which everyone living in Romsey knows about and can take part in.

4.75 Delivery of the South of Romsey Masterplan has begun. Work is underway on the detailed design and costing of the public realm works and linkages that will provide the framework for future development. In addition, feasibility work is being procured for the development of the Bus Station site and the future potential re-provision of Crosfield Hall. These are the first two developments that will need to come forward as a first phase to unlock the remainder of the proposed development sites.

Andover and Romsey Town Centres Uses Strategic Policy

- 4.76 This strategic policy identifies the boundaries for the town centres and primary shopping areas in both Andover and Romsey. It is an NPPF requirement to identify these boundaries, and in doing so, we have reviewed the town centre and primary shopping area boundaries from the current Adopted Local Plan 2029. The town centre boundaries for Andover and Romsey have both been revised to reflect the extent of both of the town centre masterplan boundaries. The primary shopping areas have been altered to reflect where the concentration of shops and other types of town centre uses are in both town centres. The revised boundaries are in accordance with national policy as explained in the Town Centre Topic Paper.
- 4.77 This policy sets out the roles and appropriate uses of the three zones identified within our town centres.
- Zone A is the primary shopping area and allows ground floor uses to support the retail core but also other uses to support active frontages and keep the towns busy throughout the day and evening which will improve the vitality and vibrancy of these areas.
  - Zone B is the remainder of the town centres (outer town centre) which will support a wider variety of main town centre uses at ground floor level such as offices alongside residential uses.
  - Zone C comprises the upper floors across both Zones A and B. There will be flexibility to allow a range of uses similar to the uses in Zone B. These uses are supported at the upper floors in the primary shopping area (Zone A) because it does not impact the active frontage.
- 4.78 The policy supports the provision of homes within Zone B and C in the town centres of both Andover and Romsey recognising this can play a role in regenerating our town centres and provide a sustainable location for our residents through having easy access to services and facilities in these towns. This reflects the NPPF which recognises the role of residential development within town centres in ensuring the vitality of centres and encourages residential development in appropriate sites.
- 4.79 The policy supports uses which would increase the tourism offer for both town centres, such as cultural and hospitality provision in both the primary shopping area (Zone A) and the outer town centre (Zone B) as this can increase visitor numbers through developing the Town Centres as destinations.

- 4.80 The Council will require developments to demonstrate the masterplans have been taken into account. Both masterplans were developed through extensive consultation with the local community and other stakeholders, this should be continued as applications for development come forward.

### **Strategic Policy 3 Delivering Development and Regeneration in Andover and Romsey Town Centres**

**Development will promote an efficient and mixed use of land and buildings within Andover and Romsey town centres. Development will need to be provided in accordance with the Town Centre zones as set out in Table below and Figures 4.1 and 4.2. Development will need to:**

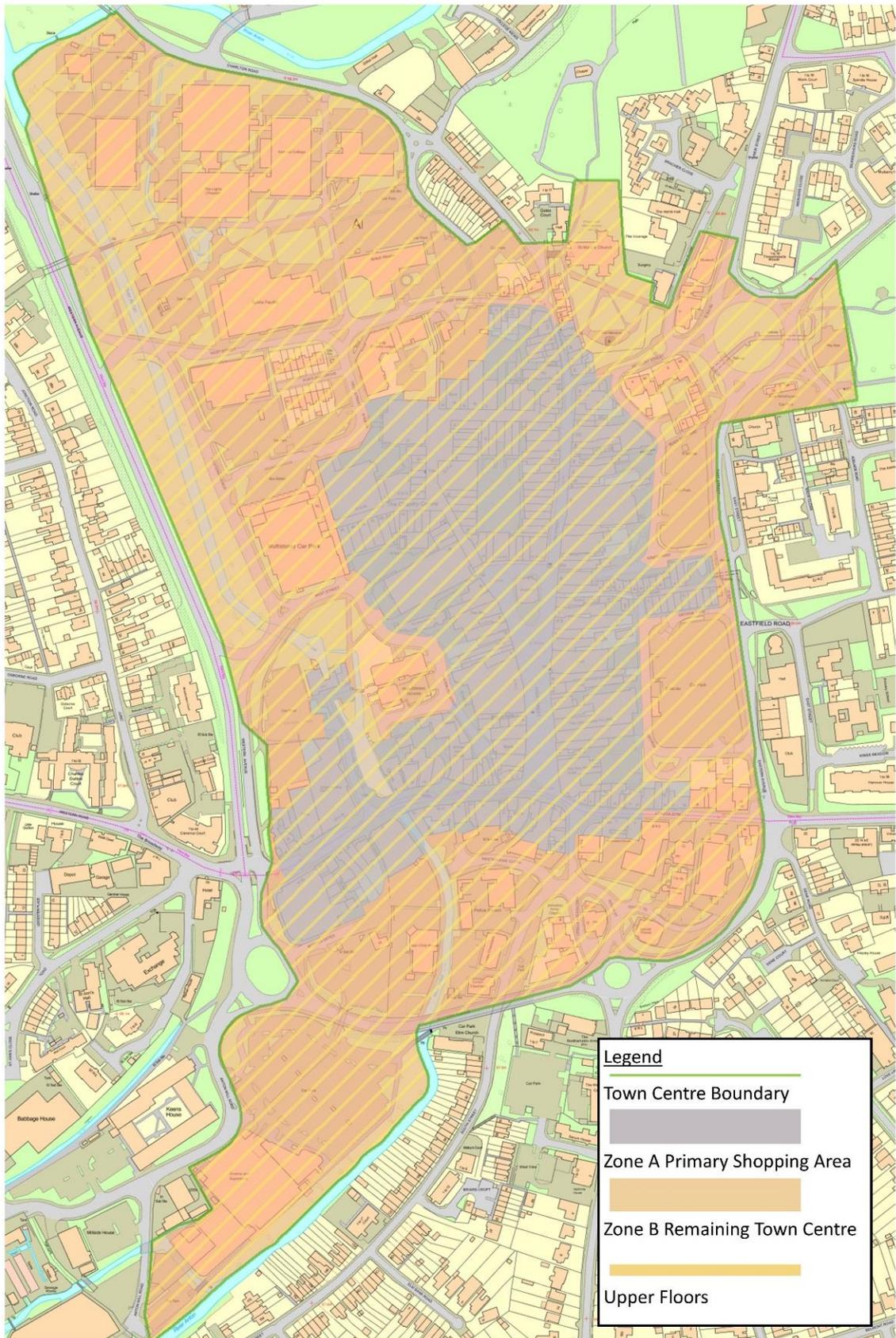
- **Take account of the respective town centre Masterplan.**
- **Demonstrate it forms part of the wider comprehensive redevelopment of the Town Centres**

### **Town Centre Zones and Uses**

<b>Zone</b>	<b>Role</b>	<b>Uses</b>
<i>A: Primary Shopping Area ground floor use</i>	<i>Located in the heart of town centres. The maintenance of active street frontages will allow for increased visual engagement, promote activity and increase safety and surveillance.</i>	<ul style="list-style-type: none"> <li>• <b>Retail</b></li> <li>• <b>Financial and professional services (not medical)</b></li> <li>• <b>Café or restaurant</b></li> <li>• <b>Pub or drinking establishment</b></li> <li>• <b>Takeaway</b></li> <li>• <b>Hotels, boarding and guest houses</b></li> <li>• <b>Clinics, health centres, crèches, day nurseries, day centre</b></li> <li>• <b>Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts</b></li> <li>• <b>Cinemas, concert halls, bingo halls and dance halls</b></li> <li>• <b>Gymnasiums, indoor recreation</b></li> <li>• <b>Community Hall or meeting places</b></li> </ul>

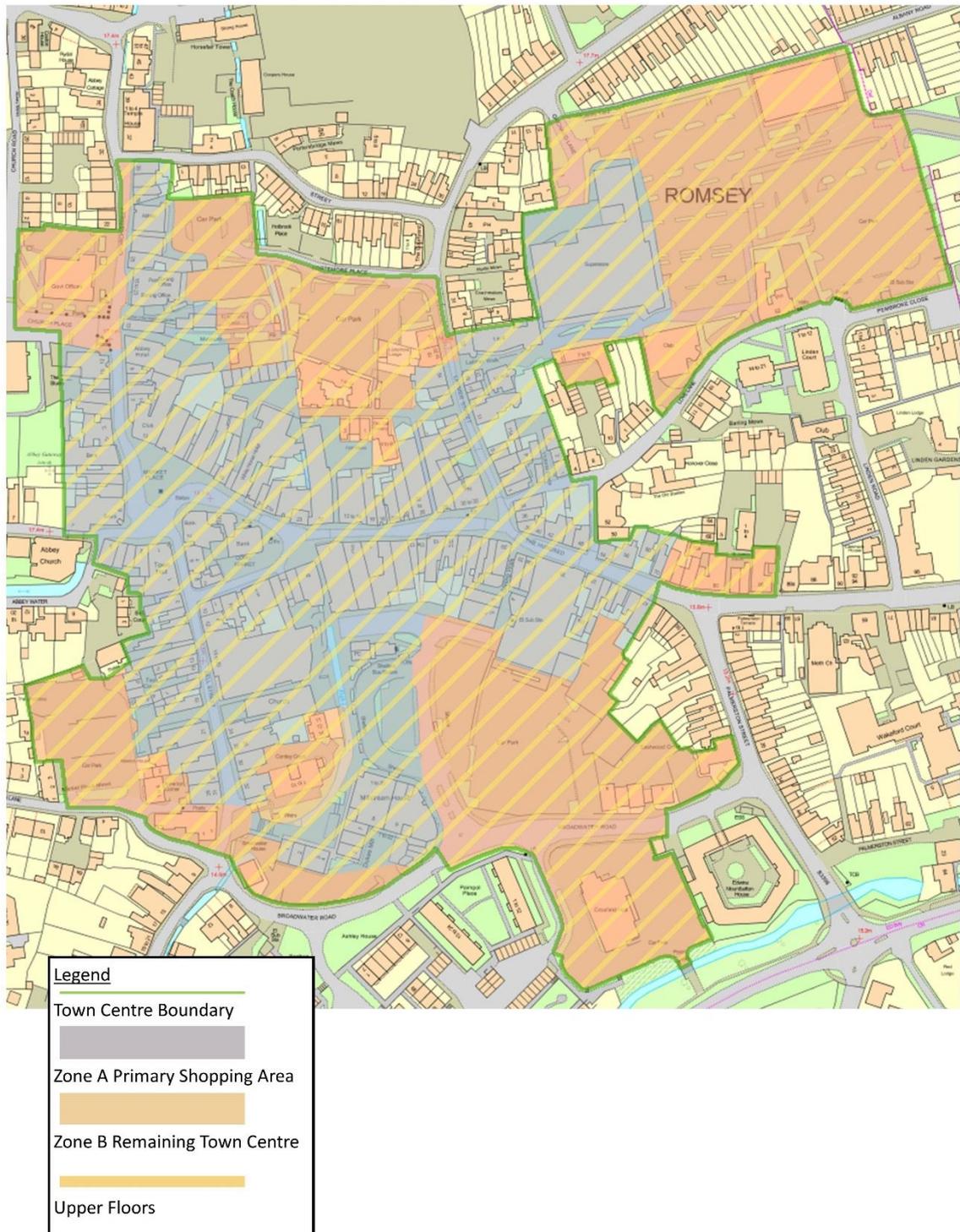
<b>Zone</b>	<b>Role</b>	<b>Uses</b>
<i>B: Outer town centre ground floor use</i>	<i>Located within the town centre boundary, yet outside of the primary shopping area. More flexible range of uses are considered suitable for inclusion within the outer town centres</i>	<ul style="list-style-type: none"> <li>• All Zone A uses</li> <li>• Offices</li> <li>• Research and development</li> <li>• Residential uses</li> <li>• Indoor or outdoor swimming baths, skating rinks and outdoor sports or recreation</li> </ul>
<i>Upper floor uses (across zones A &amp; B)</i>	<i>Located on upper floors (above ground floor). Similar to Zone B, a more flexible range of uses are considered suitable</i>	<ul style="list-style-type: none"> <li>• All Zone A and B Uses</li> </ul> <p>4.1</p>

**Figure 4.1: Andover Primary Shopping Area and Town Centre Boundary**



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Figure 4.2: Romsey Primary Shopping Area and Town Centre Boundaries



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### Delivering High Quality Design in our Town Centres

- 4.81 To continue to attract visitors and customers to our town centres, it is essential the regeneration creates well designed, attractive centres that are welcoming, vibrant and encourage activity. The effort invested in the design of buildings and public realm in Andover and Romsey Town Centres will help to ensure the long-term resilience and viability of the towns.
- 4.82 This strategic policy will ensure new development in Romsey and Andover town centres will be designed in a sensitive way that both supports and encourages vibrancy while enhancing and protecting the historic and architectural qualities of the Town Centres. Schemes will be required to properly address and make full use of public realm opportunities. This will add value to our town centres and enhance their existing character and heritage assets.
- 4.83 The Council is currently in the process of producing two pieces of guidance for Andover Town Centre:
- Public Realm Design Manual
  - Design Guide for Developers and Occupiers
- 4.84 These two guides will set out detailed principles that the Council will expect to see in order to preserve the integrity of Andover Town Centre. However, we also do not wish to stifle creativity and progress through overly prescriptive design guidance.
- 4.85 The Council will encourage positive engagement in the design process. Where appropriate developers should seek to engage the services of reputable architects and other design professionals.
- 4.86 The historic cores of both Andover and Romsey are each covered by conservation areas. The protection and conservation of heritage assets and overall character of the town centre is important to encouraging increased visitors through an increased offering. Both conservation areas have recently approved Conservation Area Appraisals and Management Plans which alongside advice from the Council will be essential to ensure there are no adverse impacts on the historic character of the town centre as a result of any new development.

### Key Design Considerations

- 4.87 The Borough wide strategic design policy (Policy XX) will apply to development in our Town Centres alongside this specific strategic design policy. This strategic policy identifies the design considerations that are

specific to delivering the regeneration of the Town Centres. The emerging guidance for Andover (Public Realm Design Manual and Design Guide for Developers and Occupiers) will provide detailed guidance on the shape of development.

- 4.88 To demonstrate good design has been a core consideration, there will be a requirement for developers to produce a well-researched and thought-out Design Statement to support planning applications for development within both Andover and Romsey town centres. The Design Statement will show how development will respond positively to its surroundings and how it is informed by its context and local character. This will include the demonstration of an understanding of that context and how the proposed development responds to it in terms of built form, building finishes, materials and styles, street patterns, history and land uses.
- 4.89 Where this policy refers to development, it is only applications for new construction, or which result in a material change to a property that would apply. Applications for a change of use where there are no physical alterations being proposed, would not be required to complete a design statement.
- 4.90 There is an important relationship between well-designed places and the health of local users. Access to nature and green spaces can make a significant contribution to the health and wellbeing of the community. Green spaces are important and provide numerous benefits. Green space, or the greening of urban landscapes through contextually appropriate use of trees or planting can also improve the attractiveness of town centres. The creation of new green space may not be appropriate in all circumstances. For example, in historic town centre streets where the sensitive enhancement of the heritage architecture may be the priority. Advice should be sought from the relevant Council officers before proceeding.
- 4.91 It is important to create and maintain active frontages ensuring visual engagement between those on the street and those on the ground and upper floors of buildings and the front of buildings are facing towards and open onto the street. This has the added benefit of creating natural surveillance onto the public realm and increasing the safety of the public throughout the day and into the evening.
- 4.92 A basic principle of active and attractive public frontages and private and defensible rears should be adopted. Service areas for both residential and commercial uses are essential for the operation of businesses and residences, however these should be hidden from view of the public realm.

- 4.93 With regard to the inclusion or improvement of existing green infrastructure, advice from the Council will be required to provide the necessary guidance as to what sort of planting will be considered appropriate in a given location including new trees and green roofs and walls. It will also be important that such additions are sustainable, and that long term maintenance and management is identified and deliverable.
- 4.94 It is important that public realm improvements and new public art installations are complementary to the character and local distinction of both town centres. Such improvements provide added value to the cultural, aesthetic and economic vitality of a community. The Council's Public Art Strategy<sup>40</sup> provides a framework and will be updated.
- 4.95 New residential uses within town centres, especially those permitted on upper floors within the primary shopping area may be subjected to increased noise which comes with being located within an urban location. The Council is seeking to encourage an evening economy which should be taken into consideration by developers when applications are submitted.

#### **Strategic Policy 4: Delivering High Quality Development in Town Centres**

**Town centre development in Andover and Romsey will be of a high quality and will have to take into consideration how it impacts on the existing character and setting of the town centre. In order to achieve this;**

- a) Developers will produce design statements including a contextual analysis of the character area to show how elements including the historic environment, street patterns, building scale, size and placement, architectural styling and building materials have been reflected in their projects.**
- b) Design statements will be produced in accordance with design guides and development briefs produced by the Council**
- c) Contextual analysis will take account of the Andover and Romsey Conservation Area Appraisals and Management Plans. These documents identify views to, from and including, important buildings and landmarks and key views to be protected, listed buildings, architectural style, building materials and details and archaeology.**

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<sup>40</sup> Available at: <https://www.testvalley.gov.uk/communityandleisure/artsandculture/publicart/public-art-strategy>

- d) Applicants will demonstrate that ground floors use within town centres will maintain attractive, functional and accessible active frontages in order to increase activity and promote a vibrant and safe environment throughout the day and into the evening through increased surveillance.**
  - e) Town centre development shall be visually attractive and use high quality materials creating welcoming places and enhance a well-connected, functional and high-quality public realm to minimise opportunities for anti-social behaviour and crime.**
  - f) Private amenity spaces and service areas will be well designed to ensure they are fit for purpose and kept functionally separate from public spaces.**
  - g) Existing green spaces within the town centres will be improved or enlarged unless any loss can be justified, and alternative provision provided. Contributions will be sought toward the creation of appropriate, sustainable new green spaces or green infrastructure and biodiversity, being integrated throughout the town centre.**
  - h) Contributions will be sought toward the production of high quality, strategic, integrated public art which will help to enrich the quality, culture, heritage and vibrancy of town centres. Installations will provide in accordance with the Public Art Strategy.**
- 4.96 Early discussion between applicants, the local planning authority and local community about the design of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applications that can demonstrate early, proactive and effective engagement with the community will be looked on more favourably.

#### Next Stage

- 4.97 We are seeking your views on our strategic approach to Andover and Romsey Town Centres. It is anticipated that additional detailed policies within the next stage of the Local Plan 2040, Regulation 18 Stage 2 will be set out as part of the Development Management policies.
- 4.98 Other policy matters that are likely to will be set out at Stage 2 are summarised below:
- Consider whether any site allocations are required to support the delivery of the regeneration of the Town Centres
  - Consider policies that minimise the impact from development that is located outside of our Town Centres having a detriment to the role of the Town Centres. This will be in accordance with national policy, in relation to sequential tests and impact assessments.
  - Consider whether more detailed design policies are required

- The role of public art and the Public Art Strategy

4.99 We will also investigate the potential introduction of Article 4 directions to remove certain national permitted development rights in the town centres. This specifically relates to the change from non-residential use to residential use to avoid the diminishing the role of the primary shopping area within Andover and Romsey which could undermine their vitality and viability.

4.100 Due to the changing nature of town centres and the impact from the Coronavirus pandemic, national guidance and evidence could evolve which will need to be reflected further in our strategic policies as plan preparation continues.

## Delivering Infrastructure

- 4.101 The delivery of infrastructure is important to determine how places are shaped, the environment is enhanced and protected, and how quality of life in existing communities is maintained and improved. It also helps ensure that development has a positive effect on the social, natural and built environment.
- 4.102 Infrastructure is used to describe facilities and services needed by people in order to meet their daily needs and ensure a good quality of life. This includes public infrastructure such as roads, cycle ways, footpaths, schools, leisure centres and areas for recreation. It also includes utilities such as supply and mains connections to water, drainage, electricity and telecommunications to homes and businesses.
- 4.103 New development places additional pressure on existing infrastructure therefore it needs to mitigate its impact. In other words, new development needs to contribute to providing greater capacity to existing infrastructure either through the delivery of new or enhancement to existing services and facilities.
- 4.104 The NPPF requires the Council to align infrastructure and growth by identifying and making sufficient provision for infrastructure to support development over the plan period and mitigate the impact of development.
- 4.105 This Local Plan 2040 will set out how the Borough will develop over the plan period, identifying the number of homes and jobs needed and where they, as well as all other forms of development, will be accommodated. The aim of this policy is to mitigate the impact of development and ensure development has a positive effect, including addressing climate change, and thus it is important that infrastructure is secured alongside development.
- 4.106 Consultation comments highlighted concerns from the community that new development should not increase pressure on existing facilities and services. Infrastructure should be delivered early to support the integration of new development with existing communities.
- 4.107 There are various types of infrastructure. These are broadly grouped into the following categories.
- hard infrastructure that includes connectivity such as pedestrian and cycle routes, roads, telecommunications, electricity and water supply.
  - green infrastructure includes protecting and enhancing biodiversity, green spaces for recreation, access to the countryside and preserving the Borough's landscape.

- social infrastructure extends to, but is not limited to, sports and leisure facilities, education, community facilities and healthcare.
- 4.108 Of emerging importance is infrastructure that enables climate change to be addressed and carbon emissions to be reduced. Climate change is a key objective for the Local Plan 2040 and signals an evolving picture in the type of infrastructure that will be required as new technologies emerge and national policy on carbon reduction and neutrality is shaped. The Council will seek to secure infrastructure to help residents live more sustainable lives in combating climate change.
- 4.109 The provision of infrastructure has a role to play in protecting and enhancing Test Valley's unique landscape and features such as chalk streams, through the provision of green infrastructure.
- 4.110 The delivery of infrastructure can be provided through various means and a range of providers. Developers may be required to provide certain infrastructure directly, such as a community centre, on the development itself. In other cases, it may be appropriate for a financial contribution to be made to the Council to deliver or contribute to the enhancement of infrastructure locally, such as a leisure centre.
- 4.111 There are instances where some infrastructure providers will make provision themselves such as water and electricity supply companies. The Council is committed to working with these providers to understand their requirements and align their strategies and plans with the evidence underpinning the Borough's plans for growth and subsequent infrastructure requirements. However, there are other infrastructure providers that are unable to provide specific details on capacity of infrastructure until details of schemes are available at a later stage in the design of a scheme, for example at the planning application stage.

#### Delivering Infrastructure Requirements

- 4.112 This strategic policy sets out our approach to ensuring the timely delivery of appropriate infrastructure to mitigate the impact of development. It encompasses all types of infrastructure in all locations across the Borough. This includes types of infrastructure delivered on-site and off-site and those delivered either by the Council or other organisations through the use of developer contributions or other sources of funding.
- 4.113 Alongside on-site delivery of infrastructure and securing monies through developer contributions to deliver infrastructure, the Council does charge a

Community Infrastructure Levy (CIL)<sup>41</sup>. CIL is a locally set levy charged per square metre of net additional floor area of new development. CIL charges vary depending on the type and location of development within the Borough. The purpose of CIL is to mitigate the impact of development or enable development to come forward. CIL will be used towards facilitating infrastructure in line with the Council's corporate priorities.

- 4.114 While this policy identifies the strategic approach to infrastructure delivery, further policies regarding our site allocations will need to identify site specific infrastructure potentially detailing their scale, timing and where necessary, how relevant infrastructure should be delivered. This will be set out in the next stage of the Local Plan 2040, Regulation 18 Stage 2.
- 4.115 Development will need to provide for the necessary on-site infrastructure and where appropriate off-site infrastructure requirements. Reflecting the scale and nature of some types of infrastructure that the Council has secured, such as Suitable Alternative Natural Greenspace (SANG) land and public open space, the Council need to ensure the long-term maintenance and management are secured to ensure the benefit of the land remains available in the long term. The developer will need to factor these costs in.
- 4.116 Infrastructure will need to be phased in tandem with the progress of the build out of the development. This is to ensure that as the development comes into use and occupations increase, there is sufficient and appropriate infrastructure that meets their needs.
- 4.117 Some development sites may be required to provide infrastructure of a scale and cost that may affect the viability of the development. We will be undertaking a viability assessment of all of the Local Plan 2040 policies to inform our next Local Plan 2040, Regulation 18 Stage 2 to ensure the policies will not impact the viability of development and are deliverable.

### **Strategic Policy 5: Delivering Infrastructure**

**To mitigate the impact of development on infrastructure, development will be required to:**

- a) Provide for the necessary on-site infrastructure requirements and where appropriate off-site infrastructure requirements;**
- b) Directly provide infrastructure and/or a financial contribution which will be secured through a legal agreement;**

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41 Add reference to CIL Charging Schedule

**c) Provide a suitable mechanism, subject to approval by the Borough Council, to ensure the long-term maintenance and management of infrastructure, such as a financial contribution or a management plan;**

**d) Ensure the timely and phased delivery of infrastructure to serve development, especially where new development is dependent on this infrastructure to support it.**

#### Next Steps

4.118 We are seeking comments on this policy. It is anticipated that the next stage of the Local Plan 2040, Regulation 18 Stage 2 will include other policies setting out more detail about particular infrastructure types and potentially how they need to be delivered, as part of the Development Management Policies. Also, we will consider whether further strategic policies are required to secure necessary social and green infrastructure.

4.119 Detailed matters that are likely to be set out in the Local Plan 2040, Regulation 18 Stage 2 are:

- Identification of infrastructure requirements to support our site allocations in delivering sustainable development. This will be identified in our site allocations policies supported by the Infrastructure Delivery Plan;
- Policies on healthcare infrastructure, cycling and walking, education, sustainable transport and connectivity, parking standards, leisure and recreation, green infrastructure, biodiversity and nature recovery, and utilities;
- Policies regarding retention of services and facilities; and
- Further policies may be required that support the delivery of new technologies to enable the move to net zero carbon emissions to combat climate change.

4.120 Additionally, this policy could evolve as the Local Plan 2040 develops. There were changes proposed to national policy and guidance in the Government's White Paper 'Planning for the Future' in August 2020 regarding how infrastructure is funded. We will keep this under review as we progress the Local Plan 2040.

4.121 As part our site assessments, the capacity of existing provision will be assessed alongside identifying the need for new infrastructure to meet the development needs of the Borough. This will be set out in an Infrastructure Delivery Plan (IDP). Working with relevant stakeholders and infrastructure

providers is fundamental to the co-ordination, phasing and funding of development and infrastructure.

- 4.122 The Council has an adopted Infrastructure and Developer Contributions Supplementary Planning Document (SPD) which is currently being updated. This sets out precise requirements for, or contributions towards, the delivery of infrastructure. On adoption of the Local Plan, this SPD will apply in providing more detailed information on the mechanisms for securing infrastructure however the Council will review whether a further update is required.

## Sustainable Transport and Movement

- 4.123 Encouraging opportunities for cycling and walking in Test Valley, particularly for shorter journeys and as an alternative to car journeys is key to maintaining healthy lifestyles and reducing congestion and carbon emissions. As much of Test Valley is rural, this can be challenging to achieve alongside balancing the need for housing.
- 4.124 National policy requires Local Plans to identify sustainable patterns of growth. This will support promotion of sustainable travel by locating development where transport infrastructure exists or can be delivered and where use of new transport technologies can be enabled. Local Plans should set out policies on how development can be designed to make movement and connectivity sustainable while avoiding or mitigating the impact of traffic on the environment.
- 4.125 It is anticipated that transportation and movement in the South East will evolve considerably over the plan period, particularly in response to the challenges of climate change. It is recognised that in the UK, transport is the biggest contributor to greenhouse gas emissions and the primary vision of Hampshire County Council's emerging Local Transport Plan (LTP4) is a resilient and carbon neutral transport strategy. The County Council will need to work with Transport for South East on any improvements to the strategic network.
- 4.126 There is a shift in emphasis in national policy around how local government can enable infrastructure that supports active travel. The Department for Transport published its vision<sup>42</sup> alongside technical guidance<sup>43</sup>, for better cycling and walking infrastructure that is placed at the centre of transport, place-making and health policies. Hampshire County Council are producing a series of Local Cycling and Walking Infrastructure Plans (LCWIP) for Southern Test Valley and the Andover area. These will identify opportunities for investment to improve local cycling and walking connections and other infrastructure (such as cycle storage) within a specific geographical area to encourage safe and attractive active travel for shorter journeys.
- 4.127 Managing patterns of growth will focus development at our more sustainable, and accessible locations. Our spatial strategy focuses development at Andover and Romsey which have the widest range of facilities along with distributing development across a larger range of settlements in our rural areas.

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42 Set out in Gear Change – A bold vision for cycling and walking 2020, Department for Transport

43 Set out in Cycle Infrastructure Design – Local Transport Note 1/20, Department for Transport

- 4.128 Sustainable growth in our rural areas can help to sustain public transport services, and other facilities and services, such as shops, through increased populations using these services. This can also reduce the need and impact from travel. As a predominantly rural Borough, getting around by car is likely to be a necessity for many to access work, education, services and leisure facilities. The spatial strategy will ensure development is located where access to services/facilities to meet the daily needs of our rural population can be undertaken by sustainable modes.
- 4.129 The impact of delivering sustainable transport and facilitating active travel cuts across many of the Local Plan objectives and will be referred to in many of our strategic policies.
- 4.130 The Council will continue to work with various stakeholders and partners, to deliver infrastructure. Public transport and highway infrastructure, including pedestrian and cycle links, is predominantly the responsibility of Hampshire County Council, National Highways, and other transport organisations, such as Network Rail. The Council will be working with these organisations to identify infrastructure that is needed to enable the overall levels of need identified in the Local Plan 2040 to be delivered sustainably.
- 4.131 We will be identifying draft site allocations in the next stage of the Local Plan 2040, Regulation 18 Stage 2. Detailed transport modelling will take into account the wider impacts of traffic from development to inform the site assessment and identification of draft site allocations. We will also consider access to sustainable transport that minimises the number and length of journeys. Also, whether new infrastructure is needed or enhancement to existing infrastructure to facilitate more sustainable modes of travel.
- 4.132 The next stage of the Local Plan 2040, Regulation 18 Stage 2, will include a series of detailed policies that cover transport infrastructure, movement and connectivity, as part of the Development Management policies. The need for strategic policies on promoting sustainable transport will also be considered reflecting consultation outcomes and the preparation of the detailed policies.
- 4.133 Detailed policy matters that are likely to be set out at the next stage of the Local Plan 2040 are summarised below.
- Strategic and site-specific transport infrastructure requirements. This includes the requirements for the regeneration of Andover and Romsey Town Centres and our site allocations.
  - Provision and requirements of new technologies that support low-carbon modes of travel. During 2022, electric vehicle charging points, will be required on all new build homes and offices.

- Detailed design requirements for the layout and design of new development, such as segregated cycle ways and pedestrian priority areas, to maximise opportunities for active travel and reduce reliance on the private car.
- Provision and requirements for adequate and safe parking in town centres and within new development with reliable access to charging points for plug-in or ultra-low emission vehicles.
- Detailed parking standards for residential and non-residential development.

4.134 In addition, we will consider whether there are any proposals that are in the emerging Local Transport Plan 4 or LCWIPs that require inclusion in the Local Plan 2040. We will continue to work with Hampshire County Council on these matters including opportunities to identify and protect sites and routes which could be critical to widen transport choice as well as consideration of the need to retain the Bargain Farm, Nursling Park & Ride facility which is set out in the current Adopted Local Plan 2029.

## Chapter 5: Meeting our Needs

### Introduction

- 5.1 A key part of delivering a sustainable pattern of development, is meeting the development needs of our Borough. National policy is clear that we have to identify a framework for addressing our needs and make sufficient provision to meet this. This will meet our longer term needs for our community. This includes our needs for housing, employment, retail and other uses.
- 5.2 This stage of the Local Plan 2040 identifies our housing needs. It sets out our current position on identifying our employment needs and the needs of the Gypsy, Traveller and Travelling Showpeople communities. We are currently undertaking evidence to identify these needs. We will be assessing whether we need to identify needs for retail, leisure and other uses, for the next stage of the Local Plan 2040, Regulation 18 Stage 2.

### Meeting our Housing Needs

- 5.3 Meeting future housing needs appropriately is one of the greatest challenges for the Local Plan. The plan should in doing so provide for the right number of homes, of the right type and in the right locations. There is also a need to ensure that as part of the overall scale of provision, that the needs of different household groups are met, including for affordable housing and for those with specialist needs.
- 5.4 The policies in the Local Plan 2040 will need to identify the number of new homes to be planned for as a housing requirement and make sufficient provision to meet this need.
- 5.5 Increasing overall housing delivery is one of the Government's key priorities for the planning system and a target has been set to raise housing completions to deliver 300,000 homes per annum each year in England by the mid-2020s. Test Valley has made a significant proportional contribution towards this in recent years given our local circumstances as a predominantly rural area and size of our settlements. We have consistency exceeded our current local housing target.
- 5.6 Over the last five years the Council has delivered just over 4,300 homes and over 1,300 affordable homes. Housing delivery meets the housing needs of the community and supports delivery of associated infrastructure. In 2019 Test Valley was ranked 31 out of 326 local authorities in England for housing delivery.

- 5.7 National planning policy requires us to meet our housing needs to support the Government's objective of boosting supply. This should be informed by a local housing need assessment to determine the minimum needed. A housing requirement figure should then be established for the plan area which shows the extent to which identified housing need can be met over the plan period. A sufficient supply and mix of sites should then be identified to meet this requirement.

### Housing Need

- 5.8 Since the current Local Plan was adopted in 2016, the Government has amended national policy and published a standard method<sup>44</sup> to calculate our local housing need. This provides the starting point and minimum amount for establishing our housing requirement. The standard method takes account of the number of new homes that are needed to meet demographic changes in the Borough and then applies an affordability adjustment to take account of prices signals and to boost housing numbers.
- 5.9 To inform and evidence our housing requirement, two studies are included within our evidence base; a new Strategic Housing Market Assessment (SHMA) and a Housing Market Area Study (HMAS). The SHMA provides evidence regarding our overall housing need, affordable housing needs and specialist housing needs. The HMAS provides evidence regarding the housing market areas that exist in the Borough.
- 5.10 The SHMA sets out our local housing need assessment<sup>45</sup>, and this concludes using the standard method that our local housing need figure is currently 541 homes per year from 2020 onwards, which would apply until the end of the plan period. The local housing need assessment is provided in Appendix 2
- 5.11 The SHMA has also assessed whether there are any exceptional circumstances that exist to justify an alternative approach to using the local housing need assessment as our housing requirement. Such approaches would be based on growth funding, strategic infrastructure improvements or addressing unmet housing needs from surrounding areas, as set out in national policy.
- 5.12 The SHMA concluded none of these approaches currently apply to Test Valley and therefore there are no exceptional circumstances. At present there is no evidence of any unmet housing need in neighbouring local authority areas;

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44 This uses national projections on the future number of households in each local authority and data on how affordable housing is compared to local earnings

45 Based currently on 2014 household projections and 2020 affordability ratio

this will need to be kept under review. For the purposes of the Sustainability Appraisal, we don't consider there are any reasonable alternatives to assess.

- 5.13 The Council is currently seeking to meet the local housing need figure in full through identification of sufficient supply of sites in the next stage of the Local Plan 2040, Regulation 18 Stage 2. We will need to monitor whether future evidence indicates that an alternative housing requirement is needed, or if evidence emerges that the standard method figure cannot be accommodated. It should also be noted that there are variables used in calculating the standard method and therefore the current figure of 541 homes per year could change over the course of preparing the Local Plan 2040.

#### Housing Requirement over Plan Period

- 5.14 Table 5.1 sets out our overall housing requirement for the plan period 2020 - 2040.

Table 5.1: Proposed Borough wide Housing Requirement

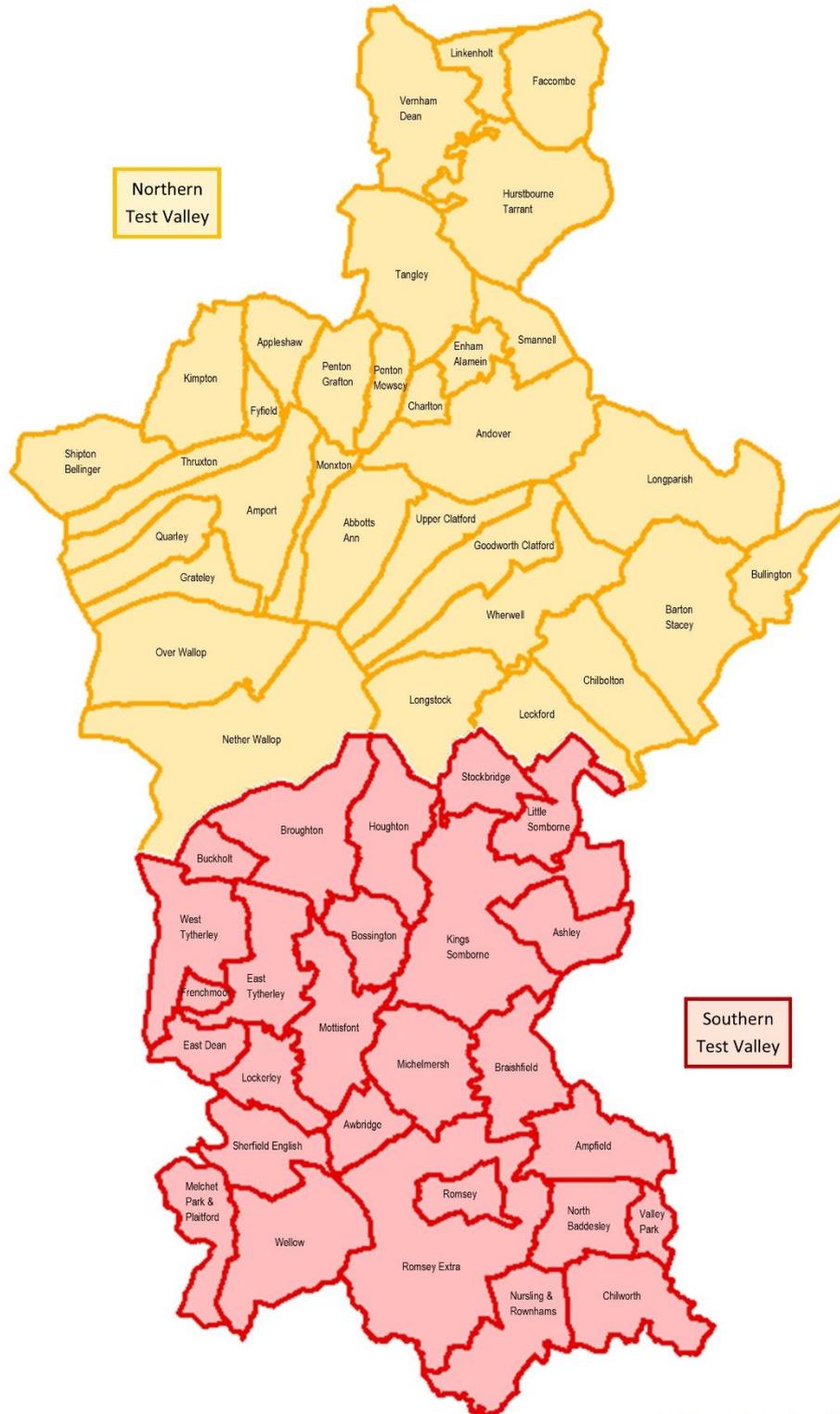
	Per Year	2020 to 2040
Housing Requirement	541	10,820

#### Housing Market Areas

- 5.15 One of the key decisions regarding the strategy of the Local Plan 2040 is how the provision of new housing is distributed. This includes how it can be broadly divided across different Housing Market Areas (HMAs). This also concerns the balance between the scale of development in Andover, Romsey and the other settlements, as informed by the Settlement Hierarchy.
- 5.16 The Council has had a long-standing split regarding housing needs recognising the distinct geography of Test Valley and that it contains two distinct housing market areas (HMA). This is set out in the current Adopted Local Plan at Policy COM1. A HMA is a geographical area defined by household demand and preferences. It reflects the key functional linkages between places where people live and work. In Test Valley, there is a strong distinction between Andover and the northern part of the Borough, and Romsey and the southern part of the Borough which has a close relationship with South Hampshire. In meeting housing need it has therefore been appropriate to consider the two areas separately.
- 5.17 The HMA study has reviewed our approach set out in the Adopted Local Plan and recommends a continued split with two separate HMAs, but with a revised boundary. The revised boundary takes account of the wider extent of the

HMA's on a regional and sub-regional basis. This recommends a boundary split around the route of the A30 (with a best fit approach based upon parish boundaries). Figure 5.1 shows this.

Figure 5.1: Northern and Southern Housing Market Areas by Parish



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- 5.18 It is therefore proposed that a split of the housing requirement between the two HMAs remains and that this should continue to be based upon the amount of population within each HMA. This would be consistent with the Government's local housing need assessment which is derived from a demographic basis.
- 5.19 As set out in Table 5.2, this would provide a split of 57% of the housing requirement being met in Northern Test Valley and 43% in Southern Test Valley. This split is a change from the 67:33 split in the current Adopted Local Plan, which takes into account the change in HMA boundary.

Table 5.2: Housing Market Area (HMA) Housing Requirements (rounded figures)

	Percentage Split	Homes per Annum	Homes for 2020 to 2040
Borough wide	100%	541	10,820
Southern TV	43%	233	4,653
Northern TV	57%	308	6,167

- 5.20 The HMA Study also concludes that the two HMAs could be further split into four sub areas reflecting the more urban and rural areas of the two HMAs<sup>46</sup>. The role of these sub areas will be considered further as we begin to think about how we distribute the number of homes throughout the Borough in the next Local Plan 2040, Regulation 18 Stage 2.
- 5.21 It is proposed the HMAs would be used as separate areas for the purpose of calculating the five-year housing land supply, continuing the long-standing approach which is used for the current Adopted Local Plan.

### **Strategic Policy 6: Housing Provision**

**The housing requirement for the Borough is a minimum of 10,820 homes, to be delivered over the plan period of 2020 to 2040. The housing requirement is split between the Northern and Southern Test Valley Housing Market Areas as identified in Map XX and as shown in the table below. For the purposes of housing land supply, each Housing Market Area will have its own supply position.**

<b>Area of the Borough</b>	<b>Minimum housing requirement</b>
<b>Northern Test Valley</b>	<b>6,167</b>
<b>Southern Test Valley</b>	<b>4,653</b>

46 For Northern Test Valley HMA: an Andover Sub Area and Northern Test Valley Rural Sub Area. For Southern Test Valley HMA: Romsey and South East Sub Area and Southern Test Valley Rural Sub Area.

Housing Supply

- 5.22 We have assessed how much housing supply is needed to meet our housing requirement. This is undertaken by assessing how much existing housing supply we have committed as of 1 April 2021, against the housing requirement. This will begin to identify the residual amount of housing that we will need to make provision for in the Local Plan 2040.
- 5.23 Table 5.3 provides this assessment, both borough wide and for the respective HMA areas. These supply figures provide a snapshot at this current time and there will be variables within these figures which we will need to further investigate to ensure a sufficient number of homes is planned for and to maintain a resilient housing land supply position.

Table 5.3: Housing Requirement and Supply<sup>47</sup>

	Borough wide	Southern Test Valley	Northern Test Valley
	2020 to 2040	2020 to 2040	2020 to 2040
Housing Requirement	10,820	4,653	6,167
Total Housing Supply	6,367	3,705	2,662
Residual Requirement	4,453	948	3,505

- 5.24 Table 5.3 demonstrates the approximate residual housing supply will be a total of 4,560 homes reflecting the plan period up to 2040. This currently shows our existing housing supply delivers over 50% of our housing requirement. This means we will need to allocate, as a starting point, sufficient sites to meet this residual housing supply figure.
- 5.25 We will consider whether we need to allocate for a higher number of homes above our minimum housing requirement in order to provide for greater resilience in maintaining a sufficient supply of sites. We will need to make sure we provide for a sufficient supply of homes to meet our needs otherwise, there is an increased risk that homes could be permitted on sites not preferred by the Council and our residents, including as a result of planning appeals. The Council will continue to monitor our housing supply position as the preparation

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47 Northern Test Valley and Southern Test Valley HMA sub-areas refers to the proposed revised boundary between these, with Southern Test Valley comprise the parishes from Stockbridge southwards

of the Local Plan 2040 progresses and how this affects the residual requirement.

### Next Steps

- 5.26 We are seeking comments on this policy. The next stage of the Local Plan 2040, Regulation 18 Stage 2 will include a series of more detailed policies that will support the overarching approach, as part of the Development Management policies. Additionally, there will be new strategic policies on the types of housing to be provided, where considered necessary, reflecting progression of evidence. These strategic matters along with the detailed matters are explained in further detail below.
- 5.27 The distribution of future housing will be addressed at the next stage of the Local Plan 2040 through setting out our draft site allocations. Account will also be made for the opportunity of provision of housing to be delivered through Neighbourhood Plans (and other community led development) particularly to meet the housing need of individual local communities. The need for housing requirements figures for designated neighbourhood plan areas will also be considered.
- 5.28 As mentioned in the Introduction, there are potential risks to delivery of the Plan, including housing. We will need to consider contingency mechanisms if monitoring indicates that delivery is falling short. Alongside this, we need to ensure the Local Plan 2040 has sufficient flexibility and resilience to respond to delivery risks. Contingency measures will be set out in the next stage of the Local Plan 2040.

### Affordable Housing

- 5.29 Providing affordable housing to meet local needs is a key priority for the Council and our communities. The delivery of affordable housing has in recent years, exceeded the Council's target of 200 per year. There is support for the current approach of seeking up to 40% affordable housing from larger market developments (15 homes or more). In September 2020, the Council adopted an updated Affordable Housing Supplementary Planning Document (SPD) to provide further guidance on how the Adopted Local Plan policy will be interpreted.
- 5.30 The new SHMA has assessed the need for affordable housing and for housing to meet the needs of different specific household groups, as set out in national guidance. This identifies a higher need for affordable homes per year, than identified in our Adopted Local Plan 2029.

- 5.31 Before we can identify a threshold for delivering affordable housing to help address this need, we need to update our evidence on the viability of delivering affordable housing. We will be commissioning a study to review this, which will be part of the viability assessment on all of the proposals in the Local Plan 2040. This will take account of the work on future infrastructure provision and other policy requirements which apply to new development.

### First Homes

- 5.32 First Homes is a new tenure of affordable low-cost home ownership. At least 25% of all affordable homes secured through developer contributions should now be First Homes. In October 2021 the Council adopted an Interim Policy Position on First Homes. A specific policy for First Homes will be considered for inclusion in the next stage of the Local Plan 2040 as part of the review of our affordable housing policy.

### Rural Housing

- 5.33 National planning policy provides for Rural Exception Sites (RES) for the development for affordable housing where this would not otherwise be permitted. The Adopted Local Plan 2029 includes a policy on RES, Policy COM8. At present, only schemes of 100% affordable housing are permitted, although Councils can consider whether an element of market housing should also be included. This will be reviewed for Regulation 18, Stage 2
- 5.34 The Council will also consider the inclusion of a policy on First Home Exception Sites (FHES) which will only apply to certain parts of the Borough<sup>48</sup>. The Government has decided not to take forward the proposals for Entry Level Exception Sites and only First Home Exception Sites will be provided for in policy. Rural Exception Sites (RES) for affordable housing will continue to apply in the rural area where FHES will not.
- 5.35 Community led development can also deliver rural housing through Neighbourhood Plans or through the Adopted Local Plan Policy COM9. For Regulation 18 Stage 2 we will consider the role which community led development can play in meeting future housing need taking account of the spatial strategy, settlement hierarchy and housing distribution.

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<sup>48</sup> Areas outside of the Designated Rural Area, National Parks and Areas of Outstanding Natural Beauty

- 5.36 For Regulation 18 Stage 2, we will also consider a review of the specific policies for rural housing including those for rural workers and replacement dwellings.

#### Housing Mix

- 5.37 The SHMA also assessed the size, type and mix of housing to meet local needs within different areas of the Borough. It is important to seek a mix of housing which reflects future housing need, and to take account of the composition of the existing housing stock.
- 5.38 For Regulation 18 Stage 2 we will consider whether a specific policy is needed on the mix of homes, for both private and affordable housing, informed by the outcomes of the SHMA with regard to the number of bedrooms and type of housing.

#### Specialist Housing

- 5.39 For Regulation 18 Stage 2 we will consider whether specific policies are needed to meet the particular housing needs for example for older people and those who required specialist housing and housing for particular household groups.
- 5.40 The Council will also consider whether the Local Plan 2040 should include a policy on internal space standards (higher national described space standards) and accessibility standards for new housing.

## **Gypsies, Travellers and Travelling Showpeople**

- 5.41 We have a duty to meet the needs of all our communities, including the needs of different groups in the community. This includes the needs of Gypsies, Travellers and Travelling Showpeople communities. We do have a number of Gypsy, Traveller and Travelling Showpeople sites in Test Valley. We will seek to ensure we develop a fair and effective strategy to meet future needs.
- 5.42 National planning policy for Gypsies, Travellers and Travelling Showpeople is set out in the Planning Policy for Traveller Sites. Its overarching aim is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.
- 5.43 To achieve this aim and provide a fair and effective strategy, we need to undertake an assessment of the Borough's need which will inform our pitch targets for gypsies and travellers and plot targets for Travelling Showpeople. These targets will be set out in a Local Plan 2040 strategic policy. To meet these targets and maintain a supply of Gypsy, Travellers and Travelling Showpeople's sites, we will need to make appropriate and sufficient provision of land which will require identification of sufficient sites, in line with the Planning Policy for Traveller Sites.
- 5.44 The Council previously intended to prepare a specific Gypsy and Traveller Development Plan Document (DPD), which was to be produced separately to the Local Plan 2040. However, changing national guidance and the need to further update the evidence meant it was not possible to progress with a separate Gypsy and Traveller DPD as quickly as hoped. Reflecting this, the Council's planning policies for Gypsies, Travellers and Travelling Showpeople will be included in this Local Plan 2040 rather than a separate DPD.
- 5.45 We have commissioned consultants ORS to prepare a Gypsy, Traveller and Travelling Showpeople Accommodation Assessment, to be undertaken in accordance with national policy. This will ensure we have robust and up to date evidence on our level of need which will inform our pitch and plot targets respectively. As this evidence is being undertaken, it is premature to include a policy at this stage. The evidence is currently being finalised and therefore we will have a policy identifying targets in the next stage of the Local Plan 2040, Regulation 18 Stage 2.
- 5.46 Once the Gypsy, Traveller and Travelling Showpeople Accommodation Assessment is finalised, we will seek to address the need through identifying sufficient provision. Depending on the type and level of need, we will seek to review various options of meeting this need, including consideration of

whether existing sites can accommodate needs through intensification or reorganisation of sites, identification of new sites and whether vacant plots can be brought back into use.

- 5.47 If needed, we will undertake further evidence to assess these options. Our approach to identifying sufficient provision will be set out at the next stage of the Local Plan 2040 Regulation 18 Stage 2 along with a criteria-based policy for determining planning applications for unknown or windfall need for Gypsy, Travellers and Travelling Showpeople sites. This will involve reviewing the current Local Plan Policy COM13.

## Meeting our Economic Needs

- 5.48 There is a strong and robust local economy in Test Valley. This is key to delivering prosperity and quality of life. However, the impact of the Coronavirus pandemic is affecting the way in which we work. Inevitably the pandemic has impacted the national economy and we will need to support recovery.
- 5.49 National policy emphasises the role of the planning system in helping to create an environment in which businesses can invest, expand and adapt. A key part of delivering sustainable development is building a responsive and competitive economy, including by ensuring the appropriate availability of land to support economic growth, innovation and improved productivity.
- 5.50 The Borough is easily accessible by both road and rail to: London, the West Country, the Midlands and the south coast. This makes it an attractive location for businesses wishing to take advantage of this and access to these wider regional markets. Test Valley does not therefore form a single economic area but is rather made up of distinct parts.
- 5.51 The Borough has experienced significant employment and business growth in recent years. We have delivered 36.25 hectares of new employment development over the period 2015/16 to 2020/21<sup>49</sup>. This has included significant growth at Andover Business Park, Nursling and Adanac. This is an indicator of confidence in the local economy and that of continued economic growth.
- 5.52 The Local Plan 2040 will continue to support economic growth. We will need to set out our anticipated employment needs and approach to meeting this. This will need to take account and be flexible to the changes in the structure of the local economy as it continues to evolve particularly in response to the recovery from the pandemic.
- 5.53 There are growing trends for flexible working, including increased working from home, and increases in self employed/smaller businesses leading to a need for smaller and more flexible accommodation.

## Future Employment Needs

- 5.54 We have undertaken the first step in assessment our employment needs. The Employment, Economic and Commercial Needs Study has been prepared

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<sup>49</sup> This breaks down to 15.0 hectares delivered in the south of the Borough and 21.25 hectares delivered in north of the Borough.

jointly through the Partnership for South Hampshire (PfSH). The study covers the whole of Test Valley. It has split the assessment between the north and south of Test Valley<sup>50</sup>.

- 5.55 This study uses the methodology set out in National Planning Practice Guidance (PPG). The methodology gives significant weight to recent past levels of completions, particularly in the last five years. This is further impacted by the nature in which employment development is delivered which is 'lumpy' i.e., a large factory or warehouse is usually completed in one go in a single year. Much of this is meeting a wider sub-regional need. This results in a forecast of future economic needs which 'bakes in' this recent level of growth and will inevitably reflect a need that meets sub-regional need along with our own local need. The Study acknowledges this. It concludes the forecast for Test Valley may not be realistic or be able to be accommodated based on this trend-based methodology.
- 5.56 This results in a very high level of forecast future growth which is high in comparison to both past needs and those needs identified for the other PfSH local authorities, where there has been a lower scale of delivery. Table 5.4 sets out the level of economic land needs from the Study.

Table 5.4: PfSH Study proposed employment requirements for Southern and Northern Test Valley 2019-2040\*

Area <sup>51</sup>	South Test Valley		North Test Valley	
	B1a/B1b	B1c/B2/B8	B1a/B1b	B1c/B2/B8
Floorspace requirement 2019-2040 (sqm)	16,986	210,280	23,538	311,195
Area requirement 2019-2040 (Ha)	2.80	52.60	3.88	77.80

\* Study was undertaken alongside the old use classes order. We will need to consider the impacts of this going forward

50 Areas relate to the split in the Adopted Local Plan, with STV also corresponding to the area of Test Valley within South Hampshire and which is covered by the Partnership for South Hampshire (PfSH).

51 Areas relate to the split in the Adopted Local Plan, with STV also corresponding to the area of Test Valley within South Hampshire and which is covered by the Partnership for South Hampshire (PfSH).

- 5.57 Reflecting the outcomes and conclusion of the Study, we consider further assessment and testing of our need figures is required. This will provide evidence to either confirm the outcomes of the Study provide our local need figure or this figure needs amending reflecting the limitations of using a trend-based model for Test Valley. In undertaking this further technical work, we will work with relevant neighbouring authorities, in considering whether any of this need meets a wider sub-regional need.
- 5.58 This will potentially cover; level of commercial demand for Test Valley, market attractiveness and suitability of existing and potential sites, and the balance between the proposed housing requirement and the number of jobs this would support<sup>52</sup>.
- 5.59 We will need to assess whether we have sufficient existing supply of employment land to meet our economic needs. Table 5.5 sets out our current supply of employment land. If we need additional supply of employment land, we will need to undertake a site assessment. The Strategic Housing and Economic Land Availability Assessment 2021 provides a starting point for this assessment.

Table 5.5: Employment supply for Southern and Northern Test Valley 2019-2040

		South of Test Valley		North of Test Valley	
		B1a/B1b	B1c/B2/B8	B1a/B1b	B1c/B2/B8
Net Completions as of April 2019-2021	sqm	20,297	1,081	0	14,842
	ha	3.38	0.27	0	3.71
Supply as of April 2021	sqm	89,331	13,088	2,707	121,289
	ha	26.93	2.45	0.73	30.55

### Next Steps

- 5.60 We are seeking comments on this approach to establishing our employment land requirements. The assessment and testing of our employment land requirement will inform the next stage of the Local Plan 2040, Regulation 18 Stage 2. A series of more detailed policies, as part of the Development

<sup>52</sup> The draft Strategic Housing Market Assessment concludes around an additional 424 jobs per annum would be supported by delivering 541 homes per annum.

Management policies, will be considered for inclusion in the Local Plan 2040, Regulation 18 Stage 2.

5.61 Other policy matters that will be set out at Stage 2 are summarised below:

- Following further assessment of our employment land needs, we will consider whether further supply of employment land is needed. If so, we will need to undertake a site assessment. We will also consider opportunities to integrate this with housing, through mixed-use developments.
- Consider whether there are policies or proposals in the Enterprise M3 Local Economic Partnership's (LEP) Local Industrial Strategy (LIS) together with the LIS of the Solent LEP as relevant to the southern part of the Borough, that need inclusion in the Local Plan 2040.
- Approach to protection of employment land and sites
- Consider our approach to continue to support our prosperous rural and visitor economy. This includes approach to re-use of buildings in the countryside and essential need for rural workers to live permanently at or near their place of work
- Consider our approach to support skills and training from new development, building on our existing approach. The Council has taken a dual approach of seeking employment and skills plans in the construction sector and where appropriate secured financial contributions towards supporting local workforce development from major commercial developments.

## Glossary

### **AFFORDABLE HOUSING:**

Housing for sale or rent for those whose needs are not met by the market. It needs to be provided in line with the specific types of affordable housing set out within the National Planning Policy Framework.

### **AREA OF OUTSTANDING NATURAL BEAUTY (AONB):**

An area designated of national importance for its distinctive character and natural beauty. They are designated by Natural England. The North Wessex Downs AONB covers part of Test Valley.

### **CLIMATE CHANGE ADAPTATION**

This relates to preparing for and dealing with the actual or anticipated impacts of climate change. This could include adjustments made to natural or human systems to mitigate harm or exploit beneficial opportunities.

### **CLIMATE CHANGE MITIGATION**

Action to reduce the impact of human activity on the climate system, mainly through reducing greenhouse gas emissions.

### **COMMUNITY INFRASTRUCTURE LEVY (CIL):**

A levy that local authorities can choose to charge on new development. The charges are related to the size and type of the new development. The money collected can be spent on funding infrastructure that the Council has identified as being required.

### **CORPORATE PLAN:**

A plan that sets out the Council's vision and priorities. It provides the Council's direction and focus for activities and services. The current Corporate Plan 2019-2023 'Growing our Potential' was approved in April 2019.

### **CUSTOM BUILD HOME:**

Refers to when an individual or an association of individuals commissions a specialist developer to deliver a new home.

### **DEVELOPMENT PLAN:**

The Development Plan is made up of the Development Plan Documents for Test Valley and the Minerals and Waste Plans produced jointly by Hampshire County Council, Portsmouth and Southampton City Councils and the New Forest and South Downs National Park Authorities. It also includes Made Neighbourhood Development Plans.

### **DEVELOPMENT PLAN DOCUMENTS (DPD):**

Spatial planning documents that are subject to independent examination and will collectively make up the Development Plan for a local authority area. Individual Development Plan Documents or parts of a DPD can be reviewed independently of other Development Plan Documents.

### **DUTY TO CO-OPERATE (DTC):**

The Duty to Co-operate was created in the Localism Act 2011. It is a legal duty on local planning authorities, county councils and public bodies to engage constructively, actively and on an ongoing basis on strategic cross boundary matters in relation to local plans.

**EVIDENCE BASE:**

The evidence and information used to inform Development Plan Documents. It should be as up to date as possible.

**GREEN INFRASTRUCTURE:**

This is a network of multi-functional green space that can deliver a range of benefits to local communities and the environment.

**GYPSIES AND TRAVELLERS:**

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

**HOUSING MARKET AREA (HMA):**

A HMA is a broad geographical area in which generally most people will both live and work.

**INFRASTRUCTURE DELIVERY PLAN (IDP):**

The infrastructure delivery plan (IDP) is a document that details the strategic infrastructure required in order to deliver the growth planned for within the Local Plan. The IDP brings together a range of data from infrastructure providers in order to help ensure that the right infrastructure is prioritised.

**LOCAL ECOLOGICAL NETWORKS:** Groups of habitat patches that species can move easily between, which can maintain ecological function and conserve biodiversity.

**LOCAL ENTERPRISE PARTNERSHIP (LEP):**

LEPs are partnerships between local authorities and businesses. They play a key role in establishing local economic priorities to create jobs and support local businesses. All of Test Valley is within the Enterprise M3 LEP.

**LOCAL GREEN SPACES:**

Areas designated though plans that are identified of particular importance to local communities for example for beauty, historic significance or recreational value.

**LOCAL DEVELOPMENT SCHEME (LDS):**

The Local Development Scheme sets out the approach and timetable the Council will follow in the preparation and adoption of planning policy documents. The Council is required to keep the LDS up to date. The LDS was approved in September 2021 and is available on the Planning pages of the Council's website.

**LOCAL PLAN:**

This sets out the long-term spatial vision for the local planning authority area and the spatial objectives and strategic priorities to deliver that vision through development

management policies and strategic site allocations. Local Plans have the status of a Development Plan Document.

**MAJOR DEVELOPMENT:** For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1000m<sup>2</sup> or more, or a site of 1 hectare or more, as otherwise provided in the Town and Country Planning (development Management Procedure) (England) Order 2015.

**NATIONAL PLANNING POLICY FRAMEWORK (NPPF):**

The NPPF set out national planning policy for plan making and decision taking. The NPPF was first published in 2012, with revised versions published in 2018, 2019, and 2021.

**NATURE RECOVERY NETWORK:** A network of wildlife-rich habitats supporting species recovery, alongside achieving wider benefits such as carbon capture and water quality improvements. It includes the existing network of protected sites and other wildlife rich habitats as well as landscape or catchment scale recover areas where there is co-ordinated action for species and habitats.

**NEIGHBOURHOOD PLAN:**

A plan prepared by a Parish Council that sets out planning policies. There is a specific process set out in legislation setting out how such plans are produced.

**PARTNERSHIP FOR SOUTH HAMPSHIRE (PFSH):**

This is an organisation comprising East Hampshire, Eastleigh, Fareham, Gosport, Hampshire County, Havant, New Forest, Portsmouth, Southampton, Test Valley and Winchester Councils, and New Forest National Park. The organisations have come together through PFSH to improve the economic performance of South Hampshire and enhance it as a place to live and work.

**PLANNING PRACTICE GUIDANCE (PPG):**

An online resource published by Government which provides detailed national guidance on how to apply the NPPF.

**SELF BUILD HOME:**

Refers to when an individual or an association of individuals directly organises the design and construction of a new home.

**STATEMENT OF COMMON GROUND (SOCG):**

A written record of matters that are agreed or not agreed by the organisations that have prepared the statement. In the context of the Duty to Co-operate they are used to document agreement on cross boundary strategic issues with other local planning authorities or public bodies.

**STATEMENT OF COMMUNITY INVOLVEMENT (SCI):**

This sets out the standards which authorities will achieve with regard to involving local communities in the preparation of planning documents and decisions on planning

applications. The Test Valley SCI can be viewed on the Planning pages of the Council's website.

**STRATEGIC HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT (SHELAA):**

This is a technical document that provides information on potential housing and/or economic development sites promoted by landowners/developers. It provides details on whether the promoted sites are available, suitable and achievable.

**STRATEGIC HOUSING MARKET ASSESSMENT (SHMA):**

This assessment considers the need and demand for specific types of housing (including affordable housing), as well as the mix of housing, within the Borough. It forms part of the evidence base.

## Appendix 1: Summary of Settlement Assessment Outcomes

Settlement	Number of Key facilities	Number of other facilities *	Good public transport	Tier as set out in Settlement Hierarchy
Andover	6	17*	H	1
Romsey	6	16*	H	1
North Baddesley	6	11*	H	2
Nursling and Rownhams	6	8*	H	2
Valley Park	6	9*	H	2
Charlton	6	5*	H	2
Wellow	6	7*	H	2
Hurstbourne Tarrant and Ibthorpe	6	6*	H	2
Shipton Bellinger	6	6*	H	2
Stockbridge	6	11*	M	2
Chilworth	4	2	M	2
Broughton	6	7*	M	3
Nether Wallop, Middle Wallop and Over Wallop	6	7*	M	3
King's Somborne	6	5	M	3
Abbotts Ann	6	4*	M	3
Goodworth Clatford, Upper Clatford, Anna Valley, Red Rice	6	5*	M	3
Longparish	6	4	M	3
West Tytherley	6	1*	M	3
Barton Stacey	6	4	L	4
Braishfield	6	4*	L	4
Lockerley	5	4*	H	4
Sherfield English	5	4	H	4
Chilbolton	5	4*	M	4
Thrupton	5	4*	M	4
Wherwell	5	4	M	4
Ampfield	5	3	H	4

Settlement	Number of Key facilities	Number of other facilities *	Good public transport	Tier as set out in Settlement Hierarchy
Monxton and Amport	5	2*	H	4
Appleshaw	5	2*	H	4
Tangley, Hatherden, Wildhern and Charlton Down	5	3*	L	4
Vernham Dean	5	3*	L	4
Enham Alamein	4	6*	H	4
Mottisfont and Dunbridge	4	3*	H	4
Longstock	4	3*	M	4
Grateley Station, Palestine and Grateley	4	2*	H	4
Houghton	4	2*	M	4
Awbridge	4	2*	M	4
Michelmersh & Timsbury	4	4*	L	4
Weyhill	3	6*	H	4
Leckford	3	2*	M	4
Penton Grafton / Mewsey	3	2*	M	4
West Dean	3	0*	H	4
Plaitford	2	2*	H	4
Fyfield	1	1*	H	4
Kimpton	1	2*	M	4
Smannell	3	0*	L	5
Facombe	3	0	0	5
Quarley	2	0*	M	5
Bullington	1	1*	H	5
Little Somborne	1	0	M	5
Upton	1	0	M	5
East Dean	1	0*	M	5
Linkenholt	1	0	L	5
East Tytherley	0	2	H	5
Up Somborne	0	1*	M	5

Settlement	Number of Key facilities	Number of other facilities *	Good public transport	Tier as set out in Settlement Hierarchy
Ashley	0	1	0	5
Bossington	0	0	0	5

\*= For information, settlements with superfast broadband. The UK Government defines superfast broadband as download speeds of at least 24 megabits per second (Mbps). This is done on a Post Code basis and may not cover the whole village.

**Appendix 2: Local Housing Needs Assessment**

	Test Valley
<b>Setting the Baseline:</b>	
Household Growth (p.a.) over next 10 years, 2021-31	398
<b>Affordability Adjustment:</b>	
Median workplace-based affordability ratio, 2020	9.76
Adjustment Factor	136%
Step 2 Housing Need Figure	541
<b>Cap:</b>	
Date of plan adoption	January 2016
Plan more than 5 years old	Yes
Housing requirement in last adopted plan	588
Cap @ 40% above Last Adopted Plan	823
<b>Minimum Local Housing Need (p.a.)</b>	<b>541</b>

Source: Derived from ONS and MHCLG sources

## **ITEM 11      Community Governance Review – Valley Park and Other Issues**

Report of the Democracy and Governance Portfolio Holder

### **Recommended:**

- 1. That Council agrees to carry out a Community Governance Review to consider removing warding from Valley Park Parish;**
- 2. That (subject to confirmation being received from the relevant Parish Council in each case) that Council agrees to carry out a Community Governance Review to consider:-**
  - a. Reducing the size of Vernham Dean Parish Council by one parish councillor;**
  - b. Increasing the size of Hurstbourne Tarrant Parish Council by one parish councillor;**
  - c. Changing the size of Charlton Parish Council.**
- 3. That the Terms of Reference for the Community Governance Reviews approved above be as set out in Annex 1 to the report (subject to such amendments as the Head of Legal and Democratic Services considers appropriate to reflect the expressed views of the Parish Councils involved).**
- 4. That the Member Panel already established in respect of the Community Governance Review for Romsey of seven Members (4 Conservative, 2 Liberal Democrat and 1 Andover Independents) be asked to consider representations received as part of the Community Governance Reviews approved above.**

### **SUMMARY:**

- The Council agreed in 2021 to undertake a Community Governance Review (CGR) of the boundaries of Romsey Town, following a request from Romsey Town Council to extend the existing boundaries, so that the new boundary is coterminous with the existing Borough Ward boundaries. This review is currently at the First Consultation stage.
- This report seeks authority to undertake further Community Governance Reviews to deal with matters that arose after the 2018 CGR. The main issue concerns Valley Park Parish, which was warded under the 2017 Borough Ward Boundary Review, and the Parish Council wishes to remove the wards and revert to a single unwarded parish council.
- In addition, after the 2018 CGR was completed, three parish councils enquired concerning the sizes of their councils. As parish council size can only be changed through a CGR, it is recommended that a CGR is undertaken for these three parishes.

- The nature of these issues is such that a one-stage consultation process can be used, and it is proposed that the consultation is undertaken at the same time as the second consultation stage for the Romsey CGR.
- Terms of Reference for these additional Reviews must be approved. Draft terms are attached at Annex 1 to the report, and set out details of the background, the process to be followed, consultation arrangements, and timetable.
- The report recommends that the Member Panel already appointed in connection with the Romsey CGR should be used to consider any representations that are received, and assist in the preparation of reports to full Council on final recommendations, as part of the CGR process.

## **1 Introduction**

- 1.1 At its meeting on 1 September 2021, Council decided to undertake a Community Governance Review of Romsey and Romsey Extra parishes, in response to Romsey Town Council's resolution to request a review of its boundaries, so that Romsey Town's area would include the full extent of the three Romsey Borough Wards. Terms of reference were approved by full Council on 10 November 2021, and the first stage consultation for the Romsey CGR is currently being undertaken, closing on 28 January 2022.
- 1.2 Members will recall that in 2018, the Local Government Boundary Commission for England (LGBCE) carried out a review of the Borough Ward boundaries. In the case of Valley Park, the LGBCE divided Valley Park Parish between three Borough Wards. The majority of the Parish was allocated to Valley Park Borough Ward, but two small areas were allocated to North Baddesley and Chilworth, Nursling & Rownhams Borough Wards respectively (see map at Annex 2).
- 1.3 Under the legislation governing boundary reviews, the LGBCE must create parish wards where a new Borough Ward boundary (created as part of a boundary review) crosses an existing parish. Therefore, the 2018 Order implementing the LGBCE changes created three wards for Valley Park Parish Council - North (seven parish councillors), South East (one parish councillor) and South West (one parish councillor) (see Annex 2).
- 1.4 The same issue arose in some other parishes, and they were raised and dealt with in the 2018 CGR (e.g. Romsey Extra Parish, which was warded by the LGBCE into seven wards, which were then removed by the 2018 CGR). However, in the case of Valley Park this issue was not raised, so Valley Park is still split into three wards as set out above.
- 1.5 Following the 2019 Elections (when this situation became apparent), Valley Park Parish indicated that they do not consider this arrangement to be necessary, and wish to revert to a single unwarded parish council of nine parish councillors (as was the position prior to the LGBCE review).

1.6 As well as the Valley Park matter, three other parish councils made inquiries about increasing or decreasing the size of their parish councils:-

- Vernham Dean – wish to pursue reduction in size from 8 to 7 parish councillors;
- Hurstbourne Tarrant – enquiry to increase size by one parish councillor;
- Charlton – enquiry about how size can be increased/reduced.

1.7 As the next parish elections will be held in May 2023, it is clearly desirable to make any changes in parish governance arrangements before then. This report therefore looks at these issues and suggests how they can be considered as part of a second (but shorter) CGR, in addition to the existing CGR under way in respect of Romsey.

## **2 Community Governance Arrangements – Legal Requirements**

2.1 The changes considered in this report are within the powers and functions of the Borough Council. Such changes may be made by the Borough Council following the undertaking of a Community Governance Review (CGR). Legislation in the Local Government and Public Involvement in Health Act 2007 sets out the process which a CGR must follow.

2.2 Where a CGR is carried out, the legislation requires that the Council has regard to the need to secure that any community governance for the area under review:-

- reflects the identities and interests of the local community in that area; and
- that it is effective and convenient.

2.3 A CGR can be carried out at any time, either as a result of the Council deciding to do so of its own volition, or as a result of a request from a parish council or local residents.

2.4 The 2007 Act provides a route whereby a council can be *required* to carry out a CGR. This involves a petition being signed by a specified number of local government electors in the area in question (7.5% where there are more than 2,500 electors). If a valid petition is received, the council *must* carry out a CGR on the issue which is the subject of the petition. In the absence of a petition, it is a matter for full Council to decide whether or not to undertake a CGR.

## **3 Community Governance Process**

3.1 Broadly, if the Council decide to undertake a CGR, it is for the Council to decide how the CGR will be carried out. There is no formal procedure set down in legislation although local people must be consulted during a CGR, and representations received in connection with the CGR must be taken into account. Those making representations must be informed of the outcomes from the CGR.

- 3.2 As noted above, a CGR is already in progress for Romsey, following a request from Romsey Town Council to extend the boundaries of Romsey Town. This CGR is following a two stage consultation process, whereby a First Consultation is undertaken, inviting proposals for changes to community governance. Representations received are then considered by a Member Panel and the Panel will then produce a set of Draft Recommendations that will be considered and agreed by full Council. A Second Consultation will then be undertaken (the focus now being on the Draft Recommendations issued) and the results of that Second Consultation will again be considered by the Panel, and a report to full Council made, with a set of Final Recommendations being proposed. If these Final Recommendations are agreed by full Council, they are then published. Following a period to allow for any challenges to the outcome (none being received) a Reorganisation Order is then made to give effect to the changes agreed as part of the CGR process.
- 3.3 The Romsey CGR is currently nearing the end of the First Consultation period (which expires on 28 January 2022). Representations will then be considered by the Member Panel and draft recommendations will be proposed to full Council on 6 April 2022. The approved draft recommendations will then be consulted during the Second Consultation period, which will run for eight weeks from 8 April to 3 June 2022. The Member Panel will again consider the representations received, and then report with proposed Final Recommendations to full Council on 7 September 2022. This timetable will allow any agreed changes to be brought into effect by a formal order, ready for the elections in May 2023.
- 3.4 If Council agrees to formally consider the requests to de-ward Valley Park Parish, and the changes of size for Hurstbourne Tarrant, Vernham Dean and Charlton, it will be necessary for these issues to be included in a Community Governance Review. However, given the fact that the possible outcomes of a CGR on these issues are more limited than the existing Romsey CGR, it is considered that a single stage consultation process would be sufficient.
- 3.5 Accordingly, it is recommended that if further CGRs are to be undertake to consider these matters, they should commence when the Second Consultation Stage of the Romsey CGR starts (8 April 2022), so that all the CGRs can then continue in parallel, with the outcome of that consultation process considered and reported to full Council in September 2022.

#### **4 Terms of Reference**

- 4.1 A key requirement of the CGR process is the adoption of Terms of Reference for the Review. These set out the background to the CGR, the process to be followed in undertaking it, consultation arrangements, and timescales.
- 4.2 A draft set of Terms of Reference is attached as Annex 1 to the report. These are based on the terms of reference that were approved for the Romsey CGR.

4.3 The recommendations include provision for the Head of Legal and Democratic Services to make appropriate amendments to the Terms of Reference in the event that e.g. one of the parishes concerned indicates that they no longer wish to change the size of their parish council.

4.4 Members are accordingly asked to approve the Terms of Reference.

## **5 Member Panel**

5.1 A Member Panel to consider representations on the Romsey CGR has already been set up. The Panel will report back to full Council with recommendations at the end of each of the consultation stages.

5.2 It is recommended that the Member Panel be asked to perform the same role in respect of the CGR into the issues which is the subject of this report.

## **6 Corporate Objectives and Priorities**

6.1 The Valley Park issue is a matter that would have been addressed as part of the 2018 CGR process, had it been raised at that point. Undertaking a CGR will allow the Parish Council's wish to deaward the Parish to be properly tested against the CGR statutory criteria, and assist in promoting good local governance.

## **7 Consultations/Communications**

7.1 Valley Park Parish Council has confirmed previously that it wishes to seek the deawarding set out in this report. The other issues have arisen from queries raised by the relevant parish council.

7.2 If a CGR is undertaken, a fundamental part of the process would be a public consultation exercise to obtain and consider the views of local people.

## **8 Options**

8.1 For each issue identified in this report, the options available are to:-

- Agree to carry out a CGR (ensuring that consequential issues such as the impact on adjacent parishes are taken into account);
- Decline the request on the grounds that a full CGR process was undertaken three years ago.

## **9 Option Appraisal**

### Agree to carry Out CGR

9.1 The 2018 CGR process invited representations on parish governance arrangements. Some parishes raised issues that had only arisen as part of the LGBCE Borough Ward Boundary Review, and this allowed these issues to be considered and in many cases dealt with.

- 9.2 The warding of Valley Park Parish occurred because the LGBCE were legally required to implement warding, given their decision on the Borough wards in the area. The implications of their decision were not fully understood by the Parish Council, only becoming clear to the Parish Council after the 2018 CGR process had concluded.
- 9.3 The Parish Council considers that warding has no benefit in governance terms. If no changes are made, each election for the Parish needs to be dealt with for three wards, rather than one for an unwarded parish council.
- 9.4 The other matters relate to parish council sizes in the three parishes mentioned. The only way to change council size is through a CGR, and the CGR process will allow the parish to seek what it considers to be the optimum council size for the parish.
- 9.5 For all cases, a public consultation exercise would be carried out, and any representations received would have to be taken into account.
- 9.6 Undertaking the CGR process for these matters in tandem with the existing Romsey CGR minimises the additional resources required.

#### Decline to Undertake A CGR

- 9.7 In the absence of a petition, there is no duty on the Council to undertake a CGR, and it is at the Borough Council's discretion.
- 9.8 Retaining Valley Park as a warded parish council would increase the administrative burden on the Parish Council and may add little, if anything, to the standards of governance in the Parish.

### **10 Risk Management**

- 10.1 The approach suggested in this report will minimise the risk of legal challenge, and ensure a sound approach to the CGR process.

### **11 Resource Implications**

- 11.1 The primary resource required would be officer time in undertaking the consultation process, analysing the responses and assisting the Member Panel to formulate recommendations as a result. As the Romsey CGR is already under way, minimal additional resources will be required to undertake the CGR which is the subject of this report.

### **12 Legal Implications**

- 12.1 Legislation sets out the framework for CGRs to be undertaken, and the process would be carried out in compliance with that framework.

### **13 Equality Issues**

- 13.1 There are no identified equality issues arising from the subject matter of the report.

## 14 Other Issues

### Wards/Communities Affected

- 14.1 The Borough Wards of Valley Park, North Baddesley, Chilworth Nursling & Rownhams (Valley Park Parish), Bourne Valley (Vernham Dean and Hurstbourne Tarrant Parishes) and Charlton & The Pentons (Charlton) are affected by this report.

## 15 Conclusion and reasons for recommendation

- 15.1 Undertaking the CGRs recommended in this report will remove an anomaly which the parish council considers is not helpful to local governance. It will also allow the other parish councils named in the report to achieve a size of council which they consider will best serve their parishes.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Correspondence from Cllr Alan Dowden and Parish Councils named in report.			
<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:	Annex 1 – Terms of Reference Annex 2 – Plan of Valley Park Parish	File Ref:	N/A
(Portfolio: Democracy and Governance) Councillor I Jeffrey			
Officer:	Howard Bone	Ext:	8467
Report to:	Council	Date:	26 January 2022

**Terms of Reference**  
**Community Governance Reviews of Valley Park, Vernham Dean, Hurstbourne**  
**Tarrant and Charlton Parishes**  
**to be undertaken by**  
**Test Valley Borough Council**

## Introduction

Test valley Borough Council has decided to carry out Community Governance Reviews to consider:-

- **Valley Park Parish – dewarding parish and reverting to a single unwarded parish council;**
- **Vernham Dean –reduction in size from 8 to 7 parish councillors;**
- **Hurstbourne Tarrant –increase in size by one parish councillor;**
- **Charlton – [increase]/decrease] in size by [one] parish councillor.**

Changes to electoral arrangements of parishes such as those set out above can only be made following a community governance review (CGR), which would be carried out by Test Valley Borough Council.

The review will be conducted in accordance with the terms of reference contained in this document.

Unlike the previous Borough-wide review, this CGR will ONLY consider the issues set out above. Changes to governance arrangements in other parishes are not included within the scope of this CGR.

## **What is a community governance review?**

A community governance review is the process used to consider whether existing parish arrangements should be changed in any way. This includes:

- Altering the boundaries of existing parishes
- Changing the names of existing parishes
- Creating a new parish or abolishing an existing parish
- Creating or abolishing parish councils
- The electoral arrangements for parish councils (including the number of councillors and arrangements for parish warding)
- The grouping or de-grouping of parish councils (and consequential changes to their electoral arrangements)

- The “style” of a parish (enabling an area to be known as a town, community, neighbourhood or village rather than a parish)

### **Who is carrying out the review?**

Test Valley Borough Council is statutorily responsible for carrying out the review. The conduct of the review will be overseen by the Council’s Community Governance Review Members Group, which includes councillors from the three political groups. Formal decisions on the recommendations arising from the review will be made by the full Council.

### **What is the area under review?**

The parishes of Valley Park, Vernham Dean, Hurstbourne Tarrant and Charlton are the areas covered by this Review.

### **Why is the Council carrying out a community governance review?**

The issues subject of this review were raised immediately following the 2018 CGR. The Council considers it is appropriate to review these matters prior to the May 2023 elections, rather than delay them to a future CGR.

In agreeing to carry out a CGR, the Borough Council is not pre-judging the outcome of the CGR. The CGR process will consider whether any changes are appropriate, and if so, what changes should be made. Governance arrangements will only be altered at the end of the CGR, including the consultation process as set out below, and decisions on the outcome will take into account all representations received.

### **What are the rules which apply to a community governance review?**

The aim of this review is to ensure that the arrangements for community governance within the CGR area:-

- **reflect ‘the identities and interests of the community in the area; and**
- **are ‘effective and convenient’.**

Provisions in the Local Government and Public Involvement in Health Act 2007 set out the process for carrying out community governance reviews, and include the above requirements.

In addition, the review will have regard to the “Guidance on Community Governance Reviews” issued by the Secretary of State for Communities and Local Government and the Local Government Boundary Commission for England. This advises that a CGR should take into account a number of influential factors, including the impact of

community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish.

**What is the present structure of parishes and their electoral arrangements in the review area?**

Valley Park Parish currently comprises three wards, Valley Park (North), Valley Park (South-West) and Valley Park (South-East). The number of parish councillors for each ward is 7, 1 and 1 respectively.

Vernham Dean has 8 parish councillors.

Hurstbourne Tarrant currently has 6 parish councillors.

Charlton currently has 8 parish councillors.

All parishes have elections every four years, the next being in May 2023.

**How will the review work?**

One phase of consultation on parish arrangements in these parishes will be carried out during the CGR. All responses received during this period of consultation will be used to draw up final recommendations, setting out the changes (if any) to the existing parish arrangements in the area which are considered appropriate.

The period of consultation will begin on 8 April 2022 and will run for 8 weeks, closing on 3 June 2022.

A final set of recommendations will then be submitted to full Council in September 2022.

If changes are made following the CGR process, it is intended that these will be implemented in time for the May 2023 elections.

Any changes will be implemented by a Reorganisation of Community Governance Order made by the Council. Such an Order may cover “consequential matters” required to give effect to the Order, such as the transfer of property or other assets, the setting of precepts for new parishes, and staffing matters.

Depending on the outcome of the CGR, the consent of the Local Government Boundary Commission for England may be required, if changes to the electoral arrangements of parish councils are proposed.

**What matters will the review focus on?**

The final recommendations made at the end of the review will seek to ensure that community governance in the area of the CGR :

- Reflects the identities and interests of the community in that area
- Is effective and convenient

When responding to the consultation on parish arrangements, you should ensure that your proposal takes account of these two criteria.

The Council also has to take into account other arrangements for community representation or engagement in the area.

In considering the electoral arrangements of the parishes in its area, the Council is required to consider any change in the number or distribution of electors which is likely to occur in the period of five years beginning with the day the review starts. In order to support those who wish to make a proposal, we will provide information on current parish arrangements (including maps), as well as current and projected future electorate figures for parishes potentially affected by the CGR. These will be available at [www.testvalley.gov.uk/cgr](http://www.testvalley.gov.uk/cgr).

**Who will the Council consult?**

The Council is required to consult with local government electors living in the CGR area, as well as any other individuals and organisations (including local authorities such as parish councils) who “appear to have an interest in the review”.

The Council must take into account all representations that it receives during the review’s periods of consultation, and will make all representations available for public viewing.

**How will consultation take place?**

Test Valley Borough Council will write to Hampshire County Council, all parish councils within and adjoining the CGR area, and identified umbrella organisations (including the Test Valley Association of Town and Parish Councils, Hampshire Association of Local Councils, and Test Valley Community Services) before the start of the first period of consultation, inviting them to submit their views.

The CGR will also be publicised on the Council’s website, through internal communication channels and on social media platforms to engage with residents, community groups and other stakeholders. The Council will also liaise with local media, to inform and involve as broad an audience as possible.

### What will happen to assets owned by the parish councils?

Legislation covers property and other assets owned by parish councils affected by a reorganisation following a CGR. In addition, the order which brings the changes into force can also make provision, if the parish councils are unable to agree who should hold such assets after the reorganisation.

### Provisional timetable for the review

The community governance review formally begins when the terms of reference are published. The timetable below outlines the main stages of the review (please note that these dates may be subject to slight alteration).

Action	Timescale
Full Council to approve Terms of Reference	26 January 2022
Period of consultation	8 April – 3 June 2022 (8 weeks)
Final recommendations to full Council	7 September 2022
Preparation of community governance order (if required)	September 2022
Publication of recommendations (official end of review)	October 2022

### How to submit your views

You can respond to the consultation in the following ways:

*Write to:*

Community Governance Review (Legal and Democratic Service)  
 Test Valley Borough Council  
 Beech Hurst  
 Weyhill Road  
 Andover  
 SP10 3AJ

*Send an email to:* [cgr@testvalley.gov.uk](mailto:cgr@testvalley.gov.uk)

If you have any questions about the community governance review, please contact Howard Bone, Senior Solicitor, on [hbone@testvalley.gov.uk](mailto:hbone@testvalley.gov.uk) or 01264 368467.

